

**TOWN OF LOS GATOS
COUNCIL MEETING AGENDA
MARCH 21, 2023**

**110 EAST MAIN STREET AND TELECONFERENCE
TOWN COUNCIL CHAMBERS
LOS GATOS, CA
7:00 PM**



PARTICIPATION IN THE PUBLIC PROCESS

*Maria Ristow, Mayor
Mary Badame Vice Mayor
Matthew Hudes, Council Member
Rob Moore, Council Member
Rob Rennie, Council Member*

How to participate: The Town of Los Gatos strongly encourages your active participation in the public process, which is the cornerstone of democracy. If you wish to speak to an item on the agenda, please follow the participation instructions on page 2 of this agenda. If you wish to speak to an item NOT on the agenda, you may do so during the “Verbal Communications” period, by following the participation instructions on page 2 of this agenda. The time allocated to speakers may change to better facilitate the Town Council meeting.

Effective Proceedings: The purpose of the Town Council meeting is to conduct the business of the community in an effective and efficient manner. For the benefit of the community, the Town of Los Gatos asks that you follow the Town’s meeting guidelines while attending Town Council meetings and treat everyone with respect and dignity. This is done by following meeting guidelines set forth in State law and in the Town Code. Disruptive conduct is not tolerated, including but not limited to: addressing the Town Council without first being recognized; interrupting speakers, Town Council or Town staff; continuing to speak after the allotted time has expired; failing to relinquish the podium when directed to do so; and repetitiously addressing the same subject.

Deadlines for Public Comment and Presentations are as follows:

- Persons wishing to make an audio/visual presentation on any agenda item must submit the presentation electronically, either in person or via email, to the Clerk’s Office no later than 3:00 p.m. on the day of the Council meeting.
- Persons wishing to submit written comments to be included in the materials provided to Town Council must provide the comments as follows:
 - For inclusion in the regular packet: by 11:00 a.m. the Thursday before the Council meeting
 - For inclusion in any Addendum: by 11:00 a.m. the Monday before the Council meeting
 - For inclusion in any Desk Item: by 11:00 a.m. on the day of the Council Meeting

Town Council Meetings Broadcast Live on KCAT, Channel 15 (on Comcast) on the 1st and 3rd Tuesdays at 7:00 p.m.

Rebroadcast of Town Council Meetings on the 2nd and 4th Tuesdays at 7:00 p.m.

Live & Archived Council Meetings can be viewed by going to:

www.LosGatosCA.gov/TownYouTube

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THIS MEETING, PLEASE CONTACT THE CLERK DEPARTMENT AT (408) 354-6834. NOTIFICATION 48 HOURS BEFORE THE MEETING WILL ENABLE THE TOWN TO MAKE REASONABLE ARRANGEMENTS TO ENSURE ACCESSIBILITY TO THIS MEETING [28 CFR §35.102-35.104]

**TOWN OF LOS GATOS
COUNCIL MEETING AGENDA
MARCH 21, 2023
110 EAST MAIN STREET AND TELECONFERENCE
TOWN COUNCIL CHAMBERS
7:00 PM**

IMPORTANT NOTICE

This is a hybrid meeting and will be held in-person at the Town Council Chambers at 110 E. Main Street and virtually through the Zoom webinar application (log-in information provided below). Members of the public may provide public comments for agenda items in-person or virtually through the Zoom webinar by following the instructions listed below. The live stream of the meeting may be viewed on television and/or online at www.LosGatosCA.gov/TownYouTube.

PARTICIPATION

To provide oral comments in real-time during the meeting:

- **Zoom webinar:** Join from a PC, Mac, iPad, iPhone or Android device: Please click this URL to join: <https://losgatosca.gov.zoom.us/j/81130870079?pwd=N01VUHlxUitGNTFDd3lsa1FDSWJwQT09>
Passcode: 146400 You can also type in 811 3087 0079 in the “Join a Meeting” page on the Zoom website at <https://zoom.us/join>.
 - When the Mayor announces the item for which you wish to speak, click the “raise hand” feature in Zoom. If you are participating by phone on the Zoom app, press *9 on your telephone keypad to raise your hand.
- **Join by telephone:** Join by Telephone: Dial: USA 877 336 1839 US Toll-free or 636 651 0008 US Toll. Conference code: 686100
 - If you are participating by calling in, press #2 on your telephone keypad to raise your hand.
- **In-Person:** If you wish to speak during the meeting, please complete a “speaker’s card” located on the back of the chamber benches and return it to the Town Clerk. If you wish to speak to an item on the agenda, please list the item number. If you wish to speak on an item NOT on the agenda, please list the subject and you may speak during the “Verbal Communications” period. The time allocated to speakers may change to better facilitate the Town Council meeting.

When called to speak, you may be asked to provide your full name and your town/city of residence. This identifying information is optional and not a requirement for participation. Please limit your comments to three (3) minutes, or such other time as the Mayor may decide, consistent with the time limit for speakers at a Council meeting. If you wish to speak to an item or items on the Consent Calendar, please state which item number(s) you are commenting on at the beginning of your time.

If you are unable to participate in real-time, you may email to Clerk@losgatosca.gov the subject line “Public Comment Item #__” (insert the item number relevant to your comment) or “Verbal

Communications – Non-Agenda Item.” Comments received by 11:00 a.m. the day of the meeting will be reviewed and distributed before the meeting. All comments received will become part of the record.

RULES OF DECORUM AND CIVILITY

To conduct the business of the community in an effective and efficient manner, please follow the meeting guidelines set forth in the Town Code and State law.

The Town does not tolerate disruptive conduct, which includes but is not limited to:

- Addressing the Town Council without first being recognized;
- Interrupting speakers, Council, or Town staff;
- Continuing to speak after the allotted time has expired;
- Failing to relinquish the microphone when directed to do so;
- Repetitiously addressing the same subject.

Town Policy does not allow speakers to cede their commenting time to another speaker. Disruption of the meeting may result in a violation of Penal Code Section 403.

MEETING CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

PRESENTATIONS

- i. Recognize Red Cross Month
- ii. Recognize the Senior Services Committee Members

CLOSED SESSION REPORT

COUNCIL / MANAGER MATTERS

CONSENT ITEMS *(Items appearing on the Consent Items are considered routine Town business and may be approved by one motion. Any member of the Council may request to have an item removed from the Consent Items for comment and action. Members of the public may provide input on any or multiple Consent Item(s) when the Mayor asks for public comments on the Consent Items. If you wish to comment, please follow the Participation Instructions contained on Page 2 of this agenda. If an item is removed, the Mayor has the sole discretion to determine when the item will be heard.)*

- [1.](#) Approve Closed Session Meeting Minutes of March 6, 2023.
- [2.](#) Approve Closed Session Meeting Minutes of March 7, 2023.
- [3.](#) Approve Council Meeting Minutes of March 7, 2023.
- [4.](#) Appoint Vice Mayor Mary Badame as the Council Liaison to the Community Health and Senior Services Commission.
- [5.](#) Receive the Monthly Financial and Investment Report (January 2023).
- [6.](#) Accept the Annual Progress Report for General Plan and Housing Element Implementation.

- [7.](#) Receive the Independent Accountants' Report on Agreed-Upon Procedures on Measure G Revenues and Expenditures for the Period July 1, 2021 to June 30, 2022.
- [8.](#) Authorize the Town Manager to Execute a Third Amendment to the Consultant Services Agreement with Dixon Resources Unlimited (Dixon) for the Comprehensive Downtown Parking Study (813-0242) to Extend the Contract term, Add to the Scope of Services, and Additional Compensation.
- [9.](#) Approve Partial Rent Relief for Los Gatos-Saratoga Recreation and the New Museums of Los Gatos (NUMU) for Fiscal Year (FY) 2023/24, Using Available American Rescue Plan Act (ARPA) Dollars.

VERBAL COMMUNICATIONS *(Members of the public are welcome to address the Town Council on any matter that is not listed on the agenda. To ensure all agenda items are heard and unless additional time is authorized by the Mayor, this portion of the agenda is limited to 30 minutes and no more than three (3) minutes per speaker. In the event additional speakers were not able to be heard during the initial Verbal Communications portion of the agenda, an additional Verbal Communications will be opened prior to adjournment.)*

PUBLIC HEARINGS *(Applicants/Appellants and their representatives may be allotted up to a total of five minutes maximum for opening statements. Members of the public may be allotted up to three minutes to comment on any public hearing item. Applicants/Appellants and their representatives may be allotted up to a total of three minutes maximum for closing statements. Items requested/recommended for continuance are subject to Council's consent at the meeting.)*

- [10.](#) Introduce a Proposed Ordinance Amending Section 3.50.015 of the Town Code to Increase Maximum Bingo Award to \$500.
- [11.](#) Fee and Fine Schedules for Fiscal Year 2023/24:
 - a. Adopt a Resolution Approving the Comprehensive Fee Schedule for Fiscal Year 2023/24 to Continue Certain Department Fees, Rates, and Charges, and Amending Certain Fees, Rates, and Charges for Fiscal Year 2023/24.
 - b. Adopt a Resolution Approving the Comprehensive Fine Schedule for Fiscal Year 2023/24 to Continue Certain Department Fines and Amending Certain Fines for Fiscal Year 2023/24.

OTHER BUSINESS *(Up to three minutes may be allotted to each speaker on any of the following items.)*

- [12.](#) Receive a Report on Roadside Fire Fuel Reduction (Vegetation Management) (CIP 812-0130) and Provide Direction on 2023 Work Plan.
- [13.](#) Receive Preliminary Fiscal Year 2023/24 – 2027/28 Five-Year Capital Improvement Program Information and Provide Direction on Project Priorities.

ADJOURNMENT *(Council policy is to adjourn no later than midnight unless a majority of Council votes for an extension of time).*

Writings related to an item on the Town Council meeting agenda distributed to members of the Council within 72 hours of the meeting are available for public inspection at the front desk of the Los Gatos Town Library, located at 100 Villa Avenue, and are also available for review on the official Town of Los Gatos website. Copies of desk items distributed to members of the Council at the meeting are available for review in the Town Council Chambers.

Note: In accordance with Code of Civil Procedure §1094.6; litigation challenging a quasi-adjudicatory decision of the Town Council must be brought within 90 days after the decision is final unless a shorter time is required by State or Federal law.



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 03/21/2023

ITEM NO: 1

**DRAFT
Minutes of the Town Council Special Meeting - Closed Session
March 6, 2023**

The Town Council of the Town of Los Gatos conducted a Special Meeting on Tuesday, March 6, 2023, to hold a Closed Session at 5:00 p.m.

MEETING CALLED TO ORDER AT 5:00 P.M.

ROLL CALL

Present: Mayor Maria Ristow, Vice Mayor Mary Badame, Council Member Matthew Hudes, Council Member Rob Moore, Council Member Rob Rennie.

Absent: None

VERBAL COMMUNICATIONS

Jak Van Nada

- Commented in of support rent relief for NUMU and Los Gatos-Saratoga Recreation.

Tom Picraux

- Commented in support of rent relief for the 55+ Program offered by Los Gatos-Saratoga Recreation and suggested using American Rescue Plan Act funds to pay for a case manager for Seniors.

Ami Davis (NUMU Executive Director)

- Was available to answer questions and thanked the Town Council for its consideration of the request.

THE TOWN COUNCIL MOVED TO CLOSED SESSION ON THE FOLLOWING ITEM:

1. Conference With Real Property Negotiator (Government Code Section 54956.8)
 - a. Property: 208 E Main Street and 123 East Main Street
Negotiating Parties: Town of Los Gatos and Los Gatos-Saratoga Community Education and Recreation
Negotiator: Laurel Prevetti, Town Manager and Nancy Rollett, Los Gatos-Saratoga Executive Director
To Be Negotiated: Terms of purchase, sale, exchange, or lease
 - b. Property: 106 East Main Street Negotiating Parties: Town of Los Gatos
Negotiator: Laurel Prevetti, Town Manager and Ami Davis, NUMU Executive Director
Negotiations: Terms of purchase, sale, exchange, or lease

PAGE 2 OF 2

SUBJECT: Draft Minutes of the Town Council Special Meeting of March 6, 2023

DATE: March 8, 2023

The Town Council reconvened in open session and Gabrielle Whelan, Town Attorney, stated the Town Council discussed item one and there was no reportable action.

ADJOURNMENT

Closed Session adjourned at 6:35 p.m.

Attest:

Submitted by:

Jenna De Long, Deputy Clerk

Laurel Prevetti, Town Manager



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 03/21/2023

ITEM NO: 2

**DRAFT
Minutes of the Town Council Special Meeting - Closed Session
March 7, 2023**

The Town Council of the Town of Los Gatos conducted a Special Meeting on Tuesday, March 7, 2023, to hold a Closed Session at 6:00 p.m.

MEETING CALLED TO ORDER AT 6:00 P.M.

ROLL CALL

Present: Mayor Maria Ristow, Vice Mayor Mary Badame, Council Member Matthew Hudes, Council Member Rob Moore, Council Member Rob Rennie.

Absent: None

VERBAL COMMUNICATIONS

ABC

- Commented that the American Civil Liberties Union letter was one-sided and did not consider the expectation of a Planning Commissioner to be unbiased and not have conflicts of interest.

THE TOWN COUNCIL MOVED TO CLOSED SESSION ON THE FOLLOWING ITEM:

1. Conference with Legal Counsel - Existing Litigation (Subdivision (a) of Government Code Section 54956.9)
Name of case: Town of Los Gatos v. County of Santa Clara et al, Case No. 22CV395530
2. Conference with Legal Counsel – Anticipated Litigation
Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2): One case (Facts and circumstances: Letter from ACLU regarding Planning Commissioner censure)

The Town Council reconvened in open session and Gabrielle Whelan, Town Attorney, stated the Town Council discussed items one and two and there was no reportable action.

ADJOURNMENT

Closed Session adjourned at 6:52 p.m.

Attest:

Submitted by:

Jenna De Long, Deputy Clerk

Laurel Prevetti, Town Manager



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 03/21/2023

ITEM NO: 3

**DRAFT
Minutes of the Town Council Meeting
March 7, 2023**

The Town Council of the Town of Los Gatos conducted a regular meeting in-person and utilizing teleconferencing means on Tuesday, March 7, 2023, at 7:00 p.m.

MEETING CALLED TO ORDER AT 7:00 P.M.

ROLL CALL

Present: Mayor Maria Ristow, Vice Mayor Mary Badame, Council Member Matthew Hudes, Council Member Rob Moore, Council Member Rob Rennie.

Absent: None

PLEDGE OF ALLEGIANCE

The Stratford School Student Council led the Pledge of Allegiance. The audience was invited to participate.

CLOSED SESSION REPORT

Gabrielle Whelan, Town Attorney, stated the Town Council met in Closed Session and to discuss the Shannon Road litigation and a letter received from the American Civil Liberties Union and there was no reportable action.

COUNCIL/TOWN MANAGER REPORTS

Council Matters

- Council Member Rennie stated he attended the Silicon Valley Clean Energy Authority Risk Oversight Committee and Executive Committee meetings, the Valley Transportation Authority Board meeting, and Board workshop.
- Council Member Hudes stated he attended the Senior Services Road Map Sub-Committee meeting, the Diversity Equity and Inclusion (DEI) training, the Senior Service Committee (SSC) meeting, and the Council Policy Committee meeting; observed the Community Health and Senior Services Commission (CHSSC) meeting; and attended the Santa Clara County Emergency Operational Area Council meeting, the Bay Area Housing Finance Authority public workshop, a meeting called "Planning for Life Sciences Development in the Bay Area Communities," and the Los Gatos-Monte Sereno Police Foundation Officer's Ball.
- Vice Mayor Badame stated she attended the DEI training, the Council Policy Committee as an observer, and the Democracy Tent as guest speaker; and corresponded with several constituents regarding Town matters.
- Council Member Moore commented on Women's History Month, his monthly newsletter, and community coffee opportunities; met with a Girl Scout Troop; met with Santa Clara County Fire Chief Suwanna Kerdkaew; attended the Veterans Memorial Support and

Council Matters – continued

- Foundation Board meeting; met with Mark Turner, Mayor of Morgan Hill; and attended the Council Policy Committee meeting and the DEI training.
- Mayor Ristow stated she attended the West Valley Mayors and Managers meeting, the Santa Clara County Mayors meeting, the Mayors and Managers luncheon at Stanford, the Bay Area Housing Authority Financial workshop, the DEI training, the SSC meeting, the CHSSC meeting as an observer, met with representatives of Harmonie Park, Grosvenor and Eden Housing regarding Phase II of the North 40; attended the Los Gatos-Monte Sereno Police Foundation Officer's Ball; met with several community members on various topics; and was interviewed by KCAT Producers Network Senior Moments.

Manager Matters

- Announced the Housing Element Advisory Board will meet on Thursday, March 16 to review the revised draft of the Housing Element.
- Announced the Library will be holding a discussion on climate change with an equity lense on Wednesday, March 8, and a discussion on factory farming on March 20.
- Announced the Town Manager's Office will bring forward the draft DEI plan to all Boards, Commissions and Committees to receive input.

CONSENT ITEMS (TO BE ACTED UPON BY A SINGLE MOTION)

1. Approve Draft Minutes of the February 21, 2023 Town Council Meeting.
2. Approve the Draft Minutes of the February 23, 2023 Town Council Joint meeting of the Arts and Culture Commission, the Building Board of Appeals, the Community Health And Senior Services Commission, the Complete Streets and Transportation Commission, the Finance Commission, the General Plan Committee, the Historic Preservation Committee, the Housing Element Advisory Board, the Library Board, Parks Commission, the Personnel Board, the Planning Commission, the Senior Services Committee, and the Youth Commission.
3. Approve the Proposed Shannon Road Litigation Settlement and Release Agreements with the County of Santa Clara, Graniterock Construction, and Uretek; and Approve Revenue and Expenditure Budget Adjustments in the Amount of \$1,565,000 to Recognize the Settlement Proceeds and Authorize Spending for the Shannon Road Repair Capital Project (411-811-008).
4. Adopt a Resolution Proclaiming the Termination of the Local Emergency Caused by the COVID-19 Pandemic. **RESOLUTION 2023-011**
5. Designate the Town's Agents by Title to Obtain Federal and/or State Financial Assistance Through the California Governor's Office of Emergency Services (Cal OES).

Consent Items – continued

6. Annual Street Repair and Resurfacing Project (CIP No. 811-9901):
 - a. Approve the Plans and Specifications;
 - b. Authorize Advertising the Project for Bid;
 - c. Authorize an Expenditure Budget Transfer in an Amount of \$158,590 from Available Funds in CIP #813-0239;
 - d. Authorize a Revenue and Expenditure Budget Adjustment in the Amount of \$143,713 to Recognize Receiving and Expending Funds from San José Water Company; and
 - e. Authorize a Revenue and Expenditure Budget Adjustment in the Amount of \$55,545 to Recognize Receiving and Expending Funds from West Valley Sanitation District.

Opened public comment.

No one spoke.

Closed public comment.

MOTION: Motion by Vice Mayor Badame to approve items 1-6. Seconded by Council Member Moore.

VOTE: Motion passed unanimously.

VERBAL COMMUNICATIONS

Ali Miano, Los Gatos Ani-Racism Coalition

- Commented on a letter submitted by Planning Commissioner Kylie Clark and provided supportive remarks.

Jeff Suzuki, Los Gatos Ani-Racism Coalition

- Commented on the censure of Planning Commissioner Clark and requested Council reconsider their decision.

Joanne Rodgers

- Commented on concerns with Planning Commissioner Clark and requested Council Member Moore recuse himself on any matter that involving Commissioner Clark.

Lee Fagot

- Commented on new Below Market Rate (BMR) rental units in Los Gatos for the “missing middle.”

PUBLIC HEARINGS

7. Introduce an Ordinance of the Town Council of the Town of Los Gatos, by Title Only, Amending Planned Development Ordinance 2172 Relative to the Maximum Residence Size Allowed on Lot 14 and the Maximum Average Residence Size Allowed in the Shannon Valley Ranch Subdivision and Repealing Ordinance 2172 for the Shannon Valley Ranch Subdivision at Shannon and Hicks Roads (Shannon Oaks and Mountain Laurel Lanes) on Property Zoned HR-5:PD. APN: 567-24-023. This Request for Modification of a Planned Development Ordinance is not Considered a Project Under the California Environmental Quality Act. Planned Development Ordinance Application PD-22-001. Location: 300 Mountain Laurel Lane. PROPERTY OWNER: Bright Smile Dental Office Defined Benefit Plan. APPLICANT: Kunling Wu, Trustee.

Sean Mullin, Senior Planner, presented the staff report.

Mayor Ristow, Council Member Hudes, and Council Member Moore disclosed they visited the site.

The applicant's representative provided opening comments.

Opened public comment.

Chad Seiler, Shannon Valley Ranch Homeowners Association

- Commented on safety and aesthetic concerns and posed questions for the development team.

Closed public comment.

The applicant provided closing comments.

Council discussed the matter.

MOTION: Motion by Council Member Rennie to introduce an Ordinance of the Town Council of the Town of Los Gatos by title only, amending Planned Development Ordinance 2172 relative to the maximum residence size allowed on Lot 14 and the maximum average residence size allowed in the Shannon Valley Ranch subdivision and repealing Ordinance 2172 for the Shannon Valley Ranch subdivision at Shannon and Hicks Roads. **Seconded** by Vice Mayor Badame.

VOTE: Motion passed unanimously.

8. Discuss and Provide Direction on Possible Modifications to Regulations Adopted in Response to Senate Bill 9 for Urban Lot Split and Two-Unit Housing Development Applications. Location: Town-wide. Applicant: Town of Los Gatos.

Other Business Item #8 – continued

Gabrielle Whelan, Town Attorney, presented the staff report.

Opened public comment.

No one spoke.

Closed public comment.

Council discussed the matter.

MOTION: Motion by Council Member Moore to direct staff to wait for further guidance from the State on SB9 regarding High Fire Hazard Severity Zone. **Seconded by Mayor Ristow.**

Council discussed the item. **Mayor Ristow withdrew her second. Council Member Moore amended the motion to:** direct staff to monitor HCD direction on SB9 and return to Council within the next year with an update on the Very High Fire Hazard Severity Zone portion of SB9. **Seconded: Council Member Rennie.**

VOTE: Motion 3-2, Vice Mayor Badame and Council Member Hudes voted no.

Recess 8:29 p.m.

Reconvene 8:40 p.m.

OTHER BUSINESS

9. Discuss and Provide Direction on the Senior Roadmap, Including:
 - a. Identify Specific “Core Senior Services” to be Provided by Los Gatos-Saratoga Recreation with the Funding of \$225,000 for Fiscal Year (FY) 2023/24;
 - b. Focus Community Efforts Towards Establishing a Potential 501c(3) for Fundraising for Ongoing Senior Services Expenditures and/or a Future Renovation/Rebuild of the Adult Recreation Center;
 - c. Refer the Transportation Year One Action Items to the Complete Streets and Transportation Commission for Consideration and Addition to its Work Plan for 2023;
 - d. Defer the Housing Year One Action Items for Future Council Discussion and Direction After the Certification of the Housing Element;
 - e. Recognize the Recent Accomplishments of the Community Health and Senior Services Commission (CHSSC), Discuss the Capacity of CHSSC, and Identify Specific Year One Priorities from the Roadmap for the CHSSC 2023 Work Plan;
 - f. Determine Other Specific One Year Action Items from the Roadmap; and
 - g. Thank the Senior Services Committee (SSC) Members for Their Service to the Town, Encourage the Members to Stay Engaged with Roadmap Implementation as Active Community Members with the CHSSC, and Sunset the SSC.

Other Business Item #9 – continued

Laurel Prevetti, Town Manager, presented the staff report.

Opened public comment.

Jeffrey Blum, Community Health and Senior Services Commission (CHSSC) Chair

- Commented in support of sunseting the Senior Services Committee; stated the CHSSC is prepared to implement the roadmap; requested the ability for non-residents to serve on CHSSC subcommittees; and requested Council consider expanding the CHSSC.

Elenor Yick, CHSSC Member

- Commented on the recent allocation of funds to support Los Gatos Saratoga Recreation (LGS Rec), and requested Council consider allocating additional funds to the LGS Rec 55+ program and compile a list of available of senior housing.

Dick Konrad, CHSSC Member

- Commented on the CHSSC accomplishments report submitted last year and believes it is possible for LGS Recreation to continue the 55+ program at the same level using their own initiatives.

Tom Picraux

- Requested Council consider adding Los Gatos Commons Community Gardens project as a core service under the roadmap and commented on the partnership between CHSSC and LGS Recreation 55+ program.

Lisanne Kennedy, Los Gatos-Saratoga Recreation

- Commented on the programs offered by Los Gatos-Saratoga Recreation, the levels of service provided, and a case manager role.

Ali Miano, Complete Streets and Transportation Member

- Thanked the Senior Service Committee for their work and hope to work with them in the future.

Closed public comment.

Council discussed the matter.

Other Business Item #9 – continued

MOTION: Motion by **Council Member Hudes** to direct the Community Health and Senior Services Commission to meet with Los Gatos-Saratoga Recreation to review their proposal and the actual activities schedule that can be found in print and the list of services in Exhibit F of the 2009 lease agreement, and make recommendations to the Council for services not to exceed \$225,000 over 12 months with the goal of continuing services at the current level. **Seconded by Mayor Ristow.**

VOTE: Motion passed unanimously.

MOTION: Motion by **Vice Mayor Badame** to focus community efforts towards establishing a potential 501c(3) for fundraising for ongoing senior services expenditures and/or a future renovation/rebuild of the Adult Recreation Center and that the 501c(3) remain legally, financially, and administratively separate from the Town. **Seconded by Council Member Hudes.**

VOTE: Motion passed unanimously.

MOTION: Motion by **Mayor Ristow** to refer the transportation year-one action items to the Complete Streets and Transportation Commission (CSTC) and direct the CSTC to return to the Council on April 18, 2023 for a discussion of what is in their bandwidth. **Seconded by Council Member Hudes.**

VOTE: Motion passed unanimously.

MOTION: Motion by **Council Member Hudes** to defer the housing year-one action items for future Council discussion and direction after the certification of the Housing Element and to prioritize the creation of a senior housing inventory immediately or soon after the certification. **Seconded by Council Member Moore.**

VOTE: Motion passed unanimously.

MOTION: Motion by **Vice Mayor Badame** to recognize the recent accomplishments of the Community Health and Senior Services (CHSSC), identify year-one priorities from the Roadmap for the CHSSC workplan which encompass all the priorities set forth by the Senior Services Roadmap gameplan as listed in Attachment 6 of the staff report with the ability to make changes. **AMENDMENT:** add one Council liaison to the CHSSC and direct the Town Attorney to explore options to create subcommittees that have non-resident members. **Seconded by Council Member Hudes.**

VOTE: Motion passed unanimously.

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SUBJECT: DRAFT Minutes of the Town Council Meeting of March 7, 2023

DATE: March 8, 2023

Other Business Item #9 – continued

MOTION: Motion by **Council Member Hudes** to include a community garden in the year-one action items with coordination between the Roadmap and the Parks Commission to help move it forward. **Seconded by Mayor Ristow.**

VOTE: Motion passed unanimously.

MOTION: Motion by **Council Member Hudes** to thank the Senior Services Committee, encourage the members to stay engaged, and sunset the Senior Services Committee. **Seconded by Council Member Moore.**

VOTE: Motion passed unanimously.

ADJOURNMENT

The meeting adjourned at 10:44 p.m.

Respectfully Submitted:

Jenna De Long, Deputy Clerk



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 03/21/2023

ITEM NO: 4

DATE: March 15, 2023
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Appoint Vice Mayor Mary Badame as the Council Liaison to the Community Health and Senior Services Commission

RECOMMENDATION:

Appoint Vice Mayor Mary Badame as the Council liaison to the Community Health and Senior Services Commission.

BACKGROUND:

At its regular meeting on February 7, 2023, the Town Council received a report on the Senior Service Committee Roadmap which included an overview of the strategic plan to address the needs of the older adult community in Los Gatos. The Roadmap also included suggestions for engaging other Town Boards, Commissions, and Committees to meet the goals set forth in the Roadmap. The Council endorsed the Roadmap at the same meeting.

At its regular meeting on March 7, 2023, the Town Council identified year-one workplan priorities of the Community Health and Senior Services Commission to continue to implement the Roadmap. At the same meeting, the Town Council unanimously voted to add one Council Member as a liaison to the Community Health and Senior Services Commission.

CONCLUSION:

Consistent with other appointments, the Mayor recommends appointing Vice Mayor Badame as the Council liaison to the Community Health and Senior Services Commission. The involvement of a Council Member on the Commission is intended to be temporary to assist with launching the implementation of the Senior Roadmap.

PREPARED BY: Jenna De Long
Deputy Clerk

Reviewed by: Town Manager and Town Attorney

PAGE 2 OF 2

SUBJECT: Appoint Vice Mayor Mary Badame as the Council Liaison to the Community
Health and Senior Services Commission

DATE: March 15, 2023

FISCAL IMPACT:

There is no anticipated fiscal impact associated with this recommendation.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 03/21/2023

ITEM NO: 5

DATE: March 14, 2023
TO: Mayor Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Receive the Monthly Financial and Investment Report (January 2023).

RECOMMENDATION:

Receive the Monthly Financial and Investment Report (January 2023).

DISCUSSION:

California Government Code Section 41004 requires that the Town Treasurer submits to the Town Clerk and the legislative body a written report and accounting of all receipts, disbursement, and fund balances. The Finance Director assumes the Town Treasurer role. Attachment 1 contains the January 2023 Monthly Financial and Investment Report which fulfills this requirement.

The Finance Commission received this report on March 13, 2023.

Attachment 1 contains a Fund Balance Schedule, representing estimated funding available for all funds at the end of the January 2023. The fund balances are estimated at the point in time and will be finalized at the final close of the fiscal year.

Please note that the amount in the Fund Schedule differs from the Portfolio Allocation and Treasurer's Cash Fund Balances Summary schedule because assets and liabilities are components of the fund balance. As illustrated in the summary below, Total Cash is adjusted by the addition of Total Assets less the amount of Total Liabilities to arrive at the Ending Fund Balance – which represents the actual amount of funds available.

As of January 31, 2023, the Town's financial position (Assets \$79.6M, Liabilities \$26.8M and Fund Equity \$52.8M) remains strong and there are no issues meeting financial obligation in the near future.

PREPARED BY: Gitta Ungvari
Finance Director

Reviewed by: Town Manager and Town Attorney

DATE: March 14, 2023

DISCUSSION (continued):

Reconciling Cash to Fund Balance		
Total Cash	\$	68,295,974
Plus: Asset	\$	11,344,594
Less: Liabilities	\$	(26,838,352)
Ending Fund Balance	\$	52,802,217

As of January 31, 2022, the Town's weighted portfolio yield for investments under management was 2.45% which exceeded by 2 basis points the Local Agency Investment Fund (LAIF) yield of 2.43% for the same reporting period. Currently the LAIF portfolio's weighted average maturity (WAM) is 287 days versus the Town's longer WAM of 443 days. This slightly longer maturity allows the Town to pick up higher yields available on the later maturities. The Town's weighted average rate of return on investments under management of 2.45% at the close of January was 17 basis points higher when compared to the prior months return of 2.28% reported as of December 31, 2022.

Since September 30, 2022, LAIF yields had climbed from 151 basis points (1.51%) to 228 basis points (2.28%) through the end of January 2023. Staff in coordination with the Town's investment advisor continued primarily replacing maturing investments with shorter to medium term maturities in the two- to three-year maturity range. These investments capture current yields that exceed the rates expected to be earned in the LAIF pool during that same time period. The State LAIF pool typically lags the market when current market yields are either increasing or decreasing.

Regarding the state of the interest rate environment as of January 2023, the Consumer Price Index (CPI) fell into deflation on a month-on-month basis for the first time since July 2022. The unemployment rate fell to 3.5% from 3.6% in December and annual wage growth was lower than anticipated at 4.6%. With these January trends the yield curve inverted further with short term interest rates rising or remaining unchanged and longer term rates were falling in January.

The Town's investments are in compliance with the Town's Investment Policy dated February 21, 2023 and also in compliance with the requirements of Section 53600 at seq. of the California State Code. Based on the information available, the Town has sufficient funds to meet the cash demands for the next six months.

CONCLUSION:

Receive the Monthly Financial and Investment Report (January 2023).

PAGE 3 OF 3

SUBJECT: Monthly Financial and Investment Report (January 2023) for Fiscal Year
2022/23

DATE: March 14, 2023

Attachment:

1. Financial and Investment Report (January 2023)

**Town of Los Gatos
Summary Investment Information
January 31, 2023**

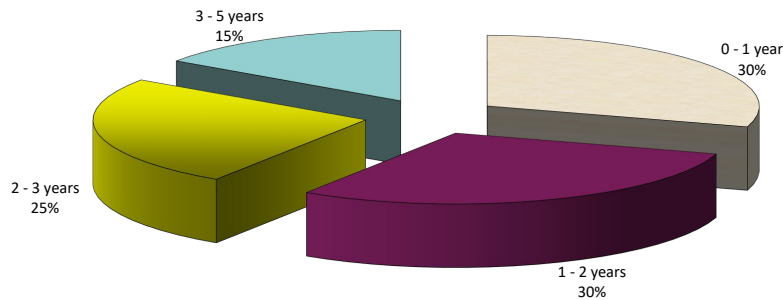
Weighted Average YTM Portfolio Yield on Investments under Management **2.45%** **Weighted Average Maturity (days)** **443**

	<u>This Month</u>	<u>Last Month</u>	<u>One year ago</u>
Portfolio Allocation & Treasurer's Cash Balances	\$68,295,974	\$64,463,675	\$71,031,906
Managed Investments	\$46,956,106		
Local Agency Investment Fund	\$6,978,204		
<u>Reconciled Demand Deposit Balances</u>	<u>\$14,361,664</u>		
Portfolio Allocation & Treasurer's Cash Balances	\$68,295,974		

Benchmarks/ References:

Town's Average Yield	2.45%	2.28%	1.17%
LAIF Yield for month	2.43%	2.17%	0.23%
3 mo. Treasury	4.69%	4.41%	0.19%
6 mo. Treasury	4.86%	4.77%	0.47%
2 yr. Treasury	4.21%	4.43%	1.18%
5 yr. Treasury (most recent)	3.62%	4.01%	1.61%
10 Yr. Treasury	3.51%	3.88%	1.78%

Portfolio Maturity Profile



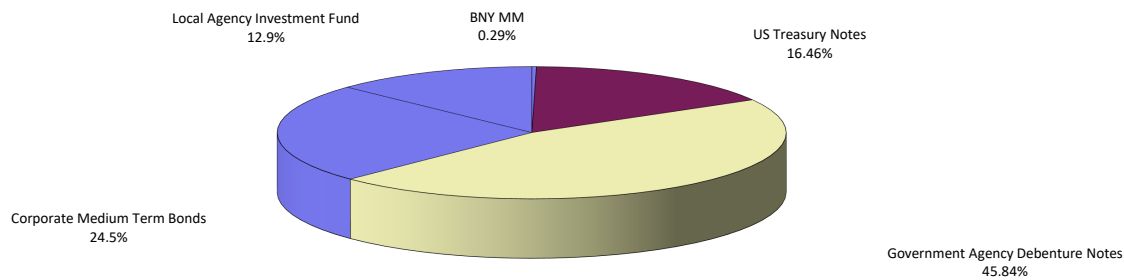
Compliance: The Town's investments are in compliance with the Town's investment policy dated February 21, 2023 and also in compliance with the requirements of Section 53600 at seq. of the California State Code. Based on the information available, the Town has sufficient funds to meet the cash demands for the next six months.

Town of Los Gatos
Portfolio Allocation & Treasurer's Cash Balances
January 31, 2023

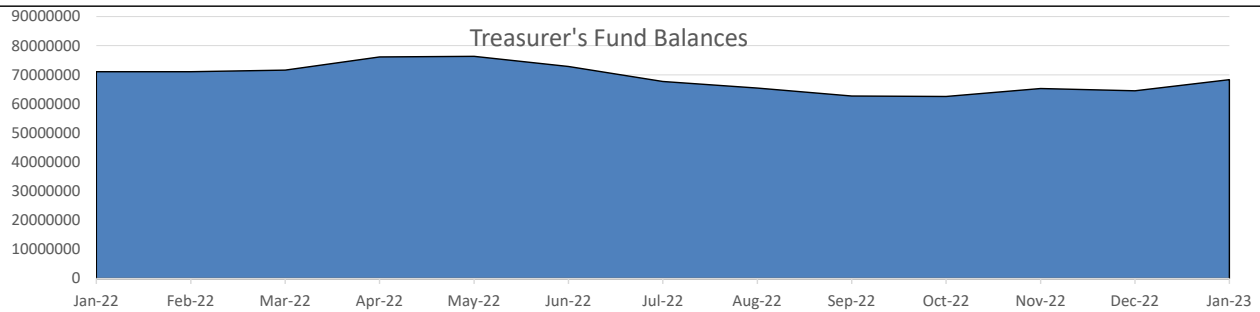
	<u>Month</u>	<u>YTD</u>
Cash & Investment Balances - Beginning of Month/Period	\$64,463,674.93	\$72,886,942.83
Receipts	7,652,062.21	32,222,331.41
Disbursements	<u>(3,819,763.27)</u>	<u>(36,813,300.37)</u>
Cash & Investment Balances - End of Month/Period	<u>\$68,295,973.87</u>	<u>\$68,295,973.87</u>

<u>Portfolio Allocation:</u>	<u>% of Portfolio</u>	<u>Max. % Or \$ Allowed Per State Law or Policy</u>
BNY MM	\$156,752.16 0.29%	20% of Town Portfolio
US Treasury Notes	\$8,877,414.30 16.46%	No Max. on US Treasuries
Government Agency Debenture Notes	\$24,723,462.60 45.84%	No Max. on Non-Mortgage Backed
Corporate Medium Term Bonds	\$13,198,477.01 24.47%	30% of Town Portfolio
Local Agency Investment Fund	\$6,978,204.02 12.94%	\$75 M per State Law
Subtotal - Investments	<u>53,934,310.09</u> 100.00%	
Reconciled Demand Deposit Balances	<u>14,361,663.78</u>	
Total Portfolio Allocation & Treasurer's Cash Balances	<u>\$68,295,973.87</u>	

Portfolio Investment Allocation



Treasurer's Fund Balances



Town of Los Gatos
Non-Treasury Restricted Fund Balances
January 31, 2023

	Beginning Balance	JAN 23 Deposits Realized Gain/Adj.	JAN 23 Interest/ Earnings	JAN 23 Withdrawals	Ending Balance	
Non-Treasury Funds:						
Cert. of Participation 2002 Series A Reserve Fund	\$ 690,456.83		\$ 2,039.96		\$ 692,496.79	Note 1
Cert. Of Participation 2010 Ser A Lease Pymt Fund	133.18	133,528.95	0.37		133,662.50	Note 1
Cert. of Participation 2002 Lease Payment Fund	2,048.68	119,170.23	6.09		121,225.00	Note 1
Cert. of Participation 2010 Series Reserve Fund	1,291,119.39		4,150.60		1,295,269.99	Note 2
Total Restricted Funds:	<u>\$ 1,983,758.08</u>	<u>\$ 252,699.18</u>	<u>\$ 6,197.02</u>	<u>\$ -</u>	<u>\$ 2,242,654.28</u>	
CEPPT IRS Section 115 Trust	662,322.97	29,873.72			\$ 692,196.69	Just check this with the final quai
Grand Total COP's and CEPPT Trust	<u>\$ 2,646,081.05</u>	<u>\$ 282,572.90</u>	<u>\$ 6,197.02</u>	<u>\$ -</u>	<u>\$ 2,934,850.97</u>	

These accounts are not part of the Treasurer's fund balances reported elsewhere in this report, as they are for separate and distinct entities.

Note 1: The three original funds for the Certificates of Participation 2002 Series A consist of construction funds which will be expended over the next few years, reserve funds which will guarantee the payment of lease payments, and a third fund for the disbursement of lease payments and initial delivery costs.

Note 2: The 2010 COP Funds are all for the Library construction, reserves to guarantee lease payments, and a lease payment fund for the life of the COP issue. The COI fund was closed in September 2010.

Note 3: The CEPPT Section IRS Section 115 Trust was established as an irrevocable trust dedicated to accumulate resources to fund the Town's unfunded liabilities related to pension and other p

**Town of Los Gatos
Statement of Interest Earned
January 31, 2023**

Interest by Month

July 2022	\$60,107.76
August 2022	61,456.65
September 2022	60,153.38
October 2022	68,965.25
November 2022	68,430.71
December 2022	77,485.61
January 2023	80,998.58
February 2023	
March 2023	
April 20203	
May 2023	
June 2023	
	<u><u>\$477,597.94</u></u>

Town of Los Gatos Investment Schedule January 31, 2022

			Deposit		Par	Original	Market	Value	Maturity	Yield to	Interest	Interest	Interest	Days								
Institution	CUSIP #	Security	Coupon	Date	Value	Cost	Value	Above (Under)	Purchased	Date or	Maturity	Received	Earned	Earned	to							
								Cost	Interest	Call Date	or Call	to Date	Prior Yrs.	Current FY	Maturity							
Treasury	91282CAP6	US Treasury Note	0.13%	6/30/2021	1,000,000.00	995,390.63	968,007.81	(27,382.82)		10/15/2023	0.33%	\$	1,615.44	\$	1,920.31	257						
Toyota Motor Credit	89236THA6_1	Corporate Bond	1.35%	04/12/21	500,000.00	510,580.00	490,195.56	(20,384.44)		8/25/2023	0.45%	\$	9,243.75	\$	2,780.30	206						
Toyota Motor Credit	89236THA6	Corporate Bond	1.35%	1/11/2022	1,100,000.00	1,107,315.00	1,078,430.23	(28,884.77)		8/25/2023	0.94%	\$	9,240.00	\$	6,086.14	206						
US Treasury	91282CDD0	US Treasury Note	0.38%	1/13/2020	1,100,000.00	1,090,675.78	1,064,679.68	(25,996.10)		10/31/2023	0.85%	\$	3,281.77	\$	5,485.75	273						
US Treasury	91282CCN9	US Treasury Note	0.13%	1/13/2022	1,200,000.00	1,188,375.00	1,172,812.50	(15,562.50)		7/31/2023	0.75%	\$	1,573.37	\$	5,315.08	181						
FCB	3133EKM1X1	Gov. Agency Debenture	2.23%	8/2/2019	1,000,000.00	1,014,400.00	974,556.74	(39,843.26)		2/23/2024	1.90%	\$	73,775.83	\$	11,277.27	388						
FCB	3133EMBE1	Gov. Agency Debenture	0.30%	10/8/2020	1,600,000.00	1,598,000.00	1,520,338.38	(77,661.62)		3/28/2024	0.34%	\$	9,453.34	\$	3,166.78	422						
FCB	3133EMCQ3	Gov. Agency Debenture	0.28%	10/16/2020	2,000,000.00	1,998,000.00	1,936,059.80	(61,940.20)		10/13/2024	0.31%	\$	11,153.33	\$	3,593.55	621						
Apple	037833DB3	Corporate Bond	2.90%	12/20/2022	1,300,000.00	1,228,591.00	1,233,964.94	5,373.94	10,262.78	6/21/2027	4.19%	\$	(10,262.78)	\$	-	1662						
Home Depot	437076BM3	Corporate Bond	3.00%	8/4/2022	1,000,000.00	992,960.00	962,054.24	(29,905.76)		1/1/2026	3.04%	\$	4,750.00	\$	15,956.00	1060						
Home Depot	912828ZW3	US Treasury Note	0.25%	8/9/2022	350,000.00	322,096.88	320,386.72	(1,710.16)		6/30/2025	3.16%	\$	342.39	\$	-	881						
IBM	459200JY8	Corporate Bond	3.00%	3/25/2021	1,000,000.00	1,071,040.00	976,694.97	(94,345.03)		5/15/2024	0.71%	\$	49,166.67	\$	9,358.41	470						
US Treasury	912828R28	US Treasury Note	1.63%	7/12/2019	500,000.00	497,246.09	496,222.39	(1,023.70)		4/30/2023	1.77%	\$	27,046.54	\$	26,507.80	89						
Freddie Mac	3137EAE5N	Gov. Agency Debenture	2.75%	7/19/2019	2,000,000.00	2,072,358.00	1,984,286.32	(88,071.68)		6/19/2023	1.79%	\$	187,916.67	\$	107,829.55	139						
FCB	3133EN5V8	Gov. Agency Debenture	4.13%	1/17/2023	236,000.00	239,174.20	238,505.18	(669.02)	162.25	1/11/2027	3.76%	\$	(162.25)	\$	-	1441						
Treasury	91282CBT7	US Treasury Note	0.75%	9/30/2022	800,000.00	712,565.18	727,781.25	15,216.07		3/31/2026	4.14%	\$	-	\$	10,437.01	1155						
FCB	3133ENP95	Gov. Agency Debenture	4.25%	9/30/2022	900,000.00	900,939.60	904,519.34	3,579.74		9/30/2025	4.14%	\$	-	\$	12,784.28	973						
US Treasury	91282CDA6	Gov. Agency Debenture	0.25%	1/31/2022	1,100,000.00	1,085,222.44	1,067,730.47	(17,491.97)		9/30/2023	1.07%	\$	1,820.74	\$	4,781.92	242						
US Treasury	91282CAW1	Gov. Agency Debenture	0.25%	7/15/2021	1,200,000.00	1,199,437.50	1,157,859.37	(41,578.13)		11/15/2023	0.27%	\$	4,002.72	\$	3,107.52	288						
American Honda	02665WCZ2	Corporate Bond	2.40%	11/27/2019	1,000,000.00	1,012,410.01	967,350.17	(45,059.84)		6/27/2024	2.12%	\$	72,733.34	\$	55,189.68	513						
JP Morgan Chase	46625HRS1	Gov. Agency Debenture	3.20%	9/23/2022	500,000.00	474,660.00	479,493.41	4,833.41		3/15/2026	4.70%	\$	3,644.44	\$	-	8,294.53	1139					
Homeywell Int'l.	438516BW5	Corporate Bond	2.30%	11/20/2019	1,000,000.00	1,014,660.00	966,340.26	(48,319.74)		7/15/2024	1.64%	\$	62,483.33	\$	51,828.99	531						
Caterpillar Financial Serv	149130Q2V0	Corporate Bond	2.85%	2/23/2021	1,000,000.00	1,077,370.00	977,196.33	(100,173.67)		5/17/2024	0.44%	\$	49,400.00	\$	6,129.72	2,678.64	472					
FNMA	3135G0V75	Gov. Agency Debenture	1.75%	10/17/2019	1,100,000.00	1,105,833.30	1,058,974.76	(46,858.54)		7/2/2024	1.63%	\$	62,081.25	\$	48,706.74	10,609.88	538					
US Bancorp	91159HHV5	Corporate Bond	3.38%	12/24/2019	1,000,000.00	1,049,040.00	985,229.84	(63,810.16)		1/5/2024	2.12%	\$	88,218.75	\$	53,380.13	12,722.23	319					
FHLB	3133834G3	Gov. Agency Debenture	2.13%	3/11/2021	1,400,000.00	1,460,522.00	1,387,431.25	(73,090.75)		6/9/2023	0.19%	\$	51,897.22	\$	3,664.98	1,655.40	129					
FCB	3133EKAQ7	Gov. Agency Debenture	2.08%	10/1/2019	1,000,000.00	1,019,780.00	963,158.40	(56,621.60)		9/10/2024	1.66%	\$	60,031.11	\$	45,130.78	9,870.92	588					
PNC Financial	69349LAM0	Corporate Bond	3.80%	2/7/2022	1,000,000.00	1,033,470.00	995,138.51	(38,331.49)		6/25/2023	1.49%	\$	36,733.33	\$	5,372.34	8,077.30	145					
FHLB	3135G05X7	Gov. Agency Debenture	0.38%	6/10/2022	1,200,000.00	1,102,952.40	1,093,532.24	(9,420.16)		8/25/2025	3.04%	\$	937.50	\$	1,902.68	20,453.79	937					
Treasury	91282ZL7	Gov. Agency Debenture	0.38%	4/12/2022	1,700,000.00	1,583,927.57	1,565,859.38	(18,068.19)		4/30/2025	2.72%	\$	3,504.49	\$	9,611.14	26,156.91	820					
JP Morgan Chase	46625HJT8	Corporate Bond	3.88%	9/23/2019	1,400,000.00	1,485,414.00	1,387,111.17	(98,302.83)		2/1/2024	2.39%	\$	154,913.89	\$	96,022.89	20,420.30	366					
American Honda	02665WDH1	Corporate Bond	1.95%	2/14/2020	600,000.00	603,756.00	594,866.55	(8,889.45)		5/10/2023	1.75%	\$	33,995.00	\$	25,034.14	6,208.00	99					
Treasury	912828V23	US Treasury Note	2.25%	11/29/2021	1,000,000.00	1,032,933.04	977,421.88	(55,511.16)		12/31/2023	0.66%	\$	24,456.52	\$	3,924.44	3,961.29	334					
Treasury	91282CBE0_2	Gov. Agency Debenture	0.13%	10/7/2021	1,000,000.00	994,768.98	957,226.56	(37,542.42)		1/15/2024	0.36%	\$	1,589.67	\$	2,587.41	2,091.32	349					
FHLB	3130ALH98	Gov. Agency Debenture	0.25%	2/26/2021	1,000,000.00	997,610.00	952,791.26	(44,818.74)		2/26/2024	0.33%	\$	3,750.00	\$	4,416.63	1,941.87	391					
FHLB	3130AQF65	Gov. Agency Debenture	1.25%	11/30/2022	1,300,000.00	1,160,559.40	1,182,299.23	21,739.03		12/21/2026	4.15%	\$	947.92	\$	-	8,593.82	1420					
Treasury	912828U57	US Treasury Note	2.13%	7/31/2019	1,000,000.00	1,011,875.00	978,398.44	(33,476.56)		11/30/2023	1.84%	\$	70,833.33	\$	54,014.24	10,904.28	303					
Treasury	912828X70	US Treasury Note	2.20%	12/30/2019	1,000,000.00	1,010,589.29	968,046.88	(42,542.41)		4/30/2024	1.75%	\$	62,703.30	\$	48,922.73	11,520.69	455					
Treasury	91282XT72	US Treasury Note	2.00%	10/31/2019	1,000,000.00	1,015,667.41	966,445.31	(49,222.10)		5/31/2024	1.64%	\$	61,639.34	\$	44,208.50	9,768.58	486					
American Honda	02665WCQ2	Corporate Bond	3.63%	9/14/2021	950,000.00	1,012,871.00	941,328.38	(71,542.62)		10/10/2023	0.41%	\$	36,924.65	\$	3,232.93	2,405.12	252					
FCB	3133EJ3Q0	Gov. Agency Debenture	2.88%	8/28/2019	1,500,000.00	1,587,503.75	1,472,219.85	(115,283.90)		12/21/2023	2.12%	\$	142,911.46	\$	64,945.24	13,465.02	324					
Freddie Mac	3133EKKT2	Gov. Agency Debenture	2.25%	6/24/2019	1,550,000.00	1,573,188.00	1,549,259.80	(23,928.20)		2/8/2023	1.82%	\$	117,606.25	\$	86,008.42	16,780.23	8					
Treasury	91282CBE0	Gov. Agency Debenture	0.13%	9/15/2021	650,000.00	647,615.46	622,197.26	(25,418.20)		1/15/2024	0.28%	\$	1,081.87	\$	1,447.14	1,080.33	349					
FHLB	3130APJH9	Gov. Agency Debenture	0.75%	1/17/2023	1,000,000.00	907,010.00	909,758.56	2,748.56	1,645.83	10/28/2026	4.17%	\$	(1,645.83)	\$	-	1,231.05	1366					
Subtotal					\$	46,736,000.00	\$	46,799,353.91	\$	45,174,160.77	\$	(1,625,193.14)	\$	12,070.86								
BNY MM																						
LAIF		Money Market				156,752.16	156,752.16	0.00				0.00%				1						
		State Investment Pool				6,978,204.02	6,848,334.47	(129,869.55)				2.43%			73,935.99	1						
						\$53,934,310.09	\$52,179,247.40	(\$1,755,062.69)	\$12,070.86				\$	1,587,329.66	\$	962,992.05	\$	363,898.20				
Matured Assets																						
IBM	459200HG9	Corporate Bond		8/8/2019	1,000,000.00	995,010.00				8/1/2022	2.05%	\$	55,885.42	\$	59,141.32	\$	1,790.47					
JP Morgan Chase	46625HJE1	Gov. Agency Debenture		2/11/2020	900,000.00	944,587.00				9/23/2022	1.74%	\$	76,537.50	\$	38,210.60	\$	3,733.22					
Treasury	912828L57	US Treasury Note		7/22/2019	1,200,000.00	1,197,988.40				9/30/2022	2.09%	\$	67,016.39	\$	63,644.66	\$	5,451.87					
Treasury	912828M80	US Treasury Note		7/22/2019	1,000,000.00	1,006,175.23				11/30/2022	1.81%	\$	67,158.47	\$	53,444.10	\$	7,613.55					
BankAmerica Corp	06051GHC6	Corporate Bond		10/9/2020	1,300,000.00	1,366,287.00				12/20/2023	0.66%	\$	85,805.92	\$	31,569.88	\$	10,790.97					
FCB	3133EKFV0	Gov. Agency Debenture	1.88%	7/22/2019	1,000,000.00	999,630.00				1/17/2023	1.89%	\$	65,364.58	\$	55,482.90	\$	10,383.67					
Total Investments "Matured"																				\$	39,763.75	
Total Interest FY 22_23 Matured and Current																					\$	477,597.94
Maturity Profile						Amount																
		I				\$28,889,099.85																
		1-2 years				\$15,420,774.01																
		2-3 years				\$4,901,876.45																
		3-5 years				\$	4,722,559.78															
						\$53,934,310.09																
Market to Cost Position Report																						
						Amortized																
Institution						Cost																
BNY Assets						\$46,799,353.91																
BNY MM						156,752.16																
LAIF						6,978,204.02																
Totals:						\$53,934,310.09																

