



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, May 3, 2023 6:00 PM

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

CALL TO ORDER

Mayor Turner called the City Council meeting to order at 6:00 pm.

ROLL CALL ATTENDANCE

Deputy City Clerk Kim Mancera called the roll.

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

DECLARATION OF POSTING AGENDA

Deputy City Clerk Kim Mancera declared the posting of the agenda.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

RECOGNITION

Certificate of Recognition awarded to Michael Greymont for his outstanding volunteer

services and his success in bringing prestigious swim meets for both youth and adults to the Morgan Hill Dennis Kennedy Aquatics Center which has enhanced our Community's aquatics legacy

PROCLAMATIONS

The month of May as Affordable Housing Month

The month of May as Water Safety Month

The month of May as National Older Americans Month

The month of May as Wildfire Awareness Month

The week of May 21 - 27, 2023 as Public Works Week

May 15, 2023 as Peace Officers Memorial Day and the week of May 14 - 20, 2023 as National Police Week

PRESENTATIONS

YAC Presentation - Asset #18

YAC Graduation Recognitions

PG&E Presentation

Public comment opened at 7:22 pm.

John McKay was called to speak.

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

CITY COUNCIL REPORTS

Council Member Borgioli shared that he attended the Water Commission quarterly meeting where they provided an update on the drought and discussed water conservation. He also attended the Joint Water Resources Committee meeting in Gilroy where they discussed recycled water. He stated that Morgan Hill is working on accessing the pipeline from Gilroy in order to create a program for recycling water.

CITY MANAGER'S REPORT

City Manager Christina Turner recommended that item 4 be continued to the next regular City Council meeting. She invited the community to attend the Health and Wellness Resource Fair on Saturday, May 6, 2023, from 10:00 am to 1:00 pm, held at the Community and Cultural Center Outdoor Amphitheater. She invited the community to the Morgan Hill Open Streets event on May 13, 2023, on Monterey Road between Main Avenue and 4th Street. She also announced that the annual pride flag-raising ceremony will take place on Thursday, June 1, 2023, at 6:00 pm at the Civic Center Plaza.

CITY ATTORNEY'S REPORT

None.

OTHER REPORTS

None.

PUBLIC COMMENT

Public comment opened at 7:31 pm. There being no requests to speak, public comment closed.

Public Comment Supplement

ADOPTION OF AGENDA

MOTION:

Adopting the agenda as posted.

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, 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

MOTION:

Approving consent items 2, 3, and 5 through 7.

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. **APPROVE CONSULTANT AGREEMENT WITH GRIFFIN STRUCTURES, INC. IN THE AMOUNT OF \$115,000 FOR MASTER PLANNING AND PHASING OF IMPROVEMENTS AT THE CORPORATION YARD**

Recommendation:

Authorize the City Manager to execute and administer a consultant agreement with Griffin Structures, Inc. for Master Planning and Phasing of improvements at the Corporation Yard.

3. **APPROVE SECOND AMENDMENT TO THE AGREEMENT FOR COUNTYWIDE HOUSEHOLD HAZARDOUS WASTE COLLECTION PROGRAM**

Recommendation:

Authorize the City Manager to execute the Second Amendment to the Agreement for the Countywide Household Hazardous Waste Collection Program.

5. **APPROVE THE APRIL 19, 2023 CITY COUNCIL MEETING MINUTES**

Recommendation:

Approve the April 19, 2023 City Council Meeting Minutes

6. **INITIATE ANNUAL ASSESSMENT PROCESS FOR LANDSCAPE ASSESSMENT DISTRICT NUMBER 1**

Recommendation:

Adopt resolutions approving the following actions:

1. Initiate the proceedings for the levy of assessments for Fiscal Year 2023-24;
2. Approve the Engineer's Annual Report and the proposed assessment levy; and
3. Declare the City Council's intention to levy the assessments in the District and to set the Public Hearing date for June 7, 2023.

7. REAPPOINT FOUR (4) COMMISSIONERS TO THE PLANNING COMMISSION

Recommendation:

Reappoint Commissioners Joseph Mueller, Liam Downey, Wanye Tanda, and Paul Lake to the Planning Commission with terms ending June 1, 2027.

ITEM PULLED FOR DISCUSSION

1. ADOPT A RESOLUTION DECLARING THE END OF LEVEL 4 WATER SUPPLY SHORTAGE

Recommendation:

Adopt a resolution declaring the end of the Level 4 Water Supply Shortage.

Public Services Director Chris Ghione and Environmental Program Administrator Tanya Carothers answered questions.

Public comment opened at 7:43 pm. There being no requests to speak, public comment closed.

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, Council Member Librers
NAYS:	None
ABSTAIN:	None
ABSENT:	None

The meeting recessed at 7:44 pm and reconvened at 7:52 pm.

ITEM PULLED FROM THE AGENDA

4. APPROVE UPDATE TO THE CITY'S DONATION POLICY

Recommendation:

Accept changes to the City's Donation Policy

Item continued to the next regular City Council Meeting.

PUBLIC HEARINGS

8. APPROVE SOLID WASTE MANAGEMENT RATE ADJUSTMENT FOR 2023

Recommendation:

Adopt resolution approving an adjustment in the maximum allowable solid waste charges effective July 1, 2023.

Environmental Program Administrator Tanya Carothers provided a report and presentation.

