



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 20, 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 a workshop and a closed session.

SPECIAL MEETING

5:30 p.m. Citywide Transportation Planning Workshop

6:00 p.m. Closed Session

CALL TO ORDER

Mayor Constantine called the special 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
ABSENT	None

Mayor Pro Tem Borgioli joined the meeting at 5:35 p.m.

DECLARATION OF POSTING AGENDA

City Clerk Michelle Bigelow declared the posting of the agenda.

CITYWIDE TRANSPORTATION PLANNING WORKSHOP

City staff provided the City Council and Community with an update on the City's programs related to traffic congestion, traffic safety, and transportation management.

The Council discussed future transportation needs and the development of a transportation master plan for the City.

City Manager Christina Turner introduced the workshop and Dina El-Tawansy and Nick Saleh of CalTrans, provided a presentation. Public Services Director Chris Ghione and City Engineer Scott Creer provided a presentation.

CLOSED SESSION

Closed Session Supplements

OPPORTUNITY FOR PUBLIC COMMENT

The public comment opened at 6:52 p.m. The following people were called to speak:

Armando Benavides

Joe Baranowski

Kathy Napoli

Sally Casas

Yolanda

Edith Duran

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

ADJOURN TO CLOSED SESSION

Conference with Legal Counsel – Existing Litigation (Government Code § 54956.9
Tate et al., v. City of Morgan Hill, et al. Santa Clara County Superior Court, Case No.
22CV396857

The closed session item was continued to the end of the meeting.

REGULAR MEETING

7:00 p.m.

The regular meeting was called to order at 7:06 p.m.

RECOGNITIONS

Outgoing Commissioners - Ronald Locicero and Neil Berman

Public Services Director Chris Ghione recognized and acknowledged Outgoing Commissioners Neil Berman and Ronald Locicero. Mayor Constantine thanked both Commissioners for their service on behalf of himself and the Council.

PROCLAMATIONS

Proclaiming April 22, 2022 as Earth Day

Proclaiming April, 29, 2022 as National Arbor Day

PRESENTATIONS

Youth Action Council (YAC - Asset #38 Self Esteem

CITY COUNCIL REPORTS

Mayor Pro Tem Borgioli provided an update on the Llagas Creek Flood Control Project. Phase 1 milestone is complete. All of the flood protection improvements are completed at Lake Silveira. He mentioned that Lake Silveira is a phenomenal lake that houses a lot of our wildlife preserves and they did this phase to really protect our wildlife also. Phase 2, the tunnel, started in October 2021. He reported he has been there at least 4 times in the

last 3 weeks and they are really doing a good job of mitigation relative to the traffic and the delay from the construction. They are getting ready to put in the below-ground conduit for PG&E, Frontier, Verizon, and Comcast. They are progressing very well with almost no delays. Phase 2B which many residents will be happy about is going to be finished somewhere around 2025. This is the phase where FEMA gets involved with flood insurance, so our community has the opportunity not to get flood insurance in that particular area. Anderson Dam is progressing very well and still has a completion date of 2030-2031.

CITY MANAGER'S REPORT

City Manager Christina Turner invited the community to check out the Art a la Carte event on Saturday April 23. It is a Free Children's Arts & Crafts Event from 11 a.m. - 2 p.m. at the Community & Cultural Center Amphitheater. She announced the City's recruitment to fill two terms on the Parks and Recreation Commission with the four-year terms ending April 2026, and one term on the Library, Culture & Arts Commission with the four-year term ending April 2026. The application period ends this Friday, April 22 and at this point, we anticipate interviews to be on May 4. She wanted to notify the community of an event coming up related to Mental Health and Suicide Prevention. This is an Awareness Presentation being held from 6:00 - 7:30 p.m. on Thursday, April 28. You can find more information about this on our website. This presentation is to talk about mental health and suicide, which is an issue and has only compounded since Covid. Understanding the issues around mental health, talking about suicide prevention, how to help others in a crisis, and change the conversation. She asked to please join us to learn valuable coping skills for managing stress, anxiety, and suicide prevention.

CITY ATTORNEY'S REPORT

City Attorney Donald Larkin reported that at the end of the last meeting on April 6, the City Council met in closed session on one item of anticipated litigation. There was no reportable action.

