

City of Gilroy
City Council Regular Meeting Minutes
Monday, February 27, 2023 | 6:00 PM

1. **OPENING (CITY COUNCIL)**

1.1 **Call to Order**

Meeting was called to order by Mayor Blankley at 6:00 PM.

1.2. **Pledge of Allegiance**

Council Member Hilton led the Pledge of Allegiance.

1.3. **Invocation**

There were none.

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 Fred Tovar, Council Member Marie Blankley, Mayor

1.6. **Orders of the Day**

Mayor Blankley requested Agenda Item No. 11.1 be held after the consent calendar. There were no objections to the request.

1.7. **Employee Introductions**

Community Development Director Goei introduce Hazardous Material Inspector David Ayers, Jr. to the Council.

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

2.1. **Proclamation – Proclaiming March 2023 as Youth Arts Month**

Mayor Blankley acknowledged the proclamation.

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 in the agenda:

Jeff Orth provided a status update on the Downtown Business Association meeting with the Spanish speaking community.

Jan Guffey expressed concerns about the freight trains going through the City carrying toxic chemicals.

Joanne Fierro expressed disappointment of the video shown at the January 23, 2023 City Council Regular Meeting as it did not display the City's diversity.

Ron Kirkish opined about the article from Gilroy Dispatch with regards to Silicon Clean Energy and reiterated that carbon dioxide is not a pollutant.

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

4. **REPORTS OF COUNCIL MEMBERS**

Council Member Bracco had nothing to report.

Council Member Armendariz had nothing to report.

Council Member Marques reported on Gilroy Gardens Board of Directors.

Council Member Hilton reported on VTA Policy Advisory Committee.

Council Member Cline had nothing to report.

Council Member Tovar reported on meetings with community members. He also reminded the public about the Poppy Jasper International Film Festival being held in April 2023 and his second annual Salsa Tasting Contest and Classic Car Show in mid May 2023.

Mayor Blankley reported that City Staff will submit a federal grant application in the amount of \$21 million for the construction of the 10th Street Bridge and welcomed the public to submit letters of advocacy. She also reported on the CalTrain Policy Group.

5. **COUNCIL CORRESPONDENCE**

5.1. **Advisory and Request from the California League of Cities for a Resolution Opposing the Taxpayer Protection and Government Accountability Act Ballot Measure**

Council acknowledged receipt of the correspondence.

6. **FUTURE COUNCIL INITIATED AGENDA ITEMS**

There were none.

7. **CONSENT CALENDAR**

Mayor Blankley requested for Agenda Item Nos. 7.1 and 7.4 to be pulled out of the Consent Calendar.

Council Member Cline notified the Council he would recuse from voting on Consent Calendar Item No. 7.4 due to a conflict of interest.

MOTION: Approve the Consent Calendar excluding Consent Calendar Item No. 7.1 and 7.4.

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 February 6, 2023 City Council Regular Meeting**

Item was pulled from Consent Calendar.

7.2. **Adoption of a Resolution Approving Budget Amendments in Fiscal Year 2022-23 Adding \$43,529 from the Board of State and Community Corrections Officer Wellness and Mental Health Grant Program to the Police Department Grants Fund.**

A motion was made to adopt the resolution.

RESULT: Pass

Enactment No.: Resolution No. 2023-07

7.3. **Resolution of the City Council of the City of Gilroy Declaring Weeds a Nuisance**

A motion was made to adopt the resolution.

RESULT: Pass

Enactment No.: Resolution No. 2023-08

7.4. **Tentative Map Time Extension Request for Greenfield Subdivision approval to subdivide 8.36 acres into 14 residential lots, and dedication of 3.7 acres to Uvas Creek Preserve, located at the northerly end of Greenfield Drive, APN 808-20-008, Applicant James Suner (TM 16-02)**

Item was pulled from Consent Calendar.

7.5. **Adopt an Ordinance of the City Council of the City of Gilroy Amending Chapter 19B of the Gilroy City Code Relating to Smoking Pollution Control to Prohibit Smoking at Multi-Family Housing Properties and Public Events Except in Designated Areas**

A motion was made to adopt the ordinance.

RESULT: Pass

Enactment No.: Ordinance No. 2023-02

- 7.6. **Adopt an Ordinance of the City Council of the City of Gilroy Amending Chapter 19C of the Gilroy City Code Relating to Social Host Accountability to Increase the Penalty Amounts and Increase the Period of Time for Issuing Citations**

A motion was made to adopt the ordinance.

RESULT: Pass

Enactment No.: Ordinance No. 2023-03

- 7.7. **Claim of Loreen Clark (The City Administrator recommends a "yes" vote under the Consent Calendar shall constitute a denial of the claim).**

A motion was made to deny the claim.

