



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, December 7, 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 Constantine called the City Council meeting to order at 7:01 p.m.

ROLL CALL ATTENDANCE

City Clerk Michelle Bigelow called the roll.

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

DECLARATION OF POSTING AGENDA

City Clerk Michelle Bigelow declared the posting of the agenda.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

CITY COUNCIL REPORTS

Mayor Constantine spoke about two of the committees he sits on, VTA and CalTrain. He mentioned that in 2016, Morgan Hill voters supported Measure B. This funded our Hale Avenue extension and was supposed to fund our fourth train on CalTrain. VTA has monthly meetings with Morgan Hill, Gilroy, and CalTrain representatives to discuss the fourth train. The meetings have been fruitful, and we hope those continue.

He is also on the Water Commission with ValleyWater. He wanted to remind everyone that even though it has been raining, we are still in a severe drought. He mentioned please turn off the irrigation when it is raining, and we are only allowed to water on Wednesdays.

CITY MANAGER'S REPORT

City Manager Christina Turner shared that the City held a service awards ceremony to recognize our teammates. She recognized and thanked our dedicated teammates for their many years of service. She announced that the Morgan Hill Police Department is working with other entities in an Anonymous Gun Buyback Event on Saturday, December 10, 2022, from 9 am-2 pm at the Outdoor Sports Center on Condit Road. Lastly, she invited everyone to join us at 7 pm on December 14, 2022, for the Special City Council Meeting. We will have the certification of the election results and an opportunity to say farewell to our departing elected officials and welcome our newly elected and reelected officials.

CITY ATTORNEY'S REPORT

City Attorney Donald Larkin announced that he is attending the JPA Board of Directors meeting. He will report on that at the next meeting.

OTHER REPORTS

Council Member Martinez Beltran announced the third annual Holiday Posada at the Community and Cultural Center on Sunday, December 11, 2022, from 4 to 10 pm.

Council Member McKay encouraged the community to support our local restaurants through the holiday season.

PUBLIC COMMENT

Public comment opened at 7:09 p.m.

Ben Palm was called to speak.

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

Public Comment Supplements

ADOPTION OF AGENDA

MOTION:

Adopting the agenda as posted.

RESULT:	Passed
MOVER:	Council Member Spring
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

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 2, 3, and 5 through 17.

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

2. ACCEPT THE ANNUAL SENATE BILL (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 ASSEMBLY BILL (AB) 1600 DEVELOPMENT IMPACT FEE ANNUAL REPORT FOR FISCAL YEAR 2021-22

Recommendation:

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

5. ADOPT ORDINANCE NO. 2340, NEW SERIES, ADDING CHAPTER 15.62 (ELECTRIC VEHICLE INFRASTRUCTURE) TO TITLE 15 (BUILDINGS AND CONSTRUCTION) TO THE MORGAN HILL MUNICIPAL CODE REQUIRING THE ADDITION OF ELECTRIC VEHICLE INFRASTRUCTURE FOR PARKING THAT SERVES NEWLY CONSTRUCTED AND EXISTING BUILDINGS

Recommendation:

Waive the reading, adopt Ordinance No. 2340, 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 HAZARDOUS VEGETATION ABATEMENT RESOLUTION, EXEMPT FROM CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) UNDER SECTION 15304(i)

Recommendation:

Adopt resolution declaring weeds and brush to be a nuisance and setting the hazardous vegetation public hearing on February 15, 2023.

7. APPROVE CITY OF MORGAN HILL'S SANITARY SEWER MANAGEMENT PLAN (SSMP) AS REQUIRED BY STATE WATER RESOURCES CONTROL BOARD, EXEMPT FROM CEQA UNDER SECTION 15302

Recommendation:

Adopt resolution approving the Sanitary Sewer Management Plan (SSMP).

8. APPROVE FIRST AMENDMENT TO THE SPECTRUM PACIFIC WEST, LLC OPEN TRANSPORT NETWORK (OTN) FACILITIES LICENSE AGREEMENT, EXEMPT FROM CEQA CLASS 1, EXISTING FACILITIES

Recommendation:

Approve the First Amendment to the Spectrum Pacific West, LLC License Agreement.

