



CITY COUNCIL AGENDA PACKET

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

SPECIAL MEETING | 6:00 PM
MONDAY, JULY 10, 2023

MAYOR

Marie Blankley

COUNCIL MEMBERS

Rebeca Armendariz

Dion Bracco

Tom Cline

Zach Hilton

Carol Marques

Fred Tovar

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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 publiccomments@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.

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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.

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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.



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The agenda for this special 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

- 2.1. Retirement Proclamation – Gilroy Golf Course General Manager Don DeLorenzo
- 2.2. Retirement Proclamation – Police Sergeant 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

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 publiccomments@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 1:00pm 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, Cities Association Santa Clara County Board of Directors (*alternate*), Santa Clara County Library Joint Powers Authority, Santa Clara Valley Water Commission, Santa Clara Valley Water Joint Water Resources Commission, 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 – Downtown Committee, 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, Cities Association Santa Clara County Board of Directors, Downtown Committee, Gilroy Economic Development Partnership, Gilroy Sister Cities Association (*alternate*), Gilroy Youth Task Force, Santa Clara Valley Water Joint Water Resources Commission, SCRWA, South County Youth Task Force Policy Team, VTA Board of Directors, VTA Mobility Partnership Committee

5. COUNCIL CORRESPONDENCE

6. FUTURE COUNCIL INITIATED AGENDA ITEMS

7. CONSENT CALENDAR

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

- 7.1. Approval of the Action Minutes of the June 19, 2023 City Council Regular Meeting
- 7.2. Approve Amendments to Gilroy Youth Commission Bylaws
- 7.3. Claim of Maria Salinas (The City Administrator recommends a "yes" vote under the Consent Calendar shall constitute denial of 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)
- 7.5. Claim of Eliseo Ramirez Pacheco (The City Administrator recommends a "yes" vote under the Consent Calendar shall constitute denial of 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)
- 7.7. Claim of Rosaura Aguilar (The City Administrator recommends a "yes" vote under the Consent Calendar shall constitute denial of 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)
- 7.9. Claim of Sandra Lopez (The City Administrator recommends a "yes" vote under the Consent Calendar shall constitute denial of the claim)

8. BIDS AND PROPOSALS (NONE)

9. PUBLIC HEARINGS

9.1. 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.

10. UNFINISHED BUSINESS

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

1. Staff Report: Thai Nam Pham, City Clerk
2. Public Comment
3. Possible Action:

Appoint members to City Commissions with seats vacant or expired as of June 19, 2023.

11. INTRODUCTION OF NEW BUSINESS

11.1. Council Direction Concerning the City's Ongoing Membership in the Cities Association of Santa Clara County

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

Council discussion regarding the continued status of the City of Gilroy as a member of the Cities Association of Santa Clara County.

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

1. Staff Report: Thai Nam Pham, City Clerk
2. Public Comment
3. Possible Action:

Staff recommends that the City Council authorize a Council Member as the Designated Voting Delegate to attend the 2023 League of California Cities Annual Conference on behalf of the City, along with up to two alternate voting delegates.

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

1. Staff Report: LeeAnn McPhillips, Administrative Services and Human Resources Director / Risk Manager
2. Public Comment
3. Possible Action:
 - a) Consent of the City Administrator's recommendation to appoint Karl Bjarke as Interim Public Works Director (as a retired annuitant) effective July 11, 2023.
 - b) 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.

12. CITY ADMINISTRATOR'S REPORTS

12.1. Visit to Gilroy Sister City Angra do Heroismo

13. CITY ATTORNEY'S REPORTS

14. ADJOURNMENT

FUTURE MEETING DATES

August 2023

7 Regular Meeting - 6:00 p.m
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
City Council Regular Meeting Minutes
Monday, June 19, 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 Armendariz led the pledge of allegiance.

1.1 Invocation

There was none.

1.2 City Clerk's Report on Posting the Agenda

City Clerk Pham reported on the posting of the agenda.

1.3 Roll Call

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

1.4 Orders of the Day

There were none.

1.5 Employee Introductions

Police Chief Espinoza introduced Chris Silva and Jesus Cortez, who were promoted to Corporal and Sergeant, respectively.

Assistant to City Administrator Atkins introduced Daniel Scott, Community Resilience Coordinator.

2. CEREMONIAL ITEMS - Proclamations and Awards

There were none.

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.

The following members spoke on items that were not on the agenda:

Ron Kirkish spoke about the Council Member's attendance at meetings.

Michelle Campbell gave a report about the Downtown Wine and Art Walk event.

Sharon Luna invited the council and public to a town hall meeting at San Martín's Lions Club on June 29, 2023, at 6:30 PM. The meeting will focus on the critical topic of lead in the environment.

Robert Zepeda addressed the council, expressing concerns about the decline of the United States.

Cristian Moadragon emphasized the importance of building a stronger community and urged everyone to collaborate for that purpose.

Wes White advocated for the rights and well-being of the LGBT+ community.

Todd Langton advocated for the unhoused population and appealed to the Council to display greater compassion toward them.

Robert Aguirre also advocated for the unhoused individuals and voiced his concerns to the Council.

There being no further 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 on Downtown Committee and Santa Clara Valley Habitat Agency Governing Board.

Council Member Cline reported on the Garlic City Car Show.

Council Member Tovar reported on SCRWA, the Garlic City Car Show, Juneteenth acknowledgment, visiting Gallery 1202 for the "Flamin' Hot" art show by Ruben Dario Villa, and attending John Ballard's retirement.

Mayor Blankley reported VTA Board of Directors, CalTrain Policy Group, and SCRWA.

5. COUNCIL CORRESPONDENCE

There were none.

6. FUTURE COUNCIL INITIATED AGENDA ITEMS

There were none.

7. BOARD AND COMMISSION INTERVIEWS

7.1. Interviews for Open Seats on Boards, Commissions, and Committees with Terms Expired or Vacant as of June 19, 2023, for Future Appointment Scheduled for July 10, 2023

City Clerk Pham provided a brief report to Council.

Council accepted the two applications for open seats and proceeded to interview applicants.

8. CITY COUNCIL TRAINING

City Attorney Faber provided the training to Council and responded to Council Member questions.

9. CONSENT CALENDAR

Mayor Blankley asked Council if there is any item they wish to pull from the Consent Calendar. Council Armendariz requested that Item No. 9.9 be pulled from the Consent Calendar.

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

Motion: Approve the Consent Calendar except for Item No. 9.9.

RESULT: Pass

MOVER: Fred Tovar, Council Member

SECONDER: Dion Bracco, Mayor Pro Tempore

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

9.1. Approval of the Action Minutes of the June 5, 2023 City Council Regular Meeting

A motion was made to approve the minutes.

9.2. Accept the Appointment of a Representative to the Sourcewise Advisory Council with a Term Ending June 30, 2026.

A motion was made to accept the Parks and Recreation Commission's recommendation of Dyanne Hofstad to serve on the Sourcewise Advisory Council with a term ending June 30, 2026.

9.3. Approve a Second Amendment to the Agreement with SDI Presence for Information Technology (IT) Consulting and Project Support Services for an additional \$120,000, for a total not-to-exceed amount of \$309,000

A motion was made to approve the second amendment to the agreement with SDI Presence.

9.4. Adoption of a Resolution of the City Council of the City of Gilroy Approving a Fiscal Year 2022-2023 Budget Amendment for \$18,404 for an Edward Byrne Memorial Justice Assistance Grant

A motion was made to adopt the resolution.

Enactment No.: Resolution No. 2023-43

9.5. Approval of a Fifth Amendment to the Agreement with Lynx Technologies for Geographic Information System (GIS) Support and Maintenance for an additional \$96,775, for a total not-to-exceed amount of \$448,590

A motion was made to approve the fifth amendment with Lynx Technologies.

9.6. Approve First Amendment to Agreement with The Pun Group LLP for a Two-Year Extension to Provide Annual Financial Audit and Reporting Services with a Revised Not-to-Exceed Amount of \$388,364

A motion was made to approve the first amendment to the agreement with The Pun Group LLP.

9.7. Approval of a Notice of Acceptance of Completion for the FY23 Annual Citywide Curb Ramp Project No. 23-PW-280 and Approval of a Final Contract with J.J.R. Construction in the Amount of \$159,065

A motion was made to approve the Notice of Acceptance.

9.8. Adoption of an Ordinance Amending Gilroy Crossings Phase II Commercial/Industrial Planned Unit Development Zone District for Property Located at 6970 Camino Arroyo

A motion was made to adopt the Ordinance.

Enactment No.: Ordinance No. 2023-06

9.9. Adoption of an Ordinance of the City Council of the City of Gilroy Adding Chapter 5 to the Gilroy City Code Relating to Banning the Use of Certain Public Rights-of-Way as Sleeping or Living Accommodations

Council Member Armendariz pulled the item out of the Consent Calendar.

Mayor Blankley opened Public Comment.

The following members spoke in opposition to the proposed ordinance:

Robert Aguirre
Tristia Bauman
Todd Langton
Wes White

Ron Kirkish spoke in favor of the proposed ordinance.

Cristian Moadragon spoke on the need for unity to find the solution to address the issue of homelessness.

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

Motion: Adopt the Ordinance of the City Council of the City of Gilroy Adding Chapter 5 to the Gilroy City Code Relating to Banning the Use of Certain Public Rights-of-Way as Sleeping or Living Accommodations

RESULT: Pass

MOVER: Dion Bracco, Mayor Pro Tempore

SECONDER: Fred Tovar, Council Member

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

NAYS: Council Member Armendariz

Enactment No.: Ordinance No. 2023-07

10. BIDS AND PROPOSALS

- 10.1. Approve the Purchase of Three Public Works Vehicles (One 2024 Ford F650 with Rugby Dump Bed; One 2024 Ford F650 Utility Truck with Hydraulic Telescopic Crane and Vanair Hydraulic Drive Air Compressor; and One 2024 Ford F750 Water Tank Truck with 1500 Gallon Water Tank and Honda WB20XT External Gas Engine) in the Combined Amount of \$518,125**

Assistant City Administrator LeeAnn 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: Waive the requirement for a single bid submittal from Transwest Truck Center, LLC for Project No. 23-PW-283 and award the Purchase of Three Public Works Vehicles:

- **One 2024 Ford F650 with Rugby Dump Bed from Transwest Truck Center, LLC in the amount of \$110,625 (Project No. 23-PW-282)**
- **One 2024 Ford F650 Utility Truck with Hydraulic Telescopic Crane and Vanair Hydraulic Drive Air Compressor from Transwest Truck Center, LLC in the amount of \$276,500 (Project No. 23-PW-283)**
- **One 2024 Ford F750 Water Tank Truck with 1500 Gallon Water Tank and Honda WB20XT External Gas Engine from Transwest Truck Center, LLC in the amount of \$131,000 (Project No. 23-PW-284);**

Approve up to \$15,000 as a contingency should there be any year/model or commodity surcharges or modifications placed on these vehicles and authorize the City Administrator to execute the purchase contracts and associated documents.

RESULT: Pass

MOVER: Fred Tovar, Council Member

SECONDER: Tom Cline, Council Member

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

- 10.2. Authorize the City to Enter into a Ten-year Master Services and Purchasing Agreement with Axon Enterprises, Inc., to Purchase the Police Officer Safety and Fleet Bundle to Include Body-Worn Cameras, Conducted Energy Weapons (Tasers), In-Car Camera System, and Digital Evidence Storage for \$3,791,290**

Police Captain Rocha provided staff presentation and responded to Council Member questions.

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

Motion: Authorize the City of Gilroy to enter a ten-year Master Services and Purchasing Agreement with Axon Enterprises Inc. for \$3,791,290 to upgrade and replace the Police Department's body-worn cameras, conducted-energy weapons (Tasers), in-car cameras, and digital evidence storage capabilities and authorize the City Administrator to execute the Master Services and Purchasing Agreement and related purchasing documents.

RESULT: Pass

MOVER: Fred Tovar, Council Member

SECONDER: Dion Bracco, Mayor Pro Tempore

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

11. PUBLIC HEARINGS

There were none.

12. UNFINISHED BUSINESS

There were none.

13. INTRODUCTION OF NEW BUSINESS

13.1. South County Youth Task Force Report

Police Chief Espinoza introduced South County Youth Task Force Coordinator Cruz, who provided staff presentation for 13.1, 13.2, 13.3, and 13.4, collectively and responded to Council Member questions.

Mayor Blankley opened Public Comment for items 13.1, 13.2, 13.3, and 13.4. There being no speakers, Mayor Blankley closed Public Comment.

Council received the report for Item 12.1.

13.2. Ratification of the First and Second Amendment, and Approval of a Third Amendment, to the Agreement with Community Solutions in an Amount Not to Exceed \$401,800 for Support with South County Youth Task Force Strategies

Motion: Ratify the First and Second Amendments to the Agreement with Community Solutions.

RESULT: Pass

MOVER: Fred Tovar, Council Member

SECONDER: Carol Marques, Council Member

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

Motion: Approve a Third Amendment to the agreement with Community Solutions for a total not-to-exceed amount of \$401,800 to continue to provide programs and services for disadvantaged at-risk youth in South County utilizing South County Youth Task Force's grant funds and contributions and authorize the City Administrator to execute the Amendment.

