



CITY COUNCIL REGULAR MEETING AGENDA PACKET

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

MAYOR

Marie Blankley

COUNCIL MEMBERS

Rebeca Armendariz

Dion Bracco

Tom Cline

Zach Hilton

Carol Marques

Fred Tovar

MONDAY, AUGUST 7, 2023 | 6:00 PM

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

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

Written comments on any agenda item may be emailed to the City Clerk's Office at publiccomment@cityofgilroy.org or mailed to the Gilroy City Clerk's Office at City Hall, 7351 Rosanna Street, Gilroy, CA 95020. Comments received by the City Clerk's Office by 1 p.m. on the day of a Council meeting will be distributed to the City Council prior to or at the meeting and available for public inspection with the agenda packet located in the lobby of Administration at City Hall, 7351 Rosanna Street prior to the meeting. Any correspondence received will be incorporated into the meeting record. Items received after the 1 p.m. deadline will be provided to the City Council as soon as practicable. Written comments are also available on the City's Public Records Portal at 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 challenge any planning or land use decision made at this meeting in court, you may be limited to raising only those issues you or someone else raised at the public hearing held at this meeting, or in written correspondence delivered to the City Council at, or prior to, the public hearing. Please take notice that the time within which to seek judicial review of any final administrative determination reached at this meeting is governed by Section 1094.6 of the California Code of Civil Procedure.

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

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

KNOW YOUR RIGHTS UNDER THE GILROY OPEN GOVERNMENT ORDINANCE

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

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

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

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



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

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

bit.ly/3FBiGA0

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

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

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

The agenda for this regular meeting is as follows:

1. **OPENING**
 - 1.1. **Call to Order**
 - 1.2. **Pledge of Allegiance**
 - 1.3. **Invocation**
 - 1.4. **City Clerk's Report on Posting the Agenda**
 - 1.5. **Roll Call**
 - 1.6. **Orders of the Day**
 - 1.7. **Employee Introductions**
2. **CEREMONIAL ITEMS - Proclamations and Awards (NONE)**

3. PRESENTATIONS TO THE COUNCIL

3.1. Parks and Recreation Commission Annual Presentation

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

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

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

4. REPORTS OF COUNCIL MEMBERS

Council Member Bracco – 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*), South County United for Health

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, South County United for Health (*alternate*), VTA Policy Advisory Committee

Council Member Cline – Gilroy Economic Development Partnership (*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

5. COUNCIL CORRESPONDENCE (NONE)

6. FUTURE COUNCIL INITIATED AGENDA ITEMS

7. BOARD AND COMMISSION INTERVIEWS

7.1. Interviews for Open Seats on Youth Commission for Future Appointments Scheduled for August 21, 2023

1. Staff Report: Thai Nam Pham, City Clerk

2. Possible Action:

1) Accept applications for open seats on the City of Gilroy Youth Commission that were received after the July 21, 2023 deadline; and

2) Interview applicants for Youth Commission with vacancies as of August 7, 2023.

8. TRAINING ON FPPC REGULATIONS / CONFLICTS OF INTEREST / COUNCIL NORMS

8.1. City Attorney Annual Training - FPPC Regulations / Conflicts of Interest / Council Norms

9. CONSENT CALENDAR

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

9.1. Approval of the Action Minutes of the July 10, 2023 City Council Special Meeting

9.2. Approval of the Action Minutes of July 19, 2023 City Council Special Study Session

9.3. Approval of a Notice of Acceptance of Completion for the FY22 Citywide Pavement Maintenance Project No. 22-PW-273 and Approval of a Final Contract with McKim Corporation in the Amount of \$4,472,160.94

9.4. Approval of a Notice of Acceptance of Completion and Reduction of the Faithful Performance and Payment Security Bonds for Property Improvement Agreement No. 2017-04, Wild Chestnut - Tract 10301

9.5. Approve Corrected Gilroy Police Officers Association Salary Schedules for the Period July 1, 2023 - June 30, 2025

9.6. Claim of Steve Kinney (The City Administrator recommends a "yes" vote under the Consent Calendar shall constitute denial of the claim)

10. BIDS AND PROPOSALS (NONE)

11. PUBLIC HEARINGS

11.1. Continued Public Hearing for Introduction and First Reading of an Ordinance Adding Chapter 16B, Sidewalk Vending, to the Gilroy City Code

1. Staff Report: Sharon Goei, Community Development Director
2. Open Public Hearing
3. Close Public Hearing
4. Possible Action:
 - 1) Motion to read the ordinance by title only and waive further reading of the ordinance; and
 - 2) Introduce an ordinance adding Chapter 16B, Sidewalk Vending, to the Gilroy City Code, which provides permit requirements and standards for sidewalk vending, and find that it is exempt from CEQA Guidelines Section 15332.

11.2. Consideration of the Report of Abatement of Weeds and Refuse Within the City of Gilroy and Adoption of a Resolution of the City Council of the City of Gilroy Confirming the Imposition of Assessment Liens Against the Land

1. Staff Report: Jim Wyatt, Fire Chief
2. Open Public Hearing
3. Close Public Hearing
4. Possible Action:

It is recommended that Council adopt a resolution allowing the assessment of fees, minus any qualifying objections, as reported by the Santa Clara County Weed Abatement Program.

12. UNFINISHED BUSINESS (NONE)

13. INTRODUCTION OF NEW BUSINESS

13.1. Introduction of an Ordinance of the City of Gilroy Amending Section 2.13 of the Gilroy City Code to Modify the Regular Meeting Schedule of the City Council

1. Staff Report: Thai Nam Pham, City Clerk
2. Public Comment
3. Possible Action:
 - 1) Motion to read the ordinance by title only and waive further reading of the ordinance; and
 - 2) Introduce an ordinance of the City Council of the City of Gilroy amending Chapter 2 relating to the Regular Meeting Schedule of the City Council.

14. CITY ADMINISTRATOR'S REPORTS

14.1. Update on Recent Land Management System Implementation and Online Permit/Utility Payment System

15. CITY ATTORNEY'S REPORTS

16. ADJOURNMENT

FUTURE MEETING DATES

August 2023

21 Regular Meeting - 6:00 p.m

September 2023

11 Regular Meeting - 6:00 p.m

18 Regular Meeting - 6:00 p.m

October 2023

2 Regular Meeting - 6:00 p.m

16 Regular Meeting - 6:00 p.m

Meetings are webstreamed on the City of Gilroy's website at gilroy.city/meetings.



City of Gilroy

STAFF REPORT

Agenda Item Title: Interviews for Open Seats on Youth Commission for Future Appointments Scheduled for August 21, 2023

Meeting Date: August 7, 2023

From: Jimmy Forbis, City Administrator

Department: City Clerk

Submitted By: Thai Nam Pham, City Clerk

Prepared By: Thai Nam Pham, City Clerk

STRATEGIC PLAN GOALS

Not Applicable

RECOMMENDATION

1. Accept applications for open seats on the City of Gilroy Youth Commission that were received after the July 21, 2023 deadline; and
2. Interview applicants for Youth Commission with vacancies as of August 7, 2023.

BACKGROUND

Amendments to the Youth Commission bylaws were approved at the City Council Meeting on July 10, 2023. The amended bylaws now require that regular meetings be held once per month during the school year, typically starting in September. Consequently, the first meeting following the summer hiatus is scheduled for September 11, 2023.

In addition, the Council recently received resignation letters from Youth Commissioners James Dinh and Alexis Miller. These resignations have led to seat vacancies with terms expiring on September 30, 2024, and September 30, 2023, respectively. In addition, four (4) seats will expire on September 30, 2023. Given these circumstances, staff aims to fill these vacancies before the first meeting in September this year.

To accomplish this, staff has been actively promoting these vacancies through the City's website and various social media platforms. They have also reached out to previous Youth Commission applicants from the recruitment cycle, encouraging them to reapply.

By the application deadline on Thursday, July 27, 2023, four (4) applications were received from Crystal Garcia Pablo, Kuber Sihra, Chad Knauss, and Lavender Hwang (incumbent). Staff also received two (2) late applications from Maya Beyret and Zara Ting-Tee, which were received on July 24, 2023, and July 31, 2023, respectively.

CONCLUSION

Interviews with the City Council have been scheduled for this evening's meeting. Appointments will be finalized during the City Council Regular Meeting on August 21, 2023.

Attachments:

1. Application – Crystal Garcia Pablo
2. Application – Kuber Sihra
3. Application – Chad Knauss
4. Application – Lavender Hwang (incumbent)
5. Application – Maya Beyret
6. Application – Zara Ting-Tee
7. Application – Thanmay Sarath



City of Gilroy Board, Committee, & Commission Application

**All Commission, Board, and Committee applications are a public record.*

Board/Committee/Commission of Interest:		Youth Commission	
Name: Crystal Garcia Pablo			
Phone number(s):		email address*:	
Are you a registered voter within the City limits? No			
Physical Address*:			
Driver's License or ID No.:		Date of Birth*:	Last 4 of SSN:
List your qualifications for this appointment:			
I possess a range of qualifications that make me well-suited for this position. My strong public speaking and communication skills allow me to effectively engage with adults and peers when seeking assistance or sharing ideas, a skill set I have practiced through my involvement in other boards and committees. I have a genuine openness to new ideas and enjoy collaborating with others, valuing the diverse perspectives they bring. In addition, I have expertise in social media management, graphic design for creating flyers, and spreading awareness through various channels. I am also skilled in editing and own a camera, which I frequently use to capture images for other boards and events. Furthermore, I have expertise in website creation and maintenance, ensuring a strong online presence for the board or committee. Together, these qualifications, like public speaking, communication, social media, graphic design, photography, and website development, make me a well-rounded and capable candidate for this position.			
List any service to the community including any prior appointments:			
I have dedicated my time to volunteering at events organized by the Gilroy Youth Commission, such as Dia de los Niños and the Christmas drive. Additionally, I played a role in reintroducing Girls Who Code to the Gilroy Library, where we successfully conducted 6-8 week coding programs for young girls, having 28 girls. As a member of Gilroy's Teen Advisory Board for the library, I manage social media, capture event photos, and collaborate with my peers to plan engaging activities. Furthermore, I actively contribute as a member of the YMCA Youth Board, where we work collectively to organize events for YMCA youth and raise funds for Power School and also the yearly toy drive during Christmas. Within my school, I tutor underclassmen and participate in various clubs, including the Women Empowerment STEM Club as treasurer, the Interact Club, and the Culture Club. Beyond the community and school, I am also involved with WriteCause, an organization that addresses global issues and amplifies the voices of teenagers. As the marketing director.			

What are your goals while serving on this Board/Commission/Committee?

I am eager to join the Gilroy Youth Commission and actively contribute to the community, making a significant impact. One thing I truly enjoy is collaborating with a team to share our ideas with the community. Supporting and uplifting our community by working together with others is a genuine passion of mine, and being a member of this board would provide me with the perfect platform to create a meaningful difference. I am enthusiastic about the opportunity to work with a team and collectively contribute to the improvement of our community through teamwork. I aim to represent the youth in our community and also raise awareness and participation in various events. Additionally, I hope to coordinate with my team to generate more opportunities and raise funds for the youth in our community.

Why are you the most qualified to serve on this Board/Commission/Committee?

I am highly qualified to serve on this Board/Commission/Committee due to my extensive leadership experience, both within the community and my school. I have demonstrated my ability to take charge and effectively communicate my ideas. Additionally, I have actively engaged with the public and sought assistance from various organizations such as YMCA, the Gilroy Library, and the Morgan Hill Library. My passion for the community is unwavering, and I genuinely believe that I can bring valuable contributions to this board. I am confident in my ability to engage with people, secure funding, and raise awareness, which are essential for the success of the Youth Commission. With my dedication and drive, I am eager to demonstrate the power and potential of the youth within the Gilroy community. * I just wanted to clarify that I lived in Gilroy for my whole life (El Roble Elementary, Luigi Aprea Elementary, Brownell Middle School) but I just recently moved this year to San Juan and truly want to continue to be apart of Gilroy's community.

✓	By clicking on this box, I declare under penalty of perjury that I am currently a registered voter within the City limits of the City of Gilroy. Furthermore, I understand that this application and any attachments are subject to disclosure under the Public Records Act and must complete mandatory Open Government Ordinance Training. I further understand that members of the Planning Commission, Building Boards of Appeals, and Physically Challenged Board of Appeals are also subject to filing the Fair Political Practice Commission's Statement of Economic Interest Form 700 relating to financial disclosures.
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City of Gilroy Board, Committee, & Commission Application

**All Commission, Board, and Committee applications are a public record.*

Board/Committee/Commission of Interest:		Youth Commission	
Name: Kuber Sihra			
Phone number(s):		email address*:	
Are you a registered voter within the City limits? No			
Physical Address*:			
Driver's License or ID No.:		Date of Birth*:	Last 4 of SSN:
List your qualifications for this appointment: I have a great sense of leadership and teamwork, as well as a sense of creativity and being a helpful person in general overall which would be helpful when doing these tasks within the youth commission such as planning and organizing.			
List any service to the community including any prior appointments: I have volunteered tutoring kids at the CIEL center the past years and have also volunteered for backpack drives in Morgan Hill.			
What are your goals while serving on this Board/Commission/Committee? My goals are to be helpful when planning and organizing as well as be supportive to new ideas. My goals are also to help either improve or continue events in the City of Gilroy upon the youth commission.			
Why are you the most qualified to serve on this Board/Commission/Committee? My sense of teamwork, planning, and organizing all would make me the most qualified to serve for the youth commission. This would mean I am open to all ideas that the rest of the commission would agree to do together. My sense of teamwork, planning, and organizing would also be helpful as a whole when doing these events.			

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City of Gilroy Board, Committee, & Commission Application

**All Commission, Board, and Committee applications are a public record.*

Board/Committee/Commission of Interest:		Youth Commission	
Name: Chad Knauss			
Phone number(s):		email address*:	
Are you a registered voter within the City limits? No			
Physical Address*:			
Driver's License or ID No.:		Date of Birth*:	Last 4 of SSN:
List your qualifications for this appointment:			
I applied for and was selected by the Junior High faculty at my school to be a member of our student Campus Leadership Team. As a member, I served for two years. The goal of the Campus Leadership Team was to improve student morale for sixth, seventh and eighth graders and to act as a liaison between students and faculty. Some of my duties included mentoring incoming sixth graders, meeting with small groups monthly so that they felt comfortable throughout their first year of junior high. I was also involved in planning, budgeting and executing school events to foster student spirit throughout the school year. This included our Fall Festival, Cultural Fair, Christmas Rally, Summer Extravaganza and more. As part of the student leadership team, we also raised funds to distribute to local charities and homeless shelters.			
List any service to the community including any prior appointments:			
We moved to Gilroy in 2020 and unfortunately, COVID limited my ability to get involved in city events, but I am eager to get involved now.			
What are your goals while serving on this Board/Commission/Committee?			
I would like to be appointed to the Gilroy Youth Commission because I want to contribute to the betterment of my community. I believe in the power of youth voices and want to make a positive impact on the issues that affect the youth in our city. Civic engagement is extremely important to me and having an opportunity to serve on the Youth Commission and make a difference within my city truly excites me.			
Why are you the most qualified to serve on this Board/Commission/Committee?			
Being a two year member of my junior high Campus Leadership Team has given me an opportunity to find creative ways to improve student morale for over 700 students. I was part of			

a small leadership team that planned, budgeted and executed student led events and activities while also raising funds for local charities. I have a passion for, and closely follow, local, state, and federal government. My personal goal is to be civically engaged throughout high school and to pursue a degree in political science in college and continue to be involved in government at some level thereafter.

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City of Gilroy Board, Committee, & Commission Application

**All Commission, Board, and Committee applications are a public record.*

Board/Committee/Commission of Interest:		Youth Commission	
Name:	Lavender Hwang		
Phone number(s):	[REDACTED]	email address*:	[REDACTED]
Are you a registered voter within the City limits?		No	
Physical Address*:		[REDACTED]	
Driver's License or ID No.:		Date of Birth*:	Last 4 of SSN:
List your qualifications for this appointment:			
•Served as Youth Commission member for last two years (2021-2023 term) •Served as Youth Commission Chair for last year (2022-2023 term) •Leadership and public speaking skills •Extensive experience with teamwork and collaboration			
List any service to the community including any prior appointments:			
•Served on Youth Commission (2021-2023) •Founded club at Gilroy Library teaching STEM to young girls (2022-2023) •Completed over 200+ community service hours locally			
What are your goals while serving on this Board/Commission/Committee?			
I hope to continue implementing the projects that we proposed last year and have planned for this year such as a teen resource fair to foster youth engagement within the community and make local opportunities more accessible to teenagers. My primary goals are projects that emphasize making a lasting impact, as well as increased accessibility to resources and solutions for the local youth.			
Why are you the most qualified to serve on this Board/Commission/Committee?			
I have served on the Youth Commission for the last two years, where I have familiarized myself with the Brown Law under which we operate, as well as the programs and events we plan and coordinate. I believe, as a returning member, I have the knowledge and experience to offer insight to incoming members while still collaborating in a team effort to plan projects and events that serve the youth of our community.			

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City of Gilroy Board, Committee, & Commission Application

**All Commission, Board, and Committee applications are a public record.*

Board/Committee/Commission of Interest:		Youth Commission	
Name: Maya Beyret			
Phone number(s):		email address*:	
Are you a registered voter within the City limits? No			
Physical Address*:			
Driver's License or ID No.:		Date of Birth*:	Last 4 of SSN:
List your qualifications for this appointment:			
My qualifications for becoming a part of the Youth Commission are organizational, communication, and teamwork skills. These three skills make me qualified for the Youth Commission because they help create a productive environment in which problems can be resolved.			
List any service to the community including any prior appointments:			
I've volunteered within the Gilroy community on multiple occasions. most notably, I've volunteered for the downtown activities last summer and a few times throughout the school year last year. I've also participated as a tutor for the Academic & Wellness Center for over a year. Not only was I able to be more involved in our Gilroy community through these two endeavors, but I was able to make an impact of numerous people's lives.			
What are your goals while serving on this Board/Commission/Committee?			
I have a few goals while serving on the Youth Commission. I hope to be a valuable member of this group by providing accurate and helpful feedback about the youth in Gilroy. I also hope to encourage other people my age to be more involved in our tight-knit community. Being more involved would help everyone become more connected and create a safer, more welcoming environment in our city.			
Why are you the most qualified to serve on this Board/Commission/Committee?			
I am most qualified to serve on Youth Commission because of my past and current experiences. Being a part of Youth Commission requires good communication skills which I have gained from both taking a class in that specific area and also enacting those skills into my job. Currently, I work at Gilroy Gardens in the Admissions department which tends to receive various complaints			

throughout the day from guests. It is my job (and all of those whom work with me) to communicate back to the guests in a calm and respectful manner the appropriate information. This makes me most qualified to serve on the Youth Commission because in a similar way, I will listen to any specific youth issues that occur in our community and respond accordingly.

School: Dr. Tj Owens Gilroy Early College Academy / Grade: 11th

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City of Gilroy Board, Committee, & Commission Application

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Board/Committee/Commission of Interest:		Youth Commission	
Name: Zara Ting-Tee			
Phone number(s):		email address*:	
Are you a registered voter within the City limits?		No	
Physical Address*:			
Driver's License or ID No.:		Date of Birth*:	Last 4 of SSN:
List your qualifications for this appointment:			
My qualifications for this appointment are the following: 1) In 2022, I worked as a mentor in the STAR Arts Education program here in Gilroy. I was a part of the pioneer crew for the infamous Oak Tree Garden, which belonged to the Ohlone people for centuries. I was absolutely honored to share this rich history with the youth of the program. I worked with Mrs. Marilyn Cardinali to guide the students and introduce the children through the powerful concept of theater. Prior to this, I was also a part of STAR's podcasting class, in which I worked with Mr. Ethan Chargin to later help create a video to promote the new musical Puff's to other youth and expose them to the wonders of being in a community based musical. 2) As a Junior Olympic Gymnast from 2015 through 2020, I helped coach young and aspiring gymnasts who were interested in being a part of the competitive team. I absolutely loved teaching and guiding these junior gymnasts to embody the life and skills of a competitive gymnast. Some of these junior gymnasts have joined the team and have given back their knowledge to the community by being great role models and excellent leaders. 3) I have volunteered at various elementary/middle schools across Gilroy. I have also went back to mentor and give a presentation to upcoming middle-schoolers in my previous fifth grade GATE class in Rucker Elementary. I gave them honest and significant advice on the transition from elementary to middle school and the transition from middle school to high school. I was incredibly honored to stand in place of those who had done the same for me. 4) I was actively involved in Gavilan's Science Alive Gallery and really enjoyed assisting the middle schoolers in finding their passions in science and math. It was so fun to watch the kids experience real science and to watch their amazement. My wish is for these students to gain the knowledge and eventually contribute their expertise to our city. 5) In my middle schools years, I was passionately involved as a member of the Kindness Club ran by Ms. Fortino (Brownell), in which we would visit Wheeler Manor to brings smiles to the senior community and visit the local shelters to care for our city's animals. It brought a lot of happiness and contentment to be involved in such a positive motion for our Gilroy community. 6) During COVID, I made personal cards to all the seniors at Wheeler Manor. My yearning to be a part of the community during the			

pandemic, has given me the opportunity to bring a little smile and joy to the senior residents during the unfortunate lockdown period. I was delighted to be a part of this while also being able to recruit other youth to do the same. 7) I am always open and active in GECA's student body. I consistently participate in school events and provide advice and ideas for the members of the student council to promote a healthy and inclusive environment in our GECA community.

List any service to the community including any prior appointments:

I was a mentor at STAR Arts and also helped promote the arts and sciences to youth in both the STAR and Science Alive programs. I am a frequent volunteer to schools across Gilroy and enjoy introducing others to being active in the amazing Gilroy community.

What are your goals while serving on this Board/Commission/Committee?

While serving on this Board/Commission/Committee, my main goal is to allow the youth community in Gilroy to understand and feel that they have a voice and role in our community. I also hope to encourage people to get more involved in the community itself, and I hope to be able to provide affective advice to help the board and city in any way I can. Throughout my life, I had been a recipient from very kind people in Gilroy, so now, I want to give back to our city and to the wonderful people in it.

Why are you the most qualified to serve on this Board/Commission/Committee?

I am a person who loves analyzing problems and finding solutions to them, in both large or more private situations. I have a huge interest to how the world works through trial and error and changes, so that is why I took multiple sociology classes, in the past year, in Gavilan College to better understand the functioning of societies. I am a great listener and have public speaking skills that I've gained through speeches, theater, and Poetry Out Loud. I enjoy voicing my honest opinion and working as a team to acknowledge issues and create greater opportunities for others. After the many mentors I've had through the years, such as police officers, librarians, school counselors/teachers, and even running non-profits, I believe I have a strong understanding of community and will make a conscientious effort to be an effective member of the Gilroy City Youth Committee.

School: Dr. TJ Owen's Gilroy Early College Academy / Grade: 10th

☐	By clicking on this box, I declare under penalty of perjury that I am currently a registered voter within the City limits of the City of Gilroy. Furthermore, I understand that this application and any attachments are subject to disclosure under the Public Records Act and must complete mandatory Open Government Ordinance Training. I further understand that members of the Planning Commission, Building Boards of Appeals, and Physically Challenged Board of Appeals are also subject to filing the Fair Political Practice Commission's Statement of Economic Interest Form 700 relating to financial disclosures.
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City of Gilroy Board, Committee, & Commission Application

**All Commission, Board, and Committee applications are a public record.*

Board/Committee/Commission of Interest:		Youth Commission	
Name:	Thanmay Sarath		
Phone number(s):		email address*:	
Are you a registered voter within the City limits?			
			No
Physical Address*:			
Driver's License or ID No.:		Date of Birth*:	Last 4 of SSN:
List your qualifications for this appointment:			
Advanced Academic Achievement: Completed High School Geometry in 7th grade and High School Algebra 2 Honors in 8th grade, showcasing dedication and strong academic performance. Continuous Learning: Currently enrolled in a High School History course during the summer break to further enhance knowledge and education. Artistic Accomplishments: Recognized as the Youngest Artist in the Bay Area and featured in ABC News and various local channels. Conducted numerous Solo Art exhibits throughout the Bay Area and received commendation from the City of Milpitas. Intellectual Aptitude: A member of the American Mensa society, demonstrating critical thinking skills and an eagerness for intellectual exchange. Programming Skills: Proficient in multiple programming languages, including HTML, CSS, JavaScript, Java, Python, and NodeJS. Developed web applications for reputable organizations like Geeknasium, Koalasoft, and DonerSiliconValley. Community Engagement: Volunteer at Gilroy Veterans Memorials, running the Vets and Tech program to assist veterans with technology, showcasing commitment to community service. Entrepreneurial Spirit: Founded Garlic Shield, organizing cybersecurity seminars for kids and the elderly, and provided free vulnerability scans and penetration tests to local vendors, displaying leadership and initiative. Covid Initiatives: Developed applications like BasicSupply.us to monitor local grocery levels and LonelyList.com to list free online events globally, contributing to the community during the Covid pandemic. Fundraising Experience: Successfully organized and raised \$45,000 through a fundraiser for Kerala flooding relief in 2018, exhibiting fundraising skills for charitable causes. Diverse Interests: Enthusiast of various hobbies, including dirt biking, MX Racing, machine building, and archery (Compound Free Style), showing a well-rounded personality and interests.			
List any service to the community including any prior appointments:			
Volunteer at Gilroy Veterans Memorials (January 2023 - Present): Run the Vets and Tech program, providing technology assistance and support to veterans. Founder, Garlic Shield (2021-2023): Organized cybersecurity seminars for kids and the elderly, promoting cyber awareness and safety. Provided free vulnerability scans and penetration tests to local vendors to enhance cybersecurity measures. Developed BasicSupply.us (2019): Created an application during Covid to monitor local grocery levels, facilitating easy navigation for shoppers. Enabled shoppers to update the grocery list, providing real-time information to assist others in their shopping needs. Developed LonelyList.com (2019): Developed an application during Covid to list free online events worldwide, encouraging global collaboration and engagement. Fundraiser			

for Kerala Flooding Relief (2018): Successfully organized a fundraiser during the Kerala flooding in 2018, raising \$45,000 for charity to aid relief efforts. 99Bridges Summer Intern (Summer 2020): Assisted in setting up Edge Devices and installing custom OS on the devices to support the organization's initiatives.

What are your goals while serving on this Board/Commission/Committee?

While serving on the City of Gilroy Youth Commission, my goals are centered on making a meaningful and positive impact on the youth and the community. I aim to bring a fresh perspective and a proactive approach to address the needs and concerns of young individuals in Gilroy. My goals include: Youth Empowerment: To advocate for the empowerment of youth in Gilroy, ensuring that their voices are heard, valued, and considered in decision-making processes that directly impact their lives. Community Engagement: To actively engage with the local youth community, encouraging their participation and involvement in civic activities, events, and initiatives. Education and Opportunities: To promote educational opportunities and support initiatives that enhance academic success, career exploration, and personal growth among the youth of Gilroy. Mental Health and Well-being: To focus on mental health awareness and resources, striving to create a supportive environment for youth facing mental health challenges. Diversity and Inclusion: To champion diversity and inclusion efforts, advocating for a welcoming and inclusive community where all youth feel accepted and celebrated. Youth Programs and Activities: To work with other commissioners and community leaders to develop and support various programs, events, and activities that cater to the interests and needs of the youth. Safety and Security: To prioritize the safety of the youth by collaborating with local authorities and organizations to address any safety concerns and promote a secure environment. Bridging the Generation Gap: To foster understanding and collaboration between different generations, promoting mutual respect and cooperation in the community. Environmental Awareness: To promote environmental awareness and sustainable practices among the youth, encouraging their active involvement in protecting and preserving the environment. Collaboration and Partnerships: To collaborate with various stakeholders, schools, non-profit organizations, and local businesses to create a unified effort in supporting the well-being and growth of the youth. By achieving these goals, I aspire to contribute to a vibrant and thriving community, where the youth of Gilroy can confidently face the challenges and opportunities that lie ahead. Through active engagement and dedicated service on the Youth Commission, I aim to represent the best interests of the youth and contribute positively to the overall development of our city.

Why are you the most qualified to serve on this Board/Commission/Committee?

I believe I am most qualified to serve on the City of Gilroy Youth Commission due to a combination of my diverse experiences, passion for community engagement, and dedication to making a positive impact on the lives of young individuals in Gilroy. Leadership and Initiative: As an accomplished artist, web developer, and founder of community initiatives such as Garlic Shield, BasicSupply.us, and LonelyList.com, I have demonstrated leadership, creativity, and initiative. These experiences have equipped me with problem-solving skills and the ability to drive meaningful projects to fruition. Academic Excellence: Completing High School Geometry in 7th grade and High School Algebra 2 Honors in 8th grade exemplifies my commitment to academic excellence and a thirst for knowledge. I believe in applying this same drive and dedication to serving on the Youth Commission. Strong Communication Skills: My experience as an artist, programmer, and public speaker has honed my communication skills, enabling me to effectively convey ideas, advocate for causes, and engage with individuals from diverse backgrounds. Community Service: Through volunteering at Gilroy Veterans Memorials and running the Vets and Tech program, I have demonstrated a genuine commitment to giving back to my community. I have also organized fundraisers and contributed to Kerala flooding relief efforts, showcasing a dedication to helping those in need. Entrepreneurial Spirit: Founding Garlic Shield and creating applications during Covid reflects my entrepreneurial spirit and willingness to take on challenges to benefit the community. Technological Expertise: My proficiency in various programming languages and web development skills will enable me to contribute to the commission's initiatives related to technology and digital engagement. Youth Perspective: As a member of the youth community myself, I understand the unique challenges and aspirations of young individuals. This perspective will allow me to represent the youth effectively and advocate for their needs. Collaborative Approach: I believe in the power of collaboration and am eager to work alongside other commissioners and community stakeholders to achieve common goals. Dedication to Inclusion: My passion for diversity and inclusion will ensure that all voices, regardless of background or identity, are heard and represented.

on the commission. Vision for a Better Future: Above all, I have a strong vision for a more vibrant and supportive community, and I am eager to contribute my skills and dedication to bring about positive change for the youth of Gilroy. I am confident that my qualifications and dedication make me the ideal candidate to serve on the City of Gilroy Youth Commission and contribute effectively to the betterment of our community.

