

City of Gilroy
City Council Regular Meeting Minutes
Monday, May 1, 2023 | 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 Cline led the Pledge of Allegiance.

1.3. Invocation

None was given.

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	Dion Bracco, Mayor Pro Tempore Tom Cline, Council Member Zach Hilton, Council Member Carol Marques, Council Member Fred Tovar, Council Member Marie Blankley, Mayor
Absent	Rebeca Armendariz, Council Member

1.6. Orders of the Day

There were none.

1.7. Employee Introductions

Fire Chief Wyatt introduced Firefighter/Paramedic Walter Kaneshiro.

Public Works Director Jordan introduced Maintenance Worker Jacob Gomer, Maintenance Worker Jonathon Castro, Maintenance Worker Sonny Old Elk, and Maintenance Worker Salvator Russo.

2. CEREMONIAL ITEMS - Proclamations and Awards

2.1. Proclamation Naming May 2023 as Bicycle Awareness Month

Mayor Blankley read aloud the Proclamation, which Parks and Recreation Commission Chair Luis Ramirez then accepted.

2.2. Proclamation Naming May 2023 as Affordable Housing Month

Mayor Blankley read aloud the Proclamation, which Community Development Director Goei then accepted.

2.3. Proclamation Naming May 2023 as Building Safety Month

Mayor Blankley read aloud the Proclamation, which Community Development

Director Goei then accepted.

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 members spoke on items that were not on the agenda.

Jeff Orth requested assistance in dealing with unsanctioned events in downtown.

Robert Zepeda discussed the need for local control and limited government.

Ron Kirkish expressed his view that Silicon Clean Energy should explain to the Council why they cannot meet zero carbon emissions.

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

4. REPORTS OF COUNCIL MEMBERS

Council Member Bracco had nothing to report.

Council Member Marques reported on Gilroy Gardens Board of Directors.

Council Member Hilton reported on VTA Policy Advisory Committee, asked the public to donate bicycles in working condition, and his office will be hosting one of the energizer stations on May 18th's Bike to Wherever Day.

Council Member Cline had nothing to report.

Council Member Tovar thanked members of the community who cleaned the downtown parking lot.

Mayor Blankley reminded the public about Bike to Wherever Day, held on May 18th. She also reported on and reported on CalTrain Policy Group and her tour of the construction site of the High-Speed Rail with City Administrator Forbis, Morgan Hill Mayor Mark Turner, and County Board Supervisor Otto Lee.

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

Council acknowledged the item.

6. FUTURE COUNCIL INITIATED AGENDA ITEMS

Council Member Tovar requested that staff ask Silicon Clean Energy for a response brought forth by Mr. Kirkish. City Administrator Forbis will contact them directly.

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: Dion Bracco, Mayor Pro Tempore

SECONDER: Fred Tovar, Council Member

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

ABSENT: Council Member Armendariz

7.1. Approval of the Action Minutes of the April 17, 2023 City Council Regular Meeting

A motion was made to approve the minutes.

7.2. Approve an Amendment to the Agreement with SDI Presence for Information Technology (IT) Consulting and Project Support Services

A motion was made to 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)

A motion was made to deny the claim.

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

Administrative Services LeeAnn McPhillips provided staff presentation and responded to Council Member questions.

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

Motion:

Award the purchase utilizing Cal Fire Tag-On Contract No. 1-22-23-21B and authorize the City Administrator to execute the purchase contract documents.

RESULT: Pass

MOVER: Fred Tovar, Council Member

SECONDER: Carol Marques, Council Member

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

ABSENT: Council Member Armendariz

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

Public Works Director Jordan provided staff presentation and responded to

Council Member questions.

Mayor Blankley opened Public Comment.

Gregory Felios issued concerns about the cost and inquired if there is an oversight on the project.

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

Motion:

Motion to adopt the resolution and award a contract to Teichert Construction for the FY 23 Citywide Pavement Rehabilitation Project, No. 23-PW-273, and authorize the City Administrator to execute the contract and associated documents.

RESULT: Pass

MOVER: Carol Marques, Council Member

SECONDER: Dion Bracco, Mayor Pro Tempore

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

ABSENT: Council Member Armendariz

Enactment No.: Resolution No. 2023-24

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

Community Development Director Goei provided staff presentation and responded to Council Member questions.

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

Motion:

Approve and authorize the City Administrator to execute the third amendment to the Agreement for Professional Services with Park Consulting Group.

RESULT: Pass

MOVER: Dion Bracco, Mayor Pro Tempore

SECONDER: Tom Cline, Council Member

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

ABSENT: Council Member Armendariz

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

Planner II Durkin provided staff presentation and responded to Council Member questions.

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

Motion:

Award a contract to David J. Power & Associates, Inc. for 10th Street Bridge at Uvas Creek environmental compliance services and authorize the City Administrator to execute the contract and associated documents and adopt the resolution.

RESULT: Pass

MOVER: Fred Tovar, Council Member

SECONDER: Carol Marques, Council Member

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

ABSENT: Council Member Armendariz

Enactment No.: Resolution No. 2023-25

9. PUBLIC HEARINGS

9.1. Emergency Shelters Zoning Amendment

Customer Service Manager McCormick provided staff presentation and responded to Council Member questions.

Mayor Blankley opened the Public Hearing at 7:11 PM. There being no speakers, Mayor Blankley closed the Public Hearing at 7:11 PM.

Motion:

Motion to approve 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.

RESULT: Pass

MOVER: Fred Tovar, Council Member

SECONDER: Carol Marques, Council Member

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

ABSENT: Council Member Armendariz

Motion:

Read the ordinance by title only and waive further reading.