RESULT: Pass

ITEMS PULLED FROM CONSENT CALENDAR

- 7.1. **Approval of the Action Minutes of the February 6, 2023 City Council Regular Meeting**

Mayor Blankley requested to add additional verbiage in the title of the ordinance of the minutes for further clarification.

Motion: Approve the minutes with additional verbiage for clarification in the title

RESULT: Pass

MOVER: Marie Blankley, Mayor

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

- 7.4. **Tentative Map Time Extension Request for Greenfield Subdivision approval to subdivide 8.36 acres into 14 residential lots, and dedication of 3.7 acres to Uvas Creek Preserve, located at the northerly end of Greenfield Drive, APN 808-20-008, Applicant James Suner (TM 16-02)**

Motion: to approve the Tentative Map Time Extension Request for Greenfield Subdivision approval to subdivide 8.36 acres into 14 residential lots, and dedication of 3.7 acres to Uvas Creek Preserve, located at the northerly end of Greenfield Drive, APN 808-20-008, Applicant James Suner (TM 16-02)

RESULT: Pass

MOVER: Dion Bracco, Mayor Pro Tempore

SECONDER: Rebeca Armendariz, Council Member

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

RECUSED: Council Member Cline

11. INTRODUCTION OF NEW BUSINESS

11.1. Renaming of the Gilroy Senior Center's Classroom One after Theodore "Ted" Carpenetti

Recreation Manager Henig provided staff presentation and responded to Council Member questions.

Mayor Blankley opened Public Comment.

The following speakers spoke in support of the item:

Barbara Lemal
Albert E. Noble
Joe Carpenetti

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

MOTION: Approve the renaming the Gilroy Senior Center's Classroom One after Theodore "Ted" Carpenetti.

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

8. BIDS AND PROPOSALS

8.1. Award a Contract to Itech Solution in the Amount of \$134,140 with a project contingency of \$13,414 (10%) and Approve a Project Expenditure of \$147,554 for Gilroy Sports Park Playground Surface Repair, Project No. 23-PW-276

Public Works Management Analyst Michael Lewis provided staff presentation and responded to Council Member questions.

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

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

Motion: Award a Contract to Itech Solution in the Amount of \$134,140 with a project contingency of \$13,414 (10%) and Approve a Project Expenditure of \$147,554 for Gilroy Sports Park Playground Surface Repair, Project No. 23-PW-276 and authorize the City Administrator to execute the contract and associated documents.

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

8.2. Approve an Amendment to the Agreement for Services with Alpine Landscapes for Community Facilities District (CFD) Landscape Maintenance

Services to Include Trash and Debris Removal, the Annual Cost for the Expanded Service, Extend the Agreement for 18 Months, with a Total Cost of \$500,450 for the 18 Month Extension

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 an amendment with Alpine Landscapes to increase the annual contract amount by \$26,916 per year to a total amount of \$333,633 and extend the term of the existing agreement by 18 months for landscape and maintenance services and authorize the City Administrator to execute the amendment and related documents.

RESULT: Pass

MOVER: Carol Marques, 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

- 8.3. **Approve an Amendment to the Agreement for Services with Jensen Landscape Services, LLC for Parks and Landscape Maintenance Services to Include Trash and Debris Removal, the Annual Cost for the Expanded Service, Extend the Agreement for 18 Months, with a Total Cost of \$1,541,637 for the 18 Month Extension**

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 an amendment with Jensen Landscape Services, LLC to increase the annual contract amount by \$92,750 to a total annual amount of \$1,027,758 and extend the term of the existing agreement by 18 months for landscape and maintenance services and authorize the City Administrator to execute the amendment and related documents.

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

9. PUBLIC HEARING

- 9.1. **Proposed Tentative Map to divide 6955 Camino Arroyo into two parcels (within Gilroy Crossing commercial development), Application No. TM 22-05**
Mayor Blankley asked Council Members to disclose any ex-parte communications. None were disclosed.

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

Mayor Blankley open the Public Hearing at 6:53 PM. There being no speakers, Mayor Blankley closed the Public Hearing at 6:53 PM.

MOTION: Determine that the proposed Tentative Map is exempt from further environmental review and qualifies for the State CEQA Guidelines Class 15 Exemption, Minor Land Divisions because the proposed subdivision results in less than four parcels, is in conformance with the City's General Plan and Zoning, seeks no exceptions or variances, and all services and access to the resulting parcels is available, based on its independent analysis; and adopt a resolution to approve the proposed tentative map to divide the property known as APN 841-70-045 into two separate parcels.

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. 2023-09

10. **UNFINISHED BUSINESS**

There were none.

