



**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, November 17, 2021 6:00 pm**

**Virtual Meeting**

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**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 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 6:01 p.m. There being no requests to speak, public comment closed.

## **ADJOURN TO CLOSED SESSION**

The meeting adjourned to closed session at 6:02 p.m.

### **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Authority: Government Code 54957(b)(1)

Title: City Manager

### **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Authority: Government Code 54957(b)(1)

Title: City Attorney

## **REGULAR MEETING**

**7:00 p.m.**

**The regular meeting convened at 7:03 p.m.**

## **PRESENTATIONS**

**YAC PRESENTATION- ASSET # 34- CULTURAL COMPETENCE**

## **PROCLAMATIONS**

Proclaiming the month of November 2021 as Family Court Awareness Month

Proclaiming the month of November 2021 as Alzheimer's Awareness Month

Proclaiming the month of November 2021 as Native American Heritage Month

## **CITY COUNCIL REPORTS**

Mayor Pro Tem McKay spoke regarding the League of California Cities. He is on the Board of Directors of the Peninsula Division. They are going to have a retreat in a couple weeks where they will plan the year's activities. At this retreat, where there are 36 cities being represented, there will be three City Managers, one of them being Christina Turner. He is also appointed to the Housing, Community, and Economic Development Policy Committee and the Transportation, Communication, and Public Work's Committees. These committees are important because they are where they get to air out legislation that can impact our state. They have had success in convincing the Board of Directors to go to Sacramento and lobby for

interest in our local community. He shared that Jackson Oaks Academy of Math and Music held a grand opening for an incredible multipurpose room, they are bringing the arts back into our schools and this facility will be a wonderful place for our community's children to learn about music and the arts. He reported that the South County Youth Task Force, discussed an increase in violence in our schools, they are working on developing diversion programs and trying to bring more stability to our schools.

### **CITY MANAGER'S REPORT**

City Manager Christina Turner spoke to the evening's supplements and presentations. She reminded the community that, because of the drought, watering is only permitted on Wednesday's and that there is no need to water if it has been raining. She announced that October 2021 production was nearly 57 million gallons less than October of last year, that is a 22% reduction. We continue to see the lowest monthly water production since 2015 and substantially lower than what we experienced from 2000-2013. We need to remember that Morgan Hill, unlike other cities, went to a permanent reduction in our watering schedule after the last drought. It is really difficult for our community to demonstrate further reduction because we have made those savings permanent. While this aligns with the State's push to make water conservation a way of life and is consistent with state goals, it does reduce our ability to further reduce water consumption during droughts. It is likely that the state will establish a new mandatory regulation on this issue if the drought continues. She shared that City Clerk Michelle Bigelow will be at the Starbucks on Cochrane Rd. on Saturday November 20, 2021, starting at 8:30 a.m. to meet with the community about redistricting. She announced that there is an online redistricting tool available and can be found along with instruction on our website. She concluded by sharing that there is a Community Meeting on Thursday, November 18, 2021, at 6:00 p.m. regarding The Magnolias Multi Family Housing Project. The meeting is being hosted by First Community Housing. This is a 66-unit affordable multi-family housing project that will be located at 17965 Monterey St.

### **CITY ATTORNEY'S REPORT**

Mayor Constantine announced that there was no reportable action from the Closed Session.

City Attorney Donald Larkin shared that the City Council met in closed session on two items which were performance evaluations of the City Manager and the City Attorney. He noted that the Council did not meet in closed session on any of the labor negotiation matters. Two of the three bargaining units have reached full agreements with the City, those are on the agenda for action tonight. The third, represented by the Community Services Officers Association, is anticipated to come before the Council at the first meeting in December.

