



**TOWN OF LOS GATOS  
COUNCIL MEETING AGENDA  
SEPTEMBER 15, 2020  
110 EAST MAIN STREET  
LOS GATOS, CA**

*Marcia Jensen, Mayor  
Barbara Spector, Vice Mayor  
Rob Rennie, Council Member  
Marico Sayoc, Council Member  
Vacant, 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 complete a “speaker’s card” located on the back of the chamber benches and return it to the Town Council. If you wish to speak to an item NOT on the agenda, you may do so during the “Verbal Communications” period. 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 2<sup>nd</sup> and 4<sup>th</sup> Mondays at 7:00 p.m.  
Live & Archived Council Meetings can be viewed by going to:  
[www.losgatosca.gov/Councilvideos](http://www.losgatosca.gov/Councilvideos)***

***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  
SEPTEMBER 15, 2020  
7:00 PM**

**IMPORTANT NOTICE REGARDING THE SEPTEMBER 15, 2020 COUNCIL MEETING**

This meeting is being conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order N-29- 20 dated March 17, 2020, regarding the COVID- 19 pandemic. The live stream of the meeting may be viewed on television and/or online at [www.LosGatosCA.gov/TownYouTube](http://www.LosGatosCA.gov/TownYouTube). **In accordance with Executive Order N-29- 20, the public may only view the meeting on television and/or online and not in the Council Chamber.**

**PARTICIPATION**

If you are not interested in providing oral comments 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](http://www.LosGatosCA.gov/TownYouTube).

If you are interested in providing oral comments real-time during the meeting, you must join the Zoom webinar at <https://zoom.us/j/96067240127> Passcode: 987914 or by Telephone: USA 636 651 0008 US Toll or USA 877 336 1839 US Toll-free, Conference code: 969184

During the meeting:

- 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.
- When called to speak, please limit your comments to three (3) minutes, or such other time as the Chair may decide, consistent with the time limit for speakers at a Council meeting.

If you are unable to participate in real-time, you may email to [PublicComment@losgatosca.gov](mailto:PublicComment@losgatosca.gov) with the subject line “Public Comment Item #\_\_” (insert the item number relevant to your comment) or “Verbal Communications – Non Agenda Item.” Comments will be reviewed and distributed before the meeting if received by 5:00 p.m. on the day of the meeting. All comments received will become part of the record. The Mayor has the option to modify this action on items based on comments received.

**REMOTE LOCATION PARTICIPANTS**

*The following Council Members are listed to permit them to appear electronically at the Town Council meeting: MAYOR MARCIA JENSEN, VICE MAYOR BARBARA SPECTOR, COUNCIL MEMBER ROB RENNIE, COUNCIL MEMBER MARICO SAYOC. All votes during the teleconferencing session will be conducted by roll call vote.*

**TOWN OF LOS GATOS  
COUNCIL MEETING AGENDA  
SEPTEMBER 15, 2020  
7:00 PM**

**MEETING CALLED TO ORDER**

**ROLL CALL**

**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 1, 2020 Town Council Meeting.
2. Adopt a Resolution Rescinding Resolution 2018-045 and Amending the Appendices to the Town Conflict of Interest Code, Chapter 2, Article III, Division 4.
3. Authorize the Town Manager to Execute a Five-Year Agreement for Services with St. Francis Electric, Inc. to Provide Traffic Signal and Streetlight Maintenance, and Underground Service Alert (USA) Marking Services in an Amount Not to Exceed \$135,000 Annually, for a Total Agreement Amount Not to Exceed \$675,000.
4. Continue Local Emergency Proclamation

**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 comment. In the event additional comments 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 for each comment on any of the following items consistent with the Participation Instructions contained on page 2 of this agenda.)*

5. Consider the Los Gatos Chamber of Commerce Proposal to Install Light Displays in Various Locations at an Estimated Cost to the Town of Approximately \$150,000.
6. Discuss the Police Department Budget and Provide Direction for Potential Reforms to Practices, Service Delivery, Oversight, and Related Matters.
7. Approve an Addendum to the Police Officers' Association Memorandum of Understanding and Revisions to the Police Classifications within the Temporary Classification Plan.

**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 review on the official Town of Los Gatos website.***

***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.***



**DRAFT  
Minutes of the Town Council Meeting  
September 1, 2020**

The Town Council of the Town of Los Gatos conducted a regular meeting via Teleconference due to COVID-19 Shelter in Place guidelines on Tuesday, September 1, 2020, at 7:00 p.m.

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

**ROLL CALL**

Present: Mayor Marcia Jensen, Vice Mayor Barbara Spector, Council Member Rob Rennie, Council Member Marico Sayoc (All participating remotely).

Absent: None

**COUNCIL/TOWN MANAGER REPORTS**

**Manager Matters**

- Announced Town staff continues to communicate with County emergency services regarding the CZU Lightning Complex fires; currently there are no evacuation warnings in effect for the Town of Los Gatos.
- Encouraged community members to create defensible spaces around homes and structures, and to visit the Town's website for more information.
- Announced a banner can be found on the Town's website homepage with information on the CZU Lightning Complex fires and resources.
- Announced PG&E intends to perform Public Safety Power Shutoffs (PSPS) during the fire season.
- Encouraged community members to sign up for AlertSCC.
- Announced the State's new COVID-19 color coded system regarding re-opening and encouraged the community to visit the Town's dedicated COVID-19 webpage for more information.
- Announced that the first Becoming a More Inclusive Community workshop will be held on September 8, 2020 at 7:00 p.m. via Zoom and invited the community to attend.

**Council Matters**

- Council Member Rennie stated he participated in the Silicon Valley Clean Energy Authority (SVCEA) Risk Oversight Committee meeting, a portfolio management training for SVCEA, the Valley Transportation Authority (VTA) Congestion Management Program and Planning Committee (CMPP) meeting, the VTA Capital Program Committee meeting, the Silicon Valley Bike Coalition effort to deliver bike to work supplies, and attended a Stanford Global Energy Forum.

Council Matters - continued

- Council Member Sayoc stated she participated in a Cities Association Planning Collaborative meeting regarding Plan Bay Area 2050.
- Vice Mayor Spector stated she participated in the West Valley Mayors and Managers Meeting and discussed the Regional Housing Needs Allocation.
- Mayor Jensen stated she had nothing to report.

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

1. Approve Draft Minutes of the August 18, 2020 Town Council Meeting.
2. Adopt the Town of Los Gatos Bicycle and Pedestrian Master Plan Update.
3. Authorize the Town Manager to Execute an Agreement for Consultant Services with Project Sentinel for Tenant/Landlord Rental Dispute Resolution Services in an Amount not to Exceed \$34,000 Annually and \$170,000 Over the Five Year Term of the Agreement.
4. Authorize the Town Manager to Execute an Agreement for Consultant Services with West Valley Community Services for Comprehensive Emergency Assistance Program (CEAP) Services in an Amount Not to Exceed \$15,000 Annually and \$75,000 Over the Five Year Term of the Agreement.
5. Authorize the Town Manager to Execute a Certificate of Acceptance and Notice of Completion for the Work of Pavement Coatings Co. and Authorize Recording by the Town Clerk for PPW Job No. 19-811-9901 Annual Street Repair and Resurfacing (Slurry Seal/Rubber Cape Seal) Project.
6. Adopt an Ordinance of the Town of Los Gatos Amending Chapter 18, by Adding Article IX, Sections 18.90.010- 18.90.050 of the Los Gatos Town Code Entitled Drones and Unmanned Aircraft Systems. **ORDINANCE 2311**
7. Approve the Roadside Vegetation Management Plan and Authorize the Town Manager to Issue a Request for Proposals and Award One or More Contracts for Roadside Vegetation Management up to the Budgeted Amount of \$500,707.

Council discussed the items.

**MOTION: Motion by Council Member Rennie to approve Consent Items 1-7. Seconded by Council Member Sayoc.**

**VOTE: Motion passed unanimously.**

**VERBAL COMMUNICATIONS**

Rob Stump

- Urged the Council to create a wildfire prevention and committee to prepare a multi-year plan to harden the Town from wildfire.

Verbal Communications - continued

Kathleen Willy, Plant-Based Advocates of Los Gatos

- Commented regarding reducing the consumption of animal products to reduce the impact of climate change and requested the Council include impacts of food sources in the sustainability section of the General Plan.

Jeffrey Suzuki

- Commented on the Police Department budget and in support of alternative first responder programs.

Emeric Bisbee

- Commented on the Police Department budget, potential diversion to other programs, and in support of alternative first responder programs.

Ali Miano, Los Gatos Anti-Racism Coalition

- Commented regarding over-policing based on her observations of an incident in Bachman Park and requested Council reallocate Police funds to community services and alternative first responder programs.

**PUBLIC HEARINGS**

8. Adopt a Resolution Approving a Change to the Town's Comprehensive Fee Schedule Amending Library Fines and Charges. **RESOLUTION 2020-037**

Ryan Baker, Library Director, presented the item.

Mayor Jensen opened Public Comment.

No one spoke.

Mayor Jensen closed Public Comment.

Council discussed the matter.

**MOTION: Motion by Vice Mayor Spector** to adopt a resolution approving a change to the Town's comprehensive fee schedule amending library fines and charges. **Seconded by Council Member Sayoc.**

**VOTE: Motion passed unanimously.**

9. Deny an Appeal of a Planning Commission Decision Approving a Request for Demolition of an Existing Single-Family Residence, and Construction of a New Single-Family Residence on Property Zoned R-1:10. Located at 146 Robin Way. APN 532-12-015. Architecture and Site Application S-19-043. Property Owners: Mehrdad and Leila Dehkordi. Applicant: Gary Kohlsaat. Appellant: James Zaky. Project Planner: Diego Mora.

Diego Mora, Assistant Planner, presented the item.

Jim Zaky, Appellant, explained the basis for his appeal.

Leila Dehkordi, Applicant, and Gary Kohlsaat, Architect, presented the proposed development.

Mayor Jensen opened public comment.

Deborah Johnson

- Commented in support of the proposed development.

Robert Buxton

- Commented in opposition of the proposed development.

Gordon Yamate

- Commented in opposition of the proposed development.

Mayor Jensen closed public comment.

Jim Zaky, Appellant, made closing comments.

Gary Kohlsaat, Applicant, made closing comments.

Council discussed the item.

**MOTION: Motion by Council Member Sayoc to deny an appeal of a Planning Commission decision approving a request for demolition of an existing single-family residence, and construction of a new single-family residence on property zoned R-1:10. Located at 146 Robin way. APN 532-12-015. Architecture and site application S-19-043. Property owners: Mehrdad and Leila Dehkordi. Applicant: Gary Kohlsaat. Appellant: James Zaky. Project planner: Diego Mora. **Seconded by Mayor Jensen.****

**VOTE: Motion passed 3/1. Vice Mayor Spector voting no.**



**OTHER BUSINESS**

10. Highway 17 Bicycle and Pedestrian Overcrossing Recommendations (Project 818-0803):
  - a. Approve the Feasibility Study for the Highway 17 Bicycle and Pedestrian Overcrossing (Project 818-0803);
  - b. Proceed with the final design of a separate bridge structure between 16 and 20 feet wide located immediately south of the Blossom Hill Road Bridge;
  - c. Authorize staff to proceed with analyzing three bridge type options: concrete, steel truss, and steel arch, and solicit community input in the final design phase;
  - d. Authorize the Town Manager to submit a grant application to Caltrans in the Active Transportation Program, seeking grant funds for project construction; and
  - e. Commit up to \$1 million in future budget (FY 2023/24) as match funding for the ATP grant.

Ying Smith, Transportation and Mobility Manager, presented the item.

Mayor Jensen opened Public Comment.

Jacob Schroder, Ohlone Court

- Commented in opposition of the item, stated concerns regarding the planning process and requested Council allow more time to consider alternatives to the proposed recommendation.

Maria Ristow

- Used her time to show a video produced by Town staff in support of the project.

Ray Brizgys

- Commented in opposition of the item, stated concerns regarding the planning process, and requested Council allow more time to consider alternatives to the proposed recommendation.

Robert Buxton

- Commented in support of the item.

Tassia Babalis

- Commented in opposition of the item and requested the item be tabled for further discussion.

Rodney Smedt

- Commented concerns regarding the planning process and requested Council allow more time to consider this project.

Other Business Item #10 - continued

Rami Kanama

- Commented in support of improving the bridge, expressed concerns regarding the planning process, and requested Council allow more time to consider alternatives to the proposed recommendation.

John Smart

- Commented on concerns regarding the planning process and requested Council allow more time to consider alternatives to the proposed recommendation.

Mayor Jensen closed Public Comment.

Council discussed the matter.

**MOTION: Motion by Mayor Jensen to**

- Approve the Feasibility Study for the Highway 17 Bicycle and Pedestrian Overcrossing (Project 818-0803);
- Proceed with exploring designs options of a final bridge structure between 16 and 20 feet wide located immediately south of the Blossom Hill Road Bridge;
- Authorize staff to proceed with analyzing three bridge type options: concrete, steel truss, and steel arch, and solicit community input in the final design phase;
- Authorize the Town Manager to submit a grant application to Caltrans in the Active Transportation Program, seeking grant funds for project construction; and
- Commit up to \$1 million in future budget (FY 2023/24) as match funding for the ATP grant.

**Seconded by Council Member Rennie.**

**VOTE: Motion passed unanimously.**

**ADJOURNMENT**

The meeting adjourned at 10:06 p.m.

Submitted by:

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Jenna De Long, Deputy Clerk



**TOWN OF LOS GATOS  
COUNCIL AGENDA REPORT**

MEETING DATE: 09/15/2020

ITEM NO: 2

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DATE: September 4, 2020  
TO: Mayor and Town Council  
FROM: Laurel Prevetti, Town Manager  
SUBJECT: Adopt a Resolution Rescinding Resolution 2018-045 and Amending the Appendices to the Town Conflict of Interest Code, Chapter 2, Article III, Division 4

**RECOMMENDATION:**

Adopt a resolution rescinding Resolution 2018-045 and amending the appendices to the Town Conflict of Interest Code, Chapter 2, Article III, Division 4.

**BACKGROUND:**

The Political Reform Act (Government Code Section 81000 *et seq.*) requires local agencies to adopt and maintain a Conflict of Interest Code. The Town of Los Gatos adopted the Conflict of Interest Code as part of the Town Code set forth in Chapter 2, Article III, Division 4. Revisions to the Conflict of Interest Code may be made by resolution, pursuant to Ordinance 2139, adopted by the Town Council on February 8, 2005. On December 19, 2017, the Council amended the Conflict of Interest Code with the adoption of Ordinance 2267 which mandates all Form 700 filers must file electronically via NetFile, the Town's e-filing system, beginning February 1, 2019. In addition, the Ordinance imposes an opt-in rule, under which Form 700 filers that utilize the electronic filing system once are required to use the system for all future filings, regardless of whether they meet the monetary thresholds in the future. This rule is to ensure continuity of records in the electronic filing system.

The Political Reform Act further requires that in even-numbered years, prior to October 1, local agencies conduct a biennial review and update of their conflict of interest codes to address new positions and/or new position titles, which must be listed in the local code.

**PREPARED BY:** Shelley Neis  
Town Clerk

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

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PAGE 2 OF 2

SUBJECT: Amending the Conflict of Interest Appendices

DATE: September 4, 2020

BACKGROUND (continued):

The Town last updated its Conflict of Interest Code on September 18, 2018. Attachment 1 includes the updated positions and titles for this reporting period consistent with the Political Reform Act reporting requirements.

COORDINATION:

The preparation of this report was done in coordination with the Town Attorney's office.

ENVIRONMENTAL ASSESSMENT:

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

Attachment:

1. Draft Resolution

**RESOLUTION 2020-**

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS  
AMENDING THE APPENDICES OF THE TOWN'S CONFLICT OF INTEREST CODE  
PURSUANT TO DIVISION 4 OF ARTICLE III OF CHAPTER 2 OF THE LOS GATOS TOWN CODE**

**WHEREAS**, the Political Reform Act, Government Code section 81000, *et seq.*, requires State and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation, California Code of Regulations Section 18730, which contains the terms of a standard conflict of interest code, which can be incorporated by reference and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings. The terms of California Code of Regulations Section 18730 have been adopted by reference by the Town Council in Division 4 of Article III of Chapter 2 of the Los Gatos Town Code.

**WHEREAS**, the Town Council adopted Ordinance 2139 intended to better facilitate the process of updating the Town's Conflict of Interest Code by authorizing the adoption and periodic updates of the detailed appendices required by California Code of Regulations Section 18730 containing the designation of positions and disclosure categories.

**WHEREAS**, this resolution is intended to update the Town of Los Gatos Conflict of Interest Code by amending the detailed appendices containing the designation of positions and disclosure categories.