Fund Schedule

Fund Number	Fund Description	Prior Year Carryforward 7/1/2022	Increase/ (Decrease) July-Dec	January 2023				Estimated Fund Balance 1/31/2023*
				Current Revenue	Current Expenditure	Transfer In	Transfer Out	
111	GENERAL FUND							
	Non-Spendable:		-	-	-	-	-	
	Loans Receivable	159,000						159,000
	Restricted Fund Balances:							
	Pension	690,000						690,000
	Committed Fund Balances:							
	Budget Stabilization	5,991,566						5,991,566
	Catastrphic	5,991,566						5,991,566
	Pension/OPEB	300,000						300,000
	Assigned Fund Balances:							
	Open Space	410,000		-	-	-		410,000
	Sustainability	140,553						140,553
	Capital/Special Projects	11,071,231	(15,498)					11,055,733
	Carryover Encumbrances	33,145	-	-	-	-		33,145
	Compensated Absences	1,519,147	-	-	-	-		1,519,147
	Measure G District Sales Tax	590,581	-	-	-	-		590,581
	Unassigned Fund Balances:							
	Other Unassigned Fund Balance Reserve (Pre YE distribution)	-	(3,854,952)	7,035,805	(3,227,650)	-	-	(46,797)
	General Fund Total	26,896,789	(3,870,450)	7,035,805	(3,227,650)	-	-	26,834,494

Fund Schedule

Fund Number	Fund Description	Prior Year Carryforward 7/1/2022	Increase/ (Decrease) July-Dec	January 2023				Estimated Fund Balance 1/31/2023*
				Current Revenue	Current Expenditure	Transfer In	Transfer Out	
	SPECIAL REVENUE							
211/212	CDBG	166,654	-	-	-	-	-	166,654
222	Urban Runoff (NPDES)	451,558	65,111	29,996	(12,747)	-	-	533,918
231-236	Landscape & Lighting Districts	174,236	(2,314)	21,610	(3,414)	-	-	190,118
241	ARPA	-	3,614,872	-	-	-	-	3,614,872
251	Los Gatos Theatre	19,500	11,588	-	(158)	-	-	30,930
711-714	Library Trusts	555,254	14,943	100	(1,908)	-	-	568,389
	Special Revenue Total	1,367,202	3,704,200	51,706	(18,228)	-	-	5,104,880
	CAPITAL PROJECTS							
411	GFAR - General Fund Appropriated Reserve	14,783,787	1,118,583	89,110	(702,424)	-	-	15,289,056
421	Grant Funded Projects	(948,603)	292,557	-	-	-	-	(656,046)
461-463	Storm Basin Projects	3,218,811	56,960	17,360	-	-	-	3,293,131
471	Traffic Mitigation Projects	405,570	-	-	-	-	-	405,570
472	Utility Undergrounding Projects	3,302,514	60,327	1,176	-	-	-	3,364,017
481	Gas Tax Projects	1,836,068	(884,627)	206,083	(166,068)	-	-	991,456
	Capital Projects Total	22,598,147	643,800	313,729	(868,492)	-	-	22,687,184
	INTERNAL SERVICE FUNDS							
611	Town General Liability	803,292	(578,863)	-	-	-	-	224,429
612	Workers Compensation	1,295,185	(228,481)	7,374	(2,613)	-	-	1,071,465
621	Information Technology	2,990,932	(22,579)	8,714	(16,544)	-	-	2,960,523
631	Vehicle & Equipment Replacement	2,222,395	26,823	-	-	-	-	2,249,218
633	Facility Maintenance	928,481	47,324	4,676	(68,008)	-	-	912,473
	Internal Service Funds Total	8,240,285	(755,776)	20,764	(87,165)	-	-	7,418,108
	Trust/Agency							
942	RDA Successor Agency	(7,607,527)	(1,643,546)	263,652	(255,028)	-	-	(9,242,449)
	Trust/Agency Fund Total	(7,607,527)	(1,643,546)	263,652	(255,028)	-	-	(9,242,449)
	Total Town	51,494,896	(1,921,772)	7,685,656	(4,456,563)	-	-	52,802,217

* Interfund transfers and ARPA funding allocation to be performed as part of the fiscal year end closing entries.

Deposit Accounts of Interest:

111-23541 General Plan Update deposit account balance \$1,318,715

111-23521 BMP Housing deposit account balance \$3,698,538



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 03/21/2023

ITEM NO: 6

DATE: March 16, 2023
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Accept the Annual Progress Report for General Plan and Housing Element Implementation.

RECOMMENDATION:

Accept the Annual Progress Report for General Plan and Housing Element implementation.

BACKGROUND:

Government Code Section 65400 mandates that cities and counties submit an annual report on the status of their General Plan and any progress in its implementation to their legislative bodies. Annual Progress Reports (APRs) must be presented to the local legislative body for its review and acceptance, usually as a consent or discussion item on a regular meeting agenda. After review and acceptance, a copy of the APR is required to be filed with the Governor's Office of Planning and Research (OPR) and the Housing and Community Development Department (HCD).

There is no standardized form or format for the preparation of the General Plan APR. The attached APR meets the statutory requirements of State law and highlights key aspects of the Town's General Plan and Housing Element implementation during the calendar year of 2022 (Attachment 1). Given the State requirements, Exhibit A of Attachment 1 contains a significant amount of data. For enhanced readability, Exhibit A is best reviewed electronically to adjust to the individual reader's needs.

FISCAL IMPACT:

There is no fiscal impact from accepting the APR.

PREPARED BY: Jennifer Armer, AICP
Planning Manager

Reviewed by: Town Manager, Town Attorney, Community Development Director, and Finance Director

PAGE 2 OF 2

SUBJECT: Annual Progress Report for General Plan and Housing Element Implementation

DATE: March 16, 2023

CEQA:

The General Plan Annual Report is not a project under the California Environmental Quality Act (CEQA). It is a type of activity that is Categorical Exempt, Class 6 (Information Collection) based on Section 15306 of the CEQA Guidelines.

Attachment:

1. 2022 General Plan Annual Progress Report, with Exhibit A



**GENERAL PLAN
2022 ANNUAL PROGRESS REPORT**

INTRODUCTION

The Town Council adopted the Town of Los Gatos 2020 General Plan on September 20, 2010, after an extensive two-year community process to update and build upon the strong foundational framework established by the Town's 2000 General Plan.

On May 5, 2015, the Town adopted its 2015-2023 Housing Element which is a required sub-element of the General Plan. The State Housing and Community Development Department certified the Housing Element on May 20, 2015.

On June 30, 2022, the Town Council adopted the Town of Los Gatos 2040 General Plan after an extensive four-year process.

On August 16, 2022, signatures were submitted to the Town in support of a referendum on the Land Use and Community Design Elements of the adopted 2040 General Plan. The referendum proposes that the Land Use and Community Design Elements of the 2040 General Plan be repealed. Once the referendum signatures were verified by the County Registrar in late September, the 2040 General Plan Land Use and Community Design Elements were suspended in accordance with Elections Code Section 9237.

On October 4, 2022, Town Council adopted a Resolution to confirm suspension of the 2040 General Plan Land Use and Community Design Elements and provide that the 2020 General Plan Land Use and Community Design Elements govern during the suspension period.

Government Code Section 65400 mandates that cities and counties submit an annual report on the status of their General Plan and any progress in its implementation to their legislative bodies. Annual Progress Reports (APRs) must be presented to the local legislative body for its review and acceptance, usually as a consent or discussion item on a regular meeting agenda.

2022 SIGNIFICANT PROJECTS

The following significant Planning efforts made progress or were completed in 2022:

- General Plan Update
After the completion of the environmental review process, the Planning Commission conducted four meetings on April 13, April 25, April 27, and May 2, 2022, for consideration of the Draft 2040 General Plan. It unanimously recommended that the Town Council adopt the Draft 2040 General Plan with modifications and certify the Final EIR. Town Council met on June 20 and June 30, 2022, to consider the Draft 2040 General Plan and Final EIR. On June 30, 2022, the Town Council adopted the Town of Los Gatos 2040 General Plan and certified the Final EIR.

- Housing Element Update
The Housing Element update process started in 2021 and continued through 2022. The work included numerous meetings of the Housing Element Advisory Board (HEAB) and extensive community outreach. A Draft Housing Element was developed and submitted to HCD in October 2022.
- Objective Design Standards
After completing the work of the subcommittee of the Planning Commission in 2021, Town staff conducted community engagement meetings both prior to and after completion of a preliminary draft of the Objective Design Standards. As a result, a set of Draft Objective Design Standards was presented to the Planning Commission and discussed on June 22, August 24, and September 14, 2022, with revisions and updates prepared for each meeting. At the September 14, 2022 meeting, the Planning Commission recommended approval to Town Council. Town Council considered and adopted Objective Design Standards at their meeting on November 15, 2022.
- Senate Bill (SB) 9
The Town Council adopted an Urgency Ordinance to implement SB 9 with local objective standards in late 2021, and adopted an extension to that Urgency Ordinance in February 2022. On September 28, 2022, Planning Commission reviewed and recommended approval of a Permanent Ordinance to regulate projects allowed under SB 9. On November 1, 2022, Town Council approved a Permanent Ordinance to go into effect before the end of the year.

HOUSING ELEMENT ANNUAL PROGRESS

The Housing Element Annual Progress Report for 2022 is attached as Exhibit A.

PROPERTIES ANNEXED TO THE TOWN IN 2022

The Town Council approved the following annexation to the Town of Los Gatos from Unincorporated Santa Clara County in 2022:

- Roseleaf Ln No. 1: 16253 Roseleaf Lane (approximately 1.353 acres)
Approved April 22, 2022

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Jurisdiction	Los Gatos	
Reporting Year	2022	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	01/31/2015 - 01/31/2023

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation

Note: "+" indicates an optional field

Cells in grey contain auto-calculation formulas

Table A
Housing Development Applications Submitted

Project Identifier					Unit Types		Date Application Submitted	Proposed Units - Affordability by Household Incomes								Total Approved Units by Project	Total Disapproved Units by Project	Streamlining	Density Bonus Law Applications		Application Status	Notes
1					2	3	4	5							6	7	8	9	10		11	12
Prior APN*	Current APN	Street Address	Project Name*	Local Jurisdiction Tracking ID*	Unit Category (SFA,SFD,2 to 4,5+,ADU,MH)	Tenure R=Renter O=Owner	Date Application Submitted+ (see instructions)	Very Low-Income Deed Restricted	Very Low-Income Non Deed Restricted	Low-Income Deed Restricted	Low-Income Non Deed Restricted	Moderate-Income Deed Restricted	Moderate-Income Non Deed Restricted	Above Moderate-Income	Total PROPOSED Units by Project	Total APPROVED Units by project	Total DISAPPROVED Units by Project	Was APPLICATION SUBMITTED Pursuant to GC 65913.4(b)? (SB 35 Streamlining)	Ddi the housing development application seek incentives or concessions pursuant to Government Code section 65915?	Were incentives or concessions requested pursuant to Government Code section 65915 approved?	Please indicate the status of the application.	Notes*
Summary Row: Start Data Entry Below								0	0	0	0	0	66	9	75	57	0					
	40715016	205 MISTLETOE RD		D-22-001, B22-0747	ADU	R	1/10/2022						1		1	1		No	No	No	Approved	
	51019012	47 ELLENWOOD AVE		D-22-003, B22-0314	ADU	R	1/19/2022						1		1	1		No	No	No	Approved	
	52326017	16010 Winterbrook RD		D-22-002, B22-0303	ADU	R	1/24/2022						1		1	1		No	No	No	Approved	
	53727065	14725 SKY LN		D-22-005, B22-0350	ADU	R	2/1/2022						1		1	1		No	No	No	Approved	
	410-16-004	465 Santa Cruz Ave		U-22-001, B22-0697	SFA	R	2/1/2022						1		1	1		No	No	No	Approved	
	52724035	262 BELVUE DR		D-22-006, B22-0274	ADU	R	2/14/2022						1		1	1		No	No	No	Approved	
	409-15-028	14300 Lora Drive		D-22-007, B21-0697	ADU	R	2/15/2022						1		1	1		No	No	No	Pending	
	53205020	16414 Englewood AVE		D-22-009, B22-0349	ADU	R	2/25/2022						1		1	1		No	No	No	Approved	
	52922004	211 CALDWELL AVE		D-22-008, B22-0306	ADU	R	2/28/2022						1		1	1		No	No	No	Approved	
	53205002	16668/16670 SHANNON		D-22-010, B22-0670	ADU	R	3/4/2022						1		1	1		No	No	No	Approved	
	527-09-022	15415 Santella Court		S-22-011	SFD	O	3/16/2022							1	1	1		No	No	No	Approved	
	52933044	9 Reservoir DR		D-22-013, B22-0392	ADU	R	3/17/2022						1		1	1		No	No	No	Approved	
	41013004	64 MARIPOSA AVE		D-22-012, B22-0858	ADU	R	3/18/2022						1		1	1		No	No	No	Approved	
	53223095	17621 HIGH ST		D-22-011, B23-0122	ADU	R	3/19/2022						1		1	1		No	No	No	Approved	
	529-11-048	1 AUGUSTA CT		D-22-014, B22-0073	ADU	R	3/24/2022						1		1	1		No	No	No	Approved	
	40926008	14686 GOLF LINKS DR		D-22-016, B22-0497	ADU	R	3/28/2022						1		1	1		No	No	No	Approved	
	51043021	83 FAIRVIEW PLZ		D-22-018	ADU	R	3/29/2022						1		1	1		No	No	No	Approved	
	52944021	138 PROSPECT AVE		D-22-019, B22-0248	ADU	R	3/30/2022						1		1	1		No	No	No	Pending	
	532-09-040	16635 Marchmont Dr		S-22-015, B22-0997	SFD	O	3/30/2022							1	1	1		No	No	No	Approved	
	532-37-029	142 WHITNEY AVE		D-22-017	ADU	R	4/1/2022						1		1	1		No	No	No	Approved	
	53239015	17400 Phillips AVE		D-22-015	ADU	R	4/14/2022						1		1	1		No	No	No	Approved	
	53205001	16680/16682 SHANNON		D-22-020, B22-0781	ADU	R	4/19/2022						1		1	1		No	No	No	Approved	
	40912016	890/892 TEAKWOOD CT		D-22-027, B22-0801	ADU	R	5/3/2022						2		2	2		No	No	No	Approved	
	409-03-008	100 CALLE MARGUERITA		D-22-023, B22-0563	ADU	R	5/4/2022						1		1	1		No	No	No	Approved	
	41013009	75/77 MARIPOSA AVE		D-22-025, B22-0503	ADU	R	5/5/2022						1		1	1		No	No	No	Approved	
	52305006	16667 SHANNON RD		D-22-026, B22-0476	ADU	R	5/5/2022						1		1	1		No	No	No	Approved	
	52313025	16400/16402 Lilac LN		D-22-021	ADU	R	5/11/2022						1		1	1		No	No	No	Approved	
	51045082	31 CLIFTON AVE		D-22-028/29, B22-1035	ADU	R	5/11/2022						2		2	2		No	No	No	Approved	
	52702007	72 DRYSDALE DR		D-22-031 (JADU)	ADU	R	5/11/2022						1		1	1		No	No	No	Approved	
	527-06-011	104 ANGEL CT		D-22-034	ADU	R	5/25/2022						1		1	1		No	No	No	Pending	
	40914017	17351 WEDGEWOOD AVE		D-22-036, D-23-004, B23-0118	ADU	R	6/2/2022						1		1	1		No	No	No	Approved	
	52325042	15903 ROCHIN CT		D-22-032, B22-0659	ADU	R	6/7/2022						1		1	1		No	No	No	Approved	
	41004019	15756/15758 OAK KNOLL		D-22-038, B22-0610	ADU	R	6/17/2022						1		1	1		No	No	No	Approved	
	52747045	241 GREGG CT		D-22-037, B22-0829	ADU	R	6/20/2022						1		1	1		No	No	No	Approved	
	53205002	16668 Shannon RD		D-22-040, B22-1102	ADU	R	6/20/2022						1		1	1		No	No	No	Approved	
	53206033	16700 SHANNON RD		D-22-039, B22-0872	ADU	R	6/23/2022						1		1	1		No	No	No	Approved	
	52914019	16830 FARLEY RD		D-22-041, B22-0572	ADU	R	6/23/2022						1		1	1		No	No	No	Approved	
	51019027	40 Hernandez AVE		D-22-042, B22-0481	ADU	R	6/27/2022						1		1	1		No	No	No	Approved	
	51020012	65 ELLENWOOD AVE		D-22-043, B22-0089	ADU	R	6/28/2022						1		1	1		No	No	No	Approved	
	52915092	16790/16788 FRANK AVE		D-22-035, B23-0037	ADU	R	6/29/2022						1		1	1		No	No	No	Approved	
	567-18-051	16220 Harwood Rd - Lot A		JADU within S-22-035	ADU	R	6/29/2022						1		1	1		No	No	No	Pending	
	567-18-051	16220 Harwood Rd - Lot C		JADU within S-22-034	ADU	R	6/29/2022						1		1	1		No	No	No	Pending	
	567-18-051	16220 Harwood Rd - Lot B		JADU within S-22-036	ADU	R	6/29/2022						1		1	1		No	No	No	Pending	
	567-18-051	16220 Harwood Rd - Lot C		S-22-034	SFD	O	6/29/2022						1		1	1		No	No	No	Pending	
	567-18-051	16220 Harwood Rd - Lot A		S-22-035	SFD	O	6/29/2022						1		1	1		No	No	No	Pending	
	567-18-051	16220 Harwood Rd - Lot B		S-22-036	SFD	O	6/29/2022						1		1	1		No	No	No	Pending	
	53218044	211/213 BROOKE ACRES		D-22-044, B22-1092	ADU	R	7/1/2022						1		1	1		No	No	No	Approved	
	53711017	14300 ARNERICH RD		D-22-046	ADU	R	7/12/2022						1		1	1		No	No	No	Approved	
	51020068	62/64 Ellenwood AVE		D-22-047, B22-1090	ADU	R	7/18/2022						1		1	1		No	No	No	Approved	
	52939024	334 JOHNSON AVE		D-22-048	ADU	R	7/20/2022						1		1	1		No	No	No	Approved	
	42419033	260 GARDEN LN		D-22-045, B22-0850	ADU	R																

Jurisdiction	Los Gatos
Reporting Year	2022 (Jan. 1 - Dec. 31)
Planing Period	5th Cycle 01/01/2019 - 01/01/2025

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation

Note: "-" indicates an optional field
Cells in grey contain auto-calculation formulas

Table A2 Annual Building Activity Report Summary - New Construction, Entitled, Permits and Completed Units																																								
Project Identifier					Unit Types		Affordability by Household Incomes - Completed Entitlement								Affordability by Household Incomes - Building Permits								Affordability by Household Incomes - Certificates of Occupancy								Streamlining	Infill	Housing with Financial Assistance or Deed Restrictions		Housing without Financial Assistance or Deed Restrictions	Term of Affordability or Deed Restriction				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19																						
Prior APN*	Current APN*	Street Address	Project Name*	Local Jurisdiction Tracking ID*	Unit Category (SFA,SFD,2 to 4.5+ ADU/AMH)	Tenure R/Rentier Or Owner	Very Low-Income Deed Restricted	Very Low-Income Non-Deed Restricted	Low-Income Deed Restricted	Low-Income Non-Deed Restricted	Moderate-Income Deed Restricted	Moderate-Income Non-Deed Restricted	Above-Moderate-Income	Entitlement Date Approved	# of Units Issued Entitlements	Very Low-Income Deed Restricted	Very Low-Income Non-Deed Restricted	Low-Income Deed Restricted	Low-Income Non-Deed Restricted	Moderate-Income Deed Restricted	Moderate-Income Non-Deed Restricted	Above-Moderate-Income	Building Permits Date Issued	# of Units Issued Building Permits	Very Low-Income Deed Restricted	Very Low-Income Non-Deed Restricted	Low-Income Deed Restricted	Low-Income Non-Deed Restricted	Moderate-Income Deed Restricted	Moderate-Income Non-Deed Restricted	Above-Moderate-Income	Certificates of Occupancy or other forms of readiness (see instructions) Issued Date	# of Units Issued Certificates of Occupancy or other forms of readiness	How many of the units were Extremely Low Income?	Was Project APPROVED using GC 65913.4(b) (SB 38 Streamlining) Y/N	Intill Units? Y/N	Assistance Programs for Each Development (may select multiple - see instructions)	Deed Restriction Type (may select multiple - see instructions)	For units affordable without financial assistance or deed restrictions, explain how the units were locally determined (see instructions)	Term of Affordability or Deed Restriction (years) (if affordable in perpetuity enter "1000")
Summary Row: Start Data Entry Below																																								
523-42-017	N/A	102 Palo Colorado		B19-0120	SFD	O									0									1	0															
527-44-013	527-44-012	258 Union Avenue (258, 260, 262, 264 Union A		S-18-033, B19-0584	2 to 4	R								2	5/7/2018	4			1				2	6/16/2020	4		1			2	1/10/2022	4	0	N					1000	
532-17-027	16461 S. Kennedy Rd			S-18-043, B22-0421	SFD	O								1	7/6/2018	1							1	11/09/2022	1															
532-29-081	18 Spica			D-18-005, B21-0334	ADU	R								1	2/28/2019	1							1	7/28/2021	1															
532-09-018	16664 Topping Way			D-18-040, B21-0823	ADU	R								1	1/28/2019	1							1	1/28/2022	1															
529-18-053	16940 Roberts Rd, 16158 & 16168 Fisher Ave			S-18-006, B20-0081	SFD	O								2	3/11/2019	2							2	7/27/2020	2															
510-41-007	38 Walnut Ave/30 WISSAHICKON AVE			D-20-017	ADU	R								1	7/24/2020	1							1	7/8/2021	1															
529-18-106	16789 Frank Ave			D-18-007, B19-0283	ADU	R								1	2/12/2019	1							1	1/10/2020	1															
529-18-071	405 Blossom Hill Rd (RCFE)			S-17-042, B20-0572	S-	R								78	10/9/2017	78							78	3/28/2022	78															
527-02-006	15840 Shady Ln/15851 Quail Hill			D-18-017, B20-0524	ADU	R								1	5/14/2019	1							1	5/14/2021	1															
424-20-032	15547 Corrine Dr			D-19-010, B19-0287	ADU	R								1	2/25/2019	1							1	2/6/2020	1															
532-29-061	522 Wilshire Ave			D-19-009, B19-0261	ADU	R								1	2/20/2019	1							1	8/20/2019	1															
527-01-063	189 Belcar Dr			D-19-026, B19-1148	ADU	R								1	7/23/2019	1							1	4/14/2021	1															
532-07-051	16613/16611 Ferns Ave			D-19-027, B19-1125	ADU	R								1	7/26/2019	1							1	1/27/2021	1															
410-16-055	466 San Benito Ave			D-19-028, B19-1114	ADU	R								1	7/26/2019	1							1	7/26/2021	1															
529-29-034	25 Dittos			D-20-030	ADU	R								2	12/1/2020	2							2	10/5/2021	2															
537-23-031	120118 Happy Acres Road			D-20-012, B20-0914	ADU	R								1	6/18/2020	1							1	8/2/2022	1															
529-20-014	17059 Phoe Avenue			D-20-005, B20-0871	ADU	R								1	4/30/2020	1							1	2/25/2021	1															
532-08-014	16755 Shattuck Drive			D-21-007, B21-0380	ADU	R								1	1/29/2021	1							1	8/14/2022	1															
527-03-010	15773 Sun Trail			D-20-010, B20-0524	ADU	R								1	6/5/2020	1							1	12/17/2020	1															
532-30-032	231 Vista Del Mar/111 Sprackles			D-19-046, B19-1124	ADU	R								1	11/6/2019	1							1	12/17/2020	1															
424-20-081	15073 Garden Hill Drive			D-21-027, B21-0141	ADU	R								1	12/8/2020	1							1	5/10/2021	1															
510-14-044	2011023 Alameda			D-21-006, B21-0462	ADU	R								1	1/27/2021	1							1	3/6/2021	1															
529-29-024	20 Dittos			S-19-029	SFD	R								2	2/11/2020	2							2	8/6/2020	2															
424-07-100	N/A	16138 Connor		B18-0149	S-	O									6	8/6/2020	6						16	8/6/2020	16															
424-07-100	N/A	16267 Delbert		B18-0150	S-	O									6	8/6/2020	6						16	10/13/2021	16															
424-07-100	N/A	16433 McMan		B18-0152	S-	O									16	3/21/2022	16						16	3/21/2022	16															
	N/A	15901 Sackett		B18-0205	S-	O									6	3/21/2022	6																							
	N/A	15502 Sackett		B18-0207	S-	O									7	3/21/2022	7																							
	N/A	13191 Sequoia		B18-0213	S-	O									5	5/12/2022	5																							
	N/A	13190 Sequoia		B18-0214	S-	O									5	5/12/2022	5																							
	N/A	13111 Sequoia		B18-0215	S-	O									5	5/12/2022	5																							
	N/A	13180 Sequoia		B18-0216	S-	O									5	5/12/2022	5																							
	N/A	13201 Sequoia		B18-0217	S-	O									5	5/12/2																								

Jurisdiction	Los Gatos	
Reporting Year	2022	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	01/31/2015 - 01/31/2023

ANNUAL ELEMENT PROGRESS REPORT Housing Element Implementation

This table is auto-populated once you enter your jurisdiction name and current year data. Past year information comes from previous APRs.
Please contact HCD if your data is different than the material supplied here

Table B															
Regional Housing Needs Allocation Progress															
Permitted Units Issued by Affordability															
		1		2									3	4	
Income Level		RHNA Allocation by Income Level		2015	2016	2017	2018	2019	2020	2021	2022	2023	Total Units to Date (all years)	Total Remaining RHNA by Income Level	
Very Low	Deed Restricted	201	-	-	-	-	-	-	49	-	-	-	-	49	152
	Non-Deed Restricted		-	-	-	-	-	-	-	-	-	-	-		
Low	Deed Restricted	112	-	-	2	-	-	-	1	-	-	-	-	3	109
	Non-Deed Restricted		-	-	-	-	-	-	-	-	-	-	-		
Moderate	Deed Restricted	132	-	-	-	-	-	-	1	2	-	-	-	156	-
	Non-Deed Restricted		-	2	3	4	16	28	28	36	36	-	-		
Above Moderate		174	-	13	38	9	7	3	75	185	145	-	475	-	
Total RHNA		619													
Total Units				15	43	13	23	31	154	223	181	-	683	261	
Progress toward extremely low-income housing need, as determined pursuant to Government Code 65583(a)(1).															
		5											6	7	
		Extremely low-income Need		2015	2016	2017	2018	2019	2020	2021	2022	2023	Total Units to Date	Total Units Remaining	
Extremely Low-Income Units*		101		-	-	-	-	-	-	-	-	-	-	101	

*Extremely low-income housing need determined pursuant to Government Code 65583(a)(1). Value in Section 5 is default value, assumed to be half of the very low-income RHNA. May be overwritten.

Note: units serving extremely low-income households are included in the very low-income RHNA progress and must be reported as very low-income units in section 7 of Table A2. They must also be reported in the extremely low-income category (section 13) in Table A2 to be counted as progress toward meeting the extremely low-income housing need determined pursuant to Government Code 65583(a)(1).

Please note: For the last year of the 5th cycle, Table B will only include units that were permitted during the portion of the year that was in the 5th cycle. For the first year of the 6th cycle, Table B will only include units that were permitted since the start of the planning period. Projection Period units are in a separate column.

Please note: The APR form can only display data for one planning period. To view progress for a different planning period, you may login to HCD's online APR system, or contact HCD staff at apr@hcd.ca.gov.

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

Jurisdiction	Los Gatos		
Reporting Year	2022 (Jan. 1 - Dec. 31)		
Table D			
Program Implementation Status pursuant to GC Section 65583			
Housing Programs Progress Report			
Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.			
1	2	3	4
Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
North 40 Specific Plan Area Rezoning	Rezone Specific Plan Area	Within 3 years	North 40 Specific Plan zoning designation adopted on August 4, 2015.
Below Market Price (BMP) Program	Continue to implement the BMP Program in order to increase the number of affordable units in the community.	On-going	BMP Program is implemented on all residential projects that meet the criteria.
Enhanced Second Unit Policy	Amend the Town Code to allow more opportunities for new deed-restricted second units to be affordable to lower income households.	Within 1 year	Accessory Dwelling Unit Ordinance amendments adopted on 2/6/18.
General Plan Density Bonus	Continue to provide up to a 100% density bonus for developments that provide housing for elderly, handicapped, and/or very low and low income households.	On-going	This is an incentive that would be provided to projects that meet the criteria.
BMP In-Lieu Fees	Use BMP in-lieu fees to increase and preserve affordable housing.	On-going	Use of BMP in-lieu fees will be considered as opportunities arise.
Extremely Low-Income Households	Offer incentives to developers to develop this type of housing.	On-going	The Town will consider incentives when projects of this nature are proposed.
Funds for Development for Extremely Low-Income Households	Use BMP in-lieu fees to subsidize these types of projects.	On-going	Use of BMP in-lieu fees will be considered as opportunities arise.
Large Site Program	To assist development of housing for lower income households on sites larger than 10 acres.	On-going	Incentives and assistance will be considered as opportunities arise.
Affordable Housing Overlay Zone	Continue to implement minimum density and incentives in the AHOZ.	On-going	This will be implemented when a project in the AHOZ is considered.
Meeting Los Gatos' Housing Needs Using the AHOZ	Develop by-right development findings for North 40 and AHOZ site.	Within 1 year	This has not yet been completed.
Transitional and Supportive Housing	Amend Town Code to clarify Transitional and Supportive housing is a permitted use in residential zones.	Within 1 year	The Town will comply with State Law and SB 743 if a project is proposed before the Town Code is amended.
By Right Findings	Develop by-right development findings for North 40 and AHOZ site.	Within 1 year	This has not yet been completed.
No Net Loss	If residential capacity is reduced on a property on the Sites Inventory then the Town will identify and zone another property to accommodate the remaining RHNA.	On-going	If this situation arises the Town will comply with this requirement.
Preserve "At-Risk" Affordable Housing Units	Monitor affordable housing to ensure affordability status is maintained.	On-going	No units are at-risk of converting to market rents in the planning period.
Rental Housing Conservation Program	Any conversion of residential uses must satisfy the housing goals and policies of the General Plan.	On-going	This will be considered if a conversion of residential uses is proposed.
CDBG and other Housing Rehabilitation Programs	Continue to participate in CDBG JPA and CDBG Housing Rehabilitation programs.	On-going	The Town still participates in these programs.
Countywide Home Repair Programs	Support countywide programs that provide assistance to lower income households.	On-going	The Town supports these programs.
Town Housing Resources Guide	Provide information on developments that provide affordable housing units.	On-going	Town Housing Resources Guide is updated when necessary.
Rental Dispute Resolution Program	Continue to administer a Rental Dispute Resolution Program.	On-going	The Town continues to use Project Sentinel to administer a Rental Dispute Resolution Program.
Emergency Shelters	Change Town Code to allow emergency shelters in the CM zoning district as a permitted use.	Within 1 year	Town Code has been amended to address this.
Supportive Services for the Homeless	Continue to support organizations that provide supportive services for homeless persons.	On-going	The Town continues to support organizations that provide supportive services for homeless persons.
Santa Clara County Housing Consortium	Support the efforts of the Santa Clara County Fair Housing Consortium.	On-going	Project Sentinel is a member of the Santa Clara County Fair Housing Consortium and administers the Town's Rental Dispute Resolution Program.
Non-Profit Affordable Housing Providers	Support the efforts of non-profit affordable housing organizations.	On-going	The Town has met with affordable housing organizations regarding potential development in Town.
Increased Range of Housing Opportunities for the Homeless	Continue to support Santa Clara Couty's Continuum of Care Plan.	On-going	The Town continues to support Santa Clara Couty's Continuum of Care Plan.
Compliance with the Employee Housing Act	Amend Town Code to adress the Employee Housing Act.	Within 1 year	The Town will comply with State Law if a project is proposed or an issue comes up before the Town Code is amended.
Senior Housing Resources	Update senior resource materials regularly.	Annually	Senior resource materials are updated when necessary.
Governmental Constraints	Remove affordable housing development constraints.	Every 3 years	The Town's Housing Element contains a number of items that limit or remove constraints.

Reasonable Accommodation Ordinance	Amend the Town's Reasonable Accommodation Ordinance.	Within 1 year	This has not yet been completed.
Persons with Disabilities	Remove constraints to housing with persons with disabilities.	Every 3 years	Removal of constraints is considered when necessary.
Special Needs Housing	Give priority to special needs housing.	On-going	If a project of this nature is submitted it will be given priority.
Special Needs Housing	Include preferential handling of special needs populations.	On-going	Will be considered when plans are adopted and projects are funded.
Rental Assistance for Persons with Developmental Challenges	Explore opportunities to work with local and/or regional partners to provide rental assistance for persons with developmental challenges.	On-going	The Town will explore opportunities with local and/or regional partners during this Housing Element cycle.
Universal Design	Consider universal design enhancements and include universal design features in new construction.	Every 2 years	The Town will consider enhancements to universal design and the Town requires universal design features in new construction consistent with Building Code requirements.
Universal Design Awareness	Increase awareness of universal design principles.	Within 2 years	The Town will take appropriate actions to increase awareness of universal design principles.
Developmental Challenges	Continue to work with the CA Department of Developmental Services to inform citizens of available services.	On-going	The Town will work with the CA Department of Developmental Services to inform citizens of available services.
Development Standards	Continue to review, evaluate, update, and streamline the development process for affordable housing developments.	On-going	The Town considers improvements to the development review process for affordable housing projects when they are proposed.
Energy Conservation Opportunities	Continue to enforce Title 24 requirements.	On-going	The Town enforces Title 24 requirements.
Annual Housing Report	Prepare an annual housing report.	On-going	The Town prepares an annual housing report.
Housing Management	Continue to fund staff for management and planning of housing programs and funding.	By December 2016	The Town has contracted with Hello Housing to administer our affordable housing program and has staff that dedicate time to our affordable housing program.
Coordination with Water and Sewer Service Providers	Provide the Housing Element to the San Jose Water Company and West Valley Sanitation District	Upon adoption of Housing Element	Town staff regularly work with the San Jose Water Company and West Valley Sanitation District on upgrades to their infrastructure and they are involved in development applications and environmental review.

Jurisdiction	Los Gatos	
Reporting Period	2022	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	01/31/2015 - 01/31/2023

NOTE: SB 9 PROJECTS ONLY. This table only needs to be completed if there were lot splits applied for pursuant to Government Code 66411.7 OR units constructed pursuant to 65852.21.

Units entitled/permitted/constructed must also be reported in Table A2. Applications for these units must be reported in Table A.

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

NOTE: 1 indicates an optional field

Cells in grey contain auto-calculation formulas

Table I										
Units Constructed Pursuant to Government Code 65852.21 and Applications for Lot Splits Pursuant to Government Code 66411.7 (SB9)										
Project Identifier				Project Type	Date	Unit Constructed				Notes
1				2	3	4				
APN	Street Address	Project Name ⁺	Local Jurisdiction Tracking ID ⁺	Activity	Date	Very Low Income	Low Income	Moderate Income	Above Moderate Income	Notes
Summary Row: Start Data Entry Below										
532-35-067	16880 KENNEDY RD		ULS22-001	Application for Parcel Map for Lot Split	2/7/2022					
52702002	15961 Quail Hill RD		ULS22-002	Application for Parcel Map for Lot Split	6/14/2022					
53209039	16619 Marchmont Dr		ULS22-003	Application for Parcel Map for Lot Split	11/28/2022					
56719036	125 ALERCHE DR		ULS22-004	Application for Parcel Map for Lot Split	7/12/2022					
53215002	16405 KENNEDY RD		ULS22-005	Application for Parcel Map for Lot Split	7/19/2022					

Jurisdiction	Los Gatos	
Reporting Year	2022	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	01/31/2015 - 01/31/2023

Building Permits Issued by Affordability Summary		
Income Level		Current Year
Very Low	Deed Restricted	0
	Non-Deed Restricted	0
Low	Deed Restricted	0
	Non-Deed Restricted	0
Moderate	Deed Restricted	0
	Non-Deed Restricted	36
Above Moderate		145
Total Units		181

Note: Units serving extremely low-income households are included in the very low-income permitted units totals

Units by Structure Type	Entitled	Permitted	Completed
SFA	1	1	0
SFD	2	3	4
2 to 4	0	0	4
5+	0	142	32
ADU	54	35	24
MH	0	0	0
Total	57	181	64

Housing Applications Summary	
Total Housing Applications Submitted:	72
Number of Proposed Units in All Applications Received:	75
Total Housing Units Approved:	57
Total Housing Units Disapproved:	0

Use of SB 35 Streamlining Provisions	
Number of Applications for Streamlining	0
Number of Streamlining Applications Approved	0
Total Developments Approved with Streamlining	0
Total Units Constructed with Streamlining	0

Units Constructed - SB 35 Streamlining Permits			
Income	Rental	Ownership	Total
Very Low	0	0	0
Low	0	0	0
Moderate	0	0	0
Above Moderate	0	0	0
Total	0	0	0

Cells in grey contain auto-calculation formulas

Jurisdiction	Los Gatos	
Reporting Year	2022	(Jan. 1 - Dec. 31)

ANNUAL ELEMENT PROGRESS REPORT Local Early Action Planning (LEAP) Reporting (CCR Title 25 §6202)					
Please update the status of the proposed uses listed in the entity's application for funding and the corresponding impact on housing within the region or jurisdiction, as applicable, categorized based on the eligible uses specified in Section 50515.02 or 50515.03, as applicable.					
Total Award Amount	- Total award amount is auto-populated based on amounts entered in rows 15-26.				
Task	\$ Amount Awarded	\$ Cumulative Reimbursement Requested	Task Status	Other Funding	Notes

Summary of entitlements, building permits, and certificates of occupancy (auto-populated from Table A2)

Completed Entitlement Issued by Affordability Summary		
Income Level		Current Year
Very Low	Deed Restricted	0
	Non-Deed Restricted	0
Low	Deed Restricted	0
	Non-Deed Restricted	0
Moderate	Deed Restricted	0
	Non-Deed Restricted	55
Above Moderate	Deed Restricted	2
	Non-Deed Restricted	57
Total Units		57

Building Permits Issued by Affordability Summary		
Income Level		Current Year
Very Low	Deed Restricted	0
	Non-Deed Restricted	0
Low	Deed Restricted	0
	Non-Deed Restricted	0
Moderate	Deed Restricted	0
	Non-Deed Restricted	36
Above Moderate	Deed Restricted	145
	Non-Deed Restricted	181
Total Units		181

Certificate of Occupancy Issued by Affordability Summary		
Income Level		Current Year
Very Low	Deed Restricted	0
	Non-Deed Restricted	0
Low	Deed Restricted	1
	Non-Deed Restricted	0
Moderate	Deed Restricted	3
	Non-Deed Restricted	24
Above Moderate	Deed Restricted	36
	Non-Deed Restricted	64
Total Units		64



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 3/21/2023

ITEM NO: 7

DATE: March 14, 2023
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Receive the Independent Accountants' Report on Agreed-Upon Procedures on Measure G Revenues and Expenditures for the Period July 1, 2021 to June 30, 2022

RECOMMENDATION:

Staff recommends that the Town Council receive the Independent Accountants' Report on Agreed-Upon Procedures (AUP) on Measure G Revenues and Expenditures for the period July 1, 2021 to June 30, 2022.

BACKGROUND:

On June 19, 2018, the Los Gatos Town Council adopted Ordinance No. 2274 establishing a General Transaction and Use Tax ("Ordinance 2274") for a period of twenty years and put forth the required ballot measure for voter consideration. On November 6, 2018, the voters of the Town approved the 1/8 Sales Tax dedicated to Los Gatos (Measure G). Among other items, Ordinance 2274 and Measure G required Citizens Oversight to ensure funds are spent according to the Measure's stated intent.

On November 3, 2020, voters of Los Gatos approved the Measure A ballot initiative establishing a new Finance Commission and disbanding both the Finance Committee and Sales Tax Oversight Committee. Among other responsibilities, the Finance Commission is charged with:

- (7) Issue an annual public report of the expenditures and appropriations of sales tax revenues approved by the Town Council during each fiscal year.

On March 3, 2023, Chavan & Associates, LLP finished the review process and provided the Independent Accountants' Report on Agreed-Upon Procedures on Measure G Revenues and

PREPARED BY: Gitta Ungvari
Finance Director

Reviewed by: Town Manager and Town Attorney

DISCUSSION:

Expenditures for the Period July 1, 2021 to June 30, 2022 (Attachment 1). During this period, there were collection fees, and police safety and capital transfers that utilized Measure G funds consistent with the Town Council's adopted FY 21/22 Budgets:

FY 2021/22 Expenditures and Transfers		
State Admin Fees Withheld	July - Sept 2021	\$ 12,670
State Admin Fees Withheld	Oct - Dec 2021	12,670
State Admin Fees Withheld	Jan - March 2022	9,810
State Admin Fees Withheld	April - June 2022	12,630
Total Collection Fees		\$ 47,780
50% to Police Safety		629,148
Total Expenditures		\$ 676,928
Transfer to Capital Improvement Program		
(50% of prior years and current year collections)		1,769,057
Total Tranfers and Expenditures		\$ 2,445,985

"State Admin Fees Withheld" is the administration fee imposed by the State Department of Tax Fee Administration to Los Gatos that is deducted from collected Measure G sales tax. Chavan & Associates, LLP found that the expenditures were consistent with the voter approved Measure G.

The Finance Commission received this report on March 13, 2023. The Finance Commission recommended the Town Council receive this report by a three to one vote. Commissioner Koen voted no, and Commissioner Howard was not present.

CONCLUSION AND NEXT STEPS:

Staff recommends that the Town Council to receive the Independent Accountants' Report. During the budget process, the Council approves the expenditures and appropriations of the sales tax revenues with consideration of the Finance Commission's recommendation(s).

Attachment:

1. Independent Accountants' Report on Agreed-Upon Procedures for Measure G Revenues and Expenditures For the period July 1, 2021 to June 30, 2022.

TOWN OF LOS GATOS

**INDEPENDENT ACCOUNTANT'S REPORT ON APPLYING
AGREED-UPON PROCEDURES ON MEASURE G REVENUES
AND EXPENDITURES**

JUNE 30, 2022

* * *



Chavan & Associates, LLP
Certified Public Accountants
1475 Saratoga Ave, Suite 180
San Jose, CA 95129

**TOWN OF LOS GATOS
INDEPENDENT ACCOUNTANT’S REPORT ON APPLYING
AGREED-UPON PROCEDURES**

**MEASURE G
JUNE 30, 2022**

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INDEPENDENT ACCOUNTANT'S REPORT

To the City Council and Management of the
Town of Los Gatos
Los Gatos, California

We have performed the procedures enumerated below on the accompanying Schedule of Measure G Revenues, Expenditures and Changes in Fund Balance of the Town of Los Gatos (the Town) for the fiscal year ended June 30, 2022. Town management is responsible for the Schedule of Measure G Revenues, Expenditures and Changes in Fund Balance for the fiscal year ended June 30, 2022.

The Town has agreed to and acknowledged that the procedures performed are appropriate to meet the intended purpose of determining whether Measure G sales taxes were used and accounted for in accordance with specified laws, regulations, and recommendations of the Finance Commission for the fiscal year ended June 30, 2022. This report may not be suitable for any other purpose. The procedures performed may not address all the items of interest to a user of this report and may not meet the needs of all users of this report and, as such, users are responsible for determining whether the procedures performed are appropriate for their purposes.

The procedures and the associated findings are as follows:

1. We obtained and reviewed Town Ordinance 2274, Amending Chapter 2.60 of the Town's Municipal Code, "'Transactions and Use Tax' to Extend the One-Eighth Cent Transactions and Use Tax Term for Twenty Years."

Finding: No exceptions were noted as a result of our procedures.

2. We obtained and reviewed Town Ordinance 2314, adding Article 5 to Chapter Two and amending Chapter 25.60.140 of the Town's Municipal Code.

Finding: No exceptions were noted as a result of our procedures.

3. We obtained a schedule of Measure G revenues and expenditures for the fiscal year ended June 30, 2022 and agreed totals reported on the schedule to the Town's audited trial balance.

Finding: No exceptions were noted as a result of our procedures.

4. We compared Measure G revenues reported to monthly sales tax reports from the California Department of Tax and Fee Administration (CDTFA).

Finding: No exceptions were noted as a result of our procedures.



5. We inquired as to whether or not the Finance Commission reviewed and recommended usage of Measure G revenues to the Town Council, to meet the following objectives.
- Maintaining and enhancing neighborhood police patrols and local crime prevention programs;
 - Improving traffic flow to reduce congestion;
 - Repairing potholes and maintaining the Town's streets, roads, and sidewalks; and
 - Maintaining the Town's long-term financial stability.

Finding: No exceptions were noted as a result of our procedures.

6. We inquired as to whether the Town Council received the Finance Commission's recommendation and adopted a Council authorized expenditure plan directing the use of Measure G revenues for the fiscal year ended June 30, 2022.

Finding: No exceptions were noted as a result of our procedures.

7. We selected 14 Measure G expenditures from 35 transactions, which was 61% coverage in terms of dollars, to verify if they were for allowable purposes. We also verified that the 4 administrative fee charges were accurate and appropriate within the measure by vouching those charges to the statement of tax distribution from the California Department of Tax and Fee Administration. Per Measure G Ordinance 2314, eligible expenditures include:
- Maintaining and enhancing neighborhood police patrols and local crime prevention programs;
 - Improving traffic flow to reduce congestion;
 - Repairing potholes and maintaining the Town's streets, roads, and sidewalks; and
 - Maintaining the Town's long-term financial stability.

