



CITY COUNCIL REGULAR MEETING AGENDA PACKET

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

MONDAY, MARCH 18, 2024 | 6:00 PM

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
AGENDA CLOSING TIME IS 5:00 P.M. THE TUESDAY PRIOR TO THE MEETING

PUBLIC COMMENTS ON AGENDA ITEMS ARE TAKEN BEFORE THE CITY COUNCIL TAKES ACTION. [Please keep your comments to 3 minutes](#). Time restrictions may vary based on the Mayor's discretion.

Send written comments on any agenda item to publiccomments@cityofgilroy.org or City Hall, 7351 Rosanna Street, Gilroy, CA 95020. Comments received by 1 p.m. on the meeting day will be distributed to the City Council before the meeting. Comments are also available at bit.ly/3NuS1IN.



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 dispute any planning or land use decision from this meeting in court, you may only raise issues you or someone else presented at this meeting's public hearing or in written letters to the City Council before the hearing. Be aware that the time to seek a judicial review of any final decision made at this meeting is defined by Section 1094.6 of the California Code of Civil Procedure.

During this meeting, a Closed Session may be called under Government Code Section 54956.9 (d)(2). This will happen if, in the City's legislative body's opinion (based on current facts, circumstances, and legal advice), there's a significant risk of a lawsuit against the City.

Additional materials submitted after agenda distribution are available on www.cityofgilroy.org as soon as possible.

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.



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

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

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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. COUNCIL CORRESPONDENCE (Informational Only)**
 - 3.1. Letter from California Consulting Regarding the City's Competitiveness for a FEMA SAFER Grant**
- 4. PRESENTATIONS TO THE COUNCIL**
 - 4.1. PUBLIC COMMENT BY MEMBERS OF THE PUBLIC ON ITEMS NOT ON THE**

AGENDA BUT WITHIN THE SUBJECT MATTER JURISDICTION OF THE CITY COUNCIL

This part of the meeting allows public address on non-agenda topics within the Council's jurisdiction. To speak, complete a Speaker's Card from the entrances and give it to the City Clerk. Speaking time ranges from 1-3 minutes based on the Mayor's discretion. Extended discussions or actions on non-agenda items are restricted by law. For Council action, the topic may be listed on a future agenda.

Email written comments on non-agenda topics to publiccomments@cityofgilroy.org or mail them to City Hall, 7351 Rosanna Street, Gilroy, CA 95020, by 1:00 p.m. on the meeting day. These comments, available at City Hall, will be shared with the Council and included in the meeting record. Late submissions will be shared as soon as possible. A 10-page limit applies to hard-copy materials, but electronic submissions are unlimited.

5. REPORTS OF COUNCIL MEMBERS

Council Member Bracco – Downtown Committee, Santa Clara County Library Joint Powers Authority, Santa Clara Valley Water Joint Water Resources Committee, SCRWA

Council Member Armendariz – Downtown Committee, 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*)

Council Member Marques – ABAG, Downtown Committee, 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, VTA Policy Advisory Committee

Council Member Cline – Gilroy Economic Development Partnership (*alternate*), Gilroy Gardens Board of Directors (*alternate*), 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, VTA Mobility Partnership Committee

Council Member Tovar – Downtown Committee, Gilroy Youth Task Force (*alternate*), Santa Clara County Expressway Plan 2040 Advisory Board, Santa Clara Valley Water Commission, SCRWA, South County Youth Task Force Policy Team

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

6. CONSENT CALENDAR

Items under the Consent Calendar are deemed routine and approved with one motion. If a Council member or a member of the public wishes for a separate discussion on an item, it must be requested for removal before the Council's approval vote. If removed, the item will be discussed in its original order.

- 6.1. Approval of the Action Minutes of the February 26, 2024 and March 4, 2024 City Council Regular Meetings**
- 6.2. Acceptance of the City Fiscal Year 2022-23 Federal Single Audit**
- 6.3. Claim of Rachel Gonzalez-Orosco (The City Administrator recommends a "yes" vote under the Consent Calendar shall constitute denial of the claim)**

7. BIDS AND PROPOSALS

- 7.1. Award a Three-Year Agreement for City-wide Microsoft Licenses and Services to Dell in the Amount of \$440,790, With a 10% Contingency, for a Total Not-to-Exceed Amount of \$484,869, Utilizing the County of Riverside Cooperative Agreement.**

- 1. Staff Report: Harjot Sangha, Finance Director
- 2. Public Comment
- 3. Possible Action:

Award the three-year agreement for Microsoft Licenses and Services to Dell Technologies for the amount of \$440,790, and a contingency of 10%, for a total not to exceed amount of \$484,869, utilizing the County of Riverside cooperative agreement, and authorize the City Administrator to execute the purchase contract documents.

- 7.2. Award a Contract to Trinchero Construction, Inc. for the Gourmet Alley Improvement Project No. 24-PW- 287 in the Amount of \$2,975,648, Approve a Project Contingency of \$502,767, and Approve a Total Project Expenditure of \$3,478,415 for Construction**

- 1. Staff Report: Heba El-Guindy, Public Works Director
- 2. Public Comment
- 3. Possible Action:

Award a Contract to Trinchero Construction, Inc. in the amount of \$2,975,648, approve a project contingency of \$502,767, approve a total expenditure of \$3,478,415 for construction of the Gourmet Alley Improvement Project No. 24-PW-287, and authorize the City Administrator to execute the Contract and associated documents.

8. PUBLIC HEARINGS

9. UNFINISHED BUSINESS

10. INTRODUCTION OF NEW BUSINESS

- 10.1. Approve a School Resource Officer Memorandum of Understanding for Fiscal Year 2024-2025**

1. Staff Report: Pedro Espinoza, Police Chief
2. Public Comment
3. Possible Action:

Adopt a resolution of the City Council of the City of Gilroy authorizing the City Administrator to enter into an agreement between the City of Gilroy and Gilroy Unified School District for two school resource officers, including cost sharing, for Fiscal Year 2024-2025 (FY25).

10.2. 2023 General Plan and Housing Element Annual Progress Report

1. Staff Report: Sharon Goei, Community Development Director
2. Public Comment
3. Possible Action:

Accept the report and direct staff to submit the 2023 Annual Progress Report to the California Department of Housing and Community Development and the Governor's Office of Planning and Research, no later than April 1, 2024.

10.3. Approve the First Amendment to Funding Agreement between the City and VTA for the US 101/SR 152/10th Street Interchange Improvement Project and Adopt a Resolution to Amend the City Budget to Reallocate \$600,000 from FY 2025 to FY 2024 in Traffic Impact Fund (425) and Appropriate Proposed Expenditure Amendment to Meet the Current City Funding Obligation of the PA&ED Phase of the Project

1. Staff Report: Heba El-Guindy, Public Works Director
2. Public Comment
3. Possible Action:

Approve the First Amendment to the Funding Agreement between the City of Gilroy and the Valley Transportation Authority (VTA) for the US 101/SR 152/10th Street Interchange Improvement Project (PW Project # 800770) and approve payment to VTA in the amount of \$600,000 as the City's lump sum financial share towards the Project Approval & Environmental Document (PA&ED) phase.

Adopt a Resolution of the City Council of the City of Gilroy to increase the Fiscal Year 2024 Budget and decrease the Fiscal Year 2025 Budget by \$600,000 in the Traffic Impact Fund (425).

10.4. Consideration of the Arts and Culture Commission's Public Art Campaign "For the Love of Gilroy" Streetlight Banner Art

1. Staff Report: Bryce Atkins, Assistant to the City Administrator
2. Public Comment
3. Possible Action:

Council approve the Arts and Culture Commission's public art campaign, "For

the Love of Gilroy”.

10.5. Accept the Donation of Inclusive Play Equipment from Gilroy Rotary Clubs for the Donald "Elvis" Prieto Downtown Pop-up Park

1. Staff Report: Bryce Atkins, Assistant to the City Administrator
2. Public Comment
3. Possible Action:

Council accept the donation.

11. FUTURE COUNCIL INITIATED AGENDA ITEMS

11.1. Request for a Future Agenda Item to Adopt a Resolution Proclaiming April 2024 as Arts, Culture and Creativity Month

1. Staff Report: Bryce Atkins, Assistant to the City Administrator
2. Public Comment
3. Possible Action:

Council determination about adding the request to the April 8, 2024 City Council meeting.

12. CITY ADMINISTRATOR'S REPORTS

12.1. Fire Department Presentation on Automated External Defibrillators and Mechanical Chest Compression Device (15 minutes)

13. CITY ATTORNEY'S REPORTS

14. CLOSED SESSION

- 14.1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS Pursuant to GC Sec. 54956.8 and GCC Sec.17A.8**
Property: Gilroy Gardens Theme Park, 3050 Hecker Pass Highway, Gilroy, CA (APN's: 810-17-024, 810-17-026, 810-17-029, 810-17-030, 810-17-031, 810-18-002, 810-18-013, 810-19-005, 810-19-007, 810-19-010, 810-19-011, 810-19-014)
Negotiators: Jimmy Forbis, City Administrator; Victoria Valencia, Economic Development Manager
Other Party to Negotiations: Gilroy Gardens Family Theme Park, LLC
Under Negotiations: Price and terms of payment for sale or lease.
- 14.2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS Pursuant to GC Sec. 54956.8 and GCC Sec.17A.8 (a) (2)**
Property: City-Owned 536 Acres at Hecker Pass (Including Gilroy Gardens Theme Park), 3050 Hecker Pass Highway, Gilroy, CA (APN's: 810-17-024, 810-17-026, 810-17-029, 810-17-030, 810-17-031, 810-18-002, 810-18-013, 810-19-005, 810-19-007, 810-19-010, 810-19-011, 810-19-014)
Negotiators: Jimmy Forbis, City Administrator; Victoria Valencia, Economic Development Manager
Other Parties to Negotiations: Chris Sutton, Select Contracts
Under Negotiations: Price and terms of payment for sale or lease.

- 14.3. CONFERENCE WITH REAL PROPERTY NEGOTIATORS Pursuant to GC Sec. 54956.8 and GCC Sec. 17A.8**
Properties: 10th Street Bridge: APNs 808-19-007, 799-30-006, 799-30-007, 808-19-020, 808-50-999, Thomas Luchessa Bridge: APNs 808-21-025, 808-21-023, 808-21-021, 808-21-018, New Fire Station: APNs 808-18-003, 808-19-029
Negotiators: Jimmy Forbis, City Administrator
Other Party to Negotiations: John M. Filice Jr., Glen Loma Corporation
Under Negotiation: Price and terms of payment

15. 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).

16. ADJOURNMENT

FUTURE MEETING DATES

April 2024

- 8 Regular Meeting - 6:00 p.m
- 15 Regular Meeting - 6:00 p.m

May 2024

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

June 2024

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

Meetings are live streamed on the City of Gilroy's website at gilroy.city/meetings and o

Access the 2024 City Council Meeting Calendar at <https://bit.ly/3LLzY1n>.



To Whom It May Concern:

FEMA SAFER is a highly competitive nationwide grant program that prioritizes agencies with demonstrable staffing budget deficiencies and/or unusual year-to-year call volume surges. Each funding cycle, FEMA receives approximately 8-10 times more funding requests for SAFER than it can fund, which results in a highly stringent technical review process that deprioritizes all but the most high-need Fire departments. SAFER generally prioritizes rehiring firefighters who were laid off within the two years prior to the start of the application period, and retaining firefighters facing imminent layoff.

“FEMA prioritizes bringing non-compliant (NFPA 1710 or 1720) departments into compliance in the most cost-effective manner. FEMA will ask applicants general questions about the NFPA standard they are attempting to meet as well as their current ability to meet that standard (without the use of overtime). FEMA will also ask applicants to indicate what their ability will be to meet that same standard if awarded grant funds. Having additional firefighters on staff should improve a local fire department’s ability to comply with the staffing, response, and operational standards that enhance community and firefighter safety. Applications resulting in the largest percentage increases in compliance with the relevant section of NFPA 1710 (for career departments) or 1720 (for volunteer departments) receive higher pre-scores than applications resulting in smaller percentage increases in compliance...” Source: FEMA FY2023 SAFER Notice of Funding Opportunity (NOFO).

The NOFO also specifically defines “Supplanting” as “replac[ing] or tak[ing] place of funds that would otherwise be available from state or local sources.”

Because Gilroy’s Fire Department is presently meeting NFPA standards and hiring additional firefighters using existing local funds while experiencing nominal call volume growth, it is highly unlikely to be awarded a FEMA SAFER grant ahead of higher-need fire departments nationwide.

Ilya Malinsky
Grant Project Manager
California Consulting, INC

City of Gilroy
City Council Regular Meeting Minutes
Monday, February 26, 2024 | 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 Cline led the Pledge of Allegiance.

1.3. Invocation

Pastor Malcom MacPhail provided the Invocation.

1.4 City Clerk's Report on Posting the Agenda

Interim City Clerk Minor reported on the Posting of the Agenda.

1.5. Roll Call

Attendance	Attendee Name
Present	Rebeca Armendariz, Council Member Dion Bracco, Council Member Tom Cline, Council Member Zach Hilton, Council Member Carol Marques, Mayor Pro Tempore Fred Tovar, Council Member Marie Blankley, Mayor
Absent	None

1.6. Orders of the Day

Mayor Blankley requested Agenda Item #11.2 be heard before Agenda Item #11.1. Full Council agreed to reorder the items.

1.7. Employee Introductions

City Administrator Jimmy Forbis introduced Beth Minor, Interim City Clerk, and Heba El-Guindy, Public Works Director.

2. CEREMONIAL ITEMS - Proclamations and Awards

There were none.

3. COUNCIL CORRESPONDENCE (Informational Only)

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There were none.

4. PRESENTATIONS TO THE COUNCIL

4.1. 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 not on the agenda;
 Ana Mendoza spoke regarding unfair treatment and possible unlawful treatment when evicting tenants;
 Robert Zepeda spoke regarding possible theft incidents that occurred at Safeway and Nob Hill;
 Jesus Alarcon spoke regarding the high cost of rents in the area;
 Joseph Thompson spoke regarding unfair rent increases.

Having no further speakers, Mayor Blankley closed Public Comment.

5. REPORTS OF COUNCIL MEMBERS

Council Member Bracco no report.

Council Member Armendariz no report.

Council Member Marquez no report.

Council Member Hilton reported on the VTA Policy Advisory Committee meeting and the Silicon Valley Clean Energy Authority JPA Board meeting.

Council Member Cline no report.

Council Member Tovar no report.

Mayor Brinkley reported on the Caltrain Policy Group meeting.

6. FUTURE COUNCIL INITIATED AGENDA ITEMS

There were none.

7. CONSENT CALENDAR

MOTION: Approve Consent Calendar Numbers 7.1 through 7.6 with a Roll Call vote for all items.

RESULTS:	PASS 7-0
MOVER:	Dion Bracco Council Member
SECONDER:	Rebeca Armendariz, Council Member
AYES:	Council Member Armendariz, Council Member Bracco, Council Member Marquez, Council Member Hilton, Council Member Cline, Council Member Tovar
NOES:	

ABSENT:
ABSTAIN:

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

- 7.1. **Approval of the Action Minutes of the February 5, 2024 City Council Regular Meeting.**
- 7.2. **Accept and File Quarterly Cash and Investment Report as of December 31, 2023.**
- 7.3. **Approval of Final Map and PIA Tract 10594 700 W. 6th Street Subdivision.**
- 7.4. **Approval of Notice of Acceptance of Completion for Property Improvement Agreement No. 2017-06, Ballybunion Dr. and Santa Teresa Blvd. Roundabout.**
- 7.5. **Adoption of a Resolution of the City Council of the City of Gilroy Approving a Fiscal Year 2024 Budget Amendment for \$20,813 for a County of Santa Clara Office of Emergency Management Training and Exercise Grant.**

Enactment No.: Resolution No. 2024-10

- 7.6. **Adoption of a Resolution of the City Council of the City of Gilroy Approving a Fiscal Year 2024 Budget Amendment of \$33,080.66 for a County of Santa Clara Health Care System.**

Enactment No.: Resolution No. 2024-09

8. BIDS AND PROPOSALS

- 8.1. **Award a Contract in the amount of \$408,134 to Blue Raster for Bicycle and Pedestrian Geographic Information Systems Consultant Services and Approve a Budget Amendment in the Measure B Fund.**

MOTION: Award the Contract to Blue Raster and Approve the attached budget Amendment in the Measure B Fund.

RESULTS:	PASS 4-3
MOVER:	Rebecca Armendariz, Council Member
SECONDER:	Zach Hilton, Council Member
AYES:	Council Member Armendariz, Council Member Hilton, Council Member Cline, Mayor Blankley
NOES:	Council Member Bracco, Council Member Marquez, Council Member Tovar
ABSENT:	
ABSTAIN:	

Enactment No.: Resolution No. 2024-14

Mayor Blankley opened the Public Comment.

Ron Kirkish spoke against approving the contract.

Having no further speakers, Mayor Blankley closed Public Comment.

- 8.2. Award a Contract to Kimley-Horn and Associates, Inc. for the Design of Two Traffic Signals Project No. 24-RFP-PW-498 in the amount of \$149,854, Approve a Project Contingency of \$29,971, and Approve a Total Project Expenditure of \$179,825 for Design Services.**

MOTION: Award a Contract to Kimley-Horn and Associates, Inc. for the Design of Two Traffic Signals Project No. 24-RFP-PW-498 in the amount of \$149,854, Approve a Project Contingency of \$29,971, and Approve a Total Project Expenditure of \$179,825 for Design Services

RESULTS:	PASS: 7-0
MOVER:	Rebeca Armendariz, Council Member
SECONDER:	Dion Bracco, Council Member
AYES:	Council Member Bracco, Council Member Armendariz, Council Member Marques, Council Member Hilton, Council Member Cline, Council Member Tovar, Mayor Blankley
NOES:	
ABSENT:	
ABSTAIN:	

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

9. PUBLIC HEARINGS

There were none.

10. UNFINISHED BUSINESS

There was none.

11. INTRODUCTION OF NEW BUSINESS

11.1. Consideration of a Ceasefire Resolution.

MOTION: To approve the community version of the Resolution calling for a permanent ceasefire in Israel and Palestine, as submitted in our agenda packets on pages 172 to 173.

RESULTS:	FAIL: 2-5
MOVER:	Zach Hilton, Council Member
SECONDER:	Rebecca Armendariz, Council Member
AYES:	Council Member Armendariz, Council Member Hilton,
NOES:	Council Member Bracco, Council Member Marques Council Member Cline, Council Member Tovar, Mayor Blankley
ABSENT:	
ABSTAIN:	

MOTION: To reject any and all resolutions regarding the Cease Fire.

RESULTS:	PASS: 5-2
MOVER:	Dion Bracco, Council Member
SECONDER:	Tom Cline, Council Member
AYES:	Council Member Bracco, Council Marques, Council Member Cline, Council Member Tovar, Mayor Blankley
NOES:	Council Member Armendariz, Council Member Hilton
ABSENT:	
ABSTAIN:	

Mayor Blankley opened Public Comment.

There were 75 members of the public who spoke regarding the Council consideration of a cease fire resolution.

Mayor Blankley closed Public Comment.

11.2 Consent of the Appointment of Beth Minor as Interim City Clerk (Retired Annuitant) Effective February 27, 2024, and Adoption of a Resolution of the City Council of the City of Gilroy Approving the Appointment and Employment Agreement.

MOTION: Consent the City Administrator's recommendation to appoint Beth Minor as Interim City Clerk (as a retired annuitant) effective February 27, 2024, and Adopt a Resolution of the City Council of the City of Gilroy approving the appointment of Beth Minor as Interim City Clerk (Retired Annuitant) pursuant to California Government Code Section 21221(h) and authorizing the City Administrator to execute the employment agreement.

RESULTS:	PASS: 7-0
MOVER:	Marie Blankley, Mayor
SECONDER:	Carol Marqus, Council Member
AYES:	Council Member Bracco, Council Member Armendariz, Council Member Marques, Council Member Hilton, Council Member Cline, Council Member Tovar, Mayor Blankley
NOES:	
ABSENT:	
ABSTAIN:	

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

Enactment No.: Resolution No. 2024-11

11.3. Receive Fiscal Year 2023-2024 (FY24) Mid-Year Budget Report and Adopt a Budget Amendment Resolution.

MOTION: Receive Mid-Year Budget Report for FY24, and to Adopt a Resolution of the City Council of the City of Gilroy Amending the Appropriations for FY24 in Fund 293.

RESULTS:	PASS: 7-0
MOVER:	Marie Blankley, Mayor

SECONDER:	Carol Marqus, Council Member
AYES:	Council Member Bracco, Council Member Armendariz, Council Member Marques, Council Member Hilton, Council Member Cline, Council Member Tovar, Mayor Blankley
NOES:	
ABSENT:	
Enactment No.: Resolution No. 2024-15	

11.4. FY24 and FY25 Departmental Workplan Updates.

Council discussed the Workplan Updates and requested staff make minor changes to include moving items up on the workplan and combining several. No Motion was made.

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

11.5. Council-Initiated Agenda Item Policy

Council discussed the new Council policy/procedure for the submission and consideration of future Council-initiated items on the Council's agendas.

No Motion was made.

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

11.6. Accept the Annual Comprehensive Financial Report for Fiscal Year-Ended June 30, 2023.

MOTION: Accept the Annual Comprehensive Financial Report for Fiscal Year-Ended June 30, 2023.

RESULTS:	PASS: 7-0
MOVER:	Rebeca Armendariz, Council Member
SECONDER:	Zach Hilton, Council Member
AYES:	Council Member Bracco, Council Member Armendariz, Council Member Marques, Council Member Hilton, Council Member Cline, Council Member Tovar, Mayor Blankley
NOES:	
ABSENT:	

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

12. CITY ADMINISTRATOR'S REPORTS

There were none.

13. CITY ATTORNEY'S REPORTS

There were none.

14. CLOSED SESSION

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

Mayor Blankley recessed the Regular Meeting at 10:00 PM.

The Council convened into the Closed Session at 10:04 PM.

A motion was made to stay in Closed Session. The Vote was unanimous.

- 14.1. CONFERENCE WITH LABOR NEGOTIATORS - COLLECTIVE BARGAINING UNIT**
Pursuant to GC Section 54957.6 and GCC Section 17A.11 (4); Collective Bargaining Units: Local 2805, IAFF Fire Unit Representing Gilroy Fire Fighters
City Negotiators: Jimmy Forbis, 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.

- 14.2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS** Pursuant to GC Sec. 54956.8 and GCC Sec.17A.8 (a) (2) Property: Gilroy Gardens Theme Park, 3050 Hecker Pass Highway, Gilroy, CA (APN's: 810-17-024, 810-17-026, 810-17-029, 810-17-030, 810-17-031, 810-18-002, 810-18-013, 810-19-005, 810-19-007, 810-19-010, 810-19-011, 810-19-014) Negotiators: Jimmy Forbis, City Administrator Other Party to Negotiations: Gilroy Gardens Family Theme Park, LLC Under Negotiations: Price and terms of payment for sale or lease.

15. ADJOURN TO OPEN SESSION

Mayor Blankley reported no reportable action from the Closed Session.

16. ADJOURNMENT

Mayor Blankley adjourned the meeting at 10:50 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 on March 4, 2024.

/s/Beth Minor

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Interim City Clerk

**CITY COUNCIL REGULAR MEETING AND
GILROY PUBLIC FACILITIES FINANCING AUTHORITY
AGENDA**

MONDAY, MARCH 4, 2024 | 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 Hilton led the Pledge of Allegiance.

1.3. Invocation None

1.4. City Clerk's Report on Posting the Agenda

Interim City Clerk Minor reported the agenda was posted on March 1, 2024 at 2:20 PM.

1.5. Roll Call

Attendance	Attendee Name
Present	Rebeca Armendariz, Council Member Dion Bracco, Council Member Tom Cline, Council Member Zach Hilton, Council Member Carol Marques, Mayor Pro Tempore Fred Tovar, Council Member Marie Blankley, Mayor
Absent	None

1.6. Orders of the Day None

1.7. Employee Introductions

Community Development Director Sharon Goei introduced Erin Freitas and Mariah Maganda who were recent promotions.

2. CEREMONIAL ITEMS - Proclamations and Awards

2.1. Proclamation Proclaiming March 2024 as Youth Arts Month

Mayor Blankley read the proclamation into the record and presented it to Sofia Fojas.

2.2. Proclamation Proclaiming March 2024 as American Red Cross Month

Mayor Blankley read the proclamation into the record and presented it to Camille McCormack.

3. COUNCIL CORRESPONDENCE None

4. PRESENTATIONS TO THE COUNCIL

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

The following speakers spoke on items not on the Agenda;
 Jason Pratico spoke regarding the incident at Luigi Aprea Middle School.
 Robert Zepeda spoke regarding false news and propaganda.
 Tony Maratos spoke regarding the incident at Luigi Aprea Middle School.

5. REPORTS OF COUNCIL MEMBERS

Council Member Bracco – None

Council Member Armendariz – Acknowledged International Women’s History Month.

Council Member Marques – Announced Gilroy Gardens 2024 season would open on March 16, 2024; and spoke about their cyber-attack in February 2024.

Council Member Hilton – Spoke regarding Silicon Valley Clean Energy and their EV charging incentives program.

Council Member Cline – None

Council Member Tovar – None

Mayor Blankley – Reported on two events held by the Gilroy Chamber of Commerce.

6. CONSENT CALENDAR

6.1. **Adopt the Council-Initiated Agenda Item Policy**

6.2. **Approve Final Downtown Parking Management Plan**

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

Council Member Tovar requested Agenda Item 6.1 be removed from the Consent Calendar.

MOTION: Approve Agenda Item 6.2

RESULTS:	PASS: 6-1
MOVER:	Marie Blankley, Mayor
SECONDER:	Carol Marques, Council Member
AYES:	Council Member Armendariz, Council Member Marques, Council Member Hilton, Council Member Cline, Council Member Tovar
NOES:	Council Member Bracco
ABSENT:	
ABSTAIN:	

MOTION: Approve Agenda Item 6.1

RESULTS:	PASS: 4-3
MOVER:	Marie Blankley, Mayor
SECONDER:	Carol Marques, Council Member
AYES:	Council Member Armendariz, Council Member Hilton, Council Member Cline, Mayor Blankley
NOES:	Council Member Bracco, Council Member Marques, Member Tovar
ABSENT:	
ABSTAIN:	

- 7. **BIDS AND PROPOSALS** None
- 8. **PUBLIC HEARINGS** None
- 9. **UNFINISHED BUSINESS** None
- 10. **INTRODUCTION OF NEW BUSINESS**

10.1. Use of City-Owned Property for the Installation and Maintenance of the Highway 152 Tree Row Plaque and Monument

MOTION: Approve the request to install the Highway 152 Tree Row Plaque and Monument on City-owned property located at the southwest corner of Hecker Pass Road and Autumn Drive (APN 810-20-038) in the Hecker Pass Special Use District.

RESULTS:	PASS 7-0
MOVER:	Rebecca Armendariz, Council Member
SECONDER:	Fred Tovar, Council Member
AYES:	Council Member Bracco, Council Member Armendariz, Council Member Marques, Council Member Hilton, Council Member Cline, Council Member Tovar, Mayor Blankley
NOES:	
ABSENT:	
ABSTAIN:	

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

10.2. Appointment of City Representative for County of Santa Clara Housing and Community Development Advisory Committee

MOTION: Appoint Council Member Armendariz as member and Council Member Marques as an alternate member of the City Council to serve on the County of Santa Clara Housing and Community Development Advisory Committee.

RESULTS:	PASS: 7-0
MOVER:	Fred Tovar, Council Member

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SECONDER:	Tom Cline, Council Member
AYES:	Council Member Bracco, Council Member Armendariz, Council Member Marques, Council Member Hilton, Council Member Cline, Council Member Tovar, Mayor Blankley
NOES:	
ABSENT:	
ABSTAIN:	

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

10.3. Santa Teresa Fire Station Operational and Financial Plan and Adoption of a Resolution Amending the Fiscal Year 2024 Operating Budget by \$350,000 for Fire Department Overtime.

MOTION: Adopt a resolution amending the operating budget for the Fire Department's overtime budget for Fiscal Year 2024 by \$350,000 and transferring \$200,000 from the Capital Projects fund allocated to the modular fire station to the General Fund for Fire overtime expenditures.

RESULTS:	PASS: 7-0
MOVER:	Rebeca Armendariz, Council Member
SECONDER:	Marie Blankley, Mayor
AYES:	Council Member Bracco, Council Member Armendariz, Council Member Marques, Council Member Hilton, Council Member Cline, Council Member Tovar, Mayor Blankley
NOES:	
ABSENT:	
ABSTAIN:	

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

Enactment No.: Resolution No. 2024-12

11. ADJOURN TO THE MEETING OF GILROY PUBLIC FACILITIES FINANCING AUTHORITY

The meeting was adjourned at 7:07 P.M.

12. OPENING (GILROY PUBLIC FACILITIES FINANCING AUTHORITY)

12.1. Call to Order

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Chair Blankley called the meeting to order at 7:07 PM

12.2.	Attendance	Attendee Name
	Present	Dion Bracco, Board Member Rebeca Armendariz, Board Member Carol Marques, Board Member Zach Hilton, Board Member Tom Cline, Board Member Fred Tovar, Council Member Marie Blankley, Chair
	Absent	None

13. CONSENT CALENDAR (GILROY PUBLIC FACILITIES FINANCING AUTHORITY)

13.1. Approval of the Action Minutes of the February 27, 2023 Gilroy Public Financing Authority Regular Meeting

13.2. Adoption of a Resolution Setting the Budget for Fiscal Year 2024-25

MOTION: Approve the action minutes from February 27, 2023 and adopt a resolution setting the budget for the Fiscal Years 2024-2026.

RESULTS:	PASS: 7-0
MOVER:	Dion Bracco, Board Member
SECONDER:	Carol Marques, Board Member
AYES:	Board Member Bracco, Board Member Armendariz, Board Member Marques, Board Member Hilton, Board Member Cline, Board Member Tovar
NOES:	
ABSENT:	
ABSTAIN:	

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

Enactment No.: Resolution No. 2024-13

14. ADJOURN TO THE MEETING OF GILROY CITY COUNCIL

The Gilroy Public Facilities Financing Authority meeting was adjourned at 7:08 P.M. The Council reconvened at the City Council.

15. FUTURE COUNCIL INITIATED AGENDA ITEMS Council Member Armendariz requested Council agendaize a study session or town hall regarding the incident at Luigi Aprea Middle School.

16. CITY ADMINISTRATOR'S REPORTS City Administrator Jimmy Forbis reported on his attendance at the State of the Valley event.

17. CITY ATTORNEY'S REPORTS None

18. CLOSED SESSION

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

Mayor Blankley recessed the Regular Meeting at 7:15 PM.

The Council convened into the Closed Session at 7:15 PM.

A motion was made to stay in Closed Session. The Vote was unanimous.

- 18.1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS Pursuant to GC Sec. 54956.8 and GCC Sec. 17A.8**
Properties: 10th Street Bridge: APNs 808-19-007, 799-30-006, 799-30-007, 808-19-020, 808-50-999, Thomas Luchessa Bridge: APNs 808-21-025, 808-21-023, 808-21-021, 808-21-018, New Fire Station: APNs 808-18-003, 808-19-029
Negotiators: Jimmy Forbis, City Administrator
Other Party to Negotiations: John M. Filice Jr., Glen Loma Corporation
Under Negotiation: Price and terms of payment
- 18.2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION;**
Paragraph (1) of Subdivision (d) of GC 54956.9 and Gilroy City Code Section 17A.11(3)(a); Case Names:
1. TIMOTHY GAVIN, Petitioner, vs. CITY OF GILROY, Respondent;
Superior Ct. Case Number 24CV428673; Petition for Writ of Mandamus:
Filed January 5, 2024
2. CITY OF GILROY, Petitioner, vs. THE SUPERIOR COURT OF SANTA CLARA COUNTY, Respondent; LAW FOUNDATION OF SILICON VALLEY, Real Party in Interest. LAW FOUNDATION OF SILICON VALLEY, Petitioner, v. THE SUPERIOR COURT OF SANTA CLARA COUNTY, Respondent; CITY OF GILROY, Real Party in Interest; Cal. Supreme Ct. Case Numbers S282937 and S282950; Filed January 22, 2020
- 18.3. CONFERENCE WITH REAL PROPERTY NEGOTIATORS Pursuant to GC Sec. 54956.8 and GCC Sec.17A.8 (a) (2)**
Property: Gilroy Gardens Theme Park, 3050 Hecker Pass Highway, Gilroy, CA (APN's: 810-17-024, 810-17-026, 810-17-029, 810-17-030, 810-17-031, 810-18-002, 810-18-013, 810-19-005, 810-19-007, 810-19-010, 810-19-011, 810-19-014)
Negotiators: Jimmy Forbis, City Administrator
Other Party to Negotiations: Gilroy Gardens Family Theme Park, LLC
Under Negotiations: Price and terms of payment for sale or lease.

19. ADJOURN TO OPEN SESSION

Mayor Blankley reported to no reportable action from the Closed Session.

20. ADJOURNMENT

The meeting was adjourned at 7:57 P.M.

FUTURE MEETING DATES

March 2024

18 Regular Meeting - 6:00 p.m

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April 2024

8 Regular Meeting - 6:00 p.m

15 Regular Meeting - 6:00 p.m

May 2024

6 Regular Meeting - 6:00 p.m

20 Regular Meeting - 6:00 p.m

Meetings are live streamed on the City of Gilroy's website at gilroy.city/meetings and on YouTube at

Access the 2024 City Council Meeting Calendar at <https://bit.ly/3LLzY1n>.



City of Gilroy

STAFF REPORT

Agenda Item Title:	Acceptance of the City Fiscal Year 2022-23 Federal Single Audit
Meeting Date:	March 18, 2024
From:	Jimmy Forbis, City Administrator
Department:	Finance
Submitted By:	Harjot Sangha, Finance Director
Prepared By:	Rosemary Guerrero, Finance Manager

STRATEGIC PLAN GOALS

Develop a Financially Resilient Organization

RECOMMENDATION

Accept and file the City's Fiscal Year 2022-23 (FY23) Federal Single Audit report.

EXECUTIVE SUMMARY

The Single Audit has been completed and the independent auditors have indicated that the City of Gilroy has complied in all the material respects with the types of compliance requirements that could have a direct and material effect on each of its major federal programs for the year ended June 30, 2023.

ANALYSIS

The federal Office of Management and Budget (OMB) has established uniform administrative requirements, cost principles, and audit requirements (commonly known as OMG Uniform Guidance) for Federal awards to non-Federal entities. It requires an audit (Single Audit) of an entity that expends \$750,000 or more in federal grants or assistance annually. In addition to auditing financial data, the Single Audit focuses on compliance with grant requirements.

The City's financial records are audited annually by the City's external auditors and the scope includes Single Audits. The Pun Group performed the FY23 financial audit and the Federal Single Audit. Both audits have been completed, and reports have been

issued by The Pun Group with an unmodified "clean" opinion. The Single Audit identified one area of improvement as a finding with respect to timely and ongoing compliance report filings for the Coronavirus State and Local Fiscal Recovery Funds, also known as the American Rescue Plan Act (ARPA) funds. The City claimed a majority of the funds in FY22, with the remaining \$663,000 in FY23, as authorized by the City Council in July 2022 for the one-time incentive payment. Subsequently, staff contacted US Treasury to close out the ARPA grant, however, did not receive a response until November 2023, where Treasury staff confirmed no final close-out guidance has been established and that agencies that have expended full amounts should continue to submit zero expenditure reports for compliance purposes for the remaining reporting periods, or until such time the close out guidance has been provided. During this interim period, the reporting was not properly filed as it was believed the reporting was no longer applicable as 100% of the funds were expended. Treasury staff did confirm the City is in good standing and City staff has been following the interim guidance since receiving the response.

FISCAL IMPACT/FUNDING SOURCE

There are no direct fiscal impacts to receiving and filing the FY23 Federal Single Audit report. Audits and preparation of related reports are an annual workplan item for the Finance Department.

Attachments:

1. Single Audit Report for FY23

City of Gilroy

Gilroy, California

Single Audit and Independent Auditors' Reports

For the Year Ended June 30, 2023

**City of Gilroy
Single Audit Report
For the Year Ended June 30, 2023**

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REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS*

Independent Auditors' Report

To the Honorable Mayor and Members of City Council
of the City of Gilroy
Gilroy, California

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of the City of Gilroy, California (the "City"), as of and for the year ended June 30, 2023, and the related notes to the basic financial statements, which collectively comprise the City's basic financial statements, and have issued our report thereon dated February 20, 2024.

Report on Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the City's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. Accordingly, we do not express an opinion on the effectiveness of the City's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements, on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected, on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or, significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses, as defined above. However, material weaknesses or significant deficiencies may exist that were not identified.

