

**ENVIRONMENTAL CREEK CLEANUP COMMITTEE
(formerly Homeless Encampment Committee)**

MINUTES

FRIDAY, APRIL 21, 2023**2:00 PM**

(Paragraph numbers coincide with agenda item numbers)

1. CALL TO ORDER.

A special meeting of the Santa Clara Valley Water District (Valley Water) Environmental Creek Cleanup Committee (Committee) was held on April 21, 2023, in the Headquarters Building Boardroom at the Santa Clara Valley Water District, 5700 Almaden Expressway, San Jose, California and by Zoom teleconference at 2:00 p.m.

1.1 Roll Call.

Committee members in attendance were District 4 Director Jim Beall, and District 3 Director Richard P. Santos, constituting a quorum of the Committee.

District 7 Director Rebecca Eisenberg arrived as noted below.

Staff members in attendance were: Joseph Aranda, Ricardo Barajas, Audrey Beaman, Roseryn Bhudsabourg, Rechelle Blank, Glenna Brambill, Rick Callender, Jennifer Codianne, A. Fulcher, Meenakshi Ganjoo, Jay Lee, Irma Montes, Kathy Nguyen, Carlos Orellana, James Randol, Shanika Richards, Mario Rivas, Don Rocha, Clarissa Sangalang, Ronald Snyder, Ryan Tregoning, Madhu Thummaluru, and Bhavani Yerrapotu.

Public members in attendance: AA, John Amos, Andrew, Caitlin, Deb, Scott Giddens (Seeds of Hope) Susan Glendening, Jeffrey Hare, JK, Deb K, Carin Levine, Lisa, Brian Malicdem, Jamie Marcil, , McAlpine, Gail Anne Osmer, Paul Pereira, Ray Solnik (Seeds of Hope) and Janet Souza.

Guest from City of San Jose: Ragan Henninger and Jim Ortbal.

2. TIME OPEN FOR PUBLIC COMMENT ON ANY ITEM NOT ON THE AGENDA.

Chairperson Santos declared time open for public comment on any item not on the agenda.

Two public comments were received from the following expressing concerns on safety and security in the Blossom Hill/Foxchase neighborhood which they associated with the encampments located near Sanchez Street and Blossom River Road under the I-85

freeway: Carin Levine and Angie Cagle. They added that they would continue to participate in meetings of this Committee until they could find a solution to the safety issues and that their neighborhood had formed a group chat and would share a document that listed incidents with the unhoused. Director Beall stated that he represents the district of the two callers and suggested to contact him at Valley Water.

Jamie Marcil, Beautify San Jose, Community Services Supervisor, informed everyone that she was participating online in this meeting and available to speak, if requested, about their program.

Ray Solnik and Scott Giddens, Seeds of Hope representatives, informed the Committee that they were also from a community of residents, and they had organized to find permanent housing and a sustainable community for their unhoused neighbors with an initial goal to house at least a thousand of their unhoused neighbors following a successful model in Austin, Texas. They added that they had already started working on developing a property with the City of San Jose and offered to follow up with Valley Water offline.

3. APPROVAL OF MINUTES:

3.1. Approval of February 21, 2023 Environmental Creek Cleanup Committee Meeting Minutes.

Recommendation: Approve the minutes.

The Committee considered the attached minutes of the February 21, 2023 Environmental Creek Cleanup Committee meeting as amended. It was moved by Director Beall, seconded by Chairperson Santos, to approve the minutes as amended.

- On the cover page of the agenda packet, Director Eisenberg should be indicated as Vice Chair; and
- On the 02/21/2023 ECCC Minutes, under Adjourn, the date of next meeting should say, April 21, 2023. At the time of publication, the next meeting was April 18, 2023 and had to be rescheduled to April 21, 2023.

4. ACTION ITEMS:

4.1 Receive Updates on Valley Water's Encampment Cleanup Operations.

Recommendation: Receive updates and provide feedback on the following topics:

- A. Encampment cleanup schedule.
- B. Encampment cleanup costs and funding.
- C. Recent encampment cleanups.
- D. Fence repairs update.
- E. Effort to Map Valley Water Lands for Interim Housing.
- F. Comprehensive Services MOA with City of San Jose.
- G. Creek Safety Issues Report.
- H. Update from Sergeant Scott Williams, Special Operations - Street Crimes Unit.

