



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 18, 2020 7:00 pm

Virtual Meeting

AMENDED AGENDA

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	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 #34- CULTURAL COMPETENCE

CITY MANAGER'S REPORT

CITY MANAGER'S REPORT SUPPLEMENT- DEVELOPMENT PROJECTS

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

COVID Update

Over the past weeks it has become clear that we are in the midst of another significant spike in COVID-19 cases. The State has moved our County to the purple tier, the most restrictive tier in the State's Blueprint for a Safer Economy. These changes went into effect yesterday, November 17th. It is imperative that we come together as a community and continue the safe practices that we know help stop the spread of this deadly virus. The County is urging us to remind the community of some of these things, wearing a proper face mask or facial covering at all times when in public, maintaining social distancing of at least six feet, and limiting contact with people outside of our household. The impacts with this tier include the closure of indoor dining, which was already planned for Santa Clara County with the assumption that we were moving into the red tier. In addition, it involves the closure of all indoor activities associated with gyms, museums, aquariums, places of worship, as well as movie theaters. Shopping malls and all retail establishments must reduce to a maximum of 25% and grocery stores are at 50%. We sent a letter to all of our businesses with this information, urging them to reach out to their vendors as well.

Upcoming Council Meetings

December 2, 2020 Virtual Regular Council Meeting

December 9, 2020 Virtual Ceremonial meeting to recognize departing members and welcome new members

December 16, 2020 Virtual Regular Council Meeting

Christina Turner summarized the supplement on Development Projects.

CITY ATTORNEY'S REPORT

City Attorney Donald Larkin had no report.

PUBLIC COMMENT

PUBLIC COMMENT SUPPLEMENT

Public comment opened at 7:22 pm. The following people were called to speak:

Don Little

Brian Faircloth

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

ADOPTION OF AGENDA

MOTION:

Adopting the agenda as posted.

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

MORGAN HILL FINANCING AUTHORITY MEETING

CONSENT CALENDAR

1. ADOPT RESOLUTION AUTHORIZING INVESTMENT OF MONIES IN THE LOCAL AGENCY INVESTMENT FUND (LAIF)

Recommendation:

Adopt resolution of the Morgan Hill Financing Authority authorizing investment of monies in the local agency investment fund (LAIF).

MOTION:

Approving the recommended action.

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

OTHER BUSINESS

2. ADOPT RESOLUTION OF THE MORGAN HILL FINANCING AUTHORITY AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF A SERIES OF ITS SEWER REVENUE BONDS, APPROVING THE EXECUTION AND DELIVERY OF A TRUST INDENTURE, AN INSTALLMENT PURCHASE AGREEMENT, A BOND PURCHASE AGREEMENT, AND A PRELIMINARY OFFICIAL STATEMENT; AND AUTHORIZING CERTAIN OTHER MATTERS RELATING THERETO

Recommendation:

1. Adopt resolution authorizing the execution of an installment purchase agreement to provide financing of the City's anticipated projects through the sale of \$20 million in sewer revenue bonds; and
2. Authorize the Chief Administrative Officer to execute all related documents for the sale of the sewer revenue bonds.

Finance Director Dat Nguyen provided the report.

Public comment opened at 7:34 pm.

There being no requests to speak, public comment closed.

MOTION:

Approving the recommended actions.

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

CITY COUNCIL MEETING

CONSENT CALENDAR

MOTION:

Approving consent calendar items 6 through 11 and 13 through 15.

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

3. ITEM PULLED FOR DISCUSSION

4. ITEM PULLED FOR DISCUSSION

5. ITEM PULLED FOR DISCUSSION

6. APPROVE AGREEMENT WITH BURKE, WILLIAMS & SORENSEN FOR AFFORDABLE HOUSING LEGAL SERVICES

Recommendation:

Authorize the City Attorney to execute and administer a Consultant Agreement with Burke Williams & Sorensen, LLP (BWS) for Housing Program legal services through June 30, 2022, in an amount not to exceed \$75,000.

7. APPROVE FINAL MAP FOR EIGHT LOT SUBDIVISION AT SAN SEBASTIAN PHASE 2D - TRACT NO. 10529

Recommendation:

1. Approve the Final Map;
2. Authorize the City Manager to execute a Stormwater Best-Management-Practices (BMP) Operation and Maintenance Agreement pending review and approval by the City Attorney; and
3. Authorize the recordation of the Final Map and the Stormwater BMP Operation and Maintenance Agreement.

8. APPROVE FINAL MAP FOR TWO LOT SUBDIVISION AT SAN SEBASTIAN PHASE 3 - TRACT NO. 10534

Recommendation:

1. Approve the Final Map; and
2. Authorize the recordation of the Final Map.

9. APPROVE THE FINAL MAP, AND AGREEMENTS FOR SUBDIVISION IMPROVEMENTS AND STORMWATER BEST-MANAGEMENT-PRACTICES OPERATION AND MAINTENANCE FOR ANDALUSIA - TRACT NO. 10521

Recommendation:

1. Approve the Final Map;
2. Authorize the City Manager to execute the Subdivision Improvements Agreement with MH Andalusia 2020 Inc.;
3. Authorize the City Manager to execute a Stormwater Best-Management-Practices (BMP) Operation and Maintenance Agreement pending review and approval by the City Attorney; and
4. Authorize the recordation of the Final Map, Subdivision Improvements Agreement, and the Stormwater BMP Operation and Maintenance Agreement.

