



City Council

Meeting Minutes

Mark Turner - Mayor
Marilyn Librers - Mayor Pro Tem
Gino Borgioli - Council Member
Rene Spring - Council Member
Yvonne Martinez Beltran - Council Member

Wednesday, December 6, 2023 5:30 PM

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

SPECIAL/REGULAR MEETING

A special meeting of the City Council was called at 5:30 p.m. for the purpose of conducting a closed session.

SPECIAL MEETING

5:30 p.m. Closed Session

CALL TO ORDER

Mayor Turner called the Special City Council meeting to order at 5:30 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

Council Member Borgioli joined the meeting at 6:00 p.m. and left the meeting at 9:08 p.m.

DECLARATION OF POSTING AGENDA

City Clerk Michelle Bigelow declared the posting of the agenda.

CLOSED SESSION

City Attorney Donald Larkin announced the closed session item.

Conference with Legal Counsel – Anticipated Litigation

Significant exposure to litigation pursuant to
§ 54956.9(b): (Two Cases)

OPPORTUNITY FOR PUBLIC COMMENT

Public comment opened at 5:31 p.m. There being no requests to speak, public comment closed.

ADJOURN TO CLOSED SESSION

The meeting adjourned to closed session at 5:31 p.m.

REGULAR MEETING

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

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PRESENTATIONS

YAC Presentation

CITY COUNCIL REPORTS

Council Member Spring shared that he is the chair of the Santa Clara Valley Habitat Agency Governing Board, and they are doing a lot of great work preserving land in the Bay Area and South County, including the Tilton Ranch. He also shared that he is the chair of the South County Regional Wastewater Authority, which is in the process of expanding the wastewater facility that serves Morgan Hill and Gilroy. He has recently attended many events, including the Kiwanis Holiday parade, a special service in support of Congregation Emeth, a 50th-anniversary service of Advent Lutheran Church, and more. He thanked all those who volunteer in the area. They make South County amazing.

CITY MANAGER'S REPORT

City Manager Christina Turner encouraged everyone to sign up for the City's weekly 411 email. She announced the "I Belong" community survey and community meetings. Lastly, she announced that City offices will be closed for the holidays from December 22, 2023 through January 1, 2024.

CITY ATTORNEY'S REPORT

City Attorney Don Larkin shared that there was no reportable action from the closed session item.

OTHER REPORTS

Council Member Martinez Beltran shared that she attended League Leaders in San Diego. They discussed safeguarding local revenues, expanding investments to prevent and reduce homelessness and increasing the supply of affordable housing, improving public safety, and strengthening climate change and disaster preparedness. She also thanked the Council for their support of the Holiday Posada event.

Mayor Turner announced that he attended a Caltrain Local Policy Makers Group gathering to discuss Caltrain funding. They are \$2 billion short on the 12 crossings they are discussing. He also attended a ribbon cutting at Mariposa Preschool with the Chamber of Commerce.

PUBLIC COMMENT

Public comment opened at 6:15 p.m.

Ben Palm was called to speak.

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 Librers
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 4, 6, and 8 through 19.

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

1. **ACCEPT THE ANNUAL SENATE BILL (SB) 165 REPORT FOR COMMUNITY FACILITIES DISTRICT NO. 2014-1 (FISHER CREEK)**

Recommendation:

Accept and file the report.

2. **ACCEPT THE CITY'S ANNUAL COMPREHENSIVE FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2023**

Recommendation:

Accept the City's Annual Comprehensive Financial Report for the Fiscal Year Ended June 30, 2023.

3. **ADOPT RESOLUTION APPROVING AND MAKING FINDINGS RELATED TO THE ASSEMBLY BILL (AB) 1600 DEVELOPMENT IMPACT FEE ANNUAL REPORT FOR FISCAL YEAR 2022-23**

Recommendation:

1. Adopt resolution making findings for unexpended development impact fees; and
2. Accept the annual development impact fee report.

