

City of Gilroy
City Council Regular Meeting Minutes
Monday, January 22, 2024 | 6:00 PM

1. OPENING

1.1. Call to Order

The meeting was called to order by Mayor Blankley at 6:00 PM.

1.2. Pledge of Allegiance

Council Member Bracco led the Pledge of Allegiance.

1.3. Invocation

There was none.

1.4. City Clerk's Report on Posting the Agenda

City Clerk Pham reported on the Posting of the Agenda.

1.5. Roll Call

Attendance	Attendee Name
Present	Rebeca Armendariz, Council Member Dion Bracco, Council Member Tom Cline, Council Member Zach Hilton, Council Member Carol Marques, Mayor Pro Tempore Fred Tovar, Council Member Marie Blankley, Mayor
Absent	None

1.6. Orders of the Day

There were none.

1.7. Employee Introductions

City Administrator Forbis introduced Utilities Director Heath McMahon.

2. CEREMONIAL ITEMS - Proclamations and Awards

2.1. Proclamation Proclaiming January 29 – February 2, 2024 as Catholic Schools Week at St. Mary School in Gilroy

Mayor Blankley read aloud the proclamation and presented it to Tanaya Stumpf of St. Mary School in Gilroy.

3. PRESENTATIONS TO THE COUNCIL

3.1. PUBLIC COMMENT BY MEMBERS OF THE PUBLIC ON ITEMS NOT ON THE AGENDA BUT WITHIN THE SUBJECT MATTER JURISDICTION OF THE CITY COUNCIL

Mayor Blankley opened Public Comment. The following speakers spoke on items that were not on the agenda.

Donald Perino praised the senior meals program managed by Adam Henig for its health-conscious offerings, acknowledged the work of volunteers, and recommended watching a program on Direct TV channel 348.

Peter Mandel discussed the eviction of Limelight Theater from the Gilroy Center for the Arts, highlighting the theater's impact on the community and its search for a new venue.

Ron Kirkish expressed concerns about a Council Member's endorsement of Plan Bay Area 2050 and its potential financial and infrastructural impacts on Gilroy.

Diana Bentz expressed disappointment with the Council's decision not to appoint a sole commission candidate, highlighting a need for more inclusivity and respect, especially towards individuals facing language barriers.

Robert Zepeda discussed an opinion piece about COVID-19, questioning the effectiveness of vaccines and expressing skepticism towards public health measures and their implications for society and small businesses.

Ana Mendoza requested the Gilroy City Council to implement tenant protection policies and address illegal rent increases in local mobile home parks.

Flint Worley shared his experience of a significant rent increase at his mobile home park, expressing concerns about potential homelessness and requesting the Council ensure legal compliance and protect residents' rights.

Jeff Orth, representing the Gilroy Downtown Business Association, thanked the Mayor, the City Administrator, and Council for their support in 2023, highlighting improvements in downtown Gilroy and expressing views on the plywood ordinance and vacancy tax.

There being no further speakers, Mayor Blankley closed Public Comment.

4. REPORTS OF COUNCIL MEMBERS

Council Member Bracco reported on the Santa Clara County Library Joint Powers Authority.

Council Member Armendariz reported on the Santa Clara Valley Habitat Agency Governing Board, Santa Clara Valley Habitat Agency Implementation Board, Silicon Valley Clean Energy JPA Board, and the Latino Health Equity Survey Steering Committee.

Council Member Marques reported on the Santa Clara Valley Habitat Agency Governing Board, Santa Clara Valley Habitat Agency Implementation Board, and the Downtown Committee.

Council Member Hilton reported on VTA Policy Advisory Committee and Silicon Valley Clean Energy Authority JPA Board.

Council Member Cline reported on the Gilroy Sister Cities Association.

Council Member Tovar expressed gratitude to Frank Johnson from Visit Gilroy, Jane Howard from the Chamber, and Jeff Orth for their insights on downtown development, which helped shape his upcoming Downtown Subcommittee report.

Mayor Blankley reported on the South County Youth Task Force Policy Team and VTA Board of Directors.