**NOW THEREFORE, BE IT RESOLVED:** The following shall constitute the Appendix "A" to the Town of Los Gatos Conflict of Interest Code, by listing of those positions that are required to submit Statements of Economic Interests pursuant to the Political Reform Act of 1974, as amended. The Town Council hereby finds that the officers and employees holding the following designated positions make, or participate in the making of decisions which may reasonably have a material effect on financial interests, and are, therefore, designated employees of the Town of Los Gatos solely for purposes of the Fair Political Practices Act and required to make financial disclosures as specified:

ATTACHMENT 1

**DESIGNATED POSITIONS****DISCLOSURE CATEGORY**

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**ADMINISTRATION**

Town Council	1 through 13
Town Manager	1 through 13
Assistant Town Manager	1 through 13
Administrative Analyst	1 through 13
<del>Town Clerk Administrator</del>	<del>1 through 13</del>
Deputy Clerk	1 through 13
Finance Director	1 through 13
Finance and Budget Manager	1 through 13
Human Resources Director	1 through 13
Information Technology Manager	1 through 13
Economic Vitality Manager	1 through 13
Events and Marketing Specialist	1 through 13

**COMMUNITY DEVELOPMENT**

Community Development Director	1 through 13
Planning Manager	1 through 13
Administrative Analyst	1 through 13
<del>Administrative Technician</del>	<del>1 through 13</del>
Senior Planner	1 through 13
Assistant Planner	1 through 13
Associate Planner	1 through 13
Planning Technician	1 through 13
Permit Technician	1 through 13
Code Compliance Officer	1 through 13
Building Official	1 through 13
Senior Building Inspector	1 through 13
Building Inspector	1 through 13

**LIBRARY**

Library Director	1 through 13
Library Manager	1 through 13

**PARKS AND PUBLIC WORKS**

Director of Parks and Public Works	1 through 13
Assistant Director/Town Engineer	1 through 13
Superintendent	1 through 13
Senior Administrative Analyst	1 through 13
Arborist	1 through 13
Assistant Engineer	1 through 13
Associate Engineer	1 through 13

Traffic Engineer	1 through 13
Public Works Inspector	1 through 13
Engineering Technician	1 through 13
Environmental Programs Specialist	1 through 13
Project Manager/Construction Project Manager	1 through 13
Transportation and Mobility Manager	1 through 13
Operations Manager	1 through 13

**POLICE DEPARTMENT**

Police Chief	1 through 13
Police Captain	1 through 13
Records and <del>Communications Evidence</del> Manager	1 through 13
Senior Administrative Analyst	1 through 13
Community Outreach Coordinator	1 through 13

**TOWN ATTORNEY**

Town Attorney	1 through 13
Deputy Town Attorney	1 through 13

**BOARD, COMMISSION, AND COMMITTEE MEMBERS**

Arts and Culture Commission	1 through 13
<del>Bicycle and Pedestrian Advisory Commission</del>	<del>1 through 13</del>
Building Board of Appeals	1 through 13
Community <b>Health</b> and Senior Services Commission	1 through 13
<b>Complete Streets and Transportation Commission</b>	<b>1 through 13</b>
Conceptual Development Advisory Commission	1 through 13
<b>Council Finance Committee</b>	<b>1 through 13</b>
Development Review Committee	1 through 13
General Plan Committee	1 through 13
General Plan Advisory Committee	1 through 13
Historic Preservation Committee	1 through 13
Library Board	1 through 13
Parks Commission	1 through 13
Personnel Board	1 through 13
Planning Commission	1 through 13
<del>Transportation and Parking Commission</del>	<del>1 through 13</del>

## **SPECIFIED CONSULTANTS**

Those consultants defined as a “consultant” by the Fair Political Practice Commission and as determined by the Town Attorney in writing.

1 through 13

A Consultant is defined as an individual who contracts with or whose employer contracts with state or local government agencies and who makes, participates in making, or acts in a staff capacity for making governmental decisions.

FPPC Regulation 18700.3 defines “consultants” as including the following individuals who make a governmental decision whether to:

- Approve a rate, rule, or regulation
- Adopt or enforce a law
- Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement
- Authorize the agency to enter into, modify, or renew a contract provided it is the type of contract that requires agency approval
- Grant agency approval to a contract that requires agency approval and to which the agency is a party, or to the specifications for such a contract
- Grant agency approval to a plan, design, report, study, or similar item
- Adopt, or grant agency approval of, policies, standards, or guidelines for the agency or for any of its subdivisions

A consultant also is an individual who serves in a staff capacity with the agency and:

- Participates in making a governmental decision; or
- Performs the same or substantially all the same duties for the agency that would otherwise be performed by an individual holding a position specified in the agency’s conflict-of-interest code.

In addition, the Town Attorney may determine in writing that a particular consultant is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with these disclosure requirements. Such written determination shall include a description of the consultant's duties and based upon that description, a statement of the extent of disclosure requirements. The Attorney’s determination is a public record and shall be available for inspection.



**BE IT FURTHER RESOLVED:** The following list shall constitute Appendix "B" to the Town of Los Gatos Conflict of Interest Code, as amended, by listing of the disclosure categories that are required pursuant to the Political Reform Act of 1974. When a designated employee is required to disclose investments and sources of income, he or she need only disclose investments in business entities and sources of income with those who do business in the Town of Los Gatos, plan to do business in the Town of Los Gatos, or have done business in the Town of Los Gatos within the past two (2) years. In addition to other activities, a business entity is doing business within the Town of Los Gatos if it owns real property within the Town of Los Gatos. When a designated employee is required to disclose interests in real property, he or she need only disclose real property which is located in whole or in part within the Town or not more than two (2) miles outside of Town Boundaries or not more than two (2) miles of any land owned or used by the Town of Los Gatos.

#### ***General Provisions***

Designated employees shall disclose their financial interest pursuant to the appropriate disclosure category as indicated in section 2.30.610.

- Category 1: Investments (which are not held through a business entity or trust)
- Category 2: Interests in Real Property (which are not held through a business entity or trust)
- Category 3: Interests in Real Property Held by a Business Entity or Trust
- Category 4: Investments held by a Business Entity or Trust
- Category 5: Income (other than loans, gifts and honoraria)
- Category 6: Income (travel payments, advances, reimbursements)
- Category 7: Income -- Loans (received or outstanding during the reporting period)
- Category 8: Income -- Gifts
- Category 9: Income -- Honoraria
- Category 10: Commission Income Received by Brokers, Agents and Salespersons
- Category 11: Income and Loans to Business Entities or Trusts
- Category 12: Income from Rental Property
- Category 13: Business Positions

**BE IT FURTHER RESOLVED:** Any change provided in the appendices of the Town of Los Gatos Conflict of Interest Code shall not affect or excuse any offense or act committed or done or omission or any penalty or forfeiture incurred or accruing under any other Conflict of Interest Code, nor shall it affect any prosecution, suit, or proceeding pending or any judgment rendered in connection with any other conflict of interest code.

**PASSED AND ADOPTED** at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 15<sup>th</sup> day of September 2020, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

DATE: \_\_\_\_\_

ATTEST:

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

DATE: \_\_\_\_\_



**TOWN OF LOS GATOS  
COUNCIL AGENDA REPORT**

MEETING DATE: 09/15/2020

ITEM NO: 3

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DATE: September 10, 2020  
TO: Mayor and Town Council  
FROM: Laurel Prevetti, Town Manager  
SUBJECT: Authorize the Town Manager to Execute a Five-Year Agreement for Services with St. Francis Electric, Inc. to Provide Traffic Signal and Streetlight Maintenance, and Underground Service Alert (USA) Marking Services in an Amount Not to Exceed \$135,000 Annually, for a Total Agreement Amount Not to Exceed \$675,000

**RECOMMENDATION:**

Authorize the Town Manager to execute a five-year Agreement for Services with St. Francis Electric, Inc. (Attachment 1) to provide traffic signal and streetlight maintenance, and Underground Service Alert (USA) marking services in an amount not to exceed \$135,000 annually, for a total agreement amount not to exceed \$675,000.

**BACKGROUND:**

The Town of Los Gatos utilizes contractual traffic signal and streetlight maintenance services for Town-owned properties and rights of way, and USA marking services. Staff has determined that contractual services are the most cost-effective service delivery method for traffic signal and streetlight maintenance due to the technical nature, specialized and costly equipment, and right of way safety concerns.

The structure of traffic signal maintenance includes a monthly rate per intersection including routine inspections and testing. Streetlight maintenance includes a monthly rate per light, covering inspection and lamp replacement. Additional services such as signal outages, pole knockdowns and other non-routine repairs are performed as time and material rates included in the proposals. USA marking provides for the identification and location of Town underground infrastructure associated with construction projects and repairs and serves to protect our infrastructure from damage.

**PREPARED BY:** Jim Harbin  
Superintendent

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

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PAGE 2 OF 3

SUBJECT: Authorize the Town Manager to Execute a Five-Year Agreement for Services with St. Francis Electric, Inc. to Provide Traffic Signal and Streetlight Maintenance, and Underground Service Alert (USA) Marking Services in an Amount Not to Exceed \$135,000 Annually, for a Total Agreement Amount Not to Exceed \$675,000

DATE: September 10, 2020

DISCUSSION:

On July 30, 2020, staff released a request for proposals (RFP) for traffic signal and street light maintenance. The scope of the work included traffic signal, streetlight, and parking lot light maintenance, and USA markings.

The following two proposals were received in response to the RFP:

1. St. Francis Electric, Inc.: \$67,331 per year, plus unforeseen repair costs and USA tickets.
2. Bear Electrical Solutions: \$68,565 per year, plus unforeseen repair costs and USA tickets.

The base contract amount covers preventive maintenance of the identified equipment. Additional unforeseen work has been included on a time and material basis, including one-hour emergency response for traffic signal repairs. After reviewing past years unforeseen repair work and USA tickets, staff estimates the extra repair costs will be approximately \$50,000 per year and the cost for USA tickets will be approximately \$17,000 annually.

Staff has reviewed the proposals and interviewed the two contractors and determined that St. Francis Electric, Inc. is the most responsive company with the ability to provide the range of maintenance resources required by the Town during normal operating hours as well as during emergencies, and provided the lowest bid for maintenance service (Attachment 2). St. Francis Electric has been maintaining Town traffic signals, streetlights, and USA locating requests for several years and has done a satisfactory job.

CONCLUSION:

Authorize the Town Manager to execute a five-year Agreement for Services with St. Francis Electric, Inc. to provide traffic signal and streetlight maintenance, and USA marking services in an amount not to exceed \$135,000 annually, for a total agreement amount not to exceed \$675,000.

FISCAL IMPACT:

Funds for these services have been appropriated in the Parks and Public Works annual operating budget for the current fiscal year and the Town Council will determine future budget actions in subsequent years.

PAGE 3 OF 3

SUBJECT: Authorize the Town Manager to Execute a Five-Year Agreement for Services with St. Francis Electric, Inc. to Provide Traffic Signal and Streetlight Maintenance, and Underground Service Alert (USA) Marking Services in an Amount Not to Exceed \$135,000 Annually, for a Total Agreement Amount Not to Exceed \$675,000

DATE: September 10, 2020

ENVIRONMENTAL ASSESSMENT:

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

Attachments:

1. Agreement for Services
2. Bid Results

## AGREEMENT FOR SERVICES

THIS AGREEMENT is dated for identification this 15<sup>th</sup> of September 2020, and is made by and between TOWN OF LOS GATOS, a California municipal corporation, ("Town") and St. Francis Electric ("Service Provider"), whose address is 975 Carden St., San Leandro, CA. 94577. This Agreement is made with reference to the following facts.

### I. RECITALS

- 1.1 Town sought quotations for the services described in this Agreement, and Service Provider was found to be the lowest responsible supplier for this purchase.
- 1.2 Service Provider represents and affirms that it is willing to perform the desired work pursuant to this Agreement.
- 1.3 Town desires to engage Service Provider to provide a comprehensive Street Lighting and Traffic Signal Preventive Maintenance and Repair Services.
- 1.4 Service Provider warrants it possesses the distinct professional skills, qualifications, experience, and resources necessary to timely perform the services described in this Agreement. Service Provider acknowledges Town has relied upon these warranties to retain Service Provider.

### II. AGREEMENT

- 2.1 Scope of Services. Service Provider shall provide services as described in that certain Proposal sent to the Town on August 26, 2020, which is hereby incorporated by reference and attached as Exhibit A.
- 2.2 Term and Time of Performance. The effective date of this Agreement shall begin October 1, 2020 and will continue through June 30, 2025, subject to appropriation of funds, notwithstanding any other provision in this agreement.
- 2.3 Compliance with Laws. The Service Provider shall comply with all applicable laws, codes, ordinances, and regulations of governing federal, state and local laws. Service Provider represents and warrants to Town that it has all licenses, permits, qualifications and approvals of whatsoever nature which are legally required for Service Provider to practice its profession. Service Provider 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. Service Provider 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 Service Provider by the Town and all reports and supportive data prepared by the Service Provider under this Agreement are the Town's property and shall be delivered to the Town upon the completion of services or at the Town's written request. All reports, information, data, and exhibits prepared or assembled by Service Provider in connection with the performance of its services pursuant to this Agreement are confidential until released by the Town to the public, and the Service Provider shall not make any of these documents or information available to any individual or organization not employed by the Service Provider or the Town without the written consent of the Town before such release. The Town acknowledges that the reports to be prepared by the Service Provider 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 Service Provider in connection with other projects shall be solely at Town's risk, unless Service Provider expressly consents to such use in writing. Town further agrees that it will not appropriate any methodology or technique of Service Provider which is and has been confirmed in writing by Service Provider to be a trade secret of Service Provider.

2.6 Compensation:

Compensation for year one shall not exceed \$135,000. Compensation for future years will be the base cost of \$135,000 and shall be adjusted upward annually for the remaining term of this agreement by the change, if any, in the San Francisco-Oakland-San Jose Metropolitan Area Consumer Price Index for All Urban Consumers, all items (CPI). The adjustment shall be based upon the CPI published on December 31 of the preceding year. If the CPI indicates a downward adjustment, compensation would remain at the base amount. 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. Service Provider shall maintain the records supporting this billing for not less than three years following completion of the work under this Agreement. Service Provider shall make these records available to authorized personnel of the Town at the Service Provider 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 Service Provider. 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 Service Provider, in the performance of the work and services agreed to be performed, shall act as and be an independent contractor and not an agent or employee of the Town. As an independent contractor he/she shall not obtain any rights to retirement benefits or other benefits which accrue to Town employee(s). With prior written consent, the Service Provider 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. Service Provider agrees to testify in any litigation brought regarding the subject of the work to be performed under this Agreement. Service Provider 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 Service Provider or is based on allegations of Service Provider's negligent performance or wrongdoing.
- 2.11 Conflict of Interest. Service Provider understands that its professional responsibilities are solely to the Town. The Service Provider has and shall not obtain any holding or interest within the Town of Los Gatos. Service Provider 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, Service Provider 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. Service Provider 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 Service Provider discovers it has employed a person with a direct or indirect interest that would conflict with its performance of this Agreement Service Provider 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. Service Provider warrants that it is an equal opportunity employer and shall comply with applicable regulations governing equal employment opportunity. Neither Service Provider 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. Service Provider 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. Service Provider 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. Service Provider shall provide to the Town all certificates of insurance, with original endorsements effecting coverage. Service Provider agrees that all certificates and endorsements are to be received and approved by the Town before work commences.

#### General Liability:

- i. The Town, its officers, officials, employees and volunteers are to be covered as insured as respects: liability arising out of activities performed by or on behalf of the Service Provider; products and completed operations of Service Provider, premises owned or used by the Service Provider.
- ii. The Service Provider's insurance coverage shall be primary insurance as respects the Town, its officers, officials, employees and volunteers. Any insurance or self-insurances maintained by the Town, its officers, officials, employees or volunteers shall be excess of the Service Provider'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 Service Provider's insurance shall apply separately to each insured against whom a claim is made or suit is brought, except with respect to the limits of the insurer's liability.
- 3.2 All Coverages. Each insurance policy required in this item shall be endorsed to state that coverage shall not be suspended, voided, cancelled, reduced in coverage or in limits except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the Town. Current certification of such insurance shall be kept on file at all times during the term of this agreement with the Town Clerk.
- 3.3 Workers' Compensation. In addition to these policies, Service Provider 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, Service Provider shall ensure that all subcontractors employed by Service Provider provide the required Workers' Compensation insurance for their respective employees.
- 3.4 Indemnification. The Service Provider 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 Service Provider, or any of the Service Provider's officers, employees, or agents or any subcontractor.

#### **IV. GENERAL TERMS**

- 4.1 Waiver. No failure on the part of either party to exercise any right or remedy hereunder shall operate as a waiver of any other right or remedy that party may have hereunder, nor does waiver of a breach or default under this Agreement constitute a continuing waiver of a subsequent breach of the same or any other provision of this Agreement.
- 4.2 Governing Law. This Agreement, regardless of where executed, shall be governed by and construed to the laws of the State of California. Venue for any action regarding this Agreement shall be in the Superior Court of the County of Santa Clara.
- 4.3 Termination of Agreement. The Town and the Service Provider shall have the right to terminate this agreement with or without cause by giving not less than fifteen days (15) written notice of termination. In the event of termination, the Service Provider shall

deliver to the Town all plans, files, documents, reports, performed to date by the Service Provider. In the event of such termination, Town shall pay Service Provider 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](http://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 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.
- 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 Service Provider.
- 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

Service Provider:  
St. Francis Electric  
975 Carden St.  
San Leandro, CA. 94577

or personally delivered to Service Provider to such address or such other address as Service Provider 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 Service Provider. No terms, conditions, understandings or agreements purporting to modify or vary this Agreement, unless hereafter made in writing and signed by the party to be bound, shall be binding on either party.