School: / Grade: null

✓	By clicking on this box, I declare under penalty of perjury that I am currently a registered voter within the City limits of the City of Gilroy. Furthermore, I understand that this application and any attachments are subject to disclosure under the Public Records Act and must complete mandatory Open Government Ordinance Training. I further understand that members of the Planning Commission, Building Boards of Appeals, and Physically Challenged Board of Appeals are also subject to filing the Fair Political Practice Commission’s Statement of Economic Interest Form 700 relating to financial disclosures.
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**City of Gilroy
City Council Special Meeting Minutes
Monday, July 10, 2023 | 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 Bracco led the Pledge of Allegiance.

1.3. Invocation

There was none.

1.4. City Clerk's Report on Posting the Agenda

City Clerk Pham reported on the Posting of the Agenda.

1.5. Roll Call

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

1.6. Orders of the Day

There were none.

1.7. Employee Introductions

City Administrator Forbis introduced Management Analyst (Grants) Cheryl Ellemberg.

Police Chief Espinoza introduced Police Officer Don Tong.

2. CEREMONIAL ITEMS - Proclamations and Awards

2.1. Retirement Proclamation – Gilroy Golf Course General Manager Don DeLorenzo

Mayor Blankley read aloud the proclamation and presented it to General Manager Don DeLorenzo.

2.2. Retirement Proclamation – Police Sergeant John Ballard

Mayor Blankley read aloud the proclamation and presented it to John Ballard.

3. PRESENTATIONS TO THE COUNCIL

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

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

4. REPORTS OF COUNCIL MEMBERS

Council Member Bracco had no report.

Council Member Armendariz had no report.

Council Member Marques reported Gilroy Gardens Board of Directors and praised the City's 4th of July fireworks show.

Council Member Hilton attended the swearing-in ceremony of Assembly Member Rodriguez, thanked County Supervisor Arenas, commended the South County Youth Task Force for their focus on youth gun violence, and announced that the City will receive \$350,000 for the Gateway Senior Apartment Pedestrian Crossing from the recently adopted FY 23-24 state budget.

Council Member Cline reported on Visit Gilroy California Welcome Center Board.

Council Member Tovar had no report.

Mayor Blankley announced the completion of the CalTrain survey and briefly mentioned a trip to Angra do Heroísmo. Additionally, the Mayor informed the public about two upcoming events by the South County Youth Task Force: *Party at the Park* on July 22nd and *National Night Out* on August 1st.

5. COUNCIL CORRESPONDENCE

There were none.

6. FUTURE COUNCIL INITIATED AGENDA ITEMS

Council Member Marques requested a discussion on reopening the Wayland Parking Lot at Las Animas Park for the community. The item received majority support.

7. CONSENT CALENDAR

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

Motion: Adopt the Consent Calendar.

RESULT: Pass

MOVER: Fred Tovar, Council Member

SECONDER: Rebeca Armendariz, Council Member

AYES: Council Member Armendariz, Mayor Pro Tempore Bracco, Council Member Cline, Council Member Hilton, Council Member Marques, Council Member Tovar, Mayor Blankley

7.1. Approval of the Action Minutes of the June 19, 2023 City Council Regular Meeting

A motion was made to approve the minutes.

7.2. Approve Amendments to Gilroy Youth Commission Bylaws

A motion was made to approve the Gilroy Youth Commission Bylaws amendments.

7.3. Claim of Maria Salinas (The City Administrator recommends a "yes" vote under the Consent Calendar shall constitute denial of the claim)

A motion was made to deny the claim.

7.4. Claim of David Humberto Garcia Mejia (The City Administrator recommends a "yes" vote under the Consent Calendar shall constitute denial of the claim)

A motion was made to deny the claim.

7.5. Claim of Eliseo Ramirez Pacheco (The City Administrator recommends a "yes" vote under the Consent Calendar shall constitute denial of the claim)

A motion was made to deny the claim.

7.6. Claim of Ameera Kleder Barnes (The City Administrator recommends a "yes" vote under the Consent Calendar shall constitute denial of the claim)

A motion was made to deny the claim.

7.7. Claim of Rosaura Aguilar (The City Administrator recommends a "yes" vote under the Consent Calendar shall constitute denial of the claim)

A motion was made to deny the claim.

7.8. Claim of Karen Clinton (The City Administrator recommends a "yes" vote under the Consent Calendar shall constitute denial of the claim)

A motion was made to deny the claim.

7.9. Claim of Sandra Lopez (The City Administrator recommends a "yes" vote under the Consent Calendar shall constitute denial of the claim)

A motion was made to deny the claim.

8. BIDS AND PROPOSALS

There were none.

9. PUBLIC HEARINGS

9.1. Introduction and First Reading of an Ordinance Adding Chapter 16B, Sidewalk Vending, to the Gilroy City Code

Special Assistant to City Administration Biggs provided staff presentation and responded to Council Member questions.

Mayor Blankley opened the Public Hearing at 7:14 PM.

David Leal expressed concerns about the state of the historic downtown, highlighting the need for improvements, safety, and cleanliness to attract visitors and support the city's investments.

Mercedes Little emphasized the need for the proper distance between business and sidewalk vendors to ensure accessibility and safety and specific requirements to prevent illegal business operations and protect children from risks such as child trafficking.

Armando Recardez, director of the Mesa Redonda Roundtable program, highlighted the success and potential of street food vendors as viable businesses, emphasizing their commitment to obtaining certifications and contributing to the city's tax revenue while expressing readiness to bring their program to Gilroy with funding support.

Gary Walton commended the city for taking action on the issue but expressed concerns about liability, safety, and the distinction between street vendors and outdoor restaurants, emphasizing the need for objective standards in the proposed ordinance and further discussions with property owners, business owners, and the fire department to find a solution that benefits everyone and ensures safe egress in emergencies.

Ron Kirkish raised the question of priorities and emphasized the need to consider what is best for the city, particularly in terms of downtown improvement and supporting business owners who have invested significant amounts of money. He encouraged the council to take a broader perspective and make decisions that align with the desired vision for the downtown area.

There being no further speakers, Mayor Blankley closed the Public Hearing at 7:28 PM.

Council engaged in a discussion regarding the proposed ordinance and provided specific instructions to staff for changes:

- In 16B.3(a)(20), the ordinance should list the actual distance.
- In 16B.3(a)(2), change "service animal" to "leashed animal."
- In 16B.6(b)(6), include language regarding workers' compensation requirements.
- In 16B.3(a)(8), add the stipulation of "no generators or smoke within a certain distance of outdoor restaurant dining" and "be compliance with the California Air Resource Board."
- In 16B.3(a)(7), include language stating that signage should not exceed the size affixed to it and comply with ADA standards.

Council also requested staff to provide reports on the reporting structure and implementation of the proposed ordinance once it becomes effective. City Administrator Forbis committed to working with Council to schedule a study session in July to obtain further direction and planned to return the item for a first reading on August 7th.

The item was continued to the August 7, 2023 City Council Regular Meeting.

10. UNFINISHED BUSINESS**10.1. Annual Appointments to City Boards, Commissions, and Committees With Seats Vacant or Expired as of June 19, 2023**

City Clerk Pham provided a brief report to Council.

Council appointed Terence Fugazzi to the Planning Commission with a term expiring on December 31, 2023 and Kortney Hodge to the Parks and Recreation Commission with a term expiring on December 31, 2023.

11. INTRODUCTION OF NEW BUSINESS**11.1. Council Direction Concerning the City's Ongoing Membership in the Cities Association of Santa Clara County**

City Administrator Forbis provided staff presentation and responded to Council Member questions.

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

Consensus was reached among the Council to no longer participate with the Cities Association of Santa Clara County.

11.2. Selection of Voting Delegate for the League of California Cities 2023 Annual Conference

City Clerk Pham provided staff presentation and responded to Council Member questions.

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

Council appointed Council Member Tovar as the voting designate on behalf of the City, with Mayor Blankley as the alternate voting delegate.

11.3. Consent of the Appointment of Karl Bjarke as Interim Public Works Director (Retired Annuitant) Effective July 11, 2023 and Adoption of a Resolution of the City Council of the City of Gilroy Approving the Appointment and Employment Agreement

Human Resources Director McPhillips provided staff presentation and responded to Council Member questions.

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

Motion: Consent of the City Administrator's recommendation to appoint Karl Bjarke as Interim Public Works Director (as a retired annuitant) effective July 11, 2023 and adopt a Resolution of the City Council of the City of Gilroy approving the appointment of Karl Bjarke as Interim Public Works Director (Retired Annuitant) pursuant to California Government Code Section 21221(h) and authorizing the City Administrator to execute the employment agreement.

RESULT: Pass
MOVER: Dion Bracco, Mayor Pro Tempore
SECONDER: Tom Cline, Council Member
AYES: Council Member Armendariz, Mayor Pro Tempore Bracco, Council Member Cline, Council Member Hilton, Council Member Marques, Council Member Tovar, Mayor Blankley

12. CITY ADMINISTRATOR'S REPORTS

12.1. Visit to Gilroy Sister City Angra do Heroismo

City Administrator Forbis provided a brief report and responded to Council Member questions.

13. CITY ATTORNEY'S REPORTS

There were none.

14. ADJOURNMENT

Mayor Blankley adjourned the Meeting at 8:21 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.

/s/Thai Nam Pham, CMC, CPMC
City Clerk

**City of Gilroy
City Council Special Meeting Minutes
Wednesday, July 19, 2023 | 6:00 PM**

1. OPENING

1.1. Call to Order

Mayor Blankley called the Special Study Session to order at 6:00 PM.

1.2. Roll Call

Attendance	Attendee Name
Present	Dion Bracco, Mayor Pro Tempore Tom Cline, Council Member Fred Tovar, Council Member Marie Blankley, Mayor
Absent	Rebeca Armendariz, Council Member Zach Hilton, Council Member Carol Marques, Council Member

2. STUDY SESSION

2.1. Proposed Ordinance Adding Chapter 16B, Sidewalk Vending, to the Gilroy City Code

Special Assistant to City Administration Biggs provided staff presentation and responded to Council Member questions.

Mayor Blankley opened Public Comment.

Jeff Orth suggested alternatives for vendor relocation and stricter ordinance enforcement.

Dan Nelson from Tempo Kitchen and Bar highlighted safety and health concerns about vendors' presence downtown.

Gary Walton suggested distance regulations between vendors, restrictions on cooking methods, and a cap on vendor numbers.

Annie Palmer proposed adopting vendor regulations similar to Los Angeles and San Diego.

Mercedes Little emphasized that vendors should adhere to conventional business rules.

Jeanie Rizzuto supported the idea of relocating vendors to a single location.

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

Council directed that staff evaluate and include, where possible, the following modifications to the draft sidewalk vending ordinance:

- Incorporate Councilmember Cline's written modifications, save the addition of the "Temporary special permit" definition.
- Include Mr. Cline's written edits.

- Include a prohibition on the use of publicly owned electrical outlets (utilities)
- Evaluate whether a distance between a vendor and an open window could be added to the code
- Review the City of Sacramento's standards for clear space on its sidewalks (50% of sidewalk width or 5', whichever is greater)
- Evaluate the City of Sacramento's standards for customer queuing
- Explore a separation distance between a curb and sidewalk vending space to account for vehicle overhang
- Identify an appropriate distance a vendor will need to be from an ATM machine
- Explore a separation distance between vendors (100' stated as an example)
- Include separation distance to schools (400'), entertainment establishments (600'), permitted and/or certified special events, and farmers' markets (300') CHECK TERM IN STATE CODE.
- Evaluate whether time limits can be imposed on vendors that reflect the elected operating hours of adjacent businesses.
- Determine whether an accessible path of travel needs to be maintained from the sidewalk to standard, non-ADA, on-street parking spaces.
- Evaluate whether generators, wood-fired cooking devices, or deep-fat frying devices can be prohibited

Council requested that staff conduct the following research:

- Number of Cities that prohibit stand-alone alcoholic beverage consumption establishments.
- Whether there is/are historic districts in the City of Gilroy

Council further requested a detailed enforcement plan and permit fees presentation in September.

3. ADJOURNMENT

Mayor Blankley adjourned the Special Study Session at 7:32 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.

/s/Thai Nam Pham, CMC, CPMC
City Clerk



City of Gilroy

STAFF REPORT

Agenda Item Title: **Approval of a Notice of Acceptance of Completion for the FY22 Citywide Pavement Maintenance Project No. 22-PW-273 and Approval of a Final Contract with McKim Corporation in the Amount of \$4,472,160.94**

Meeting Date: August 7, 2023
 From: Jimmy Forbis, City Administrator
 Department: Public Works
 Submitted By: Karl Bjarke, Interim Public Works Director
 Prepared By: Julie Oates, Engineer II

STRATEGIC PLAN GOALS

Maintain and Improve City Infrastructure

RECOMMENDATION

- a) Approve a Notice of Acceptance of Completion for the FY22 Citywide Pavement Maintenance Project No. 22-PW-273.
- b) Approve a final contract amount of \$4,472,160.94 with McKim Corporation for the FY22 Citywide Pavement Maintenance Project No. 22-PW-273.

EXECUTIVE SUMMARY

The Public Works Department has completed construction of the FY22 Citywide Pavement Maintenance Project (Project) and has reviewed and approved all Project documentation. The Project scope of work included preventive maintenance and rehabilitation of 150 street segments and two alleys, installation of 67 ADA-compliant curb ramps, pavement striping and markings, and associated work. The street segments were selected based on the City's Pavement Management Program, StreetSaver, which evaluates and prioritizes the maintenance of the City's overall road network. Staff also received feedback from Public Works street maintenance crews.

Staff recommends the City Council approve the Notice of Acceptance of Completion and approve a final contract of \$4,472,160.94 with McKim Corporation for the FY22 Citywide Pavement Maintenance Project No. 22-PW-273.

Approval of a Notice of Acceptance of Completion for the FY22 Citywide Pavement Maintenance Project No. 22-PW-273 and Approval of a Final Contract with McKim Corporation in the Amount of \$4,472,160.94

BACKGROUND

The City Council awarded a construction contract for the Project to McKim Corporation in the amount of \$4,107,988.27 with a contingency of \$410,798.73 for a total construction allocation of \$4,518,787.00 at the April 18, 2022 City Council Meeting and authorized the City Administrator to execute the contract and associated documents.

ANALYSIS

The Project scope of work included preventive maintenance and rehabilitation of 150 street segments and two alleys, installation of 67 ADA-compliant curb ramps, pavement striping and markings, and associated work. Twenty construction change orders (CCOs) were executed for the Project. The CCOs resulted in a net increase of \$364,172.67 to the total contract. Four of these CCOs were due to new scopes of work that were added to the project. These consisted of the pavement overlays of Las Animas Avenue, the Post Office alley, the alley parallel to and between Hanna St & Rosanna St, running from Ninth St to Tenth St, and the spot repair of a section of Monterey Road south of Luchessa Avenue. These four CCOs accounted for approximately \$227,000 of the \$364,172.67 in total change orders. The CCOs are summarized in Attachment 1.

The overall construction schedule for the Project was 90 working days. The first working day of the contract was August 1, 2022. Contract work was suspended on October 31, 2022, due to inclement weather conditions. Contract work resumed on May 9, 2023 and was substantially completed on June 16, 2023. The contractor has completed project documentation and addressed all punch list items.

FISCAL IMPACT/FUNDING SOURCE

The Project's final construction cost was \$4,472,160.94, which included the original contract amount of \$4,107,988.27 and \$364,172.67 in change orders. The remaining \$46,626.06 in contingency funds were not used. The following sources funded the Project:

Funding Source	Amount
Road Funds SB-1 (210)	\$900,000
Measure B (212)	\$900,000
Gas Taxes (205)	\$1,118,787
General Fund (100)	\$1,600,000
Total	\$4,518,787

Attachments:

1. Summary of Construction Change Orders
2. 22-PW-273 Notice of Acceptance of Completion

FY22 Citywide Pavement Maintenance Project Construction Change Order Summary		
CCO#	CCO Description	CCO Amount
1	Las Animas Overlay	\$119,710.00
2	Post Office Alley Grind & Overlay	\$55,736.00
3	Monterey Rd Hump Removal	\$23,244.00
4	Retrofit Truncated Domes	\$13,500.00
5	Delete 6" Depth Digouts	(\$971,031.60)
6	Revised Unit Price for Digouts	\$833,714.00
7	Bid Item 55 Qty Adj 2" Cold Mill AC Pavement	\$1,599.54
8	Digout Quantity Adjustment 1	\$11,573.60
9	Wren Avenue Digouts	\$144,086.00
10	Bid Item 4 Cold Mill Overage	\$4,708.20
11	Bid Item 5 HMA Overage	\$19,787.55
12	Bid Item 12A Asphalt Rubber Chip	(\$133,328.37)
13	Bid Item 12B Cape Seal	\$162,326.01
14	Crack Seal Credit	(\$11,053.28)
15	Bid Item 56 Qty Adj for 2" HMA Overlay	\$10,833.93
16	Digout Quantity Adjustment 2	\$22,827.60
17	Material Credit for El Caminito HMA	(\$7,000.00)
18	Hanna/Rosanna/9th/10th Alley Mill & Fill	\$51,562.00
19	Bid Items 10 and 11 Qty Adj Slurry and Micro	\$16,986.99
20	Final Balancing Change Order Qty Adjustments	(\$5,609.50)
	Change Order Total	\$364,172.67

RECORDING REQUESTED BY:

City of Gilroy

9.3

WHEN RECORDED, MAIL TO:

City Clerk's Office

City of Gilroy

7351 Rosanna Street

Gilroy, CA 95020

(SPACE ABOVE THIS LINE FOR RECORDER'S USE)

**RECORD WITHOUT FEE UNDER SECTION 27383
GOVERNMENT CODE OF STATE OF CALIFORNIA**

Notice of Acceptance of Completion

FY22 Citywide Pavement Maintenance Project

Project No. 22-PW-273

McKim Corporation

SEPARATE PAGE PURSUANT TO GOVT. CODE 27361.6

9.3

NOTICE OF ACCEPTANCE OF COMPLETION

NOTICE IS HEREBY GIVEN that, as of the 7th day of August, 2023, the City of Gilroy, California ("City") has accepted as completed the work required to be performed under the following agreement ("Agreement") by and between McKim Corporation ("Contractor") and City:

FY22 Citywide Pavement Maintenance Project
Project No. 22-PW-273
McKim Corporation

Project No.: 22-PW-273

Contractor Name: McKim Corporation

Contractor Address: 60 W. 4th Street, Gilroy, CA 95020

Surety on Contract: Great Midwest Insurance Company

Location of Project: Gilroy, California

Description of Work:

The work includes furnishing of all labor, materials, incidentals, and equipment necessary to perform pavement rehabilitation of the various roads with pavement milling, associated pavement resurfacing and restriping, associated concrete flatwork, installation of ADA-compliant curb ramps, adjustment of utilities to grade, slurry seal, microsurfacing, asphalt rubber cape seal, micro-milling, striping, signage, traffic signal loops, concrete improvements, and other Work as indicated in the Plans and Specifications.

Interest of City:

- ☐ Owner in Fee
- ☐ Vendee under Agreement to Purchase
- ☐ Lessee
- ☐ Owner of Easements
- ☐ Holder of License
- ☒ Owner of Streets
- ☐ Owner of Utilities, Water, Sewer, Storm Systems

Owner's Name/Address: City of Gilroy, 7351 Rosanna Street, Gilroy, CA 95020

Work Done: See above, Description of Work

This notice is given in accordance with the provisions of Section 3093 of the Civil Code of the State of California.

The undersigned, being duly sworn, deposes and say:

That I am an officer of the City of Gilroy, that I have read the foregoing Notice of Acceptance of Completion and know the contents thereof; and that the same is true of my own knowledge, except as to those matters that I believe to be true. I certify under penalty of perjury that the foregoing is true and correct.

Executed at the City of Gilroy, County of Santa Clara, State of California, on July 26, 2023

CITY OF GILROY

BY: Karl Bjarke
Karl Bjarke

TITLE: Interim Public Works Director

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of Santa Clara)

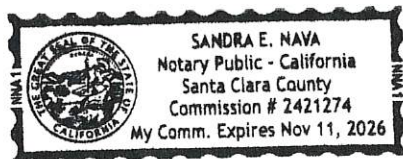
On July 26, 2023 before me, Sandra E. Nava, Notary Public,
Date Here Insert Name and Title of the Officer

personally appeared Karl Bjarke
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Sandra E. Nava
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Notice of Acceptance of Completion Document Date: July 26, 2023
Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____
Signer Is Representing: _____

Signer's Name: _____
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____
Signer Is Representing: _____



City of Gilroy

STAFF REPORT

Agenda Item Title: **Approval of a Notice of Acceptance of Completion and Reduction of the Faithful Performance and Payment Security Bonds for Property Improvement Agreement No. 2017-04, Wild Chestnut - Tract 10301**

Meeting Date: August 7, 2023
 From: Jimmy Forbis, City Administrator
 Department: Public Works
 Submitted By: Karl Bjarke, Interim Public Works Director
 Prepared By: Jorge Duran, Development Engineer

STRATEGIC PLAN GOALS

Promote Safe Affordable Housing for All

RECOMMENDATION

Approve the Notice of Acceptance of Completion and Reduction of the Faithful Performance and Payment Security Bonds for Property Improvement Agreement No. 2017-04, Wild Chestnut Development - Tract 10301.

BACKGROUND

In May 2014, Filice Family Estate, a California Limited Partnership (Developer), received Tentative Map approval for the Home Ranch residential project to create 52 single-family residential lots on East Syrah Drive and Northeast of Santa Teresa Boulevard. [Reference: Resolution No. 2014-19, TM 13-08]. The approvals were to construct streets, utilities, landscaping, lighting, fences, walls, and open space areas.

On September 18, 2017, Lennar Homes of California, Inc. (formerly CalAtlantic Group, Inc.) received Council approval of the Tract 10301 Final Map and the Property Improvement Agreement 2017-04 for the development of the site and related Public Improvements of the Wild Chestnut subdivision.

The developer has paid plan check and inspection fees and submitted bonding and insurance for the above-referenced Property Improvement Agreement and Tract Map.

Approval of a Notice of Acceptance of Completion, and Reduction of the Faithful Performance and Payment Security Bonds for Property Improvement Agreement No. 2017-04, Wild Chestnut - Tract 10301

DISCUSSION

Chapter 21, Article III, Section 21.81 of the City Code allows the City Council to authorize a reduction in the payment and performance bonds the builder provided before Council accepts the Property Improvement Agreements. The amount of the bond reduction is consistent with the amount of work completed at the time of the request. A Maintenance Bond of 10% of the construction cost ensures that defective or damaged improvements will be corrected during the one-year maintenance warranty period. The project's actual improvement costs have been reviewed to ensure that the Maintenance Security amount covers any anticipated issue with the installed improvements.

The developer, Lennar Homes of California, Inc. (formerly CalAtlantic Group, Inc.), requests a reduction of Tract 10255 Faithful Performance and Payment Bonds to a Maintenance Bond. This Maintenance Bond is 10% of the bond's value for the Tract improvements bond, reducing it for Tract 10301 from the original \$5,435,035 to \$543,504. The original security provided 100% of the estimated construction cost and payment for tract improvements, including new streets, grading, curb, gutter, sidewalk, utilities, landscape, electrical lighting, utility storm, water, and sewer.

The project is complete, and the Notice of Completion document is ready for acceptance and recordation with Santa Clara County. Exhibit C contains the Notice of Completion.

ALTERNATIVES

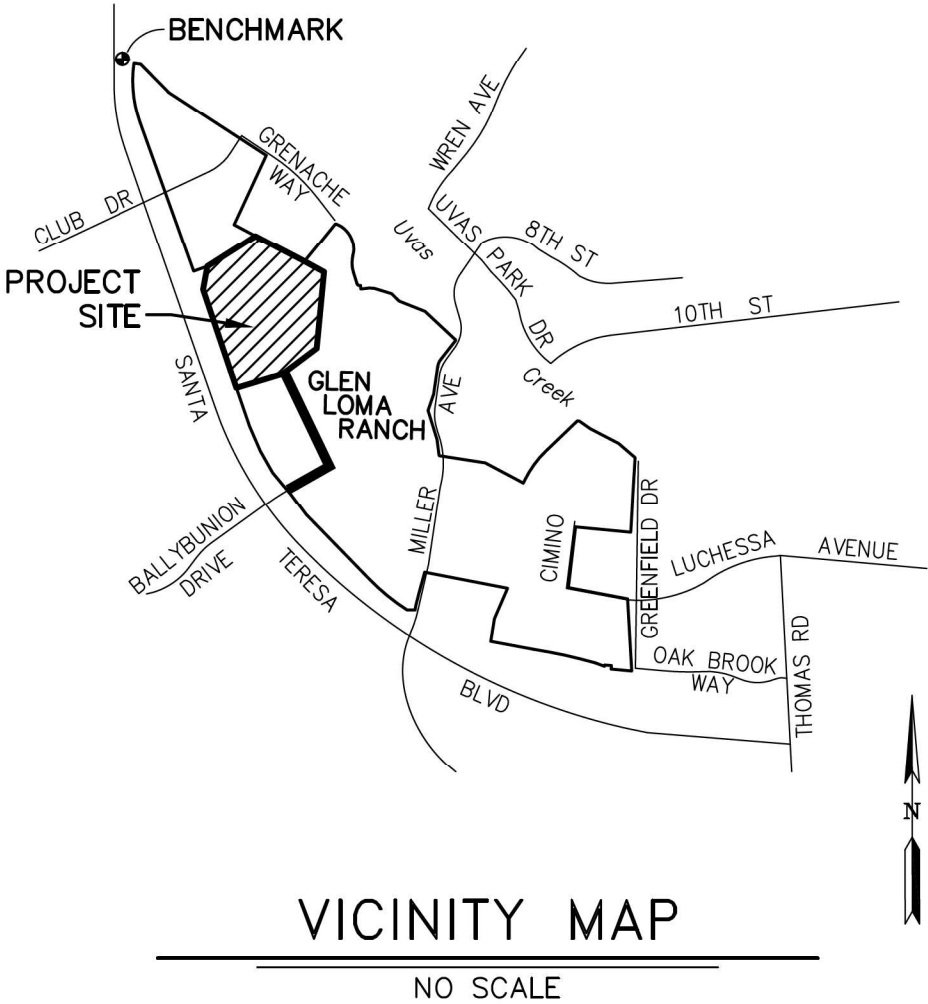
Council may deny the request to approve the Notice of Acceptance and reduction of bonds. However, the developer has completed all improvements per the approved Property Improvement Agreement No. 2017-04. Staff does not recommend this alternative as it will delay the site's development unnecessarily.

FISCAL IMPACT/FUNDING SOURCE

The developer has paid plan check and inspection fees and submitted bonding and insurance for the above-referenced Property Improvement Agreement and Tract Map. The Faithful Performance and Payment Bonds held as security would be reduced from \$5,435,035 to \$543,504.

Attachments:

1. Exhibit A - Vicinity Map
2. Exhibit B – PIA
3. Exhibit C – Notice of Completion



RECORDING REQUESTED BY:

City of Gilroy

23781391

Regina Alcomendras
Santa Clara County - Clerk-Recorder

10/20/2017 10:13 AM

Titles: 1 Pages: 23

Fees: \$91.00

Taxes: \$0

Total: \$91.00

WHEN RECORDED, MAIL TO:

Shawna Freels

City of Gilroy

7351 Rosanna Street

Gilroy, CA 95020



(SPACE ABOVE THIS LINE FOR RECORDER'S USE)

Property Improvement Agreement No. 2017-04

WILD CHESTNUT – Tract 10301

APN: 808-18-014 AND 808-18-018

CalAtlantic Group, Inc. a Delaware Corporation

And

Filice Family Estate, a California Limited Partnership

**PROPERTY IMPROVEMENT AGREEMENT
RESIDENTIAL**

AGREEMENT FOR EXTENSIONS OF WATER DISTRIBUTION SYSTEMS:
IMPROVEMENT OF STREETS: INSTALLATION OF SEWERS, STORM
DRAINS AND OTHER PUBLIC WORKS FACILITIES
Property Improvement Agreement No. 2017-04

This Property Improvement Agreement (“Agreement”) is made and entered into this 18th day of September, 2017, by and between the City of Gilroy, a municipal corporation, herein called the “City,” Filice Family Estate, herein called the “Owner” and CalAtlantic Group, Inc. a Delaware Corporation herein called the “Developer”.

WHEREAS, a final map of subdivision, record of survey or building permit (Site Clearance) application has now been submitted to the City for approval and acceptance, covering certain real estate and property improvements known as and called: Wild Chestnut, APN: 808-18-014 and 808-18-018, a legal description of which is attached hereto and incorporated herein as Exhibit “A” (the “Property”), and as described in the project improvement plans entitled Improvement Plans for Wild Chestnut Tract 10301.

WHEREAS, the Developer is the fee owner of the Property and requires certain utilities and public works facilities in order to service the Property under the minimum standards established by the City and,

WHEREAS, the City, by and through its City Council, has enacted certain Codes, Ordinances and Resolutions and certain Rules and Regulations have been promulgated concerning the subject matter of this Agreement and,

WHEREAS, the City has certain responsibilities for maintenance and operation of such utilities and public service facilities after acceptance by City, and for providing the necessary connecting system, general plant and appurtenances, and the City is agreeing to discharge those responsibilities, provided that Developer has faithfully and fully complied with all of the terms, covenants, conditions to be performed by Developer pursuant to this Agreement.

NOW THEREFORE, in consideration of the foregoing premises and in order to carry on the intent and purpose of said Codes, Ordinances, Resolutions and Regulations and established policies of the City and the laws of the State of California and the United States of America it is agreed by and between the parties as follows:

SECTION 1

That all Codes, Ordinances, Resolutions, Rules and Regulations and established policies of the City and the laws of the State of California and the United States of America concerning the subject matter of this Agreement are hereby referred to and incorporated herein to the same effect as if they were set out at length herein. Said Codes, Ordinances, Resolutions, Rule and Regulations include, but are not limited to, the following: the Code of the City of Gilroy, the current Zoning Ordinance, and the currently adopted Uniform Building Code.

