



Regular Meeting Agenda

City Council

Rich Constantine - Mayor
John McKay - Mayor Pro Tem
Gino Borgioli - Council Member
Yvonne Martinez Beltran - Council Member
Rene Spring - Council Member

Wednesday, December 15, 2021 7:00 PM

Virtual Meeting

VIRTUAL MEETING GUIDELINES AND PUBLIC COMMENT

In accordance with Executive Order N-25-20 and guidance from the California Department of Public Health on gatherings, remote public participation is allowed. Physical meetings will not be in the City Council Chamber until further notice.

City Council meetings will be live streamed on Channel 17, on the City's website and on the City's Facebook page. Those members of the community that would like to participate in the meetings remotely may do so by joining the virtual meeting at:

<https://bit.ly/MHCityCouncilMeeting> or by calling in to: (669)900-9128, then enter the webinar id: 873 3200 8380#.

- Public comment may be provided in the following ways:
Join the virtual City Council meeting via the link above, when public comment is opened, raise your virtual hand and be called upon to speak for up to 3 minutes
- In order to speak, please be sure that your version of Zoom is up to date.
- Join the virtual meeting by calling in to the number above, dial *9 to raise your hand and be called upon to speak for up to 3 minutes
- Send public comments in writing to the City Clerk at ccpubliccomment@morganhill.ca.gov

* Please note that comments made on Facebook are not considered public comment.

CALL TO ORDER

Mayor Pro Tem McKay

ROLL CALL ATTENDANCE

City Clerk Michelle Bigelow

DECLARATION OF POSTING AGENDA

Per Government Code Section 54954.2-City Clerk Michelle Bigelow

CITY COUNCIL REPORTS

Council Member Martinez Beltran

CITY MANAGER'S REPORT

Christina Turner

CITY ATTORNEY'S REPORT

Donald Larkin

OTHER REPORTS

PUBLIC COMMENT

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. (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.

Time Estimate for Consent Calendar: 1 - 10 Minutes

1. ACCEPT THE CITY'S ANNUAL COMPREHENSIVE FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2021

Recommendation:

Accept the City's Annual Comprehensive Financial Report for the Fiscal Year Ended June 30, 2021.

2. ACCEPT THE ANNUAL SB 165 REPORT FOR COMMUNITY FACILITIES

DISTRICT NO. 2014-1 (FISHER CREEK)

Recommendation:

Accept and file the report.

3. ADOPT RESOLUTION APPROVING AND MAKING FINDINGS RELATED TO THE AB 1600 DEVELOPMENT IMPACT FEE ANNUAL REPORT FOR FISCAL YEAR 2020-21

Recommendation:

1. Adopt resolution making findings for unexpended development impact fees; and
2. Accept the annual development impact fee report.

4. ADOPT HAZARDOUS VEGETATION ABATEMENT RESOLUTION

Recommendation:

Adopt resolution declaring weeds and brush to be a nuisance and setting the hazardous vegetation public hearing on February 2, 2022.

5. ADOPT ORDINANCE 2326, NEW SERIES, AMENDING CHAPTER 14.04 (INCLUSIONARY HOUSING) OF TITLE 14 (HOUSING) CHANGING INCLUSIONARY HOUSING REQUIREMENTS; AMENDING SECTION 14.08.020 (FEE ESTABLISHED) OF CHAPTER 14.08 (IN-LIEU HOUSING FEES) OF TITLE 14 (HOUSING) TO ADD A COST OF LIVING ANNUAL INCREASE TO IN-LIEU HOUSING FEES; AND REPEALING DUPLICATIVE AFFORDABLE HOUSING PROVISIONS IN CHAPTER 18.48 (AFFORDABLE HOUSING) OF TITLE 18 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL

Recommendation:

Waive the reading, adopt Ordinance No. 2326, New Series, and declare that said title, which appears on the agenda, shall be determined to have been read by title and further reading waived.

