



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, November 15, 2023 6:00 PM

Council Chamber Building
17555 Peak Avenue, Morgan Hill, CA 95037

CALL TO ORDER

Mayor Turner called the City Council meeting to order at 6:00 p.m.

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

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Proclaiming the month of November as Morgan Hill Community Philanthropy Month

PRESENTATIONS

YAC Presentation

CITY COUNCIL REPORTS

Council Member Librers had nothing to report.

CITY MANAGER'S REPORT

City Manager Christina Turner announced that the Recreation Winter/Spring Activity Guide is available on our website. She mentioned that the Transportation Master Plan updates will be heard later tonight and the Community Survey is out through the end of November. There will be a Spanish community meeting on Thursday, November 16, 2023, from 7 - 9 p.m. in the Council Chambers. The I BELONG, Morgan Hill Survey is available on our website, in both English and Spanish, through December. She discussed the Buy Local Campaign, which we are partnering with the Chamber of Commerce. Sidewalks Saturdays will continue through November 25, 2023 with the addition of the Holiday Market on December 16, 2023 from 9 a.m. to 1 p.m. Small Business Saturday is on November 25, 2023, where you can shop locally. She also wished everyone a Happy Thanksgiving and shared that City offices will be closed on Thursday and Friday, November 23-24, 2023.

CITY ATTORNEY'S REPORT

City Attorney Donald Larkin announced that Council met in closed session following the November 1, 2023 meeting at which there was no reportable action. He reported that subsequent to that meeting agreements were reached with all three represented bargaining units.

OTHER REPORTS

Mayor Turner thanked the City Clerk and her team for their work on the website update. He attended a Cities Association meeting last week that discussed Build the Future for a Stronger Economy, regarding affordable childcare and would like to discuss it further with the Council. The Caltrain Policy Makers Group is having additional strategy meetings around electric trains and grade separation. VTA is having a discussion around a tax measure through the Metropolitan Transportation Commission. The type of tax is yet to be determined.

Council Member Martinez Beltran attended the Peninsula Division Executive board meeting for Cal Cities. They are working on putting together a legislative session with state legislators in January. The SVCE board meeting appointed and selected a new CEO, Monica Padilla who has been with SVCE for about 8 years.

PUBLIC COMMENT

Public comment opened at 6:18 p.m. The following people were called to speak:

Mandi Santiago

Miguel Jimenez

Joe Baranowski

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

ADOPTION OF AGENDA

MOTION:

Adopting the agenda as posted.

RESULT:	Passed
MOVER:	Mayor Pro Tem Spring
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

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 10.

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

1. **ACCEPT DONATION OF UP TO \$20,000 FOR INSTALLATION OF IMPROVEMENTS AT COMMUNITY PARK FROM THE ROTARY CLUB OF MORGAN HILL**

Recommendation:

Authorize the City Manager to accept a donation of funding and services valued up to \$20,000 for the installation of new pathways, trees, tables, landscaping and associated improvements.

2. **APPROVE AMENDMENT TO ON-CALL WATER AND SEWER REPAIR**

CONTRACT WITH GOLDEN BAY CONSTRUCTION

Recommendation:

Authorize the City Manager to execute an amendment to the on-call water and sewer repair contract with Golden Bay Construction with compensation up to \$750,000.

3. APPROVE PUBLIC IMPROVEMENTS FINANCING AGREEMENT WITH ADVENT LUTHERAN CHURCH OF MORGAN HILL

Recommendation:

1. Approve a Public Improvements Financing Agreement with Advent Lutheran Church of Morgan Hill; and
2. Authorize the City Manager to execute, administer and further negotiate the Financing Agreement as necessary.

4. APPROVE A REIMBURSEMENT AGREEMENT WITH NORDSTROM CAL HOMES, LLC FOR OUT-OF-TRACT PUBLIC IMPROVEMENTS ADJACENT TO THE DUNNE MURPHY SUBDIVISION (TRACT NO. 10387)

Recommendation:

1. Approve a Reimbursement Agreement with NORDSTROM CAL HOMES, LLC;
2. Authorize the City Manager to execute the Reimbursement Agreement; and
3. Adopt a resolution to amend FY 2023-24 budget to appropriate \$305,748 in the Traffic Impact Fund (309).

