CITY OF MORGAN HILL

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, October 23, 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.

SPECIAL MEETING

5:00 p.m. Special Meeting

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

DECLARATION OF POSTING AGENDA

City Clerk Michelle Bigelow declared the posting of the agenda.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Proclaiming the month of October as Dementia and Brain Health Awareness Month
Proclaiming October 2, 2024 as Clean Air Day
Proclaiming October 20-26, 2024 as Friends of the Library Week and Celebrating the 50th Anniversary of the Morgan Hill Friends of the Library

PRESENTATIONS

Caltrain presentation

CITY COUNCIL REPORTS

Mayor Mark Turner shared that he along with Council Members Librers, Borgioli, and Martinez Beltran attended the Cal Cities Annual Conference last week. The annual conference offers educational leadership sessions as well as general sessions with opportunities to hear various speakers. This is a great networking opportunity to network with other elected officials as well. He attended Valley Water's Water Solutions Summit, which addressed the unhoused camping along creeks. He attended the public art conversation last week and mentioned there was a great turn out.

CITY MANAGER'S REPORT

City Manager Christina Turner encouraged the community to drive by the new fire station being built on Butterfield Boulevard. She spoke about the Manufacture Morgan Hill Campaign. She also mentioned that the Economic Development Team collaborated with the Chamber of Commerce to host tours for 50 local high school students at Creative Manufacturing Solutions, Toray Advanced Composites, and the Shoe Palace Headquarters. She concluded by introducing the City's newly hired and promoted teammates, as well as announcing the recently retired teammate.

CITY ATTORNEY'S REPORT

City Attorney Donald Larkin had no report.

OTHER REPORTS

Council Member Martinez Beltran shared that she attended the Santa Clara County Court System Legislators Day on October 3rd. She attended the Voices Grand opening and the Coming Out night with Rebekah's Childrens Services. Her girls participated in the Young Eagles Flights, which was a great experience. She announced that she has been re-elected to the Board of Directors for the Peninsula Division Executive Board and voted on to the Board of Directors for the League of CA Cities. She concluded by announcing that on October 26th there will be the Dia de los Muertos Day of the Dead celebration.

PUBLIC COMMENT

Public comment opened at 5:42 p.m.
Ben Palm 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 Borgioli
SECONDER:	Council Member Martinez Beltran
AYES:	Council Member Borgioli, Council Member Martinez Beltran, Mayor Turner, Mayor Pro Tem Librers
NAYS:	None
ABSTAIN:	None
ABSENT:	Council Member Spring

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 1, and 3 through 9.

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

1. ACCEPT GRANT FUNDING IN THE AMOUNT OF $115,700 FROM THE CALIFORNIA STATE OFFICE OF TRAFFIC SAFETY AND $100,000 FROM THE BYRNE DISCRETIONARY COMMUNITY FUNDING PROJECT

Recommendation:

1. Authorize the City Manager to execute the Grant Agreement with the California State Office of Traffic Safety accepting grant funds from the Traffic Records Improvement Project in the amount of $28,700;
2. Authorize the City Manager to execute the Grant Agreement with the California State Office of Traffic Safety accepting grant funds from the Selective Traffic Enforcement Program in the amount of $87,000;
3. Accept the Byrne Discretionary Community Funding Project Grant in the amount of $100,000 for the purchase of two BMW motorcycles; and
4. Amend the Fiscal Year (FY) 2024-25 General Fund budget to recognize grant revenue and appropriate $215,700 in grant fund expenditures in FY 2024-25.

3. APPROVE ACQUISITION OF SEWER EASEMENT FROM PG&E (APN 841-10-027 & 039) FOR THE SEWER RELIEF TRUNK LINE PROJECT

Recommendation:

1. Authorize the purchase of a sewer easement (9,476 square feet), APN

841-10-027 and APN 841-10-039, for $23,000 plus escrow and closing costs from Pacific Gas and Electric (PG&E), for the Sewer Relief Trunk Line Project; and
2. Authorize the City Manager to execute all documents and make minor modifications as necessary in order to consummate the transaction and acquire the easement.