6. ADOPT ORDINANCE 2327, NEW SERIES, AMENDING VARIOUS CODE PROVISIONS WITHIN THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL CORRECTING CROSS-REFERENCES TO VARIOUS CHAPTERS AND SECTIONS OF TITLE 18 (ZONING) AND IMPLEMENTING MINOR AMENDMENTS DUE TO CLERICAL ERRORS AND INCONSISTENCIES WITHIN TITLE 18 (ZONING); AND AMENDING SECTION 18.64.060 (GENERAL LANDSCAPE REQUIREMENT) OF CHAPTER 18.64 (LANDSCAPING) OF TITLE 18 (ZONING) TO ENHANCE WATER EFFICIENCY OF NEW LANDSCAPES

Recommendation:

Waive the reading, adopt Ordinance No. 2327, New Series, and declare that said title, which appears on the agenda, shall be determined to have been read by

title and further reading waived.

7. **ADOPT ORDINANCE 2328, NEW SERIES, AMENDING SECTION 18.40.060 (STANDARDS FOR ALL HOUSING TYPES) OF CHAPTER 18.40 (ALTERNATIVE STANDARDS FOR MEDIUM DENSITY RESIDENTIAL DEVELOPMENT) OF TITLE 18 (ZONING) TO REMOVE REFERENCES TO TRASH ENCLOSURE STANDARDS AND ADDING SECTION 18.92.125 (REFUSE AND RECYCLING ENCLOSURES) TO CHAPTER 18.92 (SUPPLEMENTAL STANDARDS) TO INCLUDE NEW REFUSE AND RECYCLING ENCLOSURE STANDARDS**

Recommendation:

Waive the reading, adopt Ordinance No. 2328, New Series, and declare that said title, which appears on the agenda, shall be determined to have been read by title and further reading waived.

8. **APPROVE COMMUNITY PLAYHOUSE LICENSE AGREEMENT WITH SOUTH VALLEY CIVIC THEATRE**

Recommendation:

Authorize the City Manager to execute and administer the license agreement through December 2024 with South Valley Civic Theatre.

9. **APPROVE AGREEMENTS FOR HYDROGEOLOGICAL AND GEOTECHNICAL ENGINEERING SERVICES**

Recommendation:

Approve and authorize the City Manager to execute and administer three-year agreements with Luhdorff & Scalmanini Consulting Engineers in the not to exceed amount of \$200,000 and Atlas Technical Consultants in the not to exceed amount of \$150,000 for hydrogeological and geotechnical engineering services.

10. **APPROVE AGREEMENTS FOR WATER AND WASTEWATER UTILITY PLANNING AND ENGINEERING SERVICES**

Recommendation:

Approve and authorize the City Manager to execute and administer three-year agreements with HydroScience Engineers, Carollo Engineers, and Black & Veatch Corporation for the not to exceed amount of \$250,000 each and Akel Engineering Group for the not to exceed amount of \$150,000.

11. **APPROVE MITIGATED NEGATIVE DECLARATION AND FOURTH AMENDMENT OF THE AGREEMENT WITH HYDROSCIENCE ENGINEERS FOR ADDITIONAL SERVICES RELATED TO THE NEW SEWER TRUNK LINE BETWEEN MORGAN HILL AND GILROY**

Recommendation:

1. Approve and certify the project Mitigated Negative Declaration;
2. Approve Fourth Amendment to Service Agreement for Design Professionals with HydroScience Engineers, Inc. to provide additional services for the New Sewer Trunk Line to Gilroy project for an additional \$75,000, for a total not to exceed amount of \$1,779,710; and
3. Authorize the City Manager to execute and administer the amended services agreement.

12. APPROVE THE PURCHASE OF THREE CITY TRUCKS

Recommendation:

1. Approve the purchase of three (3) City trucks in the amount of \$102,238 from the National Auto Fleet Group;
2. Authorize the City Manager to execute associated purchase documents;
3. Declare vehicle D02182 to be surplus; and
4. Authorize the disposal of the surplus vehicles in accordance with Section 3.04.400 of the City of Morgan Hill Municipal Code.

13. APPROVE THE PURCHASE OF UTILITIES DIVISION REPLACEMENT DUMP TRUCK AND AUTHORIZE THE CITY MANAGER TO APPROVE PURCHASE OF THREE UTILITY VEHICLES AS THEY BECOME AVAILABLE

Recommendation:

1. Approve the purchase of a 2022 Kenworth T270 dump truck from NorCal Kenworth in the amount of \$117,410.27 to replace vehicle W01119;
2. Authorize the City Manager to approve purchase of three Utilities Division vehicles as they become available for sale; and
3. Authorize the disposal of the surplus vehicle W01119 in accordance with Section 3.04.400 of the City of Morgan Hill Municipal Code.