5. APPROVE CONSULTANT AGREEMENT WITH IMS INFRASTRUCTURE MANAGEMENT SERVICES, LP FOR SIDEWALK ASSESSMENT IN THE AMOUNT OF \$156,950

Recommendation:

1. Approve and authorize the City Manager to execute a consultant agreement with IMS Infrastructure Management Services in the amount of \$156,950 for the completion of a sidewalk and curb ramp assessment; and
2. Adopt a resolution to amend the FY 2023-24 budget to appropriate \$156,950 in the Public Facilities Fund (346).

6. APPROVE MEMORANDUM OF UNDERSTANDING (MOU) WITH MORGAN HILL POLICE OFFICERS' ASSOCIATION (POA), MOU WITH COMMUNITY

SERVICE OFFICERS' ASSOCIATION (CSOA) AND MOU WITH THE AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES (AFSCME) AND CORRESPONDING SALARY SCHEDULES; AND APPROVE MANAGEMENT, PROFESSIONAL, AND CONFIDENTIAL EMPLOYEES RESOLUTION, ELECTED OFFICIALS AND COUNCIL APPOINTED AND PART-TIME TEMPORARY AND SEASONAL EMPLOYEES SALARY SCHEDULES

Recommendation:

1. Approve a Memorandum of Understanding (MOU) with POA effective December 24, 2023 - December 31, 2025 and corresponding salary schedules;
2. Approve a MOU with CSOA effective December 24, 2023 - December 31, 2025 and corresponding salary schedules;
3. Approve a MOU with AFSCME effective December 24, 2023 - December 31, 2025 and corresponding salary schedules pending ratification;
4. Approve the Management, Professional, and Confidential Employees Resolution effective December 24, 2023 and corresponding salary schedules;
5. Approve the Part-Time Temporary and Seasonal Employees salary schedule effective December 24, 2023;
6. Approve the Elected Officials and Council Appointed salary schedules; and
7. Receive update regarding the salaries of the Elected Officials and potential future amendment of Sections 2.04.020 Salary of Council Members and 2.04.030 Salary of the Mayor of the Chapter 2.04 City Council of the Municipal Code of the City of Morgan Hill.

7. APPROVE SECOND AMENDMENT TO MISSION LINEN SUPPLY SERVICE AGREEMENT

Recommendation:

1. Approve the Second Amendment to the Service Agreement with Mission Linen Supply for a fourth year of services for \$20,000, for a total contract amount of \$80,000; and
2. Authorize the City Manager to execute and administer one additional one-year extension of the Service Agreement subject to future budget appropriations.

8. APPROVE THE NOVEMBER 1, 2023 CITY COUNCIL MEETING MINUTES

Recommendation:

Approve minutes.

9. APPROVE THE 2024 CITY COUNCIL MEETING SCHEDULE

Recommendation:

Review, discuss, if needed, amend, and approve the 2024 City Council meeting schedule.

10. RECEIVE REPORT REGARDING UPCOMING 2024 COMMISSION VACANCIES PER MADDY ACT

Recommendation:

Receive report.

PUBLIC HEARINGS

11. AFFIRM OR MODIFY PLANNING COMMISSION APPROVAL OF A CONDITIONAL USE PERMIT AND DESIGN PERMIT TO ALLOW AN APPROXIMATELY 5,000 SQUARE FOOT DRIVE-THROUGH RESTAURANT (CHICK-FIL-A) ON A 1.82 ACRE SITE AT SUTTER AND COCHRANE

Recommendation:

1. Open/close public hearing; and
2. Adopt a resolution affirming the decision of the Planning Commission to adopt Resolution No. 23-08 approving the Conditional Use Permit and Resolution No. 23-09 approving the Design Permit.

Development Services Director Jennifer Carman provided a presentation and report.

The meeting recessed at 6:59 p.m. and reconvened at 7:06 p.m.

