



City Council

Special/Regular Meeting Agenda

<i>Mark Turner</i>	-	<i>Mayor</i>
<i>Marilyn Librers</i>	-	<i>Mayor Pro Tem</i>
<i>Soraida Iwanaga</i>	-	<i>Council Member</i>
<i>Yvonne Martínez Beltrán</i>	-	<i>Council Member</i>
<i>Miriam Vega</i>	-	<i>Council Member</i>

Wednesday, September 16, 2026

Closed Session 5:30 p.m.

Regular Session 6:00 p.m.

**Council Chamber Building
17555 Peak Avenue, Morgan Hill, CA 95037**

Morgan Hill City Council meetings are held in person. Members of the public may attend in person or participate remotely through Zoom or by telephone. Information about how to observe and participate in the meeting is provided below.

MEETING PARTICIPATION

Language Interpretation / Interpretación de idiomas

Live digital language interpretation is available. To access the interpretation during the meeting, go to:

<https://live.pocketalk.com/guest/S71BBUiWwiqXh3sPBf9Bfs2Ey4OYY9zgv8vZB5>

or scan the QR code below:

Tenemos Interpretación digital en vivo. Para usar la interpretación durante la reunión, visite:

<https://live.pocketalk.com/guest/S71BBUiWwiqXh3sPBf9Bfs2Ey4OYY9zgv8vZB5>

o escanee el código QR a continuación:



You can use a headset on your phone for audio or read the transcript on your device. Tablets and disposable headphones will be provided in person during the meeting to those who do not have their own devices.

Puede usar audífonos en su celular para escuchar el audio o leer la transcripción. Durante la reunión, se prestarán tabletas y audífonos desechables para las personas que no tengan su propio aparato.

Members of the public who need interpretation services or plan to bring an interpreter may request assistance from the City. Assistance may include coordinating interpretation services, arranging space for an interpreter, allowing additional time for interpretation, or accommodating personal interpretation equipment or services. Contact the City Clerk's Office at (408) 779-7259 or by email at cityclerk@morganhill.ca.gov at least 72 hours before the meeting. Requests received with less than 72 hours' notice will be accommodated when reasonably possible, but assistance cannot be guaranteed.

Las personas que necesiten servicios de interpretación o que piensen traer a un intérprete pueden pedir ayuda a la Ciudad. La ayuda puede incluir coordinar servicios de interpretación, preparar un espacio para el intérprete, permitir más tiempo para la interpretación o permitir el uso de equipos o servicios personales de interpretación. Comuníquese con la Oficina de la Secretaria Municipal al (408) 779-7259 o a cityclerk@morganhill.ca.gov por lo menos 72 horas antes de la reunión. Las solicitudes recibidas con menos de 72 horas de anticipación se atenderán cuando sea posible, pero no se puede garantizar la ayuda.

Remote Participation

Members of the public may attend, observe, and participate in the meeting remotely through Zoom or by telephone. Meetings are also livestreamed on the City's YouTube page. Automatic captions will be enabled in Zoom.

If a disruption of the City-provided remote access service prevents members of the public from attending or observing the meeting remotely, the City will follow its adopted disruption policy and the Ralph M. Brown Act. The City is not responsible for technical difficulties caused by a participant's equipment, internet connection, telephone service, or other circumstances outside the City's control.

To participate through Zoom, use the following link:
<https://bit.ly/MHCityCouncilMeeting>

Zoom participants should use the latest version of Zoom. Participants may be required to update Zoom before joining the meeting.

To participate by telephone, call (669) 900-9128 and enter webinar ID 873 3200 8380#. Dial *9 to raise your hand. When called upon, dial *6 to unmute. Speakers may have up to three minutes.

PUBLIC COMMENT

Members of the public may provide oral public comment in person or remotely during the meeting. Written comments may be submitted before the meeting. Remote participants will receive the same speaking time as in-person participants.

Each speaker may have up to three minutes per item. If many people wish to speak about an item, the Mayor may reduce the speaking time for each speaker to accommodate additional speakers and maintain the orderly flow of the meeting.