14. APPROVE UTILITY BOX ART AT EAST DUNNE AND MURPHY AVE

Recommendation:

1. Approve public art at one new utility box location; and
2. Authorize the City Manager to enter and administer necessary agreements to complete the project.

15. APPROVE MEMORANDUM OF UNDERSTANDING (MOU) WITH THE COMMUNITY SERVICE OFFICERS' ASSOCIATION AND CORRESPONDING SALARY SCHEDULES

Recommendation:

Approve a Memorandum of Understanding (MOU) with CSOA effective December 26, 2021 – December 31, 2023 and corresponding salary schedules

16. APPROVE THE NOVEMBER 17, 2021 MEETING MINUTES

Recommendation:
Approve minutes.

17. AWARD ON-CALL FENCING CONTRACTOR CONTRACT TO TUCKER CONSTRUCTION, INC.

Recommendation:

1. Award two-year On-Call Fencing Contractor Services contract to Tucker Construction, Inc. in the amount of \$100,000; and
2. Authorize the City Manager to execute and administer the On-Call Fencing Contractor Services contract with Tucker Construction, Inc.

PUBLIC HEARING (TO BE HEARD AT 8:00 P.M.)

18. RECEIVE UPDATE REGARDING PROPOSED DRAFT DISTRICT MAPS SUBMITTED AND COMPOSITION OF COUNCIL DISTRICT BOUNDARIES

Recommendation:
Open and close the public hearing.

Estimated Time: 45 Minutes

OTHER BUSINESS

19. ADOPT CLIMATE ACTION PLAN

Recommendation:
Adopt Climate Action Plan and direct City Manager to evaluate opportunities to incorporate funding for Plan implementation in the recommended budget for Fiscal Year 2022-23.

Estimated Time: 60 Minutes

20. MONTHLY BUDGET UPDATE AND OCTOBER 2021 FINANCIAL AND INVESTMENT REPORTS

Recommendation:
Accept and file report.

Estimated Time: 10 Minutes

21. ADOPTION OF 2021 WATER SYSTEM MASTER PLAN

Recommendation:
Adopt 2021 Water System Master Plan.

Estimated Time: 20 Minutes

22. APPROVAL OF THIRD EMPLOYMENT AGREEMENTS FOR THE CITY MANAGER AND THE CITY ATTORNEY

Recommendation:

1. Approve the Third Employment Agreement with City Attorney Donald Larkin;
2. Approve the Third Employment Agreement with City Manager Christina Turner; and
3. Authorize the Mayor to execute the agreements and any related agreements.

Estimated Time: 5 Minutes

PUBLIC HEARING

23. AWARD ENERGY SERVICES AGREEMENT FOR CENTENNIAL RECREATION CENTER BATTERY ENERGY STORAGE SYSTEM TO SYNERCO

Recommendation:

1. Open/Close Public Hearing; and
2. Authorize the City Manager to execute a design-build energy services agreement with Synerco for the Centennial Recreation Center Battery Energy Storage Project and all related documents necessary to complete the project.

Estimated Time: 10 Minutes

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 that is described in the notice of this meeting, before or during consideration of that item. If you wish to address the Council on any issue that is on this agenda, please complete a speaker request card located in the foyer of the Council Chambers and deliver it to the Minutes Clerk prior to discussion of the item. You are not required to give your name on the speaker card in order 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 plan an item on the agenda for a future City Council meeting. Should your comments require Council action, your request may be placed on the next appropriate agenda. 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.

AMERICANS WITH DISABILITIES ACT (ADA)

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, please contact the City Clerk's Office at (408)779-7259, (408)779-3117 (fax) or by email cityclerk@morganhill.ca.gov. Requests must be made as early as possible and at least two-full business days before the start of the meeting.

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.

City Council Ongoing Priorities

- Enhancing Public Safety
- Protecting the Environment and Preserving Open Space and Agricultural Land
- Maintaining 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
- Advancing Regional Initiatives

2020-2021 Strategic Priorities

- **Fiscal Sustainability**
- Affordable Housing and Homelessness
- Community Engagement and Messaging
- Economic Development
- Transportation

