



## CITY COUNCIL AGENDA

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

**REGULAR MEETING | 6:00 PM  
MONDAY, JANUARY 9, 2023**

**MAYOR**  
Marie Blankley

**COUNCIL MEMBERS**  
Rebeca Armendariz  
Dion Bracco  
Tom Cline  
Zach Hilton  
Carol Marques  
Fred Tovar

CITY COUNCIL PACKET MATERIALS ARE AVAILABLE ONLINE AT [www.cityofgilroy.org](http://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 [www.cityofgilroy.org](http://www.cityofgilroy.org) 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](mailto: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 <http://bit.ly/3NuS11N>.



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](mailto: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](http://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](mailto: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](mailto:cityclerk@cityofgilroy.org).



To access written translation during the meeting, please scan the QR Code or click this link:

*Para acceder a la traducción durante la reunión, por favor escanee el código QR o haga clic en el enlace:*

[bit.ly/3FBiGA0](http://bit.ly/3FBiGA0)

Choose Language and Click Attend | *Selecione su lenguaje y haga clic en asistir*

Use a headset on your phone for audio or read the transcript on your device.

*Use sus auriculares para escuchar el audio o leer la transcripción en el dispositivo.*

The agenda for this regular meeting is as follows:

### 1. **OPENING**

- 1.1. Call to Order
- 1.2. Pledge of Allegiance
- 1.3. Invocation
- 1.4. City Clerk's Report on Posting the Agenda
- 1.5. **Roll Call**
- 1.6. Orders of the Day
- 1.7. Employee Introductions

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

### 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](mailto: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 1:00 pm 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 1:00 pm 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** – Cities Association Santa Clara County Board of Directors (Alternate), Santa Clara County Library Joint Powers Authority, Santa Clara Valley Water Commission, Valley Water Joint Water Resources Commission, SCRWA

**Council Member Armendariz** – Santa Clara County Library Joint Powers Authority (Alternate), Santa Clara Valley Habitat Agency Governing Board, Santa Clara Valley Habitat Agency Implementation Board, Silicon Valley Clean Energy Authority JPA Board (Alternate), South County United for Health

**Council Member Marques** – ABAG, Gilroy Gardens Board of Directors, Santa Clara Valley Habitat Agency Governing Board, Santa Clara Valley Habitat Agency Implementation Board, SCRWA (Alternate)

**Council Member Hilton** – CalTrain Policy Group (Alternate), Silicon Valley Clean Energy Authority JPA Board, South County United for Health (Alternate), VTA Policy Advisory Committee

**Council Member Cline** – Gilroy Economic Development Partnership, Gilroy Sister Cities Association, Gilroy Youth Task Force, Silicon Valley Regional Interoperability Authority Board, VTA Policy Advisory Committee (Alternate), Visit Gilroy California Welcome Center Board

**Council Member Tovar** – Gilroy Youth Task Force (Alternate), Santa Clara County Expressway Plan 2040 Policy Advisory Board (PAB), Santa Clara Valley Water Commission (Alternate), SCRWA, South County Youth Task Force Policy Team (Alternate), VTA Mobility Partnership

**Mayor Blankley** – ABAG (Alternate), CalTrain Policy Group, Cities Association Santa Clara County Board of Directors, Gilroy Economic Development Partnership, Gilroy Sister Cities Association (Alternate), Gilroy Youth Task Force, Valley Water Joint Water Resources Commission, SCRWA, South County Youth Task Force Policy Team, VTA Board of Directors, VTA Mobility Partnership

5. **COUNCIL CORRESPONDENCE**

6. **FUTURE COUNCIL INITIATED AGENDA ITEMS**

7. **CONSENT CALENDAR**

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 December 12, 2022 City Council Special Meeting**
- 7.2. **Removal of Commissioner Destiny Saldate from Youth Commission Pursuant to Gilroy City Charter Section 900.**
- 7.3. **Acceptance of the Annual Development Impact Fee Report for Fiscal Year 2021-2022 as Required under Government Code 66000**
- 7.4. **Adopt an Ordinance of the City Council of the City of Gilroy Repealing Ordinance Number 99-13, Removing the Use of Liens to Collect for Delinquent Garbage Fees**
- 7.5. **Claim of Roohi Eskandarian (The City Administrator recommends a “yes” vote under the Consent Calendar shall constitute the denial of the claim.)**

8. **BIDS AND PROPOSALS**

9. **PUBLIC HEARINGS**

10. **UNFINISHED BUSINESS**

- 10.1. **Annual Appointments to City Boards, Commissions, and Committees with Seats Vacant or Expired as of December 31, 2022**
  - 1. Staff Report: Thai Nam Pham, City Clerk
  - 2. Public Comment
  - 3. Possible Action:  
Appoint members to the following commissions:  
Arts and Culture Commission
    - One (1) seat with a term expiring 12/31/2024
    - One (1) seat with a term expiring 12/31/2025
    - Two (2) seats with term expiring 12/31/2026

Building Board of Appeals  
Two (2) seats with terms expiring 12/31/2026

Library Commission  
One (1) seat with a term expiring 12/31/2026

Open Government Commission  
One (1) seat with a term expiring 12/31/2024  
Two (2) seats with terms expiring 12/31/2026

Parks and Recreation Commission  
One (1) seat with a term expiring 12/31/2026

Personnel Commission  
Two (2) seats with terms expiring 12/31/2026

Physically Challenged Board of Appeals  
Two (2) seats with terms expiring 12/31/2025  
One (1) seat with term expiring 12/31/2026

Planning Commission  
One (1) seat with a term expiring 12/31/2023  
Two (2) seats expiring 12/31/2026

Youth Commission  
One (1) seat with a term expiring 9/30/2024

## 11. **INTRODUCTION OF NEW BUSINESS**

- 11.1. **A Resolution of the City Council of the City of Gilroy Authorizing the Submittal of Applications for Payment Programs and Related Authorizations**  
1. Staff Report: Daryl Jordan, Public Works Director  
2. Public Comment  
3. Possible Action:  
Adopt resolution authorizing the City's application for recycling program funding through the annual CalRecycle program.
- 11.2. **Council-Initiated Item: Review of the Social Host Ordinance**  
1. Staff Report: Jimmy Forbis, City Administrator  
2. Public Comment  
3. Possible Action:  
Council review the Social Host Ordinance and advise staff of any direction.
- 11.3. **Downtown Survey Results**  
1. Staff Report: Jimmy Forbis, City Administrator  
2. Public Comment  
3. Possible Action:  
Council receive the survey results report.

## 12. **CITY ADMINISTRATOR'S REPORTS**

- 12.1. **Federal Budget Update – Gilroy Allocations**

13. **CITY ATTORNEY'S REPORTS**

13.1. **2023 Brown Act Update (AB 2449)**

14. **ADJOURN TO CLOSED SESSION IN MEMORY OF DON CHRISTOPHER**

15. **CLOSED SESSION**

15.1. **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

**Possible Action:** Receive Public Comment on Closed Session Item.

16. **ADJOURN TO OPEN SESSION**

Report of any action taken in Closed Session and vote or abstention of each Council  
Member 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).

17. **ADJOURNMENT**

**FUTURE MEETING DATES**

**JANUARY 2023**

23\* Regular Meeting - 6:00 p.m.

28\* Strategic Planning Workshop - 9:00 a.m.

**FEBRUARY 2023**

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

20\* Regular Meeting - 6:00 p.m

**MARCH 2023**

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

20\* Regular Meeting - 6:00 p.m

**\* Meeting is webstreamed**