



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, September 1, 2021 5:30 pm

Virtual Meeting

SPECIAL/REGULAR MEETING

A special meeting of the City Council was called at 5:30 p.m. for the purpose of conducting a Water Workshop.

5:30 p.m. Water Workshop

7:00 p.m. Regular Meeting

SPECIAL MEETING

5:30 p.m. Water Workshop

CALL TO ORDER

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

ROLL CALL ATTENDANCE

City Manager Christina Turner 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 Manager Christina Turner declared the posting of the agenda.

WORKSHOP

This workshop is intended to provide the City Council and community with background information on the City's water supply system ahead of review of the City's Urban Water Management Plan and Water Supply Contingency Plan.

See agenda materials in item #5 for additional information.

City Manager Christina Turner introduced the workshop and handed it over to Public Services Director Chris Ghione, Deputy Director of Utilities Services James Sylvain, and Program Administrator Anthony Eulo, who gave a presentation and answered questions.

Public comment opened at 6:49 p.m.

Ralph Covarrubias was called to speak.

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

WORKSHOP PRESENTATION

REGULAR MEETING

The meeting recessed at 7:01 p.m. and reconvened at 7:11 p.m.

PROCLAMATIONS

Proclaiming the month of September 2021 as National Emergency Preparedness Month
Proclaiming the month of September 2021 as Childhood Cancer Awareness Month and
Honoring Jacob's Heart Children's Cancer Support Services

CITY COUNCIL REPORTS

Council Member Borgioli shared that the Llagas Creek Flood Project is progressing well. They feel that they would be able to send a letter to FEMA in the near future, claiming the relief of flood areas within the Downtown. They will also send a letter to insurance companies whereby the businesses and residents in the flood areas will have the option to opt out of flood insurance, it will no longer be mandatory. He shared that the Anderson Dam tunneling and piping project is also going well. He stated that Valley Water is seriously exploring the use of recycled water. Valley Water also announced that they are in a severe drought cycle, which is at level 3. They feel that if this goes on for 2-3 years we will be in a very bad position.

CITY MANAGER'S REPORT

City Manager Christina Turner announced that Morgan Hill Fire Chief Hess has been temporarily assigned as one of two agency administrators for the Caldor Fire. She shared that the County approved the funds for the Affordable Housing Project that recently came to the Council. The project includes 30 apartments for farmworkers, 80 units for rapid rehousing, as well as 24 units for low-income families. Funding for this project will come from Measure A funds and the City's contribution of \$400,000. The Downtown Association has announced that they will not be doing their Safe Trick or Treat event this year. Similarly, the Chamber has announced that they will not be holding the Taste of Morgan Hill event this year. However, there will be an additional Friday Night Music event, which will continue through September. She concluded by speaking about some of the housing bills the City has been watching and advocating for. The City submitted a letter of opposition for SB8, which is an extension of SB330 until the year 2030, noting that the impacts of SB330 on Morgan Hill would be severe. We noted that its provisions

should be looked at closer to the actual sunset date rather than doing it now. This bill is waiting for signoff in the Senate Assembly Amendment, and it is expected to move it to the Governor's desk. SB9 would require that two residential units, not including accessory dwelling units, or two parcel lot splits be ministerially approved in a single-family residential zone provided that it meets certain requirements. The minimum unit size is at least 800 square feet in floor area on each parcel. We did submit a letter of opposition from the City continuing to push the fact that one size fits all regulation hurts cities like Morgan Hill. We emphasized that Morgan Hill has a proven commitment to providing affordable housing. We asked for clarity on the limitations with the law, time limits on obtaining building permits to allow the local regulations on lot sizes and adequate access for emergency vehicles. SB9 is on the Governor's desk. SB10 authorizes local governments to rezone single family neighborhoods for increased housing density up to 10 homes per parcel and makes that action exempt from CEQA. This requires local governments to adopt a resolution should they want to use SB10 in their communities. This can only be used in urban infill areas near high-quality public transportation, or a job rich area. We submitted a letter of opposition from the City continuing to push the fact that transit rich and job rich designations are one size fits all and they do not consider transit service levels. We emphasized our proven commitment to provide affordable housing.

CITY ATTORNEY'S REPORT

None.

OTHER REPORTS

None.

PUBLIC COMMENT

Public comment opened at 7:22 p.m.

Armando Benavides was called to speak.

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

ADOPTION OF AGENDA

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 the consent calendar items 1 through 4.

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

1. APPROVE ON-CALL WATER AND SEWER REPAIR AGREEMENTS

Recommendation:

1. Approve and authorize the City Manager to execute an agreement with West Valley Construction Company, Inc. in the not to exceed amount of \$150,000 for on-call as needed water and sewer repairs; and
2. Approve and authorize the City Manager to execute an agreement with Pacific Underground Construction, Inc. in the not to exceed amount of \$50,000 for on-call as needed water and sewer repairs.

2. APPROVE ANTENNA GROUND LICENSE AGREEMENT FOR NEW CELL TOWER AT THE OUTDOOR SPORTS CENTER AND RELATED SIDE LETTER AGREEMENT WITH FACILITY OPERATOR

Recommendation:

1. Authorize the City Manager to execute the Cell Tower Hosting Side Letter Agreement with MHOSC; and
2. Authorize the City Manager to execute the Antenna Ground License with New Cingular Wireless PCS for the siting of a new cell tower at the Outdoor Sports Center.

