



City Council

Meeting Minutes

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

Wednesday, September 28, 2022 6:00 PM

Virtual Meeting

Link to join the meeting can be found below

SPECIAL/REGULAR MEETING

A special meeting of the City Council was called at 6:00 P.M. for the purpose of conducting a closed session.

CALL TO ORDER

Mayor Constantine called the Special City Council meeting to order at 6:02 p.m.

ROLL CALL ATTENDANCE

City Clerk Michelle Bigelow called the roll.

PRESENT	Rich Constantine, Rene Spring, Gino Borgioli, John McKay, Yvonne Martinez Beltran
ABSTAIN	None
ABSENT	None
EXCUSED	None

DECLARATION OF POSTING AGENDA

City Clerk Michelle Bigelow declared the posting of the agenda.

SPECIAL MEETING

6:00 P.M. Closed Session

CLOSED SESSION

City Attorney Donald Larkin announced the closed session item.

OPPORTUNITY FOR PUBLIC COMMENT

Public comment opened at 6:03 p.m. There being no requests to speak, public comment closed.

ADJOURN TO CLOSED SESSION

The meeting adjourned to closed session at 6:03 p.m.

THREAT TO PUBLIC SERVICES OR FACILITIES (§ 54957)

Consultation with: Morgan Hill Police Department, Chief of Police

REGULAR MEETING

The Regular City Council meeting was called to order at 7:07 p.m.

RECOGNITIONS

Recognizing the Alzheimer's Association Walk to End Alzheimer's

PROCLAMATIONS

Proclaiming September 10, 2022 as Suicide Prevention Day

Proclaiming September 30, 2022 as Lewy Body Dementia Awareness Day

Proclaiming the week of September 17-23, 2022 as Constitution Week

Proclaiming the month of September 2022 as Childhood Cancer Awareness Month

Proclaiming the month of September 2022 as Latinx Heritage Month

CITY COUNCIL REPORTS

Councilmember Spring stated that his heart and thoughts went out to the victims of the school shooting in Oakland. He shared that the South County Regional Wastewater Authority will now meet quarterly instead of monthly. He announced that the Santa Clara Valley Habitat Agency Governing and Implementation Boards, thanks to the collaboration with other nonprofits, have been able to secure another large piece of land. In most cases, these pieces of land are in the South Bay, Morgan Hill-Coyote Valley area. He thanked Janet Leibrers-Leach and her sister Monica Librers and City staff for their hard work on the Peace Pole project.

CITY MANAGER'S REPORT

City Manager Christina Turner reminded the community that Sidewalk Saturdays have started again and will go through November 26th from 9 a.m. to 1 p.m. She shared that on October 13th from 10-11:30 a.m. we are working with the Chamber of Commerce in honor of Manufacturing Week and will be featuring two panels with leading industry experts. She spoke regarding the Town Hall held on September 27th with PG&E. PG&E went through the outages and provided good information and answered some questions. While the information is good, it is not enough yet and we are asking for more. They have agreed to come to a future Council Meeting which will provide an opportunity for our Council and Community to engage with them. The video for the town hall is available on our website.

CITY ATTORNEY'S REPORT

City Attorney Don Larkin had no report.

OTHER REPORTS

Council Member Martinez Beltran shared that she is part of the League of California Cities Latino Caucus and they will have their regional mixer on October 6th from 5:30-7:30 p.m. at Guglielmo Winery.

Council Member McKay thanked City Manager Turner for her opening statements at the Town Hall with PG&E. He shared that he lost his father to Alzheimer's and asked that the City extend the Lewy Body Dementia proclamation through the month of October.

PUBLIC COMMENT

Public comment opened at 7:23 p.m. The following people were called to speak:
Chuck Berghoff and Nick Gaich
Chris Tremaine and Judy McAndress
There being no further requests to speak, public comment closed.

ADOPTION OF AGENDA

MOTION:

Adopting the agenda as posted.

RESULT:	Passed
MOVER:	Council Member Spring
SECONDER:	Council Member McKay

AYES:	Mayor Constantine, Council Member Spring, Mayor Pro Tem Borgioli, Council Member McKay, Council Member Martinez Beltran
NAYS:	None
ABSTAIN:	None
ABSENT:	None

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

MOTION:

Approving consent items 2, 6 through 8,10, and 11.