9. APPROVE FINAL MAP FOR ROSEWOOD - TRACT NO. 10599 (JUAN HERNANDEZ DRIVE AND BARRETT AVENUE) AND RELATED SUBDIVISION IMPROVEMENTS AGREEMENT

Recommendation:

1. Approve the Final Map;
2. Authorize the City Manager to execute the Subdivision Improvements Agreement with BFH CM LLC; and
3. Authorize the recordation of the Final Map and Subdivision Improvements Agreement.

10. APPROVE THE PURCHASE AND INSTALLATION OF THREE GENERATORS FOR UTILITIES, CATEGORICALLY EXEMPT FROM CEQA UNDER SECTION 15301

Recommendation:

Approve and authorize the City Manager to execute an agreement with Edward R. Bacon in the amount of \$315,000 for the purchase and installation of three generators.

11. APPROVE CONSULTANT AGREEMENT WITH HINDERLITER DE LLAMAS & ASSOCIATES (HDL) FOR SALES AND USE TAX AUDIT SERVICES AND BUSINESS LICENSE ADMINISTRATION AND COMPLIANCE SERVICES

Recommendation:

1. Approve an agreement with Hinderliter De Llamas and Associates (HdL), for sales and use tax audit, and business license administration and compliance services; and
2. Authorize the City Manager to execute and administer that certain agreement.

12. APPROVE FIRST AMENDMENT TO THE CAL-WEST LIGHTING AND SIGNAL MAINTENANCE, INC. MAINTENANCE SERVICE AGREEMENT, EXEMPT FROM CEQA UNDER SECTION 15301

Recommendation:

1. Approve the first amendment to the maintenance service agreement with Cal-West Lighting and Signal Maintenance, Inc. for \$200,000 for a total contract amount of \$587,600; and
2. Authorize the City Manager to execute and administer the first amendment to the maintenance service agreement with Cal-West Lighting and Signal Maintenance, Inc.

13. APPROVE CONSULTANT AGREEMENT WITH AKEL ENGINEERING FOR SEWER SYSTEM MASTER PLAN UPDATE

Recommendation:

1. Authorize the City Manager to execute a consultant agreement with Akel Engineering Group, Inc. in the amount of \$180,827 to update the Wastewater System Master Plan; and
2. Adopt a resolution appropriating \$80,827 from Fund 641 amending the Fiscal Year (FY) 2022-23 Capital Improvement Budget.

14. APPROVE THE PART-TIME TEMPORARY AND SEASONAL EMPLOYEES SALARY SCHEDULE EFFECTIVE JANUARY 1, 2023

Recommendation:

Approve the Part-Time Temporary and Seasonal Employees salary schedule effective January 1, 2023.

15. APPROVE RESPONSE TO 2022 CIVIL GRAND JURY REPORT "IF YOU ONLY READ THE BALLOT TITLE, YOU'RE BEING DUPED"

Recommendation:

1. Approve response to 2022 Civil Grand Jury Report "If You Only Read the Ballot Title, You're Being Duped," and
2. Authorize the Mayor to sign the response.

16. APPROVE PACIFIC GAS AND ELECTRIC COMPANY AGREEMENT FOR UNDERGROUNDING OVERHEAD UTILITIES AS PART OF THE HALE AVENUE EXTENSION PROJECT

Recommendation:

Approve and authorize the City Manager to execute and administer a Pacific Gas and Electric Company Agreement for undergrounding overhead utilities as part of the Hale Avenue Extension Project for a not to exceed amount of \$63,876.72

17. APPROVE THE NOVEMBER 16, 2022 CITY COUNCIL MEETING MINUTES

Recommendation:

Approve minutes.

ITEMS PULLED FOR DISCUSSION

1. ACCEPT THE CITY'S ANNUAL COMPREHENSIVE FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2022

Recommendation:

Accept the City's Annual Comprehensive Financial Report for the Fiscal Year

Ended June 30, 2022.

