



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, November 20, 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

City Clerk Michelle Bigelow called the roll.

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

DECLARATION OF POSTING AGENDA

City Clerk Michelle Bigelow declared the posting of the agenda.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

CITY COUNCIL REPORTS

Council Member Martinez Beltran shared that on November 10, she attended the Latina

Coalition brunch to celebrate their 25th anniversary. She also attended the Veterans Day memorial on November 11, an SVCE meeting last week, and a ribbon cutting for the farm workers' housing today. She spent some time at Booksmart on Saturday for their 30th anniversary. On November 15, she attended Philanthropy night and mentioned the art gallery opening last weekend.

CITY MANAGER'S REPORT

City Manager Christina Turner announced that the Morgan Hill Fire Department, in collaboration with Santa Clara County Emergency Medical Services and other key partners, has launched the Santa Clara County 911 Nurse Navigator Program. This program enables community members who call 911 for medical help to quickly receive the appropriate level of care, allowing an alternate method of care for non-life-threatening calls. This will help reduce the demand for 911 emergency services dispatch and speed up the availability of emergency resources. 911 calls will initially be answered by a dispatcher who will assess each situation with care. Life-threatening emergencies will dispatch an immediate emergency response as usual. Non-life-threatening medical calls or those not requiring an in-person response will be transferred to a Nurse Navigator, who can provide rides to medical care or offer medical advice.

She shared that this past weekend, we celebrated the opening of the Fine Art Gallery Downtown—You may now visit the gallery Tuesday through Sunday, 11 am to 6 pm. Today, Royal Oak Village, a farmworker housing project on Watsonville Road and Monterey Road, celebrated its opening. Royal Oak Village consists of 73 affordable apartment units, with 30 dedicated to farmworker families, 18 set aside as Rapid Rehousing (RRH) units for homeless individuals and families, and the rest designated for individuals and families earning up to 50% of Area Median Income (AMI). She mentioned that the Parks and Recreation Division kicked off Winter/Spring 2025 recreational program registration on Monday, November 18. Residents can now review available classes on the City's website. She shared that the Morgan Hill Parks and Recreation invites the Morgan Hill community to participate in a cheerful new tradition! Holiday Lights Morgan Hill. Please visit the city website for those in the community interested in signing up for the holiday home decorating contest. The Entry deadline is 11:59 pm on December 9, 2024.

Additionally, the City encourages residents to join a friendly contest to design a new, water-wise landscape layout. If you win, your landscape design will be installed at the Civic Center Plaza, between this building and City Hall, in 2025! The area is a smaller section of non-functional turf. The contest is open to City of Morgan Hill residents of all ages. No previous landscaping experience is needed. This is a creative contest. The last day to submit design applications is November 25, 2024. You can get more information on the City website. She announced that the City has begun notifying users of the wind-down of the MoGo Transit service. The pilot program was funded through VTA Measure B funds, and unfortunately, the pilot funding will be exhausted by early 2025. More information on the pilot program evaluation is available on the City website. She wished the community a Happy Thanksgiving and mentioned that City offices will be closed Thursday and Friday next week, and the next Council meeting will be on December 4, 2024.

CITY ATTORNEY'S REPORT

None.

OTHER REPORTS

Council Member Librers shared that she attended the SVEDA conference and learned so much about economic development and downtown development. She also attended the grand opening of the art gallery.

PUBLIC COMMENT

Public comment opened at 6:10 p.m.

Mattie Scariot 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.

Approving consent calendar items 1 through 16.

MOTION:

Approving consent calendar items 1 through 3, 5, 7 through 11, and 13 through 16.

RESULT:	Passed
MOVER:	Council Member Spring
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

1. ACCEPT COMMUNITY PARK PICKLEBALL COURTS PROJECT

Recommendation:

1. Accept as complete the Community Park Pickleball Courts Project;
2. Authorize the City Engineer to sign the Notice of Completion; and
3. Direct the City Clerk to file said Notice of Completion with the County Recorder's Office.

