



City Council

Meeting Minutes

Mark Turner - Mayor
Rene Spring - Mayor Pro Tem
Gino Borgioli - Council Member
Marilyn Librers - Council Member
Yvonne Martinez Beltran - Council Member

Wednesday, February 15, 2023 5:00 PM

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

SPECIAL/REGULAR MEETING

A special meeting of the City Council was called at 5:00 pm for the purpose of conducting Parks and Recreation Commission interviews.

SPECIAL MEETING

5:00 pm - Parks and Recreation Commission interviews

CALL TO ORDER

Mayor Turner called the Special City Council meeting to order at 5:00 pm.

ROLL CALL ATTENDANCE

City Clerk Michelle Bigelow called the roll.

PRESENT	Rene Spring, Gino Borgioli, Yvonne Martinez Beltran, Mark Turner, Marilyn Librers
ABSTAIN	None
ABSENT	None

DECLARATION OF POSTING AGENDA

City Clerk Michelle Bigelow declared the posting of the agenda.

COMMISSION INTERVIEWS

1. INTERVIEW CANDIDATES TO FILL ONE (1) SEAT ON THE PARKS AND RECREATION COMMISSION

Recommendation:

1. Mayor shares the characteristics/traits that a successful applicant would possess;
2. Conduct Interviews;
3. Council Members identify the top applicant and provide recommendations to the Mayor; and
4. Discuss and/or appoint applicant.

City Clerk Michelle Bigelow provided a report. The Mayor shared what the City Council looks for in an ideal applicant.

The following applicants were interviewed:

Shishir Jani

Julie Lucido

Ramanathan Nagarajan

Natalie Prcevski

City Clerk Michelle Bigelow tallied the votes.

The Mayor appointed Julie Lucido to serve on the Parks and Recreation Commission for a term ending April 1, 2026.

The special meeting adjourned at 5:59 pm.

REGULAR MEETING

Mayor Turner called the Regular City Council meeting to order at 7:00 pm.

PRESENTATIONS

YAC Presentation- Asset # 8- Youth as Resources

California Department of Insurance Presentation

RECOGNITIONS

2022 STEM Winners

PROCLAMATIONS

Black History Month

CITY COUNCIL REPORTS

Council Member Gino Borgioli spoke about his recent tour of the Anderson Dam project. He also provided an update on the Little Llagas Creek project.

CITY MANAGER'S REPORT

City Manager Christina Turner invited the community to join the Cities of Morgan Hill and Gilroy and the Housing Trust's Homebuyer team to learn how the County of Santa Clara's down payment assistance program can help you buy your first home. Tomorrow, Thursday, February 16th, from 6 to 7 pm, they will be hosting an informational webinar. To learn more and to sign up, please visit housingtrustsv.org.

She announced that the second day of the City Council Goal Setting Workshop will be held in person on Friday, March 3rd, beginning at 9:00 am in the Council Chamber. We will discuss our 2022-2023 Sustainable Morgan Hill Strategic Priorities in detail.

She announced the upcoming State of the City address, which will take place on Wednesday, March 8th, at 6:30 pm.

She concluded by sharing that the Community Engagement Team will again be hosting an informational table on a variety of City topics at the Farmers Market beginning Saturday, March 11th, from 9:00 am to noon. They will be there the second Saturday of each month through October to connect with the community and answer questions.

CITY ATTORNEY'S REPORT

City Attorney Larkin shared that he is on the Board of Directors for PLAN JPA, our liability and property form of insurance. At a special board meeting late last year, they learned about problematic issues concerning property damage insurance prices increasing significantly.

OTHER REPORTS

Council Member Yvonne Martinez Beltran reported on the Silicon Valley Clean Energy (SCVE) board meeting. She also mentioned that all SVCE member agencies voted to adopt reach codes requiring varying degrees of electric readiness, all electric requirements for new construction and electric charging vehicles.

Mayor Mark Turner announced that starting February 25, 2023 he will be doing a series of Coffee with the Mayor. The first will be February 25, 2023 at 9:00 am at the Centennial Recreation Center. It will be held monthly. He also announced that he will be starting Get the Scoop with the Mayor monthly. It will be held at Baskin Robbins on Cochrane beginning March 4, 2023.

PUBLIC COMMENT

Public comment opened at 7:26 pm. The following people were called to speak:

Michael Burchfield

Ben Palm

Mauricio Chavez (Zoom)

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

ADOPTION OF AGENDA

MOTION:

Adopting the agenda as posted.

RESULT:	Passed
MOVER:	Council Member Borgioli
SECONDER:	Mayor Pro Tem Spring
AYES:	Mayor Pro Tem Spring, Council Member Borgioli, Council Member Martinez Beltran, Mayor Turner, Council Member Librers
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

Public comment opened at 7:36 pm.

