



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, February 21, 2024 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 p.m. for the purpose of conducting a closed session.

SPECIAL MEETING

5:00 p.m. Closed Session

CALL TO ORDER

Mayor Turner called the City Council meeting to order at 5:00 p.m.

ROLL CALL ATTENDANCE

City Clerk Michelle Bigelow called the roll.

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

Council Member Martinez Beltran arrived at 6:03 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): (1 Case)

OPPORTUNITY FOR PUBLIC COMMENT

Public comment opened at 5:01 p.m. There being no requests to speak, public comment closed.

ADJOURN TO CLOSED SESSION

The meeting adjourned to closed session at 5:01 p.m.

REGULAR MEETING

The regular meeting convened at 6:00 p.m.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PRESENTATIONS

YAC Presentation

Habitat Plan Amendment - Postponed to a future meeting

RECOGNITIONS

Recognizing the 2023 STEM winner - Postponed to a future meeting

PROCLAMATIONS

Proclaiming the month of February as Black History Month

Proclaiming February 7, 2024 as National Girls and Women in Sports Day

CITY COUNCIL REPORTS

Council Member Borgioli spoke about Llagas Creek through his neighborhood and how the work that has been done to aid in flood control is working well. Valley Water is looking to put a price increase in place, and the Board is looking at other solutions to address costs. Valley Water is also working diligently to aid in homing the unhoused that camp in the waterways. He provided an update on the Anderson Dam project and shared that it is on time. He spoke about the South County Youth Task Force and the work they are doing for our Community's at-risk youth.

CITY MANAGER'S REPORT

City Manager Christina Turner announced the Mayor's State of the City Address on Wednesday, March 13, 2024, at 6:30 p.m. at the Community Playhouse. She shared that the Hale Avenue extension is expected to open in March, weather permitting. She also shared that we have expanded some of our programs in adaptive recreation and that we are always looking for volunteers for the Magical Bridge Playground.

CITY ATTORNEY'S REPORT

City Attorney Don Larkin announced there was no reportable action from the closed session.

OTHER REPORTS

Council Member Martinez Beltran spoke about serving on the VTA Policy Advisory board, and she has been elected as Committee Chair for this year. She mentioned that she was also appointed by the Cities Association as an ABAG representative. She spent the last couple of days in Sacramento advocating for clean energy, energy reliability, and energy affordability.

PUBLIC COMMENT

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

Doug Muirhead
Noshaba Afzal
Deana H
Aamir Jamil
Musa Tariq
Dima Khoury
Sam Khoury
Naz Hussain
Ismail Khan
Ronda A
Issa
Aziz Baameur
Kathy Baameur
Karen Musa
Bishara Kakunda
Nuzi Alari
Bassam Jumaa
Naeem Afzal
Dina S
Eman Alhayyub
Kamila Kraba
Nadine
Omar
Donna

Zain Yahya

Hanan

Alie Saad

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

Public Comment Supplement

ADOPTION OF AGENDA

MOTION:

Adopting the agenda as posted.

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

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

1. **ACCEPTANCE OF 2023 PAVEMENT REHABILITATION PROJECT IN THE AMOUNT OF \$4,009,627**

Recommendation:

1. Accept as complete the 2023 Pavement Rehabilitation 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. **ACCEPTANCE OF JACKSON OAKS WATER MAIN PROJECT IN THE AMOUNT OF \$642,338**

Recommendation:

1. Accept as complete the Jackson Oaks Water Main 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.

3. **ACCEPT DONATION OF UP TO \$7,000 FOR TREES FOR IMPROVEMENTS AT COMMUNITY PARK FROM GOOGLE**

Recommendation:

Authorize the City Manager to accept a donation of trees valued up to \$7,000 for Community Park improvements.

