



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, September 16, 2020 7:00 pm

Virtual Meeting

The City Council has adopted a policy that regular meetings shall not continue beyond 11:00 p.m. unless extended by a majority of the City Council.

CALL TO ORDER

Mayor Constantine called the meeting to order at 7:00 p.m.

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	
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.

PRESENTATIONS

YAC PRESENTATION- ASSET # 5- CARING SCHOOL CLIMATE

PROCLAMATIONS

Proclaiming the week of September 17-23 as Constitution Week
Proclaiming the month of September as Firefighter Appreciation Month
Proclaiming the month of September as National Preparedness Month
Proclaiming the month of September as National Hispanic Heritage Month

CITY MANAGER'S REPORT

City Manager Christina Turner spoke to the evening's supplements and presentations.

Elections/voting report:

The City contracts with the Santa Clara County Registrar of Voters (ROV) to provide election services. They have modernized voting and are providing voters with greater flexibility and convenience. Every registered voter now receives a vote by mail ballot, that starts the week of October 5th. The last day to register to vote is October 19th. Voters can drop their ballots off at the post office, any ballot drop box location, at any vote center in Santa Clara County, or at the ROV's office. If they prefer, voters can also vote by paper ballot or use a voting machine to cast their ballot at any vote center in the county. Starting on October 5th drop boxes will be at the following locations: City Hall at 17575 Peak Avenue, Morgan Hill Library at 660 West Main Avenue, Morgan Hill Unified School District Office at 15600 Concord Circle, and Nordstrom Elementary School 1425 E. Dunne Ave. Starting on October 31st and going through November 3rd from 9-5 daily, there will be three locations set up as voting centers, those will be at our Council Chamber building, Morgan Hill Presbyterian Church, and Sobrato's theater lobby. All of this information is on our website. You can register to vote or update your voter information at registertovote.ca.gov, you can check your voter registration information to make sure everything is the way you want it to be at voterstatus.sos.ca.gov. Lastly, you can sign up to track your ballot at wheresmyballot.sos.ca.gov.

She concluded by giving an update on the City's Significant Projects. The presentation can be found on our website at <http://www.morgan-hill.ca.gov/1958/Development-Projects>.

CITY MANAGER'S PRESENTATION-SIGNIFICANT PROJECTS 2020

CITY ATTORNEY'S REPORT

City Attorney Donald Larkin spoke regarding the Development Standards Ordinance that the Planning Commission and City Council can consider before they are asked to review any new industrial developments. This request was consistent with prior direction we had received from the Council in other workshop settings. We have begun that activity and the first part will be heard by the Planning Commission next Tuesday the 22nd. We are proposing an ordinance that would create new land use definitions for certain industrial uses associated with e-commerce facilities. We have specifically created land use definitions for heavy distribution or fulfillment centers, parcel sorting facilities, and parcel hubs. As drafted, we would prohibit heavy distribution and parcel sorting facilities in the City of Morgan Hill. We have also proposed amending the definition of significant projects that are subject to design review by the Planning Commission rather than the Planning Director. Those would include large projects and they would automatically be elevated to the Planning Commission. The Planning Director still maintains the ability to elevate other projects to the Commission based on the existing criteria or, it gives the Planning Director discretion to elevate things to the Commission where it is believed that further review is warranted.

We were also asked to look into options to review the PUD Zoning for the Morgan Hill Ranch Business Park. The PUD Zoning provides that all the permits for projects within that park are administrative rather than going to the City Council or the Planning Commission. We are continuing to look at options for amending the PUD or re-zoning certain properties within the park to, at a minimum, provide a more public process for discretionary approvals.

He provided an update on the development agreement for the Butterfield-Jarvis property, which is the former Divco-MWest project, the existing entitlements on that property, and the consideration to require the Planning Commission to hold public hearings for some design review. Because that is within the Planning Director's authority, the determination has already been made that design review will be referred to the Planning Commission. We will come back at a future meeting to provide an update on the progress made to the development agreement. With regard to e-commerce, we see this ordinance as a first step. With the increase of online ordering, many brick and mortar retailers are incorporating e-commerce activities into their existing retail businesses. We recognize that there is a strong need to update our zoning ordinance to keep up with these changes and make sure we are planning around impacts that these activities might have and that we are making sure that our ordinance is robust enough to regulate these types of e-commerce activities because we know that even before COVID, they were increasing rapidly and COVID has increased online commercial activity significantly. This is also something we hope to bring back to Council in the near future.

PUBLIC COMMENT

Public comment opened at 7:28 p.m. The following people were called to speak:

Sally Casas

Armando Benavides

Brian Faircloth

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

ADOPTION OF AGENDA

Adopting agenda as posted.

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

CONSENT CALENDAR

MOTION:

Approving consent calendar items 2 through 8.

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

1. PULLED FROM CONSENT

2. APPROVE GOVERNMENT CODE SECTION 65915 DENSITY BONUS CONCESSION TO WAIVE A DESIGN AND DEVELOPMENT STANDARD FOR A MARKET RATE HOUSING DEVELOPMENT PROJECT (SD2020-0005 TENNANT-OSITO)

Recommendation:

Adopt resolution approving request pursuant to Government Code Section 65915(b)(1)(A) - Concession to Design and Development Standard 28.b Height and Project Massing of the Residential Development objective standards.

