



Meeting Minutes

City Council

Rich Constantine - Mayor
Gino Borgioli - Mayor Pro Tem
John McKay - Council Member
Yvonne Martinez Beltran - Council Member
Rene Spring - Council Member

Wednesday, March 2, 2022 5:30 PM

Virtual Meeting

Link to join the meeting can be found below

SPECIAL/REGULAR MEETING

A special meeting of the City Council was called at 5:30 p.m. for the purpose of conducting Planning Commission Interviews.

SPECIAL MEETING

5:30 p.m. Planning Commission Interviews

CALL TO ORDER

Mayor Constantine called the Special City Council meeting to order at 5:30 p.m.

ROLL CALL ATTENDANCE

City Clerk Michelle Bigelow called the roll.

PRESENT	Rich Constantine, Rene Spring, Gino Borgioli, John McKay, Yvonne Martinez Beltran
ABSTAIN	None
ABSENT	None
EXCUSED	None

Council Member McKay joined at 5:32 p.m.

DECLARATION OF POSTING AGENDA

City Clerk Michelle Bigelow declared the posting of the agenda.

OTHER BUSINESS

1. INTERVIEW CANDIDATES TO FILL ONE (1) SEAT ON THE PLANNING COMMISSION

Recommendation:

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

Estimated Time: 90 Minutes

Mayor Constantine asked the Council Members to share what they are looking for with a Planning Commissioner.

The following applicants were interviewed:

- Chelsea Doiguchi
- Mark Grisedale
- Paul Lake

- Thomas Spitters

Paul Lake was appointed to the Planning Commission with a term ending June 1, 2023.

The meeting recessed at 7:12 p.m. and reconvened at 7:22 p.m.

REGULAR MEETING

The regular meeting was called to order at 7:22 p.m.

PROCLAMATIONS

Proclaiming the month of March 2022 as Youth Arts Month

CITY COUNCIL REPORTS

Council Member Spring

Council Member Spring spoke regarding his assignment with the South County Regional Wastewater Authority. He shared that he is the Vice-Chair of the Santa Clara Valley Habitat Agency Governing Board and serves on their Implementation Board. He really enjoys serving on those boards as the agency does a great job of purchasing land for preservation, including a large area of the Tilton Ranch. He attended a wonderful event this weekend to show Morgan Hill's solidarity with the people of Ukraine. We have residents of Ukraine living in our community with families still living in Ukraine and asked for a moment of silence thinking of the people of Ukraine. He would like to ask as a future agenda item for staff to come back with a resolution in solidarity with Ukraine and hang the Ukrainian flag at 3 locations in the City.

CITY MANAGER'S REPORT

City Manager Christina Turner announced the change in irrigation rules that started yesterday, March 1 through October 31st, typical lawn and garden bed sprinkler irrigation is now limited. More information can be found on the website: www.mhvalueswater.com. The County announced changes to the current mask mandate that went into effect today. Teammates and members of the public may choose to continue to wear or remove their face coverings indoors and outdoors regardless of vaccination status. The California Department of Public Health continues to require masking in higher-risk settings such as public transit, healthcare facilities, shelters, jails, and long-term care facilities. The Mayor's State of the City Address will be held virtually on Zoom next Wednesday, March 9th at 7:00 pm. She also gave some project updates. The sewer main on East Fifth Street between Monterey Road and Depot Street, through Hale Lumber Yard to Diana Avenue is being upgraded. Work is underway and will take approximately two more weeks. The Depot/Church Realignment Project will realign Depot Street with Church Street through the Community and Cultural Center (CCC) Parking lot. Work on the clearing of that site has commenced and work in the public right-of-way will begin later this month, continuing through the summer. In collaboration with Valley Water and Graniterock Construction, an approximately two-mile paved trail has been installed along the maintenance road at West Little Llagas Creek from Monterey Road to Middle Avenue and Watsonville Road. Construction of the Magical Bridge Playground in Community Park is nearing completion and we hope to announce a Grand Opening date soon.

CITY ATTORNEY'S REPORT

City Attorney Don Larkin had no report.

OTHER REPORTS

Council Member Martinez Beltran expressed gratitude to the Morgan Hill Police Department on behalf of herself and her neighbors for the police department's professionalism, communication, and respectful behavior during a scary event involving a suspect that had evaded police and was hiding near her home. She thanked Sergeant Woodrow and Officer Tolentino for doing an excellent job.

