



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, August 18, 2021 6:00 pm

Virtual Meeting

SPECIAL/REGULAR MEETING

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

6:00 p.m. Closed Session

7:00 p.m. Regular Meeting

SPECIAL MEETING

6:00 p.m. Closed Session

CALL TO ORDER

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

ROLL CALL ATTENDANCE

City Clerk Michelle Bigelow

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 item.

OPPORTUNITY FOR PUBLIC COMMENT

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

ADJOURN TO CLOSED SESSION

The meeting adjourned to closed session at 6:01 p.m.

CONFERENCE WITH LABOR NEGOTIATOR

Authority:	Pursuant to Government Code Section 54957.6
City Negotiators:	Christina Turner, City Manager; Donald Larkin, City Attorney; Michael Horta, Human Resources Director; Dat Nguyen, Finance Director
Employee Organization:	Morgan Hill Police Officers Association Employees Covered under Management Resolution #21-025 AFSCME Local 101 Morgan Hill Community Service Officers Association

REGULAR MEETING

The regular meeting convened at 7:01 p.m.

PRESENTATIONS

2021 PG&E Community Wildfire Safety Program update

Daniel Cedeno and Kevin Conant with PG&E provided the presentation.

PG&E PRESENTATION

RECOGNITIONS

Recognizing Phil Couchee, Recology General Manager, for his years of service to the community

Recognizing the many agencies who supported the vaccination clinics in Morgan Hill

PROCLAMATIONS

Proclaiming the week of August 22-28, 2021 as Women's Equality Week

CITY COUNCIL REPORTS

Mayor Pro Tem McKay commented that the evening's proclamations were great. He shared that he and Council Member Spring sit on the Water Resources Committee and they had a great conversation focusing on understanding the role of recycling and water supply. He shared that he was appointed to the

General Resolution Committee for Cal Cities. They will be reviewing the resolutions that will be voted on at the annual conference in September. He announced that on August 25, 2021, there will be a Cal Cities event that will be highlighting local wineries, and he is hoping that all Council Members are able to make that event. He concluded by recognizing Chief Hess for bringing modern and prevention firefighting techniques to our community, and for his collaboration and efforts during high fire risks.

CITY MANAGER'S REPORT

City Manager Christina Turner recognized the local organizations that are helping plan events for Women's Day in our community. American Association of University Women (AAUW), Community Agency for Resources, Advocacy, and Services (CARAS), League of Women Voters, Morgan Hill Chamber of Commerce, Nueva Esperanza, South County Women's Equality Series, Showing Up For Justice (SURJ), YMCA, and other community organizations. She shared that the City has pushed back our return to work date to September 27, 2021 with a full reopening of City facilities on October 4, 2021. Our initial re-opening dates were postponed due to the Delta Variant and the increase of COVID cases in Santa Clara County. She strongly encouraged City teammates and the community to get vaccinated.

She provided updates on several projects going on in town. Pedestrian safety improvements and undergrounding and utilities projects are underway in front of Britton Middle School. Improvements on Central Avenue are substantially complete and construction along Monterey Road is anticipated to be completed by October. Pavement rehabilitation is being done in the areas of Peak Avenue, Wright Avenue, and nearby streets; work is expected to be completed near the end of the month. Overnight work on Tennant Avenue is also currently occurring. The Hale Avenue extension is underway and the major off-haul of dirt that occurred over the last several weeks is now complete. The number of large trucks that have been on Dunne Avenue will be greatly reduced in the coming weeks. Work on the Butterfield Linear Path has entered its final phase near San Pedro Avenue and will be completed in September. She concluded by announcing that Morgan Hill, South County, and Gilroy will hold their 18th annual Second Chance Week September 11-19, 2021. The goal is to put more used stuff back into circulation and keeping it out of landfills. This features a diverse range of reuse, resale, and repair activities. One of the most popular activities are the garage sales. The deadline to set up for garage sales is August 27, 2021. People can go on our website to register, the dates are September 11 and 12, 2021 in Morgan Hill and San Martin and the following weekend for Gilroy.

CITY ATTORNEY'S REPORT

City Attorney Donald Larkin shared that there was no reportable action from the closed session that took place earlier in the evening.

OTHER REPORTS

Council Member Martinez Beltran spoke regarding the vaccine efforts in Morgan Hill. She recognized Monterey Mushrooms and Nueva Esperanza for all their efforts. She announced that for those celebrating Women's Equality Day, they will be holding the South County Women's Equality Series and they have tried to make it so that you are able to participate in all the different events happening in our area.

PUBLIC COMMENT

Public comment opened at 7:56 p.m.

Brittney Sherman was called to speak.

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

ADOPTION OF AGENDA

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

PUBLIC HEARING (TO BE HEARD AT 8:00 P.M.)

7. REDISTRICTING PUBLIC HEARING #1

Recommendation:

Open and close the public hearing.

Item 7 was heard ahead of the consent calendar at a time certain of 8:00 p.m.

Deputy City Clerk Angie Gonzalez kicked off the report and introduced Dr. Justin Levitt with National Demographics Corporation and Michelle Bigelow, City Clerk and Interim Communications & Engagement Director who continued the presentation.

