



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, April 6, 2022 6:00 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 6:00 p.m. for the purpose of conducting a closed session.

SPECIAL MEETING

6:00 p.m. Closed Session

CALL TO ORDER

Mayor Constantine called the City Council meeting to order at 6:00 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

City Clerk Michelle Bigelow declared the posting of the agenda.

CLOSED SESSION

City Attorney Donald Larkin announced the closed session item.

Closed Session Supplements

OPPORTUNITY FOR PUBLIC COMMENT

Public comment for closed session items opened at 6:04 p.m. The following people were called to speak:

Armando Benavides

Kathy Napoli

Sally Casas

Patricia Darling

Joe Baranowski

Yolanda

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

ADJOURN TO CLOSED SESSION

Conference with Legal Counsel – Anticipated Litigation

Significant exposure to litigation (Govt Code § 54956.9(b)): (One Case)

Alleged violation of the California Voting Rights Act and the FAIR MAPS Act.

The meeting adjourned to closed session at 6:24 p.m.

REGULAR MEETING

7:00 p.m.

The meeting reconvened at 7:20 p.m.

RECOGNITIONS

Proclaiming March 20, 2022 as Nowrūz - Persian New Year's Day

PROCLAMATIONS

Proclaiming the week of April 10-16, 2022 as National Telecommunicator's Week

Proclaiming April 28, 2022 as a Day of Remembrance of the Victims of the Holocaust

Proclaiming the Month of April 2022 as Sexual Assault Awareness Month

CITY COUNCIL REPORTS

Council Member Borgioli asked to forego his report as the agenda was quite lengthy.

CITY MANAGER'S REPORT

City Manager Christina Turner mentioned that with this nice weather people want to be outdoors. She announced that in our most recent Weekly 411 email we had a link to a great map about our local trails and bike lanes. If you did not see that in our 411 you can go to our website and put in bicycling or explore trails and you will find that map. On April 7th, we will have Youth Action Council's Warriors Against Vaping and E-Cigarettes. It is a presentation on vaping's effects on the brain. We are trying with our youth leaders to get the word out on how bad vaping is and, in this case, specifically, how bad it is for developing brains. In addition, we are starting up Sidewalk Saturdays and having our team there. This weekend you can join us from 9 am - 12 noon. We will be talking about the Housing Element. We encourage you to engage with us. We will be close to Coffee Guys on Third Street. Lastly, it is very exciting to share that Art A La Carte is happening on April 3rd at the Community and Cultural Center Amphitheater from 11 am - 2 pm. Please join us for this free event.

CITY ATTORNEY'S REPORT

City Attorney Donald Larkin shared that he is the Council's representative on the PLAN Joint Powers Authority Board. PLAN Joint Powers Authority is the risk pool agency that provides our insurance and risk liability for damage claims. It looks like while we will see increases in our property damage insurance due to things like extreme weather events and fires, our liability will remain relatively flat, which has not happened at any point in the last 5 years. This is a great step forward that one area of our insurance will not be increasing as much as we had anticipated. He also reported that in last year's legislative cycle, the legislature completely reorganized and renumbered the California Public Records Act. They gave us 2 years to adjust to the new numbering system, so it will not go into effect until January of next year. Everything we knew about the Public

Records Act is changing. Don has been appointed to chair the Cal Cities Committee that is going to be responsible for updating all the various guidebooks and other practice materials with the new California Public Records Act.

OTHER REPORTS

Mayor Constantine mentioned that currently, we are halfway through our flood control project through our Downtown. Our box culvert is nearing completion south of Watsonville Rd. We are now constructing Phase 2b which is now digging a tunnel under Nob Hill. When that is completed, our businesses and our residents who currently have to pay flood insurance will no longer have to do so once FEMA has approved the maps. This has been a project which some may know as PL 566 that has been in the works since 1954. This has been a long time coming and great news that we will soon not have to worry about our Downtown flooding.

PUBLIC COMMENT

Public comment for items not on the agenda opened at 7:30 p.m. The following people were called to speak:

Rocke Garcia

Marby Lee

Joe Baranowski

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

City Attorney Donald Larkin announced that closed session was continued to the end of the meeting.