5. COUNCIL CORRESPONDENCE

5.1. Council Information Request – Animal Services Cost Comparison

The Council acknowledged the letter.

Council Member Armendariz requested that members of the public may speak on this item. Her request received majority support.

Mayor Blankley opened Public Comment.

Michelle Rodriguez inquired about the designated contact person for animal control in Gilroy for cases of injured animals after hours, expressing frustration over the lack of a clear point of contact despite her repeated requests.

Karen Fortino discussed the challenges faced by animal rescuers in Gilroy, particularly after hours, emphasizing the need for clearer communication and guidelines from the City regarding who to contact and how to handle situations involving animals.

There being no further speakers, Mayor Blankley closed Public Comment.

6. FUTURE COUNCIL INITIATED AGENDA ITEMS

There were none.

7. CONSENT CALENDAR

Mayor Blankley opened Public Comment. There being no speakers, Mayor Blankley closed Public Comment.

Motion: Approve the Consent Calendar.

RESULT: Pass

MOVER: Fred Tovar, Council Member

SECONDER: Rebeca Armendariz, Council Member

AYES: Council Member Armendariz, Council Member Bracco, Council Member Cline, Council Member Hilton, Mayor Pro Tempore Marques, Council Member Tovar, Mayor Blankley

NOES: None

ABSENT: None

ABSTAIN: None

7.1. Approval of the Action Minutes of the January 8, 2024 City Council Regular Meeting

A motion was made to approve the minutes.

7.2. Adoption of the City of Gilroy Donation and Fundraising Policy

A motion was made to adopt the Donation and Fundraising Policy.

7.3. Claim of Gilroy Arroyo One, LLC and Gilroy Arroyo Two, LLC (The City Administrator recommends a "yes" vote under the Consent Calendar shall constitute a denial of the claim)

A motion was made to deny the claim.

8. BIDS AND PROPOSALS

There were none.

9. PUBLIC HEARINGS

There were none.

10. UNFINISHED BUSINESS

10.1. Downtown Parklet Program

Economic Development Manager Valencia provided a staff presentation.

Mayor Blankley opened Public Comment.

Tom Miller discussed the development of a parklet at his property, emphasizing its compliance with various regulations and its potential benefits to downtown Gilroy while clarifying misconceptions about its establishment.

Dan Nelson, owner of Tempo Kitchen and Bar, advocated for continuing the parklet program, emphasizing its importance for business and customer experience and aligning with Gilroy's downtown development plans.

Ana Mendoza, advocating for the community, discussed a survey about the parklets in downtown Gilroy. She expressed concerns about inclusivity and accessibility, sharing a personal experience of being denied seating at a parklet. Mendoza urged the Council to develop clear policies and consider the community's needs in their decision-making.

Teo Castillo, owner of Station 55, briefly expressed that the decision on parklets is crucial for the survival of her business and the livelihoods of her employees. She emphasized the parklet as their only hope to continue and urged careful consideration of its impact on local businesses.

Evelyn Hudson spoke on behalf of the owners of Station 55, urging the Council to reconsider their stance on the parklet at Station 55, which she described as essential for the restaurant's survival and beneficial to the community. She emphasized the ongoing impact of the pandemic and the importance of supporting local businesses.

Ruth Garcia, a local realtor and business owner, advocated for the permanence of parklets, emphasizing their positive impact on Gilroy's dining experience and criticizing the City's handling of the situation with

the parklet at a specific business, which was led to believe it could be a permanent addition by the Gilroy Downtown Business Association.

Sammy Trujillo advocated for implementing a parklet plan in downtown Gilroy, emphasizing their importance for business success and community engagement.

Jeff Orth, Chairman of the Gilroy Downtown Business Association, expressed mixed support for parklets in Gilroy, advocating for clear city guidelines on outdoor dining experiences, and suggested evaluating the specific situation of Station 55 to find a workable solution.

Ron Kirkish shared his positive dining experience at Maurizio's in Morgan Hill, highlighting the importance of their parklet for customer accommodation and business success, leading him to support the idea of parklets.

