



CITY COUNCIL

MAYOR
Marie Blankley

AGENDA CITY OF GILROY

CITY COUNCIL CHAMBERS, CITY HALL
7351 ROSANNA STREET
GILROY, CA 95020

REGULAR MEETING 6:00 P.M.
MONDAY, OCTOBER 3, 2022

COUNCIL MEMBERS

Rebeca Armendariz
Dion Bracco
Zach Hilton
Peter Leroe-Muñoz
Carol Marques
Fred Tovar

CITY COUNCIL PACKET MATERIALS ARE AVAILABLE ONLINE AT www.cityofgilroy.org
AGENDA CLOSING TIME IS 5:00 P.M. THE TUESDAY PRIOR TO THE MEETING

Due to COVID-19, it is possible that the planned in-person meeting may have to change to a virtual meeting at any time and possibly on short notice. Please check the City of Gilroy website at <http://gilroyca.igmp2.com/Citizens/default.aspx> for any updates to meeting information.

COMMENTS BY THE PUBLIC WILL BE TAKEN ON AGENDA ITEMS BEFORE ACTION IS TAKEN BY THE CITY COUNCIL. Public testimony is subject to reasonable regulations, including but not limited to time restrictions for each individual speaker. [Please limit your comments to 3 minutes.](#) The amount of time allowed per speaker may vary at the Mayor's discretion depending on the number of speakers and length of the agenda.

Written comments on any agenda item may be emailed to the City Clerk's Office at cityclerk@cityofgilroy.org or mailed to the Gilroy City Clerk's Office at City Hall, 7351 Rosanna Street, Gilroy, CA 95020. Comments received by the City Clerk's Office by 1 p.m. on the day of a Council meeting will be distributed to the City Council prior to or at the meeting and available for public inspection with the agenda packet located in the lobby of Administration at City Hall, 7351 Rosanna Street prior to the meeting. Any correspondence received will be incorporated into the meeting record. Items received after the 1 p.m. deadline will be provided to the City Council as soon as practicable. Written comments are also available on the City's Public Records Portal at <https://bit.ly/3G1vihU>.



In compliance with the Americans with Disabilities Act, the City will make reasonable arrangements to ensure accessibility to this meeting. If you need special assistance to participate in this meeting, please contact the City Clerk's Office at least 72 hours prior to the meeting at (408) 846-0204 or cityclerk@cityofgilroy.org to help ensure that reasonable arrangements can be made.



If you challenge any planning or land use decision made at this meeting in court, you may be limited to raising only those issues you or someone else raised at the public hearing held at this meeting, or in written correspondence delivered to the City Council at, or prior to, the public hearing. Please take notice that the time within which to seek judicial review of any final administrative determination reached at this meeting is governed by Section 1094.6 of the California Code of Civil Procedure.

A Closed Session may be called during this meeting pursuant to Government Code Section 54956.9 (d)(2) if a point has been reached where, in the opinion of the legislative body of the City on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the City.

Materials related to an item on this agenda submitted to the City Council after distribution of the agenda packet are available with the agenda packet on the City website at www.cityofgilroy.org subject to Staff's ability to post the documents before the meeting.

KNOW YOUR RIGHTS UNDER THE GILROY OPEN GOVERNMENT ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, task forces, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE, TO RECEIVE A FREE COPY OF THE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE OPEN GOVERNMENT COMMISSION STAFF AT (408) 846-0204

If you need assistance with translation and would like to speak during public comment, please contact the City Clerk a minimum of 72 hours prior to the meeting at 408-846-0204 or e-mail the City Clerk's Office at cityclerk@cityofgilroy.org.

Si necesita un intérprete durante la junta y gustaría dar un comentario público, comuníquese con el Secretario de la Ciudad un mínimo de 72 horas antes de la junta al 408-846-0204 o envíe un correo electrónico a la Oficina del Secretario de la Ciudad a cityclerk@cityofgilroy.org.

The agenda for this regular meeting is as follows:

- 1. OPENING**
 - 1.1. Call to Order**
 - 1. Pledge of Allegiance**
 - 2. Invocation**
 - 3. City Clerk's Report on Posting the Agenda**
 - 4. Roll Call**
 - 1.2. Orders of the Day**
 - 1.3. Employee Introductions**
- 2. CEREMONIAL ITEMS**
 - 2.1. Proclamations, Awards, and Presentations**

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

This portion of the meeting is reserved for persons desiring to address the Council on matters within the Gilroy City Council's jurisdiction but not on the agenda. Persons wishing to address the Council are requested to complete a Speaker's Card located at the entrances and handed to the City Clerk. Speakers are limited to 1 to 3 minutes each, varying at the Mayor's discretion depending on the number of speakers and length of the agenda. The law does not permit Council action or extended discussion of any item not on the agenda except under special circumstances. If Council action is requested, the Council may place the matter on a future agenda.