OTHER REPORTS

Council Member McKay had a request for our community and colleagues; he said that things have become very contentious over the redistricting issue over the last month or so and he fears for our community's wholeness. He would like to see if our community can wait until we have an outcome. Then, when we have an outcome, let's come out the other side and have the grace that we need to have as a community. Whoever prevails, he hopes that they have the grace to not gloat and whoever loses, he hopes they have the grace to not be vindictive. He worries about our community and hopes to get past this as quickly as possible.

PUBLIC COMMENT

Public comment opened at 7:28 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 McKay
AYES:	Mayor Constantine, Council Member Spring, Mayor Pro Tem Borgioli, Council Member McKay, Council Member Martinez Beltran
NAYS:	None
ABSTAIN:	None
ABSENT:	None

The meeting recessed at 7:31 p.m. and reconvened at 7:42 p.m.

CONSENT CALENDAR

Public comment opened at 7:43 p.m.

Joe Baranowski was called to speak.

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

MOTION:

Approving consent calendar items 1 through 7 and 9 through 13.

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

1. **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.

2. **ADOPT RESOLUTION APPROVING FY2022-23 LIST OF STREET REHABILITATION PROJECTS FUNDED BY SENATE BILL (SB) 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT**

Recommendation:

Adopt resolution approving a list of street rehabilitation projects funded by SB 1, The Road Repair and Accountability Act of 2017.

3. **ADOPT ORDINANCE 2331, NEW SERIES, AN UNCODIFIED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING POLICE DEPARTMENT POLICIES 708 (ARMORED RESCUE VEHICLE) AND 709 (MILITARY EQUIPMENT)**

Recommendation:

Waive the reading, adopt Ordinance No. 2331, 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. **ADOPT RESOLUTION RESCINDING RESOLUTION 21-016: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL, CALIFORNIA, SUBMITTING TO THE VOTERS OF THE CITY AN INITIATIVE ORDINANCE CHANGING ZONING REGULATIONS THROUGHOUT THE CITY OF MORGAN HILL TO PROHIBIT CERTAIN NEW STORAGE AND DISTRIBUTION USES IN ALL AREAS OF THE CITY AND AMENDING THE REVIEW PROCESS FOR LARGE-SCALE DEVELOPMENT PROJECTS**

Recommendation:

Adopt resolution rescinding Resolution 21-016: A resolution of the City Council of the City of Morgan Hill, California, submitting to the voters of the City an initiative ordinance changing zoning regulations throughout the City of Morgan Hill to prohibit certain new storage and distribution uses in all areas of the City and amending the review process for large-scale development projects.

5. **ADOPT RESOLUTION AUTHORIZING AN APPLICATION FOR THE CALIFORNIA CLIMATE INVESTMENTS-DEPARTMENT OF FORESTRY AND FIRE PROTECTION'S (CAL FIRE) FIRE PREVENTION GRANT PROGRAM**

Recommendation:

Adopt resolution authorizing an application for the California Climate Investments-Department of Forestry and Fire Protection's (CAL FIRE) Fire Prevention Grant Program for the purchase of a radio controlled slope mower.

6. **APPROVE AGREEMENT BETWEEN THE COUNTY OF SANTA CLARA AND THE CITY OF MORGAN HILL GRANTING PROGRAM FUNDS FOR THE 2021 STATE HOMELAND SECURITY GRANT PROGRAM**

Recommendation:

Adopt a Resolution to:

1. Accept grant funds from the Santa Clara County Office of Emergency Management via the Department of Homeland Security up to the amount of \$17,558 for the purchase of a Long-Range Acoustic Device (LRAD);
2. Amend the adopted Fiscal Year (FY) 2021-2022 budget to recognize the Santa Clara County Office of Emergency Services/ Department of Homeland Security funds as revenue, and appropriate \$17,558 in the Police Department budget for the capital expenditures; and
3. Authorize the City Manager to execute the Agreement and approve the purchase up to the amount of \$17,558 for an LRAD system from Genasys.

7. **APPROVE MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY OF SANTA CLARA AND THE CITY FOR THE 2021 EMERGENCY MANAGEMENT PERFORMANCE GRANT**

Recommendation:

1. Authorize the City Manager to execute the Memorandum of Understanding with the County of Santa Clara for the 2021 Emergency Management Performance Grant (EMPG); and
2. Recognize grant revenue in an amount not to exceed \$19,000 for the purchase of Emergency Operations Center (EOC) Technology.

