CITY COUNCIL

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

REGULAR MEETING 6:00 P.M.
MONDAY, MAY 4, 2020

CITY COUNCIL MEETING MATERIAL IS AVAILABLE ON THE CITY WEBSITE www.cityofgilroy.org

PUBLIC PARTICIPATION IN THIS MEETING WILL BE LIMITED. MEMBERS OF THE PUBLIC ARE ENCOURAGED TO PARTICIPATE BY EMAILING ALL PUBLIC COMMENTS TO THE CITY CLERK shawna.freels@cityofgilroy.org OR BY LEAVING A VOICE MESSAGE COMMENT BY CALLING (408) 846-0204, PRIOR TO 5:00 P.M. MAY 4, 2020.

THE MAY 4, 2020 MEETING WILL BE CONDUCTED PURSUANT TO THE PROVISIONS OF THE GOVERNOR’S EXECUTIVE ORDER N-29-20

In order to minimize the spread of the COVID 19 virus, the City will be offering telephone and email options for public comments at this meeting. The public is encouraged to participate in this meeting by telephone or email as follows:

You are strongly encouraged to watch the City Council meeting live on the City of Gilroy’s website at www.cityofgilroy.org or on Cable Channel 17. To view from the website, select the Council Agendas and Videos button from the home page.

PUBLIC COMMENTS WILL BE TAKEN ON AGENDA ITEMS BEFORE ACTION IS TAKEN BY THE CITY COUNCIL. COMMENTS MAY BE EMAILED TO THE CITY CLERK PRIOR TO OR DURING THE MEETING AT shawna.freels@cityofgilroy.org AND MUST BE RECEIVED BEFORE THE MAYOR OPENS PUBLIC COMMENT FOR THE ITEM. ADDITIONALLY, COMMENTS MAY BE MADE BY LEAVING A VOICE MESSAGE AT (408) 846-0204, PRIOR TO 5:00 P.M. MAY 4, 2020. IMPORTANT: identify the Agenda Item Number or PUBLIC COMMENT in the subject line of your email. The City Clerk will read the first three minutes of each email into the public record.

In compliance with the Americans with Disabilities Act, and Governors Order N-29-20, 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 a minimum of 2 hours prior to the meeting at (408) 846-0204.
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.

The City Council meets regularly on the first and third Monday of each month, at 6:00 p.m. If a holiday, the meeting will be rescheduled to the following Monday, with the exception of the single meeting in July which lands on the first day of the month not a holiday, Friday, Saturday or Sunday.

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 or shawna.freels@cityofgilroy.org

I. OPENING
A. Call to Order
   1. Pledge of Allegiance
   2. Invocation
   3. City Clerk’s Report on Posting the Agenda
   4. Roll Call
B. Orders of the Day
C. Employee Introductions

II. CEREMONIAL ITEMS
A. Proclamations, Awards, and Presentations

III. PRESENTATIONS TO THE COUNCIL
   1. Proclamation Naming the Week of May 3 Through May 9, 2020
      Professional Municipal Clerk Week
PUBLIC COMMENT BY MEMBERS OF THE PUBLIC ON ITEMS NOT ON THE AGENDA BUT WITHIN THE SUBJECT MATTER JURISDICTION OF THE CITY COUNCIL  
PUBLIC COMMENTS MAY BE SUBMITTED BY EMAIL TO:  
shawna.freels@cityofgilroy.org. (This portion of the meeting is reserved for persons desiring to address the Council on matters not on this 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 material provided by public members for Council agenda item “public comment by Members of the Public on items not on the agenda” will be limited to 10 pages in hard copy. An unlimited amount of material may be provided electronically.)