RESULT:	Passed
MOVER:	Mayor Pro Tem Borgioli
SECONDER:	Council Member McKay
AYES:	Mayor Constantine, Council Member Spring, Mayor Pro Tem Borgioli, Council Member McKay, Council Member Martinez Beltran
NAYS:	None
ABSTAIN:	None
ABSENT:	None

2. ACCEPTANCE OF EAST FIFTH STREET SEWER MAIN PROJECT IN THE AMOUNT OF \$1,334,087

Recommendation:

1. Accept as complete the East Fifth Street Sewer Main 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.

6. APPROVE PURCHASE OF REPLACEMENT PUMPS FOR LIFT STATION A

Recommendation:

Approve and authorize the City Manager to execute a purchase order to Shape Inc. in the amount of \$64,166 for Lift A Station replacement pumps.

7. APPROVE COMMISSION WORK PLANS

Recommendation:

1. Approve the proposed Parks and Recreation Commission FY 2022-23 Work Plan; and
2. Approve the proposed Library, Culture and Arts Commission FY 2022-23 Work Plan.

8. APPROVE THE AUGUST 3, 2022 CITY COUNCIL MEETING MINUTES

Recommendation:

Approve minutes.

10. AUTHORIZE PURCHASE OF THREE POLICE VEHICLES TO INCLUDE BUILD-OUT OF COMMUNICATION AND SAFETY EQUIPMENT

Recommendation:

1. Authorize the purchase and build-out of two unmarked police vehicles: 2023 Toyota Tacoma and 2023 Toyota Sienna, for a total amount not to exceed \$116,409, which includes a 10% contingency of \$10,583 from Priority 1 Public Safety Equipment;
2. Authorize the purchase and build-out of one Ford Explorer for use as Municipal Services Officer Patrol Vehicle for an amount not to exceed \$98,435, which includes a 10% contingency of \$8,949 from Priority 1 Public Safety Equipment;
3. Authorize the purchase of police radio equipment from Motorola for an amount not to exceed \$25,611; and
4. Authorize the repurposing of two vehicles as pool cars: 2014 Ford Fusion (VIN ending in 007) and 2014 Honda Accord (VIN ending in 850).

11. AWARD TREE MAINTENANCE SERVICE AGREEMENT

Recommendation:

1. Award a Maintenance Service Agreement to West Coast Arborists, Inc. for up to \$652,000 (\$326,000 annually for a two-year period) subject to future annual budget appropriations by the City Council; and
2. Authorize the City Manager to execute and administer the said agreement.

ITEMS PULLED FOR DISCUSSION

1. **ADOPT RESOLUTION DETERMINING THAT CONDUCTION OF IN-PERSON MEETINGS WOULD PRESENT A PUBLIC HEALTH RISK AND CONTINUING TELECONFERENCE MEETINGS**

Recommendation:

Adopt resolution to continue holding City Council and commission meetings by teleconference.

City Manager Christina Turner provided the report.

Public comment opened at 7:56 p.m. The following people were called to speak:

Marby Lee

Chris Tremaine

Joe Baranowski

There being no further requests to speak, public comment closed.

MOTION:

Adopting the resolution amending it to expire on Tuesday, October 18, 2022.

RESULT:	Passed
MOVER:	Council Member Spring
SECONDER:	Mayor Constantine
AYES:	Mayor Constantine, Council Member Spring, Mayor Pro Tem Borgioli, Council Member McKay, Council Member Martinez Beltran
NAYS:	None
ABSTAIN:	None
ABSENT:	None

3. **ADOPT RESOLUTION OF INTENTION TO FORM THE MORGAN HILL PROPERTY AND BUSINESS IMPROVEMENT DISTRICT, AND AUTHORIZING THE CITY MANAGER TO SIGN BALLOT, AND OTHER DOCUMENTS FOR ALL CITY-OWNED PROPERTIES IN SUPPORT OF THE FORMATION OF THE MORGAN HILL PROPERTY AND BUSINESS IMPROVEMENT DISTRICT**

Recommendation:

1. Adopt Resolution of Intention to Form the Morgan Hill Property and Business Improvement District; and
2. Authorize the City Manager to sign the ballot and other related documents for all City-owned properties in support of the formation of the Morgan Hill Property and Business Improvement District.