Public comment will first be heard from participants attending in person who submitted speaker cards. The City will then call on Zoom participants who have raised their hands. After all speakers have been heard, the public comment period for that item will close.

Remote participants may comment on all agenda items for which public comment is permitted. During regular meetings, remote participants may also comment during the general public comment period on matters within the City Council's jurisdiction that are not listed on the agenda.

Written public comment may be submitted to the City Clerk:

- In person at the City Council Meeting;
- Via email to ccpubliccomment@morganhill.ca.gov; or
- Hand-delivered or mailed to the City Clerk at 17575 Peak Avenue, Morgan Hill, CA 95037

Please email comments no later than 3:00 p.m. the day before the meeting, so the City Council has time to review them. Comments may be submitted until noon on the day of the meeting, but Council Members may not have time to review them before the meeting. Comments received after noon on the day of the meeting will be provided to the City Council as time allows.

Written comments will not be read aloud during the meeting. They will be provided to the City Council, included in the meeting record, and posted on the City's website. Do not include personal information that you do not want published. Communications sent to the City Council are public records and may be disclosed under the California Public Records Act and the Ralph M. Brown Act unless exempt from disclosure under applicable law. Written comments will generally be posted as submitted.

AMERICANS WITH DISABILITIES ACT (ADA)

In compliance with the Americans with Disabilities Act, a person with a disability may request a disability-related modification, accommodation, auxiliary aid, or service needed to participate in the meeting. Contact the City Clerk's Office at (408) 779-7259 or by email at cityclerk@morganhill.ca.gov as early as possible, preferably at least two full business days before the meeting. Requests received with less notice will be accommodated when reasonably possible, but assistance cannot be guaranteed.

SPECIAL/REGULAR MEETING

A special meeting of the City Council is called at 5:30 p.m. for the purpose of conducting a closed session.

SPECIAL MEETING

5:30 p.m. Closed Session

CALL TO ORDER

ROLL CALL ATTENDANCE

DECLARATION OF POSTING AGENDA

CLOSED SESSION

Conference with Real Property Negotiators [Government Code § 54956.8]

Property: APN 817-06-002

Negotiating Parties: Bay Area Sports Financing; Christina Turner, City Manager; and Chris Ghione, Assistant City Manager/Public Services Director

Under Negotiation: Price and Terms of Payment

OPPORTUNITY FOR PUBLIC COMMENT ON CLOSED SESSION

ADJOURN TO CLOSED SESSION

REGULAR MEETING

6:00 p.m.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

CLOSED SESSION REPORT OUT

PROCLAMATIONS

Childhood Cancer Awareness Month

National Preparedness Month

CITY COUNCIL REPORTS

Council Member Martinez Beltran

OTHER REPORTS

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

This opportunity for public comment is for items that are not on the agenda. If you would like to make comments on an item that is on the agenda, please wait until we get to that item to offer your comments. Members of the public are entitled to address the City Council concerning any item within the Morgan Hill City Council's subject matter jurisdiction. Public comments are limited to no more than three minutes. Except for certain specific exceptions, the City Council is prohibited from discussing or taking action on any item not appearing on the posted agenda. Public comment is intended for comments. Questions posed during public comment are not generally answered. If you have questions, please send them to the City Clerk at ccpubliccomment@morganhill.ca.gov to receive a response. (See additional noticing at the end of this agenda)

ADOPTION OF AGENDA

CONSENT CALENDAR

Items appearing on the Consent Calendar are considered routine and may be approved by one motion. Pursuant to City Council Policies and Procedures (CP 97-01), any member of the Council or public may request to have an item removed from the Consent Calendar for comment and action.

1. **ACCEPT ANNUAL EVALUATION REPORT FOR THE SANTA CLARA COUNTY MULTI-JURISDICTIONAL PROGRAM FOR PUBLIC INFORMATION (PPI) FOR FY 2025-26 (YEAR 5) RELATING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S NATIONAL FLOOD INSURANCE PROGRAM'S COMMUNITY RATING SYSTEM PROGRAM**

Recommendation:

Accept the Annual Evaluation Report for FY 2025-26 (Year 5) for the 2021 Santa Clara County Multi-Jurisdictional Program for Public Information (PPI).

