



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, December 1, 2021 6:00 PM

Virtual Meeting

SPECIAL/REGULAR MEETING

A special meeting of the City Council is 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

CLOSED SESSIONS ARE NOT OPEN TO THE PUBLIC. YOU MAY JOIN THE MEETING AT 6:00 P.M. TO SUBMIT PUBLIC COMMENT FOR CLOSED SESSION ITEMS THEN EXIT AND REJOIN THE REGULAR MEETING AT 7:00 P.M.

CALL TO ORDER

Mayor Constantine

The special/regular meeting was called to order at 6:01 p.m.

ROLL CALL ATTENDANCE

City Clerk Michelle Bigelow

City Clerk Michelle Bigelow called the roll.

PRESENT	Rich Constantine, Rene Spring, Gino Borgioli, John McKay, Yvonne Martinez Beltran
ABSENT	None

DECLARATION OF POSTING AGENDA

Per Government Code Section 54954.2 - City Clerk Michelle Bigelow
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 6:02 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 7:31 p.m.

Mayor Constantine announced that there was no reportable action from closed session.

CITY COUNCIL REPORTS

Council Member Borgioli

Council Member Borgioli reported that this past Sunday he participated in a Hannukah candle-lighting ceremony at the Community and Cultural Center. All City Council members, the City Manager and the Mayor were there. The City Manager gave a phenomenal couple-minute talk about how we all come together as a community. It was given by Rabbi Mendel and the organization was phenomenal. He did not know exactly how many people were there, but it was about 300. He enjoyed the whole ceremony.

CITY MANAGER'S REPORT

City Manager Christina Turner

City Manager Christina Turner shared a brief update on the Magical Bridge, Hale Avenue Extension, West Little Llagas Creek Trail Extension, and the Upper Llagas Flood Control Projects. She shared that on December 9, 2021, we will hold a Town Hall on Climate Action. She invited the community to the Holiday Lights and Tree Lighting event on Saturday, December 4th. She shared a brief update on the City's Regional Housing Needs Allocation. She announced that the Monterey Road Lane Reduction and Beautification Project will come back to the Council on January 19, 2022. Lastly, we held a Spanish-language Homebuyers/Renters Orientation. The PowerPoint was translated into Spanish and is available on the House Keys website.

CITY ATTORNEY'S REPORT

City Attorney Donald Larkin

None.

OTHER REPORTS

None.

PUBLIC COMMENT

Members of the public are entitled to address the City Council concerning any item within the Morgan Hill City Council's subject matter jurisdiction. Public comments are limited to no more than three minutes. Except for certain specific exceptions, the City Council is prohibited from discussing or taking action on any item not appearing on the posted agenda. (See additional noticing at the end of this agenda)

Public comment opened at 7:38 p.m. There being no requests to speak, public comment closed.

Public Comment Supplement 1

ADOPTION OF AGENDA

MOTION:

Adopting the agenda posted.

RESULT:	Passed
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MOVER:	Rene Spring
SECONDER:	John McKay
AYES:	Rich Constantine, Rene Spring, Gino Borgioli, John McKay, Yvonne Martinez Beltran
NAYS:	None
ABSTAIN:	None
ABSENT:	None

CONSENT CALENDAR

Items appearing on the Consent Calendar are considered routine and may be approved by one motion. Pursuant to City Council Policies and Procedures (CP 97-01), any member of the Council or public may request to have an item removed from the Consent Calendar for comment and action.

Time Estimate for Consent Calendar: 1 - 10 Minutes

Public comment opened at 7:41 p.m.

Joe Baranowski was called to speak.

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

MOTION:

Approving consent calendar items 1 through 3 and 6.

RESULT:	Passed
MOVER:	Rene Spring
SECONDER:	John McKay
AYES:	Rich Constantine, Rene Spring, Gino Borgioli, John McKay, Yvonne Martinez Beltran
NAYS:	None
ABSTAIN:	None
ABSENT:	None

1. ACCEPT SANITARY SEWER LIFT STATIONS J AND W REHABILITATION PROJECT

Recommendation:

1. Accept as complete, the Sanitary Sewer Lift Stations "J" and "W" Rehabilitation Project, in the final amount of \$1,250,014;
2. Authorize the City Engineer to sign the Notice of Completion; and
3. Direct the City Clerk to file the Notice of Completion with the County Recorder's Office.

2. **ADOPT ORDINANCE 2325, NEW SERIES, UPDATING CHAPTER 13.28 (SOLID WASTE COLLECTION AND DISPOSAL) OF TITLE 13 (PUBLIC SERVICES) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL TO IMPLEMENT THE REQUIREMENTS OF SB 1383**

Recommendation:

Waive the reading, adopt Ordinance No. 2325, 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. **ADOPT RESOLUTION DETERMINING THAT CONDUCTION OF IN-PERSON MEETINGS WOULD PRESENT A PUBLIC HEALTH RISK AND CONTINUING TELECONFERENCE MEETINGS**

Recommendation:

Adopt resolution to continue holding City Council and commission meetings by teleconference.

