



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, August 23, 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.

ADJOURN TO CLOSED SESSION

The meeting adjourned to closed session at 5:02 p.m.

REGULAR MEETING

The regular meeting convened at 6:00 pm.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

RECOGNITIONS

The City of Morgan Hill recognized the Independence Day Celebrations Team for their outstanding success with the 2023 Freedom Fest.

PROCLAMATIONS

Proclaiming the Celebration of Women's Right to Vote and Women's Equality Day

CITY COUNCIL REPORTS

Council Member Martinez Beltran attended the inauguration of the new Speaker of the State Assembly, Robert Rivas, in Sacramento. She also attended a League conference in Pomona for their different policy committees. She attended the Latino Caucus mid-year retreat in Monterey. She also connected with our new Assembly Member Gail Pellerin. She announced that in celebration of Women's Equality Day, the 5th annual South County Women's Equality Series, will take place next week. They will be walking Downtown on August 26th and invited the community to join them under the big oak tree by Coffee Guy's at 1:30 pm. She also announced that on August 29th at 6:00 pm at the Community and Cultural Center they will have a panel on mental health and the impact that it has on families and youth.

CITY MANAGER'S REPORT

City Manager Christina Turner announced that our 4th Saturday Downtown Street Series will start this Saturday, August 26th. The first series is called Doggy Days of Summer from 10 am - 4 pm. She invited the community to bring their dogs and enjoy dog agility courses, a splash zone and pet contest. There will be 40 dog themed vendors to shop while enjoying live music from a few bands. There will also be a kids zone with games and a free movie night on 3rd Street featuring "Pet's 2" from 8 - 10 pm.

CITY ATTORNEY'S REPORT

City Attorney Don Larkin announced that they met in closed session at the end of the June 21, 2023 City Council meeting, as well as tonight, and there was no reportable action from either of the closed session items.

OTHER REPORTS

Council Member Borgioli addressed a comment on Next Door that was not accurate and had misinformation. He noted that these types of comments are extremely harmful to our community.

Mayor Turner announced that the fourth Caltrain to South County will begin on September 25th. Caltrain has also received funding for a demonstration pilot program to run a battery-equipped engine. He announced that LAFCO agreed to allow Gilroy to annex a portion of land that they had requested. He announced that he and Council Member Librers had attended a symposium on affordable housing in San Jose. He also announced that the Bay Area Panthers won the Indoor Football League championship. They have put out an RFP and are looking at other options, including Sacramento, Stockton and Oakland. He is also in contact with the San Jose Mayor Matt Mahan and the President of the Sharks, Jonathan Becher, in order to try to keep them in Morgan Hill and playing at the SAP Center.

PUBLIC COMMENT

Public comment opened at 6:13 pm. The following people were called to speak:

Kathy Chavez Napoli

Chris Tremaine

Judy McAndress

Susan (Davis) Rick

Robert Zepeda

Jennifer Blalack (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 Martinez Beltran, Council Member Borgioli, 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:

Table item 5 until after item 15.

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, Council Member Librers
ABSTAIN:	None
ABSENT:	None

MOTION:

Approving consent calendar items 1 through 4, 6, 7, and 9 through 12.

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

ABSTAIN:	None
ABSENT:	None

1. ACCEPT 2020 INFLOW AND INFILTRATION SEWER REPAIR PROJECT IN THE AMOUNT OF \$2,420,982

Recommendation:

1. Accept as complete the 2020 Inflow and Infiltration Sewer Repair 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. ACCEPT ANNUAL EVALUATION REPORT FOR THE SANTA CLARA COUNTY MULTI-JURISDICTIONAL PROGRAM FOR PUBLIC INFORMATION (PPI) FOR FY 2022-23 (YEAR 2) RELATING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S NATIONAL FLOOD INSURANCE PROGRAM'S COMMUNITY RATING SYSTEM PROGRAM

Recommendation:

Accept the Annual Evaluation Report for FY 2022-23 (Year 2) for the 2021 Santa Clara County Multi-Jurisdictional Program for Public Information (PPI).