4. **ADOPT RESOLUTION AND ADOPT ORDINANCE 2349, NEW SERIES,**

ADDING CHAPTER 3.26 (“TOURISM BUSINESS IMPROVEMENT DISTRICT”) TO TITLE 3 (“REVENUE AND FINANCE”) OF THE MORGAN HILL MUNICIPAL CODE ESTABLISHING AND RENEWING THE MORGAN HILL TOURISM BUSINESS IMPROVEMENT DISTRICT

Recommendation:

1. Adopt resolution; and
2. Waive the reading, adopt Ordinance No. 2349, 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.

6. ADOPT RESOLUTION CERTIFYING COMPLIANCE WITH STATE HOUSING LAWS IN ORDER TO RECEIVE \$3,921,000 IN ONE BAY AREA GRANT CYCLE 3 (OBAG 3) FUNDING FOR THE MONTEREY ROAD TRAFFIC, BICYCLE, AND PEDESTRIAN IMPROVEMENTS PROJECT

Recommendation:

Adopt a resolution for self-certifying compliance with State housing laws that is required for receiving One Bay Area Grant Cycle 3 (OBAG 3) funding for the Monterey Road Traffic, Bicycle, and Pedestrian Improvements Project.

8. ADOPT WEED ABATEMENT RESOLUTION, EXEMPT FROM CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) UNDER SECTION 15304(I)

Recommendation:

Adopt resolution declaring weeds and brush to be a nuisance and setting the hazardous vegetation public hearing for February 21, 2024.

9. ADOPT RESOLUTION AUTHORIZING CALIFORNIA CLIMATE INVESTMENTS - DEPARTMENT OF FORESTRY AND FIRE PROTECTION (CAL FIRE) FIRE PREVENTION GRANT APPLICATION

Recommendation:

Adopt a resolution authorizing a grant application to the California Department of Forestry and Fire Protection and authorizing the City Manager to execute associated grant documents.

10. APPROVE A THREE-YEAR SERVICE AGREEMENT WITH ALPHA ANALYTICAL LABORATORIES, INC. FOR A NOT-TO-EXCEED AMOUNT OF \$225,000 FOR WATER LABORATORY TESTING AND ANALYSIS SERVICES

Recommendation:

Approve and authorize the City Manager to execute and administer a three-year service agreement for a not-to-exceed amount of \$225,000 with Alpha Analytical Laboratories, Inc., for water laboratory testing and analysis services.

11. APPROVE CONTRACT WITH SCS ENGINEERS FOR COMPLETION OF A FOOD WASTE PREVENTION STUDY IN THE AMOUNT OF \$111,538

Recommendation:

Authorize the City Manager to enter into an agreement with SCS Engineers for completion of a Food Waste Prevention Study.

12. APPROVE FIRST AMENDMENT TO THE TUCKER CONSTRUCTION ON-CALL FENCING CONTRACT, AND AUTHORIZE CITY MANAGER TO EXTEND CONTRACT UP TO TWO YEARS

Recommendation:

1. Approve the first amendment to the on-call contract for public works projects with Tucker Construction, Inc. for an additional year of services for \$150,000, for a total contract amount of \$250,000; and
2. Authorize the City Manager to execute and administer two additional one-year extensions of the on-call contract in annual amounts that would not increase the price of the contract for the immediately preceding year by more than five percent (5%) annually.

13. APPROVE JOINT POWERS AGREEMENT FOR ENACTMENT OF THE CITIES ASSOCIATION OF SANTA CLARA COUNTY, JOINT POWERS AUTHORITY (CASCC JPA)

Recommendation:

1. Approve the proposed Joint Powers Agreement;
2. Authorize Mayor Turner or his alternate, Councilmember Librers, to report approval of the Agreement to the CASCC Board of Directors; and
3. Authorize the City Manager to execute the Agreement.

14. APPROVE SIXTH AMENDMENT TO DESIGN SERVICES AGREEMENT WITH HYDROSCIENCE ENGINEERS, INC. FOR THE NEW SEWER TRUNK LINE PROJECT FOR AN ADDITIONAL AMOUNT OF \$280,246

Recommendation:

1. Approve Sixth Amendment to Service Agreement for Design Professionals with HydroScience Engineers, Inc. to provide additional services for the New Sewer Trunk Line to Gilroy project for an additional \$280,246, for a total not-to-exceed amount of \$2,059,956; and
2. Authorize the City Manager to execute and administer the amended services agreement.

