



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, October 21, 2020 5:30 pm

Virtual Meeting

SPECIAL MEETING

A Special Meeting of the City Council was called at 5:30 p.m. for the purpose of conducting City business including a closed session.

CALL TO ORDER

Mayor Constantine called the 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	
Larry Carr	Council Member	Remote	
John McKay	Council Member	Remote	
Rene Spring	Council Member	Remote	

DECLARATION OF POSTING OF AGENDA

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

CLOSED SESSION

The City Attorney announced the closed session item.

OPPORTUNITY FOR PUBLIC COMMENT

Public comment opened at 5:31 pm.

There being no requests to speak, public comment closed.

ADJOURN TO CLOSED SESSION

The meeting adjourned to closed session at 5:32 pm.

Conference with Real Property Negotiators (Govt Code § 54956.8)

Property: 19665 B, Hale Avenue, Morgan Hill; APN 764-07-005

Agency Negotiators: Chris Ghione, Christina Turner

Negotiating Parties: Santa Clara Valley Habitat Agency

Under Negotiation: Price and Terms of Payment

RECONVENE

The meeting reconvened at 6:00 pm.

City Attorney Donald Larkin announced that there was no reportable action.

CITY MANAGER'S REPORT

CITY MANAGER'S REPORT SUPPLEMENT

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

Elections update

Starting in early October all registered voters in Santa Clara County were mailed their ballots. If you would like to track your ballot or you have not received your ballot you can check the status at wheresmyballot.sos.ca.gov. Ballots can be dropped off at any ballot drop box in the county and voters can safely drop their Vote by Mail ballots at any post office, drop box location, or Vote Center within the county. As an alternative to using the Vote by Mail Ballot, voters can vote via paper ballot or use a voting machine to cast their ballot. That can be done at any vote center in our county. Vote Centers will begin to open on October 31st and continue through November 2nd from 9 am to 5 pm daily as well as on election day on November 3rd from 7 am to 8 pm. On our website we have a list of the drop box and vote center locations in Morgan Hill. To help voters access information and make informed decisions, the nonpartisan and nonprofit League of Women Voters of California have created Voters Edge, this is where you can access a voter's guide in 5 different languages. You can learn more by visiting votersedge.org/ca. Within this you can access your entire ballot by entering your address, you can get in depth information on candidates, measures, and who supports them. You can read explanations about measures and who supports, opposes, and funds them. Find out where, when, and how to vote including local polling locations and voting centers and keep track of your choices and save them for election day.

The nomination period for write in candidates for the offices of Mayor and City Council closed yesterday at 5 pm. We have one individual who has qualified to run as a write in candidate for Mayor's office and that is Steve Chappell.

Census update

The 2020 count ended abruptly on Thursday October 15th. While we are disappointed that our efforts to count are stopping for 2020, we are proud of our overall efforts and response rates. Santa Clara County's overall response rate for this count was 77.7%, this is up from 2010 which had a response rate of 74%. Morgan Hill's 2020 response rate is 81.9%, that is up from our 75.3% in 2010. Morgan Hill had the 5th highest response rate in the County, we do have some harder to count areas within our City which makes that 5th place even more important to mention.

Monterey Road Cleanup

The City of San Jose coordinated a major clean up with Union Pacific Railroad to address the dumping and encampment site along the Union Pacific Railroad tracks that are adjacent to Monterey, Emado, and Bailey Road in South San Jose. This was done late September. The site received major debris removal and cleaning that included removal of homeless encampments, abandoned vehicles, and a substantial amount of illegal dumping. The cleanup included trash, debris, hazards, abandoned vehicles, also maintenance of trees and vegetation to increase the line of site and closing Emado Road with the goal of reducing future dumping. To date, San Jose has found little, if any, further dumping in the area they have cleaned up. San Jose and Union Pacific will continue to provide services if needed. We are also working with San Jose to find out how we can partner with them.

Town Hall

Tomorrow evening, October 22nd at 5:30 pm, we will have a Town Hall regarding three district measures. We will have the Open Space Authority, Valley Transportation, and Cal Train here for a brief discussion of each of their measures as well as time for Q&A.

