



Meeting Minutes City Council

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

Wednesday, February 17, 2021 5:00 pm

Virtual Meeting

SPECIAL/REGULAR MEETING

A special meeting of the City Council was called at 5:00 pm for the purpose of conducting a workshop.

5:00 pm Workshop

7:00 pm Regular Meeting

SPECIAL MEETING

5:00 pm Workshop

CALL TO ORDER

Mayor Constantine called the special-regular meeting to order at 5:00 pm.

ROLL CALL ATTENDANCE

City Clerk Michelle Bigelow called the roll.

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

DECLARATION OF POSTING AGENDA

City Clerk Michelle Bigelow declared the posting of the agenda.

WORKSHOP

1. LAST MILE (LOCAL) DELIVERY/DISTRIBUTION

Recommendation:

Examine what “last mile (local) delivery” is and how it could serve or impact our community, discuss what the City has done to date to regulate distribution, and explore regulations for last mile (local) delivery uses.

City Manager Christina Turner introduced the workshop and turned it over to Development Services Director Jennifer Carman who gave a presentation.

Public comment opened at 6:13 pm. The following people were called to speak:

Liam Downey

Brittney Sherman

Natalie Sparrer

Joe Baranowski (Rick Kent and Terry Williams ceded their time)

Miguel Jimenez (Susie Jimenez ceded her time)

There being no further requests, public comment closed.

The workshop adjourned at 6:55 pm.

REGULAR MEETING

7:00 pm

PRESENTATIONS

YAC PRESENTATION- ASSET # 26- CARING

RECOGNITIONS

Recognizing Communications and Engagement Director Maureen Tobin for her Hard Work, Dedication, and Many Years of Service to Morgan Hill

Morgan Hill Community Foundation Donation for Inclusive Playground
Nick Gaich, Matt Wendt, Peggy Martin, Ron Locicero, and Pamela Meador

PROCLAMATIONS

Proclaiming the month of February 2021 as Black History Month.

CITY COUNCIL REPORTS

Mayor Constantine announced that since it is early in the year, the boards and committees he is a part of are just starting to assign positions. He gave a list of the committees he is on so that the community knows what they can expect to hear from him throughout the year.

- Bay Area Air Quality Management District (BAAQMD) Board member
 - The Community of Equity, Health, and Justice Subcommittee
 - The Stationary Source and Climate Impacts Subcommittee
 - The Administration Subcommittee
- Valley Water's Water Commission
- Cities Association of Santa Clara County Board

- Executive Board subcommittee
- Chair of the Legislative Action Committee
- City Selection Committee
- Local Agency Formation Commission (LAFCO) Board Member
- VTA Board Member
- Various subcommittees

CITY MANAGER'S REPORT

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

She introduced Emergency Operations Coordinator Jennifer Ponce who provided a brief update on the City's Emergency Operations Plan.

City Manager Turner provided an update on COVID-19. She shared that county officials announced that healthcare providers across the county are going to expand access to vaccinations to workers in education, child-care, emergency services, as well as food and agriculture industries. That is going to start on February 28th. She announced that as of today, we have 45 deaths in our Morgan Hill community due to COVID-19. The message we have shared with the community is to continue wearing your mask and even to double up and wear two masks as that is more effective, continue to social distance and remain vigilant. She spoke regarding the news stories on ABC7 and Telemundo stating that, unfortunately Morgan Hill is now second in the county in regard to case rates. She also shared that Council Member Martinez Beltran serves on the Latinx Coalition for the county and she is also working in the Ambassador Program specifically reaching out to our Latinx community. The Latinx community has COVID rates that are higher than other ethnic groups. Through her work with the county, Council Member Martinez Beltran has helped get additional testing sites, specifically at the Grange. She has also been coordinating the scheduling of vaccination appointments at the Grange.

Many community members have reached out to help during this time. The county has not committed to putting a vaccination site in Morgan Hill yet. However, she announced that we have let the county know that we are ready and available when vaccination supply is available and when county staff is able to allow a vaccination site in Morgan Hill. In the meantime, our community members can attend any vaccination site within the county. The Gilroy Senior Center is offering vaccinations on Wednesdays for seniors 65 and older. She shared that all individuals in long term congregate facilities have had or will soon have both doses of the vaccine with one exception. We have one care facility that will receive their first vaccination tomorrow. That is full coverage of our facilities. The county is now in the process of determining how to get out to our housebound seniors.

