



**TOWN OF LOS GATOS
COUNCIL MEETING AGENDA
OCTOBER 01, 2019
110 EAST MAIN STREET
LOS GATOS, CA**

Steve Leonardis, Mayor
Marcia Jensen, Vice Mayor
Rob Rennie, Council Member
Marico Sayoc, Council Member
Barbara Spector, 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 Clerk Administrator. 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 2nd and 4th Mondays at 7:00 p.m.
Live & Archived Council Meetings can be viewed by going to:
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
OCTOBER 01, 2019
7:00 PM**

MEETING CALLED TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

- i. Community Pledge Leader - Sasha Ryu, Los Gatos High School

CLOSED SESSION REPORT

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. 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 Special Council Meeting Minutes of September 14, 2019.
- 2. Approve Closed Session Meeting Minutes of September 17, 2019.
- 3. Approve Council Minutes of September 17, 2019.
- 4. Winchester Boulevard Complete Streets - Authorize the Town Manager to:
 - a. Issue a Request for Proposals for Conceptual Design of Winchester Boulevard Complete Streets Improvements.
 - b. Adopt a Resolution Authorizing the Submittal of an Application in the Vehicle Trip Reduction Program Managed by the Bay Area Air Quality Management District for the Winchester Boulevard Class IV Protected Bike Lanes Project between Blossom Hill Road and Albright Way.
- 5. Authorize Actions for the Los Gatos Creek Trail to Highway 9 Trailhead Connector Project 411-832-4505:
 - a. Authorize the Town Manager to Execute an Agreement for Consultant Services with Mott MacDonald Group, Inc. for Professional Design Services for the Los Gatos Creek Trail to Highway 9 Trailhead Connector Project 18-832-4505 in an Amount Not to Exceed \$486,747.
 - b. Authorize an Expenditure Budget Transfer of \$130,000 from the Bicycle and Pedestrian Improvement Project Budget (411-813-0231) to the Los Gatos Creek Trail to Highway 9 Trailhead Connector Project (411-832-4505).
- 6. Authorize the Town Manager to Purchase Two Vehicles from Downtown Ford Sales in an Amount Not to Exceed \$126,376.
- 7. Town Code Amendment Application A-19-006. Project Location: **Town Wide**. Applicant: Town of Los Gatos.

Adopt amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding Parking Assessment District regulations.

CONSENT ITEMS (continued)

8. Town Code Amendment Application A-19-004. Project Location: **Town Wide**. Applicant: Town of Los Gatos.
Adopt amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding parking lot improvement regulations.
9. Town Code Amendment Application A-19-005. Project Location: **Town Wide**. Applicant: Town of Los Gatos.
Adopt amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding valet parking regulations.

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

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

10. Provide Direction to Staff on the Next Steps for the Temporary Community Vitality and Land Use Streamlining Resolutions Due to Sunset in December 2019.
11. Review of Tobacco Retailers Ordinance and Annual Report from County of Santa Clara on implementation of the Ordinance and Discuss potential Amendments to the Ordinance to prohibit the sale of electronic smoking devices.
12. Provide Feedback and Direction on the Downtown One-Way Pilot Project.
13. Review of Citizen Ballot Initiative Amending the Los Gatos Town Code Regarding Term Limits for Council Members.

COUNCIL / MANAGER MATTERS

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

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

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



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 10/01/2019

ITEM NO: 1

**DRAFT
Minutes of the Special Town Council Meeting
September 14, 2019**

The Town Council of the Town of Los Gatos conducted a Special Meeting on Saturday, September 14, 2019, at 9:00 a.m.

MEETING CALLED TO ORDER AT 9:12 A.M.

ROLL CALL

Present: Council Member Rob Rennie, Council Member Marico Sayoc, and Council Member Barbara Spector.

Absent: Mayor Steven Leonardis and Vice Mayor Marcia Jensen.

VERBAL COMMUNICATIONS

None.

