



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, September 4, 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 interviews and conducting a closed session.

SPECIAL MEETING

5:00 p.m. Library, Culture, and Arts Commission interviews and 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, Yvonne Martinez Beltran, Mark Turner, Marilyn Librers
ABSENT	None

Council Member Librers arrived at 5:06 p.m.

DECLARATION OF POSTING AGENDA

City Clerk Michelle Bigelow declared the posting of the agenda.

COMMISSION INTERVIEWS

1. INTERVIEW CANDIDATES TO FILL ONE (1) SEAT ON THE LIBRARY, CULTURE, AND ARTS COMMISSION (LCAC)

Recommendation:

1. Mayor shares the characteristics/traits that a successful applicant would possess;
2. Conduct Interviews;
3. Council Members identify the top applicant(s) and provide recommendations to the Mayor; and
4. Discuss and/or appoint an applicant.

Mayor Turner shared the desired qualities of commissioners and the interview process.

The Council interviewed Mark Fiorenza, Kendra O'Donoghue, and Nadia Suleman.

CLOSED SESSION

City Attorney Larkin announced the closed session item.

CONFERENCE WITH LABOR NEGOTIATORS

Authority: Pursuant Government Code Section 54957.6

City Negotiators: Christina Turner, City Manager; Donald Larkin, City Attorney; Michael

Horta, Human Resources Director; Dat Nguyen, Finance Director
Employee Organization: Morgan Hill Police Officers Association; AFSCME Local 101
Morgan Hill; Community Service Officers Association; Employees Covered under
Management Resolution #23-051

OPPORTUNITY FOR PUBLIC COMMENT

Public comment opened at 5:43 p.m. There being no requests to speak, public comment closed.

ADJOURN TO CLOSED SESSION

The meeting adjourned to closed session at 5:43 p.m.

REGULAR MEETING

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

City Clerk Bigelow announced that the Council appointed Mark Fiorenza to the Library, Culture, and Arts Commission.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Proclaiming the month of September as National Preparedness Month
Proclaiming the month of September as Childhood Cancer Awareness Month
Proclaiming September 17-23 as Constitution Week

CITY COUNCIL REPORTS

Mayor Pro Tem Librers shared that she was asked to join a round table group with Silicon Valley at Home. The event was very eye-opening and informative. In August, she spent five days in Washington, DC, attending a class on advanced leadership for elected officials. The class will continue online for the next six weeks.

CITY MANAGER'S REPORT

City Manager Turner shared that the City is very excited to announce the grand opening and ribbon cutting ceremony for our 4 new outdoor pickleball courts this Saturday, September 7th, at 10:00 a.m. at the Community Park. Also taking place on September 7th, the Leadership Morgan Hill Class of 2024 is holding a ribbon cutting of their class project, a new community picnic area at the Community and Cultural Center. Enjoy live music and light refreshments and celebrate on Saturday, September 7th, at 11:00 a.m. She spoke about the transportation community survey. This is an online survey for the community to provide input and share their priorities on transportation in our community. This survey is available in English and Spanish through September 22, 2024. The City is nearing completion of its first comprehensive Transportation Master Plan. The Plan will set priorities for the City's transportation efforts and provide a foundation for an update to the City's General Plan Transportation Element. For more information, visit our Transportation Master Plan webpage or email ttmp@morganhill.ca.gov. She also shared that on Wednesday, September 18th at 5:00 p.m. we will have our Mid-Year Goal Check-in Workshop. Due to the Rosh Hashanah holiday and the CalCities conference, the next City Council meeting will be October 23rd.

CITY ATTORNEY'S REPORT

City Attorney Larkin announced that there was no reportable action from the closed session earlier in the meeting.

OTHER REPORTS

Council Member Martinez Beltran spoke about attending the Overdose Awareness event last Saturday and the profound impact the event had on the community. She also attended the opening of Voices Academy.

PUBLIC COMMENT

Public comment opened at 6:12 p.m.

Eli Robles 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, 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 consent calendar items 2, 3, and 5 through 7.

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

**2. ADOPT RESOLUTION ACCEPTING THE SANTA CLARA COUNTY
MULTIJURISDICTIONAL LOCAL HAZARD MITIGATION PLAN UPDATE
INCLUDING THE CITY OF MORGAN HILL'S ANNEX**

Recommendation:

Adopt resolution accepting the Santa Clara County Multijurisdictional Local Hazard Mitigation Plan Update including the City of Morgan Hill's Annex.

3. AMEND CONFLICT OF INTEREST CODE REPORTING CATEGORIES

Recommendation:

Adopt resolution amending the list of positions subject to the City's Conflict of Interest Code.

**5. APPROVE COST SHARE AGREEMENT WITH THE CITY OF GILROY FOR
JOINT WASTEWATER TRUNK LINE REPAIRS**

Recommendation:

Authorize the City Manager to execute and administer a cost sharing agreement with the City of Gilroy for the design and repairs to the jointly owned wastewater trunk line for \$1,814,455.

