



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 21, 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

City Clerk Michelle Bigelow called the roll.

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

DECLARATION OF POSTING AGENDA

City Clerk Michelle Bigelow declared the posting of the agenda.

CLOSED SESSION

City Attorney Don Larkin announced the closed session items.

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

Conference with Legal Counsel – Anticipated Litigation

Significant exposure to litigation pursuant to § 54956.9(b): (One case)

OPPORTUNITY FOR PUBLIC COMMENT

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

ADJOURN TO CLOSED SESSION

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

REGULAR MEETING

The regular meeting convened at 6:00 pm.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Proclaiming June 19, 2023 as Juneteenth

Proclaiming the month of July as Parks and Recreation Month

PRESENTATIONS

Morgan Hill Library Presentation

CITY COUNCIL REPORTS

Council Member Librers announced that she attended the Santa Clara Valley Habitat Agency Board meeting for the first time. She also attended the Santa Clara County Cities Association Annual Dinner.

CITY MANAGER'S REPORT

City Manager Christina Turner announced that today, June 21, 2023, is the first day of summer. She mentioned that the City will be hosting summer activities highlighting the value of parks and recreation in July. She announced that the southern portion of the Hale Avenue Extension Project will be opening on July 5, 2023. She stated that the northern portion of the project between Dunne Avenue and Main Avenue will remain closed until Valley Water's Upper Llagas Creek Flood Protection project is completed, which is estimated to be January 2024. She also announced that the Spanish Community Police Academy (CPA) is being advertised on the City's website. The first day of the session is September 11, 2023. She announced that on Thursday morning, June 22, 2023, the Morgan Hill Police Department will be participating in the Law Enforcement Torch Run, escorting the Special Olympics Torch, the "Flame of Hope," as it passes through Morgan Hill on its way to opening ceremonies at Santa Clara University. Lastly, she announced that the community is invited to join the Mayor for coffee this Saturday, June 22, 2023, at the Centennial Recreation Center from 9:00 am to 10:00 am.

CITY ATTORNEY'S REPORT

City Attorney Don Larkin announced that there was no reportable action from the first closed session item and that the second closed session item would be continued until after the meeting.

OTHER REPORTS

Mayor Turner announced that he attended the Santa Clara County Cities Association Annual Dinner. He also attended the VTA meeting as an alternate on behalf of Gilroy's mayor. He also attended the City School Liaison Committee meeting where an update was provided regarding the Restorative Justice Diversion Program to train mentors and provide scholarships.

PUBLIC COMMENT

Public comment opened at 6:22 pm. The following people were called to speak:

Michael Burchfield

Sharon Luna (Zoom)

There being no requests to speak, public comment closed.

Public Comment

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.

MOTION:

Approving consent calendar items 3 through 8, 10 through 12, and 14.

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

- ADOPT A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO EXECUTE AN IMPACT FEE FREEZE AGREEMENT, AND A SEWER/TRAFFIC IMPACT FEE FINANCING AGREEMENT WITH CUTINA MORGAN HILL LLC FOR A HOTEL DEVELOPMENT ON A 2.21 ACRE PARCEL IDENTIFIED BY ASSESSOR PARCEL NUMBER (APN) 726-58-006**

Recommendation:

Adopt a resolution to authorize the City Manager to execute an Impact Fee Freeze Agreement and a Sewer/Traffic Impact Fee Financing Agreement with Cutina Morgan Hill LLC for a 114-room hotel development on a 2.21 acre parcel identified by assessor parcel number (APN) 726-58-006.

Economic Development Director Matt Mahood provided a report. The applicant, Cosmo Fagundo, answered questions.

Public comment opened at 6:43 pm. There being no request 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

2. **APPROVE AN IMPACT FEE FREEZE AGREEMENT WITH MERSHO INVESTMENTS, LLC AND CLAYTON PLAZA, LLC FOR INDUSTRIAL DEVELOPMENTS ON 6 PARCELS TOTALING 20.14 ACRES IDENTIFIED BY ASSESSOR PARCEL NUMBERS 726-31-038, APN 726-31-025, APN 726-33-026, APN 726-33-025, APN 726-25-026 , AND APN 726-32-025**

Recommendation:

1. Approve an Impact Fee Freeze Agreement with Mersho Investments, LLC and Clayton Plaza, LLC for the development of six (6) separate industrial/commercial facilities located throughout Morgan Hill Ranch and Madrone Business Park; and
2. Authorize the City Manager to execute the Impact Fee Freeze Agreement.

