



**Meeting Minutes
City Council**

Rich Constantine - Mayor
Yvonne Martinez Beltran - Mayor Pro Tem
Larry Carr - Council Member
John McKay - Council Member
Rene Spring - Council Member

Wednesday, June 3, 2020 6:30 pm

**Council Chamber
17555 Peak Avenue, Morgan Hill, CA 95037**

SPECIAL/REGULAR MEETING

A special meeting of the City Council was called at 6:30 p.m. for the purpose of conducting a closed session.

SPECIAL MEETING

6:30 p.m. Closed Session

CALL TO ORDER

Mayor Constantine called the meeting to order at 6:34 p.m.

ROLL CALL ATTENDANCE

Deputy City Clerk Michelle Bigelow called the roll.

| Attendee Name | Title | Status | Arrived |
|-------------------------|----------------|---------------|----------------|
| Rich Constantine | Mayor | Remote | |
| Yvonne Martinez Beltran | Mayor Pro Tem | Remote | |
| Larry Carr | Council Member | Remote | |
| John McKay | Council Member | Remote | |
| Rene Spring | Council Member | Remote | |

DECLARATION OF POSTING AGENDA

Deputy City Clerk Michelle Bigelow declared the posting of the agenda.

CLOSED SESSION

City Attorney Donald Larkin read the closed session into the record.

OPPORTUNITY FOR PUBLIC COMMENT

Mayor Constantine opened the public comment at 6:35 p.m.

Hearing no requests to speak, the public comment was closed.

ADJOURN TO CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL-LIABILITY CLAIM

CLAIMANT: Juvenile Jane Doe

AGENCY CLAIMED AGAINST: City of Morgan Hill

CONVENE REGULAR MEETING

Mayor Constantine convened the regular meeting and announced that he would be adjourning the meeting in honor of the pain our country is going through and a hope for peace.

REGULAR MEETING

7:00 p.m.

CITY MANAGER'S REPORT

City Manager Christina Turner spoke regarding the recent events and read the message Chief Palsgrove provided on our Facebook page.

"We condemn the action of Derek Chauvin and others who did not intervene. We are equally disgusted with what we saw. Our hearts are hurting for the family and friends of George Floyd. We understand and support the need for peaceful protest. We will work extra hard to un-tarnish the badge that you all have entrusted us to wear."

She announced that the city will be hosting a special town hall next Tuesday, June 9th at which they will share more information with the community as well as hear from the community. At the request of Mayor Constantine and Mayor Pro Tem Martinez Beltran we will also agendaize an item to overview our Police training, policies, and ethics. Also, look out for a video that our Chief will be sharing.

She called on Chief Palsgrove who began by sending his condolences to the Floyd family and gave the following statement:

"The Morgan Hill Police Department condemns the action of Derek Chauvin and others who did not intervene. We are equally disgusted with what we saw. Our hearts are hurting for the family and friends of George Floyd. As such, we understand and support the need for peaceful protest as a constitutional right. Whereas inaction is an implied endorsement of the status quo, collaboration and partnerships can be a healing ointment for the widespread pain that so many are experiencing now and can set the conditions for an action-oriented culture. No one leader can fix the deep seeded systemic racial injustice in America. We need to develop strong partnerships with the community and work together to create effective reform. I acknowledge that I don't know what I don't know, and I am committed to listening and learning. I pledge to use my entrusted position as your Police Chief to affect change and continue to do the research and better understand from where we have come to where we need to go as a community and society. As a

