



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, March 6, 2024 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

Deputy City Clerk Kim Mancera called the roll.

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

DECLARATION OF POSTING AGENDA

Deputy City Clerk Kim Mancera declared the posting of the agenda.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PRESENTATIONS

YAC Presentation

League of California Cities, California Business Roundtable (CBRT) measure

RECOGNITIONS

Recognizing the 2023 STEM winner Sharanya Chudgar

PROCLAMATIONS

Proclaiming March 31, 2024 as Cesar Chavez Day

Proclaiming the month of March 2024 as Women's History Month

Proclaiming the month of March 2024 as Youth Arts Month

CITY COUNCIL REPORTS

Council Member Martinez Beltran shared that on February 28, 2024, she attended the

League of California Cities Latino Caucus meeting. She attended the Silicon Valley Clean Energy executive meeting as well as the Joint Venture Silicon Valley Annual State of the Valley. She shared that the California Business Roundtable (CBRT) event will be on May 22, 2024. She wished everyone a happy Cesar Chavez Day and Women's History Month.

CITY MANAGER'S REPORT

City Manager Christina Turner announced that Assistant City Manager Edith Ramirez is the recipient of the 2024 Latinx Business Leadership Award. To help celebrate her recognition, our Economic Development Team is using this opportunity to highlight many amazing Hispanic owned businesses and Latinx employees in Morgan Hill. If you are a business owner who would like to recognize a local Latinex business leader at your company, please reach out to Brittney Sherman or Matt Mahood. She announced that summer activities are coming soon. On Friday, March 22, 2024 the summer recreation guide will be posted on the website. On April 2, 2024 our new online registration system will be active. On April 9, 2024 registration for our summer camps and programs begin and on April 11, 2024 registration for swim classes will commence. On Wednesday, March 13, 2024 is the Mayor's State of the City address at 6:30 p.m. at the Morgan Hill Community Playhouse. In addition on March 31, 2024 is the opening game for the Panthers at SAP Center.

CITY ATTORNEY'S REPORT

No report.

OTHER REPORTS

None.

PUBLIC COMMENT

Public comment opened at 6:29 p.m. The following person was called to speak:

Eric

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

ADOPTION OF AGENDA

MOTION:

Move item 8.2 in front of item 8.1.

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

NAYS:	Council Member Borgioli
ABSTAIN:	None
ABSENT:	None

MOTION:

Move item 8 to right after the consent calendar.

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

MOTION:

Adopting the agenda.

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

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

1. **APPROVE THE FEBRUARY 2, 2024 AND FEBRUARY 3, 2024 ANNUAL GOAL SETTING WORKSHOP MINUTES AND THE FEBRUARY 21, 2024 CITY COUNCIL MEETING MINUTES**

Recommendation:
Approve minutes.

2. **AUTHORIZE THE CITY MANAGER TO EXECUTE A CHANGE ORDER TO EDWARD R. BACON COMPANY IN THE AMOUNT OF \$156,661 INCLUDING 10% CONTINGENCY FOR THE PURCHASE AND INSTALLATION OF REPLACEMENT GENERATORS AT THE CITY FIRE STATIONS**

Recommendation:
Authorize the City Manager to execute a change order to Edward R. Bacon, in the amount of \$156,661, for the purchase and installation of two generators at the Morgan Hill Fire Stations.

3. **RECEIVE MONTHLY BUDGET UPDATE AND JANUARY 2024 FINANCIAL AND INVESTMENT REPORTS**

Recommendation:
Accept and file report.

4. **RESCIND AWARD OF COMMUNITY PARK DG PATHWAYS PROJECT AND AWARD TO NEXT LOWEST BIDDER**

Recommendation:

1. Rescind Award of Decomposed Granite (DG) Pathways Project to Angkor Engineering, Inc. in the amount of \$51,825 and contingency funds not to exceed \$25,913; and
2. Award DG Pathways Project to Always Paving, Inc. in the amount of \$56,100 and contingency funds not to exceed \$28,050; and
3. Authorize the City Manager to execute and administer that certain

construction contract with Always Paving, Inc.

OTHER BUSINESS ITEM MOVED

PUBLIC HEARINGS

5. **INTRODUCE ORDINANCE (ZA2023-0001) AMENDING VARIOUS CODE PROVISIONS WITHIN TITLE 18 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL IMPLEMENTING THE CITY OF MORGAN HILL 2023-2031 HOUSING ELEMENT; UPDATES TO ELECTRIC VEHICLE CHARGING PROVISIONS TO PROVIDE CONSISTENCY WITH CHAPTER 15.62 (ELECTRIC VEHICLE CHARGING INFRASTRUCTURE); UPDATES TO PARKING PROVISIONS TO COMPLY WITH ASSEMBLY BILL 894; AND IMPLEMENTING MINOR AMENDMENTS DUE TO CLERICAL ERRORS AND INCONSISTENCIES**

Recommendation:

1. Open/close the public hearing;
2. Waive first and second reading of the Ordinance Amendment; and
3. Introduce Ordinance Amendment.

