



**TOWN OF LOS GATOS
COUNCIL MEETING AGENDA
OCTOBER 05, 2021
110 EAST MAIN STREET
TOWN COUNCIL CHAMBER
LOS GATOS, CA**

Marico Sayoc, Mayor

Rob Rennie, Vice Mayor

Mary Badame, Council Member

Matthew Hudes, Council Member

Marie Ristow, Council Member

PARTICIPATION IN THE PUBLIC PROCESS

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 Mondays at 7:00 p.m.

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

www.LosGatosCA.gov/TownYouTube

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

**TOWN OF LOS GATOS
COUNCIL MEETING AGENDA
OCTOBER 05, 2021
7:00 PM**

IMPORTANT NOTICE REGARDING THE OCTOBER 5, 2021 MEETING

This meeting is being conducted in-person and utilizing teleconferencing and electronic means consistent with Town Council Policy 2-01 entitled Town Agenda Format and Rules. Members of the public can participate in the meeting by attending in person in the Council Chamber at 110 E. Main Street or by joining the Zoom webinar (log in information provided below). Due to the provisions of the Santa Clara County Health Officer to take action to minimize the spread of COVID-19 **social distancing and mask requirements will be observed** for all attending in person.

PARTICIPATION

Public comments can be made live during the Town Council meeting via Zoom or in person from the Council Chamber. If you are not interested in providing oral comments in real-time during the meeting, you can view the live stream of the meeting on television (Comcast Channel 15) and/or online at www.LosGatosCA.gov/TownYouTube.

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

- **In person:** Provide your name and the item number you would like to speak on with the Town Clerk or Deputy Clerk.
- **Zoom webinar:** Join from a PC, Mac, iPad, iPhone or Android device: click this link <https://us02web.zoom.us/j/85695270018?pwd=TGdXRmY4L3ZWWGpPcXcySG5MWDVpZz09>. Password: 537912. You can also type in 856 9527 0018 in the “Join a Meeting” page on the Zoom website at <https://zoom.us/join>.
 - When the Chair 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. If you are participating by calling in, press #2 on your telephone keypad to raise your hand.
- **Join by telephone:** Dial: 877-336-1839. Conference code: 969184

When called to speak, 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 PublicComment@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.

**TOWN OF LOS GATOS
COUNCIL MEETING AGENDA
OCTOBER 05, 2021
7:00 PM**

MEETING CALLED TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

CLOSED SESSION REPORT

COUNCIL / MANAGER MATTERS

CONSENT ITEMS *(Items appearing on the Consent Items are considered routine and may be approved by one motion. Any member of the Council or public may request to have an item removed from the Consent Items for comment and action. A member of the public may request to pull an item from Consent by following the Participation Instructions contained on Page 2 of this agenda. If an item is pulled, the Mayor has the sole discretion to determine when the item will be heard. Unless there are separate discussions and/or actions requested by Council, staff, or a member of the public, it is requested that items under the Consent Items be acted on simultaneously.)*

1. Approve Draft Minutes of the September 20, 2021 Joint Town Council and Planning Commission Study Session.
2. Approve Draft Minutes of the September 21, 2021 Closed Session Town Council Meeting.
3. Approve Draft Minutes of the September 21, 2021 Town Council Meeting - Commissioner Interviews.
4. Approve Draft Minutes of the September 21, 2021 Town Council Meeting.
5. Authorize the Town Manager to Execute a Certificate of Acceptance and Notice of Completion for the Guardrail Replacement Project (CIP No. 812-0120, Federal No. HSIPL-5067-022), Completed by Coral Construction Company and Authorize the Town Clerk to File for Recordation.
6. Authorize the Town Manager to Submit an Application to the Santa Clara Valley Transportation Authority (VTA) in the 2016 Measure B Highway Interchanges Program Category for the Highway 17 Corridor Congestion Relief Project.
7. Adopt a Resolution Regarding Brown Act Compliance and Teleconferencing and Making Findings Pursuant to Government Code Section 54953, as Amended by Assembly Bill 361, During the COVID -19 Pandemic.

VERBAL COMMUNICATIONS *(Members of the public are welcome to address the Town Council on any matter that is not listed on the agenda consistent with the Participation Instructions contained on Page 2 of this 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 consistent with the Participation Instructions contained on Page 2 of this agenda.)*

8. Discuss Information on the Los Gatos-Monte Sereno Police Department's Structure and Current Staffing Efforts.

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

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

Note: The Town of Los Gatos has adopted the provisions of Code of Civil Procedure §1094.6; litigation challenging a decision of the Town Council must be brought within 90 days after the decision is announced unless a shorter time is required by State or Federal law.



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 10/05/2021

ITEM NO: 1

**DRAFT
Minutes of the Special Joint Study Session of the Town Council and Planning
Commission
September 20, 2021**

The Town Council of the Town of Los Gatos conducted a special meeting via Teleconference via COVID-19 Shelter in Place Guidelines on Monday, September 20, 2021, at 4:00 p.m. to hold a Joint Town Council and Planning Commission Study Session.

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

ROLL CALL

Council Members Present: Mayor Marico Sayoc, Vice Mayor Rob Rennie, Council Member Mary Badame, Council Member Matthew Hudes, Council Member Maria Ristow. (All participating remotely).

Absent: None

Planning Commissioners Present: Chair Kathryn Janoff, Vice Chair Kendra Burch, Commissioner Jeffrey Barnett, Commissioner Melanie Hanssen, Commissioner Jeffrey Suzuki and Commissioner Emily Thomas (joined at 5:44 p.m.). (All participating remotely).

Absent: Commissioner Reza Tavana.

VERBAL COMMUNICATIONS

Dashiell Leeds

- Commented in support of including plant-based diet ideas in the General Plan.

OTHER BUSINESS

1. Joint Town Council and Planning Commission Study Session regarding the Draft 2040 General Plan.

Jennifer Armer, Interim Planning Manager, presented the staff report.

Opened Public Comment.

Lisa Wade, Plant-Based Advocates

- Commented in support of including a plant-based education program in the General Plan.

Lee Quintana

- Commented that the General Plan is not specific enough and inquired if the Housing Element, General Plan, and Objective Standards work could move forward together to form a more cohesive document.

Other Business Item #1 – continued

Felix Sterling (FL)

- Requested the Town reject the Regional Housing Needs Allocation (RHNA) number due to safety and Town character concerns; inquired if the General Plan could have a time horizon of 4 to 8 years.

Rob Moore

- Commented the General Plan can be used as a tool to bring the community together and help overcome systemic barriers.

Deborah Parsons, Plant-Based Advocates

- Commented in support of including a plant-based education program in the General Plan.

LVM Parent

- Requested the Town reject the State assigned RHNA number due to fire safety and traffic concerns.

DMAC (Barbara)

- Requested additional community outreach regarding the General Plan Update and the Town reject the State assigned RHNA number due to fire safety and traffic concerns.

Jack Van Nada, Los Gatos Community Alliance

- Commented his written public comment that was submitted prior to 11 a.m. to staff was not published in the agenda packet.

Susan Burnett

- Requested the Historic Preservation Element guidelines be amended to address any primary structure constructed pre-1961.

Lani Harr

- Requested the Town reject the State assigned RHNA number due to fire safety and traffic concerns.

Ying

- Commented on her experience of feeling welcome in Town; requested additional community outreach regarding the General Plan Update; and inquired why the Town proposed to increase the housing units beyond the State requirement.

Other Business Item #1 – continued

Lee Fagot

- Requested additional community outreach regarding the General Plan Update; commented that the Town decrease the proposed number of housing units and amend the Draft General Plan to allow iterations of the Housing Element be part of an 8-year review within the 20-year plan.

Yanyi He

- Requested additional community outreach regarding the General Plan Update and the Town reject the State assigned RHNA number due to fire safety and traffic concerns.

Vivian Tan

- Commented that increasing housing units will lower demand and the increase in housing will not attract younger generations.

Ellen Lee

- Commented on concerns regarding increasing housing.

Janice Carter

- Requested additional community outreach regarding the General Plan Update and the Town reject the State assigned RHNA number.

Roy Moses

- Requested additional community outreach regarding the General Plan Update and commented on concerns regarding increasing housing.