To the Honorable Mayor and Members of City Council
of the City of Gilroy
Gilroy, California
Page 2

Report on Compliance and Other Matters

As part of obtaining reasonable assurance about whether the City's basic financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the City's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

A handwritten signature in black ink that reads "The PwC Group, LLP". The signature is written in a cursive, flowing style.

Santa Ana, California
February 20, 2024



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Santa Ana, California 92707

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REPORT ON COMPLIANCE FOR EACH MAJOR FEDERAL PROGRAM; REPORT ON INTERNAL CONTROL OVER COMPLIANCE, AND REPORT ON THE SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS REQUIRED BY THE UNIFORM GUIDANCE

Independent Auditors' Report

To the Honorable Mayor and Members of City Council
of the City of Gilroy
Gilroy, California

Report on Compliance for Each Major Federal Program

Opinion on Each Major Federal Program

We have audited the City of Gilroy, California's (the "City") compliance with the types of compliance requirements described in the *OMB Compliance Supplement* that could have a direct and material effect on each of the City's major federal programs for the year ended June 30, 2023. The City's major federal program is identified in the summary of the auditors' results section of the accompanying schedule of findings and questioned costs.

In our opinion, the City complied, in all material respects, with the types of compliance requirements referred to above that could have a direct and material effect on each of its major federal programs for the year ended June 30, 2023.

Basis for Opinion on Each Major Federal Program

We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States; and the audit requirements of Title 2 U.S. *Code of Federal Regulations* Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (the "Uniform Guidance"). Our responsibilities under those standards and the Uniform Guidance are further described in the Auditor's Responsibilities for the Audit of Compliance section of our report.

We are required to be independent of the City and to meet our other ethical responsibilities, in accordance with relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion on compliance for each major federal program. Our audit does not provide a legal determination of the City's compliance with the compliance requirements referred to above.

Responsibilities of Management for Compliance

Management is responsible for compliance with the requirements referred to above and for the design, implementation, and maintenance of effective internal control over compliance with the requirements of laws, statutes, regulations, rules, and provisions of contracts or grant agreements applicable to the City's federal programs.



To the Honorable Mayor and Members of City Council
 of the City of Gilroy
 Gilroy, California
 Page 2

Auditors' Responsibilities for the Audit of Compliance

Our objectives are to obtain reasonable assurance about whether material noncompliance with the compliance requirements referred to above occurred, whether due to fraud or error, and express an opinion on the City's compliance based on our audit. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with auditing standards generally accepted in the United States of America, *Government Auditing Standards*, and the Uniform Guidance will always detect material noncompliance when it exists. The risk of not detecting material noncompliance resulting from fraud is higher than for that resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Noncompliance with the compliance requirements referred to above is considered material if there is a substantial likelihood that, individually or in the aggregate, it would influence the judgment made by a reasonable user of the report on compliance about the City's compliance with the requirements of each major federal program as a whole.

In performing an audit in accordance with auditing standards generally accepted in the United States of America, *Government Auditing Standards*, and the Uniform Guidance, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material noncompliance, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the City's compliance with the compliance requirements referred to above and performing such other procedures as we considered necessary in the circumstances.
- Obtain an understanding of the City's internal control over compliance relevant to the audit in order to design audit procedures that are appropriate in the circumstances and to test and report on internal control over compliance in accordance with the Uniform Guidance, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control over compliance. Accordingly, no such opinion is expressed.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and any significant deficiencies and material weaknesses in internal control over compliance that we identified during the audit.

Other Matters

The results of our auditing procedures disclosed instances of noncompliance which are required to be reported in accordance with the Uniform Guidance and which are described in the accompanying schedule of findings and questioned costs as items 2023-001.

Our opinion on each major federal program is not modified with respect to these matters. Government Auditing Standards requires the auditor to perform limited procedures on the City's response to the noncompliance findings identified in our compliance audit described in the accompanying schedule of findings and questioned costs. The City's response was not subjected to the other auditing procedures applied in the audit of compliance and, accordingly, we express no opinion on the response.

Report on Internal Control Over Compliance

A *deficiency in internal control over compliance* exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a federal program on a timely basis. A *material weakness in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected, on a timely basis. A *significant deficiency in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a federal program that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

To the Honorable Mayor and Members of City Council
 of the City of Gilroy
 Gilroy, California
 Page 3

Our consideration of internal control over compliance was for the limited purpose described in the Auditors' Responsibilities for the Audit of Compliance section above and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies in internal control over compliance. Given these limitations, during our audit we did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses, as defined above. However, we did identify certain deficiencies in internal control over compliance, described in the accompanying schedule of findings and questioned costs as items 2023-001 that we consider to be significant deficiencies.

Our audit was not designed for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, no such opinion is expressed.

Government Auditing Standards requires the auditor to perform limited procedures on the City's response to the internal control over compliance findings identified in our audit described in the accompanying schedule of findings and questioned costs. The City's response was not subjected to the other auditing procedures applied in the audit of compliance and, accordingly, we express no opinion on the response.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Accordingly, this report is not suitable for any other purpose.

Report on Schedule of Expenditures of Federal Awards Required by the Uniform Guidance

We have audited the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City as of and for the year ended June 30, 2023, and have issued our report thereon dated February 20, 2024 which contained unmodified opinion on those financial statements. Our audit was conducted for the purpose of forming our opinion on the City's Basic Financial Statements. The accompanying Schedule of Expenditures of Federal Awards, as required by Title 2 U.S. *Code of Federal Regulations* Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*, is presented for purposes of additional analysis and is not a required part of the financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the financial statements. The information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain other procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the Schedule of Expenditures of Federal Awards is fairly stated in all material respects in relation to the basic financial statements as a whole.

The PwC Group, LLP

Santa Ana, California

March 7 2024, except for the Schedule of Expenditures of Federal Awards, which is as of February 20, 2024

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City of Gilroy
Schedule of Expenditures of Federal Awards
For the Year Ended June 30, 2023

Federal Grantor/Pass-Through Grantor Program Title	Assistance Listing Number	Grant Award Number	Federal Expenditures	Amount Provided to Subrecipients
U.S. Department of Housing and Urban Development				
<i>Direct Program:</i>				
CDBG - Entitlement Grants Cluster:				
Community Development block Grants/Entitlement Grants	14.218	B-22-MC-06-0048	\$ 498,798	\$ 257,000
Community Development block Grants/Entitlement Grants	14.218	B-21-MC-06-0048	208,575	-
Community Development block Grants/Entitlement Grants	14.218	B-20-MC-06-0048	67,357	-
Total U.S. Department of Housing and Urban Development			<u>774,730</u>	<u>257,000</u>
U.S. Department of Justice				
<i>Direct Program:</i>				
Bulletproof Vest Partnership Program	16.607	Vest Grants FY21	1,324	-
Bulletproof Vest Partnership Program	16.607	Vest Grants FY22	7,282	-
Total U.S. Department of Justice			<u>8,606</u>	<u>-</u>
U.S. Department of Transportation				
<i>Passed through the State of California Office of Traffic and Safety</i>				
Highway Safety Cluster				
Selective Traffic Enforcement Program	20.600/20.608	PT22178	15,588	-
Selective Traffic Enforcement Program	20.600/20.608	PT23036	49,353	-
Total U.S. Department of Transportation			<u>64,942</u>	<u>-</u>
U.S. Department of Health & Human Services				
<i>Passed through the California Department of Community Services and Development</i>				
Low Income Household Water Assistance Program	93.568	LIHWAP	67,368	-
Total U.S. Department of Health & Human Services			<u>67,368</u>	<u>-</u>
U.S. Department of Treasury				
<i>Direct Program:</i>				
Coronavirus State & Local Recovery Funds	21.027	N/A	663,000	-
Total U.S. Department of Treasury			<u>663,000</u>	<u>-</u>
Total Expenditures of Federal Awards			<u>\$ 1,578,646</u>	<u>\$ 257,000</u>

City of Gilroy
Notes to the Schedule of Expenditures of Federal Awards
For the Year Ended June 30, 2023

Note 1 – Reporting Entity

The financial reporting entity consists of the primary government, City of Gilroy (the “City”), organizations for which the primary government is financially accountable, and other organizations for which the nature and significance of their relationship with the primary government are such that exclusion would cause the reporting entity’s financial statements to be misleading or incomplete.

The City Council acts as the governing body and is able to impose its will on the following organization, establishing financial accountability:

- Gilroy Public Facilities Financing Authority

Note 2 – Basis of Accounting

Funds received under the various grant programs have been recorded within the special revenue and capital projects funds of the City. The City utilizes the modified accrual basis of accounting for the special revenue and capital projects funds. The accompanying Schedule of Expenditures of Federal Awards (the “Schedule”) is presented in accordance with the requirements of Title 2 U.S. *Code of Federal Regulations (CFR) Part 2, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (the “Uniform Guidance”). Therefore, some amounts presented in the Schedule may differ from amounts presented in, or used in, the preparation of City’s basic financial statements.

Note 3 – Schedule of Expenditures of Federal Awards

The accompanying Schedule presents the activity of all federal financial assistance programs of the City. Federal financial assistance received directly from federal agencies, as well as federal financial assistance passed through the State of California, is included in the Schedule. The Schedule was prepared only from the accounts of various grant programs and, therefore, does not present the financial position or results of operations of the City.

Note 4 – Indirect Cost Rate

The City has not elected to use the 10-percent de minimis indirect rate as allowed under Uniform Guidance.

Note 5 - Subrecipients

During the year ended June 30, 2023, the City provided federal funds to the following subrecipients:

Assistance Listing Number(s)	Program Name / Subrecipient Names	Amount Provided to Subrecipients
14.218	Community Development Block Grants / Entitlement Grants	
	Boys and Girls Club	\$ 8,500
	Live Oak Adult Day Care Services	10,000
	Small Business Grants (Various)	90,000
	Rebuilding Together	140,000
	Ryse Up Program (CARAS)	8,500
	Total Community Development Block Grants / Entitlement Grants	<u>257,000</u>
	Total Amount Provided to Subrecipients	<u>\$ 257,000</u>

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City of Gilroy
Schedule of Findings and Questioned Costs
For the Year Ended June 30, 2023

Section I – Summary of Auditors’ Results

Financial Statements

Types of report the auditors issued on whether the financial statements audited were prepared in accordance with GAAP: Unmodified

Internal control over financial reporting:

- Material weakness(es) identified? No
- Significant deficiency(ies) identified? None noted

Noncompliance material to financial statements noted? No

Federal Awards

Internal control over major federal programs:

- Material weakness(es) identified? No
- Significant deficiency(ies) identified? 2023-001

Type of auditors’ report issued on compliance for major federal programs: Unmodified

Any audit findings disclosed that are required to be reported in accordance with 2 CFR 200.516(a)? 2023-001

Identification of major federal programs:

Name of Federal Program or Cluster	Federal Assistance Listing Number(s)	Expenditures
Coronavirus State and Local Fiscal Recovery Funds	21.027	\$ 663,000
Total Expenditures of All Major Federal Programs		\$ 663,000
Total Expenditures of Federal Awards		\$ 1,578,646
Percentage of Total Expenditures of Federal Awards		42.00%

Dollar threshold used to distinguish between type A and type B programs: \$750,000

Auditee qualified as low-risk auditee under 2 CFR 500.520? Yes

City of Gilroy
Schedule of Findings and Questioned Costs (Continued)
For the Year Ended June 30, 2023

Section II – Financial Statements Findings

A. Current Year Findings – Financial Statement Findings

No current year financial statement findings were noted.

B. Prior Year Findings – Financial Statement Findings

No prior year financial statement findings were noted.

City of Gilroy
Schedule of Findings and Questioned Costs (Continued)
For the Year Ended June 30, 2023

Section III – Federal Awards Finding and Questioned Costs

A. Current Year Findings and Questioned Costs – Major Federal Award Program Audit

Finding 2023-001 Reporting - Internal Control and Compliance over Reporting

Identification of the Federal Program:

Assistance Listing Number:	21.027
Assistance Listing Title:	Coronavirus State and Local Fiscal Recovery Funds
Federal Agency:	U.S. Department of Treasury
Pass-Through Entity:	N/A
Federal Award Identification Number:	1505-0271

Criteria:

There are three types of reporting requirements for the State and Local Fiscal Recovery Funds program. The report requirements are approved and documented under OMB PRA number - OMB #1505-0271.

- **Interim Report:** Provide initial overview of status and uses of funding. This is a one-time report.
- **Project and Expenditure Report:** Report on projects funded, expenditures, and contracts and subawards equal to or greater than \$50,000, and other information.
- **Recovery Plan Performance Report:** The Recovery Plan Performance Report (the “Recovery Plan”) will provide information on the projects that large recipients are undertaking with program funding and how they plan to ensure program outcomes are achieved in an effective, efficient, and equitable manner. It will include key performance indicators identified by the recipient and some mandatory indicators identified by Treasury. The Recovery Plan will be posted on the website of the recipient as well as provided to Treasury.

The reporting threshold is based on the total award amount allocated by Treasury under the SLFRF program, not the funds received by the recipient as of the time of reporting.

Report	Due Date
Interim Report	By August 31, 2021 or 60 days after receiving funding if funding was received by October 15, with expenditures by category.
Project and Expenditure Report	By January 31, 2022, and then the last day of the month after the end of each quarter thereafter.
Recovery Plan Performance Report	By August 31, 2021 or 60 days after receiving funding, and annually thereafter by July 31.

City of Gilroy
Schedule of Findings and Questioned Costs (Continued)
For the Year Ended June 30, 2023

Section III – Federal Awards Finding and Questioned Costs (Continued)

A. Current Year Findings and Questioned Costs – Major Federal Award Program Audit (Continued)

Finding 2023-001 Reporting - Internal Control and Compliance over Reporting (Continued)

All recipients are required to submit Project and Expenditure Reports. The following recipients are required to submit quarterly Project and Expenditure Reports:

- States and U.S. territories
- Tribal governments that are allocated more than \$30 million in SLFRF funding
- Metropolitan cities and counties with a population that exceeds 250,000 residents Coronavirus State and Local Fiscal Recovery Funds Compliance and Reporting Guidance 20
- Metropolitan cities and counties with a population below 250,000 residents that are allocated more than \$10 million in SLFRF funding and NEUs that are allocated more than \$10 million in SLFRF funding

For these recipients, the initial quarterly Project and Expenditure Report covered three calendar quarters from March 3, 2021 to December 31, 2021 and was required to be submitted to Treasury by January 31, 2022. The subsequent quarterly reports will cover one calendar quarter and must be submitted to Treasury by the last day of the month following the end of the period covered. Quarterly reports are not due concurrently with applicable annual reports. The following table summarizes the quarterly report timelines:

Report	Period Covered	Due Date
1	July 1, 2022 - September 30, 2022	October 31, 2022
2	October 1, 2022 - December 31, 2022	January 31, 2023
3	January 1, 2023 - March 31, 2023	April 30, 2023
4	April 1, 2023 - June 30, 2023	July 31, 2023

Condition:

During the audit, the City did not submit the following quarterly reports on time:

Period Covered	Due Date	Submitted
July- September 2022	10/31/2022	Not Submitted
October - December 2022	1/31/2023	2/1/2023
January - March 2023	4/30/2023	Not Submitted/ Administratively Closed
April - June 2023	7/31/2023	8/1/2023

Cause:

The program funds were expended in fiscal year 2023 Q1 and the City requested a close out of the grant with the US Treasury Department but did not receive a response from the US Treasury Department until November 2023. Even though there were no reportable expenditures for the last three quarters of fiscal year 2023, a timely submission should have been made for compliance reporting purposes. The City did not submit the reports on time.

Effect or Potential Effect:

Delay in filing the reports resulted in non-compliance with the compliance requirements.

City of Gilroy
Schedule of Findings and Questioned Costs (Continued)
For the Year Ended June 30, 2023

Section III – Federal Awards Finding and Questioned Costs (Continued)

A. Current Year Findings and Questioned Costs – Major Federal Award Program Audit (Continued)

Finding 2023-001 Reporting - Internal Control and Compliance over Reporting (Continued)

Questioned Costs:

None.

Context:

See condition above for the context of the findings.

Identification as a Repeating Finding, if applicable:

Not applicable.

Recommendation:

We recommend that the City implement procedures to ensure the timely filing of financial and performance reports.

View of Responsible Officials:

The City agrees with the auditors' finding. The City has implemented procedures to monitor the filing of financial and performance reports and based on the U.S. Treasury response received in November 2023, the City will continue to submit compliance reporting with no reportable expenditures until close out guidance is provided.

B. Prior Year Findings and Questioned Costs – Major Federal Award Program Audit

No findings or questioned costs were noted on the City's major federal programs for the year ended June 30, 2022.

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City of Gilroy

STAFF REPORT

Agenda Item Title: Claim of Rachel Gonzalez-Orosco (The City Administrator recommends a "yes" vote under the Consent Calendar shall constitute denial of the claim)

Meeting Date: March 18, 2024

From: Jimmy Forbis, City Administrator

Department: Administrative Services

Submitted By: LeeAnn McPhillips, Administrative Services and Human Resources Director / Risk Manager

Prepared By: LeeAnn McPhillips, Administrative Services and Human Resources Director / Risk Manager

STRATEGIC PLAN GOALS

Not Applicable

RECOMMENDATION

Based on the recommendation from Municipal Pooling Authority (MPA) and/or legal counsel, this claim is recommended for rejection.

EXECUTIVE SUMMARY

Based on the recommendation from Municipal Pooling Authority (MPA) and/or legal counsel, the following claim is submitted to the City Council for rejection at the March 18, 2024 meeting:

- Claim of Rachel Gonzalez-Orosco

Attachments:

1. Claim of Rachel Gonzalez-Orosco

RACHEL GONZALEZ-OROSCO

470 Ronan Avenue

Gilroy, CA 95020

rdgorosco@gmail.com

(408) 623-9120

RECEIVED FEB 13 2024

January 19, 2024

Maria Berry, Claims Coordinator
West Coast Arborist
2200 E. Via Burton Street
Anaheim, CA 92806

RE: Trespassing and damage to olive tree
Location: 470 Ronan Avenue, Gilroy, CA 95020

Dear Ms. Berry:

In response to your denial letter dated January 12, 2024, your facts are inaccurate. I am copying the City of Gilroy with this letter along with the correspondence to your office on December 5, 2023, and your response. I intend to file a legal action and seek damages for trespassing, property vandalism, emotional distress, along with attorney's fees and costs.

First of all, the City of Gilroy does not have nor maintain residential olive trees. Secondly, to access the tree, one must open a wrought iron gate to gain access. The tree was not trimmed on the street side, yet, trimmed on the opposite side facing my backyard. They left the tree cut uneven. Once your employees realized what they did, they stopped midway, somewhat cleaned up, and left. Yes, they left trimmings on the floor. They left without any notice. The only way we knew who cut our tree was by video surveillance which we have.

At my request, your supervisor, Jose Ruiz Avalos, met me at my house to assess the tree. He apologized and said there is nothing that can be done to bring the tree limbs back, and asked what he (company) can do.

There is an almond tree on my property that is closer to the street than the olive tree that was not touched. I have lived at this property since I was born in 1971 and never have these trees been trimmed by the City of Gilroy or a contracted company.

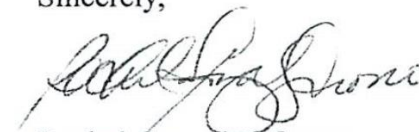
This olive tree has been on my property for 60+ years. The limbs your company cut provided privacy from neighbors next door, across the street, and people going by. Now, they can look into my bedroom and backyard clearly. We have cement near the tree and therefore, prohibits any plants or trees from being planted.

West Coast Arborist
RE: 470 Ronan Ave., Gilroy, CA 95020
January 19, 2024
Page Two

As you know, olive trees are slow growing. Therefore, I will never have these limbs grown back in my lifetime. This is a big problem. Not only did I lose my privacy, but this has also caused emotional distress. Damage can be worse since a lot of branches were cut which can be fatal given the age of the tree.

I hereby propose a settlement of \$15,000.00 as full and final satisfaction of all claims and disputes related to this case.

Sincerely,



Rachel Gonzalez-Orosco
Property Owner

RGO:rgo
Enclosures
c: City of Gilroy ✓

RACHEL GONZALEZ-OROSCO
470 Ronan Avenue
Gilroy, CA 95020
Rdgorosco@gmail.com
(408) 623-9120

December 5, 2023

Via U.S. Mail and Facsimile (408) 844-8606

West Coast Arborist
390 Martin Avenue
Santa Clara, CA 95050

RE: Trespassing and damage to olive tree
Location: 470 Ronan Avenue, Gilroy, CA 95020

To whom it may concern:

I am sending this letter in hopes that we may reach an amicable settlement in the case referenced above and facts mentioned below.

Please be advised that although I am hopeful that we can reach a settlement on the below terms, this letter does not constitute a binding legal agreement. It should instead be considered the beginning of a conversation that may lead to a legally binding settlement agreement, acceptable to all parties.

On September 15, 2023, West Coast Arborist employees trespassed onto my property without my knowledge and consent and damaged a 50+ year old olive tree by cutting several limbs. Fortunately, I have video surveillance. Once your workers realized they were in the wrong, they stopped and left my property without any notice or information as to who cut my tree. They did not finish cleaning up the debris. Apparently, the City of Gilroy contracted with your company to trim city trees and is how this came about.

This tree has been on my property for 60+ years. The limbs cut provided privacy from neighbors next door, across the street and people going by. Now, they can look into my bedroom and backyard clearly. There is cement near the tree that prohibits any plants or trees to be planted. The tree is not evenly cut. On the street side, branches are hanging over the street, while the tree on my property is cut way back.

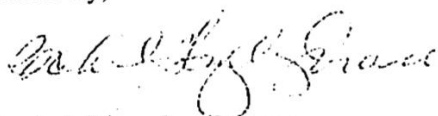
As you know, olive trees are slow growing. Therefore, I will never have these limbs grown back in my lifetime. This is a big problem. We can't put limbs back. Not only did I lose my privacy, but this has also caused emotional distress. A lot of branches were cut which can be fatal given the age of the tree.

West Coast Arborist
RE: 470 Ronan Ave., Gilroy, CA 95020
December 5, 2023

On October 2, 2023, your employee, Jose Ruiz Avalos, met me at my house at my request. He acknowledged the damage. Even though the City of Gilroy contracted your company to trim trees, the City does not have olive trees for one. Secondly, to gain access to my property, you have to enter an iron gate. This was a careless and erroneous act that should not be taken lightly.

I hereby propose a settlement of \$15,000.00 as full and final satisfaction of all claims and disputes related to this case.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rachel Gonzalez-Orosco".

Rachel Gonzalez-Orosco
Property Owner

RGO:rgo



Tree Care Professionals Serving Communities Who Care About Trees

www.WCAINC.com

January 12, 2024

Rachel Gonzalez - Orosco
470 Ronan Avenue,
Gilroy, CA 95020

Subject: Trespassing and damage to Olive tree
Claim: 18341

Dear Ms. Gonzalez-Orosco,

We have received your claim, dated December 5, 2023, regarding alleged damage to the Olive tree located at 470 Ronan Avenue, Gilroy, CA 95020. We have thoroughly investigated the matter and regret to inform you that your claim has been denied.

The olive tree in question is considered to be in the city right-of-way (ROW), and we want to assure you that any trimming performed on the tree was well within the City's legal rights. Our actions were conducted by applicable regulations and aimed to ensure the tree's overall health and safety and the surrounding area. However, based on the available information, we believe the trimming activities were necessary and carried out responsibly.

If you have any further questions or would like to discuss this matter in more detail, please do not hesitate to contact our office. We value our relationship with the community and strive to address concerns fairly and transparently.

Thank you for your understanding.

Sincerely,

Maria Berry
Claims Coordinator
West Coast Arborist
(714)991-1900 ext. 145

Enclosures: City of Gilroy ROW Easements

PARCEL MAP

CONSISTING OF 1 SHEET

BEING A PORTION OF LOT 4, BLOCK 4, NORTH GILROY TRACT, FILED IN BOOK "W" OF MAPS AT PAGES 14 & 15, SANTA CLARA COUNTY RECORDS
GILROY, CALIFORNIA

SCALE: 1"=20'

OCTOBER, 1979

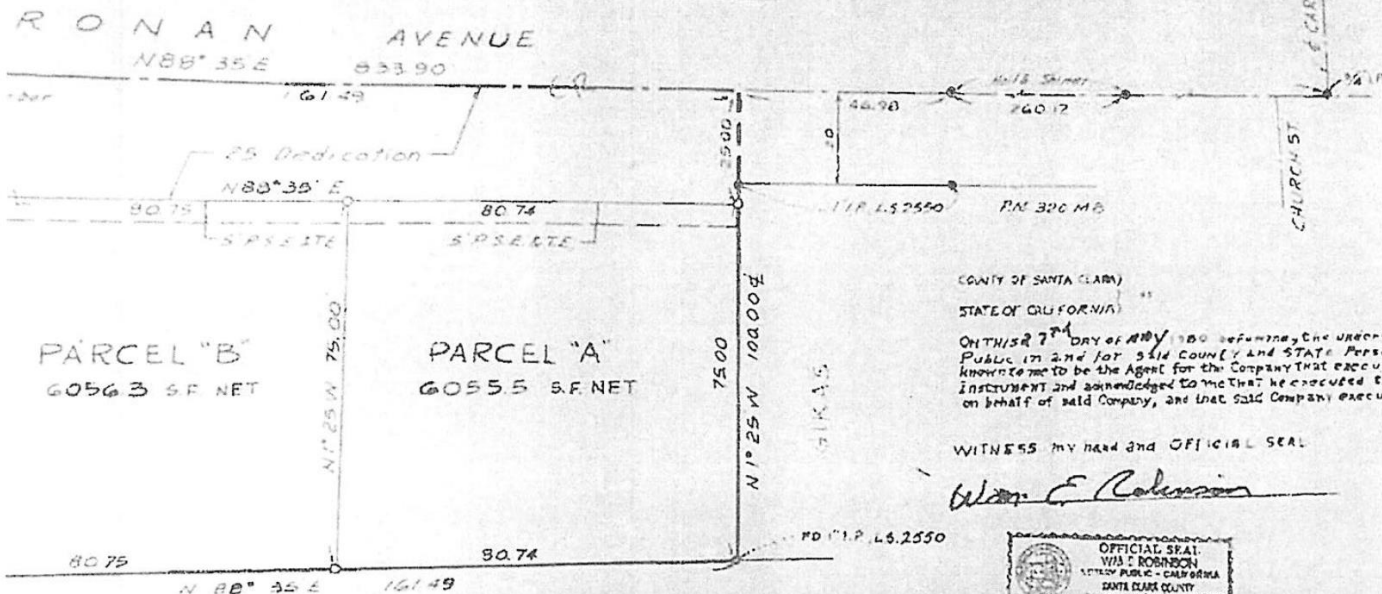
Edward J. Mahanian
Civil Engineer
1211 Park Ave.
San Jose, Ca. 95126

EXEMPTION

We hereby
have made
the real
division
only per
pend clear
we hereby
ordained
within the
do hereby
use all at
heretofore
map within
city to pub
public use
and said p

We also hereby
use easements
also faciliti
to, poles, or
sanitary sewe
thereon there
land designated
as "P.S.E." (Public
Service Easements).
The above mentioned Public
Service Easements shall be kept open and
free from buildings and structures of any
kind, except public service structures, ir-
rigation systems and appurtenances thereto,
lawful fences and lawful unsupported roof
overhangs.

We further hereby dedicate to public use
easements for the planting, maintaining,
and removal of trees in and upon those
certain strips of land designated as
"T.E.", (Tree Easements).



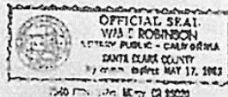
COUNTY OF SANTA CLARA

STATE OF CALIFORNIA

ON THIS 7th DAY OF MAY 1980 before me, the undersigned, a Notary Public in and for said County and State Personally appeared J. NAVARRO known to me to be the Agent for the Company that executed the within instrument and acknowledged to me that he executed the same for and on behalf of said Company, and that said Company executed the same.

WITNESS my hand and OFFICIAL SEAL

Wm. E. Robinson



As Owners:

Joe Vaca Rita Vaca

As Beneficiary: BENEFICIAL FINANCE COMPANY OF CALIFORNIA

Wm. E. Robinson

LEGEND AND NOTES

- Monuments found as noted
- 3/4 inch iron pipe set unless noted otherwise
- () Record Information
- P.S.E. Public Service Easement
- T.E. Tree Easement
- Distinctive Border

All distances and dimensions are in feet and decimals thereof.

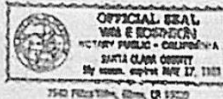
ACKNOWLEDGMENT

State of California }
County of Santa Clara } ss.
On this 2nd day of May 1980, 1979
before me, the undersigned, a Notary Public
for said State, duly commissioned and sworn,
personally appeared Joe Vaca and Rita Vaca,
known to me to be the persons whose names
are subscribed to the within instrument and
they acknowledged that they executed the same.

In witness whereof I have hereunto set my
hand and official seal in the County of
Santa Clara this day and year in this
certificate first above written.

Wm. E. Robinson

Notary Public
My Commission Expires
May 17, 1983



CITY ENGINEER'S CERTIFICATE

This map conforms with the require-
ments of the Subdivision Map Act
and Local Ordinance.

Dated:

David Hansen,
CCE 17,894,
City Engineer,
City of Gilroy

RECORDER'S CERTIFICATE

Filed on 2nd day of May 1980
at the County of Santa Clara

at the request of
E.J. Mahanian

George A. Mann
County Recorder

By Deputy, J. Thomas Lippard

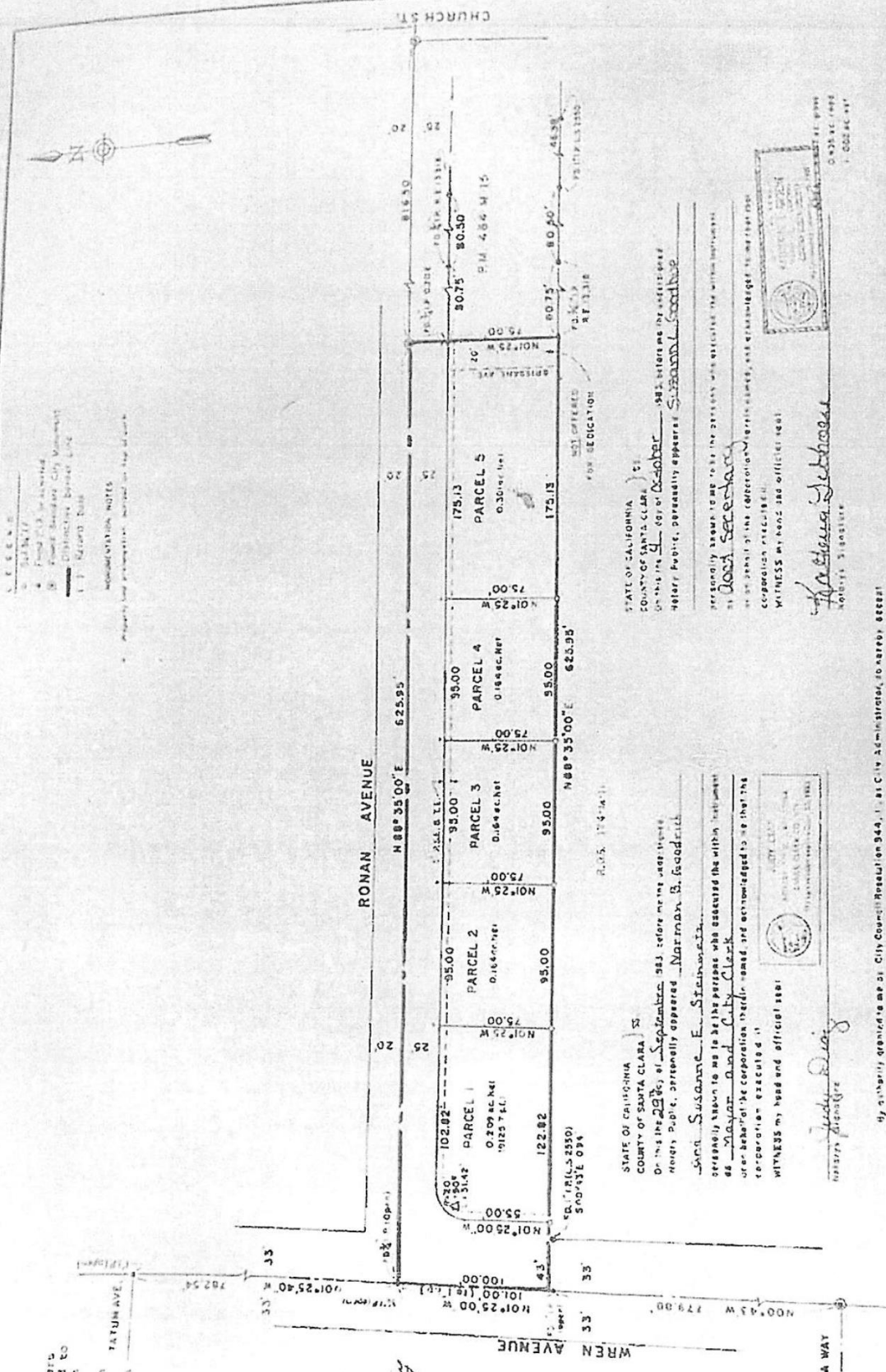
File No. 6744657

BASIS OF BEARING

The bearing North 88° 35' East
of the centerline of Ronan Avenue
as shown on Parcel Map recorded in
Book 320 of Maps at Page 8, Santa
Clara County Records, was taken as
the basis of bearings for this map.

nder
field sur-
measurements
local ord-
a in July,
parcel
approved
the map,

James



NOTES:
1. Property line measurements shown on map are based on the following:
a. Survey of 1927
b. Found 1927 boundary line
c. Found 1927 boundary line
d. Found 1927 boundary line
e. Found 1927 boundary line
f. Found 1927 boundary line
g. Found 1927 boundary line
h. Found 1927 boundary line
i. Found 1927 boundary line
j. Found 1927 boundary line
k. Found 1927 boundary line
l. Found 1927 boundary line
m. Found 1927 boundary line
n. Found 1927 boundary line
o. Found 1927 boundary line
p. Found 1927 boundary line
q. Found 1927 boundary line
r. Found 1927 boundary line
s. Found 1927 boundary line
t. Found 1927 boundary line
u. Found 1927 boundary line
v. Found 1927 boundary line
w. Found 1927 boundary line
x. Found 1927 boundary line
y. Found 1927 boundary line
z. Found 1927 boundary line

STATE OF CALIFORNIA
COUNTY OF SANTA CLARA
On this 29th day of September 1929, before me, the undersigned, a Notary Public, personally appeared Norman B. Goodrich, known to me to be the person who executed the within instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.
WITNESS my hand and official seal this 29th day of September 1929.
Notary Public
J. J. [Signature]

STATE OF CALIFORNIA
COUNTY OF SANTA CLARA
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WITNESS my hand and official seal this 29th day of September 1929.
Notary Public
J. J. [Signature]

PARCEL MAP

ALL OF LOTS 1, 2 & 3 OF BLOCK 0 IN THE
NORTH GILROY TRACT
RECORDED IN BOOK 17 OF MAPS AT PAGE 14815
SANTA CLARA COUNTY RECORDS
WITHIN THE
CITY OF GILROY,
COUNTY OF SANTA CLARA, CALIF.
MARCH, 1903 SCALE 1" = 50'

BASE OF BEARING

The centerline of ROMAN AVENUE
shown at 1927 00' in
Book 17 of Maps at Page 14815
Santa Clara County Records and
is found monumented.

RECORDING'S CERTIFICATE

Filed this 14th day of October 1929
at 2:26 P.M. in Book 170 of the
Maps at Page 14815
Request of Garcia & Henry.

CITY ENGINEER'S CERTIFICATE

This map conforms with the
requirements of the Subdivision Map
Act and Local Ordinance.

TYPICAL

under my direction
(and followed
since with the re-
my Act at the re-
LN 2-932
map procedures of
lled with and that
approved record
approval thereof
lled prior to the

GARCIA & HENRY, INC. CIVIL ENGINEERS
3305 CHURCH ST. No. 3 GILROY, CALIF. 95020

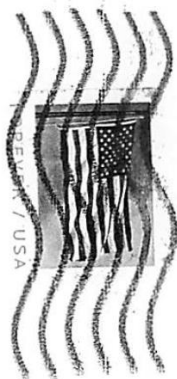
GEORGE A. HARR, County Recorder
By: Judith [Signature]
File No. 7852118 Rev. 6

DAVID L. HANSEN, CITY ENGINEER
By: [Signature]

Sept 29 1929
Place

470 Ronan Ave
Gilroy, CA 95020

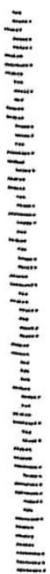
SAN JOSE CA 950
23 JAN 2024 PM 3 L



City of Gilroy
Claims Department
7351 Rosanna St.
Gilroy, CA 95020

Handwritten signature: Krista Margaret

95020-619699





City of Gilroy

STAFF REPORT

Agenda Item Title: Award a Three-Year Agreement for City-wide Microsoft Licenses and Services to Dell in the Amount of \$440,790, With a 10% Contingency, for a Total Not-to-Exceed Amount of \$484,869, Utilizing the County of Riverside Cooperative Agreement.