There being no further speakers, Mayor Blankley closed Public Comment.

Motion:

- **Staff to pursue a Downtown Parklet Program;**
- **Allow temporary permission for existing parklets at Station 55 and Tempo and that their permits will not be revoked or changed until the new parklet policy is established;**
- **Expedite the process with assistance from the Downtown Committee; and**
- **Document the formal extension for Station 55 at the next City Council Regular Meeting.**

RESULT: Pass

MOVER: Fred Tovar, Council Member

SECONDER: Rebeca Armendariz, Council Member

AYES: Council Member Armendariz, Council Member Bracco, Council Member Cline, Council Member Hilton, Mayor Pro Tempore Marques, Council Member Tovar, Mayor Blankley

NOES: None

ABSENT: None

ABSTAIN: None

11. INTRODUCTION OF NEW BUSINESS

11.1. Resolution Establishing Gilroy Police Department Towing Rates

Council Member Bracco recused himself from the item due to a conflict of interest.

Captain Powell provided a staff presentation and responded to Council Member questions.

Mayor Blankley opened Public Comment. There being no speakers, Mayor Blankley closed Public Comment.

Motion: Adopt a resolution establishing tow rates pursuant to Section 24A.8 - Regulations, of the Gilroy City Code Chapter 24A - Towing Services.

RESULT: Pass

MOVER: Tom Cline, Council Member

SECONDER: Carol Marques, Mayor Pro Tempore

AYES: Council Member Armendariz, Council Member Cline, Council Member Hilton, Mayor Pro Tempore Marques, Council Member Tovar, Mayor Blankley

NOES: None

ABSENT: None

ABSTAIN: None

RECUSED: Council Member Bracco

Enactment No.: Resolution No. 2024-02

11.2. Quality-of-Life Police Officer Program

Captain Powell provided a staff presentation and responded to Council Member questions.

Mayor Blankley opened Public Comment.

Gregory Felios praised the Quality-of-Life program led by Corporal Griffith and Officer Helms for addressing the unhoused population, advocating for its expansion and greater community awareness.

Tim Davis, Director of the South County Compassion Center, commended the work of officers in the Quality-of-Life program for balancing the needs of the homeless with community concerns and advocated for making their positions permanent alongside investing in housing solutions.

Kelly Ramirez shared her experience of a ride-along with Corporal Griffith, emphasizing his exceptional de-escalation skills and respectful and compassionate interactions with both business owners and homeless individuals, and advocated for making the Quality-of-Life officer positions permanent due to their significant impact on the community.

Ron Kirkish supported the previous speakers, emphasizing the importance of the Quality-of-Life officers in maintaining community standards and advocating for the expansion of the program with additional officers to enhance city safety and quality of life.

There being no further speakers, Mayor Blankley closed Public Comment.

Motion: Approve the City's permanent Quality-of-Life Officer Program, approve the reclassification of a Police Officer to a Police Corporal in the Quality-of-Life Office Program, and adopt a resolution updating the City's Position Control List for FY 2024-25.

RESULT: Pass

MOVER: Tom Cline, Council Member

SECONDER: Fred Tovar, Council Member

AYES: Council Member Armendariz, Council Member Bracco, Council Member Cline, Council Member Hilton, Mayor Pro Tempore Marques, Council Member Tovar, Mayor Blankley

NOES: None

ABSENT: None

ABSTAIN: None

Enactment No.: Resolution No. 2024-03

11.3. City Council Downtown Committee (Part 2) - Subcommittee Reports and Recommendations – Beautification of Downtown and Noise Ordinance

Mayor Blankley and Toni Bowles, representing the Noise Ordinance Subcommittee, provided the subcommittee's presentation and responded to Council Member questions.

Council Member Tovar and Old City Hall Restaurant Owner Fran Beaudet, representing the Downtown Beautification Subcommittee, provided the subcommittee's presentation and responded to Council Member questions.

Mayor Blankley opened Public Comment. There being no speakers, Mayor Blankley closed Public Comment.