Finding: No exceptions were noted as a result of our procedures.

8. We agreed amounts held in the General Fund Reserve sub-fund for Measure G to the Measure G sales tax collections for the fiscal year ended June 30, 2022, less any amounts reduced for Town Council authorized uses.

Finding: No exceptions were noted as a result of our procedures.

We were engaged by the Town of Los Gatos to perform this agreed-upon procedures engagement and conducted our engagement in accordance with attestation standards established by the AICPA. We were not engaged to and did not conduct an examination or review, the objective of which would be the expression of an opinion or conclusion, respectively, on the accompanying Schedule of Measure G Revenues, Expenditures and Changes in Fund Balance. Accordingly, we do not express such an opinion or conclusion. Had we performed additional



procedures, other matters might have come to our attention that would have been reported to you.

We are required to be independent of the Town and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements related to our agreed-upon procedures engagement.

This report is intended solely for the information and use of the Town Council and management of the Town and is not intended to be and should not be used by anyone other than these specified parties. However, this report is a matter of public record and its distribution is not limited.

C & A LLP

March 3, 2023
Morgan Hill, California

**TOWN OF LOS GATOS
MEASURE G**

**SCHEDULE OF MEASURE G
REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE**

FOR THE FISCAL YEAR ENDED JUNE 30, 2022

REVENUES

Sales Taxes - Measure G	<u>\$ 1,306,076</u>
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Total Revenues	<u>1,306,076</u>
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EXPENDITURES

Public Safety	629,148
---------------	---------

Collection Fees	<u>47,780</u>
-----------------	---------------

Total Expenditures	<u>676,928</u>
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**EXCESS (DEFICIENCY) OF REVENUES
OVER EXPENDITURES**

629,148

Transfers out to the Appropriated Reserves Fund	<u>(1,769,057)</u>
---	--------------------

Change in Fund Balance	(1,139,909)
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Beginning Fund Balance	<u>1,730,490</u>
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Ending Fund Balance	<u><u>\$ 590,581</u></u>
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Note:

The transfer of \$1,769,057 remained unspent and was assigned for capital projects in the Appropriated Reserves Fund assigned fund balance as of June 30, 2022.

**TOWN OF LOS GATOS
MEASURE G**

**NOTES TO SCHEDULE OF MEASURE G
REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE**

FOR THE FISCAL YEAR ENDED JUNE 30, 2022

1. MEASURE G

Measure G is a 1/8 percent transaction and use tax approved by voters in November 2018 for a twenty-year period. The Town of Los Gatos (Town) received the first taxes in May 2019 which represented sales in March 2019. In November 2020, voters approved a second measure which codified Measure G's objectives:

- a. Maintaining and enhancing neighborhood police patrols and local crime prevention programs;
- b. Improve traffic flow to reduce traffic congestion;
- c. Repairing potholes and maintaining the Town's streets, roads, and sidewalks;
- d. Maintaining the Town's long-term financial stability.

2. COLLECTION FEES

Collection fees are fees imposed by the State for collecting the Measure G sales tax and distributing it to the Town. Cash received by the Town is net of these fees. The Town has elected to record the gross sales taxes as revenue and the collection fees as expenditures.



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 3/21/2023

ITEM NO: 8

DATE: March 13, 2023
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Authorize the Town Manager to Execute a Third Amendment to the Consultant Services Agreement with Dixon Resources Unlimited (Dixon) for the Comprehensive Downtown Parking Study (813-0242) to Extend the Contract term, Add to the Scope of Services, and Additional Compensation.

RECOMMENDATION:

Authorize the Town Manager to execute a Third Amendment (Attachment 1) to the Consultant Services Agreement with Dixon Resources Unlimited (Dixon) for the Comprehensive Downtown Parking Study (813-0242) to extend the contract term, add to the scope of services, and additional compensation.

BACKGROUND:

On March 19, 2019, the Town Council approved an agreement (Attachment 1, Exhibit B) with Dixon for the Comprehensive Downtown Parking Study. The study scope included a full review of existing conditions, past parking discussions and policies; outreach to stakeholders; data collection and analysis; and suggested strategies for managing parking.

On December 17, 2019, Town Council received the Dixon Resources Downtown Parking Master Plan and approved the Downtown Parking Roadmap. Town Council directed staff to move forward with implementing the Downtown Employee Parking Program, the "Pay to Stay" program, and update the Downtown Wayfinding signage.

In June 2020, the first amendment (Attachment 1, Exhibit B) to the consultant services agreement with Dixon was executed to extend the contract end date from June 30, 2020, to June 30, 2022, to help with implementation. A Parking Program Manager [0.25 Full Time Equivalent (FTE)] was hired to begin the roadmap implementation.

PREPARED BY: Jim Renelle
Parking Program Manager

Reviewed by: Town Manager, Town Attorney, and Finance Director, Parks and Public Works Director

BACKGROUND (continued):

In June 2022, Council approved a second amendment (Exhibit B) to the consultant services agreement with Dixon extending the contract ending date to June 30, 2023, to continue to provide guidance on implementation.

DISCUSSION:

In December 2022, Council directed staff to develop a parking fee structure that would make the parking program cost neutral. Staff requires Dixon's professional expertise to develop this paid parking fee structure and associated tasks. The proposed third amendment (Attachment 1) would enable the required services. The 0.25 FTE temporary Parking Program Manager position expires in June 2023 and will be vacated by the current employee, which will further add to the need for Dixon's support.

Also, there are two optional tasks from the original scope of services that remain useful, which are the financial modeling workbook and continued implementation support.

The scope of services includes removing tasks that are no longer needed, retaining the two optional tasks from the original scope of services, and adding new tasks related to the research on how to develop a paid parking fee structure that will cover the required costs of additional staffing. Below outlines the task categories to be completed by Dixon (Attachment 1, Exhibit A):

- Financial Modeling Workbook
- Staffing Plan Recommendations
- On-call as needed (for case studies and implementation)
- Vendor selection and support for the Mobile Parking Application (App) Request for Proposals/Qualifications (RFP/RFQ)
- Vendor selection and support for the Pay Station RFP
- Post-COVID parking occupancy analysis
- Roadmap update with a recommended parking fee structure
- Community engagement/stakeholder input for Pay to Stay program

The financial modeling workbook allows the Town to forecast revenue received from the paid parking program using a variety of scenarios and helps determine an optimal solution if a paid parking program is to be implemented. The model is expected to provide the Town with an easy-to-use tool that allows for the adjustment of both on- and off-street variables, including parking payment solutions, operating days/hours, occupancy rates, compliance rates, and parking fees.

DISCUSSION (continued):

Continued implementation support is needed to obtain technical assistance in the selection and management of vendors. Dixon's expertise will help evaluate solutions for flexibility and capacity for expansion with the Town's evolving needs.

CONCLUSION:

Authorize the Town Manager to execute a third amendment (Attachment 1) to the consultant services agreement with Dixon Resources Unlimited (Dixon) for the Comprehensive Downtown Parking Study to extend the contract term, add to the scope of services, and additional compensation.

COORDINATION:

This agenda item was coordinated with the Town Attorney's Office.

FISCAL IMPACT:

The balance of unused funds remaining in the original Dixon contract is \$47,602.58 and it can be used towards the Third Amendment. An additional \$30,871.42 is required to cover the added scope of services for a total amount of \$78,474. The updated total agreement amount is inclusive of all costs and shall not exceed \$189,763.42. Payment is based upon Town approval of each task shown and will bill at actual time spent. Sufficient funds exist in the project budget for this contract.

Parking Program Implementation CIP No. 813-0242		
	Budget	
GFAR	\$ 598,500	
Total Budget	\$ 598,500	
		Costs
Misc. Project Expenses		\$ 892
Prior Consultant Services		\$ 194,967
Consultant Services (Approved with this Staff Report)		\$ 30,871
Construction Services		\$ 49,582
Total Costs		\$ 276,312
Available Balance		\$ 322,188

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

PAGE 4 OF 4

SUBJECT: Third Amendment to the Consulting Services Agreement with Dixon

DATE: March 13, 2023

Attachments:

1. Draft Third Amendment with Exhibit A - Parking Consultant Services Proposal, and Exhibit B
– Original Agreement and previous amendments

THIRD AMENDMENT TO AGREEMENT FOR CONSULTANT SERVICES

This THIRD AMENDMENT TO AGREEMENT is dated for identification this 21th day of March 2023 and amends that certain Second Amendment to Agreement for Consultant Services dated June 07, 2022, made by and between the Town of Los Gatos, ("Town,") and the Dixon Resources Unlimited. ("Consultant.")

RECITALS

- A. Town and Consultant entered into an Agreement for Consultant Services on March 20, 2019, ("Agreement"), a First Amendment for Consultant Services Agreement on June 22, 2020, and a Second Amendment for Consultant Services Agreement on June 07, 2022, copies of which are attached hereto and incorporated by reference as Exhibit B to this Amendment
- B. Town desires to amend the Agreement to add to the scope of services, extend the term of the agreement, and for additional compensation.

AMENDMENT

- 1. 2.1 Scope of Services is amended to read as follows:

Consultant shall provide services as described in that certain Proposal sent to the Town on February 17, 2023, which is hereby incorporated by referenced and attached as Exhibit A.

- 2. 2.2 Term and Time of Performance is amended to read as follows:

This contract will remain in effect through June 30, 2024.

- 3. 2.6 Compensation is amended to read as follows:

Additional compensation for Consultant's professional services shall be increased by \$30,871.42 to the remaining contract compensation of \$47,602.58 for a total amount of \$78,474 to be used for the revised scope of services. For a total agreement amount **not to exceed \$189,763.42**, inclusive of all costs. Payment shall be based upon Town approval of each task based on Exhibit A.

- 4. All other items and conditions of the Agreement remain in full force and effect.

ATTACHMENT 1

IN WITNESS WHEREOF, the Town and Consultant have executed this Amendment.

Town of Los Gatos:

Approved as to Consent:

Laurel Prevetti, Town Manager

Julie Dixon, President

Department Approval:

Nicolle Burnham
Director of Parks and Public Works

Approved as to Form:

Attest:

Gabrielle Whelan, Town Attorney

Wendy Wood, CMC, Town Clerk

Proposal

Parking Consultant Services

Town of Los Gatos
February 17, 2023

Proposal for Parking Consultant Services

To: Tracy Wang, Transportation & Mobility Manager
From: Dixon Resources Unlimited
Date: February 17, 2023
Subject: Parking Consultant Services, Town of Los Gatos

Dixon Resources Unlimited (DIXON) is pleased to submit this Proposal to the Town of Los Gatos (Town) to continue providing parking consultant services. The proposed Scope of Work includes a refresh of the previously developed Parking Roadmap, LPR Data Collection and Analysis, Financial Modeling Tool Projections, and the creation of a Staffing Plan.

Proposed Scope of Work

This proposal is formatted as a menu of options for the Town to select from and authorize as needed.

Task 1. Project Management

DIXON will work closely with designated Town staff throughout the duration of the project to support a collaborative project management approach. Task 1 includes budget to support a project kickoff meeting and ongoing project management. We will schedule bi-weekly meetings with the project team throughout the duration of the project to provide updates, collaborate, and address challenges. DIXON will schedule additional meetings as required.

Task 1. Deliverables

- DIXON will assign a Project Manager to serve as the single point of contact for overall communications and project coordination with the Town.
- DIXON will conduct a virtual project kickoff meeting to prioritize objectives, finalize the schedule, request historical parking data, and all information regarding progress to date on the Parking Roadmap strategies developed in December 2019.
- DIXON will conduct bi-weekly project meetings for the duration of the project.

Task 2. Parking Occupancy and Utilization Analysis

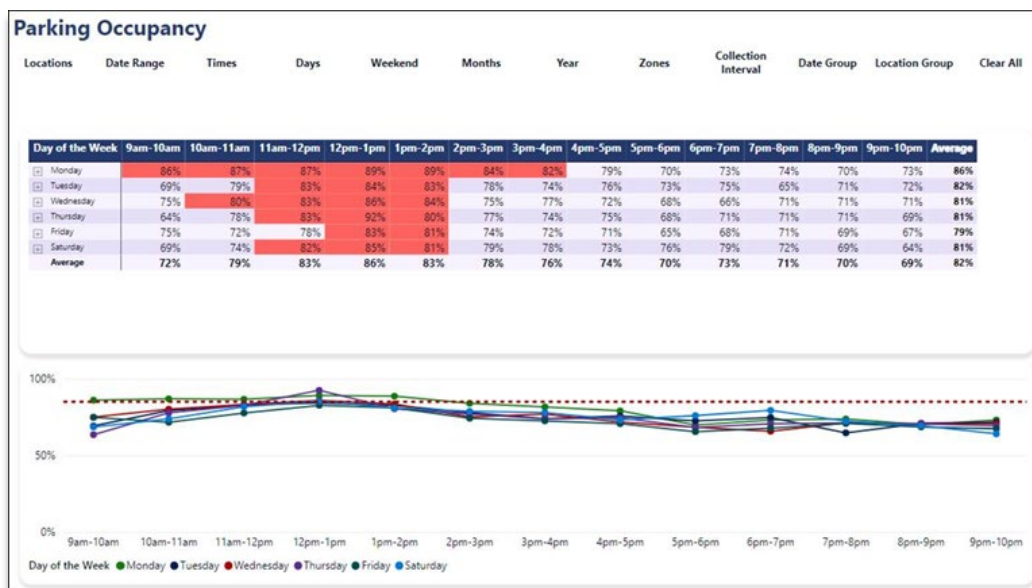
DIXON will work with the Town to develop a data collection plan that utilizes License Plate Recognition (LPR) technology to gather parking occupancy and utilization metrics that will then be analyzed using DIXON's Rapid LPR Tool. DIXON's unique data analysis platform rapidly translates parking counts into actionable results.

DIXON will work with the Town to define the Study Area, confirm data collection routes, and verify or collect the parking inventory information necessary to configure the LPR data collection devices and our Rapid LPR Tool. DIXON is prepared to support two data collection methods, one method where DIXON will provide the Town with the necessary resources and equipment to perform data collection and another where DIXON collects parking data.

First Method: Parking Data Collected by Town

The first method provides the greatest cost benefit to the Town, as we can leverage the Town's existing equipment and personnel to perform ongoing data collection over time. DIXON has been very successful working directly with industry-leading LPR providers to directly integrate client LPR data feeds into our occupancy and utilization studies, providing additional cost-savings to our customers.

At the Town's request, DIXON will attempt to integrate data feeds from the Town's existing LPR provider into our Rapid LPR Tool analysis. Depending on the quality and format of the provider's LPR data, additional fees for API setup and data integration may be required and will be quoted separately.



Example of Rapid LPR Tool Occupancy Dashboard

DIXON will set up the Rapid LPR Tool to connect, interpret, and analyze the collected data to produce occupancy and turnover tables, charts, and maps. The Town will be given access to the online Rapid LPR Tool to access ongoing parking occupancy and utilization analyses.

Second Method: Parking Data Collected by DIXON

The second method would provide parking occupancy and utilization for a predefined range of dates and times. For this project we suggest collecting data during four periods of the day, morning, midday, afternoon, and evening, collected over three consecutive days, Thursday, Friday, and Saturday. This will provide a substantial amount of data, useful for calculating daily occupancy and turnover rates. However, our strategy is flexible, and we will work with the Town to establish an agreed-upon process for data collection, including desired days and times.

DIXON is prepared to support the Town with its preferred data collection method. The findings of this report will be integrated into the Financial Modeling Workbook (Task

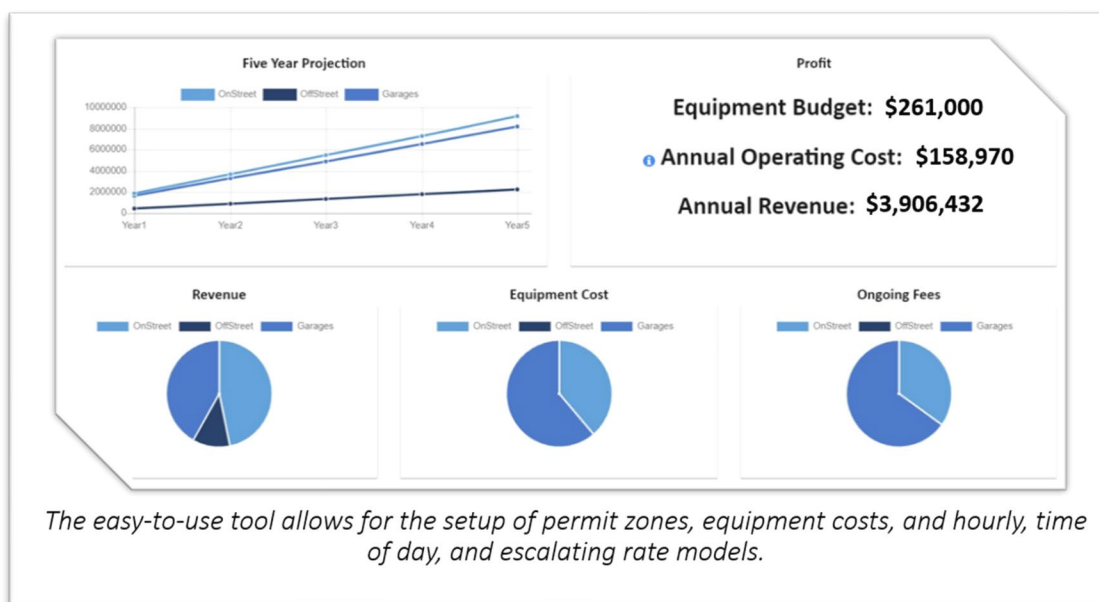
3), Staffing Plan (Task 4), and Parking Roadmap update (Task 5) regarding recommended changes to enforcement staffing, schedule, and equipment as needed.

Task 2. Deliverables

- DIXON will work with the Town to develop a data collection plan, which includes a defined Study Area and data collection route(s).
- DIXON may provide Town staff with equipment and training to support data collection efforts over a four (4) month period.
- DIXON may collect parking data over a three (3) day period.
- DIXON will provide the Town with access to the Rapid LPR Tool online dashboard, where the Town can view parking data metrics and analytics.
- Findings will be incorporated into the Financial Modeling Workbook (Task 3), Staffing Plan (Task 4) and Parking Roadmap update (Task 5).

Task 3. Financial Modeling Workbook

DIXON will develop a custom financial modeling tool for this project. We will build a Financial Modeling Workbook to evaluate various scenarios, including variable free parking periods and strategies for cost recovery. Several rate models can be compared within this tool, including hourly rates by zone, time of day, and escalating rates. DIXON's Financial Modeling Workbook allows clients to adjust variables including equipment and technology, such as operating days/hours, permit types, occupancy rates, compliance rates, and pricing.



Results from the Parking Occupancy and Utilization Analysis (Task 2) will be incorporated in the Workbook. Parking space utilization and turnover information will provide the baseline information needed to inform data-driven policy adjustments as well as forecast potential revenues and expenses. This tool provides the Town the

flexibility to explore fee structures before devising and implementing costly infrastructure or policy changes.

Task 3. Deliverables

- DIXON will develop a Financial Model to examine various rate and fee structures for cost recovery analysis. DIXON will conduct a virtual meeting with the Town to discuss and analyze the results.
- Results will be incorporated into the Parking Roadmap update (Task 5).

Task 4. Staffing Plan Recommendations

DIXON will support the Town in determining the ideal staffing plan for its parking operations. This includes a comprehensive assessment of the current staffing plan, including operational and management practices, job titles, job descriptions, and scheduling. We will compare the Town's current staffing model with industry best practices to determine the required staffing levels and positions for optimal performance of the parking program. Findings will be detailed in a memorandum report that will provide the Town with a matrix of staffing options that can be consulted as the scale of the parking operation evolves.

Task 4. Deliverables

- DIXON will perform an assessment of the current staffing plan and the effectiveness of operational and management practices.
- DIXON will develop a memorandum recommending the ideal staffing plan for current conditions, which will include pathways for growth as the scale of the parking operation evolves.
- Relevant details from the memorandum will be incorporated into the Parking Roadmap update (Task 5).

Task 5. Parking Roadmap Update

DIXON will update the previous Parking Roadmap draft to reflect impacts from the COVID-19 pandemic, the Town's current progress for key strategies recommended in the original Parking Roadmap report, any data collected from the Parking Occupancy and Utilization Analysis (Task 2), and findings from the Staffing Plan memorandum (Task 4). The report update will address planning and implementation strategies focused on the following topics:

- On-street parking policies and rates;
- Off-street parking rate structure changes, including the implications of periods of free parking;
- The introduction of a merchant validation program;
- The pricing strategy for additional parking permits; and
- The management of spillover parking specifically with regards to the Los Gatos High School.

The updated report will clearly outline the implementation steps required for each strategy mentioned above, as well as a prioritized order for implementation.

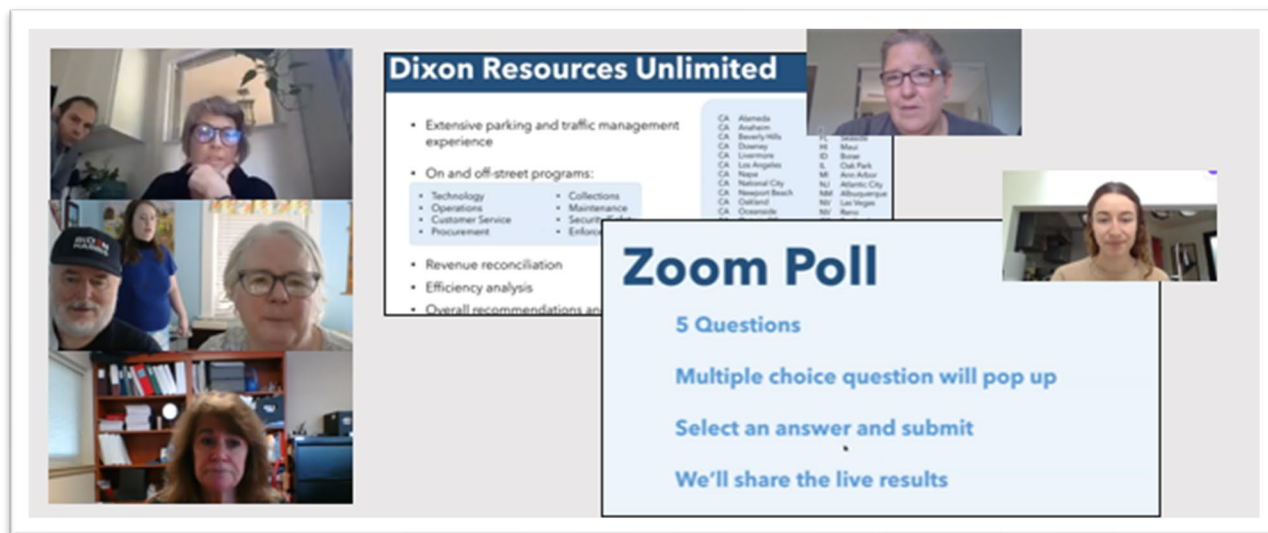
Task 5. Deliverables

- DIXON will deliver an updated Parking Roadmap report.

Task 6. Community Engagement and Stakeholder Outreach

Community outreach is a critical aspect to the successful implementation of new or revised parking strategies. This provides the Town's residents the opportunity to understand and ask questions about coming initiatives. To support the Town in successfully communicating upcoming parking improvements, DIXON will develop a stakeholder engagement strategy that invites the public to participate and increases the positive acceptance of strategic changes.

With each project, we assume a leadership role in coordinating a public involvement strategy to ensure inclusion and transparency with a broad range of stakeholders, including downtown merchants and businesses, to solicit feedback and improve recommendations. This allows us to bring a local approach to the way we do business and successfully identify operations, management, and technology recommendations.



Example of virtual stakeholder engagement facilitated during COVID-19

The response to our communication efforts has been extremely positive and municipal administrators have openly and readily received our recommendations as a result of ongoing stakeholder support and investment.

DIXON can support the Town by facilitating, hosting, and/or presenting at community meetings, stakeholder meetings, and Town Councils as needed. This includes the preparation of presentations and staff reports aimed at supporting such meetings, including any market research, case study preparation, and/or data analysis required.

Task 6. Deliverables

- DIXON will develop a stakeholder engagement strategy.
- DIXON will prepare for and/or present at one (1) in-person Public or Council meeting. Additional virtual stakeholder meetings may be scheduled as necessary, to be quoted separately.

Task 7. On-Call Support

For tasks that fall outside the scope outlined in this proposal, DIXON has set aside on-call support hours to address the Town's evolving priorities and ongoing needs. DIXON will provide on-call support according to the cost proposal presented below and will not proceed with any specific tasks prior to receiving verbal or written authorization from the Town.

Task 7. Deliverables

- DIXON will work at the Town's direction to provide on-call support and project management, as requested.

Optional Task 8. RFP Solicitation Support

DIXON will work with designated staff to establish a framework to fairly evaluate respondents to the Town's open RFPS for a Mobile Parking Payment System Application provider and an Automated Multi-Space Parking Pay Stations provider. DIXON will be available to provide support throughout the proposal evaluation process, such as reviewing proposals, preparing for interviews, and developing a comparison matrix that will allow Town staff to consider all proposal offerings thoroughly.

Task 8. Deliverables

- DIXON will support the proposal review and selection process for a Mobile Parking Payment System Application provider and an Automated Multi-Space Parking Pay Stations provider.

Optional Task 9. Implementation Support and Project Management

If desired, DIXON can work at the Town's direction to provide implementation support/project management services to address the Town's evolving priorities and ongoing needs regarding the implementation, deployment, and project management of new systems, programs, and services. DIXON is prepared to dedicate the required resources and staff to achieve the Town's goals and needs. At the beginning of the implementation process, we would collaborate with designated Town staff to develop a long-term strategy that includes an estimate of implementation costs, ongoing support needs, defined project timelines and deliverables. Services are to be quoted separately.

Optional Task 9. Deliverables

- DIXON can work at the Town's direction to provide implementation support/project management, including communicating with the selected provider, and ensuring deliverables and integrations are completed seamlessly and on-time.

Timeline

A proposed Schedule by Task is provided below. DIXON will remain flexible and responsive to the Town's needs as the project evolves, and the timeline may be adjusted to meet the Town's priorities.

2023	Jan	Feb	Mar	Apr	May	Jun	Jul
Project Kickoff							
Bi-Weekly Project Meetings							
Develop Community Engagement Plan							
One In-Person & Up To Two Additional Virtual Stakeholder Meetings							
Develop and Finalize Data Collection Plan							
Inventory Collection and Rapid LPR Tool Setup							
Ongoing Data Collection (Option 2a)							
Ongoing Parking Occupancy and Utilization Analysis (Option 2a)							
One-time Data Collection (Option 2b)							
One-time Parking Occupancy and Utilization Analysis (Option 2b)							
Develop Financial Modeling Workbook							
Assess Current Staffing Model							
Develop Staffing Recommendations							
Draft Parking Roadmap Update							
Final Parking Roadmap Update							

Cost Proposal

This cost proposal is based on a Time & Materials (T&M) approach. We will customize our solution to focus on what the project needs to achieve its objectives and adapt to ensure that the tasks are completed within the agreed-upon budget and timing. The budget includes all required travel or related expenses based on GSA standards and will be billed per Town requirements.

Classification	Labor Rate Per Hour
Principal Consultant	\$225
Senior Associate	\$175
Associate / Data Analyst	\$155
Junior Associate	\$115

Project Cost Breakdown

The following table details the estimated project cost breakdown by Task:

Cost Estimate: DIXON Time & Materials Fee		
Task	Description	Cost
1	Project Management • Conduct a project kick-off meeting. • Conduct bi-weekly project meetings and agendas.	\$8,490

Parking Occupancy and Utilization Analysis:		
Town Collects		
2a	• DIXON will assist the Town with resources and training to collect parking data. • Parking data will be collected over a four (4) month period. • DIXON will provide ongoing occupancy and turnover analysis during this period.	\$20,320
Parking Occupancy and Utilization Analysis:		
DIXON Collects		
2b	• DIXON will provide parking data collection over a three (3) day period with up to four (4) collection times per day. • DIXON will provide occupancy and turnover analysis for the pre-defined period.	\$27,199
Financial Modeling Workbook		
3	• Provide Financial Modeling to analyze various parking rates, policies, and cost recovery strategies. • Includes results from Parking Occupancy and Utilization Analysis (Task 2).	\$5,630
Staffing Plan Recommendations		
4	• Examine current staffing and prepare recommendations for staffing levels, job descriptions and management strategies. • Develop staffing recommendations and memorandum for Town consideration.	\$6,280
Parking Roadmap Update		
5	• Includes results from Financial Modeling Workbook. • Includes results from the staffing analysis and memorandum. • DIXON to provide updated Parking Roadmap Update.	\$6,610
Community Engagement and Stakeholder Input		
6	• Coordinate stakeholder engagement meetings during our two-day On-Site Assessment. • Facilitate one (1) in-person town hall or community meeting. • Additional virtual meetings may be quoted separately, as necessary. • Prepare community meeting agendas, graphics and materials, social media announcements and flyers, as necessary.	\$3,875
7	On-Call Support Provide on-call support and project management, as necessary.	\$7,400
RFP Solicitation Support		
8a	• Provide solicitation support, including proposal review, vendor interviews, evaluation, and selection for the open RFP for a Mobile Parking Payment System Application provider.	\$6,495
RFP Solicitation Support		
8b	• Provide solicitation support, including proposal review, vendor interviews, evaluation, and selection for the open RFP for an Automated Multi-Space Parking Pay Stations provider.	\$6,495
Total Cost with Option 2a		\$71,595
Total Cost with Option 2b		\$78,474

Optional Services: To Be Quoted Separately		
Task	Description	Cost
	Implementation Support	
9	DIXON can provide support to the Town during the implementation phase of a new service or system, including ongoing project management meetings with designated Town staff and the selected vendor.	Price Available Upon Request

AGR 19.044
MM

AGREEMENT FOR CONSULTANT SERVICES

THIS AGREEMENT is made and entered into on March 20, 2019 by and between TOWN OF LOS GATOS, a California municipal corporation, ("Town") and Dixon Resources Unlimited, ("Consultant"), whose address is 3639 Midway Drive, Suite B345, San Diego, CA 92110. This Agreement is made with reference to the following facts.

I. RECITALS

- 1.1 The Town desire to engage Consultant to provide a comprehensive study of downtown parking.
- 1.2 The Consultant represents and affirms that it is willing to perform the desired work pursuant to this Agreement.
- 1.3 Consultant warrants it possesses the distinct professional skills, qualifications, experience, and resources necessary to timely perform the services described in this Agreement. Consultant acknowledges Town has relied upon these warranties to retain Consultant.

II. AGREEMENTS

- 2.1 Scope of Services. Consultant shall provide services as described in that certain proposal sent to the Town on January 31, 2019 and with the supplement provided March 8, 2019, which is hereby incorporated by reference and attached as Exhibit A.
- 2.2 Term and Time of Performance. This contract will remain in effect from March 20, 2019 to June 30, 2020. Consultant shall perform the services described in this agreement as described in Exhibit A.
- 2.3 Compliance with Laws. The Consultant shall comply with all applicable laws, codes, ordinances, and regulations of governing federal, state and local laws. Consultant represents and warrants to Town that it has all licenses, permits, qualifications and approvals of whatsoever nature which are legally required for Consultant to practice its profession. Consultant shall maintain a Town of Los Gatos business license pursuant to Chapter 14 of the Code of the Town of Los Gatos.
- 2.4 Sole Responsibility. Consultant shall be responsible for employing or engaging all persons necessary to perform the services under this Agreement.
- 2.5 Information/Report Handling. All documents furnished to Consultant by the Town and all reports and supportive data prepared by the Consultant under this Agreement are the Town's property and shall be delivered to the Town upon the completion of Consultant's

services or at the Town's written request. All reports, information, data, and exhibits prepared or assembled by Consultant in connection with the performance of its services pursuant to this Agreement are confidential until released by the Town to the public, and the Consultant shall not make any of these documents or information available to any individual or organization not employed by the Consultant or the Town without the written consent of the Town before such release. The Town acknowledges that the reports to be prepared by the Consultant pursuant to this Agreement are for the purpose of evaluating a defined project, and Town's use of the information contained in the reports prepared by the Consultant in connection with other projects shall be solely at Town's risk, unless Consultant expressly consents to such use in writing. Town further agrees that it will not appropriate any methodology or technique of Consultant which is and has been confirmed in writing by Consultant to be a trade secret of Consultant.

2.6 Compensation. Compensation for Consultant's professional services **\$158,892**, inclusive of all costs. Payment shall be based upon Town approval of each task.

2.7 Billing. Billing shall be monthly by invoice within thirty (30) days of the rendering of the service and shall be accompanied by a detailed explanation of the work performed by whom at what rate and on what date. Also, plans, specifications, documents or other pertinent materials shall be submitted for Town review, even if only in partial or draft form.

Payment shall be net thirty (30) days. All invoices and statements to the Town shall be addressed as follows:

Invoices:

Town of Los Gatos

Attn: Accounts Payable

P.O. Box 655

Los Gatos, CA 95031-0655

2.8 Availability of Records. Consultant shall maintain the records supporting this billing for not less than three years following completion of the work under this Agreement. Consultant shall make these records available to authorized personnel of the Town at the Consultant's offices during business hours upon written request of the Town.

2.9 Assignability and Subcontracting. The services to be performed under this Agreement are unique and personal to the Consultant. No portion of these services shall be assigned or subcontracted without the written consent of the Town.

2.10 Independent Contractor. It is understood that the Consultant, in the performance of the work and services agreed to be performed, shall act as and be an independent contractor

and not an agent or employee of the Town. As an independent contractor he/she shall not obtain any rights to retirement benefits or other benefits which accrue to Town employee(s). With prior written consent, the Consultant may perform some obligations under this Agreement by subcontracting, but may not delegate ultimate responsibility for performance or assign or transfer interests under this Agreement. Consultant agrees to testify in any litigation brought regarding the subject of the work to be performed under this Agreement. Consultant shall be compensated for its costs and expenses in preparing for, traveling to, and testifying in such matters at its then current hourly rates of compensation, unless such litigation is brought by Consultant or is based on allegations of Consultant's negligent performance or wrongdoing.

- 2.11 Conflict of Interest. Consultant understands that its professional responsibilities are solely to the Town. The Consultant has and shall not obtain any holding or interest within the Town of Los Gatos. Consultant has no business holdings or agreements with any individual member of the Staff or management of the Town or its representatives nor shall it enter into any such holdings or agreements. In addition, Consultant warrants that it does not presently and shall not acquire any direct or indirect interest adverse to those of the Town in the subject of this Agreement, and it shall immediately disassociate itself from such an interest, should it discover it has done so and shall, at the Town's sole discretion, divest itself of such interest. Consultant shall not knowingly and shall take reasonable steps to ensure that it does not employ a person having such an interest in this performance of this Agreement. If after employment of a person, Consultant discovers it has employed a person with a direct or indirect interest that would conflict with its performance of this Agreement, Consultant shall promptly notify Town of this employment relationship, and shall, at the Town's sole discretion, sever any such employment relationship.
- 2.12 Equal Employment Opportunity. Consultant warrants that it is an equal opportunity employer and shall comply with applicable regulations governing equal employment opportunity. Neither Consultant nor its subcontractors do and neither shall discriminate against persons employed or seeking employment with them on the basis of age, sex, color, race, marital status, sexual orientation, ancestry, physical or mental disability, national origin, religion, or medical condition, unless based upon a bona fide occupational qualification pursuant to the California Fair Employment & Housing Act.

III. INSURANCE AND INDEMNIFICATION

- 3.1 Minimum Scope of Insurance:
- i. Consultant agrees to have and maintain, for the duration of the contract, General Liability insurance policies insuring him/her and his/her firm to an amount not less than: one million dollars (\$1,000,000) combined single limit per occurrence for bodily injury, personal injury and property damage.

- ii. Consultant agrees to have and maintain for the duration of the contract, an Automobile Liability insurance policy ensuring him/her and his/her staff to an amount not less than one million dollars (\$1,000,000) combined single limit per accident for bodily injury and property damage.
- iii. Consultant shall provide to the Town all certificates of insurance, with original endorsements effecting coverage. Consultant agrees that all certificates and endorsements are to be received and approved by the Town before work commences.
- iv. Consultant agrees to have and maintain, for the duration of the contract, professional liability insurance in amounts not less than \$1,000,000 which is sufficient to insure Consultant for professional errors or omissions in the performance of the particular scope of work under this agreement.

General Liability:

- i. The Town, its officers, officials, employees and volunteers are to be covered as insured as respects: liability arising out of activities performed by or on behalf of the Consultant; products and completed operations of Consultant, premises owned or used by the Consultant. This requirement does not apply to the professional liability insurance required for professional errors and omissions.
- ii. The Consultant's insurance coverage shall be primary insurance as respects the Town, its officers, officials, employees and volunteers. Any insurance or self-insurances maintained by the Town, its officers, officials, employees or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.
- iii. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the Town, its officers, officials, employees or volunteers.
- iv. The Consultant's insurance shall apply separately to each insured against whom a claim is made or suit is brought, except with respect to the limits of the insurer's liability.

3.2 All Coverages. Each insurance policy required in this item shall be endorsed to state that coverage shall not be suspended, voided, cancelled, reduced in coverage or in limits except after thirty (30) days' prior written notice by certified mail, return receipt requested, has

been given to the Town. Current certification of such insurance shall be kept on file at all times during the term of this agreement with the Town Clerk.

- 3.3 Workers' Compensation. In addition to these policies, Consultant shall have and maintain Workers' Compensation insurance as required by California law and shall provide evidence of such policy to the Town before beginning services under this Agreement. Further, Consultant shall ensure that all subcontractors employed by Consultant provide the required Workers' Compensation insurance for their respective employees.
- 3.4 Indemnification. The Consultant shall save, keep, hold harmless and indemnify and defend the Town its officers, agent, employees and volunteers from all damages, liabilities, penalties, costs, or expenses in law or equity that may at any time arise or be set up because of damages to property or personal injury received by reason of, or in the course of performing work which may be occasioned by a willful or negligent act or omissions of the Consultant, or any of the Consultant's officers, employees, or agents or any subconsultant.

IV. GENERAL TERMS

- 4.1 Waiver. No failure on the part of either party to exercise any right or remedy hereunder shall operate as a waiver of any other right or remedy that party may have hereunder, nor does waiver of a breach or default under this Agreement constitute a continuing waiver of a subsequent breach of the same or any other provision of this Agreement.
- 4.2 Governing Law. This Agreement, regardless of where executed, shall be governed by and construed to the laws of the State of California. Venue for any action regarding this Agreement shall be in the Superior Court of the County of Santa Clara.
- 4.3 Termination of Agreement. The Town and the Consultant shall have the right to terminate this agreement with or without cause by giving not less than fifteen days (15) written notice of termination. In the event of termination, the Consultant shall deliver to the Town all plans, files, documents, reports, performed to date by the Consultant. In the event of such termination, Town shall pay Consultant an amount that bears the same ratio to the maximum contract price as the work delivered to the Town bears to completed services contemplated under this Agreement, unless such termination is made for cause, in which event, compensation, if any, shall be adjusted in light of the particular facts and circumstances involved in such termination.
- 4.4 Amendment. No modification, waiver, mutual termination, or amendment of this Agreement is effective unless made in writing and signed by the Town and the Consultant.

4.5 Disputes. In any dispute over any aspect of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees, including costs of appeal.

4.6 Notices. Any notice required to be given shall be deemed to be duly and properly given if mailed postage prepaid, and addressed to:

Town of Los Gatos
Attn: Town Clerk
110 E. Main Street
Los Gatos, CA 95030

Dixon Resources Unlimited
3639 Midway Drive, Suite B345
San Diego, CA 92110

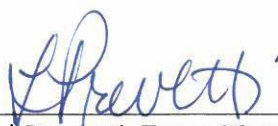
or personally delivered to Consultant to such address or such other address as Consultant designates in writing to Town.

4.7 Order of Precedence. In the event of any conflict, contradiction, or ambiguity between the terms and conditions of this Agreement in respect of the Products or Services and any attachments to this Agreement, then the terms and conditions of this Agreement shall prevail over attachments or other writings.

4.8 Entire Agreement. This Agreement, including all Exhibits, constitutes the complete and exclusive statement of the Agreement between the Town and Consultant. No terms, conditions, understandings or agreements purporting to modify or vary this Agreement, unless hereafter made in writing and signed by the party to be bound, shall be binding on either party.

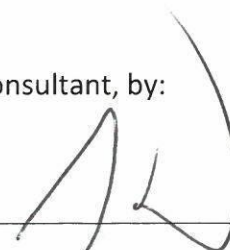
IN WITNESS WHEREOF, the Town and Consultant have executed this Agreement.

Town of Los Gatos by:

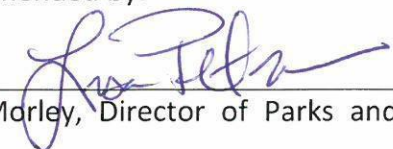


Laurel Prevetti, Town Manager

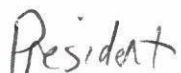
Consultant, by:



Recommended by:

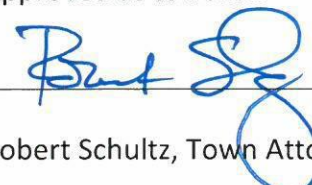


To: Matt Morley, Director of Parks and Public Works



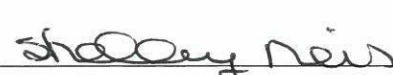
Title

Approved as to Form:



Robert Schultz, Town Attorney

Attest:

 4/25/19

Shelley Neis, CMC, Town Clerk

FIRST AMENDMENT TO AGREEMENT FOR CONSULTANT SERVICES

This FIRST AMENDMENT TO AGREEMENT is dated for identification this 22nd day of June 2020 and amends that certain agreement for Agreement for Consultant Services dated March 20, 2019, made by and between the Town of Los Gatos, ("Town") and Dixon Resources Unlimited ("Consultant").

RECITALS

- A. Town and Consultant entered into an Agreement for Consultant Services on March 20, 2019, ("Agreement"), a copy of which is attached hereto and incorporated by reference as Attachment 1 to this Amendment.
- B. Town desires to amend the Agreement for Consultant Services to extend the term of the agreement.

AMENDMENT

2.2 Term and Time of Performance is amended to remain in effect through June 30, 2022.

All other terms and conditions of the Agreement remain in full force and effect.

ATTACHMENT 1

IN WITNESS WHEREOF, the Town and Consultant have executed this Amendment.

Town of Los Gatos

Consultant by:

By:

DocuSigned by:
Laurel Prevetti
853FEEA2EB39470...

Laurel Prevetti, Town Manager

DocuSigned by:
Julie Dixon
2A27D58339BB4F3...

Julie Dixon / President
Name/Title

Department Approval:

DocuSigned by:
Matt Morley
BBA0B3B0D8F4484...

Matt Morley
Director of Parks and Public Works

Approved as to Form:

Attest:

DocuSigned by:
Robert W. Schultz
2FE09385558744C...

Robert Schultz, Town Attorney

DocuSigned by:
Shelley Neis
B9866F65B1F34F6...

Shelley Neis, MMC, CPMC, Town Clerk

SECOND AMENDMENT TO AGREEMENT FOR CONSULTANT SERVICES

This SECOND AMENDMENT is dated for identification this 7th day of June 2022 and amends that certain AGREEMENT FOR CONSULTANT SERVICES for a Comprehensive Study of Downtown Parking, dated March 20, 2019, made by and between the Town of Los Gatos, ("Town,") and the Dixon Resources Unlimited ("Consultant.").

RECITALS

- A. Town and Consultant entered into an Agreement for Consultant Services on April 25, 2019, ("Agreement"), and the First Amendment to the Agreement dated June 22, 2020, was executed to extend the agreement term to June 30, 2022, and a copy of the Agreement and First Amendment is attached hereto and incorporated by reference as Attachment 1 to this Amendment.
- B. Town desires to further amend the Agreement to extend the agreement term to June 30, 2023.

AMENDMENT

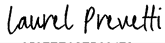
- 1. 2.2 Term and Time of Performance is amended to read as follows:

This contract will remain in effect until June 30, 2023.

- 2. All other terms and conditions of the Agreement remain in full force and effect.

IN WITNESS WHEREOF, the Town and Consultant have executed this Amendment.

Town of Los Gatos

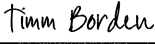
By:  7/1/2022

Laurel Prevetti, Town Manager

Approved as to Consent:

By:  _____
Julie Dixon
President

Department Approval:

 _____
Timm Borden
Interim Director of Parks and Public Works

Approved as to Form:

 _____
Gabrielle Whelan, Town Attorney

Attest:

 7/1/2022

Shelley Neis, MMC, CPMC, Town Clerk



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 03/21/2023

ITEM NO: 9

DATE: March 16, 2023
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Approve Partial Rent Relief for Los Gatos-Saratoga Recreation and the New Museums of Los Gatos (NUMU) for Fiscal Year (FY) 2023/24, Using Available American Rescue Plan Act (ARPA) Dollars.

RECOMMENDATION:

Approve partial rent relief for Los Gatos-Saratoga Recreation (LGS Rec) and the New Museums of Los Gatos (NUMU) for Fiscal Year (FY) 2023/24, using available American Rescue Plan Act (ARPA) dollars.

BACKGROUND:

In 2020, the Town Council agreed to lease abatements for both tenants. These are scheduled to expire at the end of June 2023. As each tenant assessed their financial outlooks, during the Strategic Priorities discussion, both NUMU and LGS Rec presented proposals for reduced or zero rent. Attachment 1 contains the NUMU proposal and Attachment 2 contains the LGS Rec proposal.

DISCUSSION:

The Town has provided reduced rents to both tenants as well as other support. Below is information regarding the depth of the existing subsidy for both entities. Please note that the data does not include community grants for specific programs which are awarded on a competitive basis and outside of the lease arrangements.

NUMU

The table below shows the market value of the rent and free utilities, yielding a subsidy over \$500K.

Reviewed by: Town Manager, Town Attorney, and Finance Director

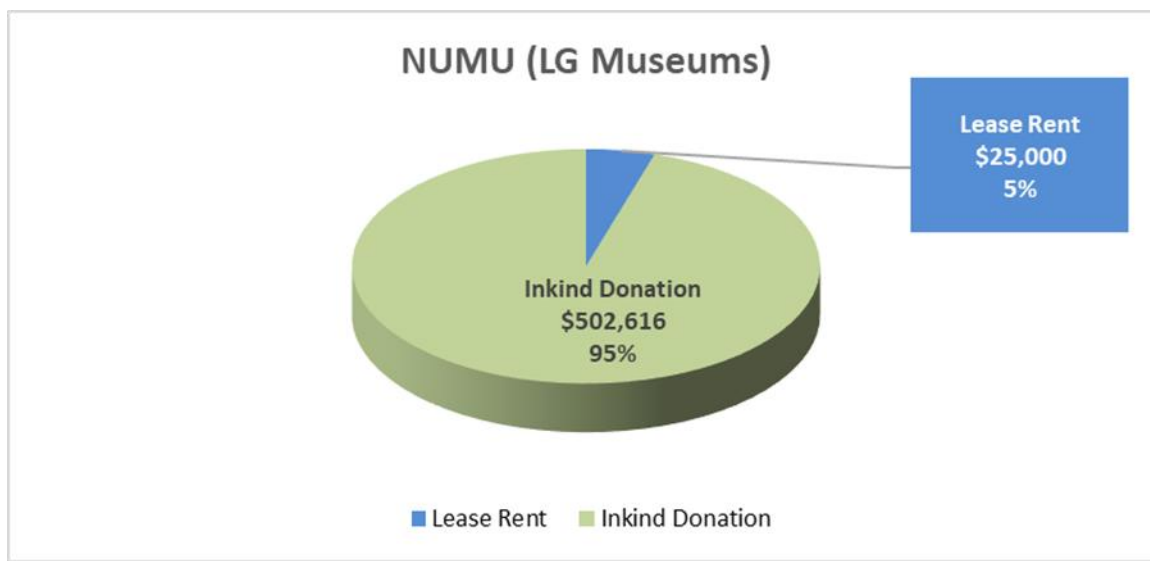
SUBJECT: Approve Partial Rent Relief for Los Gatos-Saratoga Recreation and the New Museums of Los Gatos (NUMU) for Fiscal Year (FY) 2023/24, Using Available American Rescue Plan Act (ARPA) Dollars)

DATE: March 16, 2023

DISCUSSION (continued):

NUMU (LG Museums)	
110 E. Main St	
10-Year Lease	
Market Price Per Square Foot/Month*	\$3.7
Square Footage	10,630
Value of Rent- Annual	\$474,230
Utilities - Annual	\$53,386
Total Rent Value and Other Expenses	\$527,616
 <i>Rent Paid to Town - Annual (Under Current Lease Agreement)</i>	 \$25,000
<i>Utilities Paid - Annual</i>	<i>\$0</i>
Total Value of Annual Town Donation/Subsidy	\$502,616

Graphically, the chart below shows that the Town is subsidizing the space at a rate of 95%.



The Town made significant capital investments on behalf of NUMU at Tait, Forbes Mill, and Town Hall to maintain the structures and prepare Town Hall for the museum's occupancy, as shown in the table below.

SUBJECT: Approve Partial Rent Relief for Los Gatos-Saratoga Recreation and the New Museums of Los Gatos (NUMU) for Fiscal Year (FY) 2023/24, Using Available American Rescue Plan Act (ARPA) Dollars)

DATE: March 16, 2023

DISCUSSION (continued):

Capital Investment	
NUMU (LG Musuem)	
Expenditure Type	Actuals (FY 2007/08 - 2016/17)
Building Remodel	\$ 1,125,458
HVAC	1,074,293
Roofing	141,984
Total	\$ 2,341,736

**Expenditures includes \$72,460 roof repair at Tait location*

Los Gatos Recreation

The table below shows the market value of the rent for the **Adult Recreation Center**, yielding a subsidy of approximately \$289K. The reduced rent was in exchange for the provision of senior services.