15. APPROVE THE NOVEMBER 15, 2023 CITY COUNCIL MEETING MINUTES

Recommendation:

Approve Minutes.

16. AUTHORIZE THE CITY MANAGER TO EXECUTE A PURCHASE AGREEMENT WITH CADENCE TEAM FOR THE NETWORK EQUIPMENT IN THE NOT-TO-EXCEED AMOUNT OF \$242,241, INCLUDING CONTINGENCY

Recommendation:

Authorize the City Manager to execute a purchase agreement for network equipment with Cadence Team in the amount of \$242,241, including a 10% contingency of \$22,022.

17. AWARD AND APPROVE AN AGREEMENT WITH IRISH EXCAVATION IN THE AMOUNT OF \$74,780 FOR CONSTRUCTION OF THE WOODLAND BOOSTER STATION RETAINING WALLS

Recommendation:

Approve and authorize the City Manager to execute and administer an agreement with Irish Excavation in the amount of \$74,780 to install two retaining walls at the Woodland Booster Station.

18. AWARD A TWO-YEAR LANDSCAPE MAINTENANCE AGREEMENT TO MEDALLION LANDSCAPE MANAGEMENT, LLC IN THE AMOUNT OF \$371,712 FOR CITY FACILITIES AND ASSESSMENT DISTRICTS

Recommendation:

1. Award a two-year contract to Medallion Landscape Management, LLC in the amount of \$371,712 to service Group 2 - City Facilities, Group 4 - Landscape Assessment Districts, including an extra services allocation of \$30,000 per year; and
2. Authorize the City Manager to execute and administer the Maintenance Service Agreement with Medallion Landscape Management, LLC. and to extend the agreement for up to three (3) additional one-year terms.

19. RECEIVE MONTHLY BUDGET UPDATE AND OCTOBER 2023 FINANCIAL AND INVESTMENT REPORTS

Recommendation:

Accept and file report.

ITEM PULLED FOR DISCUSSION

5. ADOPT ORDINANCE 2350, NEW SERIES, ADDING SECTION 18.30.070

(VEHICLE SALES OVERLAY ZONE (-VS)) OF CHAPTER 18.30 (OVERLAY ZONES AND COMBINING DISTRICTS) OF TITLE 18 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL ESTABLISHING THE VEHICLE SALES OVERLAY ZONE (-VS) TO ALLOW VEHICLE- RELATED USES AND OTHER COMPATIBLE USES IN DIFFERENT PARTS OF THE CITY THAT CAN SUPPORT SUCH A USE

Recommendation:

Waive the reading, adopt Ordinance No. 2350, 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.

City Attorney Donald Larkin provided a brief description of the item.

Public comment opened at 6:24 p.m. The following people were called to speak:

Joe Baranowski

Miguel Jimenez

Nick Gaich, Chamber of Commerce

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

MOTION:

Approving the recommended action.

RESULT:	Passed
MOVER:	Council Member Librers
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

7. ADOPT RESOLUTION JOINING BUILD THE FUTURE SANTA CLARA COUNTY

Recommendation:

Adopt resolution joining Build the Future Santa Clara County in advocating for comprehensive and collaborative solutions to solve the child care crisis.

City Manager Christina Turner provided a brief report.

Public comment opened at 6:40 p.m. There being no requests to speak, public comment closed.

MOTION:

Approving the recommended action.

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

OTHER BUSINESS

20. REVIEW SECTION 15.63 OF THE MUNICIPAL CODE AND PROVIDE DIRECTION REGARDING THE PROHIBITION OF NATURAL GAS INFRASTRUCTURE IN NEW BUILDINGS

Recommendation:

1. Review Section 15.63 of the Municipal Code and discuss the prohibition of natural gas infrastructure in new buildings; and
2. Take no action to amend Section 15.63 of the Municipal Code, which prohibits natural gas infrastructure in new buildings.