Joe Baranowski was called to speak.

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

MOTION:

Approving consent calendar items 2 through 4.

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

2. **ADOPT ORDINANCE NO. 2341, NEW SERIES, AMENDING VARIOUS CODE PROVISIONS WITHIN TITLE 18 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL IMPLEMENTING MINOR AMENDMENTS DUE**

**TO CLERICAL ERRORS, INCONSISTENCIES, AND UPDATES TO
ACCESSORY DWELLING UNIT PROVISIONS TO COMPLY WITH STATE
LAW**

Recommendation:

Waive the reading, adopt Ordinance No. 2341, 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. **ADOPT ORDINANCE NO. 2342, NEW SERIES, AMENDING SECTION 13.04.010 (DEFINITIONS) AND SECTION 13.04.330 (WASTING OF WATER AND DROUGHT EMERGENCIES) OF CHAPTER 13.04 (WATER SYSTEM) OF TITLE 13 (PUBLIC SERVICES), TO ADD REGULATIONS PROHIBITING THE USE OF POTABLE WATER ON NON-FUNCTIONAL TURF AND PROHIBITING NEW PRIVATE WATER WELLS**

Recommendation:

Waive the reading, adopt Ordinance No. 2342, 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.

4. **APPROVE THE JANUARY 11, 2023 AND JANUARY 25, 2023 CITY COUNCIL MEETING MINUTES AND THE JANUARY 27, 2023 GOAL SETTING WORKSHOP MINUTES**

Recommendation:

Approve Minutes.

PUBLIC HEARINGS

5. **MONTEREY - CITY VENTURES (THE GATES): ADOPT MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM; APPROVE GENERAL PLAN AMENDMENT FROM COMMERCIAL TO MIXED USE FLEX; AND INTRODUCE ZONING AMENDMENT TO ALLOW FOR THE FUTURE DEVELOPMENT OF A MIXED-USE PROJECT. THE 3.82-ACRE SITE IS LOCATED ON THE SOUTHWEST QUADRANT OF MONTEREY ROAD AND COCHRANE ROAD WITH ACCESS OFF SOUTHBOUND MONTEREY ROAD AND INTERSECTION OF MONTEREY ROAD AND COCHRANE ROAD (ZA2021-0006/GPA2021-0005/EA2021-0015)**

Recommendation:

1. Open/close the public hearing;
2. Adopt a Resolution approving the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared for the project;
3. Adopt a Resolution approving an amendment to the General Plan land use designation;

4. Waive the first and second reading of the Zoning Amendment Ordinance;
and
5. Introduce the Zoning Amendment Ordinance.

Mayor Mark Turner, Mayor Pro Tem Rene Spring, and Council Members Yvonne Martinez Beltran, Gino Borgioli, and Marilyn Librers announced their ex-parte contacts.

Assistant Planner Joey Dinh and Development Services Director Jennifer Carman provided a report and presentation.

The public hearing opened at 8:16 pm. The following people were called to speak:

Samantha Hauser - Applicant

Scott Schilling (Zoom)

Joe Baranowski

Doug Muirhead

Phil Kerr - Applicant

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

MOTION:

Approving recommended actions 2 and 3, requiring that an MOU requiring mixed use come back at the second reading of the ordinance.

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

MOTION:

Waiving the first and second reading of the ordinance.

RESULT:	Passed
MOVER:	Council Member Borgioli
SECONDER:	Council Member Martinez Beltran
AYES:	Council Member Borgioli, Council Member Martinez Beltran, Mayor Turner, Council Member Librers

NAYS:	Mayor Pro Tem Spring
ABSTAIN:	None
ABSENT:	None

MOTION:

Introducing the ordinance.

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

The meeting recessed at 9:17 pm and reconvened at 9:28 pm.

6. ADOPT RESOLUTION APPROVING COMMENCEMENT OF 2023 HAZARDOUS VEGETATION ABATEMENT PROGRAM

Recommendation:

1. Open/Close public hearing; and
2. Adopt Resolution A authorizing Santa Clara County to commence hazardous vegetation abatement activities on the attached list; and
3. Adopt Resolution B authorizing Santa Clara County to commence hazardous vegetation abatement activities for the remaining parcel.

Council Member Librers announced a conflict of interest on Resolution B and stepped down from the dais.

Community Services Supervisor Nichole Martin provided a report.

The public hearing for resolution B opened at 9:33 pm. There being no requests to speak, the public hearing closed.

MOTION:

Adopting Resolution B.

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

Council Member Librers took her seat at the dais.

