



## Legislation Details (With Text)

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<b>Title:</b>	Action on an Agreement with Tucker Construction, Inc. for Encampment Cleanups and Related Budget Amendment [Council Pillar: Deliver and Enhance Quality Efficient Services and Infrastructure]				
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<b>Code sections:</b>					
<b>Attachments:</b>	1. Agreement				

Date	Ver.	Action By	Action	Result
2/11/2020	1	Council and Authorities Concurrent Meeting	Approved	

## REPORT TO COUNCIL

### SUBJECT

Action on an Agreement with Tucker Construction, Inc. for Encampment Cleanups and Related Budget Amendment [Council Pillar: Deliver and Enhance Quality Efficient Services and Infrastructure]

### BACKGROUND

According to the California Department of Housing and Community Development, the State of California is home to 22 percent of the nation's homeless population. The current housing challenges in California extend statewide, and as a result of these challenges, the City of Santa Clara has seen an increase in both the number and size of homeless encampments in various parts of the City over the last few years.

Debris from encampments contributes to stormwater pollution and other concerns. The City must follow stringent procedures to protect both the rights of individuals impacted by the encampment cleanups and the safety of the personnel performing the cleanup services. Notifications prior to and after cleanup, storage and distribution of personal property, and employee safety training to deal with potential jobsite hazards increase the complexity of encampment cleanups.

The complexity and safety requirements for encampment cleanups exceed the services that City staff can provide at this time. It is necessary to contract with an experienced vendor to give the City the ability to clean up encampments swiftly before they grow further in size and become hazardous.

### DISCUSSION

Under the subject agreement, Tucker will provide turnkey encampment site cleanups as directed by the City. The Police Department (PD) will provide outreach to individuals advising them of the City's intent to conduct cleanup activities, encourage individuals to remove their private property and provide free bags to do so, and document pertinent information regarding the location. PD will provide additional information to those dwelling in the encampments, which will include resource and

shelter options. PD may also coordinate with outreach specialists (local non-profits and government entities) for site visits and further correspondence regarding available options. The PD will coordinate with the Department of Public Works (DPW) to determine a date and time for the anticipated cleanup activity and ensure that the site is clear of people prior to cleanup.

DPW will serve as the point of contact to approve and issue cleanup work orders. Tucker will post notices at least 72 hours in advance of any scheduled cleanup. PD will conduct a site check prior to the scheduled cleanup to ensure the safety of the jobsite. Tucker will be responsible for clearing and disposing of debris, sorting and tagging personal property that may be claimed up to 90 days following the cleanup, and returning personal property to individuals. PD will be overseeing the procedures Tucker will be utilizing for sorting, tagging, and returning claimed personal property. Tucker is also responsible for performing hazard assessments and providing all training and supplies necessary to comply with Occupational Safety and Health Administration (OSHA) standards.

An encampment has developed along Laurelwood Road, near Lafayette Street, that requires cleanup work above and beyond the services City staff can provide at this time. The cleanup of the Laurelwood encampment site requires an experienced contractor and the subject agreement with Tucker will enable the City to clear the site.

Recommendation of award to Tucker Construction is based on a City of San Jose Request for Proposals (RFP) process for encampment cleanups in which Tucker Construction, Inc. (Tucker) was selected to provide services. This process is consistent with the General Services contracting procedures set forth in Section 2.105.290 (b)(3) of the Santa Clara City Code (SCCC) which allows the City to purchase directly from vendors on terms pursuant to the City's formal bidding procedures, provided the vendor agrees to extend such participation to the City. Additionally, Tucker's proposed pricing was benchmarked against similar agreements held by City of Half Moon Bay and Santa Clara Valley Transportation Authority.

DPW does not have funding in the current FY 2019/20 operating budget to clean the Laurelwood encampment so a budget amendment is necessary to fund the work that will be performed by Tucker. The subject agreement will enable DPW and PD to swiftly respond to future potential encampment cleanups over the next four years. Additional budget amendments will be necessary to fund future encampment cleanups as they develop. A section covering Prevailing Wages is included in the agreement.

## **ENVIRONMENTAL REVIEW**

Awarding the subject Agreement with Tucker does not itself constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(a) as it has no potential for resulting in either a direct physical change in the environment, or as a reasonably foreseeable indirect physical change in the environment. Any projects executed pursuant to the Agreement may be categorically exempted under CEQA Guidelines sections 15301 (Existing Facilities), 15304 (Minor Alterations to Land), and 15321 (Enforcement Actions by Regulatory Agencies), depending on the site and work required. The clean-up at the Laurelwood Road site is exempted under Section 15301(h), as "[m]aintenance of existing landscaping [and] native growth."

## **FISCAL IMPACT**

Staff is requesting that the Council approve the four-year agreement with Tucker Construction, Inc. for a total not to exceed amount of \$1,000,000. The City's Fiscal Year 2019/20 Adopted Operating

Budget does not include funds for homeless encampment cleanups. A budgetary amendment to use \$110,000 of the General Fund Budget Stabilization Reserve is recommended to cover the costs of the Laurelwood Road encampment cleanup.

The recommended budget action addresses the Laurelwood Road encampment cleanup only. Separate budget actions will be brought forward for any additional homeless encampments clean ups as needed.

**Budget Amendment  
FY 2019/20**

	<b>Current</b>	<b>Increase/ (Decrease)</b>	<b>Revised</b>
<b>General Fund</b>			
<u>Expenditures</u>			
Parkways & Boulevards - Contractual Services	\$315,981	\$110,000	\$425,981
<u>Reserves</u>			
Budget Stabilization Reserve	\$80,030,340	(\$110,000)	\$79,920,340

**COORDINATION**

This report has been coordinated with the City Attorney's Office, Police Department and Finance Department.

**PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email [clerk@santaclaraca.gov](mailto:clerk@santaclaraca.gov) <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

**RECOMMENDATION**

1. Approve the Agreement with Tucker Construction, Inc.;
2. Approve the related budget amendment in the General Fund to increase the Public Works Department's Parkways & Boulevards program by \$110,000 and decrease the Budget Stabilization Reserve by \$110,000; and
3. Authorize the City Manager to approve time extensions and make minor modifications to the agreement, if necessary.

Reviewed by: Craig Mobeck, Director of Public Works

Approved by: Deanna J. Santana, City Manager

**ATTACHMENTS**

1. Agreement