

**AMENDED
TOWN OF LOS GATOS
COUNCIL MEETING AGENDA
APRIL 18, 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

**AMENDED
TOWN OF LOS GATOS
COUNCIL MEETING AGENDA
APRIL 18, 2023
110 EAST MAIN STREET AND TELECONFERENCE
TOWN COUNCIL CHAMBERS
7:00 PM**

IMPORTANT NOTICES

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.

*This meeting will be teleconferenced pursuant to Government Code Section 54953(b)(3). Council Member Rob Moore will be participating from a teleconference location at the Four Points Sheraton, Sacramento Airport, 4900 Duckworth Drive, Sacramento CA, 95834, Natomas 2 Conference Room. Council Member Matthew Hudes will be participating from a teleconference location at 1-3 Sakuramachi, Chuo Ward, Kumamoto, 860-0805, Japan. The teleconference locations shall be accessible to the public and the agenda will be posted at the teleconference locations 72 hours before the meeting.

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/88274632289?pwd=OUNjVzI2RWVBQ05HdUVhRU14MEVDUT09>
Passcode: 665212 You can also type in 882 7463 2289 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.

MEETING CALL TO ORDER

ROLL CALL

APPROVE REMOTE PARTICIPATION *(This item is listed on the agenda in the event there is an emergency circumstance requiring a Council member to participate remotely under AB 2449 (Government Code 54953)).*

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 Meeting without first being recognized;
- Interrupting speakers, Town Council Meeting, 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.

PLEDGE OF ALLEGIANCE

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 the Draft Minutes of the April 3, 2023 Closed Session Town Council Meeting.
2. Approve the Draft Minutes of the April 4, 2023 Town Council Meeting.
3. Approve Draft Minutes of the April 11, 2023 Closed Session Town Council Meeting.
4. Adopt a Resolution Describing Improvements and Directing the Preparation of the Town Engineer's Report for Fiscal Year 2023/24 for Landscape and Lighting Assessment Districts No. 1 and 2.
5. Adopt an Ordinance of the Town Council of the Town of Los Gatos, 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.
6. Authorize the Town Manager to Execute a Notice of Completion and Certificate of Acceptance for the Fiscal Year 2022 Annual Storm Drain Improvements – 62 Ellenwood Avenue Project (CIP No. 816-0420), Completed by Casey Construction, and Authorize the Town Clerk to File for Recordation.
7. Receive the Monthly Financial and Investment Report (February 2023).
8. Authorize a Revenue and Expenditure Budget Adjustment in the amount of \$750,000 from Available American Rescue Plan Act Proceeds to the Roadside Fire Fuel Reduction Project (CIP No. 812-0130).
9. Authorize Revenue and Expenditure Budget Adjustments in the Amount of \$28,000 to Recognize Receipt and Expenditure of Board of State and Community Corrections (BSCC) Officer Wellness and Mental Health Grant Funds.
10. Adopt a Resolution to Set a Date for Consideration of the Reorganization of an Uninhabited Area Designated as Stephenie Lane No. 4, Approximately 0.53 Acres on Property Pre-Zoned R-1:8. APN 523-25-034. Exempt Pursuant to CEQA Guidelines Section 15061(b)(3): Common Sense Exemption. Annexation Application AN22-003. Project Location: 15974 Stephenie Lane. Property Owner/Applicant: Ron and Daphne Watson.
11. Annual Street Repair and Resurfacing Project (CIP No. 811-9901):
 - a. Award and Execute a Construction Agreement with Pavement Coating Company in an Amount Not to Exceed \$3,341,090; and
 - b. Authorize Staff to Execute Change Orders in an Amount Not to Exceed Fifteen Percent of the Contract Award Amount.
12. Americans with Disabilities Act (ADA) Restroom at the Adult Recreation Center (CIP No. 821-2601):
 - a. Reject All Bids Received and Opened on March 24, 2023 for the Project; and
 - b. Authorize the Town Manager to Re-Bid the Project with a Revision to a Contractor License Requirement.

13. Approve an Amendment to the Town Employee Association (TEA) Salary Schedule to Establish a New Classification Title and Salary Range for Librarian II and to Amend the Classification Title of Librarian to Librarian I.

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.)*

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

14. Consider the Following Actions for the Shannon Road Pedestrian and Bikeway Improvements Project (CIP No. 813-0218):
- a. Approve the Plans and Specifications;
 - b. Authorize Advertising the Project for Bid Contingent on Receiving Caltrans Authorization;
 - c. Authorize the Town Manager to Execute the Second Amendment to the Consulting Services Agreement with ActiveWayz Engineering for Additional Engineering Services During Bid, Award, and Construction in an Amount of \$25,238, Resulting in a Total Agreement Amount Not to Exceed \$196,709;
 - d. Authorize an Expenditure Budget Transfer in an Amount of \$133,380 from available Traffic Mitigation Funds;
 - e. Authorize an Expenditure Budget Transfer in an Amount of \$200,000 from Available Funds in Fund 461 CIP #816-0420;
 - f. Authorize an Expenditure Budget Transfer in an Amount of \$60,000 from Available Funds in CIP #813-0221;
 - g. Authorize an Expenditure Budget Transfer in an Amount of \$231,524 from Available Funds in CIP #813-0231; and
 - h. Authorize an Expenditure Budget Transfer in an Amount of \$219,772 from Available Funds in CIP #811-9902.
15. Provide Direction for the Potential Disposition and Use of Calhill Court (APN 529-21-034).
16. Provide Direction for the Potential Disposition and Use of 224 W. Main Street (APN 510-44-069).
17. Rescission of Planning Commissioner Censure.

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

***The agenda was amended to add the teleconference location for Council Member Hudes.**

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: 04/18/2023

ITEM NO: 1

**DRAFT
Minutes of the Town Council Special Meeting - Closed Session
Monday, April 3, 2023**

The Town Council of the Town of Los Gatos conducted a Special Meeting on Monday, April 3, 2023, to hold a Closed Session at 5:30 p.m.

MEETING CALLED TO ORDER AT 5:31 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

Karen Delaney

- Asked how the Council can defend a decision that punishes free speech; and requested the Town Council hold a public meeting to discuss the ALCU letter and increase transparency.

THE TOWN MOVED TO CLOSED SESSION ON THE FOLLOWING ITEM:

1. CONFERENCE WITH LABOR NEGOTIATORS - Pursuant to Gov. Code Section 54957.6
Agency designated representative: Laurel Prevetti, Town Manager
Unrepresented employees: Management employees – Positions listed at
ManagementClassifications(<https://www.losgatosca.gov/DocumentCenter/View/33245/Management-Classifications>)
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. The Town Attorney stated there were no reportable actions.

ADJOURNMENT

Closed Session adjourned at 7:40 p.m.

Attest:

Submitted by:

Jenna De Long, Town Clerk

Laurel Prevetti, Town Manager



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/18/2023

ITEM NO: 2

**DRAFT
Minutes of the Town Council Meeting
Tuesday, April 4, 2023**

The Town Council of the Town of Los Gatos conducted a regular meeting in-person and utilizing teleconferencing means on Tuesday, April 4, 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 (participated remotely under AB 2449 "Just Cause"), Council Member Rob Moore, Council Member Rob Rennie.

Absent: None

APPROVE REMOTE PARTICIPATION

Council Member Hudes stated he will be participating remotely under AB2449 due to a contagious illness, and no one over 18 years old is in the room with him.

PLEDGE OF ALLEGIANCE

Louise Van Meter Student Council led the Pledge of Allegiance. The audience was invited to participate.

PRESENTATIONS

Mayor Ristow presented a proclamation for National Poetry Month to Poet Laureate Jen Siraganian. The Poet Laureate read a poem. The Mayor and Poet Laureate recognized the Youth and Teen Annual Poetry Contest winners.

CLOSED SESSION REPORT

Gabrielle Whelan, Town Attorney, stated Council met in Closed Session on April 3, 2023 to discuss the items duly noted on the closed session agenda and there was no reportable action.

COUNCIL/TOWN MANAGER REPORTS

Council Matters

- Council Member Hudes stated he met with members of the Community Health and Senior Services Commission (CHSSC), members of the former Senior Service Committee (SSC), attended a Democracy Tent interview, and met with residents concerning senior services.
- Council Member Moore stated the Santa Clara County Board of Supervisors expanded the Countywide Trusted Response Urgent Support Team (TRUST) Program; attended the Daves Avenue Culture Fair; participated in judging the Morning Rotary Speech Contest, the League of California Cities meeting titled "Beyond the Housing Element Resources, Ideals

Council Matters – continued

and Lessons for What’s Next;” attended the NUMU Art Now exhibit highlighting student art; attended the West Valley Community Services Chefs of Compassion dinner; became a Ham Radio Operator; met with staff representing State and Congressional Offices regarding legislative priorities; and announced his monthly Council Member community coffee at Los Gatos Roasting Coffee.

- Vice Mayor Badame stated she attended the West Valley Mayors and Managers meeting, the CHSSC meeting as the Council Liaison, and the Rotary Speech Contest as a judge; and met with Senator Josh Becker.
- Council Member Rennie stated he had no items in addition to the events and meetings already stated.
- Mayor Ristow stated in addition the meetings and events already stated, she attended the Kiwanis Volunteer Fair; met with women who are current and former elected officials of Santa Clara County, representatives from Silicon Valley Bicycle Coalition, and Senator Josh Becker.

Manager Matters

- Announced April is Keep Los Gatos Beautiful Month and series of activities will be offered throughout the month.
- Announced Spring into Green will be held on April 23, 2023, at Town Plaza Park at 10 a.m. to 1:00 p.m. and invited all to attend.

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

1. Approve Closed Session Meeting Minutes of March 16, 2023.
2. Approve Council Meeting Minutes of March 21, 2023.
3. Annual Curb, Gutter, and Sidewalk Maintenance Project (CIP No. 813-9921):
 - a. Award and Execute a Construction Agreement with Spenco Construction in an Amount Not to Exceed \$427,520; and
 - b. Authorize Staff to Execute Change Orders in an Amount Not to Exceed Ten Percent of the Contract Award Amount.
4. Adopt Ordinance 2339 Titled “An Ordinance of the Town Council of the Town of Los Gatos Amending Chapter 3, “Amusements,” of the Town Code Regarding Bingo Award Amount Amending Section 3.50.015 of the Town Code to Increase the Maximum Bingo Award to \$500”. **ORDINANCE 2339**

Opened public comment.

No one spoke.

Closed public comment.

Consent Items – continued

MOTION: Motion by Vice Mayor Badame to approve consent items 1-4. Seconded by Council Member Moore.

VOTE: Motion passed unanimously by a roll call vote.

VERBAL COMMUNICATIONS

Blake Thornberry

- Commented on Blossom Hill Road safety concerns including a recent collision, requested repainting Blossom Hill Road, installing more infrastructure, and asked the Council to help collaborate with San Jose to create a safer stretch of road.

Jessica Thornberry

- Commented on Blossom Hill Road safety concerns including a recent collision and would like to work together to create a safer environment for all.

Joshua Fang and Shunxiang Fang

- Commented on Blossom Hill Road safety concerns including a recent collision involving his wife and requested Council make the road safer.

Selina Lu

- Commented on Blossom Hill Road safety concerns and requested the Council provide assistance to the affected family.

Gavin Lu

- Requested action be taken to deter speeders such as automatic speeding cameras, posting speed signs, and form a joint committee with San Jose to help make Blossom Hill Road safer.

Eva Fleisher

- Commented on traffic safety concerns including a recent collision and suggested several traffic safety improvement measures.

Lynley Hogan

- Commented on the Communist Party USA.

PUBLIC HEARINGS

5. Introduce an Ordinance Repealing and Replacing Town Code Chapter 5, "Bicycles," with a new Chapter 5, "Bicycles and Regulated Mobility Devices," to Remove Obsolete Requirements and Add Regulations for E-Bikes and Regulated Mobility Devices and Amending Section 23.30.010, "Exceptions from Article" to Address Required Approval of Bicycle Racks in the Public Right of Way.

Gabrielle Whelan, Town Attorney, presented the item.

Opened Public Comment.

Kameron Emami, Youth Commissioner

- Commented in support of the Ordinance.

Taj Chunawala, Youth Commissioner

- Commented in support of the Ordinance.

Closed Public Comment.

Council discussed the matter.

MOTION: Motion by **Vice Mayor Badame** to introduce an ordinance repealing and replacing Town Code Chapter 5, "Bicycles," with a new Chapter 5, "Bicycles and Regulated Mobility Devices," per Attachment 1 of the staff report with an amendment to strike the work "parks" from Section 5.10.070. **Seconded by Council Member Moore.**

VOTE: Motion passed unanimously by a roll call vote.

Wendy Wood, Town Clerk read the title of the Ordinance, "An Ordinance of the Town Council of the Town of Los Gatos Repealing and Replacing Chapter 5, 'Bicycles,' of the Town Code with a New Chapter 5, 'Bicycles and Regulated Mobility Devices' and Amending Section 23.30.010, 'Exceptions From Article,' of Title 23, 'Streets and Sidewalks,' to Address Bicycle Racks in the Public Right of Way."

OTHER BUSINESS

6. Discussion and Direction for Use of the Council Allocated \$25,000 to Support the Unhoused Residents of Los Gatos.

Laurel Prevetti, Town Manager, presented the item.

Members of the faith-based community (Sue Ahmadian, Jo Greiner, Marna Taylor, and Ed Lozowicki) presented their programs which support the unhoused residents of Los Gatos.

Other Business Item #6 – continued

Opened Public Comment.

Jeffrey Suzuki

- Requested the Council invest additional resources to support unhoused residents as soon as possible.

Allan Bayless

- Requested the Council consider different housing approaches and commented on safety concerns.

Kylie Clark, West Valley Community Services

- Commented on the unhoused and requested the Council invest additional resources to support the unhoused community.

Chris Wiley

- Commented on a possible source of funds, past Town actions, and identification of existing funds to support the unhoused.

Ali Miano, Los Gatos Anti-Racism Coalition

- Commented on possible shelter locations and requested the Town collaborate further with other agencies and governments to find long term solutions to support the unhoused.

Ray Bramson, Destination Home

- Commented in support of Council Member Moore's proposal to support the unhoused.

Kinsey Lee, Los Gatos Anti-Racism Coalition

- Commented in support of Council Member Moore's proposal to support the unhoused.

Closed Public Comment.

Council discussed the matter.

MOTION: Motion by Council Member Rennie to increase the allocation to a total of \$50,000; direct staff to figure out a "hotel" voucher program and return to Council with the parameters and structure of the program before money is spent; move forward with the \$30,000 for the restrooms and shower program; direct staff to continue research on what is working well in other places; and look at how to do better work with potential partners like the County, other West Valley cities, non-profits, and other service providers. **Seconded by Mayor Ristow.**

VOTE: Motion passed 4-1 by a roll call vote. Vice Mayor Badame voted no.

Recess 9:47 p.m.

Reconvene 10:02 p.m.

PUBLIC HEARINGS

7. Consider a Request for an Exception to the Story Pole Policy to Allow an Alternative to Standard Story Pole Installation to Illustrate and Provide Notice of the Proposed Project on Property Zoned O. Located at 15860-15894 Winchester Boulevard and 17484 Shelburne Way. APN 529-11-013, -038, -039, and -040. Applicant/Property Owner: Green Valley Corp. d.b.a. Swenson. Project Planner: Jennifer Armer.

Jennifer Armer, Planning Manager, presented the item.

Jesse Bristow, Applicant, provided a brief presentation and gave opening comments.

Opened Public Comment.

Eric Hulser

- Commented on concerns with visualizing the height and size of the project and requested additional flagging.

Bryan Mekechuk

- Commented on concerns with the renderings, scale of the project, and outreach; and suggested the use of a drone to view each direction from the project.

Closed Public Comment.

The Applicant provided closing comments.

Council discussed the matter.

MOTION: Motion by Council Member Moore to grant a further exemption to the story pole policy to allow an alternative standard story pole installation to illustrate and provide notice on the proposed project on property zoned O that provides 6- by 8-foot signage with bright colors that links to a video rendering and also informs residents that the current story poles may not be representative of the final project, with posted signage every 50 feet. **AMENDMENT:** the signage is not larger than 32 square feet each, and no more than one sign per parcel consistent with the Town Code for construction signage. **Seconded** by Council Member Rennie.

VOTE: Motion passed 3-2 by a roll call vote. Council Member Hudes and Vice Mayor Badame voting no.

OTHER BUSINESS

8. Review and Discuss the Draft Revised 2023-2031 Housing Element as Submitted to the California Housing and Community Development Department on March 31, 2023.

Jocelyn Shoopman, Associate Planner, presented the item.

Opened Public Comment.

Jeff Suzuki, Los Gatos Anti-Racism Coalition

- Commented on concerns of removing certain sites from the housing site inventory.

Ali Miano, Los Gatos Anti-Racism Coalition

- Commented on concerns of removing sites from the housing site inventory.

Kinsey Lee, Los Gatos Anti-Racism Coalition

- Commented in opposition of removing affordable housing sites from the proposed housing element.

Nika Sabouri

- Commented on homelessness and poverty, and the need for affordable housing.

Closed Public Comment.

Council discussed the matter and no action was taken.

ADJOURNMENT

The meeting adjourned at 11:24 p.m.

Respectfully Submitted:

Jenna De Long, Deputy Clerk



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/18/2023

ITEM NO: 3

**DRAFT
Minutes of the Town Council Special Meeting - Closed Session
April 11, 2023**

The Town Council of the Town of Los Gatos conducted a Special Meeting on Tuesday, April 11, 2023, to hold a Closed Session at 4:00 p.m.

MEETING CALLED TO ORDER AT 4:01 P.M.

ROLL CALL

Present: Mayor Maria Ristow, Vice Mayor Mary Badame, Council Member Matthew Hudes, Council Member Rob Moore, Council Member Rob Rennie (participated remotely under the Brown Act).

Absent: None

VERBAL COMMUNICATIONS

None.

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: Steer v. Los Gatos et al, Case No. 22CV394907

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 4:44 p.m.

Attest:

Submitted by:

Jenna De Long, Deputy Clerk

Laurel Prevetti, Town Manager



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/18/2023

ITEM NO: 4

DATE: April 3, 2023
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Adopt a Resolution Describing Improvements and Directing the Preparation of the Town Engineer's Report for Fiscal Year 2023/24 for Landscape and Lighting Assessment Districts No. 1 and 2

RECOMMENDATION:

Adopt a resolution (Attachment 1) describing improvements and directing the preparation of the Town Engineer's report for Fiscal Year 2023/24 for Landscape and Lighting Assessment Districts No. 1 and 2.

BACKGROUND:

The California Landscaping and Lighting Act of 1972 (Streets and Highways Code Section 22500-22679) allows local government agencies to form assessment districts for the purpose of financing the costs and expenses for landscaping and lighting public areas.

In the early 1990's the Town established two Landscape and Lighting Districts comprised of six zones, five of which are in District No. 1, and one in District No. 2. Diagrams of the six zones are included in this report (Attachments 2.1-2.6). Property owners in each District pay an annual assessment on their property tax bill for the maintenance of common area landscaping or lighting.

The majority of the landscape and lighting services within the Districts are provided by a contractor retained and managed directly by the Town on behalf of the property owners, with some maintenance services also provided by Town staff.

PREPARED BY: Meredith Johnston
Administrative Technician

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

SUBJECT: Adopt a Resolution Describing Improvements and Directing Preparation of the Town Engineer's Report for Fiscal Year 2023/24 for Landscape and Lighting Assessment Districts No. 1 and 2

DATE: April 3, 2022

BACKGROUND (continued):

Each year, the Town Council levies the assessments and reconfirms the Districts by a series of Resolutions and a Public Hearing. The process, which is set by the Landscaping and Lighting Act of 1972 (Streets and Highways Code Section 22500-22679), includes the following steps and their respective dates:

1. Council considers the adoption of a Resolution entitled Describing Improvements and Directing the Preparation of the Engineer's Report for FY 2023/24 – April 18, 2023.
2. Council considers the adoption of Resolutions Approving the 2023/24 Engineer's Report, Stating the Intention to Levy and Collect Assessments, and Setting a Public Hearing to Consider the Proposed Assessments – May 2, 2023.
3. Council conducts the public hearing and then considers the adoption of a Resolution Confirming the Assessment Diagrams and Levying and Authorizing the Collection of Assessments for FY 2023/24 – June 20, 2023.

Provisions of SB 919 (the Proposition 218 Omnibus Implementation Act) adopted by the California State Legislature in 1997 (Chapter 38, Stats. 1997) are implemented during the renewal process. Proposition 218 becomes applicable only when increases in the current assessment rates are contemplated, due primarily to rising maintenance costs and increases in the costs of water and power. If that were to take place, the above noted process would be modified by introducing a mail-in balloting procedure for each zone that begins after the items in Step 2 are approved by Council and concludes at the close of the public hearing.

At the conclusion of Step 3, the staff transmits the assessment amounts to the County Assessor which appears as a separate item on the property tax bill for each parcel.

Upon fulfillment of these requirements, the Town must submit the Resolution confirming the assessments to the County of Santa Clara for inclusion on the Fiscal Year 2023/24 property tax roll.

DISCUSSION:

The first step in the statutorily prescribed process contained in the California Streets and Highways Code requires that the Town adopt a Resolution describing any proposed new improvements or any substantial changes in the existing improvements and ordering the preparation and filing of an Engineer's Report. The subject Assessment Districts are largely responsible for covering expenses related to public landscaping within the defined boundaries of the separate Assessment Districts.

PAGE 3 OF 3

SUBJECT: Adopt a Resolution Describing Improvements and Directing Preparation of the
Town Engineer's Report for Fiscal Year 2023/24 for Landscape and Lighting
Assessment Districts No. 1 and 2

DATE: April 3, 2022

DISCUSSION (continued):

No new improvements or substantial changes in existing are proposed for any Assessment District for Fiscal Year 2023/24.

Streets & Highways Code Section 22622 states, *"The legislative body shall adopt a resolution which shall generally describe any proposed new improvements or any substantial changes in existing improvements and order the engineer to prepare and to file a report in accordance with Article 4 (commencing with Section 22565)."* The attached Resolution describes the improvements (services) to be provided to the districts and directs the preparation of the Engineer's Report.

CONCLUSION:

Staff recommends that Town Council adopt a Resolution describing improvements and directing the preparation of the Town Engineer's report for Fiscal Year 2023/24 for Landscape and Lighting Assessment Districts No. 1 and 2 in compliance with California Streets and Highway Code, Section 22622.

FISCAL IMPACT:

The Town's Landscape and Lighting Assessment Districts do not impact the Town's General Fund. The impact of any proposed changes to District budgets on the assessments of individual property owners will be provided in the Engineer's Report.

ENVIRONMENTAL ASSESSMENT:

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

Attachments:

1. Resolution Describing Improvements and Directing Preparation of Engineer's Report for Fiscal Year 2023/24
2. Diagrams of Benefit Zones for Landscape and Lighting Districts No. 1 and 2 (labeled as Attachments 2.1 through 2.6)

DRAFT RESOLUTION 2023-

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
DESCRIBING IMPROVEMENTS AND DIRECTING PREPARATION OF ENGINEER'S
REPORT FOR FISCAL YEAR 2023/24 TOWN OF LOS GATOS LANDSCAPE AND
LIGHTING ASSESSMENT DISTRICTS NO. 1 AND 2**

WHEREAS, the Town Council did, pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2, Division 15 of the Streets and Highways Code of the State of California, conduct proceedings for the formation of the Town of Los Gatos Landscaping and Lighting Assessment Districts No. 1 and 2; and

WHEREAS, the public interest, convenience and necessity require, and it is the intention of said Council to undertake proceedings for the levy and collection of assessments upon the several lots or parcels of land in said Districts, for the construction or installation of improvements, including the maintenance or servicing, or both, thereof, for the fiscal year 2023/24; and

WHEREAS, the improvements to be constructed or installed, including the maintenance or servicing, or both, thereof, are more particularly described in (Exhibit A) hereto attached and by reference incorporated herein; and

WHEREAS, the costs and expenses of said improvements, including the maintenance or servicing, or both, thereof, are to be made chargeable upon said Districts, the exterior boundaries of which Districts are the composite and consolidated area as more particularly shown on a map thereof on file in the Clerk Department of the Town of Los Gatos to which reference is hereby made for further particulars. Said map indicates, by a boundary line, the extent of the territory included in said Districts and of any zone thereof and shall govern for all details as to the extent of the assessment districts; and

NOW, THEREFORE, BE IT RESOLVED: The Engineer of said Town is hereby directed to prepare and file with said Town Clerk a report, in writing, referring to the assessment districts by their distinctive designations, specifying the fiscal year to which the report applies, and, with respect to that year, presenting the following:

- a. Plans and specification of the existing improvements and for proposed new improvements, if any, to be made within the assessment districts or within any zones thereof;
- b. An estimate of the costs of said proposed new improvements, if any, to be made, the costs of maintenance or servicing, or both, thereof, and of any existing improvements, together with the incidental expenses in connection therewith;
- c. A diagram showing the exterior boundaries of the assessment districts and of any zones within said districts and the lines and dimensions of each lot or parcel of land within the districts as such lot or parcel of land is shown on the County Assessor's map for the fiscal year to which the report applies, each of which lots or parcels of land shall be identified by a distinctive number or letter on said diagram; and
- d. A proposed assessment of the total amount of the estimated costs and expenses of the proposed new improvements, including the maintenance or servicing, or both, thereof, and of any existing improvements upon the several lots or parcels of land in said districts in proportion to the estimated particular and distinct benefits to be received by each of such lots or parcels of land, respectively, from said improvements, including the maintenance or servicing, or both, thereof, and of the expenses incidental thereto.

NOW, THEREFORE, BE IT FURTHER RESOLVED: The Office of the Engineer of said Town is hereby designated as the office to answer inquiries regarding any protest proceedings to be had herein and may be contacted during regular office hours at 41 Miles Avenue, Los Gatos, California 95030 or by calling (408) 399-5770.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 18th day of April 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: _____

EXHIBIT A

DESCRIPTION OF IMPROVEMENTS TOWN OF LOS GATOS LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT NO. 1

1. General Description of Improvements:

The design, construction or installation, including the maintenance or servicing, or both, thereof, of landscaping, including trees, shrubs, grass or other ornamental vegetation, statuary, fountains or other ornamental structures and facilities, and public lighting facilities for the lighting of any public places, ornamental standards, luminaries, poles, supports, tunnels, manholes, vaults, conduits, pipes, wires, conductors, guys, stubs, platforms, braces, transformers, insulators, contacts, switches, capacitors, meters, communication circuits, appliances, attachments and appurtenances, including the cost of repair, removal or replacement of all or any part thereof; providing for the life, growth, health and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing and treating for disease or injury; the removal of trimmings, rubbish, debris and other solid waste; electric current or energy, gas or other illuminating agent for any public lighting facilities or for the lighting or operation of any other improvements; and the operation of any fountains or the maintenance of any other improvements.

2. Specific Descriptions of Improvements:

Blackwell Drive Benefit Zone - Maintenance of the landscaping in the median island on Blackwell Drive constructed as a part of the public improvements required of Tract No. 8306, and maintenance of the street lights installed along Blackwell Drive and National Avenue installed as a part of the public improvements required of Tract No. 8306.

Hillbrook Benefit Zone - The maintenance of trees, landscaping, irrigation systems, hardscape and fences as currently exist on APN 523-11-028, located at the southeast corner of Blossom Hill Road and Hillbrook Drive.

Kennedy Meadows Benefit Zone - The maintenance of trees, landscaping, irrigation systems, trail and street lights within the open space areas (Parcels A and B) and along Kennedy Court and Forrester Court, installed as a part of the public improvements required of Tract No. 8612, and the implementation of mitigation and enhancement measures within the riparian and wetlands areas of said Tract described in the report prepared by H.T. Harvey Associates, dated November 11, 1994.

Santa Rosa Heights Benefit Zone - The maintenance of trees, landscaping, trails and retaining walls constructed as a part of the public improvements required of Tract No. 8400.

Vasona Heights Benefit Zone - The maintenance of trees, landscaping, irrigation systems, trails, emergency access roads and retaining walls within the open space areas required as a part of the public improvements required of Tract No. 8280.

EXHIBIT A

DESCRIPTION OF IMPROVEMENTS TOWN OF LOS GATOS LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT NO. 2

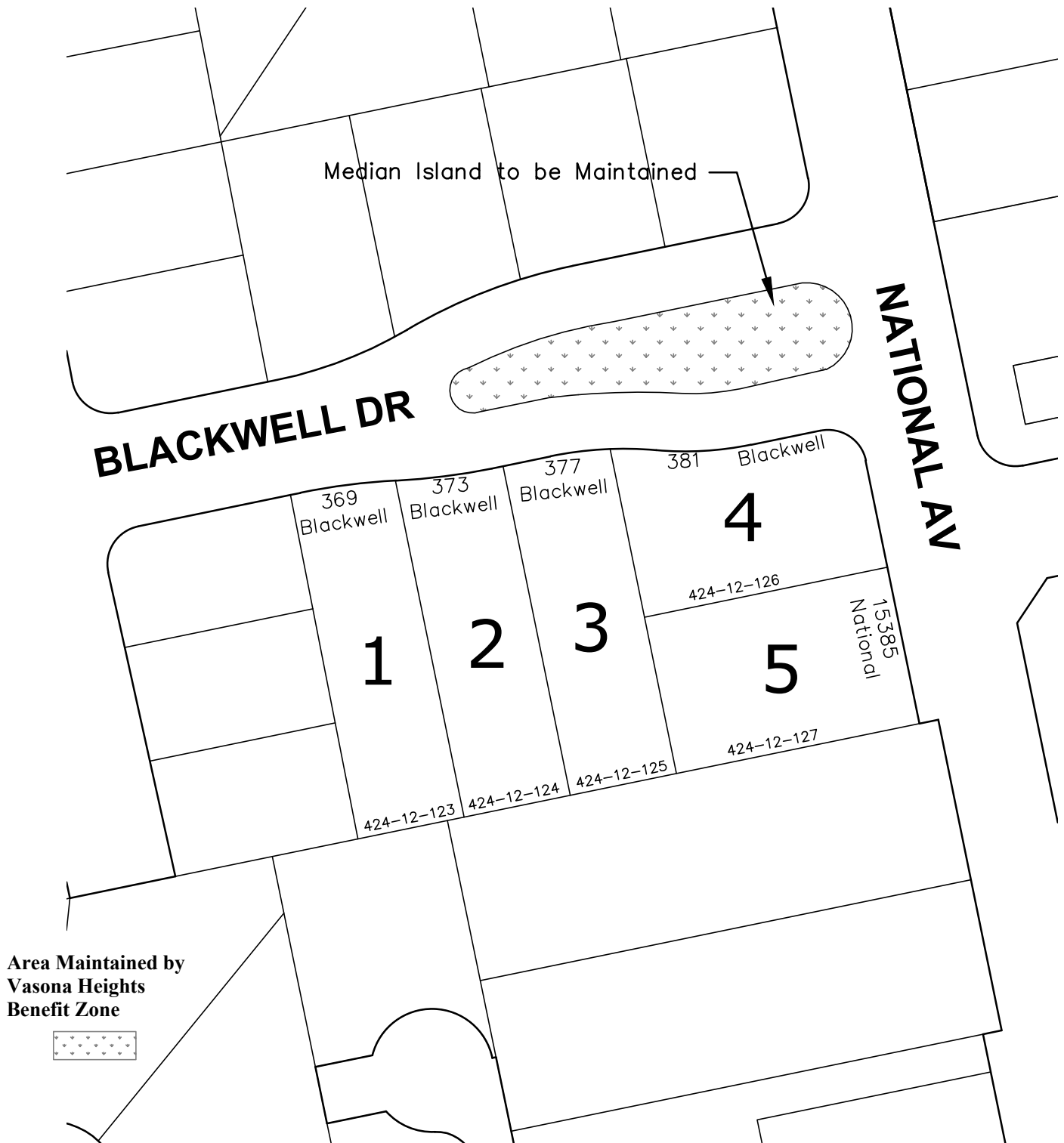
1. General Description of Improvements:

The design, construction or installation, including the maintenance or servicing, or both, thereof, of landscaping, including trees, shrubs, grass or other ornamental vegetation, statuary, fountains or other ornamental structures and facilities, and public lighting facilities for the lighting of any public places, ornamental standards, luminaries, poles, supports, tunnels, manholes, vaults, conduits, pipes, wires, conductors, guys, stubs, platforms, braces, transformers, insulators, contacts, switches, capacitors, meters, communication circuits, appliances, attachments and appurtenances, including the cost of repair, removal or replacement of all or any part thereof; providing for the life, growth, health and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing and treating for disease or injury; the removal of trimmings, rubbish, debris and other solid waste; electric current or energy, gas or other illuminating agent for any public lighting facilities or for the lighting or operation of any other improvements; and the operation of any fountains or the maintenance of any other improvements.

2. Specific Description of Improvements:

Gemini Court Benefit Zone - The maintenance of trees, landscaping, irrigation systems, lighting, sound walls, and fences installed as a part of the public improvements required of Tract No. 8439.

PART "D"
Assessment Diagram



Area Maintained by
Vasona Heights
Benefit Zone



Not To Scale

Blackwell Drive Benefit Zone
Landscaping & Lighting Assessment District No. 1

PART "A"

Existing Improvements to be Maintained

BLOSSOM HILL RD

HILLBROOK
SIGN

HILLBROOK DR

EX.
OAK

523-11-028

LAWN

EX.
OAK

EX. SHRUBS

EX. SHRUBS

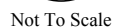
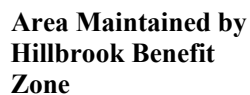


Not To Scale

Hillbrook Benefit Zone

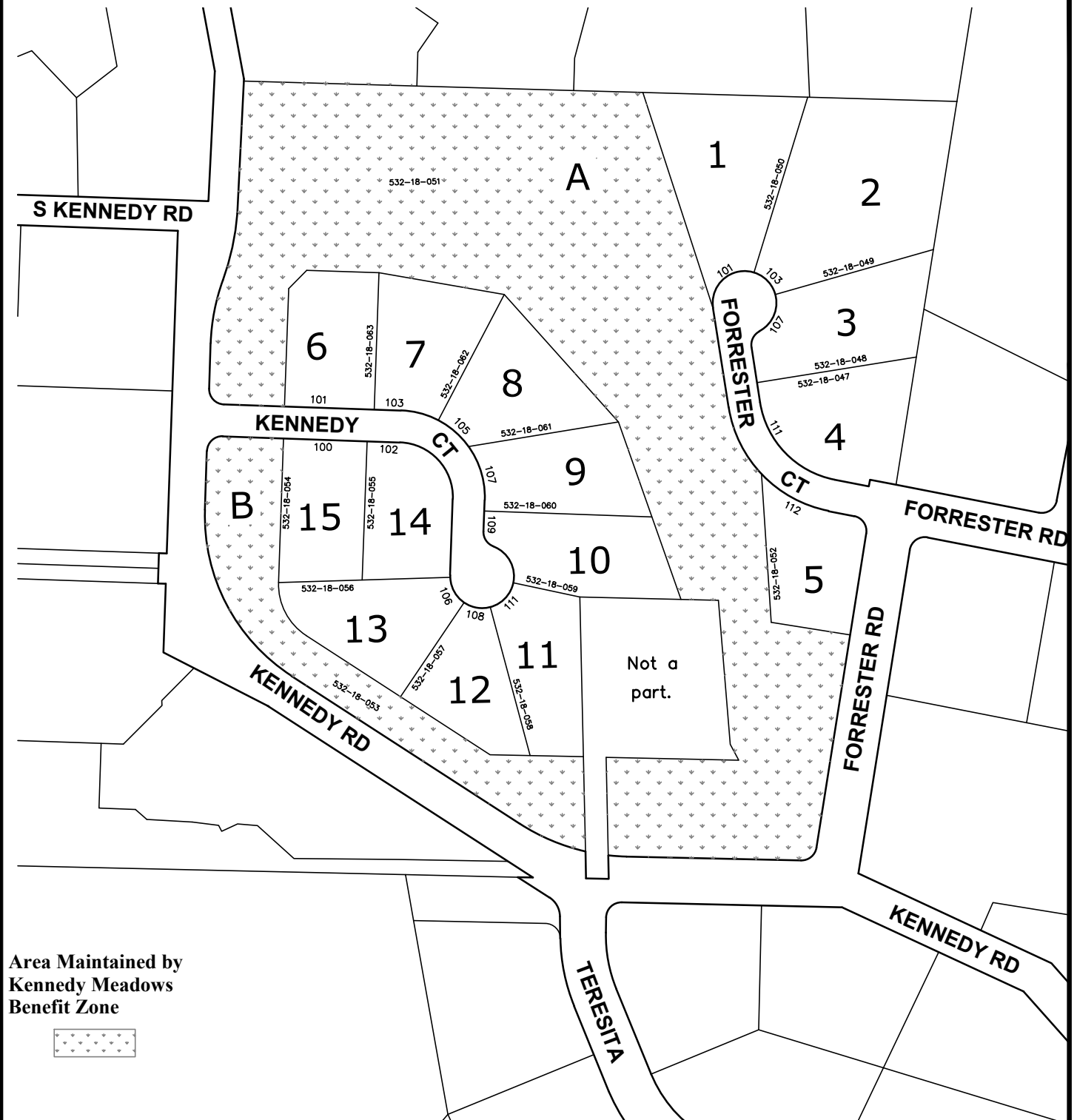
Landscaping & Lighting Assessment District No. 1

BLOSSOM HILL RD



ENGINEERING\ASMT-MAPS (LLD)\Assessment map.dwg

PART "D" Assessment Diagram



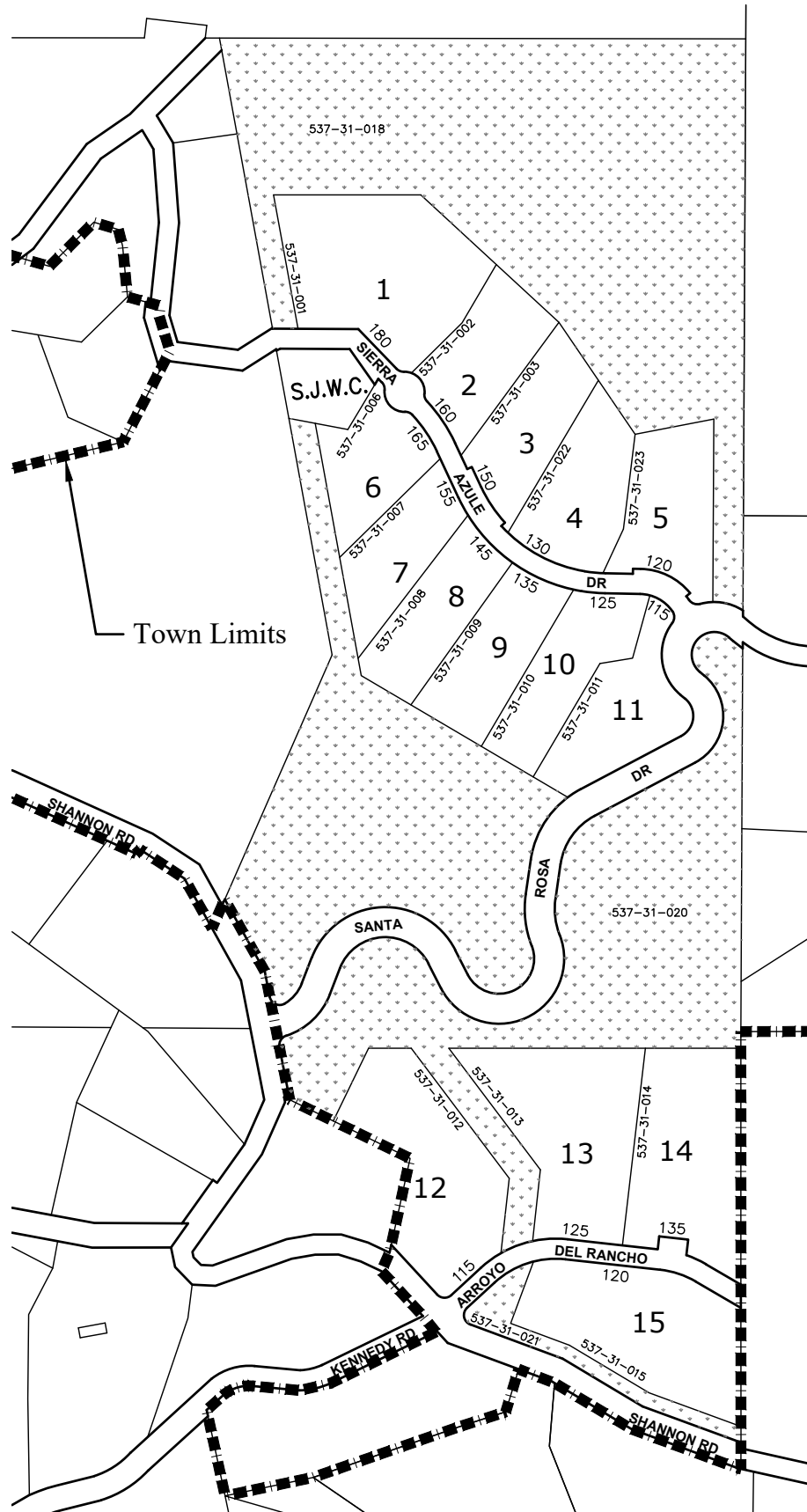
Area Maintained by
Kennedy Meadows
Benefit Zone



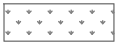
Not To Scale

Kennedy Meadows Benefit Zone Landscaping & Lighting Assessment District No. 1

PART "D" Assessment Diagram



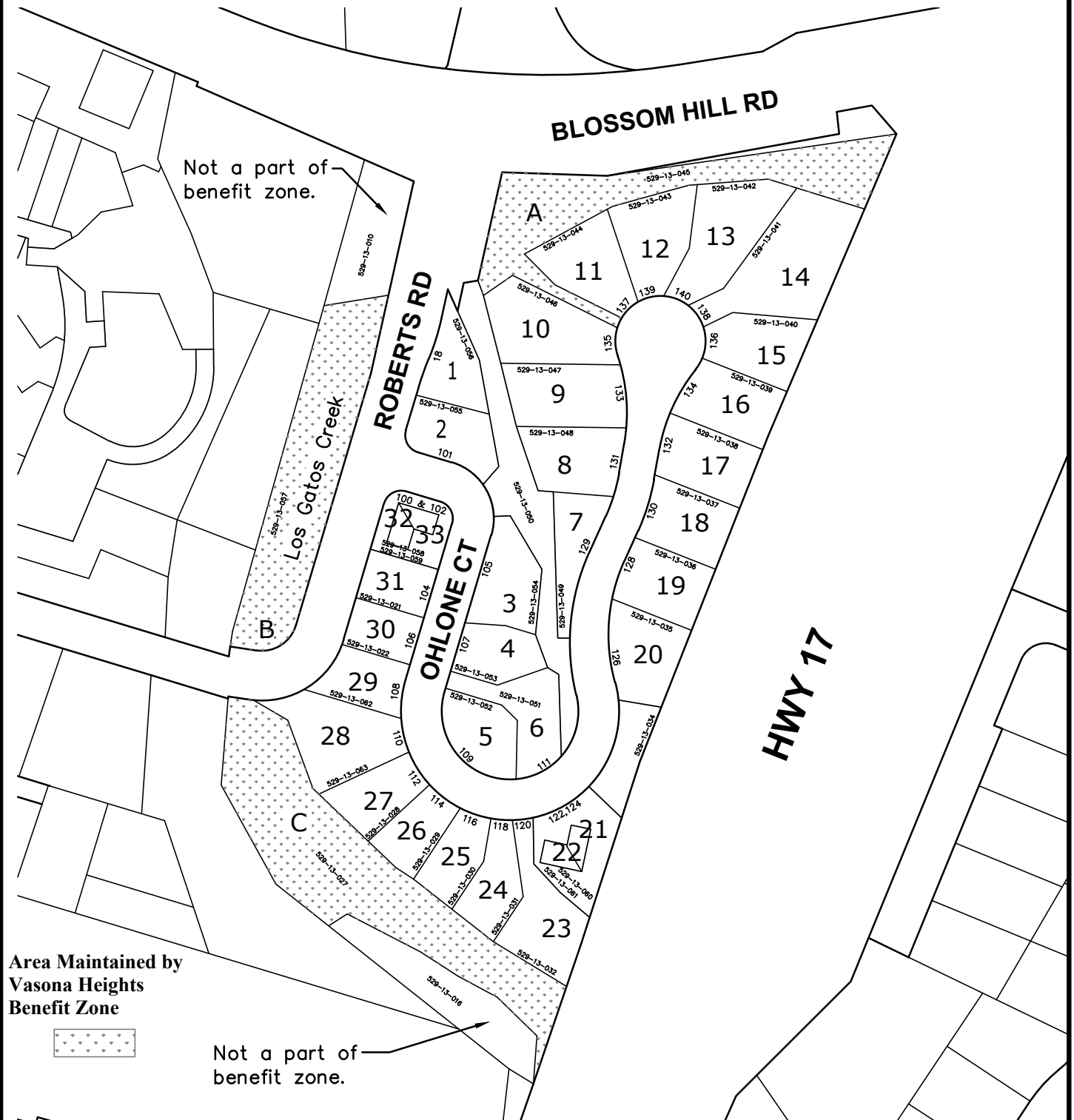
Area Maintained by
Santa Rosa Heights
Benefit Zone



Not To Scale

Santa Rosa Heights Benefit Zone Landscaping & Lighting Assessment District No. 1

PART "D" Assessment Diagram



Area Maintained by
Vasona Heights
Benefit Zone



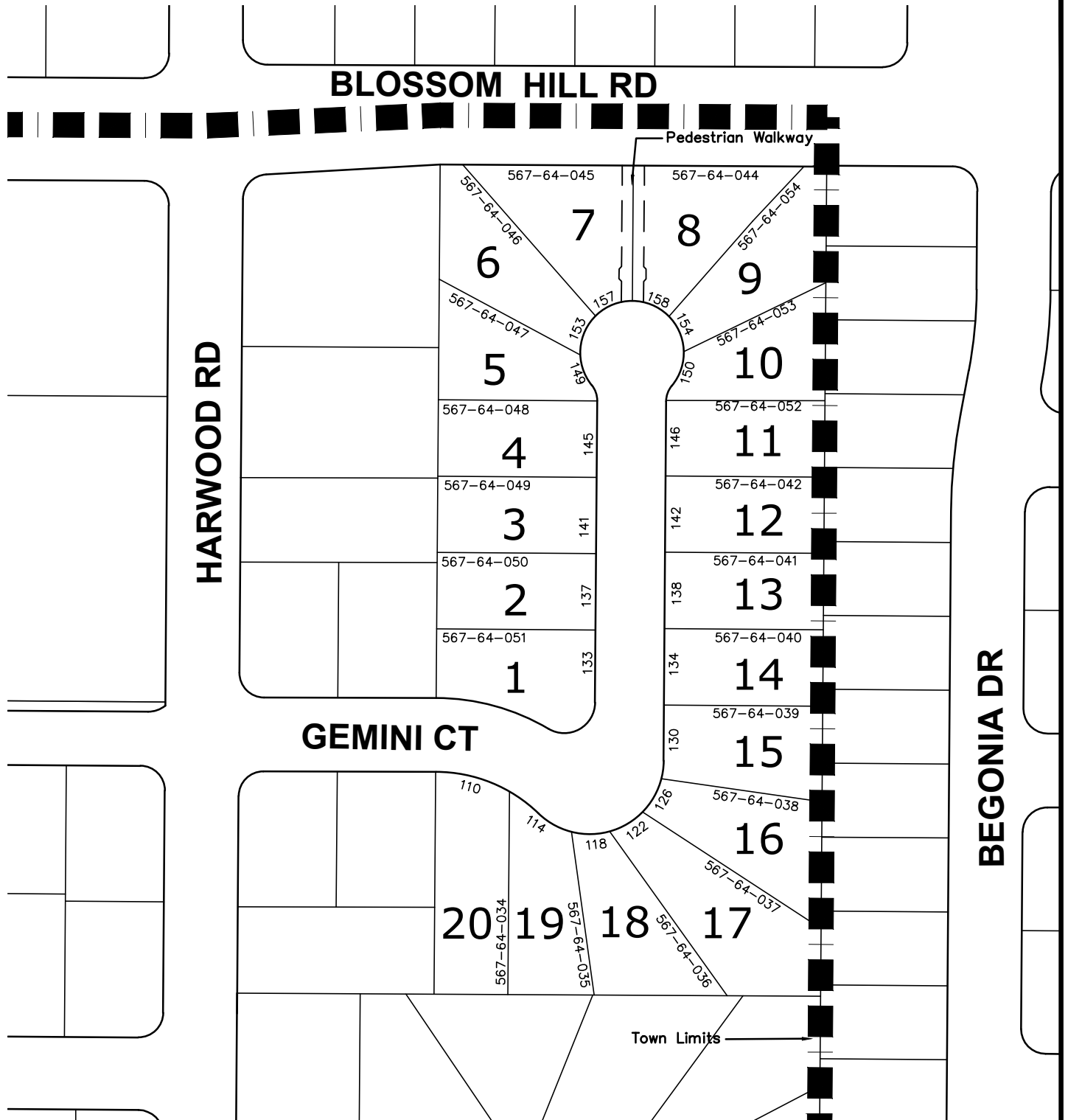
Not a part of
benefit zone.



Not To Scale

Vasona Heights Benefit ZoneLandscaping & Lighting Assessment District No. 1

PART "D"
Assessment Diagram



Not To Scale

Gemini Court Benefit Zone
Landscaping & Lighting Assessment District No. 2



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/18/2023

ITEM NO: 5

DATE: April 13, 2023
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Adopt an Ordinance of the Town Council of the Town of Los Gatos, 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.

RECOMMENDATION:

Adopt an Ordinance of the Town Council of the Town of Los Gatos, 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).

DISCUSSION:

On March 7, 2023, the Town Council considered and voted to introduce an Ordinance 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). Adoption of the attached Ordinance (Attachment 1) would finalize that decision.

PREPARED BY: Sean Mullin, AICP
Senior Planner

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

PAGE 2 OF 2

SUBJECT: 300 Mountain Laurel Lane/PD-22-001

DATE: April 13, 2023

Attachment:

1. Draft Ordinance

ORDINANCE 23__

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS 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)

THE TOWN COUNCIL OF THE TOWN OF LOS GATOS DOES ORDAIN AS
FOLLOWS:

SECTION I

The Town Code of the Town of Los Gatos is hereby amended to change the zoning on property at Shannon and Hicks Roads (Santa Clara County Assessor Parcel Numbers 567-24-010 through 025) as shown on the map attached hereto as Exhibit A, and is part of this Ordinance, from HR-5:PD (Hillside Residential, 5 Acres per Dwelling Unit, Planned Development) to HR-5:PD (Hillside Residential, 5 Acres per Dwelling Unit, Planned Development).

SECTION II

The PD (Planned Development Overlay) zone established by Ordinance 2172 is hereby amended to authorize the following construction and use of improvements:

1. Demolition of two existing pre-1941 and two post-1941 single family residences and one pre-1941 barn.
2. Construction of 13 new single-family dwelling units and reconstruction of one single-family dwelling that was destroyed by fire.
3. Landscaping, streets, trails, and other improvements shown and required on the Official Development Plan.
4. Dedication of 45.4 acres of hillside and riparian open space as shown on the Official Development Plans.
5. Dedication of trail easements to the Town of Los Gatos as shown on the Official Development Plans.
6. Revised grading shown on the plan attached as Exhibit D.
7. Accessory structures in compliance with the Hillside Development Standards & Guidelines.

Page 1 of 22

8. Ordinance 2172 is hereby repealed.
9. Uses permitted are those specified in the HR (Hillside Residential) zone by Sections 29.40.235 (Permitted Uses) and 29.20.185 (Conditional Uses) of the Zoning Ordinance, as those sections exist at the time of the adoption of this Ordinance, or as they may be amended in the future. However, no use listed in Section 29.20.185 is allowed unless specifically authorized by this Ordinance, or by a Conditional Use Permit.

SECTION III

COMPLIANCE WITH OTHER DEVELOPMENT STANDARDS

All provisions of the Town Code apply, except when the Official Development Plan specifically shows otherwise.

SECTION IV

Architecture and Site Approval and Subdivision Approval is required before construction work for the dwelling units is performed, whether or not a permit is required for the work and before any permit for construction is issued. Construction permits shall only be in a manner complying with Section 29.80.130 of the Town Code.

SECTION V

The attached Exhibit A (Map), Exhibit B (Official Development Plans), and Exhibit D (Modified Grading Plan), are part of the Official Development Plan. The following conditions must be complied with before issuance of any grading, or construction permits:

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

Planning Division

1. EXPIRATION/USE OF APPROVAL. The approval for the requested grading modifications shall expire two years from the date of approval unless the application has been vested pursuant to Town Code Section 29.20.320.
2. ARCHITECTURE AND SITE APPROVAL REQUIRED. A separate Architecture and Site application and approval is required for the residential units proposed.

3. **OFFICIAL DEVELOPMENT PLANS.** The Official Development Plans provided are conceptual in nature. Final footprints and building designs shall be determined during the architecture and site approval process.
4. **HOUSE SITING.** The siting of the homes shall be determined during the Architecture & Site approval process.
5. **RECYCLING.** All wood, metal, glass and aluminum materials generated from the demolished structures shall be deposited to a company which will recycle the materials. Receipts from the company(s) accepting these materials, noting type and weight of material, shall be submitted to the Town prior to the Town's demolition inspection and the issuance of any building permits.
6. **TREE REMOVAL PERMIT.** A Tree Removal Permit shall be obtained for the removal of any ordinance sized tree prior to the issuance of a Building, Grading or Encroachment Permit.
7. **FENCING.** Fence locations shall be reviewed and approved during the Architecture & Site review(s), including privacy and yard fencing. Developer will include in the CC&R's for the project a restriction limiting the home owners from replacing the fence type as installed by the Developer and as shown on the Official Development Plans, or as otherwise approved during the Architecture & Site review(s). Any replacement or addition of other fence types shall be restricted to open fence types including wood with wire mesh and wood or concrete split-rail fencing. Solid fencing will be permitted only where installed by the Developer and as shown on the approved development plans. CC&R's shall require fences to be set back a minimum of 10 feet for from property lines.
8. **BUILDING SQUARE FOOTAGE.** All project homes will be limited to a maximum size of 4,850 square feet with a maximum average of 4,655 square feet, and at least 2/3 of the homes shall be limited to a one-story design. Final building design and size will be determined during Architecture and Site review. No further expansion of the homes will be allowed unless this Ordinance is amended by the Town Council. Lot 14 shall be limited to a one-story design.
9. **ACCESSORY STRUCTURES.** Accessory structures are allowed provided they are in compliance with the Hillside Development Standards & Guidelines, and shall be reviewed and processed in accordance with those standards and guidelines.