Council Member McKay expressed his support for the Ukrainian people both here in our community and throughout the world. He shared that if you are looking to contribute to supporting refugees, Chuck Bergoff has brought forward a Non-Governmental Organization (NGO) that is highly rated, World Central Kitchen. You can go to WCK.org to contribute.

Mayor Constantine announced that he will adjourn tonight's meeting in honor of the Ukrainian people.

PUBLIC COMMENT

This opportunity for public comment, is for items that are not on the agenda. If you would like to make comments on an item that is on the agenda, please wait until we get to that item to offer your comments. Members of the public are entitled to address the City Council concerning any item within the Morgan Hill City Council's subject matter jurisdiction. Public comments are limited to no more than three minutes. Except for certain specific exceptions, the City Council is prohibited from discussing or taking action on any item not appearing on the posted agenda. (See additional noticing at the end of this agenda)

Public comment opened at 7:35 p.m. The following people were called to speak:

Laura Clendaniel with Healthier Kids Foundation

Melissa Clark

Jim Perteet

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 Martinez Beltran
AYES:	Mayor Constantine, Council Member Spring, Mayor Pro Tem Borgioli, Council Member McKay, Council Member Martinez Beltran
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.

Time Estimate for Consent Calendar: 1 - 10 Minutes

MOTION:

Approving consent calendar items 2 through 10 and 12.

RESULT:	Passed
MOVER:	Mayor Pro Tem Borgioli
SECONDER:	Council Member Martinez Beltran
AYES:	Mayor Constantine, Council Member Spring, Mayor Pro Tem Borgioli, Council Member McKay, Council Member Martinez Beltran
NAYS:	None
ABSTAIN:	None

ABSENT: None

2. **RECEIVE UPDATE REGARDING PAVEMENT REHABILITATION PLANNING**

Recommendation:

Receive update on pavement rehabilitation planning.

3. **ACCEPT BRITTON MIDDLE SCHOOL PEDESTRIAN ENHANCEMENT PROJECT**

Recommendation:

1. Accept as complete the Britton Middle School Pedestrian Enhancement Project;
2. Authorize the City Engineer to sign the Notice of Completion; and
3. Direct the City Clerk to file the Notice of Completion with the County Recorder's Office.

4. **AWARD 2022 SIDEWALK REPAIR PROJECT TO ASG BUILDERS, INC.**

Recommendation:

1. Adopt a resolution amending the Fiscal Year 2021-22 adopted budget to appropriate an additional \$13,407 from Fund 346: Public Facilities for the 2022 Sidewalk Repair Project;
2. Award a contract to ASG Builders, Inc. in the amount of \$67,860; and authorize the expenditure of 40% construction contingency funds not to exceed \$27,144 for a total authorization of \$95,004; and
3. Authorize the City Manager to execute and administer that certain construction contract with ASG Builders, Inc.

5. **AWARD AGREEMENT FOR COMPLETION OF THE SEWER PIPE INSPECTION AND CONDITION ASSESSMENT**

Recommendation:

Approve and authorize the City Manager to execute an agreement with Water Works Engineers, LLC. in the amount of \$679,852 inclusive of a 10% contingency to complete the sewer pipeline inspection and condition assessment project.

6. **ADOPT RESOLUTION ADDING SECTION 20516 COST SHARE TO THE MANAGEMENT, PROFESSIONAL, AND CONFIDENTIAL EMPLOYEES RESOLUTION NO. 21-050**

Recommendation:

Adopt resolution adding Section 20516 Cost Share to the Management, Professional, and Confidential Employees Resolution No. 21-050.

7. **ADOPT RESOLUTION AMENDING THE CITY'S SOLID WASTE BUDGET AND APPROVE AN AMENDMENT TO THE FISCAL AGENT SERVICE AGREEMENT WITH THE COUNTY OF SANTA CLARA**

Recommendation:

1. Adopt a Resolution appropriating an additional \$156,658 to the City's Countywide Solid Waste Program (Fund 246);
2. Accept the first amendment to the Fiscal Agent Service Agreement with the County of Santa Clara to increase the amount of the contract by \$119,170 for a total contract amount of \$528,136;
3. Authorize the City Manager to execute and administer the amendment with the County of Santa Clara; and
4. Authorize the City Manager to extend the term of the Fiscal Agent Service Agreement with the County of Santa Clara for up to four additional one-year terms.

