



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, May 15, 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

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.

CLOSED SESSION

City Attorney Donald 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 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

RECOGNITIONS

Recognizing Michael Greymont for his volunteer work for the Morgan Hill Aquatics Center

PROCLAMATIONS

Proclaiming May 15, 2024 as Peace Officers Memorial Day and the week of May 12 - 19, 2024 as National Police Week

Proclaiming the week of May 19 - 25, 2024 as National Public Works Week

Proclaiming the month of May 2024 as Affordable Housing Month

Proclaiming the month of May 2024 as Wildfire Awareness Month

Proclaiming the month of May 2024 as Foster Care/Resource Parent Month

PRESENTATIONS

YAC Presentation

CITY COUNCIL REPORTS

Council Member Spring mentioned that he is currently the Chair of the South County Regional Wastewater Authority. He has been on the board for 8 years and is proud of the facility in Gilroy that continues to win awards for the way that it runs. He also noted that he is Chair of the Governing Board of the Santa Clara Valley Habitat Agency and a Board Member of the Implementation Board. There is an Implementation Board meeting tomorrow May 16, 2024, at 3:00 p.m. in the Council Chambers. One of the biggest highlights over the last few years was saving the land of the Tilton Ranch. He has been going to many events. He has learned to play bunco for a good cause, supporting the South County Tail Waggers. He has supported Operation Freedom Paws with a pasta feed. He also joined the Disaster Airlift Response team at the San Martin Airport last week.

CITY MANAGER'S REPORT

City Manager Christina introduced and recognized the City's new, promoted and retired teammates. She recognized Deputy City Clerk Kim Mancera for receiving her Certified Municipal Clerk (CMC) designation. She recognized Ryan Warren and Adrian Sapien for their excellent work in their homicide investigations that led to several arrests. In addition, Monica Travens with Calfire was recognized for her heroic life-saving work in response to a major road accident. She announced that Tanaya Rose has been appointed to the Library, Culture, and Arts Commission and John Moniz has been reappointed to the Parks and Recreation Commission. May is bike month. She mentioned that on May 16, 2024 during "Bike to Wherever Day" from 2:00 p.m. to 4:00 p.m., the City will be hosting an Energizer Station to support participating riders in the Community. The Energizer Station will be located near the Centennial Recreation Center on the West Little Llagas Creek Trail. There will be a Family Health and Wellness Resource Fair on May 18, 2024, from 10:00 a.m. to 2:00 p.m. at the Community and Cultural Center for performances, health screenings, family resources, workshops, and more! She also invited the Community to visit the City's Corporation Yard on Wednesday, May 22, 2024, from 9:00 a.m. to 11:00 a.m. to celebrate Public Works Week! At this free event, you can meet public works employees, see equipment demonstrations, and learn about the role Public Works professionals play in our everyday life. She concluded by announcing that the San Jose Panthers continue to play their home games at SAP Center and their next home game is on May 25, 2024, against the San Antonio Gunslingers at 6:05 p.m. and then on June 8, 2024, against Tucson.

CITY ATTORNEY'S REPORT

City Attorney Donald Larkin announced that there was no reportable action in the City of Morgan Hill vs. Rocke and Glenda Garcia closed session item. The second closed session item regarding Ten South Acquisitions LLC, which Council gave the authority to enter into a settlement agreement. Under the terms of the agreement, the City would not raise legal obstacles to Ten South Acquisitions LLC project. In exchange, Ten South Acquisitions LLC would agree to maintain at least 20% of the total units as very low income housing and provide a \$2 million contribution towards City infrastructure, among other things.

OTHER REPORTS

Council Member Martinez Beltran announced that on Saturday, May 18, 2024, there will be a children's art exhibit "Expressions about Palestine". This will be held at the Peace Monument from 12:00 p.m. to 4:00 p.m. She also mentioned that she is on the Peninsula Division's Executive Board for the League of California Cities. On May 22, 2024, from 11:30 a.m. to 1:00 p.m. at Cisco, they will be discussing different ballot measures. She spoke about attending the Legislative Action Day for the League of California Cities. She mentioned that the Morgan Hill Education Foundation had a ribbon cutting to support our kids. She thanked the teachers for teachers' appreciation month. She chairs the VTA PAC Committee, and they approved a \$4.2 million project

for the SR 85 corridor program.

PUBLIC COMMENT

Public comment opened at 6:43 p.m. The following person was called to speak:

Krista Rupp

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

ADOPTION OF AGENDA

MOTION:

Adopting the agenda as posted.

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 agenda as posted.

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 FISHER BASIN EXPANSION PROJECT IN THE AMOUNT

OF \$2,488,052

Recommendation:

1. Accept as complete the Fisher Basin Expansion Project;
2. Authorize City Engineer to sign the Notice of Completion; and
3. Direct City Clerk to file the Notice of Completion with the County Recorder's Office.

