



Meeting Minutes City Council

Rich Constantine - Mayor
Yvonne Martinez Beltran - Mayor Pro Tem
Larry Carr - Council Member
John McKay - Council Member
Rene Spring - Council Member

Wednesday, July 15, 2020 5:30 pm

Virtual Meeting
Link to join the meeting can be found below

MEETING GUIDELINES

The City Council Meeting will be live-streamed on Channel 17 and on the City's website. Those members of the public wishing to participate remotely may do so via the electronic meeting at:

<https://bit.ly/071520CCMeeting85451421831>

<<https://bit.ly/071520CCMeeting%20854%205142%201831>> or by calling in to: (669) 900-9128, then enter the meeting id: 845 5142 1831.

SPECIAL/REGULAR MEETING

A special meeting of the City Council was called at 5:30 p.m. for the purpose of conducting commission interviews and a closed session.

SPECIAL MEETING

5:30 P.M. Commission Interviews and closed session

CALL TO ORDER

Mayor Constantine called meeting to order at 5:30 pm.

ROLL CALL ATTENDANCE

Deputy City Clerk Michelle Bigelow called the roll.

Attendee Name	Title	Status	Arrived
Rich Constantine	Mayor	Remote	
Yvonne Martinez Beltran	Mayor Pro Tem	Remote	5:32 PM
Larry Carr	Council Member	Remote	
John McKay	Council Member	Remote	
Rene Spring	Council Member	Remote	

DECLARATION OF POSTING AGENDA

Deputy City Clerk Michelle Bigelow declared the posting of the agenda.

COMMISSION INTERVIEWS

1. INTERVIEWS TO FILL THREE (3) VACANCIES ON THE LIBRARY, CULTURE, AND ARTS COMMISSION AND THREE (3) VACANCIES ON THE PARKS AND RECREATION COMMISSION

Recommendation:

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

The City Council interviewed the following commission applicants:

Library, Culture, and Arts Commission

Paul Lake

John Callison

Patrice Lyn

Emily Borchers

Parks and Recreation Commission

Richard Scott

John Callison

David Lovato

John Moniz

Library, Culture, and Arts applicant Tina Shakour withdrew herself from the process.

Parks and Recreation Commission applicant Bill Colombo did not attend the interviews.

RESULT: NO ACTION TAKEN

CLOSED SESSION

The closed session was moved to the end of the meeting.

REGULAR MEETING

7:00 P.M.

CONVENE REGULAR MEETING

The regular meeting convened at 7:00 p.m.

RECOGNITIONS

MORGAN HILL TOGETHER ART COMPETITION

VIRTUAL YOUTH LEADERSHIP MORGAN HILL PROGRAM

PRESENTATIONS

YAC Presentation- <https://www.youtube.com/watch?v=6LFP22VqamM>

Live Oak Valedictorians Emma Squires and Lucas Nguyen

CITY MANAGER'S REPORT

City Manager Christina Turner announced that the Learning and Loving Center will be closing its doors. Christa Hanson and the Sisters of the Presentation shared that there are multiple factors that have contributed to the closure, including their financial situation as well as their ability to serve their student population during this challenging time. They had 27 successful years. In their letter they shared how lucky they are to live in a community with so many volunteers that care about supporting immigrant women and their families. City Manager Christina Turner shared that we are hoping to have the Center join us for our next Council Meeting.

A new County order came out, the Risk Mitigation Order. That was effective on Monday, July 13th. This new order does not have an end date. Originally it would have allowed personal services and inside gyms. With this order, businesses have to submit a social distancing protocol in order to operate, including businesses that were open prior to July 13th. The new order acknowledged that we can't stay at home all the time and residents should follow core principles to minimize risk. Some of those things include: outdoors are safer than indoors, the greater the distance one can put between themselves and others the better, interact in person with as few people or as short amount of time as possible, and consistent use of face coverings must become the new normal. A couple of other things on the new order are that: every business is required to submit those protocols on-line, generally the density limits of one worker per 250 gross square feet, and one customer per 150 square feet of space open to the public, telework is encouraged whenever possible and businesses will be required to submit to the Public Health Department within 4 hours upon learning that an employee has tested positive, some businesses will be required to adhere to industry specific requirements and they have been issuing guidelines for each of the different industries.

Subsequent to these orders, we found out that Santa Clara County has been placed on a monitoring list. This action prohibits indoor operations for gyms, fitness centers, places of worship, protests, offices for non-critical infrastructure sectors, personal care services which includes nail salons, barber shops, and also malls. These closures remain in effect until the state takes action to modify the health order. We did receive word from the County that they checked in with the State and the order does allow for more to be offered outdoors and that includes fitness centers as well as gyms.

