



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, April 24, 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 Library, Culture, and Arts Commission and Parks and Recreation Commission interviews.

SPECIAL MEETING

5:00 p.m. - Library, Culture, and Arts Commission and Parks and Recreation Commission interviews

CALL TO ORDER

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

ROLL CALL ATTENDANCE

City Clerk Michelle Bigelow called the roll.

PRESENT	Rene Spring, Mark Turner, Marilyn Librers, Gino Borgioli
ABSENT	Yvonne Martinez Beltran

DECLARATION OF POSTING AGENDA

City Clerk Michelle Bigelow declared the posting of the agenda.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

COMMISSION INTERVIEWS

1. **REAPPOINTMENT OF THREE (3) COMMISSIONERS ON THE LIBRARY, CULTURE AND ARTS COMMISSION (LCAC) AND ONE (1) COMMISSIONER ON THE PARKS AND RECREATION COMMISSION (PRC) AND INTERVIEW CANDIDATES TO FILL THE REMAINING TWO (2) SEATS ON THE LIBRARY, CULTURE, AND ARTS COMMISSION AND REMAINING TWO (2) SEATS ON THE PARKS AND RECREATION COMMISSION**

Recommendation:

1. Reappointment of Commissioners Suman Ganapathy, Amanda Santiago, and Jake Thompson to the Library, Culture, and Arts Commission with terms ending April 1, 2028;
2. Appointment of Commissioner Poonam Chabra to the Parks and Recreation Commission (currently on LCAC) with a term ending April 1, 2028;
3. Mayor shares the characteristics/traits that a successful applicant(s) would possess;
4. Conduct Interviews;
5. Council Members identify the top applicant(s) and provide recommendations to the Mayor; and
6. Discuss and/or appoint applicant(s).

Mayor Turner shared the ideal traits the City Council is looking for in

commissioners.

MOTION:

Approving recommended actions 1 and 2.

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

The City Council interviewed and appointed Robyn Carillo to the Library, Culture, and Arts Commission and Tanaya Rose and Saied Zargar to the Parks and Recreation Commission.

REGULAR MEETING

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

PRESENTATIONS

YAC Presentation

RECOGNITIONS

Recognizing Alban Diaz for his 18 years of serving the Youth of Morgan Hill

PROCLAMATIONS

Proclaiming the month of March as Red Cross Month

Proclaiming April 22, 2024 as Earth Day

Proclaiming April 14-20, 2024 as Public Safety Telecommunicators Week

Proclaiming the month of May as Older Americans Month

Proclaiming the month of May as Water Safety Month

CITY COUNCIL REPORTS

Mayor Pro Tem Librers shared that she attended the League of California Cities Transportation Policy Committee meeting in Burbank last month. The committee dug deep into the traffic issues that can be addressed. She announced that the City has received some grants that will help the commute traffic.

CITY MANAGER'S REPORT

City Manager Christina Turner announced the grants the City recently received from Congresswoman Zoe Lofgren's office. She mentioned that the City is putting the final touches on the City's budget document that will cover the next two fiscal years. We will have a table at the Open Streets event on Saturday, May 11, 2024 to share information about the City's budget. In addition, there will be a Budget Workshop on Wednesday, May 22, 2024, at 5:00 p.m. She announced that a pilot program for Solar permits is underway, which means that contractors getting solar permits can acquire them through the automated solar app program as a result of a grant the City applied for in 2023. Online applications for all are expected to be available by summer. On Thursday, May 30, 2024, from 7:30 a.m. - 1:00 p.m. we will have an Economic Mobility Symposium at the Granada Theater. More information and the link to purchase tickets can be found on the City's website. The 2024 Sidewalk Saturday season has begun. They are held on the 2nd Saturday of every month from 10:00 a.m. - 3:00 p.m. April - December. Last Saturday, the City held a ribbon cutting for its first session of the Indoor Adaptive Play Area at the Centennial Recreation Center. She mentioned that Art a la Carte is on Saturday, May 4, 2024, at the Community and Cultural Center (CCC) from 11:00 a.m. to 2:00 p.m. Open Streets: Morgan Hill is back on May 11, 2024, in Downtown Morgan Hill. Join us from 9:00 a.m. to 1:00 p.m. for fun activities including a bike rodeo, a fun run and 5k (pre-register online), CRC fitness classes, Sidewalk Saturday's vendors, and more. Stop by the Family Health and Wellness Resource Fair on Saturday, May 18, 2024 from 10:00 a.m.-2:00 p.m. at the CCC for performances, health screenings, family resources, workshops, and more. The Public Works week event will be held on Wednesday, May 22, 2024 from 9:00 a.m. - 11:00 a.m. at the City's Corporation Yard. Lastly, the Pride Flag Raising ceremony will be at the Civic Center on May 31, 2024 at 6:00 p.m.

