

**City of Gilroy
City Council Regular Meeting Minutes
Monday, August 7, 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

South Valley Community Church Pastor Greg Quirke led the Invocation.

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

1.6. Orders of the Day

There were none.

1.7. Employee Introductions

There were none.

2. CEREMONIAL ITEMS - Proclamations and Awards

There were none.

3. PRESENTATIONS TO THE COUNCIL

3.1. Parks and Recreation Commission Annual Presentation

Parks and Recreation Chair Luis Ramirez provided staff presentation and responded to Council Member questions.

3.2. 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:

Ron Kirkish expressed appreciation for the outcome of the last LAFCO hearing, commending specific individuals, including Customer Service Manager Cindy McCormick, City Attorney Andy Faber, Santa Clara Board Supervisor Sylvia Arenas, Morgan Hill Mayor Mark Turner, and others, for their advocacy and efforts in supporting the community's interests, emphasizing the importance of the territory for future expansion.

Robert Zepeda discussed the movie 'Sound of Freedom,' stressing California's alarming human trafficking statistics and emphasizing the need for awareness and action.

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

4. REPORTS OF COUNCIL MEMBERS

Council Member Bracco had no report.

Council Member Armendariz had no report.

Council Member Marques had no report.

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

Council Member Cline had no report.

Mayor Blankley reported on CalTrain Policy Group.

5. COUNCIL CORRESPONDENCE

There were none.

6. FUTURE COUNCIL INITIATED AGENDA ITEMS

There were none.

7. BOARD AND COMMISSION INTERVIEWS

7.1. Interviews for Open Seats on Youth Commission for Future Appointments Scheduled for August 21, 2023

Council accepted the late applications for open seats and proceeded to interview applicants.

The Council interviewed the following applicants:

- Crystal Garcia Pablo
- Kuber Sihra
- Chad Knauss
- Lavender Hwang
- Maya Beyret
- Zara Ting-Tee
- Thanmay Sarath
- Saed Mustafa

8. REVIEW OF OPEN MEETING AND TRANSPARENCY LAWS AND ORDINANCES

8.1. City Attorney Annual Training - FPPC Regulations / Conflicts of Interest / Council Norms

City Attorney Faber provided the council training presentation and responded to Council Member questions.

9. CONSENT CALENDAR

Mayor Blankley opened and, seeing no speakers, closed Public Comment.

Motion: Adopt the Consent Calendar

RESULT: Pass

MOVER: Dion Bracco, Mayor Pro Tempore

SECONDER: Carol Marques, Council Member

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

ABSENT: Council Member Tovar

9.1. Approval of the Action Minutes of the July 10, 2023 City Council Special Meeting

A motion was made to approve the minutes.

9.2. Approval of the Action Minutes of July 19, 2023 City Council Special Study Session

A motion was made to approve the minutes.

9.3. Approval of a Notice of Acceptance of Completion for the FY22 Citywide Pavement Maintenance Project No. 22-PW-273 and Approval of a Final Contract with McKim Corporation in the Amount of \$4,472,160.94

A motion was made to approve the Notice of Acceptance of Completion.

9.4. Approval of a Notice of Acceptance of Completion and Reduction of the Faithful Performance and Payment Security Bonds for Property Improvement Agreement No. 2017-04, Wild Chestnut - Tract 10301

A motion was made to approve the Notice of Acceptance of Completion.

9.5. Approve Corrected Gilroy Police Officers Association Salary Schedules for the Period July 1, 2023 - June 30, 2025

A motion was made to adopt the resolution.

Enactment No.: Resolution No. 2023-46

9.6. Claim of Steve Kinney (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.

10. BIDS AND PROPOSALS

There were none.

11. PUBLIC HEARINGS

11.1. Continued Public Hearing for Introduction and First Reading of an Ordinance Adding Chapter 16B, Sidewalk Vending, to the Gilroy City Code

Special Assistant to City Administration Biggs provided staff presentation and responded to Council Member questions.

Mayor Blankley opened the Public Hearing at 7:45 PM.

Terence Fugazzi praised the city's efforts in managing the growing number of downtown vendors, stressing the importance of equitable regulations, addressing health concerns from street barbecues, and suggesting alternative power sources to generators.

Ron Kirkish voiced appreciation for addressing the vendor issue and emphasized the need for stricter regulations, suggesting that vendors flouting the law should have their licenses revoked to ensure compliance and support law enforcement.

There being no further speakers, Mayor Blankley closed the Public Hearing at 7:49 PM.

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

RESULT: Pass

MOVER: Marie Blankley, Mayor

SECONDER: Dion Bracco, Mayor Pro Tempore

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

ABSENT: Council Member Tovar

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

Motion: Introduce an ordinance adding Chapter 16B, Sidewalk Vending, to the Gilroy City Code, which provides permit requirements and standards for sidewalk vending, and find that it is exempt from CEQA Guidelines Section 15332, with the following amendments to Exhibit 'A' of the ordinance:

- Include the following standard in Section 16B.3: *For the health, safety, and welfare of the community and pedestrians when using its public sidewalks, paths, and parks, generators and cooking methods that involve deep fat frying and wood-fired cooking devices, which present fire, smoke, burn, and slipping hazards, are prohibited. This limitation does not prohibit sidewalk vendors from using other cooking methods to heat or prepare foods.*
- Delete the following standards in Section 16B.3: (8) & (9)
- Increase the distance at 16B.3 (28) from 2' to 3'
- Replace 'or' with 'and' at subsection 16B.6 (8) to read: *Commercial general liability, automobile, and workers' compensation insurance policies and*

other such policy as the office of the risk manager of the City of Gilroy shall require.

RESULT: Pass

MOVER: Marie Blankley, Mayor

SECONDER: Dion Bracco, Mayor Pro Tempore

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

ABSENT: Council Member Tovar

11.2. Consideration of the Report of Abatement of Weeds and Refuse Within the City of Gilroy and Adoption of a Resolution of the City Council of the City of Gilroy Confirming the Imposition of Assessment Liens Against the Land

Fire Chief Wyatt and Santa Clara County Weed Abatement Manager Moe Kumre provided staff presentations and responded to Council Member questions.

Mayor Blankley opened the Public Hearing at 8:11 PM. There being no speakers, Mayor Blankley closed the Public Hearing at 8:11 PM.

Motion: Approve the resolution.

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, Mayor Blankley

ABSENT: Council Member Tovar

Enactment No.: Resolution No. 2023-47

12. UNFINISHED BUSINESS

There were none.

13. INTRODUCTION OF NEW BUSINESS

13.1. Introduction of an Ordinance of the City of Gilroy Amending Section 2.13 of the Gilroy City Code to Modify the Regular Meeting Schedule of the City Council

City Administrator Forbis provided a brief report and responded to Council Member questions.

Mayor Blankley opened and, seeing no speakers, closed Public Comment.

Council directed staff to draft the revised language stipulating that the regular City Council meeting in December be held on the second Monday of the month.

Additionally, the regular meeting for July will be moved to the last Monday of the month.

14. CITY ADMINISTRATOR'S REPORTS

14.1. Update on Recent Land Management System Implementation and Online Permit/Utility Payment System

City Administrator Forbis provided a brief report and responded to Council Member questions.

15. CITY ATTORNEY'S REPORTS

There were none.

16. ADJOURNMENT

The Mayor adjourned the meeting at 8:21 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