Debbie

- Requested the Council address potential traffic increases and infrastructure concerns.

James Lyon

- Commented that 20 years for the General Plan is too long and that traffic, parking, safety issues, land use, and housing are not adequately addressed.

Suzanne Daley

- Commented that increasing housing will change the character of the Town.

Rachel Black

- Requested additional community outreach regarding the General Plan Update and commented on concerns regarding increasing housing.

PAGE 4 OF 4

SUBJECT: Draft Minutes of the Joint Town Council and Planning Commission Study Session
of September 20, 2021

DATE: September 21, 2021

Other Business Item #1 – continued

Closed Public Comment.

Town Council and the Planning Commission discussed the information.

ADJOURNMENT

The meeting adjourned at 7:13 p.m.

Respectfully submitted:

Jenna De Long, Deputy Clerk



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 10/05/2021

ITEM: 2

**DRAFT
Minutes of the Town Council Special Meeting - Closed Session
September 21, 2021**

The Town Council of the Town of Los Gatos conducted a Special Meeting via Teleconference via COVID-19 Shelter in Place Guidelines on Tuesday, September 21, 2021, at 4:00 p.m. to hold a Closed Session.

MEETING CALLED TO ORDER AT 4:05 P.M.

ROLL CALL

Present: Mayor Marico Sayoc, Vice Mayor Rob Rennie, Council Member Mary Badame, Council Member Matthew Hudes, Council Member Maria Ristow. (All participating remotely).

Absent: None

VERBAL COMMUNICATIONS

No one spoke.

THE TOWN WILL MOVE TO CLOSED SESSION ON THE FOLLOWING ITEMS:

1. CONFERENCE WITH LABOR NEGOTIATOR (Government Code §54957.6)
To meet with Town Negotiators listed below in closed session pursuant to Government Code §54957.6 regarding negotiations with the Employee Organizations listed below:

Town Negotiators:

Donna Williams, Liebert Cassidy Whitmore
Arn Andrews, Assistant Town Manager
Lisa Velasco, Human Resources Director

Employee Organizations:

Town Employees Association (TEA)
Police Officers' Association (POA)

Council discussed the matter.

ADJOURNMENT

Closed Session adjourned at 5:13 p.m.

Attest:

Submitted by:

Jenna De Long, Deputy Clerk

Laurel Prevetti, Town Manager



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 10/05/2021

ITEM NO: 3

**DRAFT
Minutes of the Town Council Special Meeting – Commissioner Interviews
September 21, 2020**

The Town Council of the Town of Los Gatos conducted a Special Meeting via Teleconference via COVID-19 Shelter in Place Guidelines on Tuesday, September 21, 2021 at 5:15 p.m. to conduct Housing Element Advisory Board interviews.

SPECIAL MEETING CALLED TO ORDER AT 5:15 P.M.

ROLL CALL

Present: Mayor Marico Sayoc, Vice Mayor Rob Rennie, Council Member Mary Badame, Council Member Matthew Hudes, Council Member Maria Ristow. (All participating remotely).

Absent: None

VERBAL COMMUNICATIONS

None.

BOARD/COMMISSION/COMMITTEE INTERVIEWS

Council interviewed applicants for the vacant positions on the Housing Element Advisory Board.

- **Housing Element Advisory Board** (4 vacancies, 11 applicants)
 - Susan Burnett
 - Randi Chen
 - David Goldberg
 - Scott Haylock
 - Adam Mayer
 - Alice Miano
 - Rob Moore
 - Heidi Owens - did not interview, withdrew application
 - Ryan Rosenberg
 - Debbie Sy
 - John Whitney

SPECIAL MEETING ADJOURNED

Meeting adjourned at 6:35 p.m.

Respectfully submitted:

Jenna De Long, Deputy Clerk



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 10/05/2021

ITEM: 4

**DRAFT
Minutes of the Town Council Meeting
September 21, 2021**

The Town Council of the Town of Los Gatos conducted a regular meeting in person and provided the public an opportunity to participate either in public or via Teleconference on Tuesday, September 21, 2021, at 7:00 p.m.

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

ROLL CALL

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

Absent: None

CLOSED SESSION REPORT

Robert Schultz, Town Attorney, stated Council met in closed session as duly noted on the agenda and that there is no reportable action.

APPOINTMENTS

- **Housing Element Advisory Board (each Council Member could vote for up to four applicants)**
 - **Randi Chen was appointed**
 - **Adam Mayer was appointed**
 - **Rob Moore was appointed**
 - **Ryan Rosenberg was appointed**

APPLICANT		BADAME	HUDES	RENNIE	RISTOW	SAYOC	TOTAL
Susan Burnett			1	1			2
Randi Chen		1			1	1	3
David Goldberg		1	1				2
Scott Haylock							0
Adam Mayer		1	1	1	1		4
Alice Miano						1	1
Rob Moore				1	1	1	3
Ryan Rosenberg		1	1	1	1	1	5
Debbie Sy							0
John Whitney							0

COUNCIL/TOWN MANAGER REPORTS

Council Matters

- Vice Mayor Rennie stated he attended the Silicon Valley Clean Energy Authority (SCVEA) Board meeting; Valley Transportation Authority (VTA) Policy Advisory Committee, Board meeting, and workshop; Santa Clara County Cities Association Selection Committee meeting; Los Gatos 9/11 Memorial Ceremony; Finance Commission meeting; Service Providers meeting; Bay Area Air Quality Management District (BAAQMD) Board and Technical Advisory Committee meetings; West Valley Cities Press Conference on wildfire funds; and Fire Safe Council meeting.
- Council Member Hudes stated he met with Amy Davis, NUMU director; attended the Santa Clara County Cities Association Selection Committee meeting; Los Gatos 9/11 Memorial Ceremony; Finance Commission meeting; West Valley Cities Press Conference on wildfire funds; Joint Study Session of the Planning Commission and Town Council.
- Council Member Badame stated she attended the Finance Commission meeting as an observer and has met with community members regarding the 2040 Draft General Plan Update.
- Council Member Ristow stated she attended the West Valley Sanitation District (WVSD) Board meeting; Finance Commission meeting as an observer; Complete Streets and Transportation Commission (CSTC) meeting as an observer; Joint Study Session of the Town Council and Planning Commission; Los Gatos 9/11 Memorial Ceremony; met with community members regarding the 2040 Draft General Plan Update; and met with Harmony Park representative on the North 40 Phase II.
- Mayor Sayoc stated in addition to the meetings stated she attended the Santa Clara County Cities Association and will attend the League of California Cities Annual Conference.

Manager Matters

- Announced Screen on the Green will be held on September 24 and October 1, 2021.
- Announced Board, Commission, and Committee adult Commissioner recruitment will begin September 27.

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

1. Approve Draft Minutes of the September 7, 2021 Town Council Meeting.
2. Adopt a Resolution Approving the Parcel Map for 30 Roberts Road and Accepting Dedications. **RESOLUTION 2021-039**
3. Authorize the Town Manager to Execute a First Amendment to the Purchase and Service Agreement with Air Systems Incorporated for HVAC Preventative Maintenance and Repair Services in an Amount of \$2,753.52 for a Total Agreement Not to Exceed \$382,048.52.
4. Authorize the Town Manager to Execute an Agreement for Services with Harry L. Murphy Incorporated for Flooring Replacement at the Adult Recreation Center in an Amount Not to Exceed \$135,905 Including a Ten Percent Contingency.
5. Approve Revisions to the Town's Operating Portfolio Investment Policy as Recommended by the Finance Commission.

Consent Items – continued

6. Approve Revisions to the Town's General Fund Reserve Policy to Document the Market Fluctuation Reserve as Recommended by the Finance Commission.
7. Authorize the Town Manager to Execute a One-Year Agreement with Los Gatos-Saratoga Union High School District and Los Gatos Union Elementary School District for School Resource Officer Services for the Period Starting July 1, 2021 through June 30, 2022 to Include:
 - a. Application of existing Fiscal Service Credits to Los Gatos-Saratoga High School District and Los Gatos Union School District, and
 - b. Implementation of a Revised Monthly Payments and Scope of Services within this Agreement Beginning in December 2021 for Los Gatos-Saratoga High School District and March 2022 for Los Gatos Union School District, and
 - c. Authorize a Revenue Budget Decrease in the Amount of \$25,911.12 to Match the Proposed Agreement Amount.

