



City Council

Meeting Minutes

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

Wednesday, May 18, 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.

DECLARATION OF POSTING AGENDA

City Clerk Michelle Bigelow declared the posting of the agenda.

CLOSED SESSION

Outside Counsel Gary Baum announced the closed session item.

OPPORTUNITY FOR PUBLIC COMMENT

Public comment opened at 6:02 p.m.

Joe Baranowski was called to speak.

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

City Attorney Larkin announced that this matter is being brought forward pursuant to a court order. He withdrew from the litigation under rule 1.16B1.

The meeting adjourned to closed session at 6:05 p.m.

REGULAR MEETING

Outside Counsel Gary Baum announced that there was no reportable action from the closed session.

PROCLAMATIONS

Mayor Constantine announced the proclamations.

Proclaiming the week of May 15-21, 2022 as Public Works Week

Proclaiming the week of May 15-21, 2022 as Emergency Medical Services Week

Proclaiming Saturday, May 21, 2022 as Kids to Park Day

Proclaiming the Month of May 2022 as Older Americans Month

Proclaiming the Month of May 2022 as Asian American Pacific Islander Heritage Month

CITY COUNCIL REPORTS

Council Member John McKay shared an update on grants the City has received. He spoke about his work on the Housing and Community Development Advisory Committee and announced that the City received a Community Development Block Grant in the amount of \$300,000 to renovate the restrooms at Galvan Park and some funding for the El Toro Youth Center. He announced that the South County Regional Wastewater Authority facility was recognized by the Monterey Bay Region of the California Environment Association. They were awarded Plant of the Year, The Best Sewage Treatment Plant of the Year, Safety Plant of the Year, Sergio Villegas was awarded Operator of the Year, and Joshua Donald received the Gimmicks and Gadgets Award. He shared that he and the Mayor attended the Cal Cities Leader Summit where they were able to speak out to legislators. They asked for \$500 million for a

private/public partnership to develop more housing and \$180 million to work on environmental projects to focus mostly on recycling.

CITY MANAGER'S REPORT

City Manager Christina Turner shared that this week we have been honoring National Police Week and National Public Works Week and invited the community to honor the Public Works team at Community Park on Thursday, May 19th from 10:00 a.m.- Noon, where they will be displaying some of the machinery they use. She encouraged the community to stop by the energizer station for Bike to Wherever Day this Friday, May 20th between 11:30 a.m. and 4:00 p.m. She spoke regarding the Hygiene donation drive, Lend a Hand, that is being led by the Youth Action Council and the Edward Boss Prado Foundation. They are collecting full-sized items such as shampoos, toothpaste, deodorant, brushes, etc. You can drop off your donations at the CRC welcome desk. She concluded by inviting the community to the Pride Flag raising ceremony on Saturday, May 21st at 9:00 a.m. at the Civic Center Plaza between the Council Chamber and City Hall.

The Youth Action Council presented May's Development Asset #35- Resistance Skills and the complimentary Asset #29- Honesty.

YAC Presentation- Asset #35 - Resistance Skills

CITY ATTORNEY'S REPORT

City Attorney Donald Larkin shared that he was absent from the last meeting because he was attending the City Attorney's Conference by Cal Cities.

OTHER REPORTS

Mayor Constantine noted that Council Member Yvonne Martinez Beltran attended the Cal Cities Leader Summit conference.

PUBLIC COMMENT

Public comment opened at 7:23 p.m. There being no requests to speak, public comment closed.

Public Comment Supplements

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

CONSENT CALENDAR

MOTION:

Approving consent calendar items 1 through 5 and 8 through 10.

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

1. ACCEPT RESIGNATION OF PLANNING COMMISSIONER LAURA GONZALEZ-ESCOTO

Recommendation:

1. Accept Laura Gonzalez-Escoto's resignation from the Planning Commission effective immediately; and
2. Direct the City Clerk to continue recruitment efforts to fill an unexpired term ending June 2025, on the Planning Commission.

2. ACCEPT BUTTERFIELD BOULEVARD LINEAR PARK EXTENSION PROJECT

Recommendation:

1. Accept as complete the Butterfield Boulevard Linear Park Extension 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 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 DESIGNATING THE CITY'S ENFORCEMENT AGENCY FOR REGULATING SINGLE-USE FOODWARE AS REQUIRED BY ASSEMBLY BILL 1276

Recommendation:

Adopt resolution designating the City's enforcement agency for regulating single-use foodware as required by Assembly Bill 1276.