OTHER BUSINESS

1. Selection of two Council Members by Random Lot to Participate in the Mills Act Ordinance Agenda Discussion and Deliberation as Required under FPPC Regulation 18701.

Council Members Rennie, Sayoc, Spector, and Town Manager Prevetti as proxy for Mayor Leonardis, drew cards to determine who would participate.

Mayor Leonardis and Council Member Sayoc were selected to participate.

ADJOURNMENT

Meeting adjourned at 9:14 a.m.

Attest:

Submitted by:

Shelley Neis, Town Clerk

Laurel Prevetti, Town Manager



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 10/01/2019

ITEM NO: 2

**DRAFT
Minutes of the Special Town Council Meeting - Closed Session
September 17, 2019**

The Town Council of the Town of Los Gatos conducted a Special Meeting on Tuesday, September 17, 2019, to hold a Closed Session at 5:30 p.m.

MEETING CALLED TO ORDER AT 5:30 P.M.

ROLL CALL

Present: Mayor Steven Leonardis, Vice Mayor Marcia Jensen, Council Member Rob Rennie, Council Member Marico Sayoc, Council Member Barbara Spector.

Absent: None

**1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR
(Government Code Section 54956.8)**

- a. Property: 75 Church St. (Forbes Mill) (APN: 529-54-050)
Negotiating Parties: Town of Los Gatos
Negotiator: Laurel Prevetti, Town Manager and Imwalle Asset Management, Potential Buyer and/or Lessee
Negotiations: Price and terms of potential sale or lease
- b. Property: 4 Tait Avenue (Museum) (APN: 510-44-054)
Negotiating Parties: Town of Los Gatos
Negotiator: Arn Andrews, Assistant Town Manager and Imwalle Asset Management, Potential Buyer and/or Lessee
Negotiations: Price and terms of potential sale or lease
- c. Property: 4 New York Avenue (Venue) (APN: 529-27-024)
Negotiating Parties: Town of Los Gatos
Negotiator: Arn Andrews, Assistant Town Manager and Los Gatos-Saratoga Union High School District, Potential Buyer and/or Lessee
Negotiations: Price and terms of lease
- d. Property: 20 Dittos Lane (APN: 529-29-034)
Negotiating parties: Town of Los Gatos
Negotiator: Arn Andrews, Assistant Town Manager and Sarah Chaffin, Potential Buyer and/or Lessee
Negotiations: Price and terms of potential sale or payment of lease

VERBAL COMMUNICATIONS

None.

PAGE 2 OF 2

SUBJECT: Draft Minutes of the Special Town Council Meeting - Closed Session of
September 17, 2019

DATE: September 19, 2019

ADJOURNMENT

Closed Session adjourned at 6:31 p.m.

Attest:

Submitted by:

Shelley Neis, Town Clerk

Laurel Prevetti, Town Manager



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 10/01/2019

ITEM NO:

**DRAFT
Minutes of the Town Council Meeting
September 17, 2019**

The Town Council of the Town of Los Gatos conducted a Regular Meeting on Tuesday, September 17, 2019, at 7:00 p.m.

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

ROLL CALL

Present: Mayor Steven Leonardis, Vice Mayor Marcia Jensen, Council Member Rob Rennie, Council Member Marico Sayoc, Council Member Barbara Spector.

Absent: None

PLEDGE OF ALLEGIANCE

Diane Goldberg with the Kiwanis Club of Los Gatos led the Pledge of Allegiance. The audience was invited to participate.

PRESENTATIONS

Mayor Leonardis presented a Small Business, Big Applause commendation to Los Gatos Cafe. Sheila Reno and Tina Morcate thanked the Town for their support.

CLOSED SESSION REPORT

Robert Schultz, Town Attorney, stated Council met in Closed Session as duly noted on the agenda and there is no report.

