



CITY COUNCIL AGENDA

CITY COUNCIL CHAMBERS, CITY HALL
7351 ROSANNA STREET, GILROY, CA
95020

REGULAR MEETING | 6:00 PM
MONDAY, MARCH 20, 2023

MAYOR
Marie Blankley

COUNCIL MEMBERS
Rebeca Armendariz
Dion Bracco
Tom Cline
Zach Hilton
Carol Marques
Fred Tovar

CITY COUNCIL PACKET MATERIALS ARE AVAILABLE ONLINE AT www.cityofgilroy.org
AGENDA CLOSING TIME IS 5:00 P.M. THE TUESDAY PRIOR TO THE MEETING

Due to COVID-19, it is possible that the planned in-person meeting may have to change to a virtual meeting at any time and possibly on short notice. Please check the City of Gilroy website www.cityofgilroy.org for any updates to meeting information.

COMMENTS BY THE PUBLIC WILL BE TAKEN ON AGENDA ITEMS BEFORE ACTION IS TAKEN BY THE CITY COUNCIL. Public testimony is subject to reasonable regulations, including but not limited to time restrictions for each individual speaker. [Please limit your comments to 3 minutes.](#) The amount of time allowed per speaker may vary at the Mayor's discretion depending on the number of speakers and length of the agenda.

Written comments on any agenda item may be emailed to the City Clerk's Office at cityclerk@cityofgilroy.org or mailed to the Gilroy City Clerk's Office at City Hall, 7351 Rosanna Street, Gilroy, CA 95020. Comments received by the City Clerk's Office by 1 p.m. on the day of a Council meeting will be distributed to the City Council prior to or at the meeting and available for public inspection with the agenda packet located in the lobby of Administration at City Hall, 7351 Rosanna Street prior to the meeting. Any correspondence received will be incorporated into the meeting record. Items received after the 1 p.m. deadline will be provided to the City Council as soon as practicable. Written comments are also available on the City's Public Records Portal at bit.ly/3NuS11N.



In compliance with the Americans with Disabilities Act, the City will make reasonable arrangements to ensure accessibility to this meeting. If you need special assistance to participate in this meeting, please contact the City Clerk's Office at least 72 hours prior to the meeting at (408) 846-0204 or cityclerk@cityofgilroy.org to help ensure that reasonable arrangements can be made.



If you challenge any planning or land use decision made at this meeting in court, you may be limited to raising only those issues you or someone else raised at the public hearing held at this meeting, or in written correspondence delivered to the City Council at, or prior to, the public hearing. Please take notice that the time within which to seek judicial review of any final administrative determination reached at this meeting is governed by Section 1094.6 of the California Code of Civil Procedure.

A Closed Session may be called during this meeting pursuant to Government Code Section 54956.9 (d)(2) if a point has been reached where, in the opinion of the legislative body of the City on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the City.

Materials related to an item on this agenda submitted to the City Council after distribution of the agenda packet are available with the agenda packet on the City website at www.cityofgilroy.org subject to the Staff's ability to post the documents before the meeting.

KNOW YOUR RIGHTS UNDER THE GILROY OPEN GOVERNMENT ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, task forces, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE, TO RECEIVE A FREE COPY OF THE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE OPEN GOVERNMENT COMMISSION STAFF AT (408) 846-0204.

If you need assistance with translation and would like to speak during public comment, please contact the City Clerk a minimum of 72 hours prior to the meeting at 408-846-0204 or e-mail the City Clerk's Office at cityclerk@cityofgilroy.org.

Si necesita un intérprete durante la junta y gustaría dar un comentario público, comuníquese con el Secretario de la Ciudad un mínimo de 72 horas antes de la junta al 408-846-0204 o envíe un correo electrónico a la Oficina del Secretario de la Ciudad a cityclerk@cityofgilroy.org.



To access written translation during the meeting, please scan the QR Code or click this link:

Para acceder a la traducción durante la reunión, por favor escanee el código QR o haga clic en el enlace:

bit.ly/3FBiGA0

Choose Language and Click Attend | *Selecione su lenguaje y haga clic en asistir*

Use a headset on your phone for audio or read the transcript on your device.

Use sus auriculares para escuchar el audio o leer la transcripción en el dispositivo.

The agenda for this regular meeting is as follows:

1. **OPENING**
 - 1.1. **Call to Order**
 - 1.2. **Pledge of Allegiance**
 - 1.3. **Invocation**
 - 1.4. **City Clerk's Report on Posting the Agenda**
 - 1.5. **Roll Call**
 - 1.6. **Orders of the Day**
 - 1.7. **Employee Introductions**

2. **CEREMONIAL ITEMS - Proclamations and Awards**

2.1. **Proclamation – Proclaiming April 2023 as Fair Housing Month**

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**

This portion of the meeting is reserved for persons desiring to address the Council on matters within the Gilroy City Council's jurisdiction but not on the agenda. Persons wishing to address the Council are requested to complete a Speaker's Card located at the entrances and handed to the City Clerk. Speakers are limited to 1 to 3 minutes each, varying at the Mayor's discretion depending on the number of speakers and length of the agenda. The law does not permit Council action or extended discussion of any item not on the agenda except under special circumstances. If Council action is requested, the Council may place the matter on a future agenda.