8. **ADOPT RESOLUTION AUTHORIZING SUBMITTAL OF APPLICATIONS FOR THE ANNUAL RECYCLING PAYMENT PROGRAM AND A ONE-TIME REGIONAL GRANT TO SUPPORT SB 1383 PROGRAMS**

Recommendation:

Adopt a resolution authorizing the City's application for recycling program funding through the annual CalRecycle payment program and for a one-time regional grant application to fund activities related to SB 1383 compliance.

9. **APPROVE FINAL MAP FOR SAN SEBASTIAN PHASE 3A - TRACT NO. 10530 AND RELATED SUBDIVISION IMPROVEMENTS AGREEMENT**

Recommendation:

1. Approve the Final Map;
2. Authorize the City Manager to execute the Subdivision Improvements Agreement with Toll CA XX, L.P.; and
3. Authorize the recordation of the Final Map and Subdivision Improvements Agreement.

10. **APPROVE AN IMPROVEMENT AGREEMENT WITH MORGAN HILL MULTIFAMILY LLC FOR THE BUTTERFIELD VILLAGE PROJECT**

Recommendation:

1. Approve an Improvement Agreement with Morgan Hill Multifamily LLC;
2. Authorize the City Manager to execute the Improvement Agreement; and
3. Authorize the recordation of the Improvement Agreement.

12. APPROVE THE JANUARY 28 & 29, 2022 GOAL SETTING MINUTES AND FEBRUARY 16, 2022 CITY COUNCIL MEETING MINUTES

Recommendation:

Approve the January 28 & 29, 2022 Goal Setting Minutes and February 16, 2022 City Council Meeting Minutes.

ITEM PULLED FOR DISCUSSION

11. APPROVE THE CONSULTANT AGREEMENT WITH CIVITAS ADVISORS IN THE AMOUNT NOT TO EXCEED \$64,500 FOR THE FORMATION OF MORGAN HILL DOWNTOWN PROPERTY BUSINESS IMPROVEMENT DISTRICT (MHDPBID) AND DIRECT THE CITY MANAGER TO SIGN THE PETITION IN SUPPORT OF THE DOWNTOWN PBID FORMATION

Recommendation:

1. Approve and authorize the City Manager to execute and administer a consulting agreement with Civitas Advisors not to exceed \$64,500 to form a Morgan Hill Downtown Property Business Improvement District (MHDPBID); and
2. Direct the City Manager to sign the MHDPBID petition indicating the City's support of the PBID formation.

Economic Development Director Matt Mahood provided the report and presentation. John Lambeth of Civitas answered questions.

This item was paused to start the Redistricting Public Hearing which had a time certain start of 8:00 p.m. The discussion on item 11 continued at the conclusion of item 15.

MOTION:

Extending the meeting until 12:00 a.m.

RESULT:	Passed
MOVER:	Council Member Spring
SECONDER:	Council Member Martinez Beltran
AYES:	Mayor Constantine, Council Member Spring, Mayor Pro Tem Borgioli, Council Member McKay, Council Member Martinez

	Beltran
NAYS:	None
ABSTAIN:	None
ABSENT:	None

Public comment opened at 11:06 p.m. The following people were called to speak:
Joe Baranowski
Armando Benavides
There being no further requests to speak, public comment closed.

SUBSTITUTE MOTION:

Direct staff to work with Civitas to prepare the district map and engineering report and look at excluding non-profits and public facilities and looking at including commercial residential.

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

MOTION:

Approving the recommended actions including what the exposure is to our non-profits, commercial residential, and city properties.

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

MOTION:

Extending the meeting to 1:00 a.m.

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

MOTION:

Extending the meeting to hear items 14 and 18.

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

OTHER BUSINESS

13. MONTHLY BUDGET UPDATE AND JANUARY 2022 FINANCIAL AND INVESTMENT REPORTS

Recommendation:

Accept and file report.

Estimated Time: 10 Minutes

Item 13 was not heard.

14. ADOPT RESOLUTION CERTIFYING THE INITIATIVE PETITION TITLED: CITIZENS' INITIATIVE AMENDING THE GENERAL PLAN TO REQUIRE VOTER APPROVAL OF ANY FUTURE MONTEREY ROAD LANE REDUCTION AND DIRECT STAFF TO PREPARE AN IMPACT REPORT

Recommendation:

1. Adopt resolution accepting the City Clerk's Certificate of Sufficiency for the

- Initiative Petition Titled: Citizens' initiative amending the General Plan to require voter approval of any future Monterey Road lane reduction; and
2. Direct staff to prepare an impact report under Elections Code section 9212 within 30 days and no later than April 1, 2022, for City Council consideration at the April 6, 2022 City Council meeting.