5. ADOPT ORDINANCE 2334, NEW SERIES, AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF MORGAN HILL AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Recommendation:

Waive the reading, adopt Ordinance No. 2334, 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.

6. ADOPT RESOLUTION GRANTING DELEGATION OF AUTHORITY TO FIRE CHIEF

Recommendation:

Adopt resolution granting delegation of authority to Fire Chief George Huang to sign and submit State Surplus Property Program Eligibility Application.

Fire Chief George Huang provided a report and answered questions.

Public comment opened at 7:30 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 Spring
AYES:	Mayor Constantine, Council Member Spring, Mayor Pro Tem Borgioli, Council Member McKay, Council Member Martinez Beltran
NAYS:	None
ABSTAIN:	None
ABSENT:	None

7. AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH AXON IN THE AMOUNT OF \$778,400 FOR THE POLICE COMPUTER AIDED DISPATCH AND RECORDS MANAGEMENT SYSTEM UPGRADE

Recommendation:

Authorize the City Manager to execute and amend, when necessary, a 10-year agreement with Axon for a Computer Aided Dispatch and Records Management System subject to approval as to form by the City Attorney.

Police Captain Mario Ramirez provided a report and answered questions.

Public comment opened at 7:41 p.m.

Peter Mandel was called to speak.

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

MOTION:

Approve

RESULT:	Passed
MOVER:	Council Member Martinez Beltran
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

The meeting recessed at 7:47 p.m. and reconvened at 7:57 p.m.

8. **APPROVE PARCEL MAP FOR SABINI COURT SUBDIVISION (APN: 773-32-013) AND RELATED SUBDIVISION IMPROVEMENTS AGREEMENT**

Recommendation:

1. Approve the Parcel Map;
2. Authorize the City Manager to execute the Subdivision Improvements Agreement with Strolata Properties, LLC; and
3. Authorize the recordation of the Parcel Map and Subdivision Improvements Agreement.

9. **APPROVE AN IMPROVEMENT AGREEMENT WITH THOMPSON & HARVEY BAY AREA, LLC (AU ENERGY LLC) FOR THE RAILROAD-GOYAL PROJECT (UP2019-0005)**

Recommendation:

1. Approve an Improvement Agreement with Thompson & Harvey Bay Area, LLC;
2. Authorize the City Manager to execute the Improvement Agreement; and
3. Authorize the recordation of the Improvement Agreement.

10. **APPROVE THE MAY 4, 2022 CITY COUNCIL MEETING MINUTES**

Recommendation:

Approve the May 4, 2022 City Council Meeting Minutes.

PUBLIC HEARINGS

11. **ADOPT CITY COUNCIL DISTRICT MAP "NDC GREEN" OR AN ALTERNATIVE LEGALLY ACCEPTABLE MAP**

Recommendation:

1. Review and adopt an alternative redistricting map based upon the court order from May 9, 2022, directing the City Council to adopt a new legally acceptable district map; and
2. Approve an amended resolution identifying the alternative City Council District map.

City Attorney Larkin announced that this matter is being brought forward pursuant to a court order. He withdrew from the litigation under rule 1.16B1.

City Clerk/PIO Michelle Bigelow, along with Outside Counsel Gary Baum serving as City Attorney for this item, and Dr. Doug Johnson and Dr. Justin Levitt of National Demographics Corporation provided a presentation and report.

The public hearing opened at 8:44 p.m.

Joe Baranowski was called to speak.

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

MOTION:

Adopting resolution identifying map NDC Green as the City Council District map.

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

OTHER BUSINESS

12. REVIEW CITY MANAGER'S RECOMMENDED FISCAL YEARS (FY) 2022-23 AND 2023-24 OPERATING BUDGET AND FY 2022-23 THROUGH 2027-28 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET

Recommendation:

Review and discuss the Recommended Budget, including community funding requests and the Impact Fee Freeze Program.

City Manager Christina Turner provided the report and presentation.

The meeting recessed at 10:05 p.m. and reconvened at 10:08 p.m.

Public comment opened at 10:56 p.m.

Joe Baranowski was called to speak.

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

MOTION:

Extending the meeting to 11:20 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
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FUTURE COUNCIL INITIATED AGENDA ITEMS

Council Member Spring requested clarification on the Community Funding policy in regard to cultural diversity.

Mayor Pro Tem Borgioli requested a full accounting of attorney fees for the redistricting item.

ADJOURNMENT

There being no further business, Mayor Constantine adjourned the meeting at 11:12 p.m.

Minutes Prepared by:

Michelle Bigelow, City Clerk