Council received both reports and directed staff to create a noise ordinance, utilizing the information and recommendations provided by the Downtown Committee. Additionally, for the beautification of downtown, staff received specific recommendations, providing guidance on the council's expectations and preferences and ensuring a focused approach to downtown beautification efforts.

11.4. Consent to the Appointment of Heba El-Guindy as Public Works Director

Council waived staff presentation.

Mayor Blankley opened Public Comment. There being no speakers, Mayor Blankley closed Public Comment.

Motion: Consent to the City Administrator's recommendation to appoint Heba El-Guindy to the department head position of Public Works Director.

RESULT: Pass

MOVER: Carol Marques, Mayor Pro Tempore

SECONDER: Rebeca Armendariz, Council Member

AYES: Council Member Armendariz, Council Member Bracco, Council Member Cline, Council Member Hilton, Mayor Pro Tempore Marques, Council Member Tovar, Mayor Blankley

NOES: None

ABSENT: None

ABSTAIN: None

12. CITY ADMINISTRATOR'S REPORTS

There were none.

13. CITY ATTORNEY'S REPORTS

City Attorney Faber provided his report and responded to Council Member questions.

14. CLOSED SESSION

Mayor Blankley opened Public Comment. There being no speakers, Mayor Blankley closed Public Comment.

Mayor Blankley recessed the open session at 9:20 PM.

Mayor Blankley called the Closed Session to order at 9:25 PM.

A motion was made to go into Closed Session. The motion received unanimous approval.

14.1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS Pursuant to GC Sec. 54956.8 and GCC Sec.17A.8 (a) (2)

Property: City-Owned 536 Acres at Hecker Pass (Including Gilroy Gardens Theme Park), 3050 Hecker Pass Highway, Gilroy, CA (APN's: 810-17-024, 810-17-026, 810-17-029, 810-17-030, 810-17-031, 810-18-002, 810-18-013, 810-19-005, 810-19-007, 810-19-010, 810-19-011, 810-19-014)

Negotiators: Jimmy Forbis, City Administrator; Victoria Valencia, Economic Development Manager

Other Parties to Negotiations: Paul Nakamoto, Bay.Org (DBA Aquarium of the Bay/Bay Ecotarium); Chris Sutton, Select Contracts; Nicholas Singer, Purchase Capital;

Under Negotiations: Price and terms of payment for sale or lease.

No reportable action.

14.2. CONFERENCE WITH LABOR NEGOTIATORS – COLLECTIVE BARGAINING UNIT Pursuant to GC Section 54957.6 and GCC Section 17A.11 (4);

Collective Bargaining Units: Local 2805, IAFF Fire Unit Representing Gilroy Fire Fighters

City Negotiators: Jimmy Forbis, City Administrator, LeeAnn McPhillips, HR Director

Anticipated Issues(s) Under Negotiation: Wages, Hours, Benefits, Working Conditions; Memorandums of Understanding: City of Gilroy and Gilroy Fire Fighters Local 2805.

No reportable action.

14.3. CONFERENCE WITH REAL PROPERTY NEGOTIATORS Pursuant to GC Sec. 54956.8 and GCC Sec. 17A.8(a)(2);

Properties: 10th Street Bridge: APNs 808-19-007, 799-30-006, 799-30-007, 808-19-020, 808-50-999, Thomas Luchessa Bridge: APNs 808-21-025, 808-21-023, 808-21-021, 808-21-018, New Fire Station: APNs 808-18-003, 808-19-029

Negotiators: Jimmy Forbis, City Administrator; Other Party to Negotiations: Glen Loma Corporation, John M. Filice, Jr.;

Negotiating Price and terms of payment regarding purchase, sale.

No reportable action.

15. ADJOURN TO OPEN SESSION

Mayor Blankley reported on the items listed above.

16. ADJOURNMENT

Mayor Blankley adjourned the meeting was adjourned at 10:27 PM.

I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the City Council of the City of Gilroy.

/s/Thai Nam Pham, MMC, CPMC
City Clerk