<i>Adult Recreation Center</i>	
208 E. Main St.	
20-Year Lease	
Market Price Per Square Foot/Month*	\$3.7
Square Footage	12,000
Value of Rent- Annual	\$527,537
Utilities - Annual	N/A
Total Rent Value and Other Expenses	\$527,537

Rent Paid to Town - Annual (Under Current Lease Agreement)

45% of Market Value	\$237,537
Utilities Paid - Annual	<i>Paid Directly to Utilities</i>
Elevator Maintenance	\$510
Total Value of Annual Town Donation/Subsidy	\$289,490

Graphically, the chart below shows that the Town is subsidizing the space at a rate of 55%.

SUBJECT: Approve Partial Rent Relief for Los Gatos-Saratoga Recreation and the New Museums of Los Gatos (NUMU) for Fiscal Year (FY) 2023/24, Using Available American Rescue Plan Act (ARPA) Dollars)

DATE: March 16, 2023

DISCUSSION (continued):



The Town had made and continues to make capital investments in the Adult Recreation Center as shown in the table below.

Capital Investment				
Adult Recreation Center				
Expenditure Type	Actuals Prior to FY 2022/23	Budgeted FY 2022/23	Actuals + Encumbrances FY 2022/23	
Floor Repair	\$ 4,560	\$ 195,440	\$ 154,051	
HVAC	-	310,000	195,000	
Restroom Remodel	-	183,000	-	
Roofing	71,336	-	-	
Cable & Control System Repair	17,125	-	-	
Total	\$ 93,021	\$ 688,440	\$ 349,051	

**Prior year expenditures occurred in FY 2011/12, 2015/16, 2021/22*

In terms of the **Youth Recreation Center**, the market value of the rent yields a subsidy of approximately \$256K.

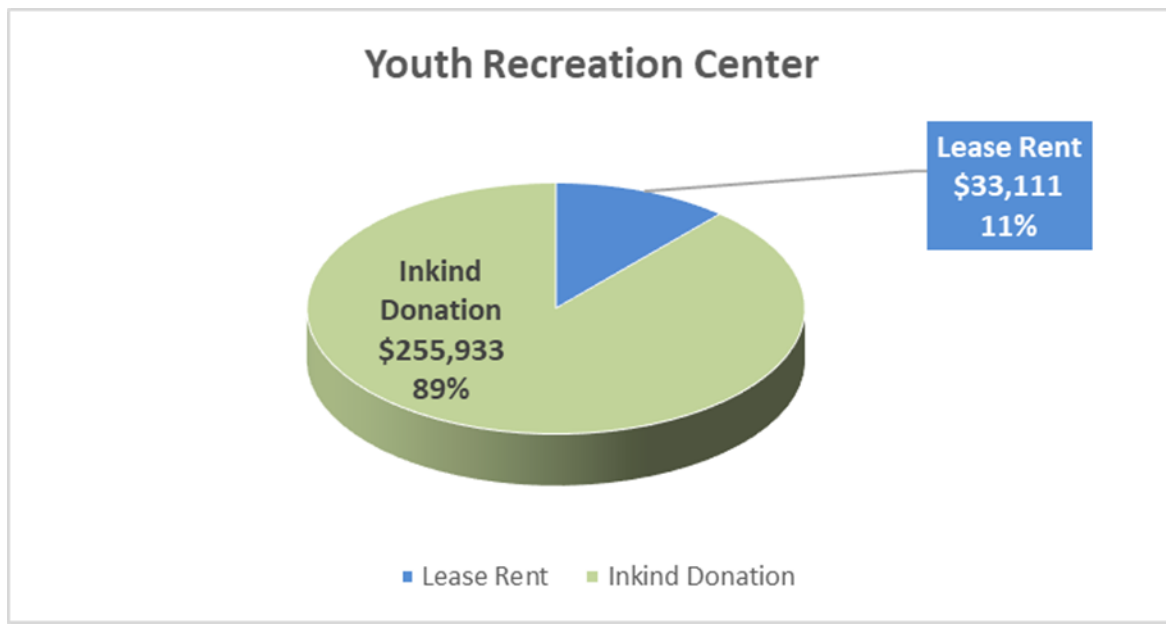
SUBJECT: Approve Partial Rent Relief for Los Gatos-Saratoga Recreation and the New Museums of Los Gatos (NUMU) for Fiscal Year (FY) 2023/24, Using Available American Rescue Plan Act (ARPA) Dollars)

DATE: March 16, 2023

DISCUSSION (continued):

Youth Recreation Center	
123 E. Main St.	
Market Price Per Square Foot/Month*	\$3.7
Square Footage	6,479
Value of Rent- Annual	\$289,044
Utilities - Annual	N/A
Total Rent Value and Other Expenses	\$289,044
<i>Rent Paid to Town - Annual (Under Current Lease Agreement)</i>	
10% of Market Value	\$28,905
Utilities Paid - Annual	Paid Directly to Utilities
Landscaping Services Paid - Annual	\$4,206
Total Value of Annual Town Donation/Subsidy	\$255,933

Depicted graphically, Town is subsidizing the space at a rate of 89%.



The Town had also made capital investments in the Youth Recreation Center as shown in the table below.

SUBJECT: Approve Partial Rent Relief for Los Gatos-Saratoga Recreation and the New Museums of Los Gatos (NUMU) for Fiscal Year (FY) 2023/24, Using Available American Rescue Plan Act (ARPA) Dollars)

DATE: March 16, 2023

DISCUSSION (continued):

Capital Investment		
Youth Recreation Center		
Expenditure Type	Actuals	
	(FY 2010/11 & 2014/15)	
Building Remodel	\$	69,610
Roofing		49,540
Total	\$	119,150

CONCLUSION:

Based on this information, it is recommended that each entity receive an 84% subsidy for the FY 2023/24 rent. For LGS Rec, this is a subsidy of \$200,000 and LGS Rec would pay the Town \$38,088 for the ARC and full rent of \$33,111 for the YRC. For NUMU, this subsidy would be \$21,000 and NUMU would pay the Town \$4,000. All provisions of both leases remain unchanged.

COORDINATION:

The preparation of this report was coordinated with the Finance Director, Town Manager, and Town Attorney.

FISCAL IMPACT:

Through the use of ARPA funds, the additional year of rent relief will have minimal impact on the Town's budget.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under the California Environmental Quality Act, and no further action is required.

Attachments:

1. NUMU Proposal
2. LGS Rec Proposal



NEW MUSEUM LOS GATOS

ART ■ INNOVATION ■ HISTORY ■ BAY AREA

408.354.2646 | 106 E. Main Street, Los Gatos CA 95030 | numulosgatos.org

Los Gatos Town Council

The Honorable Mayor Ristow, Vice Mayor Badame, and Council Members Hudes, Moore, and Rennie
110 E. Main St.
Los Gatos, CA 95030

January 17, 2023

Dear Mayor Ristow, Vice Mayor Badame, and Council Members Hudes, Moore, and Rennie,

We are writing today to encourage you to treat NUMU | New Museum Los Gatos as an integral part of the Town of Los Gatos' strategic priorities by removing rent payments from NUMU's lease with the Town. Now more than ever, NUMU provides critical services to the Town that makes Los Gatos an incredible place to live, work, play, and learn, in addition to attracting visitors from the greater Bay Area. **We are asking the Town to reduce rent for 106 E. Main Street to \$1 per year to support NUMU's ongoing responsibility to maintain and steward the Town of Los Gatos' history collection and provide arts, history, and cultural educational services to the Los Gatos community.** This arrangement is in line with other museum/city partnerships in our region. By retaining the funds that NUMU obtains through donations and grants, it will allow us to recirculate them into more services and programs that ultimately serve the Town of Los Gatos with art, history, and culture.

We want to express our ongoing gratitude for forgiving our rent this past three years, which has helped us not only navigate the pandemic, but deepen our ability to serve our community. Rent forgiveness has enabled NUMU to achieve several key mission-aligned goals that directly support the Town's priorities for local history, community vitality, and inclusivity. NUMU is also a key feature of the Town Culture initiatives in the [2040 Town Plan](#). The 2040 General Plan for Los Gatos commits to "Enrich the Town by making visual arts, the performing arts, literary arts, and other cultural Tx amenities more accessible to the Town's residents." We have been working tirelessly on critical areas that support these goals such as the Los Gatos History Project; delivering the high-visibility *ArtNow* high school exhibition and program; and collaborating with local community partners and beyond, like the Los Gatos Library, CASSY, and LGS Recreation. **The Town's rent forgiveness has been a true lifeline for all of these efforts, and is a testament for what we can achieve together.**

We can continue to achieve all this and more with your increased support:

- The Los Gatos History Project makes our permanent art and history collection accessible in-person and through an online database. We display, steward, protect, and in the future, will loan our collection of art and history objects that represent Los Gatos. The staff has decades of cumulative experience in collections care and display. The collection includes unique objects and archives from Los Gatos history, including the world's most comprehensive collection representing the lives of prolific artists and life partners Frank Ingerson and George Dennison, and their home, Cathedral Oaks, a mountain destination for creatives in mid 20th century Los Gatos.
- We are hosting the exhibition, *Reclamation*, a partnership between the Muwekma Ohlone Tribe and San Jose State University, featuring Los Gatos and Bay Area places of significance to the Tribe. It amplifies the Muwekma Ohlone Tribal Council's efforts to gain visibility and federal recognition.
- The *ArtNow* high school exhibition program creates visibility for Los Gatos with high schools county-wide, and attracts a large audience to the Museum and the Town. The program features teen artists from Los Gatos and across the county, and provides scholarships for award winners.



NEW MUSEUM LOS GATOS

ART ■ INNOVATION ■ HISTORY ■ BAY AREA

408.354.2646 | 106 E. Main Street, Los Gatos CA 95030 | numulosgatos.org

- We completed a Packard Foundation-funded, year-long diversity, equity, accessibility, and inclusion (DEAI) strategic planning process that will help us shape our exhibitions and programs, educate our audience about the untold histories of Los Gatos, and help us build alignment with Town DEAI initiatives.
- NUMU collaborates with local community partners like the **Los Gatos Library, LGS Recreation, the Chamber of Commerce, Los Gatos Art Association, CASSY, and Mosaic America** to implement programs and exhibitions that provide a platform for underrepresented artists and communities. We run the Footbridge summer camp program in partnership with LGS Recreation to enhance the Town and involve students in local history.

As we are all learning, NUMU, like other arts and culture organizations, will not fully recover by July 2023; in fact, full recovery will take years. Starting rent payments in July 2023 will paralyze our ability to become a truly world-class destination for art and culture in the Bay Area. Moreover, we will be unable to adequately steward the history collection and it will once again languish, hidden away in boxes. This domino effect would decimate our ability to serve Los Gatos with history, culture, and art.

There is no better time to re-imagine the Town's relationship with its community museum. NUMU is in the Town's 2040 Plan both as a steward of the collection and a center for arts and culture. These proposed lease amendments not only ensure that the museum will exist in 2040, but will be able to thrive for decades to come. Nominal rent would be in line with virtually every museum in our area (see appendix), and signal to the region that Los Gatos values inclusivity, community, and culture. **Please vote to reduce rent for 106 E. Main Street to \$1 per year to support NUMU's critical role in maintaining—and expanding—the Town's cultural footprint, moving toward a deep and permanent partnership.**

NUMU's relationship with the Town of Los Gatos is vital to us and our ongoing ability to serve our community. Thank you from all of us for your continued support.

In partnership,

DocuSigned by:

Ami Davis

Ami Davis | Executive Director

DocuSigned by:

Jillian Frontgruben

Jillian Frontgruben | Vice President

DocuSigned by:

MAUREEN CAPPON-JAVEY

Maureen Cappon-Javey | Board Member

DocuSigned by:

Allison Railo

Allison Railo | Community Representative

DocuSigned by:

Jan B Schwartz

Jan Schwartz | Board President

DocuSigned by:

Florence Cheung

Florence Cheung | Treasurer

DocuSigned by:

Barney Davidge

Barney Davidge | Board Member

DocuSigned by:

Matt Schechter

Matt Schechter | Board Member

Museum Name	Most Recent Operating Budget (FY18)	Total Expenses	Total Revenue	Contributed Income	Earned Income	Total Facilities	Utilities	City Rent	Add hyperlink to 990 form	Add'l Info/NOTES
San Jose Museum of Art	2016	\$4,317,176	\$4,582,092	\$3,278,807	\$491,871		\$66,630	\$1 per year		receives funds from the TOT :https://www.sanjoseca.gov/home/showpublisheddocument/7010/636644210957800000
Saratoga History Museum	2016	\$23,658	\$66,544	\$48,800	\$17,744			\$0		
Santa Cruz Museum of Art and History (MAH)	2016	\$1,864,470	\$2,457,382	\$1,935,159	\$514,713			\$0		
Montalvo	2017	\$6,196,158	\$6,293,180	\$2,422,323	\$2,534,318	\$445,451	\$114,197	owns	http://montalvoarts.org/document/12	
Tech Museum - San Jose	2017	\$21,777,974	\$26,382,036	\$20,438,835	\$5,635,454				https://990s.foundationcenter.org/990_pdf_archive/942/942864660/942864660_201706_990.pdf	As of May 2019, it is known called "The Tech Interactive"
Computer History Museum	2016	\$12,796,532	\$9,252,904	6 574 509	\$1,078,019			Per a 9/18/2002 NYT article, the museum "acquired" its current space - formerly the home of Silicon Graphics - in 2002	https://990s.foundationcenter.org/990_pdf_archive/770/770507525/770507525_201706_990.pdf	
Los Altos History Museum	2015	\$467,109	\$527,797	\$285,985	\$0	\$0	\$0	\$0	https://990s.foundationcenter.org/990_pdf_archive/942/942542813/942542813_201606_990.pdf	bldg owned by city, no utilities or rent. Treated like Police Dept, Town Hall. Do pay weekly cleaning service. FREE admission
Palo Alto Art Center	2017	\$778,213	\$989,841	\$757,421	\$129,638	city funded - no utilities or rent	city funded -	\$0	https://990s.foundationcenter.org/990_pdf_archive/942/942382459/942382459_201706_990.pdf	City funded - no utilities or rent

Museum Name	Most Recent Operating Budget (FY18)	Total Expenses	Total Revenue	Contributed Income	Earned Income	Total Facilities	Utilities	City Rent	Add hyperlink to 990 form	Add'l Info/NOTES
Quilt & Textile Museum	2017	\$740,416	\$487,707	\$429,162	\$32,213		\$37,000	owns	https://990s.foundationcenter.org/990_pdf_archive/770/770123939/770123939_201706_990.pdf	
Campbell Museums (Ainsley + History Museum)	2018	\$410,826	\$410,826	\$346,696	\$64,130		\$21,000	\$0	https://www.ci.campbell.ca.us/ArcHiveCenter/ViewFile/Item/1122	Page 180 of the City of Campbell budget highlights the most information. Parks and museum trust: \$142,952
Pacific Art League	2018	\$1,011,789	\$1,176,348	\$200,920	\$565,764	97,300 incl. utilities	\$9,000	\$0	i used budget	
De Saisset Museum								\$0		
Triton Museum	2016	\$684,131	\$716,296	\$486,178	\$76,166	\$12,499	Electric from City; budget gas \$25K/year, usually under based on usage	\$1/year	https://990s.foundationcenter.org/990_pdf_archive/946/946122076/946122076_201706_990.pdf	Triton houses city art & historic artifacts; gets rent & elec in recognition



LGS | RECREATION

Los Gatos-Saratoga Community Education & Recreation
123 East Main Street, Los Gatos, CA 95030
Phone: (408)354-8700 Fax: (408)775-8366
www.lgsrecreation.org

January 16, 2023

Town of Los Gatos
Attn: Laurel Prevetti, Town Manager
110 E. Main Street
Los Gatos, CA 95030

Reference: ARC / YRC Lease Abatement Proposal

Hello Laurel,

In preparation for the Town Council's priority setting meeting on January 24th, I'm reaching out on behalf of the LGS Recreation (the "Agency") and our Board of Directors to reaffirm the permanent lease abatement proposal of April 2022 (attached). As the 2022 proposal outlined, the Agency is seeking a partnership in which the Town provides permanent lease abatement, and the Agency provides the staffing, financial management, programs and services. The arrangement is one in which Town leadership has a stake in the Agency and position of authority and governance.

As background, in 2009 the Agency entered into an agreement to lease the ARC facility. The agreement obligates the Agency to provide certain 55+ programs and services. It costs the Agency \$750K per year to pay the leases on Town-owned ARC and YRC facilities (\$250K) and support the 55+ programs (\$500K).

In the past, The Agency used the profits from other program areas such as childcare and youth sports to offset lease and 55+ expenses; this is no longer feasible and will not be supported by our Board. Additionally, School District partners have made concessions to their facilities fee structure that serves as an Agency subsidy. District partners are focused on youth and are unwilling to have their concessions used to pay for leases and the senior programming.

The 2023 Agency budget forecasts \$7.8M in revenue and will break-even; it does not include resuming lease payments to the Town. After the temporary lease abatement ends June 2023, any future payments will be treated as a variance and prompt difficult decisions. Without permanent lease abatement, the Agency will be forced to evaluate use of the Town facilities and the associated staffing and financial obligation to provide core 55+ services.

We share the vision of creating a community where older adults are engaged, have a sense of belonging and have inclusive opportunities to thrive. Benchmarking by the Town's Senior Services Committee has demonstrated all State-wide 55+ programs are a combination of free, low cost and subsidized programs as a cost-recovery effort of up to 30-40%.

The 55+ programs associated with the lease are specifically aligned with Town Council 2022 – 2024 community vitality strategic priorities:

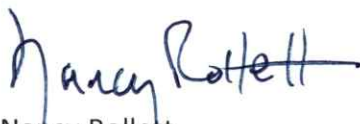
- Diversity, equity and inclusion efforts
- Creating community where older adults thrive
- Special events
- Community engagement

The Agency also serves as the Town's de facto recreation department, serving 31.6K customers in 2022 with programming for all ages. No other recreation departments in the State pay a lease for the use of space to serve their community. Philosophically it does not make sense for the Town to charge rent to the Agency. By retaining our revenue, we are in a stronger position to create new programs that provide even greater value to the community. Town government is not able to efficiently use these funds to offer something of greater value. Diverting our revenue to lease payments makes an immaterial difference to the Town's budget and compromises the Agency ability to reinvest revenue.

Recreation is an anchor institution and a social driver of enrichment and connection; we add to the Town's unique identity, community vitality and sense of belonging. Our only mission is to curate specialty programs and services that are unduplicated in the surrounding area.

We recognize this is a defining moment for the Town and budget tradeoffs must be made. Decisions made now will affect the community for generations to come. Partnership between the Town and LGS Recreation is essential to supporting strategic priorities and over 31K customers.

Sincerely,



Nancy Rollett
Executive Director
Los Gatos-Saratoga Recreation
208 E. Main Street
Los Gatos, CA 95030

Cc:

Assistant Town Manager, Arn Andrews

Town Mayor, Maria Ristow

Town Vice Mayor, Mary Badame

Council Members: Matthew Hudes, Rob Rennie and Rob Moore

Attachment:

Lease Abatement Proposal April 14, 2022



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 03/21/2023

ITEM NO: 10

DATE: March 10, 2023
TO: Mayor and Town Council
FROM: Gabrielle Whelan, Town Attorney
SUBJECT: Introduce a Proposed Ordinance Amending Section 3.50.015 of the Town Code to Increase Maximum Bingo Award to \$500

RECOMMENDATION:

Introduce a Proposed Ordinance Amending Section 3.50.015 of the Town Code to Increase Maximum Bingo Award to \$500

BACKGROUND:

State law provides that games of bingo in which people pay to win prizes is considered a lottery or game of chance and therefore constitutes gambling. While gambling and lotteries are generally prohibited, there is an exception for fundraising so long as the proceeds are used for charitable purposes. (Penal Code Section 326.5.) The Town Code currently authorizes non-profit corporations to conduct bingo games for fundraising purposes. (Town Code Sections 3.50.010 and following.) Penal Code Section 326.5 authorizes local jurisdictions to set a maximum prize amount, which can be up to \$500. Town Code Section 3.50.015 currently sets a maximum amount of \$250.00.

DISCUSSION:

KCAT has asked that the Town increase the maximum prize amount from \$250 to \$500. For the Town Council's consideration, staff has prepared an ordinance to increase the bingo prize amount from \$250.00 to \$500.00.

Below, the new proposed language is shown underlined and deleted language is shown in ~~strike through~~:

PREPARED BY: Bridgette Falconio
Administrative Technician

Reviewed by: Town Manager, Police Chief, Finance Director, and Town Attorney

PAGE 2 OF 2

SUBJECT: Town Code Amendment Regarding Bingo Award Amount

DATE: March 10, 2023

DISCUSSION (continued):

Town Code Section 3.50.015:

“The total value of prizes awarded during the conduct of any bingo games shall not exceed ~~two hundred fifty~~ five hundred dollars (~~\$500.00~~ \$250.00) in cash or kind, or both, for each separate game which is held.”

CONCLUSION:

If the Town Council decides that the maximum bingo prize amount should increase from \$250 to \$500, staff recommends that the Town Council introduce the proposed Ordinance. The Council should also include any comments or recommended changes to the proposed Ordinance. Once introduced, the Ordinance will return to the Town Council for adoption on April 4, 2023.

COORDINATION:

The Town Attorney’s Office and Town Manager’s Office coordinated this report.

FISCAL IMPACT:

The proposed Ordinance will not affect the Town’s Budget.

ENVIRONMENTAL ASSESSMENT:

Because the proposed Ordinance will not result in a change in the physical environment, its adoption is not a project defined under CEQA and no further action is required (Public Resources Code Section 21065).

Attachment:

1. Proposed Ordinance Amending Bingo Ordinance

DRAFT ORDINANCE

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS AMENDING CHAPTER 3, "AMUSEMENTS," OF THE TOWN CODE REGARDING BINGO AWARD AMOUNT

WHEREAS, the Town's bingo ordinance is codified at Sections 3.50.010 and following;
and

WHEREAS, Town Code Section 3.50.015 currently sets the maximum prize amount for bingo games at \$250 per game;

WHEREAS, California Penal Code Section 326.5 authorizes local jurisdictions to establish a maximum prize amount for bingo of up to \$500 per game;

WHEREAS, a local non-profit organization has requested that the Town increase the maximum prize amount for bingo from \$250 to \$500 per game; and

WHEREAS, the Town Council is amenable to this requested increase;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Los Gatos as follows:

SECTION I. Town Code Section 3.50.015, "Maximum Amount of Prize," is amended to read as follows:

The total value of prizes awarded during the conduct of any bingo games shall not exceed five hundred dollars (\$500.00) in cash or kind, or both, for each separate game which is held.

SECTION II. Severability.

In the event that a court of competent jurisdiction holds any Section, subsection, paragraph, sentence, clause, or phrase in this Ordinance unconstitutional, preempted, or otherwise invalid, the invalid portion shall be severed from this Section and shall not affect the validity of the remaining portions of this Section. The Town hereby declares that it would have adopted each Section, subsection, paragraph, sentence, clause, or phrase in this Section irrespective of the fact that any one or more Sections, subsections, paragraphs, sentences, clauses or phrases in this Section might be declared unconstitutional, preempted, or otherwise invalid.

SECTION III. Publication.

The Town Clerk is directed to cause copies of this ordinance to be posted in three (3)

prominent places in the Town of Los Gatos and to cause publication once in the Los Gatos Weekly, the official publication of legal notices of the Town of Los Gatos, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the Town Council and a certified copy shall be posted in the office of the Town Clerk, pursuant to GC 36933(c)(1).

SECTION IV. CEQA.

Adopting this ordinance increasing the amount of prize money per bingo game is not a project subject to CEQA because it can be seen with certainty that it will not impact the environment (CEQA Guidelines Section 15378).

SECTION V. Effective Date.

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the _____, 2023, and adopted by the following vote as an ordinance of the Town of Los Gatos at a regular meeting of the Town Council of the Town of Los Gatos on the _____, 2023. This ordinance takes effect 30 days after it is adopted.

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

ATTEST:

TOWN CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 03/21/2023

ITEM NO: 11

DATE: March 6, 2023
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Fee and Fine Schedules for Fiscal Year 2023/24:
a. Adopt a Resolution Approving the Comprehensive Fee Schedule for Fiscal Year 2023/24 to Continue Certain Department Fees, Rates, and Charges, and Amending Certain Fees, Rates, and Charges for Fiscal Year 2023/24.
b. Adopt a Resolution Approving the Comprehensive Fine Schedule for Fiscal Year 2023/24 to Continue Certain Department Fines and Amending Certain Fines for Fiscal Year 2023/24.

RECOMMENDATION:

Fee and Fine Schedules for Fiscal Year (FY) 2023/24:

- a. Adopt a resolution approving the Comprehensive Fee Schedule for FY 2023/24 to continue certain Department fees, rates, and charges, and amending certain fees, rates, and charges for FY 2023/24.
- b. Adopt a resolution approving the Comprehensive Fine Schedule for FY 2023/24 to continue certain department fines and amending certain fines for FY 2023/24.

BACKGROUND:

The Town's financial policies require that certain fees, rates, and charges for services be maintained to allow for cost recovery based on the actual cost to provide Town services. "Fee" activities are services and functions provided by the Town to individuals who receive some direct material benefit above and beyond services offered to residents at general taxpayer expense. "Fines" are the amounts of the penalties for code violations imposed pursuant to Section 1.30.025 of the Los Gatos Town Code.

Staff periodically reviews the cost of providing such services and recommends appropriate increases in fees when supported by actual cost data. The Town's last comprehensive cost allocation and user fee study recommendations were incorporated in the FY 2019/20 Fee Schedule.

PREPARED BY: Melissa Ynegas
Finance Administrative Analyst

Reviewed by: Town Manager, Town Attorney, and Finance Director

DISCUSSION:

The Comprehensive Fee Schedule allows for an annual adjustment of fees by the average increase in the Consumer Price Index (CPI) for the previous calendar year. The average increase in the CPI for 2019, 2020, and 2021, was 3.2%, 1.7%, and 3.4% respectively, for a cumulative cost of living increase of 8.5% since 2019. For Fiscal Year 2022/23, fees were adjusted by 5.9% CPI, which is halfway between 3.2% and 8.5%. In 2022, the average increase in the CPI was 5.6%, for a cumulative cost of living increase of 14.6% since 2019. For FY 2023/24, staff is proposing fees be adjusted by 8.8% CPI to capture full CPI increases since 2019.

In addition to the proposed CPI changes, the proposed FY 2023/24 Comprehensive Fee Schedule accounts for modifications to fees as explained below:

Administrative Services

1. Initiative/Referendum Petition Filings Fee – Per election code 9202 (b), any person filing a notice of intent with elections official shall pay a fee to be established by legislative body not to exceed two hundred dollars (\$200) to be refunded to the filer if within one year of the date of filing the notice of intent, the elections official certifies the sufficiency of the petition.
2. Special Event Fees - Modifications to the fee schedule related to special events have been proposed to provide the customer with a clearer and more concise listing of fees associated with special events in a central location within the schedule. As the Special Event Permit program has evolved and become more streamlined, staff has been able to identify common fees that are associated with events, and list them, more conveniently, within a related section of the Fee Schedule. There was also some crossover and unclear language previously included in the Fee Schedule related to special event permits, versus special use permits, which is a permit related to park use only. This language has been modified in both the Administrative Services and Parks and Public Works sections of the fee schedule to provide better clarity for stakeholders. Both Parks and Public Works and the Police Department have identified an hourly rate for their staff to support specific tasks at special events, and this fee has been added to the schedule. Charging an hourly fee for staff services is a practice that has been in place for several years with special events; however, has never been memorialized in this section of the fee schedule, thus it has been added for better clarity to special event applicants. Along those same lines, the Temporary Encroachment Permit fee has been utilized for special events although not noted in this section. Any increases in the fees listed have been at the recommendation of the Department that provides the service (i.e., no parking signs). There is no recommendation to increase the special event permit application fees. Modified language has been recommended within the Civic Center Facilities Use section to clarify the facility use and more closely align with the Town's Facilities Use Policy.

DISCUSSION (continued):

Development Services

1. Accessory Dwelling Unit - Due to changes in State law, Accessory Dwelling Units (ADUs) are no longer reviewed through a planning permit prior to building permit submittal, therefore planning permit is no longer used and is proposed to be removed.
2. SB 330 and SB 35 Preliminary Application Fees - Two new preliminary application review fees have been proposed in association with new housing applications required by State law, Senate Bill (SB) 35 and SB 330.
3. Shared Parking Permit - In January 2019 Section 29.10.145 of Chapter 29 (Zoning Regulations) of the Los Gatos Town Code amended the term Alternating Use to Shared Parking to allow businesses to apply for shared parking services. The approved amendment allows for a streamline review process and creates an incentive for shared parking by no longer requiring a Conditional Use Permit (CUP). This proposed application type will have fees based on actual cost, paid for through an initial deposit, and additional deposits as needed to cover time and materials.
4. C-3 Permit Hydrologic Calculation and Geotechnical Peer Review Fees – The changes to these fees have been proposed to provide consistency on the language used and to clarify the Administrative Charges associated with fees.
5. Engineering Subdivision Map Checking 1-4 Lots – Proposing a fee to cover cost associated with the need for filing map corrections, known as Certificate of Correction. While these occur infrequently, this charge acknowledges that when they do occur resources are required to support the effort.
6. Building/Grading Permits (Building, Structures, & Impervious areas) – This fee has not been increased in several years, so the Department is proposing an increase to reflect increased costs associated with reconstruction of the stormwater system in the Town.
7. Slurry Seal, Curb and Gutter – These fees are being proposed to increase to reflect current costs from bid projects.

Police Services

1. Driver Permit and Massage Establishment Permit – Proposing to reduce the fee by the fingerprinting cost as the Police Department no longer has the equipment to complete fingerprinting for the public.
2. No Parking Signs – Proposing to increase fee due to actual cost of materials.
3. Bingo Permit – Proposing to reduce the fee as the bingo permit fee is limited by California Penal Code 326.5.
4. Fingerprinting – Proposing to remove this fee as the Police Department no longer has the equipment to complete fingerprinting for the public.
5. Solicitor/Peddler's Permit – Proposing to remove language “plus fingerprinting” as the Police Department no longer has the equipment to complete fingerprinting for the public.

DISCUSSION (continued):

6. Bicycle Licenses – Proposing to remove this fee as California amended a law that removes all bike registration requirements (see Section 39002 of the vehicle code).

Attachment 1, Exhibit A contains the proposed FY 2023/24 Comprehensive Fee Schedules reflecting all Town fees (including proposed changes). An itemized list of recommended FY 2023/24 fee adjustments, reclassifications, and deletions are reflected in Attachment 2.

The Comprehensive Fine Schedule sets forth the administrative penalty amounts for code violations. Attachment 3, Exhibit A contains the proposed FY 2023/24 Comprehensive Fine Schedules reflecting all Town fines (including proposed changes). An itemized list of recommended FY 2023/24 fine adjustments, reclassifications, and deletions are reflected in Attachment 4 and explained below:

Town Violations

1. Social Host Ordinance – Proposing to remove three fines: 18.30.010 (a), 18.30.010 (b), and 18.30.040 to better align with the new Town’s social host ordinance. The Town’s social host ordinance prohibits underage social gatherings involving intoxicants on private and public property. In the event that any person knowingly hosts an underage social gathering with intoxicants or a juvenile hosts an underage social gathering involving intoxicants, the ordinance provides that the hosts or parents/guardians of the juvenile may be jointly and severally liable for penalties and response costs.

CONCLUSION:

It is recommended that Town Council approve the Comprehensive Fee Schedule (Attachment 1) and the Comprehensive Fine Schedule effective July 1, 2023 (Attachment 3).

FISCAL IMPACT:

The Town’s financial policies require that fees be maintained to provide for the recovery of costs associated with Town services. If approved by the Town Council, staff will incorporate the selected fee changes into the Town’s FY 2023/24 Operating and Capital Budget using conservative development and other activity projections.

COORDINATION:

The preparation of the Fee and Fine Schedules was coordinated with all Town Departments and Offices.

PAGE 5 OF 5

SUBJECT: Fee and Fine Schedule for Fiscal Year 2023/24

DATE: March 21, 2023

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

Attachments:

1. Resolution approving Comprehensive Fee Schedule FY 2023-24, including Exhibit A Proposed FY 2023-24 Comprehensive Fee Schedule (Redline)
2. Proposed FY 2023-24 Fee Adjustment, Reclassification, and Deletions
3. Resolution approving Comprehensive Fine Schedule FY 2023-24, including Exhibit A Proposed FY 2023-24 Comprehensive Fine Schedule (Redline)
4. Proposed FY 2023-24 Fine Adjustment, Reclassification, and Deletions

DRAFT RESOLUTION 2023-

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
CONTINUING DEPARTMENT FEES, RATES, AND CHARGES, AND
AMENDING CERTAIN FEES, RATES, AND CHARGES FOR FY 2023/24**

WHEREAS, The Town of Los Gatos follows best municipal financial practices that require the Town to establish and maintain all user charges and fees based on the cost of providing services; and

WHEREAS, the last update of the Town of Los Gatos Comprehensive Fee Schedule was adopted on December 6, 2022; and

WHEREAS, those fees currently in effect will remain in effect without interruption, certain of these shall be increased, and certain new services shall have fees.

**NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF LOS GATOS DOES HEREBY
RESOLVE:**

1. That Resolution 2022-075, "Resolution of the Town Council of the Town of Los Gatos Continuing Department Fees, Rates, and Charges, and Amending Certain Fees, Rates, and Charges for FY 2022/23" is hereby rescinded; and
2. The Town of Los Gatos Comprehensive Fee Schedule, attached hereto as Exhibit A, is adopted and shall become effective July 1, 2023.

ATTACHMENT 1

PASSED AND ADOPTED at a regular meeting of the Town Council held on the 21st day of March 2023 by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

ATTEST:

TOWN CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____



TOWN OF LOS GATOS CALIFORNIA



COMPREHENSIVE FEE SCHEDULE (REDLINED) FISCAL YEAR 2023/24

COVER PHOTOS: NANCY BARRERRA, JEFF JANOFF, JULIAN, KARLAK, AND HUNTER

TOWN OF LOS GATOS FEE SCHEDULE

The following Fee Schedule is effective July 1, 2023 through June 30, 2024, unless updated by the Town Council. The Fee Schedule will be adjusted annually by the average Consumer Price Index (Bureau of Labor Statistics, U.S. Department of Labor for the San Francisco/Oakland/San Jose Metropolitan Statistical Area) for the calendar year and/or by the percentage increase in actual operating costs for the current year – whichever is greater. The average increase in the CPI for 2019, 2020, and 2021, was 3.2%, 1.7% , and 3.4% respectively, for a cumulative cost of living increase of 8.5% since 2019. For Fiscal Year 2022-2023, fees were adjusted by 5.9% CPI, which is halfway between the 3.2% and 8.5%. In 2022, the average increase in the CPI was 5.6%, for a cumulative cost of living increase of 14.6% since 2019. For FY 2023-2024, the fees are adjusted by 8.8% CPI to capture full CPI increases since 2019. This Fee Schedule also provides for minimum annual adjustments for those fees that are directly related to personnel costs. Other adjustments may be made to maintain consistency with the surrounding municipalities within the Town of Los Gatos region but in no case are fees charged in excess of service delivery costs.

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ADMINISTRATIVE SERVICES

Civic Center ~~Town~~ Facilities Use

Town approved non-profit fundraising activities are allowed in/on ~~Civic Center Town~~ facilities with an appropriate permit, or license issued by the Town, or provided in an agreement or Conditional Use Permit with the Town. Private events are not allowed, **including** in the Council Chambers, with the exception of approved events hosted by the tenants of 106 and 108 East Main Street as stated in tenant lease agreements. **Large scale special events may be required to provide a deposit prior to the event.** The available Town facilities **at the Civic Center** are listed below:

- Civic Center Lawn, Deck and Stairs
- Civic Center West Patio
- Council Chambers
- Council Chambers Lobby (as a stand-alone facility)
- Civic Facilities Conference and Meeting Rooms

1	Fee for Town Hall Facilities Use	Non Profit: \$0.00 per hour For Profit: \$55.00 per hour
2	Building Attendant	\$20.00 per hour

Copy and Printing Charges

3	Copy of Town Code	Actual Cost
4	8 1/2 x 11 and 8 1/2 x 14	\$.25 per page
5	11 x 17	\$.35 per page
6	Oversized or Large Productions	Actual Cost
7	Annual Subscription for Town Code Supplements	Actual Cost
8	Copying of Zoning Ordinance	Actual Cost
9	Annual Subscription for Zoning Ordinance Supplements	Actual Cost
10	Certification of Town Records	\$2.00
11	Annual Financial Report	Actual Cost
12	Annual Budget	Actual Cost
13	Capital Improvement Plan	Actual Cost

Special Events

14	Special Event Application Fee, For-Profit	New Event \$910.00
		Repeat Event \$680.00
15	Special Event Application Fee, Not-For Profit	New Event \$227.00
		Repeat Event \$170.00
16	Special Event Road Closure Review Fee	\$225.00

ADMINISTRATIVE SERVICES

Special Events (continued)

	Special Event N. Santa Cruz Avenue Road Closure Fee	Actual Cost
17	Block Party Permit	\$55.00
	Temporary Encroachment Permit	\$173.00
	Police Officer	\$166.21 per hour
	Parks and Public Works Maintenance Worker	\$117.96 per hour
	Anti-Vehicle Barrier, Special Event Road Closure	Actual Cost
	Temporary No Parking Signs	\$1.00
	Temporary Alcohol Restricted Signs	\$1.00
	Temporary Banner Permit	\$105.00
	Use of the Civic Center lawn, deck and stairs for approved special events coordinated by a for-profit organization	\$55 per hour
	Use of Town Plaza Park for approved special events	\$55 per hour
	Facility Deposit	\$500

Business License

18	Business License Processing Fee - New	Out of Town \$20.00
		In Town \$40.00
19	Business License Processing Fee - Renewal	Out of Town and In Town \$30.00

Other Services

20	Compact Disk or Tape of Council and Planning Commission Meetings (plus actual mailing costs, if applicable)	\$20.00 per DVD for meetings under 2 hours
		\$30.00 per DVD for meetings over 3 hours
21	Copy - Digital	\$10 per device
22	Initial Returned Check Fee	\$25.00
23	Subsequent Return Check Fees [CA Civil Code Section 1719(a) (1)]	\$35.00
24	Election Filing Fee	\$25.00
25	Town Credit Card Processing Fee	2.40%
26	Third Party Vendor Business License Electronic Payment Processing Fees	Credit and Debit Card Processing 2.9% of transaction amount, minimum of \$2.00
		ACH/eCheck \$1.25 per transaction
		Returned Payments/NSF \$25.00
27	Third Party Vendor Parking Citations and Permits Electronic Payment Processing Fee	\$3.95

ADMINISTRATIVE SERVICES

Other Services

28	Request for Service Not Covered by any Other Fee	Fully allocated hourly rates for all personnel
	Initiative/Referendum Petition Filings Fee	\$200.00

ATTORNEY SERVICES

1	Conditions, Covenants & Restrictions (CC&R) Review and Approval	Fully allocated hourly rates for all personnel
2	Simple Covenant/Deed Restriction	Fully allocated hourly rates for all personnel
3	Subdivision Improvement Agreements	Fully allocated hourly rates for all personnel
4	Encroachment Agreements	Fully allocated hourly rates for all personnel
5	Miscellaneous (Legal Agreements, Real Property, etc.)	Fully allocated hourly rates for all personnel

DEVELOPMENT SERVICES

General Development Fees

1	Reproduction (sent out) plus actual mailing costs, as applicable. Maps, plans, etc. (larger than 11" x 17")	Actual Cost - sent to San Jose Blueprint
2	Data Duplication service and fee for partial or full copies of each digital standard Town data file on one-time request basis. 8 1/2" x 11" copy, standard	\$.25 per page
3	Document Storage Fee - Laserfiche	Actual Cost
4	Duplicate Plans Set	\$154.00/hr. (1/2 hr. minimum)
5	Research Records Charge for Staff Research beyond 30 minutes	Fully allocated hourly rate for all personnel
6	Address Processing Fee - per address	\$169.00 \$184.00
7	Computer Surcharge on all Building/Plumbing/Mechanical/Electrical/Grading/Encroachment/Planning Permits/Applications and any other Permits/ Applications except Park Permit/Applications	4% of development application fee
8	Engineering Development Review Service Fee - Building Permit and Building Plan Check*	5% of permit or plan check
9	Request for Service Not Covered by Any Other Fee	Actual Cost
10	Pre-application Conference Fee	Courtesy meeting
11	Applications for Work Unlawfully Completed	Double current application fee
12	BMP Document Processing Fee	\$609.00 \$663.00
13	Public Art In-Lieu Fee	1% of building permit valuation

****These fees are applied to permits or plan checks that require engineering services.***

Reports, Agendas, and Minutes

14	Development Review Committee Agendas	\$37.00
15	Planning Commission Agendas	\$25.00
16	Planning Commission Minutes	Actual Cost
17	Plan Copies - microfiche or other reprints sent to an outside firm	\$31.00 plus costs
18	Plan Copies - blueprint reproduction in house	\$3.00 per page
19	Copy of Subdivision Ordinance	\$26.00
20	General Plan (including maps)	\$26.00
21	Hillside Specific Plan	\$5.80
22	Hillside Development Standards and Design Guidelines	\$19.45

DEVELOPMENT SERVICES

Reports, Agendas, and Minutes (continued)

23	Commercial Design Guidelines	\$20.50
24	Subdivision Ordinance	\$26.00
25	General Plan/Zoning Maps (24" x 36") - Black & White	\$9.00
26	General Plan/Zoning Maps (24" x 36") - Color	\$42.00
27	Blossom Hill Open Space Study	\$14.00
28	Commercial Specific Plan Report	\$12.00
29	Residential Design Guidelines	\$21.50
30	Housing Element Technical Appendix	\$24.75
31	2015-2023 Housing Element	\$39.00
32	Los Gatos Boulevard Plan	\$9.50
33	North Forty Specific Plan (adopted June 2015)	\$45.25

Landscape

Final occupancy clearance (new construction or remodel)

34	Park Staff Time Spent for Major Development Applications	\$543.00*
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Basis:

Development Review Committee Meetings – 1.5 hrs. (estimate)

Site Visits – 4.0 hrs. (estimate)

Review Plan – 4.0 hrs. (estimate)

****Note: Time spent over and above the initial application fee will be billed at the current employee billing rate plus equipment hourly rate.***

Annexation Fees

35	1 Lot	\$3,188.00* \$3,469.00
36	2 Lots	\$1,594.00* \$1,734.00
37	3 Lots	\$1,064.00* \$1,158.00
38	4 Lots	\$800.00* \$870.00
39	5 Lot or more	\$635.00* \$691.00

****Annexation Advertising Deposit (varies as to size of map) - \$1,000.00 to \$2,200.00***

Any remaining deposit will be refunded to the applicant and amounts exceeding the deposit amount will be paid by applicant.

DEVELOPMENT SERVICES

Seismic Hazards Mapping Program Fee (SMIP)

For residential construction of three stories and less (Category 1), the permit fee is \$13.00 per \$100,000. For all other construction (Category 2), the permit fee is \$28.00 per \$100,000. This fee is required by the State of California to identify and map zones of particular seismic hazards. Five percent of the fee is retained by the Town to be used solely for earthquake preparedness.

Capital Improvement Tax (Construction)

Based on \$0.18 for each square foot of building addition or alteration, which increases floor area of an existing building.

Underground Utility Tax (Utilities)

Based on \$0.18 for each square foot of building addition or alteration, which increases floor area of existing building.

Park Fund Tax (Parks)

Based on \$0.04 for each square foot of building addition or alteration, which increases floor area of an existing building.

Building Division

Building Permit Fees

40	Fee for issuing/reinstating a Building Permit	\$58.00 -\$63.00
41	Additional Building Permit Fee	\$32.00 -\$35.00
42	Demolition Permit	Residential: \$281.00 \$306.00
		Commercial: \$492.00 \$535.00

Building Permit Fees for New Construction and Addition

The fee for each building permit shall be based upon the 1997 Uniform Building Code as amended by the 2010 California Building Code.

A building valuation regional modifier of 2.32 shall be used in conjunction with the Building Valuation Data provided in the publication, Building Valuation Data, published by the International Code Council – February 2012. Hillside Homes shall use a modifier of 3.246 and Commercial Office Tenant Improvements shall use a modifier of 1.16. The Building Valuation Data will be increased yearly by the Engineering News Record (ENR) Annual Building Cost Index (BCI) for every year thereafter.

DEVELOPMENT SERVICES

Building Permit Fees for New Construction and Addition

	Total Valuation	Fee
43	\$1.00 to \$500.00	\$35.00 \$38.00
44	\$501.00 to \$2,000.00	\$35.00 \$38.00 for the first \$500.00 plus \$4.53 \$4.93 for each additional \$100.00 or fraction thereof, to and including \$2,000.00
45	\$2,001.00 to \$25,000.00	\$103.00 \$112.00 for the first \$2,000.00 plus \$20.82 \$22.65 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00
46	\$25,001.00 to \$50,000.00	\$582.00 \$633.00 for the first \$25,000.00 plus \$15.02 \$16.34 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00
47	\$50,001.00 to \$100,000.00	\$957.00 \$1,041.00 for the first \$50,000.00 plus \$10.41 \$11.33 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00
48	\$100,001.00 to \$500,000.00	\$1,478.00 \$1,608.00 for the first \$100,000.00 plus \$8.32 \$9.05 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00
49	\$500,001.00 to \$1,000,000.00	\$4,808.00 \$5,231.00 for the first \$500,000.00 plus \$7.06 \$7.68 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00
50	\$1,000,001.00 and over	\$8,339.00 \$9,073.00 for the first \$1,000,000.00 plus \$4.68 \$5.09 for each additional \$1,000.00 or fraction thereof

DEVELOPMENT SERVICES

Building Permit Fees for Remodels, Alterations, and Repairs

The Building Official shall establish the valuation of said improvements, and fees will be assessed as per Valuation Schedule above.

Special Services & Inspections

51	Inspection outside normal business hours (4 hr. minimum)	\$203.00/hr. \$221.00/hr.
52	Re-inspection fees	\$169.00/hr. \$184.00/hr.
53	Inspections for which no fee is specifically indicated (2 hr. minimum)	\$169.00/hr. \$184.00/hr.
54	Additional plan review required by changes, additions or revisions to plans (1 hr. minimum)	\$161.00/hr. \$175.00/hr.
55	For use of outside consultants for plan checking and/or inspections	Actual Cost
56	Services for which no fee is specifically indicated (1/2 hr. minimum)	\$169.00/hr. \$184.00/hr.
57	Permit/Plan check time extension (per permit) (applies to permits that have not expired)	\$83.00 \$90.00
58	Express plan review or initial review (1 hr. minimum)	\$169.00/hr. \$184.00/hr.
59	Application for the Appeals Building Board Review	\$289.00 \$314.00
60	Temporary Certificate of Occupancy	\$1160.00 \$1,262.00

Plan Review Fee

A plan review fee shall be charged at the time of filing application. This fee is separate from and shall be in addition to the building permit fee. This fee is calculated at sixty-five percent (65%) of the building permit fee as per the valuation schedule starting on page 6.

Other Miscellaneous Factors to Determine Construction Valuation

61	Convert Garage to habitable space	\$124.00 \$135.00/sq.ft.
62	Convert unfinished basement or attic to habitable	\$134.00 \$146.00/sq.ft.
63	Pools/Spas (gunite)	\$80.00 \$87.00/sq.ft.
64	Siding - aluminum/vinyl/wood	\$34.00 \$37.00/sq.ft.
65	Antennas & Towers	Const.Value As Applied under valuation schedule on page 6
66	Commercial Awning or Canopy	Aluminum \$34.00 \$37.00/sq.ft.
		Canvas \$25.00 \$27.00/sq.ft.

DEVELOPMENT SERVICES

Other Miscellaneous Factors to Determine Construction Valuation (continued)

67	Fence or Freestanding Wall (over 6" high)	Wood or metal \$52.00 -\$57.00/sq.ft.
		Masonry \$90.00 -\$98.00/sq.ft.
68	Decks/Balcony	\$50.00 -\$54.00/sq.ft.
69	Wood Deck	\$21.00 -\$23.00/sq.ft.
70	Re-roofs	\$3.00 \$3.26/sq.ft.
71	Retaining Walls	\$113.00 -\$123.00/sq.ft.

Special Systems Fees

72	Emergency generation, wind power, special HVAC systems, etc.	Plan Review (1 hr. minimum) \$161.00 \$175.00/hr.
		Field Inspection (2 hr. minimum) \$169.00 -\$184.00/hr.
73	Photovoltaic - Roof & Ground Mounted - Residential	Plan Review (1/4 hr. minimum) \$161.00 -\$175.00/hr.
		Field Inspection (1 hr. minimum) \$169.00 -\$184.00/hr.
74	Photovoltaic - Roof & Ground Mounted - Commercial	Plan Review (1 hr. minimum) \$161.00 \$175.00/hr.
		Field Inspection (2 hr. minimum) \$169.00 -\$184.00/hr.

Electrical Permit Fees

75	Fee for issuing/reinstating an Electrical Permit	\$58.00 -\$63.00
76	Additional Electrical Permit Fee	\$26.00 \$28.00
77	New Residential Construction (new buildings only, including garages)	\$-.11 \$.12 sq. ft
78	Commercial Construction	\$-.08 \$.09 sq. ft

Plan Review & Re-inspection Fees

79	Plan review fee	25% of Electrical Permit Fee
80	Additional plan review	\$161.00 -\$175.00/hr.
81	Re-inspection fee	\$169.00 -\$184.00/hr.

