

City of Gilroy
City Council Regular Meeting Minutes
Monday, June 5, 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 Marques led the Pledge of Allegiance.

1.1 Invocation

Pastor Malcolm MacPhail from New Hope Community Church provided the Invocation.

1.2 City Clerk's Report on Posting the Agenda

City Clerk Pham reported on the posting of the agenda.

1.3 Roll Call

Attendance	Attendee Name
Present	Rebeca Armendariz, Council Member 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	None

1.4 Orders of the Day

There were none.

1.5 Employee Introductions

Police Chief Espinoza introduced four employees who were promoted: Sergeant Rob Basuino, Corporal Darren Cooner, Communications Supervisor Amanda Marciel, and Records Supervisor Vien Myles.

2. CEREMONIAL ITEMS - Proclamations and Awards

2.1. Proclamation for Retiring GUSD Superintendent Dr. Deborah Flores

Mayor Blankley read aloud the Proclamation, which Dr. Deborah Flores 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.

Albert Lustre advocated the promotion of a responsible general contractor.

Robert Zepeda voiced his opposition to the Council raising the Pride Flag.

Jan Bernstein Chargin encouraged the Council to solve the issue of homelessness with the community.

Wes White spoke in favor of the Pride Flag being flown over City Hall.

Gregory Felios thanked the Council for providing a forum for individuals of different political spectrums to speak and supported the Council in flying the Pride Flag.

Dez Martinez requested Council to provide safe camps for the unhoused.

Robert Aguirre spoke about the unhoused not having a voice in the community.

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

4. REPORTS OF COUNCIL MEMBERS

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

Council Member Armendariz reported on Santa Clara Valley Habitat Agency Governing Board.

Council Member Marques reported had no report.

Council Member Hilton reported on Silicon Valley Clean Energy Authority JPA Board. He also wished the community Happy Pride Month and congratulated the City on winning the Silicon Valley Bicycle Coalition Pedal Power Challenge.

Council Member Cline had nothing to report.

Council Member Tovar thanked the IBEW Local 332 for allowing him to attend the family dinner appreciation night and reported that he went to the San Mateo County Fair to support one of the local artists.

Mayor Blankley reported on the fourth train from CalTrain servicing Gilroy. Additionally, she also highlighted the SCRWA expansion, the 101-125 Interchange project from VTA, and extended her congratulations to Las Animas Elementary School and Rucker Elementary for their participation in the 10th Annual Bike Rack Decorating Contest organized by Santa Clara County Public Health Department.

5. COUNCIL CORRESPONDENCE

5.1. City Council Member Meeting Attendance

Council acknowledged the attendance report.

6. FUTURE COUNCIL INITIATED AGENDA ITEMS

Council Member Bracco requested Council to discuss naming the downtown pop-up park after Gilroy's Donald "Elvis" Prieto at a future council meeting. His request received unanimous support.

7. CONSENT CALENDAR

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

Motion: Adopt the Consent Calendar.

RESULT: Pass

MOVER: Fred Tovar, Council Member

SECONDER: Dion Bracco, Mayor Pro Tempore

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

7.1. Approval of the Action Minutes of the May 15, 2023 City Council Regular Meeting

A motion was made to approve the minutes.

7.2. Approval of the Action Minutes of the May 22, 2023 City Council Recommend Operating Budget Workshop

A motion was made to approve the minutes.

7.3. Adopt a Resolution of the City Council of the City of Gilroy Setting the Tax Rate for Fiscal Year 2023-24 (FY24) for the Gilroy Community Library Project Bonds

A motion was made to adopt the resolution.

Enactment No.: Resolution No. 2023-33

7.4. Approval of Final Map and Property Improvement Agreement for Glen Loma Ranch McCutchin Creek/Palomino Development, Tract 10426, Tract 10613, and McCutchin Creek Re-Alignment APN's 808-43-008 and 808-43-010

A motion was made to adopt the Final Map and Property Improvement Agreement.

7.5. Approval of a Notice of Acceptance of Completion for the FY23 Annual CDBG Sidewalk/Curb Ramp Project No. 23-PW-279

A motion was made to approve the Notice of Acceptance for the FY23 Annual CDBG Sidewalk/Curb Ramp.

7.6. A Resolution of the City Council of the City of Gilroy Approving the Application for Grant Funds from the Recreational Trails Program

A motion was made to adopt the resolution.