ADOPTION OF AGENDA

MOTION:

Adopting the agenda moving item 16 to follow item 12.

RESULT:	Passed
MOVER:	Council Member Spring
SECONDER:	Council Member McKay
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 1 through 11.

RESULT:	Passed
MOVER:	Mayor Pro Tem Borgioli
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

1. CALL FOR A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2022

Recommendation:

1. Adopt resolution calling for a General Municipal Election to be held on Tuesday, November 8, 2022 to elect a Mayor, one Council Member from District B, and one Council Member from District D; and
2. Adopt resolution requesting the services of the Board of Supervisors of the County of Santa Clara and the Registrar of Voters Office - and the Consolidation of the Election.

2. ACCEPT CENTENNIAL RECREATION CENTER EXPANSION PROJECT

Recommendation:

1. Accept as complete the Centennial Recreation Center Expansion 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.

3. **ADOPT ORDINANCE NO. 2330, NEW SERIES AMENDING TITLE 18, DIVISION I, ZONING CODE SECTION 18.26.020 (LAND USE REGULATIONS) OF CHAPTER 18.26 (INDUSTRIAL ZONING DISTRICTS) TO MODIFY THE LAND USES PERMITTED IN THE INDUSTRIAL ZONING DISTRICTS**

Recommendation:

Waive the reading, adopt Ordinance No. 2330, 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.

4. **APPROVE PARCEL MAP FOR DAKOTA DUNNE SUBDIVISION (APN: 726-09-024) AND RELATED SUBDIVISION IMPROVEMENTS AGREEMENT**

Recommendation:

1. Approve the Parcel Map;
2. Authorize the City Manager to execute the Subdivision Improvements Agreement with Michael F. Dunne, Jr. and Jonna Dunne; and
3. Authorize the recordation of the Parcel Map and Subdivision Improvements Agreement.

5. **APPROVE AGREEMENT WITH MARK THOMAS AND COMPANY FOR CONSTRUCTION SUPPORT SERVICES ASSOCIATED WITH VALLEY WATER'S FLOOD CONTROL PROJECT**

Recommendation:

Authorize the City Manager to execute and administer a consultant agreement with Mark Thomas and Company for a not to exceed amount of \$246,000 for construction support services for City improvements associated with Valley Water's flood control project.

6. **APPROVE AGREEMENT WITH SANTA CLARA COUNTY FOR WEED ABATEMENT PROGRAM ADMINISTRATION**

Recommendation:

Authorize the City Manager to execute the agreement with Santa Clara County for weed abatement program services.

7. **APPROVE INNOVATIVE TRANSIT AGREEMENTS**

Recommendation:

1. Authorize the City Manager to execute and administer a grant agreement for innovative transit funding with the Valley Transportation Authority; and
2. Authorize the City Manager to execute and administer a consultant services

agreement with Rideco, Inc. for the provision of transit services within the City of Morgan Hill; and

3. Adopt a budget resolution appropriating \$60,000 for Fiscal Year 2021-22 to fund the initiation of the program.

8. APPROVAL OF SECOND AMENDMENT TO AGREEMENT WITH WEST COAST DOOR AND GATE

Recommendation:

1. Approve the Second Amendment to the On-Call Maintenance Service Agreement with West Coast Door and Gate for one additional year of service for \$40,000 for a total contract amount of \$100,000;
2. 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 per Section 3.04.150 (1) of the Morgan Hill Municipal Code; and
3. Authorize the City Manager to execute and administer the amendment with West Coast Door and Gate.

9. APPROVE FIRST AMENDMENT TO AGREEMENT WITH TESCO CONTROLS, INC. FOR SCADA HARDWARE PURCHASE

Recommendation:

Authorize the City Manager to execute a first amendment to the agreement with Tesco Controls, Inc. for SCADA hardware for a total contract amount of \$217,190.

10. APPROVE THE MARCH 16, 2022 CITY COUNCIL MEETING MINUTES

Recommendation:

Approve the March 16, 2022 City Council Meeting Minutes.