Meeting Date: March 18, 2024
 From: Jimmy Forbis, City Administrator
 Department: Finance
 Submitted By: Harjot Sangha, Finance Director
 Prepared By: Scott Golden, IT Manager

STRATEGIC PLAN GOALS

Develop a Financially Resilient Organization

RECOMMENDATION

Award the three-year agreement for Microsoft Licenses and Services to Dell Technologies for the amount of \$440,790, and a contingency of 10%, for a total not to exceed amount of \$484,869, utilizing the County of Riverside cooperative agreement, and authorize the City Administrator to execute the purchase contract documents.

EXECUTIVE SUMMARY

Staff recommends that the City Council authorize the City Administrator to approve the 3-year agreement for city-wide Microsoft licenses and subscriptions with Dell. Microsoft products are the City standard and used daily on desktop computers, servers, mobile devices and online. The Information Technology Division of Finance evaluated multiple procurement options and the most cost-effective method that meets the City's needs and is consistent with the City's Purchasing Policy, was utilizing County of Riverside Microsoft Agreement. The total amount is \$440,790, and staff is recommending a contingency of 10%, for a total not to exceed amount of \$484,869, to plan for potential additional licenses as part of Microsoft's true-up process.

Award the three year renewal for Microsoft Licenses and Services to {Dell/TBD} for the amount of ^{7.1} {\$TBD}, utilizing the County of Riverside cooperative agreement.

BACKGROUND

The City has standardized and continually used Microsoft software and services for many years. The applications include Microsoft Outlook, Word, and Excel. They are considered critical business applications for the daily productivity of City staff. In addition to the productivity applications, the City also uses Microsoft licenses for core services utilizing our on-premise file, application and database servers. The licenses also provide for our use of the Microsoft 365 Software as a Service (SaaS) environment, including Exchange Online for our email, which is used extensively by City staff, City Councilmembers and City Commissioners. There is no other software company that provides the breadth of productivity, operating system, server, database, and security software and systems, allowing for on-premise, cloud and hybrid environment use, that Microsoft offers.

ANALYSIS

The City's licenses for the Microsoft products are recommended to be procured utilizing the County of Riverside Enterprise Agreement #PSA-0001524. This agreement was initiated by the Riverside County Purchasing Department (RCPD), on behalf of Riverside County Information Technology (RCIT), which issued a formal Request for Quote (RFQ) #RIVCO-2020-RFQ-0000048. The terms of the agreement allow other public agencies to use the County's negotiated pricing. This allows the City to obtain pricing based on a higher-level license tier than what would be available if we were to purchase as an individual agency. The City will obtain what is termed Level D pricing. Level D receives the highest discount level. The agreement is for a three (3) year term which is the standard term under the agreement.

There are multiple vendors authorized to provide competitive quotes utilizing the County of Riverside agreement. Information Technology staff obtained quotes from three of the authorized vendors. Dell offered the lowest quote over the 3-year term. The pricing comparison is noted as follows:

	Dell	Insight	SoftwareONE
Annual	\$146,929.74	\$148,814.99	\$148,077.89
Three Year Total	\$440,789.22	\$446,444.97	\$444,233.67

Staff is also recommending a 10% contingency for the annual "true-up" process required by Microsoft which accounts for new licenses which may be required over the three-year period for additional computers, servers, systems, or users.

Staff recommends the City Council award a three-year agreement for Microsoft licenses and subscriptions to Dell and authorize the City Administrator to execute the related documents. The agreement term will commence May 1, 2024.

Award the three year renewal for Microsoft Licenses and Services to {Dell/TBD} for the amount of ^{7.1} {\$TBD}, utilizing the County of Riverside cooperative agreement.

ALTERNATIVES

The purchase of the Microsoft licenses utilizing the County of Riverside agreement is consistent with the City's Purchasing Policy, section 4.10 Cooperative Purchases. The Microsoft licenses could be purchased from a different vendor or directly from Microsoft. These options would result in increased costs. This option is not recommended.

FISCAL IMPACT/FUNDING SOURCE

The expenditure for the Microsoft licenses is funded by the Information Technology Fund (Fund 620). FY24 and FY25 adopted budget includes the appropriations necessary for the first two years of the agreement, and the budget for the third year will be included as part of the next budget development cycle.

NEXT STEPS

With the Council's approval staff will work with Dell to execute the contract documents and place the renewal order.

Attachments:

1. Dell Quote Dated 3/1/2024 based on Microsoft Enterprise Agreement #5995580



DELL QUOTE

Sam Andrews
sam.andrews@dell.com
 512.720.4469

Microsoft Enterprise Agreement (EA) #: 5995580 (TBD)
 Customer: City of Gilroy

Date of Issue: 3/11/2024
 Quote Expires: 3/31/2024

Microsoft EA Quote					
	Mfg#	Quantity	Months	Unit Price	Ext. Price
<i>Enterprise Products / Online Services</i>					
M365 G3 Unified From SA GCC Sub Per User	AAD-34700	300	12	\$26.78	\$96,408.00
M365 G3 Unified GCC Sub Per User	AAD-34704	41	12	\$31.50	\$15,498.00
<i>Additional Products (Perpetual Licenses/SA)</i>					
SQL Server Standard Core ALng SA 2L	7NQ-00292	24		\$634.22	\$15,221.28
Visual Studio Ent with GitHub ALng SA	QEJ-00003	2		\$1,054.45	\$2,108.90
Win Remote Desktop Services CAL ALng SA Device CAL	6VC-01253	10		\$19.36	\$193.60
Win Server DC Core ALng SA 2 core Lic	9EA-00278	64		\$123.79	\$7,922.56
Win Server Standard Core ALng SA 2 core Lic	9EM-00270	32		\$19.00	\$608.00
<i>Additional Online Services</i>					
Exchange Online Kiosk GCC Sub Per User	3PS-00001	85	12	\$1.75	\$1,785.00
Exchange Online P1 GCC Sub Per User	3MS-00001	110	12	\$2.98	\$3,933.60
Project P3 GCC Sub Per User	7MS-00001	10	12	\$22.34	\$2,680.80
Visio P2 From SA GCC Sub Per User	9K4-00003	5	12	\$9.50	\$570.00
Teams AC with Dial Out US/CA GCC Sub Add-on	NYH-00001	536	12	\$0.00	\$0.00
Notes:				Year-1 Annual Total	\$146,929.74
				Year-2 Annual Total	\$146,929.74
				Year-3 Annual Total	\$146,929.74
				Grand Total	\$440,789.22
Pricing based on Riverside County/CCISDA/MISAC EA contract# PSA-0001524					



City of Gilroy

STAFF REPORT

Agenda Item Title: Award a Contract to Trincherro Construction, Inc. for the Gourmet Alley Improvement Project No. 24-PW-287 in the Amount of \$2,975,648, Approve a Project Contingency of \$502,767, and Approve a Total Project Expenditure of \$3,478,415 for Construction

Meeting Date: March 18, 2024
 From: Jimmy Forbis, City Administrator
 Department: Public Works
 Submitted By: Heba El-Guindy, Public Works Director
 Prepared By: Julie Oates, Engineer II

STRATEGIC PLAN GOALS

Maintain and Improve City Infrastructure

RECOMMENDATION

Award a Contract to Trincherro Construction, Inc. in the amount of \$2,975,648, approve a project contingency of \$502,767, approve a total expenditure of \$3,478,415 for construction of the Gourmet Alley Improvement Project No. 24-PW-287, and authorize the City Administrator to execute the Contract and associated documents.

EXECUTIVE SUMMARY

In May 2022, the City of Gilroy was awarded a grant in the amount of \$3,960,765 through the California Department of Transportation (Caltrans) Clean California Local Grant Program for the Gourmet and Railroad Alleys Improvement Project (Project). Council awarded a contract to CSG Consultants to design the improvements and prepare the Project's bid documents in August 2022. Staff advertised for construction of the Project in the San Jose Mercury News and on the City's and Builders Exchange websites in October 2023 and received no bids. Staff advertised the Project a second time in November 2023 and received two bids, both of which significantly exceeded the available grant funds. Staff then performed value engineering of a reduced Project scope to lower costs while maintaining key elements of the Project and in coordination with Caltrans. In February 2024, staff received a bid from Trincherro Construction, Inc.

Award a Contract to Trinchero Construction for the Gourmet Alley Improvements Project No. 24-^{7,2}
PW- 287 in the amount of \$2,975,648, Approve a Project Contingency of \$502,767, and Approve
a Total Project Expenditure of \$3,478,415 for Construction

for the revised Project scope that is within the available grant funds. Staff recommends awarding a Contract to Trinchero Construction, Inc. in the amount of \$2,975,648 and approving a contingency in the amount of \$502,767 (approximately 17%) for a total expenditure of \$3,478,415 for construction of the Project. The Project will be funded with Fund 487 (Downtown Beautification) which will be reimbursed through the Caltrans Clean California Local Grant Program.

BACKGROUND

The City of Gilroy was awarded a grant in the amount of \$3,960,765 through the California Department of Transportation (Caltrans) Clean California Local Grant Program for design and construction of improvements within Gilroy's Historic Downtown. The City received Notice to Proceed from Caltrans on June 29, 2022. Per the terms of the Grant Agreement, all work was to be completed by June 30, 2024. The Clean California Local Grant Program prioritizes grant funding towards projects that enhance communities and improve spaces for walking and recreation. Gilroy's Project included the renovation and beautification of Gourmet Alley between Fourth and Seventh Streets and Railroad Alley between Lewis and Seventh Streets (Project) to create pedestrian and bicycle-friendly pathways through infrastructure and aesthetic improvements.

Council awarded a contract to CSG Consultants on August 15, 2022 in an amount not to exceed \$378,000 for the development of Plans, Specifications, and Estimates (PS&E) for the Project. The proposed design included paving improvements, lighting, trash enclosures, trash receptacles, drought-resistant trees, benches, signage, and pavement striping.

The Project's soft costs (e.g., design and construction support services) total in the amount of \$482,350, leaving \$3,478,415 in available grant funds for construction.

ANALYSIS

The Project design was completed on October 4, 2023 and the Project was advertised in the San Jose Mercury News and on the City's and Builders Exchange websites on October 6, 2023. Staff conducted the bid opening on November 1, 2023. No bids were received. When inquiring, staff was informed that contractors did not submit bids due to a variety of reasons including scheduling conflicts and a reluctance to construct the Project during the winter months.

In cases where no bids are received during a formal bidding solicitation, Section 20166 of the California Public Contract Code and Section 4.9.1(m) of the City of Gilroy Purchasing Policy provide an exemption from competitive bidding requirements. Section 4.9.1(m) of the City of Gilroy Purchasing Policy states:

Award a Contract to Trincherro Construction for the Gourmet Alley Improvements Project No. 24-^{7,2}
PW- 287 in the amount of \$2,975,648, Approve a Project Contingency of \$502,767, and Approve
a Total Project Expenditure of \$3,478,415 for Construction

Where competitive bids or proposals have been solicited and no bid or proposal has been received. In such situations the City Administrator may proceed to have the goods procured or services performed without further competitive bidding.

On November 2, 2023, staff reached out and solicited bids from three general contractors that had showed interest during the formal bid process. Staff received two bids on November 15, 2023, both of which exceeded the grant funds of \$3,478,415 available for construction. A summary of the bids received from the second solicitation is summarized in the table below:

Company	Bid	Exceeded Available Grant Funds By:
Charles Kyles Construction	No Bid Received	N/A
Golden Bay Construction	\$4,905,449.50	\$1,427,034.50
Tennyson Electric	\$5,535,194.50	\$2,056,779.50

On November 17, 2023, the City Administrator provided the City Council with an update on the status of the Project. Between December 2023 and January 2024, staff performed value engineering to lower costs while maintaining key elements of the Project. Staff also coordinated with Caltrans on the changes/reduction in Project scope and the grant deadline for completion of Project implementation. On January 31, 2024, Caltrans authorized a time extension for the use of grant funds. Per the time extension, all newly agreed upon work is to be completed by December 31, 2024.

Based on value engineering to lower costs while maintaining key elements of the Project, the scope of the Project was reduced to include only Gourmet Alley between Fourth and Sixth Streets. Other reductions in scope included scaling down the lighting, landscaping, and pavement improvements. Despite the reductions in scope, the Project will provide significant improvements to Gourmet Alley and will create a pedestrian and bicycle-friendly environment for Downtown Gilroy. After performing value engineering of the Project, staff received a bid from Trincherro Construction, Inc. in the amount of \$2,975,648. This bid allows the remaining available grant funds (\$502,767) to be used for contingency, as summarized below:

Grant Funds Available for Construction	\$3,478,415
Trincherro Construction, Inc. Bid	\$2,975,648
Contingency (~17%)	\$502,767
Total Bid + Contingency	\$3,478,415

Award a Contract to Trincherro Construction for the Gourmet Alley Improvements Project No. 24-^{7,2}
PW- 287 in the amount of \$2,975,648, Approve a Project Contingency of \$502,767, and Approve
a Total Project Expenditure of \$3,478,415 for Construction

ALTERNATIVES

Alternative to the staff recommendation is to not award the Contract to Trincherro Construction, Inc. Staff does not recommend this alternative because it would result in Project delays and potentially loss of the grant funds.

FISCAL IMPACT/FUNDING SOURCE

The total Bid amount is \$2,975,648. Staff recommends approving a contingency of \$502,767 (approximately 17%) for a maximum construction allocation of \$3,478,415. The contingency is intended to account for unforeseen conditions or changes in the scope of work that may occur during construction.

The Project will be funded from Fund 487 (Downtown Beautification), and reimbursed through the Clean California grant. Staff will invoice Caltrans for grant fund reimbursements of construction costs as they are incurred.

PUBLIC OUTREACH

The Project was developed in consultation with the community. Residents and businesses affected by the Project implementation will be notified by the contractor two weeks and again 48 hours in advance of the start of construction. City staff will also work with residents and businesses to minimize the Project impacts on Downtown Gilroy.

NEXT STEPS

Subject to Council approval to award this Contract, staff will work with representatives of Trincherro Construction, Inc. to finalize and execute the Contract and develop a final construction schedule. Construction is expected to begin in April 2024 and be completed in September 2024.

Attachment:

1. Draft Agreement between the City of Gilroy and Trincherro Construction, Inc. for Gourmet Alley Project Construction

SECTION 00500 AGREEMENT

GOURMET ALLEY IMPROVEMENT PROJECT
NO. 24-PW-287

THIS AGREEMENT, made this ____ day of _____, 2024, by and between the **City of Gilroy**, hereinafter called the "City," and _____ hereinafter called the "Contractor."

WITNESSETH:

WHEREAS, the City has caused the Contract Documents to be prepared comprised of bidding and contract requirements and technical specifications and drawings for the construction of the GOURMET ALLEY IMPROVEMENT PROJECT NO. 24-PW-287, as described therein, and

WHEREAS, the Contractor has offered to perform the proposed work in accordance with the terms of the Contract Documents.

NOW, THEREFORE, in consideration of the mutual covenants and agreements of the parties herein contained and to be performed, the City and Contractor agree as follows:

Article 1. Work.

Contractor shall complete the Work as specified or indicated in the Contract Documents pursuant to both the Delta 1 plan sheet and the bid schedule submitted on 2/20/2024.

Article 2. Contract Time.

The Work shall be completed by the Contractor in accordance with the Contract Documents within the time period required by Paragraph 00810-2.0, Time Allowed for Completion, subject to extension as expressly provided in the Contract Documents.

Article 3. Liquidated Damages.

The city and the contractor recognize that the city will suffer substantial damages and significant financial loss as a result of the contractor's delays in performance of the work described in the contract documents. The city and the contractor hereby acknowledge and agree that the damages and financial loss sustained as a result of any such delays in performance will be extremely difficult and impractical to ascertain. Therefore, the city and contractor hereby agree that in the event of such delays in performance, the city shall be entitled to compensation by way of liquidated damages (and not penalty) for the detriment resulting therefrom in accordance with paragraph 00700-6.5, liquidated damages, of the contract documents. The city and the contractor further agree that the amounts designated as liquidated damages are a reasonable estimate of the city's damages and financial loss in the event of any such delays in performance considering all of the circumstances existing as of the date of this agreement, including the relationship of such amounts to the range of harm to the city which reasonably could be anticipated as of the date of this agreement and the expectation that proof of actual damages would be extremely difficult and impractical.

By initialing this paragraph below, the parties hereto signify their approval and consent to the terms of this article 3.

City's Initials

Contractors Initials

Article 4. Contract Price.

In consideration of the Contractors performance of the Work in accordance with the Contract Documents, the City shall pay the Contract Price set forth in the Contract Documents. Per bid schedule dated 2/20/2024.

Article 5. Contract Documents.

The Contract Documents which comprise the entire agreement between City and Contractor concerning the Work consist of this Agreement (Section 00500 of the Contract Documents) and the following, all of which are hereby incorporated into this Agreement by reference with the same force and effect as if set forth in full.

Invitation to Bid
Instructions to Bidders
Bid Documents

Gourmet Alley Improvement Project
No. 24-PW-287

Designation of Subcontractors
~~Bid Guaranty Bond~~
 Agreement
 Acknowledgements
 Performance Bond
 Payment Bond
 General Conditions
 Supplementary Conditions
 General Requirements
 Standard Specifications (Caltrans)
 Technical Specifications
 Drawings (Per Delta 1 Plan Set)
 Addenda, if any
 Executed Change Orders, if any
 Maintenance Bond
 Notice of Award
 Notice to Proceed

Article 6. Miscellaneous.

Capitalized terms used in this Agreement which are defined in Section 01090, References, of the Contract Documents will have the meanings set forth in Section 01090, References.

Contractor shall not assign any rights, obligations, duties or responsibilities under or interest in the Contract Documents without the prior written consent of the City, which consent may be withheld by the City in its sole discretion. No assignment by the Contractor of any rights, obligations, duties or responsibilities under or interests in the Contract Documents will be binding on the City without the prior written consent of the City (which consent may be withheld in City's sole discretion); and specifically but without limitation monies that may become due and monies that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment, executed by the City, no assignment will release or discharge the assignor from any liability, duty, obligation, or responsibility under the Contract Documents.

Subject to the foregoing, the Contract Documents shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors and assigns. Nothing contained in the Contract Documents shall in any way constitute a personal obligation of or impose any personal liability on any employees, officers, directors, agents or representatives of the City or its successor and assigns.

In accordance with California Business and Professions Code Section 7030, the Contractor is required by law to be licensed and regulated by the Contractors' State License Board which has jurisdiction to investigate complaints against Contractors if a complaint regarding a latent act or omission is filed within four years of the date of the alleged violation. A complaint regarding a latent act or omission pertaining to structural defects must be filed within 10 years of the date of the alleged violation. Any questions concerning the Contractor may be referred to the Registrar, Contractors' State License Board, P.O. Box 26000, Sacramento, California 95826.

IN WITNESS WHEREOF, this agreement has been executed on this
day of _____, _____.

Trinchero Construction Co., Inc.

Name of Contractor

Signature of City



Signature of Contractor

City Administrator

Title of Signator

Title of Signator

Approved as to form by
City Attorney

ATTEST:

ATTEST:

Signature

Signature

Title of Signator

City Clerk

Title of Signator

END OF SECTION

Gourmet Alley Improvement Project
No. 24-PW-287

SECTION 00500-34

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City of Gilroy

STAFF REPORT

Agenda Item Title:	Approve a School Resource Officer Memorandum of Understanding for Fiscal Year 2024-2025
Meeting Date:	March 18, 2024
From:	Jimmy Forbis, City Administrator
Department:	Police
Submitted By:	Pedro Espinoza, Police Chief
Prepared By:	Patricia Vigil, Management Analyst

<u>STRATEGIC PLAN GOALS</u>	Not Applicable
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RECOMMENDATION

Adopt a resolution of the City Council of the City of Gilroy authorizing the City Administrator to enter into an agreement between the City of Gilroy and Gilroy Unified School District for two school resource officers, including cost sharing, for Fiscal Year 2024-2025 (FY25).

EXECUTIVE SUMMARY

The City of Gilroy (City) and the Gilroy Unified School District (GUSD) have an established School Resource Officer (SRO) Program and partnership dating back to 1985. The SRO's primary role in schools is to maintain school campus safety, build and support the well-being of youth, positive student and family engagement, safety training, and an on-site resource for students and staff in crisis.

Gilroy Unified School District has asked to renew the SRO program for FY25. Staff is requesting the City Council to authorize the City Administrator to execute a Memorandum of Understanding (MOU) between the City and GUSD to continue this partnership.

BACKGROUND

The SRO program consists of two police officers dedicated to the school resource function of maintaining school campus safety. The officers are tenured officers that are specially trained and were carefully selected with the participation of the GUSD Superintendent.

The MOU includes six best primary purposes for having police services on school campuses and adds to a balanced approach to provide a positive and safe school environment. The six principles of the SRO Program include:

1. Maintain a safe and secure campus for both students and staff.
2. Preserve life and property in a manner that promotes community.
3. Develop positive relationships with students, staff and community.
4. Support GUSD staff in securing and transporting of prohibited confiscated items that are illegal to have on campus under California State Law.
5. Divert youth away from the criminal justice system through Restorative Justice programming.
6. Connect youth with mental health behavior services.

ANALYSIS

GUSD has a comprehensive plan to keep students safe at school and one piece of the plan includes the renewal of the contract with the City for an SRO Program. The benefits of the SRO Program include enhancing public safety, maintaining safe and secure school campuses, building positive relationships with students and staff, diverting youth from the criminal justice system through restorative justice guiding principles, and connecting youth with mental health behavioral services.

At the GUSD Board Meeting on March 7, 2024, unanimous approval was granted for the renewal of the FY25 MOU agreement. Over the past four years, GUSD has conducted an annual survey to gather sentiments from students, staff, and families regarding their perceptions of SROs on campus. On average, 90% of students, staff and families report they are comfortable with the presence of an SRO on campus while 80% indicate having an SRO in schools made students feel safe. During the meeting, staff highlighted the collaborative efforts between campus personnel and SROs and emphasized how SROs prioritize student well-being by building trust and ensuring security within the campus community.

ALTERNATIVES

Council may reject the recommendation to continue participation in a MOU. This is not recommended. Should an incident arise that requires law enforcement, patrol officers will respond to the call for service from the school or school district, but not provide the other services and purposes that an SRO program typically provides.

FISCAL IMPACT/FUNDING SOURCE

This MOU would provide cost sharing with GUSD paying 50% of the two SRO's cost. The full salary of two SRO's for FY25 is estimated at \$602,629.74. GUSD's portion of the cost is \$301,314.87.

The City's SRO's cost was included as part of the FY25 budget process as the SRO program will be staffed from the current officer workforce.

PUBLIC OUTREACH

As referenced above, public outreach occurs as part of the GUSD community survey.

NEXT STEPS

N/A

Attachments:

1. Resolution SRO FY25
2. Memorandum of Understanding – SRO FY25
3. Attachment A – FY25 SRO

**MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE GILROY UNIFIED
SCHOOL DISTRICT AND THE CITY OF GILROY FOR SCHOOL RESOURCE
OFFICERS**

This MEMORANDUM OF UNDERSTANDING (MOU) (the “Agreement”) is entered into on 3/7/2024 (the “Effective Date”) by and between the Gilroy Unified School District (the “GUSD”) and the City of Gilroy (the “City”) (which may be referred to hereinafter individually as a “Party” and collectively referred to hereinafter as the “Parties”) to provide fiscal support for the School Resource Officers (the “SROs”) assigned to GUSD.

RECITALS

WHEREAS, the Parties desire to place two (2) SROs in service to the GUSD; and

WHEREAS, the Parties have agreed to enter into this Agreement for the purpose of sharing the cost of two (2) SRO positions for the GUSD 2024-2025 fiscal year; and

WHEREAS, GUSD agrees to reimburse the City for its share of the cost, and the purpose of this Agreement is to provide the duties and obligations of both Parties related to these SRO positions, and the terms and conditions for GUSD’s reimbursement to the City; and

NOW THEREFORE, in consideration of the foregoing recitals, and the covenants and conditions contained herein, the Parties hereto agree as follows:

PURPOSE

The parties agree that there are six primary purposes for having police services on school campuses. They are to:

1. Maintain a safe and secure campus for both students and staff;
2. Preserve life and property in a manner which promotes community;
3. Develop positive relationships with students, staff, and the community;
4. Support GUSD staff in securing and transporting of prohibited confiscated items that are illegal to have on campus under California State law;
5. Divert youth away from the criminal justice system through restorative justice programming;
6. Connect youth with mental health behavior services.

1. Obligation of the Parties.

a. City: The City shall provide the GUSD with two (2) SROs during the 2024-2025 regular school year and with one (1) SRO during the 2024-2025 summer session. SRO’s shall attend Restorative Justice and Positive Behavioral Training.

must provide notice to the City by April 30, 2025. The City may at its sole discretion extend this Agreement through the 2025-2026 fiscal year, after determining that the City has the funds to cover its share of the cost of such positions.

3. Reimbursement. GUSD's reimbursement cost is based on the salary and benefits that each officer assigned to the GUSD would receive for performing their regular patrol duties, as described in the cost summary in "Attachment A" to this Agreement and prorated for the actual periods, which an SRO Officer position is assigned to the District. At the end of the Term, the City will provide the GUSD with an invoice for the GUSD's share of the annual cost for the two SROs, to be paid in one lump sum payment or in multiple payments as agreed to in writing by both Parties. Should the City provide substitute officers per paragraph 1.a. above, the GUSD's share of the cost will remain the same and continue to be based on the officer salaries and benefits as calculated per "Attachment A."

The full annual salary of the two SROs is \$602,629.74. GUSD's portion of the cost is \$301,314.87. The GUSD's share of the cost covers the SROs' on-campus duties and regular patrol duties, as determined by the Gilroy Police Department, performed during the GUSD 2024-2025 school year.

4. Relationship. The relationship of the Parties is that of independent contractors. Nothing contained in this Agreement shall be construed to create any principal or agent relationship, partnership, joint venture, or participation in a joint or common undertaking, between the Parties. The SROs are not employees of the GUSD and will at all times during the term of this Agreement remain under the direct control and command of the Gilroy Police Department. The City and its Police Department will supply all necessary equipment for the SROs for the performance of their SRO duties. The SROs may on an emergency basis be called away from their on-campus duties to perform regular duties during GUSD school operational hours, as needed.

5. Indemnification. Neither Party nor any officer, employee, official, or agent thereof is responsible for any injury, damage or liability occurring by reason of anything done or omitted to be done by the other Party under or in connection with any work, authority or jurisdiction arising under this Agreement. It is understood and agreed that each Party shall fully defend, indemnify and hold harmless the other Party and all of its officers, employees, officials, or agents thereof from all claims, suits or actions of every name, kind and description brought forth under, including, but not limited to, tortious, contractual, or other theories or assertions of liability occurring by reason of anything done or omitted to be done by the other Party, under this Agreement.

In addition, in lieu of and notwithstanding the pro rata risk allocation, which might otherwise be imposed between the Parties pursuant to Government Code Section 895.6, the Parties agree that all losses or liabilities incurred by a Party shall not be shared pro rata but, instead, the Parties agree that, pursuant to Government Code Section 895.4, each of the parties hereto shall fully indemnify and hold each of the other Parties, their officers, officials,

11. No Third Party Beneficiary. This Agreement shall not be construed or deemed to be an agreement for the benefit of any third party or parties, and no third party or parties will have any claim or right of action hereunder for any cause whatsoever.

12. Governing Law and Venue. This Agreement shall be governed by and construed in accordance with the laws of the State of California without regard to the conflict of laws provisions of any jurisdiction. The exclusive jurisdiction and venue with respect any and all actions or disputes arising out of this Agreement shall be in State and Federal courts located in Santa Clara County, California.

13. Counterparts. This Agreement may be signed in counterparts, each of which shall be deemed to be an original, but all of which taken together, shall constitute one and the same agreement.

14. Waiver. No waiver by either Party of any breach, default, or violation of any term, warranty, representation, agreement, covenant, condition, or provision hereof shall constitute a waiver of any subsequent breach, default, or violation of the same or any other term, warranty, representation, agreement, covenant, condition, or provision thereof. All waivers must be in writing and signed by the Party against whom enforcement of the waiver is sought. All remedies are cumulative, and the election to pursue less than all remedies shall not be a waiver of the right to pursue any remedy.

15. Entire Agreement. This Agreement, including any exhibits hereto, constitutes the entire Agreement between the Parties and supersedes any previous agreement, oral or written.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the day and year first written above.

ATTEST:

CITY OF GILROY

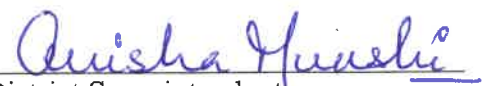
City Clerk

City Administrator

APPROVED AS TO FORM:

GILROY UNIFIED SCHOOL DISTRICT

City Attorney


District Superintendent

ATTEST:

APPROVED AS TO FORM:

District Clerk

District General Counsel

Attachment A

Gilroy Police Department
School Resource Officer Program

Position:	Police Officer	
Year:	Fiscal Year 2024-2025	
	EmplID: 873741	EmplID: 808814
Calculation Type	Annual	Annual
FTE	1	1
Total Regular Hours	2,080.00	2,080.00
Total Base Salary	135,904.54	135,904.54
Total Benefits	162,012.83	168,807.83
Total Employee Cost	297,917.37	304,712.37
Grand Total Employee Cost	602,629.74	
50% Salary & Benefits	148,958.69	152,356.19
Gilroy Unified School District	301,314.87	

Attachment A

Gilroy Police Department
School Resource Officer Program

Position:	Police Officer	
Year:	Fiscal Year 2024-2025	
	EmplID: 873741	EmplID: 808814
Calculation Type	Annual	Annual
FTE	1	1
Total Regular Hours	2,080.00	2,080.00
Total Base Salary	135,904.54	135,904.54
Total Benefits	162,012.83	168,807.83
Total Employee Cost	297,917.37	304,712.37
Grand Total Employee Cost	602,629.74	
50% Salary & Benefits	148,958.69	152,356.19
Gilroy Unified School District	301,314.87	

RESOLUTION NO. 2024-XX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF GILROY AUTHORIZING THE CITY
ADMINISTRATOR TO PARTICIPATE IN AN
AGREEMENT BETWEEN THE CITY OF GILROY AND
GILROY UNIFIED SCHOOL DISTRICT FOR TWO
SCHOOL RESOURCE OFFICERS FOR FISCAL YEAR
2024-2025**

WHEREAS, the City of Gilroy and the Gilroy Unified School District wish to continue the School Resource Officer Program for Fiscal Year 2024-2025,

WHEREAS, the Gilroy Unified School District agreed to participate in a Memorandum of Understanding for the Fiscal Year 2024-2025 school year and agree to share the costs associated with the School Resource Officer Program.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Gilroy authorizes the City Administrator to enter into an agreement between the City of Gilroy and the Gilroy Unified School District to provide two School Resource Officers.

PASSED AND ADOPTED this 18th day of March 2024 by the following roll call vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

APPROVED:

Marie Blankley, Mayor

ATTEST:

Beth Minor, Interim City Clerk



City of Gilroy

STAFF REPORT

Agenda Item Title: 2023 General Plan and Housing Element Annual Progress Report

Meeting Date: March 18, 2024

From: Jimmy Forbis, City Administrator

Department: Community Development

Submitted By: Sharon Goei, Community Development Director

Prepared By: Cindy McCormick, Customer Service Manager

STRATEGIC PLAN GOALS

Promote Safe Affordable Housing for All

RECOMMENDATION

Accept the report and direct staff to submit the 2023 Annual Progress Report to the California Department of Housing and Community Development and the Governor's Office of Planning and Research, no later than April 1, 2024.

EXECUTIVE SUMMARY

Each year, the City prepares the General Plan Annual Progress Report (APR) in compliance with State law which requires jurisdictions to document the implementation status of its General Plan and Housing Element and progress towards meeting regional housing needs over an eight (8) year planning cycle. For the 2023-2031 planning cycle, Gilroy's Regional Housing Needs Allocation (RHNA) is 1,773 units over a range of affordability levels, based on Santa Clara County's area median income. In 2023, the City issued building permits for 11 very-low income, 11 low-income, 12 moderate income and 54 above-moderate (market rate) income units.

BACKGROUND

The General Plan Annual Progress Report (APR) fulfills the requirements of Section 65400 of the California Government Code, which requires all jurisdictions to document the implementation status of its General Plan and Housing Element programs and the jurisdiction's progress in meeting its Regional Housing Needs Allocation (RHNA) as

determined by the State and the regional Council of Governments (i.e., Association of Bay Area Governments). The APR must also include the number, type, and location of residential units permitted or demolished in the calendar year that count towards the regional housing need. The Annual Progress Report for the 2023 calendar year must be forwarded to the Governor's Office of Planning and Research (OPR) and the California Department of Housing and Community Development (HCD), no later than the April 1, 2024 due date.

What is RHNA? Since 1969, the State of California has required that all local governments (cities, towns, and counties) adequately plan to meet the housing needs of everyone in our communities. The Regional Housing Needs Allocation (RHNA) process is used to determine how many new homes, and the affordability of those homes, each local government must plan for in its Housing Element. The current eight-year RHNA cycle runs from January 31, 2023 – January 31, 2031 (2023-2031).

The California Department of Housing and Community Development (HCD) uses five income categories to evaluate housing need based on the Area Median Income (AMI) for each metropolitan statistical area. The AMI is used for both funding and planning purposes. The categories and corresponding percentages of the AMI are as follows:

- Extremely low-income households: 0% – 30% of the AMI
- Very low-income households: 31% – 50% of the AMI
- Low-income households: 51% – 80% of the AMI
- Moderate-income households: 81% – 120% of the AMI
- Above moderate-income households: above 120% of the AMI

In 2023, the Area Median Income (AMI) for a four-person household in Santa Clara County was \$181,300, as defined by the California Department of Housing and Community Development (HCD). Based on the County AMI, the income limits for a family of four (4) within each income category are represented below:

- Extremely Low: \$ 53,500 (30% AMI)
- Very Low: \$ 89,200 (50% AMI)
- Low: \$137,100 (80% AMI)
- Moderate: \$217,550 (120% AMI)

ANALYSIS

General Plan Implementation Progress (2023 Calendar Year)

The attached Annual Progress Report describes notable activities in the 2023 calendar year that made progress toward implementing the Gilroy 2040 General Plan. Each year the City will report on subsequent activities that show additional progress. A complete list of implementation programs is included at the end of each General Plan Element chapter¹. The attached Annual Progress Report summarizes the following General Plan

¹ <http://www.cityofgilroy.org/274/2040-General-Plan>

activities in 2023, listed in the order presented in the various chapters of the General Plan.

- ☒ **Land Use (LU-5) Urban Service Area.** *Consider applications for inclusion of additional land in the Urban Service Area on an annual basis, and review applications based on the following criteria: The need for additional lands, if any, to accommodate projected future growth; Consistency of the proposed area of Urban Service Area expansion in light of General Plan policies regarding the pattern of development, the location of growth, and the rate and timing of growth; Consistency with implementation strategies for the Neighborhood Districts, including phasing strategies, if applicable; and Consolidate approved applications into a single application to LAFCO for their consideration.*
- ☒ **Public Facilities and Services (PFS-1) Capital Improvement Budget.** *Update the Capital Improvement Budget biannually to prioritize facility improvements for water, wastewater, stormwater, traffic, and public facilities based on facility master plans.*
- ☒ **Climate Action Plan (CAP 7) Remove Solar Regulatory Barriers.** *Review / Revise all applicable building, zoning and other codes and ordinances to identify and remove remaining regulatory barriers to installation of solar PV or solar hot water systems in residential and nonresidential construction; consider opportunities to reduce permitting fees related to renewable energy installations.*
- ☒ **Environmental Justice (EJ-1) Translation.** *Develop a program of phased implementation of Spanish translation of public meeting notices and translation provided at public meetings.*

2023-2031 Housing Element Implementation Progress (2023 Calendar Year)

Housing Element Program Implementation

The attached Housing Element program matrix summarizes the City's progress in 2023 towards implementing the adopted and certified 2023-2031 Housing Element programs. Programs that were not completed in 2023 will be reported on in subsequent years.