11. **INTRODUCTION OF NEW BUSINESS - CONTINUED**

11.1. **Renaming of the Gilroy Senior Center's Classroom One after Theodore "Ted" Carpenetti**

Item was heard after the Consent Calendar.

11.2. **Adopt a Resolution Declaring Additional Gilroy Gardens Property as Surplus Pursuant to Government Code Section 54221; find that the Council's action in doing so is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3)**

City Administrator Forbis 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 Additional Gilroy Gardens Property as Surplus Pursuant to Government Code Section 54221; find that the Council's action in doing so is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3).

RESULT: Pass

MOVER: Dion Bracco, Mayor Pro Tempore

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. 2023-10

11.3. Accept the Annual Comprehensive Financial Report for Fiscal Year-Ended June 30, 2022

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 accepted the report.

11.4. Report on Illegal Fireworks Administrative Citations

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.

Mayor Blankley expressed support in bringing the item back to Council in a future meeting date. She received unanimous support.

12. ADJOURN TO THE MEETING OF GILROY PUBLIC FACILITIES FINANCING AUTHORITY

Mayor Blankley adjourned to the Gilroy Public Facilities Financing Authority at 7:25 PM.

13. OPENING (GILROY PUBLIC FACILITIES FINANCING AUTHORITY)

13.1. Call to Order

The Gilroy Public Facilities Financing Authority Regular Meeting was called to order by Chair Blankley at 7:25 PM.

13.2. Roll Call

Attendance	Attendee Name
Present	Rebeca Armendariz, Director Dion Bracco, Vice Chair Tom Cline, Director Zach Hilton, Director Carol Marques, Director Fred Tovar, Director Marie Blankley, Chair

14. CONSENT CALENDAR (GILROY PUBLIC FACILITIES FINANCING AUTHORITY)

Motion: Approve the Consent Calendar

RESULT: Pass

MOVER: Carol Marques, Director

SECONDER: Fred Tovar, Director

AYES: Director Armendariz, Director Cline, Director Hilton, Director Marques, Director Tovar, Chair Blankley

ABSENT: Vice Chair Bracco

14.1. **Approval of the Action Minutes of the December 5, 2022 Gilroy Public Facilities Financing Authority Regular Meeting**

A motion was made to approve the minutes.

15. **INTRODUCTION OF NEW BUSINESS (GILROY PUBLIC FACILITIES FINANCING AUTHORITY)**

15.1. **Approval of Resolutions Specifying Circumstances Under Which Regular Meetings Will Not Be Held; Designating Certain Officers and Employees as Ex Officio Positions; and Adopting a Budget for Fiscal Year 2023-24**

General Counsel/Legal Advisor Faber provided staff presentation and responded to board member questions.

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

Motion: Approve Resolutions Specifying Circumstances Under Which Regular Meetings Will Not Be Held; Designating Certain Officers and Employees as Ex Officio Positions; and Adopting a Budget for Fiscal Year 2023-24

RESULT: Pass

MOVER: Rebeca Armendariz, Director

SECONDER: Carol Marques, Director

AYES: Director Armendariz, Vice Chair Bracco, Director Cline, Director Hilton, Director Marques, Director Tovar, Chair Blankley

Enactment No.: Resolution Nos. GPFFA 2023-01, 2023-02, and 2023-03

16. **ADJOURN TO THE MEETING OF GILROY CITY COUNCIL**

Chair Blankley adjourned the Gilroy Public Facilities Financing Authority and returned to the Gilroy City Council Regular Meeting at 7:31 PM.

17. **CITY ADMINISTRATOR'S REPORTS**

17.1. **Gilroy Clean Up Program Announcement**

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

18. **CITY ATTORNEY'S REPORTS**

City Attorney Faber reported on a court case involving City of Arcadia with regards to CEQA.

19. **CLOSED SESSION**

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

The Mayor recessed the City Council at 7:44 PM.

The Mayor reconvened the Council to Closed Session at 7:53 PM. The motion to stay in Closed Session was unanimous.

19.1. **Conference with Negotiator – Collective Bargaining Unit Pursuant to Government Code Section 54957.6, Gilroy City Code Section 17A.11 (4)**

Collective Bargaining Unit: Gilroy Police Officers Association, Inc., Representing Gilroy Police Officers;

City Negotiators: Jimmy Forbis, City Administrator; LeeAnn McPhillips, Assistant City Administrator/Administrative Services & Human Resources Director;

Anticipated Issue(s) Under Negotiation: Wages, Hours, Benefits, Working Conditions; Memorandum of Understanding: MOU Between City of Gilroy & Gilroy Police Officers

No reportable action.

20. **ADJOURN TO OPEN SESSION**

Mayor Blankley reported out of Closed Session as shown above.

21. **ADJOURNMENT**

The meeting was adjourned by Mayor Blankley at 8:01 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