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

1. Approve Council meeting minutes of September 3, 2019.
2. Adopt a Resolution approving amended Tract Map 10441 (North 40 Phase 1) and accept the dedications. **RESOLUTION 2019-049**
3. Authorize the Town Manager to execute an agreement for services with JLP Building Maintenance to provide custodial services effective October 1, 2019 through June 30, 2024, including a five percent contingency for special or unforeseen cleanings for a total amount not to exceed \$165,640 in Fiscal Year 2019/20 and \$220,853 annually thereafter and a total agreement amount not to exceed \$1,049,052.
4. Authorize the Town Manager to execute a Certificate of Acceptance and Notice of Completion for the work of Mercoza Engineering and authorized recording by the Town Clerk for PPW Job No. 18-813-9921 Annual Curb, Gutter, and Sidewalk Maintenance Project.

5. Authorize the Town Manager to execute a first amendment to the agreement for services with Pro-Sweep effective October 1, 2019 through June 30, 2024 for an additional not to exceed amount of \$292.50 per month plus annual Consumer Price Index Adjustments for additional street sweeping services.
6. Adopt performance metrics for the School Bus Pilot Program and authorized the Town Manager to issue a request for qualifications for outsourcing operations oversight and customer service functions.
7. Adopt an ordinance of the Town of Los Gatos amending Chapter 2, Article II, Section 2.20.035, Election of Mayor and Vice-Mayor. **ORDINANCE 2289**

MOTION: Motion by Vice Mayor Jensen to approve the Consent Items. **Seconded by Council Member Rennie.**

VOTE: Motion passed unanimously.

VERBAL COMMUNICATIONS

Dale Miller

- Thanked Town staff for addressing their concerns on Newell Avenue and Newell Court.

PUBLIC HEARINGS

8. Town Code Amendment Application A-19-006. Project Location: Town Wide. Applicant: Town of Los Gatos.
Consider amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding Parking Assessment District regulations.

Jocelyn Shoopman, Associate Planner, presented the staff report.

Opened Public Comment.

Closed Public Comment.

Council discussed the matter.

MOTION: Motion by Vice Mayor Jensen to introduce an ordinance, by title only, to amend Chapter 29 (Zoning Regulations) of the Town Code regarding Parking Assessment District regulations. **Seconded by Council Member Sayoc.**

VOTE: Motion passed unanimously.

The Deputy Clerk read the title of the ordinance.

9. Town Code Amendment Application A-19-004. Project Location: Town Wide. Applicant: Town of Los Gatos.

Consider amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding parking lot improvement regulations.

Jocelyn Shoopman, Associate Planner, presented the staff report.

Opened Public Comment.

Closed Public Comment.

Council discussed the matter.

MOTION: Motion by Vice Mayor Jensen to introduce an ordinance, by title only, to amend Chapter 29 (Zoning Regulations) of the Town Code regarding parking lot improvement regulations. **Seconded by Council Member Sayoc.**

VOTE: Motion passed unanimously.

The Deputy Clerk read the title of the ordinance.

10. Town Code Amendment Application A-19-005. Project Location: Town Wide. Applicant: Town of Los Gatos.

Consider amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding valet parking regulations.

Jocelyn Shoopman, Associate Planner, presented the staff report.

Opened Public Comment.

Closed Public Comment.

Council discussed the matter.

MOTION: Motion by Vice Mayor Jensen to introduce an ordinance, by title only, to amend Chapter 29 (Zoning Regulations) of the Town Code regarding valet parking regulations. **Seconded by Council Member Sayoc.**

VOTE: Motion passed unanimously.

The Deputy Clerk read the title of the ordinance.

OTHER BUSINESS

11. Consider Pension Plan IRS Section 115 Trust Options, terminate the PARS Agreement, and direct staff to return to Council with an agreement to initiate a California Employers' Pension Prefunding Trust (CEPPT).

Arn Andrews, Assistant Town Manager, presented the staff report.

Opened Public Comment.

Closed Public Comment.

Council discussed the matter.