CITY ATTORNEY'S REPORT

On March 6, 2024, the Council met in closed session. City Attorney Don Larkin announced that there was no reportable action.

OTHER REPORTS

Mayor Turner thanked the Morgan Hill Rotary Club for planting 30 trees in Community Park near the Magical Bridge Playground. He announced that the Hwy 101 and Hwy 25 interchange phase one is fully funded. That work is scheduled to begin in early 2025 and should be completed by the end of 2027. He mentioned that VTA is ranked among the top 5 nation's transit agencies in ridership growth. The VTA board also opposed SB 1031, a bill aiming at consolidating all the transit operators in the Bay Area. Caltrain ridership has increased by 38% since the adoption of the fourth train in South County. He also noted that the Cities Association received a presentation from Bay Area Housing Finance Authority (BAHFA) regarding a regional affordable housing bond that they are trying to get on the ballot. He attended the League of California Cities, City Leaders Conference in Sacramento last week and shared some information. He also spoke about a trail that he would like to start to promote restaurants in our Community.

It is called the Guac Walk. There are 15 Mexican restaurants in our Community on board, as well as Region Market. Also, the Mushroom Festival will be on May 25th and 26th.

PUBLIC COMMENT

Public comment opened at 6:32 p.m.

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

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 2 through 11.

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

2. **ADOPT ORDINANCE 2352, NEW SERIES, 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:

Waive the reading, adopt Ordinance No. 2352, 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.

3. **APPROVE A CONSULTANT AGREEMENT WITH SAN JOSE CONSERVATION CORPS FOR RECYCLING AND REUSE HOTLINE AND WEBSITE ADMINISTRATION PROJECT IN THE AMOUNT OF \$544,400**

Recommendation:

1. Approve a contract with San Jose Conservation Corps for \$544,400 to provide Recycling and Reuse Hotline and Website Administration Services with \$4,400 allocated to FY 2023-24, and \$180,000 allocated annually thereafter through FY 2026-27, contingent on approval of the annual funds by the Recycling and Waste Reduction Commission; and
2. Authorize the City Manager to execute and administer the consultant agreement with San Jose Conservation Corp, and to enter into up to two one-year extensions of the contract; and
3. Adopt a Resolution appropriating an additional \$4,400 to the City's Countywide Solid Waste Program for FY 2023-24 (Fund 246).

4. **APPROVE FIRST AMENDMENT TO ENVIRONMENTAL SYSTEMS, INC. HVAC MAINTENANCE SERVICES AGREEMENT**

Recommendation:

1. Approve the First Amendment to the maintenance services agreement with Environmental Services, Inc. (ESI) to increase the amount by \$600,000 for a total agreement amount of \$1,262,944.
2. Authorize the City Manager to execute and administer the first amendment with Environmental Services, Inc.

5. **APPROVE FIRST AMENDMENT TO THE WEST COAST ARBORISTS, INC. MAINTENANCE SERVICES AGREEMENT**

Recommendation:

1. Approve the first amendment to the maintenance services agreement with West Coast Arborists, Inc. to increase the amount by \$200,000 for a total agreement amount of \$852,000; and
2. Authorize the City Manager to execute and administer the first amendment with West Coast Arborists, Inc.

6. APPROVE AN AGREEMENT WITH SOLUTIONZ, INC. FOR THE PURCHASE AND INSTALLATION OF THE COUNCIL CHAMBER AUDIO/ VISUAL EQUIPMENT REPLACEMENT AND UPGRADES IN THE AMOUNT OF \$465,103 AND A 10% CONTINGENCY NOT TO EXCEED \$46,510

Recommendation:

1. Approve an agreement with Solutionz, Inc. for Council Chamber Audio/Visual Equipment Replacement and Upgrades in the amount of \$465,103 and a 10% contingency not to exceed \$46,510;
2. Authorize the City Manager to execute and administer the consultant agreement with Solutionz, Inc.; and
3. Adopt resolution amending the FY 2023-24 Information Systems Fund (Fund 730) Budget to appropriate \$256,612.