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

Town of Los Gatos by:

\_\_\_\_\_  
Laurel Prevetti, Town Manager

Recommended by:

\_\_\_\_\_  
Matt Morley, Director of Parks and Public Works

St. Francis by:

\_\_\_\_\_

\_\_\_\_\_  
Title

Approved as to Form:

\_\_\_\_\_  
Robert Schultz, Town Attorney

Attest:

\_\_\_\_\_  
Shelley Neis, MMC, CPMC, Town Clerk

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Signals Streetlights RFP Cost Summary 2020

Attachment 2: Signals/Streetlights Quote Summary 2020			St. Francis Electric		
Basic Services					
Bid Item	Location	Description	Unit Price	Quantity	Monthly Cost
1	Los Gatos	Street Light Maintenance	\$1.10	1600	\$1,760
2	Los Gatos	Traffic Signal PM	\$120.00	31	\$3,720
3	Los Gatos	Parking Lot Light Maintenance	\$1.10	119	\$131
4	Los Gatos	USA Locating	\$140.00		
5					
6					
7					
8					
9					
			Monthly	Total	<b>\$5,611</b>
			Annual	Total	<b>\$67,331</b>
Additional Services T & M			Per Hour		
10					
11					
12					
13					



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Signals Streetlights RFP Cost Summary 2020

Attachment 2: Signals/Streetlights Quote Summary 2020 Basic Services			St. Francis Electric			Bear Electrical Solutions		
Bid Item	Location	Description	Unit Price	Quantity	Monthly Cost	Unit Price	Quantity	Monthly Cost
1	Los Gatos	Street Light Maintenance	\$1.10	1600	\$1,760	\$1.25	1600	\$2,000
2	Los Gatos	Traffic Signal PM	\$120.00	31	\$3,720	\$115.00	31	\$3,565
3	Los Gatos	Parking Lot Light Maintenance	\$1.10	119	\$131	\$1.25	119	\$149
4	Los Gatos	USA Locating	\$140.00			\$135.00		
5								
6								
7								
8								
9								
			Monthly	Total	\$5,611	Monthly	Total	\$5,714
			Annual	Total	\$67,331	Annual	Total	\$68,565
Additional Services T & M			Per Hour			Per Hour		



**TOWN OF LOS GATOS  
COUNCIL AGENDA REPORT**

MEETING DATE: 09/15/2020

ITEM NO: 4

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DATE: September 9, 2020  
TO: Mayor and Town Council  
FROM: Laurel Prevetti, Town Manager  
SUBJECT: Continue Local Emergency Proclamation

**RECOMMENDATION:**

Continue Local Emergency Proclamation.

**BACKGROUND:**

On February 10, 2020, the Santa Clara County Board of Supervisors and Department of Public Health declared a local emergency and local public health emergency to aid in the regional response to the COVID-19 pandemic. On March 4, 2020, the Governor of the State of California took similar action and declared a state of emergency for the entirety of California.

On March 12, 2020, Town Manager and Director of Emergency Services, Laurel Prevetti, issued a Proclamation of Local Emergency in response to the global Coronavirus pandemic and its spread in the Santa Clara County community. On March 17, 2020, the Town Council ratified the Proclamation of Local Emergency. Resolution 2020-008 (Attachment 1) as adopted by Council stipulated among other things that "The Director of the Office of Emergency Services is hereby directed to report to the Town Council within sixty (60) days on the need for further continuing the local emergency."

Per the Town's Municipal Code the proclamation of a local emergency allows the Town to:

1. Make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the Town Council;

**PREPARED BY:** Arn Andrews  
Assistant Town Manager

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Reviewed by: Town Attorney and Assistant Director of Emergency Services (Chief of Police)

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2. Obtain vital supplies, equipment and such other properties found lacking and needed for the protection of life and property and to bind the Town for the fair value thereof and, if required immediately, to commandeer the same for public use;
3. Require emergency services of any Town officer or employee and, in the event of the proclamation of a state of emergency in the County in which this Town is located or the existence of a state of war emergency, to command the aid of as many citizens of this community as the Director deems necessary in the execution of the Director's duties; such persons shall be entitled to all privileges, benefits, and immunities as are provided by State law for registered disaster service workers;
4. Requisition necessary personnel or material of any Town department or agency; and
5. Execute all of the Director's ordinary powers as Town Manager, all of the special powers conferred upon the Director by this chapter or by resolution or emergency plan pursuant hereto adopted by the Town Council, and all powers conferred upon the Director by any statute, by an agreement approved by the Town Council, and by any other lawful authority.

On March 16, 2020, the Health Officer of Santa Clara County issued an Order directing all individuals living in the County to shelter at their place of residence beginning March 17, 2020. The cumulative result of these public health efforts is the continuation of significant restrictions affecting Town residents and unprecedented impacts to the business community.

DISCUSSION:

Since the initial proclamation of local emergency, the Town Council and Town organization have responded to a multitude of issues related to the County-wide Covid-19 mitigation efforts. Of note, the Town Council has enacted the following:

- On March 24, 2020, the Town Council adopted an Interim Urgency Ordinance for a moratorium on evictions due to nonpayment of rent for residential tenants where the failure to pay rent results from income loss resulting from the novel coronavirus (COVID-19) and suspending all deadlines related to land use entitlements.
- On April 4, 2020, the Town Council amended existing human services grant agreements with West Valley Community Services, Counseling and Support Services for Youth, Next Door Solutions, and Live Oak Senior Nutrition to donate an additional \$10,000 to each organization, for a total of \$40,000, to assist Town residents with needed services due to COVID-19 and related Public Health Orders.

DISCUSSION (continued):

- On April 21, 2020, the Town Council approved the waiver of rent and utilities for the Town of Los Gatos lessees New Museum of Los Gatos (NUMU), Friends of the Library, Billy Jones Railroad, Soccer and Little Leagues, and Los Gatos-Saratoga Community Education and Recreation (LGS Rec) for the duration of the Santa Clara County shelter-in-place order due to significant business disruption.

On May 5, 2020, the Town Council continued the local emergency proclamation in recognition of the ongoing State and County proclamations and sustained impacts of COVID-19. In addition, the Council extended the moratorium on evictions and suspension of deadlines related to land use entitlements. Since the May 5, 2020, extension of the local emergency proclamation the Town Council and Town organization have continued to respond to the unprecedented effects associated with public health orders.

- On May 19, 2020, the Town Council received the Proposed Operating Budget and revised Five-Year Forecast which illustrated the anticipated revenue impacts associated with the Covid-19 regional and national recession.
- On May 26, 2020, the Town Council held a Special Meeting to consider options for stimulating local economic recovery and community vitality opportunities.
- On June 6, 2020, Council adopted temporary modifications to specific provisions related to business permits, processes, provisions, and activities to offer economic relief, recovery and other opportunities for community and economic vitality.
- On June 6, 2020, the Town Council provided direction on the development of temporary parklets and authorization of \$750,000 toward the program.
- On September 3, 2020, the Town submitted the initial reimbursement request for Coronavirus Aid, Relief, and Economic Security (CARES) Act payments related to the Town's Covid-19 response.

CONCLUSION:

Given the continuation of State and County proclamations of emergency and local shelter-in-place orders, business restrictions, and corresponding Town responses, the continuation of the Town's emergency proclamation is warranted. Because the Governor has suspended the legal requirement for 60-day considerations of Emergency Proclamations, the Director of the Office of Emergency Services recommends keeping this Emergency Proclamation in effect for the extent of the COVID local emergency. Periodic updates pertaining to the emergency and potential actions by the Council will continue to be provided to the Town Council.

PAGE 4 OF 4

SUBJECT: Continue Local Emergency Proclamation

DATE: September 9, 2020

COORDINATION:

This report was coordinated with the Town's Disaster Council and Town Attorney.

FISCAL IMPACT:

Total fiscal impact is unknown at this time and at the conclusion of the emergency event, staff will seek any reimbursable expenses allowed by the Federal Emergency Management Agency (FEMA) and the Coronavirus Aid, Relief, and Economic Security (CARES) Act.

ENVIRONMENTAL ASSESSMENT:

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

Attachment:

1. Resolution 2020-008

## RESOLUTION 2020-008

### RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS RATIFYING AND CONTINUING THE PROCLAMATION OF EXISTENCE OF LOCAL EMERGENCY ISSUED BY THE DIRECTOR OF EMERGENCY SERVICES.

**WHEREAS**, Municipal Code Section No. 8.10.035, Article A-1 of the Los Gatos Municipal Code empowers the Director of Emergency Services, or in the Director's absence the Acting Director, to proclaim the existence or threatened existence of a local emergency when the Town of Los Gatos is affected or likely to be affected by a public calamity and the Town Council is not in session, and

**WHEREAS**, pursuant to California Government Code Section 8680.9, a local emergency is a condition of extreme peril to persons or property proclaimed as such by the governing body of the local agency affected by a natural or manmade disaster; and

**WHEREAS**, the purpose of a local emergency proclamation is to provide extraordinary powers to issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency, obtain vital supplies, and require emergency services of employees; and

**WHEREAS**, a local emergency proclamation is a prerequisite for requesting state or federal assistance; and

**WHEREAS**, conditions of extreme peril to safety of persons and property have arisen within the Town, based on the following:

1. A novel coronavirus (named "COVID-19") was first detected in Wuhan City, Hubei Province, China in December 2019. The Centers for Disease Control and Prevention (CDC) determined the virus to be a very serious public health threat.
2. On January 30, 2020, the World Health Organization declared the Covid-19 outbreak a Public Health Emergency of International Concern.
3. On January 30, 2020, the United States Secretary of Health and Human Services declared a Public Health Emergency.
4. On January 31, 2020, the first case of COVID-19 was confirmed in Santa Clara County ("County").
5. On February 10, 2020, the County declared a local health emergency and proclaimed a local emergency.
6. On March 11, 2020, the County had 48 cases of COVID-19 with increased community spread.
7. On March 11, 2020, the World Health Organization declared COVID-19 an International Pandemic.

ATTACHMENT 1

**WHEREAS**, the Town Council does hereby find that the above described conditions of extreme peril did warrant and necessitate the proclamation of the existence of a local emergency in the Town; and

**WHEREAS**, California Government Code, Title 2, Division 1, Chapter 7.5 - California Disaster Assistance Act (CDAA) allows that with the Proclamation of a Local Emergency the Town may seek financial assistance and may request reimbursement of expenses incurred during any response, if approved by the Director of the California Office of Emergency Services or Concurrence or Governor's Proclamation; and

**WHEREAS**, on March 12, 2020, the Director of Emergency Services issued a proclamation declaring the existence of a local emergency within the Town; and

**WHEREAS**, the associated emergency conditions are on-going and the emergency should not be terminated at this time;

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LOS GATOS THAT:**

1. The Proclamation of Existence of a Local Emergency (Exhibit A), as issued by the Director of Emergency Services on March 12, 2020, is hereby ratified and confirmed.
2. The Town Council has reviewed the need for continuing the declaration of local emergency and finds based on substantial threat of continued community spread that the public interest and necessity require the continuance of the proclamation of local emergency related to COVID-19.
3. Said local emergency shall be deemed to continue to exist until terminated by the Town Council of the Town of Los Gatos.
4. The Director of the Office of Emergency Services is hereby directed to report to the Town Council within sixty (60) days on the need for further continuing the local emergency.

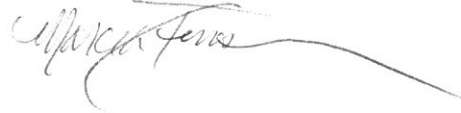


**PASSED AND ADOPTED** at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 17<sup>th</sup> day of March 2020, by the following vote:

COUNCIL MEMBERS:

AYES: Rob Rennie, Marico Sayoc, Barbara Spector, Mayor Marcia Jensen  
NAYS: None  
ABSENT: None  
ABSTAIN: None

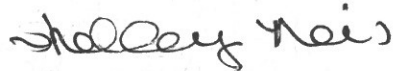
SIGNED:



MAYOR OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

DATE: 3/18/20

ATTEST:



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

DATE: 3/19/2020



**TOWN OF LOS GATOS  
COUNCIL AGENDA REPORT**

MEETING DATE: 09/15/2020

ITEM NO: 5

---

DATE: September 10, 2020  
TO: Mayor and Town Council  
FROM: Laurel Prevetti, Town Manager  
SUBJECT: Consider the Los Gatos Chamber of Commerce Proposal to Install Light Displays in Various Locations at an Estimated Cost to the Town of Approximately \$150,000.

**RECOMMENDATION:**

Consider the Los Gatos Chamber of Commerce proposal to install light displays in various locations at an estimated cost to the Town of approximately \$150,000.

**BACKGROUND**

The Town Council has taken many proactive steps to support the Los Gatos community and its economic recovery due to the impacts of the COVID-19 pandemic. Among these actions, the Town Council repurposed the Downtown Streetscape Revitalization Capital Improvement Project to create outdoor spaces for business activities on Town properties. Specifically on May 26, 2020, the Town Council unanimously voted to utilize the Downtown Streetscape Revitalization project to install temporary parklets by removing on-street parking on North Santa Cruz and Main Streets, adding dedicated curbside pickup locations, and making other modifications to the downtown. On June 8, 2020, Council allocated \$150,000 from the Downtown Streetscape Revitalization project (\$1.9 M) for these improvements.

At its October 6 meeting, the Town Council is scheduled to consider additional economic recovery efforts as winter approaches and the Public Health Orders continue to change. This item is expected to include policy considerations as well as additional investments in the downtown. Staff is in the process of preparing the report and cost estimates are not available at this time. Expenses would likely not require a large share of the remaining funds in the Downtown Streetscape Revitalization/Economic Recovery project.

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

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DISCUSSION

The Los Gatos Chamber of Commerce is requesting a funding allocation from the Downtown Streetscape Revitalization/Economic Recovery project for the installation of lighting displays at various locations around the downtown (see Attachment 1). A cost estimate is included in the proposal.

Parks and Public Works staff met with the Chamber to review the display concept and provided some insight as to what is feasible and where challenges may be found. The elements of the project are still evolving which means that the estimated \$150,000 amount is a high level estimate that may be understated at this point. The ability of PPW to do the install depends on how involved the work is and competing maintenance responsibilities and other priorities, particularly if the Council directs additional work associated with the larger COVID Economic Recovery effort for the business community. It is important to note that much of the work associated with the lighting display would occur on private property, which would require significant coordination and care in addressing liability, building/electrical code requirements, and other issues.

CONCLUSION:

The Town Council should consider the Chamber's proposal and determine whether or not it would like to fund the project in whole or in part. Among the options for consideration:

- Fund the entire project, including installation, storage, utility costs, and other unforeseen costs.
- Fund a portion of the project with installation completed by the Chamber's contractor in coordination with the Town. The Chamber would be responsible for storage, utility costs, and other unforeseen costs.
- Do not fund the project.

FISCAL IMPACT:

If the Council directs that the Town should contribute to this proposal in whole or in part, the funds would come from the Economic Recovery Project budget.

COORDINATION:

The preparation of this report was coordinated with the Parks and Public Works and Community Development Departments, and the Town Manager and Town Attorney Offices.

ENVIRONMENTAL ASSESSMENT:

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

PAGE 3 OF 3

SUBJECT: Consider Chamber Light Proposal at an Estimated Cost to the Town of \$150,000

DATE: September 10, 2020

Attachment:

1. Chamber Proposal

# LOS GATOS CHAMBER LIGHT DISPLAY

---

## What's Next Los Gatos?

People are asking this question and eagerly awaiting an answer. Their expectations are high. Not to worry, the Chamber of Commerce has a good idea for you to consider. We still have some economic recovery to do and unfortunately the future is unclear. Collectively we have to figure out our next step, which will help the rather dire situation for our businesses and our spirits.

Most Los Gatos residents who have ventured out would agree that the pop-up patio experiment is a success. Outdoor dining in Los Gatos is one of the few silver linings of this Covid pandemic. While not perfect, they provide a happy outlet for many. People are able to pick and choose which space makes them feel the most safe and comfortable. Our restaurants and our small businesses are so appreciative for this lifeline which gives them a fighting chance to survive. For the first time in years, folks from other towns were calling and asking us how we made it happen! Three cheers to our Council for having the courage to set aside some money specifically to be used for Covid Economic Recovery Projects and for taking a risk and moving swiftly.

The weather will be changing soon though and the pop-up patios will not quite have the same allure. Hopefully, our County Health Department will allow for some indoor dining by October. Perhaps there will be a vaccine come the New Year, but in the meantime we have to ask ourselves – How can we safely draw people into Town to dine, drink, walk and shop? We need to target and market to those people who are active and looking for an “experience” and who have money to spend.

When you put that money aside for Economic Recovery, one of the conditions was that you understood that you would need to pivot. It is time to do just that.

LIGHTS - of course! **Los Gatos Lights up. Los Gatos in Lights** -- something like we could use as the headline.

We propose a simple plan – one that we have been working on for the several months and one that we have discussed with many of our town's residents and business owners young and old alike. We propose the Town approve funding for 6-8 light installations creatively placed around town. Most would be in the downtown core, but we will add a few complimenting pieces on the North side of Highway 9 and another on the Boulevard.

These lights need to be spectacular though, which is why they are expensive. They need to be unique. We propose that we install them in the beginning of November and we let them shine through late January. As the Chamber's Creative Director, Dustin David, says “in this Covid darkness and with winter on its way, let there be some fun and some light!” He is not wrong.

The best part of this proposal is that these light installations will draw people to our Town, but they won't all come at the same time. Once they arrive, they can park, put on their mask, walk around, take photos while physical distancing, shop, have a drink and dine.

Coupled with our Annual Carriage Rides, our town will be more vibrant than ever. All signs are a go for our carriage rides, though County health protocols will be in place. There will not be as many, but they will be brightly lit; beacons of light, bringing joy and a smile to all who see or ride in them. It will be nice to keep one of our traditions alive.

We have met with many of our small business owners. All of them are intrigued with the light installations and are willing to extend their hours allowing for late night shopping on Thursday-Saturday nights. Our restaurant owners plan to promote the Los Gatos lights as well, and will encourage their patrons to come early or stay late to walk around, shop and enjoy the ambiance. We have also reached out to Federal Realty and are hopeful that they too will join in the doing some light installations of their own in Old Town and in King's Court to compliment what we are doing.

