



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, May 5, 2021 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 7:00 p.m.

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.

PROCLAMATIONS

Mayor Constantine announced the proclamations.

Proclaiming the month of May 2021 as Affordable Housing Month
Proclaiming the month of May 2021 as Aquatics Month

Proclaiming the month of May 2021 as Older Americans Month
Proclaiming the month of May 2021 as Wildfire Awareness Month

CITY COUNCIL REPORTS

Mayor Constantine reported on his outside activities. He shared that the Water Commission is part of Valley Water and in the April meeting the committee voted 12 to 6, not to increase the groundwater production charges and also gave the following comments: We would also like to support in keeping the agricultural rates as low as possible, these are all recommendations to the board, and that we are also looking at other resources such as purification, recycling, desalination, and stormwater capture and of course looking forward to any federal funds that may come available to help us become more water resilient.

In regard to Anderson Dam he shared that, with the help of Congresswoman Zoe Lofgren's office, we have gotten through the regulatory maze of working with different federal organizations like Federal Energy Regulatory Commission (FERC), the National Marine Fishery Services (NMFS), the Army Corp of Engineers, the US Fish and Wildlife along with Valley Water. When the group first met in December of 2019, it didn't seem like they were actually going to be able to start construction in a timely fashion. He stated that construction of the tunnel, which will allow water to be drained from the reservoir much faster, should start this spring. He commended Congresswoman Lofgren and her staff and as well as the other Congressmen involved for their support. He shared that the last meeting that they had was really a fantastic working relationship. Again, all of the agencies, are working together to get this expedited. After the construction of the tunnel which should take about 2 years, the construction on the retrofitting on the dam should take place. That will probably be in 2022. The construction should go until 2030, so it's a long process. We are going through possibly a drought right now, so we are going to need that water source to come back online as quickly as possible.

CITY MANAGER'S REPORT

City Manager Christina Turner wished everyone a Happy Cinco De Mayo and spoke to the evening's supplements and presentations.

She announced a series of housing workshops that we are going to be kicking off. Four community workshops will be held right before the council meetings at 5:30 p.m., in May and June. We are going to be rolling out the dates in our 411 that goes out on Friday. The first workshop is going to be "All things housing" and we are going to discuss City regulations for housing in current City projects. The second workshop will be on "State Mandates for housing production" which will cover SB330, Density bonus law, and other legislation that regulates how we process housing developments. The third workshop is going to be on "Housing Affordability" and this will provide an opportunity for the community to learn all about our affordable housing program here in Morgan Hill. The fourth workshop is on "Housing and Long Term Sustainability" and that will cover strategies for economic, environmental, and infrastructure sustainability.

In addition to these workshops, the housing team is participating in a couple of different housing webinars that are more of a regional nature. The first one will be in Spanish on the topic of "Affordable Housing 101" on May 18th. The second will be a "Model for Agricultural Housing in South County", that's going to be on May 28th. We will have a new dedicated City page on these housing series on our website that will provide information on our projects and programs, and the recordings of these workshops. The webpage will also provide an opportunity for our community to sign up for notifications.

She shared that Catholic Charities has announced that they have a program for rent assistance. It is both for landlords who have income-eligible renters who are experiencing financial hardship due to COVID with past due rent, as well as renters who have experienced financial hardship. To apply you can go to housingiskey.com or call Catholic Charities at 408-273-7478 to set up an appointment. Tomorrow, May 6th, they will be hosting a rent relief informational webinar in Vietnamese and then one on Friday, May 7th in Spanish.

She concluded by sharing a video related to wildfire preparedness.
https://twitter.com/CAL_FIRE/status/1389284128114151424?s=01

CITY ATTORNEY'S REPORT

None.

OTHER REPORTS

Mayor Pro Tem McKay shared that the vaccination clinics held at both Sobrato High School and the Community and Cultural Center sponsored by Safeway and Albertson's have hit a wall and the appointment registrations have really dwindled. He encouraged the community to continue to get vaccinated. As of yesterday May 4th, 82.1% of Morgan Hill residents have had at least one dose of the vaccine. He would like to see everybody get that second dose if necessary, and let's push those numbers higher. He shared that, right now, we have the 7th best rate out of 17 communities in Santa Clara County. We can do even better.

PUBLIC COMMENT

Public comment opened at 7:15 p.m. The following people were called to speak:

Krista Rupp

Joe Baranowski

Dave Mathews

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

PUBLIC COMMENT SUPPLEMENT 1

ADOPTION OF AGENDA

MOTION:

Adopting the agenda as posted.

