



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 15, 2021, 7:00 PM

Virtual Meeting

CALL TO ORDER

Mayor Pro Tem McKay called the meeting to order at 7:00 p.m.

ROLL CALL ATTENDANCE

City Clerk Michelle Bigelow called the roll.

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

DECLARATION OF POSTING AGENDA

City Clerk Michelle Bigelow declared the posting of the agenda.

CITY COUNCIL REPORTS

Council Member Martinez Beltran serves on the board for Silicon Valley Clean Energy. She reported that we have been exceeding our clean air state requirements. Since its launch in 2017, SVCE has exceeded the renewable portfolio standard requirements of Senate Bill 100 and the 100% clean energy act of 2008 by offering at least 50% of its power from renewable sources and the remainder from carbon-free sources. The Holiday Posada is Saturday, December 18, 2021, and everyone is invited to attend.

She attended the Christmas Party for Sister Cities. They are hoping to do a Turkey trip next year.

CITY MANAGER'S REPORT

City Manager Christina Turner turned the presentation over to the Youth Action Council to present Developmental Asset #40 - Positive View of Personal Future. She concluded with a few date updates. Our next City Council meeting will be on January 19, 2022. One of the main items will be our Monterey Road Lane Reduction and Beautification Project. Our annual City Council Goal Setting Workshop will be the last weekend in January. A reminder of our City Hall annual furlough closure.

YAC Presentation- Asset # 40- Positive View of Personal Future

CITY ATTORNEY'S REPORT

None.

OTHER REPORTS

None.

PUBLIC COMMENT

Public comment opened at 7:29 p.m.
Veronica Andrade was called to speak.
There being no further requests to speak, public comment closed.

Public Comment Supplement 1

ADOPTION OF AGENDA

MOTION:

Adopting the agenda as posted.

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

CONSENT CALENDAR

MOTION:

Approving consent calendar items 1 through 17.

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

1. **ACCEPT THE CITY'S ANNUAL COMPREHENSIVE FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2021**

Recommendation:

Accept the City's Annual Comprehensive Financial Report for the Fiscal Year Ended June 30, 2021.

2. **ACCEPT THE ANNUAL SB 165 REPORT FOR COMMUNITY FACILITIES DISTRICT NO. 2014-1 (FISHER CREEK)**

Recommendation:

Accept and file the report.

3. **ADOPT RESOLUTION APPROVING AND MAKING FINDINGS RELATED TO THE AB 1600 DEVELOPMENT IMPACT FEE ANNUAL REPORT FOR FISCAL YEAR 2020-21**

Recommendation:

1. Adopt resolution making findings for unexpended development impact fees; and
2. Accept the annual development impact fee report.

4. **ADOPT HAZARDOUS VEGETATION ABATEMENT RESOLUTION**

Recommendation:

Adopt resolution declaring weeds and brush to be a nuisance and setting the hazardous vegetation public hearing on February 2, 2022.

5. **ADOPT ORDINANCE 2326, NEW SERIES, AMENDING CHAPTER 14.04 (INCLUSIONARY HOUSING) OF TITLE 14 (HOUSING) CHANGING INCLUSIONARY HOUSING REQUIREMENTS; AMENDING SECTION 14.08.020 (FEE ESTABLISHED) OF CHAPTER 14.08 (IN-LIEU HOUSING FEES) OF TITLE 14 (HOUSING) TO ADD A COST OF LIVING ANNUAL**

INCREASE TO IN-LIEU HOUSING FEES; AND REPEALING DUPLICATIVE AFFORDABLE HOUSING PROVISIONS IN CHAPTER 18.48 (AFFORDABLE HOUSING) OF TITLE 18 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL

Recommendation:

Waive the reading, adopt Ordinance No. 2326, 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.

6. **ADOPT ORDINANCE 2327, NEW SERIES, AMENDING VARIOUS CODE PROVISIONS WITHIN THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL CORRECTING CROSS-REFERENCES TO VARIOUS CHAPTERS AND SECTIONS OF TITLE 18 (ZONING) AND IMPLEMENTING MINOR AMENDMENTS DUE TO CLERICAL ERRORS AND INCONSISTENCIES WITHIN TITLE 18 (ZONING); AND AMENDING SECTION 18.64.060 (GENERAL LANDSCAPE REQUIREMENT) OF CHAPTER 18.64 (LANDSCAPING) OF TITLE 18 (ZONING) TO ENHANCE WATER EFFICIENCY OF NEW LANDSCAPES**

Recommendation:

Waive the reading, adopt Ordinance No. 2327, 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.

