



CITY COUNCIL AGENDA

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

REGULAR MEETING | 6:00 PM
MONDAY, MAY 1, 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:

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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.

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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 Naming May 2023 as Bicycle Awareness Month**
- 2.2. **Proclamation Naming May 2023 as Affordable Housing Month**
- 2.3. **Proclamation Naming May 2023 as Building Safety 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 Joint Water Resources Committee, 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 Committee, SCRWA, South County Youth Task Force Policy Team, VTA Board of Directors, VTA Mobility Partnership

5. COUNCIL CORRESPONDENCE

- 5.1. Santa Clara Valley Water District (Valley Water) Notice of Public Hearing for Flood Control Benefit Assessment Rates for Fiscal Year 2023-2024 and Valley Water Benefit Assessment Report**

6. FUTURE COUNCIL INITIATED AGENDA ITEMS

7. 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.

- 7.1. Approval of the Action Minutes of the April 17, 2023 City Council Regular Meeting**
- 7.2. Approve an Amendment to the Agreement with SDI Presence for Information Technology (IT) Consulting and Project Support Services**
- 7.3. Claim of Timothy Carthen (The City Administrator recommends a "yes" vote under the Consent Calendar shall constitute denial of the claim)**

8. BIDS AND PROPOSALS

- 8.1. Award the Purchase of a Type III Fire Engine in the amount of \$415,672.91 Utilizing Cal Fire Tag-On Contract No. 1-22-23-21B**
1. Staff Report: LeeAnn McPhillips, Assistant City Administrator / Administrative Services and Human Resources Director / Risk Manager
 2. Public Comment
 3. Possible Action:
 - 1) Award the purchase of a Type III Fire Engine in the amount of \$415,672.91 utilizing Cal Fire Tag-On Contract No. 1-22-23-21B.
 - 2) Authorize the City Administrator to execute the purchase contract

documents.

8.2. Award a Contract to Teichert Construction for the FY23 Citywide Pavement Rehabilitation Project No. 23-PW-278 and Approve a Total Project Expenditure of \$6,688,412

1. Staff Report: Daryl Jordan, Public Works Director
2. Public Comment
3. Possible Action:
 - a) Adopt a resolution of the City Council of the City of Gilroy amending the budget for the City of Gilroy for Fiscal Year 2022-2023 and appropriating proposed expenditure amendments; and
 - b) Award a Contract to Teichert Construction in the amount of \$6,080,374.35 with an additional project contingency of \$608,037.65 (10%), for a total construction cost of \$6,688,412.00 for the FY23 Citywide Pavement Rehabilitation Project, No. 23-PW-278, and authorize the City Administrator to execute the contract and associated documents.

8.3. Approval of a Third Amendment to the Agreement for Professional Services with Park Consulting Group in the amount of \$379,760 for the Tyler EnerGov Land Management System Project and Post-Production Issue Resolution, Support, and Enhancement Services

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

Approve and authorize the City Administrator to execute the third amendment to the Agreement for Professional Services with Park Consulting Group, extending the agreement through June 30, 2025, and adding \$379,760 to the current Agreement, increasing the total not-to-exceed amount to \$663,760, for the Tyler EnerGov Land Management System Project and post-production issue resolution, support, and enhancement services.

8.4. Award of a Contract to David J. Powers & Associates, Inc. in the Amount of \$360,069 with a Project Contingency of \$36,007 (10%), for a Total Cost of \$396,076 for 10th Street Bridge at Uvas Creek Environmental Compliance Services, Project M 16-10 and Adopt a Resolution Amending the Budget for the City of Gilroy for 2022-2023 and Appropriating Proposed Expenditure Amendments

1. Staff Report: Sharon Goei, Community Development Director
2. Public Comment
3. Possible Action:
 - a) Award a Contract to David J. Powers & Associates, Inc. in the amount of \$360,069 with an additional project contingency of \$36,007 (10%), for a total cost of \$396,076 for 10th Street Bridge at Uvas Creek environmental compliance services and authorize the City Administrator to execute the contract and associated documents; and
 - b) Adopt a resolution amending the budget for the City of Gilroy for 2022-2023 and appropriating proposed expenditure amendments.