RESULT: Pass

MOVER: Carol Marques, Council Member

SECONDER: Tom Cline, Council Member

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

13.3. Adoption of a Resolution Approving a Budget Amendment in Fiscal Year 2023-24 Adding an Additional \$331,406 from the County of Santa Clara, District Attorney Office to the South County Youth Task Force Fund 227

Motion: Adopt a resolution of the City Council of the City of Gilroy approving a budget amendment in Fiscal Year 2023-24 adding an additional \$331,406 in expenditures and offsetting revenue from the County of Santa Clara District Attorney's Office to the South County Youth Task Force Fund 227.

RESULT: Pass

MOVER: Rebeca Armendariz, Council Member

SECONDER: Fred Tovar, Council Member

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

Enactment No.: Resolution No. 2023-44

13.4. Amendment to a Service Agreement with the County of Santa Clara Probation Department for the South County Youth Task Force Violence Prevention Services for FY 2024-2027

Motion: Approve an amendment to the Service Agreement with the County of Santa Clara Probation Department for South County Youth Task Force Violence Prevention Programs and authorize the City Administrator to execute the Amendment to the Service Agreement and related documents.

RESULT: Pass

MOVER: Tom Cline, Council Member

SECONDER: Carol Marques, Council Member

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

14. CITY ADMINISTRATOR'S REPORTS

There was no report.

15. CITY ATTORNEY'S REPORTS

There was no report.

16. ADJOURNMENT IN CELEBRATION OF JUNETEENTH

Mayor Blankley adjourned the meeting in celebration of Juneteenth at 8:41 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

DRAFT



City of Gilroy

STAFF REPORT

Agenda Item Title: Approve Amendments to Gilroy Youth Commission Bylaws

Meeting Date: July 10, 2023

From: Jimmy Forbis, City Administrator

Department: Recreation

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

Prepared By: Adam Henig, Recreation Manager

STRATEGIC PLAN GOALS

Not Applicable

RECOMMENDATION

Approve the recently amended Youth Commission Bylaws.

EXECUTIVE SUMMARY

The Youth Commission Bylaws were originally adopted in 2010. Recently, the Commission approved amending bylaw language to be consistent with current practices.

BACKGROUND

The Youth Commission Bylaws are intended to provide additional guidance and structure for the Commission, specifically on how to conduct the business of the Commission, responsibilities for the performance and conduct of commissioners, and generally how the Commission is to function as a team.

During the February 13, 2023 meeting, staff recommended that the Youth Commission update its bylaws. At the March 13, 2023 and July 5, 2023 meetings, the Commission discussed and approved updates to the bylaws as noted in the Analysis Section below. Bylaw amendments are to be approved by the City Council before they are implemented.

ANALYSIS

The proposed bylaw changes are attached, but the following provides an explanation:

- **Section 2. Memberships**
 - (#2a) The Parks and Recreation Commission is not involved in the selection process for Youth Commissioners. Selections are made by the City Council. This language will be removed.
- **Section 3. Officers**
 - (#1) The Commission agreed to elect a Treasurer but will not have a recording secretary, which will be removed.
- **Section 4. Meetings**
 - (#1) The Commission has been meeting once per month during the school year and will continue the current practice adding additional special meetings when needed.
 - (#6) There is no Parks and Recreation Commissioner serving as a liaison. This will be removed.
 - (#7) There is no outgoing chairperson position and mention of it will be removed.
- **Section 6. Committee**
 - (#3) The Commission does not appoint other commissioners to serve as liaisons to other policy bodies and groups of the City. This does not apply to the Youth Commission and has been removed.
- **Section 7. Attendance**
 - (#2) The attendance policy in the bylaws has been superseded by "City Council Resolution No. 2022-58, Attendance Policy for City Boards, Commissions and Committees." The Commission agreed to adopt the attendance policy to reflect the 2022 City Council resolution.
- **Section 8. Amendments**
 - (#4) Council will be notified of any amendment to the bylaws that is approved by the Commission; however, Council does not need to formally approve the bylaw change for it to take effect.

ALTERNATIVES

The Council may revise the proposed changes.

FISCAL IMPACT/FUNDING SOURCE

There is no fiscal impact.

NEXT STEPS

If Council approves the amended bylaws, the bylaws will immediately take effect.

Attachments:

1. Attachment - Youth Commission Bylaws Proposed Changes

City of Gilroy Youth Commission

BYLAWS

PROPOSED CHANGES in RED

SECTION 1. **Powers and Duties.** The Youth Commission (Commission) shall be advisory to the City Council (Council) and shall have the following powers and duties:

1. Provide Council advice from the youth of the Gilroy community.
2. Study problems, activities and concerns of the youth; hold forums on these problems, and recommend community programs to the Council which the Commission finds necessary and/or desirable.
3. Involve the youth of Gilroy in their community, and provide information about issues in their city government which pertain to them.
4. Work with other City commissions and City Council in providing input on youth issues in our community.
5. Annually determine the Commission's goals and objectives and report these to the Council.

SECTION 2. **Membership.**

1. Any person who lives in the Gilroy Unified School District and who will be between 13 – 19 years of age during the year following his or her appointment will be eligible for membership on the Commission.
2. There will be eleven (11) members of the Commission. They shall be appointed by the City Council of the City of Gilroy.

2a. Selection of the Commission's ~~found~~**ing** members will be made by the City Council ~~upon recommendations made by the Parks & Recreation Commission.~~

~~The Parks and Recreation Commission shall review the list of applicants for Commission positions, conduct interviews, and nominate a slate of candidates for appointment. The founding~~

~~nominating committee shall also provide a list of alternates in the case of a vacancy on the Commission.~~

3. Terms of appointments to the Commission shall commence in September of each year and shall be for a term of two years. A commissioner will not serve more than three terms.
4. Vacancies on the Commission during the year shall be filled by City Council.
5. In appointing members of the Youth Commission, every effort will be made to consciously consider ethnicity, gender, school grade, and geographical residence in an attempt to more fully represent all segments of Gilroy's youth population.

SECTION 3. Officers.

1. Annually, the Commission shall elect from its membership a Chairperson, Vice Chairperson, Recording Secretary and Treasurer.

The Chairperson shall preside at all meetings of the Commission, and shall supervise the efficient and responsible operation of the Commission.

The Vice Chairperson shall preside at Commission meetings in the absence of the Chairperson, shall assume specific leadership responsibilities as determined by the Chairperson, and shall assist the Chairperson in fulfilling his or her responsibilities as needed.

~~The Recording Secretary shall record all minutes of Commission meetings to present to the full Commission for approval at the following regular meeting.~~

The Treasurer shall be responsible for maintaining the Youth Commission budget and reporting on said budget balance at each regularly scheduled meeting.

SECTION 4. Meetings.

1. The Commission shall meet not less than once each month ~~during the school year.~~
2. Each Commission meeting shall be open to the public and is subject to the Brown Act, California Government Code Section 54950 et. seq. The Commission shall keep written minutes of all meetings.
3. Special meetings may be called by the Commission provided at least three days' notice is given to all members and to the media, all in accordance with the Brown Act and City Charter Section 904.

4. The Commission shall publish an annual calendar, subject to change, indicating the regularly scheduled meetings for the entire year.

5. The first meeting of each year shall be an orientation meeting that shall include outgoing members of the Commission, and a review of the bylaws. The second meeting shall be an extended meeting in which issues and concerns are identified, and planning for the year begins.

~~6. A Parks & Recreation Commissioner will serve as a liaison with no voting powers.~~

~~7. The outgoing chairperson may serve as an advisor to the Commission for one year with no voting powers.~~

SECTION 5. Quorum.

1. A quorum is necessary at a Commission meeting for any action to be taken. A majority of the Commission shall constitute a quorum.

2. In the event that there is no quorum, any discussions which are held by those assembled shall be regarded as informal. No action may be taken.

SECTION 6. Committees.

1. Committees shall be formed, as needed, in relation to the responsibilities of the Commission. As needs dictate, these may be standing committees that function throughout the year, or task-oriented committees that function only until the task is completed.

2. Youth who satisfy the membership requirements for membership on the Commission but who are not on the Commission may be appointed to any task-oriented committee by the approval of the Commission.

3. The Commission may appoint representatives of the Youth Commission to serve as liaisons to other policy bodies and groups of the City. Commission representatives shall report out to the full Commission of the actions at said meetings.

SECTION 7. **Attendance.**

1. Commission members are expected to attend all meetings of the Commission.
2. Per City Council Resolution No. 2022-58, *Attendance Policy for City Boards, Commissions and Committees*, a commissioner who is absent in a calendar year for more than 33% of the total Regular Meetings scheduled to be held in that calendar year will be subject to potential termination of membership from the Body, upon action of the City Council.
~~Whenever a member of the Commission has missed a combination of three regular Commission meetings, special meetings, work meetings, or Commission sanctioned events without permission of the Commission as expressed in its official minutes, his or her office shall become vacant. Attendance records shall be kept and members shall be informed by letter when he or she has reached two absences from regular meetings, special meetings, work meetings, or Commission sanctioned events.~~

~~Absences will be deemed as excused and recorded in the Commission's minutes only if the Commission advisor or Chairperson is notified forty-eight (48) hours in advance of the meeting.~~

SECTION 8. **Amendments.**

1. Amendments to these bylaws may be initiated at any Commission meeting, to be voted upon not sooner than the next regularly scheduled meeting.
2. Recommendation of any amendment shall require a two-thirds (2/3) vote of Commission members.
3. These amendments must be submitted to the City Council.
4. ~~Upon approval by the City Council, amendments shall take effect immediately, unless otherwise stipulated in the amendment or by the City Council.~~



City of Gilroy

STAFF REPORT

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

Meeting Date: July 10, 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 July 10, 2023 meeting:

- Claim of Maria Salinas

Attachments:

1. Claim of Maria Salinas

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.	
	
TO: CITY OF GILROY	Date of Birth of Claimant <u>08/03/1970</u>
Name of Claimant <u>MARIA E. SALINAS</u>	Occupation of Claimant <u>WALMART</u>
Home Address of Claimant <u>531 FAIRVIEW DRIVE</u>	Home Telephone Number <u>831 537 5504</u>
Business Address of Claimant <u>Ø</u>	Business Telephone Number <u>831 537 5504</u>
Give address and telephone number to which you desire notices or communications to be sent regarding this claim: <u>531 FAIRVIEW DRIVE, GILROY, CA 95020 831-537-5504</u>	
When did DAMAGE or INJURY occur? Date <u>6/6/23</u> Time <u>APPROX 4:00pm</u>	Names of any city employees involved in INJURY or DAMAGE: <u>MARK TARASCO</u> <u>CASE # 23-2483</u>
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: <u>MY SIDE GATE WAS BROKEN DOWN BY POLICE. MY HOME ADDRESS IS 531 FAIRVIEW DRIVE, GILROY, CA, 95020</u>	
Describe in detail the DAMAGE or INJURY occurred: <u>MY ENTIRE SIDE GATE DOOR WAS BROKEN DOWN BY POLICE.</u>	
Why do you claim the city is responsible? <u>RESPONDING OFFICER MARK TARASCO ADVISED US THAT HE WAS AT FAULT AND PROVIDED INFORMATION ON HOW TO FILE A CLAIM FOR MY SIDE GATE DOOR.</u>	
Describe in detail each INJURY or DAMAGE: <u>SIDE GATE DOOR BROKEN DOWN.</u>	
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 \$ 1,500
 Expense for medical and hospital care \$ _____
 Loss of earnings \$ _____
 Special damages for \$ _____
 General damages \$ _____
 Total damages incurred to date \$ _____

Estimated prospective damages as far as known:

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

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

Was damage and/or injury investigated by police? YES If so, what city? GILROY

Were paramedics or ambulance called? NO If so, name city of ambulance 0

If injured, state date, time, name and address of doctor of your first visit 0

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

Name Gilroy PD Address _____ Phone _____
 Name ULYSSES AVILES Address 531 FAIRVIEW DRIVE Phone 831 537 5504
 Name _____ Address _____ Phone _____

DOCTORS and HOSPITALS:

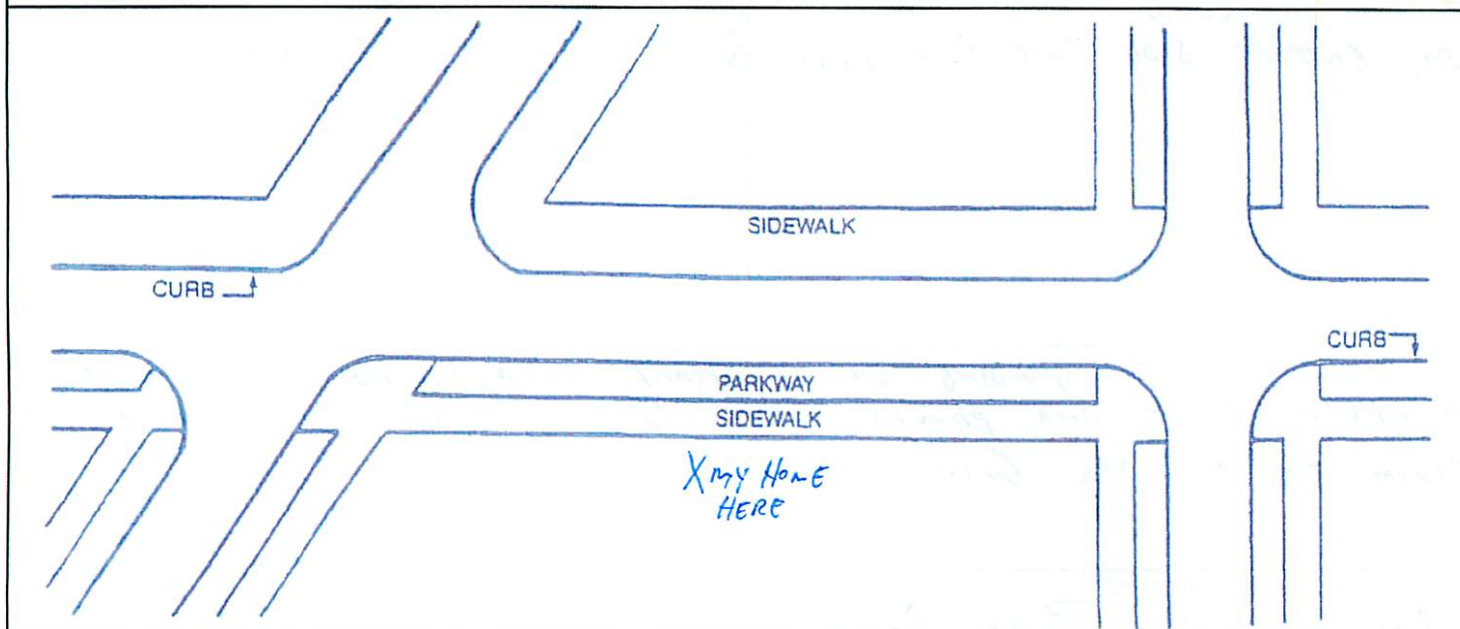
Hospital _____ Address _____ Date Hospitalized _____
 Doctor _____ Address _____ Date of Treatment _____
 Doctor _____ Address _____ Date of Treatment _____

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:

Typed Name:

Date:

[Signature] SON OF MARIA

ULYSSES AVILES

06/08/23

7.3

NOTE: CLAIMS MUST BE FILED WITH CITY CLERK (Gov. Code Sec. 915a). Presentation of a false claim is a felony (Pen. Code Sec. 72)



City of Gilroy

STAFF REPORT

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

Meeting Date: July 10, 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.