7. **ADOPT ORDINANCE 2328, NEW SERIES, AMENDING SECTION 18.40.060 (STANDARDS FOR ALL HOUSING TYPES) OF CHAPTER 18.40 (ALTERNATIVE STANDARDS FOR MEDIUM DENSITY RESIDENTIAL DEVELOPMENT) OF TITLE 18 (ZONING) TO REMOVE REFERENCES TO TRASH ENCLOSURE STANDARDS AND ADDING SECTION 18.92.125 (REFUSE AND RECYCLING ENCLOSURES) TO CHAPTER 18.92 (SUPPLEMENTAL STANDARDS) TO INCLUDE NEW REFUSE AND RECYCLING ENCLOSURE STANDARDS**

Recommendation:

Waive the reading, adopt Ordinance No. 2328, 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.

8. **APPROVE COMMUNITY PLAYHOUSE LICENSE AGREEMENT WITH SOUTH VALLEY CIVIC THEATRE**

Recommendation:

Authorize the City Manager to execute and administer the license agreement through December 2024 with South Valley Civic Theatre.

9. APPROVE AGREEMENTS FOR HYDROGEOLOGICAL AND GEOTECHNICAL ENGINEERING SERVICES

Recommendation:

Approve and authorize the City Manager to execute and administer three-year agreements with Luhdorff & Scalmanini Consulting Engineers in the not to exceed amount of \$200,000 and Atlas Technical Consultants in the not to exceed amount of \$150,000 for hydrogeological and geotechnical engineering services.

10. APPROVE AGREEMENTS FOR WATER AND WASTEWATER UTILITY PLANNING AND ENGINEERING SERVICES

Recommendation:

Approve and authorize the City Manager to execute and administer three-year agreements with HydroScience Engineers, Carollo Engineers, and Black & Veatch Corporation for the not to exceed amount of \$250,000 each and Akel Engineering Group for the not to exceed amount of \$150,000.

11. APPROVE MITIGATED NEGATIVE DECLARATION AND FOURTH AMENDMENT OF THE AGREEMENT WITH HYDROSCIENCE ENGINEERS FOR ADDITIONAL SERVICES RELATED TO THE NEW SEWER TRUNK LINE BETWEEN MORGAN HILL AND GILROY

Recommendation:

1. Approve and certify the project Mitigated Negative Declaration;
2. Approve Fourth Amendment to Service Agreement for Design Professionals with HydroScience Engineers, Inc. to provide additional services for the New Sewer Trunk Line to Gilroy project for an additional \$75,000, for a total not to exceed amount of \$1,779,710; and
3. Authorize the City Manager to execute and administer the amended services agreement.

12. APPROVE THE PURCHASE OF THREE CITY TRUCKS

Recommendation:

1. Approve the purchase of three (3) City trucks in the amount of \$102,238 from the National Auto Fleet Group;
2. Authorize the City Manager to execute associated purchase documents;
3. Declare vehicle D02182 to be surplus; and
4. Authorize the disposal of the surplus vehicles in accordance with Section 3.04.400 of the City of Morgan Hill Municipal Code.

13. APPROVE THE PURCHASE OF UTILITIES DIVISION REPLACEMENT DUMP TRUCK AND AUTHORIZE THE CITY MANAGER TO APPROVE PURCHASE OF THREE UTILITY VEHICLES AS THEY BECOME AVAILABLE

Recommendation:

1. Approve the purchase of a 2022 Kenworth T270 dump truck from NorCal Kenworth in the amount of \$117,410.27 to replace vehicle W01119;
2. Authorize the City Manager to approve purchase of three Utilities Division vehicles as they become available for sale; and
3. Authorize the disposal of the surplus vehicle W01119 in accordance with Section 3.04.400 of the City of Morgan Hill Municipal Code.

14. APPROVE UTILITY BOX ART AT EAST DUNNE AND MURPHY AVE

Recommendation:

1. Approve public art at one new utility box location; and
2. Authorize the City Manager to enter and administer necessary agreements to complete the project.

15. APPROVE MEMORANDUM OF UNDERSTANDING (MOU) WITH THE COMMUNITY SERVICE OFFICERS' ASSOCIATION AND CORRESPONDING SALARY SCHEDULES

Recommendation:

Approve a Memorandum of Understanding (MOU) with CSOA effective December 26, 2021 – December 31, 2023 and corresponding salary schedules

16. APPROVE THE NOVEMBER 17, 2021 MEETING MINUTES

Recommendation:

Approve minutes.