IV. REPORTS OF COUNCIL MEMBERS

Council Member Bracco – Gilroy Downtown Business Association Board (alternate), Gilroy Sister Cities Association (alternate), Santa Clara Co. Library JPA, SCVWD Joint Council-SCRWA-Board Water Resources Committee, South County Joint Planning Advisory Committee (alternate), South County Regional Wastewater Authority Board, South County Youth Task Force Policy Team (alternate), Street Naming Committee

Council Member Tucker – CalTrain Policy Group, Cities Association of Santa Clara Co. Board of Directors, General Plan Advisory Committee, Santa Clara Valley Habitat Agency Governing Board, Santa Clara Valley Habitat Agency Implementation Board, Street Naming Committee, Visit Gilroy Board

Council Member Blankley - ABAG (alternate), Cities Association of Santa Clara Co. Board of Directors (alternate), Economic Development Corporation Board, Gilroy Sister Cities Association, Gilroy Youth Task Force (alternate), SCVWD Joint Council-SCRWA-Board Water Resources Committee, South County Regional Wastewater Authority Board, VTA Board of Directors Alternate, VTA Policy Advisory Committee, VTA South County City Group

Council Member Marques - Gilroy Downtown Business Association Board, Gilroy Gardens Board of Directors, Santa Clara Valley Habitat Agency Governing Board (alternate), Santa Clara Valley Habitat Agency Implementation Board (alternate), Silicon Valley Clean Energy JPA Board (alternate), URM Task Force Sub-Committee, VTA Committee for Transit Accessibility (alternate)

Council Member Tovar – Santa Clara Co. Expressway Plan 2040 Policy Advisory Board, Recycling and Waste Reduction Commission, Santa Clara Co. Library JPA (alternate), SCVWD Water Commission (alternate), Silicon Valley Clean Energy JPA Board, South County Regional Wastewater Authority Board, South County United for Health, Street Naming Committee, VTA Committee for Transit Accessibility, VTA Policy Advisory Committee (alternate)

Council Member Leroe-Muñoz - ABAG, CalTrain Policy Group (alternate), Gilroy Youth Task Force, Historic Heritage Committee, SCVWD Water Commission, Silicon Valley Regional Interoperability Authority Board, South County Youth Task Force Policy Team, VTA Mobility Partnership

Mayor Velasco - Economic Development Corporation Board, General Plan Advisory Committee, Historic Heritage Committee (alternate), Santa Clara Valley Habitat Agency Governing Board, Santa Clara Valley Habitat Agency Implementation Board, South County Joint Planning Advisory Committee, South County Regional Wastewater
City Council Regular Meeting Agenda
05/4/2020

Authority Board (alternate), URM Task Force Sub-Committee, VTA Mobility Partnership, VTA South County City Group (alternate)

V. FUTURE COUNCIL INITIATED AGENDA ITEMS

VI. 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.

A. Minutes of the April 20, 2020 Regular Meeting

B. Opening of a Recruitment Period for Six Seats on the Youth Commission With Terms Ending September 30, 2022

C. Approval of a Notice of Acceptance of Completion and Reduction of the Faithful Performance and Payment Security Bonds for Property Improvement Agreements No. 2017-02 and No. 2017-03, Cambridge Place – Tract 10369

VII. BIDS AND PROPOSALS

A. Approval of a Program Supplement Agreement for the Bridge Preventative Maintenance Program Project No. 18-PW-246, Amendment to the Fiscal Year 2019-2020 Budget in the Amount of $200,000, and Award of a Contract to American Civil Constructors West Coast LLC in the Amount of $180,620 with a Contingency of $18,062 for the Construction of the Bridge Preventative Maintenance Program Project No. 18-PW-246

1. Staff Report: Girum Awoke, Public Works Director
2. Public Comment
3. Possible Action:
   a) Adopt a resolution of the City Council of the City of Gilroy authorizing the Director of Public Works to execute a program supplement agreement for the bridge preventative maintenance program, project No. 18-PW-246.
   b) Adopt a resolution of the City Council of the City of Gilroy amending the budget in Fiscal Year 2019-2020 and appropriating $200,000 from the Transportation Grants Fund, Fund 224 to the bridge preventative maintenance program project.
   c) Award a contract to American Civil Constructors West Coast, LLC in the amount of $180,620 with a project contingency of $18,062 (10%) for the construction of the bridge preventative maintenance program project No. 18-PW-246, and authorize the Interim City Administrator to execute the contract and associated documents.
VIII. PUBLIC HEARINGS