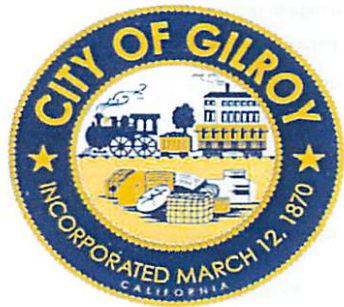
EXECUTIVE SUMMARY

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 July 10, 2023 meeting:

- Claim of David Humberto Garcia Mejia

Attachments:

1. Claim of David Mejia

File With: City Clerk's Office 7351 Rosanna Street Gilroy, CA 95020-6141	CLAIM No. _____ 
CITY OF GILROY CLAIM FOR DAMAGES To Person Or Property	
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 MAR 06 2023	
TO: CITY OF GILROY	Date of Birth of Claimant <u>10/28/2023</u>
Name of Claimant <u>David Humberto Garcia Mejia</u>	Occupation of Claimant <u>Truck driver</u>
Home Address of Claimant <u>208 Osage dr</u> <u>Salinas</u> <u>CA</u>	Home Telephone Number <u>831 512 0958</u>
Business Address of Claimant <u>5860 Obata way</u> <u>Gilroy</u> <u>CA</u>	Business Telephone Number <u>408 842 6148</u>
Give address and telephone number to which you desire notices or communications to be sent regarding this claim: <u>831 512 0958</u>	Claimant's e-mail address <u>mejia david@gmail.com</u>
When did DAMAGE or INJURY occur? Date <u>02/28/2023</u> Time <u>10:30</u> If claim is for Equitable Indemnity, give date claimant served with the complaint: Date <u>02/01/2023</u>	Names of any city employees involved in INJURY or DAMAGE:
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: <u>while driving on my regular route following the traffic, I encountered a construction site with a one-way road in E Luchessa ave, as I drove through, it was raining hrs. before, my right tire appeared to get stuck in a pothole full of water, my engine hit the ground of the road upon driving to a safe spot. I noticed that there was an oil leak.</u>	
Describe in detail the DAMAGE or INJURY occurred: <u>My car was damaged in the lower part of the engine due to the blow (oil pan) it is broken and I threw all the oil out of the engine.</u>	
Why do you claim the city is responsible? <u>because it is the city's responsibility to fix potholes on the roads.</u>	
Describe in detail each INJURY or DAMAGE: <u>the oil pan of my engine and the oil sensor were damaged, need to be replaced (oil pan, oil level sensor, and oil).</u>	
7.4	
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..... \$ 539.15
 Expense for medical and hospital care..... \$ _____
 Loss of earnings..... \$ _____
 Special damages for..... towing..... \$ 250

Estimated prospective damages as far as known:

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

General damages..... \$ _____

Total damages incurred to date \$ 789.15

Total amount claimed as of date of presentation of this claim: \$ 789.15

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 _____	Address _____	Phone _____
Name _____	Address _____	Phone _____
Name _____	Address _____	Phone _____

DOCTORS and HOSPITALS:

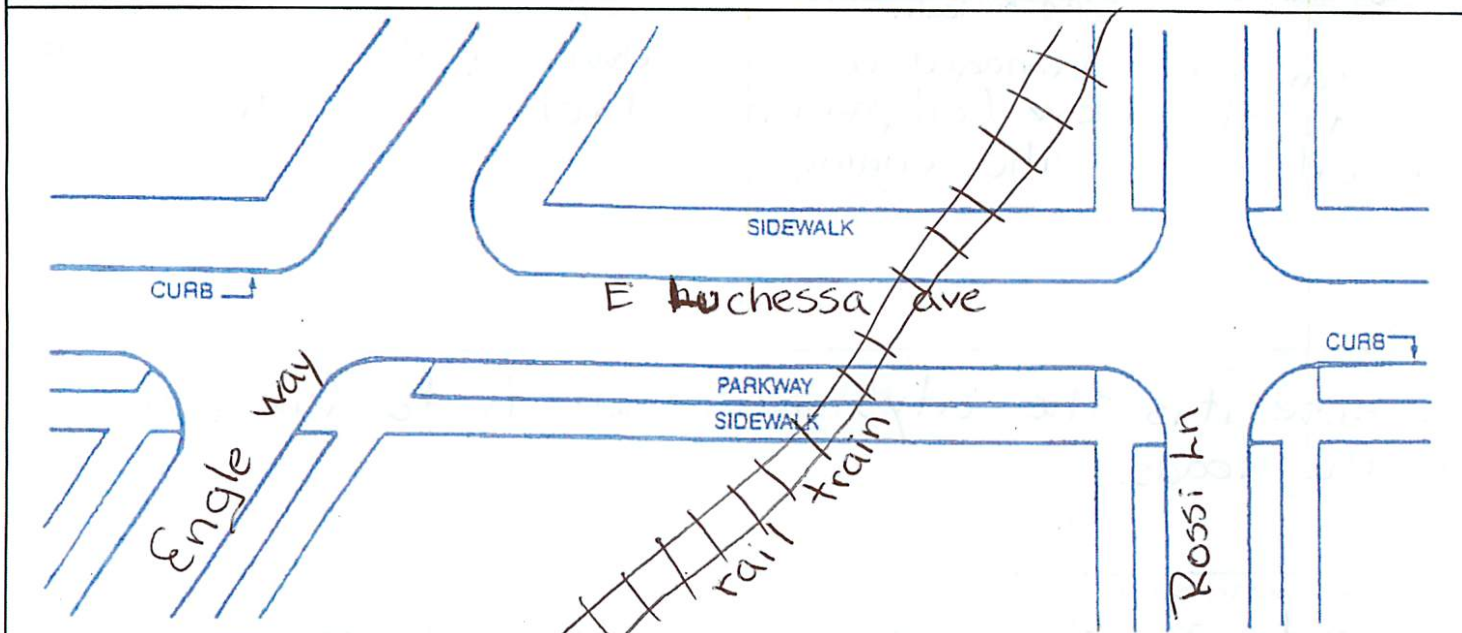
Hospital _____	Address _____	Date Hospitalized _____
Doctor _____	Address _____	Date of Treatment _____
Doctor _____	Address _____	Date of Treatment _____

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: _____

Typed Name:

David Humberto
Garcia Mejia

Date:

7.4

NOTE: CLAIMS MUST BE FILED WITH CITY CLERK (Gov. Code Sec. 915a). Presentation of a false claim is a felony (Pen. Code Sec. 72)



City of Gilroy

STAFF REPORT

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

Meeting Date: July 10, 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 July 10, 2023 meeting:

- Claim of Eliseo Ramirez Pacheco

Attachments:

1. Claim of Eliseo Ramirez Pacheco

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. 7.5



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 MAR 27 2023

TO: CITY OF GILROY

Date of Birth of Claimant

2-25-92

Name of Claimant

Eliseo Ramirez Pacheco

Occupation of Claimant

maintenance

Home Address of Claimant

6520 Princeville St.

City and State

Gilroy, CA

Home Telephone Number

(408) 647-0380

Business Address of Claimant

N/A

City and State

Business Telephone Number

N/A

Give address and telephone number to which you desire notices or communications to be sent regarding this claim:

Claimant's e-mail address

~~65020~~ E.R. 6520 Princeville St. Gilroy, CA 408-647-0380

KarenCastaneda.302@gmail.com

When did DAMAGE or INJURY occur?

Date 3-21-23

Time 1:15pm

Names of any city employees involved in INJURY or DAMAGE:

N/A

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:

Damage occurred on 6520 Princeville St. where tree on sidewalk fell on towards Parkway on top of my car.

Describe in detail the DAMAGE or INJURY occurred:

my car was parked on Parkway by Street, Next to City tree. I had come to the car to get my golf bag and was walking towards the driveway of 6520 Princeville St. when I heard the city tree fall on my car, damaging the rooftop, hood, and windshield.

Why do you claim the city is responsible?

I claim the city is responsible due to the tree being from the city.

Describe in detail each INJURY or DAMAGE:

Damage was done to the rooftop being sunken in, windshield shattered, sunroof shattered, suspension is damaged, vehicle is not driveable.

7.5

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:

7.5

Damages incurred to date (exact):

Damage to property \$ _____
Expense for medical and hospital care \$ _____
Loss of earnings \$ _____
Special damages for \$ 11,974.60

Estimated prospective damages as far as known:

Future expenses for medical and hospital care \$ _____
Future loss of earnings \$ _____
Other prospective special damages \$ _____
Prospective general damages \$ _____
Total estimate prospective damages ... \$ 12,094.60

General damages \$ 120.00 ^{KC}
Total damages incurred to date \$ _____

Total amount claimed as of date of presentation of this claim: \$ 12,094.60 ^{KC}

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

Were paramedics or ambulance called? NO If so, name city of ambulance N/A

If injured, state date, time, name and address of doctor of your first visit N/A

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

Name Faustino Pacheco Address 6520 Princeville St. Phone (408) 427-5835
Name Manuel Pacheco Address 6520 Princeville St. Phone (669) 599-6401
Name _____ Address _____ Phone _____

DOCTORS and HOSPITALS:

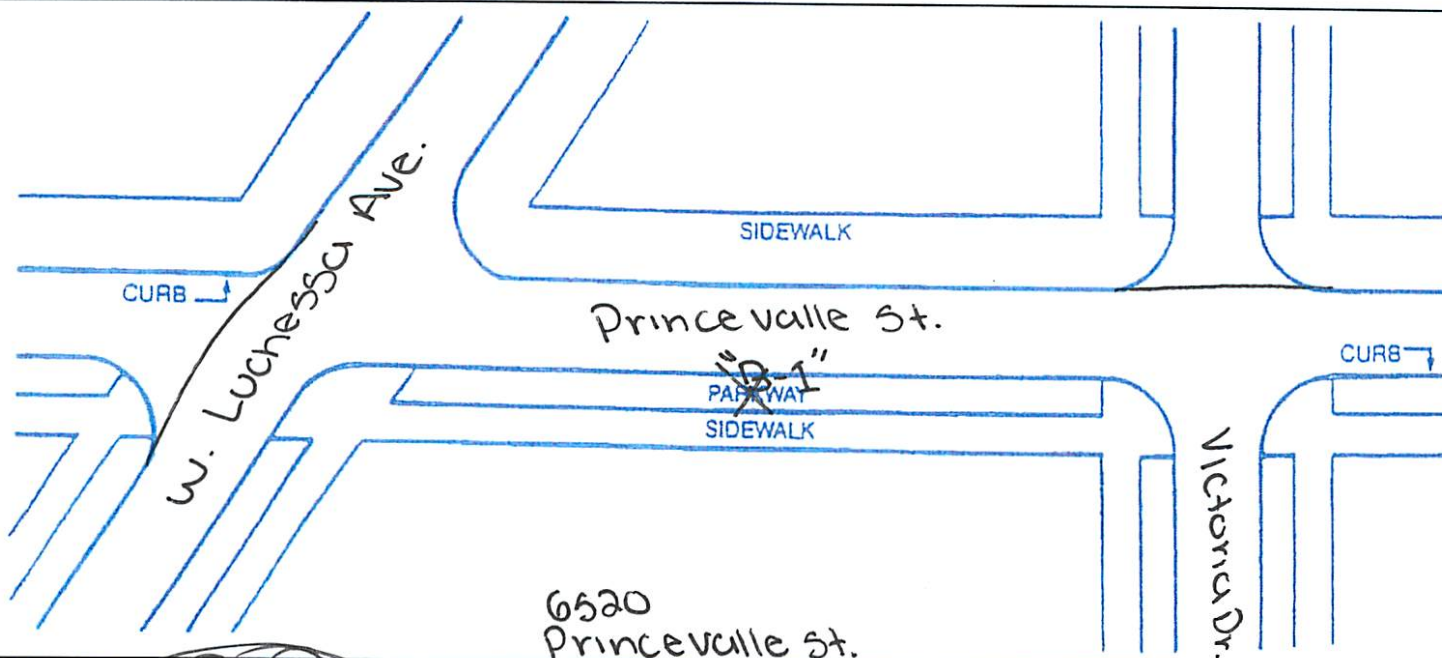
Hospital _____ Address _____ Date Hospitalized _____
Doctor _____ Address _____ Date of Treatment _____
Doctor _____ Address _____ Date of Treatment _____

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] ; Claimant

Typed Name:

Eliseo Ramirez Pacheco.