8. **APPROVE FIRST AMENDMENT TO THE AGREEMENT FOR COUNTYWIDE HOUSEHOLD HAZARDOUS WASTE COLLECTION PROGRAM**

Recommendation:

Authorize the City Manager to execute the First Amendment to the Agreement for Countywide Household Hazardous Waste Collection Program.

10. APPROVE SECOND AMENDMENT TO GILROY STAFF SERVICES AGREEMENT

Recommendation:

Authorize the City Manager to execute the Second Amendment to the Gilroy Staff Services Agreement for Stormwater Permitting Requirements and Environmental Management Services.

11. APPROVE FINAL MAP FOR APPLE TREE - TRACT NO. 10523 AND RELATED SUBDIVISION IMPROVEMENTS AGREEMENT

Recommendation:

1. Approve the Final Map;
2. Authorize the City Manager to execute the Subdivision Improvements Agreement with 18755 OLD MONTEREY LLC, a California Limited Liability Company; and
3. Authorize the recordation of the Final Map and Subdivision Improvements Agreement.

12. APPROVE FOURTH AMENDMENT TO AGREEMENT WITH INNOVATIVE CLAIMS SOLUTIONS, INC.

Recommendation:

Authorize the City Manager to execute and administer a Fourth Amendment to Agreement with Innovative Claims Solutions, Inc. to provide third party claims administration for workers' compensation extending the agreement for one additional year of service at annual amount of \$34,380, for a new total contract amount of \$240,980 over 7 years.

13. AWARD EAST DUNNE AVENUE REHABILITATION PROJECT AND APPROVE CONSULTANT AGREEMENT WITH CSG CONSULTANTS, INC. FOR FEDERAL-AID PROJECT SUPPORT AND CONSTRUCTION INSPECTION SERVICES

Recommendation:

1. Approve the East Dunne Avenue Rehabilitation Project plans and specifications;
2. Award contract to A. Teichert & Son, Inc. DBA Teichert Construction for the East Dunne Avenue Rehabilitation Project in the amount of \$2,153,195;

3. Authorize the expenditure of construction contingency funds not to exceed \$430,639;
4. Authorize the City Manager to execute and administer the construction contract with A. Teichert & Son, Inc. DBA Teichert Construction; and
5. Approve and authorize the City Manager to execute and administer a consultant agreement with CSG Consultants, Inc. in the amount of \$175,000 for Federal-Aid project support and construction inspections.

ITEMS PULLED FOR DISCUSSION

8. APPROVE FIRST AMENDMENT TO SOLID WASTE DISPOSAL CONTRACT

Recommendation:

Authorize the City Manager to execute the First Amendment to the Solid Waste Disposal Contract.

Council Member Martinez Beltran had questions.

Program Administrator Anthony Eulo provided answers.

Public comment opened at 7:49 p.m. There being no further requests to speak, public comment closed.

MOTION:

Approving the recommended actions.

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

PUBLIC HEARINGS

14. 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

Housing Director Rebecca Garcia provided a report and presentation.

The public hearing opened at 7:52 p.m. There being no requests to speak, public comment closed.

MOTION:

Approving the recommended actions.

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

15. APPROVE DONATION OF MONUMENT SIGNS FROM LEADERSHIP MORGAN HILL

Recommendation:

1. Review new City of Morgan Hill monument signs proposed by Leadership Morgan Hill;
2. Approve installation of monument signs at proposed locations;
3. Approve the design of the monument signs; and
4. Authorize the Public Services Director to execute agreements as needed with Leadership Morgan Hill and associated contractors to complete the installation.

Estimated Time: 30 Minutes

City Manager Christina Turner recused herself and turned off her camera as she is participating in the 2022 Leadership Morgan Hill class.

Public Services Director Chris Ghione provided the report and shared a rendering of the proposed monument sign.

Public comment opened at 8:13 p.m. The following people were called to speak:

Brian Sullivan

Joe Guerra

Joe Baranowski

Sally Casas

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

MOTION:

Approving the recommended actions and asking the class to consider adding the message in Spanish.