We think it could work! The company with whom we are working, Artistic Holiday Designs, came highly recommended and we believe their prices are fair. We propose buying the items. That way, we own them and can use them for the next 3-5 years. We can build upon the idea each year.

We have met with Matt Morley and while he knows it is quite an undertaking, he thinks his staff would be up to the challenge. In the budget proposal, please note that Artistic Holiday Designs has provided us with two options when it comes to technical assistance.

We Got This Los Gatos! This is the best idea we have and while we cannot say for sure how many people will come to Town or how much money we will raise in sales tax revenues, we do know that this proposal offers that pivot and that excitement even though it is a calculated risk.

See you next Tuesday. Please reach out if you have any questions.

# Map of programmed areas:

1. Civic Center
2. Main Street Bridge
3. Town Plaza
4. Automobuild Alley
5. Terra Patio
6. Grays Lane
7. Planter at west corner of Bachman/ N. Santa Cruz (Harrell's)
8. Planter at east corner of Bachman/N. Santa Cruz (Trent Pottery)



# 1. Civic Center



Civic Center - 409131 3D Starburst

Artistic  
Holiday Designs



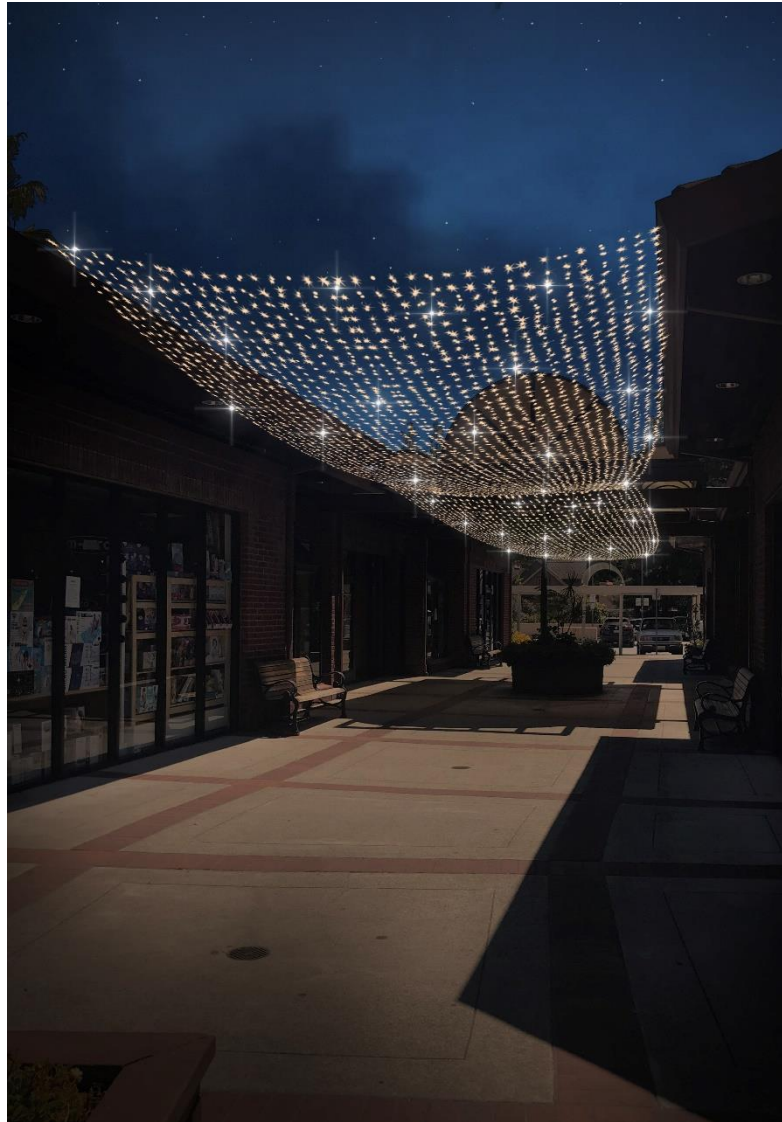
## 2. Town Plaza



Town Plaza - 202711 Animated Sylma with warm white lights on trunks

Artistic  
Holiday Designs

# 3. Automobuild Alley



# 5. Terra Patio Alley



**Terra Patio Alley version 2 - 3D 24inch Spheres in warm and pure**

*Artistic*  
Holiday Designs

# 6. Grays Lane



Suspended Mini lights in pure and suspended 3D spheres

Artistic  
Holiday Designs

# 7 & 8 & some planter boxes Solar Outdoor Lights





# Lester Square Los Gatos Shopping Center



# Carriage Rides

## Brilliantly decorated in lights





Next year...



# Budget

Product	Price	Quantity	Total	
<b>Grays Lane</b>				
Mini lights Crossing				
5 strands of 25ft section	\$85.50	9	\$769.50	
36" Grapevine Sphere	\$325.00	10	\$3,250.00	
<b>Town Plaza Winter Decor 2 with Sylma</b>				
202711 Animated Sylma	\$28,470.00	1	\$28,470.00	
Redwood Trunks	\$16.50	6	\$99.00	
			\$28,569.00	
<b>Civic Center</b>				
3D Starburst	\$23,000.00	1	\$23,000.00	
<b>Terra Patio Alley</b>				
24" Sphere in Warm White	\$225.00	18	\$4,050.00	
24" Sphere in pure white	\$225.00	18	\$4,050.00	
			\$8,100.00	
<b>Automobuild Alley - both sides</b>				
24" Sphere in Warm White	\$225.00	32	\$7,200.00	
24" Sphere in pure white	\$225.00	32	\$7,200.00	
			\$14,400.00	
<b>Main Street Bridge</b>				
Lights	already there			
Wreaths (changed midway)	\$20.00	44	\$880.00	
Bows	\$5.00	22	\$110.00	
			\$990.00	
<b>Harrell's planter box</b>				
Solar lights	\$20-36/2	12	\$240-432	432
<b>Manresa Bread Lot</b>				
Solar lights	\$20-36/2	12	\$240-432	432
<b>Automobuild Planter</b>				
Solar lights	\$20-36/2	12	\$240-432	432
<b>Lester Square</b>				
201754 Enchanted Star	\$3,975.00	1	\$3,975.00	
Hanging solar lights	\$30/4	4	\$120	
			\$4,095	
<b>Planter Boxes (4-5)</b>				
Solar lights	\$20-36/2	12	\$240-432 each	\$2,160
<b>Los Gatos Shopping Center (with cats)</b>				
201754 Enchanted Star	\$3,975.00	1	\$3,975.00	
Hanging solar lights	\$30/4	4	\$120	
			\$4,095	
	\$988.00	20	\$19,760.00	
<b>Pole Décor</b>				
<b>TOTAL Display Costs</b>			\$109,715.00	
<b>Installation using PPW</b>				
	Onsite Technician	1	\$4,000.00	
	PPW hours	\$97 80	\$7,760	
	Electrician for light poles		5000	
			\$16,760.00	
<b>Installation using outside contractor</b>				
			\$30,000.00	
	Electrician for light poles		\$5,000.00	
			\$ 35,000.00	
<b>TOTAL using PPW</b>			\$126,475.00	
<b>TOTAL using outside contractor</b>			\$144,715.00	



**TOWN OF LOS GATOS  
COUNCIL AGENDA REPORT**

MEETING DATE: 09/15/2020

ITEM NO: 5

DESK ITEM

DATE: September 15, 2020  
TO: Mayor and Town Council  
FROM: Laurel Prevetti, Town Manager  
SUBJECT: Consider the Los Gatos Chamber of Commerce Proposal to Install Light Displays in Various Locations at an Estimated Cost to the Town of Approximately \$150,000

**REMARKS:**

Attachment 2 contains public comments received between 11:01 a.m. Thursday, September 10, 2020, and 11:00 a.m., Tuesday, September 15, 2020.

In addition, the following question was received from a Councilmember.

*If the Council were to approve this request, what workplace activities/priorities would have to be deferred in order for PPW staff to complete this project?*

Staff Response: The amount of work involved is hard to determine without a complete and detailed scope. The Chamber of Commerce estimated 80 hours; however, this could extend to 200 hours or more, depending on the amount of work required to assemble and install the lighting, time needed to coordinate with private building owners, etc.

Staff has several high priority capital projects in progress, including vegetation management and development of the annual paving and sidewalk projects that limit the resources available for development and implementation of a plan for this project.

With respect to implementing the installation with Town staff, the Department would need to prioritize typical day to day work to only address basic maintenance. Other maintenance items would be delayed to make resources available for the lighting project. Examples of these maintenance tasks include vegetation pruning in parks, clean-up of roadways, and similar issues that are less time sensitive and could impact the overall appearance of the Town. Additionally, some work that is in response to unforeseen community requests or needs would be challenging to address. For example, weather could impact the work priorities should we experience an early winter requiring staff resources to conduct storm activities.

**PREPARED BY:** Matt Morley  
Parks and Public Works Director

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

REMARKS (continued):

Nevertheless, staff understands that the Council may see great value in the project and will work to make it successful if the Council provides that direction.

Attachment Previously Received with Staff Report:

1. Chamber Proposal

Attachment Received with this Desk Item:

2. Public comments received between 11:01 a.m. Thursday, September 10, 2020, and 11:00 a.m., Tuesday, September 15, 2020

From: Alex Hult  
Sent: Monday, September 14, 2020 5:48 PM  
To: Council <[Council@losgatosca.gov](mailto:Council@losgatosca.gov)>  
Subject: Yes to the the lights!

Los Gatos in Lights - I support it. Because one, the Chamber does not joke around - they have researched and asked business people what they should do - this is the best idea that has come out of many months of research.

It is safe - as safe as you can get - outdoors, 6ft physical distancing, masks!

It will provide another experience for people and that is what people are craving. These spectacular light displays will draw people into town - to shop, dine and play. Los Gatos' outdoor dining scene was a win for many. What is next?

Vote yes for the lights and let's lift the spirits of everyone who visits!

I also want to give you a virtual high five. LG leadership handled the c19 situation very well and acted fast implementing the parklets. Now many other cities are looking at us and trying to copy what we did. You guys should all be proud of yourself. I actually think this is something you should promote in a social media campaign. How biz friendly LG is and that we are open for business. In 6-12 months that will come in handy as I predict many many stores will close and sit empty and attracting tenants will be critical for our downtown

Alex Hult  
Flights Restaurants - Founder/President/CEO Los Gatos Chamber of Commerce - Past President

ATTACHMENT 2



**TOWN OF LOS GATOS  
COUNCIL AGENDA REPORT**

MEETING DATE: 09/15/2020

ITEM NO: 6

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DATE: September 10, 2020  
TO: Mayor and Town Council  
FROM: Laurel Prevetti, Town Manager  
SUBJECT: Discuss the Police Department Budget and Provide Direction for Potential Reforms to Practices, Service Delivery, Oversight, and Related Matters

**RECOMMENDATION:**

Discuss the Police Department budget and provide direction for potential reforms to practices, service delivery, oversight, and related matters.

**BACKGROUND:**

After the killing of George Floyd by Minneapolis Police in May 2020, the Town received over 150 emails and phone calls from concerned Los Gatos residents regarding police practices, the diversion of funds from the Department to other Town services, potential reforms, hiring practices, and other related matters. The Town Manager's Office responded to each email and phone call.

Beginning in early June, students led peaceful protests and marches in Town to highlight systemic racism, Blacks lives matter, and the need for meaningful change. On June 5, 2020, the Mayor signed a proclamation affirming the Town's commitment to stand in solidarity with the Black community. In addition, she signed the Obama Foundation's Mayor Pledge, committing to the following actions:

- Review Police Department Use of Force Policies.
- Engage the community by including a diverse range of input, experiences, and stories in the review.
- Report the findings of the review to the community and seek feedback.
- Reform the community's Police Department Use of Force Policies.

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

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SUBJECT: Consider the Police Department Budget and Provide Direction on Potential Reforms and Related Matters

DATE: September 10, 2020

BACKGROUND (continued):

These actions complement the action taken by the full Council in May 2017 when it adopted a resolution affirming a commitment to Los Gatos being a diverse, supportive, equitable, and inclusive community and to protecting the constitutional and human rights of its residents, workers, and visitors. All of these materials can be found on the Becoming an Inclusive Community webpage on the Town's website: <https://www.losgatosca.gov/2604/Becoming-an-Inclusive-Community>

At the June 16 Council meeting, Council Member Rennie requested two future agenda items: (1) a high level overview of the Los Gatos/Monte Sereno Police Department budget and (2) an item to address racism in the community. Council Member Sayoc seconded the request. This Council item is in response to these requests and as described below, the Council will have additional opportunities to address racism in the community.

In preparation for the requested agenda items, the Town Manager convened a focus group during the summer to assist with determining the appropriate approach to community engagement on racism in the community and police issues. The focus group consisted of Town officials (Mayor, Council Member Sayoc, Chief Decena, and Captain D'Antonio), school partners (Superintendent Johnson and Superintendent Grove), business leaders (Chamber Executive Director Somers, Netflix Executive Jon Hicks, and business owner Nancy Chin), faith leaders (Rabbi Aron and Kareem Syed), Los Gatos Anti-Racism Coalition (Jeffrey Suzuki, Kinsey Lee, and others), and student leaders of local protests (Nika Sabouri, Donya Behroozi, and others).

The focus group met twice and identified several topics in which racism could be discussed in a series of community conversations. These topics included police practices and potential reforms, affordable housing, school curricula, business community, and overall community culture. Each conversation is intended to provide opportunities to listen, learn, share experiences, identify potential action items, and provide other comments. Based on the focus group input, the Town is holding three workshops over the Zoom platform:

- September 8: Police Practices and Potential Reforms
- September 29: Affordable Housing
- October TBD: Community Culture (inclusive of the business and school communities)

After each community workshop, the Mayor is placing the respective topic on the Council agenda for the Council to listen to additional public testimony and determine appropriate next steps. This Council agenda report addresses the June Council request and provides the Town Council an opportunity to direct specific next steps regarding potential police reforms.

SUBJECT: Consider the Police Department Budget and Provide Direction on Potential Reforms and Related Matters

DATE: September 10, 2020

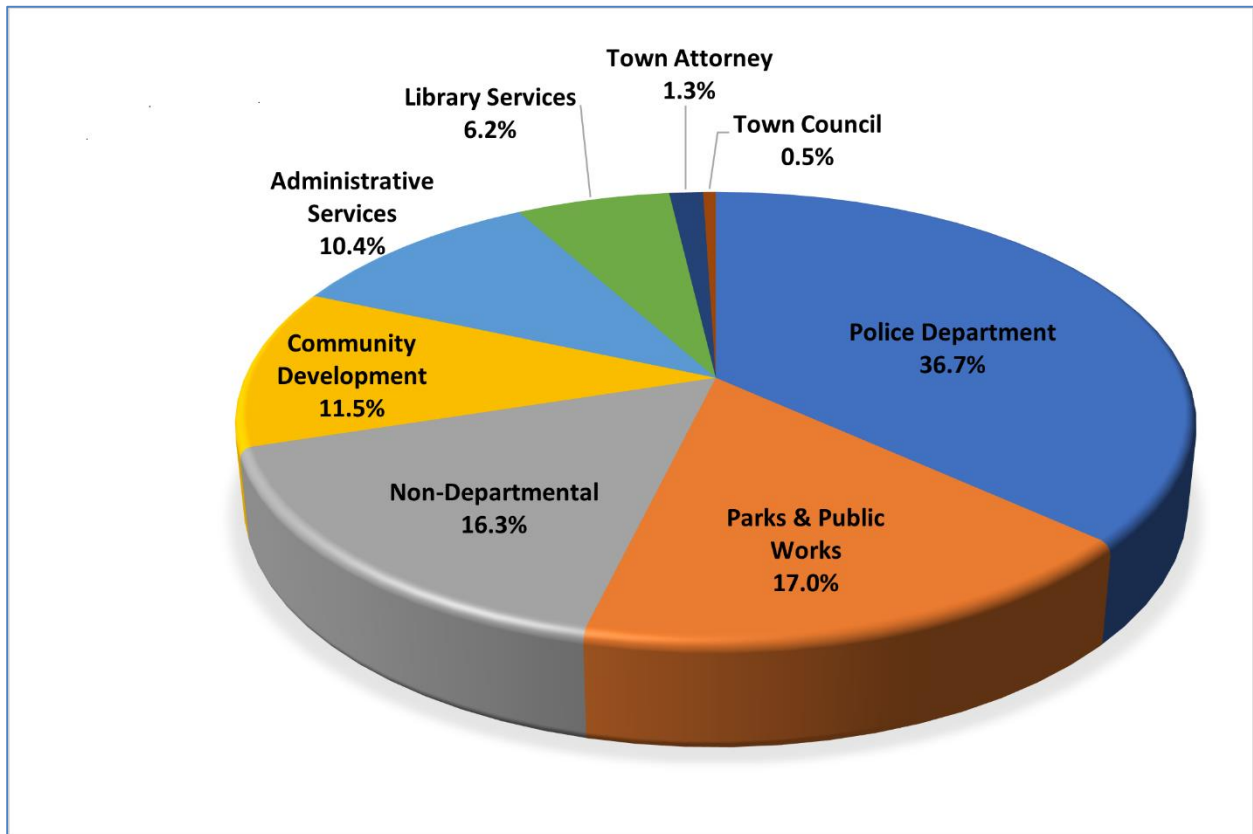
DISCUSSION:

High Level Police Budget Overview

Every year, the Council identifies its Strategic Priorities that become incorporated in the work plans for Town Departments in addition to the ongoing municipal services provided to the community. These Priorities are incorporated into the annual Operating Budget. In addition, the Council has consistently affirmed the Core Goals of the Town to be:

- Community Character
- Good Governance
- Fiscal Stability
- Quality Public Infrastructure
- Civic Enrichment
- Public Safety

The Town's Adopted Budget for Fiscal Year 2020/21 reflects and aligns to these Core Goals:





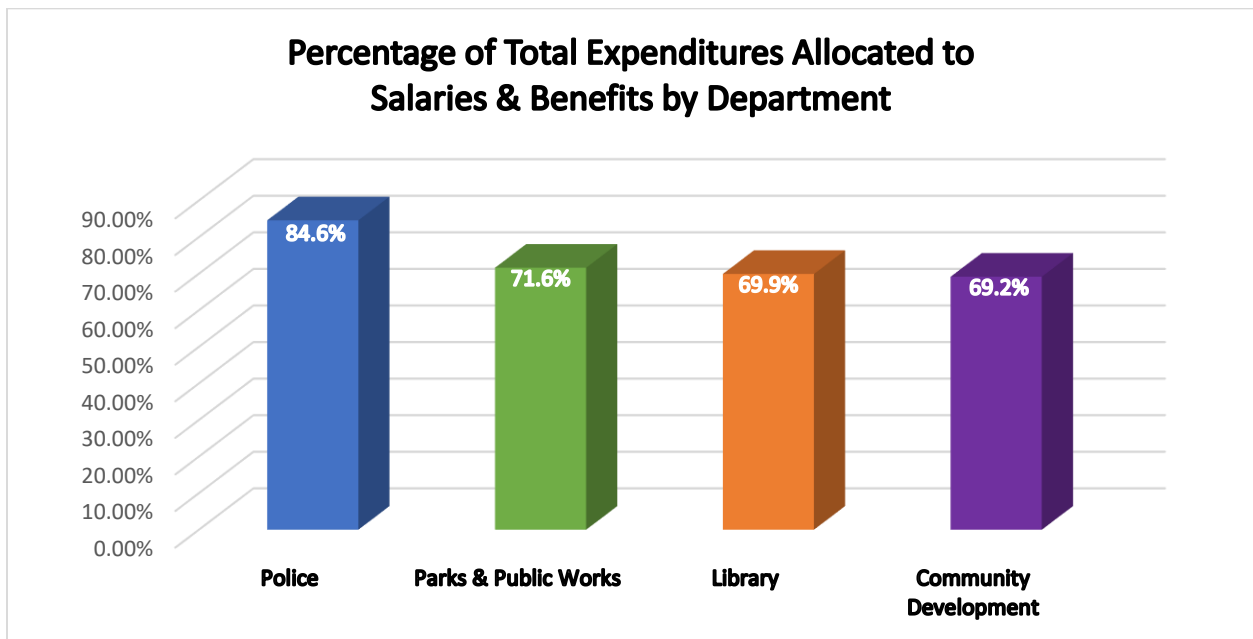
SUBJECT: Consider the Police Department Budget and Provide Direction on Potential Reforms and Related Matters

DATE: September 10, 2020

DISCUSSION (continued):

For FY 2020/21, the Police Department budget is \$17.6 M. By way of comparison, approximately \$18.7 M of the Town’s property tax went directly to the County Fire District in FY 2019/20 (the Town’s 2019/20 adopted budget for the Police Department was \$16.9 M). We do not yet know what the County Fire District share will be in 2020/21.

Of the \$17.6 M budget, the majority is for salaries and benefits. This is typical for a municipality as service organization, relying on the high quality talent of employees to deliver high quality, high touch services to the Los Gatos community. In comparison with other Town Departments, the Police Department has a higher percentage of its budget allocated to personnel costs:



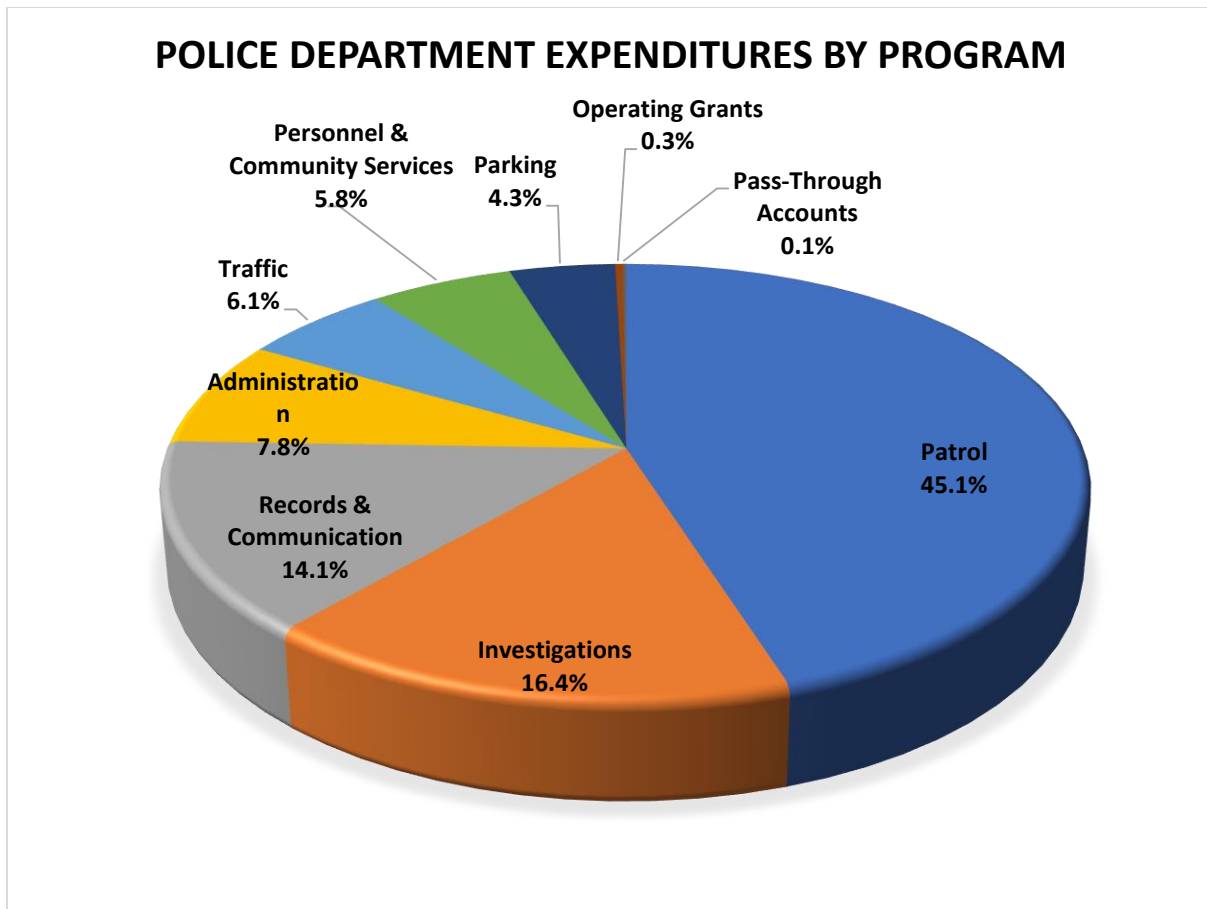
The Police Department budget supports 39 sworn positions and 22 civilian positions. Civilians are in the administration, records, outreach, and dispatch operations. In addition, 206 volunteers assist the Department. The majority are Community Emergency Response Team (CERT) members, followed by Disaster Aid Response Team (DART), and Volunteers in Policing (VIP). The Department is redesigning the Victim Services Unit which is another volunteer opportunity. In addition to servicing the needs of the Los Gatos community, the Police Department has a contractual relationship with the City of Monte Sereno to provide Police services to that community.

SUBJECT: Consider the Police Department Budget and Provide Direction on Potential Reforms and Related Matters

DATE: September 10, 2020

DISCUSSION (continued):

The Department offers a variety of programs which all work together to support public safety:



September 8 Community Workshop

On September 8, the Town hosted its first community conversation, focused on Police Practices and Potential Reforms. Judge LaDoris Cordell facilitated the meeting and used her expertise to guide a respectful and constructive workshop. Chief Decena presented a brief overview with statistics on use of force, crimes, and the racial composition of those arrested or who received citations (see Attachment 1). Town Attorney Schultz identified the low number of settlements due to Police misconduct in Los Gatos. Judge Cordell provided an overview of bills pending the Governor’s signature that could reform some aspects of policing throughout California. Town Manager Prevetti identified three potential areas of reform that had been raised at Town Council meetings, General Plan Update Advisory Committee meetings, or in correspondence:

SUBJECT: Consider the Police Department Budget and Provide Direction on Potential Reforms and Related Matters

DATE: September 10, 2020

DISCUSSION (continued):

- Divert funding from the Police Department to hire Social Workers to respond to mental health and/or homeless calls for service
- Disarm or cancel the School Resource Officer partnership with the school districts
- Consider some form of Police oversight to improve accountability

Judge Cordell welcomed community comments on these and other potential reforms, community experiences with the Police Department, and other items. Community questions were answered in real time by the Police Chief with support from the Town Attorney and Town Manager in limited instances. Attachment 2 contains a workshop summary of all community comments, questions, and answers.

The social worker reform received the most positive feedback followed by the Police oversight concept. These ideas would need to be developed further as described in the next section.

Other themes from the public comments included but are not limited to:

- Increasing transparency by publishing police statistics annually and fully explaining why people of color are arrested, cited, and/or stopped at a higher rate than Caucasians;
- Improving accountability of Police Officers;
- Having unarmed personnel (e.g., Community Services Officer) respond to non-emergency calls, such as barking dogs;
- Determining what it would take to have Officers walk their beats; and
- Explaining why Officers have military style vests, rifles and other weapons.

The workshop was recorded by KCAT and is available on YouTube. Links to the YouTube video and the Chief's slides are posted on the Becoming a More Inclusive Community webpage on the Town's website.

Council Direction on Potential Reforms

Based on the community discussion, staff is seeking the Town Council's direction on next steps. Given the strength of the existing Department, the potential reforms are offered in the spirit of how the Department could be even better. To guide the Council's discussion, below are some options for consideration.

- Determine an appropriate Police Oversight model for Los Gatos: Judge Cordell is available to provide consultant services to the Town to identify potential oversight and accountability models. This consultant engagement could occur quickly, within the Town's Adopted Budget, and Town Manager authority.

DISCUSSION (continued):

- Examine Different Options for Providing Social Services for Mental Health and/or Homeless Needs: While the Town is currently working with County Behavioral Health on some homeless and mental health situations, the County's resources are stretched thin and cannot meet all of the needs of each city within Santa Clara County. If directed, staff could explore expanding partnerships with existing non-profit partners, hiring Social Workers directly, or pursuing other approaches. The costs associated with these options would be identified.

This work should also include an analysis of calls for service over the last two to five years pertaining to mental health and/or homeless issues to understand the magnitude of the Town's needs in these areas. The analysis should also identify the number of times a crime or potentially dangerous situation was part of the incident such that a sworn Officer would have needed to participate in specific situations. (In other words, there may not always be Police cost savings if other partners respond first.)

- Utilize Non-Sworn Personnel for Non-Emergency Calls and Determine Any Potential Cost Savings in Sworn Personnel: The Police Department is budgeted for one non-sworn Community Services Officer (CSO) and this position is currently vacant. If directed, staff could analyze calls for service over the past two to five years to determine the number of non-emergency calls for which a CSO could have been dispatched and calculate the potential cost savings of not deploying a sworn Officer to such calls. Some non-emergency calls escalate to require an Officer and the calculation would need to consider these scenarios.
- Identify Options for Increasing Foot Patrols: To implement the current Department mission and values, how could Officers spend part of their shifts on foot getting to know community members? To what extent does the removal of non-emergency, mental health, and homeless calls from their workload create this capacity?
- Identify Other Pioneering Ideas to Maintain LGMSPD as a Premier Law Enforcement Agency: The Department reimagined itself under the leadership of former Chief Seaman to embrace community policing, and under Chief Decena, the Department has expanded its work with de-escalation, inherent bias, and compassion training consistent with the updated mission statement. What are the next set of best practices/partnerships in pursuit of excellence in policing?

The Council may offer other ideas and/or request other data as it considers future potential reforms.

PAGE 8 OF 8

SUBJECT: Consider the Police Department Budget and Provide Direction on Potential Reforms and Related Matters

DATE: September 10, 2020

CONCLUSION:

Staff looks forward to the additional public testimony and Council direction on appropriate next steps. Depending upon the direction provided, staff anticipates being able to return to Council within a month or two with the additional requested information and options.

COORDINATION:

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

FISCAL IMPACT:

Discussion of this item by itself does not have a fiscal impact; however, the direction provided by the Town Council may have budgetary implications as discussed in the body of this report. Should the Council direct the hiring of consultant(s) to assist in this work, the Adopted Budget contains sufficient funds to allow the Manager to engage a consultant within the Manager's contract authority of \$50,000 or less.

ENVIRONMENTAL ASSESSMENT:

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

Attachments:

1. Workshop Slides
2. Workshop Summary

# Community Workshop #1 September 8, 2020

## Police Practices/Potential Reforms



# DEPARTMENT OVERVIEW



## ■ Mission Statement

The Los Gatos-Monte Sereno Police Department is committed to ensuring public safety with **integrity**, **compassion**, and **professionalism**.

- Providing exceptional law enforcement services
- Building community partnerships
- Engaging the community in problem solving

# DEPARTMENT OVERVIEW



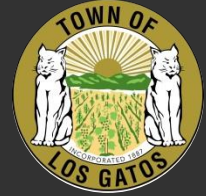
## ■ Los Gatos and Monte Sereno Jurisdiction Data

- 13.1 Square Miles
- 33,649 Population

## ■ Staffing

- Sworn
  - Authorized: 39
  - Operational: 32
- Civilian: 22
- Volunteers: 206





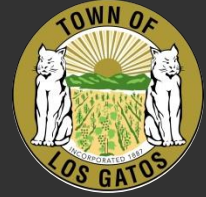
# CRIME STATISTICS

- **Calls for Service and Self-Initiated Activity**
  - Annual Average: 28,977
- **Reports Written (Annual Average)**

Crimes Against Persons	Property Crimes	Mental Health	Other	Total
150	791	131	1,541	2,613

- **Arrests**
  - Annual Average: 1,059

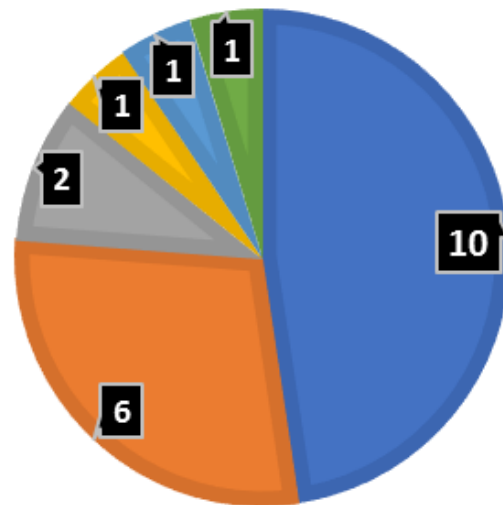
# USE OF FORCE



From 2015 to 2019, LGMSPD Officers had over 85,000 contacts with the community. Of these contacts, approximately 5,000 arrests were made. In all of these contacts and arrests, Officers used force in only 21 cases (0.024%).

## TYPE OF FORCE USED 2015-2019

- Body Force
- WRAP Restraint
- Taser
- Impact Weapon
- Canine
- Carotid Restraint



# PERSONNEL COMPLAINTS



Year	Description	Finding
2015	Inappropriate off-duty enforcement action	Unfounded
2015	Negligent discharge of a firearm on duty (without injury)	Sustained
2015	Abuse of authority; conduct unbecoming; discourteous treatment of a community member	Unfounded
2016	Discourteous treatment of a Department member	Not Sustained
2016	Unnecessary use of force	No Finding
2017	Conduct unbecoming; misuse of data systems	Sustained
2018	Failure to activate body worn camera	Sustained
2018	Conduct unbecoming	Exonerated
2018	Conduct unbecoming; discourteous treatment of a community member	Unfounded
2018	Conduct unbecoming; discourteous treatment of a community member	Unfounded
2019	Unlawful exercise of authority	No Finding
2020	Failure to take action	Exonerated
2020	Conduct unbecoming; discourteous treatment of a community member	Pending

# ARREST/CITATION DATA



In the last 2 years:

Race	Total Population 30,222	Total Arrests 1,634	Total Citations 3,311	Arrests (Resident) 697	Citations (Resident) 1,036
White	72%	57%	56%	73%	72%
Hispanic	8%	28%	18%	15%	5%
Black	2%	6%	2%	2%	1%
Asian	14%	3%	9%	1%	8%
Other	4%	6%	15%	8%	15%

## **Summary of Community Workshop #1: Police Practices and Potential Reforms September 8, 2020**

**Mayor Marcia Jensen welcomed the community, explained how we got here, and stated that Judge LaDoris Cordell would be facilitating the meeting.**

**Judge Cordell explained her background, provided an overview of the workshop agenda, and reviewed ground rules.**

**Chief Peter Decena presented a brief overview with statistics on use of force, crimes, and the racial composition of those arrested or who received citations.**

**Town Attorney Rob Schultz identified the low number of settlements due to Police misconduct in Los Gatos.**

**Judge Cordell provided an overview of bills pending the Governor's signature that could reform some aspects of policing throughout California.**

**Town Manager Laurel Prevetti identified three potential areas of reform that had been raised at Town Council meetings, General Plan Update Advisory Committee meetings, or in correspondence:**

- **Divert funding from the Police Department to hire Social Workers to respond to mental health and/or homeless calls for service**
- **Disarm or cancel the School Resource Officer partnership with the school districts**
- **Consider some form of Police oversight to improve accountability**

**Judge Cordell welcomed community comments on these and other potential reforms, community experiences with the Police Department, and other items. The workshop would run as long as people wanted to talk.**

### **Q&A/Comments Addressed During the Workshop**

Ali Miano

- Commented on concerns regarding overpolicing and racial profiling. Shared an experience regarding a time in Bachman Park where she witnessed a man that may have slept in the creek bed where four police cars, two social workers, a fire truck and an ambulance were present. Commented she had experienced racial profiling when stopped by a Los Gatos-Monte Sereno Police Officer.