RESULT: Pass

MOVER: Fred Tovar, Council Member

SECONDER: Dion Bracco, Mayor Pro Tempore

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

ABSENT: Council Member Armendariz

City Clerk Pham read aloud the title of the ordinance.

Motion:

Motion to Introduce an Ordinance

RESULT: Pass

MOVER: Tom Cline, Council Member

SECONDER: Fred Tovar, Council Member

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

ABSENT: Council Member Armendariz

9.2. Adoption of the Gilroy 2023 - 2031 Housing Element

Customer Service Manager McCormick provided staff presentation and responded to Council Member questions.

Mayor Blankley opened the Public Hearing at 7:55 PM.

Terence Fugazzi expressed some objections to the Housing Element.

Ronald Howson inquired why a council member contacted him if they were going to develop on his property in the next eight years.

Ron Kirkish inquired how impact fees related to the Housing Element. Customer Service Manager McCormick briefly responded to Mr. Kirkish's inquiry.

There being no further speakers, Mayor Blankley closed the Public Hearing at 8:01 PM.

Motion:

Motion to 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.

RESULT: Pass

MOVER: Dion Bracco, Mayor Pro Tempore

SECONDER: Marie Blankley, Mayor

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

ABSENT: Council Member Armendariz

Motion:

Adopt the resolution with the following items amended in the Housing Element:

- Modified Program A-10 to change the minimum lot size for triplexes and fourplexes from 6,000 square feet to 8,000 square feet in the R-1 and R-2 zones.
- Modified Program A-10 limit the triplex and fourplex allowance to R-1 and R-2 lots that were created prior to May 1, 2023
- Modified Program A-10 to remove the increase in ADU square footage from 1,000 square feet to 1,200 square feet.
- Modified Program B-5 to remove Planned Development streamlining from the list of zoning updates - City Council is the final approval of the process.

RESULT: Pass

MOVER: Carol Marques, Council Member

SECONDER: Fred Tovar, Council Member

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

NAYS: Council Member Hilton

ABSENT: Council Member Armendariz

Enactment No.: Resolution No. 2023-26

Motion:

Motion to 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.

RESULT: Pass

MOVER: Carol Marques, Council Member

SECONDER: Marie Blankley, Mayor

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

ABSENT: Council Member Armendariz

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

Deputy Fire Marshal Crick provided staff presentation and responded to Council Member questions.

Mayor Blankley opened the Public Hearing at 8:45 PM. There being no speakers, Mayor Blankley closed the Public Hearing at 8:45 PM.

Motion:

Motion to read the ordinance by title only and waive further reading.

RESULT: Pass

MOVER: Fred Tovar, Council Member

SECONDER: Tom Cline, Council Member

AYES: Council Member Cline, Council Member Hilton, Council Member Marques, Council Member Tovar, Mayor Blankley

NAYS: Mayor Pro Tempore Bracco

ABSENT: Council Member Armendariz

City Clerk Pham read aloud the title of the ordinance.

Motion:

Motion to Introduce an Ordinance.

RESULT: Pass

MOVER: Fred Tovar, Council Member

SECONDER: Tom Cline, Council Member

AYES: Council Member Cline, Council Member Hilton, Council Member Marques, Council Member Tovar, Mayor Blankley

NAYS: Mayor Pro Tempore Bracco

ABSENT: Council Member Armendariz

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

Community Development Director Goei provided staff presentation and responded to Council Member questions.

Mayor Blankley opened the Public Hearing at 9:02 PM.

There being no further speakers, Mayor Blankley closed the Public Hearing at 9:02 PM.

Motion:

Motion to approve the CDBG funding allocations and Annual Action Plan for Program Year 2023-24.

RESULT: Pass

MOVER: Fred Tovar, Council Member

SECONDER: Carol Marques, Council Member

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

ABSENT: Council Member Armendariz

10. UNFINISHED BUSINESS

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

Assistant to the City Administrator Atkins provided staff presentation and responded to Council Member questions.

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

Motion:

Motion to adopt the resolution forming the Downtown Committee.

RESULT: Pass

MOVER: Dion Bracco, Mayor Pro Tempore

SECONDER: Tom Cline, Council Member

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

ABSENT: Council Member Armendariz

Enactment No.: Resolution No. 2023-27

Council Member Marques informed Council that Council Member Armendariz appointed Lorena Gaeta and Matt Gallion to the Downtown Committee.

Council Member Bracco appointed Jeff Orth and David Caldwell to the Downtown Committee.

Council Member Marques appointed Jeanie Rizutto and Fran Beaudet to the Downtown Committee.

Council Member Tovar appointed Victoria Valencia and William Leal to the Downtown Committee.

Mayor Blankley appointed David Leal and Emily McEna-Upright to the Downtown Committee.

11. INTRODUCTION OF NEW BUSINESS

11.1. Fiscal Year 2023 General Fund Forecast Update

Finance Director Sangha provided staff presentation and responded to Council Member questions.

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

Council received the report.

11.2. Council Consideration of a City Council Proclamation and Recognition Policy

Assistant to the City Administrator Atkins provided staff presentation and responded to Council Member questions.

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

Motion:

Motion to adopt the resolution.

RESULT:

MOVER: Fred Tovar, Council Member

SECONDER: Tom Cline, Council Member

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

ABSENT: Council Member Armendariz

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

City Administrator Forbis provided his report.

13. CITY ATTORNEY'S REPORTS

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

14. ADJOURNMENT

Mayor Blankley adjourned the meeting at 9:33 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, CMC, CPMC
City Clerk