



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, September 6, 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

The special meeting was called to order at 5:01 pm.

ROLL CALL ATTENDANCE

City Clerk Michelle Bigelow called the roll.

City Clerk Michelle Bigelow called the roll.

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

Council Member Yvonne Martinez Beltan arrived at 6:29 pm and participated via posted teleconference on Zoom.

DECLARATION OF POSTING AGENDA

City Clerk Michelle Bigelow declared the posting of the agenda.

CLOSED SESSION

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)

Claim of DeNova Homes re" Builder's Remedy

OPPORTUNITY FOR PUBLIC COMMENT

Public comment opened at 5:02 pm. There being no requests to speak, public comment closed.

ADJOURN TO CLOSED SESSION

The meeting adjourned to closed session at 5:02 pm.

REGULAR MEETING

6:00 pm

The regular meeting convened at 6:04 pm.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

RECOGNITIONS

The City of Morgan Hill recognized Ryder Kirk and Rohan Wilmot for earning the honored Eagle Scout Award.

The City of Morgan Hill recognized the Friends of Morgan Hill Senior Center for their outstanding dedication to the Morgan Hill Senior Center.

PROCLAMATIONS

Proclaiming the month of September as National Emergency Preparedness Month
Proclaiming the month of September as National Hispanic and Latinex Heritage Month
Proclaiming the month of September as Suicide Prevention Awareness Month
Proclaiming the month of September as Childhood Cancer Awareness Month

CITY COUNCIL REPORTS

Mayor Turner announced that Caltrain has approved a 4th train that will begin September 25, 2023, running service to Morgan Hill and Gilroy. For information on arrival times and schedules, check the Caltrain website. He announced that he is continuing conversations with the Bay Area Panthers' owners in hopes they will stay local and continue to be headquartered in Morgan Hill.

CITY MANAGER'S REPORT

City Manager Christina Turner gave a presentation to announce newly hired, promoted, and retired employees. She announced that Second Chance week is here in Morgan Hill, kicking it off on Saturday September 9, 2023 with the Citywide garage sale. She also shared that there is a call for volunteers for the Transportation Master Plan Stakeholders Group. We are looking for community members with an interest in or thoughts on public transit. Volunteers will be required to attend 6-8 meetings that will be held over the next year on Wednesday evenings. The first meeting is planned for Wednesday, September 20, 2023 and the second meeting will be held on Wednesday, December 13, 2023.

Presentation for Newly Hired, Promoted, and Retired Employee Recognitions

CITY ATTORNEY'S REPORT

City Attorney Larkin shared that there was no reportable action from the closed session items that were heard earlier in the meeting or from the closed session that took place on August 23, 2023.

OTHER REPORTS

Council Member Borgioli reported on an email that he received advising it is poor etiquette to wear a hat indoors. He explained his reasoning for wearing a hat indoors and asked that if anyone has questions they can reach out directly to him.

PUBLIC COMMENT

Public comment opened at 6:30 pm.

Sharon Luna was called to speak.

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

ADOPTION OF AGENDA

MOTION:

Adopting the agenda moving items 18 and 19 ahead of item 17.

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:

Approving consent calendar items 1 through 9, 12, and 13.

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 \$30,000 DONATION FROM THE FRIENDS OF MORGAN HILL SENIOR CENTER

Recommendation:

1. Accept a \$30,000 donation from the Friends of the Morgan Hill Senior Center to support services at the Centennial Recreation Senior Center; and
2. Authorize the City Manager to execute any agreements necessary for donation acceptance.

2. ACCEPT THE GRANT FUNDING FROM CALIFORNIA HIGHWAY PATROL'S CANNABIS TAX FUND GRANT PROGRAM FOR DUI SATURATION PATROLS AND THE PURCHASING OF EQUIPMENT

Recommendation:

1. Accept the grant funding from the California Highway Patrol's (CHP) Cannabis Tax Fund Grant Program (CTFGP) and adopt a resolution to amend the City's Fiscal Year 2023-24 General Fund budget, accepting grant funding of \$10,144, and appropriating \$10,144, and;
2. Authorize the City Manager to execute the California Highway Patrol's

(CHP) Cannabis Tax Fund Grant Program's (CTFGP) agreement.

3. **ACCEPT MORGAN HILL RECTANGULAR RAPID FLASHING BEACON (RRFB) AND HIGH INTENSITY ACTIVATED CROSSWALK BEACON (HAWK) PROJECT IN THE AMOUNT OF \$729,046**

Recommendation:

1. Accept as complete the Morgan Hill Rectangular Rapid Flashing Beacon (RRFB) and High Intensity Activated Crosswalk Beacon (HAWK) 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 ORDINANCE 2348, NEW SERIES, 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:

Waive the reading, adopt Ordinance No. 2348, 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.

5. **ADOPT RESOLUTION AMENDING FISCAL YEAR (FY) 2023-24 COUNTYWIDE SOLID WASTE BUDGET FOR ADMINISTRATIVE SERVICES**

Recommendation:

Adopt resolution appropriating an additional \$95,680 to the City's FY 2023-24 budget in the Countywide Solid Waste Administration Fund (246) and the General Fund (010).

