



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, March 3, 2021 6:00 pm

Virtual Meeting

SPECIAL/REGULAR MEETING

A special meeting of the City Council was called at 6:00 pm for the purpose of conducting a closed session.

6:00 pm Closed Session

7:00 pm Regular Meeting

SPECIAL MEETING

6:00 pm Closed Session

CALL TO ORDER

Mayor Constantine called the meeting to order at 6:00 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.

CLOSED SESSION

City Attorney Donald Larkin announced the closed session items.

OPPORTUNITY FOR PUBLIC COMMENT

Public comment opened at 6:02 pm.

There being no requests, public comment closed.

ADJOURN TO CLOSED SESSION

The meeting adjourned to closed session at 6:03 pm.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Initiation of litigation pursuant to § 54956.9(c)

One case

CONFERENCE WITH LEGAL COUNSEL- THREATENED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9.

One case

CONFERENCE WITH REAL PROPERTY NEGOTIATIONS

Pursuant to: Government Code Section 54956.8

Property: APN's - 81706001, 81714004, 81714009, 81714005

Negotiating Parties: Christina Turner and Chris Ghione

Property Owner: CHU JOHN C AND MAY-JIH C TRUSTEE

Under Negotiation: Price and Terms of Sale

REGULAR MEETING

7:00 pm

The Regular Meeting convened at 7:05 pm.

PROCLAMATIONS

Proclaiming the Month of March 2021 as Youth Arts Month

CITY COUNCIL REPORTS

CITY COUNCIL REPORTS SUPPLEMENT 1

Mayor Pro Tem McKay spoke regarding his outside appointments to the League of California Cities (League). He is a Board member on the League's Peninsula Division which provides advisory recommendations to the statewide board. They work on subjects like employee rights and equity. The Board put together a letter to the statewide board, that reinforced their position on equity and social justice. He believes this is a great model and something that the City might want to review for our own community. Next, he spoke regarding the League's Housing, Economic, and Community Development Policy Committee. This organization is all about fighting for the rights of cities. We are looking at a lot of daunting legislation that we have to continue to watch, discuss locally, and fight for through the Policy Committee. He concluded by speaking regarding his appointment to the League's Public Safety Task Force, there are 22 appointed members from around the state. It is very important that we talk about public safety in our current climate. Cities are looking at ways their police activities are conducted and it has really become an important conversation. He shared that our City is already doing virtually everything that the task force has been discussing. He is very proud to be part of this team.

CITY MANAGER'S REPORT

City Manager Christina Turner spoke to the evening's supplements and presentations. She provided a COVID update and shared that the County moved into the red tier today. That aligns us with the State's blueprint for a safer economy. The County has lifted local activity specific health directives. Indoor dining can now resume at a maximum of 25% or 100 people, whichever is fewer. Retail stores are now at a maximum of 50%, Gym and fitness centers at 10%, and movie theaters at 25% or 100 people, whichever is fewer. The County Health Officer still urges businesses and residents to continue exercising caution even as restrictions are lifted by the State by following social distancing orders as well as wearing face coverings as much as possible. She shared that last week, the City served as a vaccination site in partnership with the County. The vaccinations were at the Community and Cultural Center where they issued 200 vaccinations each day for two days. Those who received their vaccinations at our site will be returning for their second dosage on March 16th and 17th. We are also working with the County in hopes that they will come back to provide additional first dosages to our community. We met with our County and our businesses last week. Many of our restaurants were fined significant violations for various enforcement items. We invited the County Enforcement Officials to come to talk with us and talk with our business community about protocols to understand the health orders and where the violations were. We heard from our business community and they provided suggestions to the County. She thanked the County as well as our business community for attending, helping to answer questions, listening to concerns, and for helping us to get out of this pandemic collaboratively. We hope to have more meetings in the future. She mentioned that last Sunday a vaccination site was held for farm workers at Monterey Mushrooms with a capacity of 1,000 people per day. The County is looking at that model for other sites around the state.

The City received notification that we have been approved for a Department of Justice Tobacco Grant that would provide funding for two years for a School Resource officer (SRO). Our current tobacco grant ends this summer. Last night, the School Board had on its agenda to review the grant and they decided not to support the grant. Since this grant requires the schools working collaboratively with the City, we will not be able to accept this grant. The grant total is \$432,000 for the SRO over two years. At this point, with the current grant going away this summer, we now only have one SRO.

She concluded by extending an invitation to the Mayor's State of the City Address next week, March 10th at 7:00 pm. It will be live streamed on our website as well as on Facebook.

CITY ATTORNEY'S REPORT

City Attorney Donald Larkin announced that there was no reportable action from the first two closed session items. The third closed session item will be continued to after the regular session.

OTHER REPORTS

None.

PUBLIC COMMENT

PUBLIC COMMENT SUPPLEMENT 1

PUBLIC COMMENT SUPPLEMENT 2

PUBLIC COMMENT SUPPLEMENT 3

Public comment opened. The following people were called to speak:

Brian Faircloth

Dave Mathews

Susan Kirchhoff

Sharon Luna

Jarod Lebovitz

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:	John McKay, Mayor Pro Tem
AYES:	Constantine, McKay, Borgioli, Martinez Beltran, Spring

CONSENT CALENDAR

MOTION:

Approving consent calendar items 2 through 8.