10. **SETBACKS.** The minimum setbacks are those specified by the HR-5 zoning district.
11. **HEIGHT.** The maximum height for single-story homes shall be 25 feet and the maximum height for two-story homes shall be 30 feet. The maximum height for accessory structures shall be 15 feet.
12. **EXTERIOR LIGHTING.** All exterior lighting shall be reviewed and approved as part of the Architecture & Site review(s). Lighting shall be down directed, and no street lighting shall be included in the development. If it is determined that lighting is needed for safety reasons at the intersection of Hicks Road and the new road into the development, a street light may be required, but only if there is not alternative safety devices that can adequately delineate the intersection. If it is determined that a new light must be installed, it shall be designed to only illuminate the minimum area necessary for safety.
13. **BIOLOGICAL RESOURCES MITIGATION MEASURE 6-3a.** During the design phase, the property owner/developer shall implement the following measures:
 - a. Any plan affecting trees shall be reviewed by the Consulting Arborist to ensure that improvement plans, utility and drainage plans, grading plans, landscape and irrigation plans, and demolition plans will not adversely affect the tree to be retained.
 - b. The horizontal and vertical elevations of trees to be preserved within development areas shall be established and included on all plans.
 - c. The Consulting Arborist shall identify a Tree Protection Zone for trees to be preserved in which no soil disturbance is permitted. For design purposes, the Tree Protection Zone shall be defined by the dripline. Where development must encroach within the dripline, the Consulting Arborist shall identify an appropriate Tree Protection Zone.
 - d. No underground services including utilities, sub-drains, water or sewer shall be placed in the Tree Protection Zone.
 - e. Tree Preservation Notes shall be included on all plans.
 - f. Any herbicides placed under paving materials must be safe for use around trees and labeled for that use.
 - g. Irrigation systems must be designed so that no trenching will occur within the Tree Protection Zone.
14. **BIOLOGICAL RESOURCES MITIGATION MEASURE 6-3b.** During the pre-

construction phase, the property owner/developer shall take the following measures:

- a. A fence shall be constructed around all trees to be retained and it shall completely enclose the Tree Protection Zone prior to demolition, grubbing, or grading. Fencing shall be 6-foot chain link or equivalent. Fencing shall be placed at the dripline or as otherwise directed by the Consulting Arborist. Fences are to remain until all grading and construction is completed.
- b. All trees to be retained shall be pruned within and adjacent to development areas shall be reviewed by a certified arborist to determine which trees should be pruned to clean the crown, reduce end weight and/or provide clearance. Tree #201 will require pruning to reduce weight throughout the crown. Clearance shall be provided by selectively thinning low-hanging lateral branches.
- c. All pruning shall be performed by a Certified Arborist or Tree Worker in accordance with the Tree Pruning Guidelines of the International Society of Arboriculture.
- d. Prior to the start of any demolition and clearing, the Consulting Arborist will meet with the demolition, grading and other relevant contractors to review limits of construction activity, identify areas requiring fencing, identify trees to be removed and review work procedures.

15. **BIOLOGICAL RESOURCES MITIGATION MEASURE 6-3C.** Prior to the construction phase of the project, the applicant shall take the following measures:

- a. Any grading, construction demolition, or other work within the Tree Protection Zone shall be monitored by the Consulting Arborist.
- b. Any root pruning required for construction purposes shall receive the prior approval of, and be supervised by, the Consulting Arborist.
- c. If any injury to a tree should occur during construction, it should be evaluated as soon as possible by the Consulting Arborist so that appropriate treatments can be made.
- d. Root-injured trees have a limited capacity to absorb water. Therefore, it is important to ensure adequate soil moisture in the area of active roots. One to several irrigations may be needed for trees that are at risk of impacts. Irrigations shall be specified by the Consulting Arborist.
- e. No excess soil, chemical, debris, equipment or other materials shall be dumped or stored

within the Tree Protection Zone.

- f. Any additional pruning required to provide clearance during construction shall be performed by a Certified Arborist and not construction personnel.
16. BIOLOGICAL RESOURCES MITIGATION MEASURE 6-3d. Following construction, a comprehensive management plan for the trees shall be developed that considers the broad objectives of development as well as the needs of the specific species. This management plan shall specify pruning, fertilization, mulch, pest management, replanting and irrigation requirements. In addition, provisions for monitoring both tree health and structural stability following construction must be made a priority. As trees age, the likelihood of failure of branches or entire trees increases. Therefore, the management plan must include an annual inspection for hazard potential.
 17. BIOLOGICAL RESOURCES MITIGATION MEASURE 6-4. To minimize impacts on nesting raptors, the applicant shall complete necessary pre-construction surveys and monitoring. If it is not possible to schedule construction between August and February, then pre-construction surveys for nesting raptors will be conducted by a qualified ornithologist in order to ensure that no raptor nests will be disturbed during project construction. This survey will be conducted no more than 15 days prior to the initiation of construction activities during the early part of the breeding season (February through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). During this survey, the biologist will inspect all trees in and immediately adjacent to the impact areas for raptor nests. If an active raptor nest is found close enough to the construction area to be disturbed by these activities, the ornithologist, in consultation with CDFG, will determine the extent of a construction-free buffer zone to be established around the nest.
 18. BIOLOGICAL RESOURCES MITIGATION MEASURE 6-5a. To minimize impacts on yellow warblers, the property owner/developer shall retain sycamore riparian habitat along Shannon Creek and shall maintain setbacks of at least 50 feet between proposed development and sycamore riparian habitat. If a small amount of development encroaches into this 50-foot setback, then this encroachment (indirect impact) shall be mitigated by planting riparian habitat at a 1:1 ratio.

19. BIOLOGICAL RESOURCES MITIGATION MEASURE 6-5b. The property owner/developer shall implement the following measures to minimize potential impacts on any roosting bats:
- a. Surveys shall be conducted up to one year in advance of building demolition and tree removal, if possible, to determine if active roosts are present. These surveys shall not substitute for pre-construction/pre-disturbance surveys for nesting raptors, as bats could move on or adjacent to the site between survey periods. If roosting bats are found during these surveys, either avoidance of the maternity roost season, establishment of buffer zones or exclusion of bats shall be implemented as appropriate.
 - b. Avoidance: Construction activities involving potential roost sites shall be conducted outside the maternity roost season if the project commences after young are volant by July 31 and finished before the formation of maternity roosts begins (as early as March 1).
 - c. Pre-demolition Surveys and Buffer Zones: If the project schedule does not allow for early detection surveys to occur, a pre-demolition survey for roosting bats shall be conducted by a qualified bat biologist 14 days prior to construction as determined by a Memorandum of Understanding with the California Department of Fish & Game (CDFG) prior to any removal of buildings, particularly those with closed areas such as an attic space, or trees 12 inches in diameter. No activities that would result in disturbance to active roosts shall proceed prior to the completed surveys. If no active roosts are found, then no further action is warranted. If a maternity roost were present, a qualified bat biologist shall determine the extent of construction-free zones around active nurseries located during surveys. CDFG shall also be notified of any active nurseries within the construction zone.
 - d. Surveys: Initial surveys can be conducted any time prior to the pre-demolition surveys to establish if a particular location has supported, or supports, roosting bats. A survey for indications of nursery roosts shall be conducted prior to March 1. If
 - e. indications of a maternity roost are present, the structure can be removed or modified before a maternity roost becomes reestablished.
 - f. Exclude Bats Prior to Construction Near Roost: Bats can be excluded after July 31 and

before March 1 to prevent the formation of maternity colonies. Such non-breeding bats can be safely evicted, under the direction of a qualified bat biologist, by sealing crevices and providing them one-way exclusion doors. Such a device should be employed in all expansion joints during dark hours as a temporary device to prevent the formation of a maternity colony. In order not to exclude all potential maternity roost habitat at once, only one-half of the expansion joints should be sealed at any one given time during the maternity colony-nesting season. This will allow bats to leave during dark hours, thus increasing their chance of finding new roosts with a minimum of potential predation during daylight. After construction, all exclusion devices shall be removed to allow bats to re-establish habitat for colonies.

20. BIOLOGICAL RESOURCES MITIGATION MEASURE 6-6. The property owner/developer shall implement the following protection measures to mitigate impacts to the red-legged frog (*see Addendum to the project EIR for additional details*):
- a. Avoidance to the extent possible.
 - b. Minimization. The project shall be designed, built and operated in the following ways that will minimize both direct and indirect impacts to these species. Any construction near or adjacent to the Shannon Creek drainage will be preceded by a pre-construction survey. The existing culvert over the Shannon Creek drainage will not be widened and will only be used as an EVA road. The primary egress and ingress for the project will be off of Hicks Road. In addition, impacts relating to the construction of the outfalls for the project are likely to be covered by the Programmatic Section 7 for the red-legged frog. If formal consultation (via Section 7) for the red-legged frog is required, then the project applicant shall implement all of the Minimization measures outlined in the Programmatic Section 7 Biological Opinion.
 - c. Compensation by Wetland Creation. Any impacts from the project (i.e., outfalls) shall be mitigated by creating habitat on-site at a minimum of 1:1 ratio. Compensation by Riparian Restoration. A riparian restoration plan for mitigation shall be developed by a qualified biologist. The mitigation area(s) should be designed to expand existing riparian vegetation and re-create high quality riparian habitat along the Shannon Creek drainage and northern drainage. The mitigation goal is to create and enhance riparian habitat with

habitat functions and values equal to, or greater than those existing along the Shannon Creek drainage and northern drainage. The final species selection and configuration shall be determined during final mitigation design. The trees and shrubs to be installed should be of local origin, preferably contract grown from seed or cuttings from within five miles of the site.

- d. A detailed monitoring plan including specific success criteria shall be developed and submitted to The Town of Los Gatos for approval. The mitigation area will be monitored in accordance with the plan approved by the Town. The basic components of the monitoring plan are final success criteria, performance criteria, monitoring methods, data analysis, as-built plans, monitoring schedule, contingency/remedial measures and reporting requirements.
 - e. Specific success criteria and characteristics shall be developed during preparation of the mitigation and monitoring plan. At a minimum, the final success criteria shall include absolute percent cover by native trees and shrubs of 60% and 40%, respectively. The performance criteria should include tree and shrub survival at three years of 80% of the original planting. If the final encroachment estimates exceed 1.0 acre, monitoring of the mitigation site shall be conducted for 10 years. Annual monitoring reports shall be sent to the appropriate agencies. If the required mitigation planting is less than 1.0 acres, monitoring shall be conducted annually for five years.
 - f. During the development of the riparian restoration plan, an appropriate area (or areas) shall be identified to replace encroachment impacts at a 1:1 basis.
 - g. Maintain Water Quality of the Watershed. The project shall be designed, constructed and built in such a way as to maintain the water quality in the adjacent drainage channels and ponds. Appropriate best management practices (BMPs) shall be developed for the project.
21. **SOLAR WATER SYSTEM.** Each residence shall be pre-plumbed for a solar water heater system prior to issuance of a certificate of occupancy.
22. **COLOR REFLECTIVITY DEED RESTRICTION.** Prior to the issuance of a building permit, a deed restriction shall be recorded by the applicant with the Santa Clara County Recorder's Office that requires all exterior paint colors to be maintained in conformance with

the Town's Hillside Development Standards.

23. **SUBDIVISION REQUIRED.** A separate tentative map application submittal and approval is required for the proposed project prior to the issuance of building permits.
24. **BELOW MARKET PRICE (BMP) IN-LIEU FEE:** A Below Market Price (BMP) in-lieu fee shall be paid by the property owner/developer pursuant to Town Code Section 29.10.3025 and any applicable Town Resolutions. The fee amount shall be based upon the Town Council fee resolution in effect at the time a final or vesting tentative map is approved.
25. **FINAL CC&R's.** Final CC&R's shall be approved by the Town Attorney prior to the recording of the Final Map. The CC&R's shall include provisions for traffic circulation, vehicle parking enforcement procedures, and landscaping, exterior lighting and fencing restrictions. The approved CC&R's shall become conditions of this Ordinance.

Building Division

26. **PERMITS REQUIRED.** A building permit application shall be required for each proposed structure. Separate Electrical/Mechanical/Plumbing permit shall be required as necessary.
27. **CONSTRUCTION PLANS.** The Conditions of Approval shall be stated in full on the cover sheet of the construction plan submitted for building permit.
28. **SIZE OF PLANS.** The maximum size of construction plans submitted for building permits shall be 24 inches by 36 inches.
29. **PLANS.** The construction plans for this project shall be prepared under direct supervision of a licensed architect or engineer (Business and Professionals Code Section 5538).
30. **DEMOLITION REQUIREMENTS.** Contact the Bay Area Air Quality Management District at (495) 771-6000 and complete their process as necessary before obtaining a demolition permit from the Town Building Department. No demolition work shall be done without first obtaining a demolition permit from the Town.
31. **SOILS REPORT.** Two copies of a soils report, prepared to the satisfaction of the Building Official, containing foundation and retaining wall design recommendations, shall be submitted with the building permit application. This report shall be prepared by a licensed civil engineer specializing in soils mechanics.
32. **FOUNDATION INSPECTIONS.** A pad certificate prepared by a licensed civil engineer or

land surveyor shall be submitted to the project building inspector upon foundation inspection. This certificate shall certify compliance with the recommendations as specified in the soils report and the building pad elevation and on-site retaining wall locations and elevations are prepared according to approved plans. Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered civil engineer for the following items:

- a. Pad elevation
 - b. Finish floor elevation
 - c. Foundation corner locations
33. RESIDENTIAL TOWN ACCESSIBILITY STANDARDS. The residences shall be designed with adaptability features for single-family residences per Town Resolution 1994-61.
- a. Wooden backing (no smaller than 2-inches by eight-inches) shall be provided in all bathroom walls at water closets, showers and bathtub, located at 34-inches from the floor to the center of the backing, suitable for installation of grab bars.
 - b. All passage doors shall have a 36-inch wide door including a five foot by five foot level landing no more than one-inch out of plane with the immediate interior floor level, with an 18-inch clearance at interior strike edge.
 - c. Door buzzer, bell or chime shall be hard wired.
34. SOLAR HOT WATER HEATING. The residences shall be pre-plumbed for solar hot water heating. The plans shall show the location of a stub and valve located in the attics for solar heating use.
35. TITLE 24 ENERGY COMPLIANCE. California Title 24 Energy Compliance forms CR-IR and MF-IR shall be printed on the construction plans.
36. HAZARDOUS FIRE ZONE. This project requires Class A roofing assembly.
37. TOWN FIREPLACE STANDARDS. New fireplaces shall be EPA Phase II approved appliances per Town Ordinance 1905. Tree limbs within 10 feet of chimneys shall be cut.
- SPECIAL INSPECTIONS. When a special inspection is required by UBC Section 1701, the architect or engineer of record shall prepare an inspection program that shall be submitted to the Building Official for approval prior to issuance of any building permits, in accordance with UBC Section 106.3.5. Please obtain Town Special Inspection form from the Building

Division Service Counter. The Town Special Inspection schedule shall be printed on the construction plans.

38. **NON-POINT SOURCE POLLUTION STANDARDS.** The Town standard Santa Clara Valley Non-point Source Pollution Control Program specification sheet shall be part of plan submittal. The specification sheet is available at the Building Division service counter.
39. **ADDITIONAL AGENCY APPROVALS REQUIRED.** The project requires the following agencies approval before issuance of a building permit:
 - a. West Valley Sanitation District 378-2407
 - b. Santa Clara County Fire Department: 378-4010
 - c. Lots 1-13: Los Gatos School District: 335-2000
 - d. Lot 14: Union School District: 377-8010

Note: Obtain the school district forms from the Town Building Department, after the Building Department has approved the building plans.

TO THE SATISFACTION OF THE DIRECTOR OF PARKS & PUBLIC WORKS:

Engineering Division

40. **GRADING.** Grading shall be kept to a minimum to construct the roads within the project. Any future grading will be considered at the time of Architecture & Site review(s).
41. **GRADING PERMIT.** A grading permit is required for all on-site grading, erosion control and improvements (roadway, storm drainage, utilities, lighting, etc.). A separate application for a grading permit (with grading plans) shall be made to the Engineering Division of the Parks & Public Works Department. The grading plans shall include final grading, drainage, retaining wall location, driveway, utilities and interim erosion control. Unless specifically allowed by the Director of Parks & Public Works, the grading permit will be issued concurrently with the building permit.
42. **SOILS REPORT.** One copy of the soils and geologic report shall be submitted with the grading permit application. The soils report shall include specific criteria and standards governing site grading, drainage, pavement design, retaining wall design, and erosion control. The report shall be signed and "wet stamped" by the engineer or geologist, in conformance with Section 6735 of the California Business and Professions Code.
43. **FINAL MAP.** A final map shall be recorded. Two copies of the final map shall be submitted

to the Engineering Division of the Parks & Public Works Department for review and approval. The submittal shall include closure calculations, title report and appropriate fees. The map shall be recorded prior to issuance of any building permits for the project.

44. DEDICATIONS. The following shall be dedicated prior to issuance of any permits:
- a. Hicks Road. A 40-foot half street right-of-way with the chord of a 20-foot radius at the intersection with the new street.
 - b. Shannon Road. A 20-foot half street right-of-way.
 - c. New interior streets. A 40-foot street right-of-way with the chord of a 20-foot radius at all intersections and a standard 42-foot radius cul-de-sac.
 - d. Public Service Easement (PSE). Ten (10) feet wide, next to the new street right-of-ways.
 - e. Ingress-egress, storm drainage and sanitary sewer easements, as required.
 - f. Trail Easement. Ten (10) to twenty (20) feet wide, as shown on the Official Development Plan.
 - g. Emergency Access Easement. Twenty (20) feet wide, from the new public road to Shannon Road, as shown on the Official Development Plans.
45. PUBLIC IMPROVEMENTS. The following improvements shall be installed by the developer. Plans for those improvements shall be prepared by a California registered civil engineer, reviewed and approved by the Town, and guaranteed by contract, Faithful Performance Security and Labor & Materials Security before the issuance of a building permit or the recordation of a map. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.
- a. New Streets. Curb, gutter, new street paving, signing, striping, storm drainage and sanitary sewers, as required. Curbs shall be rolled concrete to the satisfaction of the Director of Parks and Public Works.
46. INSURANCE. One million dollars (\$1,000,000) of liability insurance holding the Town harmless shall be provided in a format acceptable to the Town Attorney before recordation of the map.
47. TRAFFIC IMPACT MITIGATION FEE (RESIDENTIAL). The developer shall pay a proportional the project's share of transportation improvements needed to serve cumulative development within the Town of Los Gatos. The fee amount will be based upon the Town

Council resolution in effect at the time the request of Certificate of Occupancy is made. The fee shall be paid before issuance of the Certificate of Occupancy. The traffic impact mitigation fee for each new house in this project using the current fee schedule is \$5,730. The final fee shall be calculated from the final plans using the rate schedule in effect at the time of the request for a Certificate of Occupancy. Credit shall be given for the house on Lot 14, where a house was previous located, and for the three residences to be demolished.

48. GENERAL. All public improvements shall be made according to the latest adopted Town Standard Drawings and the Town Standard Specifications or as otherwise approved by the Director of Parks and Public Works. All work shall conform to the applicable Town ordinances. The adjacent public right-of-way shall be kept clear of all job related dirt and debris at the end of the day. Dirt and debris shall not be washed into storm drainage facilities. The storing of goods and materials on the sidewalk and/or the street will not be allowed unless a special permit is issued. The developer's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in the Town performing the required maintenance at the developer's expense.
49. ENCROACHMENT PERMIT. All work in the public right-of-way will require a Construction Encroachment Permit. All work over \$5,000 will require construction security.
50. PUBLIC WORKS INSPECTIONS. The developer or his representative shall notify the Engineering Inspector at least twenty-four (24) hours before starting an work pertaining to on-site drainage facilities, grading or paving, and all work in the Town's right-of-way. Failure to do so will result in rejection of work that went on without inspection.
51. GRADING MORATORIUM. No grading or earth-disturbing activities shall be initiated in hillside areas between October 1 and April 15 of each year. For grading operations commenced before October 1, all grading or earth-disturbing activities shall cease October 15 and will not be allowed to restart until April 15. Grading permits will not be issued between September 15 and April 15. These limitations include, but are not limited to these items: driveways, building pads, foundation trenches and drilled piers, retaining walls, swimming pools, tennis courts, outbuildings and utility trenches. Install interim erosion control measures, shown on the approved interim erosion control plan, by October 1, if final

landscaping is not in place. Maintain the interim erosion control measures throughout the October 1 to April 15 period.

52. **GRADING INSPECTIONS.** The soils engineer or her/his qualified representative shall continuously inspect all grading operations. The soils engineer shall submit a final grading report before occupancy/Certificate of Completion.
53. **SURVEYING CONTROLS.** Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered civil engineer qualified to practice land surveying, for the following items:
 - a. Retaining wall--top of wall elevations and locations.
 - b. Toe and top of cut and fill slopes.
 - c. Top of future curb along one side of the new street.
54. **EROSION CONTROL.** Interim and final erosion control plans shall be prepared and submitted to the Engineering Development Division of the Parks & Public Works Department. A Notice of Intent (NOI) shall be submitted to the San Francisco Bay Regional Water Quality Control Board. A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the Town Engineering Division concurrently with the grading permit application. Grading activities shall be limited to the period of least rainfall (April 15 to October 1). A maximum of two weeks is allowed between clearing of an area/building on an area if grading is allowed during the rainy season. In addition, straw bales and plastic sheeting shall be stored on-site for emergency control, if needed. Install fiber berms, check dams, retention basins, silt fences, erosion control blankets and fiber rolls as needed on the project site, to protect down stream water quality during winter months.
55. **SILT AND MUD IN PUBLIC RIGHT-OF-WAY.** It is the responsibility of contractor and home owner to make sure that all dirt tracked into the public right-of-way is cleaned up on a daily basis. Mud, silt, concrete and other construction debris SHALL NOT be washed into the Town's storm drains or creeks.
56. **NPDES REQUIREMENTS.** All work within the project shall be in conformance with the National Pollution Discharge Elimination System permit issued to local agencies within Santa Clara County by the San Francisco Bay Regional Water Quality Control Board on October 17, 2001.

57. FISH & GAME REQUIREMENTS. A "1603" permit shall be obtained for the California Department of Fish & Game for proposed improvements in or near riparian areas within that agency's jurisdiction. A copy of the permit shall be provided to the Parks & Public Works Department before any permits are issued/final map is recorded.
58. UTILITIES. The developer shall install all utility services, including telephone, electric power and all other communications lines underground, as required by Town Code §27.50.015(b). Cable television capability shall be provided to all new lots.
59. RESTORATION OF PUBLIC IMPROVEMENTS. The developer shall repair or replace all existing improvements not designated for removal that are damaged or removed because of developer's operations. Improvements such as, but not limited to: curbs, gutters, sidewalks, driveways, signs, pavements, raised pavement markers, thermoplastic pavement markings, etc. shall be repaired and replaced to a condition equal to or better than the original condition. Existing improvement to be repaired or replaced shall be at the direction of the Engineering Construction Inspector, and shall comply with all Title 24 Disabled Access provisions. Developer shall request a walk-through with the Engineering Construction Inspector before the start of construction to verify existing conditions.
60. DRIVEWAY APPROACH. The developer shall install a minimum of one (1) Town standard residential driveway approach for each lot. The new driveway approaches shall be constructed per Town Standard Detail.
61. LOT 14 DRIVEWAY. The driveway to Lot 14 shall be the minimum width required to provide fire access. The intent is to minimize the visibility of the driveway.
62. AS-BUILT PLANS. After completion of the construction of all work in the public right-of-way or public easements, the original plans shall have all changes (change orders and field changes) clearly marked. The "as-built" plans shall again be signed and "wet-stamped" by the civil engineer who prepared the plans, attesting to the changes. The original "as-built" plans shall be review and approved the Engineering Construction Inspector. A Mylar of the approved "as-built" plans shall be provided to the Town before the Faithful Performance Security is released.
63. SANITARY SEWER LATERAL. Sanitary sewer laterals are televised by West Valley Sanitation District and approved by the Town of Los Gatos before they are used or reused.

Install a sanitary sewer lateral clean-out at the property line of each new lot.

64. SIDEWALK REPAIR. The developer shall repair and replace to existing Town standards any sidewalk damaged now or during construction of this project. Sidewalk repair shall match existing color, texture and design, and shall be constructed per Town Standard Detail. The limits of sidewalk repair will be determined by the Engineering Construction Inspector during the construction phase of the project.
65. CURB AND GUTTER. The developer shall repair and replace to existing Town standards any curb and gutter damaged now or during construction of this project. New curb and gutter shall be constructed per Town Standard Detail. The limits of curb and gutter repair will be determined by the Engineering Construction Inspector during the construction phase of the project.
66. CURB RAMPS. The developer shall construct curb ramp according to State Standard Drawings at all intersections. The actual "Case" as shown on the standard to be used will be decided by the Engineering Construction Inspector during the construction phase of the project.
67. HYDROLOGY AND WATER QUALITY MITIGATION MEASURE 7-3. Energy dissipaters should be provided at the outfalls of proposed storm drains to minimize the increased potential for erosion hazards due to project development.
68. HYDROLOGY AND WATER QUALITY MITIGATION MEASURE 7-4. A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared prior to start of construction. The SWPPP and project plans shall be reviewed by the Town Engineering staff. The SWPPP shall be in conformance with the Santa Clara County NPDES Permit as amended by the San Francisco Bay Regional Water Quality Control Board (RWQCB) on October 17, 2001. The SWPPP shall be approved concurrently with the grading, drainage and erosion control plans. Reference the Addendum to the EIR for additional details.
69. HYDROLOGY AND WATER QUALITY MITIGATION MEASURE The project design shall incorporate water quality mitigation measures in accordance with current NPDES requirements. Water quality measures should include use of biofilters, drainage swales, and detention facilities to mitigate non-point source impacts. In addition, the SCVWD and RWQCB recommend the incorporation of site planning design measures to help reduce

potential contributions of urban pollutants from the project. See the Addendum to the EIR for additional details.

70. TRANSPORTATION AND TRAFFIC MITIGATION MEASURE 8-2. In order to minimize potential traffic safety impacts the property owner/developer shall take the following measures:
 - a. Adequate sight distance shall be provided for the project access road/Hicks Road intersection through removal of vegetation and grading of the embankment.
 - b. A stop sign shall be installed to control traffic on the project access road to Hicks Road. The stop sign for the proposed driveway shall be located along and parallel to the north edge of pavement on Hicks Road.
 - c. Warning signs shall be installed indicating a "T" intersection along Hicks Road approaching the new driveway. These signs shall be located approximately 300 feet east and west of the project entrance/Hicks Road intersection.
 - d. Traffic reflectors shall be installed on the south side of Hicks Road at the intersection with the entrance road to the project.
71. TRANSPORTATION AND TRAFFIC MITIGATION MEASURE 8-3. A separate pedestrian trail shall be installed along the north side of Hicks Road.
72. TRANSPORTATION AND TRAFFIC MITIGATION MEASURE 8-4. Use of trails by bicyclists, particularly the trail parallel to Hicks Road, shall be considered during Architecture and Site review. In addition, design issues such as the appropriateness of trail widths, pavement versus compacted earth, and trailhead facilities shall be considered during Architecture and Site Review.
73. GEOTECHNICAL REVIEW OF SUBDIVISION IMPROVEMENT PLANS. The project geotechnical consultant shall review and approve all geotechnical aspects of the subdivision improvement plans to ensure that their recommendations have been properly incorporated. The results of the plan review shall be summarized by the geotechnical consultant in a letter and submitted to the Town Engineer for review, prior to issuance of permits for construction of subdivision level improvements.
74. GEOTECHNICAL PLAN REVIEW (LOTS 1 THROUGH 13). The project geotechnical consultant shall review and approve all geotechnical aspects of the project building and

grading plans for individual residences on Lots 1 through 13. To ensure that their recommendations have been properly incorporated. The consultant shall verify that recommended measures to address potential debris flows on Lot 6, and potential co-seismic ground deformation on Lots 1 and 13 have been incorporated.

75. GEOTECHNICAL INVESTIGATION (LOT 14). The project geotechnical consultant shall complete a site specific soil and foundation investigation as a basis for preparing recommended geotechnical design parameters for Lot 14 residential improvements. The results of this investigation shall be submitted to the Town for review by the Town Engineer and Town Geotechnical Consultant prior to approval of a site specific development plan.
76. GEOTECHNICAL FIELD INVESTIGATION. The project geotechnical consultant shall inspect, test (as needed), and approve all geotechnical aspects of the project construction. The results of these inspections and the as-built conditions of the project shall be described by the project geotechnical consultant in a letter and submitted to the Town Engineer for review prior to final inspection.

For further detail on conditions 71 through 74, see the letter from Cotton, Shires & Associates dated February 12, 2002.

Parks Division

77. AERATION TUBES. All impervious surface encroaching under the dripline of existing trees shall have aeration tubes installed and these tube locations shown on the plans.
78. IRRIGATION. All newly planted landscaping shall be irrigated by an in-ground irrigation system. Special care shall be taken to avoid irrigation which will endanger existing native trees and vegetation.
79. BUILDING FOUNDATIONS: Any buildings under the dripline of existing trees shall have a foundation built from pier and grade beam to minimize impact on existing trees.
80. TREE STAKING: All newly planted trees are required to be double staked to Town standards.
81. GENERAL. All existing and newly planted trees shown on the plan are specific subjects of approval of this plan and must remain on site.
82. IRRIGATION SYSTEM. Water efficient irrigation systems shall be utilized to conserve

water in all project irrigation of publicly landscaped areas.

83. **VEGETATIVE SCREENING.** Vegetative screening shall be used along the development edges, where appropriate, to soften views of peripheral buildings and to integrate landscaping and native vegetation.
84. **WATER EFFICIENT ORDINANCE.** This project is subject to the Town's Water Efficient Ordinance. A fee of \$472 is required when the landscape, irrigation plans, and water calculations are submitted for review.
85. **TREE PROTECTION.** Tree protection fencing shall be placed at the dripline of existing trees to be saved in the area of construction. Fencing shall be four feet high chain link attached to steel poles driven two feet into the ground when at the dripline of the tree. If the fence has to be within eight feet of the trunk of the tree a fence base may be used, as in a typical chain link fence that is rented. The fencing must be inspected and approved by the Parks Superintendent and must be installed prior to issuance of a grading and/or building permit.
86. **ORNAMENTAL LANDSCAPING.** All formal landscaping shall be within 30 feet of the perimeter of the houses. Any planting beyond the 30-foot perimeter shall be native vegetation that is drought and fire resistant, and planted in natural clusters.
87. **LANDSCAPE GUIDELINES.** The adopted landscape guidelines and native plant lists shall include the recommendations of the Town consulting arborist, except that lawn areas shall not exceed 5,000 square feet. The landscape guidelines are attached as Exhibit C.

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

88. **WATER SUPPLY.** Two water tanks with a capacity of 10,000 Gallons and one wharf style hydrant shall be provided unless the proposed public water system can be extended to provide appropriate lot protection, or other acceptable means of fire protection can provided as authorized by the Fire Department. Installations shall conform with Fire Department Standard Details and Specifications W-1.
89. **FIRE APPARATUS (ENGINE) ACCESS.** Provide access roadways with a paved all weather surface and a minimum unobstructed width of 20 feet, vertical clearance of 13 feet 6 inches, minimum circulating turning radius of 36 feet outside and 23 feet inside, and a

maximum slope of 15%. Installations shall conform with Fire Department Standard Details and Specifications A-1.

90. FIRE APPARATUS (ENGINE) TURN-AROUND REQUIRED. Provide an approved fire department engine roadway turnaround with a minimum radius of 36 feet outside and 23 feet inside. Installations shall conform with Fire Department Standard Details and Specifications A-1. Cul-De-Sac Diameters shall be no less than 64 feet.
91. FIRE APPARATUS (HYDRANT). Where buildings exceed 150 feet travel distance from the street either an on-site (private) hydrant or an approved residential fire sprinkler system shall be provided.
92. PUBLIC FIRE HYDRANT(S) REQUIRED. Provide public fire hydrant(s) at location(s) to be determined jointly by the Fire Department and the San Jose Water Company. Maximum hydrant spacing shall be 500 feet, with a minimum single hydrant flow of 1,750 GPM at 20 psi, residual. Consult with San Jose Water Company relative to main sizing requirements and hydrant spacing. Prior to applying for building permit, provide civil drawings reflecting all fire hydrants proximal to the site. To prevent building permit delays, the developer shall pay all required fees to the water company as soon as possible.
93. TIMING OF REQUIRED WATER SUPPLY INSTALLATIONS. Installations of required fire service(s) and fire hydrants(s) shall be tested and accepted by the Fire Department, prior to the start of framing or delivery of bulk combustible materials. Building permit issuance may be delayed until required installations are completed, tested, and accepted.
94. TIMING OF REQUIRED ROADWAY INSTALLATIONS. Required driveways and/or access roads up through first lift of asphalt shall be inspected and accepted by the Fire Department prior to the start of construction. Bulk combustible materials shall not be delivered to the site until installations are completed as stated above. Building permit issuance may be delayed until installations are completed.
95. FIRE APPARATUS (HYDRANT). Prior to project inspection, the general contractor shall ensure that a "Blue" dot has been placed in the roadway as directed by the Fire Department.
96. HOUSE NUMBERS. Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Numbers shall contrast with their background.

SECTION VI

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on March 7, 2023, and adopted by the following vote as an ordinance of the Town of Los Gatos at a meeting of the Town Council of the Town of Los Gatos on _____ and becomes effective 30 days after it is adopted.

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

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

N:\DEV\ORDS\2023\ShannonValleyRanch-TC.docx



TOWN OF LOS GATOS

Application No. DEV-99-02 . A.P.N. # 567-24-008, 567-23-041, 537-18-001

Change of zoning map amending the Town Zoning Ordinance.

☒ Zone Change

☐ Prezoning

From: RC, HR-5 Prezone To: HR-5:PD

Recommended by Planning Commission

Approved by Town Council

Date: 3/18/02

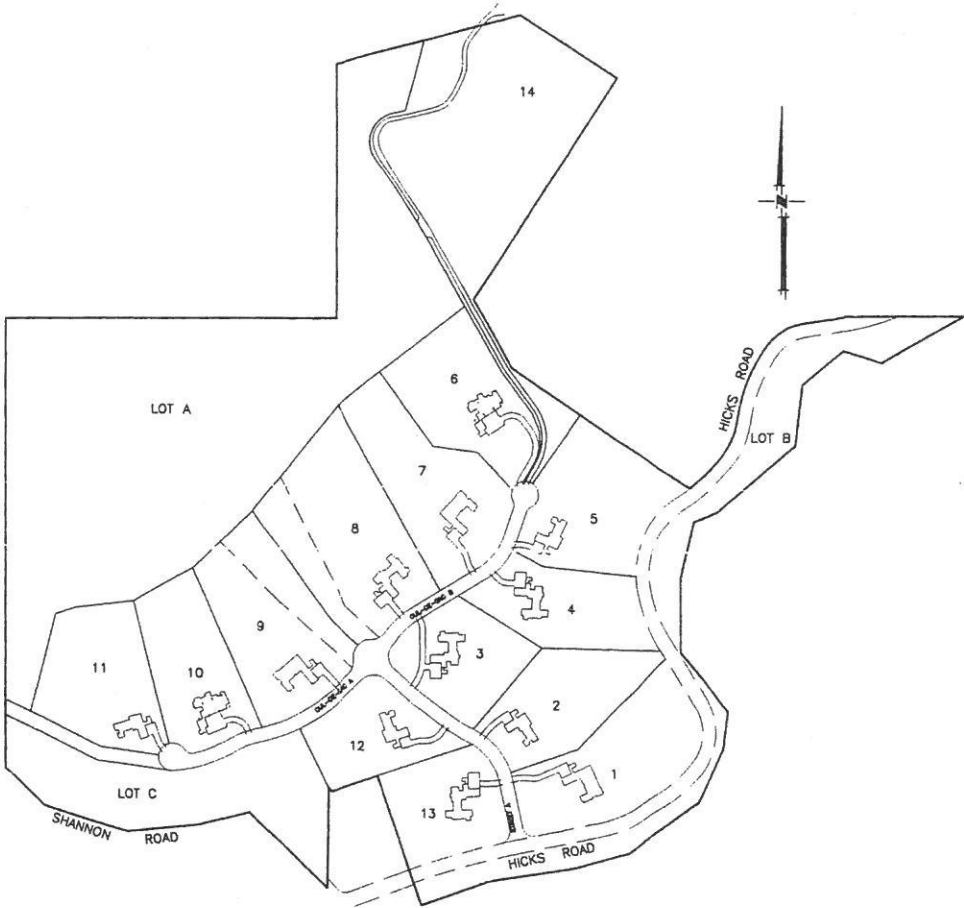
Date: 1/23/02

Ord: 2097

In Clerk Marcos Cozart

Mayor Randy Altman

GENERAL DEVELOPMENT PLAN
LANDS OF THE DAGNEY GROUP, LLC
TOWN OF LOS GATOS, CALIFORNIA



SHANNON VALLEY RANCH
BY
GREENBRIAR HOMES COMMUNITIES, INC.
TABLE OF CONTENTS

SHEET NO.	DESCRIPTION
1.	COVER SHEET
2.	CONCEPTUAL LAND USE PLAN
3.	CONCEPTUAL SITE PLAN / CIRCULATION PLAN
4.	LEAST RESTRICTIVE DEVELOPMENT AREA
5.	CONCEPTUAL GRADING PLAN
6.	UTILITY PLAN
7.	SITE SECTIONS
8.	TREE NOTES
9.	SCHEMATIC LANDSCAPE PLAN

RECEIVED
JAN - 3 2002

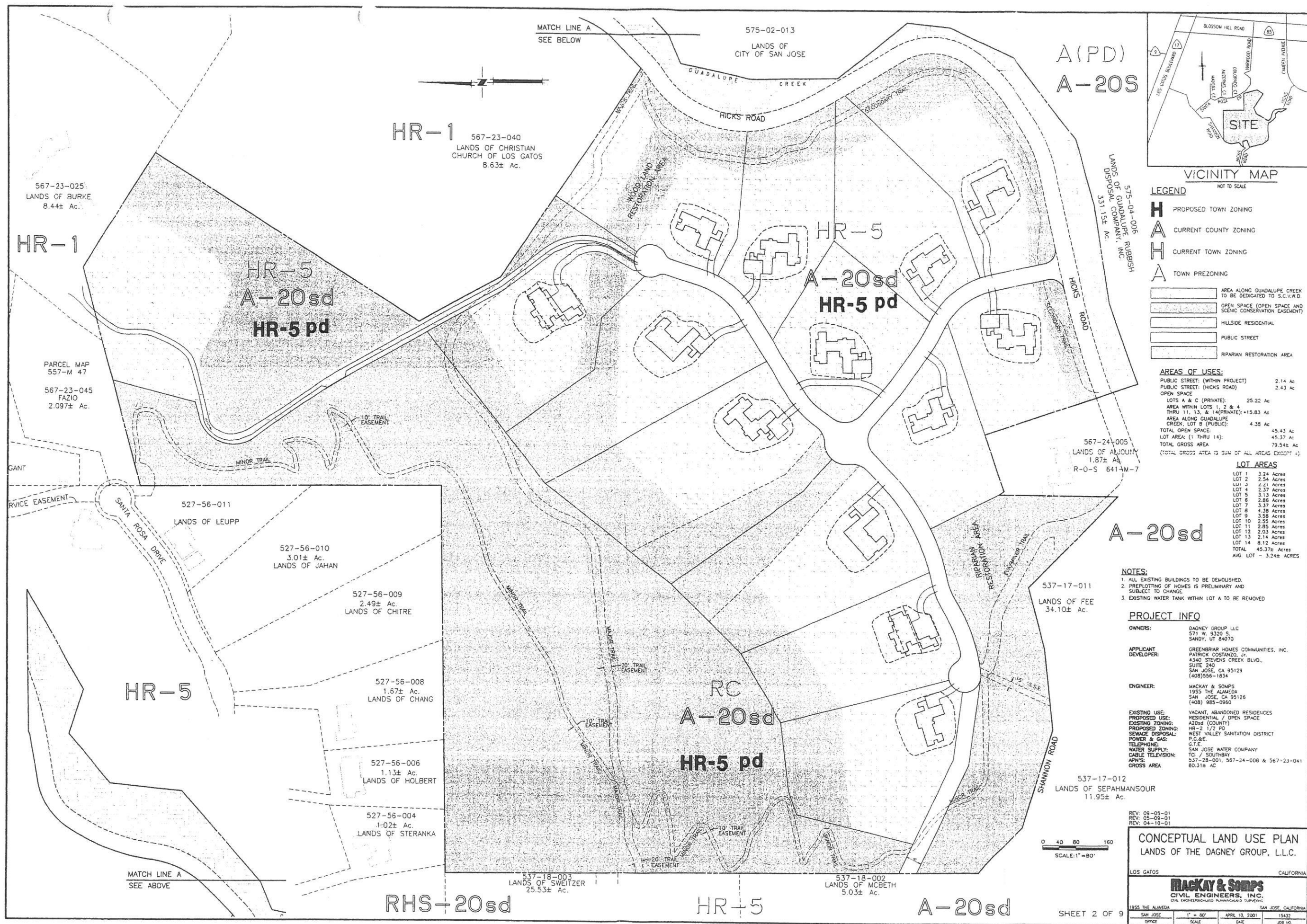
TOWN OF LOS GATOS
PLANNING DEPARTMENT

REV: 9-05-01
REV: 4-11-01

Exhibit B

MACKEY & SOMPS
CIVIL ENGINEERS, INC.
CIVIL ENGINEERING, PLANNING, SURVEYING

DATE	SCALE	DATE	DATE
01/05/02	1/4" = 1'	01/18/02	01/18/02



VICINITY MAP
NOT TO SCALE

LEGEND

H	PROPOSED TOWN ZONING
A	CURRENT COUNTY ZONING
H	CURRENT TOWN ZONING
A	TOWN PREZONING

[Pattern]	AREA ALONG GUADALUPE CREEK TO BE DEDICATED TO S.C.V.W.D.
[Pattern]	OPEN SPACE (OPEN SPACE AND SCENIC CONSERVATION EASEMENT)
[Pattern]	HILLSIDE RESIDENTIAL
[Pattern]	PUBLIC STREET
[Pattern]	RIPARIAN RESTORATION AREA

AREAS OF USES:

PUBLIC STREET (WITHIN PROJECT)	2.14 Ac
PUBLIC STREET (HICKS ROAD)	2.43 Ac
OPEN SPACE	
LOTS A & C (PRIVATE)	25.22 Ac
AREA WITHIN LOTS 1, 2 & 4 THRU 11, 13, & 14 (PRIVATE)	15.83 Ac
AREA ALONG GUADALUPE CREEK, LOT 8 (PUBLIC)	4.38 Ac
TOTAL OPEN SPACE	45.43 Ac
LOT AREA (1 THRU 14)	45.37 Ac
TOTAL GROSS AREA	79.548 Ac
(TOTAL GROSS AREA IS SUM OF ALL AREAS EXCEPT +)	

LOT AREAS

LOT 1	3.24 Acres
LOT 2	2.54 Acres
LOT 3	2.21 Acres
LOT 4	2.37 Acres
LOT 5	3.13 Acres
LOT 6	2.86 Acres
LOT 7	3.37 Acres
LOT 8	4.38 Acres
LOT 9	3.58 Acres
LOT 10	2.55 Acres
LOT 11	2.85 Acres
LOT 12	2.03 Acres
LOT 13	2.14 Acres
LOT 14	8.12 Acres
TOTAL	45.372 Acres
AVG LOT	3.242 Acres

- NOTES:
1. ALL EXISTING BUILDINGS TO BE DEMOLISHED.
 2. PREPLOTING OF HOMES IS PRELIMINARY AND SUBJECT TO CHANGE.
 3. EXISTING WATER TANK WITHIN LOT A TO BE REMOVED.

PROJECT INFO

OWNERS: DAGNEY GROUP LLC
571 W. 9320 S.
SANDY, UT 84070

APPLICANT DEVELOPER: GREENBRIAR HOMES COMMUNITIES, INC.
PATRICK COSTANZO, JR.
4340 STEVENS CREEK BLVD., SUITE 240
SAN JOSE, CA 95129
(408)556-1834

ENGINEER: MACKAY & SONPS
1955 THE ALAMEDA
SAN JOSE, CA 95126
(408) 985-0960

EXISTING USE: VACANT, ABANDONED RESIDENCES
PROPOSED USE: RESIDENTIAL / OPEN SPACE
EXISTING ZONING: A20sd (COUNTY)
PROPOSED ZONING: HR-2 1/2 PD
SEWAGE DISPOSAL: WEST VALLEY SANITATION DISTRICT
POWER & GAS: P.G.&E.
TELEPHONE: G.T.E.
WATER SUPPLY: SAN JOSE WATER COMPANY
CABLE TELEVISION: TCI / SOUTHBAY
APN'S: 537-28-001, 567-24-008 & 567-23-041
GROSS AREA: 80.312 AC

REV: 09-09-01
REV: 05-09-01
REV: 04-10-01

CONCEPTUAL LAND USE PLAN
LANDS OF THE DAGNEY GROUP, L.L.C.

LOS GATOS CALIFORNIA

Mackay & Sonps
CIVIL ENGINEERS, INC.
CIVIL ENGINEERS, INC.
1955 THE ALAMEDA
SAN JOSE, CALIFORNIA 95126

1" = 80'
APRIL 10, 2001
DATE

15432
JOB NO.

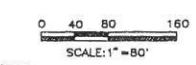
12-21-2008



VICINITY MAP
NOT TO SCALE

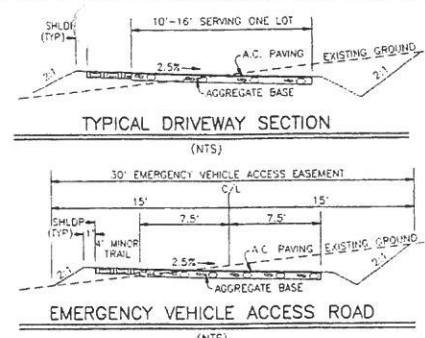
- LEGEND**
- 30% SLOPE LINE
 - [Pattern] LEAST RESTRICTIVE DEVELOPMENT AREA (LRDA)
 - [Pattern] ENVIRONMENTALLY SENSITIVE AREA DUE TO NATURAL WATERSHED VEGETATION
 - [Pattern] RIPARIAN OR WOOD LAND RESTORATION AREA FOR WATERSHED VEGETATION
 - RIDGE LINE

NOTE
THIS SITE IS NOT VISIBLE FROM THE VALLEY FLOOR AND THERE ARE NO KNOWN ACTIVE FAULTS.



REV: 04-11-01
SCALE: 1" = 80'

LEAST RESTRICTIVE DEVELOPMENT AREA LANDS OF THE DAGNEY GROUP, L.L.C. LOS GATOS, CALIFORNIA			
Mackay & Somp CIVIL ENGINEERS, INC. <small>CIVIL ENGINEERING • PLANNING • LAND SURVEYING</small>			
1955 THE ALAMEDA	1" = 80'	APRIL 11, 2001	SAN JOSE, CALIFORNIA
SAN JOSE OFFICE	SCALE	DATE	JOB NO.



APPROXIMATE EARTHWORK QUANTITIES

	CUT	FILL
LOTS TOTAL	23827	23827
STREET	3071	2305
TRAIL	1970	1394
TOTAL	28868	27526

NOTE: PROJECT WILL BALANCE ON SITE.

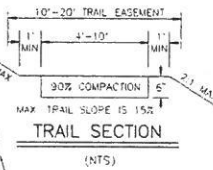


TREE LEGEND

Symbol	Tree Number	Tree to Remain	Tree to be Removed
Circle with number	Tree Number	Tree to Remain	Tree to be Removed

EASEMENT LEGEND

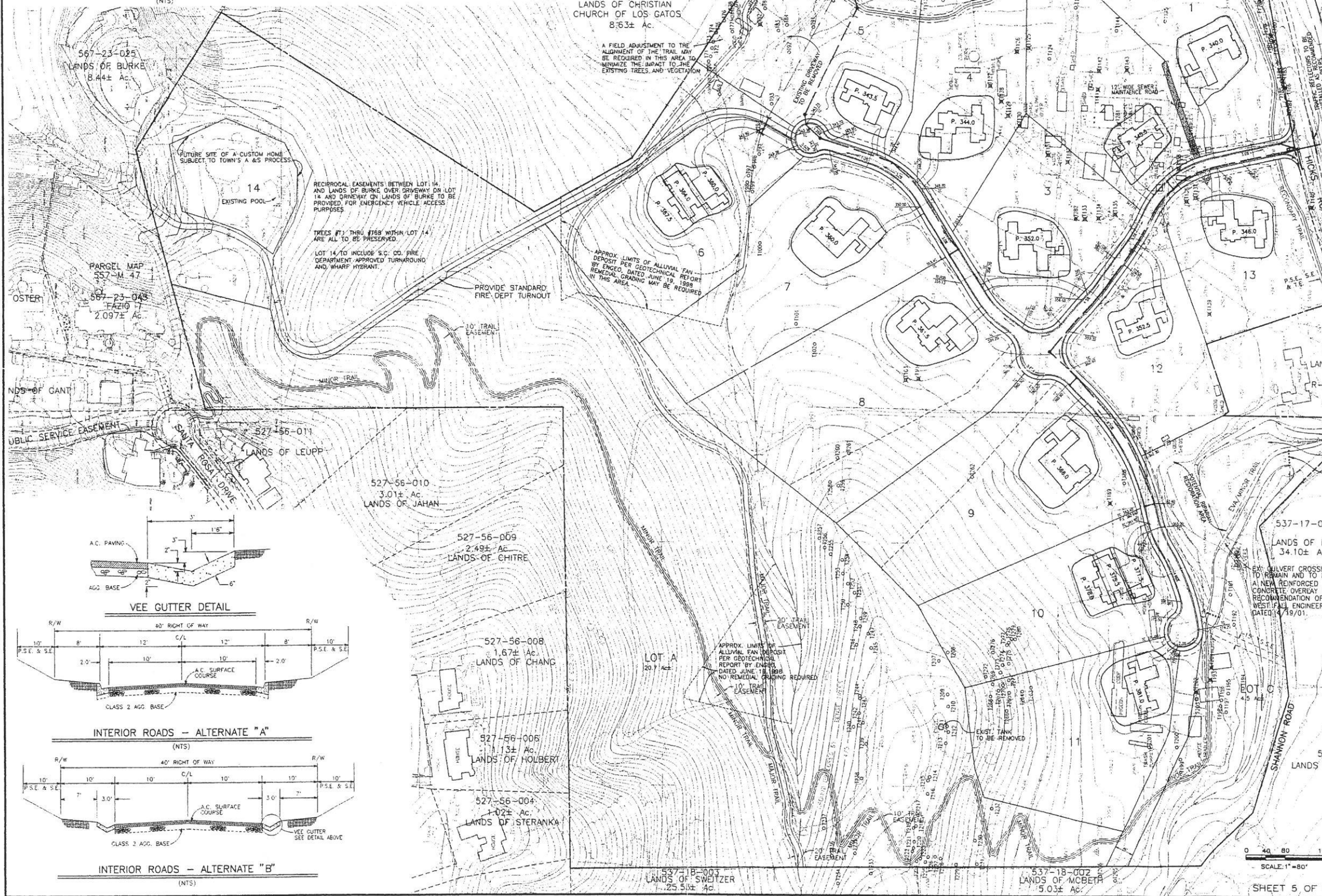
Symbol	Easement Type
E.V.A.	EMERGENCY VEHICLE ACCESS
O.S.S.C.E.	OPEN SPACE & SCENIC CONSERVATION
P.S.E.	PUBLIC SERVICE
P.S.D.E.	PUBLIC STORM DRAIN
S.D.E.	SLOPE
P.S.S.E.	PUBLIC SANITARY SEWER
P.T.E.	PUBLIC TRAILS
P.S.D.E.	PRIVATE STORM DRAIN EASEMENT



DESCRIPTION

DESCRIPTION	WIDTH	DEPTH	SURFACE
MINOR	4'	10"	C.D.
MAJOR	10'	30"	D.G.
SECONDARY	4'	15"	D.G.

D.G. DECOMPOSED GRANITE
C.D. COMPACTED DIRT



- NOTES:**
- ALL EXISTING BUILDINGS TO BE DEMOLISHED.
 - PRELIMINARY PLANNING OF HOMES IS PRELIMINARY AND SUBJECT TO CHANGE.
 - EXISTING WATER TANK WITHIN LOT A TO BE REMOVED.
 - EASEMENT LOCATIONS SHOWN ARE APPROXIMATE AND ARE SUBJECT TO ADJUSTMENT AT THE TIME OF IMPROVEMENT PLAN PREPARATION.
 - ALL GRADING WORK SHALL BE COMPLETED IN ACCORDANCE WITH "GEO-TECHNICAL EXPLORATION, LANDS OF KRING AND HAMILTON" BY ENGEO INC., DATED 6/19/98.
 - EXISTING WELLS SHALL BE MAINTAINED OR ABANDONED ACCORDING TO CURRENT REGULATIONS ADMINISTERED BY SANTA CLARA VALLEY WATER DISTRICT. CALL (408) 265-2800 EXTENSION 382 TO ARRANGE FOR DISTRICT OBSERVATION OF ALL WELL ABANDONMENTS.
 - SIGNING FOR TRAILS TO BE DETERMINED AT TIME OF FINAL DESIGN IN COORDINATION WITH THE TOWN OF LOS GATOS DEPARTMENT OF PARKS AND FORESTRY.
 - FINAL TRAIL ALIGNMENT AND LOCATION OF POINT OF CONNECTION TO ADJACENT PROPERTY TO THE WEST SHALL BE DETERMINED IN COORDINATION WITH THE TOWN OF LOS GATOS TRAILS AND BIKEWAYS COMMITTEE AT THE TIME OF FINAL DESIGN.
 - OPEN SPACE AREAS, EXCEPT LOT B, SHALL BE MAINTAINED BY THE HOME OWNERS ASSOCIATION (H.O.A.) AND/OR INDIVIDUAL LOT OWNERS. TRAILS SHALL BE MAINTAINED BY THE H.O.A.
 - E.V.A. WITHIN LOT C WILL BE MAINTAINED BY THE H.O.A.
 - THE STRUCTURAL ADEQUACY OF THE EX. CULVERT CROSSING ALONG THE E.V.A. SHALL BE CHECKED DURING FINAL DESIGN AT THE TIME OF IMPROVEMENT PLAN PREPARATION.