6. APPROVE THE AUGUST 28, 2024 CITY COUNCIL MEETING MINUTES

Recommendation:

Approve minutes.

7. APPROVE CONSULTANT AGREEMENT WITH SCHAAF & WHEELER CONSULTING CIVIL ENGINEERS IN THE AMOUNT OF \$74,472 FOR BUTTERFIELD BASIN FEASIBILITY STUDY

Recommendation:

Authorize the City Manager to execute and administer a consultant agreement in the amount of \$74,472 with Schaaf & Wheeler Consulting Civil Engineers for feasibility design work at the Butterfield Basin.

ITEM PULLED FOR DISCUSSION

4. APPROVE CONSULTANT AGREEMENT WITH JAYSON ARCHITECTURE IN THE AMOUNT OF \$375,000 FOR DESIGN OF VILLA MIRA MONTE PHASE 1 IMPROVEMENTS

Recommendation:

Authorize the City Manager to execute a consultant agreement for design services totaling \$375,000 for the Phase 1 Villa Mira Monte Improvements.

Public Services Director Chris Ghione provided a report.

Public comment opened at 6:31 p.m. There being no requests to speak, public comment closed.

MOTION:

Continue this item until an updated MOU is executed.

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

MOTION:

Approving the recommended actions.

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

PUBLIC HEARINGS**8. ADOPT RESOLUTION TO ESTABLISH NEW AND UPDATED FEES FOR PLANNING, BUILDING, AND LAND DEVELOPMENT ENGINEERING**

Recommendation:

1. Open/Close Public Hearing; and
2. Adopt resolution to establish new and updated Planning, Building, and Land Development Engineering fees as proposed.

Assistant City Manager Edith Ramirez introduced the item and the Development Services Team presenting the report and presentation: Development Services Director Jennifer Carman, Building Official Eric Blomquist, Planning Consultant Andrew Crabtree, and Public Services Director Chris Ghione.

The Council moved to item 9 to allow time to address technical difficulties with Zoom on item 8.

MOTION:

Continuing item to October 23, 2024 and to not start this item before 6:00 p.m.

RESULT:	Passed
MOVER:	Council Member Spring
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
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9. **ADOPT RESOLUTION TO ESTABLISH NEW CARRY CONCEALED WEAPON (CCW) LICENSE RENEWAL FEE, FINGERPRINT ROLL AND LIVE SCAN FEE, AND UPDATE LIVE ENTERTAINMENT ANNUAL PERMIT FEE**

Recommendation:

Adopt resolution to establish new CCW license renewal fee, Fingerprint Roll and Live Scan fee, and update Live Entertainment Annual Permit fee.

Police Captain Mario Ramirez provided the report.

The public hearing opened at 6:53 p.m.

Kyle Merritt was called to speak.

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

MOTION:

Approving the recommended actions

RESULT:	Passed
MOVER:	Council Member Martinez Beltran
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

10. **INTRODUCE ORDINANCE PROHIBITING SMOKING IN MULTIUNIT RESIDENTIAL BUILDINGS**

Recommendation:

1. Waive first and second reading of the Ordinance; and
2. Introduce new Ordinance prohibiting smoking in multiunit residential buildings.

City Attorney Donald Larkin, Deputy City Attorney Dorothy Ma, and Leslie Zellers from the County of Santa Clara provided the presentation and report.

Public comment opened at 7:58 p.m. The following people were called to speak:
 Bryan Lark
 Judy Scovel
 Doug Muirhead
 Jen Grans-Lejano (Zoom) - City Attorney Larkin read Jen's comments into the record.
 Kate Rodman (Zoom) - City Attorney Larkin read Jen's comments into the record.
 There being no further 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, 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

11. APPROVE SUPPORT OF THE CAL CITIES RESOLUTION TO BE CONSIDERED AT THE 2024 ANNUAL CONFERENCE

Recommendation:

1. Confirm "support" for the resolution to be considered on "Fair and Equal

- Treatment of All Government Officials at All Levels of Government"; and
2. Authorize the City's voting delegate(s) to vote on the resolution to be considered at the Cal Cities annual conference.

City Attorney Larkin provided the report.

Public comment opened at 8:25 p.m. There being no requests to speak, public comment closed.

MOTION:

Approving the recommended actions.

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

The meeting recessed at 8:27 p.m. and reconvened at 8:38 p.m.

FUTURE COUNCIL INITIATED AGENDA ITEMS

Council Member Spring requested an ordinance banning smoking in all residential properties.

Council Member Martinez Beltran requested a conversation about trash cans throughout the city.

ADJOURNMENT

There being no further business, Mayor Turner adjourned the meeting at 8:48 p.m.

Minutes Prepared by:

Michelle Bigelow, City Clerk