3. ACCEPT PHASE 1 OF HALE AVENUE EXTENSION PROJECT IN THE AMOUNT OF \$15,446,002

Recommendation:

1. Accept as complete the Phase 1 Hale Avenue Extension 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. ADOPT A RESOLUTION AMENDING THE CITY'S COUNTYWIDE SOLID WASTE BUDGET AND APPROVE THE FIRST AMENDMENT TO THE JOINT VENTURE SILICON VALLEY CONSULTANT AGREEMENT FOR THE FY 2023-24 COUNTYWIDE SOLID WASTE PROGRAM

Recommendation:

1. Adopt a Resolution appropriating an additional \$203,182 to the City's Countywide Solid Waste Program (Fund 246);
2. Approve the first amendment to the consultant agreement with Joint Venture Silicon Valley to add Food Recovery Program Infrastructure Enhancements for \$203,182 and the Surplus to Go Program for \$100,000 for a revised total contract amount of \$591,627; and

3. Authorize the City Manager to execute and administer the first amendment to the consultant agreement with Joint Venture Silicon Valley.

5. **ADOPT ORDINANCE 2347, NEW SERIES, 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:

Waive the reading, adopt Ordinance No. 2347, 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.

Deputy City Clerk Kim Mancera provided a report.

Public comment opened at 6:49 pm. The following people were called to speak:

Miguel Jimenez

Joe Baranowski

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

SUBSTITUTE MOTION:

Approving the recommended action.

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

MOTION:

Denying the recommended actions and directing staff to return with a proposal for an Ordinance that would limit the amount of land within the two zones that can be dedicated towards car dealerships.

RESULT:	Passed
MOVER:	Council Member Martinez Beltran

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

6. APPROVE ACQUISITION OF SEWER EASEMENT (TSAI) APN 841-09-061 FOR THE SEWER RELIEF TRUNK LINE PROJECT

Recommendation:

1. Adopt resolution approving the purchase of a sewer easement (4,046 square feet), APN 841-09-061 for \$50,000 plus escrow and closing costs from Undine Tsai, Trustee, for the Sewer Relief Trunk Line Project; and
2. Authorize the City Manager to execute all documents and make minor modifications as necessary in order to consummate the transaction.

7. APPROVE CONTRACTS WITH ANDERSON PACIFIC ENGINEERING CONSTRUCTION AND GOLDEN BAY CONSTRUCTION FOR ON-CALL UNDERGROUND CONSTRUCTION

Recommendation:

Authorize the City Manager to execute and administer on-call water and sewer repair contracts with Anderson Pacific Engineering Construction with compensation up to \$400,000, and Golden Bay Construction with compensation up to \$400,000.

8. APPROVE FINAL MAP FOR MANZANITA PARK - TRACT NO. 10585 AND RELATED SUBDIVISION IMPROVEMENTS AGREEMENT AND ENCROACHMENT AGREEMENT

Recommendation:

1. Approve the Final Map;
2. Approve a Subdivision Improvements Agreement with TOLL WEST COAST LLC, a Delaware Limited Liability Company;
3. Approve an Encroachment Agreement with TOLL WEST COAST LLC;
4. Authorize the City Manager to execute the Subdivision Improvements Agreement and Encroachment Agreement; and
5. Authorize the recordation of the Final Map, Subdivision Improvements Agreement, and Encroachment Agreement.

Senior Engineer Maria Angeles provided a report.

Public comment opened at 7:29 pm. The following person was called to speak:
Steve Savage
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 Martinez Beltran, Council Member Borgioli, Mayor Turner, Council Member Librers
NAYS:	None
ABSTAIN:	None
ABSENT:	None

The meeting recessed at 7:31 pm and reconvened at 7:38 pm.

9. **APPROVE FINAL MAP FOR SAN SEBASTIAN PHASE 4B - TRACT NO. 10604**

Recommendation:

1. Approve the Final Map; and
2. Authorize recordation of the Final Map.

10. **APPROVE PARKS AND RECREATION COMMISSION WORK PLAN**

Recommendation:

Approve the proposed Parks and Recreation Commission FY 2023-24 Work Plan.

11. **APPROVE THE JUNE 21, 2023 CITY COUNCIL MEETING MINUTES**

Recommendation:

Approve the June 21, 2023 City Council Meeting Minutes.

12. **APPROVE UTILITY BOX ART FOR DEPOT STREET AND EAST DUNNE AVENUE**

Recommendation:

Approve Utility Box Art for Utility Box Located at Depot Street and East Dunne Avenue.