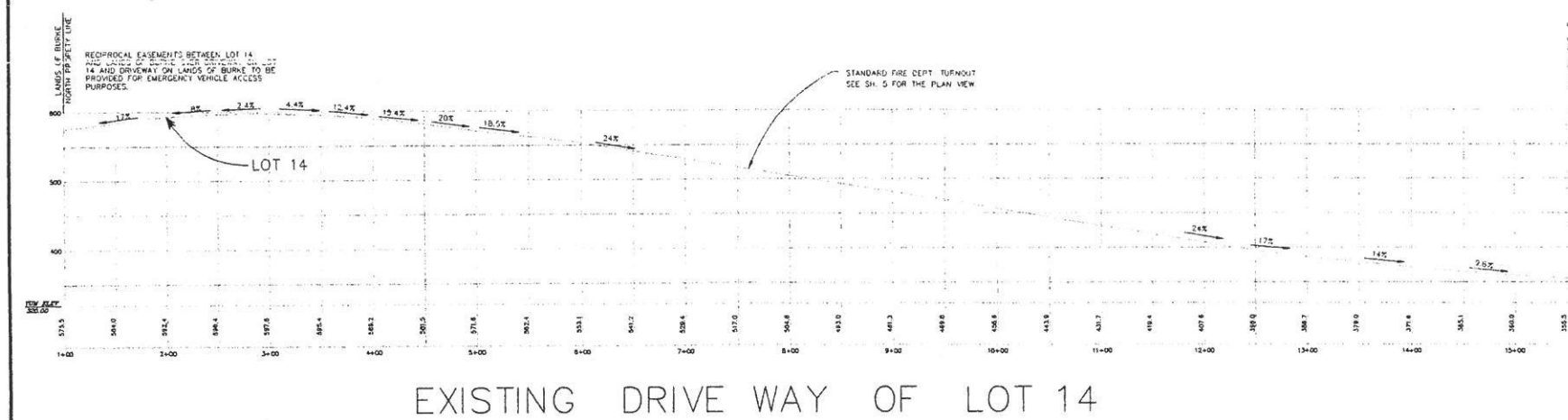
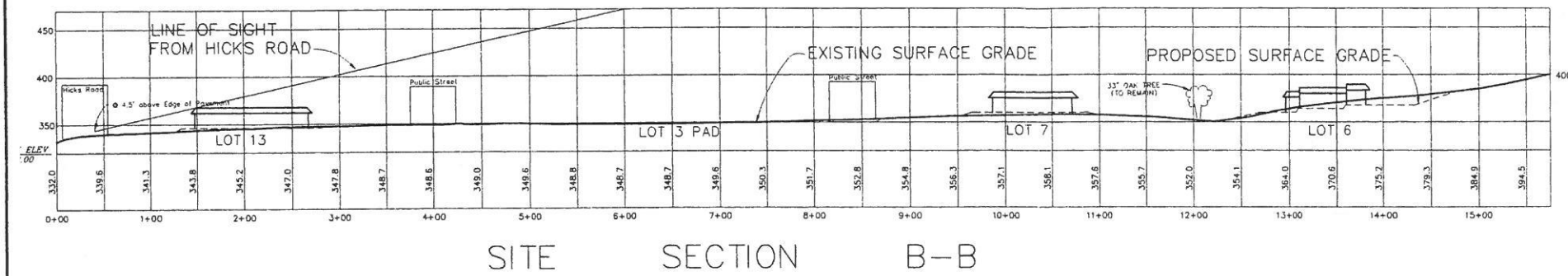
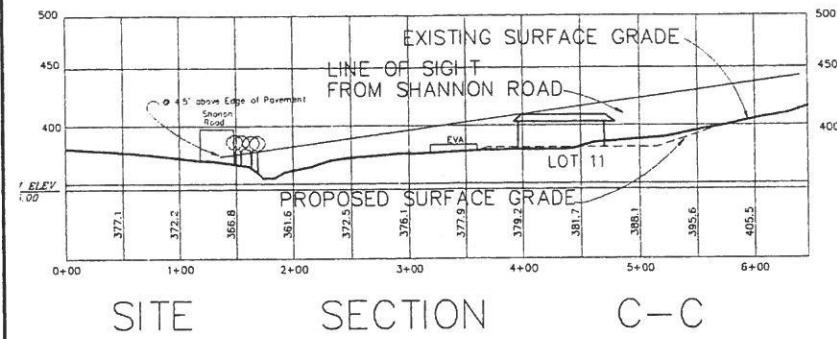
CONCEPTUAL GRADING PLAN
LANDS OF THE DAGNEY GROUP, L.L.C.

LOS GATOS, CALIFORNIA

Mackay & Sonps
CIVIL ENGINEERS, INC.
SINCE 1955 THE ALAMEDA

SAN JOSE	1" = 80'	MAY 10, 2008	15432
OFFICE	SCALE	DATE	JOB NO.

12-21-2008





RECIPROCAL EASEMENTS BETWEEN LOT 14 AND LANDS OF BURKE OVER DRIVEWAY ON LOT 14 AND DRIVEWAY ON LANDS OF BURKE TO BE PROVIDED FOR EMERGENCY VEHICLE ACCESS PURPOSES.

- NOTES:**
1. ALL EXISTING BUILDINGS TO BE DEMOLISHED.
 2. PREPLOTING OF HOMES IS PRELIMINARY AND SUBJECT TO CHANGE.
 3. EXISTING WATER TANK WITHIN LOT A TO BE REMOVED.
 4. EXISTING PROPANE TANK WITHIN LOT 4 TO BE REMOVED.
 5. SIGNING FOR TRAILS TO BE DETERMINED AT TIME OF FINAL DESIGN IN COORDINATION WITH THE TOWN OF LOS GATOS DEPARTMENT OF PARKS AND FORESTRY.
 6. FINAL TRAIL ALIGNMENT AND LOCATION OF POINT OF CONNECTION TO ADJACENT PROPERTY TO THE WEST SHALL BE DETERMINED IN COORDINATION WITH THE TOWN OF LOS GATOS TRAILS AND BIKEWAYS COMMITTEE AT THE TIME OF FINAL DESIGN.
 7. OPEN SPACE AREAS, EXCEPT LOT B SHALL BE MAINTAINED BY THE HOME OWNERS ASSOCIATION (H.O.A.) AND/OR INDIVIDUAL LOT OWNERS. TRAILS SHALL BE MAINTAINED BY THE H.O.A.
 8. E.V.A. WITHIN LOT C WILL BE MAINTAINED BY THE H.O.A.

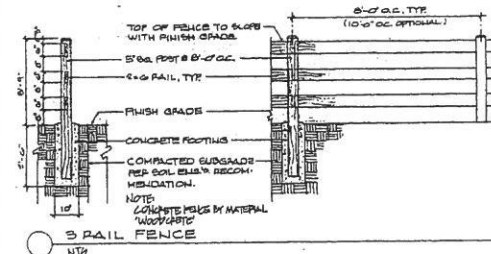
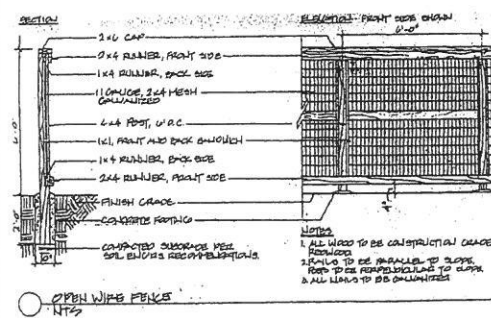
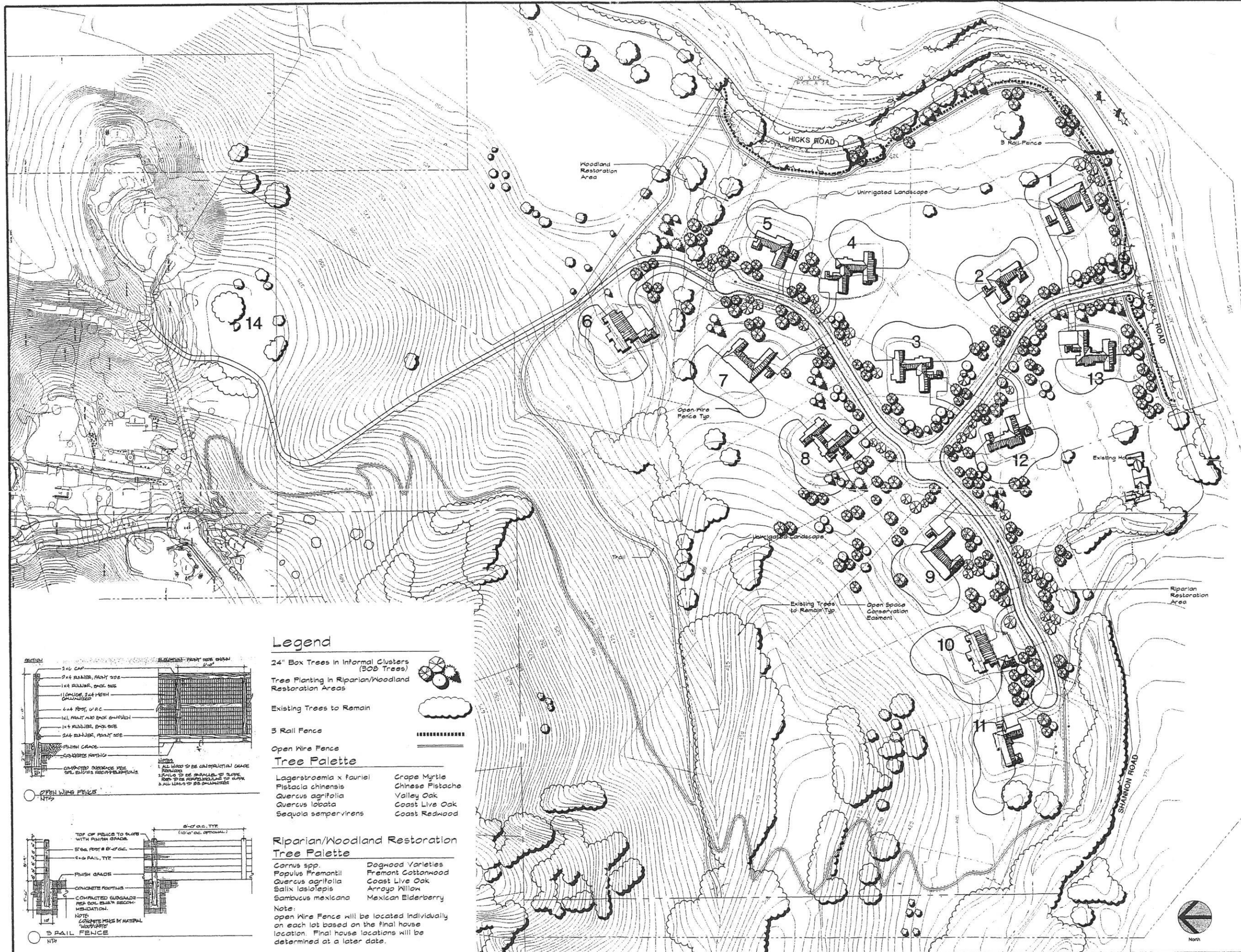
REV: 9-05-01
REV: 4-11-01

**CONCEPTUAL SITE PLAN
/CIRCULATION PLAN**
LANDS OF THE DAGNEY GROUP, L.L.C.
LOS GATOS, CALIFORNIA

BRACKAY & SOMPS
CIVIL ENGINEERS, INC.
CIVIL ENGINEERS/PLANNERS/PAVING SURVEYORS

1855 THE ALAMEDA SAN JOSE, CALIFORNIA 95126

SAN JOSE	SCALE	DATE	15432
OFFICE	1" = 80'	MAY 10, 2000	498 HO



Legend

24" Box Trees in Informal Clusters
(308 Trees)

Tree Planting in Riparian/Woodland Restoration Areas

Existing Trees to Remain

3 Roll Fence

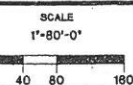
Open Wire Fence
Tree Palette

Lagerstroemia x fauriei	Grape Myrtle
Pistacia chinensis	Chinese Pistache
Quercus agrifolia	Valley Oak
Quercus lobata	Coast Live Oak
Sequoia sempervirens	Coast Redwood

Riparian/Woodland Restoration
Tree Palette

<i>Cornus</i> spp.	Dogwood Varieties
<i>Populus Fremontii</i>	Fremont Cottonwood
<i>Quercus agrifolia</i>	Coast Live Oak
<i>Salix lasiolepis</i>	Arroyo Willow
<i>Sambucus mexicana</i>	Mexican Elderberry

Note:
open Wire Fence will be located individually
on each lot based on the final house
location. Final house locations will be
determined at a later date.

[illegible]

DATE
8-24-01

SHEET NUMBER

L1.0

TREE LIST

TREE No.	SPECIES	TRUNK DIAMETER	LOCATION	PROPOSED ACTION	COMMENT
1	Japanese black pine	18	Lot 14	Preserve	
2	Coast live oak	16	Lot 14	Preserve	
3	Purpleleaf plum	5.4	Lot 14	Preserve	
4	Coast live oak	4	Lot 14	Preserve	
5	Coast redwood	21	Lot 14	Preserve	
6	Silk oak	17	Lot 14	Preserve	
7	Southern magnolia	10	Lot 14	Preserve	
8	Camphor	13	Lot 14	Preserve	
9	Pawpaw	6.6	Lot 14	Preserve	
10	Sweetgum	16	Lot 14	Preserve	
11	Sweetgum	14	Lot 14	Preserve	
12	Scots pine	12	Lot 14	Preserve	
13	Japanese maple	6.8	Lot 14	Preserve	
14	Cherry	7	Lot 14	Preserve	
15	Purpleleaf plum	15	Lot 14	Preserve	
16	Japanese maple	8	Lot 14	Preserve	
17	Japanese black pine	5	Lot 14	Preserve	
18	Rocky Mtn. juniper	8.6,6	Lot 14	Preserve	
19	Mayten	10	Lot 14	Preserve	
20	Mayten	5	Lot 14	Preserve	
21	Mayten	5	Lot 14	Preserve	
22	Mayten	8	Lot 14	Preserve	
23	Mayten	9	Lot 14	Preserve	
24	Mayten	11	Lot 14	Preserve	
25	European beech	8	Lot 14	Preserve	
26	Oliver	6.5,3.2,2	Lot 14	Preserve	
27	Cherry	5.4	Lot 14	Preserve	
28	Silver dollar gum	18	Lot 14	Preserve	
29	Japanese black pine	8	Lot 14	Preserve	
30	Japanese black pine	7	Lot 14	Preserve	
31	Plum	4	Lot 14	Preserve	
32	Plum	9.6,6.5,4	Lot 14	Preserve	
33	Plum	4.3,2.2	Lot 14	Preserve	
34	Plum	5	Lot 14	Preserve	
35	Plum	5.2	Lot 14	Preserve	
36	Apple	6	Lot 14	Preserve	
37	Calif. black walnut	9.8,7.5,6.6	Lot 14	Preserve	
38	Decid. cedar	10.7	Lot 14	Preserve	
39	Calif. black walnut		Lot 14	Preserve	
40	Coast live oak	7.6	Lot 14	Preserve	
41	Plum	4	Lot 14	Preserve	
42	Monterey pine	7	Lot 14	Preserve	
43	Monterey pine	25	Lot 14	Preserve	
44	Monterey pine	23	Lot 14	Preserve	
45	Monterey pine	18	Lot 14	Preserve	
46	Valley oak	29	Lot 14	Preserve	
47	Coast live oak	5	Lot 14	Preserve	
48	Japanese black pine	14	Lot 14	Preserve	
49	Almond	27	Lot 14	Preserve	
50	Blue oak	29	Lot 14	Preserve	
51	Coast redwood	10	Lot 14	Preserve	
52	Valley oak	49	Lot 14	Preserve	
53	Cordylone	12,10.9,9.7,7	Lot 14	Preserve	
54	Hollywood juniper	8.5,4	Lot 14	Preserve	
55	Coffeeterry	4	Lot 14	Preserve	
56	Plum	12	Lot 14	Preserve	
57	Hollywood juniper	9	Lot 14	Preserve	
58	Glossy privet	12,10,10.9,8.4	Lot 14	Preserve	
59	Elderberry	11	Lot 14	Preserve	
60	Hollywood juniper	8	Lot 14	Preserve	
61	Hollywood juniper	6	Lot 14	Preserve	
62	Oliver	8.5	Lot 14	Preserve	
63	Oliver	6.5,3	Lot 14	Preserve	
64	Oliver	11	Lot 14	Preserve	
65	Oliver	8.7,7.5,5.3,3	Lot 14	Preserve	
66	White mulberry	21	Lot 14	Preserve	
67	Coast live oak	42	Lot 14	Preserve	
68	Valley oak	70	Lot 14	Preserve	
69	Calif. black walnut	31	Lot 14	Preserve	
70	Calif. black walnut	6.4,3	Lot 5	Preserve	
71	Calif. black walnut	4	Lot 5	Preserve	
72	Calif. black walnut	5	Lot 5	Preserve	
73	Valley oak	10	Lot 5	Preserve	
74	Calif. black walnut	5	Lot 5	Preserve	
75	Calif. black walnut	4	Lot 5	Preserve	
76	Alleppo pine	4	Lot 5	Preserve	
77	Calif. black walnut	24	Lot 5	Preserve	
78	Alleppo pine	20	Lot 5	Preserve	
79	Almond	9	Lot 5	Preserve	
80	Calif. black walnut	18	Lot 5	Preserve	
81	Valley oak	52	Lot 5	Preserve	
82	Oriental arbutus	7.4,4	Lot 5	Remove	Poor health and in drapeline of #81
83	Calif. black walnut	18	Lot 5	Preserve	
84	Calif. black walnut	11	Lot 5	Preserve	
85	Coast live oak	8	Hicks Road	Preserve	
86	Valley oak	15	Hicks Road	Preserve	
87	Coast live oak	20	LOT 5	Preserve	
88	Blue gum	77	LOT 5	Preserve	
89	Valley oak	42	LOT 5	Remove	Poor health & structure
90	Yellow willow	9.8,6	LOT 5	Preserve	
91	Valley oak	29	LOT 5	Preserve	
92	Valley oak	46	LOT 5	Preserve	
93	Valley oak	22	LOT 5	Preserve	
94	Calif. black walnut	7.5,5	LOT 6	Remove	Development impacts
95	Calif. bay	17,12,11,11,10,10.6	LOT 6	Preserve	
96	Calif. black walnut	16	LOT 6	Preserve	
97	Coast live oak	8	LOT 6	Preserve	
98	Calif. bay	11	LOT 6	Preserve	
99	Calif. bay	16.7	LOT 6	Preserve	
100	Valley oak	33	Lot 7	Preserve	
101	Coast live oak	22,16	Lot 7	Preserve	
102	Valley oak	20	Lot 7	Preserve	
103	Calif. black walnut	7.3	Lot 8	Remove	Dead
104	Elderberry	4.4,4.3	Lot 8	Remove	Poor health and/or structure
105	Valley oak	7	Lot 8	Remove	To be relocated on site
106	Valley oak	11	Lot 8	Preserve	
107	Valley oak	6	Lot 8	Preserve	
108	Coast live oak	22	Lot 8	Preserve	
109	Valley oak	27	Lot 8	Preserve	
110	Valley oak	23	Lot 8	Preserve	
111	Valley oak	18	Lot 8	Preserve	
112	Valley oak	20	Lot 8	Preserve	
113	Valley oak	22	Lot 8	Preserve	
114	Calif. black walnut	6	Lot 8	Preserve	
115	Coast live oak	21	Lot 8	Preserve	
116	Coast live oak	25,22	Lot 8	Preserve	
117	Valley oak	20	Lot 8	Preserve	
118	Valley oak	26,10	Lot 8	Preserve	
119	Calif. black walnut	7	Lot 8	Preserve	
120	Calif. black walnut	6	Lot 8	Preserve	
121	Western sycamore	42	Lot 8	Preserve	
122	Valley oak	27	Lot 8	Preserve	
123	Monterey pine	4	Lot 8	Preserve	
124	Calif. black walnut	20	Lot 8	Preserve	
125	Orange	8	Lot 8	Remove	Ornamental
126	Red river gum	8.7,4	Lot 8	Remove	Poor health and/or structure
127	Almond	8.7,5.4,3	Lot 8	Remove	Poor health and/or structure
128	Coast redwood	32	Lot 8	Remove	Poor health and/or structure
129	English walnut	14	Lot 8	Remove	Poor health and/or structure
130	Calif. black walnut	13	Lot 8	Remove	Poor health and/or structure
131	Blue gum	9	Lot 8	Remove	Poor health and/or structure
132	Oliver	15	Lot 8	Remove	Poor health and/or structure
133	Blue gum	5	Lot 8	Remove	Poor health and/or structure
134	Blue gum	4	Lot 8	Remove	Poor health and/or structure
135	Blue gum	4	Lot 8	Remove	Poor health and/or structure
136	Almond	4.2,2	Lot 13	Remove	Poor health and/or structure
137	English walnut	17,13	Lot 13	Remove	
138	Blue gum	6	Road	Remove	Poor health and/or structure
139	Almond	18	Lot 13	Remove	Poor health and/or structure
140	Calif. Buckeye	4.2,2.2,2	Hicks Road	Remove	Poor health and/or structure

TREE LIST

TREE No.	SPECIES	TRUNK DIAMETER	LOCATION	PROPOSED ACTION	COMMENT
141	Calif. black walnut	19	Lot 2	Remove	Poor health and/or structure
142	Calif. black walnut	11.9	Lot 2	Remove	Poor health and/or structure
143	Calif. black walnut	16	Lot 2	Remove	Poor health and/or structure
144	Calif. black walnut	9	Lot 2	Preserve	
145	Calif. black walnut	21	Lot 1	Preserve	
146	Calif. black walnut	15	Lot 1	Preserve	
147	Calif. black walnut	16	Lot 1	Preserve	
148	Calif. black walnut	19	Lot 1	Preserve	
149	Almond	9.6	Hicks Road	Preserve	
150	Valley oak	26	Hicks Road	Preserve	
151	Elderberry	12	Hicks Road	Preserve	
152	Coast live oak	21	Hicks Road	Preserve	
153	Coast live oak	30	Hicks Road	Preserve	
154	Coast live oak	29	Hicks Road	Preserve	
155	Calif. black walnut	7	Hicks Road	Preserve	
156	Calif. black walnut	4	Hicks Road	Preserve	
157	Valley oak	20	Hicks Road	Preserve	
158	Coast live oak	7.6	Hicks Road	Preserve	
159	Coast live oak	12	Hicks Road	Preserve	
160	Plum	9	Hicks Road	Preserve	
161	Coast live oak	17	Hicks Road	Preserve	
162	Coast live oak	14	Hicks Road	Preserve	
163	Calif. buckeye	7.5	Hicks Road	Preserve	
164	Plum	8.6,6.5,5.4,2.2	Hicks Road	Preserve	
165	Coast live oak	17	Hicks Road	Preserve	
166	Valley oak	33	Hicks Road	Preserve	
167	Elderberry	6.5,4.4,3	Hicks Road	Preserve	
168	Valley oak	22	Hicks Road	Preserve	
169	Calif. pepper	19	Hicks Road	Preserve	
170	Calif. black walnut	9.8	Hicks Road	Preserve	
171	Coast live oak	20	Hicks Road	Preserve	
172	Valley oak	9	Hicks Road	Preserve	
173	Valley oak	20	Hicks Road	Preserve	
174	Coast live oak	28,26,22,20,18	Hicks Road	Preserve	
175	Coast live oak	25,20,19,15	Hicks Road	Preserve	
176	Calif. black walnut	6.4	Hicks Road	Preserve	
177	Elderberry	7.5,4	Hicks Road	Remove	In triangle of visibility required, remove
178	Calif. black walnut	9	Hicks Road	Remove	In triangle of visibility required, remove
179	Valley oak	19,15	Hicks Road	Preserve	
180	Plum	3.3,3.3	Hicks Road	Remove	In triangle of visibility required, remove
181	Valley oak	5	Hicks Road	Preserve	In triangle of visibility required, relocate on site
182	Calif. buckeye	multi	Hicks Road	Remove	In triangle of visibility required, remove
183	Valley oak	23	Hicks Road	Remove	In triangle of visibility required, remove
184	Coast live oak	5.6	Hicks Road	Preserve	In triangle of visibility required, relocate on site
185	Valley oak	16.16,14.9	Hicks Road	Remove	Development impacts
186	Valley oak	15	Hicks Road	Remove	Poor health and/or structure
187	Coast live oak	19	Hicks Road	Remove	Tree has exposed roots
188	Coast live oak	24	Lot 9	Preserve	
189	Calif. pepper	16,10,10,6.6	Lot 9	Remove	Dead
190	Almond	12.5,7.6	Lot C	Preserve	
191	Almond	12	Lot C	Preserve	
192	Almond	12,11,4.3	Lot C	Preserve	
193	Signal maple	36,10	Lot C	Remove	Poor health and trail location
194	Valley oak	51	Lot C	Preserve	
195	Coast live oak	8	Lot C	Preserve	
196	Almond	5.4	Lot C	Preserve	
197	Eucalyptus	8	Lot C	Preserve	
198	Coast redwood	12,10.9	Lot C	Preserve	
199	Valley oak	45	Lot C	Preserve	
200	Valley oak	30	Lot C	Preserve	
201	Valley oak	32	Lot 11	Preserve	Prune crown to reduce weight through the crown.
202	Almond	7.6	Lot C	Remove	Poor condition and demolition impacts
203	Valley oak	8	Lot C	Preserve	Relocate on site
204	Arbutus	5	Lot C	Remove	Poor health & structure, trail location
205	Coast live oak	28	Lot A	Preserve	
206	Coast live oak	17,16	Lot A	Preserve	
207	Coast live oak	40	Lot A	Preserve	
208	Valley oak	21	Lot 10	Preserve	
209	Coast live oak	18,19,14.9	Lot A	Preserve	
210	Coast live oak	25,20.8	Lot A	Preserve	
211	Coast live oak	21,14	Lot A	Preserve	
212	Coast live oak	21,15	Lot A	Preserve	
213	Valley oak	16	Lot A	Preserve	
214	Valley oak	19	Lot A	Preserve	
215	Valley oak	22	Lot A	Preserve	
216	Valley oak	17	Lot A	Preserve	
217	Valley oak	33	Lot A	Preserve	
218	Valley oak	18	Lot A	Preserve	
219	Valley oak	19	Lot A	Preserve	
220	Valley oak	22	Lot A	Preserve	
221	Valley oak	13	Lot A	Preserve	
222	Valley oak	21	Lot A	Preserve	
223	Valley oak	15	Lot A	Preserve	
224	Valley oak	26	Lot A	Preserve	
225	Valley oak	17	Lot A	Preserve	
226	Valley oak	9.7	Lot A	Preserve	
227	Coast live oak	14,12,12,10.8	Lot A	Preserve	
228	Coast live oak	18,16,13	Lot A	Preserve	
229	Valley oak	8	Lot A	Preserve	
230	Valley oak	22	Lot A	Preserve	
231	Valley oak	26	Lot A	Preserve	
232	Valley oak	24,17	Lot A	Preserve	
233	Valley oak	30	Lot A	Preserve	
234	Coast live oak	35	Lot A	Preserve	
235	Coast live oak	28	Lot A	Preserve	
236	Coast live oak	15	Lot A	Preserve	
237	Coast live oak	9	Lot A	Preserve	
238	Coast live oak	12	Lot A	Preserve	
239	Coast live oak	12	Lot A	Preserve	
240	Coast live oak	27	Lot A	Preserve	
241	Coast live oak	8	Lot A	Preserve	
242	Coast live oak	8	Lot A	Preserve	
243	Coast live oak	6	Lot A	Preserve	
244	Coast live oak	10.5	Lot A	Preserve	
245	Elderberry	11,10,10.8,7.6	Lot A	Preserve	
246	Coast live oak	8.7	Lot A	Preserve	
247	Coast live oak	11	Lot A	Preserve	
248	Coast live oak	8	Lot A	Preserve	
249	Coast live oak	16	Lot A	Preserve	
250	Coast live oak	8	Lot A	Preserve	
251	Coast live oak	25	Lot A	Preserve	
252	Coast live oak	17	Lot A	Preserve	
253	Coast live oak	24	Lot A	Preserve	
254	Valley oak	14	Lot A	Preserve	
255	Valley oak	8	Lot A	Preserve	
256	Valley oak	18	Lot A	Preserve	
257	Plum	6.5	Lot A	Preserve	
258	Calif. bay	32,18,17	Lot B	Preserve	
259	Calif. bay	14,12,11,11,6.5	Lot B	Preserve	
260	Calif. bay	11,15,22,19,26,11	Lot B	Preserve	
261	Valley oak	37	Lot 8	Preserve	
262	Coast live oak	13	Lot 9	Preserve	
263	Coast live oak	22,22,17	Lot 11	Preserve	
264	Blue oak	17	Lot 11	Preserve	
265	Blue oak	33	Lot 11	Preserve	
266	Blue oak	16,19	Lot 11	Preserve	
267	Blue oak	27	Lot 11	Preserve	
268	Valley oak	17	Lot 11	Preserve	
269	Blue oak	15,15	Lot 11	Preserve	
270	Blue oak	13	Lot 11	Preserve	
271	Blue oak	14,12	Lot 11	Preserve	
272	Valley oak	17	Lot 10	Preserve	
273	Blue oak	14	Lot 10	Preserve	
274	Blue oak	13	Lot 10	Preserve	
275	Blue oak	14,11	Lot 10	Preserve	
276	Blue oak	17,9	Lot 10	Preserve	
277	Blue oak	16	Lot 10	Preserve	
278	Blue oak	6	Lot 10	Preserve	
279	Blue oak	15	Lot 10	Preserve	
280	Blue oak	18,17,18	Lot 10	Preserve	
281	Blum gum	0.4	Lot 2	Remove	Poor health
282	Blum gum	7.4	Lot 3	Remove	Poor health

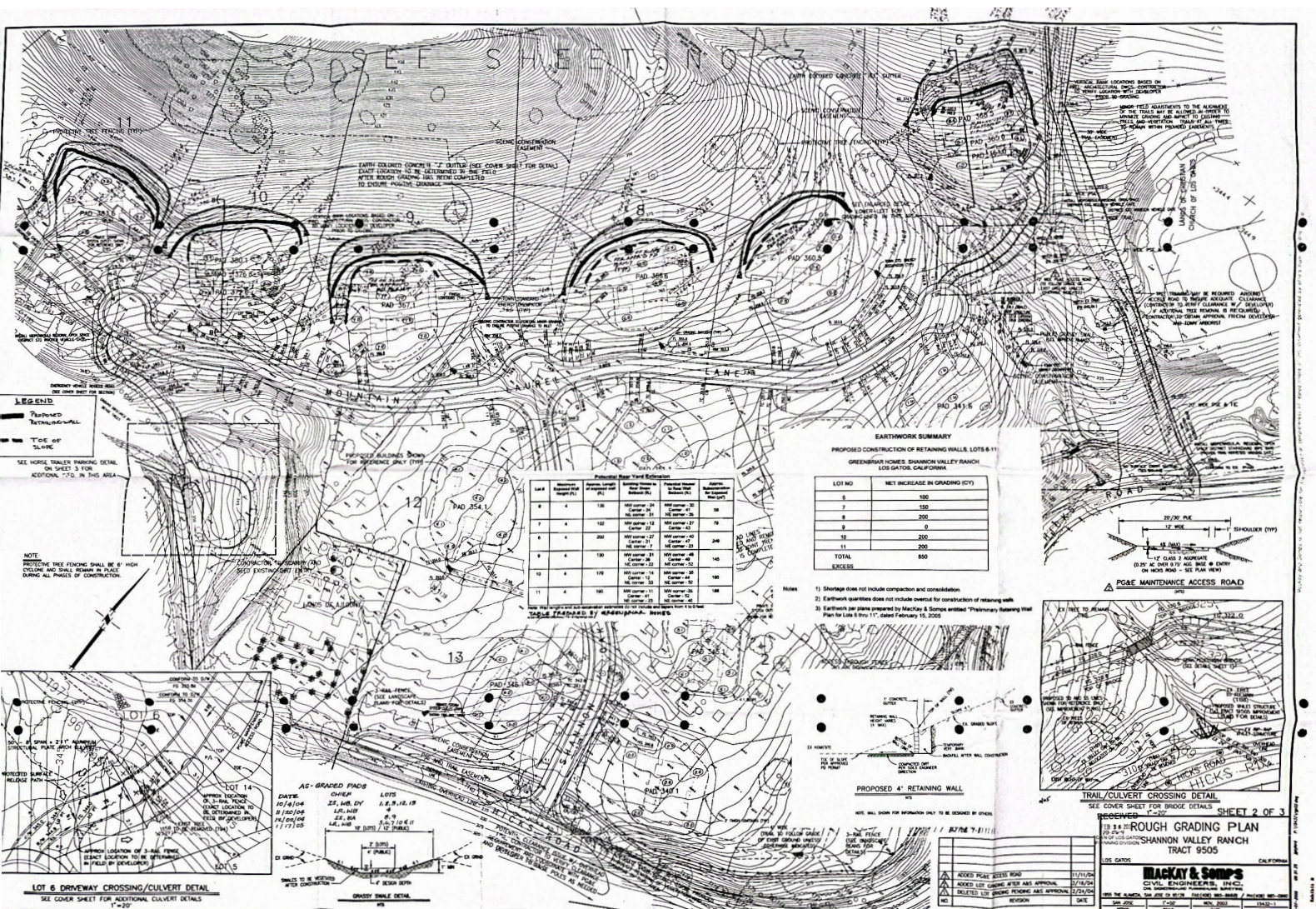


Exhibit D

***This Page
Intentionally
Left Blank***



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 4/18/2023

ITEM NO: 6

DATE: April 3, 2023
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Authorize the Town Manager to Execute a Notice of Completion and Certificate of Acceptance for the Fiscal Year 2022 Annual Storm Drain Improvements – 62 Ellenwood Avenue Project (CIP No. 816-0420), Completed by Casey Construction, and Authorize the Town Clerk to File for Recordation

RECOMMENDATION:

Authorize the Town Manager to execute a Notice of Completion and Certificate of Acceptance for the Fiscal Year (FY) 2022 Annual Storm Drain Improvements – 62 Ellenwood Project (CIP No. 816-0420), completed by Casey Construction, and authorize the Town Clerk to file for recordation.

BACKGROUND:

On September 20, 2022, the Town Council authorized the bidding of the repair of the Town-owned storm drainage system that runs through the private property at 62 Ellenwood Avenue, Assessor's Parcel Number (APN) 510-20-068. Staff worked closely with the property owner and their engineers to develop design plans. The project was advertised for bid on September 26, 2022 and bids were opened on October 10, 2022. Three bids were received and all three exceeded the \$300,000 anticipated project cost. The project was presented to Council at the meeting of October 18, 2022 with a request to reject all bids and rebid the project. Council rejected all bids and authorized the Town Manager to rebid the Project after incorporating cost reduction strategies.

The Town rebid the Project and three bids were again received. The Town entered into an agreement with Casey Construction on December 8, 2022 for \$223,400 to construction the Project.

PREPARED BY: James Watson
Interim Town Engineer

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

SUBJECT: Authorize the Town Manager to Execute a Notice of Completion and Certificate of Acceptance for the Fiscal Year 2022 Annual Storm Drain Improvements – 62 Ellenwood Avenue Project (CIP No. 816-0420), Completed by Casey Construction, and Authorize the Town Clerk to File for Recordation

DATE: April 3, 2023

DISCUSSION:

The construction project began in February 2023. Casey Construction has since satisfactorily completed all contracted work items for a final contract amount of \$214,900. Staff recommends acceptance of the Project (Attachment 1).

Five percent of the faithful performance bonds will remain in effect for a period of two years as a guarantee for any needed repair or replacement caused by defective materials and/or workmanship for the Project. The execution and recordation of the Notice of Completion and Certificate of Acceptance is now required to finalize the Town's acceptance of the Project.

CONCLUSION:

Authorize the Town Manager to execute a Notice of Completion and Certificate of Acceptance for the 2022 Annual Storm Drain Improvements – 62 Ellenwood Avenue Project (CIP No. 816-0420), completed by Casey Construction, and authorize the Town Clerk to file for recordation.

COORDINATION:

This report has been coordinated with the Finance Department and Town Attorney.

FISCAL IMPACT:

There were sufficient funds available in the CIP Budget for the Annual Storm Drain Improvement Project CIP No. 816-0420 as displayed in the fiscal table.

Annual Storm Drain Improvement Project		
CIP No. 816-0420 - Storm Basin #2 (Fund 462)		
	Budget	Costs
GFAR	\$ 186,600	
Transfer from Fund 462 - Storm Basin #2 (Approved with 9/20/22 Staff Report)	\$ 113,400	
Total Budget	\$ 300,000	
		Costs
Construction Agreement		\$ 214,900
Geotechnical Review		\$ 3,892
Misc. Project Expenses		\$ 1,916
Total Costs		\$ 216,816
Available Balance		\$ 83,184

PAGE 3 OF 3

SUBJECT: Authorize the Town Manager to Execute a Notice of Completion and Certificate of Acceptance for the Fiscal Year 2022 Annual Storm Drain Improvements – 62 Ellenwood Avenue Project (CIP No. 816-0420), Completed by Casey Construction, and Authorize the Town Clerk to File for Recordation

DATE: April 3, 2023

ENVIRONMENTAL ASSESSMENT:

This is a project as defined under the California Environmental Quality Act and is Categorically Exempt (Section 15301c). A Notice of Exemption was previously filed.

Attachment:

1. Certificate of Acceptance and Notice of Completion

Recording Requested by:

TOWN OF LOS GATOS

WHEN RECORDED MAIL TO:

TOWN CLERK
TOWN OF LOS GATOS
110 E MAIN ST
LOS GATOS, CA 95030

(SPACE ABOVE BAR FOR RECORDER'S USE)

(RECORD WITHOUT FEE UNDER GOVERNMENT CODE SECTIONS 27383 AND 6103)

TYPE OF RECORDING

CERTIFICATE OF COMPLETION AND NOTICE OF ACCEPTANCE

PPW JOB NO. 22-816-0420 Annual Storm Drain Improvements – 62 Ellenwood Avenue

TO WHOM IT MAY CONCERN:

I do hereby certify that Casey Construction, Inc. completed the work called for in the agreement with the Town of Los Gatos dated December 8, 2022. The work is outlined in the Town's bid process prepared by the Town of Los Gatos and generally consisted of furnishing all labor, materials, tools, equipment, and services required for completion of the PPW Job No. 22-816-0420 located at 62 Ellenwood Avenue (APN 510-20-068) in the TOWN OF LOS GATOS, County of Santa Clara, State of California and was completed, approved and accepted **April 18, 2023**.

Bond No.: 0820094

Date: December 9, 2022

TOWN OF LOS GATOS

By: _____
Laurel Prevetti, Town Manager

Acknowledgment Required



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/18/2023

ITEM NO: 7

DATE: April 11, 2023
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Receive the Monthly Financial and Investment Report (February 2023).

RECOMMENDATION:

Receive the Monthly Financial and Investment Report (February 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 February 2023 Monthly Financial and Investment Report which fulfills this requirement.

Attachment 1 contains a Fund Balance Schedule, representing estimated funding available for all funds at the end of the February 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 February 28, 2023, the Town's financial position (Assets \$78.8M, Liabilities \$26.6M and Fund Equity \$52.2M) 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

DISCUSSION (continued):

Reconciling Cash to Fund Balance		
Total Cash	\$	69,108,644
Plus: Assets	\$	9,701,729
Less: Liabilities	\$	(26,572,208)
Estimated Fund Balance	\$	52,238,165

As of February 28, 2023, the Town's weighted portfolio yield for investments under management was 2.66% which exceeded by 4 basis points the Local Agency Investment Fund (LAIF) yield of 2.62% for the same reporting period. Currently the LAIF portfolio's weighted average maturity (WAM) is 287 days versus the Town's longer WAM of 475 days. The longer maturity will benefit the Town for additional cashflow earned with bond interests. 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 2.66% at the close of February was 21 basis points higher when compared to the prior months return of 2.45% reported as of January 31, 2023.

Since December 31, 2022, LAIF yields had climbed from 217 basis points (2.17%) to 2.62 basis points (2.62%) through the end of February 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.

As of February 2, 2023, the Federal Reserve voted to approve a ¼ percentage basis point increase from 4.5% to 4.75%. With this increase, the Federal Open Market Committee (FOMC) expects that this will bring back the inflation target of 2% over time. Following this announcement from FOMC, labor market data showed that about 517,000 new jobs were added in January. This in turn affected the unemployment rate which declined to 3.4% from 3.5%.

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.

The Finance Commission is receiving this Report at its April 17, 2023 meeting.

PAGE 3 OF 3

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

DATE: April 11, 2023

CONCLUSION:

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

Attachment:

1. Financial and Investment Report (February 2023)

Town of Los Gatos
Summary Investment Information
February 28, 2023

Weighted Average YTM Portfolio Yield on Investments under Management

2.66%

Weighted Average Maturity (days)

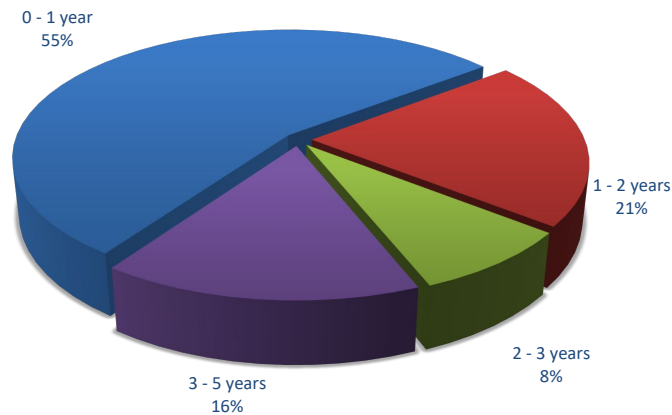
475

	This Month	Last Month	One year ago
Portfolio Allocation & Treasurer's Cash Balances	\$69,108,644	\$68,295,974	\$71,083,516
Managed Investments	\$47,026,000		
Local Agency Investment Fund	\$6,978,204		
Reconciled Demand Deposit Balances	\$15,104,440		
Portfolio Allocation & Treasurer's Cash Balances	<u>\$69,108,644</u>		

Benchmarks/ References:

Town's Average Yield	2.66%	2.45%	1.17%
LAIF Yield for month	2.62%	2.43%	0.28%
3 mo. Treasury	4.85%	4.69%	0.32%
6 mo. Treasury	5.18%	4.86%	0.66%
2 yr. Treasury	4.82%	4.21%	1.44%
5 yr. Treasury (most recent)	4.19%	3.62%	1.72%
10 Yr. Treasury	3.93%	3.51%	1.83%

Portfolio Maturity Profile

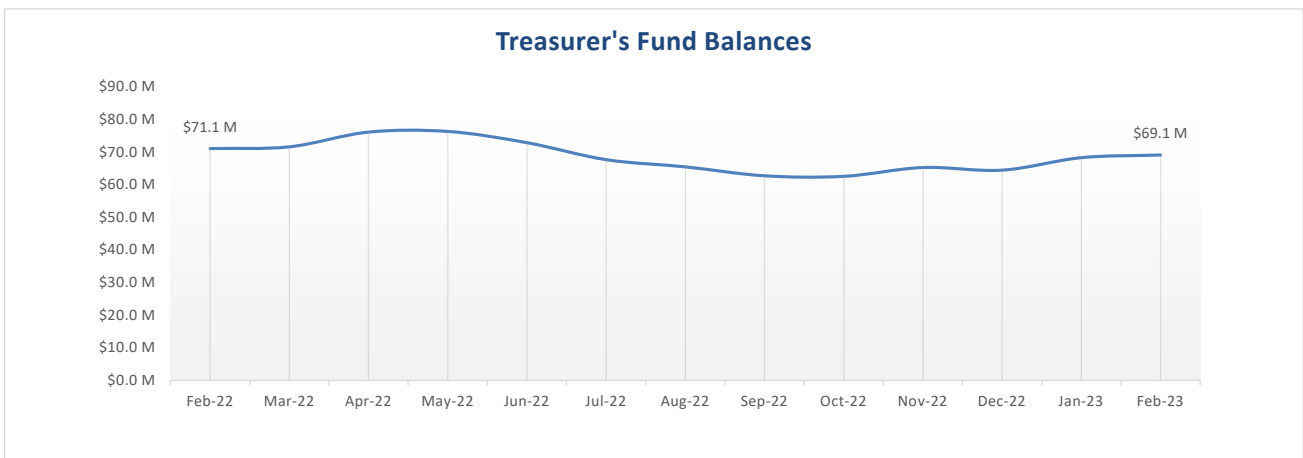
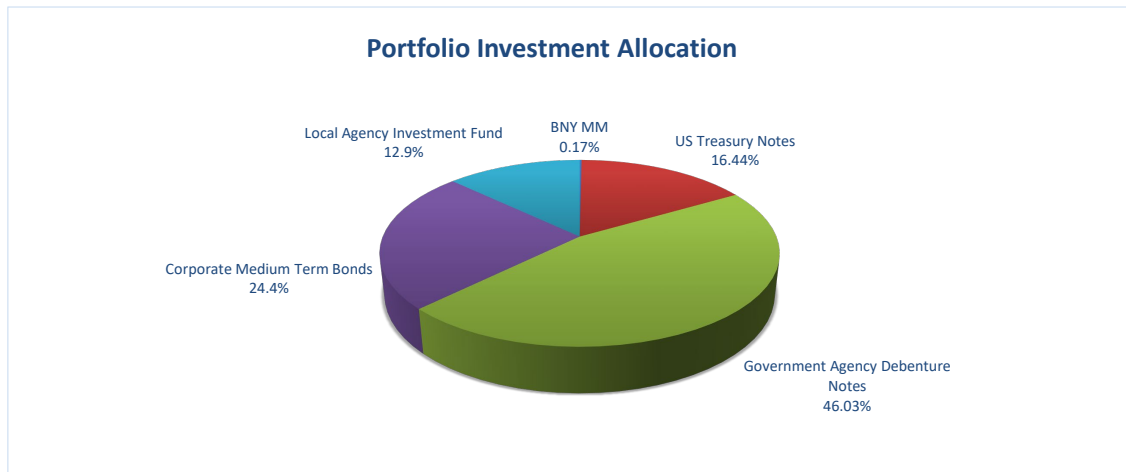


Compliance: The Town's investments are in compliance with the Town's investment policy dated February 21, 2023 and also in compliance with the requirements of Section 53600 at seq. of the California State Code. Based on the information available, the Town has sufficient funds to meet the cash demands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

Town of Los Gatos
Portfolio Allocation & Treasurer's Cash Balances
February 28, 2023

	Month	YTD
Cash & Investment Balances - Beginning of Month/Period	\$68,295,973.87	\$72,886,942.83
Receipts	5,104,179.53	37,326,510.94
Disbursements	(4,291,509.35)	(41,104,809.72)
Cash & Investment Balances - End of Month/Period	<u>\$69,108,644.05</u>	<u>\$69,108,644.05</u>

Portfolio Allocation	Amount	% of Portfolio	Max. % or \$ Allowed per State Law or Policy
BNY MM	\$93,101.80	0.17%	20% of Town Portfolio
US Treasury Notes	\$8,877,414.30	16.44%	No Max. on US Treasuries
Government Agency Debenture Notes	\$24,857,006.60	46.03%	No Max. on Non-Mortgage Backed
Corporate Medium Term Bonds	\$13,198,477.01	24.44%	30% of Town Portfolio
Local Agency Investment Fund	\$6,978,204.02	12.92%	\$75 M per State Law
Subtotal - Investments	<u>54,004,203.73</u>	<u>100.00%</u>	
Reconciled Demand Deposit Balances	<u>15,104,440.32</u>		
Total Portfolio Allocation & Treasurer's Cash Balances	<u>\$69,108,644.05</u>		



Town of Los Gatos
Non-Treasury Restricted Fund Balances
February 28, 2023

	Beginning Balance	Feb. 2023 Deposits Realized Gain/Adj.	Feb. 2023 Interest/ Earnings	Feb. 2023 Withdrawals	Ending Balance	
Non-Treasury Funds:						
Cert. of Participation 2002 Series A Reserve Fund	\$ 692,496.79		\$ 2,192.70	\$ 8,438.49	\$ 686,251.00	Note 1
Cert. Of Participation 2010 Ser A Lease Pymt Fund	133,662.50		31.60	133,662.50	31.60	Note 1
Cert. of Participation 2002 Lease Payment Fund	121,225.00	8,438.49	67.70	121,225.00	8,506.19	Note 1
Cert. of Participation 2010 Series Reserve Fund	1,295,269.99		4,484.82		1,299,754.81	Note 2
Total Restricted Funds:	<u>\$ 2,242,654.28</u>	<u>\$ 8,438.49</u>	<u>\$ 6,776.82</u>	<u>\$ 263,325.99</u>	<u>\$ 1,994,543.60</u>	
CEPPT IRS Section 115 Trust	692,196.69	(18,916.96)			\$ 673,279.73	
Grand Total COP's and CEPPT Trust	<u>\$ 2,934,850.97</u>	<u>\$ (10,478.47)</u>	<u>\$ 6,776.82</u>	<u>\$ 263,325.99</u>	<u>\$ 2,667,823.33</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
February 28, 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		79,760.25
March 2023		
April 20203		
May 2023		
June 2023		
	\$	557,358.19

Town of Los Gatos Investment Schedule
February 28, 2023

Institution	CUSIP #	Security	Coupon	Deposit Date	Par Value	Original Cost	Market Value	Market Value Above (Under) Cost	Purchased Interest	Maturity Date or Call Date	Yield to Maturity or Call	Interest Received to Date	Interest Earned Prior Yrs.	Interest Earned Current FY	Days to Maturity
Treasury	91282CAP6	US Treasury Note	0.13%	6/30/2021	1,000,000.00	995,390.63	969,921.88	(25,468.75)		10/15/2023	0.33%	\$ 1,615.44	\$ 3,260.06	\$ 2,170.40	229
Toyota Motor Credit	89236THA6_1	Corporate Bond	1.35%	04/12/21	500,000.00	510,580.00	490,708.07	(19,871.93)		8/25/2023	0.45%	\$ 12,618.75	\$ 2,780.30	\$ 1,521.65	178
Toyota Motor Credit	89236THA6	Corporate Bond	1.35%	1/11/2022	1,100,000.00	1,107,315.00	1,079,557.74	(27,757.26)		8/25/2023	0.94%	\$ 16,665.00	\$ 4,812.29	\$ 6,878.75	178
US Treasury	91282CDD0	US Treasury Note	0.38%	1/13/2022	1,100,000.00	1,090,675.78	1,066,226.57	(24,449.21)		10/31/2023	0.85%	\$ 3,281.77	\$ 4,286.54	\$ 6,200.17	245
US Treasury	91282CCN9	US Treasury Note	0.13%	1/13/2022	1,200,000.00	1,188,375.00	1,175,859.37	(12,515.63)		7/31/2023	0.75%	\$ 1,573.37	\$ 4,153.18	\$ 6,007.27	153
FFCB	3133EKMx1	Gov. Agency Debenture	2.23%	8/2/2019	1,000,000.00	1,014,400.00	971,047.00	(43,353.00)		2/23/2024	1.90%	\$ 84,925.83	\$ 55,756.94	\$ 12,745.94	360
FFCB	3133EMBE1	Gov. Agency Debenture	0.30%	10/8/2020	1,600,000.00	1,598,000.00	1,516,880.11	(81,119.89)		3/28/2024	0.34%	\$ 9,453.34	\$ 9,279.41	\$ 3,579.20	394
FFCB	3133EMCQ3	Gov. Agency Debenture	0.28%	10/16/2020	2,000,000.00	1,998,000.00	1,938,471.46	(59,528.54)		10/13/2024	0.31%	\$ 11,153.33	\$ 10,396.24	\$ 4,061.55	593
Apple	037833DB3	Corporate Bond	2.90%	12/20/2022	1,300,000.00	1,228,591.00	1,208,631.68	(19,959.32)	10,262.78	6/21/2027	4.19%	\$ (10,262.78)	\$ -	\$ 10,270.67	1574
Home Depot	437076BM3	Corporate Bond	3.00%	8/4/2022	1,000,000.00	991,960.00	943,702.38	(48,257.62)		1/1/2026	3.04%	\$ 4,750.00	\$ -	\$ 18,438.04	1038
Home Depot	912828ZW3	US Treasury Note	0.25%	8/9/2022	350,000.00	322,096.88	316,394.53	(5,702.35)		6/30/2025	3.16%	\$ 342.39	\$ -	\$ 5,850.60	853
IBM	459200JY8	Corporate Bond	3.00%	3/25/2021	1,000,000.00	1,071,040.00	972,185.27	(98,854.73)		5/15/2024	0.71%	\$ 49,166.67	\$ 9,358.41	\$ 4,922.28	442
US Treasury	912828R28	US Treasury Note	1.63%	7/2/2019	500,000.00	497,246.09	497,318.20	72.11		4/30/2023	1.77%	\$ 27,046.54	\$ 26,507.80	\$ 5,887.93	61
Freddie Mac	3137EAE58	Gov. Agency Debenture	2.75%	7/19/2019	2,000,000.00	2,072,358.00	1,986,014.16	(86,343.84)		6/19/2023	1.79%	\$ 187,916.67	\$ 107,829.55	\$ 24,329.23	111
FFCB	3133ENSV8	Gov. Agency Debenture	4.13%	1/17/2023	236,000.00	239,174.20	233,203.21	(5,970.99)	162.25	1/11/2027	3.76%	\$ (162.25)	\$ -	\$ 1,028.57	1413
Treasury	91282CBT7	US Treasury Note	0.75%	9/30/2022	800,000.00	712,565.18	715,843.75	3,278.57		3/31/2026	4.14%	\$ -	\$ -	\$ 12,812.91	1127
FFCB	3133ENP95	Gov. Agency Debenture	4.25%	9/30/2022	900,000.00	900,939.60	890,408.41	(10,531.19)		9/30/2025	4.14%	\$ -	\$ -	\$ 15,694.52	945
US Treasury	91282CDA6	Gov. Agency Debenture	0.25%	1/31/2022	1,100,000.00	1,085,222.44	1,069,535.16	(15,687.28)		9/30/2023	1.07%	\$ 1,820.74	\$ 4,781.92	\$ 7,746.71	214
US Treasury	91282CAW1	Gov. Agency Debenture	0.25%	7/15/2021	1,200,000.00	1,199,437.50	1,159,687.50	(39,750.00)		11/15/2023	0.27%	\$ 4,002.72	\$ 3,107.52	\$ 2,157.50	260
American Honda	02665WC22	Corporate Bond	2.40%	11/27/2019	1,000,000.00	1,012,410.01	962,700.77	(49,709.24)		6/27/2024	2.12%	\$ 84,733.34	\$ 55,189.68	\$ 14,176.63	485
JP Morgan Chase	46625HRS1	Gov. Agency Debenture	3.20%	9/23/2022	500,000.00	474,660.00	470,737.89	(3,922.11)		3/15/2026	4.70%	\$ 3,644.44	\$ -	\$ 10,081.05	1111
Honeywell Int'l.	438516BW5	Corporate Bond	2.30%	11/20/2019	1,000,000.00	1,014,660.00	959,444.59	(55,215.41)		7/15/2024	1.64%	\$ 73,983.33	\$ 51,828.99	\$ 13,215.58	503
Caterpillar Financial Serv	14913Q2V0	Corporate Bond	2.85%	2/23/2021	1,000,000.00	1,072,370.00	972,222.86	(105,147.14)		5/17/2024	0.44%	\$ 49,400.00	\$ 6,129.72	\$ 3,027.48	444
FNMA	9135G0V75	Gov. Agency Debenture	1.75%	10/17/2019	1,100,000.00	1,105,833.30	1,052,230.04	(53,603.26)		7/2/2024	1.63%	\$ 62,081.25	\$ 48,706.74	\$ 11,991.63	490
US Bancorp	31159HVV5	Corporate Bond	3.38%	12/24/2019	1,000,000.00	1,049,040.00	981,378.44	(67,661.56)		1/5/2024	2.12%	\$ 105,093.75	\$ 54,380.13	\$ 14,379.08	311
FHLB	3133834G3	Gov. Agency Debenture	2.13%	3/11/2021	1,400,000.00	1,460,522.00	1,389,131.46	(71,390.54)		6/9/2023	0.19%	\$ 51,897.22	\$ 3,664.98	\$ 1,870.99	101
FFCB	3133EKQA7	Gov. Agency Debenture	2.08%	10/21/2019	1,000,000.00	1,019,780.00	955,915.28	(63,864.72)		9/10/2024	1.66%	\$ 60,031.11	\$ 45,130.78	\$ 11,156.44	560
PNC Financial	69349LAM0	Corporate Bond	3.80%	2/7/2022	1,000,000.00	1,033,470.00	994,466.33	(39,003.67)		6/25/2023	1.49%	\$ 36,733.33	\$ 5,372.34	\$ 9,129.23	117
FHLB	3135G0SX7	Gov. Agency Debenture	0.38%	6/10/2022	1,200,000.00	1,102,952.40	1,079,023.87	(23,928.53)		8/25/2025	3.04%	\$ 3,187.50	\$ 1,902.68	\$ 23,117.53	909
Treasury	912828ZL7	Gov. Agency Debenture	0.38%	4/12/2022	1,700,000.00	1,583,927.57	1,548,726.55	(35,201.02)		4/30/2025	2.72%	\$ 3,504.49	\$ 9,611.14	\$ 29,563.39	792
JP Morgan Chase	46625HJH8	Corporate Bond	3.88%	9/23/2019	1,400,000.00	1,485,414.00	1,377,857.04	(107,556.96)		2/1/2024	2.39%	\$ 182,038.89	\$ 96,022.89	\$ 23,079.68	338
American Honda	02665WDH1	Corporate Bond	1.95%	2/14/2020	600,000.00	603,756.00	596,169.17	(7,586.83)		5/10/2023	1.75%	\$ 33,995.00	\$ 25,034.14	\$ 7,016.49	71
Treasury	912828V23	US Treasury Note	2.25%	11/29/2021	1,000,000.00	1,032,933.04	976,484.38	(56,448.66)		12/31/2023	0.66%	\$ 24,456.52	\$ 3,924.44	\$ 4,477.18	306
Treasury	91282CBE0_2	Gov. Agency Debenture	0.13%	10/7/2021	1,000,000.00	994,768.98	957,539.06	(37,229.92)		1/15/2024	0.36%	\$ 1,589.67	\$ 2,587.41	\$ 2,363.68	321
FHLB	3130ALH98	Gov. Agency Debenture	0.25%	2/26/2021	1,000,000.00	997,610.00	951,376.44	(46,233.56)		2/26/2024	0.33%	\$ 5,000.00	\$ 4,416.63	\$ 2,194.77	363
FHLB	3130AQF65	Gov. Agency Debenture	1.25%	11/30/2022	1,300,000.00	1,160,559.40	1,157,753.21	(2,806.19)		12/21/2026	4.15%	\$ 947.92	\$ -	\$ 12,474.90	1392
Treasury	912828U57	US Treasury Note	2.13%	7/31/2019	1,000,000.00	1,011,875.00	978,242.19	(33,632.81)		11/30/2023	1.84%	\$ 70,833.33	\$ 54,014.24	\$ 12,324.38	275
Treasury	912828XT2	US Treasury Note	2.20%	12/30/2019	1,000,000.00	1,010,589.29	964,609.38	(45,979.91)		4/30/2024	1.75%	\$ 62,703.30	\$ 48,922.73	\$ 13,021.06	427
Treasury	912828XT2	US Treasury Note	2.00%	10/31/2019	1,000,000.00	1,015,667.41	962,343.75	(53,323.66)		5/31/2024	1.64%	\$ 61,639.34	\$ 44,208.50	\$ 11,040.77	458
American Honda	02665WCQ0	Corporate Bond	3.63%	9/14/2021	950,000.00	1,012,871.00	940,481.21	(72,389.79)		10/10/2023	0.41%	\$ 36,924.65	\$ 3,323.93	\$ 2,718.35	224
FFCB	3133EJ3Q0	Gov. Agency Debenture	2.88%	8/28/2019	1,500,000.00	1,587,503.75	1,468,834.38	(118,669.37)		12/21/2023	2.12%	\$ 142,911.46	\$ 64,945.24	\$ 15,218.60	296
Treasury	91282CBE0	Gov. Agency Debenture	0.13%	9/15/2021	650,000.00	647,615.46	622,400.39	(25,215.07)		1/15/2024	0.28%	\$ 1,081.87	\$ 1,447.14	\$ 1,221.02	321
FHLB	3130APH9	Gov. Agency Debenture	0.75%	1/17/2023	1,000,000.00	907,010.00	890,176.31	(16,833.69)	1,645.83	10/28/2026	4.17%	\$ (1,645.83)	\$ -	\$ 3,693.14	1338
FFCB	3133EN5N6	Gov. Agency Debenture	4.00%	2/8/2023	1,700,000.00	1,706,732.00	1,677,975.14	(28,756.86)	6,044.44	1/6/2028	3.91%	\$ (6,044.44)	\$ -	\$ 3,650.94	1773
Subtotal					\$ 46,886,000.00	\$ 46,932,897.91	\$ 45,089,816.58	\$ (1,843,081.33)	\$ 18,115.30			\$ 1,556,628.97	\$ 876,983.63	\$ 408,507.88	
BNY MM		Money Market				93,101.80	93,101.80	0.00			0.00%				1
LAIF		State Investment Pool				6,978,204.02	6,848,334.47	(129,869.55)			2.62%			90,276.62	1
												\$ 1,556,628.97	\$ 876,983.63	\$ 498,784.50	