Council Member Hudes pulled item #4.

Opened public comment.

No one spoke.

Closed public comment.

MOTION: Motion by Council Member Ristow to approve Consent Items 1 through 7, exclusive of item 4. **Seconded** by Vice Mayor Rennie.

VOTE: Motion passed unanimously.

VERBAL COMMUNICATIONS

Rob Moore

- Commented regarding observations of the previous Town Council meeting and requested everyone be tolerant of differing viewpoints.

Eden Berg

- Commented in opposition of communism, Mayor Sayoc, and Vice Mayor Rennie.

Cyndi Sheehan

- Commented in opposition of the Town Council.

Verbal Communications – continued

Joanne Rodgers

- Commented on her experience of witnessing a crime, requested the Police Department be supported, and commented on concerns of safety.

Anne Marie de Cesare

- Commented in support of justice, equity, diversity, and inclusion (JEDI) and the Town's efforts in this regard.

Joseph Ols

- Commented in opposition of racism.

Mr. C

- Commented in opposition of the Santa Clara County Health Orders and the Town Council.

Los Gatos

- Thanked the Council for their work.

OTHER BUSINESS

8. Approve the Modifications to the Board, Commission, and Committee Enabling Documents and Applications as Recommended by the Commissions, Council Policy Committee, and Liaisons.

Shelley Neis, Town Clerk, presented the staff report.

Opened public comment.

No one spoke.

Closed public comment.

Council discussed the item.

Other Business Item #8 – continued

MOTION: Motion by **Council Member Hudes** to approve the modifications to the Board, Commission, and Committee enabling documents and applications as recommended by the Commissions, Council Policy Committee, and liaisons with an amendment to the Planning Commission application to include changes to page 5, inserting “it is expected that Planning Commissioners will serve on at least one additional committee, will you have the time?” as the second sentence in that paragraph; and move interviews to the special meeting on the second Tuesday in December.

Seconded by Council Member Badame.

VOTE: Motion passed unanimously.

MOTION: Motion by **Council Member Hudes** to approve staff’s recommendation that there be one application for all Boards, Commissions, and Committees. **Seconded by Council Member Badame.**

VOTE: Motion passed unanimously.

9. Consider a Flag Policy Update during the Next Strategic Priorities Discussion.

Laurel Prevetti, Town Manager, presented the staff report.

Opened public comment.

No one spoke.

Closed public comment.

Council discussed the item.

MOTION: Motion by **Council Member Badame** to consider a Flag Policy update during the next Strategic Priorities discussion. **Seconded by Council Member Ristow.**

VOTE: Motion passed unanimously.

Pulled Consent Item #4

4. Authorize the Town Manager to Execute an Agreement for Services with Harry L. Murphy Incorporated for Flooring Replacement at the Adult Recreation Center in an Amount Not to Exceed \$135,905 Including a Ten Percent Contingency.

Matt Morley, Parks and Public Works Director, presented the staff report.

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SUBJECT: DRAFT Minutes of the Town Council Meeting of September 21, 2021

DATE: September 21, 2021

Pulled Item #4 – continued

Opened public comment.

No one spoke.

Closed public comment.

Council discussed the item.

MOTION: Motion by **Council Member Hudes** to authorize the Town Manager to execute an agreement for services with Harry L. Murphy Incorporated for flooring replacement at the Adult Recreation Center in an amount not to exceed \$135,905 including a ten percent contingency. **Seconded** by **Council Member Ristow**.

VOTE: Motion passed unanimously.

ADJOURNMENT

The meeting adjourned at 8:01 p.m.

Respectfully submitted:

Jenna De Long, Deputy Clerk



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 10/05/2021

ITEM NO: 5

DATE: September 15, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Authorize the Town Manager to Execute a Certificate of Acceptance and Notice of Completion for the Guardrail Replacement Project (CIP No. 812-0120, Federal No. HSIPL-5067-022), Completed by Coral Construction Company and Authorize the Town Clerk to File for Recordation

RECOMMENDATION:

Authorize the Town Manager to execute a Certificate of Acceptance and Notice of Completion for the Guardrail Replacement Project (CIP No. 812-0120, Federal No. HSIPL-5067-022) completed by Coral Construction Company and authorize the Town Clerk to file for recordation.

BACKGROUND:

The adopted Fiscal Year (FY) 2021/22-2025/26 Capital Improvement Program (CIP) Budget designates funding for the Guardrail Replacement Project (CIP No. 812-0120). The project is largely funded through a \$980,100 Highway Safety Improvement Program (HSIP) grant secured from the Federal Highway Administration (FHWA).

On February 16, 2021, the Town Council approved the plans and specifications for the Guardrail Replacement Project; and authorized the Town Manager to advertise the project for public bid and award a construction contract to the lowest responsible bidder not to exceed \$800,000, including construction contingencies for future change orders.

The project was advertised on February 19, 2021, and the Town received three bids for the project on March 18, 2021. All bids received were lower than the Engineer's estimate and below the construction award amount of \$800,000 approved by Council. The bid from Coral

PREPARED BY: WooJae Kim
Town Engineer

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

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SUBJECT: Authorize the Town Manager to Execute a Certificate of Acceptance and Notice of Completion for the Guardrail Replacement Project (CIP No. 812-0120, Federal No. HSIPL-5067-022), Completed by Coral Construction Company and Authorize the Town Clerk to File for Recordation

DATE: September 15, 2021

BACKGROUND (continued):

Construction Company was deemed the lowest responsible, and staff executed a construction agreement for \$458,241.

On June 1, 2021, Council authorized the increase of the project contingency amount to \$308,000 for future change orders as recommended by staff to take full advantage of low bid pricing and to make full use of the federal grant funding.

DISCUSSION:

The project replaced approximately a half-mile of Town guardrails located on Blossom Hill Road, Cleland Avenue, Los Gatos Boulevard, Miles Avenue, More Avenue, Reservoir Road, and three segments on Santa Rosa Drive. Additional guardrail work was completed on Cypress Way, College Avenue, and Stonybrook Road through the change order process within the contingency amount approved by Council.

Coral Construction Company has satisfactorily completed all work for the project for a final contract amount of \$646,541.55, and staff recommends acceptance of the Project.

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 Certificate of Acceptance is now required to finalize the Town's acceptance of the Project.

CONCLUSION:

Authorize the Town Manager to execute a Certificate of Acceptance and Notice of Completion for the Guardrail Replacement Project (CIP No. 812-0120, Federal No. HSIPL-5067-022) completed by Coral Construction Company and authorize the Town Clerk to file the document with the County for recordation.

FISCAL IMPACT:

Staff costs are tracked for all projects. Tracking of staff costs allows for accountability in the costs of the project, recovery of costs for grant funded projects, and identification of future staffing needs. This project utilized both full-time and part-time temporary staff.

SUBJECT: Authorize the Town Manager to Execute a Certificate of Acceptance and Notice of Completion for the Guardrail Replacement Project (CIP No. 812-0120, Federal No. HSIPL-5067-022), Completed by Coral Construction Company and Authorize the Town Clerk to File for Recordation

DATE: September 15, 2021

FISCAL IMPACT (continued):

The fiscal table below reflects the updated project budget and the costs accrued to date for the construction completion of the Guardrail Replacement Project. There may be additional miscellaneous charges for staff to seek all eligible grant reimbursements from FHWA and Caltrans to close out the project.

Guardrail Replacement Project		
CIP No. 812-0120		
	Budget	Costs
GFAR	\$ 42,809	
HSIP Grant	\$ 980,100	
Total Project Budget	\$ 1,022,909	
Engineering Consultant		\$ 117,920
Staff Cost (FY2019/20 to Current)		\$ 105,382
Coral Construction Company		\$ 646,542
Labor Compliance Consultant (GCAP Services)		\$ 3,264
Advertising		\$ 2,680
Blueprint/Copy/Postage		\$ 293
Santa Clara County Clerk		\$ 50
Total Project Costs		\$ 876,131
Available Balance		\$ 146,778

ENVIRONMENTAL ASSESSMENT:

This is a project defined under CEQA as being categorically exempt [Section 15301(c) Existing streets, sidewalks, trails and similar facilities]. A Notice of Exemption has been filed. Under the National Environmental Policy Act (NEPA), the project is determined to be categorically excluded from detailed environmental analysis.