Economic Development Director Matt Mahood provided a report to Council and a representative for Mersho Investments, Christopher Conway, answered questions.

Public comment opened at 7:12 pm.

Joe Baranowski was called to speak.

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

MOTION:

Approving the recommended action with corrected acreage of 22.54 acres.

RESULT:	Passed
MOVER:	Mayor Pro Tem Spring
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

3. **ADOPT A RESOLUTION OF LOCAL SUPPORT AND AUTHORIZE THE FILING OF AN OBAG 3 FUNDING APPLICATION FOR THE MONTEREY ROAD TRAFFIC, BICYCLE, AND PEDESTRIAN IMPROVEMENTS PROJECT**

Recommendation:

Adopt a Resolution of Local Support and authorize the filing of an application for funding assigned to the Metropolitan Transportation Commission (MTC) and committing any necessary matching funds and stating assurance to complete the project.

4. **ADOPT A RESOLUTION APPROVING FISCAL YEAR (FY) 2023-24 LIST OF STREET REHABILITATION PROJECTS FUNDED BY SENATE BILL (SB) 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT**

Recommendation:

Adopt a resolution approving a list of street rehabilitation projects for Fiscal Year 2023-24 funded by SB 1, The Road Repair and Accountability Act of 2017.

5. **APPROVE CONSULTANT AGREEMENTS WITH ENGEO, INC. IN THE AMOUNT OF \$400,000 AND TWINING, INC. IN THE AMOUNT OF \$200,000, FOR GENERAL COMPACTION TESTING AND SPECIAL INSPECTION**

Recommendation:

Approve and authorize the City Manager to execute and administer agreements with contingencies to provide general compaction testing and special inspection for various Capital Improvement Program Projects: Enggeo, Inc. in the amount of \$400,000 and Twining, Inc. in the amount of \$200,000.

6. **APPROVE A THREE-YEAR MAINTENANCE SERVICE AGREEMENT WITH**

PETERSON POWER SYSTEMS FOR GENERATOR MAINTENANCE AND REPAIR SERVICES

Recommendation:

Approve and authorize the City Manager to execute and administer a three year agreement with Peterson Power Systems in the not-to-exceed amount of \$295,195 for annual and preventive maintenance, repair, emergency repair, and rentals for the City's 28 standby generators.

7. APPROVE FINAL MAP FOR SAN SEBASTIAN PHASE 4A - TRACT NO. 10600 AND RELATED SUBDIVISION IMPROVEMENTS AGREEMENT

Recommendation:

1. Approve Final Map;
2. Authorize City Manager to execute the Subdivision Improvements Agreement with Toll CA XX, LP; and
3. Authorize the recordation of the Final Map and Subdivision Improvements Agreement.

8. APPROVE FREEWIRE TECHNOLOGIES, INC., AGREEMENT FOR INSTALLATION AND OPERATION OF ELECTRIC VEHICLE CHARGING INFRASTRUCTURE

Recommendation:

Authorize the City Manager to enter into an Own and Operate License Agreement with FreeWire Technologies, Inc.

9. APPROVE LIBRARY, CULTURE AND ARTS COMMISSION WORK PLAN

Recommendation:

Approve the proposed Library, Culture and Arts Commission FY 2023-24 Work Plan.

Public Services Director Chris Ghione and LCAC Chair Mandy Santiago provided a report and answered questions.

Public comment opened at 7:36 pm. The following people were called to speak:

Suman Ganapathy

Kathy Chavez Napoli

Dave

Jennifer Blalack (Zoom)

Robyn Carrillo (Zoom)

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

SUBSTITUTE MOTION:

Approving the recommended action.

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

MOTION:

Approving the LCAC work plan with the removal of the land acknowledgment statement.

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

The meeting recessed at 7:56 p.m. and reconvened at 8:04 p.m.

10. APPROVE THE JUNE 7, 2023 CITY COUNCIL MEETING MINUTES

Recommendation:

Approve the June 7, 2023 City Council Meeting Minutes.

11. APPROVE THE PURCHASE OF AN OFF-ROAD ALL-TERRAIN VEHICLE AND EQUIPMENT IN THE AMOUNT OF \$175,763 FROM ALLTRACK INC.

Recommendation:

Approve and authorize the City Manager to execute a purchase order to Alltrack Inc. in the amount of \$175,763 for the purchase of an off-road all-terrain vehicle and equipment, to provide access to utility infrastructure.