member of this department for over 20 years, I know that the men and women of the Morgan Hill Police Department love our community, we are a part of this community, and I know that by working in partnership we can better Morgan Hill for everyone. We personally know a large majority of our community. We are committed to building upon and strengthening our relationships with the people who have entrusted us to serve them. We understand the importance of education, accountability, and training. Our Council understands the importance of education, accountability, and training. I want to share with you a snapshot of how this translates within the police department. First, we accept and investigate thoroughly, all complaints received. In 2018, we received funding and transitioned to an early warning software system to track officer use of force, vehicle collisions, pursuits, discharge of a firearm, property damage, and complaints. This system allows for early intervention, training, and accountability. We have a robust training program that exceeds the standards set forth in California, which is amongst the highest in the nation, well above those in most other states. Our training includes, but is not limited to, Racial Profiling training, all of our officers have attended this training and it is ongoing. Crisis Intervention training, all of our officers have attended this training, except for the new ones that will be going within a year and a half. Implicit Bias and Principled Policing training, all of our officers have attended this training, except for the new ones but they will be going shortly. Tactical Communication, all officers are trained and it's ongoing. Force Option De-escalation training, all officers are trained and it's ongoing. Arrest and Control, all officers are trained and it's ongoing. Title 15 and Title 24 are jail regulations and prisoner care, all officers are trained, and it is ongoing. Same thing with first aid and CPR. Mental health decision making, all officers are trained and it's ongoing. We even send our supervisors to the Sherman Block Institute training where they receive an intense training at the museum of tolerance. Training alone is not enough though. Collaboration and partnerships and positive police presence and interaction can help begin healing the widespread pain that so many are experiencing and can set the conditions for an action-oriented culture. We strive to practice true community policing in Morgan Hill as it's one of our core values. We have liaisons and partnerships in place with many community-based organizations and groups including faith based organizations, schools, social services, and many more to support those in our underserved community to address areas such as homelessness, mental health, suicide, and substance abuse. We have also partnered with the Latino community to address inequities in the application of law for our undocumented community members, racial profiling, and immigration status. Positive police presence is done through many of our outreach programs such as, reading to kids, playing sports, mentoring, explorer program, Citizen's Police Academy, parent project, school resource officer, volunteers in policing, and many more. Our partnerships with the community are far from complete, we recognize that, we are actively working on expanding those partnerships. We know that there is still room for growth and improvement, and we are working on it. We will actively seek the community's partnership in keeping Morgan Hill safe and making a better future. We will also be sharing this information widely with our community through our communication channels. And, as the City Manager has said, we will be having a town hall meeting on Tuesday, June 9th at 5:30 pm to share this and additional information with the community and address questions and concerns. Thank you for allowing me the time to present."

City Manager Turner stated that on June 2nd the County Board of Supervisors adopted their new County CDBG Consolidated Plan. As part of that, we applied and were awarded over \$350,000 of those funds for an expedited grant review process. We submitted shovel ready work designed and planned as part of the Britton School Improvements. Specifically, the Central Avenue sidewalks, curve cuts, handicap ramps, and some storm water system relocation. This was money that was put into the Capital Budget but now with the grant funds, that funding will be able to be used on a different project. She reported that in a very short amount of time, even with the Shelter in Place order, the team was able to get that over to the County and get those funds awarded.

The new County order was just announced and is effective on Friday, June 5th. It is an amendment to the existing Shelter in Place order which does not have a deadline. It is in place until it gets rescinded or updated. Subject to social distancing protocols as well as safety requirements, there are several different things that the order does. It expands the list of permitted business activities. The big ones are outdoor dining for restaurants and in-store shopping for retail. For childcare, it expands who can go to childcare. Before it was just essential workers, but it now expands it to all. It includes summer camp, summer school, and other educational programs but it is restricted to a limit of 12 or fewer kids along with other restrictions that are included. It allows for outdoor gatherings of up to 25 people for religious services, as well as for weddings, funerals, and other cultural ceremonies. It also allows recreational activities that do not involve physical contact, swimming can resume with some restrictions. In addition to that, it also

allows car-based gatherings including drive-in theaters.

Our team is working feverishly to share what we as the City will be able to do under this order. That will be released as soon as possible.

She shared that the City was able to ease enforcement of certain City regulations to help our businesses. This will allow the use of outdoor areas for retail merchandise pickup and expanded restaurant space. Enforcement of minimum parking requirements in shopping centers in commercial districts has been suspended. In addition to that, to allow for commercial and industrial operations to continue while social distancing, the enforcement of the limitations on hours of operation has been suspended. To allow for further social distancing and extend shift work hours, the enforcement of construction hours to allow construction between the hours of 6-8 Monday through Saturday for certain large construction projects has been suspended. We have created a process to streamline things for our design review approval so that developers can value engineer projects and modify designs to allow social distancing, fees for this streamlined process will be waved. We have created a streamlined process for encroachment permits for the use of city right of ways and other public spaces to expand retail and restaurant operations to allow social distancing, the fees for that will be waved. There are several other items that we have put in place and are putting in place to help our businesses so they can open up.