Principal Planner Adam Paszkowski provided a presentation and report.

The public hearing opened at 9:03 p.m. There being no requests to speak, the public hearing closed.

MOTION:

Waiving the first and second reading of the ordinance.

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

MOTION:

Introducing the ordinance.

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

OTHER BUSINESS

6. **ADOPT AN AMENDED RESOLUTION FOR AN EXCEPTION TO THE 180-DAY WAITING PERIOD TO HIRE A RETIRED ANNUITANT, ANDREW CRABTREE, TO SERVE AS A TEMPORARY EXTRA HELP EMPLOYEE (GOVERNMENT CODE SECTIONS 7522.56 AND 21224) IN THE DEVELOPMENT SERVICES DEPARTMENT**

Recommendation:

Adopt an amended Resolution for an exception to the 180-day waiting period to appoint Andrew Crabtree, a retired annuitant, to serve as temporary extra help (Government Code Sections 7522.56 and 21224).

Human Resources Director Michael Horta provided a report.

Public comment opened at 9:07 p.m. There being no requests to speak, public comment 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, Mayor Pro Tem Librers
NAYS:	None
ABSTAIN:	None
ABSENT:	None

7. **ADOPT RESOLUTION OF INTENTION AND INTRODUCTION OF ORDINANCE TO AMEND THE CONTRACT BETWEEN THE BOARD OF**

ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (CALPERS) AND THE CITY OF MORGAN HILL TO IMPLEMENT MILITARY SERVICE CREDIT AS PUBLIC SERVICE IN ACCORDANCE WITH SECTION 21024 OF THE CALIFORNIA GOVERNMENT CODE

Recommendation:

1. Adopt Resolution of Intention of the City Council of the City of Morgan Hill stating its intent to amend the contract between the California Public Employees' Retirement System (CalPERS) and the City of Morgan Hill in order to implement Military Service Credit as Public Service in accordance with California Government Code section 21024;
2. Waive the first and second reading of the ordinance; and
3. Introduce ordinance by title

Human Resources Director Michael Horta provided a report.

Public comment opened at 9:08 pm. There being no requests to speak, public comment closed.

MOTION:

Adopting the resolution.

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

8. 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 a resolution for sustainable peace to end the war and the loss of life in Israel and Palestine; and
2. Consider continuing the discussion on remote public comments.

Item 8.2

City Manager Christina Turner introduced the items and Council Member Martinez Beltran provided a report.

Public comment opened at 6:42 p.m. The following people were called to speak:

Kamila

Anonymous

Anonymous

Anonymous

Armando Benavides

Aziz

Art Cohen

Arik

Anonymous

Rita Gutierrez-Gisher

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

No action taken. This item will be added to a future meeting agenda.

Item 8.1

City Manager Christina Turner introduced the items and Council Member Martinez Beltran provided a report.

Public comment opened at 7:09 p.m. The following people were called to speak:

Nuzi

Aamin

Noshaba A.

Zain

Dina

Omar

Kamila

Vsman

Dima

Saima

Alfiya

Amina

Salam

Ismail

Naz K.

Mohammed

Rita

Bashera

Sarit

Vered

Iloch

Ronnit

Ido Weissman

Ronda A.

Dee H.
Dima
Aziz
Yousuff
Zain Y.
Rabbi Faith Joy Dantowitz
Shahla Khan
Debbie Israel
Sal A.
Kassel
Aaron Jarson
Rabbi Mendel Liberow
Avi
Gabby
Hina
Marby Lee
Rick
Donna
Nadine
Cohava
Arik P.
Shlomit
Mayrav
Yigal
Peter
Natalie Brisbin
Elizabeth Mandel
Anna Stepahenko
Mirian Buzi
Sophia Khalifa
Inga Pevchin
Edgardo Laber
Dorah Rosen
Wendy Greenfield
Public comment closed.

No action taken.

The meeting recessed at 8:32 p.m. and reconvened at 8:47 p.m.

FUTURE COUNCIL INITIATED AGENDA ITEMS

Council Member Martinez Beltran would like to review policy 97-01 4.2, City Council Future Initiated Agenda Items.

CLOSED SESSION

City Attorney Donald Larkin announced the closed session item.

Conference with Legal Counsel – Existing Litigation (§ 54956.9)

Serna v. City of Morgan Hill (Santa Clara County Case No. 23CV409430)

OPPORTUNITY FOR PUBLIC COMMENT

Public comment opened at 9:14 pm. There being no requests to speak, public comment closed.

The meeting adjourned to closed session at 9:19 p.m.

ADJOURNMENT

There being no further business, Mayor Turner adjourned the meeting at 9:30 p.m.

Minutes Prepared by:

Kim Mancera, Deputy City Clerk