SECTION 2

The Developer agrees:

- a. To perform each and every provision required by the City to be performed by the Developer in each and every one of said Codes, Ordinances, Resolution, Rules and other Regulations and established policies of the City and the laws of the State of California and the United States of America, including without limitation, the California Labor Code and California Public Contract Code. Developer further agrees and acknowledges that it is its obligation to determine whether, and to what extent, the work performed under this Agreement is subject to any Codes, Ordinances, Resolutions, Rules and other Regulations and established policies of the City and the laws of the State of California, the United States of America, the California Labor Code and Public Contract Code relating to public contracting and prevailing wage laws.
- b. To grant to the City without charge, free and clear of encumbrances, any and all easements and rights of way in and to the Property necessary for the City in order that its water, electricity, and/or sewer lines in or to said Property may be extended.
- c. To indemnify, defend with counsel of City's choice and hold the City free and harmless from all suits, fees, claims, demands, causes of action, costs, losses, damages, liabilities and expenses (including without limitation attorneys' fees) incurred by City in connection with (i) any damage done to any utility, public facility or other material or installation of the City on said Property which the Developer or any contractor or subcontractor of the Developer, or any employee of the foregoing, shall do in grading or working upon said Property; or (ii) arising or resulting directly or indirectly from any act or omission of Developer or Developer's contractors, or subcontractors, or any employee of the foregoing in connection with the work performed by them in connection with this Agreement, including without limitation all claims relating to injury or death of any person or damage to any property.
- d. To construct and improve all public works facilities and other improvements described in this Agreement and the improvement plans submitted to the City of Gilroy in furtherance of this Agreement on file with the City of Gilroy. All construction and improvements shall be completed in accordance with all standards established in the Codes, Ordinances, Resolutions, Rules and Regulations and established policies of the City and the laws of the State of California and the United States of America and this agreement, and in accordance with the grades, plans, and specifications approved by the City Engineer. Developer shall furnish two good and sufficient bonds, a Payment Bond on a form provided by the City and a Faithful Performance Bond, both of which shall be secured from a surety company admitted to do business in California. Each bond shall set forth a time period for performance by the contractor of its obligations and the terms and conditions on which the City may obtain the proceeds of the bond.

The Faithful Performance Bond shall be in an amount not less than one hundred percent (100%) of the total estimated amount payable for the improvements described in this Agreement, and shall secure payment to City and the Developer of any loss due to the default of the contractor or its inability or refusal to perform its contract. The performance bond shall by its terms remain in full force and effect for a period of not less than one year after completion of the improvements by Developer and acceptance of the improvements by City, to guarantee the repair and replacement of defective material and faulty workmanship. Upon completion of the improvements by Developer and acceptance of the improvements by City, Developer may substitute for the performance bond securing maintenance described above, a separate maintenance bond issued by an admitted surety in

the amount of ten percent (10%) of the total contract price of the improvements (provided that the amount of said bond shall not be less than One Thousand Dollars (\$1,000) to cover the one-year maintenance period.

The Payment Bond shall be in an amount not less than one hundred percent (100%) of the total estimated amount payable for the improvements described in this Agreement. The Payment Bond shall secure the payment of those persons or entities to whom the Developer may become legally indebted for labor, materials, tools, equipment or services of any kind used or employed by the contractor or subcontractor in performing the work, or taxes or amounts to be withheld thereon. The Payment Bond shall provide that the surety will pay the following amounts should the Contractor or a Subcontractor fail to pay the same, plus reasonable attorneys' fees to be fixed by the court if suit is brought upon the bond: (1) amounts due to any of the persons named in California Civil Code Section 9100; (2) amounts due under the Unemployment Insurance Code with respect to work or labor performed for the improvements described in this Agreement; and (3) any amounts required to be deducted, withheld, and paid over to the Employment Development Department from the wages of employees of the Contractor and Subcontractors pursuant to Section 13020 of the Unemployment Insurance Code with respect to the work and labor. The Payment Bond shall, by its terms, inure to the benefit of any of the persons named in Civil Code Section 3181 so as to give a right of action to those persons or their assigns in any suit brought upon the bond.

Simultaneously with the submission of its building permit application (Site Clearance), the Developer shall submit the following for both the surety that furnishes the Payment Bond and the surety that furnishes the Faithful Performance Bond: (1) a current printout from California Department of Insurance's website (www.insurance.ca.gov) showing that the surety is admitted to do business in the State; or (2) a certificate from the Clerk of the County of Santa Clara that the surety's certificate of authority has not been surrendered, revoked, canceled, annulled, or suspended or in the event that it has, that renewed authority has been granted.

- e. Except as otherwise expressly provided in this Agreement, all plan check and inspection fees which are payable by Developer pursuant to the attached comprehensive fee schedule are due and payable to the City prior to Council approval of the final map of the subdivision. Upon approval of the record of survey or the building permit covering the real estate to be improved and before any work is done therein, the Developer shall pay to the City all other sums payable by Developer pursuant to the attached comprehensive fee schedule.
- f. At all times during the term of this Agreement and until the improvements constructed by Developer are accepted by City, Developer shall, at no cost to City obtain and maintain (a) a policy of general liability and property damage insurance in the minimum amount of One Million Dollars (\$1,000,000), combined single limit for both bodily injury and property damage; (b) workers' compensation insurance as required by law; and (c) broad form "Builder's Risk" property damage insurance with limits of not less than 100% of the estimated value of the improvements to be constructed by Developer pursuant to this Agreement.

All such policies shall provide that thirty (30) days written notice must be given in advance to City prior to termination, cancellation or modification. The insurance specified in (a) above shall name City as an additional insured and the insurance specified in (c) shall name City as a loss payee, and shall provide that City, although an additional insured or loss payee, may recover for any loss suffered by reason of the acts or omissions of Developer or Developer's contractors or subcontractors or their respective employees. Developer hereby waives, and Developer shall cause each of its contractors and subcontractors to waive, all rights to recover against City for any loss or

damage arising from a cause covered by the insurance required to be carried pursuant to this Agreement or actually carried by Developer in connection with the work described in this Agreement, and will cause each insurer to waive all rights of subrogation against City in connection therewith. All policies shall be written on an occurrence basis and not on a claims made basis and shall be issued by insurance companies acceptable to City. Prior to commencing any work pursuant this Agreement, Developer shall deliver to City the insurance company's certificate evidencing the required coverage, or if required by City a copy of the policies obtained.

SECTION 3

That all the provisions of this Agreement and all work to be done pursuant to the terms of this Agreement are to be completed to City's satisfaction within one year from and after the date and year of this Agreement first above written. Developer shall maintain such public works facilities and other improvements described in this Agreement at Developer's sole cost and expense at all times prior to acceptance by City in a manner which will preclude any hazard to life or health or damage to property.

SECTION 4

That the faithful and prompt performance by the Developer of each and every term and condition contained herein is made an express condition precedent to the duty of the City to perform any act in connection with this transaction, and the failure, neglect or refusal of the Developer to so perform, or to pay any monies due hereunder when due shall release the City from any and all obligations hereunder and the City, at its election, may enforce the performance of any provision herein, or any right accruing to the City or may pursue any remedy whatsoever it may have under applicable laws or the Codes, Ordinances, Resolutions, Rules and Regulations of the City, in the event of any such default by Developer.

SECTION 5

That this Agreement, including without limitation the general stipulations outlined in Section 6 below, is an instrument affecting the title or possession of the real property and runs with the land. Except as expressly provided in the second sentence of Item 9 of the general stipulations set forth in Section 6 below (relating to the payment of reimbursement to the original Developer named in this Agreement), all the terms, covenants and conditions herein imposed shall be binding upon and inure to the benefit of City, Developer, the successors in interest of Developer, their respective successors and permitted assigns and all subsequent fees owners of the Property. The obligations of the Developer under this Agreement shall be the joint and several obligations of each and all of the parties comprising Developer, if Developer consists of more than one individual and/or entity. Upon the sale or division of the Property, the terms of this Agreement shall apply separately to each parcel and the fee owners of each parcel shall succeed to the obligations imposed on Developer by this Agreement.

SECTION 6

1. That the following general stipulations shall be completed subject to the approval of the Public Works Director/City Engineer.
2. The Project shall comply with all Tentative Map conditions and applicable mitigation measures as contained in City Council Resolution 2014-19 (TM 13-08 approval).
3. All work within the public right-of-way shall be subject to the approval of the City Engineer.

4. The Developer shall perform all work in compliance with the City of Gilroy Specifications Standards Design Criteria, Glen Loma Development Agreement and Glen Loma Specific Use District and is subject to all laws of this community by reference. Street improvements and the design of all storm drainage, sewer lines, and all street sections shall be in accordance with City Standards and Glen Loma Specific Plan, Glen Loma Development Agreement and Glen Loma Backbone Plans and shall follow the most current City Master plan for streets and each utility.
5. The developer shall defend, indemnify, and hold harmless the City, its City Council, Planning Commission, agents, officers, and employees from any claim, action, or proceeding against the City or its City Council, Planning Commission, agents, officer, and employees to attack, set aside, void, or annul an approval of the City, City Council, Planning Commission, or other board, advisory agency, or legislative claim, action, or proceeding against it, and will cooperate fully in the defense. This condition is imposed pursuant to California Government Code Section 66474.9.
6. No occupancy permit shall be issued in connection with this project if the owner or developer of such development (i) is not in compliance with the City's Residential Development Ordinance (City Zoning Ordinance Sections 50.60 et seq.) referred to as the RDO, any conditions of approval issued in connection with such development or other City requirements applicable to such development; or (ii) is in default under any agreement entered into with the City in connection with such development pursuant to the RDO. The project must also comply with any of condition of exemption granted from the RDO, including but not limited to time limits in obtaining City approvals and completion of construction of the dwelling units.
7. The City shall be notified at least two (2) working days prior to the start of any construction work and at that time the contractor shall provide a project schedule and a 24-hour emergency telephone number list.
8. At least one week prior to commencement of work, the developer shall post the site and mail to owners of property within (500') Five hundred feet of the exterior boundary of the project site, to the homeowner associations of nearby residential projects and to the Engineering Division, a notice that construction work will commence on or around the stated date. The notice shall include a list of contact persons with name, title, phone number and area of responsibility. The person responsible for maintaining the list shall be included. The list shall be current at all times and shall consist of persons with authority to initiate corrective action in their area of responsibility. The names of individuals responsible for dust, noise and litter control shall be expressly identified in the notice.
9. If the developer proposes to phase construction with building occupancy, the developer shall create, for City Engineer approval prior to first occupancy, a construction staging plan that addresses the ingress and egress location for all construction vehicles, parking and material storage area separate from occupied residential units.
10. Locate and properly dispose of any wells, septic tanks and underground fuel storage facilities.
NOTE: The capping of any well will require inspection by the Santa Clara Valley Water District.
11. Schedule the construction of improvements along existing public roads so that the work affecting vehicular traffic is completed with a minimum interruption to traffic.
12. All work shall be coordinated so that the existing residents on all adjacent streets have access to their properties.

13. Before construction utilizing combustible materials may proceed, an all-weather access must be provided to within 150 feet of the building site; and at least one in service fire hydrant or other water source acceptable to the Fire Marshal must be available within 150 feet of each portion of the site wherein this construction is to take place. Location of the fire hydrants will be determined by the Fire Chief.
14. A complete construction schedule, which shall include a detailed phasing plan (including traffic control for each proposed phase), shall be submitted and approved by the City Engineer prior to start of construction. Any deviation from the approved construction schedule and phasing plan shall be coordinated with the City Engineer. Deviating from the approved construction schedule and phasing plan without prior coordination with the City Engineer may prolong issuance of further building permits.
 - (a) Upon request by the City Engineer, the developer shall provide information for public outreach purposes, which may include maps and schedules for each phase of construction.
15. The developer shall obtain the required Habitat Conservation Plan (HCP) Permit and pay the applicable fees prior to the issuance of a grading permit or improvement plan approval.
16. One hard copy and electronic copy of the approved/stamped PG&E Joint Trench Composite Plans shall be submitted to the Engineering Division. Should there be a delay in obtaining the PG&E-approved joint trench plans, the Developer will be allowed to commence joint trench work "at-risk". The Developer assumes responsibility for any required redesign, and all costs associated with the redesign and additional city review resulting from the at-risk work completed without PG&E-approved joint trench plans. Design revisions and ultimate joint trench construction shall be completed to the satisfaction of the City Engineer.
17. Site preparation and fill construction shall be conducted under the observation of, and tested by, a licensed soils or geotechnical engineer. A report shall be filed with the City of Gilroy stating that all site preparation and fill construction meets the requirements of the geotechnical investigation. This shall be subject to review and approval by the Building Division. [CBC]
18. All grading operations and soil compaction activities shall be per the approved soils report and shall meet with the approval of the City Engineer.
19. New and existing utility lines, appurtenances, and associated equipment, including but not limited to electrical transmission, street lighting, and cable television shall be required to be placed underground. [Municipal Code Section 21, Article V]
20. Construction activity shall be restricted to the period between 7:00 a.m. to 7:00 p.m. Mondays through Fridays, Saturday 9:00 a.m. to 7:00 p.m. No work shall be done on Sundays and City Holidays. The City Engineer will apply additional construction period restrictions, as necessary, to accommodate standard commute traffic along arterial roadways and along school commute routes.
21. Any damage resulting from project construction operations to existing city infrastructure on or adjacent to the subject property shall be repaired to the satisfaction of the City Engineer, at the full expense of the developer/contractor. This shall include slurry seal, overlay, street reconstruction, and repair to curb, gutter and sidewalk, driveway approach if reasonably deemed warranted by the City Engineer.

22. This project is subject to post-construction stormwater quality requirements per Section 27D of the Gilroy Municipal Code.

23. Storm water BMP Operation and Maintenance Agreement

- (a) Prior to the issuance of any building permit requiring stormwater management BMPs or as otherwise determined by the City Engineer, the owner(s) of the site shall enter into a formal written Stormwater BMP Operation and Maintenance Agreement with the City. The City shall record this agreement, against the property or properties involved, with the County of Santa Clara and it shall be binding on all subsequent owners of land served by the storm water management treatment BMPs. The City-standard Stormwater BMP Operation and Maintenance Agreement will be provided by Public Works Engineering.
- (b) This Agreement shall require that the BMPs not be modified and BMP maintenance activities not alter the designed function of the facility from its original design unless approved by the City prior to the commencement of the proposed modification or maintenance activity.
- (c) This Agreement shall also provide that in the event that maintenance or repair is neglected, or the stormwater management facility becomes a danger to public health or safety, the city shall have the authority to perform maintenance and/or repair work and to recover the costs from the owner.
- (d) All on-site stormwater management facilities shall be operated and maintained in good condition and promptly repaired/replaced by the property owner(s), an owners' or homeowners' association or other legal entity approved by the City.
- (e) Any repairs or restoration/replacement and maintenance shall be in accordance with City-approved plans.
- (f) The property owner(s) shall develop a maintenance schedule for the life of any stormwater management facility and shall describe the maintenance to be completed, the time period for completion, and who shall perform the maintenance. This maintenance schedule shall be included with the approved Stormwater Runoff Management Plan.

24. Stormwater BMP Inspections will be required for this project and shall adhere to the following:

- (a) The property owner(s) shall be responsible for having all stormwater management facilities inspected for condition and function by a knowledgeable third party.
- (b) Unless otherwise required by the City Engineer or designee, stormwater facility inspections shall be done at least twice per year, once in Fall, in preparation for the wet season, and once in Winter. Written records shall be kept of all inspections and shall include, at minimum, the following information:
 - 1. Site address;
 - 2. Date and time of inspection;
 - 3. Name of the person conducting the inspection;
 - 4. List of stormwater facilities inspected;
 - 5. Condition of each stormwater facility inspected;
 - 6. Description of any needed maintenance or repairs; and
 - 7. As applicable, the need for site re-inspection.

- (c) Upon completion of each inspection, an inspection report shall be submitted to Public Works Engineering no later than October 1st for the Fall report, and no later than March 15th of the following year for the Winter report.
- 25. A minimum of one exterior monument shall be set. Additional monuments can be required by the City Engineer or City Surveyor as deemed necessary. Location of monuments shall be tied out prior to work.
- 26. In accordance with the California Professional Land Surveyors' Act (Business and Professions Code) Chapter 15 Sections 8771 and 8725, California Penal Code 605, and California Government Code 27581, the developer, their employees, subcontractors, and/or any person performing construction activities that will or may disturb an existing roadway/ street monument, corner stake, or any other permanent surveyed monument shall show all current monuments on the plans and shall ensure that a Corner Record and/or Record of Survey are filed with the County Surveyor Office prior to disturbing said monuments. All disturbed or destroyed monuments shall be reset and filed in compliance with Section 8771 at the developer's sole expense.
- 27. If there are any reimbursements payable to the Owner, they must be specifically identified in this Agreement. Any such reimbursements shall be payable to the original Owner named in this Agreement above, and shall not inure to the benefit of any subsequent owners of all or any portion of the Property. All reimbursements payable to Owner shall be subject to the City's reimbursement policies and ordinances in effect from time to time, including without limitation any expiration dates identified in such policies and ordinances. Such reimbursement shall be solely contingent upon the availability of the City's Traffic Impact Fee Funds and in no case shall the reimbursement be paid beyond ten (10) years after the execution of the Agreement. In addition to any other conditions, requirements and limitations set forth in the City's reimbursement policies and ordinances from time to time, (i) in no event shall any reimbursements be payable to Owner if City determines in its sole and absolute discretion from time to time that there are not sufficient reserves then on hand in the specific reimbursement fund from which Owner's reimbursement is payable, over and above any amounts anticipated to be required to be expended from such reimbursement fund, which reserves, at a minimum, are equal to at least half of the remaining average yearly anticipated expenditures of such reimbursement fund as determined by City from time to time; (ii) City may, in its sole and absolute discretion, make partial reimbursement payments to Owner in yearly increments, as determined by City; and (iii) City may defer payments in any given year if projects deemed by City to be of high importance are determined by City, in its sole and absolute discretion, to be warranted or necessary, and the funds in such reimbursement fund are designated by the City for use on such projects of high importance.
 - a. If applicable, recycled water system improvements completed by this tract will not be reimbursed until a recycled water reimbursement agreement is fully executed with the City and until such time as the City fully executes a separate recycled water reimbursement agreement with the Santa Clara Valley Water District.
- 28. No occupancy permits shall be issued (except for nine model homes) for the future three neighborhoods, Wild Chestnut, Montonico and Home Ranch, and no model homes will be allowed to open until the Santa Teresa/Ballybunion/Luchessa Roundabout's ultimate roadway

improvements are complete and all vehicular movements are open to traffic as determined by the City Engineer.

29. The developer shall upgrade Booster Station 5's firm capacity to 2,000 gpm, and total capacity to 3,000 gpm or as otherwise reasonably determined by further engineering analysis and approved by the Director of Public Works. The upgrade shall be operational prior to the 350th pressure Zone II building final or as otherwise reasonably determined by the Public Works Director. If such improvements are determined necessary, the share of the cost of such improvements shall be determined based on the ratio of the build-out demands between Glen Loma Ranch Zone II lands and any other future users accounted for in the engineering analysis.

30. The pump station shall be inspected by the City's Electrical Engineer prior to improvements being accepted.

SECTION 7

That the attached Development Cost Schedule enumerates all fees and their extensions.

TOTAL AMOUNT DUE CITY \$ 2,338,048.46 (Minimum, actual amount to be determined)

CITY OF GILROY

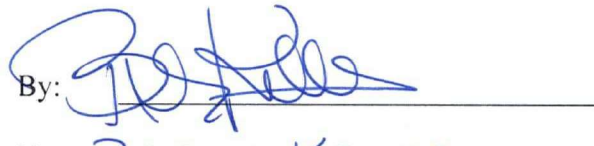
DEVELOPER

CalAtlantic Group, Inc. a Delaware Corporation

By:


Gabriel A. Gonzalez
City Administrator

By:


Name: BRENT KOWERE

Date:

9/20/17

Title:

OPERATIONAL VP.

Date:

8/28/17

ATTEST:


Shawna Freels, City Clerk

Owner

FILICE Family Estate
A CA. LIMITED Partnership
CUGINI CALABRIA LLC

By:


Name: John M. Filice OR

MANAGER AUTHORIZED
REPRESENTATIVE

APPROVED AS TO FORM:

Title: _____

A handwritten signature in blue ink, appearing to read 'A. Faber', is written over a horizontal line.

Andrew L. Faber, City Attorney

Date: _____

NOTE: If Developer is a corporation, the complete legal name and corporate seal of the corporation and the corporate titles of the persons signing for the corporation shall appear above.

[ATTACH EXHIBIT A – LEGAL DESCRIPTION]

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF Alameda

On August 28, 2017, before me, Mandi M. Misasi, Notary Public
(here insert name and title of the officer)

personally appeared Bridgit Koller,

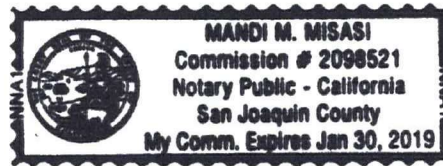
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that ~~he/she/they~~ executed the same in ~~his/her/their~~ authorized capacity(ies), and that by ~~his/her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature



(SEAL)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of Santa Clara)

On August 30, 2017 before me, Rosanna Argüelles-Patton, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared John M. Filice, Jr.
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature R. Argüelles-Patton
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Property Improvement Agreement No. 2017-04 Document Date: Sept. 18, 2017
Number of Pages: 11 w/ Exhibit A p. 1-9 Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: John M. Filice Jr.
☒ Corporate Officer — Title(s): Manager Authorized Rep.
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____

Signer's Name: _____
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: Filice Family Estate

Signer Is Representing: _____

“EXHIBIT A”

LEGAL DESCRIPTION

All that real property situated in the City of Gilroy, County of Santa Clara, State of California, being “Parcel A”, “Parcel B”, “Parcel C”, “Parcel D” and “Parcel E” as shown on the parcel map filed September 16, 1983 in book 517 of maps, pages 48 and 49, records of Santa Clara County, California and “designated remainder C” as shown on the parcel map filed January 25, 2001 in book 736 of maps, pages 26 through 29, records of Santa Clara County, California.

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CITY OF GILROY
PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION
COST ESTIMATE
EFFECTIVE 7/1/2017

ENCOMPASS NO: E1 **15070030** Revised:
DATE: 03-Aug-17 Revision Number:
NUMBER: Wild Chestnut TR 10301 @ Glen Loma Ranch Revision By:
PROJECT LOCATION: Santa Teresa & Ballybunion
PARCEL NUMBER: 808-18-018 & 808-18-014
OWNER/DEVELOPER: Glen Loma Corporation
MAILING ADDRESS: 7888 Wren Ave. Ste D143 Gilroy, CA 95020
TELEPHONE NO: 408-847-4224
PREPARED BY: Claudia Moran-Garcia

Account No.	Key Code	Fee:	Credits:	Amount Due:	Account Description	Paid on Invoice #
100-2601-0000-3625	4904	\$2,806.90		\$2,806.90	Special Public Works Serv	
100-2601-0000-3605	4702	\$462,842.94	40% Pln Chk Inps \$185,137.18	\$277,705.76	Eng Plan Check & Insp	
420-2600-0000-3660	4501	\$5,188.80		\$5,188.80	Storm Development Fee	
432-2600-0000-3660	3301	\$0.00		\$0.00	Str Tree Development Fee	
433-2600-0000-3660	4905	\$482,632.00		\$482,632.00	Traffic Impact Fee	
435-2600-0000-3660	4509	\$537,543.00		\$537,543.00	Sewer Development Fee	
436-2600-0000-3660	4510	\$184,642.00		\$184,642.00	Water Development Fee	
440-2600-0000-3660	4515	\$847,530.00		\$847,530.00	Public Facility Fee	
720-0433-0000-3620	2202	\$0.00		\$0.00	Const Water Use Fee	
801-2601-PWD0-3899	4703	\$0.00		\$0.00	Reimbursements	
801-2601-PWD0-3899	4703	\$0.00		\$0.00	Other Reimbursements	
Total				<u>\$2,338,048.46</u>		

Payment Bond Amount for all improvements \$5,435,035
Performance Bond Amount for all improvements \$5,435,035

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CITY OF GILROY
COMMUNITY DEVELOPMENT DEPARTMENT
ENGINEERING DIVISION
COST ESTIMATE

ENCOMPASS NO: E1 15070030
DATE: 3-Aug-2017
NUMBER: Wild Chestnut TR 10301 @ Glen Loma Ranch
PROJECT LOCATION: Santa Teresa & Ballybunion
PARCEL NUMBER: 808-18-018 & 808-18-014
OWNER/DEVELOPER: Glen Loma Corporation
MAILING ADDRESS: 7888 Wren Ave. Ste D143 Gilroy, CA 95020
TELEPHONE NO: 408-847-4224
PREPARED BY: Claudia Moran-Garcia

COST SCHEDULE TYPE: FINAL ENGINEERING
DEFER PUBLIC FACILITY FEE ? COST ESTIMATE ? Y PLAN CHECK ? N INCENTIVE AGREEMENT ONLY ? N
DEFER SEWER, WATER, TRAFFIC FEES ? TO PERMIT ? N TO FINAL ? N
TO PERMIT ? N TO FINAL ? N

NOTE: This Preliminary Cost Schedule is an estimate and will be adjusted to the rates in effect at the time permits are issued.

Site Information:	Gross Acres:	Lots:	Units:	Sq Ft:
Residential-Low ?	9.200	67	43	
Residential-High ?	0.000	0		
Commercial-Low ?	0.000	0		0
Commercial-High ?	0.000	0		0
Industrial-General ?	0.000	0		0
Industrial-Warehouse ?	0.000	0		0
Assembly Hall?	0.000	0		0
Common Area?	0.000			0

Commercial/Industrial Allocations:	Sewer GPD:	Water GPD:
	0	0
Reimbursements and credits:		
Front Footage/Square Footage Charges		
Street Tree FF:	Water FF:	Sewer FF:
0.0	0.0	0.0
Pavement SF:	Median SF:	Sidewalk SF:
0.0	0.0	0.0
		Storm FF:
		0.0
		Const Water Acres to be Developed:
		0.000
		Construction Water FF:
		0.0

SPECIAL PUBLIC WORKS SERVICES 100-2601-0000-3625 \$2,806.90

Maps:					
Final Map	\$1,755.00	+	\$15.70 / lot	Y	\$2,806.90 Fee ID N0-FINALM
Parcel Map	\$2,035.00	+	\$630.00 / lot	N	\$0.00 Fee ID N0-PARCELM
Re-assessment Map (Assessment District Parcels)	\$1,710.00	+	\$630.00 / lot	N	\$0.00 Fee ID N-ASSES
Administration Fees:					
(Cost Schedules, Agreements, R/W Reviews and Other Misc. Services)					
0 hr Misc Services	\$185.00	/	hr.	Y	\$0.00 Fee ID N-MISC
Special Staff Analysis					
0 hr Special Analysis	\$143.44	/	hr.	N	\$0.00

COST SCHEDULE Fees and Revised January 20, 2012 PROJECTS\Tract File\10301- Wild Chestnut (GLR)\Fees_Invoicing\Dev Fees 7-1-2017_Wild Chestnut - 8-3-17
ENGINEERING PLAN CHECK & INSPECTION 100-2601-0000-3605 COST ESTIMATE \$462,842.94
ACTUAL COST OF PUBLIC IMPROVEMENTS FINAL ENGINEERING PLAN CHECK \$0.00

At time of Improvement Plan/Final Map submittal 40% of fee is due for Plan Check. Remainder 60% due prior to submittal of Final Map for Council approval

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Additional Plan Review After First Three Submittals or Review of Changes, Additions or Revisions to Approved Plans									
0 hr Additional Plan Review (2 Hour Minimum)									
	\$143.44	/	hr.		N	\$0.00		Fee ID N0-GRADINS	
Re-Inspection Fee									
0 hr Re-Inspection									
	\$125.00	/	hr.		N	\$0.00		Fee ID N0-GRADINS	
Inspections outside of normal business hours									
0 hr Inspection	\$475.00	+		\$160.00	/	hr. after 3hrs	N	\$0.00	Fee ID N0-GRADINS
(Based on total cost of improvements)									
				COST ESTIMATE		ACTUAL COST		DIFFERENCE	(\$462,842.94)
Estimated Cost of Improvements				\$5,435,035		\$0		Fee ID N0-PCKINSP	
12.6%	\$0		\$100,000	Y	\$12,600.00	Y	\$0.00		
10.5%	\$100,000		\$200,000	Y	\$10,500.00	Y	\$0.00		
8.4%	over		\$200,000	Y	\$439,742.94	Y	\$0.00		
Payment Bond Amount for all improvements				\$5,435,035					
Performance Bond Amount for all improvements				\$5,435,035					
IMPACT FEES									
Storm Drain Impact Fee				420-2600-0000-3660				\$5,188.80	
a.Residential-Low				\$564.00	/	acre	Y	\$5,188.80	Fee ID N0-SD-LD
b.Residential-High				\$886.00	/	acre	Y	\$0.00	Fee ID N0-SD-HD
c.Commercial				\$1,528.00	/	acre	Y	\$0.00	Fee ID N0-SD-C
d.Industrial				\$1,128.00	/	acre	Y	\$0.00	Fee ID N0-SD-I
e.Assembly Hall				\$564.00	/	acre	Y	\$0.00	Fee ID N0-SD-AH
Street Tree Fee				432-2600-0000-3660				\$0.00	
a.City Planting and Replacement				\$3.06	/	f.f. x	N	0.0 =	\$0.00
b.Inspection and Replacement				\$0.41	/	f.f. x	Y	0.0 =	\$0.00
Traffic Impact Fee				433-2600-0000-3660				\$482,632.00	
a.Residential-Low				\$11,224.00	/	unit	Y	\$482,632.00	Fee ID N1-TRAF-LD
b.Residential-High				\$9,099.00	/	unit	Y	\$0.00	Fee ID N2-TRAF-HD
c.Commercial-Low Traffic (< 10.75 trips/1000 sf)				\$12,419.00	/	k.s.f.	Y	\$0.00	Fee ID N3-TRAF-CL
d.Commercial-High Traffic (>= 10.75 trips/1000 sf)				\$25,087.00	/	k.s.f.	Y	\$0.00	Fee ID N3-TRAF-CH
e.Industrial-General				\$4,921.00	/	k.s.f.	Y	\$0.00	Fee ID N4-TRAF-IG
f.Industrial-Warehouse				\$3,567.00	/	k.s.f.	Y	\$0.00	Fee ID N4-TRAF-IW

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Sewer Impact Fee		435-2600-0000-3660		<u>\$537,543.00</u>	
a. Residential-Low	\$12,501.00 / unit	Y	<u>\$537,543.00</u>	Fee ID N1-SS-LD	
b. Residential-High	\$6,764.00 / unit	Y	<u>\$0.00</u>	Fee ID N2-SS-HD	
c. Commercial/Industrial	\$3,956.00 / cgp	Y	<u>\$0.00</u>	Fee ID N5-SS-C/I	
Water Impact Fee		436-2600-0000-3660		<u>\$184,642.00</u>	
a. Residential-Low	\$4,294.00 / unit	Y	<u>\$184,642.00</u>	Fee ID N1-WATR-LD	
b. Residential-High	\$1,737.00 / unit	Y	<u>\$0.00</u>	Fee ID N2-WATR-HD	
c. Commercial/Industrial	\$6,731.00 / kgpd	Y	<u>\$0.00</u>	Fee ID N5-WTR-C/I	
Public Facilities Impact Fee		440-2600-0000-3660		<u>\$847,530.00</u>	
a. Residential-Low	\$19,710.00 / unit	Y	<u>\$847,530.00</u>	Fee ID N1-PF-LD	
b. Residential-High	\$16,583.00 / unit	Y	<u>\$0.00</u>	Fee ID N2-PF-HD	
c. Commercial	\$2,970.00 / k.s.f.	Y	<u>\$0.00</u>	Fee ID N3-PF-C	
d. Industrial	\$1,315.00 / k.s.f.	Y	<u>\$0.00</u>	Fee ID N4-PF-I	
Water User Fee (Construction)		720-0433-0000-3620	Y	<u>\$0.00</u>	
	\$3.00 / f.f.		<u>\$0.00</u>	Fee ID N0-CONWTF	
	\$182.73 / a.c.		<u>\$0.00</u>	Fee ID N0-CONWTAC	

FRONT FOOT CHARGES

(Used to charge and reimburse fees for existing infrastructure)

The Half Pipe schedule is used to determine the front footage reimbursement to former developers for infrastructure previously installed along the front footage of the development.

