



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, June 7, 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 a closed session.

SPECIAL MEETING

5:00 pm closed session

CALL TO ORDER

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

CLOSED SESSION

City Attorney Don Larkin announced the closed session item.

Conference with Labor Negotiators

Authority: Pursuant Government Code Section 54957.6

City Negotiators: Christina Turner, City Manager; Donald Larkin, City Attorney; Michael Horta, Human Resources Director; Dat Nguyen, Finance Director; Edith Ramirez, Assistant City Manager, Development Services

Employee Organization: Morgan Hill Police Officers Association; AFSCME Local 101 Morgan Hill; Community Service Officers Association; Employees Covered under Management Resolution #21-050

OPPORTUNITY FOR PUBLIC COMMENT

Public comment opened at 5:01 pm. There being no requests to speak, public comment closed.

SILENT INVOCATION

ADJOURN TO CLOSED SESSION

The meeting adjourned to closed session at 5:01 pm.

REGULAR MEETING

The regular meeting convened at 6:00 pm.

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Proclaiming the month of June as LGBTQ+ Pride Month

RECOGNITIONS

Certificate of Recognition from Senator John Laird's office to the City of Morgan Hill for the City's efforts to support our LGBTQ+ community.

Certificate of Recognition awarded to Les Taylor for her volunteer efforts supporting the City's Youth Action Council.

Certificate of Recognition awarded to the Parent Family for their volunteer efforts maintaining the Magical Bridge of Morgan Hill Playground for all visitors.

CITY COUNCIL REPORTS

Council Member Spring provided an update on the Santa Clara Valley Habitat Agency. He shared that he attended the quarterly South County Regional Wastewater Authority meeting this morning and provided an update. He mentioned that he attended the Memorial Day Service and thanked Eddie Bowers and team for putting the event on. He also attended the Open Space Authority 30-year celebration at the Tilton Ranch. He concluded by speaking about the City's Pridefest event and Pride Flag raising ceremony which he attended and said that it was the best that we have had and there was a great turnout.

CITY MANAGER'S REPORT

City Manager Christina Turner spoke about the LAFCO 60th Anniversary celebration today, which she attended along with Mayor Turner. They recognized outgoing Commissioner Susan Vicklund Wilson for her 28 years of service to LAFCO. She announced that the City has received communication from the CEO of Caltrain announcing expanded Caltrain service (the addition of a fourth train) to south San Jose, Morgan Hill, and Gilroy beginning September 2023. She mentioned that our Spanish Community Police Academy (CPA) is being advertised on our website now. The webpage and online application for our upcoming Fall 2023 CPA session in Spanish are active. The first day of the session is September 11, 2023, and will be held at the Community and Cultural Center. She announced that Depot Street is now open through the Community and Cultural Center and full access to the parking lot is now available. Additionally, the spray pad at the Community and Cultural Center is now open and the Aquatics Center opens this Saturday. Lastly, she announced that our Bay Area Panthers are in 1st place in their division and the next home game is July 10, 2023 at 7:05 pm and it will be Morgan Hill Fan appreciation night at the SAP Center.

CITY ATTORNEY'S REPORT

City Attorney Don Larkin announced that there was no reportable action from the closed session item. He also announced that he attended the Cal Cities City Attorney Conference from May 17-20, 2023 and provided an update.

OTHER REPORTS

Council Member Martinez Beltran mentioned that she attended the Cal-cca conference as a member of the Silicon Valley Clean Energy Board and provided an update. She also shared that she recently spoke with the Latino Coalition leadership group. She attended the City employee Oath of Office, a wildfire drill with Cal Fire and she will be attending a Housing Policy Committee meeting, and the Latino Caucus for the League of Cities in the coming weeks.

Council Member Librers announced that she attended the 1 year anniversary for the Magical Bridge Playground.

Mayor Turner announced that he is part of the Mobility Partnership which focuses on South County roads and transportation. He attended the VTA board meeting last week and provided an update. He is also part of the Santa Clara County Library District and provided information regarding training that the library is providing. He also noted that he is a LAFCO alternate and he attended the meeting today.

PUBLIC COMMENT

Public comment opened at 6:17 pm. The following people were called to speak:

Doug Muirhead
Michael Burchfield
Jorge Sanchez

Brian Sullivan
 Joe Baranowski (zoom)
 Jessica Garcia-Kohl (zoom)
 Jake Thompson (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:	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.

MOTION:

Approving consent calendar items 1 through 5, 7, 8, and 10 through 13.