2. APPROVE ACQUISITION OF EASEMENT FROM THE CITY OF GILROY FOR THE RELIEF SEWER TRUNK LINE

Recommendation:

1. Authorize the City Manager to acquire an easement from the City of Gilroy for property for the City's future relief sewer trunk line; and
2. Authorize the City Manager to execute all documents and make minor modifications, with approval of the City Attorney, as necessary in order to consummate the transaction.

3. ADOPT WEED ABATEMENT RESOLUTION

Recommendation:

Adopt resolution declaring weeds and brush to be a nuisance and setting the hazardous vegetation public hearing for January 15, 2025.

5. APPROVE AMENDMENT TO PROPERTY USE AGREEMENT WITH THE SANTA CLARA VALLEY HABITAT AGENCY

Recommendation:

Authorize the City Manager to execute a property use agreement amendment with the Santa Clara Valley Habitat Agency.

7. APPROVE COMMUNITY PLAYHOUSE LICENSE AGREEMENT WITH SOUTH VALLEY CIVIC THEATRE

Recommendation:

Authorize the City Manager to execute and administer the license agreement through December 2027 with South Valley Civic Theatre.

8. APPROVE FIRST AMENDMENT TO THE CONSULTANT AGREEMENT WITH ENGEIO, INC. FOR DESIGN PROFESSIONALS TO INCREASE THE AMOUNT BY \$150,000 FOR A TOTAL AGREEMENT OF \$550,000

Recommendation:

1. Approve the first amendment to the consultant agreement for design professionals with Engeo, Inc. to increase the amount by \$150,000 for a total agreement of \$550,000; and
2. Authorize the City Manager to execute and administer the first amendment with Engeo, Inc.

9. APPROVE THE EASEMENT ACQUISITION FROM SANTA CLARA COUNTY FOR THE NEW BUTTERFIELD FIRE STATION

Recommendation:

1. Authorize the City Manager to acquire an easement from Santa Clara County for access to the City's new Fire Station on Butterfield Boulevard; and
2. Authorize the City Manager to execute all documents and make minor modifications, with approval of the City Attorney, as necessary in order to consummate the transaction.

10. APPROVE THE NOVEMBER 6, 2024 CITY COUNCIL MEETING MINUTES

Recommendation:

Approve minutes.

11. AUTHORIZE PURCHASE OF FIRE DEPARTMENT REPLACEMENT VEHICLE INCLUDING THE OUTFITTING OF EMERGENCY EQUIPMENT

Recommendation:

1. Recognize an insurance proceed payout of \$24,301 for the replacement of the Fire Department vehicle F12001;
2. Amend the Adopted Fiscal Year (FY) 2024-25 Budget in the Equipment Replacement Fund (Fund 790), appropriating \$97,770, which includes a 10% contingency of \$8,889, for the purchase and outfitting of replacement vehicle F12001 with a 2024 Ford F250 Truck for the Fire Department; and
3. Authorize the City Manager to execute and administer the associated purchase agreement.

13. AWARD A WATER USE DATA TRACKING MANAGEMENT AND

**COMMUNICATION SOFTWARE AGREEMENT TO AQUATRAX IN THE
AMOUNT OF \$175,000**

Recommendation:

1. Authorize the City Manager to execute an agreement for \$175,000 with Aquatrax for use of their customer water use data tracking management and communication platform for a 5-year term; and
2. Authorize the City Manager to approve minor scope adjustments prior to entering into the final Aquatrax contract.

**14. AWARD CONTRACT TO APEX COMPANIES, LLC FOR THE INSTALLATION
OF SMALL TRASH CAPTURE DEVICES IN THE AMOUNT OF \$287,000**

Recommendation:

1. Approve the Installation of Small Trash Capture Devices Project plans and specifications;
2. Award contract to Apex Companies, LLC for the Installation of Small Trash Capture Devices Project in the amount of \$287,000;
3. Authorize expenditures of construction contingency not to exceed \$28,700; and
4. Authorize the City Manager to execute and administer the construction contract with Apex Companies, LLC.