CITY ATTORNEY'S REPORT

City Attorney Don Larkin had no report.

PRESENTATIONS

YAC PRESENTATION- ASSET #10 - SAFETY

PUBLIC COMMENT

Public comment opened at 6:31 pm. The following people were called to speak:

Chuck Bergoff

Brian Sullivan on behalf of Claudia Rossi

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:	Rene Spring, Council Member
SECONDER:	John McKay, Council Member
AYES:	Constantine, Martinez Beltran, Carr, McKay, Spring

CONSENT CALENDAR

MOTION:

Approving consent calendar items 3, 5, 7, 9, 10, 12, and 13.

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

1. ITEM PULLED FOR DISCUSSION

2. ITEM PULLED FOR DISCUSSION

3. APPROVE STORMWATER BEST-MANAGEMENT-PRACTICES OPERATION AND MAINTENANCE AGREEMENT FOR THE WHITTAKER RESIDENCE AT 2295 ROLLING HILLS DRIVE

Recommendation:

1. Authorize the City Manager to execute a Stormwater Best-Management-Practices (BMP) Operation and Maintenance Agreement with Gary Whittaker and Wanda Whittaker (property owners) pending review and approval by the City Attorney; and
2. Authorize the recordation of the Agreement.

4. ITEM PULLED FOR DISCUSSION

5. APPROVE RESOLUTION AUTHORIZING GRANT APPLICATION AND AUTHORIZING THE CITY MANAGER TO EXECUTE GRANT-RELATED AGREEMENTS AND DOCUMENTS

Recommendation:

Adopt resolution approving the following actions:

1. Authorizing staff to prepare and submit a Statewide Park Development and Community Revitalization Program Grant Application to the State of California Department of Parks and Recreation for an amount not to exceed \$8,500,000 for the development of the proposed park at Butterfield Boulevard and Monterey Road; and
2. Authorizing the City Manager to negotiate and execute the Statewide Park Development and Community Revitalization Program Grant agreement and other documents, reports, forms, and agreements related to the performance of the identified project.

6. ITEM PULLED FOR DISCUSSION

7. APPROVE MILLER SPATIAL SERVICES, LLC CONSULTANT AGREEMENT

Recommendation:

1. Authorize the City Manager to execute a consultant agreement with Miller Spatial Services, LLC for the installation and implementation of the Cityworks and SeeClickFix software system for the amount of \$231,810 for the purchase and installation of a Service Request Management (SRM), Asset Management and Customer Relationship Management (CRM) software solution for the Maintenance and Utility Departments; and
2. Authorize the City Manager to execute any associated license agreements for system components upon approval by the City Attorney.

8. ITEM PULLED FOR DISCUSSION

9. APPROVE THE SEPTEMBER 16, 2020 MEETING MINUTES

Recommendation:

Approve Minutes.

10. APPROVE THE SEPTEMBER 23, 2020 MEETING MINUTES

Recommendation:

Approve Minutes.

11. ITEM PULLED FOR DISCUSSION

12. AWARD ENGINEERED WOOD FIBER AND MULCH MAINTENANCE SERVICES AGREEMENT

Recommendation:

1. Award a maintenance services agreement to JET Mulch, Inc. for up to \$80,000 (approximately \$40,000 annually for a two-year period) subject to future annual budget appropriations by the City Council; and
2. Authorize the City Manager to execute and administer the agreement.

13. DECLARE SURPLUS AND APPROVE AUCTION OF TWO BUILDING DIVISION VEHICLES

Recommendation:

1. Declare two vehicles to be surplus; and
2. Authorize the purchasing officer to dispose of the vehicles in accordance with Section 3.04.400 of the City of Morgan Hill Municipal Code.

ITEMS PULLED FOR DISCUSSION

1. ADOPT RESOLUTION SUPPORTING TELECOMMUTING AND OTHER MEASURES TO REDUCE SINGLE-OCCUPANCY VEHICLE TRIPS

Recommendation:

Adopt resolution supporting expanded telecommuting and other measures to reduce single-occupancy vehicle trips and joining the Bay Area Air Quality Management District's Commute Free Tomorrow Initiative.