6. **CONTINUE PUBLIC HEARING TO AWARD CENTENNIAL RECREATION CENTER ENERGY SERVICES AGREEMENT**

Recommendation:

Continue Public Hearing to December 15th.

ITEMS PULLED FOR DISCUSSION

4. **APPROVE FINAL MAP FOR THE LUMBER YARD - TRACT NO. 10541 (DEPOT STREET AND EAST DUNNE AVENUE) AND RELATED SUBDIVISION IMPROVEMENTS AGREEMENT**

Recommendation:

1. Approve the Final Map;
2. Authorize the City Manager to execute the Subdivision Improvements Agreement with The Latala Group, LLC (Developer), Robert V. Hammond and Linda Hammond, Trustees of the Robert V. Hammond and Linda Hammond Revocable Trust dated May 28, 1991, Robert V. Hammond, Jr., and Robert M. Taurig (Owner/Subdivider); and
3. Authorize the recordation of the Final Map and Subdivision Improvements Agreement.

Item pulled for discussion.

Public comment opened at 7:53 p.m. There being no requests to speak, public

comment closed.

MOTION:

Approving the recommended action.

RESULT:	Passed
MOVER:	John McKay
SECONDER:	Gino Borgioli
AYES:	Rich Constantine, Gino Borgioli, John McKay
NAYS:	Rene Spring, Yvonne Martinez Beltran
ABSTAIN:	None
ABSENT:	None

5. **AUTHORIZE THE CITY MANAGER TO EXECUTE AND ADMINISTER AN AGREEMENT WITH JEFF KATZ ARCHITECTURE FOR THE DESIGN OF BUTTERFIELD FIRE STATION**

Recommendation:

Authorize the City Manager to enter into an agreement with Jeff Katz Architecture for the design of the Butterfield Fire Station for \$893,200.

Item pulled for discussion.

Public comment 7:57 p.m. There being no requests to speak, public comment closed.

MOTION:

Approving the recommended action.

RESULT:	Passed
MOVER:	Rene Spring
SECONDER:	Yvonne Martinez Beltran
AYES:	Rich Constantine, Rene Spring, Gino Borgioli, John McKay, Yvonne Martinez Beltran
NAYS:	None
ABSTAIN:	None
ABSENT:	None

The meeting recessed at 7:59 p.m. and reconvened at 8:10 p.m.

OTHER BUSINESS

7. **RECEIVE POLICE DEPARTMENT UPDATE 2021**

Recommendation:

Receive 2021 Police Update; and response to 2021 California legislative law enforcement bills.

Estimated Time: 60 Minutes

Police Chief Shane Palsgrove, along with Police Captains Ray Ramos and Mario Ramirez, Emergency Operations Coordinator Jennifer Ponce, and Police Support Services Manager Sarah Tada provided the report and presentation.

Public comment opened at 9:13 p.m. The following people were called to speak:

Joe Baranowski

Nick Gaich

Sally Casas

Armando Benavides

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

Report received. No Action Taken.

8. **INTRODUCE ORDINANCE AMENDING THE INCLUSIONARY HOUSING ORDINANCE TO INCREASE THE USE OF HOUSING IN LIEU FEES AND REPEALING DUPLICATIVE AFFORDABLE HOUSING PROVISIONS IN CHAPTER 18.48 OF THE ZONING CODE**

Recommendation:

1. Open/close public hearing;
2. Waive the first and second reading of the Ordinance; and
3. Introduce Ordinance, Amendments to Chapter 14.04 (Housing) and Section 14.08.020 (Fee Established) and repealing Chapter 18.48 (Affordable Housing).

Estimated Time: 45 Minutes

Housing Director Rebecca Garcia, along with Julius Nyanda with Housekeys and Housing Coordinator Christie Thomas, provided the report and presentation.

Public comment opened at 10:16 p.m. The following people were called to speak:

Dennis Martin

Rocke Garcia

Joe Baranowski

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

MOTION:

Waiving the first and second reading of the ordinance, directing staff to come back in the next quarter with a proposal to adjust the in-lieu fee pricing, and bring forward a timeline so that when Council is approving a project they understand how many units are going to be built vs in-lieu fees paid.

RESULT:	Passed
MOVER:	Rene Spring
SECONDER:	Yvonne Martinez Beltran
AYES:	Rich Constantine, Rene Spring, Yvonne Martinez Beltran
NAYS:	Gino Borgioli

ABSTAIN:	John McKay
ABSENT:	None

MOTION:

Introducing the ordinance.