Kathy Kroesche

- Inquired when body cameras are required to start and stop during all public interactions, if the recording is automatically sent to a neutral third party database where it cannot be altered, and how often officers change partners.

Chief Decena stated body cameras are required to be on during any contact with a community member and during all enforcement stops. The body camera footage has a cloud-based data system where it is automatically uploaded and has digital fingerprints, and LGMSPD does not have the staffing levels for partners with the exception of the K-9 officer (whose partner is a dog) and Officers-in-training.

ATTACHMENT 2

Lee Fagot

- Commented regarding his two Police ride-alongs. He observed during the first ride-along that the Officer actively prevented potential crime and traffic violations, and helped people find resources to assist with mental health issues. During the second one, the Officer de-escalated a situation where a person had already committed a crime.
- Commented that first responders should include personnel with expertise in social-emotional well-being.

Catherine Somers

- Inquired about the racial make-up of the Los Gatos Monte Sereno Police Department (LGMSPD) and commented the Police Department has a designated person who works with the homeless population to provide and connect them to resources.

Chief Decena stated the Police Department is made of up 69% white, 22% Asian/Pacific Islander, 6% Hispanic, and 3% Black individuals. 84% are male and 16% are female. There are no self-identified LGBTQ personnel.

Amy Nishide

- Commented in support of all the proposed reforms especially disarming the School Resource Officer (SRO) and creating a civilian oversight committee. Inquired why Officers were seen not wearing masks and why ex-Officer Silva was hired in the first place.

Chief Decena stated Officers are required to wear masks and encouraged the community to contact the Police Department if officers are seen in violation of the rule. He offered to meet with Amy to discuss the hiring of ex-Officer Silva.

Anonymous Attendee

- Inquired why Officers are wearing military-style uniforms (i.e., combat pants) instead of the usual blue uniform and requested the Town require the Officers to wear the blue uniform when patrolling.

Chief Decena stated Officers have been allowed to wear external vest carriers for the health of the Officers due to the weight of their gear. Some Officers wear a vest and others wear pants with multiple pockets. Town Attorney Robert Shultz stated Senate Bill 480 would bar law enforcement from wearing camouflage uniforms and other military style uniforms.

Anonymous Attendee

- Inquired how Officers are trained to handle situations of potential racial profiling. For example, community members calling the Police because of perceived threats posed by a Black or Brown person in a neighborhood, in a store, etc.?

Chief Decena stated that Officers respond to all calls to provide a high level of customer service. All Officers are trained to assess a situation and handle it appropriately.

Folake Phillips

- Inquired how can Officers who are racist be addressed.

Chief Decena stated everyone has biases and while Officers cannot be told what to think, they can be told how to act. They are required to treat all people fairly or face appropriate consequences.

Jeffrey Suzuki

- Commented carotid restraint is cutting off the blood flow and is dangerous, supports establishing civilian oversight, and inquired if the use of force is so low, why armed Officers are the first responders.

Chief Decena agreed that the use of carotid artery hold can be dangerous. He said sending an armed Officer to what is likely not a violent call for service is a philosophical discussion and invited Mr. Suzuki to contact him to discuss further.

Nika Sabouri

- Commented her Iranian American uncle was pulled over by LGMSPD and was searched in front of his home. He was let go once his wife, who is a white woman, waved to her husband. They did not feel welcome to live in Los Gatos. They did not file a complaint. Commented that not all of the Police misconduct is investigated or reported. Commented that the LGMSPD tried to discourage/cancel a BLM protest in Town.

Kareem Syed

- Thanked the Town for holding this workshop. Inquired what civilian oversight forms have worked in the Judge's experience and what else can we do as a Town to ensure these issues are being addressed.

Judge Cordell stated it would take too long to address this particular question as there are several options. She encouraged the community to visit the website [NACOLE.com](http://NACOLE.com) to learn about different models that are working for similar sized Police Departments and cities. She stated the key is that the Police should not be investigating themselves when there are complaints about misconduct. She stated civilian oversight models vary greatly and encouraged the community to take a look at what the City of San Jose is considering with the proposed Charter change before the voters in November.

Anonymous Attendee

- Inquired why personnel complaints are investigated internally and requested the Town commit to an independent review body.

Chief Decena stated outside investigators are sometimes brought in and the Town is open to the idea of an independent review body.

Anonymous Attendee

- Inquired about what the disproportionately high arrest rate of Hispanic and Black individuals is attributed to.

Chief Decena stated that more research is needed to fully answer the question. The statistics presented are a small portion of the full stop data and with technology upgrades, the Town will be able to delve into the full picture.

Randi Chen

- Inquired about the ethnic make-up of the Police Department.

Chief Decena stated the Police Department is made of up 69% white, 22% Asian/Pacific Islander, 6% Hispanic, and 3% Black individuals. 84% are male and 16% are female.

Emeric Bisbee

- Commented in support of reallocating Police funds to unarmed first responders and social services. The Town needs different programs.

Daniel

- Thanked the Town for holding the workshop. Inquired how to report Police Officers that are not wearing masks, what percent of monies from patrol can be allocated to social services that would address mental health calls for service, where the contact numbers come from, how the Chief engages the Officers to ensure buy-in of compassionate policing, and if the Chief believes some services may be better handled by other Departments.

Chief Decena stated Officers are required to wear masks; the Captains are listening to this workshop and will address this issue with the Officers. All Police Officers are required to undergo Crisis Intervention Training. In addition, The LGMSPD has been working with the Santa Clara County Behavior Health Services to facilitate mobile crisis response to some mental health calls. The LGMSPD is open to hiring social workers but has seen difficulties in other jurisdictions finding licensed clinical social workers who are interested in the scheduling of rotating shifts/on-call. The Chief believes mental health calls and homeless issues can be better served by another Department. Buy-in is gauged by what the Chief sees and the feedback from the community. He sees the Officers demonstrate compassion in their work. All contacts are documented by the communication aided dispatch/records management system (CAD/RMS) which is being upgraded to better track data for each contact.

Clay Goodman

- Inquired why don't Police persons "Walk the Beat"?

Chief Decena stated Officers walk the beat when the workload permits it given the large beat areas and calls for service. They do premise checks. Currently, there is no single Officer assigned to the downtown walking beat due to staffing; however, he would like to see that in the future.

Wayne Heimsoth

- Inquired how many people are on this Zoom meeting?

Town Clerk Neis stated 80 participants was the highest number of attendees and 59 participants were on at the time of the question.

Clay Goodman

- Inquired if carotid artery moves are necessary to protect the Police force?

Chief Decena stated he was reluctant to remove the carotid artery hold completely, and internal policy was changed to allow the use of that hold only if absolutely necessary. Town Attorney Robert Shultz stated there is currently a bill that will ban the use of the carotid artery hold.

Amy Nishide

- Commented a positive experience with the LGMSPD when a man used her yard to urinate. The Officer notified Amy that if she wanted to press charges, the person may get caught up with I.C.E. She commented that the LGMSPD needs to take additional care of who they stop and requested the Chief publish the reasons why he hired ex-Officer Silva.

Chief Decena stated that hiring decisions are personnel matters so documents will not be able to be published; however, he is happy to discuss it with her. Town Manager Prevetti stated that last year



when the community was concerned about Officer Silva, both she and the Chief met with community members to discuss it. She added that the Town is now more rigorous in the hiring process and continues to learn from past experiences.

Lee Fagot

- Commented that he supports continuing reallocation of funds to other programs, requested this workshop topic be continued to the next workshop, that he supports the SRO be armed, and invited the Chief to the next Democracy Tent meeting on Monday, September 14.

Laurel Prevetti stated the next workshop topic will be on affordable housing. The Police topic would not be continued to that workshop, but it will be discussed by the Town Council on September 15.

Nika Sabouri

- Commented on the large Police presence at the Fisher Middle School walk out which seemed to prevent the students from protesting and inquired what the SRO has done to protect the students.

Chief Decena provided a couple of examples of what the SRO does, including teaching a vaping diversion class, and participating in Behavioral Intervention Training with High School staff to help identify students in potential mental health crisis and connect them to resources.

Bill Ehlers

- Has the LGMSPD received any equipment from the Defense Department program called 1033? If so, what and where is it kept? The Police motorcycles, which I understand are primarily used for traffic matters, carry military style rifles. Why is this? Do the patrol cars and SUVs also carry such rifles?

Chief Decena stated they discontinued that supply source in 2015. Motorcycle Officers are mainly used for traffic stops but can be called to respond to patrol calls. All of the Officers have rifles because criminals have superior weapons.

Alicia Cinema Stereo

- Commented on the status of the world right now. Asked the Chief for his personal thoughts about the protests and the BLM movement and how he will support and protect everyone.

Chief Decena stated he is in support of peaceful protests and that the nation has a long way to go. He said that it is great that the Town's youth are organizing the protests. These recent protests feel different because more people are outraged. His family had negative experiences in the internment camps.

Jeffrey Suzuki

- Inquired if an armed Police Officer is the right response to non-violent calls for service, such as barking dogs. Commented on concerns that materials regarding ex-Officer's Silva's hiring are not available and requested the Town consider publishing materials. Inquired how the Los Gatos Anti-Racism Coalition can help the Town with these issues.

Town Manager Prevetti encouraged the community to stay engaged in these issues and to join the Town in working toward a better community. Later in the workshop, the Mayor would identify specific next steps.

Heidi Owens

- Inquired why 19 policies in the Police Manual are not available to the public and who reviews the policies.

Town Manager Prevetti and Town Attorney Rob Schultz stated that the policies that are not available to the public have to do with Police procedures for handling certain incidents and that this information is not publicly available to protect Officer safety. The Town Attorney reviews all policies.

Heidi Owens

- Is the Police Officers Association union Memorandum of Understanding or contract publicly available? If not, can you publish it?

Town Manager Prevetti stated the Police Department MOU is publicly available on the Town's Human Resources webpage.

Alicia Cinema Stereo

- Does the Chief believe that there is an issue of systemic racism in the history of the United States? Does he believe that Black lives are valuable and deserve to be treated with respect in this country? What are his thoughts on the police brutality that is occurring throughout the United States?

Chief Decena stated he has witnessed systemic racism and is committing to combating it. Yes, Black lives matter and there is no defense for recent Police killings, such as the murder of George Floyd.

Anonymous Attendee

- How much is the Judge (contractor) being paid to be on this call?

Judge Cordell stated the contract and information regarding her compensation will be made public upon payment.

Kareem Syed

- Thanked the participants for putting on the workshop.

Anonymous Attendee

- Asked can you define "community policing" as a term?

Chief Decena stated establishing relationships in the community, working with the community to decide any issues that need to be addressed, and it is how the LGMSPD does business every day.

Council Member Rennie

- Commented the LGMSPD have 32 operational sworn officers and 22 civilian officers. This is 40% civilian which means a not insignificant part of the budget is for civilians. It is easier for us to imagine what the sworn officer does, but since less visible, it is much harder to imagine why we have 22 civilians.

Chief Decena stated civilian personnel are dispatchers, records specialists, community outreach, and other essential positions. They are critical to how the Department conducts business.

Anonymous Attendee

- Commented the Police do not know what they will be encountering when they respond to calls for service.

Barbara Rogan

- Commented in opposition of cancelling the Police/school partnership.

Matt Hemmis

- Inquired if a third party evaluated any use of force action, what new types of training are in place for de-escalation tactics, if contacting Crisis Intervention Training (CIT) team for mental illness interactions should be a requirement and who makes that call, and if the Chief could provide examples of compassion training the Police force undergoes.

Chief Decena stated every use of force is evaluated internally and occasionally by an outside investigator. Officers learn de-escalation techniques in defensive training and go through 40 hours of Crisis Intervention Training. The Department utilizes the mobile crisis response team, and the Officers' CIT help to achieve long-term solutions. He and other Officers have gone through the Stanford University Compassion Institute Mindfulness program. He credited Palo Alto Chief Bob Johnson and Emeryville Chief Jennifer Tejada for introducing mindfulness to Police.

Alicia Cinema Stereo

- Inquired where the Compassion Institute is located and how she can get involved.

Chief Decena stated the Compassion Institute is located at Stanford and she could contact them directly for how she can get involved.

Barbara Rogan

- Inquired where are questions not located on the Q&A coming from.

Town Manager Prevetti stated some questions were received in advance via email.

Rachael Londer

- Inquired about the purposes of unmarked Police vehicles.

Chief Decena stated it depends on the scenario; however, unmarked vehicles are usually involved if having a marked vehicle may escalate a situation.

Ali Miano

- Inquired if tracking which Officers stop or arrest higher proportions of Black and Brown individuals may be a solution and may increase accountability, and inquired how to ensure each Officers' accountability.

Chief Decena stated the suggested solution is possible with updated CAD/RMS technology, and Officers are disciplined appropriately.

Emeric Bisbee

- Are the Officers who are the subject matter experts on mental health calls carrying weapons when they respond?

Chief Decena stated that the Officers carry weapons when responding to mental health calls.

Ali Miano

- Commented on the unmarked car and the racial profiling she experienced at local protests and asked what we are going to do about racial profiling by our Police. She inquired why are the Police

in charge of people living on the streets? Commented that's precisely an area to which we could allocate effective services, like homes for the homeless.

Chief Decena stated that an unmarked car was at the protest to provide presence without inflaming a potential situation. The Police Officers are last resorts to respond to homeless concerns. The Town has 13-16 unhoused persons that are residents of Los Gatos. We also have Officers that work directly with the homeless and know them well. Officers try to connect the homeless with available resources. Police response is a short-term solution to responding to homeless and mental health calls.

Daniel

- Commented about unmarked vehicles at the protests and inquired what the next steps are after this workshop.

Chief Decena stated the unmarked car was located at a BLM protest to monitor the event to ensure the safety of the protesters. The Mayor would describe next steps at the end of the workshop.

Jeffrey Suzuki

- Expressed his appreciation for the workshop.

Alicia Cinema Stereo

- Asked Judge Cordell if there was anything that should have been asked that wasn't and what she thought about the process and Los Gatos.

Judge Cordell stated she was there to facilitate the process and not to critique, she didn't think there were any unasked questions, and she thought Los Gatos was on the right path.

Maria Ristow

- Inquired how community members can sign up for ride alongs.

Chief Decena stated the community typically can sign up for ride alongs; however, the program is paused due to the pandemic. The Citizen's Police Academy is another opportunity to engage after the pandemic is over.

Anonymous Attendee

- Inquired if a SRO created a vaping sting operation and if the principal or faculty could have handled vaping discipline.

Chief Decena stated the SRO created a vaping awareness class, not a sting operation.

Anonymous Attendee

- Inquired if Police Officers are required to watch the recording of this meeting so they can hear the community's concerns and hear Town leadership's guidance.

Chief Decena stated a number of Officers are watching currently, and that all of these concerns will be brought up to staff.

Jeffrey Suzuki

- Commented on the second question I asked earlier in my statement was whether we can release data regarding the ethnic and racial composition of arrests and citations, perhaps on a yearly basis.

Chief Decena stated the LGMSPD will begin collecting full data in 2022, but will be collecting basic data on the new technology which can be published annually on the Town website.

Anonymous Attendee

- Inquired if the Chief understands the nature of implicit bias, and can further explain why implicit bias training is not mandatory. No “overt racists” on the force is a painfully low bar.

Chief Decena stated the Town encourages Officers to take implicit bias classes and has held diversity panels with members of the Islamic, Sikh, and Jewish religions. Implicit bias is something the LGMSPD is aware of and is something we attempt to expose the Officers to. Judge Cordell stated that Stanford Professor Jennifer Eberhardt is a MacArthur Genius and the leading expert on implicit bias and mentioned she may be available to offer more insight. Professor Eberhardt wrote the book “Biased: Uncovering the Hidden Prejudice That Shapes What We See, Think, and Do.”

C. Musser

- Commented that the LGMSPD does a great job with the homeless and just finding affordable housing will not solve the problem, it’s much larger than that.

Catherine Somers

- Inquired how allegiant the Chief is to the Police Foundation Board and how the community can be assured that the Chief makes his own decisions about the LGMSPD Force?

Chief Decena stated that was cautious about the Police Foundation. The Foundation has an excellent Board of Directors that is committed to this Town and provides financial support to the Police Department in the form of Police dogs, training, and some equipment. He is not beholden to them for law enforcement decisions.

Anonymous Attendee

- Inquired what are the next steps for the Town Council and this group, if this group solely responsible for determining how funds are allocated, and how to move forward with reallocating funds. Commented the Chief himself said he’d be happy to accept defunding and reallocation to support mental health calls.