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

CONSENT CALENDAR

MOTION:

Approving consent calendar items 1, 2, and 4 through 7.

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

1. ADOPT RESOLUTION APPROVING FY2021-22 LIST OF STREET REHABILITATION PROJECTS FUNDED BY SENATE BILL (SB) 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT

Recommendation:

Adopt resolution approving a list of street rehabilitation projects funded by SB 1, The Road Repair and Accountability Act of 2017.

2. APPROVE AN IMPACT FEE FREEZE AGREEMENT WITH LEVEL 10 CONSTRUCTION LP FOR A NEW 79,000 SQUARE FOOT INDUSTRIAL BUILDING ON 3.67 ACRES LOCATED ON RAILROAD AVENUE

Recommendation:

Direct the City Manager to execute an Impact Fee Freeze Agreement with Level 10 Construction, LP for the development of a new 79,000 square foot industrial building located on Railroad Avenue.

3. ITEM PULLED FOR DISCUSSION

4. APPROVE RE-FUNDING OF AN ACCOUNTING ASSISTANT POSITION

Recommendation:

Approve re-funding of an Accounting Assistant position.

5. APPROVE THE APRIL 21, 2021 MEETING MINUTES

Recommendation:

Approve Minutes.

6. AWARD STREET LIGHTING AND TRAFFIC SIGNAL MAINTENANCE SERVICE AGREEMENT

Recommendation:

1. Award a two-year contract with three one-year extensions to Cal-West Lighting and Signal Maintenance, Inc. in the amount of \$387,600; and
2. Authorize the City Manager to execute and administer the Maintenance Service Agreement with Cal-West Lighting and Signal Maintenance, Inc.

7. RATIFY CITY POSITION ON PENDING LEGISLATION SB 612 ELECTRICAL CORPORATIONS AND OTHER LOAD-SERVING ENTITIES: ALLOCATION OF LEGACY RESOURCES AND AB 125 EQUITABLE ECONOMIC RECOVERY, HEALTHY FOOD ACCESS, CLIMATE RESILIENT FARMS, AND WORKER PROTECTION BOND ACT OF 2022

Recommendation:

1. Receive legislative correspondence in support of SB 612 Electrical corporations and other load-serving entities: allocation of legacy resources and AB 125 Equitable Economic Recovery, Healthy Food Access, Climate Resilient Farms, and Worker Protection Bond Act of 2022; and
2. Ratify City's position.

ITEMS PULLED FOR DISCUSSION

3. APPROVE CALIFORNIA CLIMATE INVESTMENTS - DEPARTMENT OF FORESTRY AND FIRE PROTECTION (CAL FIRE) FIRE PREVENTION GRANT APPLICATION

Recommendation:

Adopt resolution authorizing the City Manager to apply for and accept a grant application to the California Climate Investments-Department of Forestry and Fire Protection (CAL FIRE) Fire Prevention Grant Program.

Public Services Director Chris Ghione answered questions.

Public comment opened at 7:28 p.m. There being no requests to speak, public comment closed.

MOTION:

Approving the recommended action.

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

PUBLIC HEARING

8. RATIFY URGENCY ORDINANCE 2320 AND EXTEND THE TERM OF THE INTERIM MEASURES FOR A FULL YEAR

Recommendation:

Ratify Interim Urgency Ordinance 2320 and extend its term for an additional 22 months and 15 days.

City Attorney Donald Larkin provided the report.

The public hearing opened at 7:30 p.m. There being no requests to speak, the public hearing closed.

MOTION:

Approving the recommended action.

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

OTHER BUSINESS

9. ADOPT URGENCY ORDINANCE REQUIRING HAZARD PAY OR VACCINE INCENTIVES FOR GROCERY WORKERS

Recommendation:

1. Adopt urgency ordinance; OR
2. Waive first and second reading; AND
3. Introduce ordinance requiring hazard pay or vaccine incentives for grocery store employees.

City Attorney Donald Larkin provided the report.

Public comment opened at 8:08 p.m. The following people were called to speak:

Brittney Sherman spoke on behalf of the Morgan Hill Chamber of Commerce

Ryan Allain spoke on behalf of the California Retailers Association (CRA)

Kevin Sanchez spoke on behalf of the California Grocers Association (CGA)

John Gomez spoke on behalf of UFCW Local 5

Hector Moreno spoke on behalf of UFCW

Dave Mathews

Joe Barajas

Chelsea Minor spoke on behalf of Raley's

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

MOTION:

Amend the draft ordinance to be effective May 12th, ending June 15th; waiving the first and second reading of the ordinance.

