



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, November 4, 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 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	Late	
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

2021 TRANSIT SERVICE PLAN- DRAFT OPTIONS, JAY TYREE, SANTA CLARA VALLEY TRANSPORTATION AUTHORITY

UTA PRESENTATION SUPPLEMENT

PROCLAMATIONS

Proclaiming the month of November 2020 as Philanthropy Month

CITY MANAGER'S REPORT

City Manager Christina Turner spoke to the evening's supplements and presentations. She then spoke to the two items that were continued from the October 21, 2020 meeting.

CITY ATTORNEY'S REPORT

City Attorney Donald Larkin reported that yesterday the County Board of Supervisors approved an extension of the County's eviction moratorium for small businesses. That moratorium will be extended to the earlier of either the expiration of Governor Newsom's executive order, which is currently set to expire on March 31, 2021, or April 30, 2021 if the Governor's order is extended. If the community has questions about business evictions, they may contact City Attorney Larkin or the County.

PUBLIC COMMENT

Public comment opened at 7:23 pm. The following people were called to speak:

Gino Borgioli

Joe Baranowski

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

PUBLIC COMMENT SUPPLEMENT

ADOPTION OF AGENDA

MOTION:

Adopting the agenda as posted.

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

CONSENT CALENDAR

MOTION:

Approving consent calendar items 1 through 3 and 5 through 7.

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

1. APPROVE PACIFIC GAS AND ELECTRIC COMPANY AGREEMENT TO UNDERGROUND DRY UTILITIES FOR THE HALE AVENUE EXTENSION PROJECT NEAR MAIN AND HALE AVENUES

Recommendation:

Approve and authorize the City Manager to execute and administer a Pacific Gas and Electric Company Agreement to underground dry utilities at the intersection of Main and Hale Avenues for the Hale Avenue Extension Project for a not to exceed amount of \$384,876.

2. APPROVE SUBDIVISION IMPROVEMENTS AGREEMENT FOR 185 SANCHEZ DRIVE

Recommendation:

1. Authorize the City Manager to execute the Subdivision Improvements Agreement with Mike Brewer (property owner); and
2. Authorize the recordation of the Subdivision Improvements Agreement.

3. APPROVE SECOND AMENDMENT TO CARBONIC SERVICE INC. SERVICE AGREEMENT

Recommendation:

1. Determine that competitive bids upon notice would not likely result in a lower price to the City from a responsible bidder or would cause unnecessary expense or delay under the circumstances per Section 3.04.150 (1) of the Morgan Hill Municipal Code; and
2. Approve and authorize the City Manager to execute and administer the second amendment to the service agreement with Carbonic Service, Inc. extending the agreement for two additional years of service at no increase to the total contract amount of \$200,000.

4. ITEM PULLED FOR DISCUSSION

5. APPROVE THE OCTOBER 21, 2020 MEETING MINUTES

Recommendation:

Approve Minutes.

6. RECEIVE CORPORATION YARD SPACE STUDY

Recommendation:

Receive Corporation Yard Space Study.

7. RECEIVE REPORT REGARDING UPCOMING 2021 COMMISSION VACANCIES - PER MADDY ACT

Recommendation:

Receive report.

ITEMS PULLED FOR DISCUSSION

4. APPROVE FISCAL YEAR 2020-21 WORK PLANS FOR PARKS AND RECREATION AND LIBRARY, CULTURE AND ARTS COMMISSIONS

Recommendation:

1. Approve the proposed Parks and Recreation Commission FY 2020-21 Work Plan; and
2. Approve the proposed Library, Culture and Arts Commission FY 2020-21 Work Plan.

Public comment opened at 7:34 pm.

There being no requests to speak, public comment closed.

MOTION

Approving the recommended actions.

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

OTHER BUSINESS

8. 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 Lightning Complex fire.

Fire Chief Jake Hess, along with Communications and Engagement Director Maureen Tobin provided the presentation and report.

Public comment opened at 8:30 pm.

Joe Baranowski 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

9. CONSIDER 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.

City Manager Christina Turner provided the report.

Public comment opened at 8:34 pm.

Armando Benavides was called to speak.

There being no requests to speak, public comment closed.

MOTION:

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

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

The meeting recessed at 8:38 pm and reconvened at 8:45 pm.

PUBLIC HEARING

10. ACCEPT THE MORGAN HILL TOURISM BUSINESS IMPROVEMENT DISTRICT (MHTBID) OWNER'S ASSOCIATION ANNUAL REPORT AND ADOPT A RESOLUTION AMENDING THE MHTBID MANAGEMENT PLAN

Recommendation:

1. Accept and direct the City Clerk to file the Visit Morgan Hill Annual Report; and
2. Open and Close a Public Hearing to amend the Morgan Hill Tourism Business Improvement District (MHTBID) Management Plan to change reporting schedule to conform with the California Streets and Highways Code.

Economic Development Director Edith Ramirez, along with Krista Rupp, Executive Director for Visit Morgan Hill provided the presentation and report.

The public hearing opened at 8:54 pm.

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

MOTION:

Approving the recommended actions.

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

11. APPROVE AMENDMENTS TO THE GENERAL PLAN LAND USE MAP AND ZONING MAP, TENTATIVE PARCEL MAP AND MITIGATED NEGATIVE DECLARATION FOR A MIXED USE DEVELOPMENT ON A 19.67-ACRE SITE (APNS 817-09-039, 817-09-040 AND 817-09-041) (GPA2019-0005/ZA2019-0016/SD2019-0007/EA2019-0023-JUAN HERNANDEZ – MH MEDICAL PROPERTIES (LILLIAN COMMONS))

Recommendation:

1. Open/close public hearing;
2. Adopt resolution approving the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared for the project;
3. Adopt resolution approving an amendment to the General Plan land use designation;
4. Waive the first and second reading of Zoning Amendment Ordinance;
5. Introduce Zoning Amendment Ordinance; and
6. Adopt resolution approving a Tentative Parcel Map.

Principal Planner Adam Paszkowski provided the presentation and report.

The public hearing opened at 10:43 pm. The following people were called to speak:
Steve Betando

Armando Benavides
Brittney Sherman
Joe Baranowski
Stephanie Mansfield
Gino Borgioli
David Clancy

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

MOTION:

Extending the meeting until 11:30 pm.

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

MOTION:

Extending the meeting until midnight.

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

MOTION:

Tabling this item to a future date to be determined.

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

MOTION:

Adopt resolution approving the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared for the project.

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

MOTION:

Extending the meeting until 12:15 am.

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

MOTION:

Adopt resolution approving an amendment to the General Plan land use designation and eliminate independent living as an allowed use in the PD, ensure that any allowed uses in the PD are all tied to or connect to a medical campus and none of them are stand alone uses, ensure that we explicitly say no new uses will be added to the PD, explicitly no residential housing will be added to the PD, and directing staff to bring back to Council before the final reading of the ordinance, an agreement that conditions any housing permits on one of two things, either the infrastructure to a medical campus being constructed or that we are half way through the OSHPD process on a hospital.

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

MOTION:

Waive the first and second reading of Zoning Amendment Ordinance.

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

MOTION:

Introduce Zoning Amendment Ordinance.

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

MOTION:

Adopt resolution approving a Tentative Parcel Map

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

FUTURE COUNCIL INITIATED AGENDA ITEMS

None.

ADJOURNMENT

There being no further business, the meeting adjourned in honor of Mayor Pro Tem Martinez Beltran's late grandmother Dolores Guitierrez at 12:16 am.

MINUTES PREPARED BY:

Michelle Bigelow, Deputy City Clerk