RESULT:	Passed
MOVER:	Rene Spring
SECONDER:	Yvonne Martinez Beltran
AYES:	Rich Constantine, Rene Spring, Yvonne Martinez Beltran
NAYS:	Gino Borgioli
ABSTAIN:	John McKay
ABSENT:	None

MOTION:

Extending the meeting to 11:30 p.m.

RESULT:	Passed
MOVER:	Yvonne Martinez Beltran
SECONDER:	Rene Spring
AYES:	Rich Constantine, Rene Spring, Gino Borgioli, John McKay, Yvonne Martinez Beltran
NAYS:	None
ABSTAIN:	None
ABSENT:	None

9. INTRODUCE ORDINANCE AMENDING THE ZONING CODE TO ENHANCE WATER EFFICIENCY OF NEW LANDSCAPES AND MAKING MINOR CORRECTIONS TO VARIOUS PROVISIONS

Recommendation:

1. Open/close the public hearing;
2. Waive first and second reading of the Ordinance Amendment; and
3. Introduce Ordinance Amendment.

Estimated Time: 20 Minutes

Principal Planner Adam Paskowski provided the report and presentation.

Public comment opened at 11:01 p.m. There being no further requests to speak, public comment closed.

MOTION:

Waiving the first and second reading of the ordinance.

RESULT:	Passed
MOVER:	Yvonne Martinez Beltran
SECONDER:	John McKay
AYES:	Rich Constantine, Rene Spring, Gino Borgioli, John McKay, Yvonne Martinez Beltran
NAYS:	None
ABSTAIN:	None
ABSENT:	None

MOTION:

Introducing the ordinance.

RESULT:	Passed
MOVER:	Yvonne Martinez Beltran
SECONDER:	John McKay
AYES:	Rich Constantine, Rene Spring, Gino Borgioli, John McKay, Yvonne Martinez Beltran
NAYS:	None
ABSTAIN:	None
ABSENT:	None

10. INTRODUCE ORDINANCE AMENDING THE ZONING CODE TO INCLUDE NEW REFUSE AND RECYCLING ENCLOSURE STANDARDS

Recommendation:

1. Open/close the public hearing;
2. Waive first and second reading of the Ordinance Amendment; and
3. Introduce Ordinance Amendment.

Estimated Time: 15 Minutes

Senior Planner Tiffany Brown provided the report and presentation.

Public comment opened at 11:09 p.m. There being no requests to speak, public comment closed.

MOTION:

Waiving the first and second reading of the ordinance.

RESULT:	Passed
MOVER:	Rene Spring
SECONDER:	Yvonne Martinez Beltran
AYES:	Rich Constantine, Rene Spring, Gino Borgioli, John McKay, Yvonne Martinez Beltran
NAYS:	None
ABSTAIN:	None
ABSENT:	None

MOTION:

Introducing the ordinance.

RESULT:	Passed
MOVER:	Rene Spring
SECONDER:	Yvonne Martinez Beltran
AYES:	Rich Constantine, Rene Spring, Gino Borgioli, John McKay, Yvonne Martinez Beltran
NAYS:	None
ABSTAIN:	None
ABSENT:	None

**11. APPROVE OR DENY FEE WAIVER AND FUNDING REQUEST FOR POSADA
EVENT AT COMMUNITY AND CULTURAL CENTER**

Recommendation:

City staff are not providing a recommendation on the request. The City Council may approve or deny the request.

Estimated Time: 20 Minutes

Public Services Director Chris Ghione provided the report.

Public comment opened at 11:26 p.m. The following people were called to speak:

Kathy Chavez Napoli

Lilia Gopar

Brianna Montemayor

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

MOTION:

Approving the request.

RESULT:	Passed
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MOVER:	Rene Spring
SECONDER:	Yvonne Martinez Beltran
AYES:	Rich Constantine, Rene Spring, Gino Borgioli, John McKay, Yvonne Martinez Beltran
NAYS:	None
ABSTAIN:	None
ABSENT:	None

MOTION:

Extending the meeting to 11:45 p.m.

RESULT:	Passed
MOVER:	Rene Spring
SECONDER:	Yvonne Martinez Beltran
AYES:	Rich Constantine, Rene Spring, Gino Borgioli, John McKay, Yvonne Martinez Beltran
NAYS:	None
ABSTAIN:	None
ABSENT:	None

FUTURE COUNCIL INITIATED AGENDA ITEMS

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

Council Member Spring requested that staff bring forward a resolution to a proposed initiative regarding zoning.

Council Member Spring requested that staff bring forward information regarding commercial linkage fees.

Mayor Pro Tem McKay requested that staff bring back a discussion about how we use the Council's budget.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:45 p.m.

MINUTES PREPARED BY:

Michelle Bigelow, City Clerk