DEVELOPMENT SERVICES

System Fee Schedule

82	Private swimming pools	\$67.00 \$73.00
83	Public swimming pools	\$121.00 \$132.00
84	Temporary power poles	\$83.00 \$90.00
85	Temporary distribution system & temporary lighting	\$40.00 \$44.00
86	Installation of illuminated signs (each)	\$107.00 \$116.00

For alterations to existing pools, use Unit Fee Schedule fees listed on page 10.

Unit Fee Schedule

87	Receptacle, switch and lights	\$2.00 \$2.18
88	Residential appliances/new circuits (cook top, oven, range, disposals, clothes dryers, or other motor operated appliances not exceeding one horsepower)	\$6.00 \$7.00
89	Nonresidential appliances/new circuits (medical & dental devices, food, beverage, drinking fountains, laundry machines, or other similar equipment) NOTE: for other types of air conditioners and other motor-driven appliances having larger electrical ratings, see Generators/Motors	\$8.00 \$9.00
90	Photovoltaic system (residential)	\$90.00
91	Solar systems (including controls)	\$90.00
92	Power apparatus (generators, transformers, A/C, heat pumps, baking equipment)	Up to 10 KV, each \$17.00 \$18.00
		Over 10 KV not over 50 KV, each \$34.00 \$37.00
		Over 50 KV and not over 100 KV, each \$67.00 \$73.00
		Over 100 KV, each \$89.00 \$97.00
93	Motors	Up to 10 hp \$17.00 \$18.00
		Up to 25 hp \$34.00 \$37.00
		Up to 55 hp \$67.00 \$73.00
		Over 55 hp \$97.00 \$106.00
94	Transformers	Up to 5 KVA \$17.00 \$18.00
		Up to 10 KVA \$34.00 \$37.00
		Up to 50 KVA \$56.00 \$61.00
		Over 50 KVA \$82.00 \$89.00
95	Busways/conduits (per 100 ft)	\$8.00 \$9.00

DEVELOPMENT SERVICES

Unit Fee Schedule (continued)

96	Service equipment	200 amps or less \$83.00 \$90.00
		201 to 999 amps \$114.00 \$124.00
		Sub-panels \$40.00 \$44.00
97	Installation of spas or saunas	\$40.00 \$44.00

Other Electrical Fees

98	Duplicate job card	\$26.00 \$28.00
99	Permit extension (applies to permits that have not expired)	\$83.00 \$90.00

Mechanical Permit Fees

100	Fee for issuing/reinstating a Mechanical Permit	\$58.00 \$63.00
101	Additional Mechanical Permit Fee	\$26.00 \$28.00
102	New Residential Construction (new buildings only, including garages)	\$-11 \$12 sq. ft
103	Commercial Construction	\$-08 \$09 sq. ft

Plan Review & Re-inspection Fees

104	Plan review fee	25% of Mechanical Permit Fee
105	Additional plan review	\$161.00 \$175.00/hr.
106	Re-inspection fee	\$169.00 \$184.00/hr.

Unit Fee Schedule

107	Installation, of each heating system, A/C, boiler, compressor or air handler	\$40.00 \$44.00
108	Each duct repair or alteration	\$12.00 \$13.00
109	Each fireplace appliance	\$34.00 \$37.00
110	Each ventilating fan	\$12.00 \$13.00
111	Installation of separate flue or vents not included with the installation of an appliance	\$12.00 \$13.00
112	Installation of each hood with mechanical exhaust	Residential \$34.00 \$37.00
		Commercial \$121.00 \$132.00
113	Each new or repair of gas piping system	\$74.00 \$81.00
114	Each additional gas outlet	\$24.00 \$26.00
115	Installation of evaporative cooler	\$34.00 \$37.00

DEVELOPMENT SERVICES

Other Mechanical Fees

116	Duplicate job card	\$26.00 \$28.00
117	Permit extension (applies to permits that have not expired)	\$83.00 \$90.00

Plumbing Permit Fees

118	Fee for issuing/reinstating a Plumbing Permit	\$58.00 \$63.00
119	Additional Plumbing Permit Fee	\$26.00 \$28.00
120	New Residential Construction (new buildings only, including garages)	\$.11 \$.12 sq. ft
121	Commercial Construction	\$.08 \$.09 sq. ft

Plan Review & Re-inspection Fees

122	Plan review fee	25% of Plumbing Permit Fee
123	Additional plan review	\$161.00 \$175.00/hr.
124	Re-inspection fee	\$169.00 \$184.00/hr.

System Fee Schedule

125	Private swimming pools (including heater, water piping, gas piping)	\$97.00 \$106.00
126	Public swimming pools (including heater, water piping, gas piping)	\$146.00 \$159.00
127	Lawn sprinkler system on one meter	\$40.00 \$44.00
128	Each new or repair of gas piping system	\$74.00 \$81.00
129	Each drainage, sewer system	\$40.00 \$44.00
130	Radiant floor heating system	\$121.00 \$132.00

Unit Fee Schedule

131	Each plumbing fixture or trap or set of fixtures on one trap	\$12.00 \$13.00
132	Each sewer cleanout, backflow device	\$12.00 \$13.00
133	Each septic system abatement	\$121.00 \$132.00
134	Rainwater systems - per drain (inside building)	\$12.00 \$13.00
135	Each water heater, water softener	\$34.00 \$37.00
136	Each grease interceptor (750 gallon capacity)	\$83.00 \$90.00
137	Each grease trap (1-4 fixtures)	\$47.00 \$51.00
138	Residential water re-piping	\$121.00 \$132.00

DEVELOPMENT SERVICES

Unit Fee Schedule (continued)

139	Each ejector/sump pump	\$40.00 \$44.00
140	Each vacuum breaker/hose bib	\$12.00 \$13.00
141	Each water piping system repair or replacement	\$25.00 \$27.00
142	Each additional gas outlet	\$25.00 \$27.00

Other Plumbing Fees

143	Duplicate job card	\$26.00 \$28.00
144	Permit extension (applies to permits that have not expired)	\$83.00 \$90.00

Other Building Fees

145	Duplicate Inspection Card	\$32.00 \$35.00
146	NPDES Inspection Fee (Charged on all building permits with the potential to generate non-point source storm water runoff during construction)	\$74.00 \$81.00

State of California Title 24 Part 2 Energy and Accessibility Code and Regulation Plan Review and Inspection Fees

A surcharge shall be added to the building permit fee for the cost to plan review and inspect for compliance with State of California Title 24 Regulations. This fee is calculated at fifteen percent (15%) of the building permit fee. This fee is applied whenever a plan review is assessed.

State of California Mandated Building Standards Fee – SB 1473

A surcharge shall be added to all building permits at the rate of four dollars (\$4) per one hundred thousand dollars (\$100,000) in valuation, with appropriate fractions thereof, but not less than one dollar (\$1). These funds will be available to the California Building Standards Commission, the Department of Housing and Community Development, and the Office of the State Fire Marshall for expenditure in carrying out the provisions of the State Building Standards Law and provisions of State Housing Law that relate to building standards. Up to ten percent (10%) shall be retained for related administrative costs and for code enforcement education.

DEVELOPMENT SERVICES

Planning Division

The fees listed below constitute all fees imposed by the Planning Division. Certain types of applications must be reviewed / processed by other departments/agencies, which may impose separate fees. Applicants are advised that the fees for those services are not included in the Planning Department's fees. Where the term "actual cost" is used here, it shall mean: materials, supplies (including any costs of noticing or publication), outside consultants, employee cost will be billed at the top step, plus benefits, plus overhead. The following fee schedule is established for applications filed pursuant to the Town Code. The fees are collected by the Community Development Department at the time the application is filed unless otherwise noted.

- Fees for Additional Processing - In the event additional processing services by the Town are required due to changes, modifications, additions, errors, omissions, or discrepancies caused by the applicant or his/her agents or representatives, the applicant shall pay an additional fee as determined by the Director of Community Development to cover the actual cost.
- Fees for Lack of Progress - If additional information is required by the Town for an application and the requested information is not submitted within 180 days, the applicant will be required to pay a fee of 10 percent of the current application fee at the time the requested information is submitted. Any re-submittal after one year will be processed as a new application, subject to new fees.
- Fees for Major Projects - If it is anticipated that the application processing costs of selected major projects will significantly exceed the following fees, the Director of Community Development may collect a deposit and charge actual time spent to process the applications based upon current hourly rates.
- Surcharges - All of the following applications are subject to the surcharge fees as set forth in General Development Services and in the Zoning Research section of Planning Division.

DEVELOPMENT SERVICES

Zoning Approvals - Architecture and Site Applications – Development Review Committee (DRC) Approval

147	New single family detached (HR and RC zones) <i>Engineering Development Review Service Fee</i>	\$9,508.00 \$10,345.00
		\$4,396.00 \$4,783.00
148	New non-custom single family detached (HR and RC zones) per unit/model, as part of a Planned Development** <i>Engineering Development Review Service Fee</i>	\$6,603.00 \$7,184.00
		\$4,393.00 \$4,780.00
149	New single family or two family units <i>Engineering Development Review Service Fee</i>	\$6,552.00 \$7,129.00
		\$4,394.00 \$4,781.00
150	New single family or two family (any other zone) per unit/model new nonresidential or multiple family per building as part of a Planned Development** <i>Engineering Development Review Service Fee</i>	\$4,682.00 \$5,094.00
		\$4,398.00 \$4,785.00
151	Minor projects (a development proposal that does not significantly change the size, mass, appearance or neighborhood impact of a structure, property or parking lot) <i>Engineering Development Review Service Fee</i>	\$2,375.00 \$2,584.00
		\$3,374.00 \$3,671.00

Zoning Approvals – Architecture and Site Applications – Planning Commission Approval

152	Supplemental fee DRC applications as determined with fee #146 or minor residential development applications or applications that are part of a Planned Development that require Planning Commission approval <i>Engineering Development Review Service Fee</i>	\$3,355.00 \$3,650.00
		\$1,225.00 \$1,333.00
153	New two family unit <i>Engineering Development Review Service Fee</i>	\$9,994.00 \$10,873.00
		\$4,396.00 \$4,783.00
154	New nonresidential (includes conceptual Planned Development elevations) <i>Engineering Development Review Service Fee</i>	\$11,471.00 \$12,480.00
		\$4,396.00 \$4,783.00
155	New multiple family (includes conceptual Planned Development elevations) <i>Engineering Development Review Service Fee</i>	\$10,428.00 \$11,346.00
		\$4,394.00 \$4,781.00

DEVELOPMENT SERVICES

Zoning Approvals – Architecture and Site Applications – Planning Commission Approval (continued)

156	All other (i.e. exceed FAR, major grading, etc.) <i>Engineering Development Review Service Fee</i>	\$5,815.00 \$6,327.00
		\$4,396.00 \$4,783.00

****Aside from the fees noted above, no additional Architecture and Site application fees will be assessed for projects that involve a historic structure or site.***

*****Any changes proposed to model homes, nonresidential, or multiple family buildings, a supplemental fee shall be based on a time and materials basis to review the changes.***

Conditional Use Permits

157	Conditional Use Permit <i>Engineering Development Review Service Fee</i>	\$6,726.00 \$7,318.00
		\$1,431.00 \$1,557.00
158	Conditional Use Permit (when consolidated with another application for new development) <i>Engineering Development Review Service Fee</i>	\$1,118.00 \$1,216.00
		\$820.00 \$892.00
159	Conditional Use Permit for Minor Restaurant (DRC Approval) <i>Engineering Development Review Service Fee</i>	\$4,093.00 \$4,453.00
		\$1,228.00 \$1,336.00
160	Conditional Use Permit for Major Restaurant (PC Approval) Tier 1 <i>Engineering Development Review Service Fee</i>	\$6,726.00 \$7,318.00
		\$1,838.00 \$2,000.00
161	Conditional Use Permit for Major Restaurant (PC Approval) Tier 2 includes alcohol and/or entertainment (must pay #159 below with this application) <i>Engineering Development Review Service Fee</i>	\$7,949.00 \$8,649.00
		\$1,837.00 \$1,999.00
162	Applications that require Town Council Approval (these fees supplement the above established fees) <i>Engineering Development Review Service Fee</i>	\$3,190.00 \$3,471.00
		\$1,226.00 \$1,334.00
		Transcription of Planning Commission minutes - Actual cost and minimum \$500.00 deposit

Rezoning (other than Planned Development)

163	Without General Plan or Specific Plan Amendment	Actual Cost (\$5,000.00 minimum)
164	With General Plan or Specific Plan Amendment	Actual Cost (\$7,000.00 minimum)
165	Transcription fee of Planning Commission minutes	Actual Cost and minimum \$500.00 deposit

DEVELOPMENT SERVICES

Planned Development

166	Without General Plan or Specific Plan Amendment	Actual Cost
167	Without General Plan or Specific Plan Amendment (HR or RC Underlying Zone)	Actual Cost
168	With General Plan or Specific Plan Amendment	Actual Cost
169	With General Plan or Specific Plan Amendment (HR or RC Underlying Zone)	Actual Cost
170	Town Council Modification to a Planned Development	Actual Cost (\$5,000.00 minimum)
171	DRC Modification to a Planned Development	Actual Cost (\$3,000.00 minimum)
172	Publication costs for the planned development ordinance shall be paid by the applicant	
173	Transcription fee of Planning Commission minutes	Actual Cost and minimum \$500.00 deposit

Planning Division Certificates of Use and Occupancy

174	Change of use	\$244.00 \$265.00
175	Change of occupancy (excluding change of proprietor of a continuing business enterprise)	\$164.00 \$178.00
176	Use/occupancy clearance if Conditional Use Permit is required or occupancy of a new accessory dwelling unit	No fee

Sign Application

177	New permanent sign	\$328.00 \$357.00
178	Temporary nonresidential sign	\$105.00 \$114.00
179	Change of face only	\$164.00 \$178.00
180	Sign program	\$2,197.00 \$2,390.00

Administrative Land Use Permit

181	Minor telecommunications facility (i.e. microcell, 8,021 lb. or equivalent)	\$1,626.00 \$1,769.00
182	Major telecommunications facility which do not require a Conditional Use Permit	\$3,898.00 \$4,241.00

DEVELOPMENT SERVICES

Other Zoning Approvals Fees

183	Variance	\$4,947.00 \$5,382.00
	<i>Engineering Development Review Service Fee</i>	\$1,431.00 \$1,557.00
184	Minor Residential Development (see #151)	\$2,375.00 \$2,584.00
185	Agricultural Preserve Withdrawal	\$4,035.00 \$4,390.00
186	Hazardous Materials Storage Facility Application	Fully allocated rate of all personnel, plus noticing fees
187	Home Occupation Permit	\$164.00 \$178.00
188	Accessory Dwelling Unit	\$1,419.00
	SB 330 Preliminary Application	Actual Cost (\$500 minimum deposit)
	SB 35 Preliminary Application	Actual Cost (\$500 minimum deposit)
189	Two-Unit Housing Development	\$1340.00 \$1,544.00
190	Urban Lot Split	\$1340.00 \$1,544.00
191	Mobile Home Park Conversion Permit	Fully allocated rate of all personnel with initial deposit of \$5,000.00
192	General Plan/Town Code Amendments	Fully allocated rate of all personnel with initial deposit of \$5,000.00 plus additional fees

Subdivisions

193	Lot Line Adjustment (DRC Approval)	\$2,254.00 \$2,452.00
	<i>Engineering Development Review Service Fee</i>	\$3,782.00 \$4,115.00
194	4 Lots or Less (DRC Approval)	\$9,081.00 \$9,880.00
	<i>Engineering Development Review Service Fee</i>	\$4,194.00 \$4,563.00
195	4 Lots or Less (as part of a Planned Development) (DRC Approval)	\$3,750.00 \$4,080.00
	<i>Engineering Development Review Service Fee</i>	\$4,398.00 \$4,785.00
196	5 Lots or More	\$10,230.00 \$11,130.00
	<i>Engineering Development Review Service Fee</i>	\$5,417.00 \$5,894.00
197	5 Lots or More (as part of a Planned Development) (DRC Approval)	\$4,397.00 \$4,784.00
	<i>Engineering Development Review Service Fee</i>	\$5,420.00 \$5,897.00
198	Vesting Tentative Map (VTM)	Actual Cost plus \$500.00 deposit and additional fees
199	Lot Merger and Reversion to Acreage (DRC Approval)	\$1,117.00 \$1,215.00
	<i>Engineering Development Review Service Fee</i>	\$3,781.00 \$4,114.00
200	Condominium	\$7,884.00 \$8,578.00
201	Condominium (as part of a Planned Development)	\$3,750.00 \$4,080.00
202	Certificate of Compliance (DRC Approval)	\$3,257.00 \$3,544.00
	<i>Engineering Development Review Service Fee</i>	\$2,350.00 \$2,557.00

DEVELOPMENT SERVICES

Subdivisions (continued)

203	VTM applications that require Town Council approval, Subdivision and/or DRC applications that require Planning Commission approval. This fee supplements the above-established fees.	\$2,991.00 \$3,254.00
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Miscellaneous Application Fees

204	Time Extensions to Approved Application	50% of current fee (excluding fees based on actual cost)
205	Modification to Approved Application	75% of current fee (excluding fees based on actual cost)
206	Conceptual Development Advisory Committee Review	\$2,966.00
		Special Noticing - Actual Cost (minimum \$500.00 deposit)
207	Push Cart Permit	\$521.00 \$567.00
208	Auto Dealer Events	Smaller Promotional Events \$87.00 \$95.00
		Large Promotional Events \$425.00 \$462.00
209	News rack Permit Fee	\$413.00 \$449.00
210	Firearms Dealer Permit (Town Ordinance 2217 dated 6/17/2013)	Fully allocated hourly rate of all personnel plus any necessary outside costs and initial \$2,000.00 deposit

Environmental Assessment Fees

211	Categorical Exemption	No fee
212	Initial Study Deposit***	Fully allocated hourly rate of all personnel with initial \$5,000.00 deposit
213	Draft Initial Study Review Fee (or actual cost if part of a Planned Development, General Plan and/or Town Code Amendment <i>Engineering Development Review Service Fee</i>)	\$2,950.00 \$3,210.00
		\$2,045.00 \$2,225.00
214	Environmental Impact Report	Consultant's fee

DEVELOPMENT SERVICES

Environmental Assessment Fees (continued)

215	Draft EIR Review Fee	Fully allocated hourly rate of all personnel plus any necessary outside costs
216	Impact Monitoring Program (AB3180)	Fully allocated hourly rate of all personnel plus any necessary outside costs

*****The \$5,000 fee is a deposit only. The specific cost of the Initial Study and any required special studies shall be borne by the applicant. The deposit shall be increased before the Town will authorize work exceeding the amount on deposit. Any deposit balance will be refunded.**

Surcharges

217	General Plan update surcharge	.5% of building valuation for new construction and additions/10% of zone change and subdivision fee
218	Advanced Planning projects	10% of application fee
219	Administrative Fee	10% of development application fees

Appeals

220	Fee to appeal Planning Commission decision to Town Council	Per Residential \$464.00 \$505.00
		Per Commercial, multi-family or tentative map \$1,867.00 \$2,031.00
221	Fee to remand applications from Town Council to Planning Commission	Fully allocated hourly rate for all personnel plus additional fees
222	Fee to appeal Director of Community Development or Development Review Committee decision to Planning Commission Fee to appeal Director of Community Development, Development Review Committee, Historic Preservation Committee, or Santa Clara County Fire Department Exception Request (PRC 4290) decision to Planning Commission	Per Residential \$234.00 \$255.00
		Per Commercial \$934.00 \$1,016.00
223	Tree appeals	\$95.00 \$103.00
224	Appeal transcription fee of Planning Commission minutes (only applies to appeals from Planning Commission to Town Council)	Actual Cost - minimum \$500.00 deposit

DEVELOPMENT SERVICES

Zoning Research

225	Basic Zoning Letter	\$164.00 \$178.00
226	Legal non-conforming verification	\$688.00 \$749.00
227	Reconstruction of legal non-conforming structures (Burndown Letter)	\$292.00 \$318.00

Other Planning Division Fees

228	Fence Height Exceptions	\$292.00 \$318.00
229	Peer/Technical Review - any remaining deposit will be refunded to the applicant and amounts exceeding the deposit amount will be paid by applicant	Fully allocated hourly rate of all personnel plus any necessary outside costs and initial \$2,000.00 deposit
230	Fees For Additional Tech Review and/or DRC Review - DRC beyond three meetings, Planning Commission hearing beyond two meetings, Town Council hearing beyond one meeting	Fully allocated hourly rate of all personnel involved plus additional fees
231	Consultation	Actual cost on an hourly basis
232	Research Services Minimum Charge	Fully allocated hourly rate for all personnel with initial \$200.00 deposit
233	Building Permit Plan Check Fee	20% of building fee
234	Below Market Price Housing Program In-Lieu Fee	6% of the building permit valuation for the entire project
235	Outdoor Seating Permit	Fully allocated hourly rate for all personnel with initial \$1,000.00 deposit
236	Valet Parking Permit	Fully allocated hourly rate for all personnel with initial \$1,000.00 deposit
237	Parklet Program	Fully allocated hourly rate for all personnel with initial \$1,000.00 deposit
	Shared Parking Permit	Actual Cost (\$1,000 deposit)

Payment of Application Fees

All application fees are to be paid at the time the applications are submitted to the Community Development Department. If the applicant withdraws an application, which requires a hearing by the Planning Commission, prior to processing the application for the hearing, 40% of the paid application fee shall be refunded to the applicant at the discretion of the Director of Community Development. All other fees are non-refundable.

DEVELOPMENT SERVICES

Engineering Division

The following fees constitute a comprehensive listing of the various fees charged by the Engineering Program. Certain types of application/permits must be reviewed and/or processed by other Town departments or public agencies, which may charge separate fees. Applicants are advised that the fees for those services are not included in the Engineering Program's fees. Where the term "actual cost (s)" is used here it shall mean: materials, supplies (including any costs of noticing or publication), outside consultants and employee cost, (including salary, benefits and overhead).

Engineering Plan Check Fee (Public Improvements & Grading Permits) *

238	Application Fee	\$519.00 \$565.00
239	Under \$20,000.00	15.5% of valuation
240	\$20,000.00 \$20,001.00 to \$80,000.00	\$3,283.00 \$3,572.00 plus 9% of valuation
241	Greater than \$80,000 \$80,001.00	\$9,002.00 \$9,794.00 plus 8.5% valuation
242	Each additional plan check beyond three reviews	Fully allocated hourly rate for all personnel

Inspection Fee (Public Improvements & Grading Permits)

243	Under \$20,000.00	7.5% of valuation
244	\$20,000.00 \$20,001.00 to \$80,000.00	\$1,589.00 \$1,729.00 plus 6.5% of valuation
245	Greater than \$80,000 \$80,001.00	\$5,719.00 \$6,222.00 plus 4.0% of valuation

DEVELOPMENT SERVICES

Work In or Use of Public Right-of-Way *

246	Encroachment Permit - Residential	Work up to \$4,000.00 - \$323.00- \$351.00
		Each additional \$2,000.00 - \$169.00- \$184.00
247	Encroachment Permit - Collector/Arterial Streets**	Work up to \$4,000.00 - \$1,673.00- \$1,820.00
		Each additional \$2,000.00 - \$365.00- \$397.00
248	Outside contractor underground utility locating surcharge (actual cost for outside contractor inspection fee may change)	\$95.00
249	Temporary Encroachment Permit	\$159.00 \$173.00
250	Dumpster Permit	\$159.00 \$173.00
251	Storage Permit	\$159.00 \$173.00***

* **Work done at night or on weekends shall be charged the actual costs of staff**

** **Single-family residences located along collector and arterial streets to be charged the residential fees above**

*** **\$500.00 refundable Storage Unit Removal Deposit, to cover cost of removal, if abandoned**

NPDES

252	Inspection Fee - Grading Permits	Single Family Residential \$773.00- \$841.00
		Commercial or Multi Family Residential \$1,202.00 \$1,308.00
253	Inspection Fee - Encroachment Permits and Some Storage Permits	Single Family Residential \$212.00- \$231.00
		Commercial or Multi Family Residential \$344.00 \$374.00
		Plus \$514.00 \$559.00 per LID facility
254	Inspection of Storm Water Treatment Measures	\$530.00 \$577.00 per facility
255	Annual Stormwater/Limited Impact Development (LID) Permit	Per Visit and 1st facility inspection \$514.00 \$559.00
		Every additional facility inspection \$169.00 \$184.00
256	C-3 Permit Hydrologic Calculation	Fully allocated hourly rate for all personnel plus any outside cost and initial deposit of \$3,750.00 Consultant fee deposit of \$3,750.00 plus 25% administrative fee

DEVELOPMENT SERVICES

Engineering Subdivision Map Checking

257	1-4 lots	\$3,023.00 -\$3,289.00*
		Certificate of Correction \$1,000.00 plus 25% administrative fee
258	5 or more lots	\$4,231.00 -\$4,603.00*

****Plus, initial \$3,000 surveyor deposit. Additional deposit(s) of actual surveyor costs may be required for larger projects than 5 or more lots, additional map check review(s), or overall complexity of the map.***

Traffic Impact Analysis or Parking Study

259	Development Review (staff traffic impact analysis or Parking Study)	Actual Cost
		Consultant Report - Consultant Fee
260	Staff Review Fee	\$703.00 \$765.00 plus 10% of the traffic consultant report cost
261	Site Distance Analysis	\$189.00 \$206.00 per review not to exceed two hours. Actual cost for staff time when analysis exceeds two hours.
262	Traffic Impact Mitigation Fee	\$1,015.00 \$1,104.00 per new average daily trip generated

Storm Drainage Fees

263	Development Projects	Single family lots Section 24.60.035(b) (3): For subdivision whose lots exceed one acre, the fee shall not exceed that of one acre per lot \$4,477.00 \$4,871.00/ac.
		Multiple family dwelling units - initial unit \$4,477.00 \$4,871.00/ac.
		Multiple family dwelling units - each unit after initial (not to exceed \$4,622.00 \$5,029.00/ac.) \$168.00 \$183.00
		Commercial, industrial, hospitals, churches, schools, and others \$5,598.00 \$6,091.00/ac.
264	Building/Grading Permits (Building, Structures, & impervious areas)	New impervious surface area, per sq. ft. \$1.00 \$2.00/sq. ft.

DEVELOPMENT SERVICES

Street Improvement In-Lieu Fee

265	Sidewalks	\$20.00/sq.ft.
266	Curb and Gutter	\$100.00/lf. \$125.00/lf.

Other In-Lieu Fee

267	Trail Improvements	\$16.00/per sq. ft. or determined by Director
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Hauling Permits

268	House Moving Fee	\$3,696.00 \$4,021.00*
269	Hauling (Overweight Vehicle) Permit	Daily \$16.00**
		Annual \$90.00

****Plus initial deposit of \$5,000 for facilities damage***

*****The current State mandated fee is \$16.00 for Hauling Permit. If the State fee changes, the Hauling Permit fee will change to reflect the same.***

Construction Activities Mitigation Fee (Ordinance 2189)

270	New Buildings and Additions	Residential (per square foot added) \$1.26 \$1.43/sq.ft.*
		Non-residential (per square foot added) \$1.26 \$1.43/sq.ft.*

****These two fees are adjusted based on the Building Cost Index***

Other Engineering Fees

271	Engineering Reversion to Acreage	\$2,536.00 \$2,725.00 plus initial deposit of \$2,500 for surveyor
272	Engineering Lot Merger	\$3,685.00 \$4,009.00 plus surveyor deposit
273	Engineering Lot Line Adjustments	\$3,685.00 \$4,009.00 plus surveyor deposit
274	Certificate of Compliance	\$3,685.00 \$4,009.00 plus surveyor deposit
275	Abandon Excess Public Right-of-Way & Public Easement	\$4,601.00 \$5,006.00 plus surveyor and valuation consultant and planning services

DEVELOPMENT SERVICES

Other Engineering Fees (continued)

276	Geotechnical Peer Review Fees	Consultant fee deposit of \$3,000 plus 25% administrative fee. Fully allocated hourly rate of all personnel plus any outside costs and initial \$2,500 deposit. Larger projects require an initial deposit of \$4,500 (plus 25% administrative fee) to allow for a site visit by the geotechnical peer review consultant.
277	Separate Instrument Dedication Fee (for dedication via grant deeds and not maps)	\$762.00 \$829.00 plus initial deposit of \$2,500 for surveyor
278	Slurry Seal Fee	\$2.50 per sq.ft. \$3.00/sq. yd.
279	Flood Review Fee	Consultant Cost plus 25% Admin Fee
280	Miscellaneous Review Fee*	Actual Cost

****This fee will be implemented for services including, but not limited to, wet weather inspections, annual inspections, review of operations and maintenance reports, coordination with property owner(s) and/or homeowner associations, etc.***

LIBRARY SERVICES

Lost or Damaged Items

1	Replacement of Adult book/AV item	Cost of item plus \$10.00 processing fee
2	Replacement of Teen/Children's book/AV item	Cost of item plus \$5.00 processing fee
3	Replacement of Adult paperback	Cost of item plus \$5.00 processing fee
4	Replacement of magazine	Cost of item plus \$5.00 processing fee

In lieu of above, account holder may replace lost/damage item with new identical copy plus \$2.00 processing fee.

Internet printing and copies

5	Printing per page - Black and White Copies	\$0.15
6	Printing per page - Color Copies	\$0.25

History Project Digital Image

7	Fair Use Fees (for personal use only)	Free – Downloaded via History Website
8	Commercial Use Fees	\$25.00 per high resolution image

PARKS AND PUBLIC WORKS SERVICES

Parks Division

Oak Meadow Park

Picnic Areas (1 through 9)

1	Facility Fee	Resident \$95.00 per site
		Non-Resident \$150.00 per site
2	Facility fee w/Jump House Permit	Resident \$190.00 per site
		Non-Resident \$300.00 per site

Bandstand/Gazebo

3	Non-Profit Event	Resident \$65.00 per hour
		Non-Resident \$120.00 per hour
4	Public Event	Resident \$95.00 per hour
		Non-Resident \$150.00 per hour
5	Deposit (refundable)	\$500.00

Minimum two-hour reservation required.

Special Use Permit – Single Use

6	Permit Fee	Resident \$95.00 per day
		Non-Resident \$150.00 per day
7	Deposit (refundable)	\$100.00

Special Use Permit – Multi-Use

8	Non Profit	Resident \$95.00 per day
		Non-Resident \$150.00 per day
9	Additional Day	Resident \$25.00 per additional day
		Non-Resident \$40.00 per additional day
10	Deposit (refundable)	\$100.00

Multi-Use Permit for recreational/educational purposes only.

PARKS AND PUBLIC WORKS SERVICES

Other Oak Meadow Park Fees

11	Bocce Ball Court Fee	Resident \$95.00 per day
		Non-Resident \$150.00 per day
12	Parking Fee	Resident No Charge
		Non-Resident \$6.00 per vehicle
13	Vehicle Escort Fee	Resident \$75.00
		Non-Resident \$100.00

Creekside Sports Park

Special Use Permit – Single Use

14	Permit Fee	Resident \$95.00 per day
		Non-Resident \$150.00 per day
15	Deposit (refundable)	\$500.00

Special Use Permit – Multi-Use

16	Non Profit	Resident \$95.00 per day
		Non-Resident \$150.00 per day
17	Additional Day	Resident \$55.00 per additional day
		Non-Resident \$75.00 per additional day
18	Deposit (refundable)	\$500.00

Multi-Use Permit for recreational/educational purposes only.

Belgatos, Blossom Hill, La Rinconada, and Live Oak Manor (Groups of 25+ and/or Jump House)

Single Use Permit

19	Permit Fee	Resident \$95.00 per day
		Non-Resident \$150.00 per day
20	Deposit (refundable)	\$100.00

PARKS AND PUBLIC WORKS SERVICES

Multi-Use Permit

21	Permit Fee	Resident \$95.00 per day
		Non-Resident \$150.00 per day
22	Additional Day	Resident \$25.00 per additional day
		Non-Resident \$40.00 per additional day
23	Deposit (refundable)	\$100.00

Multi-Use Permit for recreational/educational purposes only.

Town Plaza Use Permit

~~A permit fee is \$55.00 per hour for events that close the Town Plaza entirely to the public. This fee will be charged for the number of hours the Town Plaza cannot be used safely by the public due to the event. Additional fees or deposits may be charged for lawn repair, street closures, and/or additional maintenance, as determined by the Parks and Public Works Director and/or Maintenance Superintendent.~~

Civic Center Lawn Use Permit

~~A permit fee is \$55.00 per hour for events that restrict the use of the Civic Center Lawn. Additional fees or deposits may be charged for lawn repair, street closures, and/or additional maintenance, as determined by the Parks and Public Works Director and/or Maintenance Superintendent.~~

Turf Maintenance Fee

Additional fee added to any Park Use ~~or Special Event Permit~~, when a permit's scheduled activity or event will negatively impact the park turf, (locations including but not limited to Oak Meadow, Town Plaza, and Civic Center lawn areas). The fee amount is to be based upon best estimate of turf repair cost, as determined by the Director of Parks and Public Works and/or Maintenance Superintendent.

PARKS AND PUBLIC WORKS SERVICES

Tree Related Fees

24	Tree Removal Permit Application*	One Tree \$250.00
		Additional Tree \$125.00/each
		If application is denied 50% refund
25	Illegal Tree Removal Administrative Fee	\$330.00
26	Replacement Trees - Town Forestry Fund Per Tree Ordinance Section 29.10.0985	Tree cost for each 24", 36", and/or 48" box size will be the Market Price plus the installation cost, determined by the Director

****Fee will be waived if tree removal is done to implement or maintain Defensible Space.***

Equipment Hourly Rates as Follows

27	Pick-up Truck	\$32.00
28	1 Ton Flatbed Truck	\$42.00
29	Utility Truck	\$57.00
30	Dump Truck (10 Wheel)	\$85.00
31	Dump Truck (Bobtail)	\$63.00
32	Paint Truck	\$85.00
33	Line Remover	\$26.00
34	Tractor Loader	\$63.00
35	Backhoe	\$85.00
36	Rubber-tired Loader	\$85.00
37	Roller	\$63.00
38	Van	\$37.00
39	Concrete Saw	\$32.00
40	Air Compressor	\$32.00
41	Arrowboard	\$32.00
42	Generator	\$26.00
43	Chainsaw	\$20.00
44	Blower	\$10.00
45	Paving Box	\$63.00
46	Rodder	\$63.00
47	High Pressure Sewer Cleaner	\$117.00
48	Brush Chipper	\$42.00
49	Chipper Truck	\$63.00
50	Aerial Unit	\$92.00
51	Street Sweeper	\$92.00
52	Forklift	\$42.00
53	Trailer	\$42.00
54	Message Board	\$10.81
55	Barricades	\$0.23

PARKS AND PUBLIC WORKS SERVICES

Equipment Hourly Rates as Follows (continued)

56	Cones	\$0.15
57	Portable Generators	\$28.04

Streets Division

Hazard and/or Debris Removal

58	Staff time spent to conduct hazard and or debris removal caused by citizen negligence	Fully allocated hourly rate of all personnel plus any outside costs
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Special Events Fees

59	Staff and equipment for special event requests	Fully allocated hourly rate of all personnel
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Electric Vehicle Charging Fee

60	System Connection Fee	\$1.00
61	Hourly Charge - 1- 4 hours	\$1.00/hour
62	Hourly Charge - after 4 hours	\$5.00/hour

POLICE SERVICES

Printing and Copying Charges

1	8 1/2" x 11 and 8 1/2" x 14	\$.25 per page
2	Copy - Digital	\$10.00 per device

Photographs

3	For the first 3	\$42.00
4	Each Additional	\$13.00

Concealed Weapons

5	Permit Fee, DOJ Fee, and Admin Fee	\$100.00
6	Renewal Permit	\$25.00
7	Amended Permit	\$10.00

Tow Trucks

8	Tow Permit	\$95.00
9	Driver Permit	\$370.00 \$290.00

Massage Permit Fees

10	Massage Establishment Permit (initial and subsequent renewals) (Ord 14.110.075)	\$415.00 \$335.00
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Fee covers staff time to process application, review pertinent documents, ~~arrange for fingerprints and photographs to be taken~~ and obtain all necessary approvals.

Special Events

11	ABC Application	No charge
12	No Parking Signs/ Required Event Signage	\$0.46/each \$1.00/each
13	Officer Staffing	Fully allocated hourly rate of all personnel
14	Bingo Permit	\$170.00 \$50.00

Other Special Police Services – Pursuant to Agreement between Police Chief and Requestor.

POLICE SERVICES

Motion Picture/Television/Commerical Still Photo

15	For-Profit Groups (each)	\$1,609.00
16	Non-For-profit Groups (each)	\$579.00

Emergency Response Caused By

17	DUI Emergency Accident Response (Government Code Section 53155)	Actual costs incurred up to \$12,000.00
18	Second Response due to Disturbances	At current billing rate

Alarm Fees

19	Commercial Alarm Registration Fee	\$95.00
20	Second False Alarm*	\$170.00
21	Third False Alarm*	\$170.00
22	Fourth False Alarm*	\$170.00
23	Fifth False Alarm*	No response, no charge, at the Chief's discretion

****Within a six-month period within a calendar year***

Citation issued for failure to display appropriate Permit or placard. Dismissal fee in lieu of full Bail Amount

24	Handicap CVC22507.8/22500(1)	\$37.00
25	Parking Permits	\$10.00

Parking Permit Fees

Residential Parking Permit

26	Annual residential parking permit/per vehicle (Limit 4 per residence)	\$42.00
27	Visitor guest passes	Two (2) complimentary with the purchase of the primary permit
28	Special Event Permit -First permit (one day)	\$10.00
29	Special Event Permit -Each Additional (one day)	\$2.00
30	Replacement permit for vehicle change (within calendar year)	\$10.00
31	Lost permit replacement	\$37.00
32	Damaged permit replacement (with return of permit)	\$18.00

POLICE SERVICES

Parking Permit Fees (continued)

Business Parking Permit

33	Standard Employee annual	\$248.00
34	Lost permit replacement	\$37.00
35	Damaged permit replacement (with return of permit)	\$18.00

Construction Parking Permit

36	One day parking permit per construction vehicle	\$32.00
37	Each additional day per vehicle	\$5.00

Other Police Fees

38	Fingerprinting—per each Livescan application (Plus additional DOJ or FBI fees which are based on the level of service for the application) Fingerprint fees are subject to increase based on DOJ or FBI fees	\$80.00-
39	Subpoena Duces Tecum	Per California Evidence Code Section 1563
40	Solicitor/Peddler's Permit (need to obtain fingerprinting)	\$55.00 plus fingerprinting
41	Bicycle Licenses (each)	\$3.00-
42	Taxicabs Permit	\$185.00 per business
43	Clearance Letter	\$25.00
44	Horse Drawn Vehicle Permit	\$270.00
45	Firearms Storage Fee	\$245.00 Admin Fee plus \$1.00 per firearm per day for storage
46	Vehicle Release	\$235.00
47	Vehicle Repossession Release Fee (Government Code Section 41612-26751)	\$15.00
48	Non-Los Gatos Cite Sign Off	\$27.00
49	Feral Cat Feeder/Trap Permit	\$42.00



FY 2023/24 Fee Consumer Price Index (CPI) Adjustments		
Fee Name	Adopted FY 2022/23	Proposed FY 2023/24
General Development Fees		
Address Processing Fee - per address	\$169.00	\$184.00
BMP Document Processing Fee	\$609.00	\$663.00
Annexation Fees		
1 Lot	\$3,188.00	\$3,469.00
2 Lots	\$1,594.00	\$1,734.00
3 Lots	\$1,064.00	\$1,158.00
4 Lots	\$800.00	\$870.00
5 Lot or more	\$635.00	\$691.00
Building Permit Fees		
Fee for issuing/reinstating a Building Permit	\$58.00	\$63.00
Additional Building Permit Fee	\$32.00	\$35.00
Demolition Permit	Residential: \$281.00	\$306.00
	Commercial: \$492.00	\$535.00
New Construction and Addition		
\$1.00 to \$500.00	\$35.00	\$38.00
\$501.00 to \$2,000.00	\$35.00 for the first \$500.00 plus \$4.53 for each additional \$100.00 or fraction thereof, to and including \$2,000.00	\$38.00 for the first \$500.00 plus \$4.93 for each additional \$100.00 or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$103.00 for the first \$2,000.00 plus \$20.82 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00	\$112.00 for the first \$2,000.00 plus \$22.65 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$582.00 for the first \$25,000.00 plus \$15.02 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00	\$633.00 for the first \$25,000.00 plus \$16.34 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$957.00 for the first \$50,000.00 plus \$10.41 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00	\$1,041.00 for the first \$50,000.00 plus \$11.33 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$1,478.00 for the first \$100,000.00 plus \$8.32 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00	\$1,608.00 for the first \$100,000.00 plus \$9.05 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$4,808.00 for the first \$500,000.00 plus \$7.06 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00	\$5,231.00 for the first \$500,000.00 plus \$7.68 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 and over	\$8,339.00 for the first \$1,000,000.00 plus \$4.68 for each additional \$1,000.00 or fraction thereof	\$9,073.00 for the first \$1,000,000.00 plus \$5.09 for each additional \$1,000.00 or fraction thereof
Special Services & Inspections		
Inspection outside normal business hours (4 hr. minimum)	\$203.00/hr.	\$221.00/hr.
Re-inspection fees	\$169.00/hr.	\$184.00/hr.
Inspections for which no fee is specifically indicated (2 hr. minimum)	\$169.00/hr.	\$184.00/hr.
Additional plan review required by changes, additions or revisions to plans (1 hr. minimum)	\$161.00/hr.	\$175.00/hr.
For use of outside consultants for plan checking and/or inspections	Actual Cost	
Services for which no fee is specifically indicated (1/2 hr. minimum)	\$169.00/hr.	\$184.00/hr.
Permit/Plan check time extension (per permit) (applies to permits that have not expired)	\$83.00	\$90.00
Express plan review or initial review (1 hr. minimum)	\$169.00/hr.	\$184.00/hr.
Application for the Appeals Building Board Review	\$289.00	\$314.00
Temporary Certificate of Occupancy	\$1,160.00	\$1,262.00
Other Miscellaneous Factors to Determine Construction Valuation		
Convert Garage to habitable space	\$124.00/sq. ft.	\$135.00/sq.ft.
Convert unfinished basement or attic to habitable	\$134.00/sq. ft.	\$146.00/sq.ft.
Pools/Spas (gunite)	\$80.00/sq. ft.	\$87.00/sq.ft
Siding - aluminum/vinyl/wood	\$34.00/sq. ft.	\$37.00/sq.ft.
Commercial Awning or Canopy	Aluminum \$34.00/sq. ft.	\$37.00/sq.ft.
	Canvas \$25.00/sq. ft.	\$27.00/sq.ft.
Fence or Freestanding Wall (over 6" high)	Wood or metal \$52.00/lf.	\$57.00/sq.ft.
	Masonry \$90.00/lf.	\$98.00/sq.ft.
Decks/Balcony	\$50.00/sq. ft.	\$54.00/sq.ft.
Wood Deck	\$21.00/sq. ft	\$23.00/sq.ft.
Re-roofs	\$3.00/sq. ft.	\$3.26/sq.ft.
Retaining Walls	\$113.00/lf.	\$123.00/sq.ft.

FY 2023/24 Fee Consumer Price Index (CPI) Adjustments		
Fee Name	Adopted FY 2022/23	Proposed FY 2023/24
Special Systems Fees		
Emergency generation, wind power, special HVAC systems, etc.	Plan Review (1 hr. minimum) \$161.00/hr.	Plan Review (1 hr. minimum) \$175.00/hr.
	Field Inspection (2 hr. minimum) \$169.00/hr.	Field Inspection (2 hr. minimum) \$184.00/hr.
Photovoltaic - Roof & Ground Mounted - Residential	Plan Review (1/4 hr. minimum) \$161.00/hr.	Plan Review (1/4 hr. minimum) \$175.00/hr.
	Field Inspection (1 hr. minimum) \$169.00/hr.	Field Inspection (1 hr. minimum) \$184.00/hr.
Photovoltaic - Roof & Ground Mounted - Commercial	Plan Review (1 hr. minimum) \$161.00/hr.	Plan Review (1 hr. minimum) \$175.00/hr.
	Field Inspection (2 hr. minimum) \$169.00/hr.	Field Inspection (2 hr. minimum) \$184.00/hr.
Electrical Permit Fees		
Fee for issuing/reinstating an Electrical Permit	\$58.00	\$63.00
Additional Electrical Permit Fee	\$26.00	\$28.00
New Residential Construction (new buildings only, including garages)	\$.11 sq. ft	\$.12 sq.ft
Commercial Construction	\$.08 sq. ft	\$.09 sq. ft
Plan Review & Re-inspection Fees		
Plan review fee	25% of Electrical Permit Fee	
Additional plan review	\$161.00/hr.	\$175.00/hr.
Re-inspection fee	\$169.00/hr.	\$184.00/hr.
System Fee Schedule		
Private swimming pools	\$67.00	\$73.00
Public swimming pools	\$121.00	\$132.00
Temporary power poles	\$83.00	\$90.00
Temporary distribution system & temporary lighting	\$40.00	\$44.00
Installation of illuminated signs (each)	\$107.00	\$116.00
Unit Fee Schedule		
Receptacle, switch and lights	\$2.00	\$2.18
Residential appliances/new circuits (cook top, oven, range, disposals, clothes dryers, or other motor operated appliances not exceeding one horsepower)	\$6.00	\$7.00
Nonresidential appliances/new circuits (medical & dental devices, food, beverage, drinking fountains, laundry machines, or other similar equipment) NOTE: for other types of air conditioners and other motor-driven appliances having larger electrical ratings, see Generators/Motors	\$8.00	\$9.00
Power apparatus (generators, transformers, A/C, heat pumps, baking equipment)	Up to 10 KV, each \$17.00	Up to 10 KV, each \$18.00
	Over 10 KV not over 50 KV, each \$34.00	Over 10 KV not over 50 KV, each \$37.00
	Over 50 KV and not over 100 KV, each \$67.00	Over 50 KV and not over 100 KV, each \$73.00
	Over 100 KV, each \$89.00	Over 100 KV, each \$97.00
Motors	Up to 10 hp \$17.00	Up to 10 hp \$18.00
	Up to 25 hp \$34.00	Up to 25 hp \$37.00
	Up to 55 hp \$67.00	Up to 55 hp \$73.00
	Over 55 hp \$97.00	Over 55 hp \$106.00
Transformers	Up to 5 KVA \$17.00	Up to 5 KVA \$18.00
	Up to 10 KVA \$34.00	Up to 10 KVA \$37.00
	Up to 50 KVA \$56.00	Up to 50 KVA \$61.00
	Over 50 KVA \$82.00	Over 50 KVA \$89.00
Busways/conduits (per 100 ft)	\$8.00	\$9.00
Service equipment	200 amps or less \$83.00	200 amps or less \$90.00
	201 to 999 amps \$114.00	201 to 999 amps \$124.00
	Sub-panels \$40.00	Sub-panels \$44.00
Installation of spas or saunas	\$40.00	\$44.00
Other Electrical Fees		
Duplicate job card	\$26.00	\$28.00
Permit extension (applies to permits that have not expired)	\$83.00	\$90.00
Mechanical Permit Fees		
Fee for issuing/reinstating a Mechanical Permit	\$58.00	\$63.00
Additional Mechanical Permit Fee	\$26.00	\$28.00
New Residential Construction (new buildings only, including garages)	\$.11 sq. ft	\$.12 sq. ft
Commercial Construction	\$.08 sq. ft	\$.09 sq. ft
Plan Review & Re-inspection Fees		
Plan review fee	25% of Mechanical Permit Fee	
Additional plan review	\$161.00/hr.	\$175.00/hr.