The CRC is moving outside. Beginning on July 20th we will be opening our outdoor space. Some of this will include outdoor cardio equipment, group exercise classes, free weights, and weight machines. The Aquatics Center will continue to offer outdoor lap swim, aqua fitness, and private swim lessons. We will also be adding additional outdoor group exercise opportunities and will continue to have our virtual live classes. What won't be available at the CRC still are all the indoor activities, kids club, indoor pool, teen center, and senior center.

She concluded by announcing a County project called the Social Bridging Project. As we all know during this extended period of shelter in place, older adults are especially prone to social isolation with potential negative impacts. The County is working with Listos California to implement this Social Bridging Project in our county. It serves as a friendly touch point to older adults starting at age 60 who may need support services and resources including food, housing, and health care. They are committed to language and culture competency in their outreach. Their outreach includes wellness calls, as well as, disaster preparedness calls.

CITY ATTORNEY'S REPORT

City Attorney Donald Larkin stated that back in May we brought back our Emergency Order to Council for a 60-day review which was required under the law. It has been more than 60 days since we did that. The reason we didn't call a special meeting for further review is that the Governor's emergency order has suspended that 60-day review requirement.

He has received a few questions regarding what the extension means for the County's Eviction Moratorium and our Rent Freeze order. The County's Eviction Moratorium has been extended through August 31st. Though August 31st, the County's ordinance which applies to residential and commercial properties in Morgan Hill is in effect and it means that if you are financially impacted by COVID-19 and you inform your landlord that you are unable to pay your full rent due to COVID-19 you can't be evicted. There are other procedures by where you are going to be required to pay that backed rent, but you are not going to be evicted in the meantime. In addition, the City adopted a Rent Freeze for residential properties which says the landlords can't raise rents on tenants during the COVID-19 emergency. Landlords may be issuing notices or rent increases but those won't go into effect until after our emergency order is lifted.

PUBLIC COMMENT

The public comment opened at 7:49 pm. The following people were called to speak:

Brian Faircloth

Garfield

Cat F

Joe Baranowski

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

ADOPTION OF AGENDA

MOTION:

Adopting the agenda as posted.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rich Constantine, Mayor
SECONDER:	Rene Spring, Council Member
AYES:	Constantine, Martinez Beltran, Carr, McKay, Spring

CONSENT CALENDAR

Mayor Constantine recused himself from items 3 and 13.

MOTION:

Approving consent calendar items 3 through 5 and 7 through 13.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John McKay, Council Member
SECONDER:	Rene Spring, Council Member
AYES:	Constantine, Martinez Beltran, Carr, McKay, Spring

2. ITEM PULLED FROM CONSENT

3. ACCEPTANCE OF EAST MAIN AVENUE WELL #3 PROJECT

Recommendation:

1. Accept as complete the East Main Avenue Well #3 Project in the final amount of \$1,627,146;
2. Authorize the City Engineer to sign the attached Notice of Completion; and
3. Direct the City Clerk to file said Notice of Completion with the County Recorder's Office.

4. ACCEPTANCE OF CITY FACILITY FIBER NETWORK INFRASTRUCTURE PROJECT

Recommendation:

1. Accept as complete the City Facility Fiber Network Infrastructure 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.

5. APPROVE ACCEPTANCE OF GRANT FUNDS FROM SANTA CLARA COUNTY OFFICE OF EMERGENCY SERVICES AND COMMUNITY LAW ENFORCEMENT FOUNDATION, AND APPROPRIATION OF ASSET SEIZURE AND FORFEITURE FUNDS

Recommendation:

1. Accept \$90,000 in grant funds from the County of Santa Clara Office of Emergency Services (OES) for a portable vehicle barrier to use at community special events;
2. Accept \$52,198 in grant funds from the Community Law Enforcement Foundation (CLEF) for purchase of FARO 3D crime scene scanner and medical pouches;
3. Adopt resolution amending the Fiscal Year 2020-21 adopted budget to appropriate \$142,198 within the General Fund (010) and \$60,000 from Asset Seizure and Forfeiture Fund (225) for the related grant and other one-time capital expenditures; and
4. Authorize the City Manager to approve related purchase orders as necessary.

