



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, October 4, 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

Council Member Yvonne Martinez Beltran arrived at 5:05 pm.

DECLARATION OF POSTING AGENDA

Deputy City 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 5:00 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

RECOGNITIONS

Recognizing South Valley Symphony's 50th anniversary

PROCLAMATIONS

Proclamation Recognizing the Festival of Deepavali
Proclaiming September 17-23, 2023 as Constitution Week
Proclaiming October 1, 2023 as Latino Physician Day
Proclaiming October 4, 2023 as Clean Air Day
Proclaiming the month of October 2023 as Dementia and Brain Health Awareness Month

PRESENTATIONS

SVCE Presentation

CITY COUNCIL REPORTS

Council Member Borgioli reported that the Llagas Creek Flood Control Project is going well. He mentioned that project completion is scheduled for 2024 and residents in the Downtown area will no longer be required to obtain flood insurance, which will save a lot of money. He reported that federal funding for the Anderson Dam project is going well. He attended the Cal Cities Conference in September. He spoke about a session he attended called "Managing Difficult Conversations with Constituents".

CITY MANAGER'S REPORT

City Manager Christina Turner provided information on the new SeeClickFix app. It provides a new way to report maintenance issues. She spoke about Clean Air Week from October 2-8, 2023. There are several activities listed on our website. She announced that the Parks and Recreation team has a new spooky tradition called Morgan Hill Haunt. It gives people and neighborhoods the opportunity to decorate their houses. The deadline is October 20, 2023. We have lots of entries already and there will be judging. Our Library Cultural and Arts Commission is having a Global Groove Experience on Sunday, October 8, 2023, from 3:00 - 7:00 pm at the Community and Cultural Center. They will be celebrating a mosaic of cultures and will have dance performances, educational demonstrations, and fusion food trucks.

CITY ATTORNEY'S REPORT

City Attorney Don Larkin shared that there was no reportable action from the closed session item. He also reminded Council Members that attended the League Conference and have not reported on it they are required to report if they attended and speak briefly about something that they did there.

OTHER REPORTS

Council Member Spring attended the League Annual Conference in Sacramento. He mentioned there was a lot of networking happening and enjoyed seeing his colleagues. He noted that he is happy to be a part of this Council. He received a lot of valuable information that he shared with City Manager Christina Turner.

Council Member Librers attended the League Annual Conference in Sacramento. She attended many sessions. The highlight for her was speaking at the Women's Caucus which she was a founding member of years ago.

Council Member Martinez Beltran attended the League Annual Conference in Sacramento. She attended the Latino Caucus business meeting and was elected to their executive board. She was also elected to the Cal Cities Peninsula Division Board. Her highlight was listening to Brandon Flemming, author of Miss Educated, speak.

Mayor Turner attended the League Annual Conference in Sacramento. He enjoyed the opportunities to learn and networking. He also announced that the Bay Area Panthers have decided to stay local. They will remain in San Jose, playing at the SAP Center and will be headquartered in Morgan Hill. They will be practicing at the Outdoor Sports Center. He announced that he and the Mayor of San Jose will be putting on a youth football clinic on Saturday, November 4, 2023 from 5:30 - 7:30 pm at the Spartan Stadium. He will be challenging the Mayor of San Jose to a football toss.

PUBLIC COMMENT

Public comment opened at 6:28 pm. The following people were called to speak:
Kathy Chavez Napoli

Tom Gates (zoom)
Leonard Frank (zoom)
Lev Tronstein (zoom)
Gabe Stutman (zoom)
There being no further requests to speak, public comment closed.

ADOPTION OF AGENDA

MOTION:

Adopting the agenda, moving item 12 ahead of item 11.

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.

Suman Ganapathy requested to speak on item 1 on the agenda.

MOTION:

Approving consent calender.

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. **ADOPT RESOLUTION DECLARING THE SECOND MONDAY IN OCTOBER EACH YEAR AS INDIGENOUS PEOPLES' DAY**

Recommendation:

Adopt resolution declaring the second Monday in October of each year as Indigenous Peoples' Day.

2. **APPROVE AND ADOPT A RESOLUTION DECLARING THE SUMMARY VACATION OF A PORTION OF DEPOT STREET RIGHT-OF-WAY, ESTABLISHING NEW DEPOT STREET RIGHT-OF-WAY, AND ADDING A PUBLIC UTILITY EASEMENT AT THE MORGAN HILL COMMUNITY AND CULTURAL CENTER (CCC)**

Recommendation:

1. Adopt a Resolution declaring the Summary Vacation of a portion of Depot Street right-of-way, from approximately 340 feet south of East 5th Street to East Dunne Avenue;
2. Approve the establishment of a Public Street Right-of-Way over the realigned portion of Depot Street;
3. Approve a Grant of Public Utility Easement along the southern portion of the Community and Cultural Center (CCC) that is parallel and adjacent to the area of Depot Street proposed to be vacated;
4. Approve the inclusion of the above Depot Street Public Street Right-of-Way and Grant of Public Utility Easement actions in the Summary Vacation Resolution;
5. Direct the City Clerk to file a certified copy of the Resolution in the Office of the Recorder of Santa Clara County; and
6. Authorize the City Manager to sign a Quitclaim Deed of the vacated portion of Depot Street and a separate Grant of Public Utility Easement on behalf of the City and direct the City Clerk to file in the Office of the Recorder of Santa Clara County.