The public hearing opened at 8:38 p.m.

Armando Benavides was called to speak.

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

RESULT:	NO ACTION TAKEN
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CONSENT CALENDAR

The consent calendar was heard after item 7.

MOTION:

Approving consent calendar items 2, 4, 5, and 6.

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

1. ITEM PULLED FOR DISCUSSION

2. ADOPT ORDINANCE 2324, NEW SERIES, APPROVING AMENDMENTS TO DEVELOPMENT AGREEMENT DA2018-0001: OLD MONTEREY-KELLY VO FOR A 6-UNIT RESIDENTIAL DEVELOPMENT ON A 1.13-ACRE SITE LOCATED ON THE SOUTHWEST CORNER OF OLD MONTEREY ROAD AND MUSTARD AVENUE (APN 764-24-061)

Recommendation:

Waive the reading, adopt Ordinance No. 2324, New Series, and declare that said title, which appears on the agenda, shall be determined to have been read by title and further reading waived.

3. ITEM PULLED FOR DISCUSSION

4. APPROVE AN IMPROVEMENT AGREEMENT WITH LEVEL 10 CONSTRUCTION, LP

Recommendation:

1. Approve and authorize the City Manager to execute an Improvement Agreement with Level 10 Construction, LP; and
2. Authorize the recordation of the Improvement Agreement.

5. APPROVE THE AUGUST 4, 2021 MEETING MINUTES

Recommendation:

Approve Minutes.

6. APPROVE THE AUGUST 6, 2021 MEETING MINUTES

Recommendation:

Approve Minutes.

ITEMS PULLED FOR DISCUSSION

**1. ADOPT RESOLUTION AUTHORIZING TRANSPORTATION DEVELOPMENT ACT
ARTICLE 3 GRANT APPLICATION FOR BICYCLE LANE IMPROVEMENTS**

Recommendation:

Adopt resolution approving the following actions:

1. Authorizing staff to prepare and submit a Transportation Development Act (TDA) Article 3 Bicycle Expenditure Program (BEP) grant application to the Santa Clara Valley Transportation Authority for implementation of a Bike Lane Improvement project; and
2. Authorizing the City Manager to negotiate and execute the TDA grant agreement and other documents, reports, forms, and agreements related to the performance of the identified project.

Public Services Director Chris Ghione provided the report.

Public comment opened at 9:03 p.m. The following people were called to speak:

Armando Benavides

Nick Gaich

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

MOTION:

Approving the recommended action.

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

**3. APPROVE AGREEMENT FOR CONDIT ROAD SPORTS FACILITIES MASTER PLAN
CONSULTANT**

Recommendation:

Authorize the City Manager to execute and administer a consultant services agreement with Verde Design, Inc. for \$135,718 for the development of a Sports Facilities Master Plan for the Condit Road Recreation Facilities.

Public Services Director Chris Ghione provided the report.

Public comment opened at 9:43 p.m.

Joe Baranowski was called to speak.

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

MOTION:

Approving the recommended actions.

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

The meeting recessed at 9:50 p.m. and reconvened at 10:00 p.m.

OTHER BUSINESS

8. MONTHLY BUDGET UPDATE, PRELIMINARY FY20-21 FINANCIAL AND INVESTMENT REPORTS, AND BUDGET AMENDMENT

Recommendation:

1. Accept and file Preliminary Fiscal Year (FY) 2020-2021 Financial and Investment Report and City Manager Authority Report; and
2. Adopt resolution authorizing changes to the adopted Fiscal Year (FY) 2020-2021 and 2021-22 City of Morgan Hill Operating Budget, including appropriation of American Rescue Plan Act (ARPA) Funding; and
3. Approve amendment to Fiscal Policies to fund General Fund unfunded needs and unfunded liabilities from General Fund budget savings.

Finance Director Dat Nguyen provided the presentation and report.

Public comment opened at 10:23 p.m.

Joe Baranowski was called to speak.

There being further requests to speak, public comment closed.

MOTION:

Approving the recommended actions.

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

9. LOCC VOTING DELEGATE 2021

Recommendation:

1. Appoint a voting delegate and up to two (2) alternate voting delegates to the League of California Cities' Annual Conference;
2. Direct the Clerk team to complete and forward the voting delegate form to the League of California Cities;

3. Confirm “support” positions on resolutions to be considered on sales tax and litter along railroad lines; and
4. Authorize the City’s voting delegate(s) to vote on the resolutions to be considered at the League of California Cities (LOCC) annual conference.

City Manager Christina Turner and City Clerk Michelle Bigelow provided the report.

Public comment opened at 10:38 p.m. There being no requests to speak, public comment closed.

MOTION:

Appointing Mayor Rich Constantine as the primary voting delegate and Council Members Martinez Beltran and Borgioli as voting delegate alternates and approving the recommended actions.

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

FUTURE COUNCIL INITIATED AGENDA ITEMS

Council Member Martinez Beltran requested an item on the Outdoor Sports Center partnership and working structure.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:39 p.m.

MINUTES PREPARED BY:

Michelle Bigelow, City Clerk