17. AWARD ON-CALL FENCING CONTRACTOR CONTRACT TO TUCKER CONSTRUCTION, INC.

Recommendation:

1. Award two-year On-Call Fencing Contractor Services contract to Tucker Construction, Inc. in the amount of \$100,000; and
2. Authorize the City Manager to execute and administer the On-Call Fencing Contractor Services contract with Tucker Construction, Inc.

OTHER BUSINESS

20. MONTHLY BUDGET UPDATE AND OCTOBER 2021 FINANCIAL AND INVESTMENT REPORTS

Recommendation:

Accept and file report.

Finance Director Dat Nguyen provided a presentation and report.

The item was tabled to move to the time certain public hearing for the City Council Redistricting.

Following item 18, public comment for item 20 was opened at 9:56 p.m.

Joe Baranowski was called to speak.

There being no further request, public comment closed.

Report Received. No action taken.

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

18. RECEIVE UPDATE REGARDING PROPOSED DRAFT DISTRICT MAPS SUBMITTED AND COMPOSITION OF COUNCIL DISTRICT BOUNDARIES

Recommendation:

Open and close the public hearing.

City Clerk Michelle Bigelow provided a report and turned the presentation over to Dr. Justin Levitt with National Demographics Corporation.

The public hearing opened at 9:03 p.m. The following people were called to speak:

Armando Benavides

Alberto Gomez

Patricia Darling

Roberto Aguirrez

Liam Downey

Sally Casas

Joe Baranowski

Kathy Napoli

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

No action taken.

The meeting recessed at 9:47 and reconvened at 9:55 p.m.

OTHER BUSINESS

19. ADOPT CLIMATE ACTION PLAN

Recommendation:

Adopt Climate Action Plan and direct City Manager to evaluate opportunities to incorporate funding for Plan implementation in the recommended budget for Fiscal Year 2022-23.

Program Administrator Anthony Eulo provided a presentation and report.

MOTION:

Extending the meeting to 11:30 p.m.

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

Public comment opened at 10:56 p.m. The following people were called to speak:

Dashiell Leeds

Diya Kandhra

Susan Kirchhoff

Lynn Morgan

Fran Weiss

Matt Lundy

Jaren Lebovtiz

Joe Baranowski

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

MOTION:

Approving the recommended actions.

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

21. ADOPTION OF 2021 WATER SYSTEM MASTER PLAN

Recommendation:

Adopt 2021 Water System Master Plan.

Utility Services Director James Sylvain provided a presentation and report.

MOTION:

Extending the meeting to 12:30 a.m.

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

Public comment opened at 11:48 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:	Rene Spring, Gino Borgioli, John McKay, Yvonne Martinez Beltran
NAYS:	None
ABSTAIN:	None
ABSENT:	Rich Constantine

22. APPROVAL OF THIRD EMPLOYMENT AGREEMENTS FOR THE CITY MANAGER AND THE CITY ATTORNEY

Recommendation:

1. Approve the Third Employment Agreement with City Attorney Donald Larkin;
2. Approve the Third Employment Agreement with City Manager Christina Turner; and
3. Authorize the Mayor to execute the agreements and any related agreements.

City Manager Christina Turner and City Attorney Donald Larkin announced their conflict of interest on the item and excused themselves from the meeting.

Mayor Pro Tem McKay provided the report

Public comment opened at 11:51 p.m.

Sally Casas was called to speak.

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

MOTION:

Approving the recommended actions.

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

PUBLIC HEARING

**23. AWARD ENERGY SERVICES AGREEMENT FOR CENTENNIAL
RECREATION CENTER BATTERY ENERGY STORAGE SYSTEM TO
SYSERCO**

Recommendation:

1. Open/Close Public Hearing; and
2. Authorize the City Manager to execute a design-build energy services agreement with Syserco for the Centennial Recreation Center Battery Energy Storage Project and all related documents necessary to complete the project.

Program Administrator Anthony Eulo provided the report.

The public hearing opened at 12:07 a.m. There being no requests to speak, the public hearing closed.

MOTION:

Approving the recommended actions.

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

FUTURE COUNCIL INITIATED AGENDA ITEMS

Council Member Martinez Beltran requested an item come back to talk about the contract process and selection criteria.

Council Member Borgioli requested a conversation about a supplemental documentation submission deadline and a discussion around a policy limiting the number of times a meeting can be extended.

Mayor Pro Tem McKay requested a discussion on legal cases under the current City Attorney.

ADJOURNMENT

There being no further business, the meeting adjourned at 12:15 a.m.

Minutes Prepared by:

Michelle Bigelow, City Clerk