6. **APPROVE CONSULTANT AGREEMENT WITH LUHDORFF AND SCALMANINI FOR TWO TEST WELLS**

Recommendation:

1. Approve Consultant Agreement for Design Professionals with Luhdorff and Scalmanini Consulting Engineers for a total not to exceed contract amount of \$347,100; and
2. Authorize the City Manager to execute and administer the Consultant Agreement for Design Professionals with Luhdorff and Scalmanini

7. **APPROVE SECOND AMENDMENT TO THE AGREEMENT WITH DUKE'S ROOT CONTROL**

Recommendation:

Approve and authorize the City Manager to execute a second amendment to the agreement with Duke's Root Control for additional root control treatment for a total agreement not to exceed amount of \$99,185.

8. **APPROVE OBJECTIVE DEVELOPMENT STANDARD WAIVERS FOR THE EDES-ALCINI: AFFORDABLE HOUSING PROJECT AT EDES COURT AND MONTEREY ROAD**

Recommendation:

Adopt Resolution approving the request for waivers for the Edes-Alcini project.

9. **APPROVE THE PURCHASE OF A FIRE APPARATUS FOR THE THIRD FIRE STATION**

Recommendation:

1. Approve the purchase of a fire apparatus for the third fire station with Burton's Fire Inc. in the amount of \$949,080 plus a 5% contingency; and
2. Authorize the City Manager to executive and administer the purchase agreement; and
3. Approve a budget amendment to move the approved funding from FY 2024-25 to FY 2023-24; and
4. Authorize an interfund loan to Public Safety Facilities Impact Fund (315) of \$1.0 million from Local Drainage Impact Fund (303).

10. **APPROVE THE AUGUST 23, 2023 CITY COUNCIL MEETING MINUTES**

Recommendation:

Approve the August 23, 2023 City Council Meeting Minutes.

MOTION:

Approving the recommended action.

RESULT:	Passed
MOVER:	Council Member Spring
SECONDER:	Mayor Pro Tem Borgioli
AYES:	Mayor Pro Tem Spring, Council Member Martinez Beltran, Council Member Borgioli, Mayor Turner, Council Member Librers

NAYS:	None
ABSTAIN:	None
ABSENT:	None

11. APPROVE THE CONSULTANT AGREEMENT WITH CIVICPLUS, LLC FOR CIVICREC ENTERPRISE RECREATION SOFTWARE

Recommendation:

1. Approve the consultant agreement with CivicPlus, LLC in the amount of \$472,886 for CivicRec enterprise recreation software; and
2. Adopt a resolution amending the FY 2023-24 General Fund (Fund 010) Budget to appropriate an additional \$108,942; and
3. Authorize the City Manager to execute and administer the consultant agreement with CivicPlus, LLC.

Public comment opened at 6:41 pm. There being no requests to speak, public comment closed.

MOTION:

Approving the recommended actions.

RESULT:	Passed
MOVER:	Mayor Pro Tem Spring
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

12. AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH GRANITE GOVERNMENT SOLUTIONS FOR CONSOLIDATED TELECOMMUNICATION SERVICES

Recommendation:

1. Authorize the City Manager to enter into an agreement with Granite Government Solutions for consolidated telecommunication services; and
2. Authorize the City Manager to execute and administer the consultant agreement with Granite Government Solutions.

13. AWARD SMART IRRIGATION CONTROLLER SYSTEM CONTRACT TO

MEDALLION LANDSCAPE MANAGEMENT, INC.

Recommendation:

1. Award contract to Medallion Landscape Management, Inc. in the amount of \$435,398 for the supply, installation and programming of a Citywide Smart Irrigation Controller System with a 5% contingency not to exceed \$21,770;
2. Authorize the City Manager to execute and administer that certain contract with Medallion Landscape Management, Inc; and
3. Adopt a resolution amending the FY 2023-24 Budget appropriating \$457,168, including \$228,584 from the Water Operations Fund (650) and \$228,584 from the General Fund (010).

ITEM PULLED FOR DISCUSSION

PUBLIC HEARINGS

14. **ADOPT A CITYWIDE VEHICLE-MILES-TRAVELED (VMT) POLICY INCLUSIVE OF ESTABLISHING VMT AS THE APPROPRIATE METRIC FOR EVALUATING TRANSPORTATION-RELATED IMPACTS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND ESTABLISHING VMT SCREENING CRITERIA, VMT THRESHOLDS OF SIGNIFICANCE, AND TRANSPORTATION DEMAND MANAGEMENT (TDM) STRATEGIES**

Recommendation:

1. Open/close public hearing; and
2. Adopt Resolution adopting Screening Criteria and Thresholds of Significance regarding the City's implementation of State Senate Bill 743 (SB 743) transition from Level-of-Service (LOS) to Vehicle-Miles-Traveled (VMT) as the metric for transportation analysis under the California Environmental Quality Act (CEQA) for development projects.