The Full Pipe schedule is used to determine the oversizing reimbursement to the developer for installing water, sewer, and storm main extensions to sizes required by each master plan that are greater than the sizes required by the development. The oversized portion is the difference between the master planned size for the main and the greater of the main size required by the development or the developer's minimum responsibility for each main.

Water		801-2601-PWD0-3899		<u>\$0.00</u>	
Water Mains - including fire hydrants, valves, valve boxes and other pertinences.					
Developer responsibility is up to and including 12" mains					
		<u>Half Pipe</u>		<u>Lineal Footage</u>	
6 inch Main	\$39.00 / LF x	N	<u>0.0</u>	<u>\$0.00</u>	Fee ID N-WR06-1/2
8 inch Main	\$41.00 / LF x	N	<u>0.0</u>	<u>\$0.00</u>	Fee ID N-WR08-1/2
10 inch Main	\$47.00 / LF x	N	<u>0.0</u>	<u>\$0.00</u>	Fee ID N-WR10-1/2
12 inch Main	\$52.00 / LF x	N	<u>0.0</u>	<u>\$0.00</u>	Fee ID N-WR12-1/2
14 inch Main	\$57.00 / LF x	N	<u>0.0</u>	<u>\$0.00</u>	Fee ID N-WR14-1/2
16 inch Main	\$62.00 / LF x	N	<u>0.0</u>	<u>\$0.00</u>	Fee ID N-WR16-1/2
18 inch Main	\$68.00 / LF x	N	<u>0.0</u>	<u>\$0.00</u>	Fee ID N-WR18-1/2
20 inch Main	\$76.00 / LF x	N	<u>0.0</u>	<u>\$0.00</u>	Fee ID N-WR18-1/2
24 inch Main	\$82.00 / LF x	N	<u>0.0</u>	<u>\$0.00</u>	Fee ID N-WR24-1/2
30 inch Main	\$91.00 / LF x	N	<u>0.0</u>	<u>\$0.00</u>	Fee ID N-WR30-1/2
36 inch Main	\$106.00 / LF x	N	<u>0.0</u>	<u>\$0.00</u>	Fee ID N-WR36-1/2

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Front Foot Charges Continued

(Used to charge and reimburse fees for existing infrastructure)

Sewer				801-2601-PWD0-3899				\$0.00	
Sewer Mains - including manhole and other pertinences. Developer responsibility is up to and including 12" mains.									
			<u>Half Pipe</u>		<u>Lineal Footage</u>				
6 inch	Main		\$73.00 / LF x	N	0.0	=	\$0.00	Fee ID N-SS06-1/2	
8 inch	Main		\$75.00 / LF x	N	0.0	=	\$0.00	Fee ID N-SS08-1/2	
10 inch	Main		\$81.00 / LF x	N	0.0	=	\$0.00	Fee ID N-SS10-1/2	
12 inch	Main		\$83.00 / LF x	N	0.0	=	\$0.00	Fee ID N-SS12-1/2	
15 inch	Main		\$87.00 / LF x	N	0.0	=	\$0.00	Fee ID N-SS15-1/2	
18 inch	Main		\$93.00 / LF x	N	0.0	=	\$0.00	Fee ID N-SS18-1/2	
21 inch	Main		\$102.00 / LF x	N	0.0	=	\$0.00	Fee ID N-SS21-1/2	
24 inch	Main		\$106.00 / LF x	N	0.0	=	\$0.00	Fee ID N-SS24-1/2	
27 inch	Main		\$122.00 / LF x	N	0.0	=	\$0.00	Fee ID N-SS27-1/2	
30 inch	Main		\$144.00 / LF x	N	0.0	=	\$0.00	Fee ID N-SS30-1/2	
33 inch	Main		\$158.00 / LF x	N	0.0	=	\$0.00	Fee ID N-SS33-1/2	
36 inch	Main		\$178.00 / LF x	N	0.0	=	\$0.00	Fee ID N-SS36-1/2	
39 inch	Main		\$212.00 / LF x	N	0.0	=	\$0.00	Fee ID N-SS39-1/2	
42 inch	Main		\$265.00 / LF x	N	0.0	=	\$0.00	Fee ID N-SS42-1/2	
Street Improvements				801-2601-PWD0-3899				\$0.00	
<u>Pavement, Sidewalks & Medians</u>				<u>Square Footage</u>					
AC/Bike path: base			\$2.55 / SF x	N	0.0	=	\$0.00	Fee ID N-STR-ACB	
AC/Bike path: pvmt			\$2.50 / SF x	N	0.0	=	\$0.00	Fee ID N-STR-ACP	
Sidewalk: new			\$9.75 / SF x	N	0.0	=	\$0.00	Fee ID N-STR-S/W	
Sidewalk: replace			\$13.25 / SF x	N	0.0	=	\$0.00	Fee ID N-STR-S/WR	
Resurfacing			\$2.55 / SF x	N	0.0	=	\$0.00	Fee ID N-STR-RESU	
Landscaped Median			\$20.35 / SF x	N	0.0	=	\$0.00	Fee ID N-STR-LANM	
Hardscaped Median			\$11.63 / SF x	N	0.0	=	\$0.00	Fee ID N-STR-HARD	
<u>Traffic Signals (equipment only)</u>				<u>% of Lump Sum</u>					
Traffic Signal-3 leg			\$130,200.00 / LS x	N	0%	=	\$0.00	Fee ID N-STR-TS3L	
Traffic Signal-4 leg			\$158,500.00 / LS x	N	0%	=	\$0.00	Fee ID N-STR-TS4L	
<u>Curb and Gutter</u>				<u>Lineal Footage</u>					
Curb/Gutter: new			\$25.85 / LF x	N	0.0	=	\$0.00	Fee ID N-STR-C/G	
Curb/Gutter: replace			\$33.40 / LF x	N	0.0	=	\$0.00	Fee ID N-STR-C/GR	
Curb Ramps			\$1,057.63 / LF x	N	0.0	=	\$0.00	Fee ID N-STR-CR	

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Front Foot Charges Continued

(Used to charge and reimburse fees for existing infrastructure)

Storm Drain				801-2601-PWD0-3899		\$0.00
Storm Mains - including manholes, catch basins and other pertinences. Developer responsibility is up to and including 24" mains.						
		Half Pipe		Lineal Footage		
18 inch	Main	\$63.00 / LF x	N	0.0	=	\$0.00 Fee ID N-SD18-1/2
21 inch	Main	\$69.00 / LF x	N	0.0	=	\$0.00 Fee ID N-SD21-1/2
24 inch	Main	\$70.00 / LF x	N	0.0	=	\$0.00 Fee ID N-SD24-1/2
27 inch	Main	\$82.00 / LF x	N	0.0	=	\$0.00 Fee ID N-SD27-1/2
30 inch	Main	\$89.00 / LF x	N	0.0	=	\$0.00 Fee ID N-SD30-1/2
33 inch	Main	\$91.00 / LF x	N	0.0	=	\$0.00 Fee ID N-SD33-1/2
36 inch	Main	\$95.00 / LF x	N	0.0	=	\$0.00 Fee ID N-SD36-1/2
42 inch	Main	\$99.00 / LF x	N	0.0	=	\$0.00 Fee ID N-SD42-1/2
48 inch	Main	\$117.00 / LF x	N	0.0	=	\$0.00 Fee ID N-SD48-1/2
54 inch	Main	\$137.00 / LF x	N	0.0	=	\$0.00 Fee ID N-SD54-1/2
60 inch	Main	\$158.00 / LF x	N	0.0	=	\$0.00 Fee ID N-SD60-1/2
66 inch	Main	\$179.00 / LF x	N	0.0	=	\$0.00 Fee ID N-SD66-1/2
72 inch	Main	\$200.00 / LF x	N	0.0	=	\$0.00 Fee ID N-SD72-1/2
78 inch	Main	\$216.00 / LF x	N	0.0	=	\$0.00 Fee ID N-SD78-1/2
84 inch	Main	\$231.00 / LF x	N	0.0	=	\$0.00 Fee ID N-SD84-1/2
90 inch	Main	\$246.00 / LF x	N	0.0	=	\$0.00 Fee ID N-SD90-1/2
96 inch	Main	\$261.00 / LF x	N	0.0	=	\$0.00 Fee ID N-SD96-1/2

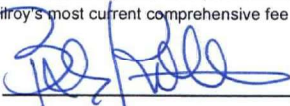
NOTE: All deferred and/or estimated fees will be adjusted to the rates in effect at the time fees are paid.

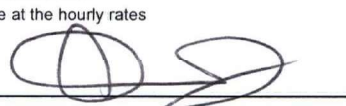
The undersigned agrees to provide actual construction costs for recalculation of fees and pay any underestimated fees prior to final acceptance. If the recalculated fees are less than the estimate, the City of Gilroy will refund the difference. Additional plan review required by changes, additions or revisions to approved plans, reinspections and inspections outside of normal business hours will be billed as shown in the City of Gilroy's most current comprehensive fee schedule at the hourly rates in effect at the time of inspection.

Accepted by:

Print Name:

Date:


BUDGET KOVER
8/28/17


JOHN M. KUCERA
8/30/17

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OVERSIZING SCHEDULE (Used to reimburse oversized infrastructure)

Total Oversized Water, Sewer and Storm Drain Main Reimbursement \$0.00

Total Oversized Water Main Reimbursement (Developer is responsible for up to and including 12" mains) \$0.00

			Oversized Full Pipe \$/foot	Minimum 12" main Full Pipe \$/foot		Oversized Footage		Oversized Reimbursement	
14 inch	Main		\$114.00	- \$104.00	x	0.0	=	\$0.00	N
16 inch	Main		\$124.00	- \$104.00	x	0.0	=	\$0.00	N
18 inch	Main		\$135.00	- \$104.00	x	0.0	=	\$0.00	N
20 inch	Main		\$151.00	- \$104.00	x	0.0	=	\$0.00	N
24 inch	Main		\$164.00	- \$104.00	x	0.0	=	\$0.00	N
30 inch	Main		\$182.00	- \$104.00	x	0.0	=	\$0.00	N
36 inch	Main		\$211.00	- \$104.00	x	0.0	=	\$0.00	N

Total Oversized Sewer Main Reimbursement (Developer is responsible for up to and including 12" mains) \$0.00

			Oversized Full Pipe \$/foot	Minimum 12" main Full Pipe \$/foot		Oversized Footage		Oversized Reimbursement	
15 inch	Main		\$174.00	- \$166.00	x	0.0	=	\$0.00	N
18 inch	Main		\$186.00	- \$166.00	x	0.0	=	\$0.00	N
21 inch	Main		\$204.00	- \$166.00	x	0.0	=	\$0.00	N
24 inch	Main		\$211.00	- \$166.00	x	0.0	=	\$0.00	N
27 inch	Main		\$244.00	- \$166.00	x	0.0	=	\$0.00	N
30 inch	Main		\$287.00	- \$166.00	x	0.0	=	\$0.00	N
33 inch	Main		\$315.00	- \$166.00	x	0.0	=	\$0.00	N
36 inch	Main		\$356.00	- \$166.00	x	0.0	=	\$0.00	N
39 inch	Main		\$423.00	- \$166.00	x	0.0	=	\$0.00	N
42 inch	Main		\$529.00	- \$166.00	x	0.0	=	\$0.00	N

Total Oversized Storm Drain Main Reimbmnt (Developer is responsible for up to and including 24" mains) \$0.00

			Oversized Full Pipe \$/foot	Minimum 24" main Full Pipe \$/foot		Oversized Footage		Oversized Reimbursement	
27 inch	Main		\$164.00	- \$140.00	x	0.0	=	\$0.00	N
30 inch	Main		\$177.00	- \$140.00	x	0.0	=	\$0.00	N
33 inch	Main		\$182.00	- \$140.00	x	0.0	=	\$0.00	N
36 inch	Main		\$189.00	- \$140.00	x	0.0	=	\$0.00	N
42 inch	Main		\$197.00	- \$140.00	x	0.0	=	\$0.00	N
48 inch	Main		\$233.00	- \$140.00	x	0.0	=	\$0.00	N
54 inch	Main		\$273.00	- \$140.00	x	0.0	=	\$0.00	N
60 inch	Main		\$315.00	- \$140.00	x	0.0	=	\$0.00	N

8/23/2017 4:22 PM

Oversizing Schedule Continued

(Used to reimburse oversized infrastructure)

Oversized Storm Drain Main Reimbmnt Continued			Oversized		Minimum 24" main		Oversized Footage		Oversized Reimbursement		
			Full Pipe \$/foot		Full Pipe \$/foot						
66 inch	Main		\$357.00	-	\$140.00	x	0.0	=	\$0.00	N	
72 inch	Main		\$399.00	-	\$140.00	x	0.0	=	\$0.00	N	
78 inch	Main		\$431.00	-	\$140.00	x	0.0	=	\$0.00	N	
84 inch	Main		\$461.00	-	\$140.00	x	0.0	=	\$0.00	N	
90 inch	Main		\$492.00	-	\$140.00	x	0.0	=	\$0.00	N	
96 inch	Main		\$522.00	-	\$140.00	x	0.0	=	\$0.00	N	

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of Santa Clara)

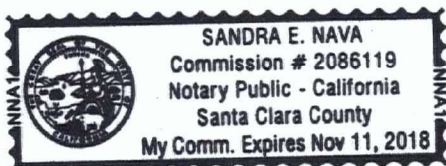
On September 20, 2017 before me, Sandra E. Nava, notary public,
Date Here Insert Name and Title of the Officer

personally appeared Gabriel A. Gonzalez
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Sandra E. Nava
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Property Improvement Agreement No. 2017-04 Document Date: September 18, 2017
Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____
Signer Is Representing: _____

Signer's Name: _____
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____
Signer Is Representing: _____

9.4

RECORDING REQUESTED BY:)
)
City of Gilroy)
)
)
)
)
WHEN RECORDED, MAIL TO:)
Thai Pham, City Clerk)
City of Gilroy)
7351 Rosanna Street)
Gilroy, CA 95020)

RECORDED WITHOUT FEE PER CALIFORNIA GOVERNMENT CODE SECTION 27383

(SPACE ABOVE THIS LINE FOR RECORDER'S USE)

NOTICE OF ACCEPTANCE OF COMPLETION

PROPERTY IMPROVEMENT AGREEMENT NO. 2017-04
PROJECT NAME - Tract 10301, Wild Chestnut
DEVELOPER NAME : Lennar Homes of California (Formerly CalAtlantic Group, Inc)

SEPARATE PAGE PURSUANT TO GOVERNMENT CODE SECTION 27361.6



City of Gilroy

STAFF REPORT

Agenda Item Title: Approve Corrected Gilroy Police Officers Association Salary Schedules for the Period July 1, 2023 - June 30, 2025

Meeting Date: August 7, 2023

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

Adopt by Resolution the Corrected Salary Schedules Associated with the Gilroy Police Officers Association Memorandum of Understanding/Supplemental Agreement for the Period July 1, 2023 – June 30, 2025.

EXECUTIVE SUMMARY

Staff recently discovered an error in the spreadsheet formula on the salary schedules for the Gilroy Police Officers Association (GPOA) that Council approved on April 3, 2023. The error inflated the salary figures and must be corrected to match the agreed-upon salary increases in the Supplemental Agreement to the GPOA Memorandum of Understanding.

The salary schedules have been corrected to align with the labor agreement and are attached to this staff report. On July 10, 2023, the GPOA leadership was notified of the error and advised that staff would bring a correction to City Council for adoption on August 7, 2023. To ensure clarity, staff believes Council should adopt a resolution to replace the incorrect salary schedules with the correct ones. Once Council adopts the accurate salary schedules will replace the inaccurate salary schedules attached to the

recent Supplemental Agreement to the GPOA MOU that Council approved on April 3, 2023.

Attachments:

1. Resolution Correcting the Salary Schedules Associated with the Gilroy Police Officers Association Memorandum of Understanding/Supplemental Agreement for the Period July 1, 2023 – June 30, 2025.
2. GPOA Salary Schedules for the Period July 1, 2023 – June 30, 2025.

RESOLUTION NO. 2023-XX**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GILROY CORRECTING THE JULY 1, 2023, JANUARY 1, 2024, JULY 1, 2024, AND JANUARY 1, 2025 SALARY SCHEDULES FOR EMPLOYEES REPRESENTED BY THE GILROY POLICE OFFICERS ASSOCIATION**

WHEREAS, the City Council does establish salaries for city officers and employees by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GILROY AS FOLLOWS:

1. The Gilroy City Council approved the Gilroy Police Officers Association (GPOA) Supplemental Agreement to the Memorandum of Understanding on April 3, 2023.
2. In July 2023, staff discovered an error in the spreadsheet related to the adopted salary schedules for the period July 1, 2023 – June 30, 2025.
3. Therefore, the previously approved salary scheduled for Gilroy Police Officers Association (GPOA) employees effective July 1, 2023, January 1, 2024, July 1, 2024, and January 1, 2025 as part of Resolution 2023-20 are hereby abolished.
4. The corrected salary schedules are approved as follows:
 - a. The salaries effective July 1, 2023 for GPOA employees as set forth in the attached salary schedule consisting of one (1) page is hereby approved and established adding a three percent (3%) cost of living increase and a one percent (1%) equity adjustment for a total increase of four percent (4%).
 - b. The salaries effective January 1, 2024 for GPOA employees as set forth in the attached salary schedule consisting of one (1) page is hereby approved and established adding Step F (2.5% above Step E; Step F requirements contained in Supplemental Agreement dated April 3, 2023).
 - c. The salaries effective July 1, 2024 for GPOA employees as set forth in the attached salary schedule consisting of one (1) page is hereby approved and established adding a three percent (3%) cost of living increase.
 - d. The salaries effective January 1, 2025 for GPOA employees as set forth in the attached salary schedule consisting of one (1) page is hereby approved and established adding Step G (2.5% above Step F; Step G requirements contained in Supplemental Agreement dated April 3, 2023).

PASSED AND ADOPTED this 7th day of August 2023, by the following roll call vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED:

Marie Blankley, Mayor

ATTEST:

Thai Nam Pham, City Clerk

**POLICE UNIT
SALARY SCHEDULE
(Effective July 1, 2023)**

(3% COLA Increase + 1% Equity Adjustment = 4% Total Salary Increase)

Job Classification Title	Job Class/ Salary Range		Step A	Step B	Step C	Step D	Step E
Police Sergeant	700	SP35	10,217.17 122,606	10,728.17 128,738	11,263.75 135,165	11,828.50 141,942	12,418.58 149,023
Police Corporal	701	SP33	9,216.17 110,594	9,676.25 116,115	10,159.83 121,918	10,669.33 128,032	11,202.42 134,429
Police Officer	702	SP32	8,609.83 103,318	9,040.33 108,484	9,492.92 113,915	9,966.25 119,595	10,465.67 125,588
Detention Services Officer*	752	NP29	6,442.75 77,313	6,765.17 81,182	7,102.92 85,235	7,457.92 89,495	7,830.92 93,971

SP = Sworn Personnel Classifications

NP = Non-Sworn Personnel Classifications

Holiday Pay: 7.02% of base pay in lieu of holidays (GPOA MOU Article IV, Section J)

Bilingual Pay: 5% of base pay based on Police Chief's approval and test (GPOA MOU Article IV, Section K)

Master Officer Pay: 5% of base pay in lieu of specialty pays (GPOA MOU Article IV, Section E)

Canine and Mounted Unit Officers receive an additional \$421.38 per month (GPOA MOU Article IV, Section M)

*Effective with the 7/1/23 salary schedule, the DSO salary range/steps now exceeds the former MSO salary range/steps that was y-rated. One employee remains in the MSO classification and will now convert to DSO and will no longer be y-rated.

NP Classes receive \$77.75 per month uniform allowance.

SP Classes receive \$116.67 per month uniform allowance.

SP/CIRT receive a one time \$200.00 uniform/equipment requirement

SP/CIRT receive a one time \$150.00 uniform/equipment requirement

SP/HNT receive a one time \$150.00 uniform/equipment requirement

SWORN PERSONNEL

5% Educational incentive available for an AA/AS Degree or an Intermediate POST Certificate.

7.5% Educational incentive available for a BA/BS Degree (or higher) or an Advanced POST Certificate.

(Maximum educational total: 7.50%)

NON-SWORN PERSONNEL (DSO)

3.5% Educational incentive available for 30 semester college units or Basic POST Certificate.

5.0% Educational incentive available for 60 semester college units or Intermediate POST Certificate.

(Maximum educational total: 5.0%)

Note: Annual salary amounts are rounded to the nearest dollar. Steps A - E are approximately 5% between steps.

**POLICE UNIT
SALARY SCHEDULE
(Effective January 1, 2024)
(Addition of Step F - 2.5% Retention Step)**

Job Classification Title	Job Class/ Salary Range		Step A	Step B	Step C	Step D	Step E	Step F*
Police Sergeant	700	SP35	10,217.17 122,606	10,728.17 128,738	11,263.75 135,165	11,828.50 141,942	12,418.58 149,023	12,729.08 152,749
Police Corporal	701	SP33	9,216.17 110,594	9,676.25 116,115	10,159.83 121,918	10,669.33 128,032	11,202.42 134,429	11,482.50 137,790
Police Officer	702	SP32	8,609.83 103,318	9,040.33 108,484	9,492.92 113,915	9,966.25 119,595	10,465.67 125,588	10,727.33 128,728
Detention Services Officer*	752	NP29	6,442.75 77,313	6,765.17 81,182	7,102.92 85,235	7,457.92 89,495	7,830.92 93,971	8,026.67 96,320

SP = Sworn Personnel Classifications

NP = Non-Sworn Personnel Classifications

Holiday Pay: 7.02% of base pay in lieu of holidays (GPOA MOU Article IV, Section J)

Bilingual Pay: 5% of base pay based on Police Chief's approval and test (GPOA MOU Article IV, Section K)

Master Officer Pay: 5% of base pay in lieu of specialty pays (GPOA MOU Article IV, Section E)

Canine and Mounted Unit Officers receive an additional \$421.38 per month (GPOA MOU Article IV, Section M)

*1/1/24 salary schedule adds Step F - 2.5% Step (merit step, one year at Step E, and completion of 5 years of service requirement per MOU).

NP Classes receive \$77.75 per month uniform allowance.

SP Classes receive \$116.67 per month uniform allowance.

SP/CIRT receive a one time \$200.00 uniform/equipment requirement

SP/CIRT receive a one time \$150.00 uniform/equipment requirement

SP/HNT receive a one time \$150.00 uniform/equipment requirement

SWORN PERSONNEL

5% Educational incentive available for an AA/AS Degree or an Intermediate POST Certificate.

7.5% Educational incentive available for a BA/BS Degree (or higher) or an Advanced POST Certificate.

(Maximum educational total: 7.50%)

NON-SWORN PERSONNEL (DSO)

3.5% Educational incentive available for 30 semester college units or Basic POST Certificate.

5.0% Educational incentive available for 60 semester college units or Intermediate POST Certificate.

(Maximum educational total: 5.0%)

Note: Annual salary amounts are rounded to the nearest dollar. Steps A - E are approximately 5% between steps. Steps E - F are approximately 2.5% between steps.

Rev. 07/23

**POLICE UNIT
SALARY SCHEDULE
(Effective July 1, 2024)
(3% Increase)**

Job Classification Title	Job Class/ Salary Range		Step A	Step B	Step C	Step D	Step E	Step F*
Police Sergeant	700	SP35	10,523.67 126,284	11,050.00 132,600	11,601.67 139,220	12,183.33 146,200	12,791.17 153,494	13,110.92 157,331
Police Corporal	701	SP33	9,492.67 113,912	9,966.50 119,598	10,464.67 125,576	10,989.42 131,873	11,538.50 138,462	11,827.00 141,924
Police Officer	702	SP32	8,868.17 106,418	9,311.58 111,739	9,777.67 117,332	10,265.25 123,183	10,779.67 129,356	11,049.17 132,590
Detention Services Officer*	752	NP29	6,636.00 79,632	6,968.08 83,617	7,316.00 87,792	7,681.67 92,180	8,065.83 96,790	8,267.50 99,210

SP = Sworn Personnel Classifications

NP = Non-Sworn Personnel Classifications

Holiday Pay: 7.02% of base pay in lieu of holidays (GPOA MOU Article IV, Section J)

Bilingual Pay: 5% of base pay based on Police Chief's approval and test (GPOA MOU Article IV, Section K)

Master Officer Pay: 5% of base pay in lieu of specialty pays (GPOA MOU Article IV, Section E)

Canine and Mounted Unit Officers receive an additional \$421.38 per month (GPOA MOU Article IV, Section M)

*1/1/24 salary schedule adds Step F - 2.5% Step (merit step, one year at Step E, and completion of 5 years of service requirement per MOU).

NP Classes receive \$77.75 per month uniform allowance.

SP Classes receive \$116.67 per month uniform allowance.

SP/CIRT receive a one time \$200.00 uniform/equipment requirement

SP/CIRT receive a one time \$150.00 uniform/equipment requirement

SP/HNT receive a one time \$150.00 uniform/equipment requirement

SWORN PERSONNEL

5% Educational incentive available for an AA/AS Degree or an Intermediate POST Certificate.

7.5% Educational incentive available for a BA/BS Degree (or higher) or an Advanced POST Certificate.

(Maximum educational total: 7.50%)

NON-SWORN PERSONNEL (DSO)

3.5% Educational incentive available for 30 semester college units or Basic POST Certificate.

5.0% Educational incentive available for 60 semester college units or Intermediate POST Certificate.

(Maximum educational total: 5.0%)

Note: Annual salary amounts are rounded to the nearest dollar. Steps A - E are approximately 5% between steps. Steps E - F are approximately 2.5% between steps.

Rev. 07/23

**POLICE UNIT
SALARY SCHEDULE
(Effective January 1, 2025)
(Addition of Step G - 2.5% Retention Step)**

Job Classification Title	Job Class/ Salary Range		Step A	Step B	Step C	Step D	Step E	Step F*	Step G*
Police Sergeant	700	SP35	10,523.67 126,284	11,050.00 132,600	11,601.67 139,220	12,183.33 146,200	12,791.17 153,494	13,110.92 157,331	13,438.67 161,264
Police Corporal	701	SP33	9,492.67 113,912	9,966.50 119,598	10,464.67 125,576	10,989.42 131,873	11,538.50 138,462	11,827.00 141,924	12,122.67 145,472
Police Officer	702	SP32	8,868.17 106,418	9,311.58 111,739	9,777.67 117,332	10,265.25 123,183	10,779.67 129,356	11,049.17 132,590	11,325.42 135,905
Detention Services Officer*	752	NP29	6,636.00 79,632	6,968.08 83,617	7,316.00 87,792	7,681.67 92,180	8,065.83 96,790	8,267.50 99,210	8,474.17 101,690

SP = Sworn Personnel Classifications

NP = Non-Sworn Personnel Classifications

Holiday Pay: 7.02% of base pay in lieu of holidays (GPOA MOU Article IV, Section J)

Bilingual Pay: 5% of base pay based on Police Chief's approval and test (GPOA MOU Article IV, Section K)

Master Officer Pay: 5% of base pay in lieu of specialty pays (GPOA MOU Article IV, Section E)

Canine and Mounted Unit Officers receive an additional \$421.38 per month (GPOA MOU Article IV, Section M)

*1/1/24 salary schedule adds Step F - 2.5% Step (merit step, one year at Step E, and completion of 5 years of service requirement per MOU). 1/1/25 salary schedule adds Step G - 2.5% Retention Step (merit step, one year at Step F, and completion of 5 years of service requirement per MOU).

NP Classes receive \$77.75 per month uniform allowance.

SP Classes receive \$116.67 per month uniform allowance.

SP/CIRT receive a one time \$200.00 uniform/equipment requirement

SP/CIRT receive a one time \$150.00 uniform/equipment requirement

SP/HNT receive a one time \$150.00 uniform/equipment requirement

SWORN PERSONNEL

5% Educational incentive available for an AA/AS Degree or an Intermediate POST Certificate.

7.5% Educational incentive available for a BA/BS Degree (or higher) or an Advanced POST Certificate.

(Maximum educational total: 7.50%)

NON-SWORN PERSONNEL (DSO)

3.5% Educational incentive available for 30 semester college units or Basic POST Certificate.