Estimated Time: 15 Minutes

City Clerk Michelle Bigelow provided the report.

MOTION:

Adopting the resolution certifying the petition and placing the initiative on the November 8, 2022 ballot.

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

Public Comment opened at 12:10 a.m. The following people were called to speak:

Joe Baranowski

Armando Benavides

Patricia Darling

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

SUBSTITUTE MOTION:

Adopt resolution certifying the initiative, placing it on the ballot, and ensuring no action is taken to close lanes in Downtown prior to the results of the election.

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

MOTION:

Approving the recommended actions and directing staff to study all items listed on the staff report.

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

PUBLIC HEARING (TO BE HEARD AT 8:00 P.M.)**15. REVIEW AND ADOPT NEW CITY COUNCIL DISTRICT MAP**

Recommendation:

1. Review and discuss draft maps 103, 104,105, 106,108, and NDC Green, including what about the maps work and does not work and what communities of interest would be protected or potentially divided; and
2. Adopt resolution adopting a City Council District map.

Estimated Time: 60 Minutes

City Clerk Michelle Bigelow, City Attorney Donald Larkin, and Dr. Justin Levitt with National Demographics Corporation provided the report and presentation.

Public comment opened at 9:27 p.m. The following people were called to speak:

Joe Baranowski
Julissa Martinez
Patricia Darling
Delia Gomez
Yolanda
Elizabeth Garcia
Sally Casas
Roberto Aguirrez
Armando Benavides
Kathy Chavez Napoli

Edith

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

The meeting recessed at 10:05 p.m. and reconvened at 10:10 p.m.

MOTION:

Call the question.

RESULT:	Failed
AYES:	Mayor Pro Tem Borgioli, Council Member McKay
NAYS:	Mayor Constantine, Council Member Spring, Council Member Martinez Beltran
ABSTAIN:	None
ABSENT:	None

MOTION:

Adopt resolution adopting the NDC Green map.

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

MOTION:

Adopt resolution adopting public map 103.

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

PUBLIC HEARINGS

16. ADOPT INDUSTRIAL PRESERVATION AND OPTIMIZATION POLICY

Recommendation:

Adopt an Industrial Land Preservation and Optimization Policy

Estimated Time: 30 Minutes

Item 16 was not heard.

17. ADOPT ZONING CODE AMENDMENT TO SECTION 18.26.020 (LAND USE REGULATIONS) OF CHAPTER 18.26 (INDUSTRIAL ZONING DISTRICTS) OF TITLE 18 (ZONING) TO MODIFY THE LAND USES PERMITTED IN THE INDUSTRIAL ZONING DISTRICTS

Recommendation:

1. Open/close the public hearing.
2. Waive first and second reading of the Ordinance Amendment; and
3. Introduce Ordinance Amendment as recommended by staff and amended by the Planning Commission.

Estimated Time: 30 Minutes

Item 17 was not heard.

18. ADOPTION AND RATIFICATION OF ORDINANCE NO. 2320 PREVIOUSLY ADOPTED AS AN URGENCY ORDINANCE

Recommendation:

1. Open/close the public hearing;
2. Waive first and second reading of the Ordinance;
3. Introduce Ordinance; and
4. Adopt resolution placing Ordinance on the November 2022 ballot.

Estimated Time: 15 Minutes

Economic Development Director Matt Mahood provided the report and presentation.

The public hearing opened at 12:31 a.m.

Joe Baranowski was called to speak.

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

MOTION:

Waiving the first and second reading of the ordinance.

RESULT:	Passed
MOVER:	Council Member Martinez Beltran

SECONDER:	Council Member Spring
AYES:	Mayor Constantine, Council Member Spring, Mayor Pro Tem Borgioli, Council Member McKay, Council Member Martinez Beltran
NAYS:	None
ABSTAIN:	None
ABSENT:	

MOTION:

Introducing the ordinance and adopting the resolution placing the measure on the November 8, 2022 ballot.

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

FUTURE COUNCIL INITIATED AGENDA ITEMS

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

Council Member Spring requested a resolution come to the Council in support and solidarity of Ukraine, including a request to raise the Ukrainian flag for 30 days.

Council Member Martinez Beltran requested a discussion on City Council team building.

ADJOURNMENT

There being no further business, Mayor Constantine adjourned the meeting at 12:42 a.m. in honor and recognition of Ukraine and the Ukrainian people.

Minutes Prepared by:

Michelle Bigelow, Deputy City Clerk