She concluded by listing the following Town Hall dates and topics:

Thursday, June 4th - High Speed Rail EIR

Tuesday, June 9th - Chief Palsgrove will talk about our policies, practices, ethics, training and so forth

Thursday, June 11th - Hale Avenue Extension Project

CITY ATTORNEY'S REPORT

City Attorney Donald Larkin reported that Council met in closed session regarding a liability claim by a juvenile Jane Doe against the City of Morgan Hill. There was no reportable action.

PUBLIC COMMENT

Mayor Constantine opened the public comment at 7:14 p.m.

Brian Faircloth was called to speak.

Hearing no further requests to speak, the public comment was closed.

PUBLIC COMMENT SUPPLEMENT

ADOPTION OF AGENDA

MOTION:

Adopting the agenda as posted.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Rene Spring, Council Member |
| SECONDER: | John McKay, Council Member |
| AYES: | Constantine, Martinez Beltran, Carr, McKay, Spring |

CONSENT CALENDAR

MOTION:

Approving consent calendar items 1-10, 12, and 13.

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| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | Rene Spring, Council Member |
| SECONDER: | John McKay, Council Member |
| AYES: | Constantine, Martinez Beltran, Carr, McKay, Spring |

1. ACCEPT 2019 PAVEMENT RESURFACING PROJECT

Recommendation:

1. Accept as complete, the 2019 Pavement Resurfacing Project, in the final amount of \$4,287,440;
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. ACCEPT INSURANCE PROCEEDS AND APPROVE PURCHASE TO REPLACE COLLISION INVOLVED POLICE VEHICLE

Recommendation:

1. Accept the insurance proceeds estimated in the amount of \$68,215 for the 2013 Ford Interceptor Utility, #143;
2. Adopt a resolution amending the Fiscal Year 2019-20 adopted budget to appropriate \$68,215 as insurance proceeds revenue and \$80,537 as expenditure from the Equipment Replacement Fund (790) to purchase (including build-out) a patrol 2020 Ford Interceptor Utility;
3. Authorize the City Manager to approve the purchase order with Priority 1 Public Safety Equipment Installation Inc. for the purchase and outfitting of the new vehicle;
4. Declare the 2013 Ford Interceptor Utility #143 (VIN# 8414) to be a surplus; and
5. Authorize the disposal of the surplus vehicle in accordance with Section 3.04.400 of the City of Morgan Hill Municipal Code.

3. APPROVE AGREEMENT WITH COMMUNITY TOWING FOR POLICE INITIATED TOW SERVICES

Recommendation:

Approve and authorize the City Manager to execute and administer an agreement with Community Towing.

4. APPROVE AGREEMENT WITH SECURE SOLUTIONS INC. FOR BACKGROUND INVESTIGATION SERVICES

Recommendation:

Approve and authorize the City Manager to execute and administer an agreement with Secure Solutions Inc. for a not to exceed amount of \$100,000 to conduct hiring background investigations of police personnel.

5. APPROVE RE-SUBORDINATION OF EXISTING JASMINE SQUARE APARTMENTS CITY LOANS

Recommendation:

Approve re-subordination of existing City affordable housing loans necessitated by refinance of senior project loan, allowing developer to pay off balloon payment, lower interest rate, and pay \$150,000 towards City loans.

6. APPROVE FINAL MAP FOR MONTECITO ESTATES - TRACT NO. 10535 (DIANA AVE AND LOTUS WAY) AND RELATED SUBDIVISION IMPROVEMENT AND STORMWATER

BEST-MANAGEMENT-PRACTICES (BMP) OPERATIONS AND MAINTENANCE AGREEMENTS

Recommendation:

1. Approve the Final Map;
2. Approve and authorize the City Manager to execute and administer the Subdivision Improvements Agreement with D.R. Horton Bay, Inc.;
3. Approve and authorize the City Manager to execute and administer a Stormwater Best-Management-Practices (BMP) Operation and Maintenance Agreement pending review and approval by the City Attorney; and
4. Authorize the recordation of the Final Map, Subdivision Improvements Agreement, and the Stormwater BMP Operation and Maintenance Agreement.