Finance Director Dat Nguyen answered questions.

The report was accepted.

4. **ADOPT ORDINANCE NO. 2339, NEW SERIES, APPROVING A ZONING MAP AMENDMENT FOR A MIXED-USE DOWNTOWN PLANNED DEVELOPMENT COMBINING DISTRICT ON A 1.09-ACRE SITE LOCATED EAST OF MONTEREY ROAD BETWEEN 1ST STREET AND 2ND STREET (ZA2022-0004: MONTEREY – LEAL GRANADA HOTEL) APN: 726-14-074**

Recommendation:

Waive the reading, adopt Ordinance No. 2339, 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.

Economic Development Director Matt Mahood provided a report and answered questions.

Public comment opened at 7:39 p.m.

Joe Baranowski was called to speak.

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

MOTION:

Waive the reading, adopt Ordinance No. 2340, 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, including directing the City Manager to bring an informational item to City Council at the time an extension takes place.

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

18. **DELEGATE THE AUTHORITY TO CITY MANAGER TO ACCEPT DONATIONS FROM SHOE PALACE**

Recommendation:

Delegate the authority to City Manager to accept donations from Shoe Palace.

Finance Director Dat Nguyen provided a report.

Public comment opened at 8:07 p.m. The following people were called to speak:
Joe Baranowski

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

MOTION:

Denying the recommended action.

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

MOTION:

Tabling this item to a date uncertain.

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

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 8:41 p.m. and reconvened at 8:52 p.m.

PUBLIC HEARINGS

19. INTRODUCE ORDINANCE AMENDING THE ZONING CODE TO UPDATE ACCESSORY DWELLING UNIT PROVISIONS TO COMPLY WITH STATE LAW AND MAKING MINOR CORRECTIONS TO VARIOUS PROVISIONS, EXEMPT FROM CEQA UNDER SECTION 15061(b)(3)

Recommendation:

1. Open/close the public hearing;
2. Waive first and second reading of the Ordinance Amendment; and
3. Introduce Ordinance Amendment.

Principal Planner Adam Paszkowski provided a presentation and report.

The public hearing opened at 9:08 p.m. There being no requests to speak, the public hearing 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:

Introducing 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

OTHER BUSINESS

20. AUTHORIZE INITIATION OF NEGOTIATIONS WITH DUB BASEBALL AND USA BMX FOR DEVELOPMENT AT BUTTERFIELD PARK SITE

Recommendation:

Authorize staff to pursue lease/partnership agreements with Dub Baseball and USA BMX for development of portions of the Butterfield Park site.

Public Services Director Chris Ghione provided a report.

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

Nick Valencia

Doug Muirhead

Mike Vivona

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

MOTION:

Approving the recommended action.

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

21. INTRODUCE AN ORDINANCE UPDATING THE CITY WATER WASTE PROVISIONS CATEGORICALLY EXEMPT FROM CEQA UNDER SECTION 15307

Recommendation:

1. Waive the first and second reading of the ordinance; and
2. Introduce the ordinance updating the City's water waste provisions.

Environmental Program Administrator Tanya Carothers provided a presentation and report.

Public comment opened at 10:15 p.m. There being no requests to speak, public comment closed.

MOTION:

Waive the first and second reading of the ordinance.

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

MOTION:

Introduce the ordinance.

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

22. RECEIVE MONTHLY BUDGET UPDATE AND OCTOBER 2022 FINANCIAL AND INVESTMENT REPORTS

Recommendation:

Accept and file report.

Finance Director Dat Nguyen provided a presentation and report.

Public comment opened at 10:33 p.m. There being no requests to speak, public

comment closed.

Report received.

FUTURE COUNCIL INITIATED AGENDA ITEMS

Council Member Spring requested that changes of 10% or higher for expenditure categories be highlighted in the budget update presentation.

Council Member McKay requested a review of the gift and donation policies.

ADJOURNMENT

There being no further business, Mayor Constantine adjourned the meeting at 10:35 p.m.

Minutes Prepared by:

Michelle Bigelow, City Clerk