Economic Development Director Matt Mahood provided a report and presentation.

Public comment opened at 8:52 p.m. The following people were called to speak:

Rosy Bergin

Joe Baranowski

Nick Gaich

There being no further requests to speak, public comment closed.

MOTION:

Approving the recommended action.

RESULT:	Passed
MOVER:	Council Member McKay
SECONDER:	Mayor Pro Tem Borgioli
AYES:	Mayor Constantine, Mayor Pro Tem Borgioli, Council Member McKay
NAYS:	Council Member Spring, Council Member Martinez Beltran
ABSTAIN:	None
ABSENT:	None

The meeting recessed at 9:09 p.m. and reconvened at 9:15 p.m.

4. APPROVE PARCEL MAP AND RELATED SUBDIVISION IMPROVEMENTS AGREEMENT AND SUBSEQUENT DEVELOPMENT REIMBURSEMENT AGREEMENT FOR THE REDWOOD TECH AT 101 PROJECT (NORTHERN INTERSECTION OF HALF ROAD AND CONDIT ROAD WITH ASSESSOR PARCEL NUMBERS 728-30-006 AND 728-30-009)

Recommendation:

1. Approve the Parcel Map for the Redwood Tech at 101 Project;
2. Approve a Subdivision Improvements Agreement with TC Morgan Hill Venture, LLC;
3. Approve a Subsequent Development Reimbursement Agreement with TC Morgan Hill Venture, LLC; and
4. Authorize the City Manager to execute the Subdivision Improvements Agreement and Subsequent Development Reimbursement Agreement.

City Attorney Donald Larkin provided the report.

Public comment opened at 9:20 p.m. The following people were called to speak:

Miguel Jimenez

Joe Baranowski

Will Parker
Susie Jimenez
John
David Blackwell
Mike Oxlong

There being no further requests to speak, public comment closed.

MOTION:

Approving the recommended action.

RESULT:	Passed
MOVER:	Council Member Martinez Beltran
SECONDER:	Council Member McKay
AYES:	Mayor Constantine, Mayor Pro Tem Borgioli, Council Member McKay, Council Member Martinez Beltran
NAYS:	Council Member Spring
ABSTAIN:	None
ABSENT:	None

5. **APPROVE CONSULTANT SERVICES AGREEMENT WITH JAYSON ARCHITECTURE FOR THE CONCEPTUAL DESIGN PLANNING OF THE VILLA MIRA MONTE EXPANSION**

Recommendation:

Authorize the City Manager to execute a professional consultant agreement with Jayson Architecture for \$300,000 for the conceptual design of the Villa Mira Monte Expansion.

Public Services Director Chris Ghione provided a report.

Public comment opened at 9:59 p.m.

Joe Baranowski was called to speak.

There being no further requests to speak, public comment closed.

MOTION:

Approving the recommended action.

RESULT:	Passed
MOVER:	Mayor Pro Tem Borgioli
SECONDER:	Council Member Spring
AYES:	Mayor Constantine, Council Member Spring, Mayor Pro Tem Borgioli, Council Member McKay
NAYS:	Council Member Martinez Beltran
ABSTAIN:	None

ABSENT:	None
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9. **APPROVE THE AUGUST 17, 2022 CITY COUNCIL MEETING MINUTES**

Recommendation:

Approve minutes.

MOTION:

Continuing item 13 to a date certain of October 19, 2022, and continuing items 15 and 16 to a future meeting.

RESULT:	Passed
MOVER:	Mayor Constantine
SECONDER:	Council Member Spring
AYES:	Mayor Constantine, Council Member Spring, Mayor Pro Tem Borgioli, Council Member McKay, Council Member Martinez Beltran
NAYS:	None
ABSTAIN:	None
ABSENT:	None

Public comment opened at 10:11 p.m.

Joe Baranowski was called to speak.