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	934,587.00				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	\$ 12,196.31	
FFCB	3133EKVF0	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	
Freddie Mac	3133EKKT2	Gov. Agency Debenture	2.25%	6/24/2019	1,550,000.00	1,573,188.00				2/8/2023	1.82%	\$ 135,043.75	\$ 86,008.42	\$ 17,404.61	

Total Investments "Matured" \$ 58,573.69

Total Interest FY 22_23 Matured and Current \$ 557,358.19

Maturity Profile

	Amount
1	\$ 30,749,685.49
1-2 years	\$11,923,350.01
2-3 years	\$4,901,876.45
3-5 years	\$ 6,429,291.78
	<u>\$54,004,203.73</u>

Fund Schedule

Fund Number	Fund Description	Prior Year Carryforward 7/1/2022	Increase/ (Decrease) July-Jan	February 2023				Estimated Fund Balance 2/28/2023*
				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)	-	(45,123)	3,599,707	(3,991,600)	-	-	(437,017)
	General Fund Total	26,896,789	(60,621)	3,599,707	(3,991,600)	-	-	26,444,274

Fund Schedule

Fund Number	Fund Description	Prior Year Carryforward 7/1/2022	Increase/ (Decrease) July-Jan	February 2023				Estimated Fund Balance 2/28/2023*
				Current Revenue	Current Expenditure	Transfer In	Transfer Out	
	SPECIAL REVENUE							
211/212	CDBG	166,654	-	-	-	-	-	166,654
222	Urban Runoff (NPDES)	451,558	82,360	29,996	(17,143)	-	-	546,771
231-236	Landscape & Lighting Districts	174,236	15,882	-	(5,986)	-	-	184,131
241	ARPA	-	3,614,872	-	-	-	-	3,614,872
251	Los Gatos Theatre	19,500	11,430	-	(15,064)	-	-	15,865
711-714	Library Trusts	555,254	13,135	-	(2,354)	-	-	566,035
	Special Revenue Total	1,367,202	3,737,678	29,996	(40,547)	-	-	5,094,329
	CAPITAL PROJECTS							
411	GFAR - General Fund Appropriated Reserve	14,783,787	505,269	166,096	(539,364)	-	-	14,915,788
421	Grant Funded Projects	(948,603)	292,557	310,058	(48,922)	-	-	(394,909)
461-463	Storm Basin Projects	3,218,811	74,320	7,468	-	-	-	3,300,599
471	Traffic Mitigation Projects	405,570	-	-	-	-	-	405,570
472	Utility Undergrounding Projects	3,302,514	61,503	1,823	-	-	-	3,365,840
481	Gas Tax Projects	1,836,068	(844,612)	61,465	-	-	-	1,052,921
	Capital Projects Total	22,598,147	89,037	546,910	(588,286)	-	-	22,645,808
	INTERNAL SERVICE FUNDS							
611	Town General Liability	803,292	(547,818)	-	(5,792)	-	-	249,681
612	Workers Compensation	1,295,185	(150,548)	45,086	(51,550)	-	-	1,138,172
621	Information Technology	2,990,932	(28,300)	9,208	(22,404)	-	-	2,949,436
631	Vehicle & Equipment Replacement	2,222,395	26,822	-	(31,262)	-	-	2,217,955
633	Facility Maintenance	928,481	(16,008)	8,823	(180,196)	-	-	741,099
	Internal Service Funds Total	8,240,285	(715,852)	63,116	(291,206)	-	-	7,296,343
	Trust/Agency							
942	RDA Successor Agency	(7,607,527)	(1,634,922)	-	(141)	-	-	(9,242,590)
	Trust/Agency Fund Total	(7,607,527)	(1,634,922)	-	(141)	-	-	(9,242,590)
	Total Town	51,494,896	1,415,320	4,239,729	(4,911,779)	-	-	52,238,165

* 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 \$933,628
 111-23521 BMP Housing deposit account balance \$3,698,538

Town of Los Gatos

Insight ESG Ratings as of February 28, 2023

Security Description	Maturity Date	Par/Shares	Moody Rating	S&P Rating	Insight ESG Rating	Environment	Social	Governance
AMERICAN HONDA FINANCE 1.95% 10MAY2023	5/10/2023	\$ 600,000	A3	A-	2	2	3	3
PNC BANK NA 3.8% 25JUL2023 (CALLABLE 25JUN23)	7/25/2023	\$ 1,000,000	A3	A-	3	2	4	3
TOYOTA MOTOR CREDIT CORP 1.35% 25AUG2023	8/25/2023	\$ 1,600,000	A1	A+	3	2	3	4
AMERICAN HONDA FINANCE 3.625% 10OCT2023	10/10/2023	\$ 950,000	A3	A-	2	2	3	3
JPMORGAN CHASE & CO 3.875% 01FEB2024	2/1/2024	\$ 1,400,000	A1	A-	3	1	3	4
US BANCORP 3.375% 05FEB2024 (CALLABLE 05JAN24)	2/5/2024	\$ 1,000,000	A2	A+	4	3	4	4
IBM CORP 3.0% 15MAY2024	5/15/2024	\$ 1,000,000	A3	A-	3	1	2	5
CATERPILLAR FIN SERVICES 2.85% 17MAY24	5/17/2024	\$ 1,000,000	A2	A	4	4	3	4
AMERICAN HONDA FINANCE 2.4% 27JUN2024	6/27/2024	\$ 1,000,000	A3	A-	2	2	3	3
HONEYWELL INTERNATIONAL 2.3% 15AUG2024 (CALLABLE 15JUL24)	8/15/2024	\$ 1,000,000	A2	A	4	4	5	4
HOME DEPOT INC. 3% 01APR2026 (CALLABLE 01JAN2026)	4/1/2026	\$ 1,000,000	A2	A	2	2	2	2
JPMORGAN CHASE & CO 3.2 15JUN2026 (CALLABLE 15MAR2026)	6/15/2026	\$ 500,000	A1	A-	3	1	3	4
APPLE INC. 2.9% 12SEP2027 (CALLABLE 12JUN2027)	9/12/2027	\$ 1,300,000	Aaa	AA+	4	1	4	5
Total/Average		\$ 13,350,000			3.0	2.1	3.2	3.7

*ESG ratings are from 1 to 5, with 1 as the highest rating and 5 as the lowest. All ratings are weighted by industry rankings, based on the importance of the category within the individual industry.



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/18/2023

ITEM NO: 8

DATE: April 6, 2023
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Authorize a Revenue and Expenditure Budget Adjustment in the amount of \$750,000 from Available American Rescue Plan Act Proceeds to the Roadside Fire Fuel Reduction Project (CIP No. 812-0130).

RECOMMENDATION:

Authorize a revenue and expenditure budget adjustment in the amount of \$750,000 from available American Rescue Plan Act proceeds to the Roadside Fire Fuel Reduction Project (CIP No. 812-0130).

BACKGROUND:

On March 21, 2023, Council received a report on Roadside Fire Fuel Reduction as part of the Town's Vegetation Management Plan and was asked to provide feedback on the 2023 Capital Improvement Program. Council passed a motion to move the Eucalyptus trees on Overlook Road up to a priority one status and to allocate \$750,000 in Fiscal Year 2022/23 to match a federal grant from the U.S. Forest Service.

DISCUSSION:

This action will allow work to proceed beginning this summer to remove the Eucalyptus trees on Overlook Road and continue work on Priority 1 and 2 roadways as identified in the Roadway Vegetation Management Plan.

PREPARED BY: Jim Harbin
Superintendent, Parks and Public Works

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

SUBJECT: Authorize a Revenue and Expenditure Budget Adjustment of \$750,000

DATE: April 6, 2023

CONCLUSION:

Authorize a revenue and expenditure budget adjustment in the amount of \$750,000 from available American Rescue Plan Act proceeds to the Roadside Fire Fuel Reduction Project (CIP No. 812-0130).

COORDINATION:

This report was coordinated with the Finance Director.

FISCAL IMPACT:

Roadside Fire Fuel Reduction Project CIP No. 812-0130		
	Budget	
GFAR	\$ 1,075,000	
Transfer from Available American Rescue Plan Act proceeds (Requested with this Staff Report)	\$ 750,000	
Grant Funding - US Forest Service (requires a one-to-one Town match)	\$ 750,000	
Total Budget	\$ 2,575,000	
		Costs
Prior Project Expenses		\$ 999,809
Total Costs		\$ 999,809
Available Balance		\$ 1,575,191

Approval of these budget adjustments allows the Town to receive the full grant funding of \$750,000 on a reimbursement basis.

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: 04/18/2022

ITEM NO: 9

DATE: March 22, 2023
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Authorize Revenue and Expenditure Budget Adjustments in the Amount of \$28,000 to Recognize Receipt and Expenditure of Board of State and Community Corrections (BSCC) Officer Wellness and Mental Health Grant Funds

RECOMMENDATION:

Authorize revenue and expenditure budget adjustments in the amount of \$28,000 to recognize receipt and expenditure of Board of State and Community Corrections (BSCC) Officer Wellness and Mental Health Grant funds.

BACKGROUND:

The Officer Wellness and Mental Health Grant Program, established in the 2022 Budget Act (Assembly Bill 178, Chapter 45, Statutes of 2022), provided \$50 million for city and county law enforcement agencies in California for the purpose of improving Officer wellness and expanding mental health resources for Officers. As a part of the grant distribution, the Los Gatos-Monte Sereno Police Department (Police Department) received \$28,000 from the Board of State and Community Corrections (BSCC) to support and promote Officer Wellness and Mental Health initiatives.

Grant program funding is intended to be used by the Police Department for the following purposes in compliance with grant regulations:

- Establishing or expanding wellness options to individual Officer as well as creating Officer Wellness Units;
- Establishing or expanding Departmental Peer Support Units and program needs; and
- Expanding multi-agency and mutual aid programs focused on Officer wellness and mental health support.

PREPARED BY: Heather St. John
Senior Administrative Analyst

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

PAGE 2 OF 2

SUBJECT: Authorize Revenue and Expenditure Budget Adjustments in the Amount of \$28,000 to Recognize Receipt and Expenditure of Board of State and Community Corrections (BSCC) Officer Wellness and Mental Health Grant funds.

DATE: March 22, 2023

FISCAL IMPACT:

The receipt of BSCC grant funds will support and promote the Officer Wellness and Mental Health initiative. Approval of this action will allow for the necessary budgetary actions to receive and expense the funds.

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: 04/18/2023

ITEM NO: 10

DATE: April 13, 2023
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Adopt a Resolution to Set a Date for Consideration of the Reorganization of an Uninhabited Area Designated as Stephenie Lane No. 4, Approximately 0.53 Acres on Property Pre-Zoned R-1:8. APN 523-25-034. Exempt Pursuant to CEQA Guidelines Section 15061(b)(3): Common Sense Exemption. Annexation Application AN22-003. Project Location: 15974 Stephenie Lane. Property Owner/Applicant: Ron and Daphne Watson.

RECOMMENDATION:

Adopt a resolution (Attachment 1) to set a date for consideration of the reorganization of an uninhabited area designated as Stephenie Lane No. 4, approximately 0.53 acres, located at 15974 Stephenie Lane (APN 523-25-034).

BACKGROUND:

The Town has an agreement with Santa Clara County that requires annexation of any property located within the Town's Urban Service Area boundary that is either contiguous to a Town boundary or within 300 feet of a Town maintained roadway if a use is proposed to intensify. The subject property is contiguous to a Town boundary, and is within 300 feet of a Town boundary. Annexation has been requested in conjunction with a proposal to demolish an existing single-family residence and construct a new single-family residence on the property. The total annexation area (0.53 acres) does not include any County street right-of-way.

Section 56757 of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 gives cities in Santa Clara County the authority to annex territory without application to and hearing by the Santa Clara County Local Agency Formation Commission (LAFCO).

PREPARED BY: Savannah Van Akin
Assistant Planner

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

DISCUSSION:

The Town has received a petition requesting annexation to the Town of Los Gatos from Ron and Daphne Watson, owners of the property at 15974 Stephenie Lane. The property is located on the east side of Stephenie Lane in an unincorporated County pocket.

The property is in the Town's Urban Service Area, is within 300 feet of a Town boundary, and is pre-zoned R-1:8 (Single-Family Residential, 8,000 square foot minimum lot size). Annexation would allow Town services to be extended to the property and reduce the size of an existing County pocket. Santa Clara County Planning and the County Library Service Area have been notified in writing of the annexation request. This agenda item, if approved, would set the date for consideration of the annexation application for May 2, 2023.

COORDINATION:

The preparation of this report was coordinated with the Santa Clara County Library District, Santa Clara County Infrastructure Development Division, LAFCO, Santa Clara County Assessor, Santa Clara County Surveyor, and the Santa Clara County Planning Division.

FISCAL IMPACT:

Once the annexation is certified by the State Board of Equalization, the Town will receive approximately 9.3 percent of the property taxes.

ENVIRONMENTAL ASSESSMENT:

The project is exempt pursuant to the California Environmental Quality Act Guidelines under Section 15061(b)(3): Review for Exemption, in that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. A Notice of Exemption will not be filed.

Attachments:

1. Resolution (includes Exhibit A - Description and Exhibit B - Map)
2. Location Map

DRAFT RESOLUTION 2023-

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
TO SET A DATE FOR CONSIDERATION OF A REORGANIZATION
OF AN UNINHABITED TERRITORY DESIGNATED AS
STEPHENIE LANE NO. 4**

**APN: 523-25-034
APPROXIMATELY 0.53 ACRES
ANNEXATION APPLICATION: AN22-003
PROPERTY LOCATION: 15974 STEPHENIE LANE
PROPERTY OWNER/APPLICANT: RON AND DAPHNE WATSON**

WHEREAS, the Town Council of the Town of Los Gatos has received a request from Ron and Daphne Watson for annexation of territory designated as Stephenie No. 4; and

WHEREAS, the property, approximately 0.53 acres and includes no County street right-of-way located at 15974 Stephenie Lane, APN: 523-25-034, is within 300 feet of a Town boundary and within the Town's Urban Service Area; and

WHEREAS, the following special district would be affected by the proposal: Santa Clara County Library Service Area; and

WHEREAS, the annexation would provide for use of Town services; and

WHEREAS, the Town Council enacted Ordinance 1267 in 1975 pre-zoning the subject territory with an R-1:8 (single-family residential, 8,000 square foot minimum lot size) zoning designation; and

WHEREAS, the Town of Los Gatos, as Lead Agency for environmental review for the reorganization, has determined annexation of the subject property is exempt from the California Environmental Quality Act guidelines, pursuant to Section 15061(b)(3); and

WHEREAS, the County Surveyor of Santa Clara County has found the description and

ATTACHMENT 1

map (Exhibit A and B) to be in accordance with Government Code Section 56757, the boundaries to be definite and certain, and the proposal to be in compliance with the Local Agency Formation Commission's road annexation policies; and

WHEREAS, as provided in Government Code Section 56757, the Town Council of the Town of Los Gatos shall be the conducting authority for a reorganization including an annexation to the Town; and

WHEREAS, the territory is uninhabited and all owners of land included in the proposal have consented to this annexation; and

WHEREAS, Government Code Section 56662(a) provides that if a petition for annexation is signed by all owners of land within the affected territory, the Town Council may approve or disapprove the annexation without a public hearing.

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Los Gatos hereby initiates annexation proceedings and will consider annexation of the territory designated as Stephenie No. 4 at its regular meeting on May 2, 2023.

ATTACHMENT 1

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los

Gatos, California, held on the 18th day of April 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: _____

ATTACHMENT 1

***This Page
Intentionally
Left Blank***

ATTACHMENT 1

EXHIBIT "A"

STEPHENIE LANE NO. 4

ANNEXATION TO THE TOWN OF LOS GATOS

GEOGRAPHIC DESCRIPTION

All that certain real property, situate in portion of Rancho Rinconada De Los Gatos, lying in the County of Santa Clara, State of California, described as follows:

Beginning at the angle point on the most westerly line of the Annexation to the Town of Los Gatos, as defined by the Annexation titled "Linda Avenue No. 2", said point being S. 22°00'00" E., 21.39 feet from the northwesterly corner of the Lands of Meyer, as shown upon said annexation; thence along the most westerly line of said Annexation and its southwesterly extension

- (1) S. 12°45'00" E., 35.05 feet to the westerly corner of the Annexation to the Town of Los Gatos, as defined by the Annexation titled "Linda Avenue No. 4"; thence
- (2) S. 12°45'00" E., 56.70 feet to the southerly corner of said; thence leaving said annexation
- (3) S. 12°45'00" E., 8.21 feet to an angle point; thence
- (4) S. 68°28'00" W., 232.64 feet to a point on the southwesterly line of that certain 12.217 Acre Parcel of Land conveyed by Leo Baumgartner, ET UX, to Bend Chiro by deed recorded March 23, 1923, in the Office of the County Recorder of Santa Clara County, in Book 20 of Official Records, at page 45, said point also being the northeasterly corner of the Annexation to the Town of Los Gatos, as defined by the Annexation titled "Stephanie Lane No. 1"; thence along said southwesterly line
- (5) N. 12°45'00" W., 50.00 feet to the southeasterly corner of the Annexation to the Town of Los Gatos, as defined by the Annexation titled "Stephenie Lane No. 2"; thence along the easterly line of said Annexation
- (6) N. 12°45'00" W., 50.00 feet to the most southerly corner of that certain Parcel of Land conveyed by Corrine Chiro, ET VIR to Daniel T. Fisk, ET UX, by deed dated June 9, 1939, recorded July 11, 1939, in Book 936 of Official Records, at page 598, said corner also being the northeasterly corner of said Annexation titled "Stephenie Lane No. 2"; thence, along the southeasterly line of said Parcel of Land
- (7) N. 68°28'00" E., 232.64 feet, to the **Point of beginning** and containing **0.528** acre, more or less

For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.

Date: 1/31/2023



Disclaimer:

For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.



Sarkiss Parvin

LOCATION MAP

NOT TO SCALE

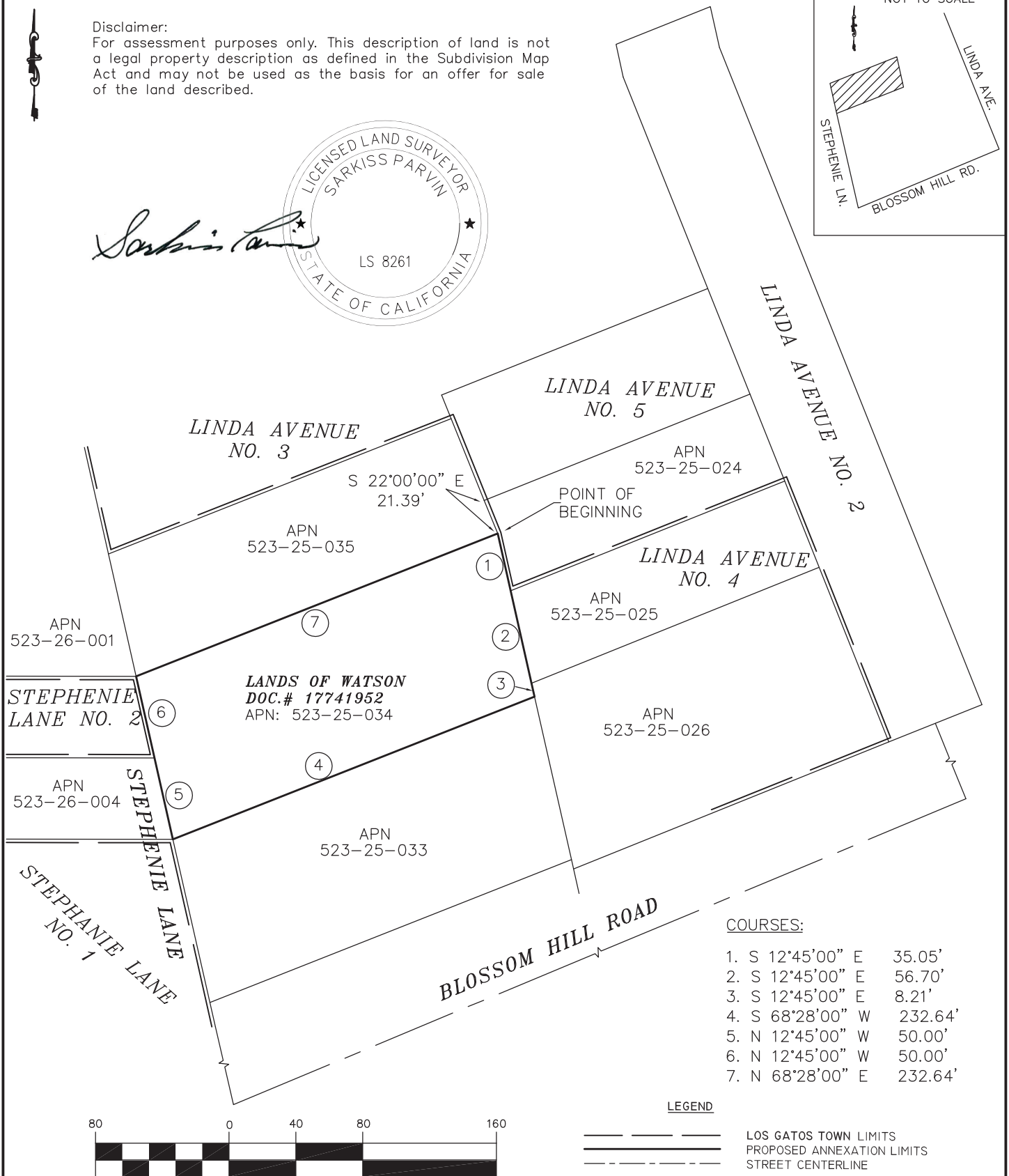
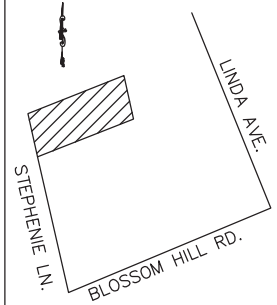
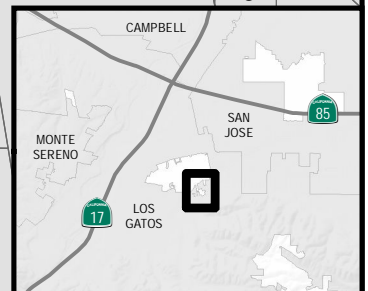
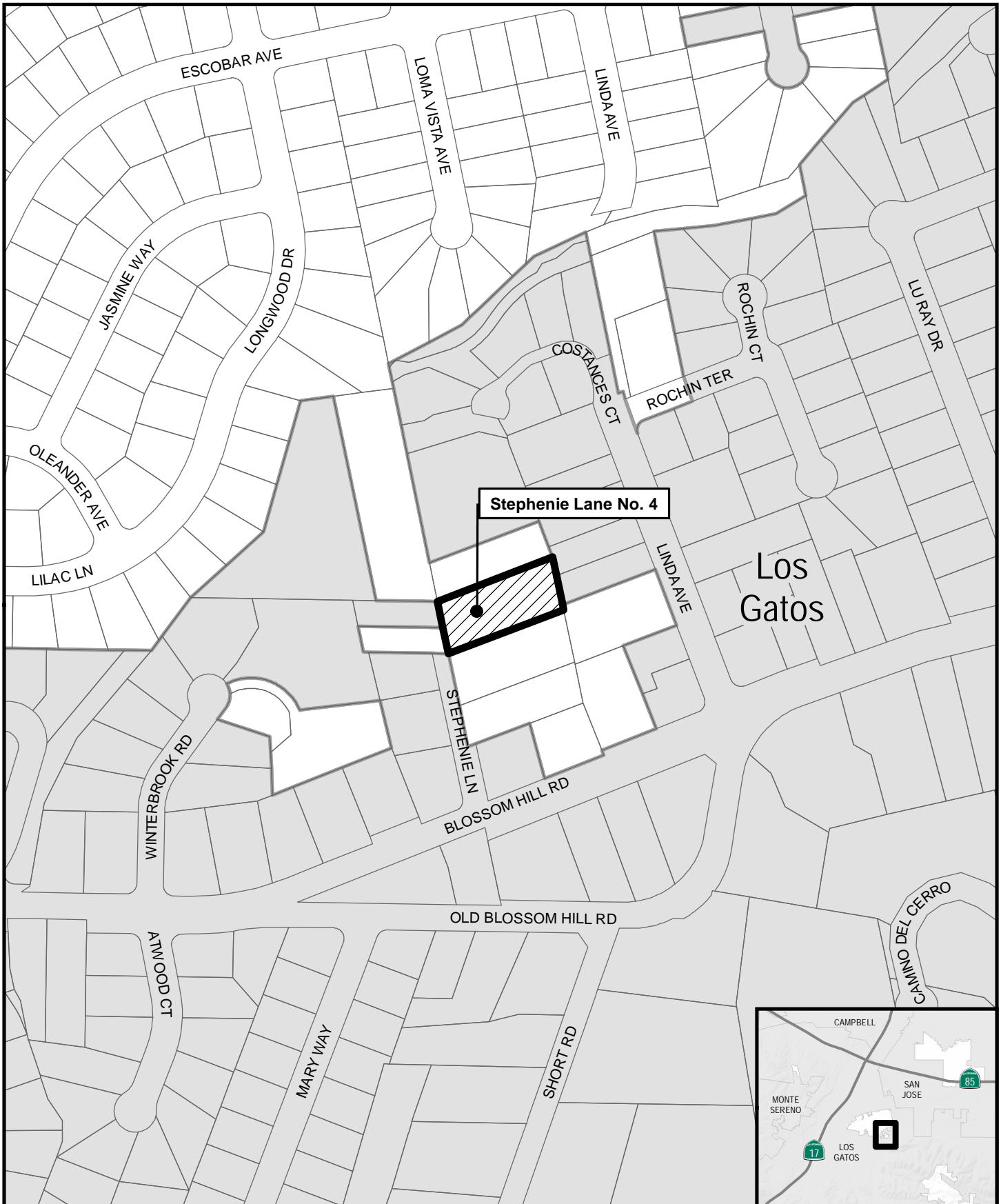


EXHIBIT "B"

STEPHENIE LANE NO. 4 ANNEXATION
BEING A PORTION OF RANCHO RINCONADA DE LOS GATOS, COUNTY OF SANTA CLARA, CALIFORNIA

ENGINEERS
CIVIL ENGINEERS




1534 CAROB LANE
LOS ALTOS, CA 94024
TEL: (650) 941-8055
FAX: (650) 941-8755

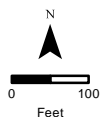


County of Santa Clara
 Department of Planning and Development
 County Government Center, East Wing
 70 West Hedding St., 7th Floor
 San Jose, California 95110

EXHIBIT A
Stephenie Lane No. 4
0.528 acres +/-

Prepared for the Office of the County Surveyor
 February 07, 2023
 August Hanks, County Surveyor

-  Area of Annexation
-  Incorporated Lands
-  Unincorporated Lands



***This Page
Intentionally
Left Blank***



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/18/2023

ITEM NO: 11

DATE: April 3, 2023
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Annual Street Repair and Resurfacing Project (CIP No. 811-9901):
a. Award and Execute a Construction Agreement with Pavement Coating Company in an Amount Not to Exceed \$3,341,090; and
b. Authorize Staff to Execute Change Orders in an Amount Not to Exceed Fifteen Percent of the Contract Award Amount

RECOMMENDATION:

Staff recommends that the Town Council authorize the following actions for the Annual Street Repair and Resurfacing Project (CIP No. 811-9901) for Fiscal Year (FY) 2022/23:

- a. Award and execute a construction agreement with Pavement Coatings Company (Attachment 1) in an amount not to exceed \$3,341,090; and
- b. Authorize staff to execute change orders in an amount not to exceed fifteen percent of the contract award amount.

BACKGROUND:

The adopted Five-Year 2023-2027 Capital Improvement Program (CIP) Budget designates funding for the Town's Annual Street Repair and Resurfacing Project (CIP No. 811-9901). This is an annual project for street rehabilitation activities throughout the Town to enhance safety for all travel modes and maintain the roadway infrastructure. It is important for the Town to perform annual street maintenance projects to maintain the Town's roadways and prevent street pavement from deteriorating to more extensive and costly repair conditions. For the FY 2022/23 Street Repair and Resurfacing Project, the focus is on preventive maintenance through rubber cape seal, slurry seal, and crack seal treatments.

PREPARED BY: James Watson
Interim Town Engineer

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

DISCUSSION:

The project scope was broken into three parts to provide flexibility when seeking award. The project construction contract was advertised for bid on Friday, March 10, 2023. On March 29, 2023, bid packages from two submitting contractors, Pavement Coatings Co. and O'Grady Paving, Inc. were opened (Attachment 2). The bids includes estimates for the add alternates as detailed in Attachment 2. The lowest bidder, Pavement Coatings, submitted a total bid inclusive of both additive alternatives within two percent of the engineer's estimate for the sum of 3,341,090. The engineer's estimate for the work was \$3,278,522.

Staff recommends applying a 15 percent contingency to this construction contract in leu of the Town's standard 10 percent to allow for additional unforeseen circumstances as a result of this past rainy season.

CONTRACTOR	Base Bid	Add. Alt. 1	Add. Alt. 2	Total Bid Amount
Pavement Coatings Co.	\$2,825,715	\$285,723	\$229,652	\$3,341,090
O'Grady Paving, Inc.	\$2,939,382	\$242,821	\$209,795	\$3,391,998

CONCLUSION:

Staff recommends awarding and executing an agreement with Pavement Coatings Co. for \$3,341,090 and authorize staff to execute change orders in an amount not to exceed fifteen percent of the contract award amount.

COORDINATION:

This project has been coordinated with the Finance Department and Town Attorney's Office.

FISCAL IMPACT:

There are sufficient funds in the FY 2022/23 – 2026/27 CIP budget for this year's Street Repair and Resurfacing Project (CIP No. 811-9901).

Staff costs are tracked for all projects. Tracking of staff costs allows for accountability in the costs of projects, recovery of costs from grant funded projects, and identification of future staffing needs. This project utilizes a combination of full-time budgeted staff and temporary staff that support fluctuating workloads. The costs for temporary staff will be directly associated with this project while full-time staff are accounted for in the department's operating budget.

FISCAL IMPACT (continued):

FY 2022/23 Street Repair and Resurfacing Project		
CIP No. 811-9901		
	Budget	Costs
GFAR	\$ 3,273,267	
Gas Tax	\$ 1,476,257	
Vehicle License Fee - 2010 Measure B Funding	\$ 180,000	
Total Budget	\$ 4,929,524	
FY2022/23 Street Repair and Resurfacing Construction Bid		\$ 3,341,090
15% Contingency		\$ 501,164
Cost Share - City of San Jose (Approved on 12/5/22)		\$ 734,099
Material Testing		\$ 25,000
Temporary Staff Costs		\$ 30,000
Total Expenditures		\$ 4,631,353
Remaining Budget		\$ 298,172

Available project balance funds would be applied or are carried forward to future Street Repair and Resurfacing Projects.

ENVIRONMENTAL ASSESSMENT:

This is a project as defined under CEQA but is Categorical Exempt (Section 15301(c)). A Notice of Exemption has been filed.

Attachments:

1. Construction Agreement
2. Bid Summary

CONSTRUCTION AGREEMENT

This Agreement is dated for identification this 18th day of April and is made by and between the TOWN OF LOS GATOS, a California municipal corporation, whose address is 110 East Main Street, Los Gatos, California 95030 (hereinafter "TOWN"), and Pavement Coatings Co., identified as an S Corporation and whose address is 10240 San Sevaire Way, Jurupa Valley, CA 91752 (hereinafter "CONTRACTOR").

NOW, THEREFORE, the parties agree:

ARTICLE I: WORK TO BE DONE AND DOCUMENTS FORMING THE CONTRACT.

That for and in consideration of the payments and agreements hereinafter mentioned, to be made and performed by the said TOWN, and under the conditions expressed in the two bonds hereunto annexed, the said CONTRACTOR agrees with the said TOWN, at his own proper cost and expense, to do all the work and furnish all the materials and equipment necessary to construct and complete, in accordance with the plans and specifications hereinafter mentioned, in a good, workmanlike and substantial manner, under the supervision of the Town Engineer, or his, of the TOWN OF LOS GATOS, California, all the works and improvements described, mentioned and set forth in those plans and specifications on file in the Office of the Parks and Public Works of said TOWN, entitled:

"Plans and Specifications for the #22-811-9901 FY 2022/23 Annual Street Repair and Resurfacing"

which said plans and specifications and all the documents therein contained, including the TOWN OF LOS GATOS's Standard Provisions, are hereby specially referred to and by such reference made part of this contract.

ARTICLE II: CONTRACTOR'S ACCEPTANCE

CONTRACTOR agrees to receive and accept the prices shown on Exhibit "A" \$3,341,090.18, which is attached hereto and incorporated by reference herewith, as full compensation for furnishing all materials and equipment and for doing all the work described in the contract documents; also for all loss or damage as provided in the contract documents in the prosecution of the work until its acceptance by the Town Council of the TOWN OF LOS GATOS, and for well and faithfully completing the work, and the whole thereof, in the manner and according to the contract documents, plans and specifications, and the requirements of the Town Engineer.

ARTICLE III: ACCEPTANCE BY TOWN

The said TOWN hereby promises and agrees with the said CONTRACTOR to employ, and does hereby employ the said CONTRACTOR to provide the materials and to do the work according to the terms and conditions herein contained and referred to, for the prices aforesaid, and hereby contracts to pay the same at the time, in the manner and upon the conditions above set forth; and the said parties for themselves their heirs, executors, administrators, successors and assigns, do hereby agree to the full performance of the covenants herein contained.

ARTICLE IV: COMPLETION OF AGREEMENT

Reference is made to Part I – Page 1 of the TOWN's Project Specifications Notice to Contractors which are hereby made a part of this contract. Inasmuch as the work called for under this contract concerns a needed public improvement, the time of performance and completion of this work is of the essence of this contract. It is expressly understood and agreed by the parties hereto that all the work called for under this contract, in all its parts and requirements, shall be completed fifty (50) working days from Notice to Proceed.

ARTICLE V: HOURS OF LABOR

The CONTRACTOR shall forfeit, as a penalty, to the TOWN, Twenty-Five Dollars (\$25) for each workman employed in the execution of the contract by him or by any subcontractor for each calendar day during which any workman is required or permitted to labor more than eight (8) hours in violation of the provisions of Sections 1810-1815 inclusive of the Labor Code and all amendments thereto.

ARTICLE VI: APPRENTICES

Attention is directed to the provisions in Sections 1777.5, 1777.6 and 1777.7 of the Labor Code governing the employment of apprentices by the CONTRACTOR or any subcontractor under him. CONTRACTOR and any of his subcontractors shall comply with the requirements of said sections of the Labor Code; CONTRACTOR shall have full responsibility for compliance with the said sections regardless of any other contractual or employment relationships alleged to exist.

Information relative to apprenticeship standards and other requirements may be obtained from the Director of Industrial Relations ex officio the Administrator of Apprenticeship, San Francisco, California or from the Division of Apprenticeship Standards at its branch offices.

ARTICLE VII: NONDISCRIMINATION

The CONTRACTOR sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin or sex in the performance of this contract. CONTRACTOR shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts.

Failure by CONTRACTOR to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as recipient deems appropriate.

ARTICLE VIII: INDEPENDENT CONTRACTOR

It is agreed that CONTRACTOR is an independent contractor, and all persons working for or under the direction of CONTRACTOR are CONTRACTOR's agents, servants and employees, and said persons shall not be deemed agents, servants or employees of TOWN.

ARTICLE IX: OWNERSHIP OF DATA AND DOCUMENTS

CONTRACTOR agrees that all records, specifications, data, maps, designs, graphics, writings, recordings and other tangible materials regardless of form or format, including, without limitation, electronically transmitted documents and ACAD files, and other collateral materials collected, compiled, drafted, prepared, produced and/or generated in the performance of this Agreement shall be the property of TOWN. CONTRACTOR shall regularly provide such documents to TOWN upon TOWN's request. In the event that this Agreement is terminated prior to completion of the scope of work, CONTRACTOR shall provide all such data and documents to TOWN forthwith.

ARTICLE X: INDEMNIFICATION

To the fullest extent permitted by law, CONTRACTOR shall defend, indemnify, and hold harmless the TOWN, its elected and appointed officials, employees, and agents ("Indemnified Parties"), from and against any claims, allegations, damages, awards, judgments, and expenses of every kind or character, including, but not limited to, attorney fees and expert costs, which may arise out of or result from in whole or in part CONTRACTOR's performance of the work, except to the extent caused by the sole negligence or willful misconduct of Indemnified Parties. CONTRACTOR's obligation to defend Indemnified Parties shall be immediate upon written notice by TOWN to CONTRACTOR and CONTRACTOR shall, if requested by TOWN, defend Indemnified Parties using counsel approved by TOWN in its sole discretion.

ARTICLE XI: INSURANCE

a. Commercial General Liability/Automobile Liability Insurance:

CONTRACTOR shall obtain and maintain Commercial General Liability insurance in the amount of Two Million Dollars (\$2,000,000) and Automobile Liability insurance in the amount of One Million Dollars (\$1,000,000) per occurrence. If a general aggregate limit is used, either the general aggregate limit shall apply separately to this contract or the general aggregate limit shall be twice the required occurrence limit. CONTRACTOR's insurance coverage shall be written on an occurrence basis.

b. Workers' Compensation Insurance:

CONTRACTOR shall obtain and maintain statutory Workers' Compensation insurance and Employer's Liability insurance in the amount of One Million Dollars (\$1,000,000) per accident.

CONTRACTOR is familiar with the Workers' Compensation laws of California (generally contained in Section 3700 of the Labor Code), including those provisions which provide for specific exemptions from the requirement that all employers must carry Workers' Compensation insurance, and CONTRACTOR maintains they are exempted under the law from the requirement to maintain Workers' Compensation insurance coverage.

In addition, during the term of any work for TOWN under said agreement: (1) CONTRACTOR will not employ any person in any manner so as to become subject to the Workers' Compensation laws of California, or (2) should CONTRACTOR become subject to the Workers' Compensation provisions of Section 3700 of the Labor Code for any reason, CONTRACTOR shall forthwith comply with those provisions and send evidence of financial compliance to TOWN.

c. Acceptability of Insurers: Insurance is to be placed with insurers with a current *Best Rating* of A:VII unless otherwise acceptable to TOWN.

d. Verification of Coverage: Insurance, deductibles or self-insurance retentions shall be subject to TOWN's approval. Original Certificates of Insurance with endorsements shall be received and approved by TOWN before work commences, and insurance must be in effect for the duration of the contract. The absence of insurance or a reduction of stated limits shall cause all work on the project to cease. Any delays shall not increase costs to TOWN or increase the duration of the project.

e. Other Insurance Provisions:

(1) The TOWN OF LOS GATOS, its elected and appointed officials, employees, and agents are to be covered as additional insured by Endorsement CG 20 10 11 85 or other endorsement approved by Town Attorney for Commercial General and Automobile Liability coverage.

(2) For any claims related to this project, CONTRACTOR's insurance coverage shall be primary and any insurance or self-insurance maintained by TOWN, its elected and appointed, officials, employees, and agents shall not contribute to it.

(3) Each insurance policy required shall be endorsed that a thirty (30) day notice be given to TOWN in the event of cancellation or modification to the stipulated insurance coverage.

(4) In the event CONTRACTOR employs subcontractors as part of the work covered by this Agreement, it shall be the responsibility of CONTRACTOR to ensure that all subcontractors comply with the same insurance requirements that are stated in this Agreement.

(5) Approval of the insurance by TOWN or acceptance of the Certificate of Insurance by TOWN shall not relieve or decrease the extent to which CONTRACTOR may be held responsible for payment of damages resulting from CONTRACTOR's services or operation pursuant to this Agreement, nor shall it be deemed a waiver of TOWN's rights to insurance coverage hereunder.

(6) If, for any reason, CONTRACTOR fails to maintain insurance coverage that is required pursuant to this contract, the same shall be deemed a material breach of contract. TOWN, at its sole option, may terminate this contract and obtain damages from CONTRACTOR resulting from said breach. Alternately, TOWN may purchase such required insurance coverage, and without further notice to CONTRACTOR, TOWN may deduct from sums due to CONTRACTOR any premium costs advanced by TOWN for such insurance.

ARTICLE XII: BONDING REQUIREMENT

CONTRACTOR agrees to post a Faithful Performance Bond and a payment bond for Labor and Materials, or other guarantees, in the required \$3,341,090.18 upon bond forms provided by the TOWN, guarantying the performance of the terms of this Agreement. Surety issuing bonds for CONTRACTOR shall be approved by the U.S. Department of Treasury's Financial Management Service and shall be listed on the most current Treasury Circular 570 as contained in the Federal Register.

Contractor agrees to allow five percent of the faithful performance bond to remain in effect for a period of two years following Town Council project acceptance as guarantee for any needed repair or replacement caused by defective materials and workmanship.

ARTICLE XIII: MAINTENANCE AND GUARANTY

CONTRACTOR shall promptly repair, replace, restore, or rebuild, as the TOWN may determine, any finished product in which defects of materials or workmanship may appear or to which damage may occur because of such defects, during a two (2) year period subsequent to the date of final acceptance.

This article does not in any way limit the guaranty on any items for which a longer guaranty is specified or on any items which a manufacturer gives a guaranty for a longer period, nor does it limit the other remedies of the TOWN in respect to a latent defect, fraud or implied warranties. CONTRACTOR shall furnish the TOWN all appropriate guaranties or warranty certificates upon completion of the project.

ARTICLE XIV: SHORING FOR TRENCHES

If the contract specifies an expenditure of Twenty-Five Thousand Dollars (\$25,000) or greater for trenching, and if the depth of the trench is five feet (5') or more, then Section 6705 of the Labor Code shall also be applicable.

ARTICLE XV: APPLICABLE LAWS AND ATTORNEY'S FEES

This Agreement shall be construed and enforced pursuant to the laws of the State of California. Should any legal action be brought by a party for breach of this Agreement or to enforce any provision herein, the prevailing party of such action shall be entitled to reasonable attorneys' fees, court costs, and such other costs as may be fixed by the court. Reasonable attorneys' fees of the TOWN Attorney's Office, if private counsel is not used, shall be based on comparable fees of private attorneys practicing in Santa Clara County.

ARTICLE XVI: LIQUIDATED DAMAGES

It is mutually agreed by CONTRACTOR and TOWN that in the event that completion of the construction by CONTRACTOR under this Agreement is delayed beyond fifty (50) working days from Notice to Proceed, TOWN will suffer damages and will incur other costs and expenses of a nature and amount which is difficult or impractical to determine. The Parties agree that by way of ascertaining and fixing the amount of damages, costs and expenses, and not by way of penalty, CONTRACTOR shall pay to TOWN the sum of Ten Thousand Dollars (\$10,000) per day in liquidated damages for each and every calendar day such delay in completion of the services under this Agreement continues beyond fifty (50) working days from Notice to Proceed. In the event that the liquidated damages are not paid, CONTRACTOR agrees that TOWN may deduct the amount of unpaid damages from any money due or that may become due to CONTRACTOR under this Agreement.

ARTICLE XVII: INTERPRETATION OF CONTRACT

It is further expressly agreed by and between the parties hereto that should there be any conflict between the terms of this instrument and the bid or proposal of said CONTRACTOR, then this instrument shall control and nothing herein shall be considered as an acceptance of the said terms of said proposal conflicting herewith.

ARTICLE XVIII: AMENDMENTS AND CHANGE ORDERS

This Agreement may be amended from time to time as necessary by formal and written amendment or authorized change order executed by the Town Manager or designee and principal acting on behalf of the CONTRACTOR.

ARTICLE XIX: DBE RESPONSIBILITIES

For projects that are State or Federal funding; With respect to Disadvantaged Business Enterprises, CONTRACTOR shall do the following:

(1) Pay each subcontractor under this prime contract for satisfactory performance of its contract no later than ten (10) days from the receipt of each payment the prime contractor receives from TOWN. Any delay or postponement of payment from the above-referenced time frame may occur only for good cause following written approval of TOWN. This clause applies to both DBE and non-DBE subcontractors.

(2) Release all retainage owed to a subcontractor for satisfactory completion of the accepted work within thirty (30) days after TOWN's payment to CONTRACTOR. Any delay or postponement of payment from the above-referenced time frame may occur only for good cause following written approval of TOWN. This clause applies to both DBE and non-DBE subcontractors.

ARTICLE XX: PREVAILING WAGES

Prevailing Wage. This project is subject to the requirements of Section 1720 et seq. of the California Labor Code requiring the payment of prevailing wages, the training of apprentices and compliance with other applicable requirements. Contractors and all subcontractors who perform work on the project are required to comply with these requirements. Prevailing wages apply to all projects over \$1,000 which are defined as a "public work" by the State of California. This includes: construction, demolition, repair, alteration, maintenance and the installation of photovoltaic systems under a Power Purchase Agreement when certain conditions are met under Labor Code Section 1720.6. This include service and warranty work on public buildings and structures.

1. The applicable California prevailing wage rate can be found at www.dir.ca.gov and are on file with the Town of Los Gatos Parks and Public Works Department, which shall be available to any interested party upon request. The contractor is also required to have a copy of the applicable wage determination posted and/or available at each jobsite.
2. Specifically, contractors are reminded of the need for compliance with Labor Code Section 1774-1775 (the payment of prevailing wages and documentation of such), Section 1776 (the keeping and submission of accurate certified payrolls) and 1777.5 in the employment of apprentices on public works projects. Further, overtime, weekend and holiday pay, and shift pay must be paid pursuant to applicable Labor Code section.
3. The public entity for which work is being performed or the California Department of Industrial Relations may impose penalties upon contractors and subcontractors for failure to comply with prevailing wage requirements. These penalties are up to \$200 per day per worker for each wage violations identified; \$100 per day per worker for failure to provide the required paperwork and documentation requested within a 10-day window; and \$25 per day per worker for any overtime violation.

4. As a condition to receiving progress payments, final payment and payment of retention on any and all projects on which the payment of prevailing wages is required, the contractor agrees to present to the TOWN, along with its request for payment, all applicable and necessary certified payrolls (for itself and all applicable subcontractors) for the time period covering such payment request. The term "certified payroll" shall include all required documentation to comply with the mandates set forth in Labor Code Section 1720 et seq, as well as any additional documentation requested by the Agency or its designee including, but not limited to: certified payroll, fringe benefit statements and backup documentation such as monthly benefit statements, employee timecards, copies of wage statements and cancelled checks, proof of training contributions (CAC2 if applicable), and apprenticeship forms such as DAS-140 and DAS-142.
5. In addition to submitting the certified payrolls and related documentation to the TOWN, the contractor and all subcontractors shall be required to submit certified payroll and related documents electronically to the California Department of Industrial Relations. Failure to submit payrolls to the DIR when mandated by the project parameters shall also result in the withholding of progress, retention and final payment.
6. No contractor or subcontractor may be listed on a bid proposal for a public works project unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5 [with limited exceptions from this requirement for bid purposes only under Labor Code section 1771.1(a)].
7. No contractor or subcontractor may be awarded a contract for public work on a public works project, unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5. Contractors MUST be a registered "public works contractor" with the DIR AT THE TIME OF BID. Where the prime contract is less than \$15,000 for maintenance work or less than \$25,000 for construction alternation, demolition or repair work, registration is not required.
8. Should any contractor or subcontractors not be a registered public works contractor and perform work on the project, Contractor agrees to fully indemnify the TOWN for any fines assessed by the California Department of Industrial Relations against the TOWN for such violation, including all staff costs and attorney's fee relating to such fine.
9. The TOWN shall withhold any portion of a payment; including the entire payment amount, until certified payroll forms and related documentation are properly submitted, reviewed and found to be in full compliance. In the event that certified payroll forms do not comply with the requirements of Labor Code Section 1720 et seq., the TOWN may continue to hold sufficient funds to cover estimated wages and penalties under the contract.

ARTICLE XXI: ENTIRE AGREEMENT

This Agreement contains the entire understanding between the parties with respect to the subject matter herein. There are no representations, agreements or understandings

(whether oral or written) between or among the parties relating to the subject matter of this Agreement which are not fully expressed herein.

ARTICLE XXII: PUBLIC RECORDS

The parties recognize and acknowledge that TOWN is subject to the California Public Records Act, California Government Code Section 6250 and following. Public records are subject to disclosure.

ARTICLE XXIII: NOTICES

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

Pavement Coatings Co.
10240 San Sevaine Way
Jurupa Valley, CA 91752

or personally delivered to CONTRACTOR at such address or at such other addresses as CONTRACTOR may designate in writing to TOWN.

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

Nicolle Burnham
Parks and Public Works Director
TOWN OF LOS GATOS
41 Miles Avenue
Los Gatos, California 95030

or personally delivered to TOWN at such address or at such other addresses as TOWN may designate in writing to CONTRACTOR.

ARTICLE XXIV: SECTION 7106 FORM

Attached to the Agreement is a fully executed and sworn non-collusion affidavit as required by Section 7106 of the California Public Contracts Code. Said affidavit is incorporated herein by this reference.

IN WITNESS WHEREOF, the parties to these presents have hereunto set their hands the year and date first written above.

APPROVED AS TO CONTENT:

"TOWN":
TOWN OF LOS GATOS

Nicolle Burnham
Director of Parks and Public Works

By: _____
Laurel Prevetti
Town Manager

APPROVED AS TO FORM:

Attest:

Gabrielle Whelan, Town Attorney

Wendy Wood, CMC, Town Clerk

CONTRACTOR:

By: Pavement Coatings Co.