Environmental Services Administrator Tanya Carothers provided a presentation and report.

The meeting recessed at 7:08 p.m. and reconvened at 7:17 p.m.

Public comment opened at 7:17 p.m. The following people were called to speak:

Nancy Lowe

Zoe Elizabeth, Silicon Valley Clean Energy

Jorge Uribe

Keerthi Sriram

Sofia Ruiz McGinty

DJ William

Margaret McCann

Rocke Garcia

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

MOTION:

Take no 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

21. PROVIDE DIRECTION REGARDING THE KEEPING OF ROOSTERS WITHIN CITY LIMITS

Recommendation:

Provide direction regarding whether to prohibit the keeping of roosters within the City of Morgan Hill.

Police Captain Mario Ramirez provided a report.

Public comment opened at 8:10 p.m.

Judy McAndress was called to speak.

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

MOTION:

Recommend staff to prohibit the keeping of roosters within the City of Morgan Hill.

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

Direction was provided to staff to explore mediation and take further code enforcement action to address this.

22. PROVIDE DIRECTION TO STAFF ON WHETHER TO ALLOW PUBLIC COMMENT ON ZOOM

Recommendation:

Provide direction to staff on whether to allow public comment on Zoom.

City Clerk Michelle Bigelow provided the report.

Public comment opened at 8:44 p.m. The following people were called to speak:

Joe Baranowski

Brian Sullivan

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

MOTION:

Direct staff to come back at goal setting in February with a staff report exploring how to securely have online participation allowing public comment on Zoom and looking into allowing public video.

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

23. SELECT AND APPOINT CITY COUNCIL MAYOR PRO TEMPORE

Recommendation:

1. Open floor to nomination(s) for Mayor Pro Tempore; and
2. Select a Council Member to serve as Mayor Pro Tempore per City Council Policy 99-01.

City Clerk Michelle Bigelow provided the report.

Public comment opened at 9:04 p.m. There being no requests to speak, public comment closed.

MOTION:

Appointing Marilyn Librers to serve as Mayor Pro Tem for 2024.

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
----------------	------

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

Recommendation:

Determine if the majority of the City Council wants the following items agendaized 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;
5. Consider a discussion on special event security requirements;
6. Consider revisiting the Economic Development Blueprint; and
7. Consider a discussion on imposing a Commercial Vacancy Tax.

City Manager Christina Turner led the City Council through each of the requested items.

Public comment opened at 9:17 p.m. There being no requests to speak, public comment closed.

1. 2 yes: Martinez Beltran and Spring / 2 no: Turner and Librers - no further action
2. 3 yes: Librers, Spring, and Martinez Beltran / 1 no: Turner - bring a report back
3. 3 yes: Librers, Spring, and Turner / 1 no: Martinez Beltran - bring a report back
4. 2 yes: Librers and Turner / 2 no: Spring and Martinez Beltran - no further action
5. 4 yes: Librers, Spring, Turner, and Martinez Beltran - bring a report back
6. 4 yes: Librers, Spring, Turner, and Martinez Beltran - bring a report back
7. 3 yes: Librers, Spring, and Martinez Beltran / 1 no: Turner - bring a report back

PUBLIC HEARINGS

25. INTRODUCE ORDINANCE AMENDING 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

Recommendation:

1. Open/close public hearing;

2. Waive first and second reading of the Ordinance; and
3. Introduce Ordinance by title.

Finance Director Dat Nguyen provided the report.

The public hearing opened at 9:52 p.m.

Miguel Jimenez was called to speak.

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

MOTION:

Waiving the first and second reading of the ordinance.

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

MOTION:

Introducing the ordinance.

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

FUTURE COUNCIL INITIATED AGENDA ITEMS

Council Member Librers requested an item to discuss whether the City should continue to have an elected treasurer.

ADJOURNMENT

There being no further business, Mayor Turner adjourned the meeting at 10:04 p.m.

Minutes Prepared by:

Michelle Bigelow, City Clerk