For the additional work proposed, CEQA Categorical Exception/NEPA Categorical Exclusion document has been approved and recertified by Caltrans.

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SUBJECT: Authorize the Town Manager to Execute a Certificate of Acceptance and Notice of Completion for the Guardrail Replacement Project (CIP No. 812-0120, Federal No. HSIPL-5067-022), Completed by Coral Construction Company and Authorize the Town Clerk to File for Recordation

DATE: September 15, 2021

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 ACCEPTANCE AND NOTICE OF COMPLETION

CIP NO. 812-0120 Guardrail Replacement Project

TO WHOM IT MAY CONCERN:

I do hereby certify that **Coral Construction Company** completed the work called for in the agreement with the Town of Los Gatos dated April 7, 2021. 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 CIP No. 812-0120 located in the TOWN OF LOS GATOS, County of Santa Clara, State of California and was completed, approved and accepted **October 5, 2021**.

Bond No.: 30111855

Date: April 19, 2021

TOWN OF LOS GATOS

By: _____
Laurel Prevetti, Town Manager

Acknowledgement Required

AFFIDAVIT
To Accompany Certificate of Acceptance and Notice of Completion
CIP NO. 812-0120 Guardrail Replacement Project

I, **LAUREL PREVETTI**, the Town Manager of the Town of Los Gatos, have read the foregoing CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION and know the contents thereof. The same is true of my own knowledge, except as to the matters which are therein alleged on information or belief, and as to those matters I believe it to be true.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on _____, 2021 at Los Gatos, California.

LAUREL PREVETTI, TOWN MANAGER
Town of Los Gatos

RECOMMENDED BY:

Matt Morley
Director of Parks and Public Works

Date: _____

APPROVED AS TO FORM:

Robert Schultz, Town Attorney

Date: _____

Notary Jurat Required



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 10/05/2021

ITEM NO: 6

DATE: September 30, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Authorize the Town Manager to Submit an Application to the Santa Clara Valley Transportation Authority (VTA) in the 2016 Measure B Highway Interchanges Program Category for the Highway 17 Corridor Congestion Relief Project

RECOMMENDATION:

Staff recommends that the Town Council authorize the Town Manager to submit an application to the Santa Clara Valley Transportation Authority (VTA) in the 2016 Measure B Highway Interchanges program category for the Highway 17 Corridor Congestion Relief project.

BACKGROUND:

On November 8, 2016 voters in Santa Clara County passed Measure B, a sales tax initiative that will provide an estimated \$6.314 billion in revenue committed to transportation improvements. Measure B identified the need within nine program areas, including the Highway Interchanges program category. This program category has a funding allocation of approximately \$750 million over the 30-year period and includes a series of improvements focused on Highways, including interchange improvements, overcrossings, and congestion relief. The following verbiage was included in the 2016 Measure B ballot language:

Highway 17 Corridor Congestion Relief: Upgrade Highway 17/9 interchange to improve pedestrian and bicycle safety, mobility, and roadway operations; deploy advanced transportation technology to reduce freeway cut thru traffic in Los Gatos, including traffic signal control system upgrades in Los Gatos, Traveler Information System, advanced ramp metering systems; support Multi-Modal Congestion Relief Solutions, including enhanced Highway 17 Express Bus service, implementing local bus system improvements that reduce auto trips to schools, work, and commercial areas in Los Gatos; and develop park and ride lots to serve as transit hubs for express bus, shuttles, local bus system connections.

PREPARED BY: Ying Smith
Transportation and Mobility Manager

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

BACKGROUND (continued):

The Highway 17 Corridor Congestion Relief project was included in the VTA Fiscal Year (FY) 20/21 Biennial Budget for \$5.4 million in Measure B funding. The Town's adopted FY 2021/22 Capital Improvement Program (CIP) includes \$600,000 from the Town's General Fund Appropriated Reserve (GFAR) as a non-Measure B match.

DISCUSSION:

VTA, as the project lead, has begun the design phase in cooperation with the Town and Caltrans. Caltrans is a stakeholder and has permitting authority. To date, the project development team has completed the Project Study Report-Project Development Support (PSR-PDS) and submitted it to Caltrans for approval. Additional project information is included in Attachment 1, Project Fact Sheet. The project schedule below shows an optimistic timeline if funds are available for the future phases.

Project Schedule

Project Initiation: April 2020 to August 2021 - completed

Project Approval / Environmental Document: August 2021 to October 2023 – in progress

Final Design: April 2023 to January 2025 – pending funding

Construction: May 2025 to September 2027 – pending funding

This project is funded through the Project Alternatives/Environmental Document (PA/ED) Phase for a total of \$6 million. The total project estimate is approximately \$111 million, including all future project phases. The Project Funding Table shows the estimate cost by project phase and the proposed funding sources. Approximately \$105 million will be needed to fund the project through the completion of construction.

Project Funding Table

	Measure B	Non-MB	Total
Planning/Project Initiation Document (PID):	\$990,000	\$0	\$990,000
Preliminary Engineering	NA	NA	NA
PA&ED/Environmental Clearance:	\$4,410,000	\$600,000	\$5,010,000
Funded			\$6,000,000
Design:	\$7,803,000	\$867,000	\$8,670,000
Right-of-Way:	\$675,000	\$75,000	\$750,000
Construction:	\$85,860,000	\$9,540,000	\$95,400,000
Total	\$99,738,000	\$11,082,000	\$110,820,000
	Non-MB%	10.00%	
Unfunded	\$94,338,000	\$10,482,000	\$104,820,000

DISCUSSION (continued):

At the August 5, 2021 meeting, the VTA Board approved the 2016 Measure B Highway Interchange Program Category Prioritization and Project Selection Process to develop a ranked priority list of Highway Interchange projects. A Call-for-Projects for the 2016 Measure B Highway Interchanges Competitive Grant Program was released on August 16.

Through past actions, the VTA Board has already allocated \$206.90 million in the Highway Interchange funding to 22 projects, including \$5.4 million to the Highway 17 Corridor Congestion Relief project. As a part of the August 5 action, a total of seven projects were “grandfathered” through construction without being subject to the prioritization process. Using current estimates, approximately \$109 million will be needed to complete these seven projects. The remaining 11 projects, including the Highway 17 Corridor Congestion Relief project, are subject to the prioritization process and will need to compete for the remaining \$434 million in available Measure B funding. However, the need to complete these projects is estimated to be over \$800 million.

CONCLUSION:

The Measure B Highway Interchanges Competitive Grant Program is an appropriate program for the Town to seek additional funding for the final design and construction phases. It is very possible that there will be enough demand from the project sponsors that all the remaining funds will be allocated in this round of Call-for-Projects. Therefore, it is crucial for the Town to apply at this time and request the maximum amount to fund the project entirely.

The Measure B applications are due on October 12, 2021, with award recommendations anticipated in December. The VTA’s project development team has provided relevant information and support for this grant application. Staff is requesting the Town Council’s authorization to submit an application for an amount of \$99,738,000. The program has a minimum of 10% match, or \$10,482,000 from non-Measure B sources which the Town will ultimately need to identify.

COORDINATION:

This report was coordinated with VTA staff.

FISCAL IMPACT:

The Measure B grant application is requesting \$99,738,000 for the future phases, including final design and construction. If the Town’s application is awarded, the project could be developed further to the final design and construction phases, depending on the Measure B grant amount

PAGE 4 OF 4

SUBJECT: Highway 17 Corridor Congestion Relief Project Measure B Grant Application

DATE: September 30, 2021

FISCAL IMPACT (continued):

awarded. The project will continue to be managed by VTA; therefore, the Town will not receive the Measure B funds directly. The program has a minimum 10% match from non-Measure B sources, estimated at \$10,482,000. The Town has yet to include additional local funds in the budget toward the match. In addition to the potential for local funds, staff will pursue other grant funding opportunities, including the programs in Senate Bill 1 and other regional, State, and federal grant programs. If the Town is successful in securing additional Measure B funding, the project will be more competitive in other grant programs.