7. AWARD 2020 PAVEMENT RESURFACING PROJECT TO MCK SERVICES, INC.

Recommendation:

1. Approve the 2020 Pavement Resurfacing Project plans and specifications;
2. Award contract to MCK Services, Inc. for the 2020 Pavement Resurfacing Project in the amount of \$2,473,669;
3. Authorize expenditure of construction contingency funds not to exceed \$371,050; and
4. Authorize the City Manager to execute and administer the construction contract with MCK Services, Inc. pending review and approval by the City Attorney's office.

8. APPROVE ECONOMIC DEVELOPMENT RECOVERY PLAN

Recommendation:

Approve the recommended Economic Development Recovery Plan.

9. APPROVE AN IMPACT FEE FREEZE AGREEMENT WITH APPLIED MOTION PRODUCTS, INC. FOR A NEW INDUSTRIAL BUILDING ON 2.43 ACRES LOCATED ON MADRONE PARKWAY AND DIRECT STAFF TO RETURN WITH CHANGES TO THE IMPACT FEE PROGRAM

Recommendation:

1. Direct the City Manager to execute an Impact Fee Freeze Agreement with Applied Motion Products, Inc. for the development of a 21,180 square foot new industrial building located on Madone Parkway;
2. Direct staff to make changes to the Impact Fee Freeze Program to remove assisted living and memory care uses as approved uses under the program; and
3. Direct staff to return with a City Council policy formalizing the Impact Fee Freeze Program on June 17, 2020 as an on-going City program.

10. CALL FOR A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2020

Recommendation:

1. Adopt resolution "A" calling for a General Municipal Election to be held on Tuesday, November 3, 2020 to elect a Mayor; one Council Member from District A; one Council Member from District C; and a City Treasurer; and
2. Adopt resolution "B" requesting the services of the Board of Supervisors of the County of Santa Clara and the Registrar of Voters Office – and the Consolidation of the Election.

11. ITEM PULLED FOR DISCUSSION

12. APPROVE THE MAY 15, 2020 MEETING MINUTES

Recommendation:

Approve Minutes.

13. APPROVE THE MAY 20, 2020 MEETING MINUTES

Recommendation:

Approve Minutes.

ITEM PULLED FOR DISCUSSION

REJECT BIDS FOR THE EAST MAIN AVENUE BIKE LANES AND SIDEWALK PROJECT AND REBID THE PROJECT WITH MODIFICATIONS

Recommendation:

Reject all bids for the East Main Avenue Bike Lanes and Sidewalk Project and rebid the project with modifications.

Mayor Constantine and City Manager Christina Turner recused themselves and exited the meeting.

Public Services Director Chris Ghione presented the report.

MOTION:

Approving the recommended action.

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| RESULT: | APPROVED [3 TO 0] |
| MOVER: | Larry Carr, Council Member |
| SECONDER: | Rene Spring, Council Member |
| AYES: | Carr, McKay, Spring |
| ABSTAIN: | Constantine |
| AWAY: | Martinez Beltran |

Mayor Constantine and City Manager Christina Turner returned to the meeting.

The meeting recessed at 7:25 p.m.

The meeting reconvened at 7:30 p.m.

PUBLIC HEARING

14. APPROVE RESOLUTION ORDERING ANNUAL ASSESSMENTS AND RELATED ACTIONS FOR CITY OF MORGAN HILL LANDSCAPE ASSESSMENT DISTRICT NUMBER 1 (DISTRICT)

Recommendation:

1. Open and close the Public Hearing; and
2. Adopt resolution confirming Fiscal Year (FY) 2020-21 annual assessments and ordering the levy of assessments for the District.

Public Services Director Chris Ghione presented the report.

Mayor Constantine opened the public comment at 7:32 p.m.
Hearing no requests to speak, the public comment was closed.