Enactment No.: Resolution No. 2023-34

7.7. A Resolution of the City Council of the City of Gilroy Approving the Application for Grant Funds from the Habitat Conservation Fund Program

A motion was made to adopt the resolution.

Enactment No.: Resolution No. 2023-35

7.8. Transfer of Interest Income from the Museum Vase Endowment Trust to the Gilroy Museum Fund

A motion was made to transfer interest income from Museum Vase Endowment Trust to Gilroy Museum Fund.

7.9. Claim of Jesse Perez (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. BIDS AND PROPOSALS

8.1. Purchase of Three 2023 Chevrolet Colorado Work Truck Crew Cab Vehicles in the Total Amount of \$103,350 for Community Development and Public Works Engineering

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 a purchase of three 2023 Chevrolet Colorado Work Truck Crew Cab Trucks for the total cost of \$103,350 to Gilroy Chevrolet and authorize the City Administrator to execute purchase documents.

RESULT: Pass

MOVER: Fred Tovar, Council Member

SECONDER: Tom Cline, Council Member

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

9. PUBLIC HEARINGS

9.1. Introduction and First Reading of an Ordinance of the City Council of the City of Gilroy Adding Chapter 5 to the Gilroy City Code Relating to Banning the Use of Certain Public Rights-of-Way as Sleeping or Living Accommodations

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

Mayor Blankley opened the Public Hearing at 7:00 PM.

The following individuals spoke in favor of the ordinance:

Deborah Flores
Robert Weaver

Jeff Orth
Herman Garcia
Linda Piceno
Hilda Aguirre
Ron Kirkish
Kirsten Carr
Sarina Jacobson
Valentina Renales
Jose Montes

The following individuals spoke in opposition to the proposed ordinance:

Vanessa Ashford
TJ Napihaa
Susan Mister
Joseph Robinson
Jan Bernstein Chargin
Wes White
Robert Aguirre
Linda Leighton
Tristia Bauman
Sally Armendariz
Gary Walton

There being no further speakers, Mayor Blankley closed the Public Hearing at 7:45 PM.

Motion: Read the ordinance by title only and waive further reading of the ordinance.

RESULT: Fail

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

NAYS: Council Member Armendariz

City Clerk Pham read aloud the entirety of the proposed ordinance.

Motion: Introduce an ordinance of the City Council of the City of Gilroy adding Chapter 5 to the Gilroy City Code relating to banning the use of certain public rights-of-way as sleeping or living accommodations.

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

NAYS: Council Member Armendariz

9.2. Adopt Fiscal Years 2024 (FY24) and 2025 (FY25) Operating and Capital Budgets, Position Control List, Departmental Workplans, Boards & Commissions Workplans, and the GANN Appropriation Limit for Fiscal Year 2024

City Administrator Forbis provided staff presentation and responded to Council Member questions.

Mayor Blankley opened the Public Hearing at 8:55 PM. There being no speakers, Mayor Blankley closed the Public Hearing at 8:55 PM.

Motion: Adopt a Resolution of the City Council of the City of Gilroy setting the Appropriation Limit for FY24.

RESULT: Pass

MOVER: Tom Cline, Council Member

SECONDER: Dion Bracco, Mayor Pro Tempore

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

Enactment No.: Resolution No. 2023-36

Motion: Adopt a Resolution of the City Council of the City of Gilroy adopting the Operating and Capital Improvement Program budget for FY24 and FY25 and appropriating expenditures for the purposes set forth in the budget with the following changes to the budget:

- Planning commission training be \$1,500 per person per year to a total of \$10,500; and
- Not to approve the \$500,000.00 contribution to Section 115 Trust, which staff will bring back to Council as a separate item.

RESULT: Pass

MOVER: Dion Bracco, Mayor Pro Tempore

SECONDER: Rebeca Armendariz, Council Member

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

Enactment No.: Resolution No. 2023-37

Motion: Adopt a Resolution of the City Council of the City of Gilroy establishing the Position Control List for FY24 and FY25.

RESULT: Pass

MOVER: Tom Cline, Council Member

SECONDER: Fred Tovar, Council Member

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

Enactment No.: Resolution No. 2023-38

Motion: Approve the City Goals, Priorities, Legislative Agenda, and Departmental Workplans for FY24 and FY25.

RESULT: Pass

MOVER: Zach Hilton, Council Member

SECONDER: Fred Tovar, Council Member

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

Motion: Approve the Boards and Commissions Workplans for FY24 and FY25.

