



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, November 16, 2022 7:00 PM

Hybrid Meeting

17555 Peak Avenue, Morgan Hill, CA 95037 and Virtual (Link to join the meeting can be found below)

CALL TO ORDER

Mayor Pro Tem Borgioli called the City Council meeting to order at 7:02 p.m.

ROLL CALL ATTENDANCE

City Clerk Michelle Bigelow called the roll.

PRESENT	Rich Constantine, Rene Spring, Gino Borgioli, John McKay, Yvonne Martinez Beltran
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TELECONFERENCE

Mayor Rich Constantine participated in the City Council meeting via teleconference as follows:

The Westin
3838 Wyllie Road
Princeville, HI 96722

DECLARATION OF POSTING AGENDA

City Clerk Michelle Bigelow declared the posting of the agenda.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PRESENTATIONS

YAC Presentation- Asset #34- Cultural Competence

RECOGNITIONS

Recognizing the Edward Boss Prado Foundation for their support of the Magical Bridge Playground and Aquatics Center Summer Access Passes for low-income youth

PROCLAMATIONS

Proclaiming the month of November as Native American Heritage Month

CITY COUNCIL REPORTS

Council Member John McKay spoke regarding the South County Youth Task Force, sharing their mission and the work they do. He spoke regarding his work on the City/School Liaison Committee. Recently, the committee discussed active shooter situations and how we can ensure that our police response would be swift.

CITY MANAGER'S REPORT

City Manager Christina Turner shared that on November 23, 2022, the City's Housing team will be hosting an in-person Community Meeting which is a free orientation for the Affordable Housing Below Market Rate Program and will be presented in English and Spanish.

She shared some information on upcoming events. On December 17, 2022 from 3 p.m. - 6 p.m. the Magical Bridge Playground will host a Winter Wonderland. Saturday, December 3, 2022, is the annual Kiwanis Holiday Lights Parade through Downtown beginning at 5:30 p.m. Come out and join your friends, neighbors, and Santa! She also wanted to remind everyone that the Senior Center Café is now open for in-person dining Monday - Friday. Registration and Café open at 10:30 a.m. and lunch is served at 11:30 a.m.

The last item she mentioned was that as of November 14, 2022 our Santa Clara CalFire Unit's new Hawk, helicopter 106, is officially in service. This new generation helicopter will bring enhanced capabilities including flight safety, higher payloads, increased power margins, and future night flying capabilities. The helicopter will be able to respond to initial attack wildfires and rescue missions. She thanked CalFire for their collaboration and partnership.

CITY ATTORNEY'S REPORT

No report.

OTHER REPORTS

Council Member Spring spoke about a few events that he had attended in Morgan Hill. The first was the Morgan Hill Open Studios event, led by the Library, Culture, and Arts Commission, which highlighted many wonderful artists. Next, he spoke about the Morgan Hill United Against Hate event which took place on Sunday, November 13, 2022. Finally, he mentioned the Diwali event, organized by the Indian Association of South County,

Council Member Martinez Beltran thanked the team that put together the United Against Hate event. She also provided information about the last Board meeting for the Silicon Valley Clean Energy Authority.

PUBLIC COMMENT

Public comment opened at 7:21 p.m. The following people were called to speak:

Michael Burchfield

Joe Baranowski

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 calendar items 1 through 11.

RESULT:	Passed
MOVER:	Council Member McKay
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

1. **ACCEPT THE MORGAN HILL INCLUSIVE PLAYGROUND/MAGICAL BRIDGE PROJECT**

Recommendation:

1. Accept as complete the Morgan Hill Inclusive Playground/Magical Bridge 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

2. **ADOPT ORDINANCE 2338, NEW SERIES, APPROVING A ZONING MAP AMENDMENT FOR EXPANSION OF A MIXED-USE FLEX ZONE AND PLANNED DEVELOPMENT COMBINING DISTRICT AND MASTER PLAN FOR A 66.49-ACRE AREA LOCATED AT THE NORTHEAST QUADRANT OF COCHRANE ROAD AND HIGHWAY 101 (APNs 728-37- 001, -002, -004, -005 & -007)**

Recommendation:

Waive the reading, adopt Ordinance No. 2338, 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.

3. **AMEND CONFLICT OF INTEREST CODE REPORTING CATEGORIES**

Recommendation:

Adopt resolution amending the list of positions subject to the City's Conflict of Interest Code.