Written comments to address the Council on matters not on this agenda may be e-mailed to the City Clerk's Office at cityclerk@cityofgilroy.org or mailed to the Gilroy City Clerk's Office at City Hall, 7351 Rosanna Street, Gilroy, CA 95020. Comments received by the City Clerk's Office by 1:00pm on the day of a Council meeting will be distributed to the City Council prior to or at the meeting and available for public inspection with the agenda packet located in the lobby of Administration at City Hall, 7351 Rosanna Street, prior to the meeting. Any correspondence received will be incorporated into the meeting record. Items received after the 1:00pm deadline will be provided to the City Council as soon as practicable. Written material provided by public members under this section of the agenda will be limited to 10 pages in hard copy. An unlimited amount of material may be provided electronically.

4. REPORTS OF COUNCIL MEMBERS

Council Member Bracco – Gilroy Sister Cities Association (alternate), Santa Clara Co. Library JPA, SCVWD Joint Council-SCRWA-Board Water Resources Committee, South County Regional Wastewater Authority Board, Street Naming Committee

Council Member Armendariz – ABAG (Alternate), CalTrain Policy Group, Gilroy Downtown Business Association Board (alternate), Gourmet Alley Ad Hoc Committee, Historic Heritage Committee, Santa Clara Co. Library JPA (alternate), Santa Clara Valley Habitat Agency Implementation Board, Silicon Valley Clean Energy Authority JPA Board (Alternate), Street Naming Committee, VTA Committee for Transit Accessibility (Alternate)

Council Member Marques – Gilroy Downtown Business Association Board, Gilroy Gardens Board of Directors, Gourmet Alley Ad Hoc Committee, Historic Heritage Committee (Alternate), Santa Clara Valley Habitat Agency Governing Board, Santa Clara Valley Habitat Agency Implementation Board, South County Regional Wastewater Authority (Alternate)

Council Member Hilton – Gilroy Economic Development Partnership, Silicon Valley Clean Energy Authority JPA Board, South County United for Health, Visit Gilroy California Welcome Center Board

Council Member Tovar – Economic Development Corporation Board, Gourmet Alley Ad Hoc Committee, Recycling and Waste Reduction Commission, Santa Clara Co. Expressway Plan 2040 Policy Advisory Board, SCVWD Water Commission (alternate), South County Joint Recycled Water Advisory Committee, South County Regional Wastewater Authority Board, Street Naming Committee, South County Youth Task Force Policy Team (alternate), VTA Committee for Transit Accessibility

Council Member Leroe-Muñoz – ABAG, CalTrain Policy Group (alternate), Cities Association of Santa Clara County Board of Directors, Economic Development Corporation Board, Gilroy Youth Task Force, SCVWD Water Commission, Silicon Valley Regional Interoperability Authority Board, South County Youth Task Force Policy Team, VTA Mobility Partnership, VTA South County City Group (alternate), VTA Policy Advisory Committee (alternate)

Mayor Blankley – Cities Association of Santa Clara Co. Board of Directors (alternate), Gilroy Economic Development Partnership, Gilroy Sister Cities Association, Gilroy Youth Task Force (alternate), Santa Clara Valley Habitat Agency Governing Board, SCVWD Joint Council-SCRWA-Board Water Resources Committee, South County Joint Recycled Water Advisory Committee, South County Regional Wastewater Authority Board, VTA Board of Directors Alternate, VTA Mobility Partnership, VTA Policy Advisory Committee, VTA South County City Group

5. COUNCIL CORRESPONDENCE

6. FUTURE COUNCIL INITIATED AGENDA ITEMS

7. CONSENT CALENDAR (ROLL CALL VOTE)

All matters listed under the Consent Calendar are considered by the City Council to be routine and will be enacted by one motion. There will be no separate discussion of these items unless a request is made by a member of the City Council or a member of the public. Any person desiring to speak on any item on the consent calendar should ask to have that item removed from the consent calendar prior to the time the Council votes to approve. If removed, the item will be discussed in the order in which it appears.

- 7.1. Action Minutes of the City Council - Regular Meeting - Sep 19, 2022
6:00 PM**
- 7.2. Appointment to One Seat on the Santa Clara Valley Transportation
Authority Bicycle Pedestrian Advisory Committee for a Term Ending
June 30, 2024**
- 7.3. Acceptance of the 2022 Prepare CA Jumpstart California Office of
Emergency Services Grant and Amendment of the Position Control
List and Operating Budget for Fiscal Year 2022-23 to Implement the
Grant Award**
- 7.4. Approval of Final Map and Property Improvement Agreement No.
2022-03 for The Cottages Development Tract 10582, APN 790-002,
003**

8. BIDS AND PROPOSALS

8.1. Award a Contract to Syserco Energy Solutions in the amount of \$3,685,718 for Energy Conservation Measures Reimbursable under Pacific Gas & Electric's (PG&E) On-Bill Financing Program

1. Staff Report: Walter Dunckel, Facilities Superintendent
2. Public Comment
3. Possible Action:
 1. Adopt a resolution of the City Council of the City of Gilroy amending the FY 23 budget to appropriate \$3,685,718 for the Energy Conservation Measures project.
 2. Award an Energy Services Contract in the amount of \$3,685,718 to Syserco Energy Solutions for Energy Conservation Measures, pursuant to California Government Code Section 4217.16, which will be fully reimbursed by PG&E under their On-Bill Financing Program.
 3. Authorize the City Administrator to enter into an On-Bill Financing and Reimbursement Agreement with PG&E in the amount of \$3,685,718.
 4. Authorize the City Administrator to finalize and execute the related contract documents and approve any future change orders and items within the approved project budget.