**Closing/Next Steps**

Mayor Jensen thanked the attendees for a constructive and positive session. She thanked all Council Members for being in attendance to listen with her. She thanked the Judge, and staff, and outlined the next steps at the end of the workshop. She invited the community to attend the next Council Meeting on September 15 via Zoom at which time the Council would decide how to proceed on Police reforms. The next community workshop is September 29 on affordable housing and in October, there will be a workshop on Community Culture. She invited everyone to attend. After each workshop, Town Council would take up the matter: listen/learn, then assimilate and take action.

Judge Cordell thanked the attendees and acknowledged the courage for leadership to take this step. She expressed that she is ever hopeful for a stronger, kinder nation and encouraged action.

## **Additional Written Q&A Previously Addressed During the Workshop**

Rachael Londer

- Hello! Every time I have seen an Officer in a vehicle, walking or directing traffic they have not been wearing a mask. Is this a rule for them? It has made me feel extra unsafe to have to interact with unmasked Officers.

Anonymous Attendee

- Yes to civilian oversight; yes to reallocating some Department funds to social services to support homeless folks, folks with mental health issues, etc. so Police aren't the first dealing with those calls; and yes to disarming School Resource Officers and investing in counselors in the schools. And please wear a mask. Thank you.

Daniel

- You got them, thank you.

Emeric Bisbee

- Answer to the Anonymous Attendee: I think the masks the Officers are wearing are better than the ones they put on Daniel Prude's head.

Emeric Bisbee

- Anonymous Attendee: you can get enough oxygen wearing a mask.

Emeric Bisbee

- no armed Police on campus.

Anonymous Attendee

- Police Officers Association MOU: <https://www.losgatosca.gov/1702/POA>

Terry Duryea

- Thank you for organizing this and inviting Judge Cordell, she is worth every penny.

Bill Ehlers

- Thanks for the engagement.

Maria Ristow

- Thank you all around.

Clay Goodman

- We support armed Police at our schools.

Anonymous Attendee

- The Police uniforms do not look militaristic. They are functional only.

Anonymous Attendee

- We want our Police force to receive enough oxygen. The masks do not protect anyone from any viruses!!



**TOWN OF LOS GATOS  
COUNCIL AGENDA REPORT**

MEETING DATE: 09/15/2020

ITEM NO: 6

ADDENDUM

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DATE: September 10, 2020  
TO: Mayor and Town Council  
FROM: Laurel Prevetti, Town Manager  
SUBJECT: Discuss the Police Department Budget and Provide Direction for Potential Reforms to Practices, Service Delivery, Oversight, and Related Matters

**RECOMMENDATION:**

Attachment 3 contains public comment received 11:01 a.m. Thursday, September 10 and 11:00 a.m. Monday, September 14, 2020.

**Attachments previously received with the Staff Report:**

1. Workshop Slides
2. Workshop Summary

**Attachment received with this Addendum:**

3. Public Comment Received 11:01 a.m. Thursday, September 10 and 11:00 a.m. Monday, September 14, 2020.

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

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Dear Honorable Mayor & Council Members

September 13, 2020

First, I wasn't to thank Council and Staff for holding the September 8<sup>th</sup> workshop on possible police reforms. In addition to Chief Decena's openness to new ideas at the workshop, I found Judge Cordell impressive. She adds much creditability to our Town's efforts.

I begin with my thoughts on the 3 potential police reforms Ms. Prevetti summarized on the Zoom workshop:

- I believe we have an opportunity to use budgeted, but currently unspent, Police Department dollars to hire professional social workers as first responders to certain types of nonviolent crime, including mental health issues and homelessness—I will speak to this further in a second
- I support the idea of some form of Police oversight to improve accountability—personally I have had good and poor experiences in my dealings with Police Officers.
  - My good experiences were fostered by officers that showed an attitude of mutual interest and respect, and community engagement
  - My poor experiences were fostered by officers who displayed arrogance and authority
- And on the 3<sup>rd</sup> issue, changing the School Resource Officer partnership, I don't know enough to take a position

Here are a couple of observations that stand out from participating in the Zoom call

- Because only 32 of the budgeted 39 sworn officer position are filled, Los Gatos has unspent budgeted dollars available to provide improved services for people with mental health issues
  - This gives the Town flexibility to review how it allocates Police Department resources to meet the existing community needs, in a more empathetic, community friendly, and potentially more cost effective ways
- Los Gatos is fortunate to have so many community volunteers that step up to help Los Gatos Police fulfill their mission
- Mental Health Incidents are almost as frequent (90% as frequent) as Crimes Against Persons
- I noticed more than once that the Police Department seems to set a low bar for measurement, rather than a more aggressive one that you would expect from a Police Department with the pride and professionalism of ours
  - For example, the Chief committed to meeting a mandated information reporting deadline of 2022, rather than setting a loftier goal of getting the information to the public sooner, and
  - The discussion about systematic racism focused on training officers how to act without showing racist actions, but gave no recognition that police officers, like all of us, also feel implicit racism which could unconsciously impact how they act.

I close with four suggestions:

1. I would like to see Police uniforms look less militaristic—it impacts the public's perception of the police, and in some cases the Sworn Officer's mindset
2. Have all Sworn Officers go through implicit bias testing as part of the anti-racism training
3. In the spirit of understanding police activity, I suggest future reporting of Police activity would be enhanced if it provided greater detail of the "Other" category that represented 59% of the total crime statistics?
4. Determine if the contract for police services with Monte Sereno covers the full burdened cost of providing those services. And if not, I suggest the Town develop a plan to ensure reimbursement for our full costs in the next contract?

Respectfully submitted by Terry Duryea

ATTACHMENT 3





**TOWN OF LOS GATOS  
COUNCIL AGENDA REPORT**

MEETING DATE: 09/15/2020

ITEM NO: 6

DESK ITEM

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DATE: September 10, 2020  
TO: Mayor and Town Council  
FROM: Laurel Prevetti, Town Manager  
SUBJECT: Discuss the Police Department Budget and Provide Direction for Potential Reforms to Practices, Service Delivery, Oversight, and Related Matters

REMARKS:

Below are the responses to the questions received by a Council Member.

- 1. In future budget charts, can the Town's property tax amount to the County Fire Department be included. I knew the amount but without proper context, one does not understand how significant of an investment we make for fire safety.***

Suggestion noted.

- 2. How much does the Town spend in social services, is it just the \$120,000 in community grants?***

The Town of Los Gatos has been awarding community grants for over 25 years. Since 2011 grant funding has been allocated from the General Fund in amounts ranging annually from \$103,000 to \$142,000. In 2019, the Council adopted a new approach to the community grant program which included Human Services Sustainability Grants. These grants are intended for human service groups that have received grant funding for the same ongoing project/service continually for the past five or more years. Organizations now apply for a single grant that would encompass two years of committed funding with an option for renewal at the end of the two-year period. The programs that qualify for this option are: Counseling and Support Services for Youth (CASSY), Live Oak Adult Day Services, Live Oak Senior Nutrition Service, Next Door Solutions to Domestic Violence, and West Valley Community Services. For FY 2019/20 CASSY received \$10,000, Live Oak Adult Day Services received \$13,000, Live Oak Senior Nutrition Service received \$25,000, Next Door Solutions received \$5,000, and West Valley Community Services received \$20,000. For 2020/21 and

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

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SUBJECT: Consider the Police Department Budget and Provide Direction on Potential Reforms and Related Matters

DATE: September 10, 2020

FY 2021/22, all agencies will receive these same annual amounts with the exception of Live Oak Nutrition which will receive \$22,000 for each of the two years.

In addition, the Town contracts with West Valley Community Services to administer the Comprehensive Emergency Assistance Program (CEAP). West Valley Community Services provided services to the community for one-time emergency financial assistance to prevent individuals and families from becoming homeless, quickly re-house households that have been un-housed, and prevent a utility shut-off. The Town recently renewed the contract for \$15,000 annually and \$75,000 over the five-year term of the Agreement. The Town also contracts with Project Sentinel to administer its rental dispute resolution program. Project Sentinel provides services to both tenants and landlords, including information, referral, conciliation, mediation, and arbitration. The Town recently renewed the contract for \$34,000 annually and \$170,000 over the five-year term of the Agreement.

Due to the unprecedented impacts of COVID-19, the Town also provided additional emergency grants in FY 2019/20 of \$10,000 each to West Valley Community Services, CASSY, Next Door Solutions, and Live Oak Senior Nutrition. The Town Manager as Director of Emergency Services provided emergency assistance to House of Hope to procure protein (\$1,900) and funding for sanitizing the Methodist Church Homeless Shower Program (\$4,900).

**3. *When there is a call for Police assistance, is it known upfront when it involves a mental health and/or homeless person***

Most mental health calls are from family members or friends who are concerned about behaviors exhibited by the individual. If the situation is not clear, Dispatchers are trained to ask questions to determine if mental health is an issue. Calls regarding the homeless are usually identified as such from the outset and often both Dispatchers and Officers can determine who the homeless individual is by the description given. To assist with potential calls involving mental health concerns, LGMSPD has implemented the Special Needs Awareness Program (SNAP) that encourages residents with family members or loved ones with special needs to sign up. The program is voluntary and confidential and information regarding the persons' special needs (dementia, autism, hearing impairment, emotional or behavioral concerns) is placed into the Computer Aided Dispatch/Records Management System (CAD/RMS) so officers responding to an address of a SNAP participant can be advised of any special circumstances.

**4. *Of the 131 mental health reports in the Chief's presentation, what percentage of the calls did the police believe could have been handled by a clinician? (I realize some of these questions may require further study but curious if the Chief could make a good guess.)***

SUBJECT: Consider the Police Department Budget and Provide Direction on Potential Reforms and Related Matters

DATE: September 10, 2020

The 131 number is an annual average based on 5 years of data where 5150 Welfare and Institutions Code (W&I) was listed as the primary reason for the incident. It does not include mental health calls that did not generate a report or cases where a 5150 hold was not the primary issue. As a result, we were not able to provide a complete picture of mental health calls. Likewise, it would be difficult to assign a percentage for the calls that could be handled by a clinician, at least until there are parameters identified for what constitutes a call that would be safe enough for a clinician to respond without Police presence.

**5. How many of the above calls were “dangerous” enough to require police assistance?**

Based on the data from FY 2019/2020, out of the 114 reports where 5150 W&I was the primary concern, 37 involved weapons, violence, threats of suicide or threats against another person.

**6. Is there a noticeable pattern (daytime/nighttime) when mental health calls are made or would the Town have to have a clinician on call 24/7?**

Research would need to be conducted to determine a specific time frame, but anecdotally there doesn't appear to be a noticeable pattern to the occurrence of mental health calls in Los Gatos. Since the Santa Clara County Behavioral Health Services (BHS) Mobile Crisis Response Team (MCRT) is not fully staffed, they are only offering services Monday-Friday 8:00 a.m. to 8:00 p.m. based on their assessment of calls for service County-wide.

**7. How does the partnership work with the County when mental health services are required? How many times have we asked for their assistance and what is their current response time?**

For calls involving adults in mental health crisis, Officers will call the MCRT hotline. The call-taker will triage the call and send a MCRT if appropriate and the team is available. Based on our minimal experience utilizing MCRT, their response time averages about an hour. Typically, if it is longer (one MCRT services the entire County), Officers will resolve the situation without their assistance.

**8. Does Chief Decena know what BHS is projecting for next year? Because of their budget constraints, I know the juvenile assistance may be limited next year but now aware of adult services.**

The Chief is not privy to BHS projections for the next year. The previous BHS Director was very committed to the partnering with law enforcement to provide meaningful mental health response. With her retirement, this commitment has been honored by the Interim Director; however, it remains to be seen if the new Director will follow the same path.

PAGE 4 OF 4

SUBJECT: Consider the Police Department Budget and Provide Direction on Potential Reforms and Related Matters

DATE: September 10, 2020

**9. *Is implicit bias training required of all Officers or is it just encouraged as stated during the workshop?***

State law requires racial profiling and cultural diversity training once every 5 years for all sworn personnel. LGMSPD provided racial profiling training for all Officers as part of the annual Advanced Officer Training (AOT) just prior to my arrival in 2018. Last year as part of AOT, all officers participated in a panel discussion with representatives of the Muslim, Sikh and Jewish faiths. This year, AOT will include a module on implicit bias. We are hoping to work with Dr. Jennifer Eberhardt (Stanford University) as recommended by Judge Cordell.

Attachments previously received with the Staff Report:

1. Workshop Slides
2. Workshop Summary

Attachment previously received with the Addendum:

3. Public Comment Received 11:01 a.m. Thursday, September 10 and 11:00 a.m. Monday, September 14, 2020.

Attachment received with this Addendum:

4. Public Comment Received 11:01 a.m. Monday, September 14 and 11:00 a.m. Tuesday, September 14, 2020.

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**Subject:** Agenda Item 6  
**Attachments:** IMG\_0780.PNG

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

From: Phil Koen <[REDACTED]>  
Sent: Tuesday, September 15, 2020 9:15 AM  
To: Laurel Prevetti <LPrevetti@losgatosca.gov>  
Cc: Marico Sayoc <MSayoc@losgatosca.gov>; BSpector <BSpector@losgatosca.gov>; Rob Rennie <RRennie@losgatosca.gov>; Marcia Jensen <MJensen@losgatosca.gov>; Maria Ristow <[REDACTED]>; Matthew Hudes <[REDACTED]>; Heidi Owens <[REDACTED]>; jvannada <[REDACTED]>  
Subject: Agenda Item 6

Hello Laurel,

Below is some additional information that was not in the Staff report which the Council might find useful as they discuss agenda item 6. Please note that the adopted FY 21 budget calls for a 44% increase over actual net police department expenditures incurred in 2017. The budget also assumes a 6% increase from 2017 actuals for P1 and P2 incidents.

Thank you.

Phil Koen

ATTACHMENT 4

### POLICE DEPARTMENT

#### DEPARTMENTAL SUMMARY OF REVENUES AND EXPENDITURES

	2016/17 Actuals	2017/18 Actuals	2018/19 Actuals	2019/20 Adopted	2019/20 Estimated	2020/21 Adopted
<b>REVENUES</b>						
Licenses and Permits	\$ 87,427	\$ 78,027	\$ 91,799	\$ 87,920	\$ 96,895	\$ 87,735
Intergovernmental Revenues	817,331	886,555	826,643	835,391	786,845	854,335
Service Charge	1,049,384	1,099,057	1,137,911	1,182,264	1,179,669	1,233,898
Fines & Forfeitures	862,076	656,216	433,447	468,950	346,729	426,950
Other Revenues	64,356	49,455	66,646	86,887	59,400	78,515
<b>TOTAL REVENUES</b>	<b>\$ 2,880,574</b>	<b>\$ 2,769,310</b>	<b>\$ 2,556,446</b>	<b>\$ 2,661,412</b>	<b>\$ 2,469,538</b>	<b>\$ 2,681,433</b>
<b>EXPENDITURES</b>						
Salaries and Benefits	\$ 10,518,132	\$ 11,445,906	\$ 12,587,676	\$ 14,377,080	\$ 13,363,811	\$ 14,878,295
Operating Expenditures	1,008,652	1,025,236	1,157,191	1,445,810	1,305,441	1,512,867
Grants	5,897	11,587	25,025	20,000	20,000	20,000
Fixed Assets	-	-	3,545	-	-	-
Internal Service Charges	1,718,609	1,940,825	1,175,517	1,097,894	1,053,983	1,176,663
<b>TOTAL EXPENDITURES</b>	<b>\$ 13,251,290</b>	<b>\$ 14,423,554</b>	<b>\$ 14,948,954</b>	<b>\$ 16,940,784</b>	<b>\$ 15,743,235</b>	<b>\$ 17,587,825</b>
Transfers Out						
Transfers Out to Equipment Replacement	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Total Transfers Out</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>TOTAL EXPENDITURES &amp; TRANSFERS OUT</b>	<b>\$ 13,251,290</b>	<b>\$ 14,423,554</b>	<b>\$ 14,948,954</b>	<b>\$ 16,940,784</b>	<b>\$ 15,743,235</b>	<b>\$ 17,587,825</b>

	2016/17 Actuals	2017/18 Actuals	2018/19 Actuals	2019/20 Adopted	2019/20 Estimated	2020/21 Adopted
<b>PROGRAM</b>						
Administration	\$ 861,561	\$ 1,026,502	\$ 1,223,444	\$ 1,299,427	\$ 1,240,091	\$ 1,378,275
Records & Communications	1,949,183	2,072,274	2,221,494	2,363,660	2,163,767	2,483,105
Patrol	5,827,002	6,575,258	7,112,700	7,512,107	7,314,696	7,925,958
Traffic	932,169	992,689	1,011,364	1,084,957	833,509	1,066,473
Investigations	2,342,031	2,282,295	2,219,461	2,844,068	2,661,856	2,877,009
Personnel & Community Services	596,274	773,826	562,528	1,037,275	856,443	1,023,462
Parking	700,325	683,817	565,896	671,384	620,474	754,733
Operating Grants	14,567	11,451	27,547	95,791	46,027	54,695
Pass-Through Accounts	28,178	5,442	4,520	32,115	6,372	24,115
<b>TOTAL EXPENDITURES</b>	<b>\$ 13,251,290</b>	<b>\$ 14,423,554</b>	<b>\$ 14,948,954</b>	<b>\$ 16,940,784</b>	<b>\$ 15,743,235</b>	<b>\$ 17,587,825</b>

2017 Net Expenditure \$10,370,716  
 Total FTE 58  
 \$/FTE \$178,805  
 Total P1+P2 incidents 13,445

2021 Net Expenditure \$14,906,392  
 Total FTE 60  
 \$/FTE \$248,439  
 Total P1+P2 incidents 14,226

Δ 44%  
 Δ 39%  
 Δ 6%



**TOWN OF LOS GATOS  
COUNCIL AGENDA REPORT**

MEETING DATE: 09/15/2020

ITEM NO: 7

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DATE: September 9, 2020  
TO: Mayor and Town Council  
FROM: Laurel Prevetti, Town Manager  
SUBJECT: Approve an Addendum to the Police Officers' Association Memorandum of Understanding and Revisions to the Police Classifications within the Temporary Classification Plan

**RECOMMENDATION:**

Approve an addendum to the Police Officers' Association Memorandum of Understanding (Attachment 1) and revisions to the Police Classifications within the Temporary classification plan (Attachment 3).