MOTION:

Approving the recommended action.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Rene Spring, Council Member |
| SECONDER: | Larry Carr, Council Member |
| AYES: | Constantine, Martinez Beltran, Carr, McKay, Spring |

OTHER BUSINESS

15. PROVIDE DIRECTION REGARDING MONTEREY ROAD COMPLETE STREETS/LANE REDUCTION AND USE OF DOWNTOWN PUBLIC SPACES

Recommendation:

Provide direction to staff on revisiting the Monterey Road Complete Streets/Lane Reduction Project and on the use of other public spaces in the Downtown.

Public Services Director Chris Ghione gave a presentation and answered questions.

Mayor Constantine opened the public comment at 8:36 p.m. The following people were called to speak:

Steve Chappell
Nick Gaich
Allan Lebovitz
Marby Lee
Mr. Wallace
Nathan Winchell
Liam Downey
Joe Baranowski
Brian Faircloth
Dan McCranie
Sanjar Chakamian

Hearing no further requests to speak, the public comment was closed.

Deputy City Clerk Michelle Bigelow read an email from Doug Muirhead into the record.

SUBSTITUTE MOTION:

Move forward with the Complete Streets Project on a temporary basis for a minimum of a six-month period then re-evaluate.

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| RESULT: | DEFEATED [2 TO 3] |
| MOVER: | Yvonne Martinez Beltran, Mayor Pro Tem |
| SECONDER: | John McKay, Council Member |
| AYES: | Martinez Beltran, McKay |
| NAYS: | Constantine, Carr, Spring |

ORIGINAL MOTION:

Study the Complete Streets program, come back with a proposal, do the program for a year, and come back within six months for an evaluation.

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| RESULT: | DEFEATED [2 TO 3] |
| MOVER: | John McKay, Council Member |
| SECONDER: | Yvonne Martinez Beltran, Mayor Pro Tem |
| AYES: | Martinez Beltran, McKay |
| NAYS: | Constantine, Carr, Spring |

MOTION:

Direct staff to bring a plan that closes parts of Downtown including Monterey Road with maximum budget of \$100,000, with the idea that we are going to identify a couple of weekends a month over the next four where we will close segments of Monterey Road to allow our downtown businesses the opportunity to expand out and directing staff to add into CIP the Monterey Road Complete Streets program to begin in the summer of 2022 upon the completion of the Hale Avenue Extension Project.

The Meeting recessed at 10:24 p.m.
The Meeting reconvened at 10:29 p.m.

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| RESULT: | WITHDRAWN |
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16. PROVIDE DIRECTION REGARDING REVIEW OF HIGH SPEED RAIL ENVIRONMENTAL IMPACT REPORT/STUDY

Recommendation:

Receive an update and provide input on the High Speed Rail Environmental Impact Report/Study (EIR/EIS) Analysis.

Council Member Carr recused himself from this item and left the meeting.

Economic Development Director Edith Ramirez and Akoni Danielson with David J. Powers gave a presentation and answered questions.

Mayor Constantine opened the public comment at 11:36 p.m. The following people were called to speak:

Ed Tewes

Steve Chappell

Joe Baranowski

Hearing no further requests to speak, the public comment was closed.

MOTION:

Extending the meeting to 11:30 p.m.

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| RESULT: | EXTENDED [4 TO 0] |
| MOVER: | Rene Spring, Council Member |
| SECONDER: | John McKay, Council Member |
| AYES: | Constantine, Martinez Beltran, McKay, Spring |
| ABSTAIN: | Carr |

MOTION:

Extending the meeting to Midnight.

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| RESULT: | EXTENDED [4 TO 0] |
| MOVER: | Rich Constantine, Mayor |
| SECONDER: | Yvonne Martinez Beltran, Mayor Pro Tem |
| AYES: | Constantine, Martinez Beltran, McKay, Spring |
| ABSTAIN: | Carr |

FUTURE COUNCIL INITIATED AGENDA ITEMS

Council Member Carr asked for a memo from the City Attorney regarding the County's expansion on their eviction moratorium and their plan to look at how they can accommodate or work with property owners and renters on how they can enter into payment plans so that they don't owe everything all at once. He would like to learn more about what the County is doing so that we may accept their plan or propose our own plan.

ADJOURNMENT

There being no further business, Mayor Constantine adjourned the meeting at 11:47 p.m. in honor of the pain our country is going through and a hope for peace.

MINUTES PREPARED BY:

Angie Gonzalez, Minutes Clerk