5.0% Educational incentive available for 60 semester college units or Intermediate POST Certificate.

(Maximum educational total: 5.0%)

Note: Annual salary amounts are rounded to the nearest dollar. Steps A - E are approximately 5% between steps. Steps E - F are approximately 2.5% between steps.

Rev. 07/23



City of Gilroy

STAFF REPORT

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

Meeting Date: August 7, 2023

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 August 7, 2023 meeting:

- Claim of Steve Kinney

Attachments:

1. Claim of Steve Kinney

File With: City Clerk's Office 7351 Rosanna Street Gilroy, CA 95020-6141	CITY OF GILROY CLAIM FOR DAMAGES To Person Or Property	CLAIM No. _____ 
INSTRUCTIONS 1. Claims for death, injury to person or to personal property must be filed not later than six months after the occurrence. (Gov. Code Sec. 911.2) 2. Claims for damages to real property must be filed not later than 1 year after the occurrence. (Gov. Code Sec. 911.2) 3. Read entire claim before filing. 4. See page 2 for diagram upon which to locate place of accident. 5. This claim form must be signed on page 2 at bottom. 6. Attach separate sheets, if necessary, to give full details. SIGN EACH SHEET.		RECEIVED APR 5 2023
TO: CITY OF GILROY		Date of Birth of Claimant 12/28/1983
Name of Claimant Steve Kinney		Occupation of Claimant Vault Technician
Home Address of Claimant 1230 Cypress Ct	City and State Gilroy, CA	Home Telephone Number (408) 829-2004
Business Address of Claimant	City and State	Business Telephone Number
Give address and telephone number to which you desire notices or communications to be sent regarding this claim: 1230 Cypress Ct Gilroy, CA 95020 (408) 829-2004		Claimant's e-mail address fishippersk@gmail.com
When did DAMAGE or INJURY occur? Date March 15th, 2023 Time	Names of any city employees involved in INJURY or DAMAGE:	
If claim is for Equitable Indemnity, give date claimant served with the complaint: Date	Where did DAMAGE or INJURY occur? Describe fully, and locate on diagram on reverse side of this sheet. Where appropriate, give street names and address and measurements from landmarks: The damage occurred to my 2006 Chevy Silverado and 2003 GMC Envoy while parked on the street in front of my home (address 1230 cypress ct).	
Describe in detail the DAMAGE or INJURY occurred: Tar, pieces of asphalt and rock flew up from a pothole that had been patched. The tar, asphalt and rock caused dents as well as chipping to the paint job on the Chevy Silverado (please see estimate from Chavez Auto Body). The tar that flew up from the pothole sprayed onto the GMC Envoy (no denting occurred to this vehicle).		
Why do you claim the city is responsible? Because the city is the one who patched the pothole. The people who performed the patch work did not correctly cold patch the pothole; they patched the pothole without allowing it to dry completely. They also did not back roll or tamp the pothole.		
Describe in detail each INJURY or DAMAGE: Chevy Silverado: chipped the paint job & dented the body. on side of vehicle facing street GMC Envoy: sprayed tar, mud & debris onto side of vehicle facing street		
9.6		
SEE PAGE 2 (OVER) THIS CLAIM MUST BE SIGNED ON REVERSE SIDE		

The amount claimed, as of the date of presentation of this claim, is computed as follows:

Damages incurred to date (exact):

Damage to property..... chevy Silverado \$ 3483.24
 Expense for medical and hospital care..... \$ N/A
 Loss of earnings..... \$ N/A
 Special damages for..... \$ 280
Tar removal - GMC Envoy
 General damages..... \$ N/A
 Total damages incurred to date \$ N/A

Estimated prospective damages as far as known:

Future expenses for medical and hospital care..... \$ N/A
 Future loss of earnings..... \$ N/A
 Other prospective special damages..... \$ N/A
 Prospective general damages..... \$ N/A
 Total estimate prospective damages ... \$ 0

Total amount claimed as of date of presentation of this claim: \$ 3763.24

Was damage and/or injury investigated by police? NO If so, what city? _____

Were paramedics or ambulance called? NO If so, name city of ambulance _____

If injured, state date, time, name and address of doctor of your first visit _____

WITNESSES to DAMAGE or INJURY: List all persons and address of persons known to have information:

Name Josh Kurlmel Address 1220 Cypress Ct Phone (408) 315-2184
 Name Matt Kahee Address 7821 Ponderosa Drive Phone (408) 422-9642
 Name Tommy Miller Address 1231 Cypress Ct Phone (408) 417-7664

DOCTORS and HOSPITALS:

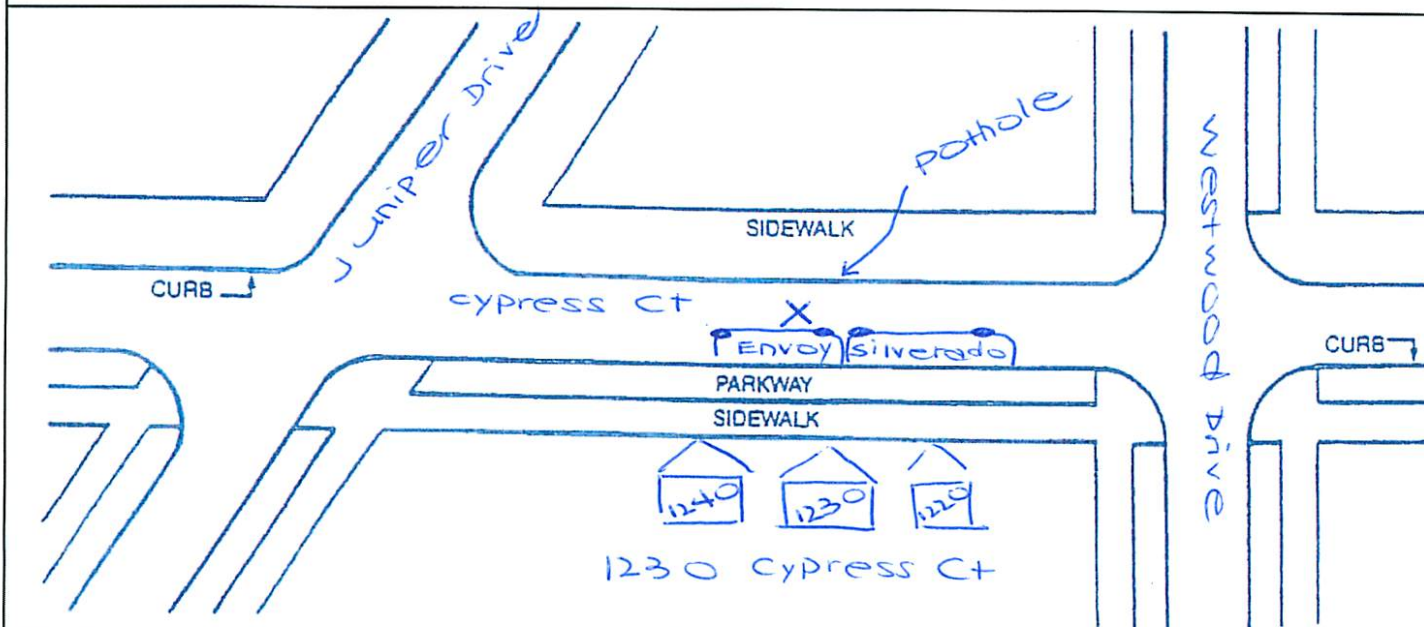
Hospital _____ Address _____ Date Hospitalized _____
 Doctor _____ Address _____ Date of Treatment _____
 Doctor _____ Address _____ Date of Treatment _____

READ CAREFULLY

For all accident claims, place on following diagram names of streets, including North, East, South and West: Indicate place of accident by "X" and by showing house numbers or distances to street corners. If City vehicle was involved, designate by letter "A" location of City vehicle when you first saw it, and by "B" location of yourself or your vehicle when you first saw City vehicle:

Location of City at time of accident by "A-1" and location of yourself or your vehicle at the time of the accident by "B-1" and the point of impact by "X".

NOTE: If diagrams below do not fit the situation, attach hereto a proper diagram signed by claimant.



Signature of Claimant or person filing on his behalf giving relationship to claimant:

[Signature]

Typed Name:

Steve Kinney

Date:

04/01/23



City of Gilroy

STAFF REPORT

Agenda Item Title: Continued Public Hearing for Introduction and First Reading of an Ordinance Adding Chapter 16B, Sidewalk Vending, to the Gilroy City Code

Meeting Date: August 7, 2023

From: Jimmy Forbis, City Administrator

Department: Community Development

Submitted By: Sharon Goei, Community Development Director

Prepared By: Jon Biggs, Special Assistant to City Administration

STRATEGIC PLAN GOALS

Promote Economic Development Activities

RECOMMENDATION

1. Motion to read the ordinance by title only and waive further reading of the ordinance; and
2. Introduce an ordinance adding Chapter 16B, Sidewalk Vending, to the Gilroy City Code, which provides permit requirements and standards for sidewalk vending, and find that it is exempt from CEQA Guidelines Section 15332.

EXECUTIVE SUMMARY

Legislation adopted at the State level (State Senate Bill 946 or SB 946) now allows vendors to sell food and merchandise on pedestrian paths, public sidewalks, and, in certain instances, public parks. Although the Gilroy City Code includes requirements for mobile vending (Chapter 16A of the Gilroy City Code), those requirements are not in line with current State legislation for sidewalk vendors, and the proposed ordinance provides permit requirements and standards for those seeking to sell goods or foods on City-owned paths, sidewalks, and parks.

POLICY DISCUSSION

State legislation has decriminalized sidewalk vending and the sale of food and goods on public sidewalks, pathways, and parks; assuming required permits and licenses (e.g., County Health Permit or City Business License) are in possession of the vendor. Although SB 946 places limits on the City's ability to regulate sidewalk vendors, this legislation still provides the City with the authority to adopt requirements regulating the time, place, and manner of sidewalk vending so long as the requirements are directly related to objective health, safety, or welfare concerns. In response to City Council direction at its meetings of April 17, July 10, and July 19, 2023, staff has drafted the attached ordinance regulating sidewalk vending in the City. The proposed regulations are intended to protect the public's health, safety, and welfare and have been developed based on input from the community, the City Council, and sidewalk vending regulations from other cities. The proposed regulations are intended to address anticipated issues; however, amendments to this code may be needed in the future to address unanticipated issues or changes in State law.

BACKGROUND

At its meeting on April 17, 2023, staff provided the City Council with an overview of this new state legislation and requested direction on whether it should draft a set of regulations specific to sidewalk vending. Following the staff presentation, questions, and public comment, the City Council directed staff to develop an ordinance that regulates sidewalk vending.

In line with the City Council's direction, staff held a community workshop on the evening of June 8, 2023, which was well attended (approximately 57 adults were in attendance) by various segments of the community who sought clarifications and asked questions in addition to providing input on the process and standards by which sidewalk vending would be permitted.

At its meeting of July 10, 2023, the City Council considered the proposed ordinance and following deliberations, forwarded a number of modifications to the draft ordinance, requested that a study session be scheduled so it could have a more in depth review of the proposed regulations, and continued the consideration of the sidewalk vending regulations to its meeting of August 7, 2023.

A study session of the City Council was held on July 19, 2023. The City Council reviewed the modifications to the code forwarded at its July 10 meeting, which include the following:

16B.3 (a) (2) No food sidewalk vendor may be accompanied by or in the custody or possession of an animal, except a service animal. Merchandise sidewalk vendors may have ~~one service~~ a leashed animal.

16B.3 (a) (7) To maintain the free movement of pedestrians and/or vehicles, sidewalk vendors shall not use signs in connection with the sale, display, or offering for sale of items, except for those signs affixed to or painted on a vending device and are no larger than the vending device itself.

16B.3 (a) (9) Vendors using a generator approved in conjunction with the sidewalk vending permit and those that emit smoke or steam shall not be located within ten twenty-five feet (40' 25') of building openings and approved outdoor seating of an eating establishment.

16B.3 (a) (21) Sidewalk vendors shall not block access to or create unreasonable congestion by maintaining a clear distance of forty-eight inches (48"), unless this conflicts with federal, state, or local regulations, at: (A) a corner of any street intersection; (B) any fire hydrant, ~~fire call box~~, emergency exit, or other emergency facility; (C) any curb which is designated as white, yellow, green, blue, or red zone, or a bus zone; (D) any egress and ingress location of a building, facility, or stairway access point; (E) any driveway or driveway apron; or (F) upon or within from any roadway, median strip, or dividing section; or (G) at any parking pay station.

16B.6 (b) (6) Commercial general liability insurance policy, automobile, and workers compensation insurance policies or other such policy as the office of the risk manager of the city of Gilroy shall require; and

The City Council also reviewed modifications to the vending regulations proposed by Councilmember Cline on July 10, 2023.

Following its review of these modifications and public comment, the City Council provided the following direction on additional modifications to the code and asked staff to evaluate them, and where possible, include in the draft ordinance to be considered at its August 7, 2023 meeting. The following changes were forwarded by the City Council:

1. Incorporate Councilmember Cline's written modifications, save the addition of the "Temporary special permit" definition.
2. Include a prohibition on use of publicly owned electrical outlets (utilities).
3. Review the City of Sacramento's standards clear space on its sidewalks (50% of sidewalk width or 5', whichever is greater).
4. Evaluate the City of Sacramento's standards for customer queuing.
5. Explore a separation distance between a curb and sidewalk vending space to account for vehicle overhang.
6. Identify an appropriate distance a vendor will need to be from an ATM machine.

7. Include separation distance to schools (400'), entertainment establishments (600'), permitted and/or certified special events and farmers' markets (300').
8. Evaluate whether time limits can be imposed on vendors that reflect the elected operating hours of adjacent businesses.
9. Evaluate whether a distance between a vendor and an open window could be added to the code.
10. Explore a separation distance between vendors (100' stated as an example).
11. Determine whether an accessible path of travel needs to be maintained from the sidewalk to standard, non-ADA, on-street parking spaces.
12. Evaluate whether generators, wood fired cooking devices, or deep fat frying devices can be prohibited.

In addition, the City Council asked that staff research the following and be ready to address these at the August 7, 2023 meeting:

- Review what other cities that prohibit stand-alone alcoholic beverage consumption establishments have done.
- Whether there is/are historic districts in the City of Gilroy.

Staff has incorporated items 1 – 8 in the draft ordinance. Items 9 – 12 have not been included in the draft ordinance for reasons that are detailed in the Analysis section of this agenda report.

ANALYSIS

As noted, staff has incorporated items 1 – 8 above into the draft ordinance. Most of these are straightforward and address health, safety, or welfare concerns, such as the customer queuing requirements, setback of the vending space from the curb face, or distance to an ATM machine. Other standards were evaluated by staff and added based on a review of other City policy documents and a close analysis of State Law. One example of this is the standard that imposes operating hours on vendors that reflect the operating hours of adjacent businesses. State legislation states that in “nonresidential areas,” hours of operation for vendors cannot be more restrictive than those imposed on other businesses. Since areas of the downtown allow residential uses, it is not a nonresidential area so imposing time limits would be appropriate.

As to the standards for maintaining an accessible path of travel and addressing unreasonable congestion, the 48” being proposed has its origins in accessibility laws, but as noted in the standard for unreasonable congestion, this is also subject to federal,

state, and local regulations given that there are a variety of separation distance requirements interspersed amongst these codes. It is also worth noting that the standard for a separation distance between vendors that use a generator, create smoke, or steam has increased from 10', as reviewed at the July 19, 2023 City Council Study Session, to a separation distance of 25' to building openings and outdoor seating. This was based on the Center for Disease Control recommendations for separation distance to generators, which is a minimum of 20'. It is believed that the 25' being proposed offers even further protections.

Staff has also evaluated and looked for opportunities to incorporate items 9 – 12 into the code; however, given the State's requirement that standards for the regulation of sidewalk vending must be based on objective health, safety, and welfare standards, staff does not believe that these five standards can be added in a defensible manner.

Staff did look at regulations adopted by other cities that regulate among other things the distance between vendors. Those cities, like Santa Cruz and Culver City for example, include findings or references that detail the tourist nature of their communities and population increase they experience with the influx of visitors on a given day. Culver City notes it consists of just over five square miles and is home to approximately 40,000 residents and the job site of some 300,000 workers. On top of this, it realizes as many as 500,000 visitors on weekends and holidays and notes that many of its sidewalks and pathways are under eight feet in width; thus, the increase in its daily population and narrowness of its sidewalks makes prohibiting or separating sidewalk vendors legitimate health and safety measures. The City of Santa Cruz, likewise, provides sidewalk vending restrictions on the streets that experience large increases in the number of visitors it experiences and notes, as well, the sensitivity of its coastal areas, which are part of the Monterey Bay Marine Sanctuary. The City of Sacramento, which provides restrictions for its Old Town neighborhood, does not prohibit vendors outright, but rather, provides a standard that they cannot operate on sidewalks where the width would be reduced to less than 6', a nod to existing conditions that would be unsafe and potentially inaccessible if vending facilities were set up there.

Staff has also reviewed the City's 2040 General Plan and other policy documents, like the Downtown Specific Plan, for possible programs or policies that would support the addition of certain standards that prohibit or further restrict sidewalk vending like items 9 – 12 above. The goals, policies, and programs it has come across however, encourage people coming to the City and its neighborhoods rather than describing or identifying how a significant influx of visitors on any given day generate health, safety, and welfare impacts and how to control or manage those impacts. This seems to reflect Gilroy's ongoing efforts to establish itself as a destination. Against this backdrop, it would be difficult to establish appropriate or defensible findings or reasons that would support items 9 – 12. As State law explicitly states, "perceived community animus or economic competition does not constitute an objective health, safety or welfare concern."

Staff will be evaluating each application that is submitted for compliance with the standards and requirements for sidewalk vending. As more applications are processed

and experience with vending operations in the City is gathered, there may be a need to modify these rules or adopt new rules and processes that help achieve vending operations that do not have negative impacts. Staff notes that the proposed ordinance does provide opportunities to address negative health or safety impacts should they become evident in the future. These include:

- Amending the Sidewalk Vending regulations
- Adopting a City Council resolution that put in place rules or limits
- Conditioning an application to address any issues specific to a vendor location

Once this program is in place, staff can take these steps to address concerns that become apparent.

ALCOHOL SERVING ESTABLISHMENTS

The City Council did bring up the correlation between the number of establishments in Downtown Gilroy that serve alcohol only (beer and wine) plus the lack of food serving businesses during the later hours of the evening. This imbalance provides opportunities for sidewalk vendors that sell food.

One question was whether the City of Gilroy, other cities, can control or limit, through land use measures, alcohol only serving establishment. A City can regulate such establishments through its zoning requirements, either by identification of permitted and non-permitted uses in a given area, or through the use permit process. There are a number of cities across that state that do require conditional use permits for such establishments. This, in coordination with the State of California Department of Alcoholic Beverage Control (ABC), can be an avenue the City can pursue to potentially provide for a more balanced mix of business in the Downtown.

ARE THERE HISTORIC DISTRICTS IN GILROY

Downtown Gilroy is in a historic district and city codes for historic districts or properties on the City's Historic Resources Inventory provide guidance concerning additions, alterations, or demolition. These rules and policies do not provide rules for uses within the historic district, other than encouraging the adaptive reuse of structures on the historic inventory. No guidance on impacts or negative consequences are included; therefore, there is no basis or supporting documentation for standards to address sidewalk vendors in the Historic Downtown.

CONCLUSION

The draft ordinance being considered by the City Council, if introduced, is the next step towards permitting and regulating sidewalk vending in a manner that helps protect the health, safety, and welfare of the community, while complying with State law. Staff has evaluated and incorporated the modifications noted above, where appropriate, and

believes this has strengthened the sidewalk vending rules in a manner that is responsive to the community's expressed concerns.

ALTERNATIVES

Following are some alternatives the City Council might consider:

- Decline the introduction of the ordinance. This alternative is not recommended as regulations (e.g., permits and standards) help to minimize potential impacts from sidewalk vendors and provide a legal framework for vendors to obtain compliance.
- Identify amendments or modifications to the proposed ordinance and direct staff to return with a revised ordinance.

FISCAL IMPACT/FUNDING SOURCE

The introduction and adoption of the ordinance will have a minimal fiscal impact. However, there will be staff time consumption across multiple departments in implementing the ordinance. For example, staff will need to create educational materials; conduct outreach; develop documents, forms, and procedures, including configuration in the new permit system; perform permit review and processing; enforce standards and regulations; and coordinate with outside agencies. Additional resources will be needed to implement the ordinance. Staff will consider the staff time and cost and return with a resolution for the City Council to consider the appropriate application fee.

PUBLIC OUTREACH

A community workshop on sidewalk vending was held on June 8, 2023 at the Gilroy Senior Center.

This public hearing was continued from the July 10, 2023 Special Meeting of the City Council. A public hearing notice of that meeting was posted in the Gilroy Dispatch.

A study session of the City Council was held on July 19, 2023.

NEXT STEPS

If the proposed ordinance is introduced, it will be placed on the consent calendar of the next City Council meeting for adoption. The ordinance will become effective 30 days following adoption.

Attachments:

1. Proposed Ordinance (Redlined Version)
2. Proposed Ordinance (Clean Version)

ORDINANCE 2023-XX**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
GILROY ADDING CHAPTER 16B, SIDEWALK VENDING,
TO THE GILROY CITY CODE**

WHEREAS, in 2019, California Senate Bill (“SB”) 946 (Sidewalk Vendors) became law, decriminalizing commercial sidewalk vending and limiting local government’s ability to restrict sidewalk vending; and

WHEREAS, since SB 946 became law, it has become clear that, in order to promote public health, safety, and welfare, the City requires a comprehensive City-wide dedicated sidewalk vending permitting and regulatory scheme that both complies with state law and is effective at regulating sidewalk vending in public spaces; and

WHEREAS, at its meeting of April 17, 2023, staff presented the City Council with an overview of sidewalk vending legislation adopted by the State of California, and following public comment and input, the City Council directed that staff draft an ordinance containing permit requirements and standards for sidewalk vending in the City; and

WHEREAS, staff held a community workshop on the evening of June 8, 2023, which was well attended by various segments of the community who sought clarifications and asked questions in addition to providing input on the process and standards by which sidewalk vending would be permitted: and

WHEREAS, at its meetings of July 10 and July 19, 2023, the City Council considered the proposed ordinance and following public comment and input, directed that staff incorporate changes to the sidewalk vending rules, where appropriate, and return them to the City Council at a future meeting for consideration; and

WHEREAS, if properly regulated, sidewalk vending can foster vibrant public spaces, promote a diverse and inclusive local economy, and create economic opportunities for low-income and immigrant communities; and

WHEREAS, at the same time, inadequately regulated sidewalk vending has caused and will be expected to cause negative future impacts on public health, safety, and welfare. For example, inadequately regulated sidewalk vending has caused or been associated with numerous negative consequences in Gilroy and as reported by staffs of other cities as well, including unsafe overcrowding; decreased accessibility for persons with disabilities; a lack of adequate access for first responders, and emergency personnel; the monopolization of public spaces for private commercial use; traffic safety concerns for motorists, bicyclists, and pedestrians; diversion of pedestrians into bike lanes or vehicular lanes; parking congestion; accumulation of trash and pollution in public spaces; altercations arising amongst vendors competing for locations from which to vend their food or goods; foodborne illnesses; the sale of counterfeit goods; and a lack of sales tax being collected; and

WHEREAS, the intent of this ordinance is to effectively regulate sidewalk vending in a way that: (a) complies with state law; (b) addresses objective public health, safety, and welfare concerns; and

WHEREAS, the project is exempt from CEQA review based on CEQA Guidelines subsection 15061 (b) (3) in that the adoption of this ordinance does not have the potential to cause a significant effect on the environment because it provides additional rules and procedures intended to provide for the protection of health, safety, and welfare in the City for commercial activity, sidewalk vending, determined by the State of California to be permissible across the State.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GILROY DOES HEREBY ORDAIN THE ADDITION OF CHAPTER 16B, SIDEWALK VENDING, ATTACHED AS EXHIBIT 'A', TO THE GILROY CITY CODE.

PASSED AND ADOPTED by the City Council of the City of Gilroy at a regular meeting duly held on the ___ day of ___ 2023 by the following roll call vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED:

Marie Blankley, Mayor

ATTEST:

Thai Nam Pham, City Clerk

DRAFT

EXHIBIT 'A' of ORDINANCE 2023-XX

CHAPTER 16B

SIDEWALK VENDING

Sections

- 16B.1 Intent and purpose.
- 16B.2 Definitions.
- 16B.3 Sidewalk vending standards.
- 16B.4 Restricted vending times and locations.
- 16B.5 Permit applicability.
- 16B.6 Sidewalk vending permit application and fees.
- 16B.7 Sidewalk vending permit approval, conditions, denial, or revocation.
- 16B.8 Sidewalk vending permit expiration and renewal.
- 16B.9 Administrative citations.
- 16B.10 Impoundment.

16B.1 INTENT AND PURPOSE.

(a) The city council of the city of Gilroy declares that:

(1) If properly regulated, sidewalk vending can foster vibrant public spaces, promote a diverse and inclusive local economy, and create economic opportunities for low-income and immigrant communities.

(2) At the same time, inadequately regulated sidewalk vending has caused and will be expected to cause in the future negative impacts to the public health, safety and welfare. For example, inadequately regulated sidewalk vending has caused or been associated with numerous negative consequences in Gilroy and as reported by staffs of other cities as well, including unsafe overcrowding; decreased accessibility for persons with disabilities; a lack of adequate access for first responder and emergency personnel; the monopolization of public spaces for private commercial use; traffic safety concerns for motorists, bicyclists, and pedestrians; diversion of pedestrians into bike lanes or vehicular lanes; parking congestion; accumulation of trash and pollution in public spaces; altercations arising amongst vendors competing for locations from which to vend their food or goods; foodborne illnesses; the sale of counterfeit goods; and a lack of sales tax being collected.

(3) Sidewalk vending must be regulated to address the concerns discussed above.

(b) The purpose of this chapter is, therefore, to promote the public peace, safety, health, and welfare by ensuring rapid access for first responder and emergency personnel; improving sidewalk accessibility for persons with disabilities; facilitating ingress into and egress from vehicles, maintaining rights-of-way to buildings, and public spaces; maximizing use and promoting maintenance of public rights-of-way, parks, and other public spaces; and reducing the city's exposure to civil liability.

16B.2 DEFINITIONS.

For the purpose of this chapter, the following words and phrases are defined as follows:

- (a) "Food" means raw, cooked, or processed edible substance, ice, beverage, an ingredient used or intended for use or for sale in whole or in part for human consumption, chewing gum and/or any other items defined as food by the California Retail Food Code.
- (b) "Mobile vendor" means any person in charge of or driving any motorized mobile vending vehicle requiring a state driver's license to operate, either as an agent, employee, or otherwise under the direction of the owner.
- (c) "No vending or limited vending zone" means an area where sidewalk vending is prohibited or limited due to objective public health, safety, or welfare concerns. The city council may establish no vending or limited vending zones by resolution, as set forth in Section 16B.4 (c).
- (d) "Roaming sidewalk vendor" means a sidewalk vendor who moves from place to place and stops only to complete a transaction.
- (e) "Sidewalk vending" means to sell, offer for sale, expose or display for sale, solicit offers to purchase, or to barter food, goods, or merchandise on any public sidewalk, pedestrian path, park, or other public property, with or without the assistance of a vending device, or to require someone to pay a fee or to set, negotiate, or establish a fee before providing any such food, goods, or merchandise, even if characterized by the sidewalk vendor as a donation.
- (f) "Sidewalk vending permit" means a permit or card issued by the city to a sidewalk vendor pursuant to Section 16B.7.
- (g) "Sidewalk vendor" means a person who sells food or merchandise from a vending device or from one's person, upon a public sidewalk, pedestrian path, park, or other public property. This term is inclusive of both roaming and stationary sidewalk vendors.
- (h) "Stationary sidewalk vendor" means a sidewalk vendor who vends from a fixed location.
- (i) "Vending device" means a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, nonmotorized conveyance (including trailers), freestanding table, chair, box, stand, or any container, structure, or other object used or capable of being used for holding, selling, advertising, or displaying tangible things, together with any associated seating facilities. "Vending device" does not include any street furniture such as benches or planters, any other structure permanently installed by the city of Gilroy or with the consent of the city of Gilroy.
- (j) "Enforcement official" means any person designated by the city administrator to enforce this chapter and includes, but is not limited to: community development department or recreation division staff tasked with code enforcement or compliance, all Gilroy police department sworn personnel and community service officers, and/or any city-contracted code enforcement officer or specialist.

16B.3 SIDEWALK VENDING STANDARDS.

- (a) Sidewalk vendors shall comply with this section in order to prevent unreasonable conflicts with pedestrian and vehicular traffic, prevent improper disposal of trash, and to assure that pedestrians (including pedestrians with disabilities) have adequate and accessible thoroughfares, to minimize trip and fall hazards, to address driver visibility concerns, and to address other public health, safety, and welfare concerns:

- (1) Vending devices shall be at least eighteen inches in height. No person engaged in sidewalk vending may display or sell their wares on the ground, or on a cloth, tarp, or other similar material on the ground.
- (2) No food sidewalk vendor may be accompanied by or in the custody or possession of an animal, except a service animal. Merchandise sidewalk vendors may have ~~one service~~ a leashed animal.
- (3) To maintain accessibility standards, sidewalk vendors shall not place or allow any obstruction to be placed on the sidewalk that would reduce the width of the sidewalk below a minimum of forty-eight inches excluding curb, and excluding any sidewalk areas that are made non-passable due to any natural barriers or other existing conditions or obstructions such as posts, parking meters, street trees, planters, or signs that are located on the sidewalk, except for the brief duration of time for a roaming sidewalk vendor to conduct a sale. Sidewalk vendors shall maintain their vending devices at all times in a manner that provides sufficient access to the sidewalk and avoids impeding the flow of pedestrian traffic. At no time, may a sidewalk vendor operate in such a fashion that would violate or cause a violation of the Americans with Disabilities Act or state law on accessibility, or cause the sidewalk to narrow in a fashion that violates the accessible path of travel for persons with disabilities, including persons who use wheelchairs or other mobility devices.
- (4) Sidewalk vendors shall not use easy-ups, tents, or similar shade structures unless their sidewalk vending permit specifically authorizes such use. Use of these types of structures shall be requested in the sidewalk vending permit application. The size of a city-permitted shade structure or vending device may vary depending on the location, but in no event may a sidewalk vendor's total operational size (including any shade structure or vending display device) exceed the total operational size allowed in the permit issued to the sidewalk vendor.
- (5) Sidewalk vendors shall not vend to occupants of motorized vehicles in operation.
- (6) Sidewalk vendors shall not cause onlookers, customers, or others to obstruct the accessible path of travel for persons with disabilities, or the free flow or view of pedestrian or vehicular traffic.
- (7) To maintain the free movement of pedestrians and/or vehicles, sidewalk vendors shall not use signs in connection with the sale, display, or offering for sale of items, except for those signs affixed to or painted on a vending device and are no larger than the vending device itself.
- (8) Vendors shall not use generators unless their sidewalk vending permit explicitly allows for generator use. Use of generators may be requested in a sidewalk vending permit application.
- (9) Vendors using a generator approved in conjunction with the sidewalk vending permit and those that emit smoke or steam shall not be located within twenty-five feet (25') of building openings and approved outdoor seating of an eating establishment.
- (910) Sidewalk vendors must provide a trash receptacle for customers and employ good faith efforts to ensure proper disposal of customer trash. Prior to leaving any vending location, the sidewalk vendor shall pick up, remove, and dispose of all trash generated by

the vending operations and/or the vendor's customers within a twenty-foot radius of the vending location. Sidewalk vendors are responsible for disposing of the trash associated with their business and may not use city receptacles for this purpose.