3. ADOPT THE MANAGEMENT, PROFESSIONAL, AND CONFIDENTIAL EMPLOYEES RESOLUTION AND APPROVE PART-TIME TEMPORARY AND SEASONAL, AND ELECTED AND COUNCIL APPOINTED EMPLOYEES SALARY SCHEDULES

Recommendation:

1. Adopt the management, professional, and confidential employees' resolution;
2. Approve part-time temporary, and Seasonal Employees salary schedules; and
3. Approve the elected officials and Council appointed/unrepresented/exempt employees salary schedule.

4. APPROVE SECOND AMENDMENT TO EMERGENCY REPAIR AND MAINTENANCE AGREEMENT WITH SALINAS PUMP

Recommendation:

Approve and authorize the City Manager to execute an amendment for \$115,500 to increase the not to exceed amount to \$658,967, for the current service maintenance agreement with Salinas Pump for on-call routine and emergency repair, maintenance, and rehabilitation of the City's water wells and pump stations.

5. APPROVE THE AUGUST 5, 2020 MEETING MINUTES

Recommendation:

Approve Minutes.

6. APPROVE THE AUGUST 19, 2020 MEETING MINUTES

Recommendation:

Approve Minutes.

7. APPROVE THE AUGUST 26, 2020 MEETING MINUTES

Recommendation:

Approve Minutes.

8. APPROVE HVAC MAINTENANCE SERVICES AGREEMENT

Recommendation:

1. Award a Maintenance Services Agreement to A & B Mechanical, Inc. for \$62,702 for preventative HVAC maintenance for a two-year period plus additional repair costs to be performed on an as-needed basis and pre-approved by City's Maintenance staff; and
2. Authorize the City Manager to execute and administer that certain Maintenance Services Agreement with A & B Mechanical, Inc.

ITEM PULLED FOR DISCUSSION

1. ACCEPT ANNUAL REPORTS OF ACTIVITIES BY NONPROFIT PARTNER ORGANIZATIONS

Recommendation:

Accept annual reports from City partner organizations.

Public comment opened.

Sally Casas was called to speak.

There being no requests to speak, public comment closed.

Public Services Director Chris Ghione provided the report.

RESULT:	ACCEPT REPORT
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OTHER BUSINESS

10. MONTHLY BUDGET UPDATE, JULY 2020 FINANCIAL AND INVESTMENT REPORTS, AND ADOPT NO WATER RATE INCREASES

Recommendation:

1. Accept and file report; and
2. Approve no water rate increases for calendar year 2021.

Finance Director Dat Nguyen provided a presentation and report.

Public comment opened at 8:38 p.m.

There being no requests to speak, public comment closed.

MOTION:

Approving no water rate increases for calendar year 2021.

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

The meeting recessed at 8:39 p.m.

The meeting reconvened at 8:49 p.m.

PUBLIC HEARING

9. ADOPT RESOLUTION ESTABLISHING NEW REGULATORY FEES FOR WATER EFFICIENT LANDSCAPING, STORMWATER POLLUTION PREVENTION, AND INCREASING THE ADMINISTRATIVE FEE FOR BACKFLOW PREVENTION

Recommendation:

1. Open/Close public hearing; and
2. Adopt resolution that establishes new regulatory and delinquency fees for water and stormwater programs, and increases the regulatory fee for backflow administration.

Public Services Director Chris Ghione provided a presentation and report.

The public hearing opened at 9:04 p.m.

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

MOTION:

Adopting resolution that establishes new regulatory and delinquency fees for water and stormwater programs and increases the regulatory fee for backflow administration.

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

OTHER BUSINESS

11. LOCC VOTING DELEGATE 2020

Recommendation:

1. Appoint a voting delegate and up to two (2) alternate voting delegates to the League of California Cities' Annual Conference;
2. Direct the Clerk team to complete and forward the voting delegate form to the League of California Cities;
3. Confirm "support" position on resolution; and
4. Authorize the City's voting delegate(s) to vote on the resolution to be considered at the League of California Cities (LOCC) annual conference.

Deputy City Clerk Michelle Bigelow provided a report.

Public comment opened at 9:13 p.m.

There being no requests to speak, public comment closed.

MOTION:

Appointing Mayor Constantine as the voting delegate, Mayor Pro Tem Martinez Beltran and Council Member McKay as alternate voting delegates, and approving the staff recommended action.

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

FUTURE COUNCIL INITIATED AGENDA ITEMS

Council Member Spring asked for a discussion, if we are to help non profits and other groups, what is our expectation when it comes to increasing diversity and inclusivity.

Mayor Pro Tem Martinez Beltran wants to understand how the Historical Society is supporting diverse programming and review the MOU.

Mayor Pro Tem Martinez Beltran would like to bring back Council reports.

ADJOURNMENT

There being no further business, the meeting was adjourned in honor of Mexican Independence Day.

MINUTES PREPARED BY:

Angie Gonzalez, Minutes Clerk