4. **APPROVE FIRST AMENDMENT TO THE BATTALION ONE FIRE PROTECTION MAINTENANCE SERVICE AGREEMENT**

Recommendation:

1. Approve the first amendment to the maintenance service agreement with Battalion One Fire Protection, Inc. for an additional year of services for \$17,969, for a total contract amount of \$60,179; and
2. Authorize the City Manager to execute and administer two additional one-year extensions of the maintenance service agreement.

5. **APPROVE ACQUISITION OF SEWER EASEMENT (PATEL) APN 841-03-063 FOR THE SEWER RELIEF TRUNK LINE PROJECT**

Recommendation:

1. Adopt resolution approving the purchase of a sewer easement (1,984 square feet), APN 841-03-063 for \$27,000 plus escrow and closing costs from Jitendra and Nayana Patel for the Sewer Relief Trunk Line Project; and
2. Authorize the City Manager to execute all documents and make minor modifications as necessary in order to consummate the transaction.

6. **APPROVE SECOND AMENDMENT TO THE JOINT VENTURE SILICON VALLEY CONSULTANT AGREEMENT FOR THE COUNTYWIDE SOLID WASTE SERVICES PROGRAM**

Recommendation:

1. Approve the Second Amendment to the Consultant Agreement with Joint Venture Silicon Valley to add Special Projects for \$49,324 for a revised total contract amount of \$399,324; and
2. Authorize the City Manager to execute and administer the Second Amendment to the Consultant Agreement with Joint Venture Silicon Valley.

7. **APPROVE AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH CSG CONSULTANTS, INC. TO PROVIDE PLAN CHECK/REVIEW ASSISTANCE**

Recommendation:

Approve the First Amendment to the professional services agreement with CSG Consultants, Inc. for Building Department review services for a total not-to-exceed amount of \$260,000.

8. **APPROVE FRANCHISE AGREEMENT WITH RECOLOGY SOUTH VALLEY FOR SOLID WASTE MANAGEMENT SERVICES**

Recommendation:

Approve franchise agreement with Recology South Valley and authorize the City Manager to execute the agreement subject to the review and approval of the City Attorney.

9. **APPROVE THE NOVEMBER 2, 2022 CITY COUNCIL MEETING MINUTES**

Recommendation:

Approve minutes.

10. **AWARD LANDSCAPE MAINTENANCE SERVICE AGREEMENT FOR CITY PARKS, MEDIANS, AND DOWNTOWN**

Recommendation:

1. Award a Maintenance Service Agreement to Brightview Landscape Services, Inc. in the amount of \$274,608 for a two-year period (\$137,304 annually) to service Group 1: Park Mowing at City Parks; Group 3: Street Medians, Streetscapes, and Parking Lots; and Group 6: Downtown Area and extra services, with three consecutive one-year extensions, subject to future annual budget appropriations by the City Council; and

2. Authorize the City Manager to execute and administer said Agreement.

11. RECEIVE REPORT REGARDING UPCOMING 2023 COMMISSION VACANCIES PER MADDY ACT

Recommendation:

Receive report.

PUBLIC HEARINGS

12. ADOPT RESOLUTION OF FORMATION TO FORM THE MORGAN HILL PROPERTY AND BUSINESS IMPROVEMENT DISTRICT (MHPBID)

Recommendation:

1. Open/close public hearing;
2. At the close of the public hearing, order the tabulation of ballots; and
3. If ballots in support of MHPBID formation exceed ballots in opposition to MHPBID formation, adopt resolution forming the MHPBID.

Economic Development Director Matt Mahood provided the report.

The public hearing opened at 7:49 p.m. The following people were called to speak:

Nick Gaich

Rosy Bergin

Joe Baranowski

Michael Van Every

There being no further requests to speak, the public hearing closed.

While the ballots were being tabulated, the meeting moved to item 13. Item 12 will reconvene after item 13 is complete.

Item 12 resumed at 9:11 p.m.

City Clerk Michelle Bigelow announced the results of the ballot.

36 ballots received. Two ballots were not counted due to a lack of signatures or votes.

Of the 34 ballots counted, 18 ballots were yes votes, and 16 ballots were no votes.

The weighted results are as follows:

88% yes votes and 12% no votes.

If the City's vote were removed, the weighted results would be as follows:

66% yes votes and 34% no votes.