4. **ADOPT RESOLUTION APPROVING A FUNDS TRANSFER AGREEMENT (FTA) WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTION FOR GRADE SEPARATIONS AND DIRECT THE CITY MANAGER TO NEGOTIATE A CONSULTANT AGREEMENT WITH BIGGS CARDOSA ASSOCIATES, INC. FOR AN AMOUNT NOT TO EXCEED \$1 MILLION FOR THE COMPLETION OF DESIGN AND ENGINEERING WORK FOR GRADE SEPARATIONS FOR DUNNE AVENUE AND DOWNTOWN CALTRAIN STATION PEDESTRIAN CROSSING**

Recommendation:

1. Adopt resolution approving a Funds Transfer Agreement with California Department of Transportation to fund design and engineering work for grade separations for Dunne Avenue and for the Downtown Caltrain Station pedestrian crossing;
2. Designate the City Manager as the person authorized to execute Master Agreements, Program Supplemental Agreements, Fund Exchange Agreements and/or Fund Transfer Agreements, and any amendments thereto with the California Department of Transportation; and
3. Direct the City Manager to negotiate a consultant agreement with Biggs

Cardosa Associates, Inc. for an amount not to exceed \$1 million for the completion of design and engineering work for grade separations for Dunne Avenue and for the Downtown Caltrain Station pedestrian crossing.

5. **ADOPT RESOLUTION OF INTENT TO HOLD SPECIAL BALLOT PROCEEDING FOR SPARHAWK SUBAREA OF MORGAN HILL LANDSCAPE ASSESSMENT DISTRICT NUMBER 1**

Recommendation:

Adopt resolution declaring intent and authorizing special ballot proceeding required to increase the maximum assessment rate for the Sparhawk subarea of the City's Landscape Assessment District Number 1, effective Fiscal Year (FY) 2024-25.

6. **ADOPT UPDATES TO THE SUSTAINABLE MORGAN HILL DOCUMENT**

Recommendation:

Adopt updates to the Sustainable Morgan Hill document.

7. **APPROVE CONTRACT AMENDMENTS FOR CITY ON-CALL PLUMBING CONTRACTORS**

Recommendation:

1. Authorize the City Manager to execute a fourth amendment to the agreement with Burr Plumbing extending the term of the contract to June 30, 2025 and increasing the maximum compensation to \$307,625; and
2. Authorize the City Manager to execute a fourth amendment to the agreement with Century Commercial Service, Inc. extending the term of the contract to June 30, 2025.

8. **APPROVE PACIFIC GAS AND ELECTRIC COMPANY AGREEMENT TO PROVIDE ELECTRIC SERVICE TO THE BUTTERFIELD FIRE STATION PROJECT**

Recommendation:

1. Ratify approval of the Pacific Gas and Electric Company Agreement to provide electric service to the Butterfield Fire Station Project; and
2. Authorize the City Manager to administer and execute the Pacific Gas and Electric Company Agreement in the amount of \$161,921.

9. **APPROVE REVISIONS TO CITY COUNCIL POLICY CP 94-04, THE CITY'S INVESTMENT POLICY**

Recommendation:

Approve revisions to City Council Policy CP 94-04, the City's Investment Policy.

10. APPROVE THE JANUARY 17, 2024 CITY COUNCIL MEETING MINUTES

Recommendation:

Approve minutes.

11. AWARD THE POLICE DEPARTMENT EXPANSION PROJECT TO JAHN PLUMBING, INC. IN THE AMOUNT OF \$229,221 AND THE CONTINGENCY NOT TO EXCEED \$22,922

Recommendation:

1. Award the Police Department Expansion Project to Jahn Plumbing, Inc. in the amount of \$229,221; and authorize the expenditure of contingency funds not to exceed \$22,922; and
2. Authorize the City Manager to execute and administer that certain construction contract with Jahn Plumbing, Inc.