ENVIRONMENTAL ASSESSMENT:

Submitting a grant application is not a project defined under CEQA, and no further action is required.

Attachment:

1. State Route 17 Corridor Congestion Relief Project Factsheet



FACT SHEET: *Highways*

SR 17 Corridor Congestion Relief Project

Overview

The Santa Clara Valley Transportation Authority (VTA), in cooperation with the Town of Los Gatos and the California Department of Transportation (Caltrans), proposes to construct improvements on State Route (SR) 17 and upgrade the SR 17/SR 9 interchange in the Town of Los Gatos.

Objectives

The purpose of this project is to:

- Relieve congestion and improve traffic operations on the freeways and local roadways;
- Reduce cut through traffic in the Town of Los Gatos;
- Improve bicycle and pedestrian facilities and connectivity; and
- Support interfacing with multi-modal congestion relief solutions.

Project Features

The proposed improvements may include, but are not limited to, the following:

- Modify on- and off-ramps at the SR 17/SR 9 interchange.
- Modify SR 17 mainline lanes and shoulder to eliminate lane-drops and bottlenecks from Lark Avenue to SR 17/SR 9 interchange.
- Implement and/or interface with advanced transportation technology solutions such as advanced traffic signal control systems being implemented by the Town, advanced traveler information systems, advanced ramp metering systems and web-based applications.
- Implement complete streets consistent features to improve bicyclist and pedestrian travel.

Capital Cost/Project Funding

The project cost is estimated to be between \$40 million and \$50 million, contingent on the final determination of improvements. The project is to be funded by a combination of VTA 2016 Measure B, local funds and other funds as available.

Project Schedule (pending funding)

Alternatives Analysis and Preliminary Engineering	2020
Environmental Approval:	2021 - 2022
Design Completion*:	2022 - 2023
Project Construction:	2024 - 2026

* Full funding for these phases of the project has not yet been finalized.

Project Funding Partners



Continued

SR 17 Corridor Congestion Relief Project



How to Reach Us

For more information on this project, please call VTA's Community Outreach at (408) 321-7575, (TTY) 408-321-2330. You may also visit us on the web at www.vta.org, or e-mail us at community.outreach@vta.org



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 10/05/2021

ITEM NO: 7

DATE: September 30, 2021
TO: Mayor and Town Council
FROM: Robert Schultz, Town Attorney
SUBJECT: Adopt a Resolution Regarding Brown Act Compliance and Teleconferencing and Making Findings Pursuant to Government Code Section 54953, as Amended by Assembly Bill 361, During the COVID -19 Pandemic

RECOMMENDATION:

Adopt a Resolution making findings pursuant to Government Code Section 54953, as amended by Assembly Bill 361, and authorizing the continued use of virtual meetings.

BACKGROUND:

On March 17, 2020, Governor Newsom issued Executive Order N-29-20, which allowed for relaxed provisions of the Ralph M. Brown Act (Brown Act) that allowed legislative bodies to conduct meetings through teleconferencing without having to meet the strict compliance of the Brown Act. All provisions of Executive Order N-29-20 concerning the conduct of public meetings expired on September 30, 2021.

DISCUSSION:

AB 361 was signed into law by the Governor on September 16, 2021, and went into effect immediately upon signing. It amends the Brown Act to allow local legislative bodies to continue using teleconferencing and virtual meeting technology after the September 30, 2021, expiration of the current Brown Act exemptions as long as there is a "proclaimed state of emergency" by the Governor. This allowance also depends on State or local officials imposing or recommending measures that promote social distancing or a legislative body finding that meeting in person would present an imminent safety risk to attendees.

Reviewed by: Town Manager and Assistant Town Manager

DISCUSSION (Cont) :

Though adopted in the context of the pandemic, AB 361 will allow for virtual meetings during other proclaimed emergencies, such as earthquakes or wildfires, where physical attendance may present a risk.

AB 361 requires the following:

- Public agencies to make findings by majority vote within 30 days of the first teleconferenced meeting under AB 361 and every 30 days thereafter that a state of emergency still exists and continues to directly impact the ability of the members to meet safely in person, or that officials continue to impose or recommend measures to promote social distancing;
- A public comment period where the public can address the legislative body directly;
- Prohibits councils and boards from limiting public comments to only comments submitted in advance and specifies that the legislative body "must provide an opportunity for the public to ... offer comment in real time." (Government Code 54953(e)(2)(E);
- The legislative body must allow a reasonable time for public comment during the comment periods;
- The agenda must include information on the manner in which the public may access the meeting and provide comments remotely;
- If technical problems arise that result in the public's access being disrupted, the legislative body may not take any vote or other official action until the technical disruption is corrected and public access is restored; and
- AB 361 will sunset on January 1, 2024.

CONCLUSION:

Adopt a Resolution making findings pursuant to Government Code Section 54953, as amended by Assembly Bill 361, and authorizing the continued use of virtual meetings. If adopted, virtual meetings may continue for all Town Boards, Commissions, and Committees.

COORDINATION:

This report was coordinated with the Town Manager's Office.

FISCAL IMPACT:

There will be no fiscal impact to the Town at this time.

PAGE 3 OF 3

SUBJECT: Adopt a Resolution Regarding Brown Act Compliance and Teleconferencing

DATE: September 30 2021

ENVIRONMENTAL ASSESSMENT:

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

Attachment:

1. Draft Resolution

RESOLUTION 2021-

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS REGARDING BROWN ACT COMPLIANCE AND TELECONFERENCING PURSUANT TO GOVERNMENT CODE SECTION 54953, AS AMENDED BY ASSEMBLY BILL 361, DURING THE COVID-19 PANDEMIC

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19; and

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 an International Pandemic; and

WHEREAS, on March 12, 2020, the Town Manager of Los Gatos acting in the capacity of Town of Director of Emergency Services, issued a Proclamation of Local Emergency; and

WHEREAS, on March 13, 2020, the President of the United States of America declared a national emergency and announced that the federal government would make emergency funding available to assist state and local governments in preventing the spread of and addressing the effects of COVID-19; and

WHEREAS, on March 16, 2020, the Santa Clara County Department of Public Health directed all individuals in the County to Shelter in Place and mandated requirements, including but not limited to, social distancing, staying home if sick, canceling or postponing group events, working from home, and other precautions to protect public health and prevent transmission of this communicable virus; and

WHEREAS, on March 17, 2020, Governor Newsom issued Executive Order N-29-20, which suspended and modified the teleconferencing requirements under the Brown Act (California Government Code Section 54950 et seq.) so that local legislative bodies can hold public meetings via teleconference (with audio or video communications, without a physical meeting location), as long as the meeting agenda identifies the teleconferencing procedures to be used; and

WHEREAS, on March 17, 2020, the Town Council of the Town of Los Gatos ratified the Proclamation of Local Emergency as set forth in Resolution 2020-008 and remains in full force and effect to date; and

WHEREAS, on June 4, 2021, the Governor clarified that the “reopening” of California on June 15, 2021 did not include any change to the proclaimed state of emergency or the powers exercised thereunder; and

ATTACHMENT 1

1 of 4

WHEREAS, on June 11, 2021, the Governor issued Executive Order N-08-21, which extended the provision of N-29-20 concerning the conduct of public meetings through September 30, 2021, and the Governor subsequently signed legislation revising Brown Act requirements for teleconferenced public meetings (Assembly Bill 361, referred to hereinafter as “AB 361”); and

WHEREAS, on September 16, 2021 Governor Newsom signed AB 361, which added subsection (e) to Government Code section 54953 of the Brown Act, and makes provision for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, the Centers for Disease Control (CDC) recommends physical distancing of at least six (6) feet whenever possible, avoiding crowds, and avoiding spaces that do not offer fresh air from the outdoors, particularly for people who are not fully vaccinated or who are at higher risk of getting very sick from COVID-19; and

WHEREAS, the CDC recommends that people who live with unvaccinated people avoid activities that make physical distancing difficult; and

