



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, March 15, 2023 7:00 PM

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

CALL TO ORDER

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

ROLL CALL ATTENDANCE

City Clerk Michelle Bigelow called the roll.

PRESENT	Rene Spring, Gino Borgioli, Yvonne Martinez Beltran, Mark Turner
ABSENT	Marilyn Librers

DECLARATION OF POSTING AGENDA

City Clerk Michelle Bigelow declared the posting of the agenda.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PRESENTATIONS

YAC Presentation - Asset #17 - Creative Activities

PROCLAMATIONS

Youth Arts Month
Solidarity with Ukraine
Cesar Chavez Day
Women's History Month

CITY COUNCIL REPORTS

None.

CITY MANAGER'S REPORT

City Manager Christina Turner provided an update on the weather event that took place on Tuesday, March 14, 2023. She shared that the Hale Avenue Extension Project is moving along, and DeWitt Ave is now open. She announced that the Citizens Police Academy is accepting applications. This Saturday the Bay Area Panthers are holding a "Meet the Players" event. She shared that the Mushroom Festival will take place this year as a smaller event at the Community and Cultural Center. City offices will be closed on Friday, March 31 in observance of Cesar Chavez Day. She shared that on April 1, 2023 the American Association of University Women is hosting the Young Womens Youth Leadership Conference at Central High School. She also noted two supplements with changes to items 9 and 12 on our Consent Calendar.

CITY ATTORNEY'S REPORT

None.

OTHER REPORTS

Council Member Yvonne Martinez Beltran thanked the women that lead the City in honor of Womens History Month and those that are celebrating Cesar Chavez Day. She mentioned a League webinar that was done on the RHNA process. She reminded everyone of the legislative priorities that were posted to the League of California Cities website and provided an update on Silicon Valley Clean Energy.

Mayor Turner spoke about the Cities Association meeting he attended. Two bills related to Valley Water were discussed. Specifically, Valley Water is looking to construct homeless housing on properties Valley Water owns. This was discussed by the policy committee, but no recommendation was made. The Council should review this item because Valley Water would like support from the City of Morgan Hill.

PUBLIC COMMENT

Public comment opened at 7:20 pm. There being no 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
NAYS:	None
ABSTAIN:	None
ABSENT:	Council Member Librers

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 7:23 pm. The following people were called to speak:

Joe Baranowski (Miguel Jimenez ceded his time)

Samantha Hauser - Applicant

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

MOTION:

Approving consent calendar items 1 through 4, 6, 9 and 12 through 17.

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
NAYS:	None
ABSTAIN:	None
ABSENT:	Council Member Librers

1. ACCEPT THE 2022 GENERAL PLAN AND HOUSING ELEMENT ANNUAL

PROGRESS REPORT (APR)

Recommendation:

Accept the 2022 General Plan and Housing Element Annual Progress Report (APR) and direct staff to file the report with the Governor's Office of Planning and Research (OPR) and the State Department of Housing and Community Development (HCD).

2. ACCEPT \$595,748 IN GRANT FUNDS FROM SILICON VALLEY CLEAN ENERGY

Recommendation:

Authorize City Manager to execute and administer grant funding agreements with Silicon Valley Clean Energy.

3. ACCEPTANCE OF EAST DUNNE REHABILITATION PROJECT IN THE AMOUNT OF \$2,090,840

Recommendation:

1. Accept as complete the East Dunne Rehabilitation 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.

4. ACCEPT 2022 PAVEMENT REHABILITATION PROJECT IN THE AMOUNT OF \$4,001,888

Recommendation:

1. Accept as complete the 2022 Pavement Rehabilitation 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

5. ACCEPT DONATION FROM COMMUNITY LAW ENFORCEMENT FOUNDATION

Recommendation:

1. Accept the Community Law Enforcement donation of:
 - a. Canine Challenge Coins,
 - b. cash donation in the amount of \$8,727 for equipment, and
 - c. cash donation in the amount of \$29,868 to reimburse the City of Morgan Hill for expenses related to the December 10, 2022, Gun Buyback Event.