Date:

Karen Castañeda

3.25.23

NOTE: CLAIMS MUST BE FILED WITH CITY CLERK (Gov. Code Sec. 915a). Presentation of a false claim is a felony (Pen. Code Sec. 72)



City of Gilroy

STAFF REPORT

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

Meeting Date: July 10, 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 July 10, 2023 meeting:

- Claim of Ameera Kleder Barnes

Attachments:

1. Claim of Ameera Kleder Barnes

RECEIVED MAR 27 2023

File With: City Clerk's Office 7351 Rosanna Street Gilroy, CA 95020-6141		CLAIM No. _____	
CITY OF GILROY CLAIM FOR DAMAGES To Person Or Property			
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.			
TO: CITY OF GILROY		Date of Birth of Claimant 12/02/2003	
Name of Claimant Ameera Kleder Barnes		Occupation of Claimant	
Home Address of Claimant 260 3rd Street 260		City and State Gilroy, Ca	
Business Address of Claimant		Home Telephone Number 408-710-2519	
Give address and telephone number to which you desire notices or communications to be sent regarding this claim: 408-710-2519		Business Telephone Number ameeraabarnes620@gmail.com	
When did DAMAGE or INJURY occur? Date 3/14/23 Time 2pm If claim is for Equitable Indemnity, give date claimant served with the complaint: Date		Names of any city employees involved in INJURY or DAMAGE:	
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: In front of 280 3rd Street Gilroy, Ca (on the road curbside)			
Describe in detail the DAMAGE or INJURY occurred: Bumper fell off hood was damaged fender headlights			
Why do you claim the city is responsible? My vehicle was hit by the cities tree			
Describe in detail each INJURY or DAMAGE: Bumper fell off hood was damaged fender headlights			

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

Damages incurred to date (exact): 3-14-23

8,138.25 AKB

Estimated prospective damages as far as known:

Damage to property..... \$ 8,138.25

Future expenses for medical and hospital care..... \$ 0

Expense for medical and hospital care..... \$ 0

Future loss of earnings..... \$ 0

Loss of earnings..... \$ 0

Other prospective special damages..... \$ 0

Special damages for..... \$ 0

Prospective general damages..... \$ 0

Total estimate prospective damages ... \$ 8,138.25

General damages..... \$ 0

Total damages incurred to date

\$ 8,138.25

Total amount claimed as of date of presentation of this claim: \$ 8,138.25 For total estimate

Was damage and/or injury investigated by police? Yes City of Gilroy officer Gilroy If so, what city? Gilroy (PD report 23-1174)

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 Ameera Kleder Barnes

Address 260 3rd Street

Phone 408-710-2519

Name Mena Family

Address 280 3rd Street

Phone ?

Name Wallace

Address 260 3rd Street

Phone 831-664-6861

DOCTORS and HOSPITALS:

Hospital

Address

Date Hospitalized

Doctor

Address

Date of Treatment

Doctor

Address

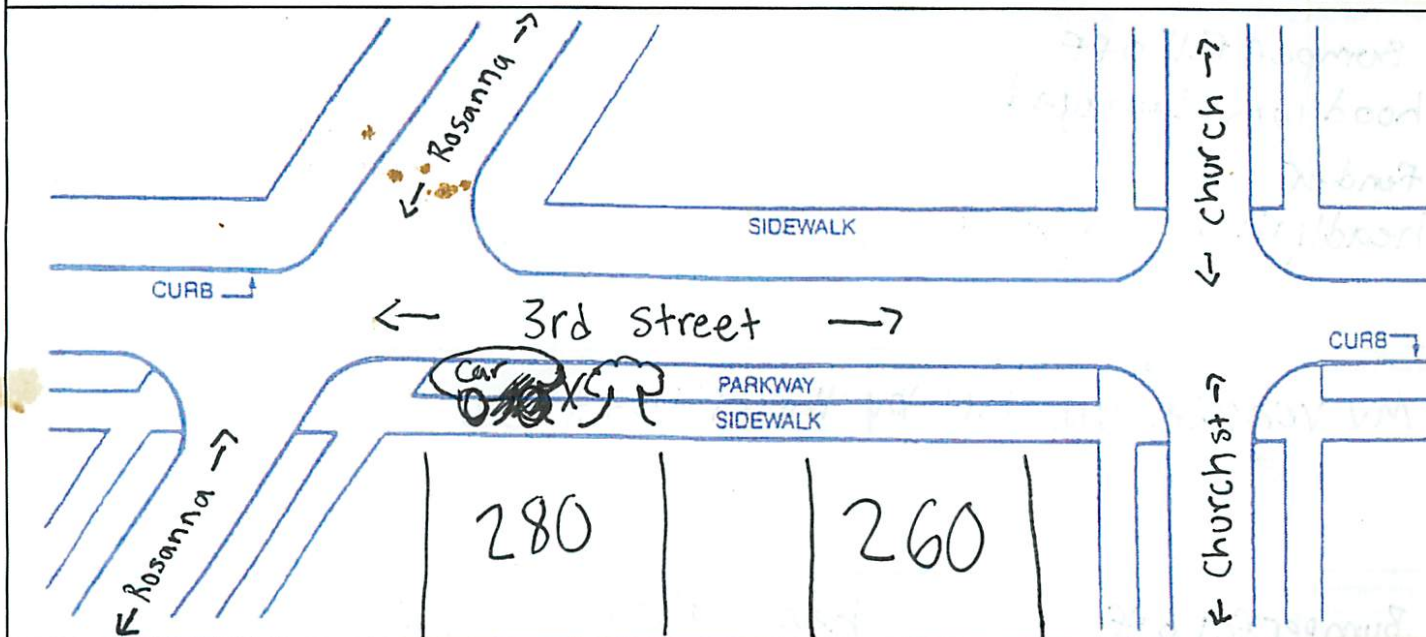
Date of Treatment

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:

Ameera Kleder Barnes

Typed Name:

Ameera Kleder Barnes

Date:

3/22/23

NOTE: CLAIMS MUST BE FILED WITH CITY CLERK (Gov. Code Sec. 915a). Presentation of a false claim is a felony (Pen. Code Sec. 72)



City of Gilroy

STAFF REPORT

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

Meeting Date: July 10, 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 July 10, 2023 meeting:

- Claim of Rosaura Aguilar

Attachments:

1. Claim of Rosaura Aguilar

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 MAY 09 2023	
TO: CITY OF GILROY	Date of Birth of Claimant <u>05-21-1967</u>
Name of Claimant <u>Rosaura Aguilar</u>	Occupation of Claimant <u>Production coordinator</u>
Home Address of Claimant <u>915 WENTZ DR. Gilroy, CA 95020</u>	Home Telephone Number <u>408 623-4842 (cell)</u>
Business Address of Claimant	Business Telephone Number
Give address and telephone number to which you desire notices or communications to be sent regarding this claim: <u>915 WENTZ DR. Gilroy, CA 95020</u>	
Claimant's e-mail address <u>aguilar.rosaura@gmail.com</u>	
When did DAMAGE or INJURY occur? Date <u>3-14-23</u> ESTIMATED Time <u>1:20 PM.</u>	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: <u>truck was parked across the street in front of 915 Wentz Dr.</u>	
Describe in detail the DAMAGE or INJURY occurred: <u>A huge tree fell on my truck, causing major damage. The entire tree fell over/across the front part of my truck crushing the hood & engine and rupturing the Radiator. The axle appeared damaged. Due to the tires being slanted outwards due to the weight of the tree. no physical injuries occured.</u>	
Why do you claim the city is responsible? <u>my vehicle was parked on a public street next to a Public sidewalk.</u>	
Describe in detail each INJURY or DAMAGE: <u>no physical injury.</u> <u>The front part of my truck is crushed, it appears that there is damage to the, hood, motor, Radiator and axle. I have attached pictures for your reference. attached are pictures, police report and Bodyshop estimate.</u>	
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..... \$ 9464.88
 Expense for medical and hospital care..... \$ 0
 Loss of earnings..... \$ 0
 Special damages for..... \$ 0

Estimated prospective damages as far as known:

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

General damages..... \$ _____
 Total damages incurred to date \$ 3114/23

Total amount claimed as of date of presentation of this claim: \$ 9464.88

Was damage and/or injury investigated by police? yes If so, what city? Gilroy

Were paramedics or ambulance called? NO If so, name city of ambulance N/A

If injured, state date, time, name and address of doctor of your first visit no injuries

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

Name Robert Villegas Address 915 Wentz Dr. Gilroy Phone 408 991-2466
 Name Richard Pichardo Address 915 Wentz Dr. Gilroy Phone 408 706 4564
 Name _____ Address _____ Phone _____

DOCTORS and HOSPITALS:

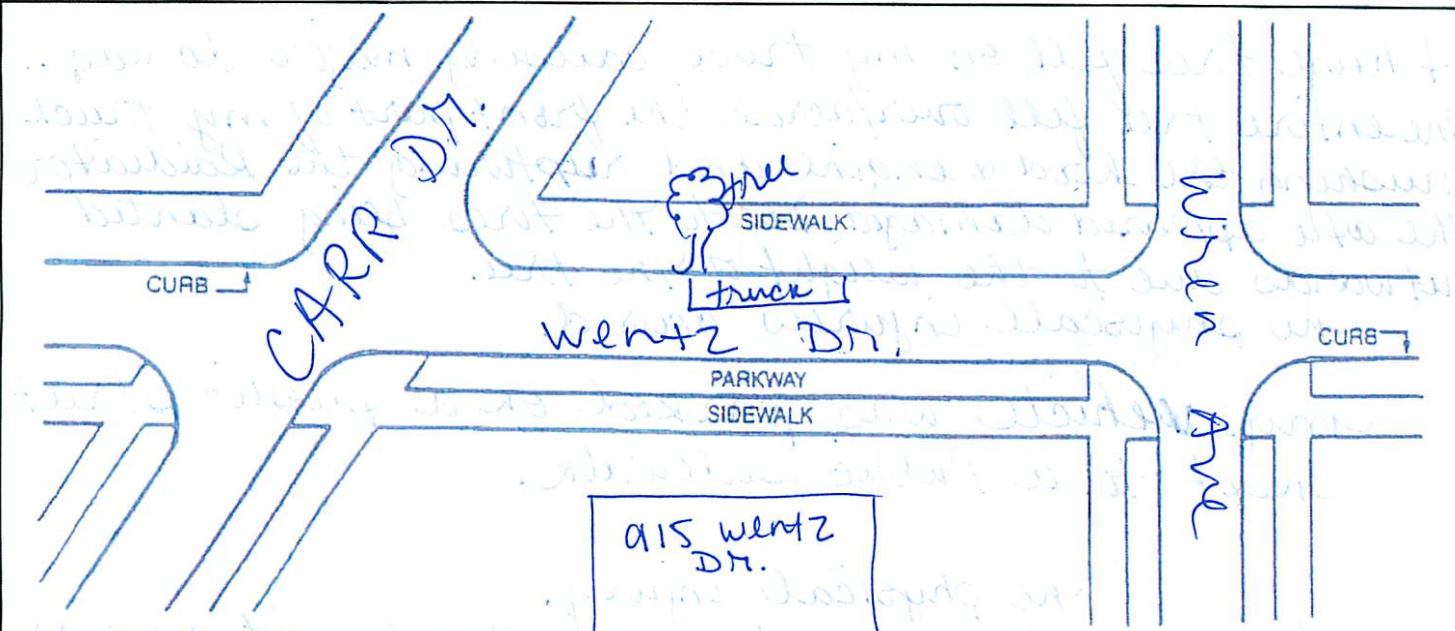
Hospital N/A Address N/A Date Hospitalized _____
 Doctor N/A Address N/A Date of Treatment N/A
 Doctor _____ Address _____ Date of Treatment _____

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:

Rosaura Aguilar

Typed Name:

Rosaura Aguilar

Date:

4-15-23
7.7

NOTE: CLAIMS MUST BE FILED WITH CITY CLERK (Gov. Code Sec. 915a). Presentation of a false claim is a felony (Pen. Code Sec. 72)



City of Gilroy

STAFF REPORT

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

Meeting Date: July 10, 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 July 10, 2023 meeting:

- Claim of Karen Clinton

Attachments:

1. Claim of Karen Clinton

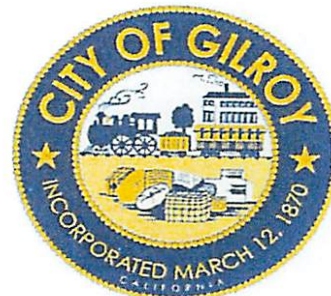
File With:
City Clerk's Office
7351 Rosanna Street
Gilroy, CA 95020-6141

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 1 2023

TO: CITY OF GILROY

Date of Birth of Claimant

7-12-52

Name of Claimant

Karen M. Clinton

Occupation of Claimant

Retired / Part Time

Home Address of Claimant

7426 Crawford Ct

City and State

Gilroy CA 95020

Home Telephone Number

408-966-9706 (Cell)

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:

7426 Crawford Ct Gilroy CA 95020 408-966-9706

Claimant's e-mail address

Karen.C@americanfamilyfundinggroup.com

When did DAMAGE or INJURY occur?