WHEREAS, the CDC recommends that older adults limit in-person interactions as much as possible, particularly when indoors; and

WHEREAS, fully vaccinated persons who become infected with the COVID19 Delta variant can spread the virus to others; and

WHEREAS, the Town’s public-meeting facilities are indoor facilities that are not designed to ensure circulation of fresh/outdoor air, particularly during periods of cold and/or rainy weather; and

WHEREAS, the Town’s public-meeting facilities are not designed to ensure that attendees can remain six (6) feet apart; and

WHEREAS, holding in-person meetings would encourage community members from different households to come to Town facilities to participate in local government, and some of them would be at high risk of getting very sick from COVID-19 and/or would live with someone who is at high risk; and

WHEREAS, in-person meetings may bring community members who are experiencing COVID-19 symptoms to leave their homes in order to come to Town facilities and participate in local government; and

WHEREAS, some attendees would use ride-share services or public transit to travel to in-person meetings, thereby putting them in close and prolonged contact with additional

people outside of their households; and

WHEREAS, a required condition of AB 361 is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the State caused by conditions as described in Government Code section 8558; and

WHEREAS, as of the date of this Resolution, neither the Governor nor the Legislature have exercised their respective powers pursuant to California Government Code section 8629 To lift the state of emergency either by proclamation or by concurrent resolution in the state Legislature; and

WHEREAS, as of the date of this Resolution, neither the County Health Officer nor the County of Santa Clara have exercised their powers to lift the local health emergency and local state of emergency declared; and

WHEREAS, the Town Council has considered all information related to this matter, including the associated staff report and other information relating to COVID-19 provided at prior public meetings of the Town Council; and

WHEREAS, the Town Council now desires to adopt a Resolution finding that the requisite conditions exist for the legislative bodies of the Town of Los Gatos, as defined in the Brown Act, to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953.

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

1. The Town Council hereby finds that the fact set forth in the above recitals are true and correct, and establish the factual basis for the adoption of this Resolution;
2. There is an ongoing proclaimed state of emergency relating to the novel coronavirus causing the disease known as COVID-19 and as a result of that emergency, meeting in person would present imminent risks to the health or safety of attendees of in-person meetings of this legislative body within the meaning of California Government Code section 54953(e)(1).
3. Under the present circumstances, including the risks mentioned in the preceding paragraph, the Town Council determines that authorizing teleconferenced public meetings consistent with Assembly Bill 361 is necessary and appropriate.
4. Staff are directed to take all actions necessary to implement this Resolution for all Town meetings in accordance with the foregoing provisions and the requirements of Government Code section 54953, as amended by Assembly Bill 361, including but not limited

to returning for ratification of this Resolution every 30 days after teleconferencing for the first time pursuant to Assembly Bill 361 for so long as either of the following circumstances exists: (a) the state of emergency continues to directly impact the ability of this legislative body to meet in person; and/or (b) state or local officials, including but not limited to the County Health Officer, continue to impose or recommend measures to promote social distancing.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 5th day of October 2021, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

ATTEST:

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

DATE: _____



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 10/05/2021

ITEM NO: 8

DATE: September 29, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Discuss Information on the Los Gatos-Monte Sereno Police Department's Structure and Current Staffing Efforts

RECOMMENDATION:

Discuss information on the Los Gatos-Monte Sereno Police Department's (LGMSPD) structure and current staffing efforts.

BACKGROUND:

LGMSPD provides outstanding, high quality services consistent with the Department's mission of ensuring public safety with integrity, compassion, and professionalism by providing exceptional law enforcement and dispatch services, building community partnerships, and engaging the community in problem-solving. The quality of the Department's services is dependent on highly skilled and trained staff.

On September 7, 2021, the Town Council approved an amendment to the Temporary classification plan to align the Temporary Communication Dispatcher classification salary steps with the existing Town Employee Association (TEA) Communication Dispatcher classification salary steps. Operational dispatchers from other local agencies and retired Dispatchers with extensive dispatch experience (also called per-diem Dispatchers) are hired on a part-time, non-benefitted hourly basis to assist with staffing vacancies and while other Dispatchers are in training.

During the meeting, questions arose regarding the structure, staffing, and compensation of the LGMSPD and the Dispatch function in particular. Information provided in this staff report is intended to update the Council and community on the current staffing and other elements of the LGMSPD organizational structure. As the Town is currently in the bargaining

PREPARED BY: Clinton Tada
Acting Police Chief

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

BACKGROUND (continued):

process with two unions with staff in the Police Department, this report and agenda item cannot share or discuss proposals associated with the bargaining process.

DISCUSSION:*LGMSPD Structure and Staffing*

The Police Department is dedicated to providing a high level of service to the community members of the Town of Los Gatos and City of Monte Sereno. The Department is experiencing a transition in staffing of both sworn and non-sworn positions and is committed to providing the necessary resources and services to maintain a safe community through the excellent work of highly qualified and dedicated personnel.

The Town Council has approved full funding of the Department and all of its positions in the Adopted Fiscal Year (FY) 2021/22 Operating Budget.

The sworn officer positions seek to maintain the high level of service to respond, investigate, and address calls for service by the public. The table below illustrates the budgeted and actual sworn positions within the Department.

Sworn Positions	Budgeted Positions	Filled Positions	Operational Positions
Police Chief	1	0	0
Captains	2	2	2
Sergeants	7	7	7
Patrol Corporals	4	4	3
Officers	25	24	21
Totals	39	37	33

The difference between filled sworn positions and operational sworn positions is attributed to a combination of staff in acting positions, training, and workers' compensation leave or work restriction status. In addition to natural staffing attrition through retirements and staff opting to relocate, the Department maintains succession plans for other potential vacancies. As such, the Department continues to recruit and maintain a "Open Continuous" recruitment process for Lateral, Pre-Service, and Entry-Level Officer candidates in anticipation of expected and unexpected departures or unsuccessful candidates currently in the hiring process. For example, three Officers have indicated their intentions to retire by the end of the calendar year and the Department is actively recruiting and training to manage this transition.

DISCUSSION (continued):

The table below illustrates the civilian positions within the Department. The filled Dispatcher positions include two individuals who are in training, thereby reducing the total operational positions to three.

Civilian Positions	Budgeted Positions	Filled Positions	Operational Positions
Records/Communications Manager	1	1	1
Dispatcher	8	5	3
Records Specialist	4	4	4
Senior Admin Analyst	1	1	1
Admin Tech/Analyst	1	1	1
Executive Assistant	1	1	1
Community Outreach Coordinator	1	1	1
Parking Control Officers	2	2	2
IT System Administrator	1	1	1
Community Service Officer	1	1	1
Totals	21	18	16

Dispatch Staffing

The Communications Center provides 24/7 service and is staffed with Communications Dispatchers who answer both emergency and non-emergency phone calls, provide communications support for Patrol Officers, and act as one of main call centers for the Town of Los Gatos. The Department is committed to maintaining Dispatch services and is currently implementing a staffing plan to complete training for current Dispatch trainees, train and deploy per-diem Dispatchers, recruit to fill vacant Dispatcher positions, and retain staff through stretch and growth assignments.

As previously noted in the staff report from September 7th, the Dispatch function has recently been impacted by a series of retirements and resignations. The table below provides a timeline of departures and reasoning for separation since July 2020.

DISCUSSION (continued):

Date of Separation	Dispatcher Reason
July 2020	Moved out of State
December 2020	Retired and moved out of State
January 2021	Didn't complete training
March 2021	Resignation
April 2021	Didn't complete training
August 2021	Resignation

As vacancies occur within the LGMSPD or other Town Departments, the Department notifies the Town's Human Resources Department to initiate recruitment proceedings. The table below illustrates the Dispatcher recruitment efforts since August 2020.

Oral Board Date	Number of Candidates Interviewed	Number Hired
August 6, 2020	5	1
December 15, 2020	3	0
February 9, 2021	5	2
April 29, 2021	4	1 conditional offer
September 22, 2021	4	2 in background

As the above table illustrates, the exacting nature of the Dispatcher function in conjunction with an extensive background process often result in few applicant job offers being made. The Department will continue to recruit and maintain "Open Continuous" recruitment process for Communications Dispatcher in anticipation of any unexpected departures of current staff or unsuccessful candidates currently in the hiring process.

