



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 16, 2022 7:00 PM

Virtual Meeting

Link to join the meeting can be found below

CALL TO ORDER

Mayor Constantine called the City Council meeting to order at 7:01 p.m.

ROLL CALL ATTENDANCE

City Clerk Michelle Bigelow called the roll.

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

DECLARATION OF POSTING AGENDA

Per Government Code Section 54954.2

City Clerk Michelle Bigelow declared the posting of the agenda.

REGULAR MEETING

7:00 P.M.

PROCLAMATIONS

Proclaiming the month of March 2022 as American Red Cross Month

PRESENTATIONS

YAC Presentation - Asset #3 - Other Adult Relationships

CITY COUNCIL REPORTS

Council Member Martinez Beltran shared that she is excited to celebrate Women's History Month. She had the honor of sharing and learned some insight from her San Jose colleges. It was awesome to meet with some of the younger women in this class. She also wanted to remind everyone about the AAUW Wildflower Run at Live Oak on Sunday, March 29th. Yvonne thanked all the women in our organization that lead and run this City for their contributions and all they do. She was elected to the SVCE executive board last month. Had a great visit for their Slate Project which is a solar battery storage project. This project will bring 257,907 megawatt hours onto the grid, enough to bring clear energy for a year to the City of Morgan Hill and residents. This is the largest solar battery project in California and the second largest in the nation. SVCE approved 3 million in customer relief to income qualified customers and will have 17 million added to our programs' budget to support emissions reductions. Yvonne is on the Latino Caucus Board for Cal Cities and as a Legislative Chair they had a lobbying 101 webinar. They are providing a Gavilan College Scholarship from the Latino Caucus this year and there will be more to come on that. She had a meeting for the South County Youth Taskforce. There is a Santa Clara County District Attorney Justice For All poster award contest happening. First prize is \$1,500, second \$1,000 and third \$500. It's called What is the Face of Pentenyl. The unhoused count was at 5:30am last month and she thanked staff for joining in that. She also thanked the family of Ann Sobrato student Ryan Last, who lost his life last month, for bravely sharing Ryan's story to protect our kids from cyber bullying. Ryan fell victim to a worldwide scam that makes multi-millions of dollars by blackmailing children and be-friending them on social media and then threatening to expose them if they don't pay money, specifically targeting 16–17-year-olds. Morgan Hill School District is partnering with Internet Crimes Against Children to bring the vigilant parent initiative to our schools, a program designed to educate parents on the dangers of the internet. More information is available through the schools.

CITY MANAGER'S REPORT

City Manager Christina Turner introduced Morgan Hill's new Fire Chief, George Huang. It is very exciting to have our new fire chief with us. He started his fire service with Cal Fire in 2002 as a Firefighter 1 with the San Luis Obispo unit. In 2020 he was promoted to Assistant Chief of Administration in the Santa Clara Unit. He has served for 12 years on different incident management teams as a qualified type one finance section chief, a type one safety officer and most recently appointed as the incident commander for Cal Fire Incident Management team one. He is also a certified state Fire Marshall instructor for multiple courses. Chief Hess has been promoted and we are very sad to see him go, but very excited to have Chief Huang join us. A community member brought in a photo of the gathering that was held at the outdoor amphitheater downtown from the recognition event for Ukraine. This will be hanging up at City Hall and thanked the community member for providing this. She invited the community to join us for our next town hall. Our first budget town hall will be this month on March 24th. In addition to talking about the operating as well as the capital budget we will have an opportunity to discuss water rates and our water rate study. We will also be starting up our City booths at the farmers market and sidewalk Saturdays on April 9th. They will be held on the second Saturdays of the month located in front of Coffee Guys. There are a couple of seats available on our Parks & Recreation Commission as well as the Library, Culture and Arts Commission. Check our website for more information. Our Cadet Ambassador program is back up and running at the end of this month. They will be in downtown Thursday through Saturday in the evenings.

CITY ATTORNEY'S REPORT

None.

OTHER REPORTS

None.

PUBLIC COMMENT

Public comment opened at 7:35 p.m. There being no 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

MOTION:

Approving consent calendar items 1 through 7.

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

1. ACCEPT GENERAL PLAN AND HOUSING ELEMENT ANNUAL PROGRESS REPORT (APR) 2021

Recommendation:

Accept the 2021 General Plan and Housing Element Annual Progress Report (APR) and direct staff to file the report with the Governor's Office of Planning and Research (OPR) and the State Department of Housing and Community Development (HCD).