Date Tues 3/14/23

Time Afternoon

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:

During the rain + Wind Storm on the afternoon of Tues 3/14/23 we heard a huge bang + the house shook, when we went outside to investigate one of the city trees along the sidewalk strip had fallen over and was sitting on our roof and fence and in the process of falling also broke our ornamental plum tree in half and pulled up the sprinkler system along the strip with grass + the city trees.

Describe in detail the DAMAGE or INJURY occurred:

- There is no personal injury, just property damage.
1. Damage to the right front corner of our roof (facing West)
 2. Damage to the gutter at the same corner of the house
 3. Damage to the fence that runs along the sidewalk on Crawford Dr.
 4. Ornament Plum Tree was snapped in half.
 5. Sprinkler System along the side strip was pulled up when the root system of the tree pulled up

Why do you claim the city is responsible?

This is clearly a city owned tree which the city came out and trimmed about 2 years ago and maintains

Describe in detail each INJURY or DAMAGE:

I have included photos of the damage + written estimates to repair each of the five (5) items listed above.

SEE PAGE 2 (OVER)

THIS CLAIM MUST BE SIGNED ON REVERSE SIDE

7.8

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

Damages incurred to date (exact):

Damage to property..... \$ _____
 Expense for medical and hospital care..... \$ 0
 Loss of earnings..... \$ 0
 Special damages for..... \$ _____
 General damages..... \$ _____
 Total damages incurred to date \$ _____

Estimated prospective damages as far as known:

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

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

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 Will Clinton Address 7426 Crawford Ct Gilroy Phone 408-497-1711
 Name Ashley Hagins Address 1095 Ayer Dr Gilroy Phone 408-439-0693
 Name Elena Barragan Address 7444 Crawford Ct Gilroy Phone 408-767-0103
Brittany Marin (Visiting) Address 7424 Se Martins St Portland Phone 408-497-3627
Cheryl Seaberg Address 7440 Crawford Ct Gilroy Phone 408-834-2342

DOCTORS and HOSPITALS:

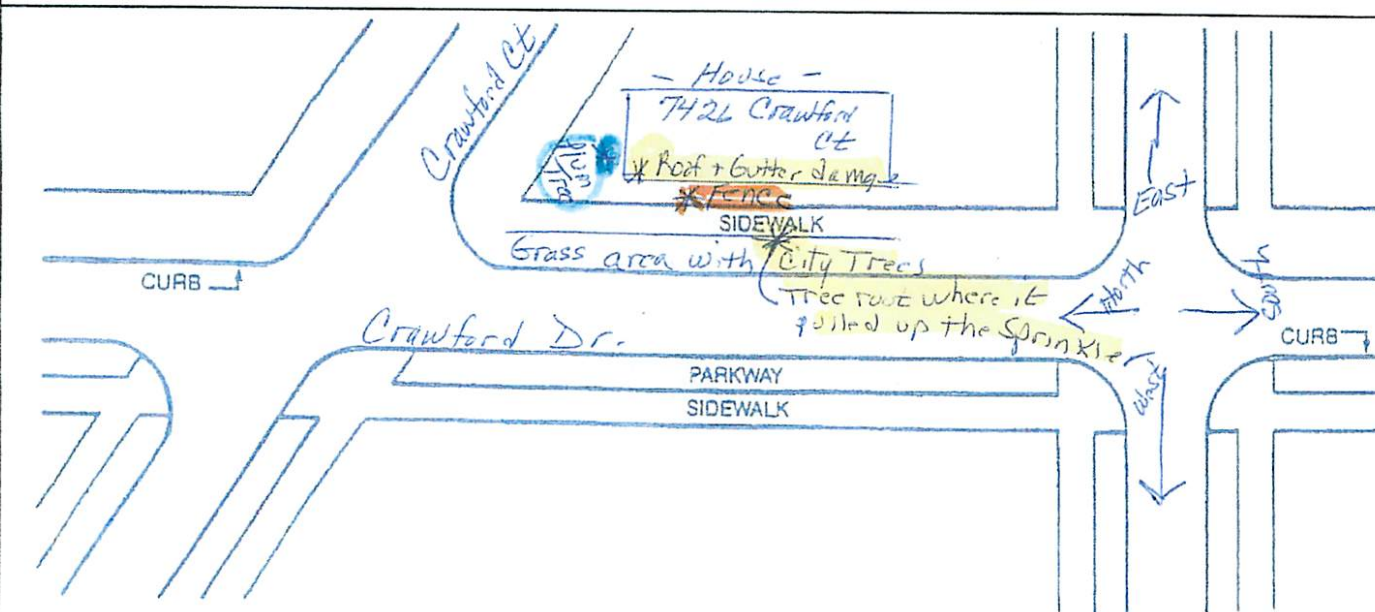
Hospital _____ Address _____ Date Hospitalized _____
 Doctor _____ Address _____ Date of Treatment _____
 Doctor _____ Address _____ Date of Treatment _____

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:

Karen M. Clinton

Typed Name:

Karen M. Clinton

Date:

4-1-23

NOTE: CLAIMS MUST BE FILED WITH CITY CLERK (Gov. Code Sec. 915a). Presentation of a false claim is a felony (Pen. Code Sec. 72)



City of Gilroy

STAFF REPORT

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

Meeting Date: July 10, 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 July 10, 2023 meeting:

- Claim of Sandra Lopez

Attachments:

1. Claim of Sandra Lopez

File With: City Clerk's Office 7351 Rosanna Street Gilroy, CA 95020-6141	CLAIM No. _____ 
CITY OF GILROY CLAIM FOR DAMAGES To Person Or Property	
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 MAR 28 2023	
TO: CITY OF GILROY	
Name of Claimant <i>Sandra Lopez</i>	Date of Birth of Claimant <i>04/25/83</i>
Home Address of Claimant <i>640 Sherwood DR. Gilroy CA 95020</i>	Occupation of Claimant
City and State <i>Gilroy CA 95020</i>	Home Telephone Number <i>408) 592-3278</i>
Business Address of Claimant	Business Telephone Number
Give address and telephone number to which you desire notices or communications to be sent regarding this claim:	
<i>640 Sherwood DR Gilroy CA 95020 408) 592-3278</i>	
Claimant's e-mail address <i>SandraLopez@yahoo.com</i>	
When did DAMAGE or INJURY occur? Date <i>3/14/23</i> Time <i>1:46</i>	Names of any city employees involved in INJURY or DAMAGE: <i>Sandra LOPEZ. Sherwood DR. side walk</i>
If claim is for Equitable Indemnity, give date claimant served with the complaint: Date <i>3/14/23</i>	
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: <i>Sherwood DR Gilroy.</i>	
Describe in detail the DAMAGE or INJURY occurred: <i>Side walk tree fall. went the way day 3/14/23 windy was so hard</i>	
Why do you claim the city is responsible? <i>Yes because is in the side walk.</i>	
Describe in detail each INJURY or DAMAGE: <i>The tree fall all the ground.</i>	

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

Damages incurred to date (exact):

Damage to property..... \$ 0
 Expense for medical and hospital care..... \$ 0
 Loss of earnings..... \$ 0
 Special damages for..... \$ 0

Estimated prospective damages as far as known:

Future expenses for medical and hospital care..... \$ _____
 Future loss of earnings..... \$ _____
 Other prospective special damages..... \$ _____
 Prospective general damages..... \$ _____

Total estimate prospective damages ... \$ _____

General damages..... \$ _____

Total damages incurred to date \$ _____

invers the money of cleaning the tree and new tree in the sidewalk \$150.00

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

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 no

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

Name _____	Address _____	Phone _____
Name _____	Address _____	Phone _____
Name _____	Address _____	Phone _____

DOCTORS and HOSPITALS:

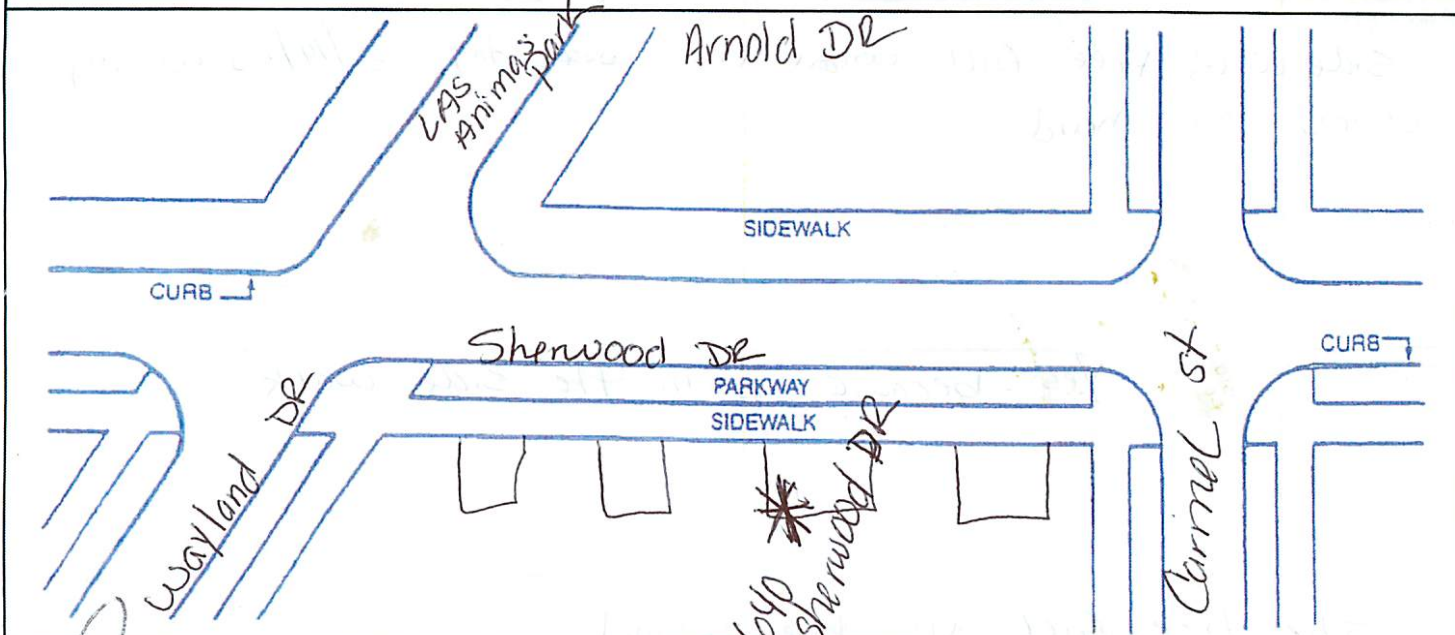
Hospital _____	Address _____	Date Hospitalized _____
Doctor _____	Address _____	Date of Treatment _____
Doctor _____	Address _____	Date of Treatment _____

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:

Typed Name:

Date:

Sandra Lopez

Sandra Lopez

3/28/23

NOTE: CLAIMS MUST BE FILED WITH CITY CLERK (Gov. Code Sec. 915a). Presentation of a false claim is a felony (Pen. Code Sec. 72)



City of Gilroy

STAFF REPORT

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

Meeting Date: July 10, 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.

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 meeting of April 17, 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

The Safe Sidewalk Vending Act, which was signed by the Governor in 2018 and became effective on January 1, 2019, is a law that decriminalized and legalized sidewalk vending.

This law defines a "sidewalk vendor" as a person who sells food or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance on a sidewalk or pedestrian path. SB 946 defines a sidewalk vendor as either a "roaming sidewalk vendor," which is someone who moves around, or a "stationary vendor," which is a vendor at a fixed location.

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. Note that SB 946 explicitly states, "... perceived community animus or economic competition does not constitute an objective health, safety, or welfare concern."

Following are some key elements of SB 946 that outline what a city can and cannot do to regulate "sidewalk vendors":

What a city CAN do:

- Limit hours of operation;
- Prohibit stationary sidewalk vendors in residential districts (mobile vendors are allowed to operate in residential zone districts);
- Prohibit sidewalk vending near farmers' markets, swap meets, and permitted special events;
- Require that sanitary standards be met;
- Require compliance with the Americans with Disabilities Act;
- Require a permit or license;
- Request information about the business operations.

What a city CANNOT do:

- Require vendors to operate in a specific area (unless it is necessary to protect the public's health, safety, and welfare);
- Require a vendor to obtain permission to operate from a business, entity, or person other than a government entity;
- Prohibit sidewalk vendors from operation in public parks unless there is a concession agreement for the operation of the park or in order to protect the public's health, safety, and welfare;
- Restrict the number of sidewalk vendors unless necessary to protect the public's health, safety, and welfare.

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.

The City Council also expressed a desire to engage the community in order to provide a better understanding of the recent State legislation that allows for sidewalk vending and to gather input to be used to help formulate permitting and standards for sidewalk vendors.