She concluded by commenting on the disruptive internet outage we experienced on February 3rd. The City had already scheduled a series of workshops for the Council and the community to discuss broadband in Morgan Hill. She encouraged the community to join us on the fourth Wednesdays of the next three months with the first one being on February 24th.

MORGAN HILL EMERGENCY OPERATIONS PLAN UPDATE

RESPONSES TO 2/3/21 AGENDA QUESTIONS

CITY MANAGER'S REPORT SUPPLEMENT 1

CITY MANAGER'S REPORT SUPPLEMENT 2

CITY ATTORNEY'S REPORT

City Attorney Donald Larkin announced that there was no reportable action on the closed session items from the February 9, 2021 Special City Council Meeting.

PUBLIC COMMENT

Public comment opened at 8:03 pm. The following people were called to speak:

Nikki Carpendale

Joe Baranowski

There being no further requests, public comment closed.

ADOPTION OF AGENDA

MOTION:

Adopting the agenda as posted, moving item 12 before item 11.

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

CONSENT CALENDAR

MOTION:

Approving consent calendar items 2 through 10.

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

2. ACCEPT DONATION FROM THE MORGAN HILL COMMUNITY FOUNDATION FOR THE MORGAN HILL MAGICAL BRIDGE INCLUSIVE PLAYGROUND

Recommendation:

1. Accept donation of \$72,660 from the Morgan Hill Community Foundation for the construction of the Morgan Hill Magical Bridge Inclusive Playground at Community Park; and
2. Authorize the City Manager to execute and administer any agreements necessary to accept the funds.

3. ADOPT RESOLUTION FINDING AN UNREASONABLE HARDSHIP WILL OCCUR UNLESS ATTORNEYS' FEE AWARD IS PAID IN INSTALLMENTS

Recommendation:

Adopt the proposed resolution declaring that an unreasonable hardship will occur unless City's share of the judgment awarded to the Hotel Coalition on November 13, 2020 is paid in installments.

4. ADOPT RESOLUTION TEMPORARILY TOLLING PLANNING, SUBDIVISION, AND BUILDING PERMIT APPROVALS

Recommendation:

Adopt resolution tolling Planning, Subdivision, and Building Permit approvals due to COVID-19 emergency.

5. APPROVE FUNDING AGREEMENT WITH THE VTA FOR THE MADRONE CHANNEL TRAIL PROJECT

Recommendation:

Approve and authorize the City Manager to execute and administer a funding agreement with the Santa Clara Valley Transportation Authority (VTA) for improvements to the Madrone Channel Trail.

6. APPROVE AGREEMENT WITH MARK THOMAS AND COMPANY FOR CONSTRUCTION SUPPORT SERVICES FOR THE HALE AVENUE EXTENSION PROJECT

Recommendation:

Approve and authorize the City Manager to execute and administer a Service Agreement for Design Professionals with Mark Thomas & Company for construction support services for the Hale Avenue Extension Project for \$143,295.

7. APPROVE FIFTH AMENDMENT TO THE LEASE AGREEMENT WITH THE MORGAN HILL UNIFIED SCHOOL DISTRICT FOR USE OF SPACE AT THE CORPORATION YARD

Recommendation:

Approve and authorize the City Manager to enter into a Fifth Amendment to the lease agreement with the Morgan Hill Unified School District.

8. APPROVE THE JANUARY 20, 2021 MEETING MINUTES

Recommendation:

Approve Minutes.

9. APPROVE THE JANUARY 29 AND 30, 2021 MEETING MINUTES

Recommendation:

Approve Minutes.

10. APPROVE THE FEBRUARY 9, 2021 MEETING MINUTES

Recommendation:

Approve Minutes.

OTHER BUSINESS

12. CONSIDER CITY COUNCIL INITIATED AGENDA ITEM REQUESTING CITY COUNCIL ADOPT A RESOLUTION CONDEMNING THE JANUARY 6, 2021 RIOTS AT THE UNITED STATES CAPITOL IN WASHINGTON D.C.

Recommendation:

Consider whether to direct staff to prepare a resolution condemning the January 6, 2021 riots at the United States Capitol in Washington D.C.

City Manager Christina Turner provided a brief report.

Public comment opened at 8:17 pm. The following people were called to speak:

Suman Ganapathy

Nikki Carpendale

Brian Faircloth

There being no further requests, public comment closed.