There being no further requests to speak, public comment closed.

MOTION:

Approving the recommended action.

RESULT:	Passed
MOVER:	Mayor Constantine
SECONDER:	Council Member Martinez Beltran
AYES:	Mayor Constantine, Council Member Spring, Mayor Pro Tem Borgioli, Council Member McKay, Council Member Martinez Beltran
NAYS:	None
ABSTAIN:	None
ABSENT:	None

12. **RELEASING UNCLAIMED CREDITS LESS THAN \$15**

Recommendation:

Adopt resolution to release unclaimed credits less than \$15.

Finance Director Dat Nguyen provided a report.

Public comment opened at 10:16 p.m. There being no requests to speak, public comment closed.

MOTION:

Approving the recommended action.

RESULT:	Passed
MOVER:	Council Member Martinez Beltran
SECONDER:	Council Member Spring
AYES:	Mayor Constantine, Council Member Spring, Mayor Pro Tem Borgioli, Council Member McKay, Council Member Martinez Beltran
NAYS:	None
ABSTAIN:	None
ABSENT:	None

PUBLIC HEARINGS

13. INTRODUCE AN ORDINANCE TO AMEND THE TEXT OF TITLE 14 RELATED TO INCLUSIONARY HOUSING AND TITLE 18 RELATED TO THE DENSITY BONUS LAW

Recommendation:

1. Open/close the public hearing;
2. Waive first and second reading of the Ordinance; and
3. Introduce the Ordinance as recommended by staff and the Planning Commission.

Continued to October 19, 2022.

14. CONDUCT TAX AND EQUITY FISCAL RESPONSIBILITY ACT (TEFRA) HEARING APPROVING ISSUANCE OF BONDS FOR MORGAN HILL SENIOR APARTMENTS LOCATED DIRECTLY SOUTH OF SAN PEDRO AVENUE, EAST OF MONTEREY ROAD AND WEST OF CHURCH STREET WITHIN THE CITY OF MORGAN HILL

Recommendation:

1. Open/close public hearing consistent with the requirements of the Federal Tax and Equity Fiscal Responsibility Act ("TEFRA") and Section

147 (f) of the Internal Revenue Code of 1986, as amended (the “Code”);
and

2. Adopt resolution approving the issuance of bonds by the California Municipal Finance Authority (CMFA), for the acquisition, construction, improvement and equipping of a 82-unit multifamily rental housing project located on a 1.89-acre parcel situated directly south of San Pedro Avenue, east of Monterey Road and west of Church Street, in the City of Morgan Hill, California (the “City”).

Housing Director Rebecca Garcia provided a report and presentation.

The public hearing opened at 10:20 p.m. There being no requests to speak, the public hearing closed.

MOTION:

Approving the recommended action.

RESULT:	Passed
MOVER:	Council Member Martinez Beltran
SECONDER:	Mayor Pro Tem Borgioli
AYES:	Mayor Constantine, Council Member Spring, Mayor Pro Tem Borgioli, Council Member McKay, Council Member Martinez Beltran
NAYS:	None
ABSTAIN:	None
ABSENT:	None

OTHER BUSINESS

15. RECEIVE MONTHLY BUDGET UPDATE AND AUGUST 2022 FINANCIAL AND INVESTMENT REPORTS

Recommendation:

Accept and file report.

Continued to a future meeting.

16. COMMUNITY FUNDING POLICY REVIEW AND UPDATE

Recommendation:

Review policy and direct staff to make any updates to the Community Funding Policy.

Continued a future meeting.

FUTURE COUNCIL INITIATED AGENDA ITEMS

Councilmember McKay requested a summit of the law enforcement agencies to address cut-through-traffic.

Councilmember Martinez Beltran requested an item to see if the unclaimed funds could go into a community fund.

Councilmember Martinez Beltran asked for an item to discuss the MOUs with community groups that we are in partnership with to discuss the recruitment of their boards.

Councilmember Borgioli requested a discussion about Council norms and attending the meetings prepared.

ADJOURNMENT

There being no further business, Mayor Constantine adjourned the meeting at 10:24 p.m.

Minutes Prepared by:

Michelle Bigelow, City Clerk