Name:

Title: _____

Address: _____

By: _____

Tax ID No. or SSAN:

Title: _____

BASE BID:				Pavement Coatings	
ITEM NO	ITEM DESCRIPTION	UNIT	EST. QTY.	UNIT PRICE	EXTENSION
1.	Traffic Control	L.S.	1	\$302,360.53	\$302,360.53
2.	Changeable Message Board Signs	Ea.	4	\$3,207.26	\$12,829.04
3.	Adjust Storm Manhole to Grade	Ea.	88	\$973.63	\$85,679.44
4.	Adjust Sanitary Sewer Manhole to Grade	Ea.	88	\$973.63	\$85,679.44
5.	Adjust Survey Monument Cover to Grade	Ea.	88	\$801.82	\$70,560.16
6.	Adjust Water Valve Cover to Grade	Ea.	88	\$744.54	\$65,519.52
7.	Adjust Gas Valve to Grade	Ea.	5	\$744.54	\$3,722.70
8.	Adjust Water Meter Box to Grade	Ea.	3	\$744.54	\$2,233.62
9.	Adjust Detector Cover to Grade (Revocable)	Ea.	1	\$744.54	\$744.54
10.	Adjust Vault to Grade (Revocable)	Ea.	1	\$2,863.63	\$2,863.63
11.	Adjust Telephone Manhole to Grade (Revocable)	Ea.	1	\$1,718.17	\$1,718.17
12.	Replace Existing Grate with New Reticuline Grate	Ea.	8	\$5,727.25	\$45,818.00
13.	Remove and Replace HMA Ring (2" Depth)- Manhole	Ea.	10	\$343.63	\$3,436.30
14.	Remove and Replace HMA Ring (2" Depth)- Monument	Ea.	10	\$286.37	\$2,863.70
15.	Hot Mix Asphalt Leveling Course	Ton	2,000	\$223.36	\$446,720.00
16.	4" Depth Digouts	S.F.	35,000	\$8.02	\$280,700.00
17.	Asphalt Crack Sealing	L.S.	1	\$98,826.23	\$98,826.23
18.	Asphalt Rubber Cape Seal	S.Y.	82,000	\$8.19	\$671,580.00
19.	Slurry Seal (Black Aggregate)	S.Y.	70,000	\$2.92	\$204,400.00
20.	4' Wedge Grind	L.F.	2,500	\$4.58	\$11,450.00
21.	Pavement Marker and Striping Removal	L.S.	1	\$57,272.53	\$57,272.53
22.	Detail 1 Striping-Thermoplastic	L.F.	1,420	\$1.20	\$1,704.00
23.	Detail 9 Striping-Thermoplastic	L.F.	300	\$1.26	\$378.00
24.	Detail 22 Striping-Thermoplastic	L.F.	2,600	\$2.86	\$7,436.00
25.	Detail 25 Striping-Thermoplastic	L.F.	1,970	\$1.43	\$2,817.10

26.	Detail 27B Striping-Thermoplastic	L.F.	3,900	\$1.37	\$5,343.00
27.	Detail 29 Striping-Thermoplastic	L.F.	130	\$5.73	\$744.90
28.	Detail 32 Striping-Thermoplastic	L.F.	1,110	\$5.38	\$5,971.80
29.	Detail 38 Striping-Thermoplastic	L.F.	450	\$2.00	\$900.00
30.	Detail 38A Striping-Thermoplastic	L.F.	130	\$1.72	\$223.60
31.	Detail 39 Striping-Thermoplastic	L.F.	5,780	\$1.37	\$7,918.60
32.	Detail 39A Striping-Thermoplastic	L.F.	3,490	\$1.37	\$4,781.30
33.	12" Limit Line (Stop Line) (White)- Thermoplastic	L.F.	2,600	\$9.16	\$23,816.00
34.	12" Line (Yellow)-Thermoplastic	L.F.	170	\$9.16	\$1,557.20
35.	Yield Line-TLG Std. TR-B-Thermoplastic (Revocable)	L.F.	20	\$9.16	\$183.20
36.	Crosswalk (White)-Thermoplastic	L.F.	800	\$18.90	\$15,120.00
37.	Crosswalk-TLG Std. TR-I (Yellow)- Thermoplastic	L.F.	850	\$77.89	\$66,206.50
38.	4" Hatch (Yellow)-Thermoplastic	L.F.	60	\$3.44	\$206.40
39.	STOP Legend-Thermoplastic	Ea.	49	\$226.80	\$11,113.20
40.	SLOW Legend-Thermoplastic	Ea.	2	\$237.11	\$474.22
41.	SCHOOL Legend-Thermoplastic	Ea.	2	\$360.82	\$721.64
42.	XING Legend-Thermoplastic	Ea.	3	\$216.49	\$649.47
43.	PED Legend-Thermoplastic	Ea.	1	\$185.57	\$185.57
44.	20 Legend-Thermoplastic	Ea.	1	\$183.28	\$183.28
45.	25 Legend-Thermoplastic	Ea.	15	\$183.28	\$2,749.20
46.	Speed Hump Marking-TLG Std. TR-J- Thermoplastic	Ea.	5	\$2,092.74	\$10,463.70
47.	Type I Arrow-Thermoplastic	Ea.	2	\$154.64	\$309.28
48.	Type IV (L) Arrow-Thermoplastic	Ea.	8	\$154.64	\$1,237.12
49.	Type IV (R) Arrow-Thermoplastic	Ea.	10	\$154.64	\$1,546.40
50.	Type VI Arrow (R)-Thermoplastic	Ea.	3	\$432.99	\$1,298.97
51.	Type VII (L) Arrow-Thermoplastic	Ea.	1	\$463.90	\$463.90
52.	Shared Roadway Bicycle Marking-TLG Std. TR-G-Thermoplastic (Revocable)	Ea.	2	\$240.54	\$481.08

53.	On-Street Parking "T"-TLG Std. TR-L- Thermoplastic	Ea.	60	\$85.91	\$5,154.60
54.	Red Curb	L.F.	1,200	\$6.87	\$8,244.00
55.	Blue Reflective Pavement Marker (Revocable)	Ea.	75	\$40.09	\$3,006.75
56.	Green Back Bike Lane Symbol with Arrow Legend-TLG Std. TR-A-Thermoplastic	Ea.	30	\$1,431.81	\$42,954.30
57.	Green Bike Lane-Thermoplastic	L.F.	920	\$45.82	\$42,154.40
58.	Dashed Green Bike Lane-Thermoplastic	L.F.	1,350	\$51.55	\$69,592.50
59.	Install Flexible Post	Ea.	50	\$332.18	\$16,609.00
60.	Install New Sign and New Post	Ea.	3	\$486.82	\$1,460.46
61.	Install New Sign on Existing Post	Ea.	4	\$372.27	\$1,489.08
62.	Salvage Sign From Roadside Post/Pole	Ea.	3	\$229.09	\$687.27
63.	Remove Sign Post	Ea.	1	\$200.45	\$200.45
				BASE BID TOTAL	\$2,825,714.99

ADD. ALTERNATE 1:				Pavement Coatings	
ITEM NO	ITEM DESCRIPTION	UNIT	EST. QTY.	UNIT PRICE	EXTENSION
A1.1.	Adjust Storm Manhole to Grade	Ea.	13	\$973.63	\$12,657.19
A1.2.	Adjust Sanitary Sewer Manhole to Grade	Ea.	13	\$973.63	\$12,657.19
A1.3.	Adjust Survey Monument Cover to Grade	Ea.	13	\$801.82	\$10,423.66
A1.4.	Adjust Water Valve Cover to Grade	Ea.	13	\$744.54	\$9,679.02
A1.5.	Hot Mix Asphalt Leveling Course	Ton	325	\$229.09	\$74,454.25
A1.6.	4" Depth Digouts	S.F.	2,000	\$8.02	\$16,040.00
A1.7.	Asphalt Rubber Cape Seal	S.Y.	17,000	\$8.19	\$139,230.00
A1.8.	4' Wedge Grind	L.F.	2,100	\$4.58	\$9,618.00
A1.9.	Detail 22 Striping - Thermoplastic	L.F.	56	\$2.86	\$160.16
A1.10.	12" Limit Line (Stop Line) (White) - Thermoplastic	L.F.	28	\$9.16	\$256.48
A1.11.	STOP Legend - Thermoplastic	Ea.	1	\$226.80	\$226.80
A1.12.	Blue Reflective Pavement Marker (Revocable)	Ea.	8	\$40.09	\$320.72

	ADD. ALT. 1 TOTAL	\$285,723.47
--	----------------------	---------------------

ADD. ALTERNATE 2:				Pavement Coatings	
ITEM NO	ITEM DESCRIPTION	UNIT	EST. QTY.	UNIT PRICE	EXTENSION
A2.1.	Adjust Storm Manhole to Grade	Ea.	5	\$973.63	\$4,868.15
A2.2.	Adjust Sanitary Sewer Manhole to Grade	Ea.	5	\$973.63	\$4,868.15
A2.3.	Adjust Survey Monument Cover to Grade	Ea.	5	\$801.82	\$4,009.10
A2.4.	Adjust Water Valve Cover to Grade	Ea.	5	\$744.54	\$3,722.70
A2.5.	Adjust Gas Valve to Grade (Revocable)	Ea.	1	\$801.82	\$801.82
A2.6.	Hot Mix Asphalt Leveling Course	Ton	100	\$229.09	\$22,909.00
A2.7.	4" Depth Digouts	S.F.	2,200	\$8.02	\$17,644.00
A2.8.	Asphalt Rubber Cape Seal	S.Y.	16,000	\$8.19	\$131,040.00
A2.9.	Slurry Seal (Black Aggregate)	S.Y.	12,500	\$2.28	\$28,500.00
A2.10.	4' Wedge Grind	L.F.	500	\$4.58	\$2,290.00
A2.11.	Detail 22 Striping - Thermoplastic	L.F.	166	\$2.86	\$474.76
A2.12.	Detail 27B Striping - Thermoplastic	L.F.	22	\$1.37	\$30.14
A2.13.	12" Limit Line (Stop Line) (White) - Thermoplastic	L.F.	200	\$9.16	\$1,832.00
A2.14.	Crosswalk-TLG Std. TR-I (Yellow) - Thermoplastic	L.F.	60	\$77.89	\$4,673.40
A2.15.	STOP Legend - Thermoplastic	Ea.	7	\$226.80	\$1,587.60
A2.16.	Blue Reflective Pavement Marker (Revocable)	Ea.	10	\$40.09	\$400.90
				ADD. ALT. 2 TOTAL	\$229,651.72

	GRAND TOTAL	\$3,341,090.18
--	--------------------	-----------------------

This certifies that all bids were received and opened on March 29, 2023 and that this is a copy of the bid tabulation with bids corrected for e

Town of Los Gatos Parks and Public Works Department
#22-811-9901 FY 2022/23 Annual Street Repair and Resurfacing
Certified Bid Tabulation Bid Opening: March 29, 2023 at 2:00 P.M. at the Civic Center

BASE BID:				Pavement Coatings		O'Grady Paving	
ITEM NO	ITEM DESCRIPTION	UNIT	EST. QTY.	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1.	Traffic Control	L.S.	1	\$302,360.53	\$302,360.53	\$550,000.00	\$550,000.00
2.	Changeable Message Board Signs	Ea.	4	\$3,207.26	\$12,829.04	\$5,000.00	\$20,000.00
3.	Adjust Storm Manhole to Grade	Ea.	88	\$973.63	\$85,679.44	\$1,000.00	\$88,000.00
4.	Adjust Sanitary Sewer Manhole to Grade	Ea.	88	\$973.63	\$85,679.44	\$1,000.00	\$88,000.00
5.	Adjust Survey Monument Cover to Grade	Ea.	88	\$801.82	\$70,560.16	\$500.00	\$44,000.00
6.	Adjust Water Valve Cover to Grade	Ea.	88	\$744.54	\$65,519.52	\$500.00	\$44,000.00
7.	Adjust Gas Valve to Grade	Ea.	5	\$744.54	\$3,722.70	\$500.00	\$2,500.00
8.	Adjust Water Meter Box to Grade	Ea.	3	\$744.54	\$2,233.62	\$500.00	\$1,500.00
9.	Adjust Detector Cover to Grade (Revocable)	Ea.	1	\$744.54	\$744.54	\$500.00	\$500.00
10.	Adjust Vault to Grade (Revocable)	Ea.	1	\$2,863.63	\$2,863.63	\$2,500.00	\$2,500.00
11.	Adjust Telephone Manhole to Grade (Revocable)	Ea.	1	\$1,718.17	\$1,718.17	\$2,500.00	\$2,500.00
12.	Replace Existing Grate with New Reticuline Grate	Ea.	8	\$5,727.25	\$45,818.00	\$1,200.00	\$9,600.00
13.	Remove and Replace HMA Ring (2" Depth)-Manhole	Ea.	10	\$343.63	\$3,436.30	\$500.00	\$5,000.00
14.	Remove and Replace HMA Ring (2" Depth)-Monument	Ea.	10	\$286.37	\$2,863.70	\$500.00	\$5,000.00
15.	Hot Mix Asphalt Leveling Course	Ton	2,000	\$223.36	\$446,720.00	\$215.00	\$430,000.00
16.	4" Depth Digouts	S.F.	35,000	\$8.02	\$280,700.00	\$8.25	\$288,750.00
17.	Asphalt Crack Sealing	L.S.	1	\$98,826.23	\$98,826.23	\$150,000.00	\$150,000.00
18.	Asphalt Rubber Cape Seal	S.Y.	82,000	\$8.19	\$671,580.00	\$5.00	\$410,000.00
19.	Slurry Seal (Black Aggregate)	S.Y.	70,000	\$2.92	\$204,400.00	\$5.00	\$350,000.00
20.	4' Wedge Grind	L.F.	2,500	\$4.58	\$11,450.00	\$15.00	\$37,500.00
21.	Pavement Marker and Striping Removal	L.S.	1	\$57,272.53	\$57,272.53	\$55,000.00	\$55,000.00
22.	Detail 1 Striping-Thermoplastic	L.F.	1,420	\$1.20	\$1,704.00	\$1.15	\$1,633.00
23.	Detail 9 Striping-Thermoplastic	L.F.	300	\$1.26	\$378.00	\$1.20	\$360.00

Town of Los Gatos Parks and Public Works Department
#22-811-9901 FY 2022/23 Annual Street Repair and Resurfacing
Certified Bid Tabulation Bid Opening: March 29, 2023 at 2:00 P.M. at the Civic Center

24.	Detail 22 Striping-Thermoplastic	L.F.	2,600	\$2.86	\$7,436.00	\$2.75	\$7,150.00
25.	Detail 25 Striping-Thermoplastic	L.F.	1,970	\$1.43	\$2,817.10	\$1.40	\$2,758.00
26.	Detail 27B Striping-Thermoplastic	L.F.	3,900	\$1.37	\$5,343.00	\$1.30	\$5,070.00
27.	Detail 29 Striping-Thermoplastic	L.F.	130	\$5.73	\$744.90	\$6.00	\$780.00
28.	Detail 32 Striping-Thermoplastic	L.F.	1,110	\$5.38	\$5,971.80	\$5.00	\$5,550.00
29.	Detail 38 Striping-Thermoplastic	L.F.	450	\$2.00	\$900.00	\$2.00	\$900.00
30.	Detail 38A Striping-Thermoplastic	L.F.	130	\$1.72	\$223.60	\$2.00	\$260.00
31.	Detail 39 Striping-Thermoplastic	L.F.	5,780	\$1.37	\$7,918.60	\$1.30	\$7,514.00
32.	Detail 39A Striping-Thermoplastic	L.F.	3,490	\$1.37	\$4,781.30	\$1.30	\$4,537.00
33.	12" Limit Line (Stop Line) (White)-Thermoplastic	L.F.	2,600	\$9.16	\$23,816.00	\$9.00	\$23,400.00
34.	12" Line (Yellow)-Thermoplastic	L.F.	170	\$9.16	\$1,557.20	\$9.00	\$1,530.00
35.	Yield Line-TLG Std. TR-B-Thermoplastic (Revocable)	L.F.	20	\$9.16	\$183.20	\$9.00	\$180.00
36.	Crosswalk (White)-Thermoplastic	L.F.	800	\$18.90	\$15,120.00	\$20.00	\$16,000.00
37.	Crosswalk-TLG Std. TR-I (Yellow)-Thermoplastic	L.F.	850	\$77.89	\$66,206.50	\$70.00	\$59,500.00
38.	4" Hatch (Yellow)-Thermoplastic	L.F.	60	\$3.44	\$206.40	\$4.00	\$240.00
39.	STOP Legend-Thermoplastic	Ea.	49	\$226.80	\$11,113.20	\$220.00	\$10,780.00
40.	SLOW Legend-Thermoplastic	Ea.	2	\$237.11	\$474.22	\$230.00	\$460.00
41.	SCHOOL Legend-Thermoplastic	Ea.	2	\$360.82	\$721.64	\$350.00	\$700.00
42.	XING Legend-Thermoplastic	Ea.	3	\$216.49	\$649.47	\$200.00	\$600.00
43.	PED Legend-Thermoplastic	Ea.	1	\$185.57	\$185.57	\$200.00	\$200.00
44.	20 Legend-Thermoplastic	Ea.	1	\$183.28	\$183.28	\$200.00	\$200.00
45.	25 Legend-Thermoplastic	Ea.	15	\$183.28	\$2,749.20	\$200.00	\$3,000.00
46.	Speed Hump Marking-TLG Std. TR-J-Thermoplastic	Ea.	5	\$2,092.74	\$10,463.70	\$2,000.00	\$10,000.00
47.	Type I Arrow-Thermoplastic	Ea.	2	\$154.64	\$309.28	\$150.00	\$300.00

Town of Los Gatos Parks and Public Works Department
#22-811-9901 FY 2022/23 Annual Street Repair and Resurfacing
Certified Bid Tabulation Bid Opening: March 29, 2023 at 2:00 P.M. at the Civic Center

48.	Type IV (L) Arrow-Thermoplastic	Ea.	8	\$154.64	\$1,237.12	\$150.00	\$1,200.00
49.	Type IV (R) Arrow-Thermoplastic	Ea.	10	\$154.64	\$1,546.40	\$150.00	\$1,500.00
50.	Type VI Arrow (R)-Thermoplastic	Ea.	3	\$432.99	\$1,298.97	\$400.00	\$1,200.00
51.	Type VII (L) Arrow-Thermoplastic	Ea.	1	\$463.90	\$463.90	\$500.00	\$500.00
52.	Shared Roadway Bicycle Marking-TLG Std. TR-G-Thermoplastic (Revocable)	Ea.	2	\$240.54	\$481.08	\$300.00	\$600.00
53.	On-Street Parking "T"-TLG Std. TR-L-Thermoplastic	Ea.	60	\$85.91	\$5,154.60	\$80.00	\$4,800.00
54.	Red Curb	L.F.	1,200	\$6.87	\$8,244.00	\$7.00	\$8,400.00
55.	Blue Reflective Pavement Marker (Revocable)	Ea.	75	\$40.09	\$3,006.75	\$40.00	\$3,000.00
56.	Green Back Bike Lane Symbol with Arrow Legend-TLG Std. TR-A-Thermoplastic	Ea.	30	\$1,431.81	\$42,954.30	\$1,400.00	\$42,000.00
57.	Green Bike Lane-Thermoplastic	L.F.	920	\$45.82	\$42,154.40	\$50.00	\$46,000.00
58.	Dashed Green Bike Lane-Thermoplastic	L.F.	1,350	\$51.55	\$69,592.50	\$50.00	\$67,500.00
59.	Install Flexible Post	Ea.	50	\$332.18	\$16,609.00	\$300.00	\$15,000.00
60.	Install New Sign and New Post	Ea.	3	\$486.82	\$1,460.46	\$500.00	\$1,500.00
61.	Install New Sign on Existing Post	Ea.	4	\$372.27	\$1,489.08	\$400.00	\$1,600.00
62.	Salvage Sign From Roadside Post/Pole	Ea.	3	\$229.09	\$687.27	\$250.00	\$750.00
63.	Remove Sign Post	Ea.	1	\$200.45	\$200.45	\$200.00	\$200.00
				BASE BID TOTAL	\$2,825,714.99	BASE BID TOTAL	\$2,943,702.00

ADD. ALTERNATE 1:				Pavement Coatings		O'Grady Paving	
ITEM NO	ITEM DESCRIPTION	UNIT	EST. QTY.	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
A1.1.	Adjust Storm Manhole to Grade	Ea.	13	\$973.63	\$12,657.19	\$1,000.00	\$13,000.00
A1.2.	Adjust Sanitary Sewer Manhole to Grade	Ea.	13	\$973.63	\$12,657.19	\$1,000.00	\$13,000.00
A1.3.	Adjust Survey Monument Cover to Grade	Ea.	13	\$801.82	\$10,423.66	\$500.00	\$6,500.00
A1.4.	Adjust Water Valve Cover to Grade	Ea.	13	\$744.54	\$9,679.02	\$500.00	\$6,500.00
A1.5.	Hot Mix Asphalt Leveling Course	Ton	325	\$229.09	\$74,454.25	\$215.00	\$69,875.00

Town of Los Gatos Parks and Public Works Department
#22-811-9901 FY 2022/23 Annual Street Repair and Resurfacing
Certified Bid Tabulation Bid Opening: March 29, 2023 at 2:00 P.M. at the Civic Center

A1.6.	4" Depth Digouts	S.F.	2,000	\$8.02	\$16,040.00	\$8.25	\$16,500.00
A1.7.	Asphalt Rubber Cape Seal	S.Y.	17,000	\$8.19	\$139,230.00	\$5.00	\$85,000.00
A1.8.	4' Wedge Grind	L.F.	2,100	\$4.58	\$9,618.00	\$15.00	\$31,500.00
A1.9.	Detail 22 Striping - Thermoplastic	L.F.	56	\$2.86	\$160.16	\$2.75	\$154.00
A1.10.	12" Limit Line (Stop Line) (White) - Thermoplastic	L.F.	28	\$9.16	\$256.48	\$9.00	\$252.00
A1.11.	STOP Legend - Thermoplastic	Ea.	1	\$226.80	\$226.80	\$220.00	\$220.00
A1.12.	Blue Reflective Pavement Marker (Revocable)	Ea.	8	\$40.09	\$320.72	\$40.00	\$320.00
				ADD. ALT. 1 TOTAL	\$285,723.47	ADD. ALT. 1 TOTAL	\$242,821.00

ADD. ALTERNATE 2:				Pavement Coatings		O'Grady Paving	
ITEM NO	ITEM DESCRIPTION	UNIT	EST. QTY.	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
A2.1.	Adjust Storm Manhole to Grade	Ea.	5	\$973.63	\$4,868.15	\$1,000.00	\$5,000.00
A2.2.	Adjust Sanitary Sewer Manhole to Grade	Ea.	5	\$973.63	\$4,868.15	\$1,000.00	\$5,000.00
A2.3.	Adjust Survey Monument Cover to Grade	Ea.	5	\$801.82	\$4,009.10	\$500.00	\$2,500.00
A2.4.	Adjust Water Valve Cover to Grade	Ea.	5	\$744.54	\$3,722.70	\$500.00	\$2,500.00
A2.5.	Adjust Gas Valve to Grade (Revocable)	Ea.	1	\$801.82	\$801.82	\$500.00	\$500.00
A2.6.	Hot Mix Asphalt Leveling Course	Ton	100	\$229.09	\$22,909.00	\$215.00	\$21,500.00
A2.7.	4" Depth Digouts	S.F.	2,200	\$8.02	\$17,644.00	\$8.25	\$18,150.00
A2.8.	Asphalt Rubber Cape Seal	S.Y.	16,000	\$8.19	\$131,040.00	\$5.00	\$80,000.00
A2.9.	Slurry Seal (Black Aggregate)	S.Y.	12,500	\$2.28	\$28,500.00	\$5.00	\$62,500.00
A2.10.	4' Wedge Grind	L.F.	500	\$4.58	\$2,290.00	\$15.00	\$7,500.00
A2.11.	Detail 22 Striping - Thermoplastic	L.F.	166	\$2.86	\$474.76	\$2.75	\$456.50
A2.12.	Detail 27B Striping - Thermoplastic	L.F.	22	\$1.37	\$30.14	\$1.30	\$28.60
A2.13.	12" Limit Line (Stop Line) (White) - Thermoplastic	L.F.	200	\$9.16	\$1,832.00	\$9.00	\$1,800.00
A2.14.	Crosswalk-TLG Std. TR-I (Yellow) - Thermoplastic	L.F.	60	\$77.89	\$4,673.40	\$70.00	\$4,200.00

Town of Los Gatos Parks and Public Works Department
#22-811-9901 FY 2022/23 Annual Street Repair and Resurfacing
Certified Bid Tabulation Bid Opening: March 29, 2023 at 2:00 P.M. at the Civic Center

A2.15.	STOP Legend - Thermoplastic	Ea.	7	\$226.80	\$1,587.60	\$220.00	\$1,540.00
A2.16.	Blue Reflective Pavement Marker (Revocable)	Ea.	10	\$40.09	\$400.90	\$40.00	\$400.00
				ADD. ALT. 2 TOTAL	\$229,651.72	ADD. ALT. 2 TOTAL	\$213,575.10

				GRAND TOTAL	\$3,341,090.18	GRAND TOTAL	\$3,400,098.10
--	--	--	--	-------------	----------------	-------------	----------------

This certifies that all bids were received and opened on March 29, 2023 and that this is a copy of the bid tabulation with bids corrected for errors in addition and multiplication. By: J. Chin, Assistant Engineer



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 4/18/2023

ITEM NO: 12

DATE: April 6, 2023
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Americans with Disabilities Act (ADA) Restroom at the Adult Recreation Center (CIP No. 821-2601):
a. Reject All Bids Received and Opened on March 24, 2023 for the Project; and
b. Authorize the Town Manager to Re-Bid the Project with a Revision to a Contractor License Requirement.

RECOMMENDATION:

Approve the following two actions for the Americans with Disabilities Act (ADA) compliant restroom at the Adult Recreation Center (CIP No. 821-2601):
a. Reject all bids received and opened on March 24, 2023 for the project; and
b. Authorize the Town Manager to re-bid the project with a revision to a contractor license requirement.

BACKGROUND:

On February 20, 2023, the Town Council authorized the bidding for construction of an ADA compliant public restroom in the Adult Recreation Center located at 208 E. Main St. Staff worked closely with an architect to develop design plans. The project was advertised for bid on March 3, 2023 and bids were opened on March 24, 2023. Two bids were received, one was significantly under and the other was 25% over the Engineer Estimate. The high bidder contested the bid results citing a contractor license error. This error was a conflict with one of multiple listings of the contractor licensing requirements in the bid package. Staff recommends rejecting both bids and re-bidding the project. With the re-bidding, staff would modify the requirement to accept an A or B contractor license in all areas of the bid package.

PREPARED BY: Dan Keller
Facilities and Environmental Services Manager

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

PAGE 2 OF 3

SUBJECT: Americans with Disabilities Act (ADA) Public Restroom - Adult Recreation Center Project (CIP No. 821-2601); Reject All Bids and Authorize Re-bidding
DATE: April 18, 2023

DISCUSSION:

The project consists of the construction of an ADA compliant public restroom in the Adult Recreation Center. In rebidding the project, the Town continues to have an opportunity to utilize grant funding for the project.

Once authorized by the Town Council to advertise for bid, the following is the anticipated schedule for the project:

<u>Milestones</u>	<u>Anticipated Timeline</u>
Advertise the Project for Bid	April 20, 2023
Bids Due	May 10, 2023
Award and Execute Agreement	May 31, 2023
Start Construction	June 15, 2023
Anticipated Completion	August 18, 2023

CONCLUSION:

This Council action will allow staff to implement the construction of an ADA compliant public restroom in the Adult Recreation Center, which will provide patrons with a needed amenity.

FISCAL IMPACT:

The adopted Fiscal Year (FY) 2022/23-2026/27 Capital Improvement Program (CIP) Budget is sufficient for the construction contract as noted in the table below. Funding sources for the project are noted below. The County of Santa Clara Board of Supervisors Grant funding in the amount of \$250,000 was approved specifically for the purpose of adding an ADA compliant restroom in the Adult Recreation Center. Staff intends to utilize all of those grant funds for the project. Funds remaining after the completion of this project (from General Fund Appropriated Reserve and Community Development Block Grant) have the potential to be put towards other Town projects.

PAGE 3 OF 3

SUBJECT: Americans with Disabilities Act (ADA) Public Restroom - Adult Recreation
Center Project (CIP No. 821-2601); Reject All Bids and Authorize Re-bidding

DATE: April 18, 2023

FISCAL IMPACT (continued):

Americans with Disabilities Act (ADA) Public Restroom Upgrade - Adult Recreation Center CIP No. 821-2601		
	Budget	
GFAR	\$ 183,000	
Grant Funding - Santa Clara County Board of Supervisors	\$ 250,000	
CDBG Grant Funding	\$ 218,979	
Total Budget	\$ 651,979	
		Costs
Prior Consultant Expenses		\$ 35,000
Construction Contract (including 20% contingency)		\$ 261,898
Total Costs		\$ 296,898
Available Balance		\$ 355,081

ENVIRONMENTAL ASSESSMENT:

This is a project as defined under CEQA but is categorically exempt under Section 15301 (Existing Facilities). A Notice of Exemption will be filed.



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/18/2023

ITEM NO: 13

DATE: April 10, 2023
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Approve an Amendment to the Town Employee Association (TEA) Salary Schedule to Establish a New Classification Title and Salary Range for Librarian II and to Amend the Classification Title of Librarian to Librarian I

RECOMMENDATION:

Approve an amendment to the TEA salary schedule (Attachment 1) to establish a new classification title and salary range for Librarian II and to amend the classification title of Librarian to Librarian I.

BACKGROUND:

The Town of Los Gatos Personnel Rules and Regulations (Section 4.4) and the Municipal Code (Section 2.30.925) require that amendments and revisions to the salary schedule/classification plan to be approved by the Town Council. Changes may be presented to Council for approval as part of the formal budget adoption, through the labor negotiations process, or as needed.

DISCUSSION:

Staff is proposing to add the new classifications of Librarian II to the current TEA classification salary schedule. The proposed classification is intended to address roles and responsibilities that have shifted significantly as the Library resumed pre-pandemic levels of public engagement over the past year. Role and responsibility changes for one existing Librarian staff member were reassigned and adapted to leverage skillsets and education for maximum efficiency of the organization; however, this also resulted in that staff member working out of class on a routine basis. The proposed change is for one existing staff and will not result in an additional vacancy or addition to the Town's current budgeted staffing.

PREPARED BY: Salina Flores
Human Resources Director

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

DISCUSSION (continued):

The proposed Librarian II classification would add a classification with duties and responsibilities above that of a Librarian yet below that of a Library Manager on the Librarian Series job description. Staff proposes that this new classification be compensated at TEA Salary Range TE1 - 18 (Step 1 \$44.47 hourly through Step 6 \$57.32 hourly) and be added as a flexibly staffed classification. The proposed percentage salary spread of the Librarian II classification in relation to the Librarian classification is constant with both neighboring jurisdiction as well as across the State.

Since the new classification title contains a numerical suffix, for consistency staff additionally recommends the that the existing Librarian classification title be amended to Librarian I. This title change has no changes in job duties and no financial impact.

CONCLUSION:

Staff requests a motion to approve the amendment of the TEA salary schedule to establish the new classification title and salary range for Librarian II, and amend the classification title of Librarian to Librarian I.

COORDINATION:

Staff has met and conferred with TEA representatives regarding this proposed amendment and TEA agrees to these modifications.

FISCAL IMPACT:

Proposed amendments are intended to resolve issues with existing staff working out of class and will not result in additional vacancy or addition to the Town's current budgeted staffing. The Library Department will absorb the additional salary expenditure for Fiscal Year (FY) 2022/23 through vacancy savings. Additional salary expenditure in FY 2023/24 would be \$13,018.88. Due to the timing of this report in relation to the publishing of the Proposed Budget, this change will be amended in the Budget at Mid-Year of FY 2023/24.

ENVIRONMENTAL ASSESSMENT:

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

Attachment:

1. Town of Los Gatos Salary Schedule for TEA Classifications effective April 19, 2023, with the proposed changes.

Town of Los Gatos TEA Classifications
Salary Schedule for Fiscal Year 2022/23
Effective April 19, 2023

Class Code	Classification Title	Rate Type	Range TE1	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
4310	Account Technician	Hourly	08	\$36.88	\$38.72	\$40.66	\$42.69	\$44.82	\$47.64
3580	Administrative Assistant	Hourly	04	\$30.87	\$32.41	\$34.03	\$35.73	\$37.52	\$39.98
4620	Assistant Engineer	Hourly	25	\$49.12	\$51.58	\$54.16	\$56.87	\$59.71	\$63.28
4420	Assistant Planner	Hourly	12	\$42.71	\$44.85	\$47.09	\$49.44	\$51.91	\$55.09
4600	Associate Civil Engineer	Hourly	27	\$55.88	\$58.67	\$61.60	\$64.68	\$67.91	\$71.89
4661	Associate Engineering Technician	Hourly	14	\$43.02	\$45.17	\$47.43	\$49.80	\$52.29	\$55.48
4400	Associate Planner	Hourly	20	\$49.70	\$52.19	\$54.80	\$57.54	\$60.42	\$64.02
4410	Building Inspector	Hourly	24	\$47.82	\$50.21	\$52.72	\$55.36	\$58.13	\$61.62
4430	Code Compliance Officer	Hourly	10	\$42.76	\$44.90	\$47.15	\$49.51	\$51.99	\$55.17
4530	Communication Dispatcher	Hourly	17	\$45.31	\$47.58	\$49.96	\$52.46	\$55.08	\$58.41
4535	Communication Dispatcher Lead	Hourly	19	\$57.24	\$60.10	\$63.11	\$66.27	\$69.58	\$73.64
4540	Community Services Officer	Hourly	11	\$36.36	\$38.18	\$40.09	\$42.09	\$44.19	\$46.98
4615	Construction Project Manager	Hourly	26	\$53.61	\$56.29	\$59.10	\$62.06	\$65.16	\$69.00
4660	Engineering Technician	Hourly	13	\$39.05	\$41.00	\$43.05	\$45.20	\$47.46	\$50.41
4705	Environmental Programs Specialist	Hourly	08	\$36.88	\$38.72	\$40.66	\$42.69	\$44.82	\$47.64
4200	Events and Marketing Specialist	Hourly	06	\$32.53	\$34.16	\$35.87	\$37.66	\$39.54	\$42.10
3501	Executive Assistant	Hourly	08	\$36.88	\$38.72	\$40.66	\$42.69	\$44.82	\$47.64
4900	IT Systems Administrator	Hourly	23	\$53.24	\$55.90	\$58.70	\$61.64	\$64.72	\$68.54
4915	IT Technician	Hourly	07	\$39.91	\$41.91	\$44.01	\$46.21	\$48.52	\$51.53
4810	Librarian I*	Hourly	16	\$40.81	\$42.85	\$44.99	\$47.24	\$49.60	\$52.66
4808	Librarian II*	Hourly	18	\$44.47	\$46.69	\$49.02	\$51.47	\$54.04	\$57.32
4830	Library Assistant	Hourly	03	\$30.13	\$31.64	\$33.22	\$34.88	\$36.62	\$39.03
4807	Library Customer Service Specialist	Hourly	01	\$28.23	\$29.64	\$31.12	\$32.68	\$34.31	\$36.61
4805	Library Customer Service Supervisor	Hourly	08	\$36.88	\$38.72	\$40.66	\$42.69	\$44.82	\$47.64
4825	Library Specialist	Hourly	06	\$32.53	\$34.16	\$35.87	\$37.66	\$39.54	\$42.10
4819	Library Tech Specialist	Hourly	15	\$39.55	\$41.53	\$43.61	\$45.79	\$48.08	\$51.06
3181	Office Assistant	Hourly	01	\$28.23	\$29.64	\$31.12	\$32.68	\$34.31	\$36.61
4640	Park Services Officer	Hourly	11	\$36.36	\$38.18	\$40.09	\$42.09	\$44.19	\$46.98
4560	Parking Control Officer	Hourly	01	\$28.23	\$29.64	\$31.12	\$32.68	\$34.31	\$36.61

Class Code	Classification Title	Rate Type	Range TE1	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
4440	Permit Technician	Hourly	09	\$35.53	\$37.31	\$39.18	\$41.14	\$43.20	\$45.94
4425	Planning Technician	Hourly	11	\$36.36	\$38.18	\$40.09	\$42.09	\$44.19	\$46.98
4550	Police Records Specialist	Hourly	05	\$31.60	\$33.18	\$34.84	\$36.58	\$38.41	\$40.91
4555	Police Records Specialist Lead	Hourly	31	\$39.05	\$41.00	\$43.05	\$45.20	\$47.46	\$50.41
4630	Public Works Inspector	Hourly	18	\$44.47	\$46.69	\$49.02	\$51.47	\$54.04	\$57.32
4450	Senior Building Inspector	Hourly	27	\$55.88	\$58.67	\$61.60	\$64.68	\$67.91	\$71.89
4525	Senior Communication Dispatcher	Hourly	29	\$50.76	\$53.30	\$55.97	\$58.77	\$61.71	\$65.38
4831	Senior Library Page	Hourly	02	\$19.85	\$20.84	\$21.88	\$22.97	\$24.12	\$25.91
4565	Senior Parking Control Officer	Hourly	11	\$36.36	\$38.18	\$40.09	\$42.09	\$44.19	\$46.98
4405	Senior Planner	Hourly	28	\$57.24	\$60.10	\$63.11	\$66.27	\$69.58	\$73.64
4552	Senior Police Records Specialist	Hourly	30	\$35.53	\$37.31	\$39.18	\$41.14	\$43.20	\$45.94
4610	Senior Public Works Inspector	Hourly	26	\$53.61	\$56.29	\$59.10	\$62.06	\$65.16	\$69.00
4662	Sr. Engineering Technician	Hourly	24	\$47.82	\$50.21	\$52.72	\$55.36	\$58.13	\$61.62

***Proposed April 18, 2023**

***New Position Added Effective April 19, 2023**



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/18/2023

ITEM NO: 14

DATE: March 23, 2023

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Consider the Following Actions for the Shannon Road Pedestrian and Bikeway Improvements Project (CIP No. 813-0218):

- a. Approve the Plans and Specifications;
- b. Authorize Advertising the Project for Bid Contingent on Receiving Caltrans Authorization;
- c. Authorize the Town Manager to Execute the Second Amendment to the Consulting Services Agreement with ActiveWayz Engineering for Additional Engineering Services During Bid, Award, and Construction in an Amount of \$25,238, Resulting in a Total Agreement Amount Not to Exceed \$196,709;
- d. Authorize an Expenditure Budget Transfer in an Amount of \$133,380 from available Traffic Mitigation Funds;
- e. Authorize an Expenditure Budget Transfer in an Amount of \$200,000 from Available Funds in Fund 461 CIP #816-0420;
- f. Authorize an Expenditure Budget Transfer in an Amount of \$60,000 from Available Funds in CIP #813-0221;
- g. Authorize an Expenditure Budget Transfer in an Amount of \$231,524 from Available Funds in CIP #813-0231; and
- h. Authorize an Expenditure Budget Transfer in an Amount of \$219,772 from Available Funds in CIP #811-9902.

RECOMMENDATION:

Staff recommends the following actions for the Shannon Road Pedestrian and Bikeway Improvements Project (CIP No. 813-0218):

- a. Approve the plans and specifications;
- b. Authorize advertising the project for bid contingent on receiving Caltrans authorization;

PREPARED BY: James Watson
Interim Town Engineer

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

RECOMMENDATION (continued):

- c. Authorize the Town Manager to execute the second amendment to the consulting services agreement with ActiveWayz Engineering (Attachment 1) for additional engineering services during bid, award, and construction in an amount of \$25,238, resulting in a total agreement amount not to exceed \$196,709;
- d. Authorize an expenditure budget transfer in an amount of \$133,380 from available Traffic Mitigation Funds;
- e. Authorize an Expenditure Budget transfer in an amount of \$200,000 from available funds in Fund 461 CIP #816-0420;
- f. Authorize an expenditure budget transfer in an amount of \$60,000 from available funds in CIP #813-0221;
- g. Authorize an expenditure budget transfer in an amount of \$231,524 from available funds in CIP #813-0231; and
- h. Authorize an expenditure budget transfer in an amount of \$219,772 from available funds in CIP #811-9902.

BACKGROUND:

The Shannon Road Pedestrian and Bikeway Improvements Project would provide pedestrian and bicycle safety improvements on Shannon Road between Los Gatos Boulevard and Cherry Blossom Lane. This segment of Shannon Road is a two-lane neighborhood collector street with high volumes of bicycle and pedestrian traffic when schools are in session. The street is a popular route for students attending Blossom Hill Elementary, Louise Van Meter Elementary, and Raymond J. Fisher Middle schools. There are intermittent sections of sidewalk on both sides of the roadway. Currently, on-street parking is not allowed on Shannon Road between 7 a.m. and 6 p.m., except on Saturdays, Sundays, and holidays.

In June 2018, the Town was awarded a Vehicle Emissions Reductions Based at Schools (VERBS) federal grant in the amount of \$940,100 from the Metropolitan Transportation Commission (MTC) One Bay Area Grant (OBAG) program distributed through the Santa Clara Valley Transportation Authority (VTA) to partially fund the project. This grant is a critical source of funding for the construction phase of this project, and it is shown as such in the adopted FY 2022/23-2026/27 CIP Budget. This is a reimbursement grant whereby the Town must expend the funds and request reimbursement from VTA. The initial request for reimbursement must be received by June 30, 2023 to comply with the requirements of this grant.

On November 5, 2019, the Town Council authorized the Town Manager to solicit design consultants and negotiate and execute a design consultant agreement in an amount not to exceed \$200,000. ActiveWayz Engineering was selected as the design consultant through the

BACKGROUND (continued):

procurement process. A consultant services agreement for an amount not to exceed \$126,631 was negotiated and executed with ActiveWayz Engineering to include project management, survey, alternative analysis and community outreach, utility coordination, final design, bid support, and construction administration support. On March 1, 2022, Council authorized the Town Manager to execute the first amendment increase of \$44,840 for additional community outreach efforts and to develop an additional design option based on the community feedback received (see Exhibit A).

This report recommends a second amendment to the agreement for additional engineering services during bid, award, construction, and post-construction (see Attachment 1 and Exhibit B). The original scope was developed with the expectation of greater Town staff involvement during bid, award, construction, and post-construction. The second amendment would facilitate greater use of the design consultant to augment Town staff resources.

ActiveWayz developed two concept designs that were presented to the community in 2021 at meetings on August 26 and September 29. During the community meeting process a third concept was added to reflect community input. These concepts and project history can be found on the PPW website at: <https://www.losgatosca.gov/2687/Shannon-Pedestrian-and-Bikeway-Improvements>. At its October 19, 2021 meeting, Town Council approved Design Concept 3 and authorized staff to proceed with final design.

Two additional community meetings were held on November 17, 2021 and January 15, 2022.

DISCUSSION:

The December 2022 engineer's estimate to complete the proposed work for the Shannon Road Pedestrian and Bikeway Improvements Project is \$1,766,826. The project would improve the safe mobility of Town residents and visitors and improve storm drainage. The Town has engaged the public and incorporated ideas generated through community involvement as much as possible. Grants have been secured to defer costs. Utility owners have been noticed of their obligation to relocate as necessary to accommodate the project plans.

The Town continues to receive correspondence from residents expressing dissatisfaction with the design, cost, and environmental impacts, while also receiving balancing general support of the idea of improvement. Suggestions to improve the plans were often provided including additional trees and variations in geometric design. Correspondences received prior to April 13, 2023 at 11 a.m. are included as Attachment 2. In an effort to address some of these concerns, staff has included an add alternate bid item for up to 14 trees along the project route. The

SUBJECT: Shannon Road Pedestrian and Bikeway Improvements Project (CIP No. 813-0218)

DATE: April 3, 2023

DISCUSSION (continued):

exact placement and species of trees will be determined in the field in coordination with local residents and the Town Arborist.

The plans and specifications for the Shannon Road Pedestrian and Bikeway Improvements Project can be viewed on the Town's website at <https://www.losgatosca.gov/108/Capital-Improvement-Program>. Staff is asking for authorization to advertise the project for construction pending receipt of the E-76 certification from Caltrans which is expected to be provided within the next 30 days.

Once authorized by the Town Council to advertise for bid, the following is the anticipated schedule for the project, assuming receipt of the E-76 approval:

<u>Milestones</u>	<u>Anticipated Timeline</u>
Advertise the Project for Bid	April 28, 2023
Bids Due	May 18, 2023
Council to Accept Lowest Bidder	June 6, 2023
Award and Execute Agreement	June 15, 2023
Start Construction	July 5, 2023
Anticipated Completion	January 2024

CONCLUSION:

Approval of the recommendations allows the Shannon Road Pedestrian and Bikeway Improvements Project to move forward for bidding with an option for bidders to identify additional landscaping and greening opportunities as an add alternate. It is important for the Town to construct the project to utilize the grants that were received for this project.

ALTERNATIVE:

Alternatively, the Council could direct staff to revisit the design to incorporate additional comments received. Staff would consider modifications that would add environmental components to the streetscape by adding small landscape buffers that incorporate trees and allow the Town to improve water quality runoff, air quality, and neighborhood appeal. This alternative would necessitate almost complete redesign of the project, incurring additional design costs and delaying the project to at least summer of 2024. This delay would likely result in the loss of grants secured and impact the Town's ability to secure future grant funds.

PAGE 5 OF 7

SUBJECT: Shannon Road Pedestrian and Bikeway Improvements Project (CIP No. 813-0218)

DATE: April 3, 2023

COORDINATION:

This project has been coordinated with the Complete Streets and Transportation Commission, significant public outreach has been conducted, and the project has been coordinated with the Finance Department.

FISCAL IMPACT:

The FY 2022/23 – 2026/27 CIP Budget for the Shannon Road Pedestrian and Bikeway Improvements Project requires additional funding for the construction phase. On October 19, 2021, Town Council unanimously approved (see Item 7 of the [meeting minutes](#)) the proposed alternative and a recommended funding strategy that included consolidating funds from other projects to the Shannon Road project. The scope of each of these projects aligns with corresponding scope within the Shannon Road project. Staff recommends that Town Council authorize the transfer of available funds from the CIP projects identified in the fiscal table below.

SUBJECT: Shannon Road Pedestrian and Bikeway Improvements Project (CIP No. 813-0218)

DATE: April 3, 2023

FISCAL IMPACT (continued):

Shannon Road Pedestrian and Bikeway Improvements		
CIP No. 813-0218		
	Budget	
GFAR	\$ 230,000	
Grants	\$ 1,114,350	
Utility Undergrounding	\$ 119,204	
Transfer from Traffic Mitigation Funds	\$ 133,380	
Transfer from Fund 461 - Storm Basin #1 (Considered with this Staff Report)	\$ 200,000	
Transfer from CIP #813-0221 (Considered with this Staff Report)	\$ 60,000	
Transfer from CIP #813-0231 (Considered with this Staff Report)	\$ 231,524	
Transfer from CIP #811-9902 (Considered with this Staff Report)	\$ 219,772	
Total Budget	\$ 2,308,230	
		Costs
Misc. Expenses		\$ 500
Temporary Staff Charges		\$ 35,000
Engineering Services (Previously Approved)		\$ 171,471
Engineering Services (Approved with this Staff Report)		\$ 25,238
Construction Management Services (7.5%)		\$ 132,512
Construction		\$ 1,766,826
Construction Contingency (10%)		\$ 176,683
Total Costs		\$ 2,308,230
Available Balance		\$ -

Staff costs are tracked for all projects. Tracking of staff costs allows for accountability in the costs of projects, recovery of costs from grant funded projects, and identification of future staffing needs. This project utilizes a combination of full-time budgeted staff and temporary staff that support fluctuating workloads. The costs for temporary staff will be directly associated with this project while full-time staff are accounted for in the Department's operating budget.

PAGE 7 OF 7

SUBJECT: Shannon Road Pedestrian and Bikeway Improvements Project (CIP No. 813-0218)

DATE: April 3, 2023

ENVIRONMENTAL ASSESSMENT:

This is a project defined under the California Environmental Quality Act (CEQA) as being Categorically Exempt per Section 15301(c) Existing streets, sidewalks, trails and similar facilities and 15304(h) Creation of bicycle lanes on existing rights-of-way. A Notice of Exemption will be filed. Under the National Environmental Policy Act (NEPA), the project is determined to be categorically excluded from a detailed environmental analysis.

Attachments:

1. ActiveWayz Engineering Consultant Agreement Proposed Second Amendment with Exhibit "A" – Original Agreement and First Amendment and Exhibit "B" - Scope of Services
2. Public Comment

SECOND AMENDMENT TO AGREEMENT

This SECOND AMENDMENT TO AGREEMENT is dated for identification this 1st day of April 2023 and amends that certain First Amendment to Agreement for Consultant Services dated March 1, 2022, made by and between the Town of Los Gatos, ("Town") and the ActiveWayz Engineering ("Consultant").

RECITALS

- A. Town and Consultant entered into an Agreement for Consultant Services on May 3, 2021 ("Agreement") and a First Amendment for Consultant Services Agreement on March 1, 2022 for the Shannon Road Pedestrian and Bikeway improvements Project (CIP No. 813-0218), copies of which are attached hereto and incorporated by reference as Exhibit A to this Amendment.
- B. Town desires to amend the Agreement to add to the scope of services 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 March 8, 2023, which is hereby incorporated by referenced and attached as Exhibit B.

- 2. 2.6 Compensation is amended to read as follows:

Additional compensation for Consultant's professional services shall be increased by \$25,238. For a total agreement amount **not to exceed \$196,709**, inclusive of all costs. Payment shall be based upon Town approval of each task based on Exhibit B.

- 3. 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:

ActiveWayz Engineering:

Laurel Prevetti, Town Manager

Admas Zewdie, 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

AGREEMENT FOR CONSULTANT SERVICES

THIS AGREEMENT is made and entered into on May 3, 2021 by and between TOWN OF LOS GATOS, a California municipal corporation, ("Town") and ACTIVEWAYZ ENGINEERING, ("Consultant"), whose address is 2170 The Alameda, Suite 200, San Jose, CA 95126. This Agreement is made with reference to the following facts.

I. RECITALS

- 1.1 Town desires to engage Consultant to provide Consultant Services for Shannon Road Pedestrian and Bikeway Improvements Project (CIP No. 813-0218).
- 1.2 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 Exhibit A, which is hereby incorporated by reference.
- 2.2 Term and Time of Performance. This contract will remain in effect from date of execution to December 31, 2023.
- 2.3 Compliance with Laws. 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. 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 **shall not exceed \$126,631.00**, inclusive of all costs as described in Exhibit A. 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, 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. 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 in respect to 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 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. 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. Town and 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, 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 Prevailing Wages. This project is subject to the requirements of Section 1720 et seq. of the California Labor Code requiring the payment of prevailing wages, the training of apprentices and compliance with other applicable requirements. Contractors and all subcontractors who perform work on the project are required to comply with these requirements. Prevailing wages apply to all projects over \$1,000 which are defined as a "public work" by the State of California. This includes: construction, demolition, repair, alteration, maintenance and the installation of photovoltaic systems under a Power Purchase Agreement when certain conditions are met under Labor Code Section 1720.6. This include service and warranty work on public buildings and structures.
- 4.4.1 The applicable California prevailing wage rate can be found at www.dir.ca.gov and are on file with the Town of Los Gatos Parks and Public Works Department, which shall be available to any interested party upon request. The contractor is also required to have a copy of the applicable wage determination posted and/or available at each jobsite.

- 4.4.2 Specifically, contractors are reminded of the need for compliance with Labor Code Section 1774-1775 (the payment of prevailing wages and documentation of such), Section 1776 (the keeping and submission of accurate certified payrolls) and 1777.5 in the employment of apprentices on public works projects. Further, overtime, weekend and holiday pay, and shift pay must be paid pursuant to applicable Labor Code section.
- 4.4.3 The public entity for which work is being performed or the California Department of Industrial Relations may impose penalties upon contractors and subcontractors for failure to comply with prevailing wage requirements. These penalties are up to \$200 per day per worker for each wage violations identified; \$100 per day per worker for failure to provide the required paperwork and documentation requested within a 10-day window; and \$25 per day per worker for any overtime violation.
- 4.4.4 As a condition to receiving progress payments, final payment and payment of retention on any and all projects on which the payment of prevailing wages is required, the contractor agrees to present to the Town, along with its request for payment, all applicable and necessary certified payrolls (for itself and all applicable subcontractors) for the time period covering such payment request. The term "certified payroll" shall include all required documentation to comply with the mandates set forth in Labor Code Section 1720 et seq, as well as any additional documentation requested by the Agency or its designee including, but not limited to: certified payroll, fringe benefit statements and backup documentation such as monthly benefit statements, employee timecards, copies of wage statements and cancelled checks, proof of training contributions (CAC2 if applicable), and apprenticeship forms such as DAS-140 and DAS-142.
- 4.4.5 In addition to submitting the certified payrolls and related documentation to the Town, the contractor and all subcontractors shall be required to submit certified payroll and related documents electronically to the California Department of Industrial Relations. Failure to submit payrolls to the DIR when mandated by the project parameters shall also result in the withholding of progress, retention and final payment.
- 4.4.6 No contractor or subcontractor may be listed on a bid proposal for a public works project unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5 [with limited exceptions from this requirement for bid purposes only under Labor Code section 1771.1(a)].
- 4.4.7 No contractor or subcontractor may be awarded a contract for public work on a public works project, unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5. Contractors MUST be a registered "public works contractor" with the DIR AT THE TIME OF BID. Where the prime contract is less than \$15,000 for maintenance work or less than \$25,000 for construction alternation, demolition or repair work, registration is not required.
- 4.4.8 Should any contractor or subcontractors not be a registered public works contractor and perform work on the project, Contractor agrees to fully

indemnify the Town for any fines assessed by the California Department of Industrial Relations against the Town for such violation, including all staff costs and attorney's fee relating to such fine.

- 4.4.9 Town shall withhold any portion of a payment; including the entire payment amount, until certified payroll forms and related documentation are properly submitted, reviewed and found to be in full compliance. In the event that certified payroll forms do not comply with the requirements of Labor Code Section 1720 et seq., Town may continue to hold sufficient funds to cover estimated wages and penalties under the contract.
- 4.5 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.
- 4.6 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.
- 4.7 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

ACTIVWAYZ ENGINEERING
Attn: Admas Zewdie
2170 The Alameda, Suite 200
San Jose, CA 95126

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

- 4.8 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.
- 4.9 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, Town and Consultant have executed this Agreement.

Town of Los Gatos by:

DocuSigned by:



5/20/2021

Laurel Prevetti, Town Manager

Consultant, by:

DocuSigned by:

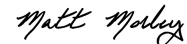


5/18/2021

EC49C3B6AA4744E...

Recommended by:

DocuSigned by:



5/19/2021

Matt Morley

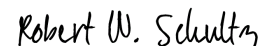
Director of Parks and Public Works

Admas Zewdie, President

Printed Name and Title

Approved as to Form:

DocuSigned by:



5/20/2021

Robert Schultz, Town Attorney

Attest:

DocuSigned by:



5/20/2021

Shelley Neis, MMC, CPMC, Town Clerk

SCOPE OF SERVICES

1 PROJECT MANAGEMENT

- **Project Management and Coordination** – Communicate regularly with Town of Los Gatos project manager regarding project progress, challenges, and next action items; Coordinate activities of internal and subconsultant team members; Prepare monthly invoices and progress reports; Prepare and maintain project schedule.
- **Project Schedule** – Prepare a base line project schedule, and update project schedule as the project progresses.
- **Kick-Off Meeting** – Organize, attend, and lead project kick-off meeting; Prepare agenda and meeting minutes for each meeting.
- **Project Coordination Meeting** – Organize, attend, and lead bi-weekly coordination meetings; Prepare agenda and meeting minutes for the meetings.
- **Outreach Meetings** – Attend up to two (2) community outreach meetings and up to two (2) Town’s Complete Streets and Transportation Commission meetings.