12. AUTHORIZE WRITE-OFF OF CERTAIN UNCOLLECTIBLE RECEIVABLES IN ACCORDANCE WITH THE CITY'S WRITE-OFF POLICY

Recommendation:

Authorize write-off of certain uncollective receivables in the amount of \$161,494 in accordance with the City's write-off policy.

13. RATIFY CITY POSITIONS ON PENDING LEGISLATION

Recommendation:

Ratify the City's position opposing pending legislation, Senate Bill 623 (Laird)
Workers' compensation: post-traumatic stress disorder.

City Manager Christina Turner provided a report.

Public comment opened at 8:14 pm. There being no requests to speak, public comment closed.

SUBSTITUTE MOTION:

Rescind the City's position for pending legislation for Senate Bill 623 (Laird).

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

MOTION:

Approving the City's position opposing Senate Bill 623 (Laird).

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

14. RECEIVE MONTHLY BUDGET UPDATE AND MAY 2023 FINANCIAL AND INVESTMENT REPORTS

Recommendation:

Accept and file report.

PUBLIC HEARINGS

15. **CERTIFY THE ENVIRONMENTAL IMPACT REPORT, ADOPT FINDINGS OF SIGNIFICANCE AND STATEMENT OF OVERRIDING CONSIDERATIONS, APPROVE VESTING TENTATIVE MAP, AND APPROVE DESIGN PERMIT FOR A RESIDENTIAL DEVELOPMENT, COMPRISED OF 269 UNITS. THE PROPERTIES, IDENTIFIED BY ASSESSOR PARCEL NUMBERS 728-30-001, 728-30-002, 728-30-003, AND 728-30-004 ARE LOCATED AT THE SOUTHWEST INTERSECTION OF HALF ROAD AND MISSION VIEW DRIVE (THE CROSSWINDS AT MORGAN HILL, LLC, OWNER)**

Recommendation:

1. Open/close public hearing;
2. Adopt a Resolution to certify the Environmental Impact Report (EIR), approve the Mitigation Monitoring and Reporting Program prepared for the project, and adopt Findings of Significance and Statement of Overriding Considerations; and
3. Adopt a Resolution approving the Vesting Tentative Map and Design Permit.

Principal Planner Adam Paszkowski and Community Development Director Jennifer Carman provided a presentation and report. Public Services Director Chris Ghione answered questions.

Mayor Turner and Council Members Borgioli, Librers, and Martinez Beltran announced their ex-parte contacts.

The public hearing opened at 9:10 pm. The following people were called to speak Dick Oliver (Zoom) and Joshua Vrotsos (Applicant)

Joe Baranowski

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

MOTION:

Extending the meeting to 10:30 p.m.

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

MOTION:

Approving the recommended actions.

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

16. INTRODUCE ORDINANCE AMENDING SECTION 18.24.020 (LAND USE REGULATIONS) OF 18.24 (COMMERCIAL ZONING DISTRICTS) OF TITLE 18 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL IMPLEMENTING MINOR AMENDMENTS TO THE ADMINISTRATIVE OFFICE (CO) ZONING DISTRICT TO ALLOW VEHICLE-RELATED USES AND OTHER COMPATIBLE USES ON MINIMUM ONE-ACRE LOTS

Recommendation:

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

Economic Development Director Matt Mahood and Principal Planner Adam Paszowski provided a presentation and report.

The public hearing opened at 10:18 pm. The following people were called to speak:

David Wendt

Nick Gaich

Ryan Warren

Joe Baranowski

Miguel Jimenez

Asit Panwala (Zoom)

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

MOTION:

Extending the meeting to 11:30 pm.

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

SUBSTITUTE MOTION:

Waiving the first and second readings of the Ordinance Amendment and directing staff to develop design guidelines for auto-related uses.

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

MOTION:

Introducing the Ordinance.

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

FUTURE COUNCIL INITIATED AGENDA ITEMS

Council Member Martinez Beltran requested the Morgan Hill Agricultural Policy be brought as a future item to discuss conserving agricultural land in Morgan Hill.

ADJOURNMENT

The meeting adjourned to closed session at 11:01 pm. Mayor Turner adjourned the meeting at 11:20 pm.

ITEMS PULLED FOR DISCUSSION