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

16. PROVIDE POLICY DIRECTION FOR FY 22-23 COMMUNITY FUNDING REQUESTS

Recommendation:

Provide policy direction regarding requests for community funding.

Estimated Time: 30 minutes

Public Services Director Chris Ghione provided a presentation and report.

Public comment opened at 9:02 p.m.

Peter Mandel was called to speak.

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

The Council provided direction to staff.

17. INTRODUCE AN ORDINANCE ESTABLISHING ENFORCEMENT EFFORTS FOR SIDESHOW PARTICIPANTS AND SPECTATORS

Recommendation:

1. Waive first and second reading of the ordinance; and
2. Introduce an ordinance establishing a process to prohibit spectators from participating in illegal speed contests, exhibitions of speed or reckless driving exhibitions.

Estimated Time: 5 Minutes

Police Captain Ray Ramos provided a presentation and report.

Public comment opened at 9:35 p.m. The following people were called to speak:

Joe Baranowski

Sally Casas

There being no further requests to speak, public comment 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.

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

18. RECEIVE MONTHLY BUDGET UPDATE; MARCH 2022 FINANCIAL AND INVESTMENT REPORTS; AND CITY MANAGER AUTHORITY REPORT

Recommendation:

Accept and file report.

Estimated Time: 10 minutes

Due to technical difficulties, item 18 was heard after item 20.

Finance Director Dat Nguyen provided a presentation and report.

Public comment opened at 10:30 p.m.
Joe Baranowski was called to speak.
There being no further requests to speak, public comment closed.

Report received.

19. 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 19 was heard after item 20.

City Clerk/Interim Public Information Officer Michelle Bigelow provided a presentation and report.

Public comment opened at 10:55 p.m. The following people were called to speak:
Joe Baranowski
Sally Casas
There being no further requests to speak, public comment closed.

MOTION:

Extending the meeting to 11:30 p.m.

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

MOTION:

Approving the recommended actions.

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

PUBLIC HEARING

20. 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;
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 20 was taken before items 18 and 19.

Program Administrator Anthony Eulo provided a presentation and report.

The public hearing opened at 10:11 p.m. There being no requests to speak, the public hearing closed.

MOTION:

Waiving the first and second reading of the ordinance.

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

MOTION:

Introducing the ordinance.

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

MOTION:

Adopting resolution declaring a Level 4 Water Supply Shortage.

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

21. ADOPT RESOLUTION OF INTENTION AND INTRODUCTION OF ORDINANCE TO AMEND THE CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (CALPERS) AND THE CITY OF MORGAN HILL TO IMPLEMENT THE EMPLOYEE SHARE OF EMPLOYER CONTRIBUTION IN ACCORDANCE WITH SECTION 20516 OF THE CALIFORNIA GOVERNMENT CODE

Recommendation:

1. Adopt Resolution of Intention of the City Council of the City of Morgan Hill stating its intent to amend the contract between the California Public Employees' Retirement System (CalPERS) and the City of Morgan Hill in order to implement the pension cost share provision in accordance with California Government Code section 20516;
2. Open/close the public hearing;

3. Waive the first and second reading of the ordinance amending the City's contract with CalPERS; and
4. Introduce the ordinance.

Estimated Time: 5 Minutes

Finance Director Dat Nguyen provided the report.

The public hearing opened at 11:10 p.m. There being no requests to speak, the public hearing closed.

MOTION:

Adopting the resolution.

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

MOTION:

Waiving the first and second reading of the ordinance.

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

MOTION:

Introducing the ordinance.

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

FUTURE COUNCIL INITIATED AGENDA ITEMS

Council Member Martinez Beltran requested the City look into providing Council Members with reimbursement for dependent care expenses for Council meetings.

Council Member McKay asked that staff share the City's social host accountability ordinance.

The meeting recessed at 11:14 p.m. and reconvened at 11:20 p.m.

CONTINUED CLOSED SESSION:

The meeting adjourned to closed session at 11:20 p.m.

The meeting reconvened at 11:53 p.m.

No reportable action.

ADJOURNMENT

There being no further business, Mayor Constantine adjourned the meeting at 11:53 p.m.

Minutes Prepared by:

Michelle Bigelow, City Clerk