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. Some of the comments received included the need for and support of a sidewalk vending permitting program, as these rules and regulations are necessary. Many acknowledged that they support sidewalk vending if it is regulated and not negatively impacting other businesses or the community. They also stated they want simple, fair, and easy-to-understand regulations in multiple languages. Other sidewalk vendors mentioned they wish to comply with the rules or regulations to vend legally, and they attended the community meeting to better understand the next steps. A suggestion made by one of the attendees was regarding if there was an ability for the sidewalk vending program to have two different application fees - one for applicants residing in the City of Gilroy and another for non-residents, as a way to support and enhance opportunities for local vendors. The attendees' input has made its way into the draft regulations the City Council is considering.

ANALYSIS

Attached for City Council consideration is a draft ordinance that adds a new chapter, 16B, Sidewalk Vending, to the Gilroy City Code. These regulations provide permit requirements and a set of standards for sidewalk vending along with other elements that provide for enforcement of these rules. Among its various elements, the draft ordinance includes the following components:

- Definitions
- Sidewalk vending standards
- Restricted vending times and locations
- Permit applicability
- Sidewalk vending permit application and fees
- Sidewalk vending permit approval, conditions, denial, or revocation
- Sidewalk vending permit expiration and renewal
- Administrative citations
- Impoundment

The draft ordinance provides for permit requirements and a set of standards intended to address health, safety, or welfare concerns.

Key among the elements of the proposed ordinance is the requirement that vendors in the city obtain a sidewalk vending permit prior to selling food or goods. The permit process requires that other licenses or permits, such as a County Health Permit and City Business License, be obtained before the City's Sidewalk Vending Permit can be issued. Also required will be evidence that a State Seller's Permit has been obtained so that appropriate sales tax is collected and accounted for. One other standard for vendors requires that all permits be displayed so that it will be easy to identify those vendors that have obtained all the necessary permits and approvals and those that have not. This will assist in enforcement efforts.

In addition to obtaining the required permits, applicants will need to indemnify the City and provide proof of General Business Liability insurance in amounts satisfactory to the City's Risk Manager.

The regulations also provide a comprehensive list of standards that sidewalk vendors must abide by while conducting their vending operations. The standards include among others, requirements for the location of a stationary vendor, signage, separation distance to storm drains, clean-up of grease or oil splatter, and a prohibition on attaching or storing vending components on public fixtures such as street signs or benches to name some examples.

The State legislation also provides for fines (by way of an Administrative Citation), but no criminal charges, that can be assessed against anyone found not in compliance with the permit requirements and standards. These have been included in the draft ordinance. State legislation places limits on the fines that can be charged. For those having a valid sidewalk vending permit, a violation of the City's vending program is only punishable by the following fines: \$100 for the first violation, \$200 for the second violation, and \$500 for any additional violation within one year of the first violation. For those without a valid sidewalk vending permit, the fines are \$250 for the first violation, \$500 for the second violation, and \$1,000 for any additional violation within one year of the first violation. The proposed ordinance also allows for the impoundment of vending materials in certain instances, such as if the materials are abandoned, create a safety

issue, or when a vendor fails to comply with enforcement direction, which can help further compliance with the sidewalk vending program.

SB 946 requires the local authority to inform the person who is issued a fine of his or her right to request an “ability-to-pay determination” and to provide instructions for requesting such a determination. If the person establishes that he or she is unable to pay because of the person’s financial condition, the person will only be required to pay 20 percent of the administrative fine. The draft ordinance being considered by the City Council includes provisions for this.

The proposed ordinance also provides that the City Council, by resolution, can set the application fee for processing sidewalk vending permits. Staff will return to Council with a recommended fee and a resolution adopting the fee.

As permitted under State law, the proposed ordinance also restricts the time and locations where **stationary** sidewalk vending can be conducted. These restrictions include any City-owned park where the City has entered into an agreement for concessions that exclusively permits the sale of food or merchandise by the concessionaire and areas that are zoned exclusively residential

The ordinance provides that **roaming and stationary** sidewalk vending shall not be permitted on a bike path, a street (including within on-street parking spaces), within a driveway, or in a public parking lot.

The ordinance also allows the City Council, by resolution, to designate no vending or limited vending zones due to objective health, safety, or welfare concerns.

One other item of note, sidewalk vendors will need to comply with Article VI., the Mandatory Organic Waste Disposal Reduction, of the Gilroy City Code. These requirements are not included in the draft ordinance as this is a stand-alone set of regulations that vendors will need to comply with. Information on these requirements will be provided to sidewalk vendors during the permitting process.

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.

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.

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

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, 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, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF GILROY ADDS 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.

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 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, 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.

(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.

(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) 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.

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

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

(12) 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.

(13) 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.

(14) 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.

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

(16) 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.

(17) 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.

(18) 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.

(19) 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.

(20) Sidewalk vendors shall not block access to or create unreasonable congestion 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; (F) upon or within any roadway, median strip, or dividing section; or (G) at any parking pay station.

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

(22) 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.

(23) 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).

(24) 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.

(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;

(2) 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;

(3) 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;

(4) 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;

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

(6) Commercial general liability insurance policy 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.



City of Gilroy

STAFF REPORT

Agenda Item Title: Annual Appointments to City Boards, Commissions, and Committees With Seats Vacant or Expired as of June 19, 2023

Meeting Date: July 10, 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

Appoint members to City Commissions with seats vacant or expired as of June 19, 2023.

BACKGROUND

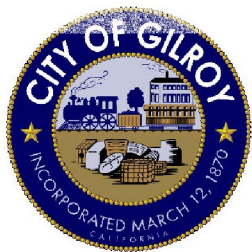
As of June 19, 2023, six seats on various City Boards, Commissions, and Committees (Arts & Culture Commission, Library Commission, Personnel Commission, Parks and Recreation Commission, Planning Commission, and Physically Challenged Board of Appeals) remain vacant. During the recruitment period, two applications were received from Terence Fugazzi (Planning Commission) and Kortney Hodge (Planning Commission, Parks & Recreation Commission, and Personnel Commission). Additionally, two applications were submitted by Stefanie Okada-McCabe and Danny Molina after the application deadline for the Planning Commission.

Although the Council accepted the late applications, only Terence Fugazzi and Stefanie Okada-McCabe were interviewed during the regular meeting on June 19, 2023. Kortney Hodge and Danny Molina were not interviewed at the meeting. The Council is now requested to consider appointing individuals to the Planning Commission, with a term ending on December 31, 2023.

It is important to note that Terence Fugazzi presently holds positions on both the Open Government Commission and the Parks and Recreation Commission. During the interview process, Mr. Fugazzi indicated his willingness to resign from both commissions if appointed to the Planning Commission.

Attachments:

1. Application – Terence Fugazzi
2. Application – Kortney Hodge
3. Application – Stefanie Okada-McCabe
4. Application – Danny Molina



City of Gilroy Board, Committee, & Commission Application

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

Board/Committee/Commission of Interest:		Planning Commission	
Name: Kortney Hodge			
Phone number(s):		email address*:	
Are you a registered voter within the City limits?		Yes	
Physical Address*:			
Driver's License or ID No.:		Date of Birth*:	
		Last 4 of SSN:	
List your qualifications for this appointment:			
I am proficient in creating and using daily agendas as well as keeping notes for discussions, therefore that is one of my qualifications for this position. I am really capable at hearing what other individuals have to say and absorbing their recommendations. I am the kind of person who likes to converse with others and exchange ideas. I work hard, which makes me a fantastic fit to support this community's growth and improvement.			
List any service to the community including any prior appointments:			
I did plenty of services for the community in high school. I volunteered at elementary schools, I helped feed the homeless at Saint Mary's church during holidays and also help clean up Christmas hill park.			
What are your goals while serving on this Board/Commission/Committee?			
Making my hometown a better place to live is one of my aims when serving on the board, commission, committee. I want to assist the area develop and become a better community. I want to make an effort to engage the younger generation in order to support their development and unification. My entire life, I have lived in Gilroy. I have witnessed the town's development from when it was primarily made up of farmland until now.			
Why are you the most qualified to serve on this Board/Commission/Committee?			
Because I am young, possess leadership qualities, and am driven to improve my community as a whole, I believe I am best suited to serve on this committee.			

✓

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.



City of Gilroy Board, Committee, & Commission Application

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

Board/Committee/Commission of Interest:		Planning Commission	
Name:	Terence Fugazzi		
Phone number(s):	[REDACTED]	email address*:	[REDACTED]
Are you a registered voter within the City limits?	Y		
Physical Address*:	[REDACTED]		
Driver's License or ID No.:	[REDACTED]	Date of Birth*:	Last 4 of SSN: [REDACTED]
List your qualifications for this appointment:			
I am a 10 year Gilroy resident that absolutely loves our city. In addition to this I stay quite active and up to date on issues and activities that pertain to our city life, growth, and fellow citizens. I have attended in person every city council meeting when I am in town for the last year as well as a number of planning commission meetings. Recently I have been appointed to two commissions where I believe, in just a short time, I have already had a significant positive impact. I also have a strong aptitude for digging into long and complex documents and sussing out the important and most relevant bits - be that researching code and ordinances, council packets, budgets, to studying future development plans. I am an independent thinker who listens to reason and ideas from others. I have no personal or business affiliations that would create undesirable bias or conflict of interest.			
List any service to the community including any prior appointments:			
Appointed and currently serving on the Open Government Commission and Parks and Recreation Commission.			
What are your goals while serving on this Board/Commission/Committee?			
To Serve Gilroy in a capacity that best represents the needs and desires of the citizenry at large in relation to our future growth.			
Why are you the most qualified to serve on this Board/Commission/Committee?			
Not having reviewed others' applications that is not a question I could possibly answer. I can speculate, however, that my personal and city commission experience as well as involvement and understanding of current city issues should put me near or at the top of the pack.			

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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:		Planning Commission	
Name: Stefanie Okada-McCabe			
Phone number(s):		email address*:	
Are you a registered voter within the City limits? Yes			
Physical Address*:			
Driver's License or ID No.:		Date of Birth*:	Last 4 of SSN:
List your qualifications for this appointment: I am born and raised in Gilroy. I have my bachelor of architecture degree and i am a member of the international Code Council. I specialize in residential design.			
List any service to the community including any prior appointments: Prior appointments are Building Board of Appeals and the Physically Challenged Board. I also volunteer at the community development counter before covid.			
What are your goals while serving on this Board/Commission/Committee? My goals are: Protecting the public health, safety, and welfare. Conserving resources. Seeking efficiency in the use of land and public facilities. Fostering beauty and livability within the community. Ensuring equality and opportunity for all.			
Why are you the most qualified to serve on this Board/Commission/Committee? I am most qualified because of my fairness and impartiality, open-mindedness, communication skills, problem-solving skills and lastly my teamwork skills.			

✓	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
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	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:		Planning Commission	
Name: Danny Molina			
Phone number(s):		email address*:	
Are you a registered voter within the City limits?		Yes	
Physical Address*:			
Driver's License or ID No.:		Date of Birth*:	Last 4 of SSN:
List your qualifications for this appointment:			
Project management , Team Building , Working Knowledge of Public works Prevailing wage , Worked for a large Sanitation company for 13 years which i oversaw over 100+ employees and started my own Construction site service business 3 years ago.			
List any service to the community including any prior appointments:			
I Currently working with Pitstop Outreach and Veterans Day Parade Board of Supervisors. I was part of leadership Gilroy class 2022, Helped with non- profits ; One Giving Tree, CVMA and Rebeccas Children Services.			
What are your goals while serving on this Board/Commission/Committee?			
My goals are to help with moving our community , learn more about the workings of the planning commission and help with anything needed.			
Why are you the most qualified to serve on this Board/Commission/Committee?			
My working knowledge of Construction , Working with Committees to obtain a common outcome and starting on my own company which has shown a profit year over year.			

☒	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
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	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

STAFF REPORT

Agenda Item Title: Council Direction Concerning the City's Ongoing Membership in the Cities Association of Santa Clara County

Meeting Date: July 10, 2023

From: Jimmy Forbis, City Administrator

Department: Administration

Submitted By: Bryce Atkins, Assistant to the City Administrator

Prepared By: Bryce Atkins, Assistant to the City Administrator

STRATEGIC PLAN GOALS

Not Applicable

RECOMMENDATION

Council discussion regarding the continued status of the City of Gilroy as a member of the Cities Association of Santa Clara County.

BACKGROUND

The City of Gilroy has been a member of the Cities Association of Santa Clara County (CASCC) for many years. This organization was established to help provide for combined advocacy, organization, and shared knowledge and resources to aid in the work of membership cities. Below is an excerpt from the CASCC's website about themselves:

The Cities Association of Santa Clara County is an association of the 15 cities of the county. Since 1990, representatives from the 15 cities of Santa Clara County have been meeting monthly and collaborating on issues that affect each of us, striving to create a unified voice.

ANALYSIS

Although the City has appreciated the benefits that being a member of the CASCC has provided in the past, there have been certain actions that the organization has undertaken that have arisen that question CASACC positions that may/may not align with the philosophy of the Gilroy City Council including:

- The CASCC asked the City to pay a portion of the costs from an employment-based claim with its former Executive Director. The City of Gilroy was the only entity out of the 15 Santa Clara County cities that refused to participate in the settlement. As part of the settlement, it was requested by the Santa Clara County City Manager's Association that CASCC clarify its' personnel rules so that Cities do not take on the liability for the actions of individual CASCC members and their treatment of CASCC employees. To date, no adjustments have been made, and the current Director operates in the same manner as the previous director and thus potentially exposing the City of Gilroy to claims and lawsuits for situations created by other CASCC members.
- In Fiscal Year 2022, the overall budget for CASCC was \$149,957. That budget was increased in 2023 to \$281,401, with Gilroy's contribution increasing by approximately 35% from \$10,857 in 2022 to \$14,609 in 2023.
- The CASCC has pursued the formation of a Joint Powers Authority, which grants the Authority the ability to issue debt and purchase assets/property, something that is not typical of such associations and could result in legal liability for Gilroy.
- The CASCC has taken formal positions and/or conducted policy work on many issues, including Racial Justice, Public Safety Reform, Hate Crimes Against the Asian American Pacific Islander Community, Santa Cruz/Santa Clara County Airport/Community Roundtable, Regional Housing Needs Allocation (RHNA) Subregion Taskforce, and the development of a Minimum Wage Policy. Should Gilroy (and other Cities) decide their own positions on these matters, as those positions may be in direct conflict with the CASCC.