**15. AWARD CONTRACT TO EURO STYLE MANAGEMENT FOR THE 2025
ENCINO TANK REHAB PROJECT IN THE AMOUNT OF \$780,850**

Recommendation:

1. Award contract to Euro Style Management for the 2025 Encino Tank Rehab Project in the amount of \$780,850;
2. Authorize expenditure of construction contingency funds not to exceed \$78,085; and
3. Authorize the City Manager to execute and administer the construction contract with Euro Style Management.

**16. RECEIVE REPORT REGARDING UPCOMING 2025 COMMISSION
VACANCIES PER MADDY ACT**

Recommendation:

Receive report.

ITEMS PULLED FOR DISCUSSION

4. **APPROVAL OF MANAGEMENT, PROFESSIONAL, AND CONFIDENTIAL EMPLOYEES RESOLUTION, ELECTED OFFICIALS AND COUNCIL APPOINTED AND PART-TIME TEMPORARY AND SEASONAL EMPLOYEES SALARY SCHEDULES**

Recommendation:

1. Approve the Management, Professional, and Confidential Employees Resolution effective December 22, 2024;
2. Approve the Part-Time Temporary and Seasonal Employees salary schedule effective December 22, 2024; and
3. Approve the Elected Officials and Council Appointed salary schedules effective June 23, 2024 and December 11, 2024.

City Manager Christina Turner provided a report.

Public comment opened at 6:14 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

6. **APPROVE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBER AND CONFERENCE ROOMS**

Recommendation:

Approve City Council Policy, "Code of Conduct for Public Meetings in the Council Chamber and Conference Rooms."

City Manager Christina Turner provided a report.

Public comment opened at 6:34 p.m. There being no requests to speak, public comment closed.

MOTION:

Approving the recommended action, including the following edits: add appointed

official to the list of people that the policy applies to, change the Mayor to the Presiding Chair, including the City Attorney's designee, and any Council Member or Commissioner may ask that a warning be issued.

RESULT:	Passed
MOVER:	Council Member Borgioli
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

12. AUTHORIZE THE CITY MANAGER TO ENTER INTO A NEW AGREEMENT WITH SUN RIDGE SYSTEMS, INC. FOR COMPUTER AIDED DISPATCH (CAD) AND RECORDS MANAGEMENT SYSTEM (RMS) IN THE AMOUNT OF \$779,484

Recommendation:

Authorize the City Manager to execute and administer an agreement with RIMS Law Enforcement Records Management System by Sun Ridge Systems, Inc. for a new CAD/RMS.

Police Chief Palsgrove provided a report. Support Services Manager Sara Tada answered questions.

Public comment opened at 6:40 p.m. There being no requests to speak, public comment closed.

MOTION:

Approving the recommended action.

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

PUBLIC HEARINGS

17. CERTIFY THE ENVIRONMENTAL IMPACT REPORT, ADOPT FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS AND INTRODUCE ORDINANCE CREATING A PLANNED DEVELOPMENT AND MASTER PLAN FOR 320 NEW RESIDENTIAL LOTS OF VARYING SIZES ON A 69.4-ACRE SITE LOCATED ON THE NORTHWEST QUADRANT OF HILL ROAD AND BARRETT AVENUE IDENTIFIED BY APN: 817-20-031

Recommendation:

1. Open/close public hearing;
2. Adopt a Resolution certifying the Environmental Impact Report (EIR), approve the Mitigation Monitoring and Reporting Program prepared for the project, and adopt Findings of Fact and Statement of Overriding Considerations;
3. Waive the first and second reading of the Ordinance for a Zoning Amendment to create a Planned Development with Standards and Master Plan; and
4. Introduce an Ordinance for a Zoning Amendment to create a Planned Development with Standards and Master Plan.

Senior Planner Tiffany Brown and Development Services Director Jennifer Carman provided a presentation and report.

The Mayor and Council Members announced their ex-parte contacts.

The meeting recessed at 7:46 p.m. and reconvened at 7:52 p.m.

