

City of Gilroy
City Council Special Meeting Minutes
Monday, July 10, 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 Bracco led the Pledge of Allegiance.

1.3. Invocation

There was 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
Absent	None

1.6. Orders of the Day

There were none.

1.7. Employee Introductions

City Administrator Forbis introduced Management Analyst (Grants) Cheryl Ellemberg.

Police Chief Espinoza introduced Police Officer Don Tong.

2. CEREMONIAL ITEMS - Proclamations and Awards

2.1. Retirement Proclamation – Gilroy Golf Course General Manager Don DeLorenzo

Mayor Blankley read aloud the proclamation and presented it to General Manager Don DeLorenzo.

2.2. Retirement Proclamation – Police Sergeant John Ballard

Mayor Blankley read aloud the proclamation and presented it to John Ballard.

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. There being no 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 reported Gilroy Gardens Board of Directors and praised the City's 4th of July fireworks show.

Council Member Hilton attended the swearing-in ceremony of Assembly Member Rodriguez, thanked County Supervisor Arenas, commended the South County Youth Task Force for their focus on youth gun violence, and announced that the City will receive \$350,000 for the Gateway Senior Apartment Pedestrian Crossing from the recently adopted FY 23-24 state budget.

Council Member Cline reported on Visit Gilroy California Welcome Center Board.

Council Member Tovar had no report.

Mayor Blankley announced the completion of the CalTrain survey and briefly mentioned a trip to Angra do Heroísmo. Additionally, the Mayor informed the public about two upcoming events by the South County Youth Task Force: *Party at the Park* on July 22nd and *National Night Out* on August 1st.

5. COUNCIL CORRESPONDENCE

There were none.

6. FUTURE COUNCIL INITIATED AGENDA ITEMS

Council Member Marques requested a discussion on reopening the Wayland Parking Lot at Las Animas Park for the community. The item received majority 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: 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

7.1. Approval of the Action Minutes of the June 19, 2023 City Council Regular Meeting

A motion was made to approve the minutes.

7.2. Approve Amendments to Gilroy Youth Commission Bylaws

A motion was made to approve the Gilroy Youth Commission Bylaws amendments.

7.3. Claim of Maria Salinas (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.

7.4. Claim of David Humberto Garcia Mejia (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.

7.5. Claim of Eliseo Ramirez Pacheco (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.

7.6. Claim of Ameera Kleder Barnes (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.

7.7. Claim of Rosaura Aguilar (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.

7.8. Claim of Karen Clinton (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.

7.9. Claim of Sandra Lopez (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

There were none.

9. PUBLIC HEARINGS

9.1. 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 7:14 PM.

David Leal expressed concerns about the state of the historic downtown, highlighting the need for improvements, safety, and cleanliness to attract visitors and support the city's investments.

Mercedes Little emphasized the need for the proper distance between business and sidewalk vendors to ensure accessibility and safety and specific requirements to prevent illegal business operations and protect children from risks such as child trafficking.

Armando Recardez, director of the Mesa Redonda Roundtable program, highlighted the success and potential of street food vendors as viable businesses, emphasizing their commitment to obtaining certifications and contributing to the city's tax revenue while expressing readiness to bring their program to Gilroy with funding support.

Gary Walton commended the city for taking action on the issue but expressed concerns about liability, safety, and the distinction between street vendors and outdoor restaurants, emphasizing the need for objective standards in the proposed ordinance and further discussions with property owners, business owners, and the fire department to find a solution that benefits everyone and ensures safe egress in emergencies.

Ron Kirkish raised the question of priorities and emphasized the need to consider what is best for the city, particularly in terms of downtown improvement and supporting business owners who have invested significant amounts of money. He encouraged the council to take a broader perspective and make decisions that align with the desired vision for the downtown area.

There being no further speakers, Mayor Blankley closed the Public Hearing at 7:28 PM.

Council engaged in a discussion regarding the proposed ordinance and provided specific instructions to staff for changes:

- In 16B.3(a)(20), the ordinance should list the actual distance.
- In 16B.3(a)(2), change "service animal" to "leashed animal."
- In 16B.6(b)(6), include language regarding workers' compensation requirements.
- In 16B.3(a)(8), add the stipulation of "no generators or smoke within a certain distance of outdoor restaurant dining" and "be compliance with the California Air Resource Board."
- In 16B.3(a)(7), include language stating that signage should not exceed the size affixed to it and comply with ADA standards.

Council also requested staff to provide reports on the reporting structure and implementation of the proposed ordinance once it becomes effective. City Administrator Forbis committed to working with Council to schedule a study session in July to obtain further direction and planned to return the item for a first reading on August 7th.

The item was continued to the August 7, 2023 City Council Regular Meeting.

10. UNFINISHED BUSINESS

10.1. **Annual Appointments to City Boards, Commissions, and Committees With Seats Vacant or Expired as of June 19, 2023**

City Clerk Pham provided a brief report to Council.

Council appointed Terence Fugazzi to the Planning Commission with a term expiring on December 31, 2023 and Kortney Hodge to the Parks and Recreation Commission with a term expiring on December 31, 2023.

11. INTRODUCTION OF NEW BUSINESS

11.1. **Council Direction Concerning the City's Ongoing Membership in the Cities Association of Santa Clara County**

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.

Consensus was reached among the Council to no longer participate with the Cities Association of Santa Clara County.

11.2. **Selection of Voting Delegate for the League of California Cities 2023 Annual Conference**

City Clerk Pham provided staff presentation and responded to Council Member questions.

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

Council appointed Council Member Tovar as the voting designate on behalf of the City, with Mayor Blankley as the alternate voting delegate.

11.3. **Consent of the Appointment of Karl Bjarke as Interim Public Works Director (Retired Annuitant) Effective July 11, 2023 and Adoption of a Resolution of the City Council of the City of Gilroy Approving the Appointment and Employment Agreement**

Human Resources Director 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: Consent of the City Administrator's recommendation to appoint Karl Bjarke as Interim Public Works Director (as a retired annuitant) effective July 11, 2023 and adopt a Resolution of the City Council of the City of Gilroy approving the appointment of Karl Bjarke as Interim Public Works Director (Retired Annuitant) pursuant to California Government Code Section 21221(h) and authorizing the City Administrator to execute the employment agreement.

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

12. CITY ADMINISTRATOR'S REPORTS

12.1. Visit to Gilroy Sister City Angra do Heroismo

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

13. CITY ATTORNEY'S REPORTS

There were none.

14. ADJOURNMENT

Mayor Blankley 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