At this time, staff is of the opinion that such issues, which have surfaced in recent years, warrant a policy discussion to obtain Council's direction if the City should remain in this association or if a separation is desired.

ALTERNATIVES

Council may direct staff to remain a member of the CASCC or may choose to direct staff not to submit the membership renewal fee and resign its membership.

FISCAL IMPACT/FUNDING SOURCE

If Council were to direct the cancellation of the membership, there would be a cost saving in the City's General Fund on an annual basis. The amount for Fiscal Year 2024 would be \$14,609.

PUBLIC OUTREACH

This item was included on the publicly posted agenda for this meeting.

NEXT STEPS

Dependent on Council direction.



City of Gilroy

STAFF REPORT

Agenda Item Title: **Selection of Voting Delegate for the League of California Cities 2023 Annual Conference**

Meeting Date: July 10, 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

Staff recommends that the City Council authorize a Council Member as the Designated Voting Delegate to attend the 2023 League of California Cities Annual Conference on behalf of the City, along with up to two alternate voting delegates.

BACKGROUND

The League of California Cities Annual Conference is scheduled to take place from September 20-22, 2023, in Sacramento. As a member agency of the League of California Cities, Gilroy has the opportunity to participate in the consideration of resolutions that establish League policy at the annual business meeting on Friday, September 22nd.

To vote on League resolutions, the City Council must designate a voting delegate and may appoint up to two alternate voting delegates. Currently, Mayor Blankley and Council Members Tovar and Armendariz have registered for and will be attending the conference.

Attached are copies of the Annual Conference Voting Procedures and the 2023 Voting Delegate / Alternate Form. A formal City Council resolution is not required for the City Council to make the designation(s).

NEXT STEPS

Once the designated voting delegate, along with the alternate voting delegate(s), are approved, staff will update the information provided to the League.

Attachments:

1. League of California Cities Delegate Information



Council Action Advised by August 28, 2023

DATE: Wednesday, June 21, 2023

TO: Mayors, Council Members, City Clerks, and City Managers

**RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES
League of California Cities Annual Conference and Expo, Sept. 20-22, 2023,
Sacramento SAFE Credit Union Convention Center**

Every year, the League of California Cities convenes a member-driven General Assembly at the [Cal Cities Annual Conference and Expo](#). The General Assembly is an important opportunity where city officials can directly participate in the development of Cal Cities policy.

Taking place on Sept. 22, the General Assembly is comprised of voting delegates appointed by each member city; every city has one voting delegate. Your appointed voting delegate plays an important role during the General Assembly by representing your city and voting on resolutions.

To cast a vote during the General Assembly, your city must designate a voting delegate and up to two alternate voting delegates, one of whom may vote if the designated voting delegate is unable to serve in that capacity. Voting delegates may either be an elected or appointed official.

Please complete the attached voting delegate form and email it to Cal Cities office no later than Monday, August 28.

New this year, we will host a pre-conference information session for voting delegates to explain their role. Submitting your voting delegate form by the deadline will allow us time to establish voting delegate/alternate records prior to the conference and provide pre-conference communications with voting delegates.

Please view Cal Cities' [event and meeting policy](#) in advance of the conference.

Action by Council Required. Consistent with Cal Cities bylaws, a city's voting delegate and up to two alternates must be designated by the city council. When completing the attached Voting Delegate form, please attach either a copy of the council resolution that reflects the council action taken or have your city clerk or mayor sign the form affirming that the names provided are those selected by the city council.

Please note that designating the voting delegate and alternates **must** be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.

Conference Registration Required. The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. Conference registration is open on the [Cal Cities](#) website.

For a city to cast a vote, one voter must be present at the General Assembly and in possession of the voting delegate card and voting tool. Voting delegates and alternates need to pick up their conference badges before signing in and picking up the voting delegate card at the voting delegate desk. This will enable them to receive the special sticker on their name badges that will admit the voting delegate into the voting area during the General Assembly.

Transferring Voting Card to Non-Designated Individuals Not Allowed. The voting delegate card may be transferred freely between the voting delegate and alternates, but *only* between the voting delegate and alternates. If the voting delegate and alternates find themselves unable to attend the General Assembly, they may *not* transfer the voting card to another city official.

Seating Protocol during General Assembly. At the General Assembly, individuals with a voting card will sit in a designated area. Admission to the voting area will be limited to the individual in possession of the voting card and with a special sticker on their name badge identifying them as a voting delegate.

The voting delegate desk, located in the conference registration area of the SAFE Credit Union Convention Center in Sacramento, will be open at the following times: Wednesday, Sept. 20, 8:00 a.m.- 6:00 p.m. and Thursday, Sept. 21, 7:30 a.m.- 4:00 p.m. On Friday, Sept. 22, the voting delegate desk will be open at the General Assembly, starting at 7:30 a.m., but will be closed during roll calls and voting.

The voting procedures that will be used at the conference are attached to this memo. Please share these procedures and this memo with your council and especially with the individuals that your council designates as your city's voting delegate and alternates.

Once again, thank you for completing the voting delegate and alternate form and returning it to Cal Cities office by Monday, Aug. 28. If you have questions, please contact Zach Seals at zseals@calcities.org.

Attachments:

- General Assembly Voting Guidelines
- Voting Delegate/Alternate Form
- Information Sheet: Cal Cities Resolutions and the General Assembly

General Assembly Voting Guidelines

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to Cal Cities policy.
2. **Designating a City Voting Representative.** Prior to the Cal Cities Annual Conference and Expo, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the voting delegate form provided to the Cal Cities Credentials Committee.
3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the voting delegate desk in the conference registration area. Voting delegates and alternates must sign in at the voting delegate desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the General Assembly.
4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the credentials committee at the voting delegate desk, may sign petitions to initiate a resolution.
5. **Voting.** To cast the city's vote, a city official must have in their possession the city's voting card and voting tool; and be registered with the credentials committee. The voting card may be transferred freely between the voting delegate and alternates but may not be transferred to another city official who is neither a voting delegate nor alternate.
6. **Voting Area at General Assembly.** At the General Assembly, individuals with a voting card will sit in a designated area. Admission to the voting area will be limited to the individual in possession of the voting card and with a special sticker on their name badge identifying them as a voting delegate.
7. **Resolving Disputes.** In case of dispute, the credentials committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the General Assembly.



CITY: _____

2023 ANNUAL CONFERENCE VOTING DELEGATE/ALTERNATE FORM

Please complete this form and return it to Cal Cities office by Monday, August 28, 2023. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.

To vote at the General Assembly, voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

Please note: Voting delegates and alternates will be seated in a separate area at the General Assembly. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the voting delegate desk.

1. VOTING DELEGATE

Name: _____

Email: _____

Title: _____

2. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

Email: _____

3. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

Email: _____

ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES OR

ATTEST: I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).

Name: _____ Email: _____

Mayor or City Clerk: _____ Date: _____ Phone: _____
(circle one) (signature)

Please complete and email this form to votingdelegates@calcities.org by Monday, August 28, 2023.

Developing League of California Cities policy is a dynamic process that engages a wide range of members to ensure that we are representing California cities with one voice. These policies directly guide Cal Cities advocacy to promote local decision-making, and lobby against statewide policy that erodes local control.

The resolutions process and General Assembly is one way that city officials can directly participate in the development of Cal Cities policy. If a resolution is approved at the General Assembly, it becomes official Cal Cities policy. Here's how Resolutions and the General Assembly works.

Prior to the Annual Conference and Expo

General Resolutions



Sixty days before the Annual Conference and Expo, Cal Cities members may submit policy proposals on issues of importance to cities. The resolution must have the concurrence of at least five additional member cities or individual members.

Policy Committees



The Cal Cities President assigns general resolutions to policy committees where members review, debate, and recommend positions for each policy proposal. Recommendations are forwarded to the Resolutions Committee.

During the Annual Conference and Expo

Petitioned Resolutions



The petitioned resolution is an alternate method to introduce policy proposals during the annual conference. The petition must be signed by voting delegates from 10% of member cities, and submitted to the Cal Cities President at least 24 hours before the beginning of the General Assembly.

Resolutions Committee



The Resolutions Committee considers all resolutions. General Resolutions approved¹ by either a policy committee or the Resolutions Committee are next considered by the General Assembly. General resolutions not approved, or referred for further study by both a policy committee and the Resolutions Committee do not go the General Assembly. All Petitioned Resolutions are considered by the General Assembly, unless disqualified.²

General Assembly



During the General Assembly, voting delegates debate and consider general and petitioned resolutions forwarded by the Resolutions Committee. Potential Cal Cities bylaws amendments are also considered at this meeting.

Who's who

Cal Cities policy development is a member-informed process, grounded in the voices and experiences of city officials throughout the state.

The **Resolutions Committee** includes representatives from each Cal Cities diversity caucus, regional division, municipal department, policy committee, as well as individuals appointed by the Cal Cities president.

Voting delegates are appointed by each member city; every city has one voting delegate.

The **General Assembly** is a meeting of the collective body of all voting delegates — one from every member city.

Seven **Policy Committees** meet throughout the year to review and recommend positions to take on bills and regulatory proposals. Policy committees include members from each Cal Cities diversity caucus, regional division, municipal department, as well as individuals appointed by the Cal Cities president.

What's new in 2023?



- Voting delegates will receive increased communications to prepare them for their role during the General Assembly.
- The General Assembly will take place earlier to allow more time for debate and discussion.
- Improvements to the General Assembly process will make it easier for voting delegates to discuss and debate resolutions.

¹ The Resolution Committee can amend a general resolution prior to sending it to the General Assembly.

² Petitioned Resolutions may be disqualified by the Resolutions Committee according to Cal Cities Bylaws Article VI. Sec. 5(f).



City of Gilroy

STAFF REPORT

Agenda Item Title: **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**

Meeting Date: July 10, 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

- a. Consent of the City Administrator's recommendation to appoint Karl Bjarke as Interim Public Works Director (as a retired annuitant) effective July 11, 2023.
- b. 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.

EXECUTIVE SUMMARY

To ensure continuity in the management of the Public Works Department during a critical time, it is recommended that the City Council consent to the appointment of Karl Bjarke as Interim Public Works Director (retired annuitant) effective July 11, 2023, and approve the resolution consenting to the appointment and authorizing the City Administrator to execute the employment agreement.

BACKGROUND

Due to the recent resignation of Public Works Director Daryl Jordan on June 27, 2023, the City of Gilroy has a vacancy in the position of Public Works Director. The City plans to commence recruitment for a Public Works Director and hire an Interim Public Works Director to serve while the recruitment is being conducted. Former Morgan Hill Public Works Director Karl Bjarke is available to serve as the Interim Public Works Director. Mr. Bjarke is a California Public Employees' Retirement System (CalPERS) retired annuitant, having retired in 2017. He has the education, skills, and experience to hit the ground running and serve as Gilroy's Interim Public Works Director beginning July 11, 2023.

Mr. Bjarke has over twenty-eight years of related municipal work experience. He served the City of Morgan Hill for over fifteen years, most recently in the capacity of Public Works Director (six years). Prior to serving as the Director, Mr. Bjarke was the Deputy Public Works Director for approximately nine years. He also holds a State of California Professional Engineer license. Given his work in Morgan Hill, Mr. Bjarke is well versed with the South County Regional Wastewater Authority (SCRWA), Valley Transportation Authority (VTA), Santa Clara Valley Water District (SCVWD), Caltrans, and other similar agencies important to the work of Public Works. Mr. Bjarke previously served as Gilroy's Interim Public Works Director in 2020, prior to the hiring of Daryl Jordan.

California Government Code Section 21221(h) allows an agency to hire a retired annuitant to serve in an "interim" position when there is an immediate need for expertise and specialized skills and recruitment is underway for the position. Prior to July 11, 2023, the City will initiate steps to begin recruitment for a new Public Works Director and complete the selection process in the next four to six months. Further, the retired annuitant may not work more than 960 hours in a fiscal year and cannot receive any compensation other than the hourly rate of pay for the work performed by other employees performing comparable duties.

In the Interim Public Works Director role and as an officer of the City, Karl Bjarke agrees to perform the following duties related to the Gilroy Public Works Department:

- a. Plan, direct, and coordinate the activities of the Public Works Department.
- b. Serve as a technical advisor to the City Administrator and other department heads on public works-related matters.
- c. Develop and direct the implementation of goals, objectives, policies, procedures, and work standards for the Public Works Department.
- d. Plan, organize, assign, direct, review, and evaluate public works and engineering activities, including project planning, design, construction, and inspection.
- e. Plan, organize, assign, direct, review, and evaluate all maintenance activities, including the areas of streets, storm drains, parks, water and wastewater utilities, and trees.
- f. Perform preliminary and final engineering review and consultation on public and private projects with developers, designers, and project engineers; review and sign maps, plans, specifications, and projects for compliance with sound

engineering practices and existing laws; review initial studies and environmental impact reports for adequate mitigation of infrastructure impacts.