2. ADOPT 2024 WASTEWATER COLLECTION SYSTEM MASTER PLAN UPDATE

Recommendation:

Adopt the 2024 Wastewater Collection System Master Plan Update.

3. ADOPT MITIGATED NEGATIVE DECLARATION FOR THE EAST DUNNE AVENUE HILLSIDE WATER RESERVOIR PROJECT

Recommendation:

1. Adopt and certify the project Mitigated Negative Declaration;
2. Approve the Mitigation Monitoring and Reporting Program; and
3. Authorize the City Clerk to file the Mitigated Negative Declaration with the County Recorder's Office.

4. ADOPT ORDINANCE 2354, NEW SERIES, REPEALING AND REPLACING CHAPTER 5.32 (MASSAGE ESTABLISHMENTS AND MASSAGE PROFESSIONALS PERMIT REQUIREMENTS) OF TITLE 5 (BUSINESS LICENSES GENERALLY) TO ESTABLISH A PERMITTING PROCEDURE FOR MASSAGE THERAPY ESTABLISHMENTS AND SERVICES

Recommendation:

Waive the reading, adopt Ordinance No. 2354, 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.

5. ADOPT ORDINANCE 2355, NEW SERIES, AMENDING SECTION 13.20.030 (DEFINITIONS) AND SECTION 13.20.090 (SPECIFIC POLLUTANT LIMITATIONS) OF CHAPTER 13.20 (SEWERS AND INDUSTRIAL WASTE) OF TITLE 13 (PUBLIC SERVICES), TO REGULATE SEWER USE AND SET UNIFORM REQUIREMENTS FOR DISCHARGES INTO THE WASTEWATER COLLECTION AND TREATMENT SYSTEM

Recommendation:

Waive the reading, adopt Ordinance No. 2355, 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 APPROVING FY 2024-25 LIST OF STREET REHABILITATION PROJECTS FUNDED BY SENATE BILL (SB) 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT**

Recommendation:

Adopt a resolution approving a list of street rehabilitation projects for Fiscal Year 2024-25 funded by SB1, the Road Repair and Accountability Act of 2017.

7. **APPROVE THE APRIL 24, 2024 CITY COUNCIL MEETING MINUTES**

Recommendation:

Approve minutes.

8. **APPROVE THE FIRST AMENDMENT TO THE AGREEMENT WITH THE COUNTY OF SANTA CLARA FOR EMERGENCY MEDICAL DISPATCHING SERVICES**

Recommendation:

1. Authorize the City Manager to enter into a one-year amendment to the agreement with the County of Santa Clara for Emergency Medical Dispatch Services for \$73,260 with an option to extend for an additional three years, subject to budget appropriation and approval as to form by the City Attorney; and
2. Authorize the City Manager to execute all future agreements with the County of Santa Clara to ensure continued medical dispatch services for our Community.

9. **APPROVE THE SECOND AMENDMENT TO PROFESSIONAL SERVICE AGREEMENT WITH ASSOCIATED ENGINEERING-SURVEYING SERVICE, INC., DBA HANNA-BRUNETTI, FOR ON-CALL MAP REVIEW AND CITY SURVEYOR SERVICES FOR LAND DEVELOPMENT ENGINEERING**

Recommendation:

1. Approve the Second Amendment to the professional service agreement with Hanna-Brunetti for On-Call Map Review and City Surveyor Services for Land Development Engineering to add \$40,000 to the contract amount for a total not-to-exceed amount of \$100,000 with the term of the agreement unchanged; and
2. Authorize the City Manager to execute the Second Amendment.

10. **AWARD 2024 PAVEMENT REHABILITATION PROJECT TO A. TEICHERT & SON, INC. DBA TEICHERT CONSTRUCTION IN THE AMOUNT OF \$3,437,968**

Recommendation:

1. Approve 2024 Pavement Rehabilitation plans and specifications;
2. Award contract to A. Teichert & Son, Inc. DBA Teichert Construction for the 2024 Pavement Rehabilitation Project in the amount of \$3,437,968;
3. Authorize the expenditure of construction contingency not to exceed \$343,797; and
4. Authorize the City Manager to execute and administer the construction contract with A. Teichert & Son, Inc. DBA Teichert Construction.

11. AWARD 2024 SEAL COAT & STRIPING PROJECT TO DRYCO CONSTRUCTION, INC. IN THE AMOUNT OF \$77,241

Recommendation:

1. Award contract to DRYCO Construction, Inc. in the amount of \$77,241;
2. Authorize the expenditure of contingency funds not to exceed \$7,724; and
3. Authorize City Manager to execute and administer the construction contract with DRYCO Construction, Inc.

12. AWARD ON-CALL ELECTRICAL MAINTENANCE AND REPAIR SERVICE AGREEMENTS

Recommendation:

1. Award maintenance service agreements to MJR Electric, Inc. and One Day Installation & Repairs, Inc. for up to \$100,000 each for on-call electrical maintenance and repair services; and
2. Authorize the City Manager to execute and administer the agreements.