### **OTHER REPORTS**

None

### **PUBLIC COMMENT**

Public Comment opened at 7:30 p.m. The following people were called to speak:

Roberto Aguirres

Diane Lockwood

Perla Flores

Joe Baranowski

Dave Matthews

Armando Benavides

There being no further 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> | John McKay, Mayor Pro Tem                              |
| <b>AYES:</b>     | Constantine, McKay, Borgioli, Martinez Beltran, Spring |

## **CONSENT CALENDAR**

**MOTION:**

Approving consent calendar items 1 through 3 and 5 through 7.

|                  |                                                        |
|------------------|--------------------------------------------------------|
| <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 |

**1. ACCEPT RESIGNATION OF PLANNING COMMISSIONER JUAN MIGUEL MUNOZ MORRIS**

Recommendation:

1. Accept Juan Miguel Munoz Morris' resignation from the Planning Commission effective immediately; and
2. Direct the City Clerk to continue recruitment efforts to fill an unexpired term ending June 2023, on the Planning Commission.

**2. ADOPT RESOLUTION AUTHORIZING THE GRANT APPLICATION, ACCEPTANCE, AND EXECUTION FOR THE FY 2021/2022 DROUGHT RELIEF WATER SUPPLY PROJECT**

Recommendation:

Adopt resolution to:

1. Authorize the grant application, acceptance, and execution for the FY 2021/2022 Drought Relief Water Supply Project; and
2. Authorize the City Manager to execute documents required to apply and accept the grant for the City.

**3. APPROVE CONSULTANT AGREEMENT WITH SANDIS CIVIL ENGINEERS SURVEYORS PLANNERS IN THE AMOUNT NOT TO EXCEED \$260,500 FOR ENGINEERING DESIGN SERVICES FOR JACKSON OAKS AND EL TORO UTILITY ACCESS ROADS DESIGN**

Recommendation:

1. Adopt resolution amending the Fiscal Year 2021-22 Adopted CIP Budget to appropriate \$200,000 from the Sewer Capital Improvements Project Fund (Fund 643) for Engineering Services for Jackson Oaks Access Roads Design, and \$60,500 from the Water Capital Improvements Project Fund (Fund 653) for Engineering Services for El Toro Access Roads Design; and
2. Authorize the City Manager to execute a consulting agreement with Sandis Civil Engineers Surveyors Planners in the not to exceed amount of \$260,500 for Engineering Services for Jackson Oaks and El Toro Access Roads Design.

**4. ITEM PULLED FOR DISCUSSION**

**5. APPROVE MEMORANDUM OF UNDERSTANDING (MOU) WITH THE AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES (AFSCME), MOU WITH MORGAN HILL POLICE OFFICERS' ASSOCIATION (POA) AND CORRESPONDING SALARY SCHEDULES; AND APPROVE MANAGEMENT, PROFESSIONAL, AND CONFIDENTIAL EMPLOYEES RESOLUTION, PART-TIME TEMPORARY AND SEASONAL EMPLOYEES SALARY SCHEDULE**

Recommendation:

1. Approve a Memorandum of Understanding (MOU) with AFSCME effective December 26, 2021 – December 31, 2023 and corresponding salary schedules;
2. Approve a MOU with POA effective December 26, 2021 - December 31, 2023 and corresponding salary schedules;
3. Approve the Management, Professional, and Confidential Employees Resolution effective December 26, 2021 and corresponding salary schedules; and
4. Approve the Part-Time Temporary and Seasonal Employees salary schedule effective January 1, 2022.

**6. APPROVE THE NOVEMBER 3, 2021 MEETING MINUTES**

Recommendation:

Approve Minutes.

**7. RECEIVE REPORT REGARDING UPCOMING 2022 COMMISSION VACANCIES - PER MADDY ACT**

Recommendation:

Receive report.

**ITEMS PULLED FOR DISCUSSION**

**4. APPROVE EXEMPTION TO STREET TREE MASTER PLAN FOR FOUR TREES ON THE SOUTHWEST CORNER OF MONTEREY ROAD AND FIRST STREET**

Recommendation:

Approve an exemption to the Street Tree Master Plan for the installation of Olive trees to replace Black Locust trees in the Downtown near First Street.

Public Services Director Chris Ghione provided the report.