3. ADOPT RESOLUTION DECLARING THE SUMMARY VACATION OF A PORTION OF THE SUTTER BOULEVARD STREET EASEMENT, AND THE ADJACENT LANDSCAPE AND PUBLIC SERVICE EASEMENTS BETWEEN BUTTERFIELD BOULEVARD AND DIGITAL DRIVE

Recommendation:

1. Adopt resolution declaring the Summary Vacation of:
 - a. A portion of Sutter Boulevard street easement between Butterfield Boulevard and Digital Drive; and
 - b. Adjacent 15-foot wide Landscape and Public Service Easements on both sides of Sutter Boulevard between Butterfield Boulevard and Digital Drive;
2. Direct the City Clerk to file a certified copy of the Resolution of Vacation in the Office of the Recorder of Santa Clara County; and
3. Authorize the City Manager to sign Quitclaim Deeds of the vacated portion of Sutter Boulevard on behalf of the City and direct the City Clerk to file in the Office of the Recorder of Santa Clara County.

4. ADOPT RESOLUTION DECLARING THE SUMMARY VACATION OF A PORTION OF MONTEREY ROAD STREET RIGHT-OF-WAY, NORTH OF COCHRANE ROAD, AND RESERVATION OF A PUBLIC SERVICE EASEMENT

Recommendation:

1. Adopt resolution declaring the Summary Vacation of a portion of Monterey Road street right-of-way, north of Cochrane Road, and reservation of a public service easement;
2. Direct the City Clerk to file a certified copy of the Resolution of Vacation in the Office of the Recorder of Santa Clara County; and
3. Authorize the City Manager to sign Quitclaim Deeds of the vacated portion of Monterey Road on behalf of the City and direct the City Clerk to file in the Office of the Recorder of Santa Clara County.

PUBLIC HEARING

5. RECEIVE 2020 URBAN WATER MANAGEMENT PLAN AND 2020 WATER SHORTAGE CONTINGENCY PLAN

Recommendation:

1. Receive 2020 Urban Water Management Plan and 2020 Water Shortage Contingency Plan; and
2. Open and close the public hearing for the 2020 Urban Water Management Plan and 2020 Water Shortage Contingency Plan.

Deputy Director of Utilities Services James Sylvain gave a presentation and answered questions.

The Public hearing opened at 8:24 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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OTHER BUSINESS

The meeting recessed at 8:34 p.m. and reconvened at 8:40 p.m.

6. APPROVE A DISPOSITION AND DEVELOPMENT AGREEMENT AMENDMENT AND AMENDMENT TO THE FISCAL YEAR 2021-22 BUDGET FOR THE DEPOT - LATALA PROJECT

Recommendation:

1. Adopt resolution authorizing the City Manager to execute an amendment to the Disposition and Development Agreement for the Hale Lumber site; and
2. Adopt resolution amending the Fiscal Year 2021-22 Budget appropriating \$755,591 from the Public Facilities Fund (346) and \$138,263 from the Undergrounding Fund (350).

Senior Planner Tiffany Brown and Development Services Director Jennifer Carmen gave a presentation and answered questions.

Public comment opened at 9:15 p.m.

Paul Latala was called speak.

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

7. APPROVE POLICY CRITERIA FOR ONE-TIME AMERICAN RESCUE PLAN ACT (ARPA) FUNDING FOR COMMUNITY ORGANIZATIONS

Recommendation:

Approve policy criteria for one-time ARPA funding to nonprofit organizations serving the residents and businesses of Morgan Hill.

Community Services Supervisor Nichole Martin gave a presentation and answered questions.

Public comment opened at 9:58 p.m. The following people were called to speak:

Nick Gaich

Roberto

Brittney Sherman

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

MOTION:

Approving the recommended action, including state funding in the final criteria which excludes organizations that receive state funding from being prioritized, not to consider fee waivers as funding, requiring that the non-profits demonstrate how they served the community through COVID, and requiring that the non-profits be 501C3.

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

8. RECEIVE MONTHLY BUDGET UPDATE AND JULY 2021 FINANCIAL AND INVESTMENT REPORTS

Recommendation:

Accept and file report.

Finance Director Dat Nguyen gave a presentation and answered questions.

Public comment opened at 10:30 p.m.

Joe Baranowski was called to speak.

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

RESULT:	NO ACTION TAKEN
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9. ADOPT POLICY REGARDING THE APPOINTMENT OF EMERGENCY STANDBY COUNCIL MEMBERS

Recommendation:

Adopt resolution approving the City Council Policies and Procedures CP-21-01 "Appointment of Emergency Standby City Council Members."

Emergency Services Coordinator Jennifer Ponce gave a presentation and answered questions.

Public comment opened at 10:40 p.m. There being no requests to speak, public comment closed.

MOTION:

Approving the recommended action adding the statement that emergency council members would only be called if there is a lack of a quorum and if there is no issue with incompatible offices.

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

Council Member Martinez Beltran asked for a conversation on what and how we would allocate any additional monies from ERAF.

CLOSED SESSION

City Attorney Donald Larkin announced the closed session items.

OPPORTUNITY FOR PUBLIC COMMENT

Public comment opened at 10:43 p.m. There being no requests to speak, public comment closed.

ADJOURN TO CLOSED SESSION

The meeting adjourned to closed session at 10:45 p.m.

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Authority:	Gov. Code section 54956.8
Property:	APN's - 762-61-3052 (Community and Cultural Center)
Agency negotiator:	Christina Turner, City Manager and Chris Ghione, Public Services Director
Under negotiation:	Price and Terms of Lease

CONFERENCE WITH LABOR NEGOTIATORS

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

ADJOURNMENT

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

MINUTES PREPARED BY:

Michelle Bigelow, City Clerk