PUBLIC HEARINGS

13. INTRODUCE ORDINANCE ESTABLISHING CHAPTER 18.29 (MONTEREY CORRIDOR FORM-BASED CODE) OF TITLE 18 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL AND ESTABLISHING THE MONTEREY CORRIDOR FORM-BASED CODE REGULATING PLAN IMPLEMENTING A FORM-BASED CODE ALONG THE MONTEREY ROAD CORRIDOR CREATING A VIBRANT MIXED-USE CORRIDOR THAT ENCOURAGES WALKING AND BIKING AS ENVISIONED WITHIN THE CITY OF MORGAN HILL 2035 GENERAL PLAN

Recommendation:

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

Principal Planner Adam Paszkowski and Roger Eastman with Lisa Wise Consulting provided a report and presentation.

Public comment opened at 8:21 pm. The following people were called to speak:

Doug Muirhead

Nick Gaich

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

MOTION:

Waiving the first and second reading.

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

MOTION:

Introducing the ordinance.

RESULT:	Passed
MOVER:	Council Member Martinez Beltran
SECONDER:	Mayor Pro Tem Spring

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

14. ADOPT A RESOLUTION ESTABLISHING CREDIT CARD PAYMENT SERVICE FEES FOR UTILITIES, BUSINESS LICENSES, RECREATION SERVICES, AND ALL OTHER PAYMENTS MADE BY CREDIT CARD

Recommendation:

1. Open/Close public hearing;
2. Adopt a resolution establishing credit card service fees for utilities, business licenses, recreation services, and all other payments made by credit card;
3. Approve an additional 0.50 FTE Accounting Assistant II if the credit card service fee for utilities is established; and
4. Authorize the City Manager to review and adjust the credit service fees annually to offset any potential future increases in bank fees.

Finance Director Dat Nguyen provided a report and presentation.

Public comment opened at 8:52 pm. There being no requests to speak, public comment closed.

MOTION:

Denying all of the recommended actions.

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

OTHER BUSINESS

15. APPROVE DESIGN GUIDELINES FOR VEHICLE DEALERSHIPS

Recommendation:

Approve Design Guidelines for Vehicle Dealerships

Public comment opened at 8:58 pm. The following people were called to speak:
Doug Muirhead
Nick Gaich
There being no further requests to speak, public comment closed.

AMENDED MOTION:

Continue item to a date within this calendar year.

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

16. RECEIVE MONTHLY BUDGET UPDATE; PRELIMINARY FY 22-23 FINANCIAL AND INVESTMENT REPORTS; AND CITY MANAGER AUTHORITY REPORT.

Recommendation:

Accept and file Preliminary Fiscal Year (FY) 2022-2023 Financial and Investment Report and City Manager Authority Report.

Finance Director Dat Nguyen provided a report and presentation.

Public comment opened at 9:12 pm. There being no requests to speak, public comment closed.

Report received.

17. APPOINT VOTING DELEGATES FOR THE 2023 CALCITIES (LEAGUE) ANNUAL CONFERENCE

Recommendation:

1. Appoint a voting delegate and up to two (2) alternate voting delegates to the CalCities Annual Conference; and
2. Direct the Clerk team to complete and forward the voting delegate form to CalCities.

City Manager Christina Turner provided a report.

MOTION:

Appointing Mayor Turner as the voting delegate and Council Members Librers and Martinez Beltran as alternates.

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

18. **APPROVE AMENDMENTS TO POLICIES NO. 97-01 and 18-04, REMOVING REFERENCES TO THE STANDARD CODE OF PARLIAMENTARY PROCEDURE AND ADOPTING ROSENBERG'S RULES OF ORDER**

Recommendation:

Approve amendments to City policies removing references to the Standard Code of Parliamentary Procedure and adopting Rosenberg's Rules of Order for the conduct of City Council and Planning Commission meetings.

City Attorney Don Larkin provided a report.

Public comment opened at 9:29 pm. The following person was called to speak:

Doug Muirhead

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

MOTION:

Approving the recommended action.

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

FUTURE COUNCIL INITIATED AGENDA ITEMS

None.

CLOSED SESSION

City Attorney Don Larkin announced the closed session item.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to § 54956.9(b): (One Case)
Claim of Sarita Alanis

OPPORTUNITY FOR PUBLIC COMMENT

Public comment opened at 9:33 pm. There being no requests to speak, public comment closed.

The meeting adjourned to closed session at 9:33 pm.

ADJOURNMENT

There being no further business, Mayor Turner adjourned the meeting at 10:00 pm.

Minutes Prepared by:

Kim Mancera, Deputy City Clerk

ITEMS PULLED FOR DISCUSSION