In addition to the extensive initial recruitment process, newly recruited Dispatchers must successfully complete rigorous training including graduation from the Dispatcher Academy. Unlike a fully trained Dispatchers, Dispatchers in training are not allowed to take calls independently until they complete all the training requirements.

DISCUSSION (continued):

The following table illustrates Dispatcher staffing in 2021 relative to fully trained Dispatchers, Dispatchers in training, and vacancies.

	Jan*	Feb*	Mar*	Apr	May	Jun	Jul	Aug	Sep
Budgeted Positions	8	8	8	8	8	8	8	8	8
Filled: Fully Trained	5	5	4	4	4	4	4	4	3
Filled: In Training	2	1	1	1	0	2	2	2	2
Vacancies	1	2	3	3	4	2	2	2	3

*Jan-Mar includes 1 Filled: Fully Trained Leave of Absence

The Department has developed a training program for per-diem Dispatchers and has begun one-on-one training with five per-diem Dispatchers. The Department is committed to maintaining a pool of five to six fully trained per-diem Dispatchers during this time for staffing vacant shifts and for future backfill of Dispatchers as needed.

CONCLUSION:

LGMSPD continues to work on succession planning for all of its functions in anticipation of expected retirements, hires who do not successfully complete required training, and unforeseen resignations. The Department is focused on a sustainable staffing plan for the Dispatch function which will take several months to fully implement.

COORDINATION:

This staff report was coordinated with the Town Manager, Town Attorney, and Finance Director, and Director of Human Resources.

FISCAL IMPACT:

None.

ENVIRONMENTAL ASSESSMENT:

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



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 10/05/2021

ITEM NO: 8

ADDENDUM

DATE: October 1, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Discuss Information on the Los Gatos-Monte Sereno Police Department's
Structure and Current Staffing Efforts

REMARKS:

Attachment 1 contains public comments received between 11:01 a.m. Thursday, September 30, 2021, and 11:00 a.m. Friday, October 1, 2021.

Attachments Received with this Addendum:

1. Public Comment received between 11:01 a.m. Thursday, September 30, 2021, and 11:00 a.m. Friday, October 1, 2021.

PREPARED BY: Clinton Tada
Acting Police Chief

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

From: [Jeffery J Hopkins](#)
To: [Town Manager](#)
Subject: Address The Lack of Transparency
Date: Friday, October 1, 2021 9:49:21 AM

EXTERNAL SENDER

Re: Address The Lack of Transparency

Dear Laurel Prevetti,

Honorable Mayor Sayoc and Town Council Members,

As a resident, business owner and/or visitor of Los Gatos, I strongly urge you to immediately address the "Public Safety Crisis" in the Town of Los Gatos.

Under Town Manager Laurel Prevetti's leadership, we have:

- No full-time Los Gatos Police Chief
- Dangerously low dispatcher levels
- Low morale within the Los Gatos Police Department
- Zero transparency with the residents/business owners of Los Gatos

Please address this "pubic safety crisis" immediately!

WE, the residents and business owners of Los Gatos deserve better!

Sincerely,
Jeffery J Hopkins

[REDACTED] 95032 Constituent

Prepared by OneClickPolitics (tm) at www.oneclickpolitics.com. OneClickPolitics provides online communications tools for supporters of a cause, issue, organization or association to contact their elected officials. For more information regarding our policies and services, please contact info@oneclickpolitics.com

From: [Anthony LaPine](#)
To: [Town Manager](#)
Subject: Where's The Transparency- Save Los Gatos PD
Date: Friday, October 1, 2021 9:49:25 AM

EXTERNAL SENDER

Re: Where's The Transparency- Save Los Gatos PD

Dear Laurel Prevetti,

Honorable Mayor Sayoc and Town Council Members,

As a resident, business owner and/or visitor of Los Gatos, I strongly urge you to immediately address the "Public Safety Crisis" in the Town of Los Gatos.

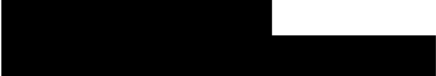
Under Town Manager Laurel Prevetti's leadership, we have:

- No full-time Los Gatos Police Chief
- Dangerously low dispatcher levels
- Low morale within the Los Gatos Police Department
- Zero transparency with the residents/business owners of Los Gatos

Please address this "pubic safety crisis" immediately!

WE, the residents and business owners of Los Gatos deserve better!

Sincerely,
Anthony LaPine

 95030 Constituent

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From: [carl carr](#)
To: [Town Manager](#)
Subject: It's Time To Address The "Public Safety Crisis"
Date: Friday, October 1, 2021 10:00:02 AM

EXTERNAL SENDER

Re: It's Time To Address The "Public Safety Crisis"

Dear Laurel Prevetti,

Dear Honorable Mayor Sayoc and Town Council Members,

As a resident, business owner and/or visitor of Los Gatos, I strongly urge you to immediately address the "Public Safety Crisis" in the Town of Los Gatos.

Under Town Manager Laurel Prevetti's leadership, we have:

- No full-time Los Gatos Police Chief
- Dangerously low dispatcher levels
- Low morale within the Los Gatos Police Department
- Zero transparency with the residents/business owners of Los Gatos

Please address this "pubic safety crisis" immediately!

We, the residents and business owners of Los Gatos deserve better!

Sincerely,

Carl Carr

Sincerely,
carl carr

[REDACTED] 95030 Constituent

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From: [Randy Villata](#)
To: [Town Manager](#)
Subject: Address The Lack of Transparency
Date: Friday, October 1, 2021 10:03:18 AM

EXTERNAL SENDER

Re: Address The Lack of Transparency

Dear Laurel Prevetti,

Honorable Mayor Sayoc and Town Council Members,

As a resident, business owner and/or visitor of Los Gatos, I strongly urge you to immediately address the "Public Safety Crisis" in the Town of Los Gatos.

Under Town Manager Laurel Prevetti's leadership, we have:

- No full-time Los Gatos Police Chief
- Dangerously low dispatcher levels
- Low morale within the Los Gatos Police Department
- Zero transparency with the residents/business owners of Los Gatos

Please address this "pubic safety crisis" immediately!

WE, the residents and business owners of Los Gatos deserve better!

As a 20 year veteran of LGPD and past President of the Los Gatos Police Officers Association, I can tell you that you are on the verge of losing your entire police force due to perceived corruption at Town Management level. Don't lose the excellent group of officers we worked so hard to build up.

Sincerely,
Randy Villata
Past Presicent, LGPOA

Sincerely,
Randy Villata
 95383 Constituent

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From: [Veronica Nourse](#)
To: [Town Manager](#)
Subject: Address The Lack of Transparency
Date: Friday, October 1, 2021 10:08:49 AM

EXTERNAL SENDER

Re: Address The Lack of Transparency

Dear Laurel Prevetti,

Honorable Mayor Sayoc and Town Council Members,

As a resident, business owner and/or visitor of Los Gatos, I strongly urge you to immediately address the "Public Safety Crisis" in the Town of Los Gatos.

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Please address this "pubic safety crisis" immediately!

WE, the residents and business owners of Los Gatos deserve better!

Sincerely,
Veronica Nourse

 95014 Constituent

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From: [Joshua Lamour](#)
To: [Town Manager](#)
Subject: Where's The Transparency- Save Los Gatos PD
Date: Friday, October 1, 2021 10:15:46 AM

EXTERNAL SENDER

Re: Where's The Transparency- Save Los Gatos PD

Dear Laurel Prevetti,

Honorable Mayor Sayoc and Town Council Members,

As a resident, business owner and/or visitor of Los Gatos, I strongly urge you to immediately address the "Public Safety Crisis" in the Town of Los Gatos.

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Please address this "pubic safety crisis" immediately!

WE, the residents and business owners of Los Gatos deserve better!