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

1. ITEM PULLED FOR DISCUSSION

2. ADOPT RESOLUTION EXPRESSING SUPPORT FOR ACTIONS TO FURTHER STRENGTHEN LOCAL DEMOCRACY, AUTHORITY, AND CONTROL AS RELATED TO LOCAL ZONING AND HOUSING ISSUES

Recommendation:

Adopt resolution expressing support for actions to further strengthen local democracy, authority, and control as related to local zoning and housing issues.

3. APPROVE 2020 EMERGENCY MANAGEMENT PERFORMANCE GRANT MEMORANDUM OF UNDERSTANDING

Recommendation:

Adopt resolution:

1. Authorizing the City Manager to execute and administer the Memorandum of Understanding with the County of Santa Clara for the 2020 Emergency Management Performance Grant; and
2. Amending the City's Fiscal Year 2020-21 adopted budget to recognize revenue and appropriate related expenditures, in the amount of \$7,340 from the General Fund (010).

4. APPROVE COST-SHARING AGREEMENT WITH SOUTH SANTA CLARA COUNTY FIRE DISTRICT

Recommendation:

Approve and authorize the City Manager to execute and administer a cost-sharing agreement with South Santa Clara County Fire District (SSCCFD) for City's contribution to the District's Engine 67.

5. APPROVE FIRST AMENDMENT TO AGREEMENT WITH KEYSER MARSTON ASSOCIATES, INC. FOR HOUSING PROGRAM SERVICES

Recommendation:

Approve and authorize the City Manager to execute and administer an amendment to the Consultant Agreement with Keyser Marston Associates, Inc. for Housing Program services through June 30, 2022, for an additional \$50,000 and a total not-to-exceed amount of \$90,000.

6. RATIFY CITY POSITION ON ASSEMBLY BILL 271 - AUTHORIZING VALLEY WATER TO UTILIZE "BEST VALUE" METHOD TO SELECT THE CONSTRUCTION CONTRACTOR FOR THE ANDERSON DAM SEISMIC RETROFIT PROJECT

Recommendation:

Ratify City position on pending State Legislation Assembly Bill 271.

7. APPROVE THE FEBRUARY 17, 2021 MEETING MINUTES

Recommendation:

Approve Minutes.

8. AWARD 2020 INFLOW AND INFILTRATION SEWER REPAIR PROJECT

Recommendation:

1. Approve 2020 Inflow and Infiltration Sewer Repair Project plans and specifications;
2. Award contract to Pacific Underground Construction, Inc. for the 2020 Inflow and Infiltration Sewer Repair Project in the amount of \$2,034,350;
3. Authorize expenditure of construction contingency funds not to exceed \$406,870; and
4. Authorize the City Manager to execute and administer the construction contract with Pacific Underground Construction, Inc.

PUBLIC HEARING

**9. ADOPT RESOLUTION AUTHORIZING THE COUNTY TO COMMENCE 2021
HAZARDOUS VEGETATION ABATEMENT PROGRAM**

Recommendation:

1. Open/Close public hearing; and
2. Adopt resolution authorizing Santa Clara County to commence hazardous vegetation abatement activities on the attached list.

Program Administrator Anthony Eulo provided the report.

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

MOTION:

Approving the recommended action.

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

OTHER BUSINESS

**10. ADOPT RESOLUTION CERTIFYING THE INITIATIVE PETITION TITLED: CITIZENS'
INITIATIVE CHANGING ZONING REGULATIONS THROUGHOUT THE CITY OF
MORGAN HILL TO PROHIBIT CERTAIN NEW STORAGE AND DISTRIBUTION USES IN
ALL AREAS OF THE CITY AND AMENDING THE REVIEW PROCESS FOR LARGE-
SCALE DEVELOPMENT PROJECTS, AND DIRECT STAFF TO PREPARE IMPACT
REPORT**

Recommendation:

1. Adopt resolution accepting the City Clerk's Certificate of Sufficiency for the Initiative Petition Titled: Citizens' initiative changing zoning regulations throughout the city of Morgan Hill to prohibit certain new storage and distribution uses in all areas of the City and amending the review process for large-scale development projects; and
2. Direct staff to prepare an impact report under Elections Code section 9212 no later than April 2, 2021 for City Council meeting, for the Council to consider next steps.

City Clerk Michelle Bigelow and Community Development Director Jennifer Carman provided a presentation and report.

MOTION:

Moving item 1, Adopt resolution condemning all forms of hate and violence including the January 6, 2021 riots at the United States Capitol Building in Washington D.C. to the March 17, 2021 City Council agenda.