9. PUBLIC HEARINGS

9.1. Solar Power Purchase and Site Lease Agreement with Jua Capital, LLC

1. Disclosure of Ex-Parte Communications
2. Staff Report: Walter Dunckel, Facilities Superintendent
3. Open Public Hearing
4. Close Public Hearing
5. Possible Action:
 1. Hold a public hearing pursuant to California Government Code Section 4217.12.
 2. Adopt a Resolution to enter into a Power Purchase Agreement (PPA) and Site Lease with Jua Capital, LLC pursuant to California Government Code Section 4217.12 making findings that the costs will be less than what the City will pay in the absence of the project.
 3. Authorize the City Administrator or his designee to complete final negotiations and execute a Power Purchase Agreement and Site Lease Agreement with Jua Capital, LLC.

10. UNFINISHED BUSINESS

10.1. Appointments to Parks and Recreation Commission and Youth Commission.

1. Staff Report: Thai Pham, City Clerk
2. Public Comment
3. Possible Action:
 1. Appoint a member of the Parks and Recreation Committee to a vacated seat with a term ending December 31, 2022.
 2. Appoint members of the Youth Commission to six (6) seats with a term ending September 30, 2024.

11. INTRODUCTION OF NEW BUSINESS

11.1. Council Initiated Discussion of Requesting the Resignation of Council Member Armendariz if the Recall Petition Qualifies for the Ballot

1. Staff Report: Marie Blankley, Mayor
2. Public Comment
3. Possible Action:
 1. Direct the Mayor to prepare a formal request for resignation should the recall petition qualify for the ballot; or
 2. Take no action.

11.2. Second Amendment to the Contract with NRC Environmental (US Ecology) Increasing the Not-to-Exceed Amount by \$30,000 for Unhoused Encampment Cleanup Services, to a Total of \$130,000.

1. Staff Report: Bryce Atkins, Senior Management Analyst
2. Public Comment
3. Possible Action:

Council approve the contract amendment.

11.3. Fiscal Year 2022-23 1st Quarter Department and Legislative Work Plan Update

1. Staff Report: Bryce Atkins, Senior Management Analyst
2. Public Comment
3. Possible Action:

Council receive the report.

11.4. Council Review of City Code Chapter 19B Entitled "Smoking Pollution Control"

1. Staff Report: Bryce Atkins, Senior Management Analyst
2. Public Comment
3. Possible Action:

Council provide direction to staff if it desires to modify Chapter 19B of the City Code relating to Smoking Pollution Control.

12. CITY ADMINISTRATOR'S REPORTS

13. CITY ATTORNEY'S REPORTS

14. CLOSED SESSION

14.1. CONFERENCE WITH LABOR NEGOTIATORS - COLLECTIVE BARGAINING UNITS Pursuant to GC Section 54957.6 and GCC Section 17A.11 (4)

Collective Bargaining Units: AFSCME Local 101 (General & Supervisory Units) Representing Employees Affiliated with AFSCME, Local 101; Local 2805, IAFF Fire Unit Representing Gilroy Firefighters; Gilroy Management Association Representing Mid-Management Employees; Unrepresented Exempt Employees (Confidential, Department Heads & Council-Appointed); Unrepresented Confidential Non-Exempt Employees

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

Anticipated Issues(s) Under Negotiation: Wages, Hours, Benefits, Working Conditions; Memorandums of Understanding: City of Gilroy and Gilroy Fire Fighters Local 2805, City of Gilroy and AFSCME, Local 101 General & Supervisory Units; City of Gilroy and Gilroy Management Association (GMA)

1. Receive Public Comment on Closed Session Item.

15. ADJOURN TO OPEN SESSION

Report of any action taken in Closed Session and vote or abstention of each Councilmember if required by Government Code Section 54957.1 and GCC Section 17A.13 (a); Public Report of the vote to continue in closed session if required under GCC Section 17A.11 (e)

16. ADJOURNMENT

FUTURE MEETING DATES

OCTOBER 2022

17* Regular Meeting - 6:00 p.m.

24* Special Study Session Meeting - 6:00 p.m.

NOVEMBER 2022

7* Regular Meeting - 6:00 p.m.

21* Regular Meeting - 6:00 p.m.

DECEMBER 2022

5* Regular Meeting - 6:00 p.m.

19* Regular Meeting - 6:00 p.m.

****Meeting is webstreamed***