7. APPROVE THE 2023 MILITARY EQUIPMENT USE REPORT AND PURCHASE OF A Lenco BEARCAT AND FIVE COLT CARBINE RIFLES

Recommendation:

1. Approve 2023 Military Equipment Use Report and approve the continued use of military equipment contained in the report;
2. Authorize the purchase of one Lenco BearCat from Lenco Industries, Inc. dba in an amount not to exceed \$410,000;
3. Authorize the purchase of five Colt Carbine Rifles in an amount not to exceed \$9,000;
4. Authorize the City Manager to execute the purchase agreement with Lenco Industries, Inc. dba.;
5. Adopt resolution to amend the FY23-24 Budget to appropriate \$127,000 to the Vehicle Replacement Fund (790); and
6. Amend Morgan Hill Police Department Policy 709 (Military Equipment) to include the five additional patrol rifles.

8. APPROVE THE PURCHASE OF CLA-VALVE REPAIR AND REBUILD KITS IN THE AMOUNT OF \$103,718 FROM ICONIX WATERWORKS

Recommendation:

Approve and authorize the City Manager to execute a purchase order to Iconix

Waterworks in the amount of \$103,718 for the purchase of Cla-Valve repair and rebuild kits for repairs to the City's water infrastructure.

9. APPROVE THE MARCH 6, 2024 CITY COUNCIL MEETING MINUTES

Recommendation:

Approve minutes.

10. AWARD CONDIT SEWER CAPACITY UPGRADE PROJECT TO SUBTERRA CONSTRUCTION, INC. IN THE AMOUNT OF \$1,824,097

Recommendation:

1. Approve the Condit Sewer Capacity Upgrade Project Plans and Specification;
2. Award contract to SubTerra Construction Inc. for the Condit Sewer Capacity Upgrade Project in the amount of \$1,824,097;
3. Authorize expenditure of construction contingency funds not to exceed \$364,820; and
4. Authorize the City Manager to execute and administer the construction contract with SubTerra Construction, Inc.

11. INITIATE ANNUAL ASSESSMENT PROCESS FOR LANDSCAPE ASSESSMENT DISTRICT NUMBER 1

Recommendation:

1. Initiate the proceedings for the levy of assessments for Fiscal Year 2024-25;
2. Approve the Engineer's Annual Report and the proposed assessment levy; and
3. Declare the City Council's intention to levy the assessments in the District and to set the Public Hearing date for June 5, 2024.

PUBLIC HEARINGS

12. HOLD PUBLIC HEARING AND TABULATE BALLOTS FOR SPARHAWK SUBAREA OF MORGAN HILL LANDSCAPE ASSESSMENT DISTRICT NUMBER 1

Recommendation:

1. Open public hearing;
2. Accept public input on ballot proceeding;
3. Announce close of public hearing is pending – Any property owner wishing to withdraw or submit their ballot must do so now;

4. Close public hearing;
5. Take a five minute recess for ballot tabulation;
6. Accept verbal report from the City Clerk on Sparhawk ballot tabulation results; and
7. Adopt Resolution A or B certifying the Sparhawk ballot proceeding results.

Public Services Director Chris Ghione provided the report.

The public hearing opened at 6:36 p.m. There being no requests to speak, the public hearing closed.

The meeting recessed at 6:36 p.m. to tabulate the votes and reconvened at 6:43 p.m.

The City Clerk announced the ballot tabulation results. Of the 18 ballots, 13 were received of which 11 are in favor and 2 opposed to the increased rate assessment.

MOTION:

Adopting Resolution A certifying the results of the ballot tabulation for the assessment ballot proceeding to submit to the qualified property owners the question of the proposed increase in the maximum assessment rate for the Sparhawk subarea of landscape maintenance assessment district number 1 beginning in fiscal year 2024/25.

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

13. APPROVE SOLID WASTE MANAGEMENT RATE ADJUSTMENT FOR 2024

Recommendation:

Adopt resolution approving an adjustment in the maximum allowable solid waste charges effective July 1, 2024.

Environmental Services Administrator Tanya Carothers provided the report and presentation.

The public hearing opened at 6:48 p.m. There being no requests to speak, the public hearing closed.

MOTION:

Approving the recommended action.