11. AWARD 2022 PARKING LOT SEAL COAT PROJECT

Recommendation:

1. Award contract to Silicon Valley Paving, Inc. in the amount of \$78,148;
2. Authorize the expenditure of contingency funds not to exceed \$7,814; and
3. Authorize City Manager to execute and administer that certain construction contract with Silicon Valley Paving, Inc.

PUBLIC HEARINGS

**12. RECONSIDER ACTION TO ADOPT CITY COUNCIL DISTRICT MAP 103 -
FROM MARCH 2, 2022 CITY COUNCIL ACTION**

Recommendation:

1. Review and discuss whether an alternative map should be adopted in light of a demand to cure a violation of the FAIR MAPS Act; and
2. Determine whether to: a) affirm the adoption of Map 103, or 2) approve an amended resolution identifying an alternative City Council District map.

Estimated Time: 45 Minutes

City Manager Christina Turner provided the report. City Attorney Donald Larkin, City Clerk Michelle Bigelow, and Doctors Douglas Johnson and Justin Levitt with National Demographics Corporation answered questions.

The public hearing opened at 8:18 p.m. The following people were called to speak:

Armando Benavides

Steve Tate

Kathy Napoli

Brian Sullivan

Sally Casas

Doug Muirhead

Chris Skinnell

Delia Gomez

Patricia Darling

Joe Baranowski

Roberto Aguirrez

Yolanda

Miguel Jimenez

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

MOTION:

Take no action.

RESULT:	Substitute Motion Made
MOVER:	Council Member Martinez Beltran
SECONDER:	Council Member Spring
AYES:	None
NAYS:	None
ABSTAIN:	None
ABSENT:	None

SUBSTITUTE MOTION:

Rescind the approval of map 103 and adopt the NDC Green Map.

RESULT:	Second Substitute Motion Made
MOVER:	Council Member McKay
SECONDER:	Mayor Pro Tem Borgioli
AYES:	None
NAYS:	None
ABSTAIN:	None
ABSENT:	None

MOTION:

Take no action on the map and authorize the City Attorney to file a validation action motion.

RESULT:	Passed
MOVER:	Mayor Constantine
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

The meeting recessed at 9:50 p.m. and reconvened at 10:00 p.m.

MOTION:

Continuing items 14, 15, and 18 to the April 20, 2022 City Council meeting.

RESULT:	Passed
MOVER:	Council Member McKay
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
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OTHER BUSINESS

16. ACCEPT INITIATIVE PETITION IMPACT REPORT AND ADOPT RESOLUTION PLACING THE CITIZENS' INITIATIVE AMENDING THE GENERAL PLAN TO REQUIRE VOTER APPROVAL OF ANY FUTURE MONTEREY ROAD LANE REDUCTION ON THE NOVEMBER 2022 BALLOT

Recommendation:

1. Accept the Initiative Petition Impact Report; and
2. Adopt Resolution placing Initiative Petition Titled: The Citizens' Initiative Amending The General Plan To Require Voter Approval of Any Future Monterey Road Lane Reduction on the November 2022 ballot.

Estimated Time: 45 Minutes

Economic Development Director Matt Mahood provided the report and presentation. City Manager Christina Turner, Public Services Director Chris Ghione, and Assistant City Manager for Development Services Edith Ramirez answered questions.

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

Joe Baranowski
Armando Benavides
Nick Gaich
Roberto Aguirrez
Sally Casas
Bryan Espiritu
Patricia Darling

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

MOTION: Extending the meeting to midnight.

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

SUBSTITUTE MOTION:

Directing staff to place the initiative on the November 2022 ballot and directing the city to halt the lane reduction implementation until the vote has taken place in November 2022.

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.

RESULT:	Passed
MOVER:	Council Member McKay
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**13. INTRODUCE ORDINANCE APPROVING MILITARY EQUIPMENT POLICIES AS REQUIRED BY AB 481**

Recommendation:

1. Waive the first and second reading of the ordinance; and
2. Introduce ordinance approving Morgan Hill Police Department Policies 708--Armored Rescue Vehicle (ARV MedEvac) and 709--Military Equipment.