Jennifer Codianne, reviewed the information on this item, per the attached Committee agenda memo, and per the information contained in Attachment 1; and added that the City of San Jose would follow with another presentation.

During the presentation, the Committee received and requested the following without taking formal action:

- On Slide 6 of Attachment 1, before- and after-cleanup images at Upper Penitencia Creek from Capitol Expressway to Jackson Avenue, staff stated that upkeep after cleanup was site-specific, as some individuals accumulate more than others, and some form groups that would keep the area tidy, and added that routine cleanups by Valley Water were supplemented with weekly visits from San Jose's Cash for Trash program wherein filled up trash bags would be picked up for \$5/bag allowing an unhoused to earn \$25/week.

Director Eisenberg arrived.

- Ragan Henninger, City of San Jose Housing Department Deputy Director, stated that during evacuation for winter flood events, the city had worked with Valley Water in deciding areas that people could or could not camp.
- With regard to Clean Camps, Clean Creeks Program for FY 24, staff would visit and educate on campsites about cleaning around them and would issue gift cards for keeping surroundings tidy; and this program would be an addition to the city's Cash for Trash Program.
- With regard to storage on encampment sites, the City of San Jose was developing a Safe Storage Site program with Caltrans for FY 24. City staff would come back in six months to present on the design schedule. Dir. Beall stated that Caltrans properties under their bridges were for lease at \$1 and that storage in encampments would be brought up in an upcoming Valley Water budget discussion.
- With regard to bins at encampment sites, staff from both agencies stated that bags and larger dumpsters on encampments with wide areas were currently being used instead of bins because encampments were spread out at about 2,300 areas; entrenched on deep banks and could not be reached by pickup trucks; and past experience had shown trash bins had been used illegally more for construction materials and items thrown away by the neighborhood than was used by the unhoused.
- With regard to fence repairs, staff mentioned that this was one of the most reported issues by adjacent homeowners usually by a request to secure fences between their properties and Valley Water; that fence repair was part of Valley Water's Good Neighbor Program; and that there were safety and security reasons for these fences related to steep slopes and public safety during storm events as well as having the side benefit of protecting wildlife in the area by not allowing street access and instead securing the riparian corridor.
- With regard to the Comprehensive Services MOA with City of San Jose, Phase 1 construction from Old Oakland road to Hwy 101 was on track to start June 5 with an eighteen-month duration and staff would report on progress of this project to the Capital Improvement Program Committee.

- With regard to Valley Water programs with the San Jose Police Department, staff mentioned two programs funded by Valley Water—the Stream Stewardship Law Enforcement program and the Coyote Creek and Guadalupe River Trail Patrol program; and provided the most recent statistics on arrests, citations, and warrants.
- With regard to city trails, staff mentioned that Valley Water had participated with every city in the county on the establishment of trails and that some trails were also utilized for creek maintenance access by Valley Water staff.
- With regard to portable toilet facilities, EPA grant funding expected for the coming fiscal year would allow use of funds for these facilities as an improvement in water quality. City of San Jose provided a letter of support in the grant application. A recent Independent Review Team meeting with regulatory agencies and USACE happened and portable toilet facilities was included in the discussion. A portion of this grant funding was also intended for bank rehabilitation and restoration of an unhouse excavated cave system at Coyote Creek.
- With regard to mitigation credits for permanent impacts, staff mentioned recent success with the Stream Maintenance Program 2.5 permit renewal when permanent impacts mitigation credits were granted by regulatory agencies to rehabilitate unhouse bank excavations. This summer a flood plain on Coyote Creek that was turned into a large bike park area by an unhouse individual was restored.

Director Eisenberg requested that staff consider the following

- 1) Staff would include breakdown between property and violence when presenting statistics on citations, warrants, and arrests;
- 2) Staff would consider research on potential funding from carbon credits on porous trail surfaces as well as its benefits to farming and agriculture.

Director Beall requested that staff submit a report on the Upper Penitencia Creek event.