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, Council Member Martinez Beltran
NAYS:	Council Member Spring
ABSTAIN:	None
ABSENT:	None

13. **APPEAL (AAE2022-0007) OF PLANNING COMMISSION APPROVAL OF VESTING TENTATIVE MAP (SD2021-0004), DESIGN PERMIT (SR2021-0014), AND A DETERMINATION THAT THE PROJECT IS EXEMPT FROM CEQA, FOR A 93-UNIT RESIDENTIAL CONDOMINIUM DEVELOPMENT PROPOSED BY DENOVA HOMES. THE PROPERTY, IDENTIFIED BY ASSESSOR PARCEL NUMBERS 726-42-001 AND -002 ARE LOCATED WEST OF THE MONTEREY ROAD/BURNETT AVENUE INTERSECTION (FAMILY RV SITE)**

Recommendation:

1. Grant a hearing de novo;
2. Open/close public hearing; and
3. Adopt resolution denying the appeal and reaffirming the decision of the Planning Commission to approve the project subject to Conditions of Approval.

Senior Planner Gina Paolini provided the report and presentation.

The public hearing opened at 8:23 p.m. The following people were called to speak:

Trent and Kerri with DeNova Homes, Applicant - zoom

Bob Long

Weng Tam - zoom

Joe Baranowski

Trent and Kerri with DeNova Homes, Applicant - zoom

There being no further requests to speak, the public hearing closed.

The public hearing reopened at 8:45 p.m. The following people were called to speak:

Bob Long

Trent with DeNova Homes, Applicant - zoom

Kevin Rock - zoom

There being no further requests to speak, the public hearing closed.

MOTION:

Approving the recommended action.

RESULT:	Passed
MOVER:	Council Member McKay
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

The meeting recessed at 9:02 p.m. and reconvened at 9:10 p.m.

14. APPROVE A ZONING AMENDMENT TO ADD THE PLANNED DEVELOPMENT COMBINING DISTRICT AND APPROVE A DESIGN PERMIT AMENDMENT TO ALLOW FOR AN ADDITIONAL LEVEL (5TH FLOOR) FOR THE APPROVED GRANADA HOTEL ON A 1.09-ACRE SITE (APN726-14-047)(ZA2022- 0004/AAE2022-0004/EA2022-0010 MONTEREY - GRANADA HOTEL)

Recommendation:

1. Open/Close Public Hearing;
2. Waive the first and second reading of the proposed ordinance;
3. Introduce a Zoning Amendment Ordinance approving a Planned Development Combining District; and
4. Adopt resolution approving a Design Permit Amendment for the addition of a 5th floor with minor facade modifications.

Council Member McKay, Mayor Pro Tem Borgioli, and Mayor Constantine announced their ex-parte contacts.

Senior Planner Tiffany Brown and Development Services Director Jennifer Carman provided the report and presentation.

The public hearing opened at 10:12 p.m. The following people were called to speak:

Frank Leal, Applicant

Nick Gaich

Anthony Villafranca

Rick Kent

Joe Baranowski
Michael Van Every
Armando Benavides
Kevin Rock
Michael Meredith

Frank Leal, Applicant

There being no further requests to speak, the public hearing closed.

MOTION:

Extending the meeting to 11:30 p.m.

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

MOTION:

Waiving the first and second reading of the ordinance.

RESULT:	Passed
MOVER:	Council Member Martinez Beltran
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

MOTION:

Introduce the ordinance.

RESULT:	Passed
MOVER:	Council Member McKay

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

MOTION:

Adopting the resolution.

RESULT:	Passed
MOVER:	Council Member Martinez Beltran
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

OTHER BUSINESS

15. INTRODUCE AN ORDINANCE REQUIRING ELECTRIC VEHICLE CHARGING INFRASTRUCTURE IN NEW CONSTRUCTION

Recommendation:

1. Waive the first and second reading of the ordinance; and
2. Introduce the ordinance.

Environmental Program Administrator Tanya Carothers provided the report and presentation.

MOTION:

Extending the meeting to 11:40 p.m.

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

Public comment opened at 11:34p.m. There being no requests to speak, public comment closed.

MOTION:

Waiving the first and second reading of the ordinance.

RESULT:	Passed
MOVER:	Council Member Spring
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

MOTION:

Introduce the ordinance.

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

FUTURE COUNCIL INITIATED AGENDA ITEMS

Council Member Spring requested Leal MOU.

Council Member Martinez-Beltran requested discussion on Local Workforce PLA's.

Council Member McKay wanted to encourage the City to have a holiday celebration of some sort.

Mayor Pro Tem Borgioli requested a SB330 committee and to collaborate with other cities.

ADJOURNMENT

There being no further business, Mayor Constantine adjourned the meeting at 11:38 p.m.

Minutes Prepared by:

Michelle Bigelow, City Clerk