RHNA Progress Report

As illustrated in the following table, the City's total RHNA during the 2023-2031 planning cycle is 1,773 units. Only building permits issued for initial construction during the reported calendar year count towards RHNA. In 2023, the City issued building permits for 11 very-low income, 11 low-income, 12 moderate income and 54 above-moderate (market rate) income units. The remaining unmet RHNA for the 2023-2031 planning cycle is illustrated in the following table. The "extremely low-income households" category is a subset of "very low-income households," and is defined as 30 percent or less (0 – 30%) of the area median income.

GILROY 2023-2031 REGIONAL HOUSING NEEDS ALLOCATION (RHNA)				
Income Level	RHNA Allocation	Units Permitted (2023)	Units Permitted (2023-2031)	RHNA Units Remaining
Very Low (31 – 50% AMI)	669	11	11	658
Low (51 – 80% AMI)	385	11	11	374
Moderate (81 – 120% AMI)	200	12	12	188
Above Moderate (Above 120% AMI)	519	54	54	465
Total Units:	1,773	88	88	Remaining Units = 1,685

FISCAL IMPACT/FUNDING SOURCE

Other than staff time to produce the staff report and APR, no fiscal impact has been identified in conjunction with this project.

PUBLIC OUTREACH

This report was included on the City Council agenda packet for this meeting, which is available through the City's webpage.

NEXT STEPS

After acceptance of the report by the City Council, staff will transmit the report to the Governor's Office of Planning and Research (OPR) and the California Department of Housing and Community Development (HCD).

Attachments:

1. 2023 General Plan & Housing Element Annual Progress Report
2. 2023-2031 Housing Element Program Progress Table



**City of Gilroy
2040 General Plan
and
2023 – 2031 Housing Element
Annual Progress Report
for the 2023 Calendar Year**

BACKGROUND

Gilroy 2040 General Plan: Every city and county in California must have a General Plan, which is the local government's long-term framework or "constitution" for future growth and development. The General Plan represents the community's view of its future and expresses the community's development goals. The General Plan consists of policy text which contains goals, policies and implementation programs, and a land use diagram which illustrates the planned future land uses and pattern of development. All land use decisions by City staff, the Planning Commission, and the City Council must be consistent with the adopted General Plan. Typically, a General Plan is designed to address the issues facing a jurisdiction for the next 15-20 years. Under California law, the City is required to address eight (8) issue areas or "elements" in the General Plan: circulation, conservation, environmental justice¹, housing, land use, noise, open space, and safety. The State allows considerable flexibility in how these elements are titled and organized and encourages the inclusion of additional "elements" to ensure that plans are truly comprehensive and effective in addressing locally identified issues.

The Gilroy 2040 General Plan was adopted on November 2, 2020, approximately 18 years after the City adopted the 2020 General Plan. The 2040 General Plan includes an Introduction chapter, an Implementation chapter, and nine (9) elements: Land Use; Mobility; Economic Prosperity; Housing; Public Facilities and Services; Parks and Recreation; Natural and Cultural Resources; Potential Hazards; and Environmental Justice.

Gilroy 2023-2031 Housing Element: The Housing Element is one of eight (8) required chapters ("elements") in the General Plan. State law (Government Code Sections 65580-65589.8) requires that every city and county in California adopt a Housing Element, approximately every eight years. In addition, HCD reviews and certifies Housing Elements to ensure they meet all requirements of the law. The City of Gilroy's 2023 – 2031 Housing Element goals, policies, and programs aim to: encourage the development of a variety of housing opportunities and provide adequate sites to meet the 2023 – 2031 Regional Housing Needs Allocation (RHNA); assist in the development of housing to meet the needs of lower- and moderate-income households; address and, where appropriate and legally possible, remove governmental constraints to housing development; conserve, preserve, and improve the condition of the existing affordable housing stock; and promote equal housing opportunity for all residents to reside in the housing of their choice. These objectives are required by and delineated in State law (California Code Section 65583 [c][1]).

The 2023-2031 Housing Element was adopted by the City of Gilroy City Council on May 1, 2023, in substantial compliance with California State Housing Element Law (Article 10.6 of the Government Code (Gov. Code § 65580 et seq)). On August 21, 2023, the California Department of Housing and Community Development ("HCD") certified the City's 2023-2031 Housing Element.

¹ Cities and counties that have identified disadvantaged communities must include an environmental justice element in their general plans.

General Plan and Housing Element Annual Progress Reports: Government Code Section 65400 and 65700 mandates that all cities and counties submit an Annual Progress Report (APR) on the status and implementation progress of the jurisdiction's General Plan. State law further requires that the APR describes that community's progress toward implementing their Housing Element. The APR fulfills statutory requirements to report certain housing information, including: the local agency's progress in meeting its share of regional housing needs (i.e., applications, entitlements, permits, and certificates of occupancy), certain rezoning activities, actions taken towards completion of housing element programs, and local efforts to remove governmental constraints to the development of housing (Government Codes Sections 65584.3(c) and 65584.5(b)(5)).

The General Plan and Housing Element APR is presented to the Gilroy City Council and then sent to the Governor's Office of Planning and Research (OPR) and the State Department of Housing and Community Development (HCD) on or before April 1st of each year. The APR covers progress made in the previous calendar year.

2040 GENERAL PLAN IMPLEMENTATION PROGRESS (2023 Calendar Year)

For the City's General Plan to serve its purpose effectively, it must be reviewed, maintained, modified as necessary, and implemented in a systematic and consistent manner. The General Plan contains a Vision Statement and Guiding Principles to ensure that the goals, policies, and implementation programs in the General Plan reflect the community's shared vision for Gilroy. Gilroy implements the General Plan through the City's ordinances and regulations, policy decisions, and actions and is responsible for tracking, reporting and evaluating its progress in implementing the General Plan. A complete list of implementation programs are included at the end of each General Plan element (e.g., Land Use Element), which is available on the City's website².

The APR helps to ensure the City is moving forward to achieve the General Plan's vision.

GENERAL PLAN IMPLEMENTATION PROGRESS (2023 Calendar Year)

The General Plan contains a vision and set of goals that are desirable for the community to achieve, even though everything will not be accomplished immediately. The subsections below describe notable activities in 2023 that made progress towards implementing 2040 General Plan programs. The pace and timing of activities is largely dependent on City Council priorities, budget allocations, staff capacity, and Department workplans which determine which programs are implemented in a particular year. Implementation progress on any remaining programs will be reported on in subsequent years. The list below does not generally include activities that are considered "on-going" or "annual" (e.g., daily processing of entitlement permits) unless the activity was notable or unique compared to a typical calendar year (e.g., processing an Urban Service Area amendment or annexation).

² <http://www.cityofgilroy.org/274/2040-General-Plan>

LAND USE

The Land Use Element plans for future growth and change while preserving and enhancing the qualities that make Gilroy a great place to live and work. The goals, policies, and programs of the Land Use Element are designed to enhance Gilroy's neighborhoods and districts with an attractive mix of uses and amenities that expand the local economy, protect environmental resources, and improve the overall quality of life of residents. The Land Use Element also contains a map of land uses within the City and a description of the land use designations.

Land Use (LU-5) Urban Service Area: *Consider applications for inclusion of additional land in the Urban Service Area on an annual basis, and review applications based on the following criteria: The need for additional lands, if any, to accommodate projected future growth; Consistency of the proposed area of Urban Service Area expansion in light of General Plan policies regarding the pattern of development, the location of growth, and the rate and timing of growth; Consistency with implementation strategies for the Neighborhood Districts, including phasing strategies, if applicable; and Consolidate approved applications into a single application to LAFCO for their consideration.*

LU-1 Status: On August 2, 2023, the Santa Clara County Local Agency Formation Commission (LAFCO) approved an amendment of the City's Urban Service Area boundary to include 11 additional parcels (790-10-007; 790-09-006,011; 790-17-001,004,005,006,007,008,009,010) comprising approximately 27 acres. Future development of these parcels would also require an annexation approved by the City Council. Future development would require conformance with the 2040 General Plan and Gilroy City Code, including but not limited to Neighborhood District requirements (e.g., 15% of the residential units shall be affordable).

Additional implementation programs for the 2040 General Plan will be reported on in subsequent annual progress reports.

PUBLIC FACILITIES AND SERVICES

The City of Gilroy maintains a variety of public facilities and provides many public services (e.g., Police and Fire) to meet the needs of the community. Gilroy residents, businesses, workers, and visitors rely on public facilities and services to keep them safe; provide water, energy, and communication services; and remove wastewater, stormwater and solid waste. The Public Facilities and Services Element establishes goals and policies to guide the overall provision of municipal and educational facilities and services in Gilroy.

Public Facilities and Services (PFS-1) Capital Improvement Budget: *Update the Capital Improvement Budget biannually to prioritize facility improvements for water, wastewater, stormwater, traffic, and public facilities based on facility master plans.*

PFS-1 Status: On June 5, 2023, the Gilroy City Council adopted the biennial FY2023-24 (FY24) and FY2024-25 (FY25) Operating budget and the Five-Year Capital Improvement Program (CIP) budget for FY24 through FY28. The total five-year CIP budget is \$210.8

million, the majority of which, about 42%, is related to utilities (water and wastewater). The CIP for FY24 and FY25 allocates a total of \$124.1 million over the two-year period for various infrastructure improvements to include streets (\$23.2 million), utilities (\$51.1 million), parks and trails (\$5.5 million), and general public facilities (\$44.3 million). The FY24 and FY25 budget also includes the utilization of a net fund balance from the General Fund of \$5.1 million in FY24 and \$3.5 million in FY25 for one-time strategic investments in City facilities, streets, parks, fleet, economic development, public safety equipment, and information technology infrastructure.

Additional implementation programs for the 2040 General Plan will be reported on in subsequent annual progress reports.

NATURAL AND CULTURAL RESOURCES

Gilroy's proximity to hills, streams, open space, and agriculture is one of the many reasons that residents love living here. Gilroy also has a proud, multi-cultural heritage that spans centuries and includes historic or other culturally significant resources. The Natural and Cultural Resources Element establishes goals, policies, and programs to preserve and enhance these natural areas and cultural resources.

Climate Action Plan (CAP 7) Remove Solar Regulatory Barriers: *Review/Revise all applicable building, zoning and other codes and ordinances to identify and remove remaining regulatory barriers to installation of solar PV or solar hot water systems in residential and nonresidential construction; consider opportunities to reduce permitting fees related to renewable energy installations.*

CAP 7 Status: In 2023, the Gilroy Building Division launched SolarAPP+, a streamlined online web portal permitting process for the majority of residential, roof-mounted, retrofit photovoltaic (PV) systems. SolarAPP+ automates the plan review process for issuing permits to qualified businesses or individuals to install code-compliant residential photovoltaic (PV) systems. Based on model building, electrical, and fire codes, SolarAPP+ automatically performs a compliance check on inputs supplied by the applicant to ensure the proposed system is safe and code compliant. After launching a new permit system in 2023, the Building Division also integrated SolarAPP+ with the new permit system, significantly accelerating the processing and issuance of code-compliant permits for residential solar energy systems. Installation practices, workmanship, and adherence to the approved design are then verified by the City through the inspection process.

ENVIRONMENTAL JUSTICE

Environmental justice is "...the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies." Environmental justice objectives and policies seek to reduce the unique or compounded health risks in disadvantaged communities through strategies such as: reducing pollution exposure, improving air quality, and promoting public facilities, food access, safe and sanitary homes, and physical activity; promoting civil

engagement in the public decision-making process; and prioritizing improvements and programs that address the needs of disadvantaged communities³.

Environmental Justice (EJ-1) Translation: *Develop a program of phased implementation of Spanish translation of public meeting notices and translation provided at public meetings.*

EJ-1 Status: The City implemented Wordly, an artificial intelligence translation and captioning program with live two-way translation for 50+ languages including Spanish, at City Council and Planning Commission meetings. Spanish interpretation is also provided at meetings where the City anticipates a Spanish speaking audience. The City also makes an effort to translate newsletters and flyers into Spanish.

2023-2031 HOUSING ELEMENT IMPLEMENTATION PROGRESS (2023 Calendar Year)

Each year, the City is required to submit a report to the State on its implementation of adopted housing programs and Gilroy's annual progress towards meeting regional housing needs over an eight (8) year planning cycle. In 2023, the City entered its first year of the 2023-2031 Housing Element's eight (8) year planning cycle. Gilroy's Regional Housing Needs Allocation (RHNA) for the 2023-2031 planning cycle is 1,773 units over a range of affordability levels, based on Santa Clara County's area median income.

Housing Element Program Implementation

The Housing Element Annual Progress Report includes the city's progress towards implementing the City's adopted and certified Housing Element programs. Each program describes specific actions the City will carry out over the eight-year Housing Element cycle to satisfy the community's housing needs and meet the requirements of State law. The Gilroy 2023-2031 Housing Element programs are organized into seven major housing goals: Housing Production; Removal of Governmental Constraints; Housing Preservation and Improvement; Housing Assistance; Special Housing Needs; Affirmatively Furthering Fair Housing; and Education and Outreach. Table 58 in the Housing Element's Affirmatively Furthering Fair Housing (AFFH) Chapter provides additional details on the programs that are aimed at affirmatively furthering fair housing and separates the actions by their identified fair housing issue. Table 58 summarizes the specific commitment, timeline, geographic targeting, metric, and AFFH theme for each program.

The attached housing program matrix summarizes the City's progress towards implementing the programs in the Gilroy 2023 – 2031 Housing Element. Programs that were not completed in 2023 will be reported in subsequent years.

³ "Disadvantaged communities" refers to the areas throughout California which most suffer from a combination of economic, health, and environmental burdens. These burdens include poverty, high unemployment, air and water pollution, presence of hazardous wastes as well as high incidence of asthma and heart disease.

RHNA Progress Report

Since 1969, the state has mandated that all California jurisdictions must plan for our resident's housing needs—regardless of income. This state mandate is called the Regional Housing Needs Allocation (RHNA). As part of RHNA, the California Department of Housing and Community Development (HCD), determines the total number new homes and affordability level of those homes that the Bay Area needs to build. The Association of Bay Area Governments (ABAG) then distributes a share of the region's housing need to each jurisdiction in the region.

As illustrated in the following table, the City's total RHNA during the 2023-2031 planning cycle is 1,773 units. Only building permits issued for initial construction during the reported calendar year count towards RHNA. In 2023, the City issued building permits for 11 very-low income, 11 low-income, 12 moderate income and 54 above-moderate (market rate) income units. The remaining unmet RHNA for the 2023-2031 planning cycle is illustrated in the following table. The "extremely low-income households" category is a subset of "very low-income households," and is defined as 30 percent or less (0 – 30%) of the area median income.

GILROY 2023-2031 REGIONAL HOUSING NEEDS ALLOCATION (RHNA)				
Income Level	RHNA Allocation	Units Permitted (2023)	Units Permitted (2023-2031)	RHNA Units Remaining
Very Low (31 – 50% AMI)	669	11	11	658
Low (51 – 80% AMI)	385	11	11	374
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Above Moderate (Above 120% AMI)	519	54	54	465
Total Units:	1,773	88	88	Remaining Units = 1,685

2023 – 2031 HOUSING ELEMENT PROGRAM IMPLEMENTATION STATUS				
Program Number	Program Name	Program Summary (condensed) / Quantified Objectives	Housing Element Timeline	Implementation Status (2023 Calendar Year)
A – 1	No Net Loss Inventory and Monitoring	Develop a procedure to track sites inventory projected unit count and affordability level for both pipeline and opportunity sites, actual constructed units and affordability level, and net change between projected and actual. If there is a net loss in capacity, the City will identify alternative sites to accommodate the RHNA. Quantified Objective: No net loss of capacity below the RHNA requirement during the planning period.	Adopt procedure and create No Net Loss Inventory by end of 2024 calendar year. Review RHNA site status twice yearly and update No Net Loss Inventory as necessary to maintain adequate RHNA sites.	Procedures will be created by the end of the 2024 calendar year. In the meantime, the City has a list of all properties in Gilroy including their size, Zoning designation, General Plan designation, and density allowance. The City can utilize this list to select properties that could be added to the no net loss inventory if necessary.
A – 2	Surplus Lands/Affordable Housing on City-Owned Sites	Implement the Surplus Lands Act and proactively advertise surplus land opportunities for affordable housing. Report any City-owned surplus land in the Annual Progress Report and consider adding City owned parcels to the No Net Loss Inventory, as needed. Quantified Objective: The City will contact affordable housing developers regarding any surplus lands, with the goal of developing at least 21 lower-income units during the planning period.	Report surplus lands in conjunction with the Annual Progress Report. Advertise surplus land opportunities to affordable housing developers, as they become available. Review all City owned sites by the end of 2025 calendar year to determine which additional sites could be declared as surplus.	Surplus lands will be documented in the Annual Progress Report being presented to the City Council in March and subsequently provided to HCD on or before April 1 st .
A – 3	By-Right Approval of Projects with 20 Percent Affordable Units on “Reused” RHNA Sites	Amend the Zoning Ordinance to require by-right approval of any “reuse” 4th and 5th Cycle sites being used to meet the 6th Cycle RHNA, if 20 percent of the units in the development are affordable to lower-income households. Quantified Objective: There are no quantified objectives associated with city codes and policies.	By end of 2023 calendar year.	A draft zoning ordinance that implements this program is being presented to the Planning Commission and City Council late spring/early summer with adoption anticipated by the end of the 2024 calendar year. Regardless, submitted projects will be processed in compliance with state law prior to and following the code amendment adoption.
A – 4	Publicize Residential Sites Inventory	The City shall make the residential sites inventory available to developers by publicizing it on the City website and providing copies of the inventory to developers. The City shall update the list of sites annually, or as projects are approved on the sites. Quantified Objective: Maintain accurate and publicly available residential sites inventory throughout the planning period.	Post on website by end of 2023 calendar year; update annually.	The Sites Inventory has been posted on the City’s Planning Division webpage. A link to the document is provided to applicants interested in residential development in Gilroy. Planning staff will update the inventory annually, as needed.
A – 5	Revise Neighborhood District Policy	The City will revise the Neighborhood District Policy, so it does not rely on the Residential Development Ordinance (RDO) and is consistent with Neighborhood District target densities in the 2040 General Plan. The Policy will also implement inclusionary housing standards adopted by the City, including levels and terms of affordability. Quantified Objective: There are no quantified objectives associated with city codes and policies.	By end of 2024 calendar year.	The City will remove Section 4.0 (Relationship of the Neighborhood District to the Residential Development (RDO) Process) from the Neighborhood District Policy prior to the end of 2024. The City will also update the policy to include relevant inclusionary housing standards adopted by the Council.
A – 6	ADU Tracking and Monitoring	The City will track the number and location of building permits issued for ADUs. If the 3-year average is less than 25 units in 2025, the City will hold a focus group with local stakeholders and update the ADU strategy by the end of 2026, with the intent of increasing production. If necessary, the City will identify additional RHNA sites in No Net Loss Inventory. Quantified Objective: Increase the number of new ADUs permitted in the City from an average of approximately 15.75 (2018-2021) to an average of approximately 25. Geographic Targeting: 30 percent of annual ADU production in high resource areas, RCAAs, and areas with relatively higher income.	Disproportionate Housing Needs	The 3-year average ADU unit count will be calculated at the end of the 2025 calendar year.

2023 – 2031 HOUSING ELEMENT PROGRAM IMPLEMENTATION STATUS				
Program Number	Program Name	Program Summary (condensed) / Quantified Objectives	Housing Element Timeline	Implementation Status (2023 Calendar Year)
A – 7	ADU Pre-Designed Plans	The City will develop an ADU program that includes pre designed “model” plans for ADUs that meet zoning, building, and fire codes. Quantified Objective: Increase the number of new ADUs permitted in the City from an average of approximately 17.5 (2018–2021) to an average of approximately 25.	By end of 2024 calendar year.	The City is partnering with the Santa Clara County Planning Collaborative to develop ADU pre-designed plans. The City Council has budgeted funding towards completing this effort by the end of the 2024 calendar year.
A – 8	Financial Incentives for Affordable ADUs	Upon securing funding, the City will develop a financial assistance program for homeowners who build ADUs with an affordability restriction or commitment to offering housing choice vouchers. The City will utilize in-lieu fees to facilitate development of ADUs affordable to lower-income households in high-resource areas of the City. If ADU production is lower than anticipated, the City will evaluate reducing ADU impact fees as a potential incentive for affordable housing. Geographic Targeting: 30 percent of annual ADU production in high resource areas, RCAAs, and areas with relatively higher income.	After program funding is secured and sufficient for the intended purpose. Evaluate the effect of impact fees on ADU development by Q4 end of 2026 if ADU production is lower than anticipated in year 2025	There is nothing to report for the 2023 calendar year. The implementation status will be updated in future years in accordance with this Program.
A – 9	Monitor Permit Requirements, Processing Procedures, and Land Use Controls	Implement the Land Management System in 2023, hold an outreach meeting to educate users on how to use the new permitting system, survey users six months after its launch to assess the effectiveness of the new system, create metrics that track the time to process permits, and engage with developers, builders and other stakeholders to identify potential constraints in the City’s permit requirements, processes, procedures, and land use controls. Analyze potential streamlining where feasible. Quantified Objective: Increase the percentage of permits that are processed online. Decrease the time it takes to process permits.	Survey six months after “go-live” date. Annual outreach to builders and developers, such as through the City’s annual developer’s roundtable meetings.	The “GO Permit” Land Management System was launched in June 2023. In addition to helping customers in person, over the phone, and via email, the City created manuals to educate users on how to use the new permitting system. City staff continually receive feedback from customers on the effectiveness of the system and have implemented improvements based on that feedback. The City also generates reports that track permit issuance. The City will reach out to builders and developers to gather their input on the draft changes to the Zoning Code in late spring/early summer 2024.
A – 10	Facilitate Missing Middle / Middle Income Housing	Amend the City Code to allow triplexes, and fourplexes to be approved ministerially on corner lots with a minimum 8,000 sf lot size in the R1 and R2 zones so long as the project complies with objective design standards and the lot was created prior to May 1, 2023. Create informational pamphlets and update the City’s SB 9 policy and website to reflect the changes allowed under this program. Quantified Objective: Increased production and reduced permitting time and cost for triplexes and fourplexes. Facilitate construction of 100 missing middle (duplex, triplex, quadplex) housing units over the 6 th Cycle planning period (approximately 10 percent of qualifying lots).	By end of 2024 calendar year.	A draft zoning ordinance that implements this program is being presented to the Planning Commission and City Council late spring/early summer with adoption anticipated by the end of the 2024 calendar year.
A – 11	Inclusionary Housing Policy	Conduct an inclusionary housing feasibility study and reference the City’s existing Neighborhood District Policy and former RDO Exemption Policy as a benchmark for developing an affordable housing policy. The policy will include inclusionary requirements, such as resale controls, minimum term, minimum percentage of units that must be restricted as affordable, minimum percentage within each affordability category, and alternative compliance such as an in-lieu fee for projects below the feasible threshold for requiring built units. The inclusionary housing ordinance will include a requirement that the developer market the below market-rate units and accessible/adaptable units.	By end of 2024 calendar year.	The City has hired a consultant that is conducting the feasibility analysis and developing recommendations for an affordable housing policy that implements this program. The initial findings and recommendations will be presented to the City Council in late spring 2024 with an anticipated adoption date by the end of the 2024 calendar year.

2023 – 2031 HOUSING ELEMENT PROGRAM IMPLEMENTATION STATUS				
Program Number	Program Name	Program Summary (condensed) / Quantified Objectives	Housing Element Timeline	Implementation Status (2023 Calendar Year)
		Quantified Objective: Increased production of affordable housing within the City, including housing choice and mobility for lower-income households. Prioritize use of in-lieu fees to develop affordable housing options in higher resource areas of the City.		
A – 12	Incentives Beyond Density Bonus State Law	Study and consider adopting an affordable housing incentives policy above and beyond the minimum requirements of density bonus state law. Specifically consider additional incentives for households with special housing needs such as large households, extremely low-income households, farmworkers, and households with members with intellectual or developmental disabilities. In lieu of adopting a separate incentives / density bonus policy, the City could structure the Inclusionary Policy (A - 11) like a density bonus program with incentives that are tiered by level of affordability provided. Quantified Objective: Increased housing choice and mobility for special needs households.	By end of 2025 calendar year.	The consultant hired to conduct a feasibility analysis and recommendations for an affordable housing policy is considering how state density bonus law requirements can be combined with an inclusionary policy tailored for Gilroy's unique needs (e.g., extremely low-income households) and feasibility limitations (e.g., land costs).
A – 13	Coordination with California High Speed Rail Authority	Continue to coordinate with the California High Speed Rail Authority so that the Station Area Plan includes the development of a mix of affordable and market-rate housing and commuter parking on the parcels associated with the High Speed Rail Station. Quantified Objective: Develop a specific commitment to housing development; set objective targets for the development of affordable and market-rate housing on the High Speed Rail site.	Immediately and throughout the planning period until the Station Area Plan is complete.	City staff have been meeting with California High Speed Rail Authority staff and their consultants on developing a Station Area Plan that addresses housing and commuter parking needs in downtown Gilroy.
A - 14	Coordination with Santa Clara County Office of Supportive Housing	The City will continue its partnership with Santa Clara County Office of Supportive Housing regarding development of affordable housing at the property at 8th and Alexander. This includes the offer of impact fee waivers through a memorandum of understanding approved by the Gilroy City Council and the County Board of Supervisors in September 2022. Next steps include community engagement and working on the City's priorities for the site (e.g., targeted income / special needs groups). Quantified Objective: Development of affordable housing on the 8 th and Alexander property by the end of 2028.	Continual partnership throughout the planning period. Anticipated project completion by end of 2028 calendar year.	City staff have been meeting with Santa Clara County Office of Supportive Housing staff regarding development of affordable housing at the property at 8th and Alexander, including next steps for community engagement in the 2024 calendar year.
A - 15	ADU Ordinance Updates	To incentivize ADU production, the City will replace the ADU deed restriction requirement with an owner affidavit form that does not require recordation at the County. The City will use the affidavits to track the number of ADUs to ensure they are being built at the assumptions in the Housing Sites and Resources section. Quantified Objective: Increase the number of new ADUs permitted in the City from an average of approximately 17.5 (2018–2021) to an average of approximately 25 over the 6 th Cycle planning period.	By end of 2023 calendar year.	In December 2023, the City of Gilroy adopted amendments to the City's ADU Ordinance that implement the requirements of state law and remove standards that do not comply with state law. A draft zoning ordinance that implements the Housing Element is being presented to the Planning Commission and City Council late spring/early summer with adoption anticipated by the end of the 2024 calendar year.
A - 16	Senate Bill (SB) 9 Processing	The City will update its SB 9 webpage to highlight the streamlined process for approving SB 9 applications, create and post step-by-step, user friendly instructions for processing SB 9 units and lot splits, and hold informational meetings with the building division and	By end of 2024 calendar year.	There is nothing to report for the 2023 calendar year. The implementation status will be updated for the 2024 Annual Progress Report.

2023 – 2031 HOUSING ELEMENT PROGRAM IMPLEMENTATION STATUS				
Program Number	Program Name	Program Summary (condensed) / Quantified Objectives	Housing Element Timeline	Implementation Status (2023 Calendar Year)
		engineering/land development division to review the streamlined process to ensure the City complies with state law. Quantified Objective: Process ten (10) SB 9 applications in the 6 th Cycle planning period.		
B - 1	Residential Development Ordinance (RDO) Removal	The RDO (made null and void by SB 330) will be repealed as a part of the City's comprehensive zoning update. Portions of the policy related to affordability requirements may be used as a benchmark for the City's proposed Inclusionary Policy. Quantified Objective: There are no quantified objectives associated with city codes and policies.	Concurrent with the comprehensive Zoning Ordinance update, end of 2023 calendar year.	A draft zoning ordinance that implements this program is being presented to the Planning Commission and City Council late spring/early summer with adoption anticipated by the end of the 2024 calendar year. Regardless, the RDO policy is not being enforced. The policy was provided to the Inclusionary Ordinance consultant for consideration of legal benchmarks.
B - 2	Zoning and General Plan Densities	Amend the Zoning Ordinance to ensure that Gilroy 2040 General Plan maximum densities are achievable. Changes include increasing density in the R3 zone from 16 to 20 dwelling units per acre, removing the maximum density in the R4 zone, creating a zoning district for the mixed-use First Street corridor with a density range of 20–30 dwelling units per net acre, and creating Neighborhood District High and Low zoning designations and density allowances per the 2040 General Plan. Quantified Objective: There are no quantified objectives associated with city codes and policies.	Concurrent with the comprehensive Zoning Ordinance update, end of 2023 calendar year.	A draft zoning ordinance that implements this program is being presented to the Planning Commission and City Council late spring/early summer with adoption anticipated by the end of the 2024 calendar year. Regardless, submitted projects will be processed in compliance with state law prior to and following the code amendment adoption.
B - 3	Senate Bill (SB) 35 Permit Processing and SB 330 Compliance	Implement expedited permit processing for SB 35 and SB 330. Create SB 35 and SB330 checklists and instructions for reviewing and approving projects and post the checklists to the City's website. Quantified Objective: There are no quantified objectives associated with city codes and policies.	By end of 2024 calendar year.	An SB 35 eligibility checklist and approval process guidelines and associated documents are posted on the City website. The Planning Division will also update the website with information on SB 330 prior to the end of the 2024 calendar year.
B - 4	Public Fees, Standards, and Plans Online	The City will compile all development standards, plans, fees, and nexus studies in an easily accessible online location. The City will also provide a high-quality, parcel-specific zoning map and General Plan map online. Quantified Objective: There are no quantified objectives associated with this program.	By end of 2023 calendar year.	The City's website includes development standards, adopted Plans, fees, and high-quality, parcel-specific Zoning and General Plan maps in an easily accessible location.
B - 5	Permit Streamlining	As a part of the 2023 Zoning Ordinance update, the City will create a ministerial use permit process and a more transparent and streamlined process for reviewing and approving applications involving a historic resource (e.g., residential addition). The City will also adhere to newly passed legislation surrounding permit streamlining, such as AB 2234. Quantified Objective: Decreased permit processing time.	Concurrent with the comprehensive Zoning Ordinance update, end of 2023 calendar year.	A draft zoning ordinance that implements this program is being presented to the Planning Commission and City Council late spring/early summer with adoption anticipated by the end of the 2024 calendar year. The Building Division website includes example residential permit in compliance with AB2234.
B - 6	Objective Standards	Revise development standards, design guidelines, and findings of approval to ensure they are objective and facilitate development of properties at their maximum densities. Quantified Objective: There are no quantified objectives associated with city codes and policies.	By end of 2026 calendar year.	A draft zoning ordinance that includes objective development standards and findings of approval is being presented to the Planning Commission and City Council late spring/early summer with adoption anticipated by the end of the 2024 calendar year. The City will also evaluate design guidelines per this program prior to the end of the 2026 calendar year.

2023 – 2031 HOUSING ELEMENT PROGRAM IMPLEMENTATION STATUS				
Program Number	Program Name	Program Summary (condensed) / Quantified Objectives	Housing Element Timeline	Implementation Status (2023 Calendar Year)
B – 7	Zoning Ordinance Update	As part of the Zoning Code update, the City will evaluate development standards for all zones for potential governmental constraints, ensure that residential density is not constrained, clarify that the residential portions of mixed-use projects are not subject to any FAR restrictions, revise the definition of “townhouse” to be consistent with state law, and require that any demolished residential units on the Sites Inventory be replaced pursuant to Government Code Section 65583.2(g). Quantified Objective: There are no quantified objectives associated with city codes and policies.	By end of 2023 calendar year.	A draft zoning ordinance that implements this program is being presented to the Planning Commission and City Council late spring/early summer with adoption anticipated by the end of the 2024 calendar year.
B – 8	Entitlement Roadmap Webpage	The City will create an Entitlement Roadmap webpage that clearly spells out the City’s permitting process for residential development, including application forms, a flow chart outlining the development process, FAQs, and live links to other necessary pages and resources. Quantified Objective: There are no quantified objectives associated with this program.	By end of 2024 calendar year.	There is nothing to report for the 2023 calendar year. The implementation status will be updated for the 2024 Annual Progress Report.
B – 9	Building Department Webpage	The City will update the Building Department webpage with information required pursuant to AB 2234, including specific information required for an application to be considered complete; example of a complete, approved application; and example of a complete set of post-entitlement phase permits for accessory dwelling units, duplexes, multifamily projects, mixed-use projects, and townhomes. Quantified Objective: Updated website by end of 2023 calendar year.	By end of 2023 calendar year.	The Building Division website was updated in 2023 to include example residential permits in compliance with AB2234. The website includes plan submittal checklists (for application completeness), and example permits that received a final building permit approval. The example permits include accessory dwelling units, duplexes, multifamily / mixed-use projects, townhomes, custom single-family home, and single-family tract home.
B - 10	Zoning Code Annual Updates	The City will establish a process to update City policies, codes and ordinances to comply with State laws affecting housing and land use. Quantified Objective: Following passage of new state legislation, Community Development Department staff will develop a list of laws that require updates to the City’s policies, codes and ordinances.	The City will update City policies, codes and ordinances annually, or as needed to comply with new state laws.	The City updated the Accessory Dwelling Unit Ordinance in 2023, created a webpage with a list of properties that can be approved ministerially pursuant to Government Code Section 65583.2, and will be completing a comprehensive update of the entire Zoning Ordinance in 2024 to implement state laws described in other Housing Element programs.
B - 11	General Plan Consistency	General Plan consistency will be reviewed as part of the Annual Progress Report, pursuant to Government Code Section 65400. As amendments are made to the General Plan, the City will also review the Housing Element for ongoing consistency. Quantified Objective: There are no quantified objectives associated with this program.	Consistency between the General Plan and Housing Element will be reviewed as part of the annual progress report prior to April 1 st of each year.	The 2023-2031 Housing Element was drafted in compliance with the 2040 General Plan. No General Plan amendments were made that conflict with the 2023-2031 Housing Element.
B - 12	Density Bonus Procedures	The City will amend its Density Bonus ordinance to add implementing procedures such as application and review requirements and decision-making criteria. Quantified Objective: There are no quantified objectives associated with city codes and policies.	By end of 2024 calendar year	The comprehensive update of the entire Zoning Ordinance in 2024 will include application and review requirements and decision-making criteria for density bonus projects.

2023 – 2031 HOUSING ELEMENT PROGRAM IMPLEMENTATION STATUS				
Program Number	Program Name	Program Summary (condensed) / Quantified Objectives	Housing Element Timeline	Implementation Status (2023 Calendar Year)
C – 1	Monitoring of Units At Risk of Converting to Market Rate	The City and BMR Program Administrator will monitor deed-restricted units that have the potential of converting to market rate and implement strategies to preserve at-risk projects. Quantified Objective: Preservation of below market-rate units.	Annually review affordable housing term expirations. Noticing as needed with expiration of covenants.	The City reviews affordable housing term expirations as part of its annual monitoring program. If a unit or development is at risk of conversion, the City will try and maintain the affordability of the unit through one or more of the Housing Element's list of strategies.
C – 2	Housing Rehabilitation	The City will utilize Community Development Block Grant (CDBG) funds, as available, to assist in the improvement of substandard housing. The City will facilitate Tax Equity and Fiscal Responsibility Act (TEFRA) hearings to allow for the development and rehabilitation of affordable housing units throughout the City. Quantified Objective: Provide assistance to 100 households. Target 25% in the Racially and Ethnically Concentrated Area of Poverty (R/ECAP) and DTSP area.	Annually evaluate progress and review contract. Following each contract renewal, hold informational meetings to alert the community about the availability of programs such as Rebuilding Together rehabilitation loans.	In FY 22-23 Rebuilding Together Silicon Valley was awarded a grant for \$140,000. In FY 23-24 Rebuilding Together Silicon Valley was awarded a grant for \$258,000. The City will facilitate TEFRA hearings, as needed.
C – 3	Code Enforcement Program	Within current staffing limits and AFFH standards, the City shall contact owners of units identified as substandard, offering inspection services and providing information on the Rebuilding Together Program (or similar) and landlord/tenant information and mediation services. Quantified Objective: Provide information regarding the Rebuilding Together (or similar) and landlord/tenant information and mediation services to 240 households.	Ongoing throughout the planning period.	Code Enforcement and Housing staff met with Rebuilding Together in 2023 to receive program updates on home repairs and safety modifications for low-income households. Code Enforcement staff disseminated information during site visits and inspections. When Code Enforcement staff are made aware of non-compliant substandard housing conditions, they will inspect the property and offer the property owner information on available programs, when applicable.
C – 4	Resale Control on Owner-Occupied Below Market- Rate Units	The BMR Program Administrator shall continue to implement resale controls on owner-occupied BMR units to ensure that affordable units provided through public assistance or public action are retained per the terms specified in the affordable housing agreement (e.g., 30 years) as affordable housing stock. Quantified Objective: Maintain all affordable units throughout the planning period or as specified in the affordable housing agreement.	Annual assessment of units at risk of conversion.	The BMR Program Administrator sends information to BMR homeowners on resale restrictions outlined in their BMR Agreement.
C – 5	Resale Control on Rental Below Market-Rate Units	The BMR Program Administrator shall continue to implement resale controls on renter-occupied BMR units to ensure that affordable units provided through public assistance or public action are retained per the terms specified in the affordable housing agreement (e.g., 30 years) as affordable housing stock. Quantified Objective: Maintain all affordable units throughout the planning period or as specified in the affordable housing agreement.	Annual assessment of units at risk of conversion.	For renter-occupied units, the BMR Program Administrator sends information to property owners on resale restrictions outlined in their BMR Agreement.
C – 6	Identification and Preservation of At-Risk Units	The City will create an inventory of BMR units. For units with expiring restrictive covenants, the City will contact property owners and encourage them to extend or renew the rent or sales price restrictions. The City will also help ensure that tenants are notified if restrictions will end. Quantified Objective: There are no quantified objectives associated with this program.	By end of 2024 calendar year.	The City's BMR Program Administrator continues to update the City's inventory of BMR units. No units were at risk of conversion in 2023.