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

1. **ACCEPT GALVAN PARK RESTROOM REPLACEMENT PROJECT IN THE AMOUNT OF \$143,604**

Recommendation:

1. Accept as complete the Galvan Park Restroom Replacement 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.

2. **ADOPT ORDINANCE NO. 2346, NEW SERIES ENACTING SECTION 9.04.055 (CARRYING OF FIREARMS IN SENSITIVE PLACES) OF CHAPTER 9.04 (WEAPONS) OF TITLE 9 (PUBLIC PEACE, MORALS AND WELFARE) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL REGARDING THE PROHIBITION OF CARRYING FIREARMS IN SENSITIVE PLACES**

Recommendation:

Waive the reading, adopt Ordinance No. 2346, 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 RESOLUTION ESTABLISHING THE GANN (PROPOSITION 4) APPROPRIATIONS LIMIT FOR FISCAL YEAR 2023-24**

Recommendation:

Adopt Resolution establishing the Gann (Proposition 4) appropriations limit for Fiscal Year 2023-24.

4. **APPROVE MICROSOFT ENTERPRISE AGREEMENT**

Recommendation:

1. Approve the purchase of three-year Microsoft Office 365, Windows Server, and SQL Database Licensing from Dell Marketing, LLP in the amount of \$411,126, plus a 10% contingency for any additional growth; and
2. Authorize the City Manager to execute and administer a Microsoft Enterprise Agreement for the licensing of Microsoft products and services with Dell through 2026 with subsequent renewal subject to budget appropriation.

5. **APPROVE PROFESSIONAL SERVICES AGREEMENT WITH KENNEDY/JENKS CONSULTANTS FOR THE EAST DUNNE AVENUE HILLSIDE WATER RESERVOIR PROJECT**

Recommendation:

1. Approve a professional services agreement with Kennedy/Jenks Consultants to complete the design for the East Dunne Avenue Hillside Water Reservoir project not to exceed \$240,187.
2. Authorize the City Manager to execute all documents and make minor modifications as necessary in order to consummate the transaction.

6. APPROVE REVISIONS TO CITY COUNCIL POLICY CP-94-04, THE CITY'S INVESTMENT POLICY

Recommendation:

Approve revisions to City Council Policy CP-94-04, the City's Investment Policy.

Finance Director Dat Nguyen provided a report.

Public comment opened at 6:36 pm. There being no 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, Council Member Librers
NAYS:	None
ABSTAIN:	None
ABSENT:	None

7. APPROVE THE MAY 3, 2023 CITY COUNCIL MEETING MINUTES

Recommendation:

Approve the May 3, 2023 City Council Meeting Minutes.

8. AWARD 2023 PAVEMENT REHABILITATION PROJECT TO MCKIM CORPORATION IN THE AMOUNT OF \$3,948,023

Recommendation:

1. Approve 2023 Pavement Rehabilitation Project plans and specifications;
2. Award contract to McKim Corporation for the 2023 Pavement Rehabilitation Project in the amount of \$3,948,023;

3. Authorize expenditure of construction contingency not to exceed \$394,802; and
4. Authorize the City Manager to execute and administer the construction contract with McKim Corporation.

9. AWARD BUTTERFIELD FIRE STATION PROJECT TO LARRY S. KENT, INC. DBA KENT CONSTRUCTION IN THE AMOUNT OF \$7,956,553

Recommendation:

1. Adopt resolution amending the Fiscal Year 2022-23 Budget and appropriating an additional \$2,250,000 to fund the Butterfield Fire Station Project;
2. Authorizing an interfund loan to Public Safety Facilities Impact Fund (315) of \$7,750,000 from Local Drainage Impact Fund (303) (\$5,750,000), Park Maintenance Fund (302) (\$1,000,000), and Public Facilities Fund (347) (\$1,000,000);
3. Approve the Butterfield Fire Station Plans and Specifications;
4. Award contract to Larry S. Kent, Inc. DBA Kent Construction in the amount of \$7,956,553;
5. Authorize expenditures of construction contingency funds not to exceed \$795,655; and
6. Authorize the City Manager to execute and administer the construction contract with Larry S. Kent, Inc. DBA Kent Construction.

Senior Project Manager Yat Cho provided a report.

Public comment opened at 6:48 pm. There being no 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, Council Member Librers
NAYS:	None
ABSTAIN:	None
ABSENT:	None

10. AWARD FISHER BASIN EXPANSION PROJECT TO GALEB PAVING, INC. IN

THE AMOUNT OF \$2,568,800

Recommendation:

1. Approve Fisher Basin Expansion Project plans and specifications;
2. Award contract to Galeb Paving Inc. for the Fisher Basin Expansion Project in the amount of \$2,568,800;
3. Authorize expenditure of construction contingency funds not to exceed \$385,320; and
4. Authorize the City Manager to execute and administer the construction contract with Galeb Paving Inc.

11. AWARD JACKSON OAKS WATER MAIN PROJECT TO SUBTERRA CONSTRUCTION, INC. IN THE AMOUNT OF \$642,100

Recommendation:

1. Approve the Jackson Oaks Water Main Project Plans and Specifications;
2. Award contract to SubTerra Construction, Inc. for the Jackson Oaks Water Main Project in the amount of \$642,100;
3. Authorize the expenditure of construction contingency funds not to exceed \$96,315; and
4. Authorize the City Manager to execute and administer the construction contract with SubTerra Construction, Inc.