A. Public Hearing to Establish a List of Properties Subject to the Weed Abatement Program and Adoption of a Resolution Authorizing the Fire Chief to Abate the Nuisance Arising Out of Weeds Growing and Refuse Accumulating Upon Property in the City of Gilroy Pursuant to Section 12.51 of the Gilroy Code

1. Staff Report: Mark Bisbee, Interim Fire Chief
2. Disclosure of Ex-Parte Communications
3. Open Public Hearing
4. Close Public Hearing
5. Possible Action:
   Adopt a Resolution of the City Council of the City of Gilroy authorizing the Fire Chief to abate the nuisance arising out of weeds growing and refuse accumulating upon property in the City of Gilroy, pursuant to Section 12.51 of the Gilroy City Code.

B. Approval of the Issuance of Multifamily Housing Revenue Bonds by the California Public Finance Authority for a Housing Project Located at 1st Street and Kern Avenue (APN 790-21-041) and Authorization to Enter into a Joint Exercise of Powers Agreement Related to the California Public Finance Authority

1. Staff Report: Karen Garner, Community Development Director
2. Disclosure of Ex-Parte Communications
3. Open Public Hearing
4. Close Public Hearing
5. Possible Action:
   a) Adopt a Resolution of the City Council of the City of Gilroy approving the issuance by the California Public Finance Authority of multifamily housing revenue bonds in an aggregate principal amount not to exceed $40,000,000 for the purpose of financing or refinancing the acquisition and construction of 1st and Kern Apartments and certain other matters relating thereto.
   b) Adopt a Resolution of the City Council of the City of Gilroy approving, authorizing and directing execution of a joint exercise of powers agreement relating to the California Public Finance Authority.

C. Consideration of Amendments to the 2015-2020 Consolidated Plan and Fiscal Year 2019-2020 Community Development Block Grant (CDBG) Annual Action Plan to Reallocate up to $150,000 of Existing Program Funding and $275,486 of Additional Funding Received Under the Coronavirus Aid, Relief, and Economic Security (CARES) Act to Combat the COVID-19 Crisis, and Approval of a Budget Amendment in Fiscal Year 2019-2020 in the Amount of $425,486
1. Staff Report: Karen Garner, Community Development Director
2. Disclosure of Ex-Parte Communications
3. Open Public Hearing
4. Close Public Hearing
5. Possible Action:
   a) Approve an amendment to the 2015-2020 Consolidated Plan to modify the Citizen Participation Plan to accommodate a reduced public comment period and allowance for virtual meetings as allowed by the Federal government due to the COVID-19 pandemic.
   b) Approve amendment No. 2 to the Fiscal Year 2019-2020 CDBG Annual Action Plan to reallocate up to $150,000 of current program funds from projects and activities that did not expend the funds, and adding $275,486 of supplemental funding established by the CARES Act to provide rental assistance and support to small business affected by the COVID-19 health crisis.
   c) Adopt a resolution of the City Council of the City of Gilroy increasing the budget for Fiscal Year 2019-2020 by $425,486 in the Community Development Block Grant Fund.

IX. UNFINISHED BUSINESS
A. Implementation of a Small Unmanned Aerial System Program in Public Safety
   1. Staff Report: Scot Smithee, Police Chief
   2. Public Comment
   3. Possible Action:
      Authorize staff to proceed with the implementation of a small unmanned aerial system program in public safety.

X. INTRODUCTION OF NEW BUSINESS
A. Consideration of a Third Time Extension Request for a Tentative Map and Architectural and Site Review Permit for a Development of 202 Townhouse Units at the Southwest Corner of Santa Teresa Boulevard and First Street, APN's 808-01-21, 808-01-22 and 808-01-23; filed by Eagle Garden, LLC (TM 13-11 & AS 18-20)
   1. Staff Report: Karen Garner, Community Development Director
   2. Public Comment
   3. Possible Action:
      Adopt a Resolution of the City Council of the City of Gilroy approving a third time extension for Tentative Map TM 13-11 and Architecture and Site Review AS 18-20 creating a 202-unit condominium townhouse development on a property located at the southeast corner of Santa Teresa Boulevard and First Street, APN's 808-01-21, 808-01-22 and 808-01-23; filed by Eagle Garden, LLC.

