



## **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*

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**Wednesday, April 21, 2021 5:30 pm**

**Virtual Meeting**

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### **SPECIAL/REGULAR MEETING**

**A special meeting of the City Council was called at 5:30 p.m. for the purpose of conducting a closed session and commission interviews.**

5:30 p.m. Closed Session

6:00 p.m. Commission Interviews

7:00 p.m. Regular Meeting

### **SPECIAL MEETING**

**5:30 p.m. Closed session**

**6:00 p.m. Commission Interviews**

### **CALL TO ORDER**

Mayor Constantine called the meeting to order at 5:30 p.m.

### **ROLL CALL ATTENDANCE**

City Clerk Michelle Bigelow called the roll.

| <b>Attendee Name</b> | <b>Title</b>  | <b>Status</b> | <b>Arrived</b> |
|----------------------|---------------|---------------|----------------|
| 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 item.

### **OPPORTUNITY FOR PUBLIC COMMENT**

Public comment opened at 5:31 p.m. There being no requests to speak, public comment closed.

### **ADJOURN TO CLOSED SESSION**

The meeting adjourned to closed session at 5:32 p.m.

### **CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION:**

Significant exposure to litigation pursuant to § 54956.9(b)

One case

The meeting reconvened at 6:03 p.m.

## **COMMISSION INTERVIEWS**

### **1. CONDUCT INTERVIEWS TO FILL ONE (1) VACANCY ON THE LIBRARY, CULTURE, AND ARTS COMMISSION**

Recommendation:

1. Discuss the characteristics/traits that a successful applicant would possess;
2. Conduct interviews;
3. Identify top applicant and provide recommendation to the Mayor; and
4. Discuss and/or appoint applicant.

Mayor Constantine invited the City Council to share what they are looking for in a Library, Culture, and Arts Commission applicant.

The Council interviewed the following applicants:

Jessica Arciga

Darcy Foster

John Kelly

Amanda Santiago

Thomas Spitters

The Meeting recessed at 7:12 p.m and reconvened at 7:17 p.m.

Mayor Constantine announced that the City Council selected Amanda Santiago to fill the available seat on the Library, Culture, and Arts Commission with a term ending April 1, 2024.

|                |                |
|----------------|----------------|
| <b>RESULT:</b> | <b>APPOINT</b> |
|----------------|----------------|

## **REGULAR MEETING**

7:00 p.m.

## **PROCLAMATIONS**

Proclaiming the week of April 11-17, 2021 as Telecommunicators Week

Proclaiming the month of May, 2021 as Monarch Month

## **CITY COUNCIL REPORTS**

Council Member Spring spoke regarding the South County Regional Wastewater Authority which is a Joint Powers Authority between Gilroy and Morgan Hill that handles operations relating to our sewer treatment system. Lately they have been talking about the facility expansion. He stated that it is great to work with the Gilroy Council Members on the board. He spoke regarding the Governing and Implementation Boards of the Santa Clara Valley Habitat Agency. He shared that he really enjoys being a part of the boards and that there is a lot of great work done by the Agency. Morgan Hill is one of the areas that really benefits from the Habitat Agency and they have been able to protect and secure a lot of open space around our area including thousands of acres of Tilton Ranch. He is on an Elected Leaders Board with Valley Water and shared that the Anderson Dam does not have much water in it and there probably won't be much water until the dam project is complete and they are able to build it in a secure way. The Flood Control project has started, he encouraged everyone to go take a look at the progress. He thanked Jefferey Pricket and his team for volunteering to clean up many areas of town.

## **CITY MANAGER'S REPORT**

City Manager Christina Turner gave a few updates.

### Virtual Town Hall

Thursday, April 22, 2021 at 5:30 p.m. The City has partnered with CONCERN EAP to bring the community a Resiliency Building Workshop. In this workshop people will learn several strategies to strengthen resilience during this time, to learn to be more productive and effective while experiencing less stress.

