



COUNCIL AGENDA CITY OF GILROY

MAYOR

Don Gage

COUNCIL MEMBERS:

Peter Arellano
Terri Aulman
Dion Bracco
Peter Leroe-Muñoz
Cat Tucker
Perry Woodward

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

REGULAR MEETING 6:00 P.M.
MONDAY, JANUARY 6, 2014

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

COMMENTS BY THE PUBLIC WILL BE TAKEN ON AGENDA ITEMS BEFORE ACTION IS TAKEN BY THE CITY COUNCIL. Persons wishing to address the Council are requested, but not required, to complete a Speaker's Card located at the entrances. Public testimony is subject to reasonable regulations, including but not limited to time restrictions for each individual speaker. A minimum of 12 copies of materials should be provided to the City Clerk for distribution to the Council and Staff. Please limit your comments to 3 minutes.

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 a minimum of 72 hours prior to the meeting at (408) 846-0204. A sound enhancement system is also available for use in the City Council Chambers.

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(b)(1) 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.

NO ACTION MAY BE TAKEN on a matter under Study Session other than direction to staff to further review or prepare a report. Any proposed action regarding items on Study Session must be agendized for a future Regular or Special City Council meeting.

Materials related to an item on this agenda submitted to the City Council after distribution of the agenda packet are available for public inspection with the agenda packet in the lobby of Administration at City Hall, 7351 Rosanna Street during normal business hours. These materials are also 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/shawna.freels@cityofgilroy.org.

REGULAR MEETING 6:00 P.M.

I. OPENING

Religious leaders who wish to participate in the Invocation may contact the City Clerk. The City does not discriminate on the basis of religious belief. Sectarian prayers, however, are not allowed.

- 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. Introductions

II. CEREMONIAL ITEMS

A. Proclamations, Awards and Presentations

- 1. Proclamation Naming January 26 through Sunday, January 31, 2014 Catholic Schools Week (report attached)

INTERVIEWS

A. INTERVIEWS FOR BOARDS, COMMISSIONS AND COMMITTEES (report attached)

- Arts & Culture Commission – 3 seats
- Bicycle Pedestrian Commission – 1 seat
- Building Board of Appeals – 1 seat
- Historic Heritage Committee- 2 seats
- Housing Advisory Committee- 4 seats
- Library Commission – 1 seat
- Open Government Commission – 2 seats
- Parks & Recreation Commission – 2 seats
- Personnel Commission – 2 seats
- Physically Challenged Board of Appeals – 2 seats
- Planning Commission – 2 seats
- Public Art Committee – 4 seats
- Youth Commission – 1 seat

III. PRESENTATIONS TO COUNCIL

A. PUBLIC COMMENT BY MEMBERS OF THE PUBLIC ON ITEMS NOT ON THE AGENDA, BUT WITHIN THE SUBJECT MATTER JURISDICTION OF THE CITY COUNCIL

Please limit your comments to 3 minutes. (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.

IV. REPORTS OF COUNCIL MEMBERS

Council Member Bracco – Gilroy Gang Task Force, Santa Clara Co. Library JPA, SCRWA, Street Naming Committee, Sign Ordinance Review Task Force

Council Member Tucker – General Plan Advisory Committee, Gilroy Welcome Center, LAFCO, Santa Clara Co. Recycling & Waste Reduction Commission, Santa Clara Valley Habitat Agency Governing and Implementation Boards, Cal Trans Citizen's Advisory Committee

Council Member Arellano – ABAG, Sourcewise, Development Standards Task Force, Santa Clara Valley Habitat Agency Governing and Implementation Boards, Sign Ordinance Review Task Force, VTA Committee for Transit Access, IV Rep.

Council Member Leroe-Muñoz - Historical Heritage Committee, Santa Clara Valley Water District Uvas/Llagas Committee, Santa Clara Co. Cities Association Board, Santa Clara Valley Water Dist. Water Comm., Silicon Valley Regional Interoperability Authority (SVRIA), California HSR Sub-Committee, City Attorney Cost Analysis Sub-Committee

Council Member Aulman - Gilroy Gardens Board, VTA Policy Advisory Committee, South County Joint Planning Advisory Committee, SCRWA, City Attorney Cost Analysis Sub-Committee

Mayor Pro Tempore Woodward – Caltrain Board of Directors, General Plan Advisory Committee, Gilroy Economic Development Corporation Board, Street Naming Committee, VTA Administration and Finance Committee, VTA Audit Committee, VTA Board of Directors, VTA South County City Group, URM Task Force, California HSR Sub-Committee, Development Standards Task Force Sub-Committee, City Attorney Cost Analysis Sub-Committee