The public hearing opened at 8:10 pm. There being no requests to speak, the public hearing closed.

MOTION:

Approving the recommended action.

RESULT:	Passed
MOVER:	Council Member Librers
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

OTHER BUSINESS

9. ACCEPT THE MORGAN HILL POLICE DEPARTMENT'S ANNUAL MILITARY EQUIPMENT USE REPORT

Recommendation:

Accept the Morgan Hill Police Department's Annual Military Equipment Use Report.

Captain Mario Ramirez and Police Chief Shane Palsgrove provided a report and presentation.

Public comment opened at 8:29 pm. There being no requests to speak, public comment closed.

Report Received.

10. ADOPT ORDINANCE PROHIBITING POSSESSION OF FIREARMS IN SENSITIVE PLACES

Recommendation:

1. Open/Close the Public Hearing; and
2. Waive the First and Second Reading; and
3. Introduce ordinance prohibiting the carrying of firearms in sensitive places

Captain Mario Ramirez and Chief Shane Palsgrove provided a report and presentation.

Public comment opened at 8:42 pm. There being no requests to speak, public comment closed.

MOTION:

Waiving the first and second readings of the ordinance.

RESULT:	Passed
MOVER:	Mayor Pro Tem Spring
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

MOTION:

Introducing the ordinance.

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

ABSENT:	None
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11. RECEIVE MONTHLY BUDGET UPDATE AND CITY MANAGER AUTHORITY REPORT; ADOPT FISCAL YEAR 2022-23 AND 2023-2024 MID-CYCLE BUDGET AMENDMENTS, INCLUDING COMMUNITY FUNDING RECOMMENDATIONS; APPROVE A FIVE-YEAR AGREEMENT WITH CAL FIRE; DELEGATE THE AUTHORITY TO THE CITY MANAGER TO MAKE ALL FUTURE EQUIPMENT REPLACEMENT PURCHASES AS APPROVED IN THE BUDGET; AND APPROVE AN UPDATE TO ELECTRIC VEHICLE CHARGING STATION USER FEES

Recommendation:

1. Accept and file the monthly financial and investment report;
2. Adopt resolution authorizing changes to the adopted Fiscal Year (FY) 2022-23 and 2023-24 budgets;
3. Approve the FY 2023-24 Community Funding recommendations;
4. Authorize the City Manager to enter into a five-year agreement with the California Department of Forestry and Fire Protection (CAL FIRE) to provide fire and emergency medical response services effective July 1, 2023 through June 30, 2028;
5. Delegate the authority to the City Manager to make all future vehicle and equipment purchases as approved in the adopted budget; and
6. Approve an update to the City's electric vehicle (EV) charging station user fees and delegate the authority to the City Manager to update all future EV user fee schedules.

Budget Manager Monica Delgado provided a report and presentation.

Public comment opened at 9:14 pm. The following people were called to speak:

Nick Gaich

Brian Sullivan

Mathew Stein

Delia Gomez (Zoom)

Tracy Wingrove (Zoom)

There being no further 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, Council Member Librers

NAYS:	None
ABSTAIN:	None
ABSENT:	None

12. PROVIDE DIRECTION TO STAFF ON PROPOSED FUTURE COUNCIL INITIATED AGENDA ITEMS

Recommendation:

Determine if the majority of the City Council wants the following items agendized at a future meeting for discussion:

1. Managing and counting 'abstain' votes by City Council Members;
2. Considering a noise ordinance to address rooster noises in urban neighborhoods;
3. Charging credit card fees on all City services; and
4. Considering an ordinance prohibiting smoking in multi-unit properties.

City Manager Christina Turner provided a report.

Public comment opened at 9:50 pm. The following people were called to speak:

Doug Muirhead

Judy Scovel

Bryan Lack

Jodi Johnson

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

The City Council voted 5-0 to direct staff to bring back an item regarding managing and counting 'abstain' votes by City Council Members. Ayes: 5 (Turner, Spring, Librers, Borgioli, Martinez Beltran), Noes: 0.

The City Council voted 3-2 to direct staff to bring back an item considering a noise ordinance to address rooster noises in urban neighborhoods. Ayes: 3 (Turner, Spring, Borgioli), Noes: 2 (Librers, Martinez Beltran)

The City Council voted 4-1 to direct staff to bring back an item regarding charging credit card fees on all City services. Ayes: 4 (Turner, Spring, Librers, Borgioli), Noes: 1 (Martinez Beltran)

The City Council voted 5-0 to direct staff to bring back an ordinance considering prohibiting smoking in multi-unit properties. Ayes: 5 (Turner, Spring, Librers, Borgioli, Martinez Beltran), Noes: 0

FUTURE COUNCIL INITIATED AGENDA ITEMS

Council Member Librers requested a discussion on our policy regarding cut-off time for public comment supplements.

Council Member Martinez Beltran requested a discussion on festival safety and fencing, a discussion on capital improvements and maintenance, and a discussion on community promotion funds.

Council Member Spring requested a discussion on fee structures for room rentals at the Community and Cultural Center and a discussion on term limits for Council Members and Commissioners.

ADJOURNMENT

There being no further business, Mayor Turner adjourned the meeting at 10:09 pm.

Minutes Prepared by:

Kim Mancera, Deputy City Clerk