

**City of Gilroy
City Council Special Meeting Minutes
Monday, December 11, 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 Armendariz led the Pledge of Allegiance.

1.3. Invocation

Pastor Malcolm MacPhail provided the Invocation.

1.4 City Clerk's Report on Posting the Agenda

City Clerk Pham reported on the Posting 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

Mayor Blankley requested that Item 2.3 be done after 2.1, followed by 2.2.

1.7. Employee Introductions

Police Chief Espinoza introduced Public Safety Coordinator Katie Povio.

2. CEREMONIAL ITEMS - Proclamations and Awards

2.3. Retirement Recognition and Proclamation for Gilroy Staff

Mayor Blankley read aloud retirement proclamations for Planner II Melissa Durkin, Senior Planner Kraig Tambornini, and Community Service Officer Maria Cabatingan.

2.1. Recognition of Christopher High School Student Aryan Ganesh, 2023 STEM Winner at the Santa Clara County 2023 Synopsys Championship Science Fair

Santa Clara Valley Science and Engineering Fair Association Board Member accepted the recognition from the Council.

2.2. Presentation by Visit Gilroy

Visit Gilroy Executive Director Frank Johnson provided his presentation to Council.

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 speakers spoke on items that were not on the agenda:

Donald Perino discussed various topics, including local Gilroy history, tree planting efforts, personal experiences at a dog park meeting, opinions on international politics and historical events involving U.S. Secretaries of State, and the need for strong American leadership in addressing global conflicts and war crimes.

Christine West, representing the Gilroy Veterans Day Parade Committee, expressed gratitude towards the city for its support in the successful Veterans Day Parade, highlighting the increase in parade entries, thanking specific city council members and staff for their contributions, and inviting everyone to participate in the next parade scheduled for Saturday, November 9th, despite Veterans Day falling on Monday, November 11th, in 2024.

Abir Bhattacharyya shared his experience of a deer-vehicle collision in Santa Teresa, raised concerns about frequent deer accidents in the area, and suggested implementing safety measures like signage or lighting to protect wildlife.

Robert Zepeda discussed his skepticism about a local newspaper editorial advocating for private citizens to offer land for tiny homes to help the homeless, expressing concerns about property rights and societal contributions. He also highlighted an initiative called the Protect Kids of California Act of 2024, urging everyone to read more about it and support its inclusion on the ballot.

Mattie Scariot, Director of the Poppy Jasper International Film Festival, reported the festival's growth with nearly a thousand submissions from 50 countries and announced plans to host 260 films in 16 venues across five cities, highlighting a new major media sponsorship for widespread promotion.

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

4. REPORTS OF COUNCIL MEMBERS

Council Member Bracco had no report.

Council Member Armendariz reported attending various events throughout the City.

Council Member Marques reported on the Downtown Committee.

Council Member Hilton on VTA Policy Advisory Committee.

Council Member Cline had no report.

Council Member Tovar had no report.

Mayor Blankley reported on VTA Board of Directors.

5. **COUNCIL CORRESPONDENCE**

There were none.

6. **FUTURE COUNCIL INITIATED AGENDA ITEMS**

Mayor Blankley requested the Council to direct staff to propose a process for future council-initiated agenda items, emphasizing the need for a minimum amount of information to be provided by council members for each proposed item to ensure clarity and understanding of what is being presented. Her request received majority support.

7. **BOARD AND COMMISSION INTERVIEWS**

7.1. **Interviews for Open Seats on Boards, Commissions, and Committees with Future Appointment on January 8, 2024**

Council accepted the late applications that were received after the December 1, 2023 deadline and interviewed candidates.

8. **CONSENT CALENDAR**

Council Member Bracco requested Item No. 8.2 to be pulled from the Consent Calendar.

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

8.1. **Approval of the Action Minutes of the December 4, 2023 City Council Regular Meeting**

Motion: Approve the Action Minutes of the December 4, 2023 City Council Regular Meeting

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

NAYS: None

ABSENT: None

8.2. **Resolution of Support for Caltrans Sustainable Communities Grant Application to Fund the City of Gilroy Greenhouse Gas/Vehicle Miles Traveled Reduction Program**

Community Development Director Goei responded to Council Member questions.

Mayor Blankley opened Public Comment.

Ron Kirkish expressed concern about the association of Vehicle Miles Traveled (VMT) with potential new taxes, referencing a 2020 Tax Foundation report and citing personal calculations of significant tax implications for himself and his wife.