MAYOR'S REPORT

Gilroy Economic Development Corporation Board, Gilroy Downtown Business Association Board, Gilroy Sister Cities Association, Santa Clara Co. Cal-ID Remote Access Network Board, SCRWA, Street Naming Committee, VTA Expressway Advisory Board, URM Task Force

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 December 2, 2013 Regular City Council Meeting (report attached)**
- B. Minutes of the December 9, 2013 Special City Council Meeting (report attached)**
- C. A Resolution of the City Council of the City of Gilroy Approving RDO-HE 13-02, An Application for a Housing Exemption from the Residential Development Ordinance for a Property Located West of Monterey Street, and North and South of the Future Cohansy Avenue Extension, APN'S 790-06-029 and 030, The James Group Applicant (Item heard 12/2/2013 with a 7-0 vote) (report attached)**
- D. A Resolution of the City Council of the City of Gilroy Approving TM 13-06 , a Tentative Map of the Harvest Park Phase II Residential Subdivision, Creating 57 Single-Family Residential Lots, One Multi-Family Lot, One Commercial Lot and 3+/- Acres of Common Area, for a Property Located Within the Harvest Park Development, West of Monterey Street and North and South of Cohansy Avenue, APN'S 790-06-029 and 030, The James Group Applicant (Item heard 12/2/2013 with a 7-0 vote) (report attached)**
- E. A Resolution of the City Council of the City of Gilroy Approving A/S-PUD 13-26, an Application for Architectural and Site Approval of the Harvest Park Phase II Subdivision on Approximately 17 of Monterey Street and North and South of Cohansy Avenue, APN's 790-06-029 and 030, The James Group Applicant (Item heard 12/2/2013 with a 7-0 vote) (report attached)**
- F. Claim of Mercury Insurance (Tesia Dechutkowski) (the City Administrator Recommends a "yes" vote under the Consent Calendar shall constitute the denial of the claim) (report attached)**
- G. Approval of Amendments to the 2014 Regular City Council Meeting Schedule (report attached)**

VII. BIDS AND PROPOSALS

- A. Selection of Hydrosience Engineers, Inc. and NV5, Inc. as Consultants for Water and Storm Drain Engineering Design Services (report attached)**

1. Staff Report
2. Public Comment

VII. BIDS AND PROPOSALS (continued)

Possible Action:

3. Motion to Award Design Contracts to Hydrosience Engineers, Inc. and NV5, Inc. to Provide As Needed Water and Storm Drain Design Services, Approval of Agreement with Hydrosience Engineers, Inc. not to Exceed \$195,000.00 for the First Street Water Main Replacement and Storm Drain Project, and Approval of Agreement With NV5, Inc. not to Exceed \$37,000.00 for the Swanston Lane Water Main Replacement Project

VIII. PUBLIC HEARINGS

A. Appeal of the Planning Commissions Denial of a Variance Request from Gilroy Code Section 37.58 (a) (2) to Allow for a Total of 359 Square Feet of Sign Area to an Existing Freestanding, Freeway-Oriented Sign at a Property Located at 6980 Chestnut Street, South Valley Plaza (V13-01) (report attached)

1. Staff Report
2. Open the Public Hearing
3. Close the Public Hearing

Possible Action:

4. Motion to Adopt a Resolution of the City Council of the City of Gilroy Granting an Appeal of the Planning Commission's Denial of Variance V 13-01 and Approving Said Variance to Allow Additional Sign Area on an Existing Freeway-Oriented Sign, South Valley Plaza Shopping Center, APN 841-66-031 (**ROLL CALL VOTE**)

B. A Zone Change from A1 (Agriculture) to R2-PUD (Two-Family Residential, Planned Unit Development) for a 5.31-Acre Property Located at the Terminus of Babbs Creek Drive, Generally Bounded by Santa Teresa Boulevard to the South, Babbs Creek to the North, and Starling Drive to the East; APN 808-20-001; The James Group Applicant (Z 13-01) (report attached)

A Tentative Map Request to Create 23 Single-family Residential Lots, 0.37 Acre of Private Open Space and 1.38 Acres for Expansion of the Existing Babbs Creek Park Preserve (TM 13-01)

An Architectural and Site Review for the Planned Unit Development of 23 Single-Family Residential Homes (AS/PUD 13-22)

1. Staff Report
2. Open the Public Hearing

VIII. PUBLIC HEARINGS (continued)

3. Close the Public Hearing
4. Disclosure of Ex-Parte Communications

Possible Action:

5. Motion to Adopt a Mitigated Negative Declaration Finding That on the Basis of the Full Record There is no Substantial Evidence that the Project Will Have a Significant Effect on the Environment, and That the Mitigated Negative Declaration Reflects the Independent Judgment and Analysis of the City
6. Motion to Direct Staff to Prepare an Ordinance Approving or Modifying Z 13-01
7. Motion to Direct Staff to Prepare a Resolution Approving, Modifying or Denying TM 13-01
8. Motion to Direct Staff to Prepare a Resolution Approving, Modifying, or Denying AS 13-22