4. APPROVE THE SEPTEMBER 4, 2024 CITY COUNCIL MEETING MINUTES

Recommendation:
Approve minutes.

5. APPROVE THE SEPTEMBER 18, 2024 CITY COUNCIL MID-YEAR GOAL REVIEW CHECK-IN WORKSHOP MINUTES

Recommendation:
Approve minutes.

6. AWARD BUTTERFIELD PARK – PHASE 1 PROJECT TO S&H CONSTRUCTION, INC. IN THE AMOUNT OF $3,268,600

Recommendation:

1. Approve the Butterfield Park - Phase 1 Project Plans and Specifications;
2. Award contract to S&H Construction, Inc. for the Butterfield Park - Phase 1 Project in the amount of $3,268,600;
3. Authorize the expenditure of construction contingency funds not to exceed $326,860; and
4. Authorize the City Manager to execute and administer the construction contract with S&H Construction, Inc.

7. AWARD MAINTENANCE SERVICE AGREEMENT TO PRECISION EMPRISE, LLC DBA PRECISION CONCRETE CUTTING IN THE AMOUNT OF $150,000 FOR ON-CALL CONCRETE CUTTING SIDEWALK REPAIR SERVICES AND SIDEWALK ASSET MANAGEMENT SURVEYING SERVICES

Recommendation:

1. Award maintenance service agreement to Precision Emprise, LLC dba Precision Concrete Cutting in the not-to-exceed amount of $150,000 for on-call concrete cutting sidewalk repairs and sidewalk asset management surveying services;
2. Determine that said purchase may be made cooperatively, as provided in Section 3.04.180 of the Morgan Hill Municipal Code;
3. Determine that competitive bids upon notice would not likely result in a lower price to the City from a responsible bidder or would cause

unnecessary expense or delay under the circumstances as provided in Section 3.04.150 (2) of the Morgan Hill Municipal Code; and

4. Authorize the City Manager to execute and administer that certain construction contract with Precision Emprise, LLC dba Precision Concrete Cutting.

8. AWARD MONTEREY ROAD UNDERPASS CONCRETE SPALL AND CRACK REPAIR PROJECT TO ASHRON CONSTRUCTION AND RESTORATION INC. IN THE AMOUNT OF $284,440

Recommendation:

1. Approve the Monterey Road Underpass Concrete Spall and Crack Repair Project Plans and Specifications;
2. Award contract to Ashron Construction and Restoration Inc. for the Monterey Road Underpass Concrete Spall and Crack Repair Project in the amount of $284,440;
3. Authorize expenditures of construction contingency not to exceed $28,444; and
4. Authorize the City Manager to execute and administer the construction contract with Ashron Construction and Restoration Inc.

9. ADOPT A JOINT RESOLUTION DETAILING THE REPRESENTATIVE GOVERNANCE FOR SOUTH SANTA CLARA COUNTY CITIES ON SANTA CLARA VALLEY TRANSPORTATION AUTHORITY'S (VTA) BOARD OF DIRECTORS

Recommendation:
Adopt the joint Morgan Hill and Gilroy resolution detailing the representative governance for South Santa Clara County Cities on Santa Clara Valley Transportation Authority's (VTA) Board of Directors.

ITEM PULLED FOR DISCUSSION

2. ADOPT RESOLUTION SUPPORTING PROPOSITION 36

Recommendation:
Adopt a resolution in support of Proposition 36: The Homeless, Drug Addition, and Theft Reduction Act.

Police Chief Palsgrove provided a report.

Public comment opened at 5:51 p.m. There were no requests to speak, so public comment was closed.

MOTION:

Approving the recommended action.

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

REGULAR MEETING

6:00 p.m.
Other Business Item 12 was heard first.

PUBLIC HEARINGS

10. 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 for Development Services Edith Ramirez introduced the item and turned the presentation and report over to Development Services Consultant Andrew Crabtree and Development Services Director Jennifer Carman.