Estimated Time: 20 minutes

Police Captain Mario Ramirez provided the report and presentation.

The public hearing opened at 11:47 p.m.

Roberto Aguirrez 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 McKay
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.

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

MOTION:

Extending the meeting to 12:30 a.m.

RESULT:	Passed
MOVER:	Mayor Constantine
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

14. INTRODUCE ORDINANCE UPDATING WATER WASTE ORDINANCE, ADOPT WATER SHORTAGE RESOLUTION, AND ACCEPT REPORT ON WATER OFFSET PROGRAM

Recommendation:

1. Waive the first and second reading of the ordinance; and
2. Introduce the ordinance updating the City's water waste provisions to reflect the actions and stages identified in the City's Urban Water Management Plan (UWMP);
3. Adopt resolution declaring a Level 4 Water Supply Shortage; and
4. Accept report on the development of a "water offset" program for new development.

Estimated Time: 30 Minutes

Item continued to the April 20, 2022 City Council meeting.

15. CONDUCT TAX AND EQUITY FISCAL RESPONSIBILITY ACT (TEFRA) HEARING APPROVING ISSUANCE OF BONDS FOR VILLAGE AT MADRONE AFFORDABLE HOUSING APARTMENTS AT 18960 MONTEREY STREET WITHIN THE CITY OF MORGAN HILL

Recommendation:

1. Open/close public hearing consistent with the requirements of the Federal Tax and Equity Fiscal Responsibility Act ("TEFRA") and Section 147 (f) of the Internal Revenue Code of 1986, as amended (the "Code"); and
2. Adopt resolution approving the issuance of bonds by the California Municipal Finance Authority (CMFA), for the acquisition, construction, improvement and equipping of a multifamily rental housing project located at 18960 Monterey Street, Morgan Hill, California (the "Project").

Estimated Time: 15 Minutes

Item continued to the April 20, 2022 City Council meeting.

OTHER BUSINESS

17. RECEIVE WATER RATE STUDY REPORT, ADOPT RESOLUTION DECLARING INTENT TO IMPLEMENT NEW WATER RATES, COMMENCING PROPOSITION 218 NOTICES, AND SETTING JUNE 1, 2022 AS DATE FOR A PUBLIC HEARING

Recommendation:

1. Receive Water Rate Study report;
2. Adopt resolution declaring intent to adjust water rates and authorizing the

- commencement of Proposition 218 noticing; and
3. Set June 1, 2022 as the date for Public Hearing and new water rates adoption.

Estimated Time: 30 Minutes

Finance Director Dat Nguyen provided the report and presentation.

The public comment opened at 12:22 a.m. There being no requests to speak, public comment closed.

MOTION:

Approving the recommended actions.

RESULT:	Passed
MOVER:	Mayor Pro Tem Borgioli
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

18. **ADOPT THE COMMUNICATIONS, OUTREACH, AND ENGAGEMENT PLAN AND APPROVE THE RECOMMENDED STAFFING CHANGES**

Recommendation:

1. Adopt the Communications, Outreach, and Engagement Plan; and
2. Approve the classifications for City Clerk/Public Information Officer (PIO); Communications and Engagement Coordinator; and updated Multimedia Coordinator.

Estimated Time: 30 Minutes

Item continued to the April 20, 2022 City Council meeting.

FUTURE COUNCIL INITIATED AGENDA ITEMS

Council Member Martinez Beltran asked to see the Monterey Road Specific Plan come to Council to discuss funding before the budget approval.

Council Member Spring asked for more information about the dirt disposal that Rocke Garcia mentioned during public comment.

April 6, 2022

The meeting adjourned to the closed session at 12:26 a.m.

ADJOURNMENT

The regular meeting reconvened at 12:53 a.m.

City Attorney Donald Larkin announced that there was no reportable action from the closed session.

There being no further business, the meeting adjourned at 12:54 a.m.

MINUTES PREPARED BY:

Michelle Bigelow, City Clerk