The public hearing opened at 7:06 p.m. The following people were called to speak:

Keith Gilbert, Applicant

Nick Gaich, Chamber of Commerce

There being no further requests to speak, the public hearing 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

**12. ADOPT AMENDMENT TO THE MORGAN HILL MUNICIPAL CODE TO
CREATE A VEHICLE SALES OVERLAY ZONE (-VS) AT COCHRANE AND US
101**

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, Development Services Director Jennifer Carman, and Assistant City Manager Edith Ramirez provided a presentation and report.

The public hearing opened at 8:30 p.m. The following people were called to speak:

Nick Gaich, Chamber of Commerce

Miguel Jimenez

Susie Jimenez

Joe Baranowski

Rick Kent

Sean Bayard, Police Officers Association

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

MOTION:

Waiving the first and second reading of the ordinance modifying the 60% to 65%.

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

SUBSTITUTE MOTION:

Waiving the first and second reading of the ordinance modifying the 60% to 70% including Planning Commission changes.

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

MOTION:

Introducing the ordinance.

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

OTHER BUSINESS**13. RECEIVE UPDATE AND PROVIDE INPUT ON THE TRANSPORTATION MASTER PLAN**

Recommendation:

1. Receive an update on the Transportation Master Plan; and
2. Provide input to the project team.

Public Services Director Chris Ghione, along with Robert Del Rio with Hexagon Transportation Consultants provided a presentation and report.

Public comment opened at 9:31 p.m. The following people were called to speak: Miguel Jimenez

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

The City Council provided direction.

14. PROVIDE DIRECTION REGARDING POTENTIAL MUNICIPAL CODE TEXT AMENDMENTS TO THE CITY OF MORGAN HILL'S AMUSEMENT & ENTERTAINMENT AND NOISE ORDINANCES

Recommendation:

Provide Strategic Direction for amending the identified chapters of the Municipal Code.

Management and Talent Exchange Fellow, Justin Burks provided a presentation and report.

Public comment opened at 10:01 p.m.

Krista Rupp, Visit Morgan Hill, was called to speak.

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

The City Council provided direction.

15. DIRECT THE CITY MANAGER TO NEGOTIATE AGRO-TOURISM USE ON CITY-OWNED AGRICULTURAL PROPERTY WITH TERRA AMICO, INC.

Recommendation:

Authorize the City Manager to negotiate an agreement for agro-tourism development on City-owned property located at the southeast corner of Highway 101 and Tennant Avenue with Terra Amico, Inc.

Public Services Director Chris Ghione provided the report.

Public comment opened at 10:32 p.m. The following people were called to speak:

Joe Raineri, Terra Amico Farms

Nick Gaich, Chamber of Commerce

Julie F. Morris, Santa Clara County Agricultural Liaison

Sam Thorp

Krista Rupp, Visit Morgan Hill

There being no further requests to speak, public comment 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

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

Recommendation:

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

1. Consider providing more lead time for posting City Council agendas;
2. Consider a discussion on the Agricultural Mitigation Policy 18.152.050 - Mitigation ratio;
3. Consider a discussion on potential funding mechanisms for public art;
4. Consider revisiting City Council Policy 21-02, City Council Funding Requests; and
5. Consider a discussion on options for providing public comment and the transparency of remote meeting participants.

Public comment opened at 10:47 p.m.

Brian Sullivan was called to speak.

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

The City Council directed staff to agendize the discussion regarding public comment on Zoom (Item 5) at the next meeting. The remaining items, 1 through 4, will be continued to the next meeting for consideration.

FUTURE COUNCIL INITIATED AGENDA ITEMS

Council Member Borgioli requested to look into fining the owners of properties with empty storefronts.

Council Member Martinez Beltran requested an item to not allow items to go to back-to-back meetings.

Mayor Turner, Council Member Martinez Beltran, and Mayor Pro Tem Spring would like a resolution regarding Build America Childcare for All.

ADJOURNMENT

There being no further business, Mayor Turner adjourned the meeting at 10:58 p.m.

Minutes Prepared by:

Michelle Bigelow, City Clerk