(~~119~~) Sidewalk vendors must include any necessary measures needed to prevent and promptly clean up the splatter of fats, greases, or oils on surroundings.

(~~121~~) Sidewalk vendors must appropriately dispose of fats, greases, or oils.

(~~132~~) At all times while vending, food sidewalk vendors shall possess and display in plain view on the vending device a valid permit from the County of Santa Clara Department of Environmental Health.

(~~143~~) At all times while vending, sidewalk vendors shall possess and display in plain view on their person or on their vending device a valid sidewalk vending permit issued pursuant to Section 16B.7. A properly permitted sidewalk vendor must remain on site for all vending activities.

(~~154~~) Vending devices shall not be chained, fastened, or affixed at any time to any building or structure, including, but not limited to, lampposts, parking meters, traffic signals, fire hydrants, benches, bus shelters, trash cans, street signs, trees, or other objects within the public right-of-way. No vending device shall become a permanent fixture on the vending site or be considered an improvement to real property.

(~~165~~) Vending devices shall not be left or stored unattended on public property or within the public right-of-way.

(~~176~~) Sidewalk vendors shall not vend or distribute: (A) live animals, wildlife, fish, fowl, or insects; or (B) items that are otherwise illegal to sell or distribute under other laws (such as unlawful narcotics, cannabis, weapons, and counterfeit merchandise). Note that the unlawful possession or distribution of items is punishable according to the terms of applicable federal, state, or local law making such possession or distribution illegal.

(~~187~~) Sidewalk vendors shall not use sidewalks or public property as storage for extra inventory, merchandise, or personal belongings, except for: (A) vending devices, items placed on or in vending devices, and associated seating; and (B) personal belongings wholly contained underneath or inside of a vending device.

(~~198~~) No person shall use any street furniture, including any bench, planter, utility cabinet, or other street furniture or structure permanently installed on public property, for the display, sale, or distribution of food, goods, or merchandise.

(~~2019~~) Sidewalk vendors shall not interfere with access or use of city infrastructure, including city benches, bike racks, wheelchair access ramps, stairs, parking meters, trash receptacles, or recycling receptacles.

(~~210~~) Sidewalk vendors shall not block access to or create unreasonable congestion by maintaining a clear distance of forty-eight inches (48"), unless this conflicts with federal, state, or local regulations, at: (A) a corner of any street intersection; (B) any fire hydrant, ~~fire call box,~~ emergency exit, or other emergency facility; (C) any curb which is designated as white, yellow, green, blue, or red zone, or a bus zone; (D) any egress and ingress location of a building, facility, or stairway access point; (E) any driveway or driveway

apron; ~~or (F) upon or within from any roadway, median strip, or dividing section; or (G) at any parking pay station.~~ Vending or operating in a way that violates the accessible path of travel for persons with disabilities is per se unreasonable.

(~~221~~) Stationary sidewalk vendors shall not locate their vending device over or within fifteen feet (15') of a storm drain.

(~~232~~) Trailers are not permitted on the sidewalk pursuant to California Vehicle Code 22500(f). Violation of this rule is punishable in accordance with the terms of the California Vehicle Code.

(24) Sidewalk vendors shall not connect to city owned utilities such as but not limited to, electric boxes, water lines, and gas lines.

(25) Vendors shall not allow customers in their queue or encourage customers to interfere with or obstruct public rights-of-way, pedestrian pathways, or traffic.

(26) Vendors shall maintain at least five feet or 50% of the overall width of the sidewalk or other pedestrian path, whichever is greater, open to pedestrians.

(27) Vendors may not operate within twenty-five feet (25') of an automatic teller machine (ATM).

(28) At locations where on street parking is angled to the curb, the vending device or area shall be setback two feet (2') from the curb face.

(29) In order to minimize noise impacts on residential units, in mixed use areas, a vendor may only engage in sidewalk vending during the hours of operation of adjacent businesses or uses on the same street.

(~~3023~~) Sidewalk vendors shall be responsible for their own compliance with all applicable federal, state, and local laws, including without limitation state food preparation, handling, and labeling requirements; fire codes and regulations; noise standards; alcoholic beverages, tobacco products, cannabis, electronic cigarette, smoking devices and controlled substances regulations; sanitation and health standards and the Americans with Disabilities Act and other disability access standards (both state and federal).

(~~3124~~) Sidewalk vendors shall not operate or vend in a way that violates the terms or conditions of their sidewalk vending permit.

(b) The city administrator or their designee may promulgate regulations governing sidewalk vending to enforce the provisions of this chapter and to address objective health, safety and welfare concerns. A violation of such regulations shall constitute a separate violation of this chapter.

16B.4 RESTRICTED VENDING TIMES AND LOCATIONS.

(a) Unless specifically permitted by another provision of this municipal code, to ensure rapid access by first responder and emergency personnel; to improve sidewalk accessibility for persons with disabilities; to facilitate ingress into and egress from vehicles, rights-of-way, buildings, and public spaces; to maximize use and promote maintenance of public rights-of-way, parks, community landmarks; and to reduce the city's exposure to civil liability, stationary sidewalk vending is not permitted in the following limited areas:

(1) In any city park where the city has entered into an agreement for concessions that exclusively permits the sale of food or merchandise by the concessionaire;

(2) In areas that are zoned exclusively residential.

(3) Within three hundred feet (300') of a permitted certified farmers' market during the limited operating hours of that certified farmers' market or a special event for which a special event permit has been issued during the hours of that special event. A "certified farmers' market" means a location operated in accordance with Chapter 10.5 (commencing with Section 47000) of Division 17 of the Food and Agricultural Code and any regulations adopted pursuant to that chapter.

(4) Within four hundred feet (400') of a school between the hours of 7:00 am and 4:00 pm on school days.

(5) Within six hundred feet (600') of any entertainment establishment (e.g., clubs) within the hours of 10:00 pm and 2:30 am.

(b) For the same reasons identified in subsection (a), both stationary and roaming sidewalk vending shall not be permitted in the following limited areas:

(1) On a bike path, a street (including within on-street parking spaces), within a driveway, or in a public parking lot.

(c) The city council, by resolution, may from time to time designate no vending or limited vending zones due to objective health, safety, or welfare concerns. In designating a no vending or limited vending zone, the city council shall first determine that vending without limitation in the area would impede or interfere with public health, safety, or welfare.

(d) This section shall not be construed as prohibiting events that are conducted pursuant to, and in accordance with, a Special Event Permit issued by the city.

16B.5 PERMIT APPLICABILITY.

(a) A sidewalk vending permit shall only permit the operation of one vending device at any one time.

(b) No permit granted pursuant to this chapter shall be transferable.

(c) An approved stationary sidewalk vending permit grants the permittee the privilege of occupying a particular portion of the public path or sidewalk for the purpose of conducting the approved vending business. An approved stationary vending permit does not grant the permittee

any estate or other property right or interest to operate at the location for which the permit is issued and/or to operate at any location in the public street.

16B.6 SIDEWALK VENDING PERMIT APPLICATION AND FEES.

(a) No person may engage in sidewalk vending in the city without first obtaining: (1) a sidewalk vending permit issued pursuant to Section 16B.7; (2) a business license issued pursuant to Chapter 13 of the Gilroy City Code.

(b) To apply for a sidewalk vending permit, the sidewalk vendor applicant must file an application with the city, accompanied by an application fee in an amount established by resolution of the city council. The application shall be in a form developed by staff and shall contain the following:

~~(1) Contact information for the applicant and business owner;~~

(1) The legal name and current address, telephone number, and email address of the applicant, who must be a natural person (i.e., an individual human being and not a corporation, firm, partnership, etc.); a copy of the applicant's California driver's license, California identification card, U.S. Passport, individual taxpayer identification number, federal identification number, or other identification number or card issued by a foreign government;

(2) If sidewalk vending as a representative of a firm, association, or partnership, the name and address thereof and the names and residences of partners or association members. If sidewalk vending as a representative of a corporation, the name and address thereof and the names and residences of officers and a local manager;

~~(23)~~ A Statement of Operations which includes the type of operation (mobile or stationary), description of the food or merchandise offered for sale, hours of operation, and location of operation;

~~(34)~~ Copies of all required licenses and permits, including but not limited to a city of Gilroy business license, California seller's permit, and copies of all permits and approvals needed from the County of Santa Clara Department of Environmental Health. Each separate concurrently operating vending location requires its own business license and sidewalk vending permit;

(5) The following release, indemnification, and acknowledgement requirements:

(A) An agreement by the applicant to waive and release the city and its officers, agents, employees, contractors, and volunteers from and against any and all claims, costs, liabilities, expenses, or judgments (including attorneys' fees and court costs) related to or arising out of the applicant's sidewalk vending activities.

(B) An agreement by the applicant to, to the greatest extent allowed by law, defend, indemnify, and hold harmless the city, its officers, agents, employees, contractors, and volunteers from and against any and all claims related to or arising out of the applicant's sidewalk vending activities.

(C) An acknowledgement and agreement that the applicant's use of the sidewalk or other city facilities is at the applicant's own risk, and it is not the

city's responsibility to ensure that the vending location is safe or conducive to the vending activities;

(46) Photos, dimensions, and a description of the vending device that will be used. If the vending device is mobile, the application shall also contain all applicable vehicle identification information including VIN, make, model and engine number;

(57) An acknowledgement of having read and an agreement to abide by this Chapter 16B (Sidewalk Vending); and

(68) Commercial general liability~~-insurance policy, automobile, and workers compensation insurance policies~~ or other such policy as the office of the risk manager of the city of Gilroy shall require.; and

~~(7) Indemnification Agreement.~~

16B.7 SIDEWALK VENDING PERMIT APPROVAL, CONDITIONS, DENIAL, OR REVOCATION.

(a) A sidewalk vending permit shall be approved unless it is determined that:

(1) Information contained in the application, or supplemental information requested from the applicant, is incomplete or false in any material detail; or

(2) The proposed operations are contrary to the provisions and operating standards of this chapter;

(3) The applicant has failed to pay or otherwise resolve any previous administrative citations associated with a previous violation of this chapter; or

(4) The location of the proposed vending operations has already been approved for another use (including potentially other vending operations) at the time the applicant proposes to vend at the subject location; or

(5) The proposed vending operations are in violation of any federal, state or local law or ordinance and/or the city's approval of a sidewalk vending permit would be contrary to legal requirements applicable to the city.

(b) Reasonable sidewalk vending permit conditions, regulating the time, place, and manner of sidewalk vending may be added.

(c) If the permit is denied, written notice of such denial and the reasons therefor shall be provided to the applicant.

(d) A sidewalk vending permit may be revoked for violation of this chapter. A sidewalk vendor whose permit is revoked may apply for a new sidewalk vending permit upon the expiration of the term of the rescinded permit.

(e) An applicant may appeal the decision to deny, revoke, or condition the application to the city administrator within ten (10) business days of the decision. An appeal hearing will be held by the city administrator or their designee within ten (10) business days from the date the appeal is

received. At the hearing, both the applicant and the staff member denying the permit shall have the right to appear and to present evidence and arguments relevant to the grounds on which the decision to deny the application is appealed. The burden of proof shall be on the applicant to show that he/she meets the qualifications for a sidewalk vending permit. The decision of the city administrator, or their designee, shall be final and conclusive upon the applicant.

16B.8 SIDEWALK VENDING PERMIT EXPIRATION AND RENEWAL.

A sidewalk vending permit shall be valid for twelve months from the date of issuance, except that a sidewalk vending permit shall be deemed null and void upon the revocation or expiration of: (a) the related city issued business license, (b) a required permit from the County of Santa Clara Department of Environmental Health, and/or (c) the California seller's permit pursuant to Revenue and Taxation Code Section 6067.

16B.9 ADMINISTRATIVE CITATIONS.

(a) Unless otherwise provided, a violation of this chapter by a sidewalk vendor who has a valid sidewalk vending permit from the city is punishable only by an administrative citation pursuant to Chapter 6A, Article II of the Gilroy City Code, in amounts not to exceed the following:

- (1) One hundred dollars (\$100) for a first violation.
- (2) Two hundred dollars (\$200) for a second violation within one year of the first violation.
- (3) Five hundred dollars (\$500) for each additional violation within one year of the first violation.

(b) Unless otherwise provided, a person engaged in sidewalk vending without a valid city sidewalk vending permit shall be issued an administrative citation pursuant to Chapter 6A, Article II of the Gilroy City Code in amounts not to exceed the following, in lieu of the amounts set forth in subsection (a):

- (1) Two hundred and fifty dollars (\$250) for a first violation.
- (2) Five hundred dollars (\$500) for a second violation within one year of the first violation.
- (3) One thousand dollars (\$1,000) for each additional violation within one year of the first violation.

(c) A person issued an administrative citation pursuant to subsection (b), upon submitting proof of a valid sidewalk vending permit issued by the city within ten calendar days of the date a citation is issued, may have the amount of their citation reduced to amounts set forth in subsection (a).

(d) Unless otherwise provided, a violation of this chapter shall not be punishable as an infraction or misdemeanor. No person alleged to have violated the provisions herein shall be subject to arrest except when otherwise permitted by law.

(e) If an individual violates this chapter and is issued an administrative citation, that person is required to come into reasonably prompt compliance with this chapter. If a cited individual continues to operate unlawfully and/or fails to come into reasonably prompt compliance with this

chapter, the individual may be issued a subsequent administrative citation on the same day, so long as at least one hour has passed between each administrative citation.

(f) In order to facilitate the administration of this chapter, city enforcement staff is authorized to ask sidewalk vendors who are reasonably believed to be vending in violation of this chapter for their identification card, or other identifying information, and said individuals are required to provide such information to the requesting enforcement staff.

(g) A person who is issued an administrative citation(s) may contest the citation subject to the requirements and procedures of Subsection 6A.16 of the Gilroy City Code. If the contest of the citation is successful, the hearing officer shall order the city to return the fee paid for contesting the citation.

(h) The city shall also provide a person who receives a citation with a notice of their right to request an ability-to-pay determination and shall make available instructions or other materials for requesting an ability-to-pay determination. The person may request an ability-to-pay determination at any time before the assessed fine is paid, including while a judgment remains unpaid, when a case is delinquent, or when a fine has been referred to a comprehensive collection program. There shall be no charge for an ability-to-pay determination.

(i) If the person meets the criteria described in subdivision (a) or (b) of Government Code Section 68632, the city shall accept, in full satisfaction, twenty percent of the fee assessed for an administrative citation imposed pursuant to this chapter.

(j) The city may develop processes or regulations that would (1) allow for a person to complete community service in lieu of paying the total administrative fine; (2) provide for waivers of the administrative fine; or (3) provide for the offering of alternative dispositions.

(k) Administrative citations issued under this section shall include the following notice: "You have a right to contest this citation within thirty (30) calendar days by completing a request for hearing form and returning it to the city clerk. If you do not contest the citation, you waive your right to contest it. You also have the right to request an ability-to-pay determination at any time before the assessed fine has been paid."

(l) Failure to pay the assessed fine issued pursuant to this section shall not be punishable as an infraction or misdemeanor. Additional fines, fees, assessments, or any other financial conditions beyond those authorized herein shall not be assessed for failure to pay an administrative citation fine.

(m) No person shall willfully interfere with or obstruct any city code enforcement officer, community services officer, or police officer in their enforcement of the provisions of this chapter. Willful (1) failure to properly identify oneself done for the purpose of attempting to evade an administrative citation, and/or (2) interference with or obstruction of an impoundment authorized pursuant to Section 16B.10 shall constitute unlawful interference or obstruction under this subsection. Violation of this subsection is a misdemeanor.

16B.10 IMPOUNDMENT.

(a) The city may impound vending devices, food, goods, and/or merchandise that:

(1) Reasonably appear to be abandoned on public property; or

(2) Are displayed, offered, or made available for rent or sale by a sidewalk vendor who (A) operates in violation of this chapter; and (B) refuses or fails to provide identification, as required by Section 16B.9 (f); and (C) refuses to remove their vending device, food for sale, and/or goods/merchandise for sale after being instructed to do so by a city enforcement official; or

(3) Are displayed, offered, or made available for rent or sale by a sidewalk vendor who (A) does not possess a valid applicable sidewalk vending permit; and (B) also refuses to remove their vending device, food for sale, and/or goods/merchandise for sale after being instructed to do so by a city enforcement official; or

(4) Is (A) creating an imminent and substantial safety or environmental hazard by the location of the vending device or the nature of the goods being offered for sale, and (B) refuses to remove their vending device, food for sale, and/or goods/merchandise for sale after being instructed to do so by a city enforcement official; or

(5) Are displayed, offered, or made available for rent or sale by a sidewalk vendor who has, within a twenty-four-month period, been found responsible for violating this chapter four or more times.

(b) The city may immediately dispose of impounded materials that are perishable or cannot be safely stored.

(c) An aggrieved vendor may, within ten days, appeal the impoundment of their property by requesting an administrative hearing before a hearing officer appointed by the city pursuant to Subsection 6A. and if successful in their appeal, may have their property returned without paying an impound fee. The appeal hearing shall be conducted pursuant to the administrative enforcement hearing procedure contained in Chapter 6A., Article II of the Gilroy City Code. Any appeal fee paid by the sidewalk vendor shall be returned to the sidewalk vendor if they are successful on appeal.

(d) An individual may recover impounded materials upon paying applicable impound fees and demonstrating proper proof of ownership.

(e) The city council may by resolution adopt impound fees, which shall reflect the city's enforcement, investigation, storage, and impound costs.

(f) Any unclaimed items will be considered abandoned and forfeited to the city after ninety days following impoundment.

ORDINANCE 2023-XX**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
GILROY ADDING CHAPTER 16B, SIDEWALK VENDING,
TO THE GILROY CITY CODE**

WHEREAS, in 2019, California Senate Bill (“SB”) 946 (Sidewalk Vendors) became law, decriminalizing commercial sidewalk vending and limiting local government’s ability to restrict sidewalk vending; and

WHEREAS, since SB 946 became law, it has become clear that, in order to promote public health, safety, and welfare, the City requires a comprehensive City-wide dedicated sidewalk vending permitting and regulatory scheme that both complies with state law and is effective at regulating sidewalk vending in public spaces; and

WHEREAS, at its meeting of April 17, 2023, staff presented the City Council with an overview of sidewalk vending legislation adopted by the State of California, and following public comment and input, the City Council directed that staff draft an ordinance containing permit requirements and standards for sidewalk vending in the City; and

WHEREAS, staff held a community workshop on the evening of June 8, 2023, which was well attended by various segments of the community who sought clarifications and asked questions in addition to providing input on the process and standards by which sidewalk vending would be permitted: and

WHEREAS, at its meetings of July 10 and July 19, 2023, the City Council considered the proposed ordinance and following public comment and input, directed that staff incorporate changes to the sidewalk vending rules, where appropriate, and return them to the City Council at a future meeting for consideration; and

WHEREAS, if properly regulated, sidewalk vending can foster vibrant public spaces, promote a diverse and inclusive local economy, and create economic opportunities for low-income and immigrant communities; and

WHEREAS, at the same time, inadequately regulated sidewalk vending has caused and will be expected to cause negative future impacts on public health, safety, and welfare. For example, inadequately regulated sidewalk vending has caused or been associated with numerous negative consequences in Gilroy and as reported by staffs of other cities as well, including unsafe overcrowding; decreased accessibility for persons with disabilities; a lack of adequate access for first responders, and emergency personnel; the monopolization of public spaces for private commercial use; traffic safety concerns for motorists, bicyclists, and pedestrians; diversion of pedestrians into bike lanes or vehicular lanes; parking congestion; accumulation of trash and pollution in public spaces; altercations arising amongst vendors competing for locations from which to vend their food or goods; foodborne illnesses; the sale of counterfeit goods; and a lack of sales tax being collected; and

WHEREAS, the intent of this ordinance is to effectively regulate sidewalk vending in a way that: (a) complies with state law; (b) addresses objective public health, safety, and welfare concerns; and

WHEREAS, the project is exempt from CEQA review based on CEQA Guidelines subsection 15061 (b) (3) in that the adoption of this ordinance does not have the potential to cause a significant effect on the environment because it provides additional rules and procedures intended to provide for the protection of health, safety, and welfare in the City for commercial activity, sidewalk vending, determined by the State of California to be permissible across the State.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GILROY DOES HEREBY ORDAIN THE ADDITION OF CHAPTER 16B, SIDEWALK VENDING, ATTACHED AS EXHIBIT 'A', TO THE GILROY CITY CODE.

PASSED AND ADOPTED by the City Council of the City of Gilroy at a regular meeting duly held on the ___ day of ___ 2023 by the following roll call vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED:

Marie Blankley, Mayor

ATTEST:

Thai Nam Pham, City Clerk

DRAFT

EXHIBIT 'A' of ORDINANCE 2023-XX

CHAPTER 16B

SIDEWALK VENDING

Sections

- 16B.1 Intent and purpose.**
- 16B.2 Definitions.**
- 16B.3 Sidewalk vending standards.**
- 16B.4 Restricted vending times and locations.**
- 16B.5 Permit applicability.**
- 16B.6 Sidewalk vending permit application and fees.**
- 16B.7 Sidewalk vending permit approval, conditions, denial, or revocation.**
- 16B.8 Sidewalk vending permit expiration and renewal.**
- 16B.9 Administrative citations.**
- 16B.10 Impoundment.**

16B.1 INTENT AND PURPOSE.

(a) The city council of the city of Gilroy declares that:

(1) If properly regulated, sidewalk vending can foster vibrant public spaces, promote a diverse and inclusive local economy, and create economic opportunities for low-income and immigrant communities.

(2) At the same time, inadequately regulated sidewalk vending has caused and will be expected to cause in the future negative impacts to the public health, safety and welfare. For example, inadequately regulated sidewalk vending has caused or been associated with numerous negative consequences in Gilroy and as reported by staffs of other cities as well, including unsafe overcrowding; decreased accessibility for persons with disabilities; a lack of adequate access for first responder and emergency personnel; the monopolization of public spaces for private commercial use; traffic safety concerns for motorists, bicyclists, and pedestrians; diversion of pedestrians into bike lanes or vehicular lanes; parking congestion; accumulation of trash and pollution in public spaces; altercations arising amongst vendors competing for locations from which to vend their food or goods; foodborne illnesses; the sale of counterfeit goods; and a lack of sales tax being collected.

(3) Sidewalk vending must be regulated to address the concerns discussed above.

(b) The purpose of this chapter is, therefore, to promote the public peace, safety, health, and welfare by ensuring rapid access for first responder and emergency personnel; improving sidewalk accessibility for persons with disabilities; facilitating ingress into and egress from vehicles, maintaining rights-of-way to buildings, and public spaces; maximizing use and promoting maintenance of public rights-of-way, parks, and other public spaces; and reducing the city's exposure to civil liability.

16B.2 DEFINITIONS.

For the purpose of this chapter, the following words and phrases are defined as follows:

- (a) "Food" means raw, cooked, or processed edible substance, ice, beverage, an ingredient used or intended for use or for sale in whole or in part for human consumption, chewing gum and/or any other items defined as food by the California Retail Food Code.
- (b) "Mobile vendor" means any person in charge of or driving any motorized mobile vending vehicle requiring a state driver's license to operate, either as an agent, employee, or otherwise under the direction of the owner.
- (c) "No vending or limited vending zone" means an area where sidewalk vending is prohibited or limited due to objective public health, safety, or welfare concerns. The city council may establish no vending or limited vending zones by resolution, as set forth in Section 16B.4 (c).
- (d) "Roaming sidewalk vendor" means a sidewalk vendor who moves from place to place and stops only to complete a transaction.
- (e) "Sidewalk vending" means to sell, offer for sale, expose or display for sale, solicit offers to purchase, or to barter food, goods, or merchandise on any public sidewalk, pedestrian path, park, or other public property, with or without the assistance of a vending device, or to require someone to pay a fee or to set, negotiate, or establish a fee before providing any such food, goods, or merchandise, even if characterized by the sidewalk vendor as a donation.
- (f) "Sidewalk vending permit" means a permit or card issued by the city to a sidewalk vendor pursuant to Section 16B.7.
- (g) "Sidewalk vendor" means a person who sells food or merchandise from a vending device or from one's person, upon a public sidewalk, pedestrian path, park, or other public property. This term is inclusive of both roaming and stationary sidewalk vendors.
- (h) "Stationary sidewalk vendor" means a sidewalk vendor who vends from a fixed location.
- (i) "Vending device" means a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, nonmotorized conveyance (including trailers), freestanding table, chair, box, stand, or any container, structure, or other object used or capable of being used for holding, selling, advertising, or displaying tangible things, together with any associated seating facilities. "Vending device" does not include any street furniture such as benches or planters, any other structure permanently installed by the city of Gilroy or with the consent of the city of Gilroy.
- (j) "Enforcement official" means any person designated by the city administrator to enforce this chapter and includes, but is not limited to: community development department or recreation division staff tasked with code enforcement or compliance, all Gilroy police department sworn personnel and community service officers, and/or any city-contracted code enforcement officer or specialist.

16B.3 SIDEWALK VENDING STANDARDS.

- (a) Sidewalk vendors shall comply with this section in order to prevent unreasonable conflicts with pedestrian and vehicular traffic, prevent improper disposal of trash, and to assure that pedestrians (including pedestrians with disabilities) have adequate and accessible thoroughfares, to minimize trip and fall hazards, to address driver visibility concerns, and to address other public health, safety, and welfare concerns:

- (1) Vending devices shall be at least eighteen inches in height. No person engaged in sidewalk vending may display or sell their wares on the ground, or on a cloth, tarp, or other similar material on the ground.
- (2) No food sidewalk vendor may be accompanied by or in the custody or possession of an animal, except a service animal. Merchandise sidewalk vendors may have a leashed animal.
- (3) To maintain accessibility standards, sidewalk vendors shall not place or allow any obstruction to be placed on the sidewalk that would reduce the width of the sidewalk below a minimum of forty-eight inches excluding curb, and excluding any sidewalk areas that are made non-passable due to any natural barriers or other existing conditions or obstructions such as posts, parking meters, street trees, planters, or signs that are located on the sidewalk, except for the brief duration of time for a roaming sidewalk vendor to conduct a sale. Sidewalk vendors shall maintain their vending devices at all times in a manner that provides sufficient access to the sidewalk and avoids impeding the flow of pedestrian traffic. At no time, may a sidewalk vendor operate in such a fashion that would violate or cause a violation of the Americans with Disabilities Act or state law on accessibility, or cause the sidewalk to narrow in a fashion that violates the accessible path of travel for persons with disabilities, including persons who use wheelchairs or other mobility devices.
- (4) Sidewalk vendors shall not use easy-ups, tents, or similar shade structures unless their sidewalk vending permit specifically authorizes such use. Use of these types of structures shall be requested in the sidewalk vending permit application. The size of a city-permitted shade structure or vending device may vary depending on the location, but in no event may a sidewalk vendor's total operational size (including any shade structure or vending display device) exceed the total operational size allowed in the permit issued to the sidewalk vendor.
- (5) Sidewalk vendors shall not vend to occupants of motorized vehicles in operation.
- (6) Sidewalk vendors shall not cause onlookers, customers, or others to obstruct the accessible path of travel for persons with disabilities, or the free flow or view of pedestrian or vehicular traffic.
- (7) To maintain the free movement of pedestrians and/or vehicles, sidewalk vendors shall not use signs in connection with the sale, display, or offering for sale of items, except for those signs affixed to or painted on a vending device and are no larger than the vending device itself.
- (8) Vendors shall not use generators unless their sidewalk vending permit explicitly allows for generator use. Use of generators may be requested in a sidewalk vending permit application.
- (9) Vendors using a generator approved in conjunction with the sidewalk vending permit and those that emit smoke or steam shall not be located within twenty-five feet (25') of building openings and approved outdoor seating of an eating establishment.
- (10) Sidewalk vendors must provide a trash receptacle for customers and employ good faith efforts to ensure proper disposal of customer trash. Prior to leaving any vending location, the sidewalk vendor shall pick up, remove, and dispose of all trash generated by the vending operations and/or the vendor's customers within a twenty-foot radius of the

vending location. Sidewalk vendors are responsible for disposing of the trash associated with their business and may not use city receptacles for this purpose.

(11) Sidewalk vendors must include any necessary measures needed to prevent and promptly clean up the splatter of fats, greases, or oils on surroundings.

(12) Sidewalk vendors must appropriately dispose of fats, greases, or oils.

(13) At all times while vending, food sidewalk vendors shall possess and display in plain view on the vending device a valid permit from the County of Santa Clara Department of Environmental Health.

(14) At all times while vending, sidewalk vendors shall possess and display in plain view on their person or on their vending device a valid sidewalk vending permit issued pursuant to Section 16B.7. A properly permitted sidewalk vendor must remain on site for all vending activities.