RESULT:	CONTINUED [3 TO 2]
MOVER:	Yvonne Martinez Beltran, Council Member
SECONDER:	Rene Spring, Council Member
AYES:	McKay, Martinez Beltran, Spring
NAYS:	Constantine, Borgioli

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

Russell Blalack

Armando Benavides

Neil

Susie Jimenez spoke on behalf of herself, Zsanett Napoli, and Eric Sidle

Miguel Jimenez spoke on behalf of himself, Sonia Sidle, and Brian Nall

John Lukez

Craig

Brittney Sherman spoke representing the Chamber of Commerce

Julie Allen

Allan Abrams

Nick Gaich spoke representing the Chamber of Commerce

Rick Kent

Ranga Rayudu

Armando Garcia spoke representing the Chamber of Commerce

Scott Unger spoke representing Toray Advanced Composites

John Williams

Kathryn Rossi

Joe Baranowski spoke on behalf of himself, Bryan Espiritu, and Kathy Baranowski

Tandon Christopher

Linda Nowlen

David Stites

Jennifer Blalack

Aaron Smith

Robin Carrillo

Devang

Ruth Armstrong

Sean Voss

Margo Westfall

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

MOTION:

Adopting resolution accepting the City Clerk's Certificate of Sufficiency for the Initiative Petition Titled: Citizens' initiative changing zoning regulations throughout the city of Morgan Hill to prohibit certain new storage and distribution uses in all areas of the City and amending the review process for large-scale development projects.

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

MOTION:

Directing staff to prepare impact analysis within 30 days and during that period meet with the proponents of the initiative to work on a compromise and come back with alternative actions.

RESULT:	DIRECTED [3 TO 2]
MOVER:	Yvonne Martinez Beltran, Council Member
SECONDER:	John McKay, Mayor Pro Tem
AYES:	Constantine, McKay, Martinez Beltran
NAYS:	Borgioli, Spring

MOTION:

Moving item 12 ahead of item 11. Hearing items 11 and 13 if time permits.

RESULT:	MOVED [UNANIMOUS]
MOVER:	Rich Constantine, Mayor
SECONDER:	Yvonne Martinez Beltran, Council Member
AYES:	Constantine, McKay, Borgioli, Martinez Beltran, Spring

12. COUNTYWIDE SOLID WASTE SERVICES

Recommendation:

1. Approve the concept of providing countywide solid waste administrative services;
2. Adopt resolution amending Fiscal Year 2020-21 Budget to recognize \$54,127 as revenue and expenditures for the administration of countywide solid waste program;
3. Adopt updated Management, Professional, and Confidential Employees Resolution establishing the Environmental Services Manager position and salary;
4. Authorize the increase of the existing Part-Time Management Analyst position to a Full-Time position;
5. Authorize the City Manager to execute an agreement with the County of Santa Clara for Fiscal Agent and Related Planning Services subject to the review and approval of the City Attorney; and
6. Provide direction to staff to return to the Council with required actions to increase the threshold for purchases made exclusively with countywide funds received for solid waste management program.

Program Administrator Anthony Eulo provided the report.

Public comment opened. There being no requests to speak, public comment closed.

MOTION:

Approving the recommended actions.

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

13. MONTHLY BUDGET UPDATE AND JANUARY 2021 FINANCIAL AND INVESTMENT REPORTS

Recommendation:

Accept and file report.

Item 13 was heard before item 11.

Finance Director Dat Nguyen provided a presentation and report.

Public comment opened.

Kproctor was called to speak.

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

RESULT:	ACCEPT REPORT
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11. PROVIDE INPUT ON POLICY OPTIONS RELATING TO TREE PROTECTION

Recommendation:

Provide guidance to staff on the type and scope of policy changes the City Council is interested in considering relating to the protection of trees in the community.

Item continued to the March 17, 2021 City Council meeting.

RESULT:	CONTINUED TO NEXT MEETING
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MOTION:

Extending the meeting to 11:15 pm.

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

ITEMS PULLED FOR DISCUSSION

1. ADOPT RESOLUTION CONDEMNING ALL FORMS OF HATE AND VIOLENCE INCLUDING THE JANUARY 6, 2021 RIOTS AT THE UNITED STATES CAPITOL BUILDING IN WASHINGTON D.C

Recommendation:

Adopt resolution condemning all forms of hate and violence including the January 6, 2021 riots at the United States Capitol Building in Washington D.C.

Item continued to the March 17, 2021 City Council meeting.

RESULT:	CONTINUED [3 TO 2]
MOVER:	Yvonne Martinez Beltran, Council Member
SECONDER:	Rene Spring, Council Member
AYES:	McKay, Martinez Beltran, Spring
NAYS:	Constantine, Borgioli

FUTURE COUNCIL INITIATED AGENDA ITEMS

Council Member Martinez Beltran asked that the issue of Downtown traffic be brought back to Council for discussion.

Mayor Constantine requested that an ordinance come to Council regarding hazard pay for grocery store workers.

ADJOURNMENT

The meeting adjourned to the continued closed session at 10:53 pm

City Attorney Don Larkin announced the continued closed session.

Public comment for the closed session opened. There being no requests to speak, public comment closed.

There being no further business, the meeting adjourned at 11:17 pm.

MINUTES PREPARED BY:

Michelle Bigelow, City Clerk