



Meeting Minutes City Council

Rich Constantine - Mayor
Yvonne Martinez Beltran - Mayor Pro Tem
Gino Borgioli - Council Member
John McKay - Council Member
Rene Spring - Council Member

Wednesday, December 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 7:01 pm and welcomed new City Council Member Gino Borgioli.

ROLL CALL ATTENDANCE

City Clerk Michelle Bigelow called the roll.

Attendee Name	Title	Status	Arrived
Rich Constantine	Mayor	Remote	
Yvonne Martinez Beltran	Mayor Pro Tem	Remote	
Gino Borgioli	Council Member	Remote	
John McKay	Council Member	Remote	
Rene Spring	Council Member	Remote	

DECLARATION OF POSTING AGENDA

City Clerk Michelle Bigelow declared the posting of the agenda.

PRESENTATIONS

YAC Presentation- Asset # 40- Positive Views of Personal Future

RECOGNITION

Assistant City Manager Leslie Little

Public comment opened and the following people were call to speak:

Nanette Mocano

Elyse Little

Frank Leal

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

ETHICS ACKNOWLEDGEMENT

MORGAN HILL ETHICS POLICY

CITY MANAGER'S REPORT

City Manager Christina Turner spoke to the evening's supplements and presentation. She provided an update on the DePaul Health Center. She then shared that the City sent the County a letter regarding VTA and Measure B. The City continues to articulate that we are opposed to any changes in Measure B funding that would take away the funding for our local streets and roads. The City also sent a letter to our legislative representatives, requesting support for a stimulus package. It was a call to action on this package to address the severe impacts that have been endured by local governments from the COVID-19 pandemic. She gave an update regarding the Downtown businesses and the Curb Side Pick-up Program.

She announced that effective January 1, 2021, Edith Ramirez will be the City's new Assistant City Manager.

Public comment opened and the following people were called to speak:

Armando Benavides

Roberto Aguirrez

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

PUBLIC COMMENT

Public comment opened at 8:19 pm. The following people were called to speak:

Nicholas Kuwada

Roberto Aguirrez

John Bendick

There being no further requests, public comment closed.

CITY ATTORNEY'S REPORT

City Attorney Donald Larkin announced that there was no reportable action from the closed session items from the December 2, 2020 City Council Agenda. He also shared that we normally talk about new legislation in January, however, there is a new piece of legislation that affects the Brown Act and goes into effect on January 1st. The new legislation means that Council Members cannot comment on communications made, posted or shared on an internet based social media platform by other members of the Council. Council Members should not comment on each other's social media posts and should refrain from liking (or thumbs up) posts about items that may come before the City Council. As of January 1st, it is ok to comment on social media posts (other than other Council Members') but liking posts could be concerning if a majority of the Council ends up liking a post.

The meeting recessed at 8:26 pm and reconvened at 8:35 pm.

ADOPTION OF AGENDA

MOTION:

Adopting the agenda removing item 2.

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

CONSENT CALENDAR

MOTION:

Approving consent calendar items 1 and 3 through 5.

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

1. APPROVE IMPROVEMENT AGREEMENT WITH VCBLA NIDO, LLC (VOICES CHARTER SCHOOL)

Recommendation:

1. Approve and authorize the City Manager to execute and administer an Improvement Agreement with VCBLA NIDO, LLC; and
2. Authorize the recordation of the Improvement Agreement.

2. APPROVE THE FINAL MAP AND SUBDIVISION IMPROVEMENTS AGREEMENT FOR JASPER - TRACT NO. 10545

Recommendation:

1. Approve the Final Map;
2. Approve and authorize the City Manager to execute the Subdivision Improvements Agreement with City Ventures Homebuilding, LLC, Monterey Morgan Hill, LLC, and Dobby MMH LLC; and
3. Authorize the recordation of the Final Map and Subdivision Improvements Agreement.

Item pulled from the agenda.

3. APPROVE CITY COUNCIL MEETING SCHEDULE FOR CALENDAR YEAR 2021

Recommendation:

Approve 2021 City Council meeting schedule.