(15) Vending devices shall not be chained, fastened, or affixed at any time to any building or structure, including, but not limited to, lampposts, parking meters, traffic signals, fire hydrants, benches, bus shelters, trash cans, street signs, trees, or other objects within the public right-of-way. No vending device shall become a permanent fixture on the vending site or be considered an improvement to real property.

(16) Vending devices shall not be left or stored unattended on public property or within the public right-of-way.

(17) Sidewalk vendors shall not vend or distribute: (A) live animals, wildlife, fish, fowl, or insects; or (B) items that are otherwise illegal to sell or distribute under other laws (such as unlawful narcotics, cannabis, weapons, and counterfeit merchandise). Note that the unlawful possession or distribution of items is punishable according to the terms of applicable federal, state, or local law making such possession or distribution illegal.

(18) Sidewalk vendors shall not use sidewalks or public property as storage for extra inventory, merchandise, or personal belongings, except for: (A) vending devices, items placed on or in vending devices, and associated seating; and (B) personal belongings wholly contained underneath or inside of a vending device.

(19) No person shall use any street furniture, including any bench, planter, utility cabinet, or other street furniture or structure permanently installed on public property, for the display, sale, or distribution of food, goods, or merchandise.

(20) Sidewalk vendors shall not interfere with access or use of city infrastructure, including city benches, bike racks, wheelchair access ramps, stairs, parking meters, trash receptacles, or recycling receptacles.

(21) Sidewalk vendors shall not block access to or create unreasonable congestion by maintaining a clear distance of forty-eight inches (48"), unless this conflicts with federal, state, or local regulations, at: (A) a corner of any street intersection; (B) any fire hydrant, emergency exit, or other emergency facility; (C) any curb which is designated as white, yellow, green, blue, or red zone, or a bus zone; (D) any egress and ingress location of a building, facility, or stairway access point; (E) any driveway or driveway apron; or (F) from

any roadway. Vending or operating in a way that violates the accessible path of travel for persons with disabilities is per se unreasonable.

(22) Stationary sidewalk vendors shall not locate their vending device over or within fifteen feet (15') of a storm drain.

(23) Trailers are not permitted on the sidewalk pursuant to California Vehicle Code 22500(f). Violation of this rule is punishable in accordance with the terms of the California Vehicle Code.

(24) Sidewalk vendors shall not connect to city owned utilities such as but not limited to, electric boxes, water lines, and gas lines.

(25) Vendors shall not allow customers in their queue or encourage customers to interfere with or obstruct public rights-of-way, pedestrian pathways, or traffic.

(26) Vendors shall maintain at least five feet or 50% of the overall width of the sidewalk or other pedestrian path, whichever is greater, open to pedestrians.

(27) Vendors may not operate within twenty-five feet (25') of an automatic teller machine (ATM).

(28) At locations where on street parking is angled to the curb, the vending device or area shall be setback two feet (2') from the curb face.

(29) In order to minimize noise impacts on residential units, in mixed use areas, a vendor may only engage in sidewalk vending during the hours of operation of adjacent businesses or uses on the same street.

(30) Sidewalk vendors shall be responsible for their own compliance with all applicable federal, state, and local laws, including without limitation state food preparation, handling, and labeling requirements; fire codes and regulations; noise standards; alcoholic beverages, tobacco products, cannabis, electronic cigarette, smoking devices and controlled substances regulations; sanitation and health standards and the Americans with Disabilities Act and other disability access standards (both state and federal).

(31) Sidewalk vendors shall not operate or vend in a way that violates the terms or conditions of their sidewalk vending permit.

(b) The city administrator or their designee may promulgate regulations governing sidewalk vending to enforce the provisions of this chapter and to address objective health, safety and welfare concerns. A violation of such regulations shall constitute a separate violation of this chapter.

16B.4 RESTRICTED VENDING TIMES AND LOCATIONS.

(a) Unless specifically permitted by another provision of this municipal code, to ensure rapid access by first responder and emergency personnel; to improve sidewalk accessibility for persons with disabilities; to facilitate ingress into and egress from vehicles, rights-of-way, buildings, and public spaces; to maximize use and promote maintenance of public rights-of-way, parks,

community landmarks; and to reduce the city's exposure to civil liability, stationary sidewalk vending is not permitted in the following limited areas:

- (1) In any city park where the city has entered into an agreement for concessions that exclusively permits the sale of food or merchandise by the concessionaire;
- (2) In areas that are zoned exclusively residential.
- (3) Within three hundred feet (300') of a permitted certified farmers' market during the limited operating hours of that certified farmers' market or a special event for which a special event permit has been issued during the hours of that special event. A "certified farmers' market" means a location operated in accordance with Chapter 10.5 (commencing with Section 47000) of Division 17 of the Food and Agricultural Code and any regulations adopted pursuant to that chapter.
- (4) Within four hundred feet (400') of a school between the hours of 7:00 am and 4:00 pm on school days.
- (5) Within six hundred feet (600') of any entertainment establishment (e.g., clubs) within the hours of 10:00 pm and 2:30 am.

(b) For the same reasons identified in subsection (a), both stationary and roaming sidewalk vending shall not be permitted in the following limited areas:

- (1) On a bike path, a street (including within on-street parking spaces), within a driveway, or in a public parking lot.

(c) The city council, by resolution, may from time to time designate no vending or limited vending zones due to objective health, safety, or welfare concerns. In designating a no vending or limited vending zone, the city council shall first determine that vending without limitation in the area would impede or interfere with public health, safety, or welfare.

(d) This section shall not be construed as prohibiting events that are conducted pursuant to, and in accordance with, a Special Event Permit issued by the city.

16B.5 PERMIT APPLICABILITY.

(a) A sidewalk vending permit shall only permit the operation of one vending device at any one time.

(b) No permit granted pursuant to this chapter shall be transferable.

(c) An approved stationary sidewalk vending permit grants the permittee the privilege of occupying a particular portion of the public path or sidewalk for the purpose of conducting the approved vending business. An approved stationary vending permit does not grant the permittee any estate or other property right or interest to operate at the location for which the permit is issued and/or to operate at any location in the public street.

16B.6 SIDEWALK VENDING PERMIT APPLICATION AND FEES.

(a) No person may engage in sidewalk vending in the city without first obtaining: (1) a sidewalk vending permit issued pursuant to Section 16B.7; (2) a business license issued pursuant to Chapter 13 of the Gilroy City Code.

(b) To apply for a sidewalk vending permit, the sidewalk vendor applicant must file an application with the city, accompanied by an application fee in an amount established by resolution of the city council. The application shall be in a form developed by staff and shall contain the following:

(1) The legal name and current address, telephone number, and email address of the applicant, who must be a natural person (i.e., an individual human being and not a corporation, firm, partnership, etc.); a copy of the applicant's California driver's license, California identification card, U.S. Passport, individual taxpayer identification number, federal identification number, or other identification number or card issued by a foreign government;

(2) If sidewalk vending as a representative of a firm, association, or partnership, the name and address thereof and the names and residences of partners or association members. If sidewalk vending as a representative of a corporation, the name and address thereof and the names and residences of officers and a local manager;

(3) A Statement of Operations which includes the type of operation (mobile or stationary), description of the food or merchandise offered for sale, hours of operation, and location of operation;

(4) Copies of all required licenses and permits, including but not limited to a city of Gilroy business license, California seller's permit, and copies of all permits and approvals needed from the County of Santa Clara Department of Environmental Health. Each separate concurrently operating vending location requires its own business license and sidewalk vending permit;

(5) The following release, indemnification, and acknowledgement requirements:

(A) An agreement by the applicant to waive and release the city and its officers, agents, employees, contractors, and volunteers from and against any and all claims, costs, liabilities, expenses, or judgments (including attorneys' fees and court costs) related to or arising out of the applicant's sidewalk vending activities.

(B) An agreement by the applicant to, to the greatest extent allowed by law, defend, indemnify, and hold harmless the city, its officers, agents, employees, contractors, and volunteers from and against any and all claims related to or arising out of the applicant's sidewalk vending activities.

(C) An acknowledgement and agreement that the applicant's use of the sidewalk or other city facilities is at the applicant's own risk, and it is not the city's responsibility to ensure that the vending location is safe or conducive to the vending activities

(6) Photos, dimensions, and a description of the vending device that will be used. If the vending device is mobile, the application shall also contain all applicable vehicle identification information including VIN, make, model and engine number;

(7) An acknowledgement of having read and an agreement to abide by this Chapter 16B (Sidewalk Vending); and

(8) Commercial general liability, automobile, and workers compensation insurance policies or other such policy as the office of the risk manager of the city of Gilroy shall require.

16B.7 SIDEWALK VENDING PERMIT APPROVAL, CONDITIONS, DENIAL, OR REVOCATION.

(a) A sidewalk vending permit shall be approved unless it is determined that:

(1) Information contained in the application, or supplemental information requested from the applicant, is incomplete or false in any material detail; or

(2) The proposed operations are contrary to the provisions and operating standards of this chapter;

(3) The applicant has failed to pay or otherwise resolve any previous administrative citations associated with a previous violation of this chapter; or

(4) The location of the proposed vending operations has already been approved for another use (including potentially other vending operations) at the time the applicant proposes to vend at the subject location; or

(5) The proposed vending operations are in violation of any federal, state or local law or ordinance and/or the city's approval of a sidewalk vending permit would be contrary to legal requirements applicable to the city.

(b) Reasonable sidewalk vending permit conditions, regulating the time, place, and manner of sidewalk vending may be added.

(c) If the permit is denied, written notice of such denial and the reasons therefor shall be provided to the applicant.

(d) A sidewalk vending permit may be revoked for violation of this chapter. A sidewalk vendor whose permit is revoked may apply for a new sidewalk vending permit upon the expiration of the term of the rescinded permit.

(e) An applicant may appeal the decision to deny, revoke, or condition the application to the city administrator within ten (10) business days of the decision. An appeal hearing will be held by the city administrator or their designee within ten (10) business days from the date the appeal is received. At the hearing, both the applicant and the staff member denying the permit shall have the right to appear and to present evidence and arguments relevant to the grounds on which the decision to deny the application is appealed. The burden of proof shall be on the applicant to show that he/she meets the qualifications for a sidewalk vending permit. The decision of the city administrator, or their designee, shall be final and conclusive upon the applicant.

16B.8 SIDEWALK VENDING PERMIT EXPIRATION AND RENEWAL.

A sidewalk vending permit shall be valid for twelve months from the date of issuance, except that a sidewalk vending permit shall be deemed null and void upon the revocation or expiration of: (a)

the related city issued business license, (b) a required permit from the County of Santa Clara Department of Environmental Health, and/or (c) the California seller's permit pursuant to Revenue and Taxation Code Section 6067.

16B.9 ADMINISTRATIVE CITATIONS.

(a) Unless otherwise provided, a violation of this chapter by a sidewalk vendor who has a valid sidewalk vending permit from the city is punishable only by an administrative citation pursuant to Chapter 6A, Article II of the Gilroy City Code, in amounts not to exceed the following:

- (1) One hundred dollars (\$100) for a first violation.
- (2) Two hundred dollars (\$200) for a second violation within one year of the first violation.
- (3) Five hundred dollars (\$500) for each additional violation within one year of the first violation.

(b) Unless otherwise provided, a person engaged in sidewalk vending without a valid city sidewalk vending permit shall be issued an administrative citation pursuant to Chapter 6A, Article II of the Gilroy City Code in amounts not to exceed the following, in lieu of the amounts set forth in subsection (a):

- (1) Two hundred and fifty dollars (\$250) for a first violation.
- (2) Five hundred dollars (\$500) for a second violation within one year of the first violation.
- (3) One thousand dollars (\$1,000) for each additional violation within one year of the first violation.

(c) A person issued an administrative citation pursuant to subsection (b), upon submitting proof of a valid sidewalk vending permit issued by the city within ten calendar days of the date a citation is issued, may have the amount of their citation reduced to amounts set forth in subsection (a).

(d) Unless otherwise provided, a violation of this chapter shall not be punishable as an infraction or misdemeanor. No person alleged to have violated the provisions herein shall be subject to arrest except when otherwise permitted by law.

(e) If an individual violates this chapter and is issued an administrative citation, that person is required to come into reasonably prompt compliance with this chapter. If a cited individual continues to operate unlawfully and/or fails to come into reasonably prompt compliance with this chapter, the individual may be issued a subsequent administrative citation on the same day, so long as at least one hour has passed between each administrative citation.

(f) In order to facilitate the administration of this chapter, city enforcement staff is authorized to ask sidewalk vendors who are reasonably believed to be vending in violation of this chapter for their identification card, or other identifying information, and said individuals are required to provide such information to the requesting enforcement staff.

(g) A person who is issued an administrative citation(s) may contest the citation subject to the requirements and procedures of Subsection 6A.16 of the Gilroy City Code. If the contest of the

citation is successful, the hearing officer shall order the city to return the fee paid for contesting the citation.

(h) The city shall also provide a person who receives a citation with a notice of their right to request an ability-to-pay determination and shall make available instructions or other materials for requesting an ability-to-pay determination. The person may request an ability-to-pay determination at any time before the assessed fine is paid, including while a judgment remains unpaid, when a case is delinquent, or when a fine has been referred to a comprehensive collection program. There shall be no charge for an ability-to-pay determination.

(i) If the person meets the criteria described in subdivision (a) or (b) of Government Code Section 68632, the city shall accept, in full satisfaction, twenty percent of the fee assessed for an administrative citation imposed pursuant to this chapter.

(j) The city may develop processes or regulations that would (1) allow for a person to complete community service in lieu of paying the total administrative fine; (2) provide for waivers of the administrative fine; or (3) provide for the offering of alternative dispositions.

(k) Administrative citations issued under this section shall include the following notice: "You have a right to contest this citation within thirty (30) calendar days by completing a request for hearing form and returning it to the city clerk. If you do not contest the citation, you waive your right to contest it. You also have the right to request an ability-to-pay determination at any time before the assessed fine has been paid."

(l) Failure to pay the assessed fine issued pursuant to this section shall not be punishable as an infraction or misdemeanor. Additional fines, fees, assessments, or any other financial conditions beyond those authorized herein shall not be assessed for failure to pay an administrative citation fine.

(m) No person shall willfully interfere with or obstruct any city code enforcement officer, community services officer, or police officer in their enforcement of the provisions of this chapter. Willful (1) failure to properly identify oneself done for the purpose of attempting to evade an administrative citation, and/or (2) interference with or obstruction of an impoundment authorized pursuant to Section 16B.10 shall constitute unlawful interference or obstruction under this subsection. Violation of this subsection is a misdemeanor.

16B.10 IMPOUNDMENT.

(a) The city may impound vending devices, food, goods, and/or merchandise that:

(1) Reasonably appear to be abandoned on public property; or

(2) Are displayed, offered, or made available for rent or sale by a sidewalk vendor who (A) operates in violation of this chapter; and (B) refuses or fails to provide identification, as required by Section 16B.9 (f); and (C) refuses to remove their vending device, food for sale, and/or goods/merchandise for sale after being instructed to do so by a city enforcement official; or

(3) Are displayed, offered, or made available for rent or sale by a sidewalk vendor who (A) does not possess a valid applicable sidewalk vending permit; and (B) also refuses to remove their vending device, food for sale, and/or goods/merchandise for sale after being instructed to do so by a city enforcement official; or

(4) Is (A) creating an imminent and substantial safety or environmental hazard by the location of the vending device or the nature of the goods being offered for sale, and (B) refuses to remove their vending device, food for sale, and/or goods/merchandise for sale after being instructed to do so by a city enforcement official; or

(5) Are displayed, offered, or made available for rent or sale by a sidewalk vendor who has, within a twenty-four-month period, been found responsible for violating this chapter four or more times.

(b) The city may immediately dispose of impounded materials that are perishable or cannot be safely stored.

(c) An aggrieved vendor may, within ten days, appeal the impoundment of their property by requesting an administrative hearing before a hearing officer appointed by the city pursuant to Subsection 6A. and if successful in their appeal, may have their property returned without paying an impound fee. The appeal hearing shall be conducted pursuant to the administrative enforcement hearing procedure contained in Chapter 6A., Article II of the Gilroy City Code. Any appeal fee paid by the sidewalk vendor shall be returned to the sidewalk vendor if they are successful on appeal.

(d) An individual may recover impounded materials upon paying applicable impound fees and demonstrating proper proof of ownership.

(e) The city council may by resolution adopt impound fees, which shall reflect the city's enforcement, investigation, storage, and impound costs.

(f) Any unclaimed items will be considered abandoned and forfeited to the city after ninety days following impoundment.



City of Gilroy

STAFF REPORT

Agenda Item Title: **Consideration of the Report of Abatement of Weeds and Refuse Within the City of Gilroy and Adoption of a Resolution of the City Council of the City of Gilroy Confirming the Imposition of Assessment Liens Against the Land**

Meeting Date: August 7, 2023
 From: Jimmy Forbis, City Administrator
 Department: Fire
 Submitted By: Jim Wyatt, Fire Chief
 Prepared By: Jonathan Crick, Deputy Fire Marshal

STRATEGIC PLAN GOALS

Not Applicable

RECOMMENDATION

It is recommended that Council adopt a resolution allowing the assessment of fees, minus any qualifying objections, as reported by the Santa Clara County Weed Abatement Program.

EXECUTIVE SUMMARY

This hearing is the third part of the annual weed abatement process pursuant to Chapter 12 of the Gilroy City Code. City Council should take action on the costs associated with removing weeds on specific properties. Such costs constitute a lien on the property until paid, and according to the City Code, will be collected as part of the following tax roll.

The City approved the County's contract for weed abatement services and associated fees at its February 27, 2023 meeting. At the April 17, 2023 meeting, the City Council set May 15th as the deadline to abate weeds for locations identified on the property abatement list. Properties inspected and found in compliance were assessed the regular inspection fee. Those locations not abated before the May 15, 2023 deadline were assessed additional fees as noted in the staff report below.

BACKGROUND

Resolution 2023-08 was adopted by Council on February 27, 2023, to declare weeds a nuisance and to begin the annual weed abatement process. Under a contract with the County's Office of Vegetation Management, the County Weed Abatement Program provides the weed abatement listing, letters of notification, lot inspections, and documentation and arranges abatement services if needed.

After Resolution 2023-08 was adopted, the County Weed Abatement Program created a list of lots requiring abatement. This includes lots on the previous list that have had failed inspections for the past three (3) years and additional lots added based on non-abatement during the prior season. All owners of the lots listed were sent a weed abatement notice, fee information, and an instruction letter package.

On April 17, 2023, a public hearing was held to allow any owner of a listed lot to remove their lot from the program. Subsequently, Resolution 2023-22 was adopted, approving the list of properties subject to weed abatement and setting the abatement deadline to May 15, 2023.

The County conducted its inspections after the May 15th deadline. Property owners could communicate directly with the County if they had problems getting their lot abated. Any lot found with weeds after the deadline was sent a notice, and a failed inspection fee was assessed. The property owners were given an additional two weeks to perform abatement before becoming subject to abatement by the County.

ANALYSIS

Pursuant to Gilroy City Code Section 12.54, attached is a report of the inspected lots, those assessed a failed inspection fee, and those that have been abated thus far. All sites on the list are assessed the \$92 inspection fee. The sites with failed inspections are assessed an additional failed inspection fee of \$519, and the lots that required abatement are assessed an additional \$891 administrative fee and the contractor's abatement charge. For 2023, there are a total of 161 properties on the list. In 2016, there were 297 properties on the list. As properties are developed, we expect to see fewer properties on the weed abatement list in the future. For 2023, 82 lots were assessed only the \$92 fee, an increase of 31 lots since last year. Twenty-two lots were assessed for the inspection and failed inspection fee for a total of \$611, a decrease of 21 from last year. Twenty-five lots were assessed, all the fees described above, as well as the administrative fee and the actual cost of abatement, an increase of 2 lots in this category. Eighteen lots were charged various fees depending on the level of service. Some in this category were from the previous year and were added to the list after the public hearing in August 2022.

The property owners listed for fee assessment were sent a copy of the proposed assessment against their property in July. They have been allowed to call, email, or meet with the Deputy Fire Marshal and County Weed Abatement Program Manager on

or before August 7, 2023, to discuss, object to, or obtain additional information about their assessment. Any property owner that did not object or did not provide a substantial reason why they should not be assessed still has an opportunity to raise objections at the lien hearing. Any property owner who met with, called, or emailed their objection and determined there was a mistake or cause for dismissing the assessment fee will be presented to the City Council for their consideration. The proposed resolution to process the assessment report, including modifications, if any, is recommended for approval.

ALTERNATIVES

There are no alternatives since this process is dictated by Chapter 12 of the Gilroy City Code. Property owners may have many reasons that their lot was not abated; however, unless the County made a mistake in identifying a lot's ownership, there are few acceptable reasons to waive the County's fees. All owners were notified of deadlines and costs, as required by the City Code.

FISCAL IMPACT/FUNDING SOURCE

The weed abatement program is an annual workplan item of the Fire Department which contracts with the County of Santa Clara for the services. Adopting the resolution authorizes the County Assessor's office to levy the assessments as liens on the listed properties to be paid by owners and collected by the County via annual property tax bills.

If the County does not collect adequate funds to meet the program budget, they can prorate the shortfall to the cities participating in the program based on the percentage of the properties from each City compared to the total number of properties in the program. It will not be known until later in the year if there is a shortfall since abatement activity will continue through October. To date, the program has operated through cost recovery administered by the County.

PUBLIC OUTREACH

The Communication and Engagement Manager sent out the following wildfire safety messaging: May 5, 2023 Weed Abatement and the weed abatement deadline (May 15th), May 12, 2023 Defensible Space, May 19, 2023 Ready, Set, Go, and utility bill insert integrating fire prevention and fireworks safety.

NEXT STEPS

This is the final step in this year's planned abatement process. However, if more assessments are needed for this year, a secondary assessment hearing may be held. Otherwise, any new assessments would be included in next year's process.

Consideration of the Report of Abatement of Weeds and Refuse Within the City of Gilroy and
Adoption of a Resolution of the City Council of the City of Gilroy Confirming the Imposition of
Assessment Liens Against the Land

11.2

Attachments:

1. Draft Resolution
2. 2023 Gilroy Assessment Report

11.2

RESOLUTION NO. 2023-XX**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GILROY CONFIRMING THE REPORT OF THE CHIEF OF THE FIRE DEPARTMENT SETTING FORTH THE DESCRIPTION OF PROPERTY, NAMING THE OWNERS THEREOF, AND THE COST OF ABATING THE NUISANCE CAUSED BY THE GROWING OF WEEDS AND ACCUMULATION OF REFUSE ON THE PROPERTY, AND PROVIDING THAT SUCH COST SHALL CONSTITUTE ASSESSMENTS AGAINST THE LAND**

WHEREAS, pursuant to Article III of Chapter 12 of the Gilroy City Code, the City Council of the City of Gilroy did on February 27, 2023, adopt Resolution No. 2023-08 designating certain weeds growing or existing in the City of Gilroy, and refuse to accumulate in the City, to be a public nuisance and ordered the Chief of the Fire Department to give notice of the passage of said resolution by posting and publication in the same manner and for the same time as set forth in Section 12.48 of said code, and the Chief of the Fire Department did cause said notice to be so given; and

WHEREAS, pursuant to Resolution No. 2023-08, the property owners, as stated on the latest tax assessor's role of the lots or parcels determined to have weeds growing or existing and/or refuse to accumulate were duly noticed that: (1) said weeds and refuse have been determined to constitute a public nuisance, (2) a public hearing would be held at which the City Council would hear and consider any and all objections to the proposed destruction or removal of said weeds or refuse, and (3) weeds and refuse not removed by the property owners will be removed by City authorities, in which case the cost of such destruction and/or removal will be assessed upon the lots and lands from which, or from the front or rear of which, such weeds and accumulation of refuse have been destroyed or removed, and such costs will constitute a lien upon such lots or lands until paid and will be collected upon the next tax roll upon which general municipal taxes are collected; and

WHEREAS, the City Council fixed April 17, 2023, at the hour of six o'clock p.m., or as soon as thereafter, in the Council Chambers in the City Hall at 7351 Rosanna Street, in the City of Gilroy, as the time and place for the hearing provided for in Section 12.50 of said Code, and the notice given included a statement of the stated time and place of the hearing; and

WHEREAS, the hearing was held on that date in accordance with the City Code, and no objections were made to the proposed removal and destruction of the weeds and refuse, and the City Council thereafter adopted Resolution 2023-22 requiring the Chief of the Fire Department to abate said nuisance by having the weeds destroyed and the refuse removed as provided in Section 12.51 of the Gilroy City Code; and

WHEREAS, the Chief of the Fire Department has filed his report with the City Council, setting forth the actions taken in abating the nuisance, stating an account of the cost of the abatement and an assessment list and identification of each separate lot or parcel of land by description, together with the expense proposed to be assessed against each separate lot or parcel and the name of the owners or reputed owners ("Owners") thereof attached hereto as Exhibit "A" and incorporated herein by this reference; and

WHEREAS, it appears that the Chief of the Fire Department has taken all actions required of him in abating said nuisance and removing said weeds and refuse and that the cost thereof, as shown in the said report, is correct and should be confirmed; and

WHEREAS, the City Clerk fixed August 7, 2023, at the hour of six o'clock p.m., or as soon thereafter as the item can be heard, in the Council Chambers in the City Hall at 7351 Rosanna Street, in the City of Gilroy, as the time and place for the hearing provided for in Section 12.53 of Gilroy City; and

WHEREAS, the Owners were duly noticed of the hearing, at which the City Council would be presented with the report and assessment list for consideration and confirmation, the abatement costs proposed to be assessed upon the Owners and the right of all persons interested, having any objections to the report and assessment list, or any matter or thing contained therein, to appear and be heard; and

WHEREAS, this hearing was held in accordance with the Gilroy City Code.

NOW THEREFORE, BE IT RESOLVED that a certified copy of this resolution and the report of the Chief of the Fire Department be turned over to the County Director of Finance, who constitutes the Assessor and Tax Collector for the City of Gilroy, and the amounts shown on said report as the cost of the removal of the weeds and refuse from each of the respective properties and certified as unpaid shall be and constitute a lien on the property for the amount of such assessment respectively, and the Assessor and Tax Collector add the amount thereof to the next regular bill for taxes levied against respective lots and parcels of land for municipal purposes.