FY 2023/24 Fee Consumer Price Index (CPI) Adjustments		
Fee Name	Adopted FY 2022/23	Proposed FY 2023/24
Re-inspection fee	\$169.00/hr.	\$184.00/hr.
Unit Fee Schedule		
Installation, of each heating system, A/C, boiler, compressor or air handler	\$40.00	\$44.00
Each duct repair or alteration	\$12.00	\$13.00
Each fireplace appliance	\$34.00	\$37.00
Each ventilating fan	\$12.00	\$13.00
Installation of separate flue or vents not included with the installation of an appliance	\$12.00	\$13.00
Installation of each hood with mechanical exhaust	Residential \$34.00	Residential \$37.00
	Commercial \$121.00	Commercial \$132.00
Each new or repair of gas piping system	\$74.00	\$81.00
Each additional gas outlet	\$24.00	\$26.00
Installation of evaporative cooler	\$34.00	\$37.00
Other Mechanical Fees		
Duplicate job card	\$26.00	\$28.00
Permit extension (applies to permits that have not expired)	\$83.00	\$90.00
Plumbing Permit Fees		
Fee for issuing/reinstating a Plumbing Permit	\$58.00	\$63.00
Additional Plumbing Permit Fee	\$26.00	\$28.00
New Residential Construction (new buildings only, including garages)	\$.11 sq. ft	\$.12 sq. ft
Commercial Construction	\$.08 sq. ft	\$.09 sq. ft
Plan Review & Re-inspection Fees		
Plan review fee	25% of Plumbing Permit Fee	
Additional plan review	\$152.50/hr.	\$175.00/hr.
Re-inspection fee	\$160.00/hr.	\$184.00/hr.
System Fee Schedule		
Private swimming pools (including heater, water piping, gas piping)	\$97.00	\$106.00
Public swimming pools (including heater, water piping, gas piping)	\$146.00	\$159.00
Lawn sprinkler system on one meter	\$40.00	\$44.00
Each new or repair of gas piping system	\$74.00	\$81.00
Each drainage, sewer system	\$40.00	\$44.00
Radiant floor heating system	\$121.00	\$132.00
Unit Fee Schedule		
Each plumbing fixture or trap or set of fixtures on one trap	\$12.00	\$13.00
Each sewer cleanout, backflow device	\$12.00	\$13.00
Each septic system abatement	\$121.00	\$132.00
Rainwater systems - per drain (inside building)	\$12.00	\$13.00
Each water heater, water softener	\$34.00	\$37.00
Each grease interceptor (750 gallon capacity)	\$83.00	\$90.00
Each grease trap (1-4 fixtures)	\$47.00	\$51.00
Residential water re-piping	\$121.00	\$132.00
Each ejector/sump pump	\$40.00	\$44.00
Each vacuum breaker/hose bib	\$12.00	\$13.00
Each water piping system repair or replacement	\$25.00	\$27.00
Each additional gas outlet	\$25.00	\$27.00
Other Plumbing Fees		
Duplicate job card	\$26.00	\$28.00
Permit extension (applies to permits that have not expired)	\$83.00	\$90.00
Other Fees		
Duplicate Inspection Card	\$32.00	\$35.00
NPDES Inspection Fee (Charged on all building permits with the potential to generate non-point source storm water runoff during construction)	\$74.00	\$81.00
Architecture and Site Applications - Development Review Committee (DRC) Approval*		
New single family detached (HR and RC zones)	\$9,508.00	\$10,345.00
<i>Engineering Development Review Service Fee</i>	\$4,396.00	\$4,783.00
New non-custom single family detached (HR and RC zones) per unit/model, as part of a Planned Development**	\$6,603.00	\$7,184.00
<i>Engineering Development Review Service Fee</i>	\$4,393.00	\$4,780.00
New single family or two family units	\$6,552.00	\$7,129.00
<i>Engineering Development Review Service Fee</i>	\$4,394.00	\$4,781.00
New single family or two family (any other zone) per unit/model new nonresidential or multiple family per building as part of a Planned Development**	\$4,682.00	\$5,094.00
<i>Engineering Development Review Service Fee</i>	\$4,398.00	\$4,785.00

FY 2023/24 Fee Consumer Price Index (CPI) Adjustments		
Fee Name	Adopted FY 2022/23	Proposed FY 2023/24
Minor projects (a development proposal that does not significantly change the size, mass, appearance or neighborhood impact of a structure, property or parking lot)	\$2,375.00	\$2,584.00
<i>Engineering Development Review Service Fee</i>	\$3,374.00	\$3,671.00
Architecture and Site Applications - Planning Commission Approval		
Supplemental fee DRC applications as determined with fee #146 or minor residential development applications or applications that are part of a Planned Development that require Planning Commission approval	\$3,355.00	\$3,650.00
<i>Engineering Development Review Service Fee</i>	\$1,225.00	\$1,333.00
New two family unit	\$9,994.00	\$10,873.00
<i>Engineering Development Review Service Fee</i>	\$4,396.00	\$4,783.00
New nonresidential (includes conceptual Planned Development elevations)	\$11,471.00	\$12,480.00
<i>Engineering Development Review Service Fee</i>	\$4,396.00	\$4,783.00
New multiple family (includes conceptual Planned Development elevations)	\$10,428.00	\$11,346.00
<i>Engineering Development Review Service Fee</i>	\$4,394.00	\$4,781.00
All other (i.e. exceed FAR, major grading, etc.)	\$5,815.00	\$6,327.00
<i>Engineering Development Review Service Fee</i>	\$4,396.00	\$4,783.00
Conditional Use Permits		
Conditional Use Permit	\$6,726.00	\$7,318.00
<i>Engineering Development Review Service Fee</i>	\$1,431.00	\$1,557.00
Conditional Use Permit (when consolidated with another application for new development)	\$1,118.00	\$1,216.00
<i>Engineering Development Review Service Fee</i>	\$820.00	\$892.00
Conditional Use Permit for Minor Restaurant (DRC Approval)	\$4,093.00	\$4,453.00
<i>Engineering Development Review Service Fee</i>	\$1,228.00	\$1,336.00
Conditional Use Permit for Major Restaurant (PC Approval) Tier 1	\$6,726.00	\$7,318.00
<i>Engineering Development Review Service Fee</i>	\$1,838.00	\$2,000.00
Conditional Use Permit for Major Restaurant (PC Approval) Tier 2 includes alcohol and/or entertainment (must pay #159 below with this application)	\$7,949.00	\$8,649.00
<i>Engineering Development Review Service Fee</i>	\$1,837.00	\$1,999.00
Applications that require Town Council Approval (these fees supplement the above established fees)	\$3,190.00	\$3,471.00
<i>Engineering Development Review Service Fee</i>	\$1,226.00	\$1,334.00
Planning Division Certificates of Use and Occupancy		
Change of use	\$244.00	\$265.00
Change of occupancy (excluding change of proprietor of a continuing business enterprise)	\$164.00	\$178.00
Sign Application		
New permanent sign	\$328.00	\$357.00
Temporary nonresidential sign	\$105.00	\$114.00
Change of face only	\$164.00	\$178.00
Sign program	\$2,197.00	\$2,390.00
Administrative Land Use Permit		
Minor telecommunications facility (i.e. microcell, 8,021 lb. or equivalent)	\$1,626.00	\$1,769.00
Major telecommunications facility which do not require a Conditional Use Permit	\$3,898.00	\$4,241.00
Other Zoning Approvals Fees		
Variance	\$4,947.00	\$5,382.00
<i>Engineering Development Review Service Fee</i>	\$1,431.00	\$1,557.00
Minor Residential Development (see #151)	\$2,375.00	\$2,584.00
Agricultural Preserve Withdrawal	\$4,035.00	\$4,390.00
Home Occupation Permit	\$164.00	\$178.00
Two-Unit Housing Development	\$1,419.00	\$1,544.00
Urban Lot Split	\$1,419.00	\$1,544.00
Subdivisions		
Lot Line Adjustment (DRC Approval)	\$2,254.00	\$2,452.00
<i>Engineering Development Review Service Fee</i>	\$3,782.00	\$4,115.00
4 Lots or Less (DRC Approval)	\$9,081.00	\$9,880.00
<i>Engineering Development Review Service Fee</i>	\$4,194.00	\$4,563.00
4 Lots or Less (as part of a Planned Development) (DRC Approval)	\$3,750.00	\$4,080.00
<i>Engineering Development Review Service Fee</i>	\$4,398.00	\$4,785.00
5 Lots or More	\$10,230.00	\$11,130.00
<i>Engineering Development Review Service Fee</i>	\$5,417.00	\$5,894.00

FY 2023/24 Fee Consumer Price Index (CPI) Adjustments		
Fee Name	Adopted FY 2022/23	Proposed FY 2023/24
5 Lots or More (as part of a Planned Development) (DRC Approval)	\$4,397.00	\$4,784.00
Engineering Development Review Service Fee	\$5,420.00	\$5,897.00
Lot Merger and Reversion to Acreage (DRC Approval)	\$1,117.00	\$1,215.00
Engineering Development Review Service Fee	\$3,781.00	\$4,114.00
Condominium	\$7,884.00	\$8,578.00
Condominium (as part of a Planned Development)	\$3,750.00	\$4,080.00
Certificate of Compliance (DRC Approval)	\$3,257.00	\$3,544.00
Engineering Development Review Service Fee	\$2,350.00	\$2,557.00
VTM applications that require Town Council approval, Subdivision and/or DRC applications that require Planning Commission approval. This fee supplements the above-established fees.	\$2,991.00	\$3,254.00
Miscellaneous Application Fees		
Push Cart Permit	\$521.00	\$567.00
Auto Dealer Events	Smaller Promotional Events \$87.00	Smaller Promotional Events \$95.00
	Large Promotional Events \$425.00	Large Promotional Events \$462.00
News rack Permit Fee	\$413.00	\$449.00
Environmental Assessment Fees		
Draft Initial Study Review Fee (or actual cost if part of a Planned Development, General Plan and/or Town Code Amendment	\$2,950.00	\$3,210.00
Engineering Development Review Service Fee	\$2,045.00	\$2,225.00
***The \$5,000 fee is a deposit only. The specific cost of the Initial Study and any required special studies shall be borne by the applicant. The deposit shall be increased before the Town will authorize work exceeding the amount on deposit. Any deposit balance will be refunded.		
Appeals		
Fee to appeal Planning Commission decision to Town Council	Per Residential \$464.00	Per Residential \$505.00
	Per Commercial, multi-family or tentative map \$1,867.00	Per Commercial, multi-family or tentative map \$2,031.00
Fee to remand applications from Town Council to Planning Commission	Fully allocated hourly rate for all personnel plus additional fees	Fully allocated hourly rate for all personnel plus additional fees
Fee to appeal Director of Community Development or Development Review Committee decision to Planning Commission	Per Residential \$234.00	Per Residential \$255.00
	Per Commercial \$934.00	Per Commercial \$1,016.00
Tree appeals	\$95.00	\$103.00
Zoning Research		
Basic Zoning Letter	\$164.00	\$178.00
Legal non-conforming verification	\$688.00	\$749.00
Reconstruction of legal non-conforming structures (Burndown Letter)	\$292.00	\$318.00
Other Planning Division Fees		
Fence Height Exceptions	\$292.00	\$318.00
Engineering Plan Check Fee		
Application Fee	\$519.00	\$565.00
\$20,000.00 to \$80,000.00	\$3,283.00 plus 9% of valuation	\$3,572.00 plus 9% of valuation
Greater than \$80,000	\$9,002.00 plus 8.5% valuation	\$9,794.00 plus 8.5% valuation
Inspection Fee		
\$20,000.00 to \$80,000.00	\$1,589.00 plus 6.5% of valuation	\$1,729.00 plus 6.5% of valuation
Greater than \$80,000.00	\$5,719.00 plus 4.0% of valuation	\$6,222.00 plus 4.0% of valuation
Work In or Use of Public Right of Way		
Encroachment Permit - Residential	Work up to \$4,000.00 - \$323.00	Work up to \$4,000.00 - \$351.00
	Each additional \$2,000.00 - \$169.00	Each additional \$2,000.00 - \$184.00
Encroachment Permit - Collector/Arterial Streets**	Work up to \$4,000.00 - \$1,673.00	Work up to \$4,000.00 - \$1,820.00
	Each additional \$2,000.00 - \$365.00	Each additional \$2,000.00 - \$397.00
Temporary Encroachment Permit	\$159.00	\$173.00
Dumpster Permit	\$159.00	\$173.00
Storage Permit	\$159.00***	\$173.00***
* Work done at night or on weekends shall be charged the actual costs of staff		
** Single-family residences located along collector and arterial streets to be charged the residential fees above		
*** \$500.00 refundable Storage Unit Removal Deposit, to cover cost of removal, if abandoned		
NPDES		
Inspection Fee - Grading Permits	Single Family Residential \$773.00	Single Family Residential \$841.00
	Commercial or Multi Family Residential \$1,202.00	Commercial or Multi Family Residential \$1,308.00
Inspection Fee - Encroachment Permits and Some Storage Permits	Single Family Residential \$212.00	Single Family Residential \$231.00
	Commercial or Multi Family Residential \$344.00	Commercial or Multi Family Residential \$374.00
	Plus \$514.00 per LID facility	Plus \$559.00 per LID facility

FY 2023/24 Fee Consumer Price Index (CPI) Adjustments		
Fee Name	Adopted FY 2022/23	Proposed FY 2023/24
Inspection of Storm Water Treatment Measures	\$530.00 per facility	\$577.00 per facility
Annual Stormwater/Limited Impact Development (LID) Permit	Per Visit and 1st facility inspection \$514.00	Per Visit and 1st facility inspection \$559.00
	Every additional facility inspection \$169.00	Every additional facility inspection \$184.00
Engineering Subdivision Map Checking		
1-4 lots	\$3,023.00*	\$3,289.00*
5 or more lots	\$4,231.00*	\$4,603.00*
<i>*Plus, initial \$3,000 surveyor deposit. Additional deposit(s) of actual surveyor costs may be required for larger projects than 5 or more lots, additional map check review(s), or overall complexity of the map.</i>		
Traffic Impact Analysis or Parking Study		
Staff Review Fee	\$703.00 plus 10% of the traffic consultant report cost	\$765.00 plus 10% of the traffic consultant report cost
Site Distance Analysis	\$189.00 per review not to exceed two hours. Actual cost for staff time when analysis exceeds two hours.	\$206.00 per review not to exceed two hours. Actual cost for staff time when analysis exceeds two hours.
Traffic Impact Mitigation Fee	\$1,015.00 per new average daily trip generated	\$1,104.00 per new average daily trip generated
Storm Drainage Fees		
Development Projects	Single family lots Section 24.60.035(b) (3): For subdivision whose lots exceed one acre, the fee shall not exceed that of one acre per lot \$4,477.00/ac.	Single family lots Section 24.60.035(b) (3): For subdivision whose lots exceed one acre, the fee shall not exceed that of one acre per lot \$4,871.00/ac.
	Multiple family dwelling units - initial unit \$4,477.00/ac.	Multiple family dwelling units - initial unit \$4,871.00/ac.
	Multiple family dwelling units - each unit after initial (not to exceed \$4,622.00/ac.) \$168.00	Multiple family dwelling units - each unit after initial (not to exceed \$5,029.00/ac.) \$183.00
	Commercial, industrial, hospitals, churches, schools, and others \$5,598.00/ac.	Commercial, industrial, hospitals, churches, schools, and others \$6,091.00/ac.
Street Improvement in-lieu fee		
Sidewalks	\$16.00/sq. ft.	\$20.00/sq. ft.
Curb and Gutter	\$68.00/lf.	\$100.00/lf.
Hauling Permits		
House Moving Fee	\$3,696*	\$4,021.00**
<i>*Plus initial deposit of \$5,000 for facilities damage</i>		
Construction Activities Mitigation Fee		
New Buildings and Additions	Residential (per square foot added) \$1.26/sq.ft.*	Residential (per square foot added) \$1.43/sq.ft.*
	Non-residential (per square foot added) \$1.26/sq.ft.*	Non-residential (per square foot added) \$1.43/sq.ft.*
<i>*These two fees are adjusted based on the Building Cost Index</i>		
Other Engineering Fees		
Engineering Reversion to Acreage	\$2,536.00 plus initial deposit of \$2,500 for surveyor	\$2,759.00 plus initial deposit of \$2,500 for surveyor
Engineering Lot Merger	\$3,685.00 plus surveyor deposit	\$4,009.00 plus surveyor deposit
Engineering Lot Line Adjustments	\$3,685.00 plus surveyor deposit	\$4,009.00 plus surveyor deposit
Certificate of Compliance	\$3,685.00 plus surveyor deposit	\$4,009.00 plus surveyor deposit
Abandon Excess Public Right-of-Way & Public Easement	\$4,601.00 plus surveyor and valuation consultant and planning services	\$5,006.00 plus surveyor and valuation consultant and planning services
Separate Instrument Dedication Fee (for dedication via grant deeds and not maps)	\$762.00 plus initial deposit of \$2,500 for surveyor	\$829.00 plus initial deposit of \$2,500 for surveyor

FY 2023/24 Fee Adjustments, Reclassifications, Deletions and Additions		
Fee Name	FY 2022/23 Adopted	FY 2023/24 Proposed
Administrative Fees		
Initiative/Referendum Petition Filings Fee	N/A	\$200.00
Fee for Town Hall Facilities Use	Non Profit: \$0.00 per hour	Non Profit: \$0.00 per hour For Profit: \$55.00 per hour
Special Event N. Santa Cruz Avenue Road Closure Fee	N/A	Actual Cost
Temporary Encroachment Permit	N/A	\$173.00
Police Officer	N/A	\$166.21 per hour
Parks and Public Works Maintenance Worker	N/A	\$117.96 per hour
Anti-Vehicle Barrier, Special Event Road Closure	N/A	Actual Cost
Temporary No Parking Signs	N/A	\$1.00
Temporary Alcohol Restricted Signs	N/A	\$1.00
Temporary Banner Permit	N/A	\$105.00
Use of the Civic Center lawn, deck and stairs for approved special events coordinated by a for-profit organization	N/A	\$55.00 per hour
Use of Town Plaza Park for approved special events	N/A	\$55.00 per hour
Facility Deposit	N/A	\$500.00
Development Fees		
Accessory Dwelling Unit	\$1,419.00	Delete Fee
SB 330 Preliminary Application	N/A	Actual Cost (\$500 minimum deposit)
SB 35 Preliminary Application	N/A	Actual Cost (\$500 minimum deposit)
Shared Parking Permit	N/A	\$1,000.00
C-3 Permit Hydrologic Calculation	Fully allocated hourly rate for all personnel plus any outside cost and initial deposit of \$3,750.00	Consultant fee deposit of \$3,750.00 plus 25% administrative fee
Engineering Subdivision Map Checking 1-4 Lots	\$3,023.00	Adding: Certificate of Correction \$1,000.00 plus 25% administrative fee
Building/Grading Permits (Building, Structures, & impervious areas)	New impervious surface area, per sq. ft. \$1.00/sq. ft.	New impervious surface area, per sq. ft. \$2.00/sq. ft.
Curb and Gutter	\$100.00/lf.	\$125.00/lf.
Geotechnical Peer Review Fees	Fully allocated hourly rate of all personnel plus any outside costs and initial \$2,500 deposit. Larger projects require an initial deposit of \$4,500 to allow for a site visit by the geotechnical peer review consultant.	Consultant fee deposit of \$3,000 plus 25% administrative fee. Larger projects require an initial deposit of \$4,500 (plus 25% administrative fee) to allow for a site visit by the geotechnical peer review consultant.
Slurry Seal Fee	\$2.00 sq. ft.	\$3.00 sq. yd.
Parks and Public Works Fees		
Town Plaza Use Permit	\$55.00 per hour	Now can be found under Administrative Services Section
Civic Center Lawn Use Permit	\$55.00 per hour	Now can be found under Administrative Services Section
Police Fees		
Driver Permit	\$370.00	\$290.00
Massage Establishment Permit	\$415.00	\$335.00
No Parking Signs	\$0.46/each	\$1.00/each
Bingo Permit	\$170.00	\$50.00
Fingerprinting	\$80.00	Delete Fee
Solicitor/Peddler's Permit	\$55.00 plus fingerprinting	\$55.00
Bicycle Licenses (each)	\$3.00	Delete Fee

DRAFT RESOLUTION 2023-

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
CONTINUING DEPARTMENT FINES, AND AMENDING CERTAIN FINES FOR FY 2023/24**

WHEREAS, per resolution 2004-97 penalties for violation of the Los Gatos Town Code shall be set forth in a schedule; and

WHEREAS, the last update of the Town of Los Gatos Comprehensive Fine Schedule was adopted on March 15, 2022; and

WHEREAS, those fines currently in effect will remain in effect without interruption, and certain of these shall be increased to reflect best municipal practices.

**NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF LOS GATOS DOES HEREBY
RESOLVE:**

1. That Resolution 2022-012, "Resolution of the Town Council of the Town of Los Gatos Continuing Department Fines, Amending Certain Fines for FY 2022/23" is hereby rescinded; and
2. The Town of Los Gatos Comprehensive Fine Schedule, attached hereto as Exhibit A, is adopted and shall become effective July 1, 2023.

ATTACHMENT 3

PASSED AND ADOPTED at a regular meeting of the Town Council held on the 21st day of March 2023 by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

ATTEST:

TOWN CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____



TOWN OF LOS GATOS CALIFORNIA



COMPREHENSIVE FINE SCHEDULE (REDLINED) FISCAL YEAR 2023/24

COVER PHOTOS: NANCY BARRERRA, JEFF JANOFF, JULIAN, KARLAK, AND HUNTER

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FINES/PENALTIES – TOWN CODE VIOLATION

Per resolution 2004-97 penalties for violation of the Los Gatos Town Code shall be set forth as the below schedule, except:

The penalties for all violations of the Town Code not specifically set forth in the below schedule and do not involve violations of local building and safety codes shall be:

1. one hundred dollars (\$100) for first violation;
2. two hundred and fifty dollars (\$250) for second violation;
3. five hundred dollars (\$500) for each additional violation within one year.

The penalties for all violations of the Town Code not specifically set forth in the below schedule and that involve violations of local building and safety codes and are not otherwise designated as misdemeanors shall be:

1. one hundred dollars (\$100) for first violation;
2. five hundred dollars (\$500) for second violation within one year;
3. one thousand dollars (\$1,000) for each additional violation within one year.

The penalties for all knowing and willful violations of the Town Code shall be:

1. five hundred dollars (\$500) for first violation;
2. one thousand dollars (\$1,000) for each additional violation within thirty-six month thereafter.

For all California Vehicle Code violations, please contact the Superior Court of California County of Santa Clara.

FINES/PENALTIES – TOWN CODE VIOLATION

1.30.025(c)	Late Payment of Fines/Penalties	100% of fine
4.10.030(a)	Animal bites, failure to report	\$150.00
4.10.030(c)	Quarantine violation	\$500.00
4.10.075	Animals and Vehicles	
	First offense	\$100.00
	Second offense within 2 years	\$200.00
	Third subsequent offense within 2 years	\$500.00
4.40.005	Restraint of Dogs	\$100.00
4.40.015	Vaccination of dogs and cats	\$250.00
4.40.020	Registration of dangerous dogs	\$250.00
4.80.050	Penalty, abatement	\$100.00
6.20.155	Building permit requirements	\$50.00
6.40.010	Order to vacate or abate	\$100.00
6.80.010	Order to vacate	\$100.00
9.30.015	Storage of certain substances (populated area)	\$100.00
11.40.060	Illegal dumping (outside park)	\$200.00
11.40.060	Single use carry-out bags	
	First violation	\$100.00
	Second violation within 1 year	\$200.00
	For each additional violation within 1 year	\$500.00
13.20.010	Improper storage of hazardous material	\$100.00
13.20.885	Hazardous material	\$100.00
14.40.105	Peddlers / Solicitors	\$100.00
14.100.020(a)	Special event	\$100.00
14.140.085	Short-term rentals	
	First offense	Warning
	Second offense	\$250.00
	Third offense within 12-month period incurs fine and immediate revocation of the short-term rental license	\$500.00
15.10.025	Roller skating in street	\$100.00
15.10.030	Skateboarding or roller skating	\$100.00
15.10.035	Driving on private property	\$100.00
15.30.035	Entering intersections, etc., without sufficient space on other side	\$135.00
15.30.115	Cruising	
	First offense	\$100.00
	Second offense	\$200.00
	Third or subsequent offense within 2 years	\$250.00
15.40.015	Overtime Parking	\$42.00
15.40.060	Sleeping in vehicle after being warned	\$50.00
15.40.065	Vehicle Storage on Street	\$67.00
15.40.070	Commercial Vehicles in Residential Zones	\$67.00
15.40.075	For Sale/Non Emergency Repair	\$42.00
15.40.080	Preferential Parking	\$52.00
15.40.080(b)	Permit Required Area	\$52.00
15.40.080(c)	Fraudulent use of Permit	\$107.00

FINES/PENALTIES – TOWN CODE VIOLATION

15.40.085	Posted no Parking Special Events	\$42.00
15.40.090	Parking on Parkway	\$42.00
15.40.095	Marked Parking Space	\$42.00
15.40.100	Parking on Grade	\$42.00
15.40.105	Designated Parking VC22507.8	\$292.00
15.40.110	Marked Curb	\$42.00
15.40.275	Parking in Alleys Restricted to Loading or Unloading	\$42.00
15.50.015	Use of crosswalk by pedestrian	\$25.00
15.50.020	Pedestrian other than right angle	\$25.00
15.50.025	Standing in roadway	\$25.00
16.20.010	Curfew noise disturbance	\$500.00
16.20.015	Exterior noise levels for residential zones	\$500.00
16.20.020	Exterior noise levels for multi-family residence	\$500.00
16.20.025	Noise levels for commercial / industrial zones	\$500.00
16.20.030	Public property noise limits	\$500.00
16.20.035	Construction	\$500.00
16.20.040	Amplified sound	\$500.00
16.20.045	Street sales	\$500.00
16.20.050	Animals and birds	
	First offense	\$50.00
	Second offense within 2 years	\$200.00
	Third or subsequent offense within 2 years	\$500.00
16.20.055	Motor vehicles	\$500.00
16.20.060	Powered equipment	\$500.00
16.30.010	Noise limits	\$500.00
18.10.015(a)	Drinking in public	\$100.00
18.10.015(b)	Open container in public	\$100.00
18.10.020	Meetings (disturbing)	\$100.00
18.10.025(2)	Enter / remain in public while intoxicated	\$100.00
18.30.010(a)	Minor possession alcohol at social gathering	\$100.00
18.30.010(b)	Party host allow minor possession of alcohol	\$500.00
18.30.055	Adults, responsibility for juvenile	\$500.00
18.30.040	Violation of the Social Host Ordinance	\$1,500.00
	Second or subsequent offense	\$3,000.00
18.50.010	Crowds, dispersment	\$100.00
18.70.010	Discharge of firearm, etc. in Town	\$200.00
18.70.035	Sling shot	\$200.00
19.10.020(1)-(5)	Certain acts prohibited within park property	\$100.00
19.10.025(1)-(5)	Behavior of persons within park property	\$100.00
19.10.025(6)	Possess or ignite explosive, fireworks, rockets, etc	\$200.00
19.10.025(7)	Make or kindle a fire except in approved locations	\$100.00
19.10.025(8)-(17)	Behavior of persons within park property	\$100.00
19.10.027(1)	Animals in Parks – Dogs off leash	\$100.00
19.10.027(2)-(6)	Animals in parks – Other provisions	\$100.00
19.10.030(1)-(2)	Sanitation requirements	\$100.00
19.10.035(1)-(9)	Use of vehicles in parks (not subject to CVC or other Town Codes)	\$100.00

FINES/PENALTIES – TOWN CODE VIOLATION

SECTION	OFFENSE	AMOUNT
19.10.037(1)-(6)	Use of bicycles in parks (not subject to CVC or other Town Codes)	\$100.00
19.10.037(1)-(6)	Use of skateboards, skates, scooters	\$100.00
19.10.040	Swimming or wadings in parks	\$100.00
19.10.050(1)-(3)	Advertising, sale of merchandise in parks	\$100.00
19.10.055(1)-(2)	Closing hours for parks, overnight activities prohibited	\$100.00
19.10.060	Closing sections of park	\$100.00
22.30.040	Storm water protections	\$100.00
28.20.030	Non-permit fine Taxicabs	\$100.00

FINES/PENALTIES – LOS GATOS CALIFORNIA FIRE CODE

SECTION	OFFENSE	AMOUNT
106.2.1	Failure to obtain inspection-new installation	\$200.00
109.3.2	Failure to comply with notice / order	\$1,000.00
109.3.4	Destruction of signs - Unauthorized Tampering	\$200.00
301.1	Fire hazard prohibited (citations)	\$100.00
110	Unsafe buildings	\$200.00
401.8	Interference with Fire Department	\$200.00
105.1. 1	Unlawful to operate institutions without occupancy permit	\$200.00
503.2	Plans for access roads	\$100.00
507.5	Plans for fire hydrant systems	\$100.00
501.4	Access road and fire hydrant installation timing	\$100.00
507	Hydrant identification-reflective markers	\$100.00
505	Premises identification	\$100.00
901.6	Fire protection in recreational vehicle and mobile home parks	\$100.00
503.4	Closure of fire roads; obstruction-access road	\$200.00
504.2	Posting of signs on exterior doors blocked by storage	\$100.00
506.1	Key box	\$100.00
901.7	Notification of Fire Department for fire alarm servicing	\$100.00
901.8	Tampering with fire equipment	\$200.00
901.8	Tampering with fire hydrant or fire equipment	\$200.00
901.8.1	Tampering with barriers, etc.	\$200.00
507.5.4	Obstructing fire protection equipment	\$100.00
507.5.5	Clear space around hydrants	\$100.00
509.2	Fire extinguishing equipment obstruction	\$100.00
509.2	Fire alarm equipment obstruction	\$100.00
509.1	Identification of fire protection equipment	\$100.00
906	Sale of defective fire extinguishers	\$200.00
907	Fire alarm systems	\$200.00
307.1	Open burning	\$100.00
307.4.1	Bonfires	\$100.00
304.1.1	Accumulation of waste material	\$150.00
315.1	Storage and handling of readily combustible materials	\$100.00
315.3.4	Combustible storage in attics	\$100.00
807.1	Decorative material	\$100.00
801	Atrium furnishings	\$150.00
603.9	Protection of gas meters	\$100.00
603	Heating appliances	\$100.00
308	Use of open flame restricted	\$100.00
305.2	Discarding burning objects	\$100.00
305.2	Hot ashes and other dangerous materials	\$100.00
311.1	Vacant building (maintenance)	\$100.00
1003.6	Exit obstruction	\$200.00

FINES/PENALTIES – LOS GATOS CALIFORNIA FIRE CODE

SECTION	OFFENSE	AMOUNT
1010.1	Exit doors	\$200.00
1013	Exit illumination	\$200.00
1008.1	Lighting requirements-exit	\$200.00
3309	Reporting of fires	\$100.00
202	False alarms	\$100.00
1018.1	Aisles	\$150.00
1024.1	Use of exit ways	\$200.00
1013.1	Marking and lighting of exits	\$150.00
107.6	Overcrowding	\$200.00
308.1	Open flame	\$100.00
2311.2	Storage and use of flammable and combustible liquids in repair garages	\$100.00
2311.2.3.1	Liquids drained from vehicles	\$150.00
2311.3	Source of ignition	\$100.00
2311.2.2	Oily waste materials	\$100.00
2803.1	Open yard storage	\$100.00
2803.2	Dust control	\$100.00
3103.8	Location of tents and air-supported structures	\$100.00
3103.9	Anchorage required	\$100.00
3104.2	Flame-retardant treatment	\$200.00
3104.12/13	Fire extinguishers and other fire protection equipment	\$100.00
3104.14	Occupant load	\$100.00
3103.12	Exits / Means of Egress	\$100.00
3103.12.8	Maintenance of exit ways	\$100.00
3103.12.7	Exit illumination	\$100.00
3104.6	Smoking	\$100.00
3104.7	Open Flame	\$100.00
3104.15	Heating and cooking equipment	\$100.00
3104.17.2	Storage of flammable or combustible liquid	\$150.00
3104.19	Generators	\$100.00
2108.1	Fire protection	\$100.00
2107.3	Solvent storage	\$100.00
2105.1.5.4	Public access Customer area	\$100.00
2105.1.1	Warning label and signs	\$50.00
2403.2.6	Smoking prohibited	\$100.00
2403.2.7	Welding warning signs	\$100.00
2403.2.1	Electrical wiring and equipment	\$100.00
2404.2	Location of spray-finishing operations	\$200.00
2404.3.2	Spray booths	\$100.00
2404.6.1.2	Dry filters – Drying Apparatus	\$100.00
2404.6	Sources of ignition	\$150.00

FINES/PENALTIES – LOS GATOS CALIFORNIA FIRE CODE

SECTION	OFFENSE	AMOUNT
2404.7	Ventilation of spray booths and spraying areas	\$100.00
2404.9	Limited spraying areas	\$50.00
2403.3	Storage and handling of flammable or combustible liquids	\$75.00
2404.4	Fire protection equipment	\$50.00
2404.5	Operation and maintenance	\$50.00
2404.6.1.2	Drying apparatus	\$50.00
2405.2	Location of dip tank operations	\$150.00
2405.7	Ventilation of vapor areas	\$100.00
2405.6	Sources of ignition	\$150.00
2405.4.1	Fire extinguishing equipment	\$100.00
2405.3.4	Dip tank covers	\$100.00
2405.9	Hardening and tempering tanks	\$100.00
2405.11	Coating operations	\$100.00
2407	Electrostatic apparatus	\$150.00
2408	Organic peroxides and dual-component coatings	\$100.00
2408.5	Source of ignition	\$100.00
5906.5.7	Fire extinguishing materials	\$100.00
5906.1	Handling of magnesium fines (fine magnesium scrap)	\$100.00
202	Hot work area	\$100.00
202	Location of cylinders	\$100.00
2905	Process building	\$100.00
2909	Storage of raw material and finished products	\$100.00
2906	Process mills, mixers and kettles	\$100.00
2904.1	Electrical equipment	\$100.00
2904.3	Protection against static electricity and lighting	\$100.00
2903.4	Fire protection	\$100.00
2901.3	Maintenance	\$100.00
2703.1	Emergency control station and alarms	\$100.00
2703.2.3	Piping and tubing	\$100.00
2703.4	Emergency plan	\$100.00
2703.13	Gas detection	\$100.00
2703.10	Fire protection	\$100.00
2703.15.1	Electrical equipment	\$100.00
2703.15.2	Ventilation requirements	\$100.00
2704	General storage requirements	\$100.00
2704.3.1	Inside HPM storage	\$100.00
2704.3.3	Separation of HPM	\$100.00
2705.3	Handling HPM in existing buildings	\$100.00
2705.3	Requirements for HPM gases	\$100.00
2705.3.2	Transportation of HPM in service corridors	\$100.00
2705.3.4	Design of carts and trucks	\$100.00

FINES/PENALTIES – LOS GATOS CALIFORNIA FIRE CODE

SECTION	OFFENSE	AMOUNT
2303.1	Location of dispensing operations	\$100.00
2303.1	Installation of dispensing devices	\$100.00
2304.1	Supervision of dispensing operations	\$100.00
2305.4	Sources of ignition	\$100.00
2305.6	Signs	\$100.00
2305.5	Fire protection	\$100.00
2305.7	Clearance of combustibles	\$100.00
2305.2	Maintenance	\$100.00
2306.2	Storage of fuel	\$100.00
2306.7	Dispensing	\$100.00
2301.5	Electrical equipment	\$100.00
2301.6	Heating equipment	\$100.00
2305.5	Fire protections	\$100.00
2306.7.9	Vapor recovery	\$100.00
2307.3	Attendants	\$100.00
2307.4	LPG dispensing location	\$100.00
2307.5	LPG dispensing equipment	\$100.00
2308.3	Location for CNG dispensing operations	\$100.00
2308.4	Private fueling of vehicles	\$100.00
2308.6	Manual shut off valve	\$100.00
2308.8	Discharge of CNG from vehicle fuel containers	\$100.00
3003.1	Ventilation	\$100.00
606.12.5	Ammonia discharge	\$100.00
606.7	Emergency signs and labels	\$100.00
5303.1	Compressed gas containers, cylinders and tanks	\$100.00
5303.4	Marking	\$100.00
5303.5	Security	\$100.00
5303.6	Valve protection	\$100.00
5303.7	Separation from hazardous conditions	\$100.00
5303.8	Wiring and equipment	\$100.00
5303.9	Service repair	\$100.00
5303.10	Unauthorized use	\$100.00
5303.11	Exposure to fire	\$100.00
5303.12	Leaks, damage or corrosion	\$100.00
5303.13	Surface or unprotected storage areas	\$100.00
5303.15	Lightning	\$100.00
5304	Storage	\$100.00
5305	Use and handling	\$100.00
5306	Medical gas systems	\$100.00
5503.1	Construction of containers	\$100.00
5503.1	Containers	\$100.00

FINES/PENALTIES – LOS GATOS CALIFORNIA FIRE CODE

SECTION	OFFENSE	AMOUNT
5503.2	Pressure relief devices	\$100.00
5503.4	Marking	\$100.00
5503.60	Electrical equipment	\$100.00
5505.1.2	Piping materials and construction	\$100.00
5505.4	Piping materials and construction	\$100.00
5505.5	Handling	\$100.00
2203.2	Housekeeping	\$100.00
2203.1	Smoking and open flames	\$100.00
5701.4	Permit and plans for flammable and combustible liquid storage electrical	\$100.00
5703.2	Fire protection	\$100.00
5703.4	Spill control and secondary containment	\$100.00
5703.5	Labeling and signs	\$100.00
5704.2.1	Change of tank contents	\$100.00
5704.2.3	Labeling and signs	\$100.00
5704.2.4	Sources of ignition	\$100.00
5704.2.5	Explosion control	\$100.00
5704.2.6	Separation from incompatible materials	\$100.00
5704.2.7	Design of tanks, containers and equipment	\$100.00
5704.2.8	Below grade vaults	\$100.00
5704.2.7.6	Inspection, repair, alteration or reconstruction of tanks and piping	\$100.00
5704.2.8.2	Seismic design	\$100.00
5704.2.7.3	Tank vents for normal venting	\$100.00
5704.2.9.6.1	Prohibited locations of above ground tanks	\$200.00
5704.2.9.6.2	Separation of tanks	\$100.00
5704.2.7.4	Emergency of relief venting for tanks	\$100.00
5704.2.7.5	Tank openings other than vents	\$100.00
5704.2.10	Drainage control and diking	\$100.00
5704.3	Container and portable tank storage outside of buildings	\$100.00
5704.2.9.5	Stationary above ground tank storage inside buildings	\$100.00
5704.3.3	Container and portable tank storage inside buildings	\$100.00
5704.2.11	Underground tank storage	\$100.00
5705.2	Liquid transfer	\$100.00
5705.3.6	Cleaning with Class I or II liquids	\$150.00
5706.2	Storage and dispensing at construction sites	\$100.00
5706.2.8	Tank vehicles and vehicle operation	\$100.00
5001.5	Permits required for hazardous materials	\$200.00
5001.5.1	Hazardous material management	\$100.00
5003.2.1	Design of containers, cylinders and tanks	\$100.00
5003.2.2	Piping, tubing, valves and fittings	\$100.00

FINES/PENALTIES – LOS GATOS CALIFORNIA FIRE CODE

5003.2.3	Suitability of equipment	\$100.00
5003.2.4	Installation of tanks	\$100.00
5003.2.5	Empty containers and tanks	\$100.00
5003.2.6	Maintenance	\$100.00
5003.3	Release of hazardous material	\$1,000.00
5003.4	Material safety data sheets	\$100.00
5003.5	Identification signs	\$100.00
5003.6	Signs	\$100.00
5003.7	Sources of ignition	\$100.00
5003.8	Construction requirement	\$100.00
5003.9	General safety precautions	\$100.00
5003.10	Handling and transportation	\$100.00
5001.6	Facility closure	\$100.00
5001.4	Retail and wholesale storage and display	\$100.00
5001.1	Exempt amounts	\$100.00
5004	Storage, general	\$100.00
6004	Toxic and highly toxic compressed gases	\$100.00
6303	Oxidizers	\$100.00
6203	Organic peroxides	\$100.00
6403	Pyrophoric materials	\$100.00
6703	Water relative solids and liquids	\$100.00
6003	Highly toxic and toxic solids and liquids	\$100.00
6603	Radioactive materials	\$100.00
5403	Corrosives	\$100.00
5005.1.1	Separation from hazardous material storage	\$100.00
5004.2	Spill control	\$100.00
5005.1.5	Emergency power	\$100.00
5005.1.6	Supervision	\$100.00
5005.1.7	Lighting	\$100.00
5005.1.8	Fire extinguishing systems	\$100.00
5005.1.9	Ventilation	\$100.00
5304.1	Container position for gases	\$100.00
NFPA 55	Bulk oxygen systems	\$100.00
NFPA 55	Liquid transfer	\$100.00
6405.3	Silane	\$100.00
5005.2	Indoor dispensing and use	\$100.00
5005.3	Outdoor dispensing and use	\$100.00
5005.4	Handling	\$100.00
3205.2	Ignition sources	\$100.00
3205.4	Aisle maintenance	\$100.00
3206.3	Separation of high-piled storage areas	\$100.00

FINES/PENALTIES – LOS GATOS CALIFORNIA FIRE CODE

3206.4	Fire sprinklers	\$100.00
3206.5	Fire detection	\$100.00
3206.6	Building access	\$100.00
3206.7	Smoke and heat removal	\$100.00
3206.8	Hose stations and hose connections	\$100.00
3206.9	Aisles	\$100.00
3206.10	Portable fire extinguishers	\$100.00
3207.2	Fire protection for solid-piled and shelf storage	\$100.00
3207.3	Pile dimensions and height limitations	\$100.00
3208.2	Fire protection for rack storage	\$100.00
3208.3	Flue spaces	\$100.00
3208.5	Extra-high rack storage systems	\$100.00
6103	Installation of equipment	\$100.00
6104	Location of containers	\$100.00
6105	Prohibited use of Lp-gas	\$100.00
6106	Dispensing	\$100.00
6107	Safety devices	\$100.00
6107.2	Smoking and other sources of ignition	\$100.00
6107.3	Clearance to combustibles	\$100.00
6107.4	Protecting containers from vehicles	\$100.00
6108	Fire protection	\$100.00
6109	Storage of portable containers awaiting use or resale	\$100.00
6110	Containers not in service	\$100.00
6111	Parking and garaging tank vehicles	\$100.00
4811.6	Smoking	\$100.00
6504	Film storage	\$100.00
605.9	Use of temporary wiring	\$100.00
605.1	Abatement of electrical hazards	\$100.00
605.8	Electrical motors	\$100.00
605.5	Extension cords	\$100.00
605.4	Multi plug adaptors	\$100.00
605.4.1	Power taps	\$100.00
605.3	Access to switchboards and panel boards	\$100.00
3301	Fire safety during construction	\$100.00
3304	Precautions against fire	\$100.00
5104	Storage of aerosol products	\$100.00
5106	Retail display of aerosol products	\$100.00



FY 2023/24 Fine Adjustments, Reclassifications, Deletions and Additions		
Fee Name	FY 2022/23 Adopted	FY 2023/24 Proposed
Town Code Violations		
Minor possession alcohol at social gathering	\$100.00	Delete Violation
Party host allow minor possession of alcohol	\$500.00	Delete Violation
Adults, responsibility for juvenile	\$500.00	Delete Violation
Violation of the Social Host Ordinance	N/A	\$1,500.00
<i>Second or subsequent offense</i>	N/A	\$3,000.00



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 3/21/2023

ITEM NO: 12

DATE: March 13, 2023
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Receive a Report on Roadside Fire Fuel Reduction (Vegetation Management) (CIP 812-0130) and Provide Direction on 2023 Work Plan

RECOMMENDATION:

Receive a Report on Roadside Fire Fuel Reduction (Vegetation Management) (CIP 812-0130) and Direction on 2023 Work Plan

BACKGROUND:

Chronology of Prior Work

On December 7, 2017, the Federal Emergency Management Agency approved the Santa Clara County Multi-Jurisdictional Hazard Mitigation Plan (MJHMP). The purpose of this five-year plan to identify, assess, and reduce the long-term risk of hazard events. The MJHMP identified that 24% of the population of the Town of Los Gatos is in Very High Wildfire Severity Zone, particularly along the southern side of the Town. The 2017 plan expired in 2022 and a new plan is currently in development.

In 2019, the Santa Clara County Fire Safe Council developed a County-wide Community Wildfire Protection Plan (CWPP). This document sets forth a broad strategy for wildfire management across the County. In the Los Gatos Annex of the CWPP, roadside brush removal and mowing was identified as a mitigation strategy to provide buffers to reduce wildfire ignition and to provide for safe evacuation.

In October 2019, the Town prepared and Town Council adopted the Wildland Urban Interface (WUI) Evacuation Assessment Report. The WUI is defined as areas where human habitation and development are near the edge or are located within areas dominated by wildland fuels.

PREPARED BY: Nicolle Burnham
Director, Parks and Public Works

Reviewed by: Town Manager, Town Attorney, and Finance Director

SUBJECT: Receive a Report on Roadside Fire Fuel Reduction (Vegetation Management)
(CIP 812-0130) and Provide Feedback on 2023 Work Plan

DATE: March 13, 2023

BACKGROUND (continued):

This report evaluated the street network in the WUI on a neighborhood basis and identified the critical roadways for ingress and egress during emergencies.

During 2020, the Town's wildfire mitigation efforts accelerated, with numerous changes the Town code being adopted, numerous budget actions taken to support wildfire mitigation, approval of an Ad Hoc Wildfire Committee's Plan, and, in June 2020, the adoption by Town Council of the [Roadway Vegetation Management Plan](#). The Roadway Vegetation Management Plan identified roadways where hazardous vegetation should be removed within the WUI. (A separate report was prepared to address vegetation in Town-owned Open Space.)

The Roadway Vegetation Management Plan categorized approximately 31 miles of road into Priority Areas (Level 1, 2, or 3) based on the amount of encroachment identified along the road, the type of vegetation, and emergency egress and ingress needs. In general, the goal of vegetation management along roads is to provide 20 feet of clear width and 13.5 feet of clear height so vehicles of most sizes and types (including emergency vehicles) can be accommodated safely. In addition to the width and height requirements, all areas within 10 feet of fire apparatus are required to be cleared of non-fire resistant vegetation.

Priority 1 roads are evacuation routes that were identified as having dense vegetation. Priority 2 roads may or may not be evacuation routes and were identified as having encroachment of dense woodlands and/or flammable non-native invasive species. Priority 3 roads have minimal vegetation encroachment that could increase the intensity of fire and/or increase wildfire spread. Priority 3 roads were identified as not being in need of immediate vegetation management and were recommended for inspection "every few years."

In 2021 and 2022, staff executed contracts for roadway vegetation management on Priority 1 and Priority 2 roads, and some other areas within the Town boundary. In addition, with the support of earmark funding from the State, the Santa Clara County Fire Department (SCCFD) stood up a wildfire team that operates out of Vasona County Park. This team performed some vegetation management efforts in Los Gatos during summer 2022. Attachment 1 defines the Priority 1, 2 and 3 road segments, identifies evacuation route routes, and defines which segments had work completed in 2021 and 2022.

Funding of Vegetation Management Projects

The Town has been successful in competing for federal grants to support its Roadway Vegetation Management Program to support its wildfire protection efforts. Federal grants applied for to date are presented in Table 1.

SUBJECT: Receive a Report on Roadside Fire Fuel Reduction (Vegetation Management)
(CIP 812-0130) and Provide Feedback on 2023 Work Plan

DATE: March 13, 2023

BACKGROUND (continued):

Both grants are intended for multiple year project delivery, supporting work for roadway vegetation management during Fiscal Year 2023/24, 2024/25, and beyond. It should be noted that the Federal Emergency Management Agency (FEMA) grant covers two phases of work, with Phase I including the development of procurement documents, public outreach and engagement with residents adjacent to the roadway, and the issuance of a Request for Proposals (RFP) for an environmental consultant to provide environmental oversight and permitting assistance. The completion of Phase 1 Scope of Work must be done no later than January 25, 2024, with deliverables and reimbursement claims due February 9, 2024. Once Phase 1 has been submitted, the Town will await confirmation from FEMA of an obligation for Phase 2 and at that time will work on the implementation phase to prepare an RFP for hiring a contractor to conduct the vegetation management scope of work.

Table 1
Summary of Roadway Vegetation Management Funding to Date

Granting Agency	Grant Designation	Total Project Amount	Grant Agency Share	Town Required Match
FEMA	DR4569 Los Gatos Hazardous Fuel Reduction - Roadways	\$1,963,169	\$1,472,377	\$490,792
	Phase 1	\$36,750	\$28,000	\$8,750
	Phase 2	\$1,926,419	\$1,444,377	\$482,042
USDA Forest Service	Fuels Reduction Project -Roadways	\$1,500,000	\$750,000	\$750,000
TOTALS		\$3,463,169	\$2,222,377	\$1,240,792

For both grants the match can be in the form of budget allocations or staff time for grant administration, development of the work plans, preparation of bid documents and field oversight of the work performed.

DISCUSSION:

In summer and fall of 2023, staff will continue the roadway vegetation management program. The current work plan calls for continuing work in Priority 1 and 2 roadways, and if funds permit, Priority 3 evacuation routes. Field inspection of the Priority 1 and 2 roadways where vegetation management was completed in 2021 and 2022 has revealed that these areas may

SUBJECT: Receive a Report on Roadside Fire Fuel Reduction (Vegetation Management)
(CIP 812-0130) and Provide Feedback on 2023 Work Plan

DATE: March 13, 2023

DISCUSSION (continued):

require annual or bi-annual management. In other words, vegetation cleared in prior years has re-grown such that some areas do not meet the 20 feet wide, 13.5 high clearance goal.

In January 2023, winter storms revealed roadway vulnerabilities of a different type in relation to tree fall. Specifically, on Overlook Road two eucalyptus trees fell, blocking the roadway. An arborist report, provided by property owners along Overlook Road is presented in Attachment 2. This report indicates a need to remove these trees and staff does not dispute the finding of the report.

Eucalyptus globulus (commonly known as Tasmanian Blue Gum Eucalyptus) were planted extensively in California and thrive in the coastal climate. The National Park Service completed a study of these trees entitled "[Eucalyptus: A Complex Challenge Fire Management, Resource Protection and the Legacy of Tasmanian Blue Gum](#)" that describes the fire hazard of these trees as follows:

Constant shedding of bark is part of what makes these trees a fire hazard. The bark catches fire readily, and the loose strips tend to carry fire up into the canopy, casting embers outward. Despite the presence of volatile oils that can produce a hot fire, leaves of blue gum eucalyptus are classed as intermediate in fire resistance when green, and juvenile leaves are highly resistant to flaming.

Eighteen eucalyptus trees remain on Overlook Road. Removal and disposal of these trees and their stumps is estimated to cost \$270,000 to \$306,000 (\$15,000 to \$17,000 per tree). This price is based on the height and diameter of the trees and their proximity to structures. The annual General Fund allocation Town-wide for tree removal and management is \$100,000. Normally, removal of trees would require the replacement trees be planted. The cost of replacement street trees is not included in the cost noted above.

Overlook Road is identified as a Priority 3 area for roadway vegetation management. This is due to the high canopy of these trees and the limited fire hazard they present if the bark litter is regularly managed.

Throughout the Town of Los Gatos, the ownership of roadways varies. In some cases, the Town owns the land on which roads are located. In other areas, the underlying land is owned by a private entity and the Town has an easement over the road to allow for public use. Overlook Road was transferred to the Town as part of an annexation that occurred many years ago. Staff is still reviewing property records to verify who owns Overlook Road and also who may have planted the eucalyptus trees.