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

2. APPROVE APPLICATION FOR INNOVATIVE TRANSIT GRANT PARTNERSHIP WITH RIDECO, INC.

Recommendation:

Authorize the City Manager to execute a Memorandum of Understanding with RideCo, Inc. for the application and implementation of the Valley Transportation Authority's Innovative Transit Grant.

MOTION:

Approving the recommended actions.

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

4. APPROVE PETITION TO CANCEL WILLIAMSON ACT CONTRACT FOR PROPERTY IDENTIFIED BY ASSESSOR PARCEL NUMBER 726-09-002 (WA2017-0001: DIANA-GROSSWEILER)

Recommendation:

Adopt resolution approving the cancellation of the Williamson Act Contract.

MOTION:

Approving the recommended action.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Rich Constantine, Mayor
SECONDER:	John McKay, Council Member
AYES:	Constantine, Martinez Beltran, Carr, McKay
NAYS:	Spring

6. APPROVE PURCHASE OF A POLICE SERGEANT VEHICLE

Recommendation:

1. Approve the purchase of new Police Sergeant Chevrolet Tahoe and associated build-out equipment not to exceed the amount of \$84,641.87, which includes a 10% contingency of \$7,694.72;
2. Approve repurposing of the existing Police Chevrolet Tahoe #141; and
3. Authorize the City Manager to approve the purchase order with Priority 1 Public Safety Equipment Installation, Inc.

MOTION:

Approving the recommended actions.

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

8. APPROVE STATE OF CALIFORNIA, OFFICE OF EMERGENCY SERVICES' UNIVERSAL RESOLUTION DESIGNATING APPLICANT'S AGENT FOR DISASTER ASSISTANCE

Recommendation:

1. Designate City Manager, Finance Director, or Assistant to the City Manager to submit for Disaster Assistance to the State of California, Office of Emergency Services, for the purpose of obtaining certain federal financial assistance; and
2. Direct the City Clerk to certify the Designation of Applicant's Agency Resolution to the State of California, Office of Emergency Services.

MOTION:

Approving the recommended actions.

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

The meeting recessed at 6:56 pm and reconvened at 7:05 pm.

11. AWARD TREE MAINTENANCE SERVICES AGREEMENT

Recommendation:

1. Award a Maintenance Services Agreement to A Plus Tree, Inc. for up to \$600,000 (\$300,000 annually for a two-year period) subject to future annual budget appropriations by the City Council; and
2. Authorize the City Manager to execute and administer the agreement.

Program Administrator Tony Eulo provided the report and presentation.

Public comment opened at 8:01 pm. The following people were called to speak:

Pat Mahoney

Olivia Navarro

Armando Benavides

Luis Arguello

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

MOTION:

Rejecting all bids and directing staff to rebid the contract.

RESULT:	MOTION FAILED [2 TO 3]
MOVER:	Rene Spring, Council Member
SECONDER:	Yvonne Martinez Beltran, Mayor Pro Tem
AYES:	Martinez Beltran, Spring
NAYS:	Constantine, Carr, McKay

MOTION:

Approving the recommended actions.

RESULT:	AWARDED [3 TO 2]
MOVER:	Rich Constantine, Mayor
SECONDER:	John McKay, Council Member
AYES:	Constantine, Carr, McKay
NAYS:	Martinez Beltran, Spring

OTHER BUSINESS

14. ACCEPT DONATION FROM MORGAN HILL COMMUNITY FOUNDATION FOR ANIMAL SERVICES

Recommendation:

Adopt resolution:

1. Accepting a donation from the Morgan Hill Community Foundation (MHCF) in the amount of \$31,509 for reimbursement of expenditures associated with the Santa Clara County Animal Shelter Agreement; and
2. Amending the adopted Fiscal Year (FY) 2020-21 budget in the General Fund (010) to recognize the MHCF donation as revenue, and appropriate \$31,509 in the Police Department budget for associated expenditures.