2. Adopt a resolution to amend the City's Fiscal Year 2022-23 General Fund budget, accepting a donation of \$38,595 and appropriating \$38,595.

MOTION:

Approving the recommended actions.

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

6. ACCEPT 2022 EMERGENCY MANAGEMENT PERFORMANCE GRANT AND ADOPT RELATED RESOLUTIONS

Recommendation:

Adopt resolution:

1. Authorizing the City Manager to execute and administer the Memorandum of Understanding with the County of Santa Clara for the 2022 Emergency Management Performance Grant; and
2. Amending the City's Fiscal Year 2022-23 adopted budget to recognize revenue and appropriate related expenditures, in the amount of \$15,200 from the General Fund.

7. ADOPT ORDINANCE NO. 2344, NEW SERIES, APPROVING A ZONING MAP AMENDMENT FROM PLANNED DEVELOPMENT/GENERAL COMMERCIAL TO MIXED USE FLEX FOR A MIXED-USE DEVELOPMENT ON A 3.82-ACRE SITE LOCATED ON THE SOUTHWEST QUADRANT OF COCHRANE ROAD AND MONTEREY ROAD (MONTEREY – CITY VENTURES (THE GATES)) (APNS 764-10-013 AND 764-10-015)

Recommendation:

Waive the reading, adopt Ordinance No. 2344, 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.

MOTION:

No action taken.

MOVER:	Council Member Borgioli
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SECONDER:	Mayor Pro Tem Spring
AYES:	Council Member Borgioli, Mayor Turner
NAYS:	Mayor Pro Tem Spring
ABSTAIN:	Council Member Yvonne Martinez Beltran
ABSENT:	Council Member Librers

8. **ADOPT ORDINANCE NO. 2345, NEW SERIES, AMENDING SECTION 2.04.010 OF THE MUNICIPAL CODE, REGARDING THE TIME AND LOCATION OF THE COUNCIL MEETINGS**

Recommendation:

Waive the reading, adopt Ordinance No. 2345, 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.

MOTION:

Adopting the ordinance.

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

9. **ADOPT RESOLUTION OPPOSING BALLOT INITIATIVE #21-0042A1, SPONSORED BY CALIFORNIA BUSINESS ROUNDTABLE, LOBBYING ARM OF THE LARGE CORPORATIONS IN CALIFORNIA**

Recommendation:

1. Adopt resolution to oppose ballot Initiative #21-0042A1; and
2. Authorize staff to send a letter to the League of California Cities formalizing the City's position.

10. **APPROVE PURCHASE OF MAINTENANCE DIVISION DUMP TRUCK**

Recommendation:

1. Approve the purchase of a 2022 Ram 5500 Chassis Cab Dump Truck from the Gilroy Chrysler Dodge Jeep Ram in the amount of \$114,887 to replace vehicle D08127; and

2. Authorize the disposal of the surplus vehicle D08127 in accordance with Section 3.04.400 of the City of Morgan Hill Municipal Code.

MOTION:

Reconsider item 10.

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

MOTION:

Approving the recommended action

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

11. APPROVE UPDATED EMERGENCY OPERATIONS PLAN

Recommendation:

Approve the distribution and use of the updated City of Morgan Hill's Emergency Operations Plan.

MOTION:

Approving the recommended action.

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:	None
ABSENT:	Council Member Librers

12. APPROVE THE FEBRUARY 15, 2023 CITY COUNCIL MEETING MINUTES

Recommendation:

Approve the February 15, 2023 City Council Meeting Minutes

13. APPROVE SEWER AND TRAFFIC IMPACT FEE FINANCING AND SECURITY AGREEMENT WITH JOHN MICHAEL MONACO AND NORA GAYLE MONACO REVOCABLE LIVING TRUST AT 195 MAST ST

Recommendation:

Adopt resolution authorizing the City Manager to execute a Sewer and Traffic Impact Fee Financing and Security Agreement, consistent with the Sewer and Traffic Impact Fee Deferral Program and Government Code section 53083, with John Michael Monaco and Nora Gayle Monaco Revocable Living Trust for the approved Conditional Use (Indoor Recreation/Gym) on a property zoned for light industrial at 195 Mast Street.