2023 – 2031 HOUSING ELEMENT PROGRAM IMPLEMENTATION STATUS				
Program Number	Program Name	Program Summary (condensed) / Quantified Objectives	Housing Element Timeline	Implementation Status (2023 Calendar Year)
D – 1	Permanent Local Housing Allocation Fund	The City will utilize Permanent Local Housing Allocation (PLHA) funds for eligible activities, including new construction, acquisition, rehabilitation, home buyer assistance, homeless assistance, public services related to housing, and preservation of affordable housing. The City will inform nonprofit organizations of funding availability through the City's website and informational packets at City Hall. Quantified Objectives: Through various eligible funding programs, assist 80 households annually.	The PLHA funds span a 5-year basis. Conduct outreach and allocate funding every two years.	The City contracts with Santa Clara County Office of Supportive Housing to administer the PLHA Fund, which provided \$237,000 in funding each year during the FY 22-23 and FY 23-24 funding periods for homelessness prevention services, fair housing, and basic needs (e.g., meals on wheels).
D – 2	Funding Sources to Assist Homeownership	The City will identify funding resources for homeownership assistance (e.g., down payment assistance) and provide the information to the public at workshops and other outreach events. Quantified Objectives: The City will conduct public outreach to inform the community of existing resources, assistance programs, and funding opportunities, and annually pursue funding for down payment assistance and increase awareness as new funding is available.	Conduct public outreach on existing housing resources and pursue funding and conduct research annually.	The City's Housing and Community Services webpage includes information on homebuyer assistance, including Santa Clara County Empower Homebuyers Down Payment Assistance Program, California Housing Finance Agency (CalHFA) First Mortgage Programs and Down Payment Assistance Programs, and CalHFA's Accessory Dwelling Unit (ADU) Grant Program. The City conducted workshops in English and Spanish with over 150 attendees to inform the community of these resources.
D – 3	Housing Choice Voucher Referrals	The City will provide information and technical assistance to City residents on the Santa Clara County Housing Authority Housing Choice Voucher (HCV) program. The City shall refer residents that experience discrimination based on source of income (including vouchers) to Project Sentinel. Quantified Objective: Assist or refer 40 individuals annually.	Immediately upon opening of HCV waitlist. Technical assistance to residents as needed. Annual education and outreach to landlords.	Information on the Project Sentinel and the Santa Clara County Housing Authority Housing Choice Voucher (HCV) program is included on the City's Housing and Community Services webpage.
D – 4	Pursue Funding for Affordable Housing	The City shall pursue funding from state, federal, and regional sources (e.g., PLHA funds) and support applications for funding to help increase the supply of affordable housing. The City will meet with affordable housing developers to identify development opportunities, provide support for funding applications, consider incentives and concessions beyond SDBL, and provide priority processing. Quantified Objective: There are no quantified objectives associated with this program.	Pursue funding sources annually.	The City received Permanent Local Housing Allocation (PLHA) funding from the State through application and partnership with Santa Clara County. The City restructured and created a new Housing and Community Services Division in 2023 and will be bringing on additional staff to help pursue funding for affordable housing and meet with affordable housing developers to identify development opportunities.
D – 5	Community Development Block Grant Program	The City will utilize CDBG funds for eligible activities, including acquisition, rehabilitation, home buyer assistance, economic development, homelessness assistance, public services, and public improvements. The City will inform nonprofit organizations of available funding through the City's website and email, and advertise public assistance programs on its website and informational brochures. Quantified Objective: There are no quantified objectives associated with this program.	Administer funds annually.	Each fiscal year, the City allocates CDBG funding to eligible programs and activities. City staff contacts its list of non-profits to let them know about the upcoming funding cycle. The City's website advertises a Notice of Funding Availability (NOFA) for Community Development Block Grant (CDBG) Funds, including application packets. The City also advertises upcoming public hearings for CDBG grant allocations. Brochures and flyers are also provided in customer lobby areas. In FY 2023-24, the City allocated \$368,433 in CDBG funding to eligible programs.

2023 – 2031 HOUSING ELEMENT PROGRAM IMPLEMENTATION STATUS				
Program Number	Program Name	Program Summary (condensed) / Quantified Objectives	Housing Element Timeline	Implementation Status (2023 Calendar Year)
E – 1	Priority Water and Sewer Service for Affordable Housing Developments	The City will update, as necessary, the Water and Sewer Service Priority Policy, and work with public service providers to ensure prioritization of services to housing developments serving lower-income households. The Housing Element will be provided to water and sewer service providers upon adoption. Quantified Objective: There are no quantified objectives associated with this program.	By end of 2026 calendar year.	This policy is currently in place. The City has not identified a need to update the Policy. The City of Gilroy provides sewer and water services to its residents. The 2023-2031 Housing Element has been posted on the City's website. The City's water and sewer service website also provides information on the Low-Income Household Water Assistance Program.
E – 2	Zoning to Encourage and Facilitate Single-Room Occupancy Units	As a part of the comprehensive Zoning Ordinance update, the City shall revise the Zoning Ordinance to establish explicit definitions for and regulatory standards addressing single-room occupancy units. Quantified Objective: There are no quantified objectives associated with city codes and policies.	Concurrent with the comprehensive Zoning Ordinance update, end of 2023 calendar year.	A draft zoning ordinance that implements this program is being presented to the Planning Commission and City Council late spring/early summer with adoption anticipated by the end of the 2024 calendar year.
E – 3	Emergency Shelter Standards	Amend the Zoning Ordinance to modify the requirements for emergency shelters in compliance with Assembly Bill (AB) 2339, AB 139, and Government Code Section 65583(a)(4). Quantified Objective: There are no quantified objectives associated with city codes and policies.	At the time of Housing Element adoption.	In May 2023, the City adopted code amendments in compliance with state law regarding emergency shelters.
E – 4	Low Barrier Navigation Centers	Amend the Zoning Ordinance to allow low-barrier navigation centers, meeting specific objective requirements, by-right in areas zoned for nonresidential uses. Quantified Objective: There are no quantified objectives associated with city codes and policies.	By end of 2023 calendar year.	A draft zoning ordinance that implements this program is being presented to the Planning Commission and City Council late spring/early summer with adoption anticipated by the end of the 2024 calendar year. Regardless, submitted projects will be processed in compliance with state law prior to and following the code amendment adoption.
E – 5	Incentivize Micro-Units	Ensure provisions for efficiency units in the updated Zoning Code are consistent with AB 352. Revise the Zoning Ordinance to establish development standards for micro-units, and create incentives and remove barriers to micro-unit development by the end of 2025. Quantified Objective: There are no quantified objectives associated with this program.	By end of 2023 calendar year and 2025.	A draft zoning ordinance that amends regulations for efficiency units is being presented to the Planning Commission and City Council late spring/early summer with adoption anticipated by the end of the 2024 calendar year. Regardless, submitted projects will be processed in compliance with state law prior to and following the code amendment adoption.
E – 6	Reduced Parking Requirements for Senior Housing	The City shall conduct a study to determine if reduced parking standards for senior housing are appropriate in Gilroy. Based on the findings of the study, the City may revise the Zoning Ordinance. Quantified Objective: There are no quantified objectives associated with this program.	By end of 2026 calendar year.	There is nothing to report for the 2023 calendar year. The implementation status will be updated in future years in accordance with this Program.

2023 – 2031 HOUSING ELEMENT PROGRAM IMPLEMENTATION STATUS				
Program Number	Program Name	Program Summary (condensed) / Quantified Objectives	Housing Element Timeline	Implementation Status (2023 Calendar Year)
E – 7	Development and Conservation of Housing for Farmworkers	The City will pursue a variety of proactive actions to encourage and facilitate development and conservation of farmworker housing, including coordination with nonprofit developers, employers, and other related organizations to explore funding and incentives and to identify specific development opportunities. At least once a year, the City will forward information about surplus City-owned land and other development opportunities to developers and service providers who may be interested in developing more farmworker housing in Gilroy. The City will also provide this information at the annual developer roundtable and to individuals on the housing developer list. Quantified Objective: Preserve and maintain the 3 farmworker housing developments (56 units) located in Gilroy. Development of one new project with farmworker housing (50 units/beds), which is a 35% increase over existing units.	Ongoing throughout the planning period.	In 2022, the City partnered with the Santa Clara County Office of Supportive Housing, to facilitate lower-income housing on a County owned property by waiving development impact fees for the project. Throughout 2023 the City continued to partner with the Santa Clara County Office of Supportive Housing. In 2024, the City will work with the County to explore ways of incorporating affordable farmworker housing into the project. The City restructured and created a new Housing and Community Services Division in 2023 and will be bringing on additional staff to help implement this program.
E – 8	Consistency with the Employee Housing Act	The City will update the Zoning Ordinance to be consistent with the Employee Housing Act (Health and Safety Code Section 17021). Quantified Objective: There are no quantified objectives associated with city codes and policies.	Concurrent with the comprehensive Zoning Ordinance update, end of 2023 calendar year.	A draft zoning ordinance that amends regulations for efficiency units is being presented to the Planning Commission and City Council late spring/early summer with adoption anticipated by the end of the 2024 calendar year. Regardless, submitted projects will be processed in compliance with state law prior to and following the code amendment adoption.
E – 9	Priority for Gilroy	The City will develop a system to prioritize occupancy of affordable housing units in Gilroy for income-eligible Gilroy residents and/or Gilroy's labor force, while affirmatively furthering fair housing. Quantified Objective: There are no quantified objectives associated with this program.	By end of 2024 calendar year.	The City has hired a consultant that is developing recommendations for an affordable housing policy that implements this program. The initial findings and recommendations will be presented to the City Council in late spring 2024 with an anticipated adoption date by the end of the 2024 calendar year.
E – 10	Development and Rehabilitation of Housing for Persons with Disabilities	The City will review and revise, as necessary, regulations that act as potential constraints to accommodating persons with disabilities. The City will amend the findings of approval for reasonable accommodation permits, and the standards and permit procedures for residential care homes (6 or fewer residents) in medium- and higher-density residential zones and for residential care facilities (seven or more persons) in all residential zones with objective standards similar to other residential uses of the same type in the same zone. Quantified Objective: There are no quantified objectives associated with this program.	By end of 2023 calendar year.	A draft zoning ordinance that implements this Program is being presented to the Planning Commission and City Council late spring/early summer with adoption anticipated by the end of the 2024 calendar year. Regardless, submitted projects will be processed in compliance with state law prior to and following the code amendment adoption.
E – 11	Housing for Extremely Low Income and Special Needs Households	The City will pursue funding sources (e.g., PLHA) and meet with affordable housing developers and homeless service providers to identify development opportunities, provide site information, assist in the entitlement processes, and explore incentives, specifically for special needs and low-income households. Quantified Objective: Outreach to affordable housing developers at least bi-annually (4 times over the planning period) when PLHA funds become available.	As applications are received. Annual developer roundtable. Pursue funding sources as they are made available.	The City received Permanent Local Housing Allocation (PLHA) funding from the State through application and partnership with Santa Clara County. The City restructured and created a new Housing and Community Services Division in 2023 and will be bringing on additional staff to help pursue funding for affordable housing and meet with affordable housing developers to identify development opportunities.

2023 – 2031 HOUSING ELEMENT PROGRAM IMPLEMENTATION STATUS				
Program Number	Program Name	Program Summary (condensed) / Quantified Objectives	Housing Element Timeline	Implementation Status (2023 Calendar Year)
E – 12	Downtown Expansion District and First Street Mixed-Use Corridor Flexibility	The City will develop a process to allow 100% residential projects in the Downtown Expansion District and allow flexibility in the type of non-residential uses allowed in the new First Street Mixed-Use Corridor, in exchange for setting aside units for extremely low-income households, farmworkers, persons with disabilities, and special needs households. Quantified Objective: Adopted zoning amendments. Facilitation of 100 units using the adopted process in the planning period.	Amendments by end of 2025 calendar year	There is nothing to report for the 2023 calendar year. The implementation status will be updated in future years in accordance with this Program.
E – 13	Permanent Supportive Housing	The City will amend the code to allow supportive housing uses by-right in zones where multi-family and mixed-uses are permitted and permit transitional and supportive housing as a residential use in all zones allowing residential uses, subject to restrictions that apply to other residential dwellings of the same type in the same zone. Quantified Objective: There are no quantified objectives associated with city codes and policies.	By end of 2023 calendar year.	A draft zoning ordinance that implements this Program is being presented to the Planning Commission and City Council late spring/early summer with adoption anticipated by the end of the 2024 calendar year. Regardless, submitted projects will be processed in compliance with state law prior to and following the code amendment adoption.
F - 1	Source of Income Protection	Coordinate with Project Sentinel to conduct a meeting/workshop to inform residents of sources of income protection and state rent control laws such as AB 1482. Continue to coordinate outreach efforts to inform landlords and tenants of recent changes to state law that prevent source of income discrimination, including allowance of housing choice vouchers (HCVs) to establish a renter's financial eligibility. Quantified Objective: Outreach to 50 landlords or tenants annually.	Informational outreach by end of 2024 calendar year. Annual education and outreach to landlords and tenants.	Information on Project Sentinel is located on the City's Housing and Community Services website. The City conducted tenant-landlord information and resource workshops in English and Spanish in 2023. The City restructured and created a new Housing and Community Services Division in 2023 and will be bringing on additional staff to help coordinate efforts with Project Sentinel and further implement this program in 2024.

2023 – 2031 HOUSING ELEMENT PROGRAM IMPLEMENTATION STATUS				
Program Number	Program Name	Program Summary (condensed) / Quantified Objectives	Housing Element Timeline	Implementation Status (2023 Calendar Year)
F – 2	Fair Housing Counseling	The City shall continue to provide funds to and contract with a non-profit agency to provide fair housing assistance including landlord/tenant counseling. The City shall disseminate information about fair housing assistance through pamphlets in City-owned buildings and other public locations (e.g., City Hall, Library, post office, other community facilities) and by posting information on the City website. Pamphlets will be made available in English and Spanish. Quantified Objective: Work with Fair Housing Provider to track number of households assisted in Gilroy annually. Provide information to 30 households annually.	Annual or biennial award of funds. Provision of pamphlets by end of 2024 calendar year.	The City partnered with Santa Clara County, received Permanent Local Housing Allocation (PLHA) funding from the State, and provided Project Sentinel \$40,000 over two years for fair housing services and another \$40,000 over two years for tenant-landlord counseling and dispute resolution services. Approximately 28 persons were served by fair housing and 46 households were served by tenant/landlord services. The City conducted tenant-landlord information and resource workshops as well as fair housing workshops in English and Spanish in 2023, with 19 persons in attendance. The City disseminated English and Spanish Project Sentinel brochures about fair housing and tenant/landlord assistance at the Gilroy City Hall, Senior Center, and Gilroy Library. Information on Project Sentinel is located on the City's Housing and Community Services website. The City restructured and created a new Housing and Community Services Division in 2023 and will be bringing on additional staff to help coordinate efforts with a Fair Housing Provider and further implement this program in 2024.
F – 3	Place-Based Improvements in Downtown Gilroy	Develop programs and strategies to create place-based improvements through investments in the public right of way. The City will continue to prioritize CDBG funding in the downtown area and low-resource areas of the City as well as annually work with the City Council to prioritize other funding sources in these areas. Specific actions include improvements resulting from the \$3.9 million Clean California Grant, a new downtown parking lot that will also serve as a community resource for a Farmers Market and community events in the downtown, CIP improvements including the Autmall Parkway Pavement Rehabilitation program and pedestrian improvements downtown, the Downtown Façade Improvement and Blight Removal Program, and the Downtown Building and Planning Permit Fee Reduction Policy. Quantified Objective: There are no quantified objectives associated with this program.	Streetscape and infrastructure improvements will be completed pursuant to the City's CIP schedule. The Clean California Grant project must be completed by June 30, 2024 (or as approved for an extension). Construction of the parking lot with community event space will be complete by the end of May 2023.	In 2023, the City continued progress with the \$3.9 million Clean California Grant and installed the new downtown parking lot. The CIP Annual Citywide Curb Ramp Project has been funded to upgrade existing pedestrian curb ramps and to install new pedestrian curb ramps at high priority areas and locations with high levels of pedestrian activity throughout the City, including downtown. There were no applications in 2023 for the Downtown Façade Improvement and Blight Removal Program or the Downtown Building and Planning Permit Fee Reduction Policy.
F – 4	Housing Mobility and Choice in Higher Opportunity Areas	Improve housing mobility and choice, especially in higher opportunity areas of the City by implementing Program A-10 (triplexes and quadplexes), Program A-11 (inclusionary housing policy), and Program A-12 (Adopt incentives beyond density bonus state law policy) Quantified Objective: There are no quantified objectives associated with this program.	By end of 2025 calendar year.	An update on each of these programs is identified under their respective program number.

2023 – 2031 HOUSING ELEMENT PROGRAM IMPLEMENTATION STATUS				
Program Number	Program Name	Program Summary (condensed) / Quantified Objectives	Housing Element Timeline	Implementation Status (2023 Calendar Year)
F - 5	Displacement Prevention Policy	Organize a focus group of organizations with experience in displacement prevention policies, complete an analysis of best practices in jurisdictions similar to Gilroy, and adopt a displacement prevention policy. The city will analyze potential strategies such as “tenant option to purchase agreements” for redevelopment projects meeting specified thresholds, a just cause eviction ordinance, and relocation agreements. The displacement prevention policy will be reviewed for effectiveness and revised as necessary two years after its adoption. Quantified Objective: 100% replacement of demolished affordable units as part of redevelopment of a site, consistent with state law.	Hold focus group and complete analysis by end of 2025 calendar year. Adopt policy by end of 2026 calendar year. Mid-term evaluation of policy two years after adoption.	There is nothing to report for the 2023 calendar year. The implementation status will be updated in future years in accordance with the Program timeline.
G - 1	Collaboration with Development Community	The City will cultivate collaborative relationships with for-profit and non-profit development companies working in the area of affordable housing, invite affordable housing developers and developers of housing for special needs households to the annual developer roundtable meeting, and create a list of housing developers, including developers of affordable and special needs housing. The list will be used for the annual developer roundtable meetings (or equivalent), and to advertise development opportunities, funding opportunities, and other educational and engagement efforts in the City. Quantified Objective: Host an annual developer roundtable (or equivalent) meeting. Participation of at least four developers of affordable and special needs housing in the annual meeting.	Annual developer roundtable meeting. Creation of developer interest list by end of 2024 calendar year.	The City restructured and created a new Housing and Community Services Division in 2023 and will be bringing on additional staff to help coordinate efforts with a Fair Housing Provider and implement this program in 2024.
G - 2	Community Outreach and Inclusion in the Decision Making Process	The City will encourage involvement of all Gilroy neighborhoods in the public decision-making process through the use of various methods of delivery, such as print media, mailers, web-based information, accessible meetings, pop-up events, and other methods that consider economic and cultural considerations unique to the City of Gilroy. Provide all pamphlets and communications in English and Spanish Quantified Objective: There are no quantified objectives associated with this program.	Ongoing throughout General Plan implementation.	The City uses a variety of outreach methods and community groups to engage Gilroyans in the public decision-making process, including flyers, mailers, web-based information, accessible meetings, pop-up events, and other methods that consider economic and cultural considerations unique to the City of Gilroy. The City also makes an effort to translate communications into Spanish.
G - 3	ADU Education	Develop and implement a comprehensive marketing program, including educational pamphlets in both English and Spanish on the City website and at City Hall, to advertise the benefits of ADUs, the process for constructing ADUs, and basic responsibilities and legal requirements of being a landlord. The City will consolidate its two ADU webpages into a single page that has all relevant information for ADUs. To expand housing mobility and choice, the City will focus outreach and education in the City's higher opportunity areas, and make adjustments as necessary if ADU construction is low in those areas. Quantified Objective: Increase the number of new ADUs permitted in the City from an average of approximately 17.5 (2018-2021) to an average of approximately 25.	Develop marketing plan by end of June 2024. Implement marketing program by end of 2025 calendar year. Biennial review of ADU geographic distribution. ADU webpage consolidation by the end of 2024 calendar year.	There is nothing to report for the 2023 calendar year. The implementation status will be updated in future years in accordance with the Program timeline.

2023 – 2031 HOUSING ELEMENT PROGRAM IMPLEMENTATION STATUS				
Program Number	Program Name	Program Summary (condensed) / Quantified Objectives	Housing Element Timeline	Implementation Status (2023 Calendar Year)
G – 4	Increased Outreach in Downtown Areas	The City will consult with local community leaders in the Downtown Specific Plan Area to ensure community priorities are being addressed. The City will consider the viewpoints and concerns of all neighborhoods within Gilroy when drafting the High Speed Rail Station Area Plan and when updating the Downtown Specific Plan. Quantified Objective: There are no quantified objectives associated with this program.	Upon receiving funding and availability of adequate staffing resources to complete these area plans.	There is nothing to report for the 2023 calendar year. The implementation status will be updated in future years in accordance with the Program timeline.
G - 5	Housing Outreach and Information	The City shall provide information about housing assistance, fair housing, housing resources, and housing programs through a wide variety of outreach methods such as workshops and webinars, disseminating information about fair housing on the City website and in City-owned buildings and other public locations, advertising housing assistance information on the City website, and coordinating with the City's Fair Housing Service Provider to provide resources and information at a housing resources event in the DTSP area. Pamphlets will be made available in English and Spanish. Geographic Targeting: Annual housing event in the DTSP area. Quantified Objective: Provision of housing resources and information through at least three different mediums. All information made available in English and Spanish. Annual housing event in the DTSP. Outreach with 150 households annually.	Update the City website with housing information as new resources become available. Annual housing event in the DTSP area. Conduct community outreach workshops on housing resources on a monthly basis on average.	In 2023, the City created a Housing and Community Services website, providing housing resources in production, preservation, and protection, and centralizing other webpage information. In addition, in 2023, Gilroy held 12 workshops in both virtual and online format to inform the Gilroy community of housing resources. The workshops covered topics including the California Housing Finance Agency ADU Grant Program, Santa Clara County Empower Homebuyers Down Payment Assistance Program, Rebuilding Together Silicon Valley's free home repair program, and Project Sentinel's tenant/landlord and fair housing resources. The workshops were held in English and/or Spanish, or English with Spanish interpretation. The City also partnered with Santa Clara County to host a housing and community resource fair with representatives from new affordable apartments (marketing their availability), health resources, and other housing related and basic needs programs. The City coordinated with SV@Home to promote Affordable Housing Month and the workshops. . Event and workshop flyers were available in English and Spanish. Workshop presentations were made available on the Housing and Community Services website. The City achieved outreach to 360 residents over 12 workshops in 2023.
G – 6	Unhoused Population Education and Outreach	The City will develop a program to educate the public on the unhoused population and homelessness through a variety of outreach methods, create a dedicated webpage with information on unhoused resources and efforts, and develop printed collateral for distribution at City Hall and by code enforcement officers in the field. The City will also revamp the monthly Unhoused Service Providers Network meeting, to coordinate with direct unhoused service providers in the area regarding the needs of the unhoused community, advertise and coordinate events, and collaborate on outreach efforts. Quantified Objective: Minimum of 3 medium of outreach. Scheduled service provider meetings throughout the planning period.	By end of 2025 calendar year; monthly (or as scheduled) meetings of the unhoused service providers network.	The City created a dedicated website on the City's unhoused resources and efforts, including the City's two Quality of Life Officers, Community Plan to End Homelessness, over a dozen unhoused resources (e.g., the Gilroy Shelter), Emergency Housing, and information on the monthly Unhoused Service Providers Network (USPN), including links to monthly USPN presentations.

2023 – 2031 HOUSING ELEMENT PROGRAM IMPLEMENTATION STATUS				
Program Number	Program Name	Program Summary (condensed) / Quantified Objectives	Housing Element Timeline	Implementation Status (2023 Calendar Year)
G – 7	Bilingual Engagement	Given the City's large Hispanic population, the City will increase Spanish language engagement within city services and through translation of outreach materials and interpretation of housing opportunities. The City will advertise its collective bargaining unit bilingual pay benefits to attract new staff that can converse with the City's Spanish speaking population. Quantified Objective: There are no quantified objectives associated with this program.	Immediately upon adoption of the Housing Element.	The City uses Wordly, an artificial intelligence translation and captioning program with live two-way translation for 50+ languages including Spanish, at City Council and Planning Commission meetings. Spanish interpretation is also provided at meetings where the City anticipates a Spanish speaking audience. The City also makes an effort to translate newsletters and flyers into Spanish. The City advertises bilingual pay benefits in employment recruitments and continues to hire new bilingual staff to help communicate with the City's Spanish speaking population.
G – 8	Help Center Webpage	In partnership with local nonprofit organizations, the City will develop a Housing Help Center webpage to provide a centralized resource for tenants and landlords to receive information on local laws, assistance to apply for rent relief, and legal aid. This webpage will consolidate existing information on the City's website with additional information provided by local service providers to best serve the needs of the Gilroy community. Quantified Objective: There are no quantified objectives associated with this program.	By end of 2024 calendar year	In 2023, the City created a Housing and Community Services website, providing housing resources in production, preservation, and protection, and centralizing other webpage information. The City's Housing and Community Services website includes several housing related resources as described under other Housing Element program status updates. An update regarding the Housing Help Center webpage will be provided in the 2024 Annual Progress Report.



City of Gilroy

STAFF REPORT

Agenda Item Title: Approve the First Amendment to Funding Agreement between the City and VTA for the US 101/SR 152/10th Street Interchange Improvement Project and Adopt a Resolution to Amend the City Budget to Reallocate \$600,000 from FY 2025 to FY 2024 in Traffic Impact Fund (425) and Appropriate Proposed Expenditure Amendment to Meet the Current City Funding Obligation of the PA&ED Phase of the Project

Meeting Date: March 18, 2024

From: Jimmy Forbis, City Administrator

Department: Public Works

Submitted By: Heba El-Guindy, Public Works Director

Prepared By: Heba El-Guindy, Public Works Director

STRATEGIC PLAN GOALS Maintain and Improve City Infrastructure

RECOMMENDATION

- a) Approve the First Amendment to the Funding Agreement between the City of Gilroy and the Valley Transportation Authority (VTA) for the US 101/SR 152/10th Street Interchange Improvement Project (PW Project # 800770) and approve payment to VTA in the amount of \$600,000 as the City's lump sum financial share towards the Project Approval & Environmental Document (PA&ED) phase.
- b) Adopt a Resolution of the City Council of the City of Gilroy to increase the Fiscal Year 2024 Budget and decrease the Fiscal Year 2025 Budget by \$600,000 in the Traffic Impact Fund (425).

EXECUTIVE SUMMARY

Santa Clara County voters approved a 30-year half-cent sales tax in 2016, Measure B, to pay for an established list of transportation improvements county-wide. Among the

Measure B funded projects is the US 101/SR 152/10th Street Interchange Improvement Project (Project) located in Gilroy. The Valley Transportation Authority (VTA) is the lead agency in coordination with the City of Gilroy. The Measure B Program requires that local benefiting agencies are to provide 10%, minimum, matching funds from non-Measure B sources. For this Project, VTA is utilizing the Measure B funds and the City's match is funded by Traffic Impact Fund (425).

The entire Project, including construction, is estimated to cost \$50 million. However, VTA has only secured sufficient funds for the Project Initiation and Document (PID), Project Approval & Environmental Documents (PA&ED) and Project Specifications & Estimate (PS&E/design) phases of the Project. The City entered into a Funding Agreement with VTA executed on April 22, 2022 to bring the Project through the initial PID phase. Under that Agreement, the City committed to contributing \$120,000 towards completion of the PID phase. With completion of the PID, VTA is now ready to proceed with the PA&ED phase. The City's match towards the PA&ED phase was assessed to be in the amount of \$600,000. It is therefore recommended that the City Council approve the First Amendment to the Funding Agreement, committing the City to contribute an additional \$600,000, for a total commitment of \$720,000 (the original \$120,000 plus the additional \$600,000) to continue with the Project through the PA&ED phase. Please refer to Attachment A for the proposed First Amendment and the 2022 Funding Agreement.

BACKGROUND

On November 8, 2016, a 30-year half-cent sales tax increase was approved by the voters of Santa Clara County. This ballot measure was titled Measure B and proceeds from the tax increase were designated to fund transportation and road rehabilitation projects throughout the county.

The Measure B Highway Interchanges category includes three interchange projects in the Gilroy area: US 101/SR 152/10th Street Interchange, US 101/Buena Vista Avenue Interchange, and US 101/SR 25 Interchange. The scope of the US 101/SR 152/10th Street Interchange Improvement Project includes widening of the overcrossing to accommodate existing and future traffic volumes, adding a two-way cycle track, and re-configuring the on and off-ramps. The Project improvements will include widening 10th Street – SR 152 from Chestnut Street to Camino Arroyo. Preliminary alternative interchange layouts and typical cross sections are provided under Attachment B.

VTA had initially allocated \$1,000,000 of Measure B funds for the US 101/Buena Vista Avenue Interchange for future pre-design and design activities. On August 17, 2020, the City Council requested that VTA transfer the \$1,000,000 from the US 101/Buena Vista Avenue Interchange project to the US 101/SR 152/10th Street Interchange project. The VTA Board of Directors approved the transfer on April 1, 2021.

On November 24, 2021, the VTA Board of Directors approved a prioritized project list and funding for various phases of twelve separate interchange projects within the

Measure B Program. The City of Gilroy was awarded an additional \$7,655,000 for the PA&ED and PS&E phases of the US 101/SR 152/10th Street Interchange Improvement Project. The PID is a technical report that documents the project's scope, costs, and schedule. The following phase, PA&ED, documents any project alternatives considered with supporting engineering reports and discloses environmental impacts and mitigation measures. VTA is managing these early stages on behalf of the City of Gilroy. With completion of the PID phase, VTA is now ready to commence the PA&ED phase. The City will provide its required match of \$600,000 for the PA&ED phase upon Council approval of the attached First Amendment to the Funding Agreement and approval of the attached Resolution of funding Reallocation of \$600,000 in Traffic Impact Fund (425) from Fiscal Year 2025 to Fiscal Year 2024.

Staff recommends approval of the First Amendment of the Funding Agreement with VTA to further the early stages of the US 101/SR 152/10th Street Interchange Improvement Project, and associated budget amendments and appropriations.

ANALYSIS

The proposed Hwy 101/SR 152/10th Street Interchange Improvement Project will accommodate future traffic conditions as identified in the City of Gilroy General Plan Mobility Element and improve traffic flow to and from US 101 via 10th Street – SR 152. Had it not been for the Measure B Program, the completion of this Project would have been uncertain. In addition, the City benefits from VTA's commitment to lead the Project through the early stages of development. The City's required matching amount for this Measure B Project is a fraction of the total cost. On March 21, 2022, the City Council approved a Funding Agreement with VTA to begin the Project. The initial commitment for the City was \$120,000 towards the PID phase. To keep the Project moving forward, it is now necessary to amend the original Funding Agreement and allow for an additional \$600,000 covering the City's financial obligation towards the PA&ED phase.

FISCAL IMPACT/FUNDING SOURCE

The Project is primarily funded by Measure B Highway Interchanges fund. The City's required match is funded using the Traffic Impact Fund (425). The Project is included in the City's adopted FY24 through FY28 Capital Improvement Program (CIP Project 800770) with the PA&ED phase commencing in FY25. The recommended City Budget amendment will provide the necessary funds to meet the City's commitment as proposed in the First Amendment to the Funding Agreement by increasing the Fiscal Year 2024 Budget by \$600,000 and decreasing the Fiscal Year 2025 Budget by \$600,000, essentially pulling the budget forward by one fiscal year.

Attachments:

- Resolution Amending the City Budget for FY 2024 and FY 2025
- Attachment A - First Amendment and the Funding Agreement between the City and VTA for the US 101/SR 152/10th Street Interchange Improvement Project
- Attachment B - Alternative Project Layouts and Typical Cross Sections

RESOLUTION 2024-XX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
GILROY AMENDING THE BUDGET FOR THE CITY OF
GILROY FOR FISCAL YEAR 2024 AND FISCAL YEAR
2025 AND APPROPRIATING PROPOSED EXPENDITURE
AMENDMENTS**

WHEREAS, the City of Gilroy (City) entered into a Funding Agreement with the Valley Transportation Authority (VTA) in April of 2022 for the US 101/SR 152/10th Street Interchange Improvement Project (Project) by which the City contributed \$120,000 towards the Project Initiation Document (PID) phase; and,

WHEREAS, the City Administrator presented to City Council the Budget for Fiscal Years 2024 and 2025 and the Budget was adopted during the City Council meeting held on June 5, 2023; and,

WHEREAS, the US 101/SR 152/10th Street Interchange Improvement Project (Public Works Project No. 800770) funding plan allotted City contribution of up-to \$630,216 using Traffic Impact Fund (425) towards the Project Approval & Environmental Document (PA&ED) phase in Fiscal Year 2025; and,

WHEREAS, the Project PID phase was completed and VTA wishes to commence the PA&ED phase in coordination with the City and other Project stakeholders; and,

WHEREAS, as part of the staff report dated March 18, 2024, staff proposed for the City Council consideration and approval of the First Amendment to the Project Funding Agreement with VTA and amendments to the City Budget to reallocate funds in the amount of \$600,000 from Fiscal Year 2025 to Fiscal Year 2024 to fund the City's lumpsum financial share of \$600,000 towards the Project PA&ED phase.

NOW, THEREFORE, BE IT RESOLVED THAT the appropriations for Fiscal Year 2024 for Traffic Impact Fund (425) shall be increased by \$600,000 and decreased for Fiscal Year 2025 in an equal amount.

PASSED AND ADOPTED by the City Council of the City of Gilroy at a regular meeting duly held on the 18th day of March 2024 by the following roll call vote:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSTAIN:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:

APPROVED:

Marie Blankley, Mayor

ATTEST:

Beth Minor, Interim City Clerk

CERTIFICATE OF THE CLERK

I, **BETH MINOR**, Interim City Clerk of the City of Gilroy, do hereby certify that the attached **Resolution No. 2024-XX** is an original resolution, or true and correct copy of a City Resolution, duly adopted by the Council of the City of Gilroy at a Regular Meeting of said held on Council held **Monday, March 18, 2024**, with a quorum present.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of the City of Gilroy this **Date**.

Beth Minor
Interim City Clerk of the City of Gilroy

(Seal)

**FIRST AMENDMENT TO FUNDING AGREEMENT
BETWEEN THE CITY OF GILROY AND
SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
FOR THE US 101/SR 152/10th ST. INTERCHANGE IMPROVEMENT PROJECT**

This Amendment No. 1 ("**First Amendment**") TO FUNDING AGREEMENT BETWEEN THE CITY OF GILROY AND SANTA CLARA VALLEY TRANSPORTATION AUTHORITY FOR THE US 101/SR 152/10th ST. INTERCHANGE IMPROVEMENT PROJECT, dated April 11, 2022 ("**Agreement**"), is made and entered into by and between the CITY OF GILROY, a municipal corporation of the State of California ("**CITY**"), and SANTA CLARA VALLEY TRANSPORTATION AUTHORITY, a public agency organized as a special district under California law ("**VTA**") as of the date of the last party to sign below. Hereinafter, CITY and VTA may be individually referred to as "**Party**" or collectively referred to as "**Parties**."