Public comment opened.

Armando Benavides was called to speak.

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

**MOTION:**

Approving the recommended action.

|                  |                               |
|------------------|-------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [3 TO 2]</b>      |
| <b>MOVER:</b>    | John McKay, Mayor Pro Tem     |
| <b>SECONDER:</b> | Gino Borgioli, Council Member |
| <b>AYES:</b>     | Constantine, McKay, Borgioli  |
| <b>NAYS:</b>     | Martinez Beltran, Spring      |

## **OTHER BUSINESS**

The meeting recessed at 8:33 p.m. and reconvened at 8:45 p.m.

### **8. INTRODUCE ORDINANCE MANDATED BY SB 1383 REQUIRING ORGANIC WASTE DISPOSAL REDUCTION THROUGH ORGANIC WASTE RECYCLING AND EDIBLE FOOD RECOVERY PROGRAMS**

Recommendation:

1. Waive first and second reading of the ordinance updating Section 13.28, Solid Waste Collection and Disposal, of the City of Morgan Hill Municipal Code in order to institute the mandatory organic waste disposal reduction requirements required by California law; and
2. Introduce the ordinance.

Item 8 was heard after item 9.

Environmental Services Administrator Tanya Carothers provided a report and presentation.

Public comment opened.

Sally Casas was called to speak.

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

#### **MOTION:**

Waiving the first and second reading of the ordinance.

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

#### **MOTION:**

Introducing the ordinance.

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

### **9. RECEIVE OUTDOOR SPORTS CENTER USE UPDATE**

Recommendation:

Receive report on the Outdoor Sports Center.

Item 9 was heard before item 8.

Recreation Manager Jennie Tucker provided a report. She turned the presentation over to Lisa Schmidt and Chris Monahan with the Morgan Hill Outdoor Sports Center.

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

Will Iglesias

Coach D.

Jeffrey Brown

Roberto Aguirres

Charlie Andrews

Scott Hughes

Armando Benavides

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

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

**10. APPROVE AN AFFORDABLE HOUSING AGREEMENT WITH BROOKFIELD PROPERTIES FOR THE RESIDENTIAL DEVELOPMENT ROSEWOOD, BFH CM, LLC. TO ACCEPT A HOUSING IN-LIEU FEE AS SATISFACTION FOR 50% OF THE INCLUSIONARY REQUIREMENT**

Recommendation:

Authorize the City Manager to execute an Affordable Housing Agreement with BFH CM, LLC. The agreement will be negotiated and subject to the review and approval by the City Attorney.

**MOTION:**

Extending the meeting to 11:30 p.m.

|                  |                                                        |
|------------------|--------------------------------------------------------|
| <b>RESULT:</b>   | <b>EXTENDED [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 |

Housing Director Rebecca Garcia provided the report.

Public comment opened.

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

**11. REVIEW AND APPROVE THE UPDATED CITY COUNCIL MEETING POLICY AND 2022 CITY COUNCIL MEETING SCHEDULE**

Recommendation:

Review and approve:

1. Updated City Council Meeting Schedule Policy (City Council Policy 06-02); and
2. The 2022 City Council meeting schedule.

City Clerk Michelle Bigelow provided the report.

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

**MOTION:**

Approving the recommended actions.

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

**12. SELECT AND APPOINT CITY COUNCIL MAYOR PRO TEMPORE**

Recommendation:

1. Open floor to nomination(s) for Mayor Pro Tempore; and
2. Select a Council Member to serve as Mayor Pro Tempore per City Council Policy 99-01.

City Clerk Michelle Bigelow provided the report.

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

**MOTION:**

Nominating and appointing Council Member Gino Borgioli to serve as Mayor Pro Tem for 2022 effective January 1, 2022.

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

**FUTURE COUNCIL INITIATED AGENDA ITEMS**

Mayor Pro Tem McKay asked for information on how City Council conferences are funded.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 11:28 p.m.

**MINUTES PREPARED BY:**

Michelle Bigelow, City Clerk