The public hearing opened at 7:48 p.m. The following people were called to speak:
Ben Caragan (Zoom)
Kerri Watt (Zoom)
Deborah Africa
There were no further requests to speak, so the public hearing was closed.

SUBSTITUTE MOTION:
Approve as a tiered increase of 50%, 25%, 25% over the next three years.

RESULT:	Failed for lack of a second

MOVER:	Mayor Pro Tem Librers
SECONDER:	None

MOTION:
Approving the recommended action.

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

11. INTRODUCE ORDINANCE TO AMEND THE CITY OF MORGAN HILL DOWNTOWN SPECIFIC PLAN DELETING THE CONDITIONAL USE PERMIT REQUIREMENT FOR BARS ASSOCIATED WITH A RESTAURANT

Recommendation:

1. Waive first and second reading of the Ordinance; and
2. Introduce an Ordinance deleting from the Morgan Hill Downtown Specific Plan the conditional use permit requirement for bars associated with a restaurant.

City Attorney Larkin provided the report.

The public hearing opened at 8:31 p.m. There being no requests to speak, the public hearing closed.

MOTION:
Waiving the first and second reading.

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

ABSTAIN:	None
ABSENT:	Council Member Spring

MOTION:
Introducing the ordinance.

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

OTHER BUSINESS

12. **APPROVE PUBLIC ART FRAMEWORK AND DIRECT STAFF TO PREPARE AN ORDINANCE REQUIRING PUBLIC ART IN NEW DEVELOPMENT PROJECTS**

Recommendation:
Approve Public Art Framework and direct staff to draft Public Art Ordinance.

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

Public comment opened at 6:22 p.m. The following people were called to speak:
Malisha Kumar
Yvonne Randolph
Mattie Scariot
Amanda Santiago
There were no further requests to speak, so the public comment was closed.

MOTION:
Directing staff to discuss a commercial linkage fee before moving forward with the public art fee.

RESULT:	Failed for lack of a second
MOVER:	Martinez Beltran

SECONDER:	None

MOTION:
Approving the recommended action, including performing arts and a .5% fee for affordable housing.

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

The meeting recessed at 6:44 p.m. and reconvened at 6:56 p.m.

13. ACCEPT MORGAN HILL TOURISM BUSINESS IMPROVEMENT DISTRICT (MHTBID) OWNERS ASSOCIATION ANNUAL REPORT (DBA VISIT MORGAN HILL)

Recommendation:
Accept and file the Visit Morgan Hill Annual Report.

Executive Director of Visit Morgan Hill Krista Rupp provided a report and presentation.

Public comment opened at 8:51 p.m. There were no requests to speak, so public comment was closed.

Report accepted.

14. ACCEPT ELEVATE MORGAN HILL - ECONOMIC MOBILITY REPORT

Recommendation:
Accept the ELEVATE Morgan Hill - Economic Mobility Report.

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

Public comment opened at 9:07 p.m.
Yvonne Randolph was called to speak.
There being no further requests to speak, public comment was closed.

Report received.

15. **<u>RECEIVE MONTHLY BUDGET UPDATE; SEPTEMBER 2024 FINANCIAL AND INVESTMENT REPORTS; AND CITY MANAGER AUTHORITY REPORT</u>**

Recommendation:
Accept and file report.

Finance Director Dat Nguyen provided a report and presentation.

Public comment opened at 9:16 p.m. There being no requests to speak, public comment closed.

Report received.

FUTURE COUNCIL INITIATED AGENDA ITEMS

Council Member Martinez Beltran requested an item to review zoning around schools to prohibit bars.

Council Member Borgioli requested a disaster preparedness presentation.

Council Member Borgioli requested a conversation regarding e-bikes on walking paths and a possible ordinance.

ADJOURNMENT

There being no further business, Mayor Turner adjourned the meeting at 9:17 p.m.

Minutes Prepared by:
Michelle Bigelow, City Clerk