RESULT: Pass

MOVER: Zach Hilton, Council Member

SECONDER: Rebeca Armendariz, Council Member

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

9.3. Gilroy Square Project – Gilroy Crossings Phase II Planned Unit Development Zoning Amendment, Tentative Map, and Architectural and Site Review for Property Located at 6970 Camino Arroyo (File No: Z 22-02, TM 21-02, AS 21-13)

Mayor Blankley asked if Council if they have any ex-parte communications to disclose. Council Members Tovar, Cline, Bracco, and Mayor Blankley disclosed they had conversations with Mark Sanchez. Their conversations with him did not yield any new information.

Senior Planner Tambornini provided staff presentation and responded to Council Member questions.

Mayor Blankley opened the Public Hearing at 9:08 PM.

Patrick McGaughey spoke in favor of the project.

Albert Lustre spoke in favor of the project, but it needs a responsible local general contractor.

Susan Mister spoke in favor of the project.

There being no further speakers, Mayor Blankley closed the Public Hearing at 9:11 PM.

Motion: Adopt a Mitigated Negative Declaration Resolution prepared for the Gilroy Square project, based on the independent analysis of the City Council and in accordance with the California Environmental Quality Act (CEQA).

RESULT: Pass

MOVER: Fred Tovar, Council Member

SECONDER: Rebeca Armendariz, Council Member

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

Enactment No.: Resolution No. 2023-39

Motion: Read an ordinance by title only and waive further reading.

RESULT: Pass

MOVER: Fred Tovar, Council Member

SECONDER: Carol Marques, Council Member

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

City Clerk Pham read aloud the title of the proposed ordinance.

Motion: Introduce an ordinance of the City Council approving Planned Unit Development Zoning Amendment Z 22-02 for Gilroy Crossings Phase II.

RESULT: Pass

MOVER: Tom Cline, Council Member

SECONDER: Fred Tovar, Council Member

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

Motion: Adopt a resolution approving Tentative Map TM 21-02.

RESULT: Pass

MOVER: Fred Tovar, Council Member

SECONDER: Tom Cline, Council Member

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

Enactment No.: Resolution No. 2023-40

Motion: Adopt a resolution approving Architectural and Site Review AS 21-13 for the Planned Unit Development with Condition of Approval No. 66 amended as follows:

BICYCLE PARKING: Short-term bicycle parking. Provide surface mounted bicycle racks within 200 feet of the visitor's entrance, for 5 percent of new visitor parking spaces added, with a minimum of one two-bike capacity inverted U-rack.

Long-term bicycle parking. Provide secure bicycle parking for 5 percent of the tenant-occupant parking spaces with a minimum of one bicycle parking facility.

Long-term bicycle parking for hotel buildings. Provide one on-site bicycle parking space for every 25 rooms (for employees and guests). Parking facilities shall be conveniently reached from the street.

RESULT: Pass

MOVER: Zach Hilton, Council Member

SECONDER: Tom Cline, Council Member

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

Enactment No.: Resolution No. 2023-41

10. UNFINISHED BUSINESS

10.1. Approval of the Capital Improvement Program for Fiscal Year 2024 Through Fiscal Year 2028

Public Works Director Jordan 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 the Capital Improvement Program for Fiscal Year 2024 through 2028.

RESULT: Pass

MOVER: Dion Bracco, Mayor Pro Tempore

SECONDER: Rebeca Armendariz, Council Member

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

11. INTRODUCTION OF NEW BUSINESS

11.1. Adopt a Resolution Declaring Four City-Owned Properties as Surplus Pursuant to Government Code Section 54221 and Find that the Council's Action in Doing So is Exempt from CEQA Pursuant to CEQA Guidelines Section 15061(b)(3)

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: Adopt a Resolution declaring four city-owned properties as surplus pursuant to Government Code Section 54221 and find that the Council's action in doing so is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3)

RESULT: Pass

MOVER: Fred Tovar, Council Member

SECONDER: Rebeca Armendariz, Council Member

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

Enactment No.: Resolution No. 2023-42

12. CITY ADMINISTRATOR'S REPORTS

12.1. Community Development Department and Public Works Engineering Division Temporary Closure (One Week)

12.2. Sharks Ice Update

City Administrator Forbis provide his report and responded to Council Member questions.

13. CITY ATTORNEY'S REPORTS

There were none.

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