Written comments to address the Council on matters not on this agenda may be e-mailed to the City Clerk's Office at cityclerk@cityofgilroy.org or mailed to the Gilroy City Clerk's Office at City Hall, 7351 Rosanna Street, Gilroy, CA 95020. Comments received by the City Clerk's Office by 1:00pm on the day of a Council meeting will be distributed to the City Council prior to or at the meeting and available for public inspection with the agenda packet located in the lobby of Administration at City Hall, 7351 Rosanna Street, prior to the meeting. Any correspondence received will be incorporated into the meeting record. Items received after the 1:00pm deadline will be provided to the City Council as soon as practicable. Written material provided by public members under this section of the agenda will be limited to 10 pages in hard copy. An unlimited amount of material may be provided electronically.

4. **REPORTS OF COUNCIL MEMBERS**

Council Member Bracco – Cities Association Santa Clara County Board of Directors (*alternate*), Santa Clara County Library Joint Powers Authority, Santa Clara Valley Water Commission, Santa Clara Valley Water Joint Water Resources Commission, SCRWA

Council Member Armendariz – Santa Clara County Library Joint Powers Authority, Santa Clara Valley Habitat Agency Governing Board, Santa Clara Valley Habitat Agency Implementation Board, Silicon Valley Clean Energy Authority JPA Board (*alternate*), South County United for Health

Council Member Marques – ABAG, Gilroy Gardens Board of Directors, Santa Clara Valley Habitat Agency Governing Board, Santa Clara Valley Habitat Agency Implementation Board, SCRWA (*alternate*)

Council Member Hilton – CalTrain Policy Group (*alternate*), Silicon Valley Clean Energy Authority JPA Board, South County United for Health (*alternate*), VTA Policy Advisory Committee

Council Member Cline – Gilroy Economic Development Partnership (*alternate*), Gilroy Sister Cities Association, Gilroy Youth Task Force, Silicon Valley Regional Interoperability Authority Board, VTA Policy Advisory Committee (*alternate*), Visit Gilroy California Welcome Center Board

Council Member Tovar – Gilroy Youth Task Force (*alternate*), Santa Clara County

Expressway Plan 2040 Advisory Board, Santa Clara Valley Water Commission, SCRWA, South County Youth Task Force Policy Team, VTA Mobility Partnership

Mayor Blankley – ABAG (*alternate*), CalTrain Policy Group, Cities Association Santa Clara County Board of Directors, Gilroy Economic Development Partnership, Gilroy Sister Cities Association (*alternate*), Gilroy Youth Task Force, Santa Clara Valley Water Joint Water Resources Commission, SCRWA, South County Youth Task Force Policy Team, VTA Board of Directors, VTA Mobility Partnership

5. COUNCIL CORRESPONDENCE

- 5.1. **Letter of Support for SB 48 (Behavioral Health) and SB 363 (Mental Health/Substance Abuse Facilities)**

6. FUTURE COUNCIL INITIATED AGENDA ITEMS

7. BOARD AND COMMISSION INTERVIEWS

- 7.1. **Interviews for Open Seats on Boards, Commissions, and Committees with Terms Expired or Vacant as of March 20, 2023, for Future Appointment Scheduled for April 3, 2023**
1. Staff Report: Thai Nam Pham, City Clerk
 2. Possible Action:
 1. Accept one application for open seats on the Parks and Recreation Commission that was received after the March 10, 2023 application deadline; and
 2. Interview candidates for open seats on City Boards, Commissions, and Committees vacant as of March 20, 2023.

8. CONSENT CALENDAR

All matters listed under the Consent Calendar are considered by the City Council to be routine and will be enacted by one motion. There will be no separate discussion of these items unless a request is made by a member of the City Council or a member of the public. Any person desiring to speak on any item on the consent calendar should ask to have that item removed from the consent calendar prior to the time the Council votes to approve. If removed, the item will be discussed in the order in which it appears.