He also expressed skepticism about government transparency in implementing such taxes and referenced recent climate change conferences to highlight perceived inconsistencies in environmental policy.

Motion: Adopt the Resolution

RESULT: Pass

MOVER: Rebeca Armendariz, Council Member

SECONDER: Zach Hilton, Council Member

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

NAYS: Mayor Pro Tempore Bracco, Council Member Tovar

ABSENT: None

Enactment No.: Resolution No.: 2023-67

9. BIDS AND PROPOSALS

9.1. Award the Purchase of a Rosenbauer Type VI Fire Engine in the Amount of \$377,179.86 Utilizing Sourcewell Tag-On Contract No. 113021-RSD

Assistant City Administrator 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 of a Rosenbauer Type VI Fire Engine in the amount of \$377,179.86 utilizing Sourcewell Contract No. 113021-RSD and authorize the City Administrator to execute the purchase contract documents.

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 Marques, Council Member Tovar, Mayor Blankley

NAYS: None

ABSENT: Council Member Hilton

10. PUBLIC HEARINGS

There were none.

11. UNFINISHED BUSINESS

There were none.

12. INTRODUCTION OF NEW BUSINESS

12.1. Selection of Mayor Pro Tempore

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

Motion: Elect Council Member Marques to the position of Mayor Pro Tempore to serve until a successor is elected.

RESULT: Pass

MOVER: Dion Bracco, Mayor Pro Tempore

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

NAYS: None

ABSENT: None

12.2. Mayoral Appointments of Council Members to Serve in Regional Representative Seats and Seats on Local Boards and Committees

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

Motion: Approve representative seat assignments as determined by Mayor Blankley.

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, Council Member Tovar, Mayor Blankley

NAYS: None

ABSENT: None

12.3. Resolution in Support of “Build the Future” (Affordable Childcare)

Council Member Armendariz led the discussion on the item and responded to Council Member questions.

Mayor Blankley opened Public Comment.

Ana Mendoza urged Council to pass a resolution for affordable childcare, highlighting the financial struggles faced by families of varying income levels due to high costs and rising living expenses.

Ana Rocha requested support for fellow childcare providers and expressed concern for mothers unable to access childcare programs, which impacts their ability to work.

Amador Leal voiced concerns about the universal pre-K program's potential requirement to double teacher qualification units, stressing its impact on staffing challenges and the daycare's ability to enroll children, particularly affecting single mothers in the teaching workforce.

Elizabeth Hoiberg highlighted her 16-year commitment to helping families access childcare subsidies and expressed concern about the underrecognition of local providers' efforts, along with the challenges of trespassing and break-ins at her facility.

Maria Watkins praised Tiny Tots Childcare and its owner for their significant support in helping her access childcare subsidies, enabling her to work and improve her situation.

Aisha Valenzuela shared her positive experience with Tiny Tots, highlighting the efficient process of receiving subsidies through the program and the easy recertification process, as well as her trust and comfort with the daycare and its owner. She also read statements from other parents who echoed similar sentiments about the ease of accessing childcare support and the helpfulness of Tiny Tots.

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

Council discussion ensued on the item. Council Member Cline proposed the following changes to the proposed resolution:

- Title of the resolution to read as ***Resolution of the City Council of the City of Gilroy Joining "Build the Future Santa Clara County" to Advocate for Collaborative and Comprehensive Solutions to Advance Child Care Options.***
- Remove fourth paragraph.
- Remove the wording "investing in" in the sixth paragraph.
- Reword the eighth paragraph clause to read as "Whereas, broadly accessible, high-quality child care benefits the local economy; and".
- Reword the ninth paragraph clause to read as "Whereas, the child care sector supports all working families regardless of race, ethnicity, or minority group; and".
- Remove the tenth paragraph altogether.
- Replace "Resolved" with "Therefore, be it resolved" in the 11th paragraph.
- Add the words "to the extent possible after "child care facilities" in the 12th paragraph.
- Reword the 14th paragraph to read to "Resolved that the City of Gilroy joins with Build the Future Santa Clara County in advocating for comprehensive and collaborative solution that address improving accessibility to child care for working families in our community."

Motion: Revise the proposed wording of the draft resolution as proposed by Council Member Cline, have staff review the revised wording, and bring it back for the council's consideration.