2. ADOPT ORDINANCE NO. 2329, NEW SERIES, PERMANENTLY ADOPTING AND RATIFYING ORDINANCE NUMBER 2320 PREVIOUSLY ADOPTED AS AN URGENCY ORDINANCE ADDING SECTION 18.76.140 (" MAXIMUM DOCK HIGH DOOR RATIO") TO CHAPTER 18.76 PERFORMANCE STANDARDS") AND AMENDING SECTIONS 18.124.050 ("INDUSTRIAL USES") OF CHAPTER 18.124 (" LAND USE DEFINITIONS") AND 18.128.020 ("DEFINITIONS") OF CHAPTER 18.128 ("GENERAL TERMS") OF TITLE 18 ("ZONING") OF THE MORGAN HILL MUNICIPAL CODE TO CREATE A MAXIMUM DOCK - HIGH - DOOR RATIO FOR CERTAIN STRUCTURES AND TO ADD DEFINITIONS

Recommendation:

Waive the reading, adopt Ordinance No. 2329, 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.

3. **ADOPT RESOLUTION DETERMINING THAT CONDUCTION OF IN-PERSON MEETINGS WOULD PRESENT A PUBLIC HEALTH RISK AND CONTINUING TELECONFERENCE MEETINGS**

Recommendation:

Adopt resolution to continue holding City Council and commission meetings by teleconference.

4. **ADOPT RESOLUTION AUTHORIZING THE DISPLAY OF THE NATIONAL FLAG OF UKRAINE AT CITY FACILITIES IN SUPPORT OF THE LEADERS AND PEOPLE OF UKRAINE**

Recommendation:

Adopt resolution authorizing the display of the national flag of Ukraine at the Community and Cultural Center, Centennial Recreation Center, and City Hall from March 19 to April 19, 2022, to support the leaders and people of Ukraine.

5. **APPROVE MITIGATED NEGATIVE DECLARATION FOR THE FISHER CREEK DETENTION BASIN EXPANSION PROJECT**

Recommendation:

Approve and certify the project Mitigated Negative Declaration.

6. **APPROVE THE MARCH 2, 2022 SPECIAL/REGULAR CITY COUNCIL MEETING MINUTES**

Recommendation:

Approve the March 2, 2022 Special/Regular City Council Meeting Minutes.

7. **REAPPOINTMENT OF TWO (2) COMMISSIONERS ON THE LIBRARY, CULTURE, AND ARTS COMMISSION (LCAC) AND TWO (2) COMMISSIONERS ON THE PARKS AND RECREATION COMMISSION (PRC) AND RECRUITMENT TO FILL VACANCIES ON THE TWO COMMISSIONS**

Recommendation:

1. Reappointment of Commissioners Emily Borchers and Patrice Lyn to the Library, Culture, and Arts Commission with terms ending April 1, 2026;
2. Reappointment of Commissioners Craig van Keulen and Maureen Grzan-Pieracci to the Parks and Recreation Commission with terms ending April 1, 2026;
3. Extending the terms of Commissioners Neil Berman and Ron Locicero until such time that their seats can be filled; and
4. Direct staff to commence recruitment efforts to fill the one (1) vacancy on the LCAC and the two (2) vacancies on the PRC.

PUBLIC HEARINGS

8. ADOPT INDUSTRIAL PRESERVATION AND OPTIMIZATION POLICY

Recommendation:

Adopt an Industrial Land Preservation and Optimization Policy

Estimated Time: 30 Minutes

Economic Development Director Matt Mahood provided the report and presentation for items 8 and 9 together.

The public hearing opened at 8:37 p.m. There being no requests to speak, the public hearing closed.

MOTION:

Approving the recommended action including a statement that the intention is to protect employment lands including both industrial and commercial lands.

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

9. 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

The public hearing opened at 8:58 p.m. The following people were called to speak:

Nick Gaich
Munjai Shah
Hiral Khatri
Jai Singh
Debbie McConnell

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

MOTION:

Waive the first and second reading of the ordinance approving the planning recommendation to include home improvement and staff's hybrid recommendation about medical offices.

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

MOTION:

Waiving the first and second reading of the ordinance including the following language; Medical Office and Clinics – IL, CI, IO, IC Zones; 5,000 square feet or less - Permitted by right, 5,001 - 20,000 square feet - Administrative Use Permit, and 20,001 square feet or more - Conditional Use Permit.

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

MOTION:

Introducing the ordinance as amended by the previous motion.

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

OTHER BUSINESS

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

Recommendation:
Accept and file report.

Estimated Time: 10 Minutes

Finance Director Dat Nguyen provided the report and presentation.

Public Comment opened at 9:39 p.m. There being no requests to speak, public comment closed.

Report received.

FUTURE COUNCIL INITIATED AGENDA ITEMS

Council Member Martinez Beltran requested that the commercial workplan be moved up and requested staff identify which commercial sites can be identified for industrial use.

ADJOURNMENT

There being no further business, Mayor Constantine adjourned the meeting at 9:40 p.m. in honor of Ryan Last, who lost his life to cyberbullying.

Minutes Prepared by:

Michelle Bigelow, City Clerk