2. **ACCEPT THE 2025 ENCINO TANK REHAB PROJECT**

Recommendation:

1. Accept as complete the 2025 Encino Tank Rehab Project;

2. Authorize the City Engineer to sign the Notice of Completion; and
3. Direct the City Clerk to file said Notice of Completion with the County Recorder's Office.

3. **ACCEPT THE CITYWIDE MULTI-SITE SOLAR SYSTEM PROJECT**

Recommendation:

1. Accept as complete the 2025 Citywide Multi-Site Solar System Project;
2. Authorize the Public Services Director to sign the Notice of Completion; and
3. Direct the City Clerk to file said Notice of Completion with the County Recorder's Office.

4. **APPROVE CHANGE ORDER FOR BUTTERFIELD FIRE STATION PROJECT IN THE AMOUNT OF \$25,825**

Recommendation:

Approve and authorize the City Manager to execute a Change Order with Larry S. Kent, Inc. DBA Kent Construction in the amount of \$25,825 for coordination, submittals, meetings, third-party electrical testing, validation, and securing the facility's commercial Permission to Operate (PTO) with Pacific Gas and Electric Company (PG&E) for the Butterfield Fire Station Project.

5. **APPROVE THE AUGUST 19, 2026 AND AUGUST 26, 2026 CITY COUNCIL MEETING MINUTES**

Recommendation:

Approve the August 19, 2026 and August 26, 2026 City Council Meeting Minutes.

6. **APPROVE THIRD AMENDMENT TO THE SERVICE AGREEMENT WITH CARBONIC SERVICE, INC. FOR CARBON DIOXIDE (CO²) SERVICES IN A TOTAL AMOUNT NOT TO EXCEED \$100,000**

Recommendation:

1. Approve the Third Amendment to the Service Agreement with Carbonic Service, Inc. for an additional year of carbon dioxide (CO²) services for \$25,000, for a total agreement amount of \$100,000; and
2. Authorize the City Manager to execute and administer the Service Agreement.

7. **APPROVE PACIFIC GAS AND ELECTRIC COMPANY (PG&E) AGREEMENT FOR UNDERGROUNDING DRY UTILITIES FOR THE UPPER LLAGAS**

CREEK FLOOD CONTROL PHASE 2B PROJECT BETWEEN WRIGHT AND MAIN AVENUES IN AN AMOUNT OF \$388,390.48

Recommendation:

Approve and authorize the City Manager to execute and administer a Pacific Gas and Electric Company Agreement to underground dry utilities on Hale Avenue between Main Avenue and Wright Avenue for \$388,390.48.

8. AUTHORIZE CITY MANAGER TO EXECUTE FIRST AMENDMENT TO PROPERTY USE AGREEMENT WITH NEW CINGULAR WIRELESS PCS FOR CELL SITE AT 2275 ROLLING HILL DRIVE

Recommendation:

Authorize the City Manager to execute the First Amendment to New Cingular Wireless PCS's Property Use Agreement.

9. RATIFY CITY POSITION ON PENDING LEGISLATION

Recommendation:

Ratify the City's position supporting pending legislation Assembly Bill 1821 (Pacheco) California Public Records Act: agency response time.

10. RECEIVE MONTHLY BUDGET UPDATE AND AUGUST 2026 FINANCIAL AND INVESTMENT REPORTS

Recommendation:

Receive and file reports.

OTHER BUSINESS

11. CONSIDERATION OF A FORMAL CENSURE OF COUNCIL MEMBER YVONNE MARTINEZ BELTRAN

Recommendation:

1. Receive Presentation of Censure Resolution from Outside Special Counsel (7 minutes);
2. Receive Response from Council Member Martinez Beltran (7 minutes);
3. Receive Rebuttal Comments from Outside Special Counsel (2 minutes);
4. Receive Public Comment;
5. Receive Council Comments; and
6. Consider adoption of Resolution entitled "A Resolution of the City Council of the City of Morgan Hill, California, Approving Censure of Council Member Yvonne Martinez Beltran."