9. PUBLIC HEARINGS

9.1. Emergency Shelters Zoning Amendment

1. Staff Report: Sharon Goei, Community Development Director
2. Open Public Hearing
3. Close Public Hearing
4. Possible Action:

Staff has analyzed the proposed project and recommends that the City Council:

- a) Based on its independent analysis, find that approval of the Emergency Shelters Zoning Amendment is exempt from review under the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15061(b)(3) in that it can be seen with certainty that the Emergency Shelters Zoning Amendment would not result in a significant environmental effect, and none of the circumstances set forth in CEQA Guidelines Section 15300.2 applies;
- b) Motion to read the ordinance by title only and waive further reading; and
- c) Introduce an Ordinance of the City Council of the City of Gilroy approving amendments to the Gilroy City Code, Chapter 30 (Zoning), Article XLI Section 30.41.32 (Specific Provisions—Emergency Shelters), Article II Section 30.2.20 (Definitions), and Article XI Section 30.11.10C (Residential Use Table) regarding Emergency Shelters (Z 23-03).

9.2. Adoption of the Gilroy 2023 - 2031 Housing Element

1. Staff Report: Sharon Goei, Community Development Director
2. Open Public Hearing
3. Close Public Hearing
4. Possible Action:

Staff has analyzed the proposed project and recommends that the City Council:

- a) Based on its independent analysis, find that the adoption of the Gilroy 2023-2031 Housing Element is exempt from review under the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15061(b)(3) in that it can be seen with certainty that the Gilroy 2023-2031 Housing Element would not result in a significant environmental effect, and none of the circumstances set forth in CEQA Guidelines Section 15300.2 applies; and
- b) Adopt a resolution adopting a general plan amendment to repeal the Gilroy 2015-2023 Housing Element and adopt the Gilroy 2023-2031 Housing Element, in substantial compliance with State Housing Element Law (GPA 22-01); and
- c) Direct the Community Development Director, or designee, to submit the Gilroy 2023-2031 Housing Element and all associated documentation to the Department of Housing and Community Development (HCD), and further authorize the Community Development Director, or designee, to

make any changes to the Housing Element necessary to make it internally consistent, conform to State Housing Element Law as provided in Government Code 65580 et seq, and address any changes or amendments requested by HCD to achieve certification.

9.3. Introduction and First Reading of an Ordinance of the City Council of the City of Gilroy Amending Sections 10A.15 (a) and (c) of the Gilroy City Code Relating to Host Liability for Illegal Fireworks and Illegal Use of Legal Fireworks

1. Staff Report: Sharon Goei, Community Development Director
2. Open Public Hearing
3. Close Public Hearing
4. Possible Action:

Following the reading of the title of the ordinance by the City Clerk, move to waive the first reading of the ordinance beyond the title and introduce the ordinance of the City Council of the City of Gilroy amending Gilroy City Code Sections 10A.15 (a) and (c) to strengthen the ability to enforce a host liability for illegal fireworks and illegal use of legal fireworks on public streets.

9.4. Conduct a Public Hearing to Approve CDBG Program Year 2023-24 Funding Allocations and Annual Action Plan

1. Staff Report: Sharon Goei, Community Development Director
2. Open Public Hearing
3. Close Public Hearing
4. Possible Action:

Approve the Community Development Block Grant (CDBG) funding allocations and Annual Action Plan for Program Year 2023-24.

10. UNFINISHED BUSINESS

10.1. Adopt a Resolution Forming the Downtown Committee and Appoint Public Members to the Committee

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

Council:

- a) Adopt the resolution forming the Downtown Committee; and
- b) Appoint public members to the Committee.

11. INTRODUCTION OF NEW BUSINESS

11.1. Fiscal Year 2023 General Fund Forecast Update

1. Staff Report: Harjot Sangha, Finance Director
2. Public Comment
3. Possible Action:

Receive report.

11.2. Council Consideration of a City Council Proclamation and Recognition

Policy

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

Council adopt the City Council Proclamation and Recognition Policy.

12. CITY ADMINISTRATOR'S REPORTS

12.1. City of Gilroy AARP Taxaide Program

12.2. City of Gilroy/GUSD Award for 2022 Fentanyl Outreach Campaign

13. CITY ATTORNEY'S REPORTS

14. ADJOURNMENT

FUTURE MEETING DATES

May 2023

- 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

July 2023

- 3 ~~Regular Meeting – 6:00 p.m~~ **-CANCELED-**
- 10 Special Meeting - 6:00 p.m

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