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

OTHER BUSINESS

14. ADOPT ORDINANCE NO. 2353, NEW SERIES, AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF MORGAN HILL AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Recommendation:

Waive the reading, adopt Ordinance No. 2353, 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.

Human Resources Director Michael Horta provided the report.

Public comment opened at 6:51 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, Mayor Turner, Mayor Pro Tem Librers
NAYS:	None
ABSTAIN:	None
ABSENT:	Council Member Martinez Beltran

15. APPROVE LEADERSHIP MORGAN HILL PROJECT AT THE COMMUNITY AND CULTURAL CENTER

Recommendation:

1. Approve Leadership Morgan Hill project at the Community and Cultural Center to improve splash pad area: and
2. Authorize the City Manager to execute agreements as needed with Leadership Morgan Hill and associated contractors to complete the installation.

Public Services Director Chris Ghione provided a report and presentation, along with Scott Geffre with Leadership Morgan Hill Class of 2024.

Public comment opened at 7:01 p.m. There being no requests to speak, public comment closed.

MOTION:

Approving recommended actions.

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

16. INTRODUCE ORDINANCE REPEALING AND REPLACING CHAPTER 5.32 (MESSAGE ESTABLISHMENTS AND MESSAGE PROFESSIONALS PERMIT REQUIREMENTS) OF TITLE 5 (BUSINESS LICENSES GENERALLY) ESTABLISHING A PERMITTING PROCEDURE FOR MESSAGE THERAPY ESTABLISHMENTS AND SERVICES

Recommendation:

1. Waive first and second reading of the Ordinance; and
2. Introduce new Ordinance replacing Chapter 5.32 (Massage Establishments and Massage Professionals Permit Requirements).

Economic Development Director Matt Mahood presented a report.

Public comment opened at 7:28 p.m. There being no requests to speak, public comment closed.

MOTION:

Waiving the first and second reading of the ordinance.

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

MOTION:

Introducing the ordinance.

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

17. SEWERS AND INDUSTRIAL WASTE ORDINANCE UPDATES

Recommendation:

1. Waive first and second reading of the Ordinance; and
2. Introduce Ordinance updating the City's sewer use provisions.

Deputy Director for Utilities James Sylvain presented the report.

Public comment opened at 7:40 p.m. There being no requests to speak, public comment closed.

MOTION:

Waiving the first and second reading of the ordinance.

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

MOTION:

Introducing the ordinance.

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

18. RECEIVE MONTHLY BUDGET UPDATE; MARCH 2024 FINANCIAL AND INVESTMENT REPORTS; AND CITY MANAGER AUTHORITY REPORT

Recommendation:

Accept and file report.

Finance Director Dat Nguyen presented the report.

Public comment opened at 7:54 p.m. There being no requests to speak, public comment closed.

The report was accepted.

PROPOSED FUTURE COUNCIL INITIATED AGENDA ITEMS

19. 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. Appointing versus electing the City Treasurer; and
2. Creating term limits for the City Treasurer; and
3. A policy to prevent the City Council from taking positions on foreign or international events; and
4. A disturbance policy for City Council meetings.

City Manager Christina Turner introduced the item and provided a high-level overview.

A majority of the City Council directed staff to bring all four items to a future meeting for a formal discussion.

FUTURE COUNCIL INITIATED AGENDA ITEMS

Council Member Borgioli asked that no campaigning from the dais be added to the City Council norms.

Council Member Spring asked for a discussion or some sort of educational forum regarding insurance companies canceling homeowners' insurance policies.

Council Member Spring asked for discussion or other forum to address loneliness.

CLOSED SESSION

City Attorney Larkin announced the closed session items.

Conference with Legal Counsel – Existing Litigation (§ 54956.9)

City of Morgan Hill v. Rocke and Glenda Garcia et al. (Santa Clara County Case No. 21CV385524)

Conference with Legal Counsel – Anticipated Litigation

Significant exposure to litigation pursuant to § 54956.9(b): (one case)

OPPORTUNITY FOR PUBLIC COMMENT

Public comment opened at 8:14 p.m. There being no requests to speak, public comment closed.

ADJOURN TO CLOSED SESSION

The meeting adjourned to closed session at 8:15 p.m.

ADJOURNMENT

There being no further business, Mayor Turner adjourned the meeting at 8:53 p.m. with no reportable action.

Minutes Prepared by:
Michelle Bigelow, City Clerk