PASSED AND ADOPTED on this 7th day of August 2023 by the following roll call vote:

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

APPROVED:

Marie Blankley, Mayor

ATTEST:

Thai Nam Pham, City Clerk

2023 WEED ABATEMENT PROGRAM
ASSESSMENT REPORT
CITY OF GILROY

SITUS	APN	OWNERS ADDRESS						TAXROLL AMT
8340	WINTER GREEN	783-03-073	MARQUES, ALBERT	2020 ROCKROSE CT	GILROY	CA	95020-7931	\$92.00
8351	WINTER GREEN	783-03-077	SUNSET HILLS DEVELOPMENT LLC	575 SOUTHSIDE DR STE C	GILROY	CA	95020	\$2,543.59
	NO SITUS	783-04-032	HOEY RANCH COMPANY	2485 HECKER PASS HY	GILROY	CA	95020-8802	\$92.00
1920	MANTELLI	783-45-016	SEVILLA, JERRY M AND CUNANAN, CLAIRE L	PO BOX 5175 ARAMCO MC	DHAHRAN		31311	\$2,771.96
0	HOLLYHOCK	783-45-044	ENTERPRISE REI 8 LLC	24168 BIG BASIN WY	SARATOGA	CA	95070	\$5,891.16
2320	WILDROSE	783-46-039	AHMADI, AMINREZA	P O BOX 608	LOS GATOS	CA	95030	\$92.00
		783-46-079	LE, ANH & IPX SERVICES INC	682 KAWEAH AVE	CLOVIS	CA	93619	\$1,679.74
0	SUNFLOWER	783-47-003	ENTERPRISE REI 8 LLC	24168 BIG BASIN WY	SARATOGA	CA	95070	\$611.00
9283	BRIARBERRY	783-50-006	SHEVCHENKO, DENIS AND REBECA	9283 BRIARBERRY LN	GILROY	CA	95020-8210	\$92.00
1383	PHEASANT	783-50-050	ARDANUY, PAUL AND JACQUELYN M	1383 PHEASANT DR	GILROY	CA	95020-8203	\$92.00
1463	PHEASANT	783-50-058	PALMER, MARY L	1463 PHEASANT DR	GILROY	CA	95020-8219	\$92.00
8772	FOXGLOVE	783-52-019	SAULAN, KIMCHAU THI TRUSTEE	4125 HECKER PASS RD	GILROY	CA	95020	\$92.00
8775	WILD IRIS	783-52-029	KOLLAREDDY, SRIDHAR	7948 MCCLELLAN RD APT 1	CUPERTINO	CA	95014	\$92.00
8755	WILD IRIS	783-52-031	ZARGARIAN, HELGA	8755 WILD IRIS DR	GILROY	CA	95020-0000	\$92.00
8745	WILD IRIS	783-52-032	VARGAS, ANABEL AND GOMEZ, MANUEL	1355 ST FRANCIS ST	REDWOOD CITY	CA	94061	\$3,808.20
1381	PEREGRINE	783-55-018	SANTO, EDWIN ICHIRO TRUSTEE	1381 PEREGRINE DR	GILROY	CA	95020-0000	\$92.00
2354	BANYAN	783-65-022	KARBALAEINEMATMOEINI, AMIRHOSSEIN AND SHARIF, SEYEDEHSHABDIZ TRUSTEE	2121 CRUDEN BAY WY	GILROY	CA	95020-0000	\$611.00
9261	TEA TREE	783-72-006	WOODWARD, DEBBIE	9261 TEA TREE CT	GILROY	CA	95020-0000	\$92.00
1881	CAROB	783-72-011	HY, SANG AND YEH, WEN CHUAN WENDY	1841 CAROB CT	GILROY	CA	95020-0000	\$92.00
1830	CAROB	783-72-016	IYER, EASHWAR SUBRAMANIAM AND EASHWAR, SRIVIDYA	1830 CAROB CT	GILROY	CA	95020-0000	\$92.00
1820	CAROB	783-72-017	NGUYEN, HENRY H ET AL	6971 SPUMANTE WY	GILROY	CA	95020-0000	\$92.00
1810	CAROB	783-72-018	OPINSKI, ROSE	2626 FALLBROOK DR	MERCED	CA	95340	\$611.00
9145	TEA TREE	783-72-020	RAMM, ANGELA DAVINA MARTINEZ	574 BLAIRBERRY WY	SAN JOSE	CA	95123-1303	\$2,727.40
9045	TEA TREE	783-72-023	CHAKAMIAN SANJAR AND SHARAREH H	13 FOXGLOVE LN	YOUNTVILLE	CA	94599-1437	\$92.00
9050	TEA TREE	783-72-024	WORBOYS, TIMOTHY D TRUSTEE	9050 TEA TREE WY	GILROY	CA	95020-0000	\$92.00
9035	TEA TREE	783-72-025	ATLLURI SASI K AND SURAPANENI SRI L	10800 MAXINE AVE	CUPERTINO	CA	95014-0120	\$2,845.26
9030	TEA TREE	783-72-026	DO NGOC BICH THI ET AL	979 STORY RD #7024	SAN JOSE	CA	95122	\$2,732.40
9025	MIMOSA	783-72-027	KOLLAREDDY, USHARANI ET AL	7948 MCCLELLAN RD APT 1	CUPERTINO	CA	95014	\$92.00
8962	TEA TREE	783-72-030	THIEN, TRACY	38 PARK FLETCHER PL	SAN JOSE	CA	95136-2403	\$92.00
8981	TEA TREE	783-72-031	UNGER, DAVID AND KHAWAJA, MAHREEN	8981 TEA TREE WY	GILROY	CA	95020-0000	\$92.00
8971	TEA TREE	783-72-033	BHATTARAI, ATUL R AND RATNASHREE	1660 WHEATLEY PL	SAN JOSE	CA	95121-0000	\$92.00
8950	MIMOSA	783-72-035	PHAM, LAN ET AL	1085 MICHIGAN AV	SAN JOSE	CA	95125-2417	\$92.00
8955	MIMOSA	783-72-036	INNEH, EMMANUEL AND JENNIFER	1710 VALLEY OAKS DR	GILROY	CA	95020	\$611.00
2204	BANYAN	783-72-039	SAGAR NAYYAR & SAPNA NAYYAR	2282 PENTLAND WAY	SAN JOSE	CA	95148	\$92.00
2203	BANYAN	783-72-040	ROBLES, RONALD E AND MARIA R	1225 VIENNA DR #251	SUNNYVALE	CA	94089	\$92.00
2224	BANYAN	783-72-042	NAKANO, NANCY N ET AL	2224 BANYAN CT	GILROY	CA	95020	\$92.00
9210	MAHOGANY	783-72-045	NGUYEN PHU BA AND DOAN LILY	2295 S KING RD	SAN JOSE	CA	95122-2518	\$92.00
2253	BANYAN	783-72-050	ZHANG, HONGXIN AND TANG, WEI	2253 BANYAN CT	GILROY	CA	95020-0000	\$92.00
2273	BANYAN	783-72-051	PREMNATH, FLEMING J AND LALITHABAI, SOFIYA S	2356 PATRICIA DR	SANTA CLARA	CA	95050-5018	\$4,532.50
2283	BANYAN	783-72-052	JEONG JONGHUN AND CHOI YUNHEE	PO BOX 10652	SAN JOSE	CA	95127	\$2,593.15
2202	COLUMBINE	783-72-061	KRUPA, STANISLAW TRUSTEE & ET AL	901 CALLE SERRA	SAN DIMAS	CA	91773	\$92.00
2251	MANTELLI	783-72-066	RAMIREZ, PEDRO AND JOSEFINA	2725 SCOTTSDALE DR	SAN JOSE	CA	95148-3427	\$92.00
1681	LONGMEADOW	783-75-081	DHALIWAL JASDEEP S ET AL	1081 S BURNS PL	MTN HOUSE	CA	95391-1408	\$92.00
	NO SITUS	790-07-085	KUANG, WEIWEI	1952 EISENHOWER DR	SANTA CLARA	CA	95054-1621	\$611.00

	NO SITUS	790-07-086	KUANG, WEIWEI	1952 EISENHOWER DR	SANTA CLARA	CA	95054-1621	\$611.00
	NO SITUS	790-07-087	KUANG, WEIWEI	1952 EISENHOWER DR	SANTA CLARA	CA	95054-1621	\$611.00
	NO SITUS	790-07-088	KUANG, WEIWEI	1952 EISENHOWER DR	SANTA CLARA	CA	95054-1621	\$611.00
8877	MONTEREY	790-15-036	MARGARETICH, BOZO AND VANJA	946 STANLEY AV	LOS ALTOS	CA	94024-5067	\$92.00
9145	JARDIN	790-16-257	BROOKS, JULIA M ET AL	9145 JARDIN WY	GILROY	CA	95020	\$92.00
9130	KERN	790-17-002	D R HORTON BAY INC	3000 EXECUTIVE PY STE 100	SAN RAMON	CA	94583	\$92.00
9160	KERN	790-17-003	D R HORTON BAY INC	3000 EXECUTIVE PY STE 100	SAN RAMON	CA	94583	\$92.00
8401	DIANE	790-30-076	TORRES, ALBERT	8401 DIANE CT	GILROY	CA	95020-4213	\$92.00
401	BROADWAY	790-33-019	FLORES, ANTHONY R	PO BOX 1557	GILROY	CA	95021-1557	\$92.00
0	CHURCH	790-35-001	HOWSON INDUSTRIES LLC	1648 MULBERRY LN	SAN JOSE	CA	95125-4942	\$92.00
8051	CHURCH	790-35-002	MA, WEIMIN TRUSTEE & ET AL	103 CHIPPENDALE CT	LOS GATOS	CA	95032	\$92.00
0	CHURCH	790-35-008	ROMAN CATHOLIC BISHOP OF SAN JOSE	11 FIRST ST	GILROY	CA	95020	\$92.00
0	CHURCH	790-36-002	HOWSON INDUSTRIES LLC	1648 MULBERRY LN	SAN JOSE	CA	95125-4942	\$92.00
1375	1ST	790-39-019	S A PROPERTIES GROUP LLC	5820 STONERIDGE MALL RD STE 225	PLEASANTON	CA	94588	\$92.00
1355	1ST	790-39-030	YUOMANS, KRAIG AND FORTINO, TERI TRUSTEE	12005 TURLOCK AV	SAN MARTIN	CA	95046-9432	\$92.00
8771	CHURCH	790-53-087	GORAYA, MANU K	860 MAPLE AV	SAN MARTIN	CA	95046-9538	\$92.00
108	CHICKADEE	790-66-057	TEMPLE SAN JOSE LLC	527 SIMAS DR	MILPITAS	CA	95035-4723	\$92.00
7733	MONTEREY	799-03-054	7711 MONTEREY RD LLC	5655 SILVER CREEK VALLEY RD UNIT 305	SAN JOSE	CA	95138	\$2,894.72
7711	MONTEREY	799-03-055	7711 MONTEREY RD LLC	5655 SILVER CREEK VALLEY RD UNIT 305	SAN JOSE	CA	95138	\$2,463.74
7273	EIGLEBERRY	799-09-028	KAUR, SANDEEP AND SINGH, SATWANT	3117 OAKGATE WY	SAN JOSE	CA	95148-3026	\$92.00
0	EIGLEBERRY	799-10-042	BAINS, JAGJIT SINGH	3435 HARBOR CT	SAN JOSE	CA	95127-4311	\$92.00
195	9TH	799-10-057	DIAZ, JUAN A	PO BOX 193	SAN MARTIN	CA	95046	\$92.00
7040	CHURCH	799-11-068	DING ANDREW	7595 Newcastle Dr	Cupertino	CA	95014-5220	\$92.00
	NO SITUS	799-11-069	GOLDEN BRIDGE PROPERTIES LLC	1669 2 HOLLENBECK AV 185	SUNNYVALE	CA	94087	\$92.00
7421	HANNA	799-18-031	JEUNG MICHAEL A ET AL	7421 HANNA ST	GILROY	CA	95020	\$597.00
6700	CHURCH	799-33-001	MONSEF, CYRUS	6700 CHURCH ST	GILROY	CA	95020-6508	\$92.00
0	FILBRO	799-44-093	TMP ROYAL WAY LLC	5671 SANTA TERESA BL STE 200	SAN JOSE	CA	95123	\$611.00
0	ROYAL	799-44-094	TMP ROYAL WAY LLC	5671 SANTA TERESA BL STE 200	SAN JOSE	CA	95123	\$611.00
0	ROYAL	799-44-095	TMP ROYAL WAY LLC	5671 SANTA TERESA BL STE 200	SAN JOSE	CA	95123	\$611.00
0	ROYAL	799-44-096	TMP ROYAL WAY LLC	5671 SANTA TERESA BL STE 200	SAN JOSE	CA	95123	\$611.00
0	ROYAL	799-44-097	TMP ROYAL WAY LLC	5671 SANTA TERESA BL STE 200	SAN JOSE	CA	95123	\$611.00
0	ROYAL	799-44-098	TMP ROYAL WAY LLC	5671 SANTA TERESA BL STE 200	SAN JOSE	CA	95123	\$611.00
0	THOMAS	799-44-109	TMP ROYAL WAY LLC	5671 SANTA TERESA BL STE 200	SAN JOSE	CA	95123	\$611.00
321	LUCHESSA	799-44-110	TMP ROYAL WAY LLC	5671 SANTA TERESA BL STE 200	SAN JOSE	CA	95123	\$611.00
1410	1ST	808-01-021	EAGLE GARDEN LLC	21701 STEVENS CRK BLV #2610	CUPERTINO	CA	95014	\$1,958.74
7890	SANTA TERESA	808-01-022	EAGLE GARDEN LLC	21701 STEVENS CRK BLV #2610	CUPERTINO	CA	95014	\$611.00
1490	1ST	808-01-023	EAGLE GARDEN LLC	21701 STEVENS CRK BLV #2610	CUPERTINO	CA	95014	\$1,786.07
0	PONDEROSA	808-01-024	PIROZZOLI, MONICA TRUSTEE & ET AL	366 5TH ST	GILROY	CA	95020	\$611.00
	NO SITUS	808-19-030	CHRISTOPHER, DONALD C ET AL	305 BLOOMFIELD AV	GILROY	CA	95020	\$92.00
	NO SITUS	808-19-031	COMMUNITY RESOURCES, INC	430 E STATE STREET SUITE 100	EAGLE	ID	83616	\$92.00
0	THOMAS	808-20-008	SUNER CORPORATION	9761 ZUNI LN	GILROY	CA	95020-0000	\$611.00
10	WEST LUCHESSA	808-21-009	YAHYA, NAAIM A TRUSTEE & ET AL	1835 SULLIVAN CT	MORGAN HILL	CA	95037	\$5,145.00
6201	THOMAS	808-38-001	THOMAS ROAD PROPERTIES LTD THE	7888 WREN AV D-143	GILROY	CA	95020	\$92.00
6151	THOMAS	808-39-066	CORP PRESI BISH CHURCH CHRIST LATTR DAY SN	50 E NORTH TEMPLE FL 22	SALT LAKE CITY	UT	84150-3620	\$92.00
	NO SITUS	810-20-021	HP AG LAND LLC	23 CORPORATE PL 150	NEWPORT BEACH	CA	92625	\$92.00
2740	HECKER PASS	810-20-033	OWENS FINANCIAL GROUP INC	2221 OLYMPIC BL	WALNUT CREEK	CA	94595	\$611.00
		810-28-024	WILLIAMS JAKIE C TRUSTEE & ET AL	1000 MESA RD	GILROY	CA	95020	\$92.00
925	WILDFLOWER	810-28-026	WILLIAMS, JAKIE C TRUSTEE & ET AL	1000 MESA RD	GILROY	CA	95020-6820	\$92.00
935	WILDFLOWER	810-28-027	WILLIAMS, JAKIE C TRUSTEE & ET AL	1000 MESA RD	GILROY	CA	95020-6820	\$92.00

945	WILDFLOWER	810-28-028	WILLIAMS, JAKIE C TRUSTEE & ET AL	1000 MESA RD	GILROY	CA	95020-6820	\$92.00
955	WILDFLOWER	810-28-029	WILLIAMS, JAKIE C TRUSTEE & ET AL	1000 MESA RD	GILROY	CA	95020-6820	\$92.00
950	WILDFLOWER	810-28-032	WILLIAMS, JAKIE C TRUSTEE & ET AL	1000 MESA RD	GILROY	CA	95020-6820	\$92.00
940	WILDFLOWER	810-28-033	WILLIAMS, JAKIE C TRUSTEE & ET AL	1000 MESA RD	GILROY	CA	95020-6820	\$92.00
930	WILDFLOWER	810-28-034	WILLIAMS, JAKIE C TRUSTEE & ET AL	1000 MESA RD	GILROY	CA	95020-6820	\$92.00
920	WILDFLOWER	810-28-035	WILLIAMS, JAKIE C TRUSTEE & ET AL	1000 MESA RD	GILROY	CA	95020-6820	\$92.00
910	WILDFLOWER	810-28-036	WILLIAMS, JAKIE C TRUSTEE & ET AL	1000 MESA RD	GILROY	CA	95020-6820	\$92.00
900	WILDFLOWER	810-28-037	WILLIAMS, JAKIE C TRUSTEE & ET AL	1000 MESA RD	GILROY	CA	95020-6820	\$92.00
6675	EAGLE RIDGE	810-60-018	DO & PARTNERS LLC	9419 GERANIUM CL	FOUNTAIN VALLEY	CA	92708	\$92.00
6685	EAGLE RIDGE	810-60-019	DO & PARTNERS LLC	9419 GERANIUM CL	FOUNTAIN VALLEY	CA	92708	\$92.00
6695	EAGLE RIDGE	810-60-020	DO & PARTNERS LLC	9419 GERANIUM CL	FOUNTAIN VALLEY	CA	92708	\$92.00
1520	HECKER PASS	810-66-012	VILLAGE AT SANTA TERESA LP	1700 EL CAMINO REAL S 400	SAN MATEO	CA	94402	\$92.00
7518	FERNIE	810-67-041	RADOSEVICH, ERIC J TRUSTEE	7518 FERNIE CT	GILROY	CA	95020-0000	\$92.00
6615	EAGLE RIDGE	810-72-029	DO & PARTNERS LLC	9419 GERANIUM CL	FOUNTAIN VALLEY	CA	92708	\$92.00
6625	EAGLE RIDGE	810-72-030	DO & PARTNERS LLC	9419 GERANIUM CL	FOUNTAIN VALLEY	CA	92708	\$92.00
6635	EAGLE RIDGE	810-72-031	DO & PARTNERS LLC	9419 GERANIUM CL	FOUNTAIN VALLEY	CA	92708	\$92.00
6645	EAGLE RIDGE	810-72-032	DO & PARTNERS LLC	9419 GERANIUM CL	FOUNTAIN VALLEY	CA	92708	\$92.00
6651	EAGLE RIDGE	810-72-033	DO & PARTNERS LLC	9419 GERANIUM CL	FOUNTAIN VALLEY	CA	92708	\$92.00
6655	EAGLE RIDGE	810-72-034	DO & PARTNERS LLC	9419 GERANIUM CL	FOUNTAIN VALLEY	CA	92708	\$92.00
6671	EAGLE RIDGE	810-72-035	DO & PARTNERS LLC	9419 GERANIUM CL	FOUNTAIN VALLEY	CA	92708	\$92.00
	MONTEREY	835-01-034	UNION PACIFIC CO	10031 FOOTHILLS BLVD	ROSEVILLE	CA	95030	\$3,769.00
	MONTEREY	835-01-035	UNION PACIFIC CO	10031 FOOTHILLS BLVD	ROSEVILLE	CA	95030	\$3,769.00
	MURRAY	835-01-059	HIGHLY VISUAL LLC	8840 FOREST ST	GILROY	CA	95020	\$183.00
8585	MURRAY	835-01-065	ESPARZA ROBERT TRUSTEE	443 EL CAJON DR	SAN JOSE	CA	95111-3509	\$183.00
210	LAS ANIMAS	835-02-013	SHELTON, G WILLIAM	1216 PALADIN WY	PLEASANTON	CA	94566	\$92.00
	MONTEREY	835-02-014	UNION PACIFIC CO	10031 FOOTHILLS BLVD	ROSEVILLE	CA	95030	\$688.00
0	LAS ANIMAS	835-02-016	CLOMONEY LLC	PO BOX 60352	SUNNYVALE	CA	94088	\$92.00
0	LAS ANIMAS	835-02-061	CLOMONEY LLC	PO BOX 60352	SUNNYVALE	CA	94088	\$92.00
402	MADISON	835-03-059	ZEPEDA ALFREDO ET AL	1420 DUROUX RD	LA MARQUE	TX	77568	\$183.00
	NO SITUS	835-04-067	MONTANO, LYDIA R AND ALFRED	15191 KARL AV	MONTE SERENO	CA	95030-2229	\$611.00
	NO SITUS	835-04-068	MONTANO, LYDIA R AND ALFRED	15191 KARL AV	MONTE SERENO	CA	95030-2229	\$611.00
315	LAS ANIMAS	835-05-006	LAS ANIMAS DEVEL COLLC	PO BOX 1772	GILROY	CA	95021	\$92.00
135	LAS ANIMAS	835-05-007	BALDEV MANN & GURMET MANN	832 BELL ST	EAST PALO ALTO	CA	94303	\$183.00
55	LAS ANIMAS	835-05-008	SHELTON G WILLIAM	1216 PALLADIN WAY	PLEASANTON	CA	94566	\$183.00
410	COHANSEY	835-05-016	GERA NICHOLAS TRUSTEE & ET AL	19341 MONTE VISTA DR	SARATOGA	CA	95070-6219	\$183.00
405	LAS ANIMAS	835-05-024	TES INVESTMENTS LLC	1754 TECHNOLOGY DR STE 120C	SAN JOSE	CA	95110	\$183.00
	FOREST	835-31-030	8805 FORREST QOZB LLC	PO BOX 787	DIABLO	CA	94528	\$183.00
	FOREST	835-31-031	HOLLER DYLAN R TRUSTEE	405 SPRING GROVE RD	HOLLISTER	CA	95023	\$183.00
	SWANSTON	841-01-064	SWANSTON LANE LLC	18640 SUTTER BLVD STE 100	MORGAN HILL	CA	95037	\$183.00
		841-02-046	UNION PACIFIC CO	10031 FOOTHILLS BLVD	ROSEVILLE	CA	95030	\$8,749.00
		841-02-055	DRL PROPERTIES LLC	2545 MUIRFIELD WAY	GILROY	CA	95020	\$183.00
341	LEWIS	841-03-063	PATEL JITENDRA AND NAYANA TRUSTEE	39625 FREMONT BLVD	FREMONT	CA	94538	\$183.00
311	LEWIS	841-03-070	RODRIGUEZ QUIRINO V AND VAZQUEZ YOLANDA	835 GREEN VALLEY RD	WATSONVILLE	CA	95076	\$183.00
222	MARTIN	841-06-040	LIU DENG AND CHEN SASHA	400 PALM AVE	MILLBRAE	CA	94030	\$183.00
7492	CHESTNUT	841-07-027	SANCHEZ ELOY G AND ANGELICA M	7492 CHESTNUT ST	GILROY	CA	95020	\$688.00
7472	CHESTNUT	841-07-043	TORRES-FERNANDEZ ELISA ET AL	7472 CHESTNUT ST	GILROY	CA	95020-5806	\$688.00
7498	CHESTNUT	841-07-049	ZHENG SHAO LAN AND ZHU YINGGUANG	7498 CHESTNUT ST	GILROY	CA	95020-5806	\$688.00
	SOUTH VALLEY	841-10-039	PACIFIC GAS AND ELECTRIC CO:ATT: Nguyen Chau	111 ALMADEN BLVD	SAN JOSE	CA	95115	\$688.00
	SOUTH VALLEY	841-14-058	UNION PACIFIC CO	10031 FOOTHILLS BLVD	ROSEVILLE	CA	95030	\$688.00

	SOUTH VALLEY	841-14-059	UNION PACIFIC CO	10031 FOOTHILLS BLVD	ROSEVILLE	CA	95030	\$3,736.00
		841-14-060	UNION PACIFIC CO	10031 FOOTHILLS BLVD	ROSEVILLE	CA	95030	\$5,964.00
		841-14-072	UNION PACIFIC CO	10031 FOOTHILLS BLVD	ROSEVILLE	CA	95030	\$7,116.00
5870	MONTEREY	841-14-080	GARLIC FARM TRUCK CENTER LLC	5000 E 2ND ST UNIT G	BENECIA	CA	94510	\$2,381.50
6900	CAMERON	841-17-100	MCCARTHY GILROY LLC	210 ALMENDRA AVE	LOS GATOS	CA	95030-7211	\$688.00
6503	CAMERON	841-17-107	MCCARTHY GILROY LLC	210 ALMENDRA AVE	LOS GATOS	CA	95030-7211	\$688.00
		841-17-121	UNITED NATURAL FOODS WEST INC	100 OLIVER ST FLR 18TH	BOSTON	MA	'02110	\$688.00
402	HADLEY	841-53-032	MARQUEZ, PRISCILLA A	402 HADLEY CT	GILROY	CA	95020-5839	\$92.00
		841-53-066	NGUYEN THU TAM	2673 MCLAUGHLIN AVE	SAN JOSE	CA	95121-2752	\$183.00
		841-69-042	SOUTHPOINT BUSINESS PARK ASSOCIATES	P O BOX 5368	SAN JOSE	CA	95150	\$183.00
	PACHECO PASS	841-70-014	CAPRARA JANICE TRUSTEE & ET AL	26769 EL CAMINO REAL NORTH	GONZALES	CA	93926	\$183.00
	HOLLOWAY	841-70-026	GILROY PARTNERS LLC	67 MOUNTAIN BLVD UNIT 201	WARREN	NJ	'07059	\$3,217.00
555	HOLLOWAY	841-70-037	ROCHA JOE A AND VICTORIA M	575 SOUTHSIDE DR	GILROY	CA	95020	\$183.00
6970	CAMINO ARROYO	841-70-049	TEMPLE GILROY LLC	527 SIMAS DR	MILPITAS	CA	95035-4723	\$702.00
5885	ROSSI	841-72-001	SIEMPRE SOBRE EL DINERO LLC	190 MONTGOMERY ST N	SAN JOSE	CA	95110	\$611.00
560	ROSSI	841-72-008	PULMUONE FOODS USA INC	2315 MOORE AVE	FULLERTON	CA	92833	\$702.00
	LUCHESSA	841-73-005	LONESTAR CALIFORNIA INC	1501 BELVEDERE RD	WEST PALM BEACH	FL	33406	\$1,207.00
5980	TRAVEL PARK	841-75-011	HOANG VINCE AN TRI	5240 MONTEVERDE LN	LINCOLN	CA	95648	\$702.00
6601	CAMERON	841-84-009	MCCARTHY GILROY LLC	210 ALMENDRA AVE	LOS GATOS	CA	95030-7211	\$183.00

Total \$120,251.13



City of Gilroy

STAFF REPORT

Agenda Item Title: Introduction of an Ordinance of the City of Gilroy Amending Section 2.13 of the Gilroy City Code to Modify the Regular Meeting Schedule of the City Council

Meeting Date: August 7, 2023
 From: Jimmy Forbis, City Administrator
 Department: City Clerk
 Submitted By: Thai Nam Pham, City Clerk
 Prepared By: Thai Nam Pham, City Clerk

STRATEGIC PLAN GOALS

Not Applicable

RECOMMENDATION

1. Motion to read the ordinance by title only and waive further reading of the ordinance; and
2. Introduce an ordinance of the City Council of the City of Gilroy amending Chapter 2 relating to the Regular Meeting Schedule of the City Council.

EXECUTIVE SUMMARY

This staff report proposes an amendment to Section 2.13 of the Gilroy City Code regarding regular meetings of the City Council. The purpose of this amendment is to address two items:

- 1) the removal of regular meetings for the month of July; and
- 2) timing of installing newly elected council members following the certification of election results by the Santa Clara County Registrar of Voters (ROV).

Historically, the City of Gilroy attempts to install newly elected council members during the first meeting of December. However, due to the ROV's certification timeline, this installation has been missed in recent years. To rectify this issue and ensure

compliance with the City Charter, it is recommended to modify the City Code to have only one regular meeting in December, scheduled on the second Monday of the month.

BACKGROUND

The Registrar of Voters is responsible for certifying election results within thirty days from the date of the election. In the past, the ROV has typically been able to provide the certification of the election before the first City Council meeting, allowing the City of Gilroy to install newly elected council members during the first meeting of December. However, in the recent municipal election held on November 8, 2022, the ROV certified the results on December 8, 2022, missing the December 5, 2022 Regular Meeting. This delay in certification caused the City to be unable to install the newly elected council members as scheduled.

Looking ahead, next year's General Municipal Election is scheduled for November 5, 2024. Based on experience and the fact that it is a presidential election year, it is anticipated that the ROV will require the full thirty-day period to certify the general election results. Consequently, the certification date for the general election is expected to fall on December 5, 2024, which would again result in the City missing the December 2, 2024 City Council Regular Meeting for the installation of newly elected council members.

Furthermore, the City Charter, specifically Section 402, outlines the term of office for the Mayor and City Council members. According to this section, elected officials assume office after the first regular meeting following the certification of the City Council election. Therefore, it is crucial to ensure that the installation of newly elected members aligns with the City Charter's requirements.

Given these circumstances, it is necessary to amend the City Code to address the timing of installing newly elected council members following the certification of election results by the ROV. By modifying the regular meeting schedule to have the first regular meeting in December scheduled on the second Monday of the month, the City can ensure compliance with the City Charter and provide a more suitable timeframe for installing newly elected council members.

ANALYSIS

To address the challenges mentioned above, it is proposed to amend Section 2.13(a) of the Gilroy City Code as follows (additions are ***bolded and italicized***, and removals are ~~strikethrough~~):

2.13 Regular meetings.

(a) Time. Regular meetings of the City Council shall be held on the first and third Mondays of each month at 6:00 p.m. Whenever the day fixed for any regular meeting of the council falls upon a day designated by law as a legal or national holiday, such meeting shall be held at the same hour on

the next Monday. If said Monday is also a legal or national holiday, the council meeting shall be held on the next weekday not a holiday following said Monday.

~~Notwithstanding the above, at least one regular council meeting shall be held in July. The date of the first regular meeting shall be held on the first day of July not a holiday and excluding Friday, Saturday or Sunday.~~

No regular council meetings shall be held in the month of July. Special meetings may be scheduled during the same month by the Council as needed.

Notwithstanding the above, at least one regular meeting shall be held in December. The regular meeting in December shall be held on the second Monday of the month at 6:00 p.m.

This amendment does two things:

1. It enables the City to have a designated summer recess from the 2nd meeting of June until the 1st meeting in August, providing an opportunity for council members, staff, and the community to enjoy a longer break during the summer season. This recess period allows for more efficient use of resources and acknowledges the historically lower attendance during the summer months. In addition, these changes ensure clarity allowing the Council to convene in July when necessary. Otherwise known as a "Legislative Recess," this break is common in many cities.
2. It codifies the City's current practice of having one regular meeting in December and canceling the second regular meeting. Formalizing this practice into the City Code ensures that there is only one regular meeting in December, providing council members, staff, and the community an opportunity to observe the holiday season. Furthermore, this amendment aligns with the requirements of the City Charter by allowing for the installation of newly elected members after the first regular meeting following the certification of the City Council election.

ALTERNATIVES

Council may choose to reject or modify the ordinance. Should Council determine to modify the proposed ordinance, the introduction process would be restarted with a new introduction and first reading.

FISCAL IMPACT/FUNDING SOURCE

The proposed amendment to the City Code does not have any direct financial or operational implications for the City of Gilroy. It primarily addresses procedural matters to ensure compliance with the City Charter and streamlines the installation of newly elected council members.

PUBLIC OUTREACH

Public outreach efforts were conducted regarding the proposed amendment. The outreach activities included:

- Publication in the Gilroy Dispatch: On July 28, 2023, the proposed amendment was publicized in the Gilroy Dispatch.
- City's Website: The proposed amendment was also posted on the City's official website, accessible to the general public.

NEXT STEPS

Should Council approve the introduction of the proposed ordinance at this meeting, Council will need to adopt it at its regular meeting on August 21, 2023. Once adopted, staff will update the Gilroy City Code and prepare the 2024 meeting schedule.

Attachments:

1. Proposed Ordinance

ORDINANCE NO. 2023-XX**AN ORDINANCE OF THE CITY OF GILROY AMENDING
SECTION 2.13 OF THE GILROY CITY CODE TO MODIFY
THE REGULAR MEETING SCHEDULE OF THE CITY
COUNCIL**

WHEREAS, the City of Gilroy currently holds regular meetings on the first and third Mondays of each month, as specified in Section 2.13(a) of the Gilroy City Code; and

WHEREAS, it is deemed necessary and in the best interest of the City to modify the City Code to eliminate the July meeting requirement and allow for a summer recess while providing flexibility for scheduling special meetings in July as needed; and

WHEREAS, it is deemed necessary and in the City's best interest to amend the City Code to have only one regular meeting in December and to schedule it on the second Monday of the month.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GILROY DOES
HEREBY ORDAIN AS FOLLOWS:**

SECTION I

The foregoing recitals are true and correct and are incorporated herein by this reference.

SECTION II

Section 2.13(a) of the Gilroy City Code shall be amended as follows:

Time. Regular meetings of the city council shall be held on the first and third Mondays of each month at 6:00 p.m. Whenever the day fixed for any regular meeting of the council falls upon a day designated by law as a legal or national holiday, such meeting shall be held at the same hour on the next Monday. If said Monday is also a legal or national holiday, the council meeting shall be held on the next weekday not a holiday following said Monday.

No regular council meetings shall be held in the month of July. Special meetings may be scheduled during the same month by the Council as needed.

Notwithstanding the above, at least one regular meeting shall be held in December. The regular meeting in December shall be held on the second Monday of the month at 6:00 p.m.

SECTION III

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Gilroy hereby declares that it would have passed and adopted this ordinance, and each section, subsection,

sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases may be declared invalid or unconstitutional.

SECTION IV

This Ordinance shall take effect thirty (30) days after its adoption. The City Clerk is hereby directed to publish this Ordinance or a summary thereof pursuant to Government Code Section 36933.

PASSED AND ADOPTED this 21st day of August 2023 by the following roll call vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED:

Marie Blankley, Mayor

ATTEST:

Thai Nam Pham, City Clerk