SUBJECT: Receive a Report on Roadside Fire Fuel Reduction (Vegetation Management)
(CIP 812-0130) and Provide Feedback on 2023 Work Plan

DATE: March 13, 2023

DISCUSSION (continued):

In addition to Overlook Road, community members from other areas have contacted staff requesting the removal of certain trees (eucalyptus and other species) along other roadways (e.g., College, Hilow, etc.). Staff plans to focus on the roadways identified in the Roadway Vegetation Management Plan and does not propose proactive removal of roadside trees in areas not identified as a Priority.

For 2023 staff proposes to complete: 1) up to \$750,000 in vegetation management work in accordance with the USDA grant; and 2) complete the Phase 1 work required per the FEMA grant. Completing the \$750,000 in vegetation management work is predicated on the Town allocating the \$750,000 match in the proposed Capital Budget.

Staff is currently developing its work plan for the 2023 roadway vegetation management program. The final work plan is heavily dependent on whether Town Council would like to direct use of the available grant funding to removal of the Eucalyptus on Overlook Road.

CONCLUSION:

Staff is working to identify priorities for the 2023 roadway vegetation management workplan. The work plan would normally focus on Priority 1 and 2 roadways as identified in the Roadway Vegetation Management. Staff looks forward to Council's direction on whether the Overlook Road eucalyptus trees or other trees should be included in this year's work plan.

COORDINATION:

This report was coordinated with the Town Attorney, Town Manager, and Finance Director.

FISCAL IMPACT:

Staff is seeking direction about the use of funds that are allocated through the Capital Budget process. The action requested in this report has no direct fiscal impact.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required. Appropriate clearances will be secured when the proposed work becomes a project as defined under CEQA.

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SUBJECT: Receive a Report on Roadside Fire Fuel Reduction (Vegetation Management)
(CIP 812-0130) and Provide Feedback on 2023 Work Plan

DATE: March 13, 2023

Attachments:

1. Roadway Vegetation Management Plan Priority Road List
2. Arborist Report for Overlook Road Eucalyptus Trees
3. Public Comments

Attachment 1

Roadway Vegetation Management Plan Priority Streets

Location	Priority	Segment Length (Miles)	Evacuation Route
ARNERICH RD	1	0.50	Yes
AVENIDA PRIVADO	1	0.03	Yes
BLACKBERRY HILL RD	1	0.39	Yes
CENTRAL AV	1	0.18	Yes
CLELAND AV	1	0.21	Yes
DEER PARK CT	1	0.10	Yes
DEER PARK RD	1	0.20	Yes
FAIRVIEW AV	1	0.10	Yes
FOSTER RD	1	0.24	Yes
FRANCIS OAKS WY (Private)	1	0.36	Yes
HICKS RD	1	0.94	Yes
KENNEDY RD	1	1.51	Yes
KENNEDY RD	1	0.55	Yes
KIMBLE AV	1	0.41	Yes
LARGA VISTA DR (Private)	1	0.34	Yes
MANZANITA AV	1	0.29	Yes
OAK HILL WY	1	0.31	Yes
RAVINIA WY	1	0.09	Yes
S KENNEDY RD	1	0.34	Yes
SANTA ROSA DR	1	0.26	Yes
SANTA ROSA DR	1	0.17	Yes
SHANNON RD	1	2.56	Yes
TWELVE OAKS RD (Private)	1	0.52	Yes
WOOD RD	1	0.48	Yes
OAK KNOLL RD	1	0.13	
AZTEC RIDGE DR	2	0.10	No
BLACKBERRY HILL RD	2	0.67	No
BLACKBERRY HILL RD	2	0.15	No
BLACKBERRY HILL RD	2	0.10	No
CROSS WY	2	0.07	No
EUGENIA WY	2	0.21	No
FOSTER RD	2	0.64	No
FOSTER RD	2	0.12	No
FRANCIS OAKS WY (Private)	2	0.14	No
HAPPY ACRES RD	2	0.05	No
HICKS RD	2	0.13	No
JOHNSON AV	2	0.12	No
KIMBLE AV	2	0.09	No
LARGA VISTA DR (Private)	2	0.12	No
MIREVAL RD	2	0.33	No
S KENNEDY RD	2	0.17	No
SUVIEW DR (Private)	2	0.67	No
TOP OF THE HILL RD	2	0.50	No
TOP OF THE HILL RD	2	0.27	No

Attachment 1

Roadway Vegetation Management Plan Priority Streets

Location	Priority	Segment Length (Miles)	Evacuation Route
TOURNEY LOOP	2	0.05	No
TOURNEY RD	2	0.20	No
WOODED VIEW DR	2	0.52	No
COLLEGE AV	2	0.37	Yes
CYPRESS WY	2	1.16	Yes
KENNEDY RD	2	0.10	Yes
SHADY LN	2	0.27	Yes
SKY LN (Private)	2	0.18	Yes
TERESITA WY	2	0.21	Yes
BACHMAN AV	3	0.22	No
BAYVIEW AV	3	0.03	No
CARDINAL LN	3	0.12	No
COLLEGE TERRACE CT	3	0.03	No
E MAIN ST	3	0.44	No
FORRESTER RD	3	0.49	No
HARDING AV	3	0.30	No
LOMA ALTA AV	3	0.51	No
LOS GATOS BL	3	0.18	No
OVERLOOK RD	3	0.27	No
PINTA CT	3	0.15	No
SHANNON RD	3	0.18	No
SHORT RD	3	0.19	No
SKY LN (Private)	3	0.13	No
SPRECKLES AV	3	0.06	No
STONYBROOK RD	3	0.09	No
TOP OF THE HILL RD (Private)	3	0.14	No
VISTA DEL MAR	3	0.16	No
VISTA DEL MONTE	3	0.49	No
W MAIN ST	3	0.30	No
WISSAHICKON AV	3	0.11	No
ALPINE AV	3	0.35	Yes
COLLEGE AV	3	0.27	Yes
CYPRESS WY	3	0.09	Yes
GLEN RIDGE AV	3	0.37	Yes
HARWOOD CT	3	0.22	Yes
HARWOOD RD	3	0.07	Yes
HERNANDEZ AV	3	0.30	Yes
JACKSON ST	3	0.48	Yes
JOHNSON AV	3	0.03	Yes
JONES RD	3	0.18	Yes
KENNEDY RD	3	0.13	Yes
KENNEDY RD	3	0.70	Yes
PAGEANT WY	3	0.12	Yes
PALM AV	3	0.09	Yes
PENNSYLVANIA AV	3	0.38	Yes

Attachment 1

Roadway Vegetation Management Plan Priority Streets

Location	Priority	Segment Length (Miles)	Evacuation Route
PERALTA AV	3	0.11	Yes
PHILLIPS AV	3	0.50	Yes
PROSPECT AV	3	0.15	Yes
RESERVOIR RD	3	0.24	Yes
S SANTA CRUZ AV	3	0.25	Yes
SANTA ROSA DR	3	0.49	Yes
SANTA ROSA DR	3	0.09	Yes
SANTELLA DR	3	0.11	Yes
SHADY LN	3	0.60	Yes
SIERRA AZULE	3	0.17	Yes
SPRING ST	3	0.11	Yes
SUND AV	3	0.11	Yes
TERESITA WY	3	0.22	Yes
TOURNEY LOOP	3	0.10	Yes
		30.55	



IAN GEDDES
AND ASSOCIATES
ARBORICULTURAL CONSULTING

P.O. Box 2962, Saratoga, California 95070
(408) 379-8011 • (888) DR TREES
Fax (408) 374-8262
www.drtrees.com

February 7th 2023

Mr. David Goddard,
18251 Overlook Road,
Los Gatos, CA 95030

Re: Recent Tree Failure,

Dear Mr. Goddard,

Thank you for the opportunity to become involved in your tree related issue.

Well documented and photographed, along with the consequences, are the complete and catastrophic failures of 2 very large Tasmanian Blue Gum Eucalyptus (*Eucalyptus globulus*) trees resulting from the storm of January 10th 2023.

I have read the description of events and of Eucalyptus trees in Mr. Rossi's report of January 24th and find little, including notes regarding fire, to dispute.

Generalizations aside, with regard to this row of trees (or what remains of it), 18 trees in total, I recommend removal to eliminate the present threat to life, limb and property and infrastructure that they currently pose. A threat that is significantly raised during weather events.

The elderly row of trees has long reached the point of having outgrown the usefulness of their intended function as a windbreak. Since they were planted their local environment has seen remarkable change, from rural farmland, to high-traffic modern, close proximity living. They have gained enormous mass during this time.

Such close environment modification usually goes along with compromise to the trees, much of this unseen. In this instance, over the course of years, roots have been severed and lost through compaction as a result of road grading, kerb, gutter and drain installation, paving installation, wall footing installation and likely several other reasons. Not only does such damage lessen anchorage, but allows the entry of root and butt rotting fungal pathogens.

I inspected the failures on January 11th and was surprised by just how little root mass remained on both of the trees that failed. Evidence of white rot was present in some of the remaining root tissue.

Rotten and/or missing roots do little to promote stability.

Mr. David Goddard

2/7/23

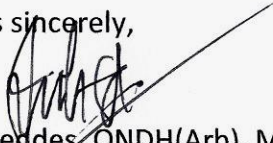
Page 2

Canopy "health" cannot be used as an indicator of structural integrity, and it is highly likely that most, if not all of these massive trees, that now find themselves in an area of comparatively dense human population and critical infrastructure, have suffered root-zone compromise. Pruning efforts may reduce some weight and wind-sail effect but will not prevent advance of root pathogens and decay.

It is my professional opinion that the trees have reached a point where they have outgrown their usefulness as functional, and in later life, safe horticultural additions to the landscape, and now present a threat to property and persons that live close to, or utilise the public domain.

The community idea to remove these trees is based upon sound reason, and one that this consultant endorses.

Yours sincerely,


Ian Geddes, ONDH(Arb), MIOB
ASCA Registered Consulting Arborist (308)
WCISA Certified Arborist (0593)



From: [Colleen Eastman](#)
To: [Maria Ristow](#); [Mary Badame](#); [Matthew Hudes](#); [Rob Moore](#); [Rob Rennie](#); [Town Manager](#); [Arn Andrews](#); [Rob Moulden](#); [Clerk](#)
Cc: [Dean Rossi](#)
Subject: Town of Los Gatos - Eucalyptus Trees
Date: Friday, February 17, 2023 3:08:43 PM
Attachments: [image001.png](#)
[23.02.17 DCR to Town of Los Gatos.pdf](#)
[23.02.07 Geddes Arborist Repolrt.pdf](#)

[EXTERNAL SENDER]

Dear Gentlepersons:

Attached please find correspondence from attorney Dean Rossi concerning the above-referenced subject matter.

Very truly yours,



Colleen Eastman
Legal Assistant
colleen@rdlaw.net

San Jose | Danville

MAIN 408.495.3900 | [REDACTED]
1570 The Alameda, Suite 316, San Jose, CA 95126

NOTICE: Please direct all mail to the Danville office at 208 W. El Pintado Road, Danville, CA 94526.

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February 17, 2023

Via Electronic Mail Only

Ms. Maria Ristow, Mayor
mristow@losgatosca.gov
Ms. Mary Badame, Vice Mayor
mbadame@losgatosca.gov
Mr. Matthew Hudes, Council Member
mhudes@losgatosca.gov
Mr. Rob Moore, Council Member
rmoore@losgatosca.gov
Mr. Rob Rennie, Council Member
rrennie@losgatosca.gov
Ms. Laurel Prevetti, Town Manager
manager@losgatosca.gov
Mr. Arn Andrews, Assistant Town Manager
aandrews@losgatosca.gov
Mr. Rob Moulden, Town Arborist
rmoulden@losgatosca.gov
clerk@losgatosca.gov

Re: Eucalyptus Trees

Dear Gentlepersons:

Subsequent to my letter of January 24, please be advised that I also represent also Kurt Stauss of [REDACTED] Overlook Road, in addition to David and Anita Goddard of [REDACTED] Overlook Road, Gerard Hayden and Mary O'Connell of [REDACTED] Overlook Road, Nate and Bobbi Vandegrift of [REDACTED] Overlook Road, and Linda Rodriguez of [REDACTED] Pennsylvania Avenue (collectively, "Residents").

The costs of repairs to the Residents' property damaged as a result of Town's two fallen eucalyptus trees has surpassed \$250,000. This amount will increase as further repairs are undertaken. The amount does not include the costs to the Town, utilities, emergency services, etc. Those costs are without doubt also substantial.

As mentioned in my letter of January 24, we were in the process of obtaining a written arborist report concerning the safety of the remaining 18 eucalyptus trees on Town property. Please see the attached report from Ian Geddes, Registered Consulting Arborist.

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1570 The Alameda, Suite 316
San Jose, CA 95126

208 W. El Pintado Road
Danville, CA 94526

On January 11, the day after the catastrophic failure of the trees, Mr. Geddes inspected all of the eucalyptus trees, both fallen and standing. He inspected them again at the end of January before the destruction of the two stumps. Mr. Geddes's report speaks for itself. The trees present a "present threat to life, limb and property and infrastructure" and need to be removed. He found evidence of white root rot and was surprised by how little root mass remained to support the fallen trees. He considers it "highly likely" that the 18 remaining trees have suffered similar root zone compromise. The Town's strategy of occasional pruning could not and cannot "prevent advance of root pathogens and decay."

In addition, the Residents have consulted with the Santa Clara County Fire Department, Fire Prevention Division. The Fire Prevention Division manages the brush abatement and defensible space program and sends reminders to homeowners each January to clear vegetation, and levies financial charges against homeowners for violations and non-compliance. The Fire Department is aware of the Town's eucalyptus trees on Overlook Road, and says that they have no way to protect the Residents if these trees ignite. Again, these trees are flammable and explode in fireballs. The Fire Department would have no other choice but to retreat. Indeed, the Santa Clara County Firesafe Council highlights such fireballs as the primary reason to recently remove eucalyptus trees in Redwood Estates: "Eucalyptus trees are notorious for being extremely flammable and spreading firebrands. When the oils in the trees heat up, the plant releases flammable gas, which ignites into a fireball. This accelerates the eucalyptus fire hazards in a region and discourages firefighting efforts." See <https://sccfiresafe.org/projects/redwood-estates-hazardous-tree-removal/>.

Essentially, individual, as well as Town and community, wildfire preparedness efforts are meaningless in the Glen Ridge neighborhood as long as these trees are standing.

The Town has previously been advised to remove eucalyptus trees. For example, in 2020 the Town commissioned a wildfire preparedness report and recommendations from SWCA Environmental Consultants. The report is entitled, Town of Los Gatos Roadway Vegetation Management Plan. On page 4, the recommended treatments include "Removing all non-fire-resistant vegetation located within 10 feet of roadways [including] combustible vegetation such as eucalyptus trees... ." Overlook Road is highlighted in this report as an area to be addressed. See <https://www.losgatosca.gov/DocumentCenter/View/25236/Los-Gatos-Roadside-Vegetation-Management-Plan>.

Despite this report, despite the Town's stated focus on wildfire preparedness, and despite the recent scare from the lightning complex fires of August 2020, to date, the Town has not taken the recommended actions regarding these trees – removal, pruning, nothing. Their existence contradicts all wildfire preparedness efforts in the Glen Ridge neighborhood. It appears the Town is maintaining a known hazardous and dangerous condition on its property that endangers Town residents.

It is our understanding the issue of these eucalyptus trees is on the agenda for the Town council meeting on March 21, 2023 and that Town staff is preparing recommendations. Again, we urge these trees to be removed without delay. We ask the for the immediate removal of these 18 eucalyptus trees without delay.

Very truly yours,



DEAN C. ROSSI

DCR/ceje
Enc.

cc: Client



IAN GEDDES
AND ASSOCIATES
ARBORICULTURAL CONSULTING

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February 7th 2023

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Los Gatos, CA 95030

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2/7/23

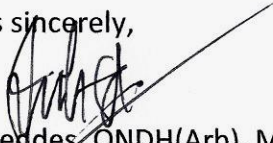
Page 2

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Yours sincerely,


Ian Geddes, ONDH(Arb), MIOB
ASCA Registered Consulting Arborist (308)
WCISA Certified Arborist (0593)



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 03/21/2023

ITEM NO:12

DESK ITEM

DATE: March 21, 2023
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Receive a Report on Roadside Fire Fuel Reduction (Vegetation Management) (CIP 812-0130) and Provide Direction on 2023 Work Plan

REMARKS:

This desk item is provided to respond to Council Member questions noted below and provide additional public comments.

1. What is the opinion of the Town Arborist regarding the risk of the Eucalyptus trees falling on Overlook, College, Hilow, and other locations?

The Town Arborist is clear that no one can specifically predict which trees will fall or when. However, the recent drought did likely weaken root systems on many trees, and the non-native eucalyptus is among the species impacted.

With respect to the trees on Overlook, the Arborist had recommended the removal of these trees some years ago, but resident opposition prevented the work from moving forward.

2. Are there other vulnerabilities that Council needs to consider?

There are no known systemic vulnerabilities that staff is aware of with regard to species of tree. The winter 2023 storms have demonstrated that wind impacts all species of trees.

Since the roadside work started in 2021, staff is observing rapid regrowth of vegetation in areas where past management work has been completed.

PREPARED BY: Nicolle Burnham
Director of Parks and Public Works

Reviewed by: Town Manager, Town Attorney, and Finance Director

SUBJECT: Receive a Report on Roadside Fire Fuel Reduction (Vegetation Management) (CIP 812-0130) and Provide Direction on 2023 Work Plan

DATE: March 21, 2023

REMARKS (continued):

With regard to the overall Roadside Vegetation Management Program, the Council may want to consider how private roadways will be managed. The total list of 31 miles of priority roads includes some private roads, and other private roads (e.g., Highland Avenue) are not included at all. Staff is not spending Town funds to address these private roads; however, they do contribute to wildfire risk.

3. If the Council chooses to remove all of the Eucalyptus on Overlook, what is the total cost? What could be achieved in terms of Wildfire Roadside Mitigation with the remaining funds?

Eighteen eucalyptus trees remain on Overlook Road. Removal and disposal of these trees and their stumps is estimated to cost \$270,000 to \$306,000 (\$15,000 to \$17,000 per tree). The actual cost will be determined based on competitive bidding and so may vary.

Assuming the Town allocates \$750,000 to the Roadside Vegetation Management Program for Fiscal Year 2023/24 and \$300,000 of that is used for removal of eucalyptus on Overlook Road, the remaining \$450,000 will be used on Priority 1 and 2 roadways where vegetation was not removed in 2021 or 2022. With approximately five miles of priority 1 and 2 public roadways remaining, staff believes that funding may be adequate to complete work on those roadways.

4. Can the annual \$100,000 Tree Removal funding be diverted for the Eucalyptus removal?

The allocation for Town-wide tree management has proven inadequate in the last five years. Each year, staff has returned to the Council to increase this allocation as shown below. This funding is used to respond to critical tree-related issues, both during storms and those that occur on a more routine basis. The funding is intended to be used for regular tree trimming and block pruning; however, in recent years block pruning and regular trimming efforts have been minimal as funds have been directed to addressing tree fall and storm damages.

Fiscal Year	Actual Spending – Tree Allocation
2022/23 (YTD)	\$200,000
2021/22	\$216,408
2020/21	\$240,401
2019/20	\$240,063
2018/19	\$244,878

PAGE 3 OF 3

SUBJECT: Receive a Report on Roadside Fire Fuel Reduction (Vegetation Management) (CIP 812-0130) and Provide Direction on 2023 Work Plan

DATE: March 21, 2023

REMARKS (continued):

Attachment 4 contains public comment received between 11:01 a.m., Monday, March 20, 2023 and 11:00 a.m., Tuesday, March 21, 2023.

ATTACHMENTS:

Previously received with the Staff Report:

1. Roadway Vegetation Management Plan Priority Road List
2. Arborist Report for Overlook Road Eucalyptus Trees
3. Public Comments

Received with this Desk Item:

4. Public Comment

From: [Rob Stump](#)
To: [Maria Ristow](#); [Mary Badame](#); [Rob Rennie](#); [Matthew Hudes](#); [Rob Moore](#)
Cc: [Laurel Prevetti](#); [Nicolle Burnham](#); [Clerk](#)
Subject: Re: Strategic Priorities - Wildfire Preparedness and Prevention
Date: Monday, March 20, 2023 6:32:59 PM
Attachments: [Item 12-Roadside Fuel Reduction Program 230321.pdf](#)

[EXTERNAL SENDER]

Dear Town Council Members,

Attached is some background information on Roadside Fuel Reduction that I would like to provide as you consider/discuss Item 12 on your agenda tomorrow evening.

As usual, I want to make myself available to the Town to provide legwork and leadership on wildfire initiatives if and when you would like to call on me.

Thank you,

Rob Stump

[REDACTED]

Los Gatos Town Council

Agenda Item 12 – March 21, 2023

March 20, 2023

Town Council Members:

First, thanks for your continued focus on wildfire preparation and prevention. It is an item that requires ongoing focus, planning and funding.

Speaking of funding, I have created a table that provides a view of funding for roadside fuel reduction that has been committed or needs to be committed through FYs 24/25 and 25/26 (Public Works can confirm or correct my numbers as appropriate). When roadside fuel reduction was being planned and programmed in 2019, it was projected to be a six-year project (first pass). The cost per year was projected to be \$500,000. Over the life of the project, the Town was projected to spend \$3 million. Here is the overall status of funding past, present and future:

FY	Funding Source	\$ Amount	Town \$s	Notes
2020/2021	Town of LG	\$500,000	\$500,000	Year 1 of 6 completed
2021/2022	Town of LG	\$500,000	\$500,000	Year 2 of 6 completed
2022/2023	USDA	\$750,000	\$0	Year 3 of 6 to be completed
2023/2024	Town of LG	\$750,000	\$750,000	Town match for USDA grant (BBB)
	FEMA/Town of LG	\$36,750	\$8,750	Development Work, no fuel reduction. Town match secures total Phase I funding of \$36,750.
2024/25, 2025/26	FEMA/Town of LG	\$1,926,419	\$482,042	Town match of \$482,042, secures total Phase II funding of \$1,926,419.
Totals		\$4,463,169	\$2,240,792	Town will have contributed an average of \$375,000 over a six-year period

If the funding for FYs 23/24 (\$750,000) and 24/25 (\$482,042) is approved, the Town will have exceeded the original projected funding of \$3,000,000 for a first pass through the 31 miles of roadway. This “additional” funding can be put to good use. Here are some thoughts:

1. Tree Removal – Public Safety Threat: the current case in point would be the Eucalyptus trees on Overlook Road. Under the circumstances, I think it would be appropriate for the Town to use some funds purposed for roadside fuel reduction for removal of the Overlook Road trees. Since the funding level this year is \$750,000, we may be able to accomplish some or all of the Overlook Eucalyptus removal and still achieve 5 miles of roadside fuel reduction. Public Works will be able to determine if both can be accomplished. Otherwise, \$250,000 should be applied to Overlook tree removal in 2023. With that level of funding, a majority of the trees can be removed and others can be scaled-down to a safer height until they can be removed at a later date.
2. Weed Abatement: weed abatement goes hand-in-hand with roadside fuel reduction. As you have heard me suggest, we need to consider two weed abatement passes on the same 31 miles of roadway. A rough cost estimate for this work is between \$300,000-\$450,000/year (abatement costs ranging from \$5,000 to \$7,500/mile).

Los Gatos Town Council
Agenda Item 12 – March 21, 2023

3. Accelerated removal of non-native trees e.g., Eucalyptus: consider removing all Eucalyptus trees on Town owned rights-of-way in the VHFHSZ. This can be done with existing roadside fuel reduction funding. We should also pursue grants that offer a public/private cost sharing for removal of Eucalyptus (and other flammable trees) to assist and/or incent private property owners to remove these trees.
4. Repeat the Trim Cycle: if there are funds remaining, we should revisit the roadways completed in FYs 20/21 and 21/22. Living on Foster Road, one of the first to be addressed, I can tell you the roadside foliage is growing rapidly. In a second pass, the Town may also decide to remove trees left in place as a cost saving measure.

The Council should take this action in FY23/24:

1. 23/24: approve \$750,000 for Roadside Fuel Reduction. This funding will ensure we meet the matching requirements from the USDA grant = \$750,000.
2. Overlook Road Eucalyptus Removal: authorize Parks and Public Works to use up to \$250,000 from the roadside fuel reduction funding to remove and radically reduce the height of any remaining trees.

From a longer-term perspective, the Council should note that it needs to approve \$482,042 for FY 24/25 for Roadside Fuel Reduction to meet the required FEMA grant match. The funding approved by the Council will trigger FEMA's commitment of an additional \$1,444,377 to our roadside fuel reduction efforts.

Once again, thank you for your efforts in making Los Gatos more wildfire resilient!

Best regards,

Rob Stump

Overlook Road Eucalyptus Tree Removal

To: Los Gatos Town Council

The 18 eucalyptus trees on Overlook Road are a threat to life. They are a real concern to residents who live, walk and drive under these trees, particularly during winter storms and fire season. This petition is a call for action to The Los Gatos town council. These trees need to be removed immediately and replaced with more native and appropriate trees. Help us convince Los Gatos Town Council by signing our petition.

Why is this important?

On January 11, the day after the catastrophic failure of two of these trees, Mr. Geddes a local independent arborist, inspected all of the eucalyptus trees, both fallen and standing. He inspected them again at the end of January before the destruction of the two stumps. Mr. Geddes's report speaks for itself. The trees present a "present threat to life, limb and property and infrastructure" and need to be removed. He found evidence of white root rot and was surprised by how little root mass remained to support the fallen trees. He considers it "highly likely" that the 18 remaining trees have suffered similar root zone compromise. The Town's strategy of occasional pruning could not and cannot "prevent advance of root pathogens and decay."

In addition, the Residents have consulted with the Santa Clara County Fire Department, Fire Prevention Division. The Fire Prevention Division manages the brush abatement and defensible space program and sends reminders to homeowners each January to clear vegetation, and levies financial charges against homeowners for violations and non-compliance. The Fire Department is aware of the Town's eucalyptus trees on Overlook Road, and says that they have no way to protect the Residents if these trees ignite. Again, these trees are flammable and explode in fireballs. The Fire Department would have no other choice but to retreat. Indeed, the Santa Clara County Firesafe Council highlights such fireballs as the primary reason to recently remove eucalyptus trees in Redwood Estates: "Eucalyptus trees are notorious for being extremely flammable and spreading firebrands. When the oils in the trees heat up, the plant releases flammable gas, which ignites into a fireball. This accelerates the eucalyptus fire hazards in a region and discourages firefighting efforts." See <https://sccfiresafe.org/projects/redwood-estates-hazardous-tree-removal>

Essentially, individual, as well as Town and community, wildfire preparedness efforts are meaningless in the Glen Ridge neighborhood as long as these trees are standing.

The Town has previously been advised to remove eucalyptus trees. For example, in 2020 the Town commissioned a wildfire preparedness report and recommendations from SWCA Environmental Consultants. The report is entitled, Town of Los Gatos Roadway Vegetation Management Plan. On page 4, the recommended treatments include "Removing all non-fire-resistant vegetation located within 10 feet of roadways [including] combustible vegetation such as eucalyptus trees... ."

Overlook Road is highlighted in this report as an area to be addressed. See <https://www.losgatosca.gov/DocumentCenter/View/25236/Los-Gatos-Roadside-Vegetation-Management-Plan>.

Despite this report, despite the Town's stated focus on wildfire preparedness, and despite the recent scare from the lightning complex fires of August 2020, to date, the Town has not taken the recommended actions regarding these trees - removal, pruning, nothing. Their existence contradicts all wildfire preparedness efforts in the Glen Ridge neighborhood. It appears the Town is maintaining a known hazardous and dangerous condition on its property that endangers Town residents.

Signed by 171 people:

Name	Postcode
Mary O Connell	95030
Anita Goddard	95030
Linda Rodriguez	95030
Jovian Hayden	95030
David Goddard	95030
Kim Celestre	95030
Jennie Magid	95030-5812
Gerard Hayden	95030
Chelsea Bedard	95030
Daniel Moffat	95030
Linda Nanez	95032
Lucy Zhan	95030
Jeremy Wang	95030
David Chesarek	95030
Aileen Braga	95032
Shigeru Iwamoto	95030
Dianna McKay	95030
Sunil Rajasekar	95030
Jeff Littfin	95030
Marcus Goddard	95030
Liz Olson	95032
David Krueger	95030
Bobbi Vandegrift	95030
David Britz	95030
Joanna Whitley	95030
Linda Poncetta	95030
Deborah Johnson	95032
Carolyn Harnish	95030
Charlene Bernhardt	95030
Mary Ellen Kaschub	95030
Kate Krueger	95030

Name	Postcode
Lizanne Rixen	95032
Merrily Doore	95030
Marcia Farnady	95030
Julio Casal Martin	95032
Betsy Contro	95030
D Farnady	95030
margo simmons	95030
Marika Beyaert	95030
Kurt Stauss	95030
Kristin Coddling	95032
Valerie Kilduff Siri	95030
Bryce Braga	95032
Chris Mullen	95032
Ryan O'Malley	95032
Dan Berris	95030
Brett Schwarz	95032
Stefanie Johnston	95030
Alisha Schoen	95030
Long Chow	95070
Anjali Pioso	95030
Stefan Pioso	95030
Ken Crafford	95030
Lauren Shelly	95030
Anne Kiernan	95030
Tara Speed	95128
Christina Mendez	95030
Thomas Goddard	95030
Denise Le	95032
Frank Galaszewski	95008
Drew Sullivan	95030
Jean Hardwicke	95030
judy Wallace	95030

Name	Postcode
Monique Miller	95003-3019
Susan Pinkel	95030
Florence Sullivan	95030
John Vossoughi	95030
Olga Montserrat	95032
Cathi Galaszewski	95008
John Stannard	95030
Maria Ramirez Gemassmer	95030
Debra Milner	95030
Andrew Conn	95030
Lisa Breen	95033
Caroline Dempsey	95032
Michael Schmidt	95030
Chuck Sullivan	95030
Lauren Rudsten	95122
Lidia Delgado	95030
Bob Simmons	95030
Susan Stepovich	95030
Greg Stepovich	95030
Marc Los Huertos	91711
Dean Yonenaga	95030
Samantha S	95939
Jimmy Abrahamsson	95030
Susan Gellatly	95030
Stephen Gellatly	95030
Lauren Kutting	95030
Elizabeth N.	95032
Kit O'Malley	95032
Brittain Melehan	95032
Susan Tavana	95930

Name	Postcode
Abbie Steinbacher	95032
Ashley Vandeg	95030
Alex Vandegrift	95030
Vicki Vandegrift	81302
Leticia Madeiros	95032
Jade Petersma	95030
Doug Petersma	95030
Mitzi Anderson	95030
Lauren Fulcher	95032
Sharon Herald	95030
Nastaran Nazarian	95030
Scott Carter	95030
leslie holms	95030
Maureen Cappon Javey	95030
John Bernhardt	95030
David Stonesifer	95030
Dan Griffith	95030
Sharon Adams	95032
Elaine Cardinale	95030
Chad Kutting	95030
Ilona Merli	95030
Mark Petersma	95030
Louise Murphy	95030
Andrea Swan	95032
Anna Harbison	95030
CHLOE CALLAHAN	95030
Angelina Mullen	95032
James Cunningham	95032
Kelly Haserot	95032
Judy Etherington	95030

Name	Postcode
Abby Goddard	95030
Dana Burns	95030
George Malek	95030
Derek Bell	95030
James Adams	95032
Guy Ramon	95030
Michal Ramon	95030
Laura Mayer	95030
Tony Pock	95030
Danny Sabour	95030
Natalja Turok	95030
Marico Sayoc	95030
Dale Greenley	95030
Jacquelyn Rider	95030
Thomas Greenley	95030
Joan Laird	95030
Julie San Juan	95030
Eric Raff	95030
Ed SanJuan	95030
Eric Einarsson	95030
Douglas Laird	95030
Yang Cao	95030
Keith White	95030
Kate Paisley	95030
Patricia Carter	95030
Christine Stein	95030
Melinda Lloyd	95030
Alan Messer Monika Baraniuk	95030
Robin Sedgwick	95032
Ellie Gholami	95030
Evelyn Edwards	95030
GP Grewal	95032

Name	Postcode
Praveena Johnson	95030
Godwin Johnson	95030
Pratheepa Rajasingh	94547
Madhan Devadoss	94547
Donna Passage	95032
Sonja Shevelyov	95030
Bob Braham	95030
Lisa S	95032
John Stauss	95030
Terrie Christiansen	95030
Lynn Stanghellini	95030
Joann Wu	95030
Denise Leffers	95030
Laura Murphy- Wilkens	95030
Tracy Qiu	95030
Karen Pock	95030



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 03/21/2021

ITEM NO: 13

DATE: March 14, 2023
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Receive Preliminary Fiscal Year 2023/24 – 2027/28 Five-Year Capital Improvement Program Information and Provide Direction on Project Priorities

RECOMMENDATION:

Receive Preliminary Fiscal Year 2023/24 – 2027/28 Five-Year Capital Improvement Program (CIP) Information and provide direction on project priorities.

BACKGROUND:

On March 13, 2023, staff presented a review of the Five-Year CIP to the Finance Commission in preparation for development of the 2023/24 budget. In the meeting, staff sought feedback from the Finance Commission on funding strategies and opportunities and for recommendations to Council on these.

DISCUSSION:

The report presented to the Finance Commission (Attachment 1) contains detail regarding some of the Town's CIP needs and projected funding from available sources. As demonstrated in the report, the capital program needs exceed the available funding capacity of the program. Staff has recommended project priorities and is seeking direction from Council on these priorities.

PREPARED BY: Nicolle Burnham
Director, Parks and Public Works

Reviewed by: Town Manager, Town Attorney, and Finance Director

SUBJECT: Receive Preliminary Fiscal Year 2023/24 – 2027/28 Five-Year Capital Improvement Program (CIP) Information and Provide Direction on Project Priorities.

DATE: March 14, 2023

DISCUSSION (continued):

At its March 13, 2022 meeting, the Finance Commission provided the following five recommendations for Town Council to consider:

1. Staff should provide more frequent updates on capital projects (similar to what is in Attachment 4 to the report to the Finance Commission) and include the year of project, start date, original budget, original planned completion date, and changes in scope.
2. Council should set a maximum expenditure limit for large projects.
3. Council should support the request for the three additional ongoing annual projects in the staff report.
4. All projects should be fully funded for their current phase over the Five-Year Plan.
5. Council should direct staff to develop more realistic estimates for the amount of the General Fund to be transferred to the capital program over the Five-Year Program based on available and anticipated funds rather than a flat \$800,000 and future surpluses.

CONCLUSION:

The input from Town Council will aid staff in developing the CIP Budget for Fiscal Years 2023/24 – 2027/28.

COORDINATION:

This report has been coordinated with the Town Attorney, Finance Director, and Town Manager.

FISCAL IMPACT:

There is no fiscal impact from the discussion of this staff report.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under the California Environmental Quality Act, and no further action is required. Individual capital projects will have their own environmental clearances.

Attachments:

1. Finance Commission Report and Attachments (from 3/13/23 Finance Commission Meeting).
2. Public Comments



**TOWN OF LOS GATOS
FINANCE COMMISSION REPORT**

MEETING DATE: 3/13/2023

ITEM NO: 7

DATE: March 8, 2023
TO: Finance Commission
FROM: Laurel Prevetti, Town Manager
SUBJECT: Receive Preliminary Fiscal Year 2023/24 – 2027/28 Five-Year Capital Improvement Program Information and Provide Recommendations to the Town Council

RECOMMENDATION:

Receive preliminary Fiscal Year 2023/24 – 2027/28 Five-Year Capital Improvement Program information and provide recommendations to the Town Council.

EXECUTIVE SUMMARY:

The existing Town of Los Gatos Capital Improvement Program is supported by funding from numerous sources and includes 14 annually funded projects and 54 one-time projects for discrete locations. The largest funding sources for the capital program support roadway enhancements (including bicycle and pedestrian infrastructure), while sources for buildings, parks, and trails are smaller.

This report identifies the funding sources available for capital projects. Future projects and needs are discussed in the context of the following categories: 1) Ongoing and Annual Projects; 2) Underfunded Existing One-Time Projects; 3) Infrastructure Backlog Items; and 4) Other Project Types for Consideration.

Based on the available information of funding sources (Attachment 3), the status of existing on-time projects (Attachment 4) and the needs of the Town, capital project recommendations are presented in Attachment 5.

PREPARED BY: Nicolle Burnham
Parks and Public Works Director

Reviewed by: Town Manager, Town Attorney, and Finance Director

SUBJECT: Receive Preliminary Fiscal Year 2023/24 – 2027/28 Five Year Capital Improvement Program Information and Provide Recommendations to the Town Council

DATE: March 8, 2023

BACKGROUND:

This report is provided annually to the Finance Commission and Town Council to raise awareness about the current status of capital projects and discuss priorities for the upcoming budget cycle. The report provides preliminary information to allow for Commission recommendations and Council direction on project priorities and raise awareness about the Town of Los Gatos capital program.

The Town of Los Gatos Capital Improvement Program (CIP) supports the safe and efficient operation and management of Town-owned infrastructure and assets. Town-owned assets include 17 park and open space areas that total 24 acres, 112 miles of roadways (236 lane miles), 12 public buildings totaling 139,373 square feet, and 23 surface parking lots (including lots in parks), and one underground parking structure. These major assets are supported by ancillary assets like restroom buildings (five total), sidewalks, storm drainage systems, retaining walls, traffic signals and signs, and street lighting.

Summary of Funding Sources

The CIP is five-year plan that is revised annually to guide investments in the Town's infrastructure. Each year, the Council adopts the Five-Year Plan and the capital budget for the first year of the Plan. The Capital Budget is supported through numerous funding sources as described in detail in the [Adopted Capital Budget](#). The flow of any budget surplus to the General Fund Appropriated Reserve (GFAR) for the capital program is depicted in Attachment 1. Attachment 2 graphically identifies the other inputs to GFAR and other sources for the capital program, including:

- **Measure G:** In past years Council has directed staff to allocate 50% of the Town's dedicated one-eighth sale tax revenue to capital projects of any type. The revenue is added to the General Fund Appropriate Reserve (GFAR) for distribution to projects of any type.
- **Construction Impact Fees:** These fees are assessed on new construction and can be used to support projects of any type.
- **Gas Tax:** This revenue source comes from a per gallon tax on gasoline sales collected by the State and distributed to the Town and is allocated to street related projects.
- **Refuse Vehicle Impact Fees:** These are paid by the Town's waste hauler to mitigate impacts to our roadways that results from the waste collection vehicles. These funds are allocated to street related projects through the GFAR.
- **Utility Undergrounding Funds:** This funding is derived from the Town's Construction Tax. These funds are used to support street related projects.

SUBJECT: Receive Preliminary Fiscal Year 2023/24 – 2027/28 Five Year Capital Improvement Program Information and Provide Recommendations to the Town Council

DATE: March 8, 2023

BACKGROUND (Continued):

- **Measure B:** The 2010 Measure B program provides funding each year that is used for street related projects through the GFAR. The 2016 Measure B provides a more diverse funding portfolio for the Town. Annual revenue from 2016 Measure B is provided for street related improvements (distributed through the GFAR); but additional revenue supports the Safe Routes to School staffing and program, plus various capital projects (e.g., Highway 17 Pedestrian Overcrossing, Los Gatos Creek Trail Connector at Route 9, etc.) through grant distributions.
- **Traffic Mitigation Funds:** Development projects are charged Traffic Mitigation Fees to offset the increase in traffic that is generated by the development. This source is used to support traffic improvement projects that were identified in development of the impact fee program.
- **Storm Drain Funds:** New development is charged per square foot of impervious surface. Funds are allocated across three areas of the Town based on geography and are available for use for storm drainage related projects.
- **General Fund Special/Capital Projects Reserve:** If additional General Fund surplus is identified, the Council may add it to the General Fund Special/Capital Projects Reserve. The Council may then direct some or all to the GFAR for use on projects of any type.
- **Grant Funds:** An increasingly important source of project funds for the Town's Capital Budget, grants support projects ranging from building enhancements to bike lane installations to vegetation management and wildfire mitigation. Staff continually considers and evaluates grant opportunities and once received, works to manage the grant requirements carefully to meet the various grant requirements of each program.
- **American Rescue Plan Act (ARPA):** While much of the ARPA funding was used to bolster economic development in Town, Town Council did allocate up to \$2.9 million of ARPA money for capital projects of any type. In August of 2022, Council allocated \$580,000 of that \$2.9 million to specific projects; holding the remaining \$2.23 million in reserve for future projects (see Attachment 6).

Each year as budget development progresses, staff evaluates and considers each of these funding sources, identifying the current balance in each and forecasting potential future revenues that may be available for projects. Attachment 3 is a preliminary estimate of available capital funds for 2023/24 through 2027/28.

Capital Budget Distribution to Projects

In developing the CIP projects are “bucketed” into three program categories: Streets, Parks and Trails, and Public Facilities. Those three buckets are further divided as shown in Table 1.

SUBJECT: Receive Preliminary Fiscal Year 2023/24 – 2027/28 Five Year Capital Improvement Program Information and Provide Recommendations to the Town Council

DATE: March 8, 2023

BACKGROUND (Continued):

Table 1
List of CIP Programs and Project Types

Program Name	Project Type
Streets	Street Reconstruction and Resurfacing Street Repairs, Maintenance and Safety Street Improvements Bridges
Parks and Trails	Parks Trails
Public Facilities	Town Infrastructure Equipment

Table 2 is the history of new funding (exclusive of carryforward from prior years) to each of these Programs over the past five years. Carryforward has been excluded to provide an overview of new funding into the capital programs.

Table 2
Summary of Funding History by Program (Exclusive of Carryforward)

Program Name	FY 2018/19	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23
Street Reconstruction and Resurfacing	\$ 2,528,767	\$ 4,237,770	\$ 2,211,715	\$ 3,078,604	\$ 3,343,169
Street Repairs, Maintenance & Safety	435,000	2,465,100	2,435,000	935,000	385,000
Street Improvements	4,201,782	3,464,908	8,195,786	638,250	1,143,501
Bridges	-	-	50,000	-	522,314
Park Improvements	338,000	260,000	25,000	445,904	65,000
Trail Improvements	550,491	350,000	-	736,000	5,728,687
Town Infrastructure	144,100	1,862,000	285,000	1,051,979	160,000
Equipment	400,000	525,000	-	-	1,200,000
	\$ 8,598,140	\$ 13,164,778	\$ 13,202,501	\$ 6,885,737	\$ 12,547,671

Existing Capital Projects

The new funds noted above plus carryforward from previous years are assigned to specific projects. Each year funding is allocated to certain ongoing projects such as roadway resurfacing and retaining wall and guardrail replacement. Generally speaking, funding is allocated as available and the scope of work each year is established to match the available funding. Table 3 presents these annual on-going allocations.

SUBJECT: Receive Preliminary Fiscal Year 2023/24 – 2027/28 Five Year Capital Improvement Program Information and Provide Recommendations to the Town Council

DATE: March 8, 2023

BACKGROUND (Continued):

Table 3
Ongoing and Annually Funded Capital Projects

Project No.	Funding Program	Project Type ¹	Project
831-4605	Parks and Trails	1,3,4	Parks Playground Fibar Project
832-4507	Parks and Trails	3	Forbes Mill Footbridge Improvements
821-2002	Public Facilities	3,5	Town Beautification
812-0134	Streets	1,2,3	Measure B Education & Encouragement
813-0221	Streets	1,2,3,5	Sidewalk Improvements - Multiple Locations
813-0231	Streets	1,2,3	Bicycle and Pedestrian Improvements
816-0414	Streets	3,4	Stormwater System - Pollution Prevention Compliance
816-0420	Streets	1,3,4,5	Annual Storm Drain Improvement Project
811-9901	Streets	1,2,3,5	Street Repair & Resurfacing
811-9902	Streets	1,2,3,5	Annual Street Restriping
811-9903	Streets	1,2,3,5	Pavement Rehabilitation
812-9910	Streets	1,2,3	Traffic Calming Projects
813-9921	Streets	1,3,4	Curb, Gutter, Sidewalk Maintenance
815-9930	Streets	1,2,3,5	Retaining Wall + Guardrails Repairs

Notes: 1. Project Types are: (1) Safety, (2)Traffic/Transportation, (3) Quality of Life, (4) Regulatory or Legal Mandate, (5) Effective Management of Existing Assets and (6) Improvement

In addition to the 14 ongoing projects, the current capital program includes an additional 54 one-time projects. While these one-time projects may span numerous years the project is still

SUBJECT: Receive Preliminary Fiscal Year 2023/24 – 2027/28 Five Year Capital Improvement Program Information and Provide Recommendations to the Town Council

DATE: March 8, 2023

BACKGROUND (Continued):

considered one-time in that it has a specific starting and ending point. Attachment 4 provides the list of these projects, their current status, and expenditure history.

DISCUSSION:

In considering funding priorities for the CIP, staff follows the guidance provided by various Town documents including: [Council Strategic Priorities](#), [General Plan](#), [Bicycle and Pedestrian Master Plan](#), Pavement Management Program, Stormwater Master Plan, Facilities Condition Assessments, the Americans with Disabilities Act (ADA) Transition Plan, and legislative mandates. Project ideas and needs are also identified from field observations by Town staff, input from residents, and Town Commission discussions.

For this discussion and to provide insight into the considerations for CIP recommendations, projects are presented and discussed in four categories:

- 1) Ongoing and Annual Projects;
- 2) Underfunded Existing One-Time Projects;
- 3) Infrastructure Backlog Items; and
- 4) Other Project Types for Consideration

At the conclusion of the report, staff identifies the recommended capital projects and priorities for the Proposed Capital Improvement Program (Attachment 5).

Ongoing and Annual Projects

As noted in Table 3, there are currently 14 ongoing and annual projects supported in the Capital Budget. With the Proposed Five-Year CIP 2023/24 – 2027/28, staff is recommending that these project categories be maintained. Each of these projects support various identified strategic initiatives of the Town, such as quality public infrastructure and safety for all modes of travel (motorist, cyclist, and pedestrian) and playground safety. Staff will evaluate whether any of these programs can be combined in an effort to reduce the total number of projects that require separate oversight.

Starting with Fiscal Year 2023/24, staff is recommending the following new annual on-going projects be established:

SUBJECT: Receive Preliminary Fiscal Year 2023/24 – 2027/28 Five Year Capital Improvement Program Information and Provide Recommendations to the Town Council

DATE: March 8, 2023

DISCUSSION (continued):

- **Roadside Vegetation Management:** Recent CIP's have included funding to support this critical wildfire reduction strategy and the Town has been successful in securing grant funds to support this work. While extensive work was completed in 2021 and 2022, all priority roadways have not been addressed, and the recent rains in January and February 2023 have resulted in accelerated vegetation growth in areas that were previously cleared. It is clear that keeping pace with the vegetation management demand will not be a one-time effort. An ongoing and annual project with funding will help staff plan deliver a sustained effort in this area.
- **Open Space Vegetation Management:** As part of its wildfire prevention efforts, the Town has completed a plan to manage vegetation in its open space property and environmental clearances for this work is underway. Once the environmental work is completed, open space vegetation management will require a sustained effort similar to the roadways. As such, staff recommends establishment of an ongoing project with funding for this work.
- **Americans with Disability Act (ADA) Compliance:** The Town completed a transition plan that assessed all Town assets for compliance with the ADA. It is important that the Town continue to upgrade its buildings, sidewalks, and other features to meet this legal requirement. Staff recommends establishing an ongoing project with a small amount of funding (e.g., \$25,000 to \$30,000 per year). This small amount would support the procurement and installation of ADA compliant fixtures (such as push-button doors, water fountains, etc.) that can be replaced or installed during the course of other ongoing work.

Underfunded Existing One-Time Projects

For the next five-year CIP, the goal is to finish currently funded priority projects and provide supplemental funding for those in progress. Attachment 5 provides a list of all current projects (Annual Ongoing and On-Time), their current status and funding, along with recommendations for priority of future funding. If it would like, the Finance Commission should provide recommendations to Council to further prioritize the underfunded projects and if a project is defunded, then the funds could be reallocated to the remaining projects.

For example, staff recommends that project Winchester Boulevard Complete Streets (813-0238) be considered for defunding at this time. The current funding of approximately \$543,000 is from GFAR and could be reallocated for use on different project(s). The Winchester Boulevard Complete Streets Project was intended as the permanent phase of the Winchester

SUBJECT: Receive Preliminary Fiscal Year 2023/24 – 2027/28 Five Year Capital Improvement Program Information and Provide Recommendations to the Town Council

DATE: March 8, 2023

DISCUSSION (continued):

bike lanes that were previously installed. The Complete Streets Project would provide further enhancement of the area, making the bike lane infrastructure more permanent and possibly adding landscape features. Staff has applied for grant funding for this project and was unsuccessful.

This project also has a commitment of \$1,734,250 from the 2016 Measure B program. A grant agreement for the Measure B funds has not been executed at this time and it may be possible [with authorization from the Valley Transit Authority (VTA) Board of Directors] to have those funds allocated to a different Los Gatos Measure B Project, such as the Highway 17 Overcrossing.

Infrastructure Backlog Items

When considering new projects for future funding, staff continues to consider the project needs that were identified in the [CIP report](#) presented as Item 13 in the Town Council meeting of March 1, 2022. Needs that were identified in March 2022 included:

Facilities Needs: Facility assessments were completed in 2022 for all Town-owned facilities and deficiencies were identified. While the total 15-year funding need for facilities was estimated to be \$19,957,500, five buildings represented 84.5% of that cost: Adult Recreation Center (\$2,051,500), Civic Center (\$6,424,000), Library (\$1,620,000), Police Operations Building (POB) (\$1,492,500), and the Theatre (\$5,274,500). Minor improvements (characterized as less than \$1 million per building 15 years) were identified at park restrooms, the Parks and Public Works Yard, the Youth Recreation Center. The 2022/23 capital budget did address a number of facilities related needs and these improvements are currently underway. Notably, there is some overlap between these costs and the ADA Upgrade Requirements discussed below.