14. APPROVE UPDATES TO THE SUSTAINABLE MORGAN HILL DOCUMENT AND COUNCIL POLICY REGARDING RULES FOR CONDUCT OF CITY COUNCIL MEETINGS, PLACEMENT OF ITEMS ON THE AGENDA, AND MATTERS TO BE RECONSIDERED

Recommendation:

1. Adopt updates to the Sustainable Morgan Hill document; and
2. Adopt updates to City Council Policy (CP 97-01) - Rules for the Conduct of City Council Meetings, Placement of Items on the Agenda, and Matters to be Reconsidered.

15. RECEIVE ANNUAL REPORT ON 2022 CITY ENGINEER ACCEPTANCES OF PUBLIC IMPROVEMENTS COMPLETED BY PRIVATE DEVELOPMENT PROJECTS

Recommendation:

Accept and file Annual Report on 2022 City Engineer acceptances of public improvements completed by private development projects.

16. RECEIVE MONTHLY BUDGET UPDATE AND JANUARY 2023 FINANCIAL AND INVESTMENT REPORTS

Recommendation:

Accept and file report.

17. TERMINATE LOCAL EMERGENCY PROCLAMATION

Recommendation:

Proclaim the termination of the local emergency related to the winter storms.

PUBLIC HEARINGS

18. ADOPT UPDATED WATER CAPACITY (IMPACT) FEES

Recommendation:

1. Open/Close Public Hearing; and
2. Adopt resolution approving the 2023 NBS Water Capacity Fee Analysis and updating the Water Capacity (Impact) Fee as proposed in the study.

Finance Director Dat Nguyen and Public Services Director Chris Ghione provided the report and presentation.

The public hearing opened at 7:49 pm. There being no requests to speak, the public hearing closed.

MOTION:

Approving the recommended action.

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
NAYS:	None
ABSTAIN:	None
ABSENT:	Council Member Librers

OTHER BUSINESS

19. APPROVE DESIGN CONSULTANT AGREEMENT WITH VERDE DESIGN FOR BUTTERFIELD PARK

Recommendation:

1. Authorize the City Manager to execute and administer a design consultant agreement for \$296,454 with Verde Design for the design of the Butterfield

- Park Site; and
2. Adopt a resolution to amend the City's Fiscal Year 2022-23 adopted budget to appropriate \$180,000 from the Park Impact Fund.

Public Services Director Chris Ghione provided the report and presentation.

Public comment opened at 8:06 pm. There being no requests to speak, public comment closed.

MOTION:

Approving the recommended actions.

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
NAYS:	None
ABSTAIN:	None
ABSENT:	Council Member Librers

20. APPROVE PARTNER AGREEMENT FOR BUTTERFIELD PARK DEVELOPMENT WITH FOUNDATION FOR A BETTER RIDE IN COLLABORATION WITH USA BMX

Recommendation:

Authorize the City Manager to execute and administer an operator agreement with Foundation for a Better Ride for the construction, operations, and maintenance of a BMX facility at the Butterfield Park site.

Public Services Director Chris Ghione provided the report and presentation.

Public comment opened at 8:23 pm.

Nick Valencia was called to speak.

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 Spring

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

CLOSED SESSION

City Attorney Donald Larkin read the closed session into the record.

REAL PROPERTY NEGOTIATIONS

Pursuant to: Government Code Section 54956.8

Property: APN - 81706002

Negotiating Parties: City Manager and Public Services Director

Under Negotiation: Price and Terms

OPPORTUNITY FOR PUBLIC COMMENT

Public comment opened at 8:27 pm. There being no requests to speak, public comment closed.

ADJOURN TO CLOSED SESSION

The meeting adjourned to closed session at 8:27 pm.

FUTURE COUNCIL INITIATED AGENDA ITEMS

None.

ADJOURNMENT

There being no further business, Mayor Turner adjourned the meeting at 8:45 pm.

Minutes Prepared by:

Michelle Bigelow, City Clerk

ITEM PULLED FOR DISCUSSION

Reconvene

The meeting reconvened at 8:44 pm.

City Attorney Donald Larkin announced that there was no reportable action.