Director Santos requested that staff come back with information on whether police departments and rangers from cities like Los Gatos, Santa Clara, or Campbell aside from the San Jose Police Department provide trail patrol service as well as any Mutual Aid support.

The Committee requested that staff consider inviting the following at future meetings of this Committee:

- 1) San Jose Police Department regular presence on meetings of this Committee;
- 2) Parks, Recreation and Neighborhood Services of the City of San Jose to talk about the city's master plan on trails including the use of porous materials on trail surfaces; and
- 3) Conservation Corps to learn their activities including apprenticeship program with the building trade unions, and tiny homes project.
- 4) City of San Jose to talk about Santa Clara County's 5-year report on Community Plan to End Homelessness and on the city's Safe Storage Site Program.

Jennifer Codianne introduced Jim Ortbal and Ragan Henninger as next presenters from the City of San Jose on the work being done on emergency interim housing, added that the city

mayor had committed to creating a thousand new housing units, and that Valley Water had been working with the city to explore Valley Water lands.

Jim Ortbal introduced himself as Special Projects Executive for the Manager's Office of the City of San Jose.

Ragan Henninger introduced herself as Deputy Director of the City of San Jose's Housing Department and reviewed Handout 4.1-A.

Director Beall announced that he would be testifying in Sacramento for AB 1469 to include a statement on the District Act that would allow Valley Water to work with the city, county, and state on housing related to the unhoused; suggested that the city support Valley Water on the bill as well as for the city to have a stand on mental health and for the city to maximize state and federal resources from a service standpoint such as 90% federal funding that could be had on foster care services, not only provide housing services; and mentioned that Valley Water would work with the city in identifying available properties.

Jim Ortbal mentioned that the city and the County of Santa Clara had developed the Community Plan to End Homelessness, a 2020-2025 5-year Plan, that had many agency partners and received endorsements from cities in the county; and that there is a portion on the plan devoted to mental health. He inquired if Valley Water had taken a position on this plan; and offered to make a presentation on this plan at a future Committee meeting.

Ray Solnik noted a disclaimer that Seeds of Hope had bias against permanent housing, and that Seeds of Hope were funded by its founders and Board members; and suggested if the number of encampments could be reported regularly at this meeting. City staff responded that in 2020, a massive effort was made by the city to count and identify encampments; that encampments were unique, located in tucked away places, and away from visible areas; and that the city's Housing Department and Beautify San Jose program were developing an Encampment Management System, a database on individuals which was preferred over tents, structure, and debris because people constantly move.

Gail Anne Osmer, an unhoused advocate, expressed concern about an individual who was found deceased in the Upper Penitencia Creek; the abatement at Chard Drive where there were no services offered to displaced people; the Caltrans site that had yet to be serviced since it was mentioned a year ago; the fact that dumpsters were not available anymore at encampments after they were removed due to illegal dumping; and the upcoming Coyote Creek event that could end up in a similar situation as Columbus. Jennifer Codianne clarified that there were no flood gates on Upper Penitencia and that the water that flowed through Jackson Avenue and Mossdale Way came from winter rain and storm water runoff at that time.

Carin Levine inquired about the timeline to finish the fence from Blossom Hill Road to Bass Pro Shop at Sanchez Ave and expressed concern about the unhoused that would not seek treatment. Staff responded work would resume on a phased approach to fencing from Blossom Hill Road and would pass underneath Highway 85. Director Beall mentioned about a new law in California that would establish a Care Court for mental and drug dependents.

The Committee noted and requested information without taking formal action.

4.2 Review 2023 Environmental Creek Cleanup Committee Work Plan.

- Recommendation: A. Review the 2023 Environmental Creek Cleanup Committee Work Plan, and make adjustments as necessary; and
B. Confirm date and time of next Environmental Creek Cleanup Meeting.

Director Beall mentioned that next meeting he would provide an update on the bill, budget, and surplus property for opportunity sites. Jennifer Codianne received instructions to work with Eva Sans on action items.

5. ADJOURN.

Chairperson Santos adjourned the meeting at 4:45 p.m. to the next special meeting on June 23, 2023.

Eva Marie Sans
Assistant Deputy Clerk II

Approved: 06/23/2023