6. ITEM PULLED FROM CONSENT

7. APPROVE AGREEMENT WITH BLACK AND VEATCH FOR SANITARY SEWER SYSTEM ASSET MANAGEMENT PLAN

Recommendation:

Approve and authorize the City Manager to execute and administer an agreement with Black & Veatch Corporation in the amount of \$309,782 for the development of a Sanitary Sewer Asset Management Plan.

8. APPROVE MICROSOFT ENTERPRISE AGREEMENT FOR OFFICE 365, WINDOWS SERVER, AND SQL DATABASE LICENSING

Recommendation:

1. Approve the purchase of three-year Microsoft Office 365, Windows Server and SQL Database Licensing from Dell Marketing, LLP for a not-to-exceed amount of \$401,329; and
2. Authorize the City Manager to execute and administer a Microsoft Enterprise Agreement for the licensing of the City of Morgan Hill Microsoft products and services.

9. APPROVE RE-SUBORDINATION OF JASMINE SQUARE APARTMENTS, 16530 MONTEREY ROAD, CITY/SUCCESSOR AGENCY LOANS

Recommendation:

Approve re-subordination of existing City/Successor Agency affordable housing loans necessitated by refinancing of senior debt, restructure debt to cap Residual Receipt payment to the City/Successor at 75% per Fannie Mae lending requirements, provide developer vehicle to make balloon payment, lower interest rate, and pay \$150,000 towards City loans.

10. APPROVE SECOND AMENDMENT TO AGREEMENT BETWEEN THE COUNTY OF SANTA CLARA AND THE CITY OF MORGAN HILL FOR CONTINUATION OF SERVICES FOR RAPID RE-HOUSING (RRH) AND HOMELESSNESS PREVENTION PROGRAMS

Recommendation:

Approve and authorize the City Manager to execute and administer a second amendment to agreement with the County of Santa Clara to continue support for joint Rapid Re-Housing and Homeless Outreach Services (Homelessness Prevention programs) specifically for South County for a total of \$100,000 for two years.

11. APPROVE THE JUNE 17, 2020 MEETING MINUTES

Recommendation:

Approve Minutes.

12. AMEND THE IMPACT FEE FREEZE PROGRAM FOR COMMERCIAL AND INDUSTRIAL PROJECTS

Recommendation:

1. Approve the Impact Fee Freeze Program and guidelines; and
2. Authorize the City Manager to negotiate and execute Impact Fee Freeze Agreements that are under \$100,000 for new commercial and industrial projects consistent with the program criteria.

13. AWARD EAST MAIN AVENUE BIKE LANES AND SIDEWALK PROJECT

Recommendation:

1. Approve the East Main Avenue Bike Lanes and Sidewalk Project plans and specifications;
2. Award contract to McKim Corporation for the East Main Avenue Bike Lanes and Sidewalk Project in the amount of \$1,188,404;
3. Authorize expenditure of construction contingency funds not to exceed \$118,404; and
4. Authorize the Public Services Director to execute and administer the construction contract with McKim Corporation pending review and approval by the City Attorney's office.

ITEMS PULLED FOR DISCUSSION

2. ADOPT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL PROCLAIMING BLACK LIVES MATTER AND COMMITTING TO STAND IN SOLIDARITY WITH ITS BLACK COMMUNITY

Recommendation:

Adopt resolution proclaiming Black Lives Matter and committing to stand in solidarity with our Black community.

The public comment opened at 8:09 pm.

Brian Faircloth was called to speak.

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

MOTION:

Approving the recommended action.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rich Constantine, Mayor
SECONDER:	Larry Carr, Council Member
AYES:	Constantine, Martinez Beltran, Carr, McKay, Spring

6. APPROVE A PROPERTY USE AGREEMENT WITH VISIT MORGAN HILL

Recommendation:

Approve and authorize the City Manager to execute and administer a property use agreement with Visit Morgan Hill.

Assistant to the City Manager Harjot Sangha provided the report.

The public comment opened at 8:25 pm.

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

MOTION:

Approving the recommended action.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Larry Carr, Council Member
SECONDER:	John McKay, Council Member
AYES:	Constantine, Martinez Beltran, Carr, McKay, Spring

The meeting recessed at 8:26 pm.

The meeting reconvened at 8:31 pm.

MOTION:

Continuing item 16 to the July 22, 2020 City Council Meeting.