The public hearing for resolution A opened at 9:35 pm. There being no requests to speak, the public hearing closed.

MOTION:

Adopting Resolution A.

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

OTHER BUSINESS

7. INTRODUCE AMENDMENT TO TITLE 2, SECTION 2.04.010 OF THE MORGAN HILL MUNICIPAL CODE ESTABLISHING REGULAR MEETING DATES FOR THE CITY COUNCIL AND TO CITY COUNCIL POLICIES (CP) 06-02 AND 98-02 CHANGING THE DATE OF THE GOAL SETTING WORKSHOP

Recommendation:

1. Waive the first and second readings of the Ordinance;
2. Introduce the Ordinance; and
3. Approve amended City Council Policies 06-02 City Council Meeting Schedule and 98-02 Time Established for Public Hearings.

City Manager Christina Turner provided a report.

Public comment opened at 9:37 pm. The following people were called to speak:
Joe Baranowski
There being no further requests to speak, public comment closed.

MOTION:

Approving amended City Council Policies 06-02 City Council Meeting Schedule and 98-02 Time Established for Public Hearings.

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

MOTION:

Waiving the first and second reading of the ordinance.

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

MOTION:

Introducing the ordinance.

RESULT:	Passed
MOVER:	Mayor Pro Tem Spring
SECONDER:	Council Member Borgioli
AYES:	Mayor Pro Tem Spring, Council Member Borgioli, Mayor Turner, Council Member Librers
NAYS:	Council Member Martinez Beltran

ABSTAIN:	None
ABSENT:	None

8. REVIEW THE PROCESS FOR FUTURE COUNCIL INITIATED AGENDA ITEMS INCLUDED IN CITY COUNCIL POLICY (CP) 97-01 AND REVIEW AND PROVIDE DIRECTION ON FIVE PREVIOUSLY REQUESTED FUTURE AGENDA ITEMS; 1. LOCAL LAW ENFORCEMENT AGENCIES SUMMIT ON CUT-THROUGH TRAFFIC, 2. UNCLAIMED FUNDS GOING INTO COMMUNITY FUND RATHER THAN GENERAL FUND, 3. CITY COUNCIL HAVING A VOICE IN THE RECRUITMENT OF BOARD OF DIRECTORS FOR THE CITY'S PARTNER COMMUNITY GROUPS, 4. LANDSCAPE REQUIREMENTS FOR DEVELOPMENTS ALONG THE FREEWAY AND MAJOR ARTERIES TO INCLUDE MORE TREES, AND 5. LOCAL WORKFORCE PROJECT LABOR AGREEMENTS

Recommendation:

1. Review the process for addressing Future Council Initiated Agenda Items included in Council Policy CP 97-01; and
2. Continue the discussion on five Future Council Initiated Agenda Items discussed at the Goal Setting Workshop to determine if the majority of the City Council wants the following items agendized at a future meeting for discussion:
 1. Holding a summit of law enforcement agencies regarding cut-through traffic;
 2. Exploring if unclaimed funds can go into a community fund rather than the City's General Fund;
 3. Discussion regarding the recruitment of Board of Directors for the City's partner community groups;
 4. Review of landscaping requirements on developments along the freeway and major arteries to include more trees; and
 5. Discussion on Local Workforce Project Labor Agreements.

City Manager Christina Turner provided a report.

Public comment opened at 10:18 pm. The following people were called to speak: Joe Baranowski

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

The council conducted a straw poll vote:

1. Summit of Law Enforcement Agencies: yes; Gino/no Rene, Mark, Marilyn, Yvonne
2. Unclaimed Funds to community fund: yes; Yvonne/ no Rene, Mark, Marilyn, Gino
3. Partner Group Board of Directors: yes; Yvonne, Rene/ no Mark, Marilyn / Abstain Gino

4. Landscaping requirements along highways: yes; Rene, Mark, Yvonne/ no Marilyn / Abstain Gino
5. Workforce labor agreements: no vote. Council Member Martinez Beltran may bring it back.

9. **RECEIVE MONTHLY BUDGET UPDATE; DECEMBER 2022 FINANCIAL AND INVESTMENT REPORTS; AND THE CITY MANAGER AUTHORITY REPORT**

Recommendation:

Accept and file report.

Finance Director Dat Nguyen provided a report and presentation.

Public comment opened at 10:40 pm. There being no requests to speak, public comment closed.

Report accepted.

FUTURE COUNCIL INITIATED AGENDA ITEMS

None.

ADJOURNMENT

There being no further business, Mayor Turner adjourned the meeting at 10:41 pm.

Minutes Prepared by:

Michelle Bigelow, City Clerk