C. A Tentative Map Request to Subdivide Approximately 15-Acres to Create 55 Single-Family Residential Lots and 2-Acre Detention and Open Space Parcel (1.2 Acres Recommended by Planning Commission) on a Property Located at the Southwest Corner of Day Road and Cougar Court, APN 783-16-026; Glen Loma Group Applicant (TM 13-04) (report attached)

1. Staff Report
2. Open the Public Hearing
3. Close the Public Hearing
4. Disclosure of Ex-Parte Communications

Possible Action:

5. Motion to Adopt a Mitigated Negative Declaration Finding That on the Basis of the Full Record There is no Substantial Evidence that the Project Will Have a Significant Effect on the Environment, and That the Mitigated Negative Declaration Reflects the Independent Judgment and Analysis of the City
6. Motion to Direct Staff to Prepare a Resolution Approving, Modifying or Denying TM 13-04

IX. UNFINISHED BUSINESS

A. An Ordinance and a Resolution of the City Council of the City of Gilroy Pertaining to Payday Lending and Check Cashing Businesses in the City of Gilroy (report attached)

1. Staff Report
2. Public Comment

Possible Action:

3. Motion to Read the Ordinance by Title Only and Waive Further Reading
4. Motion to Introduce an Ordinance of the City Council of the City of Gilroy Amending Gilroy City Code Chapter 30, Section 2.20 Entitled "Definitions" to Add Definitions of "Bank and "Office" to Prohibit the Establishment, Expansion or Relocation of Payday Lending and Check Cashing Businesses Within the City of Gilroy (**ROLL CALL VOTE**)
5. Motion to Adopt a Resolution of the City Council of the City of Gilroy Requesting the California State Legislature Enact Restrictions on Payday Loans (**ROLL CALL VOTE**)

B. Selection and Appointment of Members to City Boards, Commissions and Committees with Terms Expiring September 30, 2014, December 31, 2014, September 30, 2015, December 31, 2015, December 31, 2016, December 31, 2017, and December 31, 2018 (report attached)

1. Public Comment

Possible Action:

2. Motion to Appoint Members to the Arts and Culture Commission, Bicycle Pedestrian Commission, Building Board of Appeals, Historic Heritage Committee, Housing Advisory Committee, Library Commission, Open Government Commission, Parks and Recreation Commission, Personnel Commission, Physically Challenged Board of Appeals, Public Art Committee, Planning Commission and Youth Commission

X. INTRODUCTION OF NEW BUSINESS

A. Silicon Valley Land Conservancy Presentation on Agriculture Mitigation Policy Implementation (report attached)

1. Staff Report
2. Public Comment

Possible Action:

3. Receive Report

X. INTRODUCTION OF NEW BUSINESS (continued)

B. City Council Member Annual Appointments to Representative Seats

1. Staff Report
2. Public Comment

Possible Action:

3. Motion to Appoint Council Members to Representative Seats

XI. CITY ADMINISTRATOR'S REPORTS

XII. CITY ATTORNEY'S REPORTS

ADJOURNMENT TO THE SPECIAL MEETING OF JANUARY 22, 2014

MEETINGS/EVENTS (*Meeting will be webstreamed and televised)

JANUARY 2014

- 6* Regular City Council Meeting - 6:00 p.m., City Council Chambers
- 22 Joint Meeting with GUSD Board - 6:00 p.m., GUSD District Office Board Room
(rescheduled from 1/29/14)
- 27* Regular City Council Meeting - 6:00 p.m., City Council Chambers

FEBRUARY 2014

- 3* Regular City Council Meeting - 6:00 p.m., City Council Chambers
- 24* Regular City Council Meeting - 6:00 p.m., City Council Chambers
- 28 Strategic Planning/Goal Setting Session – Time TBD, PD Community Room

MARCH 2014

- 1 Strategic Planning/Goal Setting Session – Time TBD, PD Community Room
- 3 **CANCELLED** Regular City Council Meeting - 6:00 p.m., City Council Chambers
- 17* Regular City Council Meeting - 6:00 p.m., City Council Chambers

APRIL 2014

- 7* Regular City Council Meeting - 6:00 p.m., City Council Chambers
- 21* Regular City Council Meeting - 6:00 p.m., City Council Chambers

MAY 2014

- 5* Regular City Council Meeting - 6:00 p.m., City Council Chambers
- 19* Regular City Council Meeting - 6:00 p.m., City Council Chambers

JUNE 2014

- 2* Regular City Council Meeting - 6:00 p.m., City Council Chambers
- 16* Regular City Council Meeting - 6:00 p.m., City Council Chambers