13. RATIFY CITY POSITION ON PENDING LEGISLATION, ASSEMBLY BILL 3035 (PELLERIN) AGRICULTURAL EMPLOYEE HOUSING: STREAMLINED MINISTERIAL APPROVAL: COUNTIES OF SANTA CLARA AND SANTA CRUZ

Recommendation:

Ratify the City's support position on pending legislation, Assembly Bill 3035 (Pellerin) Agricultural employee housing: streamlined ministerial approval: Counties of Santa Clara and Santa Cruz.

PUBLIC HEARINGS

14. CONDUCT PUBLIC HEARING AND ADOPT RESOLUTION TO ESTABLISH OLD MONTEREY ROAD UNDERGROUND UTILITIES DISTRICT NO. 1 – OLD MONTEREY ROAD FROM LLAGAS ROAD TO MONTEREY ROAD

Recommendation:

1. Open/Close Public Hearing;
2. Adopt Resolution Establishing Old Monterey Road Underground Utilities District No. 1 - Old Monterey Road from Llagas Road to Monterey Road; and
3. Direct the City Clerk to notify all affected utilities and all persons owning real property within ten (10) days after the date of the adoption of the resolution.

Senior Project Manager Yat Cho provided the report.

The public hearing opened at 6:52 p.m. There being no requests to speak, the public hearing closed.

MOTION:

Approving staff recommendation.

RESULT:	Passed
MOVER:	Council Member Martinez Beltran
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

OTHER BUSINESS

15. PROVIDE INPUT ON TRANSPORTATION MASTER PLAN GOALS AND ADOPT SPEED LIMITS IN ACCORDANCE WITH UPDATED ENGINEERING AND TRAFFIC SURVEY

Recommendation:

1. Provide input and direction on Transportation Master Plan Goals and Priorities;
2. Repeal Resolution No. 15-223 based on 2015 Engineering and Traffic Survey; and
3. Adopt Resolution establishing speed limits on City Streets.

Public Services Director Chris Ghione provided the report and presentation, along with Robert Del Rio and Ruben Rodriguez with Hexagon Transportation

Consultants.

Public comment opened at 7:55 p.m. There being no requests to speak, public comment closed.

MOTION:

Approving staff recommendations for 15.2 and 15.3.

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

16. APPROVE SOUTH COUNTY RECYCLED WATER DISTRIBUTION MASTER PLAN

Recommendation:

Review and approve final draft of the South County Recycled Water Distribution Master Plan.

Public Services Director Chris Ghione provided the report and presentation, along with David Tucker and Kristen Struve from Valley Water.

Public comment opened at 8:45 p.m. The following people were called to speak:
Doug Muirhead
There being no further requests to speak, public comment closed.

MOTION:

Approving staff recommendation.

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

Mayor Turner extended the end time of the meeting to no later than 10:30 p.m.

17. INTRODUCE THE RECOMMENDED FY 2024-25 AND FY 2025-26 BIENNIAL OPERATING AND FY 2024-25 THROUGH FY 2029-30 CAPITAL IMPROVEMENT PROGRAM BUDGETS

Recommendation:

Receive the Introduction to the Recommended Budget Presentation.

Budget Manager Monica Delgado provided the report and presentation.

Public comment opened at 9:18 p.m. There being no requests to speak, public comment closed.

Report received.

18. PROVIDE DIRECTION REGARDING REMOTE PUBLIC COMMENTS AT CITY COUNCIL MEETINGS

Recommendation:

Provide direction to staff regarding the allowance of remote public comment on Zoom.

City Manager Christina Turner provided the report.

Public comment opened at 9:30 p.m. The following person was called to speak:
Armando Benavidos

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

MOTION:

Approving public comment on Zoom.

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

MOTION:

Approving public comment on Zoom for items on the agenda only and include a registration process.

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

19. PROVIDE DIRECTION REGARDING OPTIONS FOR PUBLIC ART FUNDING

Recommendation:

Receive report and provide direction on policy for public art funding.

Assistant City Manager for Development Services Edith Ramirez provided the report and presentation.

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

David Dindak

Nick Gaich

Amanda Santiago

Marlene Amerian

Suman Ganapathy

Abigail Dunnivan

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

Report received.

Council directed staff to come back with more information.

FUTURE COUNCIL INITIATED AGENDA ITEMS

Council Member Spring would like to have a discussion to clarify the Council's position on festivals.

Council Member Martinez Beltran would like to have a discussion about bringing Viva Calles to Morgan Hill.

ADJOURNMENT

There being no further business, Mayor Turner adjourned the meeting at 11:01 p.m.

Minutes Prepared by:

Kim Mancera, Deputy City Clerk