12. AWARD MADRONE CHANNEL TRAIL IMPROVEMENTS PHASE II PROJECT TO BEALS MARTIN AND ASSOCIATES, INC. IN THE AMOUNT OF \$497,327 AND A CONTINGENCY NOT TO EXCEED \$49,733, AND ADOPT RESOLUTION AMENDING THE FISCAL YEAR 2023-24 BUDGET TO RECOGNIZE \$335,000 AS GRANT REVENUE AND APPROPRIATE AN ADDITIONAL \$190,000 IN THE PARK IMPACT FUND (301) , FOR THE MADRONE CHANNEL TRAIL IMPROVEMENTS PHASE II PROJECT

Recommendation:

1. Adopt resolution amending the Fiscal Year 2023-24 Budget to recognize \$335,000 as grant revenue and appropriate an additional \$190,000 in the Park Impact Fund (301), for the Madrone Channel Trail Improvements Phase II Project;
2. Approve the Madrone Channel Trail Improvements Phase II Project Plans and Specifications;
3. Award contract to Beals Martin and Associates, Inc. for the Madrone Channel Trail Improvements Phase II Project in the amount of \$497,327;
4. Authorize expenditure of construction contingency funds not to exceed \$49,733; and
5. Authorize the City Manager to execute and administer the construction contract with Beals Martin and Associates, Inc.

13. RECEIVE ANNUAL REPORT ON 2023 CITY ENGINEER ACCEPTANCES OF

PUBLIC IMPROVEMENTS COMPLETED BY PRIVATE DEVELOPMENT PROJECTS

Recommendation:

Accept and file Annual Report on 2023 City Engineer acceptances of public improvements completed by private development projects.

PUBLIC HEARINGS

14. ADOPT RESOLUTION APPROVING COMMENCEMENT OF 2024 WEED ABATEMENT PROGRAM

Recommendation:

1. Open/Close public hearing; and
2. Adopt a resolution authorizing Santa Clara County to commence hazardous vegetation abatement activities.

The meeting recessed at 6:52 p.m. and reconvened at 6:59 p.m.

Public Services Director Chris Ghione provided the report.

The public hearing opened at 7:00 pm. There being no requests to speak, the public hearing closed.

MOTION:

Approving the recommended action.

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

OTHER BUSINESS

15. ADOPT RESOLUTIONS CALLING FOR A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024; PLACING A MEASURE ON THE BALLOT TO ENACT A TWELVE CONSECUTIVE YEAR LIMIT ON COMBINED MAYORAL AND CITY COUNCIL SERVICE; PLACING A MEASURE ON THE BALLOT TO AMEND THE CURRENT TWO-YEAR

MAYORAL TERM TO A FOUR-YEAR TERM; AND PROVIDE DIRECTION REGARDING TERM LIMITS FOR CITY BOARDS AND COMMISSIONS.

Recommendation:

1. Adopt Resolution A calling for a General Municipal Election to be held on Tuesday, November 5, 2024, to elect a Mayor, one Council Member from District A, one Council Member from District C, and the City Treasurer;
2. Adopt Resolution B requesting the services of the Board of Supervisors of the County of Santa Clara and the Registrar of Voters Office - and the Consolidation of the Election;
3. Adopt Resolution C placing a measure on the ballot to enact a twelve consecutive year limit on combined Mayoral and City Council service;
4. Adopt Resolution D placing a measure on the ballot to amend the current two-year Mayoral Term to a four-year term; and
5. Provide direction regarding term limits for boards and commissions.

City Clerk Michelle Bigelow provided a report and presentation.

Public comment opened at 7:22 p.m. The following people were called to speak:

Brian Sullivan

Doug Muirhead

Joe Baranowski

Armando Benavides

Sally Casas

Kathy Chavez Napoli

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

SUBSTITUTE MOTION:

Approving staff recommended actions.

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

FUTURE COUNCIL INITIATED AGENDA ITEMS

Council Member Borgioli requested a discussion on disturbances in the Council Chamber. He also requested a policy for the Council not to take positions on foreign affairs.

Council Member Martinez Beltran requested a discussion on a resolution for sustainable peace to end the war and the loss of life in Israel and Palestine.

ADJOURNMENT

There being no further business, Mayor Turner adjourned the meeting at 8:15 p.m.

Minutes Prepared by:

Michelle Bigelow, City Clerk