4. APPROVE THE DECEMBER 2, 2020 MEETING MINUTES

Recommendation:

Approve Minutes.

5. APPROVE THE DECEMBER 9, 2020 MEETING MINUTES

Recommendation:

Approve Minutes.

OTHER BUSINESS

6. SELECT CITY COUNCIL MAYOR PRO TEMPORE

Recommendation:

1. Open floor to nomination(s) for Mayor Pro Tempore; and
2. Select a Council Member to serve as Mayor Pro Tempore per City Council Policy 99-01.

City Clerk Michelle Bigelow provided the report.

Public comment opened at 8:40 pm.

There being no requests to speak, public comment closed.

MOTION:

Appointing Council Member McKay as Mayor Pro Tem for 2021.

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

CONTINUED PUBLIC HEARING

7. INTRODUCE ORDINANCE AMENDING SECTION 8.28.040 (ENUMERATION OF UNLAWFUL NOISES) OF CHAPTER 8.28 (NOISE) OF TITLE 8 (HEALTH AND SAFETY) AND AMENDING VARIOUS CODE PROVISIONS WITHIN TITLE 18 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL IMPLEMENTING MINOR AMENDMENTS DUE TO CLERICAL ERRORS AND INCONSISTENCIES; AMENDING CHAPTER 18.52 (FENCES AND WALLS) OF TITLE 18 (ZONING) TO CLARIFY AND ESTABLISH DESIGN AND SCREENING REQUIREMENTS OF FENCES AND WALLS; AND TO ESTABLISH CHAPTER 18.115 (GENERAL PLAN AMENDMENTS) OF TITLE 18 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL ESTABLISHING PROCEDURES FOR AMENDING THE GENERAL PLAN (ZA2020-0001: MUNICIPAL CODE AMENDMENT)

Recommendation:

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

Principal Planner Adam Paszkowski provided a presentation and report.

The public hearing opened at 9:09 pm.

Joe Baranowski was called to speak.

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

MOTION:

Waiving the first and second reading and amending the ordinance to move Vehicle Storage Use and Salvage/Wreckage into the Vehicle Related Use Section.

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

MOTION:

Introducing the ordinance and amending the ordinance to move Vehicle Storage Use and Salvage/Wreckage Use into the Vehicle Related Use Section.

RESULT:	INTRODUCED [UNANIMOUS]
MOVER:	John McKay, Mayor Pro Tem
SECONDER:	Rene Spring, Council Member
AYES:	Constantine, Martinez Beltran, Borgioli, McKay, Spring

PUBLIC HEARING

8. APPROVE A DESIGN PERMIT FOR A NEW TWO-STORY 6,600 SQUARE FOOT BUILDING FOR THE USE OF AN ART GALLERY ON THE SOUTHWEST CORNER OF 2ND STREET AND MONTEREY ROAD. (DESIGN PERMIT NO. SR2020-0024: MONTEREY - MCCRANIE).

Recommendation:

Adopt resolution approving a Design Permit for a 6,600 square foot, two-story commercial structure.

Associate Planner Tiffany Brown provided a presentation and report.

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

Mark Oberholzer and Sean Martino spoke on behalf of the applicant

Kathy Sullivan

Brian Sullivan

Doug Hall

Roger Knopf

David Dindak

Brittney Sherman

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

MOTION:

Approving the recommended action considering Council Member Martinez Beltran's recommendations on the front view.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gino Borgioli, Council Member
SECONDER:	Yvonne Martinez Beltran, Council Member
AYES:	Constantine, Martinez Beltran, Borgioli, McKay, Spring

FUTURE COUNCIL INITIATED AGENDA ITEMS

Council Member Spring requested a conversation on Downtown parking.

ADJOURNMENT

There being no further business, the meeting adjourned in honor of outgoing Assistant City Manager Leslie Little and Gemma Abels at 10:54 pm.

MINUTES PREPARED BY:

Michelle Bigelow, City Clerk