Friday, April 23, 2021 the City is hosting a Hybrid in person and virtual event to discuss how to create a more walkable, safer, and accessible downtown. There will be a panel of six people who will provide their experience and success stories on transforming downtowns and we will hear from a few business owners and entrepreneurs on their long-term vision.

Monday, April 26, 2021 at 7:00 p.m. we will have a Water Conservation and Supply Protection Community Meeting. Teammates will be there to provide information regarding two new ordinances relating to conserving and protecting our local water supplies.

Wednesday, April 28, 2021 at 7:00 p.m. we will have our third Community/City Council Broadband Workshop. The focus will be on what residents can do to improve their home service.

### Vaccinations

All individuals that are age 16 or older who live or work in Santa Clara County are eligible for a vaccine. To schedule an appointment, you can visit the County's website at [sccfreevax.org](https://sccfreevax.org) or call 211. In addition, we continue to partner with Safeway/Albertsons to provide vaccination clinics at the Community and Cultural Center. They will be here April 24<sup>th</sup> - 27<sup>th</sup> from 10-5:30. They have increased the number of dosages and appointments available. For more information you can visit our website. She thanked former Council Member Larry Carr for bringing these clinics to Morgan Hill through his employer, Albertsons. She also thanked Council Member John McKay for coordinating the volunteer efforts, OES Coordinator Jennifer Ponce who has put into action our Community Emergency Response Team (CERT) to help with the volunteer efforts. She highlighted Volunteer Extraordinaire Ken Hulick for his volunteer efforts.

## **CITY ATTORNEY'S REPORT**

City Attorney Donald Larkin reported on two closed sessions. On April 7<sup>th</sup> the Council met on a real estate item and today the Council met on one item of anticipated litigation. There was no reportable action from either item.

## **OTHER REPORTS**

Martinez Beltran reported that Denim Day is on April 28<sup>th</sup> and encouraged everyone's support. She has asked that the City and Police Department allow employees to wear denim on April 28<sup>th</sup>. Denim day is to bring awareness and support to victims of sexual assault.

She also shared that SVCE will be having a hearing on April 26<sup>th</sup> for SB612.

### **YAC PRESENTATION- ASSET #38- SELF ESTEEM**

## **PUBLIC COMMENT**

Public comment for items not on the agenda opened at 7:54 p.m. There being no requests to speak, public comment closed.

## **ADOPTION OF AGENDA**

### **MOTION:**

Adopting the agenda as posted.

|                  |                                                        |
|------------------|--------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                             |
| <b>MOVER:</b>    | Rene Spring, Council Member                            |
| <b>SECONDER:</b> | Rich Constantine, Mayor                                |
| <b>AYES:</b>     | Constantine, McKay, Borgioli, Martinez Beltran, Spring |

## **CONSENT CALENDAR**

### **MOTION:**

Approving consent calendar items 2, 3, and 5.

|                  |                                                        |
|------------------|--------------------------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>                            |
| <b>MOVER:</b>    | Rene Spring, Council Member                            |
| <b>SECONDER:</b> | John McKay, Mayor Pro Tem                              |
| <b>AYES:</b>     | Constantine, McKay, Borgioli, Martinez Beltran, Spring |

## **2. APPROVE NEW UTILITY BOX ART**

Recommendation:

1. Approve public art at one new utility box location; and
2. Authorize the City Manager to enter and administer necessary agreements to complete the project.

**3. APPROVE THE APRIL 7, 2021 MEETING MINUTES**

Recommendation:

Approve Minutes.

**4. ITEM PULLED FOR DISCUSSION**

**5. APPROVE COUNTYWIDE AB 939 AND HOUSEHOLD HAZARDOUS WASTE COLLECTION AGREEMENTS**

Recommendation:

Authorize the City Manager to execute the Countywide AB 939 and Household Hazardous Waste Collection agreements.