**BACKGROUND:**

The Police Officers' Association (POA) Memorandum of Understanding (MOU) expires on September 30, 2021. Although the MOU does not expire until 2021, it contains language that required a reopener to negotiate salary [i.e., cost of living adjustment (COLA)] during the third year of the agreement. In accordance with the Town's Employer-Employee Relations Resolution No. 1974-41, representatives of the Town and POA have met and conferred in good faith and within the scope of representation to reach an agreement related to reopener provisions.

The Temporary unit is an at-will, unrepresented unit of the Town. Recommendations for the Temporary unit classification plans are at the discretion of the Town Manager, with the consent of the Council, based on budget considerations and other factors at that time.

**DISCUSSION:**

During the meet and confer process, a tentative agreement was reached to implement a 1% COLA and a 2% non-PERSable one-time bonus effective in the first full pay period of October 2020. The agreed upon COLA and bonus is consistent with the addenda that were approved

**PREPARED BY:** Lisa Velasco  
Human Resources Director

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

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PAGE 2 OF 3

SUBJECT: Approve Addendum to the POA MOU and Revisions to the Temporary Classification Plan

DATE: September 9, 2020

DISCUSSION (continued):

for the Town's two other represented employee groups as well as the Management and Confidential classifications on May 5, 2020.

A 1% COLA was authorized on May 5, 2020 for the Town's Temporary classifications, excluding the Temporary Police Officer classifications. In past practice, the Temporary Police Officer Reserve classification hourly pay rate has matched the top step of the POA represented Police Officer classification for the purpose of attracting and retaining fully qualified Officers that are interested in working limited hours on a temporary basis at Town special events and other activities.

According to the Town's Municipal Code (Section 2.30.1015), Police Reserve Officers shall have the full powers and duties of a Peace Officer as provided by California Penal Code section 830.1. The Temporary Police Officer classification is used to backfill vacancies of full-time equivalent positions. The rates of pay were last adjusted in December 2019 to maintain parity with the represented POA Police Officer top step rate. It is recommended that the 1% COLA now be applied to the Temporary classifications of Police Officer Reserve and Police Officer Temp/Hourly for continued parity with the represented POA classification.

CONCLUSION:

The POA tentative agreement has been prepared within the parameters provided to the Town's negotiators by the Town Council and has been ratified by the POA membership. It is recommended that the parameters of the tentative agreement be approved, and the Town Manager be authorized to execute the addendum to the MOU. It is also recommended that a 1% COLA is authorized for the Temporary classifications of Police Officer Reserve and Police Officer Temp/Hourly classifications.

FISCAL IMPACT:

The anticipated fiscal impact for the POA salary adjustments in FY 2020/21 is \$169,346 and reduced to \$82,448 on-going. The impact for the Temporary classification salary adjustments is \$259 annually. The Adopted Budget includes the anticipated costs and no budget adjustment is necessary.

ENVIRONMENTAL ASSESSMENT:

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



PAGE 3 OF 3

SUBJECT: Approve Addendum to the POA MOU and Revisions to the Temporary  
Classification Plan

DATE: September 9, 2020

Attachments:

1. POA Addendum to the MOU
2. POA Salary Schedule
3. Temporary Salary Schedule

**ADDENDUM TO  
TOWN OF LOS GATOS  
AND  
POLICE OFFICERS ASSOCIATION  
MEMORANDUM OF UNDERSTANDING  
June 18, 2020**

The parties agree to the following in settlement of the year three salary re-opener:

Effective in the first full pay period of October 1, 2020 the Town will provide a one percent (1%) salary adjustment for all bargaining unit members. In addition, effective in the first full pay period of October 1, 2020 all bargaining unit members shall receive a one-time (non-PERSable) payment equivalent to two percent (2%) based on the September 30, 2020 annual base salary for that employee.

**FOR LGPOA:**

\_\_\_\_\_  
Erin Lunsford  
President

\_\_\_\_\_  
Peter Hoffmann  
Rains Lucia Stern St. Phalle & Silver

**TOWN OF LOS GATOS:**

\_\_\_\_\_  
Laurel Prevetti  
Town Manager

\_\_\_\_\_  
Arn Andrews  
Assistant Town Manager

\_\_\_\_\_  
Lisa Velasco  
Human Resources Director

\_\_\_\_\_  
Donna Williamson  
Liebert Cassidy Whitmore

APPROVED AS TO FORM:

\_\_\_\_\_  
Robert Schultz  
Town Attorney

**Town of Los Gatos POA Classifications  
Salary Schedule for Fiscal Year 2020/21  
Effective October 4, 2020**

Class Code	Classification Title	Range	Step	Hourly Rate
2520	<b>Police Sergeant (Prior)</b> <i>Appointment before 03/01/2015</i>	04-0721	1	\$65.13
			2	\$68.39
			3	\$71.81
			4	\$75.41
			5	\$79.18

Class Code	Classification Title	Range	Step	Hourly Rate
2521	<b>Police Sergeant (New)</b> <i>Appointment after 03/01/2015</i>	05-0721	1	\$65.13
			2	\$68.39
			3	\$71.81
			4	\$75.41

Class Code	Classification Title	Range	Step	Hourly Rate
7500	<b>Police Corporal</b>	03-0715	1	\$54.04
			2	\$56.74
			3	\$59.58
			4	\$62.56
			5	\$65.69

Class Code	Classification Title	Range	Step	Hourly Rate
7510	<b>Police Officer</b>	02-0711	1	\$51.47
			2	\$54.05
			3	\$56.75
			4	\$59.59
			5	\$62.57

Class Code	Classification Title	Range	Step	Hourly Rate
9519	<b>Police Trainee *</b>	01-0710	1	\$48.90
	<i>* 95% of Step 1 of Police Officer Classification (Provisional Employee with Misc PERS)</i>			

**Reflects General Increase of 1%.**

**Town of Los Gatos Temporary Classifications  
Salary Schedule for Fiscal Year 2020/21  
Effective July 1, 2020  
Adopted by Town Council September 15, 2020**

Class Code	Classification Title	Rate Type	Range	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6
9305	Account Clerk Temp/Hourly	Hourly	TE2-04	\$24.28	\$25.49	\$26.76	\$28.10	\$29.51	\$30.99
9310	Account Technician Temp/Hourly	Hourly	TE2-10	\$29.18	\$30.64	\$32.17	\$33.78	\$35.47	\$37.24
9300	Accountant Temp/Hourly	Hourly	TE2-17	\$35.24	\$37.00	\$38.85	\$40.79	\$42.83	\$44.97
9010	Admin Analyst Temp/Hourly	Hourly	TE2-17	\$35.24	\$37.00	\$38.85	\$40.79	\$42.83	\$44.97
9100	Admin Specialist Temp/Hourly	Hourly	TE2-10	\$29.18	\$30.64	\$32.17	\$33.78	\$35.47	\$37.24
9580	Administrative Assistant Temp/Hourly	Hourly	TE2-05	\$26.53	\$27.86	\$29.25	\$30.71	\$32.25	\$33.86
9105	Administrative Secretary Temp/Hourly	Hourly	TE2-09	\$27.87	\$29.26	\$30.72	\$32.26	\$33.87	\$35.56
9656	Assistant Engineer Temp/Hourly	Hourly	TE2-23	\$39.93	\$41.93	\$44.03	\$46.23	\$48.54	\$50.97
9655	Associate Civil Engineer Temp/Hourly	Hourly	TE2-24	\$45.98	\$48.28	\$50.69	\$53.22	\$55.88	\$58.67
9400	Associate Planner Temp/Hourly	Hourly	TE2-22	\$39.77	\$41.76	\$43.85	\$46.04	\$48.34	\$50.76
9410	Building Inspector Temp/Hrly	Hourly	TE2-23	\$39.93	\$41.93	\$44.03	\$46.23	\$48.54	\$50.97
9112	Clerical Aide Temp/Hourly	Hourly	TE2-01	\$13.13	\$13.79	\$14.48	\$15.20	\$15.96	\$16.76
9430	Code Compliance Officer Temp/Hourly	Hourly	TE2-16	\$34.33	\$36.05	\$37.85	\$39.74	\$41.73	\$43.82
9530	Communication Dispatcher Temp/Hourly	Hourly	TE2-19	\$36.98	\$38.83	\$40.77	\$42.81	\$44.95	\$47.20
9545	Crime Analyst Temp/Hourly	Hourly	TE2-18	\$35.67	\$37.45	\$39.32	\$41.29	\$43.35	\$45.52
9540	CSO Intern Temp/Hourly	Hourly	TE2-03	\$21.80	\$22.89	\$24.03	\$25.23	\$26.49	\$27.81
9532	CSO Temp/Hrly	Hourly	TE2-12	\$31.25	\$32.81	\$34.45	\$36.17	\$37.98	\$39.88
9190	Deputy Clerk Temp/Hourly	Hourly	TE2-04	\$24.28	\$25.49	\$26.76	\$28.10	\$29.51	\$30.99
9660	Engineering Technician Temp/Hourly	Hourly	TE2-13	\$32.05	\$33.65	\$35.33	\$37.10	\$38.96	\$40.91
9621	Equipment Mechanic Temp	Hourly	AF2-01	\$32.39	\$34.01	\$35.71	\$37.50	\$39.38	\$41.35
9720	Facility Attendant Temp/Hourly	Hourly	TE2-01	\$13.13	\$13.79	\$14.48	\$15.20	\$15.96	\$16.76
9109	Human Resources Specialist Temp/Hourly	Hourly	TE2-09	\$27.87	\$29.26	\$30.72	\$32.26	\$33.87	\$35.56
9041	Intern I Temp/Hourly	Hourly	TE2-02	\$17.07	\$17.92	\$18.82	\$19.76	\$20.75	\$21.79
9040	Intern II Temp/Hourly	Hourly	TE2-03	\$21.80	\$22.89	\$24.03	\$25.23	\$26.49	\$27.81
9200	IT Technician Temp/Hrly	Hourly	TE2-14	\$32.11	\$33.72	\$35.41	\$37.18	\$39.04	\$40.99
9605	Lead Parks & Maint Worker	Hourly	AF2-06	\$33.92	\$35.62	\$37.40	\$39.27	\$41.23	\$43.29
9015	Legal Assistant Temp/Hrly	Hourly	TE2-17	\$35.24	\$37.00	\$38.85	\$40.79	\$42.83	\$44.97
9810	Librarian Temp/Hourly	Hourly	TE2-15	\$33.99	\$35.69	\$37.47	\$39.34	\$41.31	\$43.38
9820	Library Assistant Temp/Hourly	Hourly	TE2-06	\$25.91	\$27.21	\$28.57	\$30.00	\$31.50	\$33.08

**Town of Los Gatos Temporary Classifications  
Salary Schedule for Fiscal Year 2020/21  
Effective July 1, 2020  
Adopted by Town Council September 15, 2020**

Class Code	Classification Title	Rate Type	Range	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6
9840	Library Clerk Temp/Hourly	Hourly	TE2-04	\$24.28	\$25.49	\$26.76	\$28.10	\$29.51	\$30.99
9850	Library Page Temp/Hourly	Hourly	TE2-01	\$13.13	\$13.79	\$14.48	\$15.20	\$15.96	\$16.76
9830	Library Teen Services Specialist	Hourly	TE2-03	\$21.80	\$22.89	\$24.03	\$25.23	\$26.49	\$27.81
9600	Maintenance Assistant	Hourly	AF2-02	\$16.30	\$17.12	\$17.98	\$18.88	\$19.82	\$20.81
9900	Network Administrator	Hourly	TE2-21	\$38.03	\$39.93	\$41.93	\$44.03	\$46.23	\$48.54
9180	Office Assistant Temp/Hourly	Hourly	TE2-04	\$24.28	\$25.49	\$26.76	\$28.10	\$29.51	\$30.99
9645	Park Service Officer Aide Temp/Hourly	Hourly	TE2-03	\$21.80	\$22.89	\$24.03	\$25.23	\$26.49	\$27.81
9640	Park Service Officer Temp/Hourly	Hourly	TE2-12	\$31.25	\$32.81	\$34.45	\$36.17	\$37.98	\$39.88
9560	Parking Control Officer Temp/Hourly	Hourly	TE2-04	\$24.28	\$25.49	\$26.76	\$28.10	\$29.51	\$30.99
9620	Parks & Main Worker Temp	Hourly	AF2-04	\$27.28	\$28.64	\$30.07	\$31.57	\$33.15	\$34.81
9630	Parks & Main Worker Trainee Temp	Hourly	AF2-03	\$22.30	\$23.42	\$24.59	\$25.82	\$27.11	\$28.47
9440	Permit Technician	Hourly	TE2-11	\$30.07	\$31.57	\$33.15	\$34.81	\$36.55	\$38.38
9590	Police Officer Reserve (Top Step of Officer)*	Hourly	TE2-25	\$62.57					
9520	Police Officer Temp/Hourly*	Hourly	TE2-25	\$62.57					
9550	Police Records Specialist Temp/Hourly	Hourly	TE2-08	\$27.18	\$28.54	\$29.97	\$31.47	\$33.04	\$34.69
9650	Public Works Inspector Temp/Hourly	Hourly	TE2-20	\$37.74	\$39.63	\$41.61	\$43.69	\$45.87	\$48.16
9670	Senior Electrician Temp/Hourly	Hourly	TE2-23	\$39.93	\$41.93	\$44.03	\$46.23	\$48.54	\$50.97
9831	Senior Library Page	Hourly	TE2-02	\$17.07	\$17.92	\$18.82	\$19.76	\$20.75	\$21.79
9725	Special Event Attendant	Hourly	TE2-07	\$16.30	\$17.12	\$17.98	\$18.88	\$19.82	\$20.81
9610	Ticket Booth Attendant	Hourly	AF2-05	\$13.37	\$14.04	\$14.74	\$15.48	\$16.25	\$17.06

*Reflects General Increase of 1%*

**\*Approved rate change September 15, 2020, effective October 4, 2020**



**TOWN OF LOS GATOS  
COUNCIL AGENDA REPORT**

MEETING DATE: 09/15/2020

ITEM NO: 7

DESK ITEM

**DATE:** September 15, 2020  
**TO:** Mayor and Town Council  
**FROM:** Laurel Prevetti, Town Manager  
**SUBJECT:** Approve an Addendum to the Police Officers’ Association Memorandum of Understanding and Revisions to the Police Classifications within the Temporary Classification Plan

**REMARKS:**

A Council Member asked staff to answer the question raised in the public comments (Attachment 4). The question and staff’s response are below.

*“Please re-confirm that the total fiscal 2021 salary and benefit cost arising from the 1% COLA and a 2% one-time bonus for the POA is \$169,346. If the on-going impact of the 1% adjustment is \$82,448, wouldn’t that suggest that the 2% bonus cost is \$164,896 which is almost the entire amount of the stated cost of \$169,346.”*

No, the FY 2020/21 and FY 2021/22 impact of the 1% increase and the 2% non-PERSable bonus is illustrated in the below table.

FY 2020/21 (YEAR 1)			FY 2021/22 (YEAR 2)		
IMPACTS OF 1% INCREASE AND 2% NON-PERSABLE BONUS			IMPACTS OF 1 % INCREASE in FY 2020/21		
SALARIES	BENEFITS	TOTAL	SALARIES	BENEFITS	TOTAL
\$ 142,122	\$ 27,225	\$ 169,346	\$ 51,693	\$ 30,755	\$ 82,448

The proportion of the salary and the benefit impact are different between the two fiscal years due to the non-PERSable nature of the one-time bonus. The FY 2020/21 salary impact of \$142,122 consists of the impact of 1% increases (\$51,693) and the 2% non-PERSable bonus (\$90,429). The exclusion of benefits from the 2% one-time bonus is the reason the relationship between years is not linear as the question suggests.

**PREPARED BY:** Lisa Velasco  
Human Resources Director

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

PAGE 2 OF 2

SUBJECT: Approve Addendum to the POA MOU and Revisions to the Temporary  
Classification Plan

DATE: September 15, 2020

Attachments previously distributed with the Staff Report:

1. POA Addendum to the MOU
2. POA Salary Schedule
3. Temporary Salary Schedule

Attachment distributed with this Desk Item:

4. Public comments received between 11:01 a.m. Monday, September 14, 2020 and 11:01 a.m. Tuesday, September 15, 2020.

---

**Subject:** Agenda Item #7

**From:** Phil Koen [REDACTED] >

**Sent:** Monday, September 14, 2020 11:06 AM

**To:** Laurel Prevetti; Stephen Conway

**Cc:** Marico Sayoc; BSpector; Rob Rennie; Marcia Jensen; [jvannada](#) [REDACTED]

**Subject:** Agenda Item #7

Dear Laurel,

Could you please re-confirm that the total fiscal 2021 salary and benefit cost arising from the 1% COLA and a 2% one-time bonus for the POA is \$169,346. If the on-going impact of the 1% adjustment is \$82,448, wouldn't that suggest that the 2% bonus cost is \$164,896 which is almost the entire amount of the stated cost of \$169,346. I am sure I am missing something.

Thank you.

Phil Koen