The public hearing opened at 7:52 p.m. The following people were called to speak:

Rocke and Glenda Garcia and Ross Doyle (Applicants)

Janel Jannusch

Nancy Rhoads

Joe Machado

Paul Latala

Darcy Foster

Chuck Foster (on behalf of Jennifer Blalack)

Matt Igel

Abigail Reyes Pena

Kathy Becker

Leigh Payne

Liz

Mark Green

LaRene Green

Oleskii Tymoshenko

Abbie Serrano

Tom Tanner

Phillip Dahdouh

John Bonnell
Anonymous
Elizabeth Kather (Zoom)
Gil Chamaki (Zoom)
Jennifer Holstrom (Zoom)
David Enney (Zoom)
Ethan Roberts (Zoom)
Mei Long (Zoom)
Rachel Basso (Zoom)
Kristin (Zoom)

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

MOTION:

Adopting the resolution and directing staff to come back to the council with more information as requested.

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

MOTION:

Waiving the first and second reading of 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:	Council Member Spring
ABSTAIN:	None
ABSENT:	None

MOTION:

Introducing the ordinance and requesting that the developer consider looking at additional VMT mitigation measures, including bike sharing, e-bikes, bike storage; amend the ordinance to reflect that the 55 affordable by design units are a substantial public benefit that supports the PD zoning.

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:	Council Member Spring
ABSTAIN:	None
ABSENT:	None

The meeting recessed at 9:45 p.m. and reconvened at 9:52 p.m.

18. INTRODUCE ORDINANCE (ZA2024-0003) ESTABLISHING CHAPTER 18.78 (STANDARDS FOR PUBLIC ARTS) WITHIN TITLE 18 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL IMPLEMENTING THE REQUIREMENT OF PUBLIC ART IN NEW LAND DEVELOPMENT PROJECTS

Recommendation:

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

MOTION:

Extending the meeting to 10:30 p.m.

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:	Council Member Spring
ABSTAIN:	None
ABSENT:	None

Principal Planner Adam Paszkowski provided a presentation and report.

The public hearing opened at 10:12 p.m. The following people were called to speak:

Amanda Santiago
Scott Canel

Yvonne Randolph

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

MOTION:

Waiving the first and second reading of the ordinance to include a sentence in the section on the use of in-lieu funds for subsection a - add a preference for local artists.

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 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

OTHER BUSINESS

19. APPROVE THE RENAMING OF MORGAN HILL DOWNTOWN AMPHITHEATER IN HONOR OF COMMUNITY VOLUNTEER RICH FIRATO

Recommendation:

Approve or do not approve the renaming of the Morgan Hill Downtown Amphitheater to the Rich Firato Downtown Amphitheater.

MOTION:

Extending the meeting to 11:00 p.m. and continuing item 20 to the December 4,

2024, City Council meeting.

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

Public Services Director Chris Ghione provided a report.

Public comment opened at 10:31 p.m. The following people were called to speak:

Nick Gaich

Brian Sullivan

There being no further 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

20. REVIEW AND APPROVE TRANSPORTATION MASTER PLAN

Recommendation:

1. Review and provide comments on Transportation Master Plan; and
2. Approve Transportation Master Plan.

Item continued to the December 4, 2024 City Council meeting.

FUTURE COUNCIL INITIATED AGENDA ITEMS

Council Member Librers requested 4 way stops at Hill and Barrett, working with the County with lanes/stripping.

Council Member Librers requested a review of the water bottle policy.

Council Member Martinez Beltran requested an item to conduct an AB 1600 nexus study for the VMT mitigation fund.

Council Member Martinez Beltran requested an ordinance that discusses the housing in-lieu fee fund.

CLOSED SESSION

City Attorney Donald Larkin announced the closed session item.

Conference with Legal Counsel – Existing Litigation (§ 54956.9)

William Norman v. City of Morgan Hill: Workers Compensation Claim Nos. MHL1500009 & MHL2400009

OPPORTUNITY FOR PUBLIC COMMENT

Public comment opened at 10:38 p.m. There being no requests to speak, public comment closed.

The meeting adjourned to a closed session at 10:38 p.m.

Council Member Martinez Beltran left at 10:39 p.m.

ADJOURNMENT

There being no further business, Mayor Turner adjourned the meeting at 10:45 p.m.

Minutes Prepared by:

Michelle Bigelow, City Clerk