**6. ITEM PULLED FOR DISCUSSION**

**7. ITEM PULLED FOR DISCUSSION**

**ITEMS PULLED FOR DISCUSSION**

**4. APPROVE AGREEMENT WITH CIVIC FOUNDRY, LLC FOR INFORMATION TECHNOLOGY SERVICES**

Recommendation:

Approve and authorize the City Manager to execute and administer consultant agreement with Civic Foundry, LLC for an amount not to exceed \$1,029,269 over three years.

Police Chief Shane Palsgrove provided a report and answered questions.

Public comment opened at 8:15 p.m.

Joe Baranowski was called to speak.

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

**MOTION:**

Approving the recommended action.

|                  |                                                        |
|------------------|--------------------------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>                            |
| <b>MOVER:</b>    | Yvonne Martinez Beltran, Council Member                |
| <b>SECONDER:</b> | Gino Borgioli, Council Member                          |
| <b>AYES:</b>     | Constantine, McKay, Borgioli, Martinez Beltran, Spring |

**6. APPROVE A GOVERNMENT CODE 65915 DENSITY BONUS AT 80 PERCENT AND FOUR CONCESSIONS FOR A 100 PERCENT AFFORDABLE HOUSING PROJECT (SR2021-0005 MONTEREY-FIRST COMMUNITY HOUSING (MAGNOLIAS))**

Recommendation:

Adopt resolution approving the request for the following, pursuant to Government Code 65915:

1. Density bonus at 80 percent.
2. Affordable housing concessions to the Residential Development Design and Development Standards:
  - a. Design Standard No. 26: Exterior Treatments and Materials;
  - b. Design Standard No. 30: Building Colors;

- c. Design Standard No. 31: Window Design; and
- d. Design Standard No. 39: Multi-family roof form.

Items 6 and 7 were presented and discussed together.

City Attorney Donald Larkin and Development Services Director Jennifer Carman provided a presentation and report for items 6 and 7.

Public comment for item 6 opened at 9:15 p.m. The following people were called to speak:

Armando Benavides

Geoffrey Morgan, First Community Housing

Suman Ganapathy

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

**MOTION:**

Approving recommended action.

|                  |                                         |
|------------------|-----------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [3 TO 2]</b>                 |
| <b>MOVER:</b>    | Yvonne Martinez Beltran, Council Member |
| <b>SECONDER:</b> | Rich Constantine, Mayor                 |
| <b>AYES:</b>     | Constantine, McKay, Martinez Beltran    |
| <b>NAYS:</b>     | Borgioli, Spring                        |

**7. APPROVE A GOVERNMENT CODE 65915 DENSITY BONUS AT 80 PERCENT AND THREE CONCESSIONS FOR A 100 PERCENT AFFORDABLE HOUSING PROJECT (SR2020-0027 MONTEREY-MINER (JEMCOR))**

Recommendation:

Adopt resolution approving the request for the following, pursuant to Government Code 65915:

1. Density bonus at 80 percent.
2. Affordable housing concessions:
  - a. Reduced parking space dimensions for enclosed garages;
  - b. Eliminate requirement for covered bicycle parking and long-term bicycle storage; and
  - c. Reduction in use of decorative pavement material.

Public comment for item 7 opened at 9:42 p.m. The following people were called to speak:

Joe Baranowski

Armando Benavides

Tracy Harthurn

Brian Sullivan

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

**MOTION:**

Approving recommended action.

|                  |                                              |
|------------------|----------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [4 TO 1]</b>                      |
| <b>MOVER:</b>    | John McKay, Mayor Pro Tem                    |
| <b>SECONDER:</b> | Yvonne Martinez Beltran, Council Member      |
| <b>AYES:</b>     | Constantine, McKay, Martinez Beltran, Spring |
| <b>NAYS:</b>     | Borgioli                                     |

**MOTION:**

Moving item 10 ahead of item 8.