MOTION:

Directing staff to bring a resolution to the City Council condemning violence.

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

The meeting recessed at 8:33 pm and reconvened 8:42 pm.

PUBLIC HEARING**11. REVIEW PLANNING COMMISSION'S DECISION ON CONDITIONAL USE PERMIT (UP2020-0004) MAST - TITAN SPORTS ACADEMY/KINETIC PERFORMANCE INSTITUTE TO ALLOW INDOOR COMMERCIAL RECREATION FOR PROPERTY IDENTIFIED BY ASSESSOR PARCEL NUMBER 817-02-063 LOCATED AT 195 MAST STREET.**

Recommendation:

1. Open/close public hearing; and
2. Adopt resolution:
 - a. reaffirming the decision of the Planning Commission to deny the Conditional Use Permit.
 - OR
 - b. making the necessary findings to support a Conditional Use Permit.
3. Direct staff to return to the City Council with Zoning Code changes removing conditional use conflicts with industrial preservation.

Associate Planner Joey Dinh and Development Services Director Jennifer Carman provided the report and presentation.

The public hearing opened at 9:33 pm. The following people were called to speak:

Angelica McDonald and Erik Waggle (Applicants)

Matthew Monaco (Nora Monaco ceded time)

Paul Pascoal

Valerie Renggli

Chris Keenan

Maddison Lara

Angela Campbell

Teressa Francis

Mia Flores

Isabel Massman

Marcus Chung

Joseph Mendoza

Christy Marbry

Kris Massman

Andria Leaf

Alison McElravey

Jennifer Uyeda-Allen

Carlton Pace

Wayne Perrier

Greg Grattan

Sean Bolin

Joe Baranowski

Dianna

John Amaral

Jen Alvernaz
E. Murawsky
Brandon Fitzpatrick
Jacqui Kitson
Alyssa Marcoullier
Gloria Murray
Keith Ducker
There being no further requests, the public hearing closed.

MOTION:

Extending time to 11:30 pm.

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

MOTION:

Adopting resolution overturning the Planning Commission decision and making the necessary findings supporting a Conditional Use Permit, not allowing outside activity.

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

MOTION:

Extending the meeting to 11:45 pm.

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

OTHER BUSINESS

12. ITEM MOVED AHEAD OF ITEM 11

13. CONSIDER CITY COUNCIL INITIATED AGENDA ITEM REQUESTING CITY COUNCIL ADOPT A RESOLUTION EXPRESSING SUPPORT FOR ACTIONS TO STRENGTHEN LOCAL DEMOCRACY, AUTHORITY, AND CONTROL

Recommendation:

Consider whether to direct staff to prepare a resolution expressing support for actions to strengthen local democracy, authority, and control.

City Manager Christina Turner provided the report.

Public comment opened at 11:25 pm.

There being no requests to speak, public comment closed.

MOTION:

Direct staff to prepare a resolution expressing support for actions to strengthen local democracy, authority, and control.

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

14. APPROVE UPDATES TO SUSTAINABLE MORGAN HILL VISION, ONGOING AND STRATEGIC PRIORITIES, CITY COUNCIL NORMS, AND COUNCIL POLICY REGARDING RULES FOR CONDUCT OF CITY COUNCIL MEETINGS

Recommendation:

Adopt updates to:

1. Sustainable Morgan Hill vision, ongoing priorities, and 2020 – 2021 strategic priorities;
2. City Council Norms; and
3. City Council Policy (CP 97-01) – Rules for Conduct of City Council Meetings.

City Manager Christina Turner provided the report.

Public comment opened at 11:42 pm.

There being no requests to speak, public comment closed.

MOTION:

Adopting the updated Sustainable Morgan Hill Document, updated City Council Norms, and Updated City Council Policy 97-01.

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

FUTURE COUNCIL INITIATED AGENDA ITEMS

City Council Member Martinez Beltran requested an item to come back to Council adding telecommunications to the Sustainable Morgan Hill Document.

City Council Member Martinez Beltran requested that staff review commercial zoning code to provide a clear opportunity for recreation uses.

City Council Member Spring would like Mayor or Council to submit a letter of opposition of Senate Bill 9 and to have staff also review Senate Bill 10.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:44 pm.

MINUTES PREPARED BY:

Michelle Bigelow, City Clerk