RESULT: Pass

MOVER: Tom Cline, Council Member

SECONDER: Marie Blankley, Mayor

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

NAYS: Council Member Armendariz. Council Member Hilton. Council Member Tovar

ABSENT: None

12.4. Receive Quarterly Financial Report for the First Quarter of Fiscal Year 2023-24 (FY24) and Adopt a Resolution Amending the Appropriations for Police Grant Funds

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

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

Motion: Adopt a Resolution of the City Council of the City of Gilroy Amending the Appropriations for FY24.

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

NAYS: None

ABSENT: None

Enactment No.: Resolution No.: 2023-68

12.5. Development of Parklet Program and Extension of Temporary Outdoor Dining Parklet

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

Mayor Blankley opened Public Comment.

Terence Fugazzi cautioned against rushing into city planning decisions that could significantly impact local businesses. He suggested postponing new initiatives for six to ten months to observe downtown developments and to gather more input from business owners, emphasizing the need for thoughtful planning and consideration of existing challenges and commitments.

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

Council directed staff to survey eating and drinking establishments along with building owners in Downtown Gilroy (as defined 4th to 7th, Egleberry to Railroad) if there is an interest in building parklets if given an opportunity of the City having a parklet program with the three criteria: the construction cost, maintenance, and tax implications; and not extend the Temporary Outdoor Dining Parklet for Station 55.

13. CITY ADMINISTRATOR'S REPORTS

13.1. Update on Gourmet Alley Project

13.2. 2023 Year in Review

City Administrator Forbis provided City Administrator's Report.

14. CITY ATTORNEY'S REPORTS

There were none.

15. CLOSED SESSION

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

A motion was made to go into Closed Session. The motion received unanimous approval.

Mayor Blankley recessed the regular meeting at 9:34 PM.

Mayor Blankley reconvened the Council into Closed Session at 9:38 PM.

15.1. Conference with Legal Counsel – Existing Litigation; Paragraph (1) of Subdivision (d) of 54956.9 and Gilroy City Code Section 17A.11(3)(a); Case Names:

- 1. WENDY TOWNER; FRANCISCO AGUILERA; NICK MCFARLAND; JUSTIN BATES; BRYNN OTA-MATTHEWS; GABRIELLA GAUS; HARRY DE LA VEGA; BARBARA V. AGUIRRE; ALBERTO ROMERO; BARBARA J. AGUIRRE; LESLEY SANCHEZ, a minor, by and through her Guardian ad Litem Diana Galindo; and LESLIE ANDRES, a minor, by and through her Guardian ad Litem Laura Rodriguez, Plaintiffs, vs. GILROY GARLIC FESTIVAL ASSOCIATION, INC., a California Nonprofit Corporation; FIRST ALARM SECURITY & PATROL, INC., a California Corporation; CITY OF GILROY; and DOES 1 to 100, inclusive, Defendants; Santa Clara County Superior Court; Case No. 19CV358256; Filed November 12, 2019, Fifth Amended Complaint: July 23, 2021**
- 2. VERONICA HENDERSON, Plaintiffs, vs. GILROY GARLIC FESTIVAL ASSOCIATION, INC., a California Nonprofit Corporation; FIRST ALARM SECURITY & PATROL, INC., a California Corporation; CITY OF GILROY; CENTURY ARMS, INC.; and DOES 1 to 125, inclusive, Defendants; Santa Clara County Superior Court; Case No. 19CV358256; Filed: October 30, 2020, Second Amended Complaint: July 18, 2022**
- 3. JUAN SALAZAR; LORENA SALAZAR; LYANN SALAZAR, a minor, by and through her Guardian ad Litem Juan Salazar; EDUARDO PONCE; and DASHA PIMENTAL, a minor, by and through her Guardian ad Litem Eduardo Ponce, Plaintiffs, vs. GILROY GARLIC FESTIVAL ASSOCIATION, INC., a California Nonprofit Corporation; FIRST ALARM SECURITY & PATROL, INC., a California Corporation; CITY OF GILROY; CENTURY ARMS, INC.; and DOES 1 to 125, inclusive, Defendants; Santa Clara County Superior Court; Case No. 19CV358256; Filed: September 10, 2020, Third Amended Complaint: July 27, 2021**

No reportable action.

16. ADJOURN TO OPEN SESSION

Mayor Blankley reported out on Closed Session as shown above.

17. ADJOURNMENT

The meeting was adjourned by Mayor Blankley at 9:44 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, MMC, CPMC
City Clerk