Deliverables: <ul style="list-style-type: none">• Meeting agenda and minutes• Project schedule• Monthly invoice and progress report	Assumptions: <ul style="list-style-type: none">• The project will be completed within the duration shown in the attached project schedule.• Outreach meetings will be noticed, organized and led by Town staff.
---	--

2 TOPOGRAPHIC SURVEY

- **Field Topographic Survey** – Provide a design-level topographic survey extending 10 to 20-feet beyond the right of way to allow for conform design and at minimum 50-feet beyond work limits shown in the exhibit attached to the RFP. The survey shall include existing right-of-way, roadway, surface utilities, sewer and storm drain manholes and their inverts, trees, fence, driveway, sidewalk, etc. Site coordinates will be established with RTK GPS at each intersection. Site control will be established and noted in the CAD file for future use by the contractor.
- **Right of Way Mapping** – Based upon a combination of record data and any monuments collected during topographic surveying, calculate the record data location of the existing right of way for the mapping corridor. Additionally, calculate and show the location of each adjoining parcel lot line from record data (assessor’s parcel data, record mapping and apparent lines of occupation). Easements will be shown on the mapping product only to the extent shown on existing recorded maps.
- **Plat and Legal Description (OPTIONAL)** – Prepare Legal descriptions and Exhibit Plats for right of way acquisition. One summary sheet and calculations sheet, including the total area of the property, areas of acquisition, areas the acquisition overlaps any easements of record and the remainder area of the parcel will be prepared for each separate property owner where acquisition is proposed. One acquisition document may describe various takes including: CLIENT Right of Way, Utility Easements, Slope Easements, and Drainage Facility Easements. Since the number of acquisitions cannot be accurately determined at this time, we propose to include this work item as an optional task. The fee for preparing plat and legal description is \$1,000 per parcel.

<p>Deliverables:</p> <ul style="list-style-type: none">• AutoCAD Civil 3D file with survey points and Digital Terrain Model• AutoCAD file with existing right of way information• Plats and Legal descriptions for acquisitions (OPTIONAL)	<p>Assumptions:</p> <ul style="list-style-type: none">• Topographic survey for the optional segment (Cherry Blossom Lane to Short Road) is not included. It is possible that the Town’s currently available topographic mapping may be sufficient for the traffic calming work. If supplemental surveys are needed, the survey scope can be amended once the limits of additional surveys are determined.
--	---

3 DATA COLLECTION AND ALTERNATIVE ANALYSIS

- **Site Assessment** – Conduct a field visit to confirm existing conditions, obtain additional information, and take site pictures.
- **Project Background Information** – Obtain from Town and review background project information, such as prior studies, traffic analysis, traffic counts, collision data, community meeting minutes, etc. Request as-built maps from utility companies.
- **Base Map Preparation** – Using topographic survey, prepare a base map that depicts the existing information collected during the site visit and from utility companies. The base map will show approximate locations of existing utilities, signs, and pavement delineation.
- **Alternatives Analysis** – Prepare up to three feasible project alternatives for the proposed improvements. The alternatives shall be developed with careful evaluation of the needs of pedestrians, bicyclists, drivers, and adjacent residents. The concept plans shall clearly show the scope of improvements and the associated geometric parameters for the project. The plans shall show the proposed improvements and sufficient notes and references to communicate the design intent. The alternatives will take the following factors into consideration:
 - > cost
 - > implementation timeline
 - > on-street parking
 - > utility relocations
 - > tree impacts
 - > drainage (public and private)
 - > impacts to private property improvements
 - > pedestrian street crossings
 - > variations in right of way width
 - > enhancing safety and convenience for pedestrians and bicyclists
 - > street cross section (sidewalk type, bicycle accommodation, planting, parking, travel lanes, etc.)
 - > public acceptance

The alternatives will be presented on exhibits using aerial map background. Typical cross-sections at key locations will be included. At the conclusion of the alternative analysis, a written memo summarizing the alternatives and associated costs together with a recommendation will be provided in addition to the conceptual drawings to document the work effort.

<p>Deliverables:</p> <ul style="list-style-type: none">• Site photos• Base map in AutoCAD containing topographic mapping, and existing utilities and right-of-way• Exhibits of proposed alternatives (3)• Exhibit of preferred alternative (1)• Alternatives Analysis Memo	<p>Assumptions:</p> <ul style="list-style-type: none">• Town will provide as-builts for Town-owned utilities.• Town will be responsible for coordination with adjacent property owners.
--	--

4 COMMUNITY OUTREACH

- Exhibits for the proposed alternatives will be prepared under Task 3 above. Under this task, consultant will minor adjustments to format the exhibits for public presentations.
- The consultant project manager will attend up to three (3) additional meetings with private property owners or other project stakeholders at the request of the Town’s project manager.

Deliverables: <ul style="list-style-type: none">• Exhibits using material prepared under other tasks• Attendance at coordination meetings (3)	Assumptions: <ul style="list-style-type: none">• Preparation of graphic renderings are not included.
--	--

5 UTILITY COORDINATION

- Identify potential utility conflicts, and if possible, identify design modifications to avoid utility conflicts.
- Where conflicts are unavoidable, identify utility relocation needs and coordinate with utility companies to complete relocations.
- For each utility conflict, prepare conflict maps identifying the location of the conflicts, and coordinate with utility purveyors to prepare conflict resolution plans.
- Review the conflict maps and confirm that they will resolve the conflict.
- Prepare Notice to Owner (NTO) to utility companies to begin physical relocation of utilities. Town staff will perform field inspection to ensure that the relocation work is performed in conformance with the approved conflict resolution plans.
- Assist the Town in preparation of a pothole exhibit. The Town will hire a pothole contractor to identify utility locations and depths along the proposed storm drain alignment. Survey pothole locations and add information to design drawings.

Deliverables: <ul style="list-style-type: none">• Exhibits using material prepared under other tasks• Attendance at coordination meetings (3)	Assumptions: <ul style="list-style-type: none">• Preparation of graphic renderings are not included.
--	--

6 FINAL DESIGN

Prepare Plans, Specifications and Estimate in conformance with the 2010 Caltrans Standard Plans and Specifications, supplemented by Town specific flatwork, signing, striping, and tree planting details.

6.1 65% PS&E

- **Plans** – Plans will be prepared on 24”x36” size pages on the Town’s title block. All major design issues and solutions will be represented in the plans. The plans will show the existing conditions, the proposed improvements, and associated details, standards, and notes. The following types of plans are expected to be included in the plan set:

SCOPE OF SERVICE

- > Title Sheet (1 sheet)

> Notes, Legend, and Abbreviations (1 sheet)

> Existing Conditions Plan (1"=20' scale, 3 sheets)

> Demolition Plan (1"=20' scale, 3 sheets)

> Improvement Plans (1"=20' scale, 3 sheets)

> Signing and Striping Plans (1"=20' scale, 3 sheets)

> Construction Details (6 sheets)

> Standard Details (2 sheets)

> Best Management Practices (1 sheet)

> Total (23 sheets)
- Technical Specifications** – Prepare draft technical specifications using the Town of Los Gatos specification format and content. Supplement technical specifications as needed with Caltrans standards for project work not already covered by the Town’s standard specifications. Prepare bid tabulation and detailed measurement and payment section. The bid tabulation and the units of measurement shall be consistent with the cost estimate.
 - Estimate** – Prepare estimate of probable cost based on items and quantities of work shown on the plans. Unit prices will be based on the magnitude of the quantities and recently awarded local projects and engineer’s judgment.

Deliverables: <ul style="list-style-type: none">65% Plans (PDF)65% Technical Specifications (MS Word, PDF)65% Cost Estimate (MS Excel, PDF)	Assumptions: <ul style="list-style-type: none">Town will prepare front-end specifications.Town will provide sheet border, and CAD drafting standards if available.Town will be responsible for environmental clearance, right of way certification, and E-76 authorization coordination.Landscaping and irrigation design is not included in the scope of work.The optional segment (Cherry Blossom Lane to Short Road) is not included.
---	--

6.2 100% PS&E

- Comment Review** – Review Town’s comments on the 65% submittal and provide responses in a matrix format. Identify comments that consultant disagrees with, need further clarification on, or may result in change in scope for discussion with the Town’s project manager.
- Update Plans, Specifications, and Estimate of Probable Cost** – Prepare 100% construction documents by refining the 65% design documents based on comments received after the Town’s review of the 65% construction documents. The 100% plans, technical specifications, and estimate of probable cost shall be submitted together.

Deliverables: <ul style="list-style-type: none">Comment Response Matrix100% Plans (PDF)100% Technical Specifications (MS Word, PDF)100% Cost Estimate (MS Excel, PDF)	Assumptions: <ul style="list-style-type: none">Town will provide a compiled set of comments after resolving inconsistencies between various reviewers.
--	--

6.3 Final PS&E

- **Bid Set** – Address miscellaneous Town comments on the 100% submittal and prepare a bid-ready set of plans, technical specifications, and cost estimate.

<p>Deliverables:</p> <ul style="list-style-type: none">• Comment Response Matrix• Final Plans (PDF)• Final Technical Specifications (MS Word, PDF)• Final Cost Estimate (MS Excel, PDF)	<p>Assumptions:</p> <ul style="list-style-type: none">• Town will provide a compiled set of comments after resolving inconsistencies between various reviewers.• It is assumed that if Town decides to split the project in two, the same plan set will be used and non-applicable work items will be crossed out from the plans. This scope does not include preparing stand-alone plan sets for two separate bid packages.
--	---

7 BID SUPPORT

- Support the Town through the bid process and construction contract award.
- Respond to questions or requests for clarifications during the bid phase.
- Attend a pre-bid meeting.
- Assist the Town establish the lowest responsible bidder.
- Provide value engineering services as needed if bids are above the construction budget.

<p>Deliverables:</p> <ul style="list-style-type: none">• Responses to RFIs	<p>Assumptions:</p> <ul style="list-style-type: none">• The project will be constructed in a single construction package.
--	---

8 CONSTRUCTION ADMINISTRATION

- Provide construction support services. Tasks may include attending pre-construction and other field meetings, reviewing submittals, responding to requests for information, providing field check services, preparing design modifications if necessary due to unforeseen conditions, prepare as-built documents, and project closeout.
- Consultant shall conduct site visits during construction at appropriate stages. Consultant shall provide submittal list, respond to requests for information (RFI), review shop drawings, and prepare change orders, and provide written recommendations to the Town. Consultant shall participate in the final walk-through and assist with preparing the punch list of deficiencies.

<p>Deliverables:</p> <ul style="list-style-type: none">• Responses to RFIs• Reviewed shop drawings• Change order plans• As-built plans	<p>Assumptions:</p> <ul style="list-style-type: none">• This task will be performed on a time-and-material basis.
---	---

9 SUPPLEMENTARY SERVICES

- Work under this task item shall include other supplemental services as related to right-of-way, utility relocation, additional meetings, and other design elements not already outlined or specified under other task items. Any work under this task will first need to be requested or approved by the Town and as authorized by Town staff.

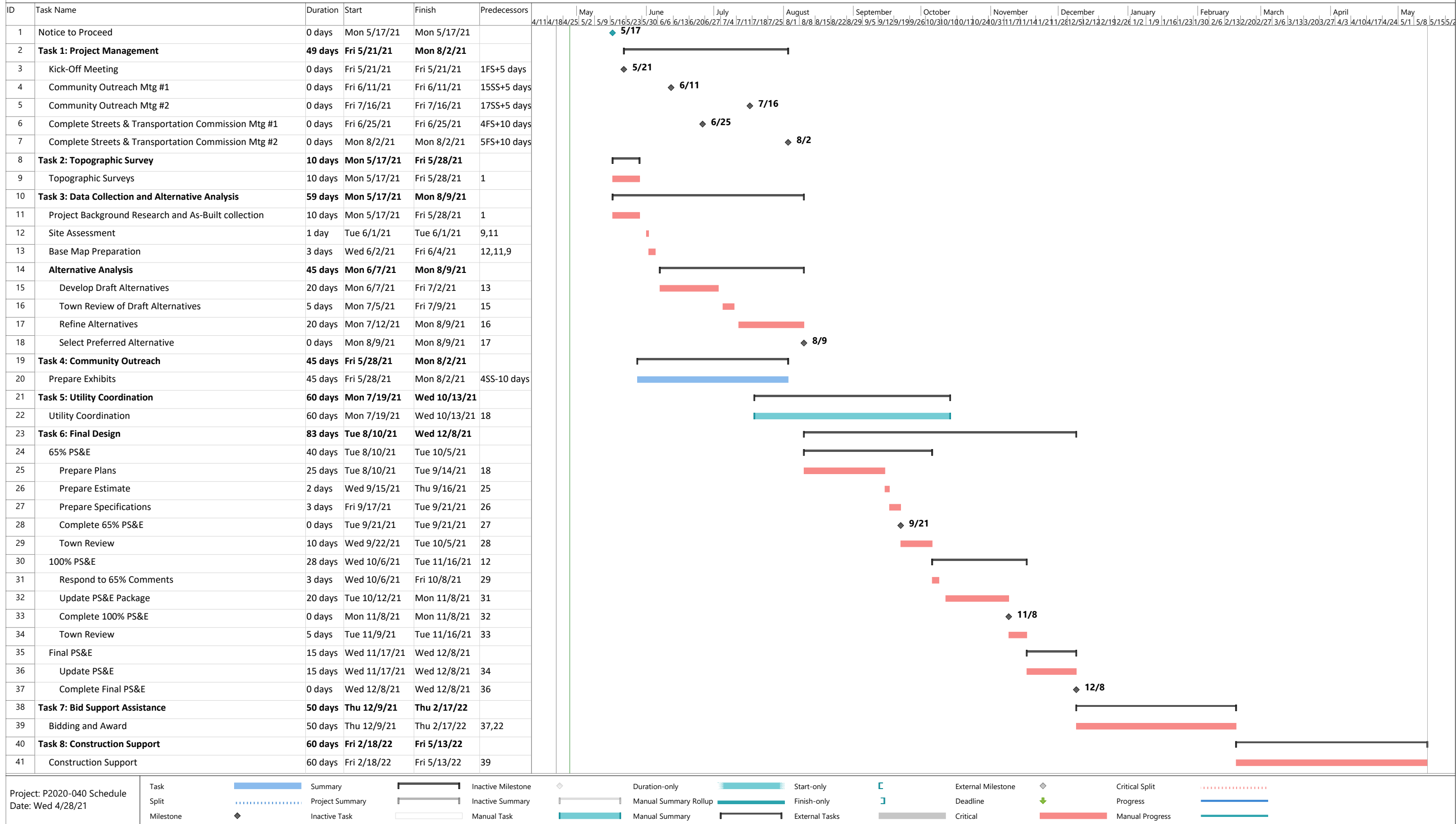
ActiveWayz Engineering
Fee Estimate

4/6/2021

TOWN OF LOS GATOS
SHANNON ROAD PEDESTRIAN AND BIKEWAY IMPROVEMENTS (CIP No. 813-0218)

		ActiveWayz Engineering								PLS Surveys	Grand Total
		Project Manager	Project Engineer	Design Engineer	Engineering Technician	Total	Subtotal Fee	Direct Expenses	Total Fee	Total Fee	
Tasks		\$198	\$168	\$124	\$60						
1. Project Management		54	—	—	—	54	\$10,692	—	\$10,692	—	\$10,692
	Project Management & Coordination	16	—	—	—	16	\$3,168	—	\$3,168	—	\$3,168
	Project Schedule	4	—	—	—	4	\$792	—	\$792	—	\$792
	Kick-Off Meeting	2	—	—	—	2	\$396	—	\$396	—	\$396
	Project Coordination Meeting	16	—	—	—	16	\$3,168	—	\$3,168	—	\$3,168
	Ourteach Meetings (4)	16	—	—	—	16	\$3,168	—	\$3,168	—	\$3,168
2. Topographic Survey		—	—	—	—	—	—	—	—	\$18,500	\$18,500
	Field Topographic Survey & R/W Mapping	—	—	—	—	—	—	—	—	\$18,500	\$18,500
3. Data Collection and Alternative Analysis		32	—	52	66	150	\$16,744	—	\$16,744	—	\$16,744
	Site Assessment	4	—	4	—	8	\$1,288	—	\$1,288	—	\$1,288
	Project Background Information	—	—	8	8	16	\$1,472	—	\$1,472	—	\$1,472
	Base Map Preparation	2	—	8	8	18	\$1,868	—	\$1,868	—	\$1,868
	Alternatives Analysis	26	—	32	50	108	\$12,116	—	\$12,116	—	\$12,116
4. Community Outreach		16	—	16	40	72	\$7,552	—	\$7,552	—	\$7,552
	Prepare Exhibits	8	—	16	40	64	\$5,968	—	\$5,968	—	\$5,968
	Attend Meetings (up to 4 additional)	8	—	—	—	8	\$1,584	—	\$1,584	—	\$1,584
5. Utility Coordination		16	—	24	—	40	\$6,144	—	\$6,144	—	\$6,144
	Utility Coordination	16	—	24	—	40	\$6,144	—	\$6,144	—	\$6,144
6. Final Design		81	111	86	189	467	\$56,689	—	\$56,689	—	\$56,689
	65% PS&E	60	82	64	140	346	\$41,992	—	\$41,992	—	\$41,992
	100% PS&E	15	21	16	35	87	\$10,498	—	\$10,498	—	\$10,498
	Final PS&E	6	8	6	14	35	\$4,199	—	\$4,199	—	\$4,199
7. Bid Support		4	4	—	—	8	\$1,464	—	\$1,464	—	\$1,464
	Pre-bid meeting	2	—	—	—	2	\$396	—	\$396	—	\$396
	Bid Support	2	4	—	—	—	\$1,068	—	\$1,068	—	\$1,068
		—	—	—	—	—	—	—	—	—	—
8. Construction Administration		9	8	—	12	29	\$3,846	—	\$3,846	—	\$3,846
	Meetings	3	—	—	—	3	\$594	—	\$594	—	\$594
	Shop Drawing Reviews	2	4	—	—	6	\$1,068	—	\$1,068	—	\$1,068
	RFIs	2	4	—	—	6	\$1,068	—	\$1,068	—	\$1,068
	As-builts	2	—	—	12	—	\$1,116	—	\$1,116	—	\$1,116
9. Supplementary Services		—	—	—	—	—	—	\$5,000	\$5,000	—	\$5,000
	Supplementary Services	—	—	—	—	—	—	\$5,000	\$5,000	—	\$5,000
Total		212	123	178	307	820	\$103,131	\$5,000	\$108,131	\$18,500	\$126,631

Town of Los Gatos
Project Schedule for
SHANNON ROAD PEDESTRIAN AND BIKEWAY IMPROVEMENTS PROJECT



ACTIVEWAYZ' RESPONSES TO CLARIFICATION QUESTIONS ON THE PROJECT SCOPE

04/06/2021

- 1. Overview: Confirm the physical limits included in both the Alternatives Analysis and Final Design scope of work items.**

RESPONSE: The proposal covers the CIP No. 813-0218 project limits (Los Gatos to Cherry Blossom).

- 2. Topographic Survey: The scope indicates the right of way will be determined from "a combination of record data and any monuments." What do you propose for areas where no record data is available?**

RESPONSE: In our experience, roadways and private lands have always been defined by deeds and maps. We cannot think of a time we've come across such an issue where nothing is defined. If, in fact, there is no record data, the situation will require negotiation between the City and the adjacent private property owner to define the right of way. Such work may involve legal action and is beyond the scope of our work.

- 3. Timing vs Cost vs Safety: One item not explicitly addressed in the proposal is the question of which side of the street is improved first and why. We expect the tradeoffs between cost, timing, and safety will all be in play as we struggle with federal grant and PG&E relocation timing issues. How do you propose to address this?**

RESPONSE: It's too early to say whether bifurcation is needed. My suggestion is to develop the plans to the 65% design level and decide if we need to split the project. There could be several options to consider, including:

- The use of add-alternate bid items;
- Segmented construction (both sides for a few blocks);
- Low-cost interim improvements

Rest assured that we will propose an optimal implementation strategy that balances the various considerations. If the project needs to be phased, we propose preparing one set of plans and cross-out/hide improvements that are not part of the construction package. We used this approach on a recent project that's about to start construction. This approach can be accommodated within the budget we proposed.

- 4. Trees: How have you addressed tree impacts in the past?**

RESPONSE: Trees should be dealt with in close coordination with the Town arborist. Possible options include:

Tree removal – if the tree causing the problem is an ornamental tree, a old/dying tree, or a sick tree, removing it can be an option. Many trees planted along Los Gatos streets for beautification are not appropriate for sidewalk location due to their shallow roots. As part of the Almond Grove project, many magnolia trees that were lifting sidewalks were removed during the street reconstruction.

Cutting Tree Roots – Cutting roots can result in the death or instability of a tree, so should be attempted with a close supervision of the Town Arborist.

Reinforcing the sidewalk concrete – building a longer section of sidewalk and reinforcing it with rebar can help counter the force of a growing tree root underneath the sidewalk and hence limit uplift.

Realigning sidewalk – The whole or a portion of the sidewalk can be realigned to be away from the tree roots, and root barriers installed to prevent further root encroachment. This may require reduction of pavement width, and may be incorporated as part of an overall traffic calming measure.

Also, it's important to note that not all of the sidewalk width needs to be ADA-compliant. As long as a PAR (pedestrian accessible route) of 4-foot width is provided along the sidewalk, the remaining sidewalk can have slopes that are not consistent with ADA.

5. Storm Water Management: How will you track C.3 treatment requirements for new development as the project proceeds?

RESPONSE: Provision C.3.c of the municipal stormwater permit excludes certain projects from the C.3 treatment requirements. This project will fall under that exception because it meets the requirement “Sidewalks, bicycle lanes and trails that are not built as part of new roadways or are constructed with permeable surfaces”. The Town has developed a Green Stormwater Infrastructure Plan in 2019. We will follow the recommendations of that plan to identify and incorporate green infrastructure elements to the extent feasible.

6. Federal Process: What is your experience on federal projects?

RESPONSE: We are very familiar with the federal requirements for projects. We are currently wrapping up two federally-funded projects for the City of South San Francisco. Per the RFP, the Town will be responsible for the E-76 coordination. We will make sure that the specifications include the required federal requirements and forms, and help the Town with the calculation of the DBE participation goal and completion of the PS&E checklist.

7. Traffic Calming: Will ActiveWayz be able to provide traffic calming measure as part of the project?

RESPONSE: Our project scope is limited to the Shannon Road segment that's shown in the Project Limit exhibit attached to the RFP. The scope of the traffic

calming element between Cherry Blossom and Short Road is unclear. We can discuss this and incorporate it as part of the project. If the traffic calming work has a separate funding source, it may be beneficial to develop it as a stand-alone project. There may be an opportunity for Town staff and ActiveWayz to collaborate in the development of the plans for this segment, with Town staff preparing the plans, and ActiveWayz providing technical review support. We can discuss this when we meet.

- 8. Do you anticipate the need to bifurcate PS&E and construction for northern and southern side of Shannon due to funding? If bifurcation is needed, is it included in the current proposal?**

RESPONSE: See response to Question 3 above.

FIRST AMENDMENT TO AGREEMENT FOR CONSULTANT SERVICES

This FIRST AMENDMENT TO AGREEMENT FOR CONSULTANT SERVICES is dated for identification this 1st day of March 2022 and amends that certain AGREEMENT FOR CONSULTANT SERVICES dated May 3, 2021, made by and between the **TOWN OF LOS GATOS**, ("Town,") and **ACTIVWAYZ ENGINEERING** ("Consultant").

RECITALS

- A. Town and Consultant entered into an Agreement for Consultant Services on May 3, 2021 ("Agreement"), for the Shannon Road Pedestrian and Bikeway Improvements Project (CIP No. 813-0218), 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 the additional design services need for the project as described in Exhibit B (Amendment Request from ActiveWayz Engineering dated February 18, 2022) attached hereto and incorporated by reference.

AMENDMENT

1. Section 2.1 Scope of Services is amended to read:

Consultant shall provide services as described in Exhibit A and Exhibit B (Amendment Request from ActiveWayz Engineering dated February 18, 2022), which are hereby incorporated by reference.


2. Section 2.6 Compensation is amended to read:

Compensation for Consultant's professional services **shall not exceed \$171,471.00**, inclusive of all costs as described in Exhibit A and Exhibit B. Payment shall be based upon Town approval of each task.


3. 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.

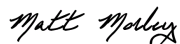
Town of Los Gatos by:

DocuSigned by:
 3/23/2022
853FEEA2EB39470...
Laurel Prevetti
Town Manager

Consultant by:

DocuSigned by:
 EC49C3B6AA4744E...
Admas Zewdie, President
Print Name/Title

Recommended by:

DocuSigned by:
 3/11/2022
BBA0B3B0D6F4484...
Matt Morley
Director of Parks and Public Works

Approved as to Form:

DocuSigned by:
 3/23/2022
2FE093835B744C...
Robert Schultz, Town Attorney

Attest:

DocuSigned by:
 3/23/2022
B9666F65B1F34F6...
Shelley Neis, MMC, CPMC, Town Clerk





2170 The Alameda, Suite 200
San Jose, CA 95126
www.activewayz.engineering

February 18, 2022

Suyesh Shrestha, Assistant Engineer
Town of Los Gatos, Engineering Department
41 Miles Ave, Los Gatos, CA 95030
(408) 395-1437

RE: Shannon Road Pedestrian and Bikeway Improvements Project – Amendment Request

Dear Suyesh:

The Shannon Road Pedestrian and Bikeway Improvements Project has reached a significant milestone with the completion of the 65% Project Plans. These plans reflect the extensive community input received on the project during its development. As we get ready to complete the remaining project tasks, and accommodate some of the requests from the community, I would like to inform you that scope and budget amendment is needed to complete the project. Below, I have provided explanation of the additional scope of work for the project.

1. **Sidewalk extension to E. La Chiquita Avenue** – The project scope currently ends at the Shannon Road/Cherry Blossom Lane intersection. This task will extend the sidewalk improvements to E. La Chiquita Avenue on the south side of Shannon Road. PLS Surveys will perform field topographic survey and existing right of way determination. ActiveWayz Engineering will prepare design plans, estimate, and specifications for the added area. The scope excludes curb return modification and curb ramp design at the Shannon Road/E. La Chiquita Avenue intersection.
2. **Additional Project Management Effort** – The project experienced delays to solicit and accommodate additional community input. Several additional team coordination meetings were held to discuss and coordinate potential project changes and concerns raised by community members. Additional community meetings were held based on residents' requests and Council's direction.
3. **Additional Alternative Analysis** – Several iterations of the project alternatives were developed beyond the three alternatives included in the scope of work to evaluate requests from community members as well as Town staff.
4. **Public Meetings** – Visual renderings were prepared for the alternatives to assist with community engagement.

5. **Design Revisions** – After the project concept was approved and design effort commenced, additional design modification requests were raised at community meetings and individual resident outreach meetings.

Project Budget Summary

Task	Original Contract Amount	Amendment Requested	Contract Amount after Amendment
1. Project Management	\$10,692	\$5,000	\$15,692
2. Topographic Survey	\$18,500	\$3,500	\$22,000
3. Data Collection and Alternative Analysis	\$16,744	\$10,840	\$27,584
4. Community Outreach	\$7,552	\$3,500	\$11,052
5. Utility Coordination	\$6,144	-	\$6,144
6. Final Design	\$56,689	\$27,000	\$83,689
7. Bid Support	\$1,464		\$1,464
8. Construction Administration	\$3,846		\$3,846
9. Supplementary Services	\$5,000	-\$5,000	\$0
Total	\$126,631	\$44,840	\$171,471

As you can see from the above summary, the project has evolved significantly in character during the design effort. In addition, the extensive community engagement resulted in considerably more effort than originally anticipated. I hope you find the above information helpful as you review our amendment request. Should you have any questions regarding the above, please contact me at (408) 219-5678 or admas@activewayz.engineering.

Sincerely,

ActiveWayz Engineering, Inc.



Admas Zewdie, P.E.

President

AGREEMENT FOR CONSULTANT SERVICES

THIS AGREEMENT is made and entered into on May 3, 2021 by and between TOWN OF LOS GATOS, a California municipal corporation, ("Town") and ACTIVEWAYZ ENGINEERING, ("Consultant"), whose address is 2170 The Alameda, Suite 200, San Jose, CA 95126. This Agreement is made with reference to the following facts.

I. RECITALS

- 1.1 Town desires to engage Consultant to provide Consultant Services for Shannon Road Pedestrian and Bikeway Improvements Project (CIP No. 813-0218).
- 1.2 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 Exhibit A, which is hereby incorporated by reference.
- 2.2 Term and Time of Performance. This contract will remain in effect from date of execution to December 31, 2023.
- 2.3 Compliance with Laws. 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 the 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. 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 **shall not exceed \$126,631.00**, inclusive of all costs as described in Exhibit A. 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, 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. 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 in respect to 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 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. 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. Town and 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, 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 Prevailing Wages. This project is subject to the requirements of Section 1720 et seq. of the California Labor Code requiring the payment of prevailing wages, the training of apprentices and compliance with other applicable requirements. Contractors and all subcontractors who perform work on the project are required to comply with these requirements. Prevailing wages apply to all projects over \$1,000 which are defined as a "public work" by the State of California. This includes: construction, demolition, repair, alteration, maintenance and the installation of photovoltaic systems under a Power Purchase Agreement when certain conditions are met under Labor Code Section 1720.6. This include service and warranty work on public buildings and structures.
- 4.4.1 The applicable California prevailing wage rate can be found at www.dir.ca.gov and are on file with the Town of Los Gatos Parks and Public Works Department, which shall be available to any interested party upon request. The contractor is also required to have a copy of the applicable wage determination posted and/or available at each jobsite.

- 4.4.2 Specifically, contractors are reminded of the need for compliance with Labor Code Section 1774-1775 (the payment of prevailing wages and documentation of such), Section 1776 (the keeping and submission of accurate certified payrolls) and 1777.5 in the employment of apprentices on public works projects. Further, overtime, weekend and holiday pay, and shift pay must be paid pursuant to applicable Labor Code section.
- 4.4.3 The public entity for which work is being performed or the California Department of Industrial Relations may impose penalties upon contractors and subcontractors for failure to comply with prevailing wage requirements. These penalties are up to \$200 per day per worker for each wage violations identified; \$100 per day per worker for failure to provide the required paperwork and documentation requested within a 10-day window; and \$25 per day per worker for any overtime violation.
- 4.4.4 As a condition to receiving progress payments, final payment and payment of retention on any and all projects on which the payment of prevailing wages is required, the contractor agrees to present to the Town, along with its request for payment, all applicable and necessary certified payrolls (for itself and all applicable subcontractors) for the time period covering such payment request. The term "certified payroll" shall include all required documentation to comply with the mandates set forth in Labor Code Section 1720 et seq, as well as any additional documentation requested by the Agency or its designee including, but not limited to: certified payroll, fringe benefit statements and backup documentation such as monthly benefit statements, employee timecards, copies of wage statements and cancelled checks, proof of training contributions (CAC2 if applicable), and apprenticeship forms such as DAS-140 and DAS-142.
- 4.4.5 In addition to submitting the certified payrolls and related documentation to the Town, the contractor and all subcontractors shall be required to submit certified payroll and related documents electronically to the California Department of Industrial Relations. Failure to submit payrolls to the DIR when mandated by the project parameters shall also result in the withholding of progress, retention and final payment.
- 4.4.6 No contractor or subcontractor may be listed on a bid proposal for a public works project unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5 [with limited exceptions from this requirement for bid purposes only under Labor Code section 1771.1(a)].
- 4.4.7 No contractor or subcontractor may be awarded a contract for public work on a public works project, unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5. Contractors MUST be a registered "public works contractor" with the DIR AT THE TIME OF BID. Where the prime contract is less than \$15,000 for maintenance work or less than \$25,000 for construction alternation, demolition or repair work, registration is not required.
- 4.4.8 Should any contractor or subcontractors not be a registered public works contractor and perform work on the project, Contractor agrees to fully

indemnify the Town for any fines assessed by the California Department of Industrial Relations against the Town for such violation, including all staff costs and attorney's fee relating to such fine.

- 4.4.9 Town shall withhold any portion of a payment; including the entire payment amount, until certified payroll forms and related documentation are properly submitted, reviewed and found to be in full compliance. In the event that certified payroll forms do not comply with the requirements of Labor Code Section 1720 et seq., Town may continue to hold sufficient funds to cover estimated wages and penalties under the contract.
- 4.5 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.
- 4.6 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.
- 4.7 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

ACTIVWAYZ ENGINEERING
Attn: Admas Zewdie
2170 The Alameda, Suite 200
San Jose, CA 95126

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

- 4.8 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.
- 4.9 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, Town and Consultant have executed this Agreement.

Town of Los Gatos by:

DocuSigned by:



5/20/2021

Laurel Prevetti, Town Manager

Consultant, by:

DocuSigned by:

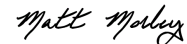


5/18/2021

EC49C3B6AA4744E...

Recommended by:

DocuSigned by:



5/19/2021

Matt Morley

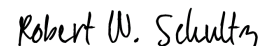
Director of Parks and Public Works

Admas Zewdie, President

Printed Name and Title

Approved as to Form:

DocuSigned by:



5/20/2021

Robert Schultz, Town Attorney

Attest:

DocuSigned by:



5/20/2021

Shelley Neis, MMC, CPMC, Town Clerk

SCOPE OF SERVICES

1 PROJECT MANAGEMENT

- **Project Management and Coordination** – Communicate regularly with Town of Los Gatos project manager regarding project progress, challenges, and next action items; Coordinate activities of internal and subconsultant team members; Prepare monthly invoices and progress reports; Prepare and maintain project schedule.
- **Project Schedule** – Prepare a base line project schedule, and update project schedule as the project progresses.
- **Kick-Off Meeting** – Organize, attend, and lead project kick-off meeting; Prepare agenda and meeting minutes for each meeting.
- **Project Coordination Meeting** – Organize, attend, and lead bi-weekly coordination meetings; Prepare agenda and meeting minutes for the meetings.
- **Outreach Meetings** – Attend up to two (2) community outreach meetings and up to two (2) Town’s Complete Streets and Transportation Commission meetings.

<p>Deliverables:</p> <ul style="list-style-type: none">• Meeting agenda and minutes• Project schedule• Monthly invoice and progress report	<p>Assumptions:</p> <ul style="list-style-type: none">• The project will be completed within the duration shown in the attached project schedule.• Outreach meetings will be noticed, organized and led by Town staff.
--	---

2 TOPOGRAPHIC SURVEY

- **Field Topographic Survey** – Provide a design-level topographic survey extending 10 to 20-feet beyond the right of way to allow for conform design and at minimum 50-feet beyond work limits shown in the exhibit attached to the RFP. The survey shall include existing right-of-way, roadway, surface utilities, sewer and storm drain manholes and their inverts, trees, fence, driveway, sidewalk, etc. Site coordinates will be established with RTK GPS at each intersection. Site control will be established and noted in the CAD file for future use by the contractor.
- **Right of Way Mapping** – Based upon a combination of record data and any monuments collected during topographic surveying, calculate the record data location of the existing right of way for the mapping corridor. Additionally, calculate and show the location of each adjoining parcel lot line from record data (assessor’s parcel data, record mapping and apparent lines of occupation). Easements will be shown on the mapping product only to the extent shown on existing recorded maps.
- **Plat and Legal Description (OPTIONAL)** – Prepare Legal descriptions and Exhibit Plats for right of way acquisition. One summary sheet and calculations sheet, including the total area of the property, areas of acquisition, areas the acquisition overlaps any easements of record and the remainder area of the parcel will be prepared for each separate property owner where acquisition is proposed. One acquisition document may describe various takes including: CLIENT Right of Way, Utility Easements, Slope Easements, and Drainage Facility Easements. Since the number of acquisitions cannot be accurately determined at this time, we propose to include this work item as an optional task. The fee for preparing plat and legal description is \$1,000 per parcel.

<p>Deliverables:</p> <ul style="list-style-type: none">• AutoCAD Civil 3D file with survey points and Digital Terrain Model• AutoCAD file with existing right of way information• Plats and Legal descriptions for acquisitions (OPTIONAL)	<p>Assumptions:</p> <ul style="list-style-type: none">• Topographic survey for the optional segment (Cherry Blossom Lane to Short Road) is not included. It is possible that the Town’s currently available topographic mapping may be sufficient for the traffic calming work. If supplemental surveys are needed, the survey scope can be amended once the limits of additional surveys are determined.
--	---

3 DATA COLLECTION AND ALTERNATIVE ANALYSIS

- **Site Assessment** – Conduct a field visit to confirm existing conditions, obtain additional information, and take site pictures.
- **Project Background Information** – Obtain from Town and review background project information, such as prior studies, traffic analysis, traffic counts, collision data, community meeting minutes, etc. Request as-built maps from utility companies.
- **Base Map Preparation** – Using topographic survey, prepare a base map that depicts the existing information collected during the site visit and from utility companies. The base map will show approximate locations of existing utilities, signs, and pavement delineation.
- **Alternatives Analysis** – Prepare up to three feasible project alternatives for the proposed improvements. The alternatives shall be developed with careful evaluation of the needs of pedestrians, bicyclists, drivers, and adjacent residents. The concept plans shall clearly show the scope of improvements and the associated geometric parameters for the project. The plans shall show the proposed improvements and sufficient notes and references to communicate the design intent. The alternatives will take the following factors into consideration:
 - > cost
 - > implementation timeline
 - > on-street parking
 - > utility relocations
 - > tree impacts
 - > drainage (public and private)
 - > impacts to private property improvements
 - > pedestrian street crossings
 - > variations in right of way width
 - > enhancing safety and convenience for pedestrians and bicyclists
 - > street cross section (sidewalk type, bicycle accommodation, planting, parking, travel lanes, etc.)
 - > public acceptance

The alternatives will be presented on exhibits using aerial map background. Typical cross-sections at key locations will be included. At the conclusion of the alternative analysis, a written memo summarizing the alternatives and associated costs together with a recommendation will be provided in addition to the conceptual drawings to document the work effort.

<p>Deliverables:</p> <ul style="list-style-type: none">• Site photos• Base map in AutoCAD containing topographic mapping, and existing utilities and right-of-way• Exhibits of proposed alternatives (3)• Exhibit of preferred alternative (1)• Alternatives Analysis Memo	<p>Assumptions:</p> <ul style="list-style-type: none">• Town will provide as-builts for Town-owned utilities.• Town will be responsible for coordination with adjacent property owners.
--	--

4 COMMUNITY OUTREACH

- Exhibits for the proposed alternatives will be prepared under Task 3 above. Under this task, consultant will minor adjustments to format the exhibits for public presentations.
- The consultant project manager will attend up to three (3) additional meetings with private property owners or other project stakeholders at the request of the Town’s project manager.

Deliverables: <ul style="list-style-type: none">• Exhibits using material prepared under other tasks• Attendance at coordination meetings (3)	Assumptions: <ul style="list-style-type: none">• Preparation of graphic renderings are not included.
--	--

5 UTILITY COORDINATION

- Identify potential utility conflicts, and if possible, identify design modifications to avoid utility conflicts.
- Where conflicts are unavoidable, identify utility relocation needs and coordinate with utility companies to complete relocations.
- For each utility conflict, prepare conflict maps identifying the location of the conflicts, and coordinate with utility purveyors to prepare conflict resolution plans.
- Review the conflict maps and confirm that they will resolve the conflict.
- Prepare Notice to Owner (NTO) to utility companies to begin physical relocation of utilities. Town staff will perform field inspection to ensure that the relocation work is performed in conformance with the approved conflict resolution plans.
- Assist the Town in preparation of a pothole exhibit. The Town will hire a pothole contractor to identify utility locations and depths along the proposed storm drain alignment. Survey pothole locations and add information to design drawings.

Deliverables: <ul style="list-style-type: none">• Exhibits using material prepared under other tasks• Attendance at coordination meetings (3)	Assumptions: <ul style="list-style-type: none">• Preparation of graphic renderings are not included.
--	--

6 FINAL DESIGN

Prepare Plans, Specifications and Estimate in conformance with the 2010 Caltrans Standard Plans and Specifications, supplemented by Town specific flatwork, signing, striping, and tree planting details.

6.1 65% PS&E

- **Plans** – Plans will be prepared on 24”x36” size pages on the Town’s title block. All major design issues and solutions will be represented in the plans. The plans will show the existing conditions, the proposed improvements, and associated details, standards, and notes. The following types of plans are expected to be included in the plan set:

SCOPE OF SERVICE

- > Title Sheet (1 sheet)

> Notes, Legend, and Abbreviations (1 sheet)

> Existing Conditions Plan (1"=20' scale, 3 sheets)

> Demolition Plan (1"=20' scale, 3 sheets)

> Improvement Plans (1"=20' scale, 3 sheets)

> Signing and Striping Plans (1"=20' scale, 3 sheets)

> Construction Details (6 sheets)

> Standard Details (2 sheets)

> Best Management Practices (1 sheet)

> Total (23 sheets)
- Technical Specifications** – Prepare draft technical specifications using the Town of Los Gatos specification format and content. Supplement technical specifications as needed with Caltrans standards for project work not already covered by the Town’s standard specifications. Prepare bid tabulation and detailed measurement and payment section. The bid tabulation and the units of measurement shall be consistent with the cost estimate.
 - Estimate** – Prepare estimate of probable cost based on items and quantities of work shown on the plans. Unit prices will be based on the magnitude of the quantities and recently awarded local projects and engineer’s judgment.

Deliverables: <ul style="list-style-type: none">65% Plans (PDF)65% Technical Specifications (MS Word, PDF)65% Cost Estimate (MS Excel, PDF)	Assumptions: <ul style="list-style-type: none">Town will prepare front-end specifications.Town will provide sheet border, and CAD drafting standards if available.Town will be responsible for environmental clearance, right of way certification, and E-76 authorization coordination.Landscaping and irrigation design is not included in the scope of work.The optional segment (Cherry Blossom Lane to Short Road) is not included.
---	--

6.2 100% PS&E

- Comment Review** – Review Town’s comments on the 65% submittal and provide responses in a matrix format. Identify comments that consultant disagrees with, need further clarification on, or may result in change in scope for discussion with the Town’s project manager.
- Update Plans, Specifications, and Estimate of Probable Cost** – Prepare 100% construction documents by refining the 65% design documents based on comments received after the Town’s review of the 65% construction documents. The 100% plans, technical specifications, and estimate of probable cost shall be submitted together.

Deliverables: <ul style="list-style-type: none">Comment Response Matrix100% Plans (PDF)100% Technical Specifications (MS Word, PDF)100% Cost Estimate (MS Excel, PDF)	Assumptions: <ul style="list-style-type: none">Town will provide a compiled set of comments after resolving inconsistencies between various reviewers.
--	--

6.3 Final PS&E

- **Bid Set** – Address miscellaneous Town comments on the 100% submittal and prepare a bid-ready set of plans, technical specifications, and cost estimate.

<p>Deliverables:</p> <ul style="list-style-type: none">• Comment Response Matrix• Final Plans (PDF)• Final Technical Specifications (MS Word, PDF)• Final Cost Estimate (MS Excel, PDF)	<p>Assumptions:</p> <ul style="list-style-type: none">• Town will provide a compiled set of comments after resolving inconsistencies between various reviewers.• It is assumed that if Town decides to split the project in two, the same plan set will be used and non-applicable work items will be crossed out from the plans. This scope does not include preparing stand-alone plan sets for two separate bid packages.
--	---

7 BID SUPPORT

- Support the Town through the bid process and construction contract award.
- Respond to questions or requests for clarifications during the bid phase.
- Attend a pre-bid meeting.
- Assist the Town establish the lowest responsible bidder.
- Provide value engineering services as needed if bids are above the construction budget.

<p>Deliverables:</p> <ul style="list-style-type: none">• Responses to RFIs	<p>Assumptions:</p> <ul style="list-style-type: none">• The project will be constructed in a single construction package.
--	---

8 CONSTRUCTION ADMINISTRATION

- Provide construction support services. Tasks may include attending pre-construction and other field meetings, reviewing submittals, responding to requests for information, providing field check services, preparing design modifications if necessary due to unforeseen conditions, prepare as-built documents, and project closeout.
- Consultant shall conduct site visits during construction at appropriate stages. Consultant shall provide submittal list, respond to requests for information (RFI), review shop drawings, and prepare change orders, and provide written recommendations to the Town. Consultant shall participate in the final walk-through and assist with preparing the punch list of deficiencies.

<p>Deliverables:</p> <ul style="list-style-type: none">• Responses to RFIs• Reviewed shop drawings• Change order plans• As-built plans	<p>Assumptions:</p> <ul style="list-style-type: none">• This task will be performed on a time-and-material basis.
---	---

9 SUPPLEMENTARY SERVICES

- Work under this task item shall include other supplemental services as related to right-of-way, utility relocation, additional meetings, and other design elements not already outlined or specified under other task items. Any work under this task will first need to be requested or approved by the Town and as authorized by Town staff.

ActiveWayz Engineering
Fee Estimate

4/6/2021

TOWN OF LOS GATOS
SHANNON ROAD PEDESTRIAN AND BIKEWAY IMPROVEMENTS (CIP No. 813-0218)

		ActiveWayz Engineering								PLS Surveys	Grand Total
		Project Manager	Project Engineer	Design Engineer	Engineering Technician	Total	Subtotal Fee	Direct Expenses	Total Fee	Total Fee	
Tasks		\$198	\$168	\$124	\$60						
1. Project Management		54	—	—	—	54	\$10,692	—	\$10,692	—	\$10,692
	Project Management & Coordination	16	—	—	—	16	\$3,168	—	\$3,168	—	\$3,168
	Project Schedule	4	—	—	—	4	\$792	—	\$792	—	\$792
	Kick-Off Meeting	2	—	—	—	2	\$396	—	\$396	—	\$396
	Project Coordination Meeting	16	—	—	—	16	\$3,168	—	\$3,168	—	\$3,168
	Ourteach Meetings (4)	16	—	—	—	16	\$3,168	—	\$3,168	—	\$3,168
2. Topographic Survey		—	—	—	—	—	—	—	—	\$18,500	\$18,500
	Field Topographic Survey & R/W Mapping	—	—	—	—	—	—	—	—	\$18,500	\$18,500
3. Data Collection and Alternative Analysis		32	—	52	66	150	\$16,744	—	\$16,744	—	\$16,744
	Site Assessment	4	—	4	—	8	\$1,288	—	\$1,288	—	\$1,288
	Project Background Information	—	—	8	8	16	\$1,472	—	\$1,472	—	\$1,472
	Base Map Preparation	2	—	8	8	18	\$1,868	—	\$1,868	—	\$1,868
	Alternatives Analysis	26	—	32	50	108	\$12,116	—	\$12,116	—	\$12,116
4. Community Outreach		16	—	16	40	72	\$7,552	—	\$7,552	—	\$7,552
	Prepare Exhibits	8	—	16	40	64	\$5,968	—	\$5,968	—	\$5,968
	Attend Meetings (up to 4 additional)	8	—	—	—	8	\$1,584	—	\$1,584	—	\$1,584
5. Utility Coordination		16	—	24	—	40	\$6,144	—	\$6,144	—	\$6,144
	Utility Coordination	16	—	24	—	40	\$6,144	—	\$6,144	—	\$6,144
6. Final Design		81	111	86	189	467	\$56,689	—	\$56,689	—	\$56,689
	65% PS&E	60	82	64	140	346	\$41,992	—	\$41,992	—	\$41,992
	100% PS&E	15	21	16	35	87	\$10,498	—	\$10,498	—	\$10,498
	Final PS&E	6	8	6	14	35	\$4,199	—	\$4,199	—	\$4,199
7. Bid Support		4	4	—	—	8	\$1,464	—	\$1,464	—	\$1,464
	Pre-bid meeting	2	—	—	—	2	\$396	—	\$396	—	\$396
	Bid Support	2	4	—	—	—	\$1,068	—	\$1,068	—	\$1,068
		—	—	—	—	—	—	—	—	—	—
8. Construction Administration		9	8	—	12	29	\$3,846	—	\$3,846	—	\$3,846
	Meetings	3	—	—	—	3	\$594	—	\$594	—	\$594
	Shop Drawing Reviews	2	4	—	—	6	\$1,068	—	\$1,068	—	\$1,068
	RFIs	2	4	—	—	6	\$1,068	—	\$1,068	—	\$1,068
	As-builts	2	—	—	12	—	\$1,116	—	\$1,116	—	\$1,116
9. Supplementary Services		—	—	—	—	—	—	\$5,000	\$5,000	—	\$5,000
	Supplementary Services	—	—	—	—	—	—	\$5,000	\$5,000	—	\$5,000
Total		212	123	178	307	820	\$103,131	\$5,000	\$108,131	\$18,500	\$126,631

Town of Los Gatos
Project Schedule for
SHANNON ROAD PEDESTRIAN AND BIKEWAY IMPROVEMENTS PROJECT

ID	Task Name	Duration	Start	Finish	Predecessors	Gantt Chart																																																						
1	Notice to Proceed	0 days	Mon 5/17/21	Mon 5/17/21																																																								
2	Task 1: Project Management	49 days	Fri 5/21/21	Mon 8/2/21																																																								
3	Kick-Off Meeting	0 days	Fri 5/21/21	Fri 5/21/21	1FS+5 days																																																							
4	Community Outreach Mtg #1	0 days	Fri 6/11/21	Fri 6/11/21	15SS+5 days																																																							
5	Community Outreach Mtg #2	0 days	Fri 7/16/21	Fri 7/16/21	17SS+5 days																																																							
6	Complete Streets & Transportation Commission Mtg #1	0 days	Fri 6/25/21	Fri 6/25/21	4FS+10 days																																																							
7	Complete Streets & Transportation Commission Mtg #2	0 days	Mon 8/2/21	Mon 8/2/21	5FS+10 days																																																							
8	Task 2: Topographic Survey	10 days	Mon 5/17/21	Fri 5/28/21																																																								
9	Topographic Surveys	10 days	Mon 5/17/21	Fri 5/28/21	1																																																							
10	Task 3: Data Collection and Alternative Analysis	59 days	Mon 5/17/21	Mon 8/9/21																																																								
11	Project Background Research and As-Built collection	10 days	Mon 5/17/21	Fri 5/28/21	1																																																							
12	Site Assessment	1 day	Tue 6/1/21	Tue 6/1/21	9,11																																																							
13	Base Map Preparation	3 days	Wed 6/2/21	Fri 6/4/21	12,11,9																																																							
14	Alternative Analysis	45 days	Mon 6/7/21	Mon 8/9/21																																																								
15	Develop Draft Alternatives	20 days	Mon 6/7/21	Fri 7/2/21	13																																																							
16	Town Review of Draft Alternatives	5 days	Mon 7/5/21	Fri 7/9/21	15																																																							
17	Refine Alternatives	20 days	Mon 7/12/21	Mon 8/9/21	16																																																							
18	Select Preferred Alternative	0 days	Mon 8/9/21	Mon 8/9/21	17																																																							
19	Task 4: Community Outreach	45 days	Fri 5/28/21	Mon 8/2/21																																																								
20	Prepare Exhibits	45 days	Fri 5/28/21	Mon 8/2/21	4SS-10 days																																																							
21	Task 5: Utility Coordination	60 days	Mon 7/19/21	Wed 10/13/21																																																								
22	Utility Coordination	60 days	Mon 7/19/21	Wed 10/13/21	18																																																							
23	Task 6: Final Design	83 days	Tue 8/10/21	Wed 12/8/21																																																								
24	65% PS&E	40 days	Tue 8/10/21	Tue 10/5/21																																																								
25	Prepare Plans	25 days	Tue 8/10/21	Tue 9/14/21	18																																																							
26	Prepare Estimate	2 days	Wed 9/15/21	Thu 9/16/21	25																																																							
27	Prepare Specifications	3 days	Fri 9/17/21	Tue 9/21/21	26																																																							
28	Complete 65% PS&E	0 days	Tue 9/21/21	Tue 9/21/21	27																																																							
29	Town Review	10 days	Wed 9/22/21	Tue 10/5/21	28																																																							
30	100% PS&E	28 days	Wed 10/6/21	Tue 11/16/21	12																																																							
31	Respond to 65% Comments	3 days	Wed 10/6/21	Fri 10/8/21	29																																																							
32	Update PS&E Package	20 days	Tue 10/12/21	Mon 11/8/21	31																																																							
33	Complete 100% PS&E	0 days	Mon 11/8/21	Mon 11/8/21	32																																																							
34	Town Review	5 days	Tue 11/9/21	Tue 11/16/21	33																																																							
35	Final PS&E	15 days	Wed 11/17/21	Wed 12/8/21																																																								
36	Update PS&E	15 days	Wed 11/17/21	Wed 12/8/21	34																																																							
37	Complete Final PS&E	0 days	Wed 12/8/21	Wed 12/8/21	36																																																							
38	Task 7: Bid Support Assistance	50 days	Thu 12/9/21	Thu 2/17/22																																																								
39	Bidding and Award	50 days	Thu 12/9/21	Thu 2/17/22	37,22																																																							
40	Task 8: Construction Support	60 days	Fri 2/18/22	Fri 5/13/22																																																								
41	Construction Support	60 days	Fri 2/18/22	Fri 5/13/22	39																																																							

ACTIVEWAYZ' RESPONSES TO CLARIFICATION QUESTIONS ON THE PROJECT SCOPE

04/06/2021

- 1. Overview: Confirm the physical limits included in both the Alternatives Analysis and Final Design scope of work items.**

RESPONSE: The proposal covers the CIP No. 813-0218 project limits (Los Gatos to Cherry Blossom).

- 2. Topographic Survey: The scope indicates the right of way will be determined from "a combination of record data and any monuments." What do you propose for areas where no record data is available?**

RESPONSE: In our experience, roadways and private lands have always been defined by deeds and maps. We cannot think of a time we've come across such an issue where nothing is defined. If, in fact, there is no record data, the situation will require negotiation between the City and the adjacent private property owner to define the right of way. Such work may involve legal action and is beyond the scope of our work.

- 3. Timing vs Cost vs Safety: One item not explicitly addressed in the proposal is the question of which side of the street is improved first and why. We expect the tradeoffs between cost, timing, and safety will all be in play as we struggle with federal grant and PG&E relocation timing issues. How do you propose to address this?**

RESPONSE: It's too early to say whether bifurcation is needed. My suggestion is to develop the plans to the 65% design level and decide if we need to split the project. There could be several options to consider, including:

- The use of add-alternate bid items;
- Segmented construction (both sides for a few blocks);
- Low-cost interim improvements

Rest assured that we will propose an optimal implementation strategy that balances the various considerations. If the project needs to be phased, we propose preparing one set of plans and cross-out/hide improvements that are not part of the construction package. We used this approach on a recent project that's about to start construction. This approach can be accommodated within the budget we proposed.

- 4. Trees: How have you addressed tree impacts in the past?**

RESPONSE: Trees should be dealt with in close coordination with the Town arborist. Possible options include:

Tree removal – if the tree causing the problem is an ornamental tree, a old/dying tree, or a sick tree, removing it can be an option. Many trees planted along Los Gatos streets for beautification are not appropriate for sidewalk location due to their shallow roots. As part of the Almond Grove project, many magnolia trees that were lifting sidewalks were removed during the street reconstruction.

Cutting Tree Roots – Cutting roots can result in the death or instability of a tree, so should be attempted with a close supervision of the Town Arborist.