- g. Confer with City officials and community groups on proposed public works projects.
- h. Prepare and present comprehensive technical reports.
- i. Direct the departmental budget to include: preparing division budgets, preparing the annual five-year and ten-year capital improvement budgets, and monitoring revenues and expenditures. Research, analyze, and make recommendations for cost-effective departmental operations to include: designing, administering, and evaluating departmental programs and services; addressing process issues; and implementing required changes.
- j. Select, train, and evaluate department personnel.
- k. Monitor developments related to municipal engineering and public works matters; evaluate their impact upon City operations and recommend policy and procedural improvements.
- l. Coordinate the activities of the Public Works Department with those of other departments and agencies. Meet with and represent the City in project development and negotiations with regional agencies such as Caltrans, Valley Transportation Authority (VTA), and the Santa Clara Valley Water District (SCVWD).
- m. Present before City Council, public agencies, civic groups, and other organizations regarding Public Works Department projects and programs.
- n. Any other duties or assignments typically assigned to the Public Works Director.

As Interim Public Works Director, Karl Bjarke will report directly to the City Administrator and shall comply with all City rules, policies, guidelines, regulations, and laws. Mr. Bjarke will be paid \$121.33 per hour with no other benefits or incentives.

ALTERNATIVES

The alternatives would be not to approve the interim appointment and the City would need to identify someone else to serve as the Interim Public Works Director or leave the position vacant. These alternatives are not recommended.

FISCAL IMPACT/FUNDING SOURCE

This interim appointment provides a cost savings to the City as only the hourly rate for the position is paid to the retired annuitant and not any benefits. It is estimated that this interim appointment will save the City approximately \$7,000 per month when filled on a full-time basis. Over a four-to-six-month period, the savings will total approximately \$28,000 – \$42,000.

NEXT STEPS

Upon Council approval, the City Administrator will sign the employment agreement. In addition, staff will initiate steps to begin the Public Works Director recruitment process

prior to July 11, 2023.

Attachments:

1. Draft Resolution
2. Exhibit A Employment Agreement Karl Bjarke Retired Annuitant July 2023

RESOLUTION NO. 2023-XX**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF GILROY APPOINTING KARL BJARKE AS INTERIM
PUBLIC WORKS DIRECTOR AND APPROVING
EMPLOYMENT AGREEMENT**

WHEREAS, Government Code Section 21221(h) permits the City Council to appoint a retired annuitant to a vacant position requiring specialized skills during recruitment for a permanent appointment and provides that such appointment will not subject the retired person to reinstatement from retirement or loss of benefits so long as it is a single appointment that does not exceed 960 hours in a fiscal year; and

WHEREAS, Karl Bjarke retired from California Public Employees' Retirement System employment in December 2017; and

WHEREAS, Karl Bjarke has over twenty-eight years of municipal engineering and public works experience and most recently served as the City of Morgan Hill Public Works Director from 2011 - 2017; and

WHEREAS, the position of Public Works Director became officially vacant on June 28, 2023, following the resignation of Daryl Jordan; and

WHEREAS, the Gilroy City Council desires to consent to the City Administrator's recommendation to appoint retired annuitant Karl Bjarke to the vacant position of Interim Public Works Director for the City of Gilroy under Government Code Section 21221(h), effective July 11, 2023; and

WHEREAS, Karl Bjarke has experience with municipal engineering to include development engineering, transportation engineering, capital project engineering, South County Regional Wastewater Authority work, and Public Works operations and maintenance to include Streets, Wastewater, Water, Parks & Landscape, and Trees; and

WHEREAS, an appointment under Government Code Section 21221(h) requires that the City has initiated steps to begin the recruitment process for the vacant position; and

WHEREAS, this Section 21221(h) appointment shall only be made once and therefore will end on the date immediately preceding the date on which the permanent replacement for the vacant position of Public Works Director for the City of Gilroy commences his or her employment or, if earlier, the date that this appointment is terminated by the City or Karl Bjarke; and

WHEREAS, the entire employment agreement between Karl Bjarke and the City of Gilroy has been reviewed by this body and is attached hereto as **Exhibit A**; and

WHEREAS, no matters, issues, terms, and/or conditions related to this employment and appointment have been or will be placed on the consent calendar; and

WHEREAS, the employment shall be limited to 960 hours per fiscal year; and

WHEREAS, the compensation paid to retirees cannot be less than the minimum nor exceed the maximum monthly base salary paid to other employees performing comparable duties, divided by 173.333 to equal the hourly rate; and

WHEREAS, the maximum base monthly salary for this position is \$21,031.25 and the hourly equivalent is \$121.33, and the minimum base monthly salary for this position is \$15,771.00, and the hourly equivalent is \$90.99; and

WHEREAS, the hourly rate to be paid to Karl Bjarke will be \$121.33; and

WHEREAS, Karl Bjarke has not and will not receive any other benefit, incentive compensation in lieu of benefits, or any other form of compensation in addition to this hourly pay rate.

NOW, THEREFORE, the City Council of the City of Gilroy hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The City Council hereby certifies the nature of the employment of Karl Bjarke as described herein and detailed in the attachment employment agreement and that this appointment is necessary to fill the critically needed position of Public Works Director for the City of Gilroy to provide the specialized skills necessary to manage the City's engineering and public works functions.
3. The City Council hereby authorizes the appointment of Karl Bjarke to Interim Public Works Director effective on July 11, 2023 pursuant to the authority provided under Government Code Sections 21221(h), which shall end on the date immediately preceding the date on which the permanent replacement for the vacant position of Public Works Director for the City of Gilroy commences his or her employment or, if earlier, the date that this appointment is terminated by the City or Karl Bjarke.
4. The employment agreement with Karl Bjarke, a copy of which is attached hereto as **Exhibit A** and will be maintained on file with the Human Resources Department, is approved by the City Council, effective on July 11, 2023.
5. The City Administrator is authorized to execute said agreement on behalf of the City, with such technical amendments as may be deemed appropriate by the City Administrator and City Attorney.

PASSED AND ADOPTED this 10th day of July 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

EXHIBIT A

RETIRED ANNUITANT EMPLOYMENT AGREEMENT

The Retired Annuitant Employment Agreement (“Agreement”) is made by and between the City of Gilroy, a municipal corporation of the State of California (“City”) and Karl Bjarke, an individual (“Retired Annuitant”) as of July 11, 2023 (“Effective Date”).

RECITALS

A. Retired Annuitant previously was employed by the City of Morgan Hill and other California Public Employees’ Retirement System (CalPERS) employers since 1989, having previously served as Morgan Hill’s Public Works Director from 2011-2017; and

B. Retired Annuitant retired from public service effective December 2, 2017 and began collecting a retirement pension from the California Public Employees’ Retirement System (CalPERS); and

C. The City has a vacancy in the position of Public Works Director, a regular position for which the City will commence steps to initiate the recruitment for a permanent appointment prior to July 11, 2023; and

D. The City has an immediate need for an employee to temporarily perform the position of Public Works Director, a position involving specialized skills and training and which is critically necessary to the on-going duties and functions of the City’s Public Works Department; and

E. Retired Annuitant has the necessary qualifications, experience and abilities to assist City in the duties of leadership and management of the Public Works Department; and

F. Retired Annuitant’s employment is authorized by Government Code section 21221(h), which permits the City to appoint a CalPERS retired annuitant to a vacant position requiring specialized skills during recruitment for a permanent replacement; and

G. City desires to retain the services of Retired Annuitant in accordance with California Government Code Section 21221(h) and Retired Annuitant agrees to provide certain services to City under the strict terms and conditions set out in this Agreement; and

In consideration of this matter described above and of the mutual benefits and obligations set forth in this Agreement, the receipt and sufficiency of which consideration is hereby acknowledged, the parties of this Agreement agree as follows:

AGREEMENT

Section 1. Term of Services

The term of this Agreement is from July 11, 2023 until such time as a permanent replacement for the position of Public Works Director has been selected and has commenced employment, unless terminated sooner as provided below.

Section 2. Scope of Services

Retired Annuitant, as an officer of the city, agrees to perform the following duties related to the Gilroy Public Works Department:

- a. Plan, direct, and coordinate the activities of the Public Works Department.
- b. Serve as a technical advisor to the City Administrator and other department heads on public works related matters.
- c. Develop and direct the implementation of goals, objectives, policies, procedures, and work standards for the Public Works Department.
- d. Plan, organize, assign, direct, review, and evaluate public works and engineering activities, including project planning, design, construction, and inspection.
- e. Plan, organize, assign, direct, review, and evaluate all maintenance activities, including the areas of streets, storm drains, parks, water and wastewater utilities, and trees.
- f. Perform preliminary and final engineering review and consultation on public and private projects with developers, designers, and project engineers; review and sign maps, plans, specifications, and projects for compliance with sound engineering practices and existing laws; review initial studies and environmental impact reports for adequate mitigation of infrastructure impacts.
- g. Confer with City officials and community groups on proposed public works projects.
- h. Prepare and present comprehensive technical reports.
- i. Direct the departmental budget to include: preparing division budgets, preparing the annual five-year and ten-year capital improvement budgets, and monitoring revenues and expenditures. Research, analyze, and make recommendations for cost effective departmental operations to include: designing, administering, and evaluating departmental programs and services; addressing process issues; and implementing required changes.
- j. Select, train, and evaluate department personnel.
- k. Monitor developments related to municipal engineering and public works matters; evaluate their impact upon City operations and recommend policy and procedural improvements.
- l. Coordinate the activities of the Public Works Department with those of other departments and agencies. Meet with and represent the City in project development and negotiations with regional agencies such as CalTrans, Valley Transportation Authority (VTA), and the Santa Clara Valley Water District (SCVWD).
- m. Present before City Council, public agencies, civic groups, and other organizations regarding Public Works Department projects and programs.
- n. Any other duties or assignments typically assigned to the Public Works Director.

Retired Annuitant will report directly to the City Administrator. Retired Annuitant shall comply with all City rules, policies, guidelines, regulations, and laws.

Section 3. Compensation; Hours

City agrees to compensate Retired Annuitant at \$121.33 per hour for all services provided under this Agreement. Payments from City to Retired Annuitant shall be made during the normal payroll cycles of other City employees.

City has reviewed and compared the hourly rate set forth in this Section with other employees performing comparable duties and the hourly rate set forth in this Section does not exceed such other employee's compensation.

Retired Annuitant agrees and acknowledges that he shall not perform any services under this Agreement exceeding a total of nine hundred sixty (960) hours during any fiscal year (July 1 to June 30) inclusive of any hours worked during the same period for other CalPERS employers as a retired annuitant. Retired Annuitant shall record his hours on a pre-approved timesheet that shall be submitted to the City every month.

The position is a temporary, hourly assignment which is generally not expected to exceed 40 hours per week. The City, through the City Administrator, will assign Retired Annuitant hours to work. Due to the nature of the position, it is understood that the workday and workweek hours may vary, however Retired Annuitant shall not work overtime (i.e. in excess of 40 hours per week) as payment of overtime is prohibited under Government Code Section 21221(h).

There are no other benefits, incentives, compensation in lieu of benefits or other forms of compensation in addition to the hourly pay rate set forth in this Section.

Section 4. Location

The primary locations for services will be at the following addresses:

Gilroy City Hall, 7351 Rosanna Street, Gilroy, California 95020
Gilroy Corporation Yard, 613 Old Gilroy Street, Gilroy, California 95020

Section 5. Compliance with Laws

This Agreement will be construed in accordance with and governed by the laws in the State of California. In the event that suit shall be brought by any of the parties, the parties agree that venue shall be exclusively vested in the state courts of the County of Santa Clara, or if federal jurisdiction is appropriate, exclusively in the United States District Court, Northern District of California, San Jose, California. Retired Annuitant shall comply with all applicable laws, rules, policies, and guidelines. Retired Annuitant agrees and acknowledges that the State of California and the governing body of the California Public Employees' Retirement System enact strict laws, regulations and guidelines relating to services provided by "retired annuitants" to public agencies contracting with the California Public Employees' Retirement System. Retired Annuitant agrees to comply with all applicable laws, regulations and guidelines relating to the services provided under this Agreement.

Section 6. Termination

This Agreement may be terminated by either party for convenience by providing written notice to the other party.

Section 7. Miscellaneous

a. Retired Annuitant has read each and every part of this Agreement and Retired Annuitant freely and voluntarily has entered into this Agreement. This Agreement is a negotiated document and shall not be interpreted for or against any party by reason of the fact that such party may have drafted this Agreement or any of its provisions.

b. If a court of competent jurisdiction finds or rules that any provision of this Agreement is invalid, void, or unenforceable, the provisions of this Agreement not so adjusted shall remain in full force and effect. The invalidity in whole or in part of any provision of this Agreement shall not void or affect the validity of any other provision of this Agreement.

c. This Agreement represents the entire and integrated agreement between City and Retired Annuitant and supersedes all prior negotiations, representations, or agreements, either written or oral.

In witness where of the parties have duly affixed their signatures on this __ day of July, 2023.

Employer: City of Gilroy

Jimmy Forbis, City Administrator

Retired Annuitant:

Karl Bjarke

Approved as to Form:

Andrew L. Faber, City Attorney

Attest:

Thai Nam Pham, City Clerk