PUBLIC HEARINGS

**12. CONSIDERATION OF ADOPTION OF AN INTERIM ORDINANCE
INSTITUTING A TEMPORARY 45-DAY MORATORIUM TO PROHIBIT
PROCESSING AND APPROVAL OF NEW LAND USE APPLICATIONS FOR
FREE STANDING DATA CENTERS AND GRID-SCALE BATTERY ENERGY
STORAGE SYSTEMS (BESS) WITHIN CITY LIMITS**

Recommendation:

1. Determine the adoption of this Interim Ordinance is exempt from California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15061(b)(3);
2. Introduce by title only, adopt, and waive further reading of Interim Ordinance, imposing a 45-day moratorium prohibiting processing and approval of new land use applications for Free Standing Data Center or Grid-Scale Battery Storage Systems;
3. Direct staff to develop policy and regulations relating to free standing data center and grid-scale battery energy storage systems; and
4. Direct the Planning Commission to review draft policies and regulations and make recommendations to City Council in accordance with the Morgan Hill Municipal Code.

FUTURE COUNCIL INITIATED AGENDA ITEMS

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT

NOTICE

Any documents produced by the City and distributed to the majority of the City Council less than 72 hours prior to an open meeting, will be made available for public inspection at the City Clerk's Counter at City Hall located at 17575 Peak Avenue, Morgan Hill, CA, 95037 and at the Morgan Hill Public Library located at 660 West Main Avenue, Morgan Hill, California, 95037 during normal business hours. (Pursuant to Government Code 54957.5)

PUBLIC COMMENT

Members of the Public are entitled to directly address the City Council concerning any item described in the notice of this meeting during consideration of that item. If you wish to address the Council on any item on this agenda, please complete a speaker request card located in the foyer of the Council Chambers and deliver it to the Minutes Clerk before the City Council discussion on the item. You are not required to give your name on the speaker card to speak to the Council, but it is very helpful. When you are called, proceed to the podium, and the Mayor will recognize you. If you wish to address the City Council on any other item of interest to the public, you may do so during the public comment portion of the meeting following the same procedure described above. Please limit your comments to three (3) minutes or less.

Please submit written correspondence to the Minutes Clerk, who will distribute correspondence to the City Council.

Persons interested in proposing an item for the City Council agenda should contact a member of the City Council who may request an item on the agenda for a future City Council meeting. Council discussion or action may not be taken until your item appears on an agenda. This procedure is in compliance with the California Public Meeting Law (Brown Act) Government Code §54950.

City Council Policies and Procedures (CP 03-01) outlines the procedure for the conduct of public hearings. Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the Public Hearing on these matters.

The time within which judicial review must be sought of the action by the City Council, which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.

For a copy of City Council Policies and Procedures CP 97-01, please contact the City Clerk's office (408) 779-7259, (408) 779-3117 (fax) or by email cityclerk@morganhill.ca.gov.



SUSTAINABLE MORGAN HILL



Vision

To sustain a safe, inclusive, socially responsible, environmentally conscious, and economically sound Community.

Choose Morgan Hill

The City of Morgan Hill is the best Community for people to live, work, visit, and operate their businesses.

Strategic Priorities 2026-2027

- Fiscal Sustainability
- Public Safety
- Affordable Housing and Homelessness
- Economic Development and Tourism
- Transportation
- Economic Mobility

City Council Ongoing Priorities

- Enhancing Public Safety and Quality of Life
- Protecting the Environment and Preserving Open Space and Agricultural Land
- Maintaining and Enhancing Infrastructure
- Supporting our Youth, Seniors, and Entire Community
- Fostering a Positive Organizational Culture
- Preserving and Cultivating Public Trust
- Preserving our Community History
- Enhancing Diversity and Inclusiveness
- Advocating for Local, Regional, and State Legislative Initiatives
- Promoting a Healthy Community