Sincerely,
Joshua Lamour

 95032 Constituent

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From: [Natalie Miller](#)
To: [Town Manager](#)
Subject: Where's The Transparency- Save Los Gatos PD
Date: Friday, October 1, 2021 10:37:32 AM

EXTERNAL SENDER

Re: Where's The Transparency- Save Los Gatos PD

Dear Laurel Prevetti,

Honorable Mayor Sayoc and Town Council Members,

As a resident, business owner and/or visitor of Los Gatos, I strongly urge you to immediately address the "Public Safety Crisis" in the Town of Los Gatos.

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Please address this "pubic safety crisis" immediately!

WE, the residents and business owners of Los Gatos deserve better!

Sincerely,
Natalie Miller

 95032 Constituent

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**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 10/05/2021

ITEM NO: 8

ADDENDUM B

DATE: October 4, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Discuss Information on the Los Gatos-Monte Sereno Police Department's
Structure and Current Staffing Efforts

REMARKS:

Attachment 2 contains public comments received between 11:01 a.m. Friday, October 1, 2021, and 11:00 a.m. Monday, October 4, 2021.

Attachments Received with Previous Addendum:

1. Public Comment received between 11:01 a.m. Thursday, September 30, 2021, and 11:00 a.m. Friday, October 1, 2021.

Attachments Received with this Addendum B:

2. Public Comment received between 11:01 a.m. Friday, October 1, 2021, and 11:00 a.m. Monday, October 4, 2021.

PREPARED BY: Clinton Tada
Acting Police Chief

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

From: Emerald Hathway <myvoice@oneclickpolitics.com>
Sent: Friday, October 01, 2021 11:27 AM
To: Town Manager <Manager@losgatosca.gov>
Subject: Where's The Transparency- Save Los Gatos PD

EXTERNAL SENDER

Re: Where's The Transparency- Save Los Gatos PD

Dear Laurel Prevetti,

Honorable Mayor Sayoc and Town Council Members,

As a resident of 50 years in the of Los Gatos, I strongly urge you to immediately address the "Public Safety Crisis" in the Town of Los Gatos.

Under Town Manager Laurel Prevetti's leadership, we have:

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- Low morale within the Los Gatos Police Department
- Zero transparency with the residents/business owners of Los Gatos

Please address this "pubic safety crisis" immediately!

WE, the residents and business owners of Los Gatos deserve better!

Sincerely,
Emerald Hathway

Sincerely,
Emerald Hathway
Los Gatos, CA 95031 Constituent

From: Mary Patterson <myvoice@oneclickpolitics.com>
Sent: Friday, October 01, 2021 12:38 PM
To: Town Manager <Manager@losgatosca.gov>
Subject: It's Time To Address The "Public Safety Crisis"

EXTERNAL SENDER

Re: It's Time To Address The "Public Safety Crisis"

Dear Laurel Prevetti,

Honorable Mayor Sayoc and Town Council Members,

As a resident, business owner and/or visitor of Los Gatos, I strongly urge you to immediately address the "Public Safety Crisis" in the Town of Los Gatos.

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Please address this "pubic safety crisis" immediately!

WE, the residents and business owners of Los Gatos deserve better!

Sincerely,
Mary Patterson
Los Gatos, CA 95039 Constituent

From: [Glenn Fortin](#)
To: [Town Manager](#)
Subject: Where's The Transparency- Save Los Gatos PD
Date: Friday, October 1, 2021 1:19:52 PM

EXTERNAL SENDER

Re: Where's The Transparency- Save Los Gatos PD

Dear Laurel Prevetti,

Honorable Mayor Sayoc and Town Council Members,

As a resident, business owner and/or visitor of Los Gatos, I strongly urge you to immediately address the "Public Safety Crisis" in the Town of Los Gatos.

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Please address this "pubic safety crisis" immediately!

WE, the residents and business owners of Los Gatos deserve better!

Sincerely,
Glenn Fortin
gfortindps@yahoo.com
15931, Camino Del Cerro Los gatos, CA 95032 Constituent

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From: Jim Zanardi <myvoice@oneclickpolitics.com>
Sent: Friday, October 01, 2021 5:56 PM
To: Town Manager <Manager@losgatosca.gov>
Subject: It's Time To Address The "Public Safety Crisis"

EXTERNAL SENDER

Re: It's Time To Address The "Public Safety Crisis"

Dear Laurel Prevetti,

Honorable Mayor Sayoc and Town Council Members,

As a resident, business owner and/or visitor of Los Gatos, I strongly urge you to immediately address the "Public Safety Crisis" in the Town of Los Gatos.

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- Zero transparency with the residents/business owners of Los Gatos

Please address this "pubic safety crisis" immediately!

WE, the residents and business owners of Los Gatos deserve better. Prevetti NEEDS TO FIRED. I HAVE BEEN IN LG ALL MY LIFE 72 YEARS. SHE IS THE WORST TOWN MANAGER THIS TOWN HAS HAD, AND WE HAVE HAD SOME BAD ONES. AS A MATTER OF FACT I THINK THIS IS THE WORST TOWN COUNCIL EVER, AND THATS SAYING A LOT CONSIDERING HOW BAD THE LAST ONE WAS.

Sincerely,
Jim Zanardi
Los Gatos, CA 95030 Constituent

From: Stephen Brodsky <myvoice@oneclickpolitics.com>
Sent: Friday, October 01, 2021 8:26 PM
To: Town Manager <Manager@losgatosca.gov>
Subject: Where's The Transparency- Save Los Gatos PD

EXTERNAL SENDER

Re: Where's The Transparency- Save Los Gatos PD

Dear Laurel Prevetti,

Honorable Mayor Sayoc and Town Council Members,

As a resident, business owner and/or visitor of Los Gatos, I strongly urge you to immediately address the "Public Safety Crisis" in the Town of Los Gatos.

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Please address this "pubic safety crisis" immediately!

WE, the residents and business owners of Los Gatos deserve better!

Sincerely,
Stephen Brodsky
Los Gatos, CA 95032 Constituent

From: Denise LaTendresse <myvoice@oneclickpolitics.com>
Sent: Saturday, October 02, 2021 11:36 AM
To: Town Manager <Manager@losgatosca.gov>
Subject: It's Time To Address The "Public Safety Crisis"

EXTERNAL SENDER

Re: It's Time To Address The "Public Safety Crisis"

Dear Laurel Prevetti,

Honorable Mayor Sayoc and Town Council Members,

As a resident, business owner and/or visitor of Los Gatos, I strongly urge you to immediately address the "Public Safety Crisis" in the Town of Los Gatos.

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Please address this "pubic safety crisis" immediately!

WE, the residents and business owners of Los Gatos deserve better!

Sincerely,
Denise LaTendresse
Santa Cruz, CA 95060 Constituent

From: Ann M Rice <myvoice@oneclickpolitics.com>
Sent: Saturday, October 02, 2021 2:48 PM
To: Town Manager <Manager@losgatosca.gov>
Subject: Address The Lack of Transparency

EXTERNAL SENDER

Re: Address The Lack of Transparency

Dear Laurel Prevetti,

Honorable Mayor Sayoc and Town Council Members,

I do not know the ins and outs of the whole situation, but if the LG officers are concerned (and leaving), so am I.

As a resident, business owner and/or visitor of Los Gatos, I strongly urge you to immediately address the "Public Safety Crisis" in the Town of Los Gatos.

Under Town Manager Laurel Prevetti's leadership, we have:

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Please address this "pubic safety crisis" immediately!

WE, the residents and business owners of Los Gatos deserve better!

Ann Rice

Sincerely,
Ann M Rice
LOS GATOS, CA 95030 Constituent

From: Kristen Moyer <myvoice@oneclickpolitics.com>
Sent: Saturday, October 02, 2021 3:16 PM
To: Town Manager <Manager@losgatosca.gov>
Subject: Address The Lack of Transparency

EXTERNAL SENDER

Re: Address The Lack of Transparency

Dear Laurel Prevetti,

Honorable Mayor Sayoc and Town Council Members,

As a resident, business owner and/or visitor of Los Gatos, I strongly urge you to immediately address the "Public Safety Crisis" in the Town of Los Gatos.

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- Zero transparency with the residents/business owners of Los Gatos

Please address this "public safety crisis" immediately!

WE, the residents and business owners of Los Gatos deserve better!

Sincerely,
Kristen Moyer
Santa Clara, CA 95050 Constituent