Reinforcing the sidewalk concrete – building a longer section of sidewalk and reinforcing it with rebar can help counter the force of a growing tree root underneath the sidewalk and hence limit uplift.

Realigning sidewalk – The whole or a portion of the sidewalk can be realigned to be away from the tree roots, and root barriers installed to prevent further root encroachment. This may require reduction of pavement width, and may be incorporated as part of an overall traffic calming measure.

Also, it's important to note that not all of the sidewalk width needs to be ADA-compliant. As long as a PAR (pedestrian accessible route) of 4-foot width is provided along the sidewalk, the remaining sidewalk can have slopes that are not consistent with ADA.

5. Storm Water Management: How will you track C.3 treatment requirements for new development as the project proceeds?

RESPONSE: Provision C.3.c of the municipal stormwater permit excludes certain projects from the C.3 treatment requirements. This project will fall under that exception because it meets the requirement “Sidewalks, bicycle lanes and trails that are not built as part of new roadways or are constructed with permeable surfaces”. The Town has developed a Green Stormwater Infrastructure Plan in 2019. We will follow the recommendations of that plan to identify and incorporate green infrastructure elements to the extent feasible.

6. Federal Process: What is your experience on federal projects?

RESPONSE: We are very familiar with the federal requirements for projects. We are currently wrapping up two federally-funded projects for the City of South San Francisco. Per the RFP, the Town will be responsible for the E-76 coordination. We will make sure that the specifications include the required federal requirements and forms, and help the Town with the calculation of the DBE participation goal and completion of the PS&E checklist.

7. Traffic Calming: Will ActiveWayz be able to provide traffic calming measure as part of the project?

RESPONSE: Our project scope is limited to the Shannon Road segment that's shown in the Project Limit exhibit attached to the RFP. The scope of the traffic

calming element between Cherry Blossom and Short Road is unclear. We can discuss this and incorporate it as part of the project. If the traffic calming work has a separate funding source, it may be beneficial to develop it as a stand-alone project. There may be an opportunity for Town staff and ActiveWayz to collaborate in the development of the plans for this segment, with Town staff preparing the plans, and ActiveWayz providing technical review support. We can discuss this when we meet.

- 8. Do you anticipate the need to bifurcate PS&E and construction for northern and southern side of Shannon due to funding? If bifurcation is needed, is it included in the current proposal?**

RESPONSE: See response to Question 3 above.

ACTIVEWAYZ ENGINEERING

Shannon Road Pedestrian and Bikeway Improvement Project, Los Gatos, CA

WORK SCOPE

03/08/2023

TASK 1: Bid Support

ActiveWayz Engineering will perform the following tasks:

- Provide clarifications and assistance during the bidding phase to satisfactorily answer any questions from prospective bidders, if requested by Town. Town to reproduce and distribute Contract Documents, maintain a plan holder's list and log of bidder's questions and responses.
- Attend Pre-Bid Meeting and Council meeting for construction award. Attend up to three (3) additional coordination meetings.
- Prepare up to two Addenda to Construction Documents, if needed. Town to reproduce and distribute all addenda.
- If addenda are issued, prepare a conformed set of documents that incorporated addenda into the documents.
- Assist Town in evaluating bids.

Deliverables:

1. Written clarifications and response to questions from prospective bidders, if needed
2. Addenda to the Bid Documents, if needed.
3. Conformed construction documents, if needed.

TASK 2: Construction Support

The Town's construction management team will have primary responsibility for construction management and inspection. Upon request by Town, ActiveWayz will perform the following tasks:

- Attend Pre-Construction Meeting and respond to pre- construction meeting questions.
- Review and approve shop drawings and submittals.
- Review Contractor's request for information (RFI's) and furnish additional drawings and/or specifications for supplementing, clarifying, and/or correcting purposes.
- Attend up to three (3) meetings and site visits when necessary as determined and requested by Town.
- Attend punch-list walk through meeting.
- Assist Town with the review of construction, and other activities, as requested.
- Prepare, review, and recommend approval of up to two (2) design related change orders, as requested.

Deliverables:

1. Shop drawing and submittal comments.
2. RFI responses.
3. Site visit memoranda, as required.
4. Drawings and specifications for supplementing, clarifying, and/or correcting the contract documents and for design related change orders.
5. Change orders, as required.

TASK 3: Record Drawings

ActiveWayz will perform the following tasks:

- At Final Completion of the Project, provide Town with one set of reproducible Record Drawing that reflects the changes to the work during construction based upon marked up prints, drawings, and other data furnished by the Contractor, Town, and Consultants.
- Provide a complete set of the Record Drawings and all X-ref files “bound,” including other associated fonts, plot style files on AutoCAD, including electronic copies in PDF format.

Deliverables:

1. Record Drawings using AutoCAD, and one set electronic copy in PDF format.

Fee Estimate

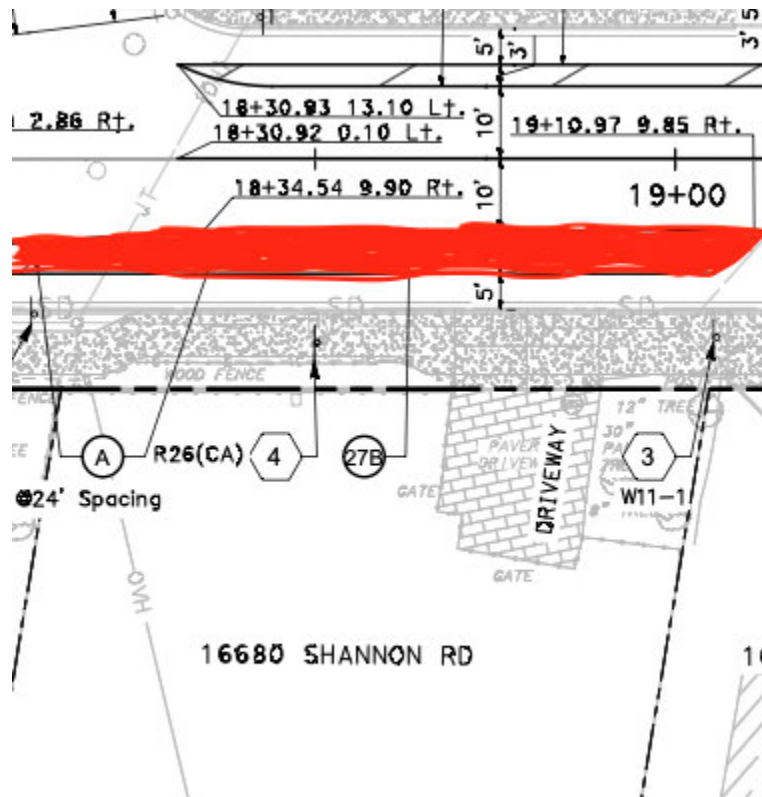
ActiveWayz Engineering								
	Project Manager	Design Engineer	Engineering Technician	Total	Project Manager	Design Engineer	Engineering Technician	Subtotal Fee
	Hours				\$220	\$136	\$109	
Tasks	\$220	\$136	\$109					
1. Bid Support	21	6	14	41	\$4,620	\$816	\$1,526	\$6,962
Sub-Task								
Pre-bid Meeting	2	—	—	2	\$440	—	—	\$440
Council Meeting	3	—	—	3	\$660	—	—	\$660
Coordination Meetings (3 tot)	6	—	—	6	\$1,320	—	—	\$1,320
Prepare Addenda (2 tot)	2	4	8	14	\$440	\$544	\$872	\$1,856
Prepare Conformed Set	2	2	6	10	\$440	\$272	\$654	\$1,366
Evaluate Bids	6	—	—	6	\$1,320	—	—	\$1,320
2. Construction Support	38	36	12	86	\$8,360	\$4,896	\$1,308	\$14,564
Sub-Task								
Pre-Construction Meeting	2	—	—	2	\$440	—	—	\$440
Coordination Meetings (3 tot)	6	—	—	6	\$1,320	—	—	\$1,320
Review Shop Drawings and Submittals	16	16	—	32	\$3,520	\$2,176	—	\$5,696
Respond to RFIs	4	8	—	12	\$880	\$1,088	—	\$1,968
Prepare Change Order (2 tot)	6	12	12	30	\$1,320	\$1,632	\$1,308	\$4,260
Punch-list Walkthrough	4	—	—	4	\$880	—	—	\$880
3. Record Drawings	4	8	16	28	\$880	\$1,088	\$1,744	\$3,712
Sub-Task								
Prepare Record Drawings	4	8	16	28	\$880	\$1,088	\$1,744	\$3,712
Total	63	50	42	155	\$13,860	\$6,800	\$4,578	\$25,238

From: Helen Sun <[REDACTED]>
Sent: Friday, March 31, 2023 9:04 AM
To: Rob Moore <RMoore@losgatosca.gov>; Rob Rennie <RRennie@losgatosca.gov>; Matthew Hudes <MHudes@losgatosca.gov>; Maria Ristow <MRistow@losgatosca.gov>; Mary Badame <MBadame@losgatosca.gov>
Cc: Nicolle Burnham <NBurnham@losgatosca.gov>; James Watson <JWatson@losgatosca.gov>
Subject: Re: Shannon Road Project (For the next Town Council Meeting)

[EXTERNAL SENDER]

Dear Town Council Members,

I just realized that the screenshot in my earlier letter did not go through. Here is what I was referring to on the EXTRA wide buffer right in front of 16680 and 16668. Can you please point to me where else in town that has this? Is this section of the Shannon Rd considered more dangerous/busier to the bikers/walkers than the other streets, like Roberts, Fisher Ave, Kennedy, Englewood or any other streets near schools that do not have a buffer? LG Blvd does not even have a wide buffer or buffer throughout. We would like to see the justification backing this. Thanks.



Best,

Helen

On Tue, Mar 28, 2023 at 8:00 PM Helen Sun <[REDACTED]> wrote:

Dear Los Gatos Council Members,

This is Helen, resident on Shannon Road since 2013. We are writing to let the Town Council know that we agree with everything that our neighbor, Ned Finkle, said in his email dated March 23rd.

1) First off, we very much support this project to make our street safer for the kids who walk/bike to and from their schools. However, we really don't need to go to the extent of adding the full width of bike lanes, walkways, and even the larger than usual buffers. I hope you all still agree that Shannon Rd is a neighborhood street and should continue to be kept that way. Shannon Rd is NOT Winchester or Blossom Hill. While it is necessary to add the safety elements, there is absolutely NO reason for the town to OVER expand and OVER spend (whether it is federal or local tax dollars).

2) When designing the street, the design team should have looked at the connecting streets in the neighborhood, such as Englewood, Roberts and Cherry Blossom, to make sure the layout is aligned and not vastly different. The 2-block of the Shannon Rd is NOT busier than the streets below during the school rush hours. So, why should the 2-block on Shannon Rd be so largely different from the others?

*Fields in red font are areas where the elements differ from the Shannon Rd design of the 2-block length.

	Buffer	Bike Lane	Sidewalk	Parking	Trees
Shannon-Roberts	NO	In Car Lanes	2 Sides	2 Sides	YES
Shannon-Englewood	NO	NO	NO	2 Sides	YES
Shannon Beyond the 2 Blocks	NO	NO	1 Side	2 Sides	YES
Shannon-Cherry Blossom	NO	2 Sides	2 Sides	1 Side	YES

Yes, it is true that none of these streets have buffers. Over the past year and half, we have reached out to the town engineer numerous times to talk about the street design and stress that we don't need the buffers on this street, and most definitely, not a wider buffer than others. As of today, this is what we are seeing on the project plan, a whole 6' width of marked buffer right in front of our property and 7' outside of 16668. This is even much wider than the buffers I see on Los Gatos Blvd! Most of the LG Blvd does not even have a buffer. With all due respect, I don't think anybody reading this would be pleased to have this implemented right outside of their property.

3) As a community, we have raised our voice about these views/opinions over and over, but not much has changed. One of the items we feel very strongly about is NO barriers of any kind. We don't want barrier on our street. There are no barriers in any other neighborhood streets in town. Barriers got knocked over and they are extremely unsightful and they don't work!

4) We also expressed strongly that we need to add trees on our street as part of the Shannon Rd project. The current plan will add much more CO2 footprint, take away the existing trees with no plan to add any more back. This can not be considered acceptable given the environmental crisis we are in. Adding trees on our street as part of this project was one of the first few things that the residents asked for. However, that has been neglected all along as well.

5) Lastly, but not the least, we ask the town council to consider scoping down the project also because of the budget issue that the town is facing. Everything is getting even more expensive around here than just a year ago. The actual implementation of this plan will cost a lot more than the number on the paper. This is NOT a good use for the tax money for all the reasons that we mentioned above.

We really hope the Town Council members would review the objectives of the project again and scope down accordingly. While we modernize the town, we also should continue to keep the same feel and look that we all love and came here for. Thank you again for your time and consideration, and for continuing to serve the people in this town.

Best,

Helen

From: Maxine Granadino <[REDACTED]>
Sent: Friday, March 24, 2023 3:11 PM
To: Council <Council@losgatosca.gov>
Subject: Shannon Road project

[EXTERNAL SENDER]

Dear Council Members,

We are writing to you regarding the proposal to implement 6ft sidewalks on both sides of Shannon Road. Our family have lived on Hilow Court just off of Shannon Road for 33 years. Much of what follows we owe to Ned Finkel, who managed to encompass all the concerns we have so well that we felt it appropriate to use his words. We would like to add that we understand that neighbors on Shannon will be required to move trees from their properties, which is a huge shame for a town that values it's trees as ours does, as well as for the homeowners losing that valuable asset.

Thank you for your service to the town in such a demanding role, given how tight and personal our town is. Most LG'ers care deeply about our town, and that is part of what makes it special. However, we are writing to express the views of ourselves and the neighbors in the area affected by the proposal, who are not happy with its implementation.

To be blunt, we feel that the proposal will be visually unattractive (very ugly) and not in keeping with the town's character. Furthermore, it is not representative of the normal neighborhood implementations for sidewalks and trees, and it is not environmentally friendly, as zero trees are included in the proposal. The implementation calls for 6ft sidewalks for a quarter mile on both sides of the street, while the norm in the town is 5ft. As a result, we will have half a mile of sidewalks with no trees and no carbon offset to the **187,393 pounds + of CO2** it took to put the concrete in. The sidewalk with no trees and utility poles sticking out is moved to the near edge of the property lines on nearly all homes. The bike lane plus padding on both sides has essentially eliminated all street parking. This, plus the proposed barriers, has residents unified in opposition to the implementation.

During the Covid-19 pandemic, we had tried to politely present these feelings via just a few representatives in consideration for the council. However, what was recorded in the notes was that only a few had problems with the implementation. We followed with a signature list from nearly all the homes requesting a meeting to express our views. We did have that meeting, and there was a great amount of sharing of views by the neighbors and listening by the now departed town engineers. While there were meetings that followed with individual homeowners, the plan was essentially unchanged. Lots of reasons were given, but my understanding is that there was no funding to make slight adjustments with the contractor. So, the plan moved ahead for council vote at "65% completion "and was moved forward on a 3-2 vote. Here we are 1 year later, and the street feels the same about the proposal as we currently understand it. It is so bad that most fear reduction in property values as a result.

We all know that the town budget is in poor shape, and we sense that the actual implementation will cost much more than what the grant provides. We also know that the original grant request letter signed by County Supervisor & former LG Mayor Mike Wasserman was for a 5ft sidewalk on one side of the street plus a Class 1 bike lane. A much more modest approach and fiscally conservative. If we are going to make improvements, why not do them right. I propose the following to gain the support of the neighborhood.

1. Speed humps will get you 70+ percent of your safety improvement, and they are cheap. Do them now. You have the data from the other part of Shannon, and we can see the positive effect it has had, reducing the average speed by 10-15 mph and nearly eliminating the high speeds.
2. Revise to 5ft sidewalks & **include trees**.
3. Adjust the bike lane to a more modest implementation due to the speed reduction. How about a 2 ft space next to the road and pass on the 2ft next to the curb as cars will almost never be there to open a door.
4. Add the 4 ft of space back to the property line buffer and open room for the addition of trees.

We think that you will save money with the reduction in concrete...1/2 mile times one foot is a lot of concrete & CO2 savings (~**29,440lbs**). We also are happy to water the trees until they are self-sustaining. Also, less direct costs to the homeowners from the repairs of driveways and fences.

We think all the council members would have a hard time convincing your current neighbors to happily implement what is proposed for our street. We are being pulled out from the neighborhood onto LG boulevard visually and don't even get the trees.

We close with this final ask. Do the right thing and revise this to a more modest and cheaper version. Do what a neighbor would do for a neighbor. That is the core of why our town has a durable & charming character & we love it so much.

Thank you for your time and consideration,

Maxine and Francisco Granadino

108 Hilow Ct

From: Maxine Granadino <[REDACTED]>
Sent: Monday, March 27, 2023 9:16 AM
To: Nicolle Burnham <NBurnham@losgatosca.gov>
Subject: Shannon Road project

[EXTERNAL SENDER]

Dear Ms Burnham,

We are writing to you regarding the proposal to implement 6ft sidewalks on both sides of Shannon Road. Our family have lived on Hilow Court just off of Shannon Road for 33 years. Much of what follows we owe to Ned Finkel, who managed to encompass all the concerns we have so well that we felt it appropriate to use his words. We would like to add that we understand that neighbors on Shannon will be required to move trees from their properties, which is a huge shame for a town that values its trees as ours does, as well as for the homeowners losing that valuable asset.

Thank you for your service to the town in such a demanding role, given how tight and personal our town is. Most LG'ers care deeply about our town, and that is part of what makes it special. However, we are writing to express the views of ourselves and the neighbors in the area affected by the proposal, who are not happy with its implementation.

To be blunt, we feel that the proposal will be visually unattractive (very ugly) and not in keeping with the town's character. Furthermore, it is not representative of the normal neighborhood implementations for sidewalks and trees, and it is not environmentally friendly, as zero trees are included in the proposal. The implementation calls for 6ft sidewalks for a quarter mile on both sides of the street, while the norm in the town is 5ft. As a result, we will have half a mile of sidewalks with no trees and no carbon offset to the **187,393 pounds + of CO2** it took to put the concrete in. The sidewalk with no trees and utility poles sticking out is moved to the near edge of the property lines on nearly all homes. The bike lane plus padding on both sides has essentially eliminated all street parking. This, plus the proposed barriers, has residents unified in opposition to the implementation.

During the Covid-19 pandemic, we had tried to politely present these feelings via just a few representatives in consideration for the council. However, what was recorded in the notes was that only a few had problems with the implementation. We followed with a signature list from nearly all the homes requesting a meeting to express our views. We did have that meeting, and there was a great amount of sharing of views by the neighbors and listening by the now departed town engineers. While there were meetings that followed with individual homeowners, the plan was essentially unchanged. Lots of reasons were given, but my understanding is that there was no funding to make slight adjustments with the contractor. So, the plan moved ahead for council vote at "65% completion" and was moved forward on a 3-2 vote. Here we are 1 year later, and the street feels the same about the proposal as we currently understand it. It is so bad that most fear reduction in property values as a result.

We all know that the town budget is in poor shape, and we sense that the actual implementation will cost much more than what the grant provides. We also know that the original grant request letter signed by County Supervisor & former LG Mayor Mike Wasserman was for a 5ft sidewalk on one side of the street plus a Class 1 bike lane. A much more modest approach and fiscally conservative. If we are going to make improvements, why not do them right. I propose the following to gain the support of the neighborhood.

1. Speed humps will get you 70+ percent of your safety improvement, and they are cheap. Do them now. You have the data from the other part of Shannon, and we can see the positive effect it has had, reducing the average speed by 10-15 mph and nearly eliminating the high speeds.
2. Revise to 5ft sidewalks & **include trees.**
3. Adjust the bike lane to a more modest implementation due to the speed reduction. How about a 2 ft space next to the road and pass on the 2ft next to the curb as cars will almost never be there to open a door.
4. Add the 4 ft of space back to the property line buffer and open room for the addition of trees.

We think that you will save money with the reduction in concrete...1/2 mile times one foot is a lot of concrete & CO2 savings (~**29,440lbs**). We also are happy to water the trees until they are self-sustaining. Also, less direct costs to the homeowners from the repairs of driveways and fences.

We think anyone would have a hard time convincing your current neighbors to happily implement what is proposed for our street. We are being pulled out from the neighborhood onto LG boulevard visually and don't even get the trees.

We close with this final ask. Do the right thing and revise this to a more modest and cheaper version. Do what a neighbor would do for a neighbor. That is the core of why our town has a durable & charming character & we love it so much.

Thank you for your time and consideration,

Maxine and Francisco Granadino

108 Hilow Ct

From: [Laurel Prevetti](#)
To: [Mary Badame](#)
Cc: [Nicolle Burnham](#)
Subject: FW: Proposed Shannon Rd Bicycle lane Project
Date: Tuesday, March 7, 2023 11:00:04 AM

From: kalpana sheth <[REDACTED]>
Sent: Tuesday, March 7, 2023 9:32:00 AM
To: Mary Badame <MBadame@losgatosca.gov>
Subject: Proposed Shannon Rd Bicycle lane Project
Dear Mary,

I voted for you as I resonated with your message of keeping the charm of Los Gatos while at the same time addressing the issues that face our community. In this email I want to address a project that the town council is considering on our street - Shannon Rd.

I am a resident of Shannon Rd and want to reach out to you about the proposed bike lane project on this neighborhood street that the majority of the residents are opposed to. Not because we don't want the bike lane and the pedestrian lane, but we absolutely don't want those awful industrial style green ballards to disrupt this beautiful neighborhood.

I've been walking Shannon Rd. for years at different times of the day and I can honestly say that I have never seen a single bike on this road!! Has anyone done a survey or put up cameras to see how many bicycles actually go up and down this road? You will find on any given day - probably none!!

To make an industrial style bike lane that will cost the LG city over \$2 million for bicycles that won't even be using this road is fiscally irresponsible, a bad political decision, and worst of all takes away from a beautiful tree lined street with homes and homeowners who value the community aspect of their street.

To be clear as a walker on Shannon Rd. I do want a pedestrian walkway, the same can also be used for the occasional bicyclist who rides on this street. But to spend so much money, time, and energy on a fancy bike lane for bicyclists that don't use this road and that none of the residents on Shannon Rd want is beyond ridiculous and sheds light on how a small number of overzealous bicycle enthusiasts can ruin the beauty of a serene neighborhood.

Thanks for reading this input.

Kalpana Sheth

From: [Laurel Prevetti](#)
To: [Nicolle Burnham](#)
Subject: FW: Shannon Road
Date: Monday, March 13, 2023 4:47:00 PM

For inclusion as public comment, thank you

From: Cheri Finalle <[REDACTED]>
Sent: Monday, March 13, 2023 2:15:14 PM
To: Mary Badame <MBadame@losgatosca.gov>; Matthew Hudes <MHudes@losgatosca.gov>
Subject: Shannon Road

Dear Councilmembers Badame & Hudes,

On March 21st the Shannon Road Improvement Plan will come before you again. Please send this project back to staff to be reduced - it continues to cost too much and not include any significant planting spaces. It does not meet the town's own street design guidelines. Where parking was eliminated - buffers increased in size. This continues to be a sea of pavement & asphalt. Do not move this forward until we have a plan that respects the environment and neighborhood feel. Please do NOT approve this plan and send it back to staff for a reduction in impermeable surfaces and additional planting space added.

Respectfully,
Cheri Finalle Binkley

From: [Laurel Prevetti](#)
To: [Rob Moore](#)
Cc: [Nicolle Burnham](#)
Subject: RE: Shannon Road Improvements
Date: Tuesday, March 14, 2023 5:45:15 PM

From: Cheri Finalle <[REDACTED]>
Sent: Friday, March 10, 2023 11:35 AM
To: Rob Moore <RMoore@losgatosca.gov>
Subject: Shannon Road Improvements

Dear Councilmember Rob Moore,

On March 21st you will be voting on the final Shannon Road Improvement Plan. I am writing this to humbly urge you to send it back to staff to be reduced; with less impermeable surfaces and more planting space. The plan will create a sea of pavement & asphalt. It will cost too much financially and environmentally with the loss of green/plant space. Undoubtedly, you will be told that there is not enough time to do this - as is the case every time this comes up to council however the deadlines are long past due to other delays. Staff has been told to work with residents all while moving forward with approvals. However, the ideas that even council members suggest are apparently not feasible even in the future including making the buffers into green space, adding more bulb outs for trees, ect. Our residential road is about to become a huge over developed runway. I am so upset that the original plans (on the Master Plan) of a class 1 bike lane (similar to the Los Gatos Creek Trail) were abandoned without community input. I have been actively engaged throughout the process and have been disappointed to see how unclear deadlines cause rushed decisions. The community here does want a safe road - we just want it done in a way that respects the environment and neighborhood feel. Please do NOT approve this plan and send it back to staff for a reduction in impermeable surfaces and additional planting space added.

Respectfully,
Cheri Finalle Binkley

From: Cheri Finalle <[REDACTED]>
Sent: Wednesday, March 15, 2023 12:54:33 PM
To: Maria Ristow <MRistow@losgatosca.gov>
Subject: Shannon Road

[EXTERNAL SENDER]

Dear Mayor Ristow,

April 4th, the Shannon Road project will again come to you for a vote. You and I spent much time brainstorming ideas with staff at the meetings and discussing safe green roads in other communities. Parking was removed in sections as we discussed but instead of getting large planters for trees we got even larger buffers and more asphalt - still not space for trees. This project continues to be a major concern to me because it changes our residential road into something that will look like an airport runway. It will be a sea of pavement & asphalt. I am pro walking/biking but I am also pro environment. The current street design has buffers which cannot be made into green space. Furthermore, this road does not meet the town's own standards. There has been much staff turnover since this project started. Please have the new staff spend more time on this to get it right. Please send this back to staff for more permeable surfaces and more green space/trees.

Please do not prematurely rush this through just to get something done - spend the time to get this right.

Respectfully,
Cheri Finalle Binkley

From: [Sridevi Sheth](#)
To: [Rob Moore](#); [Rob Rennie](#); [Matthew Hudes](#); [Mary Badame](#); [Maria Ristow](#); [Nicolle Burnham](#); [James Watson](#)
Subject: Shannon Rd pedestrian/bikeway project proposal
Date: Monday, March 27, 2023 8:55:40 AM

[EXTERNAL SENDER]

Hi Los Gatos Town Council Members,
From: Sri Sheth of 16090 Shannon Road

My neighbor Ned did a fantastic job below sharing the resident's (on Shannon Road) concerns on the pedestrian / bikeway project and I wanted to add my thoughts as well.

I've lived in Los Gatos for ten years and recently moved to Shannon road during the pandemic. I remember hopping on the zoom council meetings to share our concern for the proposed project. Los Gatos has always been an extremely charming town and that's due to the extreme efforts of the council and the community to keep it full of trees, visually charming and not industrial.

This proposed plan turns our humble town into a common city which is not what Los Gatos is about. It's also concerning to see so many residents raise concern over a project and have the council move forward with the plan anyways without any changes that the resident's have requested/proposed.

We're all for improving our neighborhood for the better! But the current plan does not achieve this at all. This is why Ned's suggestions below should be highly considered.

1. Speed humps will get you 70+ percent of your safety improvement, and they are cheap. Do them now. You have the data from the other part of Shannon, and we can see the positive effect it has had, reducing the average speed by 10-15 mph and nearly eliminating the high speeds.
2. Revise to 5ft sidewalks (which **was on** the original grant request letter signed by County Supervisor & former LG Mayor Mike Wasserman was for a 5ft sidewalk on one side of the street) & **include trees.**
3. Adjust the bike lane to a more modest implementation due to the speed reduction. How about a 2 ft space next to the road and pass on the 2ft next to the curb as cars will almost never be there to open a door.
4. Add the 4 ft of space back to the property line buffer and open room for the addition of trees.

I live on the side of Shannon with the speed humps and was already living on this road when they were being added. I've seen the increase of safety and the reduction of speed firsthand in front of my house and can confirm that this addition is highly beneficial to our community.

We need to move forward with things that work, are cost efficient and are supported by the community and not a plan that is intrusive of its residents and over budget, just so that we can spend money!

I appreciate your time! Looking forward to hearing your thoughts and seeing you all at the public hearing on April 18.

Thanks,

Sri Sheth

On Thu, Mar 23, 2023 at 5:44 PM Ned Finkle <[REDACTED]> wrote:

To: Los Gatos Town Council Members

bcc: Friends and Neighbors

From: Ned Finkle of 16608 Shannon Road

Dear Council Members,

I am writing to you regarding the proposal to implement 6ft sidewalks on both sides of Shannon Road. Some of you may already know me, as I have lived in the town for 50 years since my father moved here. I have lived on and off Shannon Road for nearly all those years, and my father still resides in his house off Shannon. Therefore, I know the road well, and I have raised my family here, with my three children growing up on this road.

Firstly, I want to thank you for your service to the town in such a demanding role, given how tight and personal our town is. Most LG'ers care deeply about our town, and that is part of what makes it special. However, I am writing to express the views of myself and the neighbors in the area affected by the proposal, who are not happy with its implementation.

To be blunt, we feel that the proposal will be visually unattractive (very ugly) and not in keeping with the town's character. Furthermore, it is not representative of the normal neighborhood implementations for sidewalks and trees, and it is not environmentally friendly, as zero trees are included in the proposal. The implementation calls for 6ft sidewalks for a quarter mile on both sides of the street, while the norm in the town is 5ft. As a result, we will have half a mile of sidewalks with no trees and no carbon offset to the **187,393 pounds + of CO2** it took to put the concrete in. The sidewalk with no trees and utility poles sticking out is moved to the near edge of the property lines on nearly all homes. The bike lane plus padding on both sides has essentially eliminated all street parking. This, plus the proposed barriers, has residents unified in opposition to the implementation.

During the Covid-19 pandemic, we had tried to politely present these feelings via just a few representatives in consideration for the council. However, what was recorded in the notes was that only a few had problems with the implementation. We followed with a signature list from nearly all the homes requesting a meeting to express our views. We did have that meeting, and there was a great amount of sharing of views by the neighbors and listening by the now departed town engineers. While there were meetings that followed with individual homeowners, the plan was essentially unchanged. Lots of reasons were given, but my understanding is that there was no funding to make slight adjustments with the contractor. So, the plan moved ahead for council vote at "65% completion" and was moved forward on a 3-2 vote. Here we are 1 year later, and the street feels the same about the proposal as we currently understand it. It is so bad that most fear reduction in property values as a result.

We all know that the town budget is in poor shape, and we sense that the actual implementation will cost much more than what the grant provides. We also know that the original grant request letter signed by County Supervisor & former LG Mayor Mike Wasserman was for a 5ft sidewalk on one side of the street plus a Class 1 bike lane. A much more modest approach and fiscally conservative. If we are going to make improvements, why not do them right. I propose the following to gain the support of the neighborhood.

1. Speed humps will get you 70+ percent of your safety improvement, and they are cheap. Do them now. You have the data from the other part of Shannon, and we can see the positive effect it has had, reducing the average speed by 10-15 mph and nearly eliminating the high speeds.

2. Revise to 5ft sidewalks & **include trees.**
3. Adjust the bike lane to a more modest implementation due to the speed reduction. How about a 2 ft space next to the road and pass on the 2ft next to the curb as cars will almost never be there to open a door.
4. Add the 4 ft of space back to the property line buffer and open room for the addition of trees.

We think that you will save money with the reduction in concrete...1/2 mile times one foot is a lot of concrete & CO2 savings (~**29,440lbs**). We also are happy to water the trees until they are self-sustaining. Also, less direct costs to the homeowners from the repairs of driveways and fences.

I think all the council members would have a hard time convincing your current neighbors to happily implement what is proposed for our street. We are being pulled out from the neighborhood onto LG boulevard visually and don't even get the trees.

I will close with the final ask. Do the right thing and revise this to a more modest and cheaper version. Do what a neighbor would do for a neighbor. That is the core of why our town has a durable & charming character & we love it so much.

Thank you for your time and consideration.

Ned Finkle

--

Shannon Road Traffic Calming Program.....

You received this message because you are subscribed to the Google Groups "Shannon Road Project" group.

To unsubscribe from this group and stop receiving emails from it, send an email to shannon-road-project+unsubscribe@googlegroups.com.

To view this discussion on the web visit <https://groups.google.com/d/msgid/shannon-road-project/CAGHM-ObbVRUejp3xjshMO3K77bdwens2FJXXxkMhkN%2BR28j1Qg%40mail.gmail.com>.

--

Thanks,
Sri Sheth

From: [Frank Lawrence](#)
To: [James Watson](#); [Mary Badame](#); [Matthew Hudes](#); [Maria Ristow](#); [Nicolle Burnham](#); [Rob Moore](#); [Rob Rennie](#)
Cc: [Frank Lawrence](#)
Subject: Shannon Road bike lanes project
Date: Wednesday, March 29, 2023 3:24:21 PM

[EXTERNAL SENDER]

Dear Council & Staff members,

I am a 27-year resident on Shannon Road and write to you in support of the residents who are very unhappy with the current proposal for a radical bike lane implementation between Cherry Blossom and Los Gatos Boulevard.

A significant majority of the directly impacted residents, i.e. those whose property directly abuts the current proposal, and many of us who live on Shannon, are strongly opposed to the present design, as it will have a very negative impact on the character and feel of the neighborhood and bring limited benefit, considering the overall transit routes along Shannon Road and its adjoining streets, (e.g. Englewood) which cannot accommodate grandiose redesign such as that proposed for just two blocks of Shannon Road.

Please refer to the recent communication from Ned Finkle for a more detailed commentary on the current project.

The implementation of a more modest design for a bike lane, in addition to the planned speed humps (which have been very effective on the rest of Shannon to Short Road), would be more sympathetic to the character of the neighborhood and Town, deliver improved safety of all road users, reduce the environmental impact and could be supported and welcomed by the resident's.

The specter of the monstrosity recently inflicted on Winchester Boulevard looms large.

Yours sincerely,

Frank Lawrence

--

Frank

From: [Town PPW](#)
To: [James Watson](#)
Cc: [Nicolle Burnham](#)
Subject: FW: Raised crosswalks on Shannon Road?
Date: Tuesday, April 11, 2023 9:05:18 AM

-----Original Message-----

From: Mary Hammers <[REDACTED]>
Sent: Tuesday, April 11, 2023 8:48 AM
To: Town PPW <ppw@losgatosca.gov>
Subject: Raised crosswalks on Shannon Road?

[EXTERNAL SENDER]

Dear PPW Department,

Thank you for the efforts to slow traffic on Shannon Road. It has made a big difference in safety and quality of life for families like ours who live on Shannon. Unfortunately, cars still run the stop sign at Shannon and Blossom Hill Park as well as at Shannon and Cherry Blossom, which children and pedestrians use heavily. For this reason, I wonder if the Town might consider adding raised crosswalks to Shannon Road as we embark on Phase Two of the Shannon safety improvements? Having watched countless children dart across the street in front of traffic at Englewood, I think another stop sign and raised crosswalk there could be lifesaving as well.

I recognize plans are already set, but I also know there is always room to make changes and adjust plans to meet community needs.

Thank you for considering my suggestions and thank you again for the work already completed on Shannon.

Respectfully,

Mary Hammers

Sent from my iPad

From: kalpana sheth <[REDACTED]>
Sent: Tuesday, March 7, 2023 9:32:00 AM
To: Mary Badame <MBadame@logatosca.gov>
Subject: Proposed Shannon Rd Bicycle lane Project

[EXTERNAL SENDER]

Dear Mary,

I voted for you as I resonated with your message of keeping the charm of Los Gatos while at the same time addressing the issues that face our community.

In this email I want to address a project that the town council is considering on our street - Shannon Rd.

I am a resident of Shannon Rd and want to reach out to you about the proposed bike lane project on this neighborhood street that the majority of the residents are opposed to. Not because we don't want the bike lane and the pedestrian lane , but we absolutely dont want those awful industrial style green ballards to disrupt this beautiful neighborhood.

I've been walking Shannon Rd. for years at different times of the day and I can honestly say that I have never seen a single bike on this road!! Has anyone done a survey or a put up cameras to see how many bicycles actually go up and down this road? You will find on any given day - probably none!!

To make an industrial style bike lane that will cost the LG city over \$2 million for bicycles that won't even be using this road is fiscally irresponsible, bad political decision, and worst of all takes away from a beautiful tree lined street with homes and homeowners who value the community aspect of their street.

To be clear as a walker on Shannon Rd. I do want a pedestrian walkway, the same can also be used for the occasional bicyclist who rides on this street. But to spend so much money, time, and energy on a fancy bike lane for bicyclists that don't use this road and that none of the residents on Shannon Rd want is beyond ridiculous and sheds light on how a small number of overzealous bicycle enthusiasts can ruin the beauty of a serene neighborhood.

Thanks for reading this input.
Kalpana Sheth

From: [REDACTED] <[REDACTED]>
Sent: Saturday, March 4, 2023 4:30 PM
To: Nicolle Burnham <NBurnham@losgatosca.gov>
Subject: Re: Town council date for Shannon Rd pedestrian/bikeway project update

[EXTERNAL SENDER]

Hi Nicolle,

Thanks for responding on a Saturday. Will keep my fingers crossed. I can't imagine the town council authorizing this overkill project due to the huge town deficit we are experiencing. All we need is a simple 5 ft sidewalk and 4-foot bike line which can be built in the current shoulder.

Thanks,
Sheila

From: Cheri Finalle <[REDACTED]>
Sent: Thursday, March 16, 2023 1:34 PM
To: James Watson <JWatson@losgatosca.gov>; Peter Binkley <[REDACTED]>
Subject: Shannon Road

[EXTERNAL SENDER]

James,

Hi! I wanted to reach out to see if there was a final design plan for Shannon Road as it is slated for another vote April 4th with the town council. I am a resident of Shannon Road and would like to have proper time to review it prior to the meeting for discussion.

Thank you, Cheri Finalle Binkley

From: Cheri Finalle <[REDACTED]>
Sent: Thursday, March 16, 2023 1:34 PM
To: James Watson <JWatson@losgatosca.gov>; Peter Binkley <[REDACTED]>
Subject: Shannon Road

[EXTERNAL SENDER]

James,

Hi! I wanted to reach out to see if there was a final design plan for Shannon Road as it is slated for another vote April 4th with the town council. I am a resident of Shannon Road and would like to have proper time to review it prior to the meeting for discussion.

Thank you, Cheri Finalle Binkley

From: [REDACTED] <[REDACTED]>
Sent: Wednesday, April 12, 2023 3:14 PM
To: Matthew Hudes <MHudes@losgatosca.gov>; Mary Badame <MBadame@losgatosca.gov>; Rob Rennie <RRennie@losgatosca.gov>; Rob Moore <RMoore@losgatosca.gov>; Maria Ristow <MRistow@losgatosca.gov>
Cc: Nicolle Burnham <NBurnham@losgatosca.gov>; James Watson <JWatson@losgatosca.gov>
Subject: Shannon Pedestrian and Bikeway Improvement Project

[EXTERNAL SENDER]

To: Los Gatos Town Council Members
From: Sheila Bony 16675 Shannon Road

Dear Council Members,

I have been a Los Gatos resident for 32 years and a Shannon Road resident for 7 years. I love our beautiful historical town, the soaring mountains, and our charming community.

We urge you to send the Shannon Road Pedestrian and Bikeway Improvement project back to the engineering department to scale back this excessive design plan. This project is overkill and the costs are out of control.

We absolutely want a sidewalk and a simple bike line on our street for pedestrian and bike safety. All we need is a simple 5-foot sidewalk and a 3-foot bike line. These two elements can be built on the existing wide shoulder on the street. Telephone poles would not need to be moved. The plants/trees/greenery/driveways/walkways in front of residents' homes will not need to be ripped out. Concrete costs will be lower. The project will be completed sooner, etc. Image the cost savings for the town! Also, plants

and trees beautify our neighborhood so why is the town council ok with the logic of ripping it all out?

Shannon Road is a residential street and sidewalks and bike lanes should conform to a residential street-not the other way around. Class 4 bike lanes do not belong on a residential street. This pedestrian and bikeway plan is stripping our neighborhood of its residential feel. The current plan with excessive concrete, 3 ft buffers, too large sidewalks, and extra-wide bike lanes should be used on a major thoroughfare-not a residential street. We believe the town engineering department's goal should be to install a minimally invasive sidewalk and bike lane that will not negatively affect residents' property or the residential feel of the street.

We feel the town's Bicycle Advisory Commission is out of touch with the Shannon resident's recommendations and we ask you, council members, to question their excessive recommendations. We believe the safety of all residents is important and want our neighborhood to look like....a neighborhood and not a boulevard.

The funding for this project is from 2 VTA grants are \$940,100 + \$174,250 from two different programs. The town only has to match 10% of the total grant sum to accept the grant which is \$107,829.47. The grant totals and the town match \$\$ is enough to build a simple 5-foot sidewalk on both sides of the street and paint for a 3ft bike lane. The engineering department requesting an additional \$1 to \$1.2 million dollars for this project is not fiscally responsible. As you know, Los Gatos staff are predicting a \$3 million annual budget deficit over the next 5 years.

The remaining planned speed humps for Shannon near LG Blvd will help immensely with pedestrian/bike safety. The speed humps and simple 3ft bike line and 5 ft sidewalk is all that we need. Say no to excessive spending.

Thank you,
Sheila Bony

From: mark bony <[REDACTED]>
Sent: Wednesday, April 12, 2023 9:06 PM
To: Matthew Hudes <MHudes@losgatosca.gov>; Mary Badame <MBadame@losgatosca.gov>; Rob Rennie <RRennie@losgatosca.gov>; Rob Moore <RMoore@losgatosca.gov>; Maria Ristow <MRistow@losgatosca.gov>
Cc: Nicolle Burnham <NBurnham@losgatosca.gov>; James Watson <JWatson@losgatosca.gov>
Subject: Regarding the Shannon Road Pedestrian and Bikeway Improvement

[EXTERNAL SENDER]

Dear Council Members,

I would respectfully request that you reconsider the decision made so far on the Shannon Road Pedestrian and Bikeway Improvement initiative.

Some helpful contexts:

- Initially three separate "Shannon Road Pedestrian and Bikeway Improvements" proposals were given by the PPW department to all residents, including the impacted Shannon neighborhood, to consider.
- Most of us participated in 1-1 meetings with Woo Jae + Suyesh and most of the impacted residents actively called into several online Zoom meeting updates. The Shannon neighborhood group also was able to meet face-to-face with Matt Morley/Suyesh/WooJae to further discuss this in a Q&A session.
- At first, there were a lot of different opinions among the affected Shannon residents, but we all got together quickly to agree upon a **unified** response in order to make it easier for all concerned.
- The impacted Shannon residents **unanimously** chose **option #1** and made a few additional requests that were forwarded to the town council members + the PPW department. We all felt that option #1 was the best compromise between improving pedestrian/biker safety and optimizing the town's budget while minimizing the impact on the Shannon Road properties.
- Aside from a few advances on deleting the green bollards and other minor points, **our overall collective feedback** on the preferred option #1 **seemed to fall on deaf ears**. Despite all our pleas, option #3 was unfortunately approved by the council. Honestly, given the fact that we received minimal (if any) feedback on all our concerns, it really felt that the decision to push option #3 had already been pre-determined by a few in power, ahead of time.

Some pertinent observations:

- **Did you know** that starting at the Presbyterian Church (16575 Shannon Rd) and finishing at Ann-Arbor Drive, a perfectly good, working combination of a sidewalk and bike lane **already** exists? **why not continue** the same sidewalk/bike lane format for the west side of Shannon vs. the **extreme**, costly, and unnecessary solution being considered today (option#3)? Doing so would make the entire length of Shannon Rd consistent, safer, and less intrusive on the property owner, and probably would limit expenses by a great deal. It is a win-win.
- Also, I have heard rumors that some claimed that the neighborhood had conflicting requests and was not unified; hence the PPW key stakeholders had to make the final recommendation. That could not be further from the truth. Our Shannon Road group response was **succinct and unanimous**.

In conclusion:

Our Shannon neighborhood is a vibrant **residential** and exceptional part of Los Gatos. **We all want safer roads** for pedestrians and bikers alike, but we deserve and **respectfully request** that the council members consider an alternate, less **extreme, and costly** proposal in order to better balance the intent of improving safety while not **jeopardizing** the serene quality of our **residential** neighborhood with **over-the-top** road/bike lane/sidewalk changes.

Yes, we need safer pedestrian/biker streets and bike lanes, but do we really need a 3' buffer **in addition to** 7-10' sidewalks? What we need is a simple (yet effective) 5' sidewalk and ~3' bike lane. That's it.

At the risk of repeating myself, the current Shannon Road Pedestrian and Bikeway Improvement initiative as currently approved (option #3) is **extreme in its design and fiscally irresponsible**.

Thank you for listening, and your consideration to make our town safer while protecting its unique character and beauty.

Regards,

Mark Bony

16675 Shannon Road

32 yrs. + Los Gatos resident

From: Peter Binkley <[REDACTED]>

Sent: Wednesday, April 12, 2023 2:45 PM

To: Rob Moore <RMoore@losgatosca.gov>; Rob Rennie <RRennie@losgatosca.gov>; Matthew Hudes <MHudes@losgatosca.gov>; Maria Ristow <MRistow@losgatosca.gov>; Nicolle Burnham <NBurnham@losgatosca.gov>; James Watson <JWatson@losgatosca.gov>

Subject: Shannon Road Bike and Pedestrian Improvement Project

[EXTERNAL SENDER]

Hello,

Below are my comments for the upcoming Town Council meeting with regards to the Shannon Rd. Pedestrian and Bikeway improvement project.

I am a bike commuter and home owner living within the proposed project area. I walk my children to school every day along this stretch of road, and ride my bike to and from work along it as well.

I support the construction of a curb/gutter, and of pedestrian/bike paths along Shannon Rd., but the project as planned excludes a planting strip and/or room for trees and instead incorporates an abundance of asphalt surface that will be marked of as "buffer." I propose these buffers be shrunk and/or removed where possible, in order to make room for planting/beautification (tree planting also offers much needed shade, sequesters CO2, and cools the vicinity).

I find these proposed wide bike lane buffers unsightly and believe they will only serve to discourage me and my family from walking/riding. I would rather drive then walk through an industrial feeling area. Aesthetics count for a lot when considering mode of transport.

The original Connect Los Gatos Master Plan shows a Class 1 Bikeway along this stretch of road, which I think would be a beautiful and well informed approach to remodeling this road. I have been at every community meeting re Shannon Rd traffic calming project and the ped/bike improvement project, and do not feel it was ever adequately addressed why the Class 1 bikeway (as planned by the town!) was rejected without community discussion.

If we can't do a class 1 bikeway as originally proposed, then I would think we could at least attempt to capture the intent of that plan, which is for a beautiful and scenic walk/bike route, incorporating planting strips on either side of the sidewalk. As planned it will look like an airport tarmac, not at all desirable to the walkers and bikers among us. As a case in point, when the Winchester Rd remodel was complete, I stopped biking to work along that route when I commute to El Camino Hospital LG-solely because it is unsightly. Nowadays I bike to work on the creek trail, which I think is not what the town intended and so was an unintended consequence of overlooking the importance of aesthetics when designing a roadway.

The wide asphalt expanse as drawn is unsightly and will only discourage walking and riding. Please eliminate and/or shrink buffer zones on this plan in favor of planting

some trees and saving space for homeowners to landscape. The buffer only needed between the bike lane and the moving traffic, never between the bike and parked cars or worse yet, between the bike and curb! With a nice wide bike lane, a 2 foot buffer is more than comfortable as far as safety perception goes, and as we know the little kids will be up on the sidewalk, not down on the roadway.

Thank you for your time and consideration,

Peter Binkley, MD
Emergency Medicine
Good Samaritan and El Camino Hospitals
Safe Routes To School Volunteer, Blossom Hill Elementary School



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/18/2023

ITEM NO: 14

ADDENDUM

DATE: April 14, 2023

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Consider the Following Actions for the Shannon Road Pedestrian and Bikeway Improvements Project (CIP No. 813-0218):

- a. Approve the Plans and Specifications;
- b. Authorize Advertising the Project for Bid Contingent on Receiving Caltrans Authorization;
- c. Authorize the Town Manager to Execute the Second Amendment to the Consulting Services Agreement with ActiveWayz Engineering for Additional Engineering Services During Bid, Award, and Construction in an Amount of \$25,238, Resulting in a Total Agreement Amount Not to Exceed \$196,709;
- d. Authorize an Expenditure Budget Transfer in an Amount of \$133,380 from available Traffic Mitigation Funds;
- e. Authorize an Expenditure Budget Transfer in an Amount of \$200,000 from Available Funds in Fund 461 CIP #816-0420;
- f. Authorize an Expenditure Budget Transfer in an Amount of \$60,000 from Available Funds in CIP #813-0221;
- g. Authorize an Expenditure Budget Transfer in an Amount of \$231,524 from Available Funds in CIP #813-0231; and

Authorize an Expenditure Budget Transfer in an Amount of \$219,772 from Available Funds in CIP #811-9902.

RECOMMENDATION:

Attachment 3 contains public comments received between 11:01 a.m. Thursday, April 13, 2023, and 11:00 a.m. Friday, April 14, 2023.

Attachments received with the Staff Report:

1. ActiveWayz Engineering Consultant Agreement Proposed Second Amendment with Exhibit "A" – Original Agreement and First Amendment and Exhibit "B" - Scope of Services
2. Public Comment

PREPARED BY: Nicolle Burnham
Director of Parks and Public Works

PAGE 2 OF 2

SUBJECT: Shannon Road Pedestrian and Bikeway Improvements Project (CIP No. 813-0218)

DATE: April 14, 2023

Attachments received with this Addendum:

3. Public Comments received between 11:01 a.m. Thursday, April 13, 2023, and 11:00 a.m. Friday, April 14, 2023.

From: Ryan Rosenberg <[REDACTED]>
Sent: Friday, April 14, 2023 9:20 AM
To: Clerk <Clerk@losgatosca.gov>
Subject: Letter submitted for April 18, 2023 Los Gatos Town Council meeting

[EXTERNAL SENDER]

Dear Los Gatos Town Clerk,

Please distribute the following letter regarding the Shannon Road project for the April 18, 2023 town council meeting.

Thanks much for your help!

Regards,
Ryan Rosenberg

Dear Los Gatos Town Council Members,

I'd like to comment on the Shannon Road project.

I actually see a great deal of alignment here. The block currently has no sidewalk, no bike lane, and no speed bumps. By the time this project is over all these will be added - with the support of most of the residents. The block will certainly be safer, especially for students.

However, from what I've seen, the residents of this street, and of the surrounding blocks, are unified that the proposed implementation is undesirable.

The disagreement is with specific elements of the design. Much greenery will be torn out to be replaced by concrete and painted asphalt. This concerns me, concerns other residents, and should concern all the citizens of Los Gatos.

Los Gatos cares about our greenery. The recent "Spring Into Green" event celebrated Keep Los Gatos Beautiful Month, environmental sustainability, and Earth Day. A tree planting ceremony was held to honor Arbor Day and the Los Gatos 42nd Tree City USA award. Yet here on Shannon we are about to remove extensive trees and greenery.

The current proposal would cause a single block of Shannon to be significantly different than every other street and block around it. Why? No student commutes just in the project area and parents will consider the entire route. For example, Middle school students who come down Shannon immediately cross over to Roberts Road which is much busier during school hours and has no bike lanes at all.

The residents (and I) would like to see the project move forward but with increased efforts to minimize the impact on the street and the town. Removing some parking is fine (with me), but please limit the size of the sidewalks and bike lanes, and make the block more like the other neighborhood streets in town. Minimize or eliminate buffers. Maybe even consider a single sidewalk?

Thank you for your consideration, and each of you have my appreciation for your dedicated service to this town.

Regards,
Ryan Rosenberg



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/18/2023

ITEM NO: 14
ADDENDUM B

DATE: April 17, 2023

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Consider the Following Actions for the Shannon Road Pedestrian and Bikeway Improvements Project (CIP No. 813-0218):

- a. Approve the Plans and Specifications;
- b. Authorize Advertising the Project for Bid Contingent on Receiving Caltrans Authorization;
- c. Authorize the Town Manager to Execute the Second Amendment to the Consulting Services Agreement with ActiveWayz Engineering for Additional Engineering Services During Bid, Award, and Construction in an Amount of \$25,238, Resulting in a Total Agreement Amount Not to Exceed \$196,709;
- d. Authorize an Expenditure Budget Transfer in an Amount of \$133,380 from available Traffic Mitigation Funds;
- e. Authorize an Expenditure Budget Transfer in an Amount of \$200,000 from Available Funds in Fund 461 CIP #816-0420;
- f. Authorize an Expenditure Budget Transfer in an Amount of \$60,000 from Available Funds in CIP #813-0221;
- g. Authorize an Expenditure Budget Transfer in an Amount of \$231,524 from Available Funds in CIP #813-0231; and

Authorize an Expenditure Budget Transfer in an Amount of \$219,772 from Available Funds in CIP #811-9902.

RECOMMENDATION:

Attachment 4 contains public comments received between 11:01 a.m. Friday, April 14, 2023, and 11:00 a.m. Monday, April 17, 2023.

Attachments received with the Staff Report:

1. ActiveWayz Engineering Consultant Agreement Proposed Second Amendment with Exhibit "A" – Original Agreement and First Amendment and Exhibit "B" - Scope of Services
2. Public Comment

PREPARED BY: Nicolle Burnham
Director of Parks and Public Works

PAGE 2 OF 2

SUBJECT: Shannon Road Pedestrian and Bikeway Improvements Project (CIP No. 813-0218)

DATE: April 14, 2023

Attachments received with the previous Addendum:

3. Public Comments received between 11:01 a.m. Thursday, April 13, 2023, and 11:00 a.m. Friday, April 14, 2023.

Attachments received with this Addendum B:

4. Public Comments received between 11:01 a.m. Friday, April 14, 2023, and 11:00 a.m. Monday, April 17, 2023.

From: James Mahoney <[REDACTED]>
Sent: Friday, April 14, 2023 12:02 PM
To: Nicolle Burnham <NBurnham@losgatosca.gov>
Subject: Fwd: Shannon Road Project Proposal

[EXTERNAL SENDER]

Hi Nicole,

I failed to copy you on this email I sent to the town council and mayor a few weeks ago. Just wanted to keep you in the loop.

Thank you,
Jim Mahoney

----- Forwarded message -----

From: James Mahoney <[REDACTED]>
Date: Fri, Mar 31, 2023 at 3:57 PM
Subject: Shannon Road Project Proposal
To: <rmoore@losgatosca.gov>, <rrennie@losgatosca.gov>, <mhudes@losgatosca.gov>, <mrístow@losgatosca.gov> <mrístow@losgatosca.gov>, <mbadame@losgatosca.gov>

From: Jim Mahoney - [REDACTED] Shannon Rd.

I am writing to you to respectfully communicate my views on the proposed Shannon Road pedestrian/bikeway project. I am a homeowner on Shannon. We have lived here for more than 28 years and raised our children here.

I am well aware of the speeding issue on Shannon road and I am very much in favor of making Shannon safer for everyone. I believe this can be accomplished by adding speed humps. They should have been added along with the other speed humps installed last year. In addition to speed humps, a 5ft. sidewalk on the north side of Shannon which would connect with the crosswalk on Los Gatos blvd. and a bike lane. Shannon road is a residential street. We do not want it to look like Los Gatos blvd. or Winchester ave.