I. RECITALS

- A. On April 11, 2022, Parties entered into an agreement ("**FUNDING AGREEMENT**") setting their respective obligations in regard to the US 101/SR 152/10th St. Interchange Improvement Project ("**PROJECT**").
- B. Under the terms of the FUNDING AGREEMENT, the City's initial contribution to the PROJECT was one hundred twenty thousand dollars (\$120,000) for the development and completion of the Project Initial Documentation ("**PID**") phase.
- C. The PROJECT's PID phase, including the conceptual alternative activity, is scheduled to be completed in January 2024.
- D. The Parties recognize the need for the continuation of project development into the next phase.
- E. The Parties wish to amend the FUNDING AGREEMENT to increase the CITY's contribution from \$120,000 to \$720,000 to continue project development into the Project Approval/Environmental Document ("**PA/ED**") phase.

NOW, THEREFORE, the Parties agree to amend the FUNDING AGREEMENT as follows:

II. AMENDED PROVISIONS

- 1. **SECTION II.4, "CITY'S Financial Contribution,"** is hereby amended and restated to read as follows:

"4. CITY's Financial Contribution. CITY agrees to contribute to the PROJECT an amount not to exceed seven Hundred Twenty Thousand Dollars (\$720,000)

(hereinafter "CITY'S Contribution") towards the development and completion of the PID phase and the development of the Project Approval/Environmental Document ("PA/ED") phase of the PROJECT."

2. **SECTION II.14, "Notice,"** is amended and restated to read as follows:

"14. Notice. Any notice required to be given by either Party, or which either Party may wish to give, will be in writing and served either by personal delivery or sent by certified or registered mail, postage prepaid, addressed as follows:

To VTA: Santa Clara Valley Transportation Authority
Chief Engineering and Program Delivery Officer
3331 North First Street, Bldg. A
San Jose, CA 95134-1906

To CITY: City of Gilroy
Public Works Director
Department of Public Works
7351 Rosanna St.
Gilroy, CA 95020

Either party may modify this section for the purpose of changing its contact information by providing the other party with written notice of such change.

Notice will be deemed effective on the date personally delivered or, if mailed, three (3) days after deposit in the United States mail."

3. Any exhibits or attachments referenced in and/or attached to this First Amendment are incorporated into the Agreement by this reference.
4. The capitalized terms used in this First Amendment have the meanings as defined in the Agreement unless specifically defined in this First Amendment.
5. Except as modified by this First Amendment, all provisions of the Agreement, including any exhibits and subsequent amendments to them, remain in full force and effect. All references to the Agreement in this First Amendment refer to the Agreement as amended unless otherwise specifically set forth or otherwise indicated by context.
6. In the event of any conflict between the provisions of this First Amendment and the provisions of the Agreement, the provisions of this First Amendment will prevail. Whether or not specifically amended by this First Amendment, all of the terms and provisions of the Agreement are deemed amended to the extent necessary to give effect to the purpose and intent of this First Amendment.

7. If any provision of the Agreement, as amended by this First Amendment, is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions will continue in full force without being impaired or invalidated in any way.
8. This First Amendment may be executed in one or more counterparts, each of which will be deemed an original but all of which will constitute one and the same instrument. For purposes of this Agreement, use of a facsimile, e-mail, or other electronic medium will have the same force and effect as an original signature.

WITNESS THE EXECUTION HEREOF on the day and year of the last dated signature set forth below.

CITY
City of Gilroy
a municipal corporation

VTA
Santa Clara Valley Transportation Authority
a public agency

Jimmy Forbis
City Administrator

Carolyn M. Gonot
General Manager/CEO

Date

Date

APPROVED AS TO FORM:

APPROVED AS TO FORM:

Andy Faber
City Attorney

Victor Pappalardo
Deputy General Counsel

**FUNDING AGREEMENT
BETWEEN THE CITY OF GILROY AND
SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
FOR THE US 101/SR 152/10th ST. INTERCHANGE IMPROVEMENT PROJECT**

THIS AGREEMENT ("**Agreement**") is made and entered into by and between the CITY OF GILROY, a municipal corporation of the State of California ("**CITY**"), and SANTA CLARA VALLEY TRANSPORTATION AUTHORITY, a public agency organized as a special district under California law ("**VTA**") as of the date of the last party to sign below. Hereinafter, CITY and VTA may be individually referred to as "**Party**" or collectively referred to as "**Parties**".

I. RECITALS

- A. Whereas, CITY and VTA each recognize the need to improve traffic operations, improve local circulation and provide Complete Streets benefits in the City of Gilroy in the County of Santa Clara along 10th Street (Automall Parkway) between Chestnut Street and Camino Arroyo and wish to widen 10th Street and the existing bridge over US 101 (hereinafter referred to as "**PROJECT**"); and
- B. Whereas, CITY and VTA would like to begin the Project Initiation Document ("**PID**") phase of the PROJECT ("**Scope of work**") as the Parties continue to coordinate for additional Project funding.
- C. Whereas, on June 24, 2016, the VTA Board of Directors adopted a resolution to place a ballot measure before the voters of Santa Clara County in November 2016 to authorize a 30- year half-cent retail transaction and use tax ("**2016 MEASURE B**") for nine transportation-related program categories; and
- D. Whereas, on November 8, 2016, the voters of Santa Clara County enacted 2016 MEASURE B for 30 years to pay for the nine transportation-related program categories; and
- E. Whereas, on October 5, 2017, the VTA Board of Directors established the 2016 Measure B Program ("**PROGRAM**") and adopted the 2016 Measure B Program Category Guidelines; and
- F. Whereas, the PROGRAM includes a "Highway Interchange" program category ("**HIGHWAY IC CATEGORY**"), which includes a list of eligible projects, that funds highway projects throughout the valley; and
- G. Whereas, the 2016 Measure B Program Category Guidelines for the HIGHWAY IC

CATEGORY require a minimum 10% non-2016 Measure B contribution for development of highway interchange projects; and

- H. Whereas, on August 17, 2020, the CITY approved the reallocation of the VTA's \$1,000,000 Measure B funds from the City's US 101/Buena Vista Road Interchange Improvement Project to the PROJECT, and subsequently approved by VTA's Board of Directors on April 1, 2021. The \$1,000,000 Measure B IC funds reallocated from the US 101/Buena Vista Road Interchange Improvement Project will be used to fund the PID phase of the project; and
- I. Whereas, the PROJECT is eligible to receive HIGHWAY IC CATEGORY funds; and
- J. Whereas, the overall PROJECT cost is estimated to be \$50,000,000.
- K. Whereas, the CITY expects to contribute \$7,300,000, over the lifetime of the project, from developer contribution and traffic impact fees as CITY's matching contribution towards the PROJECT; and
- L. Whereas, on August 5, 2021, the VTA Board of Directors established the 2016 Measure B Highway Interchange Program Prioritization and Project Selection Process and directed staff to develop a ranked priority list of HIGHWAY IC CATEGORY projects; and
- M. Whereas, as a result of the August 5, 2021, VTA Board action, allocation of HIGHWAY IC CATEGORY funds for the Project Approval and Environmental Document ("PA&ED") phase, the Development final design ("PS&E") phase, and the right-of-way ("ROW") phase of the project, and/or construction phases of the PROJECT is not guaranteed and is dependent on the results of the selection process; and
- N. Whereas, CITY and VTA will coordinate and work on obtaining HIGHWAY IC CATEGORY funds for the PA&ED, PS&E, ROW, and construction phases of the PROJECT by submitting an application to and complying with the 2016 Measure B Highway Interchange Program Prioritization and Project Selection Process as identified; and
- O. Whereas, this Agreement is intended to delineate the duties, and funding responsibilities of the Parties for the PROJECT.

NOW, THEREFORE, in consideration of the mutual promises contained in this Agreement, the Parties agree as follows:

II. AGREEMENT

1. **The PROJECT.** The Parties agree to construct the PROJECT pursuant to the terms and conditions set forth herein.
2. **Scope of Work.** The Scope of Work is the PID phase of the PROJECT, which includes but not limited to: (i) obtaining all necessary permits and approvals required from all governmental or regulatory agencies and/ or entities having jurisdiction over the PROJECT; and (ii) those planning and design activities necessary to complete the PID phase.
3. **Cost of PROJECT.** The anticipated total cost of the PROJECT is Fifty Million Dollars (\$50,000,000).
4. **CITY'S Financial Contribution.** CITY agrees to contribute to the PROJECT an amount not to exceed One Hundred Twenty Thousand Dollars (\$120,000) (hereinafter "CITY'S Contribution") towards the development of the PID phase of the PROJECT.
5. **Use of CITY's Contribution.** VTA will use the CITY's Contribution and the interest earned thereon for allowable costs and expenses for the sole purpose of completing the PROJECT, as set forth in this Agreement.

Upon execution of the Agreement, VTA will invoice CITY for the CITY's Contribution, and, upon receipt, will deposit the CITY's Contribution into an interest-bearing account. CITY will pay to VTA the CITY's Contribution within thirty (30) calendar days after receipt of invoice.

Should the PROJECT be awarded HIGHWAY IC CATEGORY funds as a result of the 2016 Measure B Highway Interchange Program Prioritization and Project Selection Process, CITY's Contribution and any interest earned will be considered as part of the required minimum 10% non-2016 Measure B contribution of total PROJECT cost.

CITY's financial contribution towards PA&ED, PS&E, ROW and Construction phases will be subject to future negotiation and will be mutually agreed upon in a written amendment to this Agreement.

6. **City's Role in PROJECT.** During the term of the PROJECT, CITY will provide CITY staff oversight of, and participation in, the PROJECT, and necessary and appropriate coordination with all departments of the CITY. The CITY is not expected to take on an administrative role or hire consultants for the PROJECT, but may inspect work on the PROJECT as desired. CITY

will issue, if required, necessary encroachment permits for the PROJECT at no cost where the work meets the CITY's encroachment permit requirements. After reasonable opportunity to review PROJECT's documents and subject to the CITY's discretion, the CITY will provide timely reviews, comments, and approvals of PROJECT's documents submitted by VTA to CITY. CITY will attend any Project Development Team meetings. CITY costs incurred to administer and participate in the PROJECT as described in this Agreement will not be allowable costs against CITY's Contribution.

7. VTA's Role in PROJECT.

a. Tasks. VTA will perform and/or be responsible for the following tasks to complete the PROJECT:

- i. Serve as project manager for PROJECT;
- ii. Coordinate with the State of California and other relevant stakeholders as necessary to allow for review and approval of PROJECT;
- iii. Complete PID work for PROJECT;
- iv. Complete activities necessary for the PA&ED documents for PROJECT, subject to future funding;
- v. Complete activities necessary for the PS&E documents for PROJECT, subject to future funding;
- vi. Complete ROW activities, subject to future funding;
- vii. Advertise, award, and administer construction contract, subject to future funding;
- viii. Conduct close-out activities for the PROJECT, subject to future funding.

Costs and expenses to perform these tasks will be considered allowable costs and expenses pursuant to this Agreement.

b. Consultants. VTA may retain design consultants to perform any of the functions listed in Section 7(a). VTA's administrative costs to procure and manage consultant agreements as well as the actual costs of such consultants will be allowable costs pursuant to this Agreement.

c. Project Cost Updates. VTA will actively monitor actual PROJECT expenditures to ensure that CITY's Contribution is used to pay for allowable PROJECT expenditures.

If an amount exceeding CITY's Contribution is required to complete PROJECT, VTA will notify CITY in writing that additional funds are needed pursuant to Section II Article 5. VTA shall not perform any work until an amendment to this Agreement is executed, adding funds to cover PROJECT completion.

d. Other Project Management Duties. VTA will include CITY staff as an active participant within VTA's project management process, VTA will hold periodic project development

team meetings as agreed upon by the PROJECT team to assess the progress of PROJECT and address PROJECT issues as they arise.

8. **Compliance with Governmental Requirements.** VTA will comply with all laws and regulations pertaining to the PROJECT.

Compliance with 2016 Measure B requirements. In anticipation of future 2016 Measure B funds, VTA and CITY will comply with all 2016 Measure B requirements as identified in the 2016 Measure B Program and Program Guidelines for the HIGHWAY IC CATEGORY.

9. **Term of Agreement.** This Agreement will become effective upon full execution and remain in effect through the earlier of: (i) December 31, 2030, or (ii) completion of PROJECT. If the PROJECT is delayed beyond December 31, 2030, or cancelled completely, either Party may terminate this Agreement which can be accomplished by either Party giving written notice to the other Party of such termination. This term of this Agreement can be extended by amendment in accordance with section 17 below.
10. **Audit and Record Retention.** CITY may audit the expenses incurred in the performance of this Agreement. VTA will retain all records related to the PROJECT for three (3) years after the completion of PROJECT. During this period and during the PROJECT, VTA will make these records available to the City for inspection within a reasonable time, upon City's written request. VTA will repay any portion of the City Contribution used for unallowable expenses as determined by the audit.
11. **Parties' Representatives.** The General Manager of VTA, or the General Manager's designee, is hereby made the representative of VTA for all purposes under this Agreement. The Director of the Public Works for CITY ("Director"), or the Director's designee, is hereby made the representative of CITY for all purposes under this Agreement.

12. Indemnification.

- a. Neither VTA nor any officer or employee thereof shall be responsible for any damage or liability occurring by reason of CITY's negligence, recklessness, or willful misconduct under or in connection with any work, authority or jurisdiction associated with the PROJECT. In addition, CITY shall fully indemnify and hold VTA harmless from any liability imposed for injury (as defined by Government Code §810.8) occurring by reason of CITY's negligence, recklessness, or willful misconduct under or in connection with any work, authority or jurisdiction delegated to CITY under this Agreement. This provision will survive the termination or expiration of this Agreement.
- b. Neither CITY nor any officer or employee thereof shall be responsible for any damage or liability occurring by reason of VTA's negligence, recklessness, or willful misconduct in the completion of any work associated with the PROJECT. In addition, VTA shall fully indemnify and hold CITY harmless from any liability imposed for injury (as defined by

Government Code §810.8) occurring by reason of VTA's negligence, recklessness, or willful misconduct in the completion of the work, undertaken by VTA pursuant to this Agreement. This provision will survive the termination or expiration of this Agreement.

- 13. No Waiver.** The failure of either Party to insist upon the strict performance of any of the terms of this Agreement will not be deemed a waiver of any right or remedy that either Party may have and will not be deemed a waiver of their right to require strict performance of all of the terms thereafter.
- 14. Notice.** Any notice required to be given by either Party, or which either Party may wish to give, will be in writing and served either by personal delivery or sent by certified or registered mail, postage prepaid, addressed as follows:

To VTA: Santa Clara Valley Transportation Authority
Chief Engineering and Program Delivery Officer
3331 North First Street, Bldg. A
San Jose, CA 95134-1906

To CITY: City of Gilroy
Daryl Jordan, Public Works Director
Department of Public Works
7351 Rosanna St.
Gilroy, CA 95020
Daryl.jordan@ci.gilroy.ca.us

Notice will be deemed effective on the date personally delivered or, if mailed, three (3) days after deposit in the United States mail.

- 15. Dispute Resolution.** If a question arises regarding interpretation of this Agreement or its performance, or the alleged failure of a Party to perform, the Party raising the question or making the allegation shall give written notice thereof to the other Party. The Parties shall promptly meet in an effort to resolve the issues raised. If the Parties fail to resolve the issues raised, alternative forms of dispute resolution, including mediation or arbitration, may be pursued by mutual agreement. It is the intent of the Parties to the extent possible that litigation be avoided as a method of dispute resolution.
- 16. Entire Agreement.** This Agreement constitutes the entire Agreement between the Parties pertaining to the subject matter contained therein and supersedes all prior or contemporaneous agreements, representations, and understandings of the Parties relative thereto.
- 17. Amendments.** No alteration or variation of the terms of this Agreement will be valid unless

made in writing and signed by both of the Parties hereto, and no oral understanding or agreement not incorporated herein will be binding on any of the Parties hereto.

18. Warranty of Authority to Execute Agreement. Each Party to this Agreement represents and warrants that each person whose signature appears hereon has been duly authorized and has the full authority to execute this Agreement on behalf of the entity that is a Party to this Agreement.

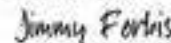
19. Severability. If any term, covenant, condition or provision of this Agreement, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the terms, covenants, conditions and provisions of this Agreement, or the application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated thereby.

20. Governing Law. The laws of the State of California will govern this Agreement, as well as any dispute that might arise between VTA and CITY, without regard to conflict of law provisions.

WITNESS THE EXECUTION HEREOF the day and year first hereinabove set forth.

"CITY"

City of Gilroy
a municipal corporation

DocuSigned by:


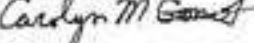
Jimmy Forbis
City Administrator

4/11/2022

Date

"VTA"

Santa Clara Valley Transportation Authority
a public agency

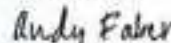
DocuSigned by:


Carolyn M. Gonot
General Manager/CEO

4/7/2022

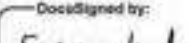
Date

APPROVED AS TO FORM:

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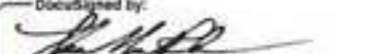
Andy Faber
City Attorney

APPROVED AS TO FORM:

DocuSigned by:


Susana Inda
Assistant Counsel for VTA

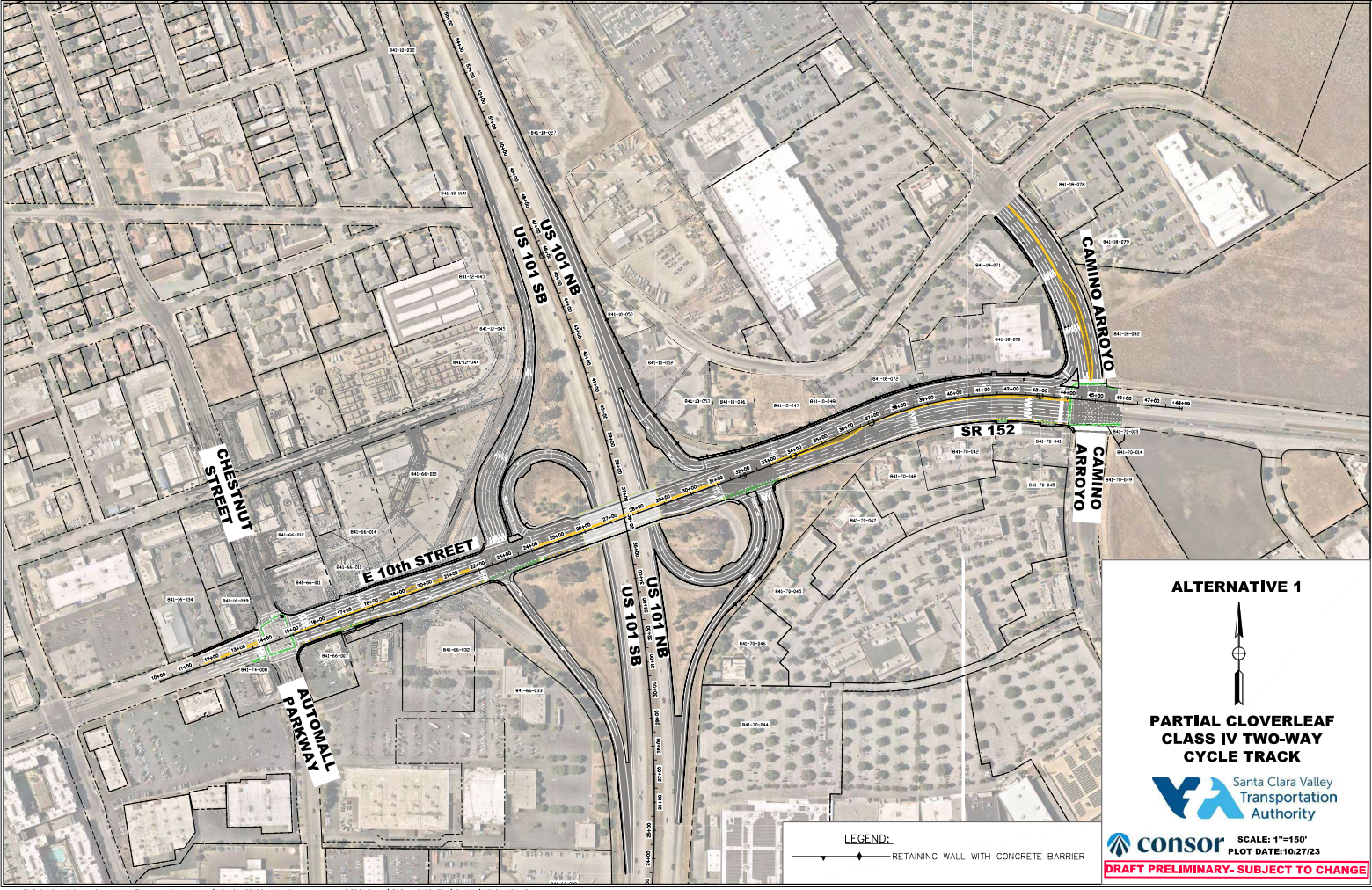
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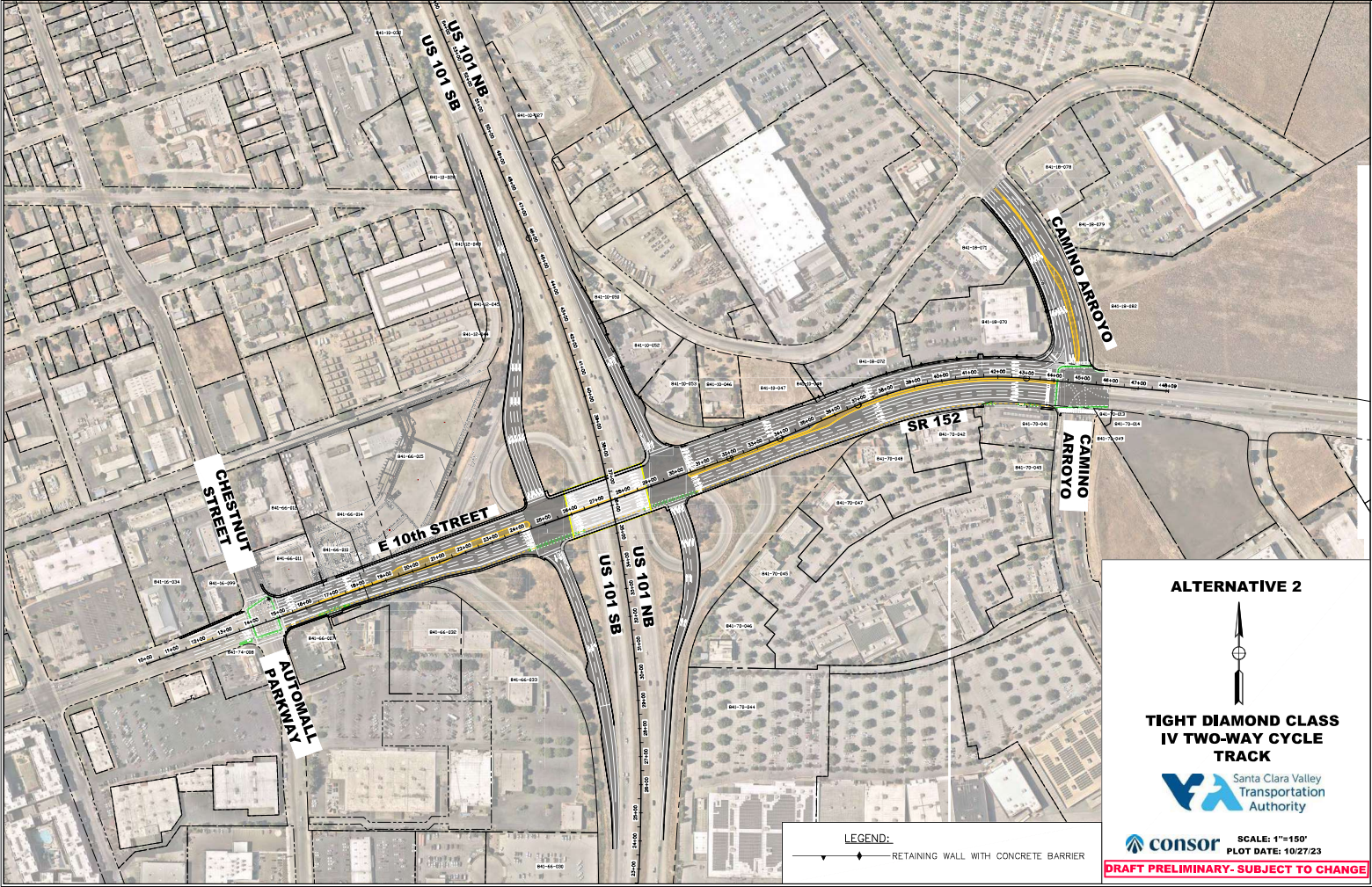
DocuSigned by:


Thai Pham
City Clerk

ATTACHMENT B

Build Alternatives – Layouts and Typical Cross Sections





FILE S:\Open\Santa Clara Valley Transportation Authority\US 101-SR152-10th Street Interchange\500-Design\505 - CAD\Flow\Exhibits\US101-10th St Tight Diamond_Class IV Dual Cycle Track w SW (Full).dwg

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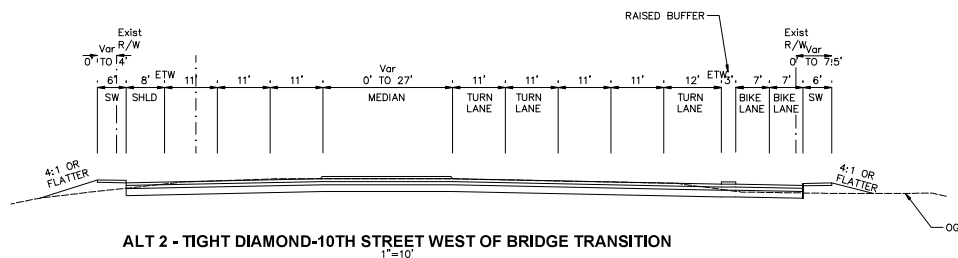
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PLANS APPROVAL DATE _____

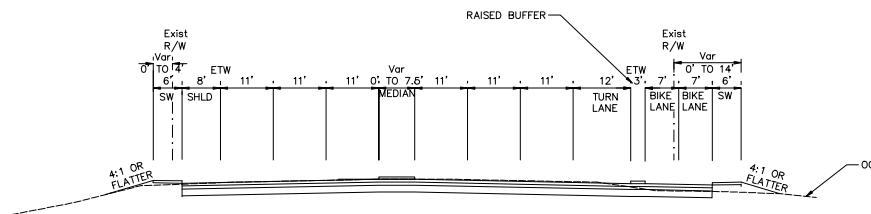
THE STATE OF CALIFORNIA, BY ITS OFFICERS
OR AGENTS SHALL NOT BE RESPONSIBLE FOR
THE ACCURACY OR COMPLETENESS OF SCANNED
COPIES OF THIS PLAN SHEET.

CONSOR
2060 WALSH AVENUE, SUITE 200
SANTA CLARA, CALIFORNIA, 95050

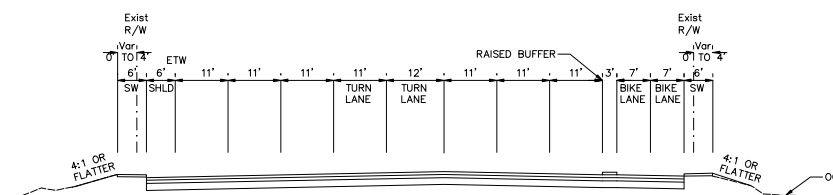
SANTA CLARA VALLEY
TRANSPORTATION AUTHORITY
3131 NORTH FIRST STREET
SAN JOSE, CA. 95134



ALT 2 - TIGHT DIAMOND-10TH STREET WEST OF BRIDGE TRANSITION
1"=10'



ALT 1 - PARTIAL CLOVERLEAF- 10TH STREET WEST OF BRIDGE TRANSITION



ALT 1 & 2 - 10TH STREET WEST OF BRIDGE CHESTNUT STREET INTERSECTION CONFORM

	CONSULTANT FUNCTIONAL SUPERVISOR	CALCULATED DESIGNED BY	REVISED BY	
		CHECKED BY	DATE REVISED	

BORDER LAST REVISED 7/2/2010

USERNAME Andrew.Mitchell
DWG FILE S:\Client\Santa Clara Valley Transportation Authority\US 101-SR152-10th Street

RELATIVE BORDER SCALE
IS IN INCHES



UNIT

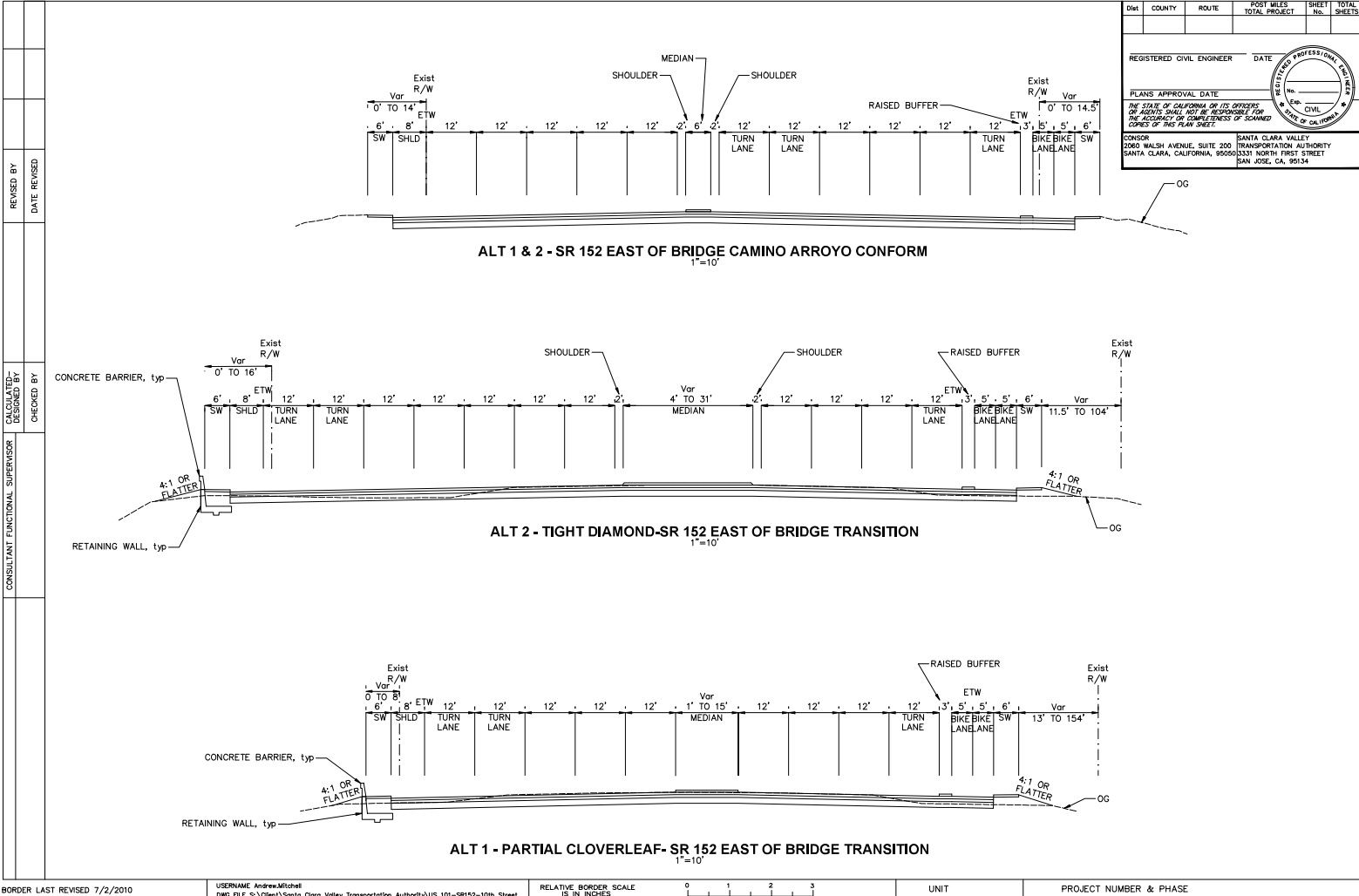
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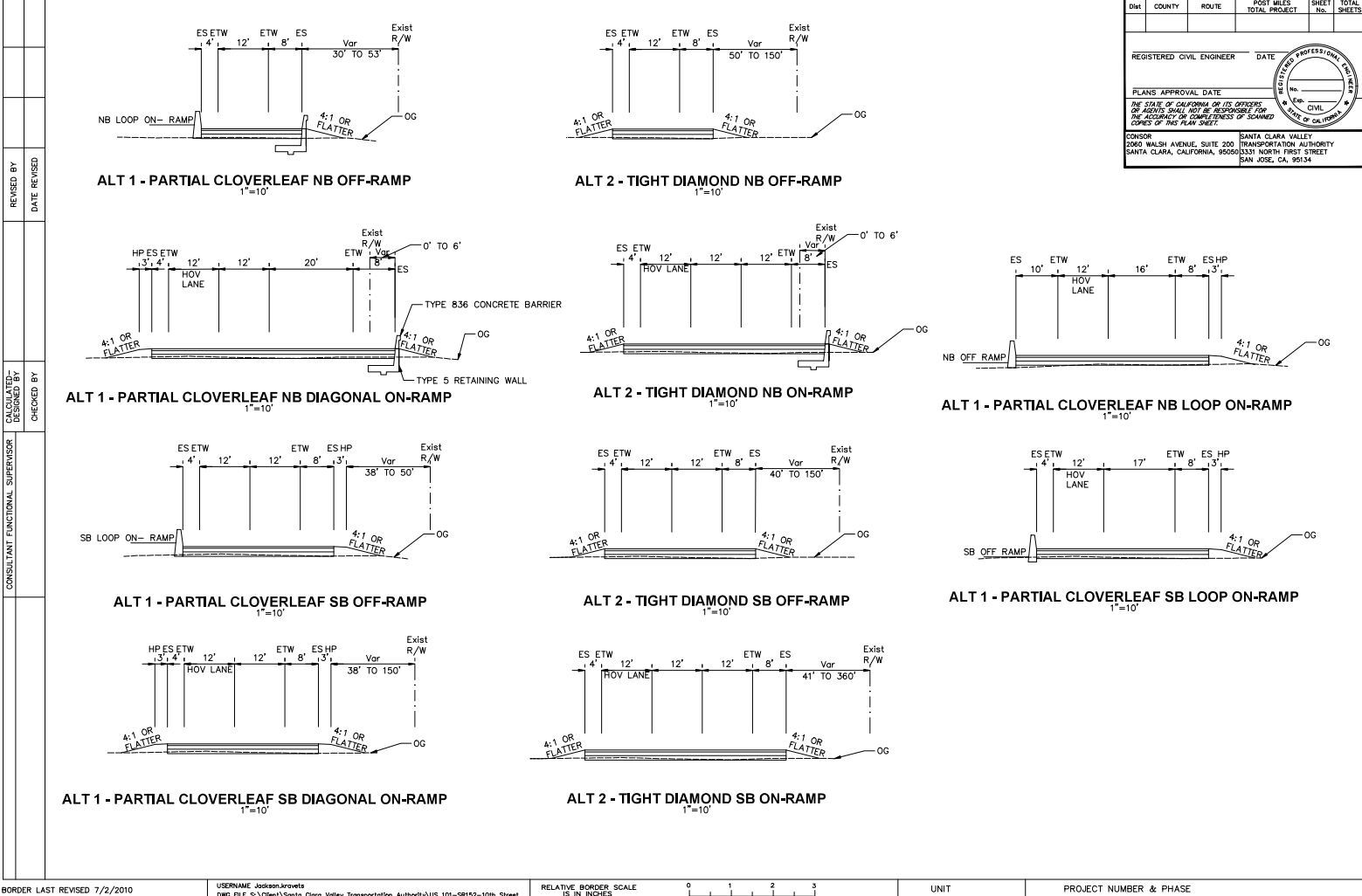