City Manager Christina Turner provided the report.

Public comment opened at 8:46 pm.

Nick Gaich was called to speak.

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

MOTION:

Approving the recommended actions.

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

15. RECEIVE MONTHLY BUDGET UPDATE; SEPTEMBER 2020 FINANCIAL AND INVESTMENT REPORTS; AND CITY MANAGER AUTHORITY REPORT

Recommendation:

Accept and file report.

Finance Director Dat Nguyen provided the report and presentation.

Public comment opened at 9:19 pm.

There being no requests to speak, public comment closed.

RESULT:	ACCEPT REPORT
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The meeting recessed at 9:20 pm and reconvened at 9:30 pm.

MOTION:

Continuing items 18 and 19 to the November 4, 2020 City Council meeting.

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

16. NON-PROFIT FUNDING AND ORGANIZATION INCLUSIVENESS

Recommendation:

1. Receive information on organizational inclusiveness for organizations receiving City funding; and
2. Provide direction for future policy work as desired.

Public Services Director Chris Ghione provided the report.

Public comment opened at 9:48 pm. The following people were called to speak:

Armando Benavides

Sunny Ochoa

Roger Knopf

Brian Sullivan

Matthew Stein

Joe Baranowski

Mario Banuelos on behalf of Claudia Rossi

Peter Mandel

Jeff Dixon

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

RESULT:	REPORT RECEIVED
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MOTION:

Extending the meeting to midnight.

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

PUBLIC HEARING (TIME CERTAIN - TO BE HEARD NO EARLIER THAN 7:00 PM)

17. ADOPT ORDINANCE AMENDING THE ZONING CODE TO PROHIBIT HEAVY DISTRIBUTION AND PARCEL SORTING USES, AMEND PROVISIONS RELATED TO LOCAL DELIVERY SERVICES AND CLARIFY THE DEFINITION OF SIGNIFICANT PROJECTS SUBJECT TO DESIGN REVIEW

Recommendation:

1. Open/close the public hearing;
2. Waive the first and second reading of the ordinance; and
3. Introduce the ordinance.

City Attorney Donald Larkin provided the report and presentation.

MOTION:

Extending meeting to 12:30 am.

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

The public hearing opened at 12:01 am. The following people were called to speak:

Gino Borgioli
Bryan Espiritu
Rick Kent
Armando Benavides
Susie Jimenez
Miguel Jimenez
John Williams
Joe Baranoski

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

MOTION:

Extending the meeting to 12:45 am.

RESULT:	EXTENDED [4 TO 1]
MOVER:	Rich Constantine, Mayor
SECONDER:	Yvonne Martinez Beltran, Mayor Pro Tem
AYES:	Constantine, Martinez Beltran, McKay, Spring
NAYS:	Carr

MOTION:

Continuing this item to the October 28, 2020 Special City Council Meeting.

RESULT:	CONTINUED TO A FUTURE MEETING [4 TO 1]
MOVER:	Larry Carr, Council Member
SECONDER:	Rene Spring, Council Member
AYES:	Constantine, Carr, McKay, Spring
NAYS:	Martinez Beltran

OTHER BUSINESS

18. RECEIVE REPORT ON SCU LIGHTNING COMPLEX FIRE AND TERMINATE LOCAL EMERGENCY PROCLAMATION

Recommendation:

1. Receive report; and
2. Adopt resolution terminating the local emergency related to the SCU Lightening Complex fire.

This item has been continued to the November 4, 2020 City Council meeting.

RESULT: CONTINUED

19. FOLLOW UP ITEM REQUESTING COUNCIL REPORTS BE ADDED TO COUNCIL AGENDA

Recommendation:

Consider whether to direct staff to bring a report back to City Council for a discussion of adding Council Reports to the agendas.

This item has been continued to the November 4, 2020 City Council meeting.

RESULT: CONTINUED

FUTURE COUNCIL INITIATED AGENDA ITEMS

None.

ADJOURNMENT

There being no further business, the meeting adjourned at 12:30 am.

MINUTES PREPARED BY:

Michelle Bigelow, Deputy City Clerk