10. APPROVE THE OCTOBER 28, 2020 MEETING MINUTES

Recommendation:

Approve Minutes.

11. APPROVE THE NOVEMBER 4, 2020 MEETING MINUTES

Recommendation:

Approve Minutes.

12. ITEM PULLED FOR DISCUSSION

13. AWARD PHASE 1 OF HALE AVENUE EXTENSION PROJECT TO DESILVA GATES CONSTRUCTION

Recommendation:

1. Approve the Hale Avenue Extension Project plans and specifications;
2. Award contract to DeSilva Gates Construction for the Hale Avenue Extension Project in the amount of \$14,174,174;
3. Authorize expenditure of construction contingency funds not to exceed \$1,417,417; and
4. Authorize the City Manager to execute and administer the construction contract with DeSilva Gates Construction pending review and approval by the City Attorney's office.

14. APPROVE COST SHARE AGREEMENT WITH VALLEY WATER FOR THE HALE AVENUE EXTENSION PROJECT AND FLOOD CONTROL IMPROVEMENTS

Recommendation:

1. Authorize the City Manager to execute and administer a cost share agreement with Valley Water for the construction of the Hale Avenue Extension Project south of Warren Avenue and improvements supporting the Upper Llagas Creek Flood Control Project for up to \$3.5 million; and
2. Authorize the City Manager to make minor modifications to the agreement as necessary with approval of the City Attorney.

15. RECEIVE REPORT REGARDING SILICON VALLEY COMMUNITY FOUNDATION 2020 CENSUS OUTREACH GRANT ACTIVITIES AND OUTCOMES

Recommendation:

Receive Report.

ITEMS PULLED FOR DISCUSSION

3. CAMPAIGN CONTRIBUTION LIMITS

Recommendation:

Adopt resolution accepting the State of California's campaign contribution limits for local campaigns as set forth in the provisions of AB 571.

Public comment opened at 7:46 pm. The following people were called to speak:

Brian Faircloth

Armando Benavides

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

MOTION:

Mayor Pro Tem Martinez Beltran moved to not adopt the resolution as presented and to direct staff to bring more information back at a future meeting.

RESULT:	LACK OF SECONDER
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MOTION:

Council Member Carr moved to adopt the recommended campaign contribution limits and limiting the personal loan contribution amount to \$4700.

RESULT:	LACK OF SECONDER
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MOTION:

Approving the recommended action.

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

4. ADOPT ORDINANCE 2317 INDUSTRIAL ORDINANCE

Recommendation:

Waive the reading, adopt Ordinance No. 2317, 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.

Public comment opened at 8:09 pm.

Joe Baranowski was called to speak.

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

MOTION:

Approving the recommended action.

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

5. ADOPT ORDINANCE 2318 LILLIAN COMMONS

Recommendation:

Waive the reading, adopt Ordinance No. 2318, 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.

Development Services Director Jennifer Carman provided a presentation and report.

Public comment opened at 8:38 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:	Yvonne Martinez Beltran, Mayor Pro Tem
SECONDER:	John McKay, Council Member
AYES:	Constantine, Martinez Beltran, Carr, McKay, Spring

The meeting recessed 8:54 pm and reconvened at 9:00 pm.

12. JANITORIAL SERVICES AGREEMENT

Recommendation:

1. Deny bid protest and appeal filed by JLP Maintenance;
2. Award a two-year service agreement to Firato Service Company, Inc. in the amount of \$874,332; and
3. Authorize the City Manager to execute and administer the service agreement with Firato Service Company, Inc.

Program Administrator Anthony Eulo provided the report.

Public comment opened at 9:06 pm.

There being no requests to speak, public comment closed.

MOTION:

Approving the recommended actions.

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

OTHER BUSINESS

16. ADOPT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING THE EXECUTION AND DELIVERY OF AN INSTALLMENT PURCHASE AGREEMENT, A BOND PURCHASE AGREEMENT, A PRELIMINARY OFFICIAL STATEMENT, A CONTINUING DISCLOSURE CERTIFICATE; AND AUTHORIZING CERTAIN OTHER MATTERS RELATING THERETO

Recommendation:

1. Adopt resolution authorizing the execution of an installment purchase agreement to provide financing of the City's anticipated projects through the sale of \$20 million in sewer revenue bonds; and
2. Authorize City Manager to execute all related documents with the sale of the sewer revenue bonds.

Finance Director Dat Nguyen provided the report.

Public comment opened at 9:18 pm.

There being no requests to speak, public comment closed.

MOTION:

Approving the recommended actions.

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

FUTURE COUNCIL INITIATED AGENDA ITEMS

Mayor Pro Tem Martinez Beltran would like a discussion regarding equity.

Mayor Pro Tem Martinez Beltran would like a discussion regarding RFP criteria specific to women owned and minority owned businesses.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:20 pm.

MINUTES PREPARED BY:

Michelle Bigelow, Deputy City Clerk