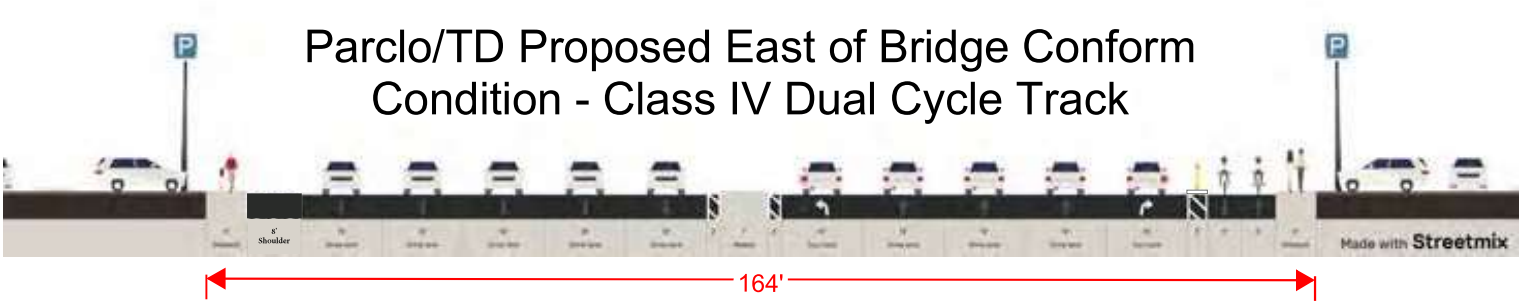
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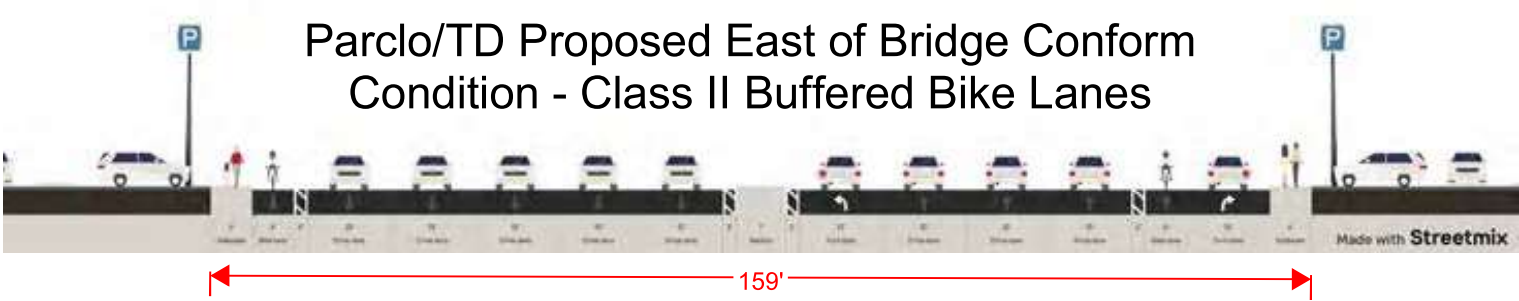


Please Note: View is looking eastward

Bike and Ped
Facility Variations



1 of 3
10/31/2023

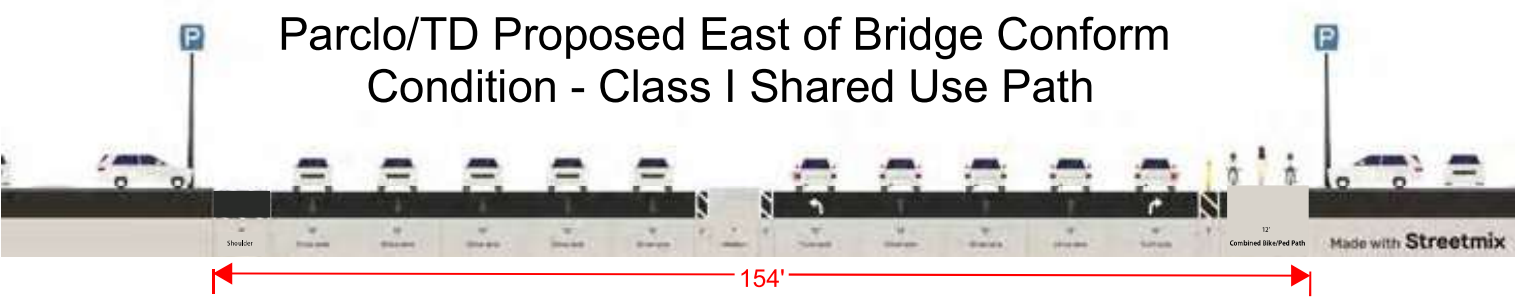


Please Note: View is looking eastward

Bike and Ped
Facility Variations



2 of 3
10/31/2023



Please Note: View is looking eastward

Bike and Ped
Facility Variations

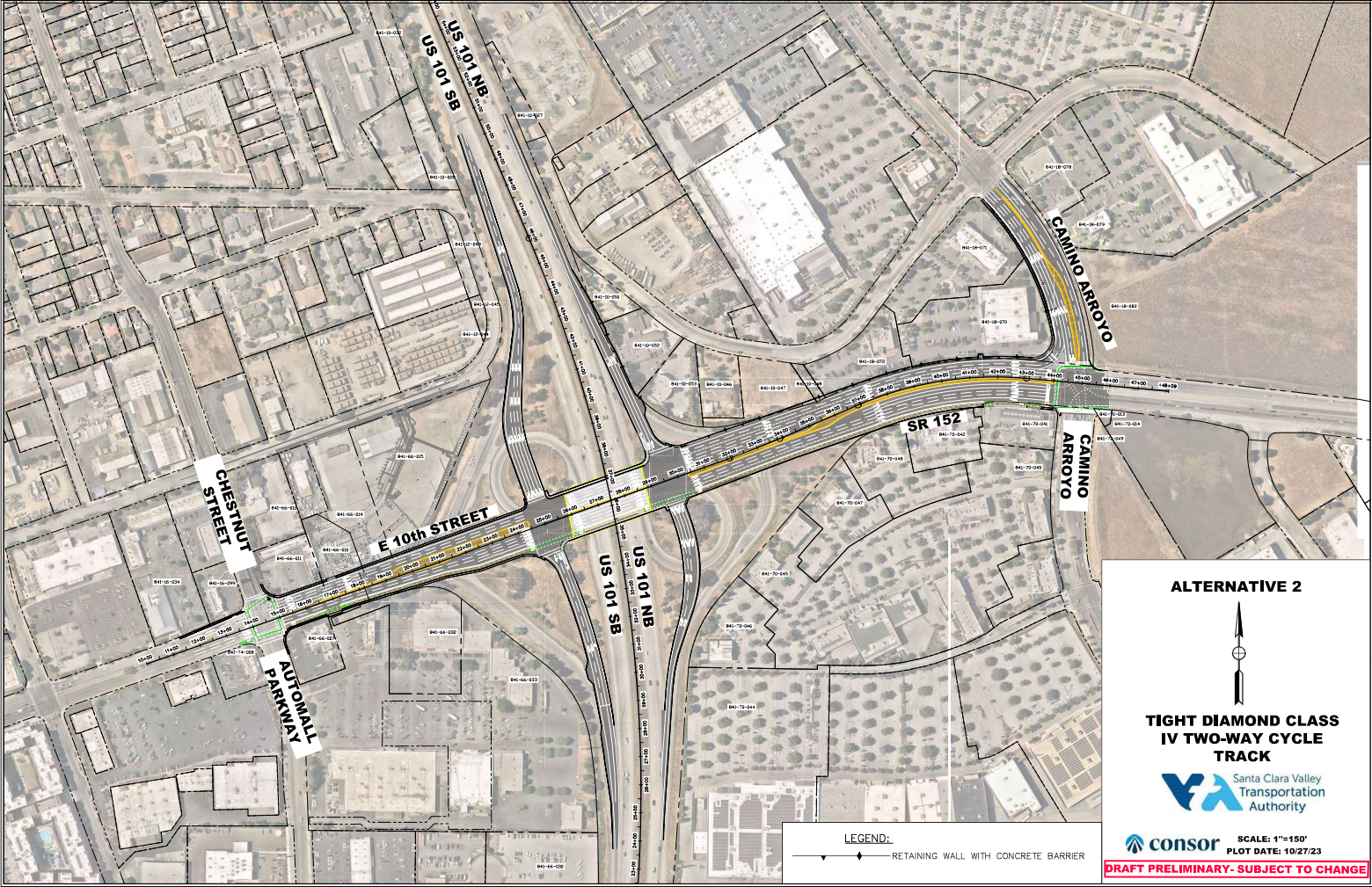


3 of 3
10/31/2023

ATTACHMENT B

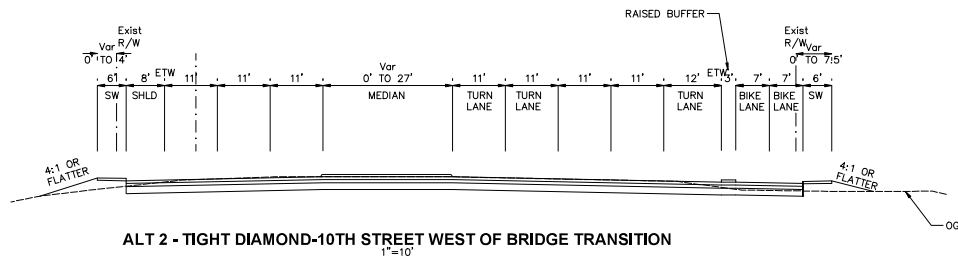
Build Alternatives – Layouts and Typical Cross Sections



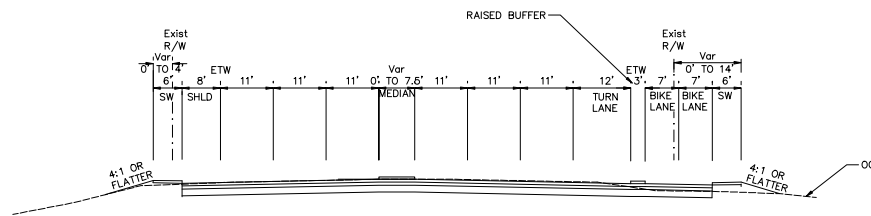


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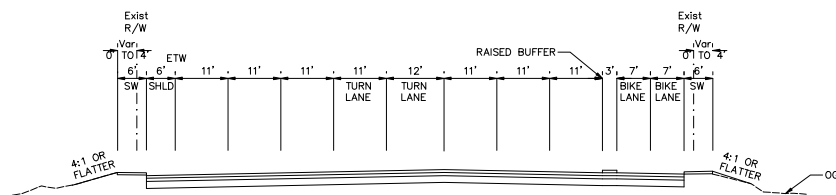
Dist	COUNTY	ROUTE	POST MILES	SHEET	TOTAL
			TOTAL PROJECT	No.	SHEETS
REGISTERED CIVIL ENGINEER			DATE		
PLANS APPROVAL DATE					
THE STATE OF CALIFORNIA OR ITS OFFICERS OR AGENTS SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OR COMPLETENESS OF SCANNED COPIES OF THIS PLAN SHEET.					
CONSOR 2060 WALSH AVENUE, SUITE 200 3337 NORTH FAIRVIEW STREET IRVINE, CA 92614			SANTA CLARA VALLEY TRANSPORTATION AUTHORITY 3337 NORTH FAIRVIEW STREET SAN JOSE, CA, 95134		



ALT 2 - TIGHT DIAMOND-10TH STREET WEST OF BRIDGE TRANSITION
1"=10'



ALT 1 - PARTIAL CLOVERLEAF- 10TH STREET WEST OF BRIDGE TRANSITION



ALT 1 & 2 - 10TH STREET WEST OF BRIDGE CHESTNUT STREET INTERSECTION CONFORM

	CONSULTANT FUNCTIONAL SUPERVISOR	CALCULATED BY	REVISED BY	
		CHECKED BY	DATE REVISED	

BORDER LAST REVISED 7/2/2010

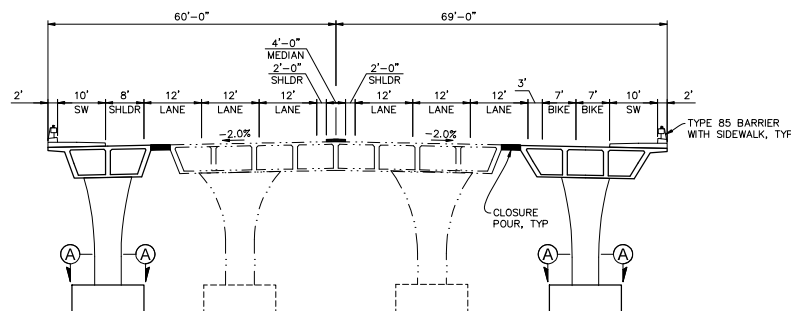
USERNAME Andrew.Mitchell
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RELATIVE BORDER SCALE
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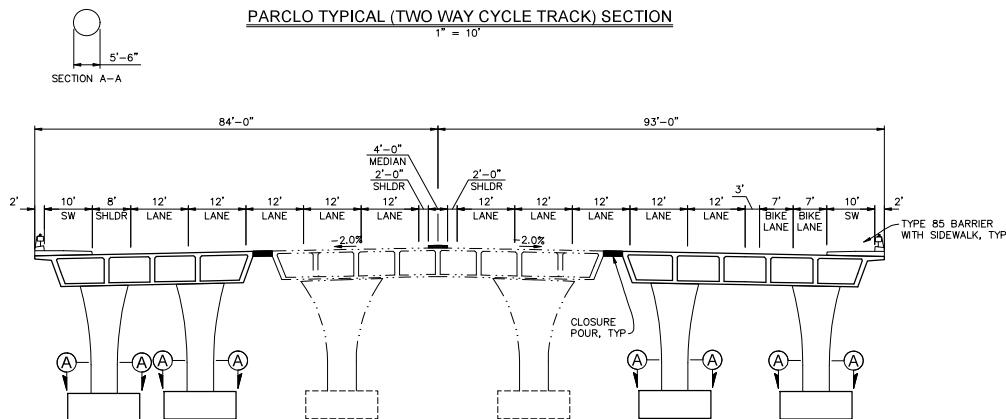


UNIT

PROJECT NUMBER & PHASE

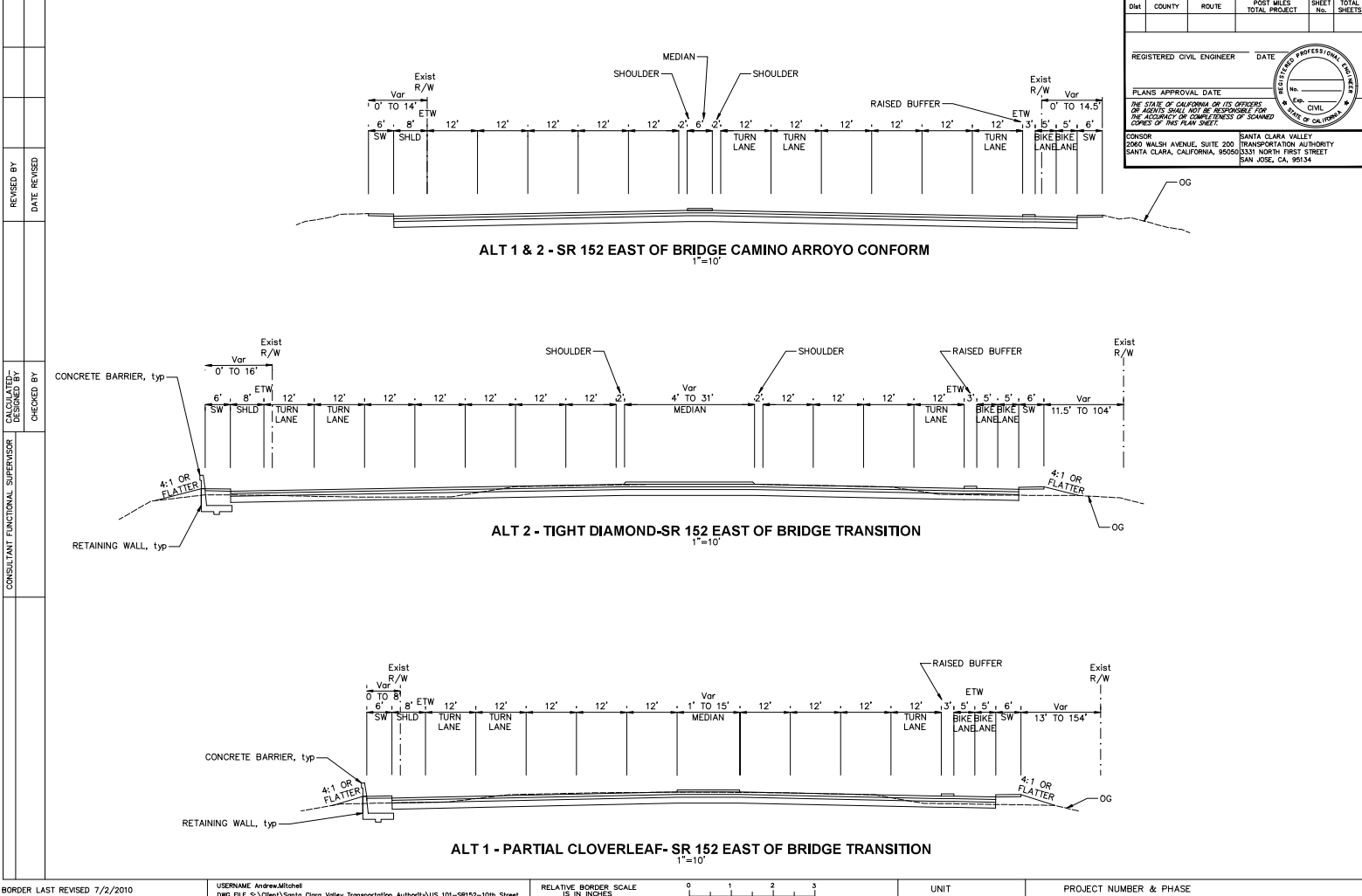


PARCLO TYPICAL (TWO WAY CYCLE TRACK) SECTION
1" = 10'

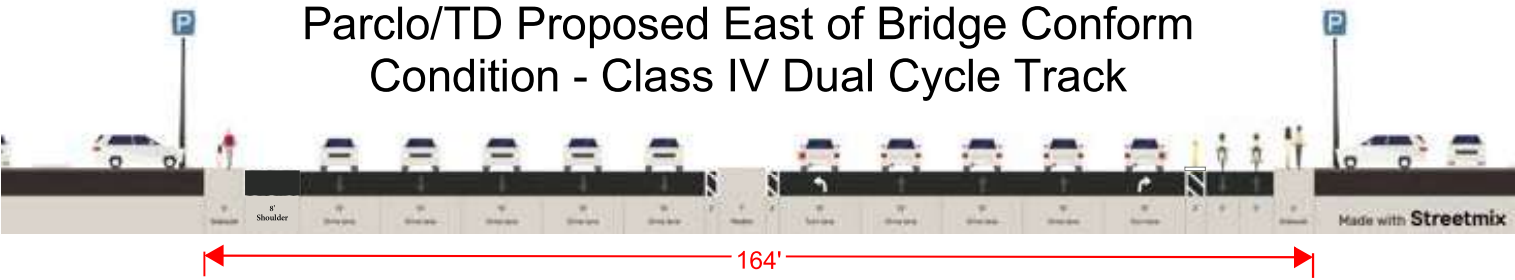


TIGHT DIAMOND (TWO-WAY CYCLE TRACK) TYPICAL SECTION

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LAST REVISION: DATE PLOTTED: Tuesday, October 31, 2023 TIME PLOTTED: 3:46:30 PM Jackson Kravets



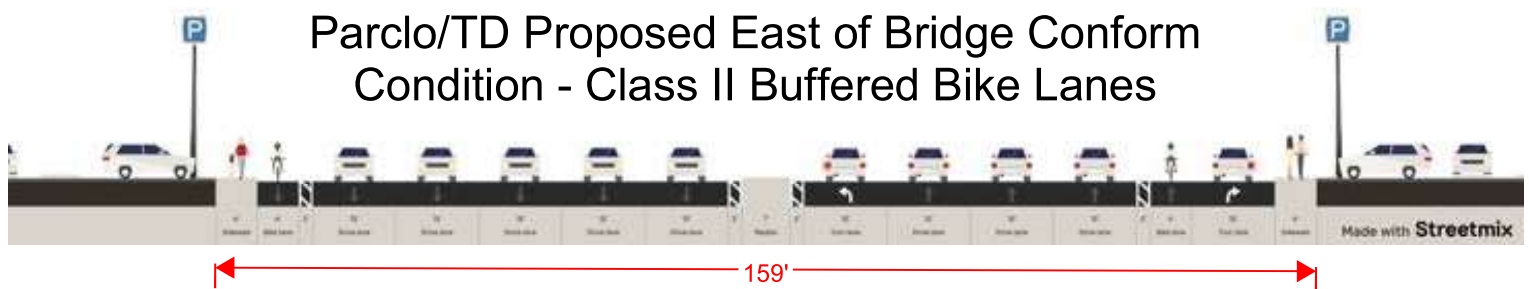
Please Note: View is looking eastward

Bike and Ped
Facility Variations



1 of 3
10/31/2023

Parclo/TD Proposed East of Bridge Conform Condition - Class II Buffered Bike Lanes

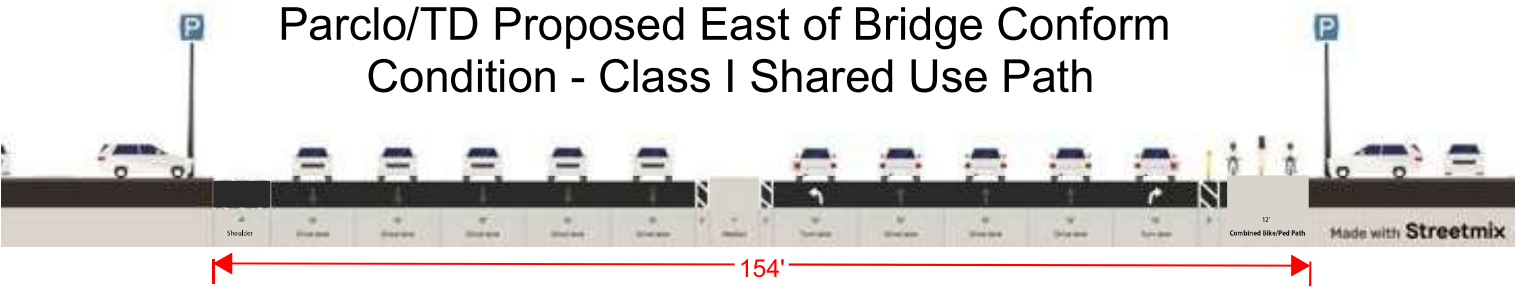


Please Note: View is looking eastward

Bike and Ped Facility Variations



2 of 3
10/31/2023



Please Note: View is looking eastward

Bike and Ped
Facility Variations





City of Gilroy

STAFF REPORT

Agenda Item Title:	Consideration of the Arts and Culture Commission's Public Art Campaign "For the Love of Gilroy" Streetlight Banner Art
Meeting Date:	March 18, 2024
From:	Jimmy Forbis, City Administrator
Department:	Administration
Submitted By:	Bryce Atkins, Assistant to the City Administrator
Prepared By:	Bryce Atkins, Assistant to the City Administrator

STRATEGIC PLAN GOALS

Not Applicable

RECOMMENDATION

Council approve the Arts and Culture Commission's public art campaign, "For the Love of Gilroy".

EXECUTIVE SUMMARY

The Arts and Culture Commission (ACC) has prepared a proposal for a public art campaign for banner art to be produced and displayed on the streetlight poles along Monterey Road. The ACC is proposing as part of the program to have a fundraising effort and culminate in an unveiling event to be held in September, if approved. The program would feature first and foremost artists from Gilroy and students in Gilroy Unified School District (GUSD), but other regional artists may participate depending upon the number of design submissions. Attached to this staff report is a program proposal developed by the ACC, as well as a fundraising plan pursuant to the Donation and Fundraising Policy.

BACKGROUND

The City Charter currently has established the ACC's purpose to develop a program relating to art, literature, music and other cultural activities, and to encourage and coordinate fundraising to support the arts and culture in and for the City of Gilroy.

As part of the budget process for FY24 and FY25, the ACC prepared, and Council reviewed, its two-year commission workplan. The ACC Workplan included the following goals:

- Community Outreach
- Elementary and Middle School Art Program Support
- Cultural Event
- Fundraising

The ACC began discussing a possible public art campaign that would complete or begin a longer-term implementation of each of the four goal areas. This effort began to gather even more steam once the City Council adopted the City's Donation and Fundraising Policy, allowing a structure for the ACC to work within to accomplish its purpose.

The ACC has prepared a proposed program and is now seeking Council consideration of the proposal and any direction about the program before moving forward with implementation.

ANALYSIS

The ACC has put together a campaign for Council consideration and approval, entitled "*For the Love of Gilroy*" to solicit two-dimensional art designs from local artists which would be printed on banners and posted on streetlight poles along Monterey Road in Downtown Gilroy. The campaign is proposed to start in April, California's designated Arts, Culture and Creativity Month. The details of the program are discussed below.

For the Love of Gilroy Banners

If Council approves to proceed, the ACC and City staff will release a call for artists in April. The call will request complete designs to be submitted per the guidelines contained in the proposal attached to this staff report. In summary, the program will request two-dimensional art designs with a theme of "For the Love of Gilroy". The theme is to promote arts, culture, and community, but is also being left open to attract a variety of interpretations from local visual artists of all ages, backgrounds, and lived experiences.

The call is for local artists, which will give priority to designs meeting the project requirements by Gilroy residents and GUSD students, but may secondarily include artists in the region (San Martin, Morgan Hill, Hollister, Salinas and San Juan Bautista), depending upon the number of approved submittals that are received from Gilroy residents and GUSD students.

The designs shall inspire unity, growth and positivity, and shall be the artists' original work. Designs shall be prohibited from displaying certain subjects or imagery as required in other City policies, including prohibitions against obscene language or imagery; plagiarized work; and imagery or language that is of a derogatory,

discriminatory, political, religious, violent, sexual (or nudity), and/or business promotion nature.

The call for artists will be issued at the end of April, and during the month of April the ACC's subcommittee for this effort will work with City staff on the design and outreach to promote the program. The artist submissions would be due in July. Towards the end of July, the ACC will convene a special meeting to evaluate and issue its recommendation to the City Council for approval of the final designs. The recommendations will be provided in time for consideration on the Council's August 5, 2024 regular meeting. Ultimate selection of the approved signs will reside with the City Council.

The ACC is proposing to use funding from the Public Art Fund (money raised from donations and developer in-lieu fees for public art) to purchase the reproduction and publication rights to the selected designs, to be secured through contracts with the City, and suggests a purchase amount of \$500 for those selected to be printed into banners and displayed as public art along Monterey Road. Given the amount of the purchase price, and available funding that is not committed to other purposes, the ACC recommends beginning with 12 designs to be purchased and displayed as banners. There is a component of fundraising, discussed below, where additional designs may be selected and banners produced if additional fundraising efforts are fruitful. Banners would be installed beginning at the intersection of Sixth Street and Monterey Road, and extend north along Monterey Road to Fourth Street, and south to Seventh Street, depending upon the final number selected for banner production and posting.

Once selected by Council, staff and the ACC will notify selected artists, and proceed to print the banners and schedule installation for the month of September. The banners would remain up until the Veterans flags go up in November. The City will have ultimate discretion for when and how often the public art banners are displayed.

Fundraising Plan and Partnerships

The ACC is proposing, as a component of this project, to engage the community, local businesses, non-profit organizations, community associations, and others in a fundraising and partnership effort. The proposed fundraising plan is attached. The intent is to gather additional funding to purchase more designs and post more public art banners.

Additionally, there is a proposed component for an unveiling event to be held when the banners are posted, discussed more below. There will be opportunities for donations and in-kind contributions/partnerships to help expand and make the event a greater success.

Recognition for donations are proposed to be provided through inclusion of individual and/or organizational names on event programs, public information releases, promotional materials, and outreach efforts for the program and event.

Unveiling Event

The ACC is proposing to have an unveiling event located at the Donald "Elvis" Prieto Downtown Pop-Up Park (Park), and the Gilroy Center for the Arts. The event, if approved by Council, would be scheduled for September 20, 2024, from 5 pm to 9 pm. The intent is to schedule it at the same time as one of the Third Friday Art Walks, to help maximize the number of attendees and exposure of the banner program. The event is proposed to have a booth there for the ACC, as well as a program including the recognition of the local artists selected, performances by local artists, music, food and drinks through donations, and the ACC would be seeking a partnering organization to host a cocktail hour as a complimentary component of the unveiling event, pending Council's approval.

Experience Coordinating Such Efforts and Events

The ACC's leadership, through Chair Melanie Reynisson and Vice Chair Ruben Dario Villa, have experience in coordinating, marketing, and fundraising for such events. Prior experience includes the *La Ofrenda* public art event that was held in Gilroy on October 28, 2023, as well as both participating in and taking leadership roles in other local art events, such as the Third Friday Art Walk, among others.

This event will be a collaboration between the ACC and City staff to deliver a positive and engaging program and City event for the community to enjoy.

ALTERNATIVES

Council may direct for the project to proceed as proposed, modify the project plan, or direct the termination of the project. Staff recommends that the project proceed. The proposal is innovative, engages all the workplan item efforts of the ACC as presented to Council, and engages the community through the artistic submissions, fundraising, partnerships, and the community event that is proposed.

FISCAL IMPACT/FUNDING SOURCE

The proposal includes an estimated total of \$9,000. Below is a listing of the costs identified in the proposal:

1. \$6,000 – Public Art Fund - Purchasing rights to production and display of selected design for twelve artists, \$500 each
2. \$1,500 – Public Art Fund – Printing, installation and takedown of banners
3. \$1,500 – Arts and Culture Commission Fund – public unveiling event and promotional merchandise

There may be additional costs identified as the work continues in developing the event. Additionally, as any fundraising and in-kind services are secured, the total amount of expenditures may increase to utilize donations and in-kind services. All funds will come from the trust accounts of the Public Art Fund and the Arts and Culture Commission Fund. Use of such funds do not require formal appropriations for use. As the program

continues to develop, and as donations and partnerships are secured, the ACC will send correspondence to the City Council of projected totals, and updates on the planning and progress of the program.

PUBLIC OUTREACH

This item was included on the publicly posted agenda for this meeting. Additionally, this item was discussed at the January 9 and February 14, 2024 meetings of the ACC. If approved, the ACC and City staff would work closely with the Communications and Engagement Office on public outreach, promotional materials, advertisements, and other media to share information about the program and project, as well as the unveiling event if approved.

NEXT STEPS

If approved, the ACC subcommittee working on For the Love of Gilroy will meet with City staff to implement the work on this public art campaign, including commencing fundraising efforts.

Attachments:

1. Arts and Culture Commission Public Art Campaign
2. For the Love of Gilroy Public Art Campaign Fundraising Plan

ACC Public Arts Campaign

Arts and Culture Commission, City of Gilroy

Title

For the Love of Gilroy

Summary

A public arts campaign to produce new light post flags for Downtown Gilroy, designed by local artists and curated by the Arts and Culture Commission. The campaign will launch in April, California's designated Arts, Culture and Creativity Month.

Why

In 2023, the City of Gilroy proclaimed April to be Arts Culture and Creativity Month in alignment with the State of California. Building on that momentum, the Arts and Culture Commission aims to publicly support the development of arts and culture in Gilroy by supporting local artists, investing in our creative economy, and beautifying our city along the way.

Scope

ACC is requesting that local visual artists submit a completed design for a light post flag that embodies the theme "For the Love of Gilroy" promoting arts, culture, and community in Gilroy, South County and the surrounding region. This flag should be the artists' original artwork in whichever 2D medium the artist feels most comfortable in. 12 artists will be selected using the criteria outlined below. An additional 12 (max) may be added through donations and partnerships. Final design submissions must meet design guidelines and be recommended for approval by ACC to City Council. Council selected designs will become property of the City as described below.

Approved designs will be printed and hung on existing light posts along Monterey Rd starting at the 6th St. intersection and expanding North to 4th and South to 7th in Downtown Gilroy on an ongoing, seasonal basis at the discretion of the City of Gilroy. Participating artists will be paid \$500 for rights to use their design for The Love of Gilroy Public Arts Project.

Considerations

- A. The theme “For the Love of Gilroy”, besides promoting arts, culture, and community, has been intentionally left open-ended so as to attract a variety of interpretations from local visual artists of all ages, backgrounds, and lived experiences.
- B. “Local” is defined as artists based in Gilroy, San Martin, Morgan Hill, Hollister, Salinas, San Juan Bautista. Generally, local artists must reside in a 30 mile radius from Gilroy, CA. Priority will be given to designs meeting project requirements by Gilroy Residents and GUSD students.
- C. Final design submissions must meet design guidelines and be recommended for approval by ACC to City Council.
- D. Selected artists will be paid \$500 for rights to use their design for The Love of Gilroy Public Arts Project. Ownership of the designs will be through the City by contract.
- E. ACC will curate and recommend for approval the selected designs based on the following criteria
 - a. Design shall align with the “For the Love of Gilroy” theme promoting arts, culture, and community
 - b. Design shall inspire unity, growth and positivity
 - c. Design shall be the artists’ original work
 - d. Design shall comply with the intent scope identified above

More design guidelines

- No obscene language or imagery
- No plagiarized work
- No derogatory language or imagery
- No discriminatory language or imagery
- No political imagery
- No religious imagery
- No violent imagery
- No business promotion
- No nudity
- Other conditions as may be required by the City

Process Timeline

- A. Feb
 - a. Draft RFP
- B. March

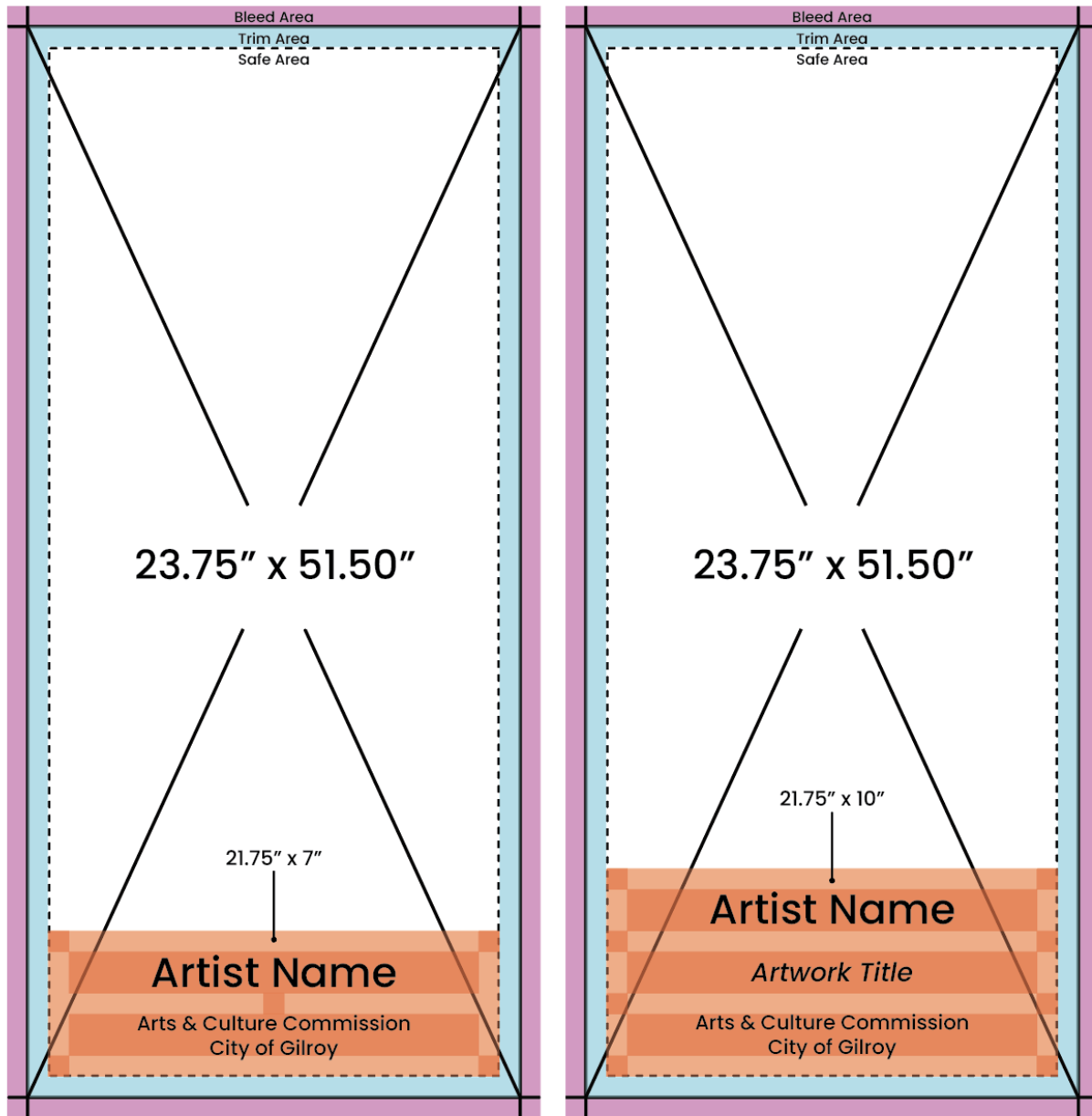
- a. Final City Council approval of For the Love of Gilroy Public Arts Project
- C. April
 - a. City staff review of promotional materials
 - b. (Last week of April) Launch Campaign and Call for Artists
- D. May-July
 - a. Artist submissions
 - b. (Last week of July) Review and recommendations of submissions.
- E. August
 - a. August 5th: Council approval of final designs
 - b. Notify selected artists following council approval
 - c. Produce and install flags
- F. September
 - a. Display and public unveiling event

Public Unveiling Event

- A. Location: Center for the Arts + Popup Park
- B. Date: Sep 20, 2024 5-8pm
- C. Food & Beverage (Donations)
- D. Materials
 - a. ACC/City canopy, linens, tables, chairs
- E. Program
 - a. DJ & Cocktail hour (pending review)
 - b. Welcome by ACC
 - c. Artist recognition
 - d. Local Performance

Design Specifications

- A. Banner Size is 23.75" x 51.50"
- B. Banners are double-sided
 - a. Single design submitted
 - b. Final design will be duplicated on both sides
- C. Download template below
 - a. [PDF](#)
 - b. [Adobe Illustrator](#)



Budget

\$6,000 (12) Artists selected: \$500/artist

\$1,500 Printing and installation

\$1,500 Public unveiling event and merchandise

\$9,000 Total

Arts and Culture Commission Fundraising Plan

For the Love of Gilroy Public Art Campaign

This is the fundraising plan by the Arts and Culture Commission (ACC) for the public art campaign “For the Love of Gilroy”, pursuant to the City of Gilroy Donation and Fundraising Policy. The fundraising plan, and public art campaign itself, are subject to City Council approval. Fundraising activities will be carried out by the ACC membership, with updates at each ACC meeting until the completion of the campaign.