RESULT:	MOTION FAILED [2 TO 3]
MOVER:	Yvonne Martinez Beltran, Council Member
SECONDER:	Rich Constantine, Mayor
AYES:	Constantine, Martinez Beltran
NAYS:	McKay, Borgioli, Spring

10. PROVIDE DIRECTION REGARDING REDISTRICTING PROCESS FOR COUNCILMEMBER DISTRICT BOUNDARIES

Recommendation:

Determine the process for redistricting boundary lines for district-based elections of four Council seats, with the following options:

1. Use a City staff-led process without a redistricting commission, with a community outreach plan to encourage substantial public participation;
2. Establish an Advisory Redistricting Commission; or
3. Establish a Hybrid or Independent Redistricting Commission.

City Clerk Michelle Bigelow introduced Council Services Assistant Angie Gonzalez who provided the report. She turned the presentation over to Dr. Justin Levitt with National Demographics Corporation.

Public comment opened at 10:17 p.m. The following people were called to speak:

Marby Lee
Armando Benavides
Joe Baranowski

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

MOTION:

Directing staff to move forward with a City staff-led process without a redistricting commission, with a community outreach plan to encourage substantial public participation.

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

11. INTRODUCE ORDINANCE REQUIRING WATER EFFICIENT FIXTURES TO BE INSTALLED ON SALE OF PROPERTY AND INTRODUCE ORDINANCE REQUIRING INSPECTION AND MAINTENANCE OF PRIVATE SEWER LATERALS

Recommendation:

1. Waive first and second reading of the Private Sewer Ordinance;
2. Introduce the Private Sewer Ordinance;
3. Waive first and second reading of the Water Conservation Ordinance;
4. Introduce the Water Conservation Ordinance; and
5. Direct staff to include funding for ordinance implementation in the midcycle budget update.

Program Administrator Anthony Eulo introduced Environmental Programs Specialist Shannon Keener who provided a presentation and report.

MOTION:

Extending the meeting to 11:45 p.m. and continuing item 14 to a future meeting.

RESULT:	EXTENDED [4 TO 1]
MOVER:	John McKay, Mayor Pro Tem
SECONDER:	Rene Spring, Council Member
AYES:	McKay, Borgioli, Martinez Beltran, Spring
NAYS:	Constantine

Public comment opened at 11:17 p.m. The following people were called to speak:

Marby Lee

Jordan Nunes

Tim Beaubien

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

MOTION:

Waiving the first and second reading of the Private Sewer Ordinance changing the effective date to June 1, 2022.

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

MOTION:

Introducing the Private Sewer Ordinance.

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

MOTION:

Waiving the first and second reading of the Water Conservation Ordinance.

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

MOTION:

Introducing the Water Conservation Ordinance.

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

MOTION:

Extending the meeting to 12:00 a.m.

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

12. INITIATE ANNUAL ASSESSMENT PROCESS FOR LANDSCAPE ASSESSMENT DISTRICT NUMBER 1

Recommendation:

Adopt resolutions approving the following actions:

1. Initiate the proceedings for the levy of assessments for Fiscal Year 2021-22;
2. Approve the Engineer's Annual Report and the proposed assessment levy; and
3. Declare the City Council's intention to levy the assessments in the District and to set the Public Hearing date for June 2, 2021.

Public Services Director Chris Ghione provided the report.

Public comment opened at 11:40 p.m. There being no requests to speak, public comment closed.

MOTION:

Approving the recommended actions.

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

13. INTRODUCE ORDINANCE REVISING CITY PROCUREMENT LIMITS FOR COUNTYWIDE PURCHASES

Recommendation:

1. Waive the first and second reading of the ordinance; and
2. Introduce the ordinance.

Program Administrator Anthony Eulo provided the report.

Public comment opened at 11:42 p.m. There being no requests to speak, public comment closed.

MOTION:

Waiving the first and second reading of the ordinance.

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

MOTION:

Introducing the ordinance.

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

14. RECEIVE UPDATE ON SIGNIFICANT DEVELOPMENT PROJECTS

Item 14 was continued to a future meeting.

FUTURE COUNCIL INITIATED AGENDA ITEMS

Mayor Pro Tem McKay requested that his vote on item 10 be changed from a yes to a no vote.

Council Member Borgioli requested an item to discuss timing of agenda items.

Council Member Spring asked for a discussion/workshop on identity theft.

Council Member Martinez Beltran asked that we look at having Council Meetings translated into Spanish.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:51 p.m.

MINUTES PREPARED BY:

Michelle Bigelow, City Clerk