- 8.1. **Approval of the Action Minutes of the March 6, 2023 City Council Regular Meeting**
- 8.2. **Approval of the Action Minutes of the March 13, 2023 City Council Goal / Priority Setting Workshop**
- 8.3. **Acceptance of the City Fiscal Year 2021-22 Federal Single Audit**
- 8.4. **Accept and File Quarterly Cash and Investment Report as of December 31, 2022**
- 8.5. **Approval of Parcel Map and Property Improvement Agreement No. 2023-01 for Plaza Allium (Evergreen) 10th & Chestnut Commercial Development, APN's 841-66-036, 037, 038, 039**
- 8.6. **Award of Contract to Kimley-Horn for the Update of the Traffic Circulation Master Plan and Transportation Impact Fee Program in the Amount of**

\$360,590 with a 10% Contingency for a Total of \$396,649

- 8.7. Award a Contract to J.J.R. Construction, Inc. for the FY23 Annual Citywide Curb Ramp Project No. 23-PW-280 for a Total Project Expenditure of \$174,565**
- 8.8. Adopt a Resolution of the City Council of the City of Gilroy Approving the City of Gilroy (Applicant) to Apply for Grant Funds Under the Safe, Clean Water and Natural Flood Protection Program**

9. BIDS AND PROPOSALS

10. PUBLIC HEARINGS

- 10.1. Appeal of Planning Commission Decision to Deny an Application Proposing Changes to City Code to Allow Up to Two Electronic Billboards in the City of Gilroy [This is a De Novo Hearing at Which the Council Will Decide if the Environmental Review is Adequate, and if so, Whether or not to Introduce the Ordinance.]**

- 1. Disclosure of Ex-Parte Communications
- 2. Staff Report: Sharon Goei, Community Development Director
- 3. Open Public Hearing
- 4. Close Public Hearing
- 5. Possible Action:

[First Action] Staff recommends that the City Council, based on its independent analysis and substantial evidence in the record, find that: the Final IS/MND was completed in compliance with the California Environmental Quality Act (CEQA); there is no substantial evidence that the project will have a significant effect on the environment due to mitigations agreed to by the applicant; and the Final IS/MND reflects the City's independent judgment and analysis;

[Second Action] Staff recommends that the City Council decide whether or not to move forward with this ordinance. If it desires to move forward, then the Council should follow option (b) below. If not, then the Council should follow option (a) below:

- a) Deny the appeal and uphold the Planning Commission's decision to deny a Zoning Amendment application (Z 18-04) to amend the Gilroy City Code Section 30.37.30 (Prohibited Signs), Section 30.37.50 (Commercial and Industrial Districts), and Section 30.37.51 (Freeway Oriented Signs) and creating a new Zoning Ordinance Article LV (Electronic Billboards).

OR

- b) Uphold the appeal and motion to read the ordinance by title only and waive further reading of the ordinance; and

Introduce an Ordinance (Z 18-04) amending the Gilroy City Code Section 30.37.30 (Prohibited Signs), Section 30.37.50 (Commercial and Industrial Districts), and Section 30.37.51 (Freeway Oriented Signs) and creating a new Zoning Ordinance Article LV (Electronic Billboards), with modifications: Include additional content-based restrictive language in the Ordinance and any Electronic Billboard Development Agreement. Other

modifications as the Council deems necessary.

11. UNFINISHED BUSINESS

12. INTRODUCTION OF NEW BUSINESS

12.1. 2022 General Plan and Housing Element Annual Progress Report

1. Staff Report: Sharon Goei, Community Development Director
2. Public Comment
3. Possible Action:

Accept the report and direct staff to submit the 2022 Annual Progress Report to the California Department of Housing and Community Development and the Governor's Office of Planning and Research.

12.2. Unhoused Camping Ban Near Schools and Critical Infrastructure

1. Staff Report: Bryce Atkins, Assistant to the City Administrator
2. Public Comment
3. Possible Action:

Council provide direction.

13. CITY ADMINISTRATOR'S REPORTS

14. CITY ATTORNEY'S REPORTS

15. CLOSED SESSION

15.1. Conference with Negotiator – Pursuant to Government Code Section 54957.6, Gilroy City Code Section 17A.11 (4)

City Employee: Jimmy Forbis, City Administrator;

City Negotiator: Marie Blankley, Mayor;

Anticipated Issue(s) Under Negotiation: Employment Contract Between City of Gilroy & Jimmy Forbis

1. Receive Public Comment

16. ADJOURN TO OPEN SESSION

Report of any action taken in Closed Session and vote or abstention of each Council Member if required by Government Code Section 54957.1 and GCC Section 17A.13 (a); Public Report of the vote to continue in closed session if required under GCC Section 17A.11 (e).

17. ADJOURNMENT

FUTURE MEETING DATES

April 2023

- 3 Regular Meeting - 6:00 p.m
- 17 Regular Meeting - 6:00 p.m

May 2023

- 1 Regular Meeting - 6:00 p.m
- 3 Capital Improvement Plan Workshop - 6:00 p.m – 8:00 p.m.
- 15 Regular Meeting - 6:00 p.m
- 22 Recommend Operating Budget Workshop - 6:00 p.m – 8:00 p.m.

June 2023

- 5 Regular Meeting - 6:00 p.m
- 19 Regular Meeting - 6:00 p.m

Meetings are webstreamed on the City of Gilroy's website at gilroy.city/meetings.