RESULT:	CONTINUED TO A FUTURE MEETING [UNANIMOUS]
MOVER:	Rich Constantine, Mayor
SECONDER:	Larry Carr, Council Member
AYES:	Constantine, Martinez Beltran, Carr, McKay, Spring

OTHER BUSINESS

14. APPROVE INCENTIVE AGREEMENT FOR A NEW AUTOMOBILE DEALERSHIP

Recommendation:

Adopt resolution authorizing the City Manager to execute and administer an Incentive Agreement, consistent with the Auto Dealer Economic Development Strategy, with the Ford Store, Inc. for a new automobile dealership at the Auto Mall Planned Development Site on Condit Road; and make findings of consistency with Section 53083(a)(6)(b) of the Government Code (AB 562).

Assistant City Manager Leslie Little provided the report.

The public comment opened at 9:00 pm.

Joe Baranowski was called to speak.

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

MOTION:

Approving the recommended action.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Larry Carr, Council Member
SECONDER:	John McKay, Council Member
AYES:	Constantine, Martinez Beltran, Carr, McKay, Spring

15. PROVIDE DIRECTION REGARDING NOVEMBER 2020 REVENUE MEASURE INITIATIVES

Recommendation:

Direct staff to:

1. Not pursue placing a revenue measure for November 3, 2020 ballot;
OR
2. Pursue placement of a local transactions and use tax and/or business license tax revenue measure on November 3, 2020 ballot.

Assistant to the City Manager Harjot Sangha provided the report and presentation.

The public comment opened at 10:07 pm. The following people were called to speak:

Joe Baranowski

Armando Benavides

Brian Faircloth

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

RESULT:	NO ACTION TAKEN
----------------	------------------------

MOTION:

Extending the meeting to midnight and continuing items 18 and 19 to the July 22, 2020 City Council meeting.

RESULT:	EXTENDED [3 TO 2]
MOVER:	Rich Constantine, Mayor
SECONDER:	Yvonne Martinez Beltran, Mayor Pro Tem
AYES:	Constantine, Martinez Beltran, Spring
NAYS:	Carr, McKay

16. PROVIDE DIRECTION REGARDING FEASIBILITY REPORTS FOR FUTURE RECREATION FACILITIES FOR SAND VOLLEYBALL AND VILLA MIRA MONTE HISTORICAL SITE

Recommendation:

1. Receive reports relating to future park and recreation facilities; and
2. Provide feedback and additional direction to City staff as desired.

Item continued to the July 22, 2020 City Council Meeting.

RESULT:	CONTINUED
----------------	------------------

17. CONSIDERATION OF DECLARING RACISM AS A PUBLIC HEALTH EMERGENCY

Recommendation:

Consider declaring Racism a Public Health Emergency.

City Manager Christina Turner provided the report.

The public comment opened at 10:59 pm. The following people were called to speak:
Brian Faircloth
Joe Baranowski
Roberto Aguirrez
There being no further requests to speak, the public comment closed.

MOTION:

Waiting until the full County resolution comes forward.

RESULT:	DIRECTED [UNANIMOUS]
MOVER:	John McKay, Council Member
SECONDER:	Yvonne Martinez Beltran, Mayor Pro Tem
AYES:	Constantine, Martinez Beltran, Carr, McKay, Spring

18. RECEIVE UPDATE REGARDING REGIONAL HOUSING NEED ALLOCATION AND HOUSING ELEMENT REFORMS

Recommendation:

Receive report.

Item continued to the July 22, 2020 City Council meeting.

RESULT:	CONTINUED
----------------	------------------

19. CONSIDER CITY POSITIONS ON PROPOSED 2020 LAND USE AND HOUSING LEGISLATIONS

Recommendation:

1. Receive report; and
2. Direct staff to take no position or communicate City's position to the authors of the certain proposed 2020 legislation, local elected State representatives and the League of California Cities.

Item continued to the July 22, 2020 City Council meeting.

RESULT:	CONTINUED
----------------	------------------

FUTURE COUNCIL INITIATED AGENDA ITEMS

Council Member McKay asked for a discussion about what we can and cannot do in our community about fireworks.

CLOSED SESSION

City Attorney Donald Larkin announced the closed session items.

OPPORTUNITY FOR PUBLIC COMMENT

The public comment opened at 11:19 pm.

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

CLOSED SESSION PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

The meeting adjourned to closed session at 11:23 pm.

CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9.

One case

PUBLIC EMPLOYEE PERFORMANCE EVALUATION (§54957)

Title: City Manager

PUBLIC EMPLOYEE PERFORMANCE EVALUATION (§54957)

Title: City Attorney

RECONVENE

The meeting reconvened at 1:15 am.

ADJOURNMENT

There being no further business, Mayor Constantine adjourned the meeting at 1:15 am.

MINUTES PREPARED BY:

Angie Gonzalez, Minutes Clerk