|                  |                                                        |
|------------------|--------------------------------------------------------|
| <b>RESULT:</b>   | <b>MOVED [UNANIMOUS]</b>                               |
| <b>MOVER:</b>    | Rich Constantine, Mayor                                |
| <b>SECONDER:</b> | Yvonne Martinez Beltran, Council Member                |
| <b>AYES:</b>     | Constantine, McKay, Borgioli, Martinez Beltran, Spring |

## **OTHER BUSINESS**

### **8. RECEIVE UPDATE ON SIGNIFICANT DEVELOPMENT PROJECTS**

Moving item 8 to a future meeting.

|                  |                                                        |
|------------------|--------------------------------------------------------|
| <b>RESULT:</b>   | <b>MOVED [UNANIMOUS]</b>                               |
| <b>MOVER:</b>    | Rich Constantine, Mayor                                |
| <b>SECONDER:</b> | Gino Borgioli, Council Member                          |
| <b>AYES:</b>     | Constantine, McKay, Borgioli, Martinez Beltran, Spring |

### **9. RECEIVE MONTHLY BUDGET UPDATE, MARCH 2021 FINANCIAL AND INVESTMENT REPORTS, AND CITY MANAGER AUTHORITY REPORTS**

Recommendation:

Accept and file report.

Finance Director Dat Nguyen provided a presentation and report.

Public comment opened at 11:34 p.m. There being no requests to speak, public comment closed.

Report received.

|                |                      |
|----------------|----------------------|
| <b>RESULT:</b> | <b>ACCEPT REPORT</b> |
|----------------|----------------------|

### **10. CONSIDER COUNCIL INITIATED AGENDA ITEM TO REVISIT COMMERCIAL CANNABIS**

Recommendation:

Consider whether to direct staff to return with a Council Agenda Item to discuss allowing commercial cannabis in Morgan Hill City limits.

City Manager Christina Turner provided a report.

The meeting recessed at 10:25 p.m and reconvened at 10:30 pm.

Public comment opened at 10:32 p.m. The following people were called to speak:

Steve Malech

Matt Wendt

Dave Mathews

Tom Guinane

Tak Allen

There being no further requests to speak, public comment closed

**MOTION:**

Extending the meeting to 11:45 p.m.

|                  |                                                        |
|------------------|--------------------------------------------------------|
| <b>RESULT:</b>   | <b>EXTENDED [UNANIMOUS]</b>                            |
| <b>MOVER:</b>    | Rene Spring, Council Member                            |
| <b>SECONDER:</b> | John McKay, Mayor Pro Tem                              |
| <b>AYES:</b>     | Constantine, McKay, Borgioli, Martinez Beltran, Spring |

Directing staff to move forward.

|                  |                                   |
|------------------|-----------------------------------|
| <b>RESULT:</b>   | <b>FAILED [2 TO 3]</b>            |
| <b>MOVER:</b>    | Rene Spring, Council Member       |
| <b>SECONDER:</b> | Rich Constantine, Mayor           |
| <b>AYES:</b>     | Constantine, Spring               |
| <b>NAYS:</b>     | McKay, Borgioli, Martinez Beltran |

## **FUTURE COUNCIL INITIATED AGENDA ITEMS**

Council Member Martinez Beltran requested a community meeting on housing, SB 330 streamlining, housing bonus density law. She also requested that a letter of support be drafted for SB 612. Look at drafting a letter or outreach for dollars for infrastructure and public safety to be included in the density bonus law.

Mayor Pro Tem McKay asked that the City issue a position letter on SB556. We should be pushing legislators to consider broadband a utility not a convenience, would like to start issuing letters. He also asked for a review of landscaping requirements on developments along freeways and major arteries to include more trees.

Council Member Borgioli asked staff to provide a definition of safety and health standards.

## **ADJOURNMENT**

There being no further business, the meeting adjourned at 11:39 p.m.

### **MINUTES PREPARED BY:**

Michelle Bigelow, City Clerk