In closing I ask that you seriously consider making changes to the proposal as it stands today. I read today that Los Gatos is facing a \$3 million budget deficit. The cost of this proposed project could be greatly reduced and at the same time make Shannon road safer.

Thank you,

Jim Mahoney

From: [REDACTED] <[REDACTED]>

Sent: Friday, April 14, 2023 1:22 PM

To: Maria Ristow <MRistow@losgatosca.gov>; Mary Badame <MBadame@losgatosca.gov>;
Matthew Hudes <MHudes@losgatosca.gov>; Rob Moore <RMoore@losgatosca.gov>; Rob
Rennie <RRennie@losgatosca.gov>

Cc: Nicolle Burnham <NBurnham@losgatosca.gov>; James Watson <JWatson@losgatosca.gov>

Subject: Shannon Road Project Comment for 4/18

[EXTERNAL SENDER]

Dear Los Gatos Town Council Members,

I am writing to echo the opinion and sentiments of the many neighbors of Shannon Road who oppose the current project plans to modify the street.

The intent of the plan is not in dispute. The street currently has no sidewalk, no bike lane, and no speed bumps. By the time this project is over all these will be added - with the support of most of the residents. The block will certainly be safer, especially for students.

However, based on our neighborhood group discussions, the residents of this street, and of the surrounding blocks, are unified that the proposed implementation is undesirable.

The disagreement is with specific elements of the design. Much greenery will be torn out to be replaced by concrete and painted asphalt. This concerns me, concerns other residents, and should concern all the citizens of Los Gatos.

Los Gatos cares about our greenery. Many planning commission decisions focus on the number of trees to be removed and the environmental impact of these changes. Yet here on Shannon we are about to remove extensive trees and greenery.

The current proposal would cause a single block of Shannon to be significantly different than every other street and block around it. This doesn't quite make sense. No student commutes just in this block alone and the entire route should be considered for safety. For example, Fisher students who come down Shannon immediately cross over to Roberts road which is much tighter and busier during school hours and has no bike lanes at all.

The residents (and I) would like to see the project move forward but with increased efforts to minimize the impact on the street and the town. Removing some parking can be considered, but please limit the size of the sidewalks and bike lanes, and make the block more in the character of Los Gatos, like the other neighborhood streets in town.

Thank you for your consideration, and I appreciate your dedicated service to this town.

Regards,

Peggy Cannan

From: varun s <[REDACTED]>
Sent: Friday, April 14, 2023 9:45 PM
To: Nicole Burnham <NBurnham@losgatosca.gov>; James Watson <JWatson@losgatosca.gov>; Rob Moore <RMoore@losgatosca.gov>; Rob Rennie <RRennie@losgatosca.gov>; Matthew Hudes <MHudes@losgatosca.gov>; Maria Ristow <MRistow@losgatosca.gov>; Mary Badame <MBadame@losgatosca.gov>
Cc: pooj <[REDACTED]>
Subject: Re: Shannon Rd Project

[EXTERNAL SENDER]

Dear Los Gatos Town Council Members,

I'd like to share our comments on the Shannon Road project prior to the meeting next week. We connected with our neighbors and are in alignment with their comments/feedback.

My wife, Pooja, and I are generally aligned with the high level intent of the project. We have 3 little kids and the oldest has just started at Blossom Hill Elementary. The new version of the street will be safer for our children to commute to school every single day. The road currently has no sidewalk, no bike lane, and no speed bumps. By the time this project is over all these will be added - with the support of most of the residents.

However, we genuinely feel that the proposed implementation is undesirable. We moved to Los Gatos since we loved the residential vibe the town & this street (in specific) had. We feel that with this change, the street loses its residential feel. Here are a few things that matter to us that we will lose:

- Much greenery will be torn out to be replaced by concrete and painted asphalt. It definitely feels hypocritical when the town mandates new trees be planted on site when residents remodel/remove trees from their property, and the town isn't held to the same standards.
- The current proposal would cause a single block of Shannon to be significantly different than every other street and block around it. No student commutes just in the project area and parents will consider the entire route. For example, Middle school students who come down Shannon immediately cross over to Roberts road which is much busier during school hours and has no bike lanes at all. It feels like we are rushing through this project on this street due to the grant expiring instead of careful review from each neighbor.

I would urge you to reconsider the design and limit the size of the sidewalks and bike lanes, eliminate the buffers, and make the block more like the other neighborhood streets in town. I would also like to see more greenery or give each resident some space back to plant greenery to make this road something beautiful (& of course, safe).

Thank you for your consideration and service to this beautiful town.

Best,
Varun & Pooja
[REDACTED] Shannon Rd

From: KENNETH ARENDT <[REDACTED]>
Sent: Friday, April 14, 2023 4:33:11 PM
To: Maria Ristow <MRistow@losgatosca.gov>
Subject: Shannon Road issue - beware

[EXTERNAL SENDER]

Hello Maria,

I hope you remember Pat and me from St Mary's and Fischer and as very long time residents of LG. Since 1974. I don't usually do this, but I'm writing just to you, not the entire TC, in hopes that you listen to your constituents out there on Shannon Road. Pat and I live on Ann Arbor Ct, but as such, we know many of those folks. Some since their child-hood.

You personally might or might not be mis-informed about this project and resident attitudes, but let me tell you, these folks on Shannon Road are **enraged** at what might go down as currently proposed from your engineering department. From what I have seen and heard from them and the residents on surrounding streets/blocks, they are unified on this issue.

They are well educated and sophisticated residents who have a strong vested interest in what happens to their property and to our community. They are not stupid and are well aware of Town issues and its financial situation. For example, we have been told by Town engineering people that they could not properly repair the hazardous sidewalk in front of our house because there wasn't enough money! They threw on a slab of asphalt instead of repairing the concrete sidewalk! It seems we can't take care of our own sidewalks much less going further in debt!

Maria, a vote in the wrong direction here will not be well received, nor will it be ignored by them.

As Mayor of our community, I hope that you can lead the TC in the right direction on this issue. I know that you are getting many letters from the Shannon Road residents asking that the TC do the right thing. In fact, I have seen options proposed from them that would seem to work better for everyone.

Maria, I hope you take this letter of mine the right way, as I would hate to see something like this tear the Town apart more.

Thanks for listening!

Ken and Pat Arendt

[REDACTED]

[REDACTED] Ann Arbor Ct.

From: Jessica Richter <[REDACTED]>

Sent: Friday, April 14, 2023 2:04 PM

To: Rob Moore <RMoore@losgatosca.gov>; Rob Rennie <RRennie@losgatosca.gov>; Matthew Hudes <MHudes@losgatosca.gov>; Maria Ristow <MRistow@losgatosca.gov>; Mary Badame <MBadame@losgatosca.gov>

Cc: Nicolle Burnham <NBurnham@losgatosca.gov>

Subject: Shannon Rd resident Opposed to irrational and unnecessary bike lane changes on Shannon Rd.

[EXTERNAL SENDER]

Dear Town Council,

I have lived on the corner of Shannon and Hilow Court for 10 years. I bought my house when my son was four years old. He's now almost 14. Since buying this house, I've asked for a safer route along Shannon to Fisher Middle School. I live East of Cherry Blossom, and I would be livid if the town wanted to put ballards on Shannon in front of my house. I appreciate that efforts are being made to make Shannon a safer bike route. Having the crossing guard at Cherry Blossom and Shannon stay longer this year has been a welcome (if belated change). This should continue indefinitely. I appreciate the speed bumps and they seem to be helping. Now they need to be added between LG Blvd and Cherry Blossom.

I AGREE WITH Ryan Rosenberg and his letter below—a sidewalk, a bike lane, speed bumps and other traffic calming measures (islands with greenery!) are needed in this section between Cherry Blossom and Los Gatos Blvd. However, I agree that the current plan calls for too much greenery to be removed. In addition the ballards are illogical and not necessary because no connecting streets have this kind of protection. They are ugly and remove greenery. Any changes MUST preserve trees and some parking spaces. It makes no sense to destroy the character of this short stretch of roadway when all of the connecting streets are unchanged.

My 14 year-old regularly rides his bike on Blossom Hill between Cherry Blossom and Los Gatos Blvd. Why isn't there a ballard protected bike lane on Blossom Hill Rd. West of LG Blvd? That makes no sense. He and other students also have to ride ON LARK on a regular basis to get to the JCC, Yavneh Day School, and to/from neighborhoods off Lark to Fisher and LGHS. Most students do not use the LG Creek Trail because it's longer. There have been some bike lane improvements on Lark but these are inadequate and disconnected. It makes ZERO sense to do such an elaborate and ugly bike lane project on this one little section of Shannon and leave these other areas without protected bike lanes and desperately needed traffic calming.

I'd like to add that the Safe Routes to School bike safety classes at the elementary schools seems to have really improved student bike safety from my casual observations. When we first moved to Hilow Court/Shannon and my child was young, I would see students repeatedly and regularly riding on the wrong side of the road down Shannon and blasting through stop signs. Now, I rarely see that behavior. Students seem to be more aware and cautious than they were before the course started. I think my son was the second group of students who did the bike safety classes (2017-2018 I think?). He's now in 8th grade so that means that most Fisher students have had bicycle safety classes. It's not a perfect result, but I think this should be considered in terms of the necessity of this short overly protected route on Shannon..

Also, as I have written to the city on multiple occasions. There is a safety issue at the intersection of Shannon and LG Blvd. It's fine for cars but terrible for cyclists and pedestrians because when you cross in the crosswalk you can end up on the wrong side of the road and need to cross twice. **If ballards are needed anywhere on Shannon, it would be right at the intersection of Shannon and LG Blvd to try to prevent cyclists and pedestrians from jay walking from the parking lot across the street to Orange**

Theory on the other side. In my opinion driving up and down this street for ten years, this is where the largest problem lies—right at this intersection. I’d like to see funds used to deal with this situation onto Roberts Road West of LG Blvd.

It’s time to find a reasonable compromise. It’s time **not** to spend grant money on an unnecessary project. It’s time to listen to the residents most impacted. Use funds and focus on improving safety on the larger intersection of Shannon/LG Blvd, BH Rd, LG Blvd and Lark.

Regards,
Jessica Richter

Dear Los Gatos Town Council Members,

I’d like to comment on the Shannon Road project.

Actually I see a great deal of alignment. The street currently has no sidewalk, no bike lane, and no speed bumps. By the the time this project is over all these will be added - with the support of most of the residents. The block will certainly be safer, especially for students.

However, from what I’ve seen, the residents of this street, and of the surrounding blocks, are unified that the proposed implementation is undesirable.

The disagreement is with specific elements of the design. Much greenery will be torn out to be replaced by concrete and painted asphalt. This concerns me, concerns other residents, and should concern all the citizens of Los Gatos.

Los Gatos cares about our greenery. The recent “Spring Into Green” event celebrated Keep Los Gatos Beautiful Month, environmental sustainability, and Earth Day. A tree planting ceremony was held to honor Arbor Day and the Los Gatos 42nd Tree City USA award. Yet here on Shannon we are about to remove extensive trees and greenery.

The current proposal would cause a single block of Shannon to be significantly different than every other street and block around it. Why? No student commutes just in the project area and parents will consider the entire route. For example, Middle school students who come down Shannon immediately cross over to Roberts road which is much busier during school hours and has no bike lanes at all.

The residents (and I) would like to see the project move forward but with increased efforts to minimize the impact on the street and the town. Removing some parking is fine (with me), but please limit the size of the sidewalks and bike lanes, and make the block more like the other neighborhood streets in town. Minimize or eliminate buffers. Maybe even consider a single sidewalk?

Thank you for your consideration, and each of you have my appreciation for your dedicated service to this town.

Regards,
Ryan Rosenberg

From: Michael Hwang <[REDACTED]>
Sent: Sunday, April 16, 2023 7:14:02 AM
To: Nicolle Burnham <NBurnham@losgatosca.gov>; Council <Council@losgatosca.gov>
Subject: Shannon Rd Project

[EXTERNAL SENDER]

Dear Nicole,

My name is Michael Hwang and my family lives on [REDACTED] Shannon Rd.

By now, I am sure you have read all the letters from the residents on this road. I am writing to add my voice to speak against the current version of the Shannon Road Pedestrian and Bikeway Project. I am very much on board with the speed humps (effective to curb the speeding) and the bike lane that was addressed previous meetings (the one that residents voted for that did not have the green bollards).

Please reconsider this implementation.

Thank you,

Michael Hwang

From: Maria Gerst <[REDACTED]>
Sent: Sunday, April 16, 2023 9:11:16 PM
To: Clerk <Clerk@losgatosca.gov>; Nicolle Burnham <NBurnham@losgatosca.gov>
Subject: Shannon Road Project

[EXTERNAL SENDER]

Dear Los Gatos Town Council Members,

I would like to comment on the current Shannon Road project.

I feel that the plans I first saw two years ago - adding a sidewalk and adding a bike lane while retaining much of the greenery - looked very reasonable. The addition of speed bumps has also been fine. I am not sure how things evolved to what we currently have planned but I do know that I am not happy, nor are other residents. No one seems to be objecting to making the road safer.

As mentioned in other letters, the current plan would cause a single block of Shannon to be significantly different than every other street in the area. I would like the project to consider safety, but also to minimize the impact on residents. Taking away much of the greenery will negatively effect the look and feel of the street.

I am hoping that the project can be rescoped for a smaller sidewalk, retain more greenery and a bike lane with no buffer and no barrier. Besides being an eye sore a physical barrier would make a bike lane difficult to clean. If the bike lane is not clean less bikers will want to use it.

This is just one street but if residents here are unhappy on this project it could mean other street projects will be difficult to implement.

In summary, please consider reducing the scale of this project and implementing something a little more resident friendly.

Thank you for your consideration and your service to our town.

Regards,

Maria Gerst
[REDACTED] Shannon Rd



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/18/2023

ITEM NO: 14

DESK ITEM

DATE: April 18, 2023

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Consider the Following Actions for the Shannon Road Pedestrian and Bikeway Improvements Project (CIP No. 813-0218):

- a. Approve the Plans and Specifications;
- b. Authorize Advertising the Project for Bid Contingent on Receiving Caltrans Authorization;
- c. Authorize the Town Manager to Execute the Second Amendment to the Consulting Services Agreement with ActiveWayz Engineering for Additional Engineering Services During Bid, Award, and Construction in an Amount of \$25,238, Resulting in a Total Agreement Amount Not to Exceed \$196,709;
- d. Authorize an Expenditure Budget Transfer in an Amount of \$133,380 from available Traffic Mitigation Funds;
- e. Authorize an Expenditure Budget Transfer in an Amount of \$200,000 from Available Funds in Fund 461 CIP #816-0420;
- f. Authorize an Expenditure Budget Transfer in an Amount of \$60,000 from Available Funds in CIP #813-0221;
- g. Authorize an Expenditure Budget Transfer in an Amount of \$231,524 from Available Funds in CIP #813-0231; and

Authorize an Expenditure Budget Transfer in an Amount of \$219,772 from Available Funds in CIP #811-9902.

REMARKS:

The updated project plans are now available:

<https://www.losgatosca.gov/DocumentCenter/View/33054/2021-003-Shannon-Rd-Final-plans-2020413-reduced?bidId=>

These plans are also accessible from the link that was provided in the original staff report.

PREPARED BY: Nicolle Burnham
Director of Parks and Public Works

PAGE 2 OF 2

SUBJECT: Shannon Road Pedestrian and Bikeway Improvements Project (CIP No. 813-0218)

DATE: April 18, 2023

Attachments received with the Staff Report:

1. ActiveWayz Engineering Consultant Agreement Proposed Second Amendment with Exhibit "A" – Original Agreement and First Amendment and Exhibit "B" - Scope of Services
2. Public Comment

Attachments received with the first Addendum:

3. Public Comments received between 11:01 a.m. Thursday, April 13, 2023, and 11:00 a.m. Friday, April 14, 2023.

Attachments received with Addendum B:

4. Public Comments received between 11:01 a.m. Friday, April 14, 2023, and 11:00 a.m. Monday, April 17, 2023.



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/18/2023

ITEM NO: 15

DATE: April 13, 2023
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Provide Direction for the Potential Disposition and Use of Calhill Court (APN 529-21-034)

RECOMMENDATION:

Provide direction for the potential disposition and use of Calhill Court [Assessor's Parcel Number (APN 529-21-034)].

BACKGROUND:

A couple of years ago, staff discovered that the Town owned a 0.87-acre property along Calhill Court near the western terminus of Pine Avenue (see Attachment 1 for an aerial view and Attachment 2 for the APN map). The property has a General Plan Land Use Designation of Low Density Residential (0-5 units per acre) and is zoned R-1:8 (Single-Family Residential with a minimum lot size of 8,000 square feet). This agenda item is the first time the Town Council has had an opportunity to provide direction for this property.

DISCUSSION:

The Town Council may wish to provide direction for the future disposition and use of the subject property. The options include and are not limited to:

- Retain Town ownership of the property until after the Town has a certified Housing Element; or
- Direct staff to complete additional analysis regarding any constraints, limitations, or opportunities, including a property history assessment; or
- Consider leasing the land for a private residential development (market rate and/or affordable housing); or
- Consider selling the land for a private residential development (market rate and/or affordable housing); or
- Consider other alternatives.

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

DISCUSSION (continued):

If the Town Council decides to lease or sell Calhill Court, at a subsequent Council meeting, the Town Council would need to consider adopting a resolution declaring the property surplus. Under State law, certain entities, such as affordable housing builders and open space organizations, would be given the first opportunity to lease or purchase the land. If there is no interest by such entities, the Town could then negotiate with a prospective tenant or a buyer of its choice.

After the surplus process, if the Council is interested in leasing or selling the land, staff would prepare a Request for Interest (RFI) for the Council's consideration based on its preferences for desired uses. Once approved for distribution by the Council, potential tenants or buyers would submit responses to the RFI and the Council would decide which entity it would like to enter into an Exclusive Negotiating Agreement. Based on the negotiations, the Town Council would decide whether to enter into a lease or sale with the entity, or take other steps.

CONCLUSION:

Staff looks forward to the Council's initial direction for this property.

COORDINATION:

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

FISCAL IMPACT:

The fiscal impact depends upon the direction provided by the Town Council.

ENVIRONMENTAL ASSESSMENT:

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

Attachments:

1. Aerial Photograph of the Subject Site
2. Assessor's Parcel Map

17

NINO WAY

ALBERT DR

ALBERT CT

ALBERT CT

NINO AVE

ALBERT DR

CALFHILL CT

CALFHILL CT

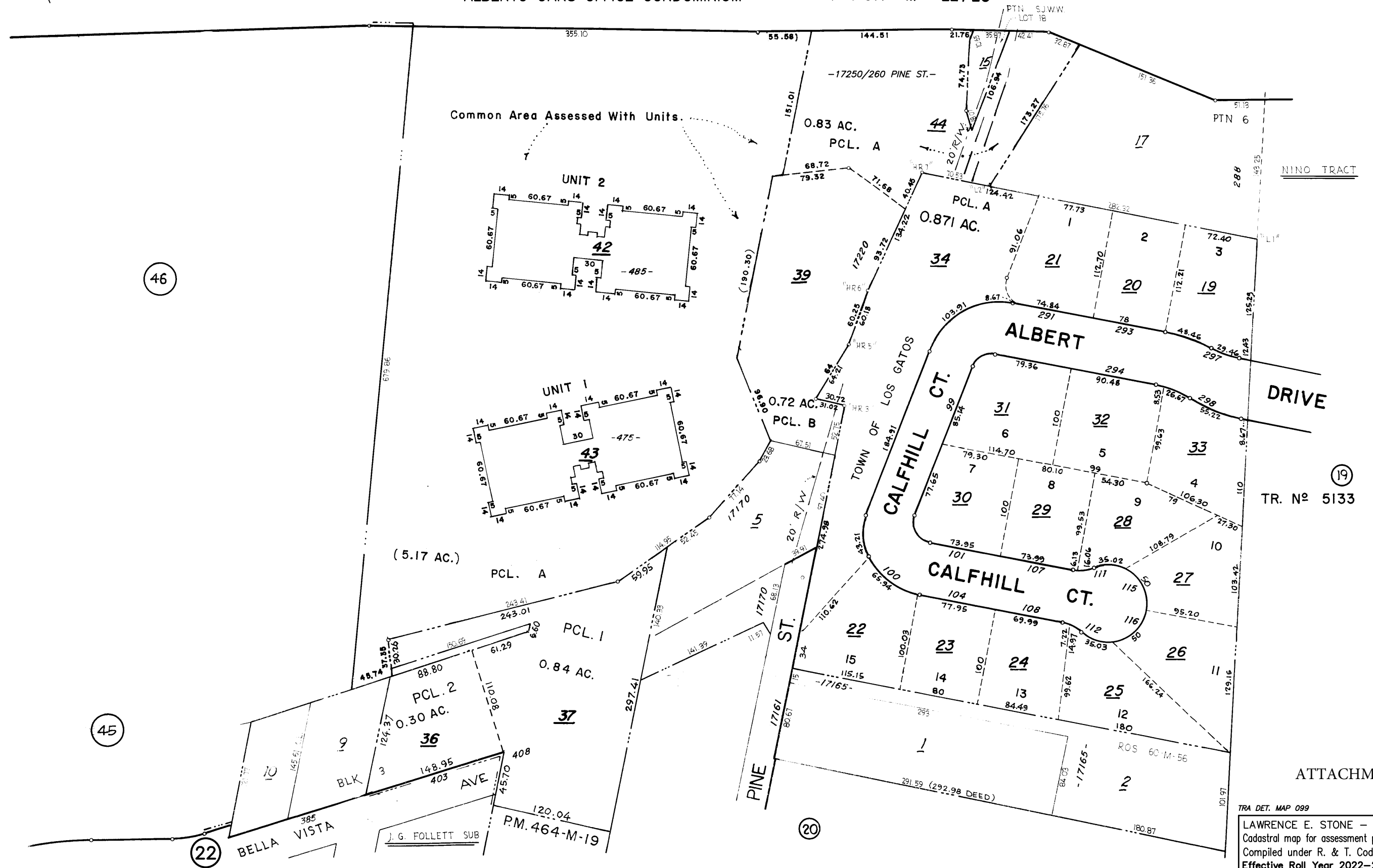
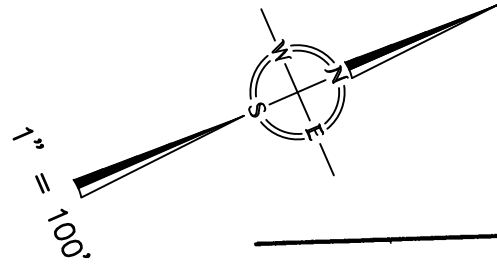
PINE ST



ROUTE 17 FREEWAY

P.M. 517-M-33
ALBERTO OAKS OFFICE CONDOMINIUM

P.M. 517 - M - 22/23



ATTACHMENT 2

TRA DET. MAP 099
LAWRENCE E. STONE - ASSESSOR
Cadastral map for assessment purposes only.
Compiled under R. & T. Code, Sec. 327.
Effective Roll Year 2022-2023



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/18/2023

ITEM NO: 16

DATE: April 13, 2023
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Provide Direction for the Potential Disposition and Use of 224 W. Main Street (APN 510-44-069)

RECOMMENDATION:

Provide direction for the potential disposition and use of 224 W. Main Street [Assessor's Parcel Number (APN) 510-44-069].

BACKGROUND:

224 W. Main Street, located at the northeast corner of W. Main Street and Lyndon Avenue (Attachment 1), was purchased by the Town, using Redevelopment funds, for the purpose of building affordable housing. The Town demolished the previous residential structure and paved it as a parking lot as an interim use on this approximately 0.27-acre site. This created a larger Town parking lot with the adjacent parcels 510-44-039 and -037 (Attachment 2) of approximately 1 acre. These properties have a General Plan Land Use Designation of Central Business District and are zoned C-2 (Central Business Commercial Zone) and C-2:LHP (Central Business Commercial Zone with a Landmark and Historic Preservation Overlay Zone).

In 2015, the Town Council created a Parking and Infrastructure Ad Hoc Committee with appointments determined by the Mayor. The Mayor appointed Council Member Rennie and then Vice Mayor Barbara Spector. From 2015 to early 2018, the Committee explored the possibility of building a parking garage on the three lots with at least six below market rate housing units, as required, as well as market rate housing and/or retail. The Town issued a Request for Interest (RFI) for the proposed mixed-use development and the Town Council approved entering into exclusive negotiations with Presidio Development Partners, LLC.

After many design iterations and pro forma financial reviews, the parking garage and housing development was found financially infeasible. Instead of continuing to pursue a garage, the Council directed the preparation of a comprehensive parking study which was completed by Dixon parking consultants and is now being implemented.

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

BACKGROUND:

With the dissolution of all Redevelopment Agencies in California, the Town was under a deadline to determine the disposition of 224 W. Main Street. Since the Town decided to retain ownership of the property, in Fiscal Year (FY) 2021/22, the Town transferred approximately \$1.5 M from the General Fund Appropriated Reserve to the Town's Below Market Rate Housing Fund, representing the value of the land. This satisfied the State's requirement.

DISCUSSION:

The Town Council may now wish to provide direction for the future disposition and use of the subject property and perhaps the neighboring Town-owned parcels. The options include and are not limited to:

- Retain Town ownership of the property as a parking lot until the Town has implemented more of the Dixon parking recommendations; or
- Consider leasing or selling the land for a private development (commercial, retail, market rate and/or affordable housing); or
- Return to Council with a resolution to declare the property surplus with an ultimate intent to lease or sell; or
- Consider other alternatives.

If the Town decides to lease or sell 224 W. Main Street (and/or the adjacent Town-owned parcels), at a subsequent Council meeting, the Town Council would need to consider adopting a resolution declaring the property(ies) surplus. Under State law, certain entities, such as affordable housing builders and open space organizations, would be given the first opportunity to lease or purchase the land. If there is no interest by such entities, the Town could then negotiate with a prospective tenant or a buyer of its choice.

After the surplus process, if the Council is interested in leasing or selling the land, staff would prepare a Request for Interest (RFI) for the Council's consideration based on its preferences for desired uses. Once approved for distribution by the Council, potential tenants and buyers would submit responses to the RFI and the Council would decide which entity it would like to enter into an Exclusive Negotiating Agreement. Based on the negotiations, the Town Council would decide whether to enter into a lease or purchase agreement with the entity, or take other steps.

CONCLUSION:

Staff looks forward to the Council's initial direction for this property.

PAGE 3 OF 3

SUBJECT: Provide Direction for the Potential Disposition and Use of 224 W. Main Street

DATE: April 13, 2023

COORDINATION:

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

FISCAL IMPACT:

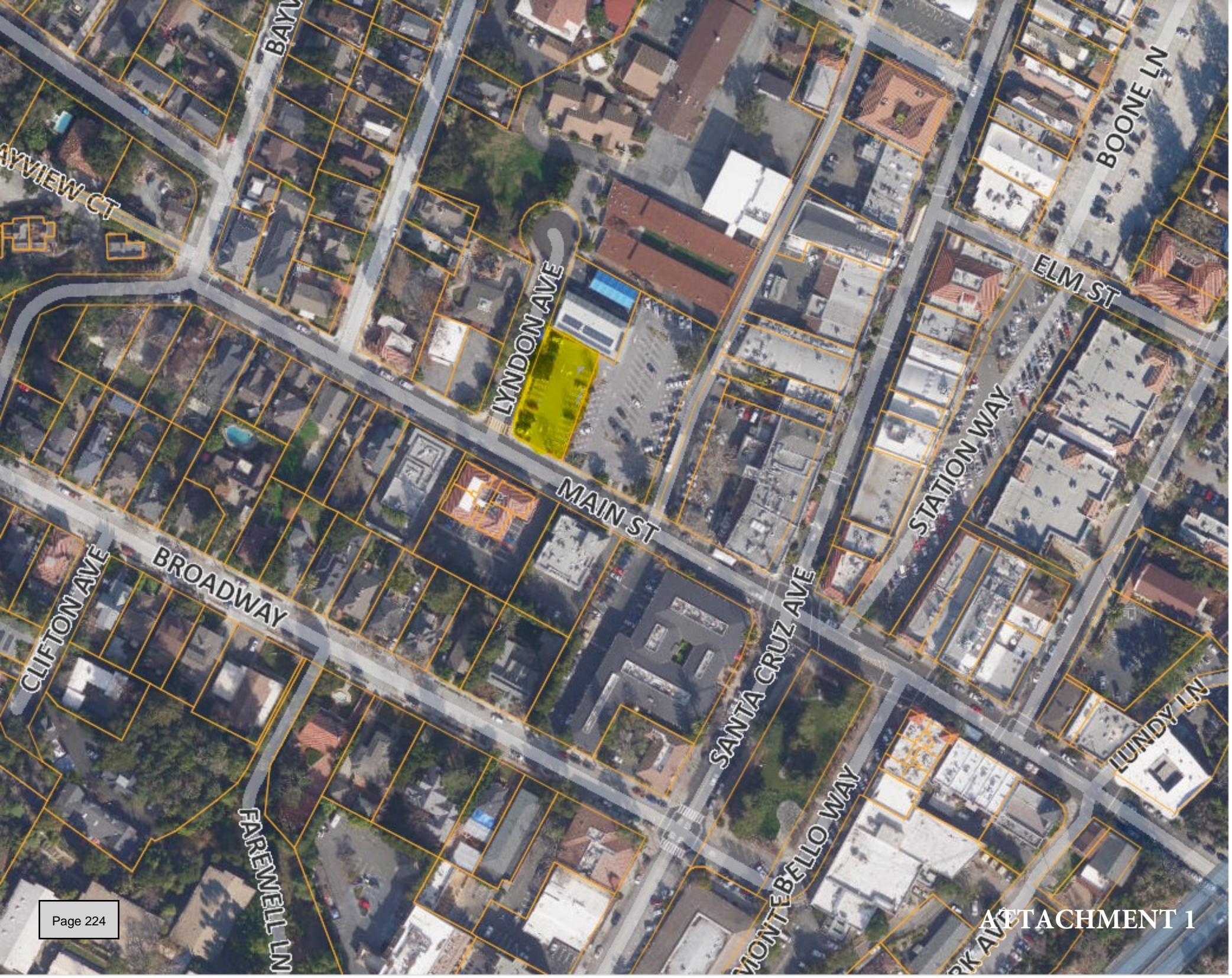
The fiscal impact depends upon the direction provided by the Town Council.

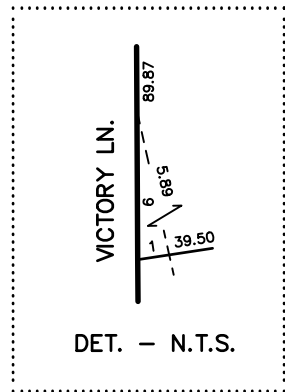
ENVIRONMENTAL ASSESSMENT:

The direction provided by Town Council with this agenda item is not a project defined under CEQA. Any future development or change of use would require environmental review.

Attachments:

1. Aerial Photograph of the Subject Site
2. Assessor's Parcel Map







**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/18/2023

ITEM NO: 17

DATE: April 13, 2023
TO: Mayor and Town Council
FROM: Gabrielle Whelan, Town Attorney
SUBJECT: Rescission of Planning Commissioner Censure

RECOMMENDATION:

Rescission of Planning Commissioner censure.

BACKGROUND:

Earlier this year, the Town received a number of complaints regarding an email sent by Planning Commissioner Clark to the State Department of Housing and Community Development ("HCD"). A copy of the email to HCD is attached as Attachment 1.

Based on the divisive nature of the email, on February 15th, the Town Council verbally censured, and recommended counseling regarding future communications for, Planning Commissioner Clark for comments made to the HCD regarding the General Plan referendum proponents.

After the Town Council meeting, the American Civil Liberties Union ("ACLU") wrote to the Town Council and stated that the verbal censure and required counseling was unconstitutional in that the verbal censure was directed at comments made by the Planning Commissioner in her personal capacity. A copy of the ACLU's letter is attached as Attachment 2. The ACLU also made a Public Records Act request for all communications related to the complaints and the verbal censure. A copy of the complaints and documents provided in response to the ACLU's Public Records Act request is available at this link:

<https://losgatosca.justfoia.com/publicportal/requests/PR-2023-50/view>

I have reviewed the case law provided by the ACLU and concluded that the case law provides that public officials cannot be disciplined for comments made in their personal capacity. (Bond v. Floyd, 385 U.S. 116(1966))(holding that disqualifying a public official from taking office based

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

BACKGROUND (continued):

on statements endorsed as a private citizen violated the public official's First Amendment rights). Based on this case law and the fact that the email to HCD stated that the comments were being made in the sender's personal capacity, I recommend that the Town Council rescind its verbal censure of Planning Commissioner Clark for the divisive nature of the email to HCD. I also recommend against any subsequent disciplinary action based on the Commissioner's email to HCD since the email stated that the comments were being made as a private individual.

CONCLUSION:

Accordingly, I recommend that the Town Council:

- 1) Rescind its verbal censure of Planning Commission Clark; and
- 2) State that counseling regarding communications made in one's personal capacity should not have been provided and will not be provided in the future.

FISCAL IMPACT:

Rescission of the verbal censure will not have a direct fiscal impact, but will avoid litigation expenses and a potential award of attorney fees.

ENVIRONMENTAL ASSESSMENT:

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

Attachments:

1. Email to HCD
2. Letter from ACLU

From: Kylie Clark <[REDACTED]>
Sent: Friday, November 18, 2022 4:42 PM
To: Housing Elements@HCD <HousingElements@hcd.ca.gov>
Subject: Los Gatos General Plan Referendum

Hello,

I hope this email finds you well! Thank you so much for all of the work you are doing on the Housing Element. As someone who does housing work in a lot of anti-housing cities, I really appreciate the work you are doing to resolve our state's housing crisis. I'm a Los Gatos Planning Commissioner, but I am writing to you just as a concerned citizen.

I am reaching out to make sure you are aware of a [referendum \[losgatosca.gov\]](https://www.losgatosca.gov/referendum) that was recently signed by enough Los Gatos voters to be placed on the ballot. The referendum suspends the town's Land Use and Community Design Elements in our General Plan, which was approved by our Town Council in the last few months. The referendum was fully paid for and passed by a few rich white anti-housing men in our town (they paid the signature gatherers \$10 per signature).

The justification for this referendum is their opposition to our planned housing numbers, as we went above the state mandate (which makes sense, as this is our General Plan looking 20 years out, not just planning for this 8-year HE cycle). The anti-housing group is claiming that the town will build 12,000 new units in the next 8 years (haha I wish).

I have a lot of questions about this referendum, including whether it is even lawful, as it places land use on the ballot, meaning if the town wanted to make any future changes to our land use we would have to take it to the voters. It also might cause some serious problems with our Housing Element, as obviously our Land Use Element is closely tied to it.

I wanted to make y'all aware of this and to see if you would be able to support our town in any way. We put a lot of work into our General Plan, and these are very strong elements. I would hate to see them reformed to allow for less housing just because of a few upset rich residents.

Thank you so much!

In community,

Kylie
(Pronouns: she, her, hers)

[Yes, We Live on Ohlone Land. But What Does That Mean? \[thebolditalic.com\]](https://thebolditalic.com/)

Kylie Clark
Community organizer, nonprofit professional

[REDACTED] / [REDACTED]



Northern
California

March 1, 2023

Via Electronic Mail

Los Gatos Mayor and Town Council
110 E. Main Street
Los Gatos, CA 95030
council@losgatosca.gov

Re: Unconstitutional Censure of Kylie Clark; Public Records Act Request

Dear Honorable Mayor and Town Council:

On behalf of the American Civil Liberties Union of Northern California (“ACLU”), I write regarding the decision by the Los Gatos Town Council (“Town Council”) to formally censure Kylie Clark, a resident of Los Gatos, based on a November 18, 2022 email that she sent to the California Department of Housing and Community Development (“HCD”). As more fully set forth below, the Town Council’s decision to discipline Ms. Clark for her purported failure to engage in “constructive communication” violates her free speech rights under federal and state law. The Town Council’s actions—formal censure (both written and verbal), a lengthy public meeting, and a requirement that she engage in future “counseling”—constituted the kind of retaliatory discipline that the First Amendment of the United States Constitution prohibits. The ACLU urges the Town Council to reconsider its decision and, moving forward, to better comport its approach to complaints and its interpretation of town codes with the free speech rights of its constituents. We also request, pursuant to the California Public Records Act (“CPRA”), additional records regarding the Council’s handling of this and similar complaints.

The First Amendment protects the right of all citizens, including public employees, to speak as private citizens on matters of public concern.¹ Thus, when a person who serves in a

ATTACHMENT 2

¹ *Pickering v. Bd. of Educ. of Twp. High Sch. Dist. 205, Will County, Ill.*, 391 U.S. 563, 574 (1968); see also *Kennedy v. Bremerton Sch. Dist.*, 142 S. Ct. 2407, 2423 (2022) (affirming *Pickering* framework).

public role speaks in their personal capacity on a matter of general public interest—even one that is related to their public duties—that speech is protected.²

California’s housing crisis has engendered much debate and discourse among the public; so too has the varied response by municipalities and towns to California’s statewide housing plan. The press has regularly reported on the ways in which wealthy, predominantly white communities have responded to state mandates to build more housing.³ Ms. Clark, in her November 18 email to HCD, voiced concern about a referendum undermining a Los Gatos housing plan that the Town Council had recently approved; she also noted the racial and economic issues at play. While she acknowledged her service on the Los Gatos Planning Commission, Ms. Clark expressly offered her comments “just as a concerned citizen.” In expressing her personal thoughts to HCD, Ms. Clark was clearly opining as a private citizen on a matter of public concern. Whether her comments were “constructive” or “respectful” in the eyes of others is beside the point; they were protected speech.

Of course, the other members of the Los Gatos community are free to agree or disagree with Ms. Clark’s opinion—in fact, many did just that at the February 15, 2023 special meeting convened by the Council. But under the First Amendment, a public agency—like the Town Council—can *discipline* an employee for personal speech only if it has a legitimate interest in regulating speech that strongly outweighs the employee’s interest in exercising their constitutional rights.⁴ This foundational framework holds true whether the person against whom a government entity has retaliated is an employee, volunteer, or legislator.⁵ Thus, federal and state courts have held that it is unconstitutional for the government to discipline an employee for

² See, e.g., *Thomas v. City of Beaverton*, 379 F.3d 802, 809 (9th Cir. 2004); *Gray v. Cnty. of Tulare*, 32 Cal. App. 4th 1079, 1090 (1995); *Hyland v. Wonder*, 972 F.2d 1129, 1137 (9th Cir. 1992).

³ See, e.g., Conor Dougherty, *Twilight of the NIMBY*, N.Y. Times (last visited Mar. 1, 2023), <https://www.nytimes.com/2022/06/05/business/economy/california-housing-crisis-nimby.html>; Liam Dillon, *Thousands of Apartments May Come to Santa Monica, Other Wealthy Cities Under Little-known Law*, L.A. Times (last visited Mar. 1, 2023), <https://www.latimes.com/homeless-housing/story/2022-10-24/santa-monica-housing-apartment-boom>; Nico Savidge, *The State Rejected Berkeley’s Housing Plans. What Happens Next?*, Berkeleyside (last visited Mar. 1, 2023), <https://www.berkeleyside.org/2023/02/01/berkeley-housing-element-builders-remedy-hcd>.

⁴ *Pickering*, 391 U.S. at 563; see also *Bond v. Floyd*, 385 U.S. 116, 135 (1966) (ruling that the government has “no interest in limiting its legislators’ capacity to discuss their views of local or national policy”).

⁵ *Hyland*, 972 F.2d at 1136.

advocating to overthrow the government,⁶ for expressing a desire that the President of the United States be assassinated,⁷ for using racial slurs,⁸ for complaining about racially discriminatory employment and hiring policies,⁹ for opining on their employer's affirmative action policy,¹⁰ and for criticizing the provision of government assistance for low income populations.¹¹

Here, the Town Council has not expressly identified any clear interest that would overcome Ms. Clark's presumptive right to speak on politically charged issue of housing. Instead, the Council decided to impose discipline based on the mere finding that, through the contents of her November 18 email, Ms. Clark violated a "code of conduct" that applies to her voluntary service as a Planning Commissioner. But it is unclear what precise rule or written provision is the purported basis for this finding. The Town Council seemingly relies upon the phrase "constructive communication"¹² from the Town Council Code of Conduct as the primary basis for its conclusion. The Council's own process, however, diverged significantly from the steps laid out in this very same Code of Conduct; to explain this divergence, the Town Attorney repeatedly stated that this Code serves only as a "model" for situations involving Commissioners like Ms. Clark. The Town Council also referenced various undefined terms from the "Commissioner's Handbook," citing phrases such as "model of leadership and civility," "respect and dignity," "fair treatment," and "highest standards of the community." None of these generic phrases contains a prohibition on referencing race or socio-economic status, nor does any suggest that a volunteer Commissioner may be disciplined or removed for failing to use "constructive" language in their personal communications. Instead, the Town Council Code of Conduct expressly provides that "Council Members may from time to time express opinions regarding broad policy matters which may be in conflict with currently adopted Council policies. Such

⁶ *Keyishian v. Bd. of Regents of Univ. of State of N.Y.*, 385 U.S. 589, 602-04 (1967).

⁷ *Rankin v. McPherson*, 483 U.S. 378, 392 (1987).

⁸ *Hardy v. Jefferson Cmty. Coll.*, 260 F.3d 671, 675 (6th Cir. 2001).

⁹ *Givhan v. Western Line Consol. Sch. Dist.*, 439 U.S. 410 (1979).

¹⁰ *Dep't of Corr. v. State Pers. Bd.*, 59 Cal. App. 4th 131 (1997).

¹¹ *Davi v. Roberts*, 523 F. Supp. 3d 295 (2021); see also *Deltondo v. Sch. Dist. of Pittsburgh*, 2023 U.S. Dist. LEXIS 15133 (2023).

¹² Presumably, this phrase was taken from the following sentence in the Town Council Code of Conduct: "[t]he commitment of Town Council Members to their work is characterized by open constructive communication, innovation, and creative problem solving."

statements are permissible if clearly characterized as personal opinion or policy change objectives.”

Fundamentally, the Town Council’s invocation of a “constructive communication” requirement, whether supported in writing or not, is at odds with the Constitution. If the national political stage has proven anything, it is that what is deemed “offensive” to one person may seem “constructive” to another; what some see as behaviors that model “leadership” may seem repugnant to others. More to the point, while some may think it “divisive” or not “constructive” to reference racial and socio-economic privilege in discussing matters of public policy, others consider use of that very language critical to progress. To the extent that *any* rule in the Town Council Code of Conduct or *any* phrase in a handbook allows the Town Council—based only on its subjective view of what is “constructive”—to regulate, constrain, or discipline personal expression on public issues, that rule is impermissibly content-based, viewpoint-discriminatory, overbroad, vague, lacking in standards, and constitutionally invalid.¹³

Finally, the actions that the Town Council took against Ms. Clark are plainly retaliatory. The First Amendment prohibits the government from taking, in response to protected speech, adverse actions against an official that would “chill a person of ordinary firmness from continuing to engage in the protected activity.”¹⁴ Ms. Clark serves as an unelected, volunteer Commissioner for the Town of Los Gatos. In response to complaints regarding a single email that she sent in her personal capacity, the Town Council took the following actions: 1) sent Ms. Clark a formal written censure on February 3, 2023; 2) held a 2.5-hour special public meeting at which they verbally presented the censure and invited the residents of Los Gatos to comment on Ms. Clark’s personal communication and to opine on what punishment she should bear; 3)

¹³ See, e.g., *Reed v. Town of Gilbert, Ariz.*, 576 U.S. 155, 163 (2015) (noting that “[c]ontent-based laws—those that target speech based on its communicative content—are presumptively unconstitutional”); *Republican Party of Minn. v. White*, 536 U.S. 765, 788 (2002) (Minnesota Supreme Court’s canon of judicial conduct prohibiting candidates for judicial election from announcing their views on disputed legal and political issues violates the First Amendment); *Edge v. City of Everett*, 929 F.3d 657, 664-65 (9th Cir. 2019) (requiring “specificity and clarity of laws” when “First Amendment freedoms are at stake” because uncertain rules “might have the effect of chilling protected speech or expression by discouraging participation”) (citation omitted); *Kaahumanu v. Haw.*, 682 F.3d 789, 806 (9th Cir. 2012) (explaining that “unbridled discretion” doctrine, which requires that laws include adequate standards, protects against risk that officials “will favor or disfavor speech based on its content”) (citation omitted).

¹⁴ *Boquist v. Courtney*, 32 F.4th 764, 775 (9th Cir. 2022) (citing *Blair v. Bethel Sch. Dist.*, 608 F.3d 540, 542-43 (9th Cir. 2010)); see also *Nieves v. Bartlett*, 139 S. Ct. 1715 (2019).

formally voted at that February 15, 2023 meeting for censure, although written censure had already been delivered; and 4) imposed on Ms. Clark an obligation to participate in additional “counseling [with the Mayor and Town Manager] regarding the Town Council’s expectations with regard to future communications.”

Indeed, these disciplinary measures were specifically designed to chill future speech and to force Ms. Clark to conform her communications to the expectations of her assigned “counselors.” The Town Council neither sought outside legal counsel, as is required by its Code for any violation deemed “major,” nor did they handle the matter in private, as is called for with complaints that are deemed “minor.” Instead, the Council chose a particularly punitive hybrid approach: it first decided via written letter that censure was appropriate, then convened a 2.5-hour public meeting at which Ms. Clark was personally and publicly insulted, and then conducted a public vote for censure and continued counseling. It is particularly concerning that the Town Council also seriously considered and invited public comment on whether Ms. Clark should be removed entirely from her post on the basis of her speech. It is clear that the Council intended to make an example of Ms. Clark and to “chill” any similar expression in the future.¹⁵

Because its decision to discipline Ms. Clark violates her free speech rights protected under federal and state law, we now urge the Town Council to take the following actions: 1) revoke the public and written censure of Ms. Clark; 2) revoke any requirement that she attend “counseling” or “coaching”; and 3) revisit its policies on citizen complaints and its application of the Town Council Code of Conduct and related handbooks and apply those codes in a manner that is consistent with the free speech rights of its constituents.

¹⁵ While *Hous. Cmty. Coll. Sys. v. Wilson*, 142 S.Ct. 1253 (2022) held that some forms of *verbal* censure do not rise to the level of retaliation, the Supreme Court specifically stated that their holding in *Wilson* was not meant “to suggest that verbal reprimands or censures can never give rise to a First Amendment retaliation claim.” There, the Supreme Court found that the verbal censure in *Wilson* did not constitute retaliation because 1) *Wilson* (the subject of censure) was an elected official and was thus expected “to shoulder a degree of criticism about [his] public service,” and 2) the verbal censure in *Wilson* encompassed only the censure of individuals who were “equal member[s] of the same deliberative body.” The Court was careful to note that *Wilson* did not touch upon the “First Amendment implications of censures or reprimands issued by government bodies against government officials who do not serve as members of those bodies.” Here, Ms. Clark was not an elected official, she was given both a written and a public verbal censure, she was subject to censure by the Town Council (of which she is not a part), and she has been instructed to attend “counseling.”

We look forward to the Town Council's response and welcome further conversation regarding this matter.

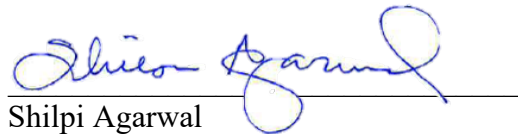
...

Furthermore, and pursuant to the CPRA¹⁶ and the California Constitution,¹⁷ we also request the following records in the possession or control of the Town of Los Gatos for the time period of January 2013 to present:

1. All records in which the Town Council has censured, either verbally or in writing, another Town Council member, a commissioner, a committee member, or another public official of Los Gatos;
2. All records related to any prior complaints regarding a Los Gatos town official using divisive, disrespectful, or "non-constructive" language; including records of any actions taken by Town Council in response to those complaints;
3. All records related to complaints made against Kylie Clark and the Town Council's response;
4. All records related to the Town of Los Gatos's rules, policies, and practices regarding censure or removal of a public official.

We look forward to receiving your response to this record request within ten days. Thank you in advance for your assistance.

Sincerely,



Shilpi Agarwal
Legal Director
ACLU Foundation of Northern California

cc: Maria Ristow, Mayor
mristow@losgatosca.gov
Mary Badame, Vice Mayor
mbadame@losgatosca.gov
Matthew Hudes, Council Member
mhudes@losgatosca.gov
Rob Moore, Council Member
rmoore@losgatosca.gov
Rob Rennie, Council Member
rrennie@losgatosca.gov

¹⁶ Cal. Gov't Code §§ 7920.000 *et seq.*

¹⁷ Cal. Const. art. I, § 3(b)(2).



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/18/2023

ITEM NO: 17

ADDENDUM

DATE: April 17, 2023
TO: Mayor and Town Council
FROM: Gabrielle Whelan, Town Attorney
SUBJECT: Rescission of Planning Commissioner Censure

REMARKS:

Attachment 3 contains public comments received before 11:01 a.m., Monday, April 17, 2023.

Attachments Received with the Staff Report:

1. Email to HCD
2. Letter from ACLU

Attachments Received with this Addendum:

3. Public Comments

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

From: jvannada

Sent: Monday, April 17, 2023 11:00 AM

To: Town Manager <Manager@losgatosca.gov>; Gabrielle Whelan <GWhelan@losgatosca.gov>; Maria Ristow <MRistow@losgatosca.gov>; Mary Badame <MBadame@losgatosca.gov>; Rob Moore; Rob Rennie <RRennie@losgatosca.gov>; Matthew Hudes <MHudes@losgatosca.gov>; Wendy Wood <WWood@losgatosca.gov>

Cc: Phil Koen; Rick Van Hoesen

Subject: Town Council Meeting 4-18-23 Item 17

[EXTERNAL SENDER]

Dear Ms. Wood, please include this in the packet for the Council meeting of 4-18-23.

We take issue with the statement that Ms Clark made that she was speaking as a citizen, not as a Planning Commissioner.

In her last paragraph, she says the following:

“I wanted to make y’all aware of this and to see if you would be able to support our town in any way. **We put a lot of work into our General Plan** and these are very strong elements.”

In this sentence, that is a strong indication that this is a knowledgeable Planning Commissioner speaking. She said “WE” put a lot of work into our General Plan. If she was speaking truly as a citizen and not a commissioner, would she not have said “They”? There were likely to have been no citizens that attended all of the meetings; spoke nor wrote letters at the meetings. “We” were the Planning Commissioners she is referring to.

When you join any commission, you don’t get a “bye” because of your age, your tenure, a slip of the tongue; nor should you get a “bye” due to your friendships on the Council nor the staff. In reviewing the text’s sent by staff, Council, and past Councilmembers, they are undoubtedly sympathetic to Ms. Clark’s wanting the censure removed. But her letter proves she was speaking as a commissioner, not a commissioner speaking as a private citizen.

*Jak Van Nada -
Los Gatos Community Alliance
Facts Matter; Transparency Matters; Honesty Matters*



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/18/2023

ITEM NO: 17

DESK ITEM

DATE: April 18, 2023
TO: Mayor and Town Council
FROM: Gabrielle Whelan, Town Attorney
SUBJECT: Rescission of Planning Commissioner Censure

REMARKS:

Attachment 4 contains public comments received between 11:01 a.m. Monday, April 17, 2023, and 11:00 a.m., Tuesday, April 18, 2023.

Attachments Received with the Staff Report:

1. Email to HCD
2. Letter from ACLU

Attachments Received with the previous Addendum:

3. Public Comments

Attachments received with this Desk Item:

4. Public Comments received between 11:01 a.m. Monday, April 17, 2023, and 11:00 a.m., Tuesday, April 18, 2023.

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

From: [David Shapiro](#)
To: [Clerk](#)
Subject: Public Comment Item #17
Date: Monday, April 17, 2023 6:33:29 PM

[EXTERNAL SENDER]

Thank you for making this forum available for comment on Item #17.

I strongly support affordable housing and the treatment of Kylie Clark was inexcusable in our society today.

People of all races, genders, political beliefs, and religions(or lack thereof) are needed in every community including the town of Los Gatos.

As someone who lived in Los Gatos for over 20 years, I benefited from all the town has to offer it's a shame to turn a blind eye to those of low to moderate income.

Sincerely,

David Shapiro.

From: [Susie Berg](#)
To: [Clerk](#)
Subject: Public Comment Item #17
Date: Tuesday, April 18, 2023 5:52:51 AM

[EXTERNAL SENDER]

I am writing in support of Kylie Clark, who should be reinstated in her role and, in fact, lauded for having the courage to call a thing a thing. She called people who are rich, and white, and men, just that 'rich, white men.' Using simple language like this helps a community see who is wielding power and decide, together, if that's how they want to proceed.

Pointing out the fact that we are white is not racist, it's fact. Racism is about using skin color to determine power and worth in a hierarchical system. When we don't name it, we allow that power to go unchecked. Since white people, men in particular, are at the top of that system, one cannot be racist against them. One can show prejudice, or use stereotypes, but racism is about power. Whiteness demonstrates power in the United States. And every one of us knows it.

Naming ourselves is the work that all of us white people should be doing so that we can move toward communities where all voices are allowed to be heard and where power is shared to make communities more connected for all.

Please reinstate Ms Clark in her position and allow for the thoughtful growth and change that the community needs.

Thank you,
Susie Berg

--

Susie Berg (she/her)



From: [Patti van der Burg](#)
To: [Clerk](#)
Subject: Kylie Clark
Date: Tuesday, April 18, 2023 7:02:22 AM

[EXTERNAL SENDER]

Hello Town Council-

Thank you all for serving out town.

I'd like to register my support of Kylie Clark. I am surprised at the way some on the council handled their disagreement with her right to free speech. The public shaming wasn't right and not a proud moment for Los Gatos. The censure should absolutely be removed.

It's important to understand: those who study racism have noted that pointing out systemic racism is not racist.

I have grown to understand the housing issue more in the last year and have personally changed from being pro low-density to pro affordable housing (which requires higher density).

I applaud her courage and forward thinking, and am glad she is working on the housing crisis our region is facing. We can't lament the regional housing crisis yet not want anything done in our town about it.

I feel represented by her. Bravo Kylie!

Sincerely,
Patti van der Burg
LG resident

From: [Beth Figuera](#)
To: [Clerk](#)
Subject: Public comment item #17 / In support of Kylie Clark
Date: Tuesday, April 18, 2023 10:14:33 AM

[EXTERNAL SENDER]

I am writing in support of Kylie Clark, who should be reinstated in her role and, in fact, lauded for having the courage to call a thing a thing. She called people who are rich, and white, and men, just that: 'rich, white men.' Using simple language like this helps a community see who is wielding power and decide, together, if that's how they want to proceed.

Pointing out the fact that we are white is not racist, it's fact. Racism is about using skin color to determine power and worth in a hierarchical system. When we don't name it, we allow that power to go unchecked. Since white people, men in particular, are at the top of that system, one cannot be racist against them. One can show prejudice, or use stereotypes, but racism is about power. Whiteness demonstrates power in the United States. And every one of us knows it.

Naming ourselves is the work that all of us white people should be doing so that we can move toward communities where all voices are allowed to be heard and where power is shared to make communities more connected for all.

Please reinstate Ms Clark in her position and allow for the thoughtful growth and change that the community needs.

Thank you,
Beth Figuera

--

Beth Figuera