3. **APPROVE A THREE-YEAR MAINTENANCE SERVICE AGREEMENT WITH HB RESTORATION, INC. FOR WELL SITE AND BOOSTER STATION PAINTING**

Recommendation:

1. Award a Maintenance Service Agreement to HB Restoration, Inc. in the not-to-exceed amount of \$180,000 for annual painting of the City's well sites and booster stations; and
2. Authorize the City Manager to execute and administer a three-year agreement with HB Restoration, Inc.

4. **APPROVE HEATING, VENTILATION, AND AIR CONDITIONING (HVAC) MAINTENANCE SERVICE AGREEMENT**

Recommendation:

1. Award a Maintenance Service Agreement to Environmental Systems, Inc. in the total amount of \$662,944 for preventative HVAC maintenance (\$62,944) and repair services (not-to-exceed \$600,000) for a two-year period; and
2. Authorize the City Manager to execute and administer that certain Maintenance Service Agreement with Environmental Systems, Inc.

5. **APPROVE THE SEPTEMBER 6, 2023 CITY COUNCIL MEETING MINUTES**

Recommendation:

Approve the September 6, 2023 City Council Meeting Minutes.

6. **ADOPT RESOLUTION OF INTENTION TO RENEW THE MORGAN HILL TOURISM BUSINESS IMPROVEMENT DISTRICT**

Recommendation:

Adopt Resolution of Intention to Renew the Morgan Hill Tourism Business Improvement District (TBID).

7. **AWARD COMMUNITY PARK PICKLEBALL COURTS PROJECT TO EF&S CONCRETE, INC.**

Recommendation:

1. Approve Community Park Pickleball Courts plans and specifications;
2. Award contract to EF&S Concrete, Inc. in the amount of \$307,120;
3. Authorize expenditure of construction contingency funds not-to-exceed \$61,424; and
4. Authorize the City Manager to execute and administer the construction contract with EF&S Concrete, Inc.

8. **APPROVE SUBORDINATION AGREEMENT FOR CITY OPEN SPACE EASEMENT WITH THE SANTA CLARA VALLEY HABITAT AGENCY**

Recommendation:

Authorize the City Manager to execute a subordination agreement for a City Open Space Easement with the Santa Clara Valley Habitat Agency.

9. **CARRYING A CONCEALED WEAPON LICENSE UPDATE**

Recommendation:

Accept report.

10. **SECOND AMENDMENT TO PROFESSIONAL SERVICE AGREEMENT WITH HARRIS & ASSOCIATES, INC. FOR ON-CALL ENGINEERING PLAN REVIEW AND TECHNICAL SUPPORT SERVICES FOR LAND DEVELOPMENT ENGINEERING**

Recommendation:

1. Approve the Second Amendment to the professional service agreement with Harris & Associates, Inc. for on-call engineering plan review and technical support services for Land Development Engineering to add \$180,000 to contract amount for a total not-to-exceed amount of \$631,000 with the term of the agreement unchanged; and
2. Authorize the City Manager to execute the Second Amendment.

OTHER BUSINESS

11. **ACCEPT MORGAN HILL TOURISM BUSINESS IMPROVEMENT DISTRICT (MHTBID) OWNERS ASSOCIATION ANNUAL REPORT (DBA VISIT MORGAN HILL)**

Recommendation:

Accept and file the Visit Morgan Hill Annual Report.

Economic Development Director Matt Mahood and Krista Rupp with Visit Morgan Hill provided a report.

Report received.

12. **APPROVE OR DENY COMMUNITY FUNDING REQUESTS FOR DIA DE LOS MUERTOS AND HOLIDAY POSADA EVENTS**

Recommendation:

The City Council may approve or deny the requests.

Public Services Director Chris Ghione provided a report. The applicant, Delia Gomez with Nueva Esperanza, answered questions.

The meeting recessed at 7:11 pm and reconvened at 7:20 pm.

Public comment opened at 7:31 pm. The following people were called to speak:

Joe Baranowski (zoom)

Kathy Chavez Napoli

Delia Gomez

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

MOTION:

Approving the City to cover the fees associated with the rental and permit fees for the Dia De Los Muertos.

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

MOTION:

Approving staff recommendation covering all Holiday Posada Fees.

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

FUTURE COUNCIL INITIATED AGENDA ITEMS

Council Member Borgioli requested a review of policy CP 21-02 City Council Funding Requests.

Mayor Turner would like to discuss a funding mechanism for public art. He would also like to discuss the prioritization of youth sports and recreation tourism.

Council Member Martinez Beltran requested that the community funding requests application also be in Spanish. She would also like to bring back the Economic Development Blueprint and focus on tourism.

ADJOURNMENT

There being no further business, Mayor Turner adjourned the meeting at 8:52 pm.

Minutes Prepared by:

Kim Mancera, Deputy City Clerk