B. Current Economic Climate and Revenue Projection Updates Due to the COVID 19 Shelter-in-Place Order
1. Staff Report: Bryce Atkins, Interim Finance Director

2. Public Comment

3. Possible Action:
   Receive report and provide direction to staff.

C. Approval of Updated Temporary Memorandums of Agreement with AFSCME Local 101, Gilroy Management Association, Gilroy Firefighters IAFF Local 2805 and the Gilroy Police Officers Association, and Temporary Policy Memorandums with Unrepresented Employees, in Response to the COVID-19 Pandemic and Shelter in Place Orders

1. Staff Report: LeeAnn McPhillips, Human Resources Director/Risk Manager

2. Public Comment

3. Possible Action:
   Approve, and authorize the Interim City Administrator to execute:
   a) An updated temporary memorandum of agreement with the American Federation of State, County, and Municipal Employees (AFSCME), Local 101 regarding wages, hours and working conditions in response to the COVID-19 pandemic and shelter in place orders.
   b) An updated temporary memorandum of agreement with the Gilroy Management Association regarding wages, hours and working conditions in response to the COVID-19 pandemic and shelter in place orders.
   c) An updated temporary memorandum of agreement with Gilroy Firefighters IAFF, Local 2805 regarding wages, hours and working conditions in response to the COVID-19 pandemic.
   d) An updated temporary memorandum of agreement with the Gilroy Police Officers Association regarding wages, hours and working conditions in response to the COVID-19 pandemic.
   e) An updated temporary policy memorandum with unrepresented employees in each of the following groups in response to the COVID-19 pandemic and shelter in place orders:
      1. Full-time Unrepresented Confidential Non-Exempt & Exempt Employees
      2. Full-time Unrepresented Council-Appointed Employees
      3. Part-Time/Temporary/Seasonal Unrepresented Hourly & Exempt Employees

XI. CITY ADMINISTRATOR’S REPORTS

XII. CITY ATTORNEY’S REPORTS

XIII. CLOSED SESSION

A. CONFERENCE WITH LABOR NEGOTIATORS - COLLECTIVE BARGAINING UNITS Pursuant to GC Section 54957.6 and GCC Section 17A.11 (4); Collective Bargaining Units: Local 2805, IAFF Fire Unit Representing Gilroy Fire Fighters; AFSCME Local 101 Representing Employees Affiliated with AFSCME, Local 101; Gilroy Management Association (GMA); Gilroy Police Officers Association, Inc. Representing Gilroy Police Officers;

Unrepresented Confidential Exempt Employees, Unrepresented Confidential Non-Exempt Employees, Non-Exempt Part-Time/Temporary/ Seasonal Employees,
Exempt Part-Time/Temporary/Seasonal Employees and Department Head Employees

City Negotiators: Jimmy Forbis, Interim City Administrator, LeeAnn McPhillips, HR Director; 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 Representing Employees Affiliated with AFSCME, Local 101; City of Gilroy and the Gilroy Management Association (GMA); City of Gilroy and Gilroy Police Officers Association, Inc.

1. Public Comment on Closed Session

2. Adjourn to Closed Session

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 Gilroy Code Section 17A.13 (a); Public Report of the vote to continue in closed session if required under Gilroy Code Section 17A.11 (5)

ADJOURNMENT

MEETING DATES

MAY, 2020
4* Regular Meeting - 6:00 p.m., City Council Chambers
18* Regular Meeting - 6:00 p.m., City Council Chambers

JUNE, 2020
1* Regular Meeting - 6:00 p.m., City Council Chambers
15* Regular Meeting - 6:00 p.m., City Council Chambers
29 Special Joint Meeting with Valley Water - 6:00 p.m. – MH Council Chambers

JULY, 2020
1* Regular Meeting - 6:00 p.m., City Council Chambers

* meeting is webstreamed and televised