12. RATIFY CITY POSITIONS ON PENDING LEGISLATION

Recommendation:

1. Ratify the City's position on pending legislation, Assembly Bill 33 (Bains) Fentanyl Addiction and Overdose Prevention Task Force;
2. Ratify the City's position on pending legislation, Assembly Bill 367 (Maienschein) Controlled substances: enhancements;
3. Ratify the City's position on pending legislation, Assembly Bill 474 (Rodriguez) State Threat Assessment Center: transnational criminal organizations;
4. Ratify the City's position on pending legislation, Assembly Bill 955 (Petrie-Norris) Controlled substances; and
5. Ratify the City's position on pending legislation, Assembly Bill 742 (Jackson) Law enforcement: police canines.

13. RECEIVE MONTHLY BUDGET UPDATE AND APRIL 2023 FINANCIAL AND INVESTMENT REPORTS

Recommendation:

Accept and file report.

PUBLIC HEARINGS

14. ADOPT RESOLUTION ORDERING ANNUAL ASSESSMENTS AND RELATED ACTIONS FOR CITY OF MORGAN HILL LANDSCAPE ASSESSMENT DISTRICT NUMBER 1

Recommendation:

1. Open and close the Public Hearing; and
2. Adopt resolution confirming Fiscal Year (FY) 2023-24 annual assessments and ordering the levy of assessments for the District.

Maintenance Manager Keri Russell provided a report.

The public hearing opened at 6:49 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, Council Member Librers
NAYS:	None
ABSTAIN:	None
ABSENT:	None

OTHER BUSINESS

15. APPROVE VILLA MIRA MONTE CONCEPTUAL SITE MASTER PLAN

Recommendation:

Approve the Villa Mira Monte Conceptual Site Master Plan Design.

Public Services Director Chris Ghione provided a report.

Abe Jayson and Jody Janecki with Jayson Architecture provided a report and presentation.

Public comment opened at 7:48 pm. The following people were called to speak:
Nick Gaich

Roger Knopf
Kathy Sullivan
Brian Sullivan
Peter Anderson

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

MOTION:

Approving the recommended action.

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

16. APPROVE AGREEMENT WITH HEXAGON TRANSPORTATION CONSULTANTS, INC. FOR DEVELOPMENT OF A TRANSPORTATION MASTER PLAN

Recommendation:

1. Authorize the City Manager to execute and administer an agreement with Hexagon Transportation Consultants, Inc. for the development of a Transportation Master Plan at a total cost of \$893,960; and
2. Adopt a resolution to amend the FY 2022-23 Budget to appropriate \$393,960 from Traffic Impact Fund (309), with the Long Range Planning Fund (207) contributing \$100,000 of that appropriation.

Public Services Director Chris Ghione provided a report.

Public comment opened at 8:48 pm. The following people were called to speak:

Doug Muirhead

Joe Baranowski (zoom)

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

MOTION:

Approving the recommended action.

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

17. APPROVE UPDATE TO THE CITY'S DONATION POLICY

Recommendation:

Accept changes to the City's Donation Policy

Finance Director Dat Nguyen provided a report.

Public comment opened at 9:25 pm. There being no requests to speak, public comment closed.

MOTION:

Modifying the current policy by limiting the donation to \$5,000 annually, adding the statement "City employees shall be responsible for consulting with the City Attorney's Office prior to acceptance of donations" and rewording section 3.5.

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

18. PROVIDE DIRECTION TO STAFF ON PROPOSED FUTURE COUNCIL INITIATED AGENDA ITEM

Recommendation:

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

Considering implementing term limits for City Council and/or Commission members.

City Manager Christina Turner provided a report. Council Member Spring

answered questions.

Public comment opened at 9:45 pm. The following people were called to speak:
Joe Baranowski (zoom)
Miguel Jimenez (zoom)
There being no further requests to speak, public comment closed.

MOTION:

Directing staff to research and bring forth options for term limits for the City's elected positions.

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

FUTURE COUNCIL INITIATED AGENDA ITEMS

Mayor Turner would like to discuss an entertainment permit for adult cabaret shows and having them screened from public view. He would like to discuss fundraising or panhandling around our medians, mainly Monterey and Dunne. He would also like to discuss PG&E's response and the lack of service, and in addition, overturn the ban on natural gas in new construction.

Council Member Martinez Beltran would like to discuss longer time for agendas. She would also like to discuss local work hire.

ADJOURNMENT

There being no further business, Mayor Turner adjourned the meeting at 9:51 pm.

Minutes Prepared by:

Kim Mancera, Deputy City Clerk

ITEMS PULLED FOR DISCUSSION