- A. Goal – The goal is to raise funds to produce more banners and allow more artist designs to be represented. Additional goal is for funds and in-kind contributions for activities at the unveiling event on September 20, 2024. No specific target amount is identified, though for each additional banner \$600 would need to be raised for the purchase of the design and production costs to print the banner. No specific fundraising dollar amount has been established yet for the unveiling event, as most of the donation requests will be for in-kind services and donations of food, drinks, and other services that will have varying value estimates. Any funds raised above the costs of the campaign will be placed in the Public Art Fund for the next public art project.
- B. Timeframe – Fundraising and partnership efforts will commence upon Council approval to proceed, and shall continue until August for banner funding, and up to the September 20, 2024 event for the unveiling event partnerships and funding.
- C. Target Audience – The ACC is aiming to approach both private residents, local businesses, non-profits, and community organizations to solicit donations. The ACC will also approach such entities that provide services and supplies that may be needed or desired for the unveiling event to contribute them as in-kind donations for the event itself.
- D. Procedure for Acceptance and Reporting of Activities – The ACC shall direct financial donors to submit their funds to the Finance Department of the City of Gilroy, or to the ACC staff liaison. Partnerships/in-kind contributions shall be documented specifically who and what was contributed, and the donor’s estimated value. The information shall be submitted to the Finance Department. The Finance Department will generate receipts for the donations and partnership contributions, consistent with the Donation and Fundraising Policy.
- E. Recognition – The ACC shall recognize donors and partners on the programs and promotional materials for the campaign and unveiling event, including a recognition banner that will be displayed at the event. There will also be public recognition by the reading of donor and partner names at the event during the public address.
- F. Sponsorship – Not applicable; no sponsorship/naming rights opportunities are included with this plan.
- G. Signage – A banner with donor names will be displayed during the unveiling event, but no permanent signage is proposed.



City of Gilroy

STAFF REPORT

Agenda Item Title: **Accept the Donation of Inclusive Play Equipment from Gilroy Rotary Clubs for the Donald "Elvis" Prieto Downtown Pop-up Park**

Meeting Date: March 18, 2024

From: Jimmy Forbis, City Administrator

Department: Administration

Submitted By: Bryce Atkins, Assistant to the City Administrator

Prepared By: Bryce Atkins, Assistant to the City Administrator

STRATEGIC PLAN GOALS

Develop a Financially Resilient Organization
Ensure Neighborhood Equity from City Services

RECOMMENDATION

Council accept the donation.

BACKGROUND

City staff was notified in the latter part of November 2023 by the Rotary Club of Gilroy, the Gilroy After-Hours Rotary, and the Gilroy Sunrise Rotary (combined, "Rotary") of their intent to submit to Amazon Web Services ("AWS") a grant application for the purchase of inclusive play equipment for one of the City's parks. The City of Gilroy adopted its Donation and Fundraising Policy on January 22, 2024. The nature of Rotary's grant from AWS and gifting of the equipment to the City constitutes a donation as identified in the newly adopted policy.

ANALYSIS

Inclusive playground equipment are designed to include systems and components that allow all children to play together in a rich and engaging way. An inclusive playground is an open and safe space carefully designed to promote play among children of differing abilities, ages, and communities. It gives children with and without any disability the same platform to play while breaking down barriers, both physically and socially. The

inclusion created by these parks and playgrounds encourages children, adults, and families to experience the benefits of playing together.

While a fully inclusive playground is ideal, it is also expensive to design and construct. Rotary was granted up to \$10,000 for the purchase and installation of inclusive playground equipment. Due to safety practices at parks, most play structures require fall protection to be installed. This would drive the costs too high to procure and donate a full playground structure.

To be inclusive, and to provide a centralized location for children throughout the community, the grant application asked for the equipment to be located within the Donald "Elvis" Prieto Downtown Pop-Up Park (Park). However, the Park does not have infrastructure within the grassy area to facilitate inclusive installations.

Rotary, working with City staff in our Parks Division, has determined that play panels, which may be free standing or integrated together to form a "learning wall", would work if located along the sidewalk through the Park, running along the northern edge nearest Gourmet Alley. Below is an image that identifies the location of the proposed learning wall as a red line.



The reason for having the learning wall at this location is to allow those with mobility or balance challenges, or requiring wheelchairs and mobility assistance needs, to access the learning wall along the concrete sidewalk. This prevents the need for walking across the turf area, with uneven and difficult terrain for traversing with such needs.

The panels will be able to be relocated within the park, should a new design for the park be determined and implemented. The Parks and Recreation Commission has issued a

recommendation in support of this project, as well as the location with the understanding that it is relocatable.

The Donation and Fundraising Policy identifies that Council, for donations worth \$5,000 or more, will determine the recognition of the donation, as appropriate. Staff is recommending the provision of a small plate to be installed on the learning wall with the inscription below:

Donated to the Community of Gilroy by the Rotary Club of
Gilroy, Gilroy After-Hours Rotary, and the Gilroy Sunrise Rotary

ALTERNATIVES

Council may decline to receive the donation. Staff does not recommend this option, as the inclusive play features are a positive contribution to meet the needs of a more diverse population of children, and the equipment may be installed in both temporary and permanent configurations.

FISCAL IMPACT/FUNDING SOURCE

Minimal financial impacts are expected of unknown amount. Staff time to install the equipment will be required, and there may be minimal costs for installation materials. The equipment being donated will have all the installation hardware required, and only securing the hardware into the earth will be required, as well as a minor expense of the recognition plate, if approved. Ongoing maintenance of the equipment will be conducted through existing appropriations, as needed.

PUBLIC OUTREACH

The item was included on the publicly posted agenda for this meeting, and was discussed at the February 20th meeting of the Parks and Recreation Commission.

NEXT STEPS

If approved, staff will complete the attached donation acceptance form, and when the materials are delivered will render a donation receipt to the Rotary group. Staff will also implement the recognition method determined by Council.

Attachments:

1. Examples of the panels being donated by Rotary.
2. Draft donation acceptance form.



CITY OF GILROY DONATION ACCEPTANCE FORM

Name of Donor: Rotary Club of Gilroy; Gilroy After-Hours Rotary, and Gilroy Sunrise Rotary

Address: Rotary Club of Gilroy, PO Box 1912 **City:** Gilroy **State:** CA
Zip: 95021

Description of donation: Inclusive play features from Ross Recreation, consisting of interactive panels to be free standing or assembled as a learning wall. Panels include the following product numbers: 184886A Navigator Reach Panel w/ (2) Posts, Colors TBD; 184891A Bongo Reach Panel w/ (2) Posts, Colors TBD; 184897A Marble Panel w/ (2) Posts, Colors TBD; and 298236 Communication Board, Post Color TBD.

Donor estimate of current value: \$9,292.13.

Potential immediate acquisition/installation or any on-going maintenance or replacement cost: City staff time to install equipment. City staff anticipates general maintenance in keeping with the entire park. Replacement for damaged and vandalized equipment may be costs incurred within existing budget or with property self-insurance, depending upon level of damage.

Intended use: To be installed in the Donald "Elvis" Prieto Downtown Pop-Up Park.

Conditions of acceptance or donor designation: The only restriction is that it be installed in the Donald "Elvis" Prieto Downtown Pop-Up Park.

Remarks: _____

FOR CITY USE

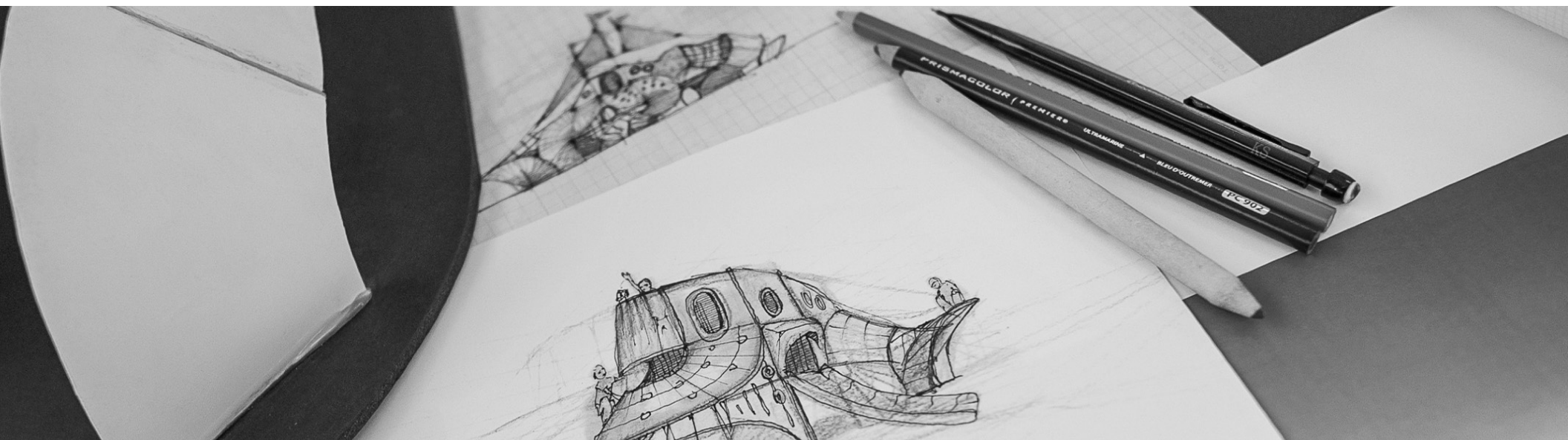
Please Circle One: ACCEPTED / DENIED

For Donations under \$5,000:

Date	City Administrator's Signature
For Donations of \$5,000 or more:	
March 14, 2024	
Date Submitted to Council	Date Approved/Denied by Council
Date	Mayor's Signature

Gilroy Activity Panels

Proposal



• Ross Recreation Equipment Company, Inc. •

• 100 Brush Creek Road #206, Santa Rosa, CA 95404 • (707) 538.3800 • CA Contractors
License #520752 • OR Contractors License #186870 •

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www.rossrec.com

3D Rendering

View 1



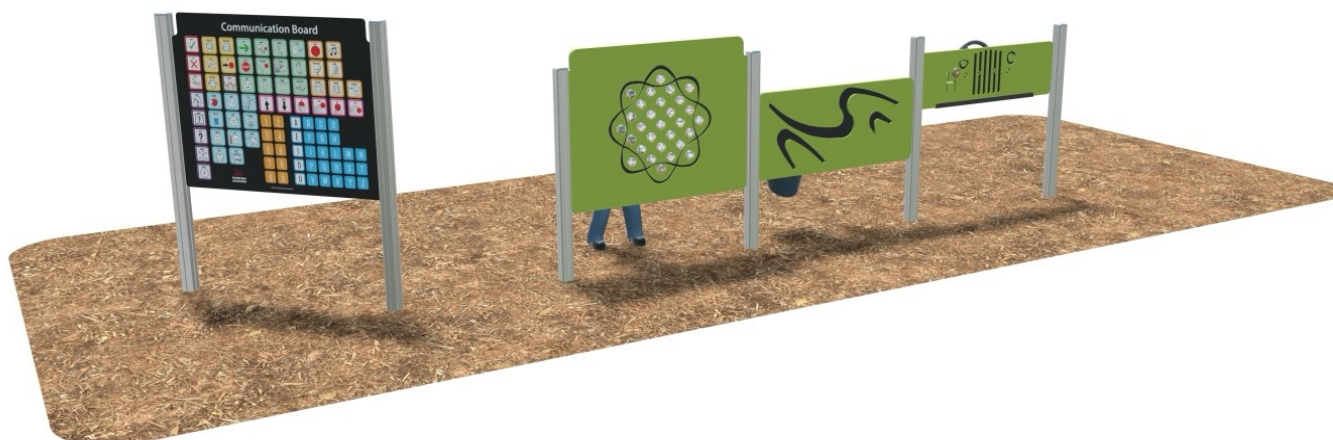
3D Rendering

View 2



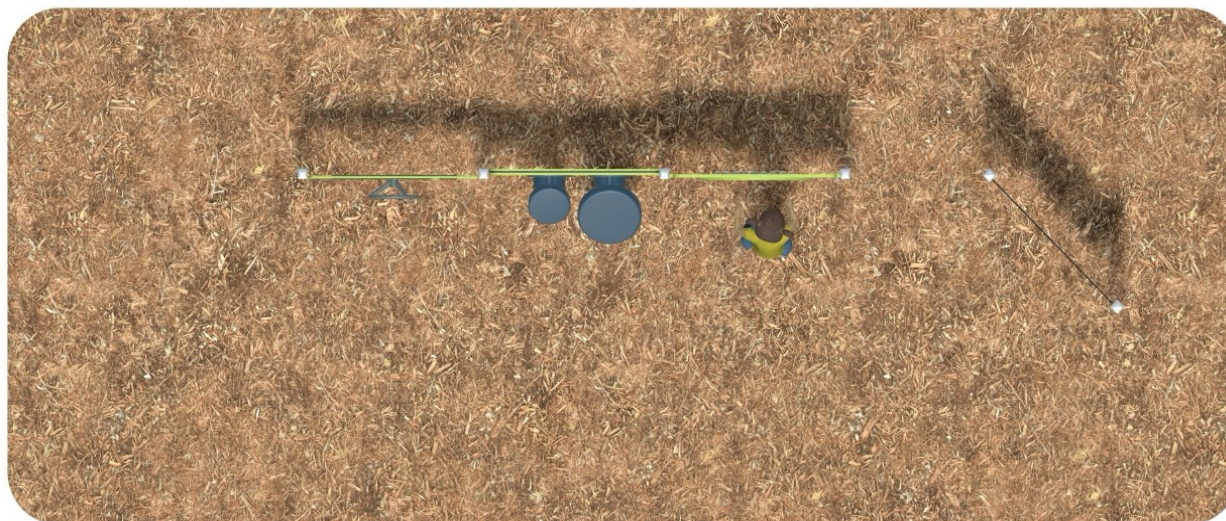
3D Rendering

View 3

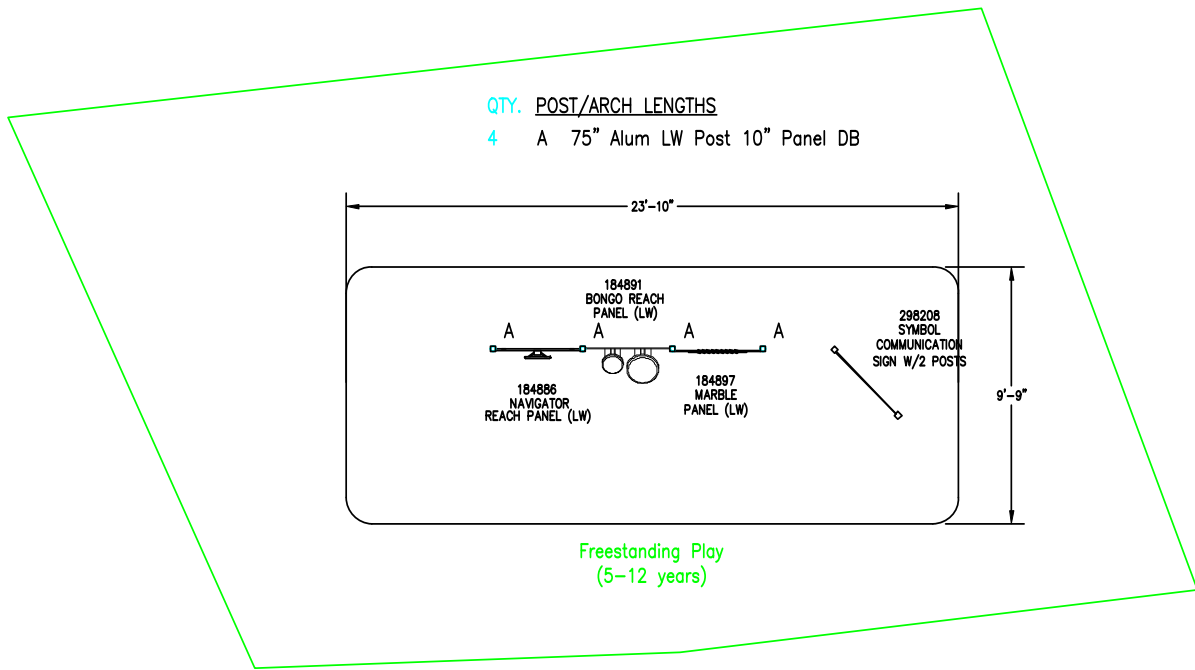


3D Rendering

View 4



Drawing Plan



TOTAL ELEVATED PLAY COMPONENTS	0	
TOTAL ELEVATED COMPONENTS ACCESSIBLE BY RAMP	0	REQUIRED 0
TOTAL ELEVATED COMPONENTS ACCESSIBLE BY TRANSFER	0	REQUIRED 0
TOTAL ACCESSIBLE GROUND LEVEL COMPONENTS SHOWN	4	REQUIRED 0
TOTAL DIFFERENT TYPES OF GROUND LEVEL COMPONENTS	4	REQUIRED 4

SNAP TITLE HERE

SCALE: IN FEET



Gilroy Rotary Park
Gilroy, CA

Ross Recreation
Equipment Co
Casey Hilbert

SYSTEM TYPE:
Free Standing

DRAWING #:

1183890-01-01

**landscape
structures**



The play components identified on this plan are IPEMA certified. (Unique model number is provided with *) The use and layout of these components conform to the requirements of ASTM F1487. To verify product certification, visit www.ipema.org

THIS PLAY AREA & PLAY EQUIPMENT IS DESIGNED FOR AGES 5-12 YEARS UNLESS OTHERWISE NOTED ON PLAN.

IT IS THE MANUFACTURERS OPINION THAT THIS PLAY AREA DOES CONFORM TO THE A.D.A. ACCESSIBILITY STANDARDS, ASSUMING AN ACCESSIBLE PROTECTIVE SURFACING IS PROVIDED, AS INDICATED, OR WITHIN THE ENTIRE USE ZONE.

THIS CONCEPTUAL PLAN WAS BASED ON INFORMATION AVAILABLE TO US PRIOR TO CONSTRUCTION. DETAILED SITE INFORMATION INCLUDING SITE DIMENSIONS, TOPOGRAPHY, EXISTING UTILITIES, SOIL CONDITIONS, AND DRAINAGE SOLUTIONS SHOULD BE OBTAINED, EVALUATED, & UTILIZED IN THE FINAL DESIGN. PLEASE VERIFY ALL DIMENSIONS OF PLAY AREA, SIZE, ORIENTATION, AND LOCATION OF ALL EXISTING UTILITIES, EQUIPMENT AND SITE FURNISHINGS PRIOR TO ORDERING. SLIDES SHOULD NOT FACE THE HOT AFTERNOON SUN.

CHOOSE A PROTECTIVE SURFACING MATERIAL THAT HAS A CRITICAL HEIGHT VALUE TO MEET THE MAXIMUM FALL HEIGHT FOR THE EQUIPMENT (REF. ASTM F1487 STANDARD CONSUMER SAFETY PERFORMANCE SPECIFICATION FOR PLAYGROUND EQUIPMENT FOR PUBLIC USE, SECTION 8 CURRENT EDITION). THE SUBSURFACE MUST BE WELL DRAINED IF THE SOIL DOES NOT DRAIN NATURALLY IT MUST BE TILED OR SLOPED 1/8" TO 1/4" PER FOOT TO A STORM SEWER OR A "FRENCH DRAIN".

ACCESSIBLE/PROTECTIVE
LOOSE FILL MATERIAL
(ENGINEERED WOOD FIBER SUGGESTED)

DESIGNED BY:
NAK

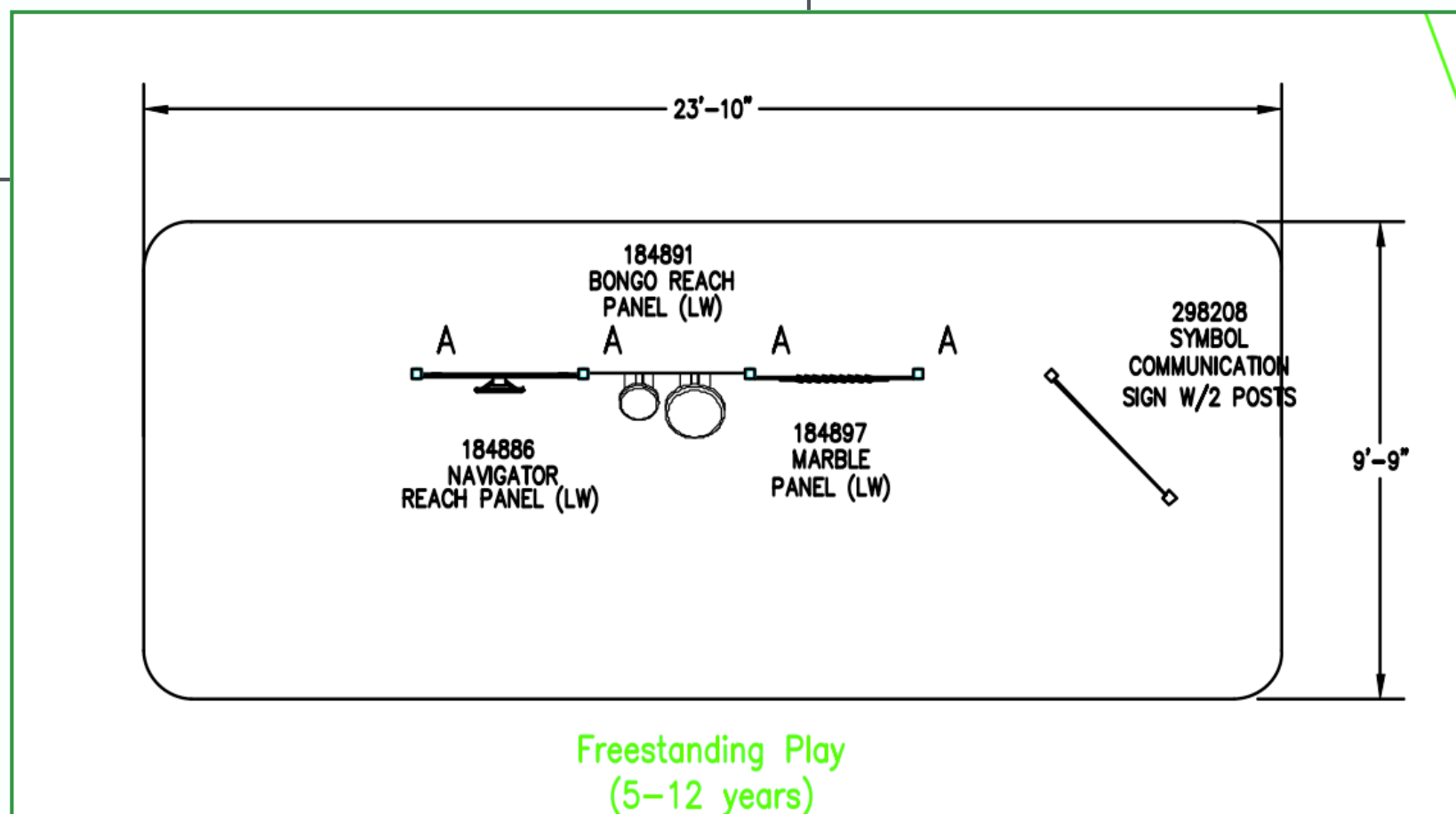
COPYRIGHT: 3/8/24
LANDSCAPE STRUCTURES INC.
601 7th STREET SOUTH
DELAND, FLORIDA 32608
Ph: 386-138-8574
playit.com

Date Previous Drawing # Initials



Drawing Plan

Zoomed



Color Choices

ProShield Powdercoat

For posts/arches, components and clamps, ProShield® finish combines a specially formulated primer with a high-quality, architectural-grade powdercoat top layer. The result is enhanced longevity, greater protection against UV rays, prevention from corrosion, and improved product performance. Custom colors are available for an additional charge.



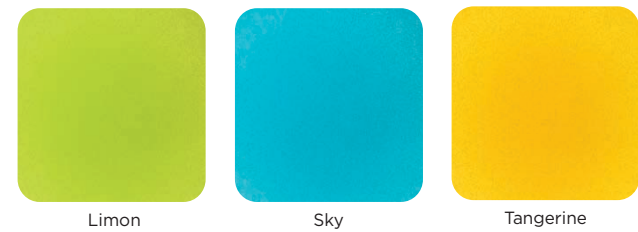
Permalene Panels

Permalene® panels with a recycled core are a smart choice for your playground and the environment. Available in the 16 colors shown, the distinctive black core results from combining and recycling colored plastic—waste that would otherwise end up in landfills.



Polycarbonate Panels

Hedra® product line option. Translucent panel provides visibility into structure as well as light and color play.



Limon

Sky

Tangerine

Color Choices

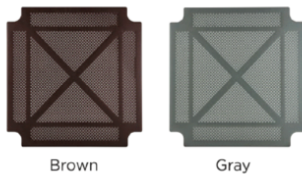
Steel-Reinforced Cables

Made of tightly woven, polyester-wrapped, six-stranded galvanized- steel cable. These abrasion-resistant, color-stable cables are extremely durable and vandal-resistant.



Steel Decks

The heaviest, thickest decks for long-lasting safety: Flange-formed from 12-gauge steel with safe, rounded corners. Reinforced with .105" x 2" ribs welded on cross for superior strength and a consistently flat surface.



TenderTuff Coating

For swing chains, handholds, pipe barriers, wheels, rings, etc. Insulates against temperature extremes and provides a safer grip surface compared to painted metal.



Polyethylene

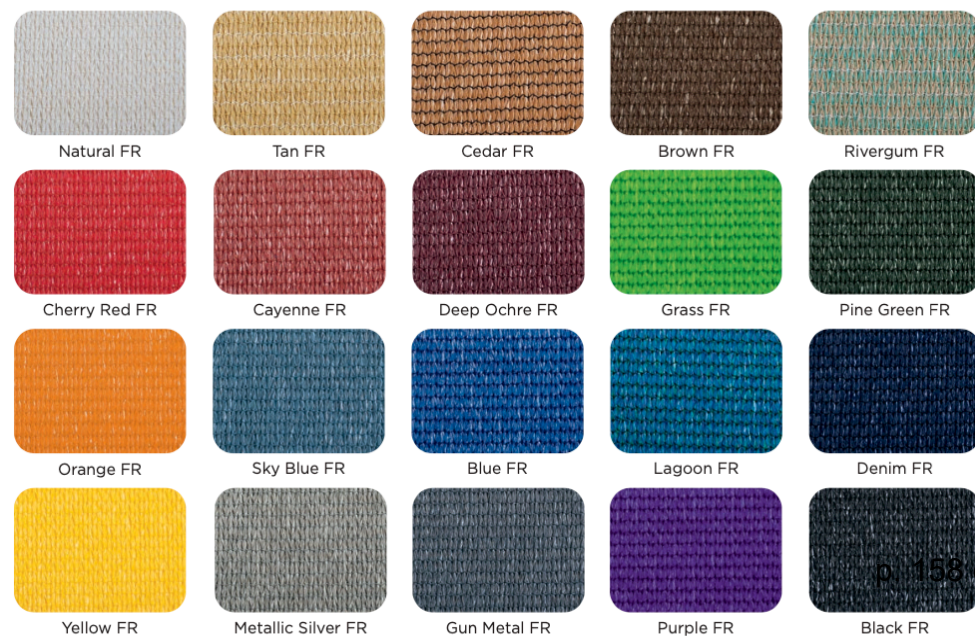
For slides, tunnels, roofs, etc. The heavy-duty rotationally molded polyethylene material ensures strength and durability while resisting cracking, fading, and peeling.

*Limon, Leaf, Denim, Brick, Tangerine, Buttercup, Acorn, Seafoam, Slate, and Granite are color blends.



Skyways & CoolTopper Shade Fabric

Designed to block up to 97% of UV rays and keep playground temperatures up to 30 degrees cooler.



Component List

Freestanding Play (5-12 years)						
PHASE-1 Direct Bury Aluminum			UNIT		TOTAL	
QTY	NO.	DESCRIPTION	WEIGHT (lb)	PRICE (US \$)	WEIGHT (lb)	PRICE (2024)
Freestanding Play						
Learning Wall						
1	184891A	Bongo Reach Panel			27.0	1,080.00
1	184897A	Marble Panel			54.0	2,880.00
1	184886A	Navigator Reach Panel			26.0	800.00
Learning Wall Posts						
4	115201A	LW Post 10"Panel DB	14.0	330.00	56.0	1,320.00
Signs						
1	298208A	Symbol Communication Sign w/2 Posts DB			63.0	2,095.00

SUMMARY		CONCRETE (cu-ft)	FOOTINGS (count)	LABOR (hours)	WEIGHT (lb)	PRICE (2024)
Freestanding Play (5-12 years) PHASE-1		9.0	6	3.3	226.0	8,175.00
ALL PHASES	Freestanding Play	9.0	6	3.3	226.0	8,175.00
	Total	9.0	6	3.3	226.0	8,175.00



Sales Quote

10.5



Opportunity Name Gilroy Rotary Panels
Quote Name Gilroy Rotary Activity Panels - Inclusive Play
Quote Number 00043640
Quote Date 3/11/2024
Quote Exp Date 6/11/2024
Est Lead Time 8-12 weeks

Bill To Name Gilroy, City of
Bill To 7351 Rosanna Street
Gilroy, California 95020
United States

Ship To Name Gilroy, City of
Ship To 613 Old Gilroy Street
Gilroy, California 95020
United States

Quantity	Product	Product Description	Sales Price	Total Price
1.00	298236	Communication Board, Post Color TBD	\$1,779.00	\$1,779.00
1.00	PlayShaper	Landscape Structures PlayShaper Activity Wall Design #1183890-01-01; Bongo Reach Panel, Marble Panel & Navigator Reach Panel, Colors TBD	\$6,080.00	\$6,080.00

Total Quote Amounts

County/ City Tax	Santa Clara County	Materials Amount	\$7,859.00
Tax Rate	9.1250%	Tax Amount	\$717.13
Credit Terms	Net 30 On Materials Shipment	Labor Amount	\$0.00
		Freight Amount	\$716.00
		Total	\$9,292.13

Notes to Customer

Thank you for the opportunity to quote your upcoming project. PLEASE NOTE: Quote does not include installation, offload, site work, payment and performance bonds, engineering calculations, security/fencing, storage, permits, safety surfacing or inspection unless otherwise noted. Unless noted, freight costs are based on semi-truck access and do not include a lift-gate.

If ordering materials after the quoted expiration date, please request a revised quote for current pricing. Due to material cost increases and a fluid pricing environment, Ross Recreation cannot hold pricing past the stated expiration date on this quote.

Deposits may be required before an order can be placed depending on customer credit terms. Your purchase is subject to the terms and conditions of this quote. Approval of this quote agrees to those terms.

Signature _____

Name _____

Title _____

Date _____

Prepared By Casey Hilbert
Email caseyh@rossrec.com

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Contact

Sales Representative: Casey Hilbert



Mobile: 831.345.8113



Email: caseyh@rossrec.com



facebook.com/rossrecreation/



[@rossrecreation](https://www.instagram.com/rossrecreation)



[@rossrecreationequipment](https://www.linkedin.com/company/rossrecreationequipment)



<https://www.rossrec.com/>



City of Gilroy

STAFF REPORT

Agenda Item Title: Request for a Future Agenda Item to Adopt a Resolution Proclaiming April 2024 as Arts, Culture and Creativity Month

Meeting Date: March 18, 2024

From: Jimmy Forbis, City Administrator

Department: Administration

Submitted By: Bryce Atkins, Assistant to the City Administrator

Prepared By: Bryce Atkins, Assistant to the City Administrator

STRATEGIC PLAN GOALS

Not Applicable

RECOMMENDATION

Council determination about adding the request to the April 8, 2024 City Council meeting.

BACKGROUND

The City has received the attached FAIR Memo, requesting an agenda item to be placed on a future Council agenda. The item is requesting a resolution proclaiming April 2024 as Arts, Culture and Creativity Month.

There is no financial or staff time consumption for this request, and staff does not see any adverse impacts administratively or operationally from this request.

The recently adopted future agenda item policy states that the item would be placed on the agenda within 30-45 days, and that it will be agendized at least two meetings out from when approved for a future agenda item. Due to the following reasons, the item is being requested to be processed in a shorter timeframe:

1. The turnaround time of proclaiming the very next month as Arts, Culture, and Creativity Month is very short.

2. The policy was just adopted and the policy terms were not known in sufficient time for planning this request.
3. Similar proclamations have been previously approved by the City Council
4. No staff time or financial analysis is needed for this item.

The allowance of the item being heard in a shorter timeframe proposed by staff is considered a limited exception due to the forestated reasons.

ANALYSIS

There are no anticipated financial or staff impacts from this agenda item if approved.

ALTERNATIVES

Council may decide to place the item on a future agenda, or to decline hearing the item.

FISCAL IMPACT/FUNDING SOURCE

None.

NEXT STEPS

If Council approves of the item, it will be added as a consent item on the April 8, 2024 City Council regular meeting agenda.

Attachments:

1. FAIR Memo - Resolution Proclaiming April 2024 as Arts, Culture and Creativity Month

Contact: Zach Hilton
Zachary.Hilton@cityofgilroy.org
 669-270-6232



ZACH HILTON

Gilroy City Council Member

Livable Gilroy for All

March 18, 2024

Future Agenda Item Request Memorandum- I'd like to propose that we adopt a resolution proclaiming the month of April as "Arts, Culture, & Creativity Month". It will be celebrated across our region and state by government and non-profit organizations.

This will highlight our City Council goals (Develop a Financially Resilient Organization that Relies on Local Revenues and Resources & Promote Economic Development Activities that Create Opportunities for Quality Employment and Increase the City's Tax Base), and shared goals of our Art's & Culture Commission, Arts Roundtable, and SV Creates. It will show the region that we recognize the crucial role of arts, culture, and creativity in the lives of everyone. While recognizing that the arts and creativity support student success and life-long learning, provide key job skills, and bring joy to our community while strengthening our connections.

I have sample language below to pass along to the City Clerk. I am requesting that this item be brought back as a consent calendar item, since we supported this resolution in 2023. Below is the same language as 2023 and includes updated dates.

RESOLUTION 2024-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GILROY PROCLAIMING APRIL 2024 AS ARTS, CULTURE, AND CREATIVITY MONTH

WHEREAS, the City of Gilroy celebrates and highlights the power of the arts and creativity to change our lives for the better; and

WHEREAS, the Gilroy Arts & Culture Commission and SV Creates work in partnership to support the arts and creativity in Gilroy as an essential part of our thriving community; and

WHEREAS, the Gilroy Arts & Culture Commission, SV Creates and the Gilroy Arts Roundtable work together to promote the value of the arts and to elevate Santa Clara County's creative culture; and

WHEREAS, Arts, Culture, and Creativity Month of April is the 6th annual statewide awareness and advocacy event that recognizes the crucial role of arts, culture, and creativity in the lives of everyone in California; and

WHEREAS, the City of Gilroy appreciates our relationship with SV Creates and recognizes that the arts and creativity support student success and life -long learning, provide key job skills, and bring joy to our community.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Gilroy hereby proclaims April 2024 as Arts, Culture, and Creativity Month, and encourages everyone to celebrate the power of the arts in our community

Fiscal Impact Estimate-

Staffing Labor Estimate-