Civic Center is the building that was identified with the largest need and has not yet been allocated much funding. The largest upcoming expenditures and needs are in the mechanical system.

While some work has been completed at the POB, a more important issue relates to Police Department operations being split between two locations. A portion of the Department operates out of the Civic Center, while another portion is located at POB. This disconnect in locations creates operational challenges and Police Department has asked that Parks and Public Works conduct a study to evaluate what modifications would be needed at POB to allow staff from Civic Center to be relocated to POB.

SUBJECT: Receive Preliminary Fiscal Year 2023/24 – 2027/28 Five Year Capital Improvement Program Information and Provide Recommendations to the Town Council

DATE: March 8, 2023

DISCUSSION (continued):

ADA Upgrade Requirements: The Town contracted consultant services to perform analysis of all Town owned assets (including buildings, sidewalks, parking areas, sidewalks, trails and parks) for compliance with the ADA. The study identified over \$25 million in necessary upgrades. Staff has been addressing these issues in the context of other projects when possible. For example, planned improvements to the Adult Recreation Center include plans to improve the parking area and walkways to the building; the annual curb, gutter and sidewalk project provide annual funding to for ADA ramps at intersections; and staff is currently using grant funding to work with a contractor to address sidewalk tripping hazards.

Despite all of this effort, upgrading facilities to comply with ADA requires concerted staff time (the transition plan identified some 11,000 items that need attention). At this time, there is no dedicated funding for ADA compliance nor is there staffing to specifically manage this program. The Town ADA Coordinator is the Chief Building Official and the majority of corrective action is led by PPW. As noted above, Town staff recommends creating an annual project to begin to address these needs.

Pavement Maintenance: In 2016, an assessment of street pavement was conducted and revealed a Pavement Condition Index (PCI) of 67, on a scale of 1 (Lowest) to 100 (new roadway). Based on this, the Town Council set a PCI goal of 75. The current PCI is 73. It is common for the PCI goal to be increased as a goal is achieved. Therefore, the Town should be considering an increase in PCI goals to 78. Funding of \$4.4 million annually is required to achieve that goal.

It should be noted that the pavement maintenance funding serves a dual role, whenever possible, of enhancing crosswalks for pedestrian safety and providing bike lanes. When planning paving projects, the design team considers necessary bicycle and pedestrian improvements and incorporates those into the work plan each year.

Stormwater Infrastructure: In 2020, a project was created to perform Stormwater Master Planning. While initially conceived as a Town-wide project, the funding was not adequate to analyze drainage systems throughout the Town so a select number of systems were evaluated and improvements were recommended. The value of those improvements were estimated at \$15M.

During the January 2023 rainstorms, additional areas of drainage concern were identified. For example, Loma Avenue has very few catch basins so the road is subject to flooding during rain events, and the Town-owned pipe that runs between homes on Belridge and Belcrest Drives is the cause of persistent concern from residents and is inaccessible for maintenance activities. In

SUBJECT: Receive Preliminary Fiscal Year 2023/24 – 2027/28 Five Year Capital Improvement Program Information and Provide Recommendations to the Town Council

DATE: March 8, 2023

DISCUSSION (continued):

addition, other drainage problems have arisen during this past fall at Oak Grove and at Maple Place. Emergency repairs were completed, but long-term improvements may be needed.

Perhaps most notably, the Town does not have complete mapping of the storm drainage system in our Geographic Information System (GIS). Staff has entered some limited data when they are available, but the lack of system wide mapping that identifies pipe locations and structures hinders analysis of the system and makes routine maintenance more challenging.

Other Project Types for Consideration

Prior year CIP's have not mentioned or presented a holistic plan for the Town's parks and trails. Past Council discussions indicated that there may be interest in a Town-wide Park Master Plan, or a Master Plan for certain parks, like Oak Meadow, but these have not been funded at this time.

Los Gatos Creek Trail has not received significant funding in recent years. Data provided by Santa Clara County Parks indicates that Los Gatos Creek Trail near Vasona had 342,043 users in 2021 and 346,057 users in 2022. While usage south of Vasona may be lower, the Vasona data does provide some indication that Los Gatos Creek Trail sees a high volume of usage.

North and south of Vasona Park, the trail lacks signage to support wayfinding, and in some cases has access slopes that are steep and challenging for users (e.g., the south side of Lark Avenue). In addition, PPW does not have record of recent inspection of the Forbes Mill Pedestrian Bridge and the timber walkway on the north side of the bridge. While Caltrans performs structural inspection of the support structure for the highway portion, the decking and fencing is the responsibility of the Town. The Town owns a second (much smaller) timber bridge over Ross Creek at Camino del Cerro that is similarly lacking in inspection data.

There is currently no dedicated funding source for Parks and Trails.

Staff Recommendations

Attachment 5 presents the staff recommended priorities for the 2023/24 through 2028/29 Capital Improvement Program. This table summarizes the information presented throughout this discussion. Since it will not be possible to fund all projects and needs, staff has identified projects by priority and will allocate funding in order of priority until funding is exhausted.

SUBJECT: Receive Preliminary Fiscal Year 2023/24 – 2027/28 Five Year Capital Improvement Program Information and Provide Recommendations to the Town Council

DATE: March 8, 2023

CONCLUSION:

Staff has developed a list of proposed projects to fund for the five-year CIP. In developing that list, the primary focus is increasing funding to existing priority projects to insure they are funded through construction. Since some of the priority projects won't be in construction until later in the five-year cycle or after, staff is proposing incremental funding each year to build the balance of the project budget.

COORDINATION:

This report was coordinated with the Town Manager, Finance Director and Town Attorney.

FISCAL IMPACT:

There is no fiscal impact from the discussion of this staff report. The Council will consider the Finance Commission's recommendations on March 21 when it provides direction on the FY 23/24-2027/28 Capital Improvement Program.

ENVIRONMENTAL ASSESSMENT:

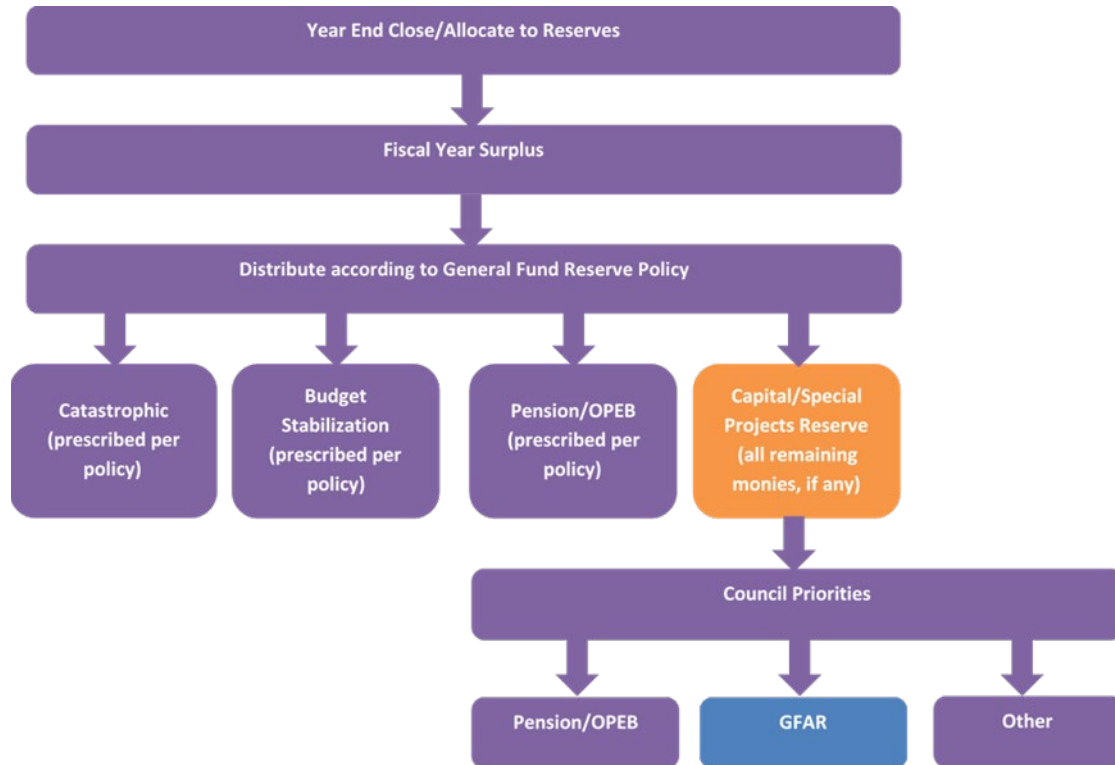
This is not a project defined under the California Environmental Quality Act, and no further action is required. Individual capital projects will have their own environmental clearances.

Attachments:

1. Flow of Funds Diagram
2. Capital Improvement Program Funding Sources Diagram
3. Preliminary Estimate of Projected Available Capital Funds for 2023/24 – 2027/28
4. Status of Currently Funded One-Time Capital Projects
5. Recommended Capital Project Priorities 2023/24 through 2028/29
6. Council Allocation of ARPA to the Capital Program

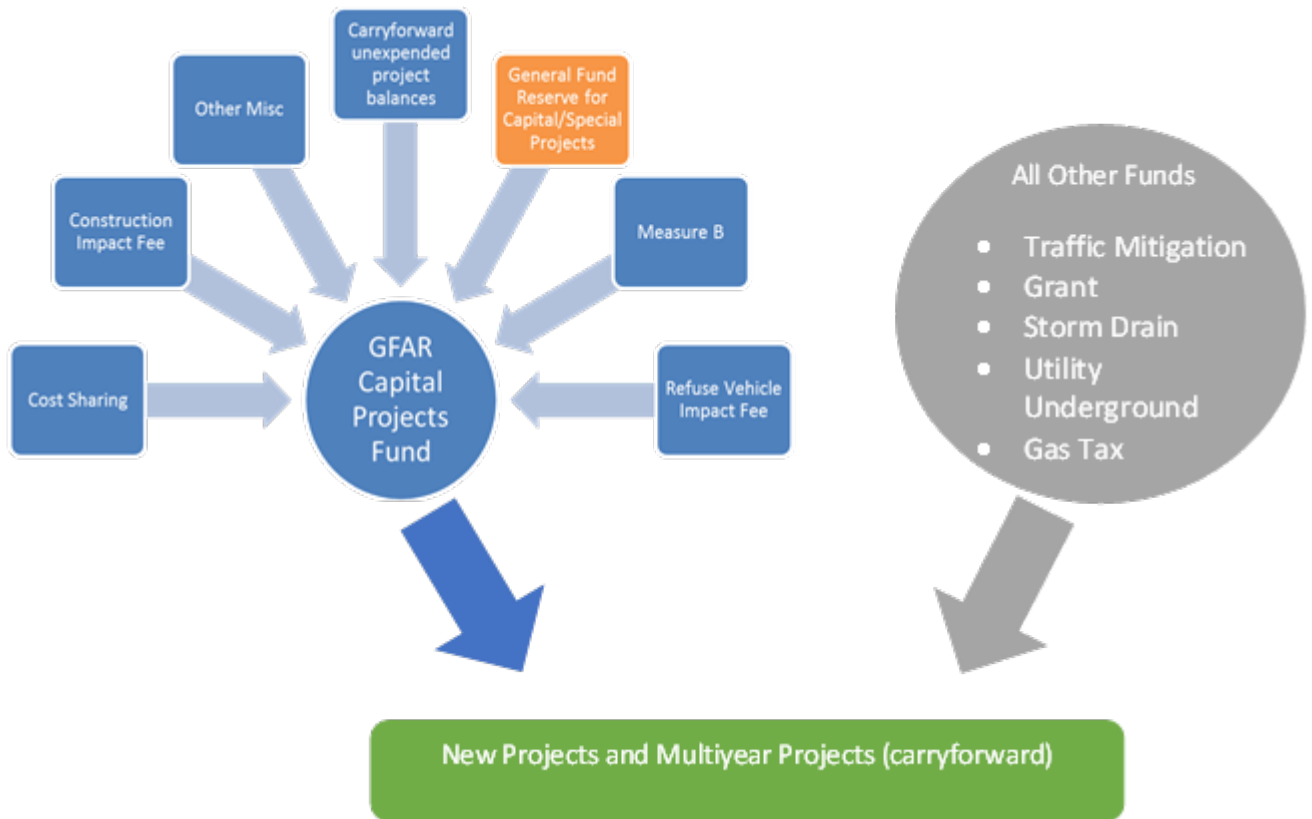
ATTACHMENT 1

FISCAL YEAR SURPLUS FLOW OF FUNDS



ATTACHMENT 2

CAPITAL IMPROVEMENT PROGRAM- FUNDING SOURCES



STATEMENT OF SOURCE OF FUNDS

		Adjusted Budget 2022/23	Proposed 2023/24	Proposed 2024/25	Proposed 2025/26	Proposed 2026/27	Proposed 2027/28
GFAR FUND							
Revenues							
8011 GFAR - General Source	Construction Impact Fees	110,000	110,000	110,000	110,000	110,000	110,000
8011 GFAR - General Source	Refuse Vehicle Impact Fees	871,800	871,800	871,800	871,800	871,800	871,800
8011 GFAR - General Source	Tesla Charging Stations	96,000	96,000	96,000	96,000	96,000	96,000
811-0008 Shannon Road Repair	Shannon Road Repair - County of Santa Clara	1,500,000	-	-	-	-	-
811-0008 Shannon Road Repair	Shannon Road Repair - Granite Rock Construction	50,000	-	-	-	-	-
811-0008 Shannon Road Repair	Shannon Road Repair	15,000	-	-	-	-	-
811-9901 Street Repair & Resurfacing	VTA Measure B - 2016	1,824,346	580,663	580,663	580,663	580,663	580,663
811-9901 Street Repair & Resurfacing	San Jose Water Company	143,713	-	-	-	-	-
811-9901 Street Repair & Resurfacing	West Valley Sanitation District	55,545	-	-	-	-	-
811-9903 Pavement Rehab Crack Seal	VTA Measure B - 2010	180,000	180,000	180,000	180,000	180,000	180,000
812-9910 Traffic Calming Projects	Developer Contributions	10,000	10,000	10,000	10,000	10,000	10,000
813-0235 Downtown Streetscape Revitalization	COVID-19 Income Replacement	192,917	-	-	-	-	-
813-9921 Curb, Gutter, Sidewalk Maintenance	Developer Contributions	10,000	-	-	-	-	-
821-2504 Library Lobby Sound Mitigation	Other Contributions	20,755	-	-	-	-	-
841-6101 Enterprise Resource Planning Upgrade	From IT Fund	33,000	-	-	-	-	-
812-0133 VMT Mitigation Program	General Plan Reimbursement	199,695	-	-	-	-	-
832-4503 Charter Oaks Trail Improvement	Albright Development Fees	350,000	-	-	-	-	-
Operating Transfers In							
8011 GFAR - General Source	From General Fund	2,350,000	800,000	800,000	800,000	800,000	800,000
8011 GFAR - General Source	From Measure G District Sales Tax Fund	656,978	650,194	667,414	687,073	706,006	724,213
8011 GFAR - General Source	From IT Fund	700,000	-	-	-	-	-
8011 GFAR - General Source	From ARPA Fund	2,900,000	-	-	-	-	-
GRANT FUND							
Revenues							
812-0129 ADA Transition Plan	From ABAG Fund	35,000	-	-	-	-	-
812-0130 Roadside Fire Fuel Reduction	USDA Forest Service	750,000	-	-	-	-	-
812-0134 Measure B Education & Encouragement	VTA Measure B - 2016	92,503	-	-	-	-	-
813-0218 Shannon Road Pedestrian & Bikeway Improvements	VTA/TFCA	1,114,350	-	-	-	-	-
813-0227 Traffic Signal Modernization	MTC Funding	700,000	-	-	-	-	-
813-0238 Winchester Blvd. Complete Streets (Final Design)		-	1,734,250	-	-	-	-
813-0240 Winchester Class IV Bikeway	VTA/TFCA	293,900	-	-	-	-	-
813-0241 Kennedy Sidewalk between LGB and Engelwood	VTA Measure B - 2016	138,740	693,560	-	-	-	-
813-9921 Curb, Gutter, & Sidewalk Maintenance	TDA Article 3 Funds	62,884	-	-	-	-	-
818-0803 Highway 17 Bicycle & Pedestrian Bridge - Design	VTA Measure B - 2016	2,738,853	-	-	-	-	-
821-2505 Battery Power Supply - Library	Community Power Resiliency - OES	300,000	-	-	-	-	-
821-2505 Battery Power Supply - Library	Silicon Valley Clean Energy Grant	213,000	-	-	-	-	-
821-2601 ADA Upgrade Public Restrooms - Adult Recreation Bldg.	CDBG Grant	78,979	-	-	-	-	-
831-4007 Oak Meadow Bandstand Area Improvements	CA Parks & Rec Prop 68	196,730	-	-	-	-	-
832-4505 Trailhead Connector Project	MTC Funding	4,800,000	-	-	-	-	-
832-4506 Charter Oaks Trail Repair	CalOES	470,000	-	-	-	-	-
TRAFFIC MITIGATION FUND							
Revenues							
	<i>any developer specific locations</i>						
STORM BASIN FUNDS							
Revenues							
Basin #1 Drainage Fees		45,000	45,000	45,900	46,818	47,754	48,709
Basin #2 Drainage Fees		45,000	45,000	45,900	46,818	47,754	48,709
Basin #3 Drainage Fees		2,500	2,500	2,550	2,601	2,653	2,706

Preliminary Estimate of Projected Available Capital Funds 2023/24 to 2027/28

	Adjusted Budget 2022/23	Proposed 2023/24	Proposed 2024/25	Proposed 2025/26	Proposed 2026/27	Proposed 2027/28
UNDERGROUND UTILITIES FUND						
Revenues						
Construction Tax	30,000	30,000	30,000	30,000	30,000	30,000
GAS TAX FUND						
Revenues						
Gas Tax -2106	114,962	132,914	114,962	132,914	132,914	132,914
Gas Tax -2107	262,082	264,561	262,082	264,561	264,561	264,561
Gas Tax -2107.5	6,000	6,000	6,000	6,000	6,000	6,000
Gas Tax -2105	192,026	220,260	192,026	220,260	220,260	220,260
Gas Tax -2103 (Prop 42)	277,170	332,617	277,170	332,617	332,617	332,617
Road Maintenance Rehab Account	682,836	829,760	682,836	829,760	829,760	829,760

Attachment 4
Status of Currently Funded One-Time Capital Projects

Project No.	Funding Program	Project Category (see Note 1)	Project	Project Type (Annual / One-Time)	Status as of 2/17/23	Is Project Funded Through Construction / Completion?	FY 2022/23 Budget	FY 2022/23 Spent to Date	Available Balance
811-0008	Streets	1,2,3,5,6	Shannon Road Repair (Stabilization)	One-Time	100% Design	N	1,138,879	146,430	992,449
812-0129	Streets	1,3,4,5	ADA Transition Plan	One-Time	Complete	Y	31,300	16,450	14,850
812-0130	Streets	1,3,5	Roadside Fire Fuel Reduction (Vegetation Management)	One-Time	Planning	NA	825,191	-	825,191
812-0131	Streets	1,2,3	E. Main Street Speed Table/Raised Crosswalk	One-Time	35% Design	Y	315,000	42,700	272,300
812-0132	Streets	1,2	Local Road Safety Plan (LRSP)	One-Time	Complete	Y	20,000	19,999	1
812-0133	Streets	2,4	VMT Mitigation Program	One-Time	Study Phase	Y	199,695	124,230	75,465
813-0218	Streets	1,2,3	Shannon Road Ped & Bikeway Improvements	One-Time	100% Design	Y	1,274,357	64,371	1,209,986
813-0225	Streets	1,6	Utility Undergrounding Improvements - Rule 20A LGB	One-Time	Complete	Y	299,573	-	299,573
813-0227	Streets	1,2,3,5,6	Traffic Signal Modernization	One-Time	Construction	Y	1,169,353	579,055	590,299
813-0235	Streets	3,5,6	Downtown Streetscape Revitalization / Economic Recovery Efforts	One-Time	Hold	N	1,571,116	779,145	791,970
813-0237	Streets	1,2,3,6	Hwy 17/9 Interchange and Capacity Improvements - Hwy 17 Congestion Relief Project (@ SR 9)	One-Time	Concept Design	N	1,467,000	600,000	867,000
813-0238	Streets	1,2,3,6	Winchester Blvd. Complete Streets Final Design	One-Time	Hold	N	602,836	12,593	590,244
813-0239	Streets	1,2,3,6	Blossom Hill Road Traffic Safety	One-Time	100% Design (Quick Build)	Y	229,723	56,276	173,447
813-0240	Streets	1,2,3	Winchester Class IV Bikeway	One-Time	Complete	Y	-	-	-

Attachment 4
Status of Currently Funded One-Time Capital Projects

Project No.	Funding Program	Project Category (see Note 1)	Project	Project Type (Annual / One-Time)	Status as of 2/17/23	Is Project Funded Through Construction / Completion?	FY 2022/23 Budget	FY 2022/23 Spent to Date	Available Balance
813-0241	Streets	1,2,3	Kennedy Sidewalk - LGB to Englewood	One-Time	Consultant Selection	N	198,200	-	198,200
813-0242	Streets	3,5	Parking Program Implementation	One-Time	Bidding	N	540,872	150,408	390,464
816-0409	Streets	1,3,5,6	Hernandez Avenue Storm Drain Improvements	One-Time	Future Project 24/25	N	-	-	-
816-0416	Streets	1, 5	Oak Grove Ave Storm Drainage	One-Time	Complete	NA	-	31,800	(31,800)
816-0417	Streets	1, 5	Maple Place Storm Drainage	One-Time	Complete	NA	-	23,900	(23,900)
817-0705	Streets	2,5	Downtown Parking Lots Seal coat & Restriping	One-Time	Complete	NA	15,161	-	15,161
817-0708	Streets	5	Parking Lot 4 Repair & Waterproofing	One-Time	95% Complete	Y	94,156	43,956	50,200
818-0801	Streets	1,2,5,6	Quito Road Bridge (Delivered via Town of Saratoga)	One-Time	100% Design	Y	285,087	235,087	50,000
818-0803	Streets	1,2,3,6	Highway 17 Bicycle & Pedestrian Bridge - Design	One-Time	65% Design	N	3,786,885	2,716,602	1,070,283
821-2009	Public Facilities	3,6	Public Art Gateway	One-Time	Hold	N	7,000	-	7,000
821-2010	Public Facilities	5	Waterproofing - Town-wide	One-Time	Complete	Y	3,595	-	3,595
821-2011	Public Facilities	3,6	Downtown Restroom Feasibility Study	One-Time	Consultant Selection	Y	25,000	-	25,000
821-2117	Public Facilities	3,4,5,6	ADA Restrooms and HR Offices	One-Time	100% Design	Y	577,259	52,259	525,000
821-2119	Public Facilities	3,5,6	Civic Center Security Improvements	One-Time	Complete	Y	4,528	(146)	4,674
821-2120	Public Facilities	5	Civic Center Plumbing Repair	One-Time	Bidding	Y	40,000	-	40,000
821-2206	Public Facilities	3,5	Adult Recreation Center - Floor Repair	One-Time	Complete	Y	195,440	154,201	41,239

Attachment 4
Status of Currently Funded One-Time Capital Projects

Project No.	Funding Program	Project Category (see Note 1)	Project	Project Type (Annual / One-Time)	Status as of 2/17/23	Is Project Funded Through Construction / Completion?	FY 2022/23 Budget	FY 2022/23 Spent to Date	Available Balance
821-2207	Public Facilities	3,5	Adult Recreation Center - HVAC Unit Replacement	One-Time	Complete 3/23	Y	310,000	195,000	115,000
821-2302	Public Facilities	5,6	Building Replacement at Corporation Yard	One-Time	Construction	Y	1,330,683	858,800	471,883
821-2305	Public Facilities	4,5	Engineering Document Archiving	One-Time	Complete	Y	-	-	-
821-2308	Public Facilities	1,5	Rehabilitation of Automatic Gates - 41 Miles Ave	One-Time	Complete	Y	25,000	24,235	765
821-2309	Public Facilities	5	Termite Abatement at Water Tower - 41 Miles Avenue	One-Time	Study Phase	Y	25,000	-	25,000
821-2310	Public Facilities	3,5,6	Engineering Counter Modifications	One-Time	Design	Y	40,000	-	40,000
821-2403	Public Facilities	3,5	HVAC Improvements - POB	One-Time	In Progress	Y	25,000	-	25,000
821-2504	Public Facilities	3,5	Sound Mitigation in Library Lobby	One-Time	Study Phase	N	22,000	-	22,000
821-2505	Public Facilities	5,6	Battery Power Supply - Library	One-Time	Bidding (6/30 Complete)	Y	533,581	507,446	26,135
821-2601	Public Facilities	3,5,6	ADA Upgrade Public Restrooms - Adult Recreation Center	One-Time	Bidding	Y	226,979	30,365	196,614
831-3304	Parks and Trails	5	Belgatos Park Booster Pump Replacement	One-Time	Complete	Y	40,000	36,133	3,867
831-4007	Parks and Trails	3,6	Oak Meadow Bandstand Area Improvements	One-Time	100% Design	Y	277,802	36,577	241,225
831-4202	Parks and Trails	3,5,6	Town Plaza Turf Repair	One-Time	Hold (Drought)	N	27,000	-	27,000
831-4610	Parks and Trails	3,5,6	Pinehurst Community Garden	One-Time	Consultant Selection	N	120,936	250	120,686
832-4503	Parks and Trails	1,3,5	Charter Oak Trail Improvements	One-Time	Hold	Y	474,891	-	474,891
832-4504	Parks and Trails	1,3	Open Space Trail Upgrades	One-Time	Planned Summer 2023	Y	152,000	-	152,000
832-4505	Parks and Trails	1,2,3,6	LGC Trail to Route 9 Trailhead Connector Project	One-Time	Bidding	Y	5,855,800	60,422	5,795,377

Attachment 4
Status of Currently Funded One-Time Capital Projects

Project No.	Funding Program	Project Category (see Note 1)	Project	Project Type (Annual / One-Time)	Status as of 2/17/23	Is Project Funded Through Construction / Completion?	FY 2022/23 Budget	FY 2022/23 Spent to Date	Available Balance
832-4508	Parks and Trails	1,3	Vegetation Management - Town-wide (Open Space)	One-Time	Permitting	N	24,643	24,185	458
832-4510	Parks and Trails	3,5,6	Lynne Avenue Pedestrian Path Design	One-Time	Consultant Selection	N	75,000	-	75,000
841-6003	Public Facilities	4,5	Town-wide Document Imaging Project	One-Time	In-progress	Y	16,990	16,989	0
841-6004	Public Facilities	1,5	Fire Suppression (Halon) for Server Rooms	One-Time	Complete	Y	34,640	-	34,640
841-6101	Public Facilities	1,5	Enterprise Resource Planning (ERP) Upgrade	One-Time	In-progress	Y	1,347,785	622,709	725,076
841-6103	Public Facilities	1,5	EOC Communication Upgrade	One-Time	In-progress	Y	25,308	1,025	24,283
841-6104	Public Facilities	1,5,6	IT Disaster Recovery Improvements	One-Time	In-progress	N	86,038	57,959	28,080

Attachment 5
Recommended Capital Project Priorities 2023/24 through 2028/29

Project No	Funding Program	Project Category (See Note 1)	Project Name	Project Type (Annual / One-Time)	Projected Total Project Cost	Prior Funding	Projected Funding Gap	Priority (1=High; 3=Low)
831-4605	Parks and Trails	1,3,4	Parks Playground Fibar Project	Annual				1
832-4507	Parks and Trails	3	Forbes Mill Footbridge Improvements	Annual				1
832-4508	Parks and Trails	1,3	Vegetation Management - Town-wide (Open Space)	Annual				1
821-2002	Public Facilities	3,5	Town Beautification	Annual				1
811-9901	Streets	1,2,3,5	Street Repair & Resurfacing	Annual				1
811-9902	Streets	1,2,3,5	Annual Street Restriping	Annual				1
811-9903	Streets	1,2,3,5	Pavement Rehab	Annual				1
812-0130	Streets	1,3,5	Roadside Fire Fuel Reduction (Vegetation Management)	Annual				1
812-0134	Streets	1,2,3	Measure B Education & Encouragement	Annual				1
812-9910	Streets	1,2,3	Traffic Calming Projects	Annual				1
813-0221	Streets	1,2,3,5	Sidewalk Improvements - Multiple Locations	Annual				1
813-0231	Streets	1,2,3	Bicycle and Pedestrian Improvements	Annual				1
813-9921	Streets	1,2,3,5	Curb, Gutter, Sidewalk Maintenance	Annual				1
815-9930	Streets	1,2,3,5	Retaining Wall + Guardrails Repairs	Annual				1
816-0414	Streets	3,4	Stormwater System - Pollution Prevention Compliance	Annual				1
816-0420	Streets	1,3,4,5	Annual Storm Drain Improvement Project	Annual				1
NEW	Streets	1,3,4,5	ADA Compliance Projects	Annual				1
831-4202	Parks and Trails	3,5,6	Town Plaza Turf Repair	One-Time	\$ 42,000	\$ 27,000	\$ 15,000	1
NEW	Parks and Trails	1,3,4,5	Creekside Park Turf Replacement	One-Time	\$ 1,000,000	\$ -	\$ 1,000,000	1
NEW	Parks and Trails	Parks	Oak Meadow Park Parking Kiosk	One-Time	\$ 15,000	\$ -	\$ 15,000	1
821-2009	Public Facilities	3,6	Public Art Gateway	One-Time	\$ 111,000	\$ 7,000	\$ 104,000	1
841-6003	Public Facilities	4,5	Town-wide Document Imaging Project	One-Time	\$ 25,000	\$ 16,990	\$ 8,010	1
NEW	Public Facilities	5	Library Improvements and Upgrades	One-Time	\$ 40,000	\$ -	\$ 40,000	1
811-0008	Streets	1,2,3,5,6	Shannon Road Reconstruction - Construction Phase	One-Time	\$ 4,400,000	\$ 2,555,000	\$ 1,845,000	1
813-0242	Streets	3,5	Parking Program Implementation	One-Time	\$ 600,000	\$ 540,872	\$ 59,128	1
816-0409	Streets	1,3,5,6	Storm - Hernandez Avenue Storm Drain Improvements	One-Time	\$ 500,000	\$ 82,180	\$ 417,820	1
NEW	Streets	1,5	Storm - 195 Jackson	One-Time	\$ 25,000	\$ -	\$ 25,000	1
NEW	Streets	5	Storm - Drainage System Mapping	One-Time	\$ 25,000	\$ -	\$ 25,000	1
NEW	Streets	1,2,4	Townwide Speed Survey	One-Time	\$ 80,000	\$ -	\$ 80,000	1
831-4610	Parks and Trails	3,5,6	Pinehurst Community Garden Construction Phase	One-Time	\$ 750,000	\$ 135,000	\$ 615,000	2

Attachment 5
Recommended Capital Project Priorities 2023/24 through 2028/29

Project No	Funding Program	Project Category (See Note 1)	Project Name	Project Type (Annual / One-Time)	Projected Total Project Cost	Prior Funding	Projected Funding Gap	Priority (1=High; 3=Low)
NEW	Parks and Trails	4,5	Oak Meadow Air Force Plane Coating	One-Time	\$ 55,000	\$ -	\$ 55,000	2
NEW	Parks and Trails	1,3,5	Tennis court recoatings - La Rinconda and Blossom Hill	One-Time	\$ 60,000	\$ -	\$ 60,000	2
821-2504	Public Facilities	3,5	Sound Mitigation in Library Lobby	One-Time	\$ 100,000	\$ 22,000	\$ 78,000	2
NEW	Public Facilities	5,6	POB Space Assessment and Recommendation	One-Time	\$ 75,000	\$ -	\$ 75,000	2
813-0237	Streets	1,2,3,6	State Route 17 / Route 9 Interchange - Construction Phase	One-Time	\$ 12,500,000	\$ 1,467,000	\$ 11,033,000	2
813-0239	Streets	1,2,3,6	Blossom Hill Road Safety Improvements Construction	One-Time	\$ 4,322,000		\$ 4,322,000	2
818-0803	Streets	1,2,3,6	Highway 17 Bicycle & Pedestrian Bridge - Construction	One-Time	\$ 26,000,000	\$ 4,457,302	\$ 21,542,698	2
832-4510	Streets	3,5,6	Lynne Avenue Pedestrian Path Construction	One-Time	\$ 750,000	\$ 35,000	\$ 715,000	2
NEW	Streets	1,2,3,4,5	Inspection of Timber Pedestrian Bridges at Los Gatos Creek Trail and Ross Creek at Camino del Cerro	One-Time	\$ 50,000	\$ -	\$ 50,000	2
NEW	Streets	1,5	Storm - Loma Street Drainage Study	One-Time	\$ 75,000	\$ -	\$ 75,000	2
NEW	Streets	1,5	Storm - University at Hwy 9	One-Time	\$ 65,000	\$ -	\$ 65,000	2
NEW	Streets	3,5	Storm - Harwood / Belridge Drainage Study	One-Time	\$ 75,000	\$ -	\$ 75,000	2
NEW	Parks and Trails	1,3,5,6	La Rinconada Play Structure	One-Time	\$ 250,000	\$ -	\$ 250,000	3
NEW	Street	5	University Avenue at Vasona Oaks Drive	One-Time	\$ 256,000	\$ -	\$ 256,000	3
813-0235	Streets	3,5,6	Downtown Streetscape Revitalization / Economic Recovery Efforts	One-Time	\$ 1,571,116	\$ 1,571,116	\$ -	3
813-0238	Streets	1,2,3,6	Winchester Blvd. Complete Streets Final Design	One-Time	\$ 50,000,000	\$ 602,836	\$ 49,397,164	3
813-0241	Streets	1,2,3	Kennedy Road	One-Time	\$ 2,000,000	\$ 198,200	\$ 1,801,800	3

ATTACHMENT 6

COUNCIL ALLOCATION OF ARPA TO THE CAPITAL PROGRAM

Project Number	Project Name	Approved Funding Allocation	Spent or Encumbered to Date	Balance
411-812-0131	East Main Street Crosswalk Improvements	\$ 300,000	\$ 42,700	\$ 257,300
411-821-2011	Downtown Restroom Feasibility Study/Design	25,000	-	25,000
411-821-2308	Rehabilitate Automatic Gates - 41 Miles Avenue	25,000	24,235	765
411-821-2309	Termite Abatement at water Tower - 41 Miles Avenue	25,000	-	25,000
411-821-2120	Civic Center Plumbing Repair - 110 E Main Street	40,000	-	40,000
411-821-2403	HVAC Improvements - Police Operating Building	25,000	-	25,000
411-821-2310	Engineering Counter Modifications - 41 Miles Avenue	40,000	-	40,000
411-831-4610	Pinehurst Community Garden Project	100,000	250	99,750
	Unanticipated Repairs	100,000	55,700	44,300
	Reserve for Future Capital Projects or Matching Funds	2,220,000	-	2,220,000
Total		\$ 2,900,000	\$ 122,885	\$ 2,777,115

Town of Los Gatos
Finance Commission Meeting – March 13, 2023

March 15, 2023

Dear Finance Commission Members,

On Monday evening, I outlined wildfire initiatives that need to be addressed in the coming fiscal year and other longer-term funding requirements.

Fiscal Year 23/24

The top priority remains roadside fuel reduction. The program that has been implemented to address vegetation on 31 miles of Los Gatos roadway in the high fire zone is now in its third year. In Fiscal Years 20/21 & 21/22, the Town funded Capital projects totaling \$1 million that allowed around 10 miles of roadway to be completed. In Fiscal Year (FY) 22/23, \$700,000 from Build Back Better will be applied to this effort. We need to keep-up the funding effort and commit another \$500,000 for roadside fuel reduction in FY 23/24 and follow suit in FYs 24/25 and 25/26.

Once a first pass is made, the process needs to be repeated. We need to move to a 6-year trim cycle. While funding requirements will be far less than the first pass, roadside fuel reduction is on-going requirement.

In addition, the Town needs to fund a weed abatement program for the same roadways. Two weed abatement passes are needed annually – a total of 62 miles. The Town needs to take this action to reduce fire risk along the roadways and ensure compliance with weed abatement requirements. An estimate for annual weed abatement is \$300,000-\$500,000 (\$5,000-\$8,000/mile).

Addressing Longer-Term Needs

As we think longer-term, piecemeal funding is a painfully slow process to make LG more wildfire resistant. We have had success with grants and should continue pursuing but we cannot depend upon grants as the primary source. In the longer term, we need to think about a Public Safety parcel tax – yes, wildfire preparation and prevention included. Other capital requirements include:

1. An Enhanced Communication System: a network of Loudspeakers allowing for voice commands across the hillside needs to be implemented. A proposal was received in 2022 with a quoted cost around \$1.5 million for a turnkey system.

Town of Los Gatos
Finance Commission Meeting – March 13, 2023

2. Evacuation Route Road Width: we must meet the State requirement for 20 feet of clear road width. Needed roadway improvements including widening or periodic turnouts could total into the millions.
3. Eucalyptus Removal Program: we should aggressively take action to remove non-native Eucalyptus trees throughout the Town on public and private property.
4. Water Supply Reinforcement: San Jose Water Service mains need to be extended in some hillside locations.

Los Gatos has paid attention to the threat of wildfire and taken positive steps forward. We need to accelerate our efforts. This can only be accomplished through a long-term planning effort that includes funding. From a wildfire standpoint, the Town is almost in a constant state of emergency whether we admit it or not. We need to take steps now to match our actions with the ongoing threat.

I am happy to answer any questions and of course serve in any capacity that will move our planning and funding efforts forward quickly.

Best regards,

A handwritten signature in black ink, appearing to read "Rob Stump", written in a cursive, stylized script.

Rob Stump



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 03/21/2023

ITEM NO:13

ADDENDUM

DATE: March 20, 2023
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Receive Preliminary Fiscal Year 2023/24 – 2027/28 Five-Year Capital Improvement Program Information and Provide Direction on Project Priorities

REMARKS:

This addendum is provided for Town Council consideration of two additional items:

1. The need for a funding allocation for Unanticipated Repairs; and
2. Considerations of equity in the identification of capital projects.

Unanticipated Repairs

In allocating American Rescue Plan Act (ARPA) funds in August of 2022, Town Council established an “Unanticipated Repairs” fund of \$100,000. Since its creation, staff has used monies from this fund to complete emergency repairs in two drainage outlets, both along Los Gatos Creek Trail. These repairs needed to be completed quickly to prevent bank erosion and, in one case, the undermining of a water main. A total of \$55,700 was spent on these repairs.

At this time, staff is planning to use this funding source to complete fence and sidewalk repairs that are required as a result of the storms of January and March 2023.

The value of this fund has been proven and, while not mentioned in the initial report, staff proposes to allocate another \$100,000 of ARPA funds in Fiscal Year (FY) 2023/2024 for future additional Unanticipated Repairs.

PREPARED BY: Nicolle Burnham
Director of Parks and Public Works

Reviewed by: Town Manager, Town Attorney, and Finance Director

PAGE 2 OF 2

SUBJECT: Receive Preliminary Fiscal Year 2023/24 – 2027/28 Five-Year Capital
Improvement Program Information and Provide Direction on Project Priorities
DATE: March 20, 2023

REMARKS (continued):

Equity Considerations

Attachment 5 to the Finance Commission Report (which is Attachment 1 to the Council Report) includes a prioritized list of projects for funding consideration. In developing the Proposed Capital Improvement Program, staff will add an equity consideration to projects. Equity consideration in capital spending will include considerations of:

- Geographic location in the Town;
- Economic diversity of the neighborhood served by the project; and
- Age and physical abilities of the neighborhood served by the project.

ATTACHMENTS:

Previously received with the Staff Report:

1. Finance Commission Report and Attachments (from 3/13/23 Finance Commission Meeting).
2. Public Comments



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 03/21/2023

ITEM NO:13

DESK ITEM

DATE: March 21, 2023
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Receive Preliminary Fiscal Year 2023/24 – 2027/28 Five-Year Capital Improvement Program Information and Provide Direction on Project Priorities

REMARKS:

This desk item is provided to respond to Council Member questions noted below and provide public comments.

1. What are the opportunities for cost sharing with the users of Creekside for the expense of turf replacement? Can the general public use Creekside given the use agreements?

Staff is evaluating the opportunity for cost sharing for the artificial turf replacement at Creekside Park. While some of our user groups have indicated they are willing to cost share this improvement, no written agreements or funding commitments exist. Based on this, the Town is carrying the full cost of the turf replacement at this time. As the budget development progresses, staff will work to confirm and formalize outside funding commitments. Those commitments will be reflected in the final budget.

The use agreements at Creekside Park allocate 4,000 hours of playing time. The public has access for any additional hours outside of those 4,000 hours.

2. How is the Town going to pay for the Howe's park playground replacement? Should it be included in the list of capital projects or does it come from an Emergency Repair/Unanticipated Projects fund?

The need to replace Howe's Playlot is the unfortunate result of the storm of March 14, 2023 and therefore it was not included in the potential future project list. Staff is working with our insurance carrier to determine if any of the damage may be a recoverable cost, and that has not been determined at this time.

PREPARED BY: Nicolle Burnham
Director of Parks and Public Works

Reviewed by: Town Manager, Town Attorney, and Finance Director

REMARKS (continued):

At this time staff does not have a cost for the playground replacement and will develop one after the trees can be removed. While the Unanticipated Funds allocation may cover the repairs, past experience with playground construction suggests that full replacement could equal or exceed the value of that fund.

The Unanticipated Repairs fund proved critical in 2022 and early 2023 in addressing serious infrastructure issues that arose in relation to failures in the drainage system and also in the repair of sidewalks and fencing that resulted from the winter storms. Using that funding to replace the playground at Howe's Playlot would leave no funds available to address emergency issues that may arise in the 2023/24 fiscal year.

3. Are the projects listed in Attachment 4 fully funded for the phase that they are in? If not what else is needed?

Attachment 4 identifies a number of projects that are not funded through construction. Some of these are not funded through their current phase including: Town Plaza Turf Repair (831-4202), Kennedy Road Sidewalk (813-0241), and Shannon Road Stabilization (811-0008).

4. Does the funding identified in Attachment 3 cover all of the items in Attachment 5?

The funding needs identified in Attachment 5 exceed the funding available in Attachment 3. After hearing feedback from Town Council on this item, staff will build out the spending plan. This will be presented in the Proposed Capital Improvement Program for FY 2023/24-2027/28.

5. How far do you think staff can get on the list for Attachment 5 in the next fiscal year?

After receiving Council feedback about priority projects, staff will chart out the five year spending plan for the CIP. Tonight's item is to seek feedback on project priorities for staff use building out that plan.

6. Why isn't the table filled out in Attachment 5 for the annual projects?

The spending plan for the annual projects will be built out after Town Council provides their feedback on priorities.

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SUBJECT: Receive Preliminary Fiscal Year 2023/24 – 2027/28 Five-Year Capital
Improvement Program Information and Provide Direction on Project Priorities
DATE: March 21, 2023

REMARKS (continued):

Attachment 3 contains public comments received between 11:01 a.m., Monday, March 20, and 11:00 a.m., Tuesday, March 21, 2023.

ATTACHMENTS:

Previously received with the Staff Report:

1. Finance Commission Report and Attachments (from 3/13/23 Finance Commission Meeting).
2. Public Comments

Received with this Desk Item:

3. Public Comments

From: [Peter Hertan](#)
To: [Clerk](#)
Cc: [Jackie Rose](#) [REDACTED]
Subject: Request for Capital Improvement Budget allocation for town Emergency Communications
Date: Monday, March 20, 2023 12:43:36 PM
Attachments: [LG Town Emergency Preparedness Capital Budget Request FY24-26 \(rev 4\).xlsx](#)
[Town of Los Gatos Capital Budget Request.docx](#)

[EXTERNAL SENDER]

The attached are for consideration during deliberation of item 13 on tomorrow evening's town council meeting.

Peter

Town of Los Gatos
Town Council Meeting – March 21, 2023

Dear Town Council Members,

In recent town council meetings, Patrick Dirks and I outlined Emergency Communications needs that the town's emergency communications volunteers have recognized need to be funded. That funding is needed as soon as possible to reach the level of preparedness called for in responding to the most likely emergencies we expect to face: fire, earthquakes, and major storms. Yes, there are other emergencies we train for, but these three require substantial mobilization and coordination of efforts where normal communications facilities are likely to be disrupted.

We have identified five areas in need of modernization and strengthening:

1. The Civilian Emergency Radio System
2. The neighborhood Incident Command Posts (ICPs)
3. The Emergency Operations Center
4. The CERT Trailer
5. Messaging between the EOC, ICPs, and the CERT Trailer

Civilian Emergency Radio System

Just as the nation's first responders adopted a modern digital radio network (P25 system) beginning a decade ago as recommended nationally by the 911 Commission (because of interoperability needs, efficiency, and reliability), the same justification applies for CERT, DART, town staff and council to move to a digital radio system. That system is DMR (Digital Mobil Radio) and is second only to the P25 system for providing the benefits of digital radio technology. DMR is being adopted by the private sector, as well as ham radio. It has become the civilian alternative to P25, and has the advantage of more suppliers and lower costs. Finally, DMR provides dedicated radio frequencies that the FCC assigns exclusively to each license holder (such as the town of Los Gatos) without the general public having shared access that would interfere with use during emergencies.

The CERT world adopted GMRS radio-based communications decades ago (before digital radio was available). GMRS suffers from scarce, shared, radio channels that are used by the general public for routine chatting, resulting in congested channels frequently unavailable in emergencies. In addition, there is a need for other groups in town, such as DART and the town staff to use a common radio system because of cooperating activities.

In the January heavy rains, the Frontier land-lines and the Verizon cellular network were down in certain locations of town for significant amounts of time causing loss of these facilities for coordination of civilian activity. While we would like to have GMRS be the backup communication system, that can be problematic due to the reasons noted above. We are fortunate that DMR overcomes the limitations of GMRS radio.

We have chosen to adopt repeater radio technology that provides both GMRS and DMR capability so that DMR can be phased in without obsoleting the investment in GMRS radios.

Civilian Incident Command Posts

Los Gatos has just over 12,000 households. The CERT organization divides the town into 12 CERT “neighborhoods” serving the needs of about 1,000 households each. The objective is to provide an Incident Command Post (ICP) for each neighborhood as an emergency supplies depot, a command center, and organizing location. The town, through the Police Department, has built and fully equipped six such ICPs (Civic Center, Almond Grove, Los Gatos Almaden, North Santa Cruz/Daves Ave, Belwood, and Vasona/JCC). These are growing and thriving. However, the other half of Los Gatos is not yet being well-served by the CERT organization. Of the six other neighborhoods, three have no ICP (or CERT organization: Kennedy East, Blossom Hill/Shannon, Santa Rosa/Hicks), and three have temporary ICPs, two located in backyards (Vista Del Monte, and Rinconada), and the Kennedy North/Shannon Fire Station temporary ICP.

Emergency Operations Center (EOC)

The emergency radio communications area of the EOC has been in need of structural improvement in order to provide a noise-free, good working area for radio communications. The County EOC, San Jose’s EOC and several other city EOCs, and hospital EOCs provide a separate room for their emergency radio operations for the same reasons as motivating our request in Los Gatos. The solution could be a separate room within the Police Operations Center, or structural changes to the back area of the EOC.

CERT Trailer

The town Police and DART each have mobile command posts, built into trailers. Last year, the Police Department put new emphasis on the use of the CERT trailer for operational purposes during emergencies, and began equipping the trailer with modern equipment, supplies and work areas. It is very close to being completed.

Messaging between the EOC, ICPs, and the CERT Trailer

Voice communication is ideal for immediate, short, urgent information. However, during emergencies, digital (TCP/IP) messaging provides much greater message accuracy and seven times the throughput of voice messaging. The County and the City of San Jose have both adopted digital technology for messaging during emergencies. Fortunately, our town manager’s office funded the equipment that provides for Los Gatos to have digital connectivity between our EOC and the County (along with the City of San Jose) in an emergency.

However, we all have seen the transition from telephone voice calls to text messaging, email, and other forms of digital messaging. We are fortunate that our residents have at least one mobile messaging platform: their smartphone, tablet, and/or notebook. But, there is currently no use of these modern, universal devices, in our Civilian emergency communication activities. That is easily remedied by using any one of the emerging low-cost Satellite internet providers to go between the field and the EOC. We plan to pilot such use starting this summer to understand how best to integrate this technology, long ago adopted by our first responders.

Attached is a spreadsheet with a summary of these Capital Budget items, programmed for implementation in FY24, 25, and 26. We request these funds be provided for use by the Town Manager's office and the Police Department.

Respectfully,

Peter Hertan
Town Emergencies Volunteer

Capital Improvements - Essential Emergency Communications	FY24	FY25	FY26
CERT Comms Upgrade: GMRS/UHF repeater(s), antennas, & filters	\$10K	\$10K	\$10K
GMRS/UHF portable radios for CERT, DART, Town Staff & Council	\$20K	\$15K	\$15K
ICPs (12): new (3), refurbish (3), & resupply (6)	\$46K	\$10K	\$10K
CERT Trailer buildout	\$ 5K		
EOC improvements (radio room, radios, antennas, filters, roof tower)	\$35K		
Satellite TCP/IP access between the EOC, ICPs & CERT Trailer	\$15K	\$10K	\$10K
Contingency	\$ 9K	\$ 5K	\$ 5K
	<u>\$140K</u>	<u>\$50K</u>	<u>\$50K</u>

Operating Expenses Supplement - Emergency Preparedness	FY24	FY25	FY26
Outreach for new CERTs	\$25K	\$20K	\$15K

(rev 5)