Principal Planner Adam Paszkowski and Development Services Director Jennifer Carman provided the report and presentation, along with Arthur Tram with TJKM Transportation Consultants.

The meeting recessed at 7:09 pm and reconvened at 7:19 pm.

The public hearing opened at 8:07 pm. The following people were called to speak:

Joe Baranowski (Zoom)

Armando Benavides (Zoom)

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

SUBSTITUTE MOTION:

Approving the recommended action, including revisiting the VMT screening criteria. Motion failed for lack of a second.

RESULT:	Failed
MOVER:	Council Member Borgioli
SECONDER:	None
AYES:	None
NAYS:	None
ABSTAIN:	None
ABSENT:	None

MOTION:

Denying the recommended actions and directing staff to come back in 3 to 6 months with a cost analysis and timing along with limited research for a trip reduction plan ordinance and revisit the VMT screening criteria.

RESULT:	Passed
MOVER:	Council Member Martinez Beltran
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

15. **ADOPT RESOLUTION AMENDING AND RESTATING THE CITY OF MORGAN HILL'S STATEWIDE COMMUNITY INFRASTRUCTURE PROGRAM ("SCIP")**

Recommendation:

1. Open and Close Public Hearing; and
2. Adopt amended and restated resolution

Economic Development Director Matt Mahood provided the report.

The public hearing opened at 8:52 pm. There being no requests to speak, the public hearing closed.

MOTION:

Approving the recommended action.

RESULT:	Passed
MOVER:	Council Member Librers
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

16. APPROVE CONDITIONAL FUNDING FOR THE MAGNOLIAS AFFORDABLE HOUSING DEVELOPMENT BY FIRST COMMUNITY HOUSING AND EDEN HOUSING (FCH-EDEN) FROM DESIGNATED HOUSING FUNDS

Recommendation:

Approve conditional funding for the FCH-Eden Housing Project, “The Magnolias,” in the amount of \$600,000, contingent on FCH-Eden’s ability to obtain the remaining gap funds, and subject to an agreement negotiated by the City Attorney.

Housing Director Rebecca Garcia and Development Services Director Jennifer Carman provided a presentation and report. Louis Liss of Eden Housing answered questions.

Public comment opened at 9:28 pm. The following people were called to speak: Victoria Lam (Zoom), on behalf of County Supervisor Sylvia Arenas
Joe Baranowski (Zoom)
Bryan Espiritu (Zoom)
Kyle Zaylor (Zoom), on behalf of First Community Housing
There being no further requests to speak, public comment closed.

MOTION:

Approving the recommended action.

RESULT:	Passed
MOVER:	Council Member Martinez Beltran
SECONDER:	Council Member Borgioli
AYES:	Mayor Pro Tem Spring, Council Member Martinez Beltran, Council Member Borgioli, Mayor Turner

NAYS:	Council Member Librers
ABSTAIN:	None
ABSENT:	None

17. PROVIDE DIRECTION REGARDING CITY COUNCIL TERM LIMITS

Recommendation:

Provide direction to staff regarding the drafting of an ordinance creating term limits that would be submitted to the voters in November 2024.

Public comment opened at 10:37 pm. The following people were called to speak:

Steve Chappell

Marby Lee

Bryan Espiritu (Zoom)

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

MOTION:

Continuing this item to a future meeting undetermined.

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 CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBER AND CONFERENCE ROOMS

Recommendation:

Approve City Council Policy, "Code of Conduct for Public Meetings in the Council Chamber and Conference Rooms"

City Attorney Donald Larkin presented the report.

Public comment opened at 9:54 pm. The following people were called to speak:

Doug Muirhead

Marby Lee

Joe Baranowski (Zoom)

Bryan Espiritu (Zoom)

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

The Council provided feedback to staff. The policy will be reviewed, the feedback

will be incorporated, and the policy will be brought back at the mid-year goal review workshop.

MOTION:

Continuing this item to the September 27, 2023 City Council meeting.

RESULT:	Passed
MOVER:	Mayor Pro Tem Spring
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

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

Recommendation:

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

1. Consider prohibiting pedestrians on median islands; and
2. Consider restoring the use of natural gas in new construction.

Mayor Turner explained why he asked for the items to come forward.

Public comment opened at 10:09 pm. The following people were called to speak:

Margaret McCann (Zoom)

Steve Chappell

Marby Lee

Diya Kandhra (Zoom)

Dashiell Leeds (Zoom)

Ashley Sailor (Zoom), on behalf of Sofia Ruiz

Matthew Lundy (Zoom)

Bryan Espiritu (Zoom)

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

MOTION:

Directing staff to bring both items back for discussion.

RESULT:	Passed
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MOVER:	Council Member Librers
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

FUTURE COUNCIL INITIATED AGENDA ITEMS

None.

ADJOURNMENT

There being no further business, Mayor Turner adjourned the meeting at 10:46 pm.

Minutes Prepared by:

Michelle Bigelow, City Clerk