MOTION: Motion by **Vice Mayor Jensen** to terminate the PARS agreement consistent with the Town Pension and OPEB Trusts Oversight Committee recommendation, and direct staff to return to Council with an agreement to initiate a California Employers' Pension Prefunding Trust (CEPPT) and at that time, determine the specific investment strategy. **Seconded** by **Council Member Spector**.

VOTE: Motion passed unanimously.

COUNCIL/TOWN MANAGER REPORTS

Council Matters

- Council Member Sayoc reported that the Silicon Valley Clean Energy approved their EV infrastructure plan; the Cities Association met and discussed a Regional Housing Need Allocation subregion; and reported that the League of Cities is partnering with the League of Women Voters to host a candidate forum on September 25 for the 13th Senate District seat.
- Council Member Spector stated she attended the West Valley Clean Water Authority meeting, and the Solid Waste Management Joint Powers Agency meeting and anticipates discussion regarding increasing garbage collection rates.
- Mayor Leonardis stated he attended the West Valley Sanitation District Board of Directors meeting; Treatment Plant Advisory Committee meeting; Shaded Field Break Kick-Off event; and an event on vaping.
- Vice Mayor Jensen had nothing to report.
- Council Member Rennie stated he attended the Valley Transportation Authority Board, Los Gatos Service Providers, and Silicon Valley Clean Energy Risk Oversight Committee meetings; and he was re-appointed to the Emergency Operational Council by the Cities Association.

Manager Matters

- Announced the Arts and Culture Commission meeting on September 18 at 4:00 p.m. to see the gateway artists' presentation; Screen on the Green event on September 20; and applications are being accepted for the Town's Boards and Commissions.

OTHER BUSINESS (continued)

12. Discussion and direction on Mills Act Ordinance and Implementation Program Preparation.

Robert Schultz, Town Attorney, presented the staff report.

Opened Public Comment.

The following people spoke in support of creating a Mills Act Ordinance and preparing an Implementation Program: Jeff Siegel, George Walls, Stuart Huizinga, Paul Fulton, Bob Braham, Vicki Huizinga, Catherine Somers, and Maureen Cappon-Javey.

Closed Public Comment.

Council discussed the matter.

MOTION: Motion by Mayor Leonardis to move forward to draft a Mills Act Ordinance.

The motion failed for lack of a second.

MOTION: Motion by Mayor Leonardis to continue this item to a future Council meeting and directed staff to start conversations with partner agencies potentially affected by a Los Gatos Mills Act Ordinance and provide examples of Mills Act Ordinances from surrounding jurisdictions. **Seconded by Council Member Sayoc.**

VOTE: Motion passed 2/1. Vice Mayor Jensen voting no.

ADJOURNMENT

The meeting adjourned at 9:03 p.m.

Attest:

Michelle Radcliffe, Deputy Clerk



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 10/01/2019

ITEM NO: 4

DATE: September 20, 2019
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Winchester Boulevard Complete Streets - Authorize the Town Manager to:
a. Issue a Request for Proposals for Conceptual Design of Winchester Boulevard Complete Streets Improvements.
b. Adopt a Resolution Authorizing the Submittal of an Application in the Vehicle Trip Reduction Program Managed by the Bay Area Air Quality Management District for the Winchester Boulevard Class IV Protected Bike Lanes Project between Blossom Hill Road and Albright Way

RECOMMENDATION:

Authorize the Town Manager to:

- a. Issue a request for proposals for conceptual design of Winchester Boulevard Complete Streets Improvements.
- b. Adopt a resolution authorizing the submittal of an application in the Vehicle Trip Reduction Program managed by the Bay Area Air Quality Management District for the Winchester Boulevard Class IV Protected Bike Lanes Project between Blossom Hill Road and Albright Way.

BACKGROUND:

Winchester Boulevard is a major arterial street parallel to Highway 17, which borders both the Town of Los Gatos and the City of Monte Sereno. Winchester Boulevard currently has intermittent sections of bicycle and pedestrian facilities north of Albright Way to the Town limits of Knowles Drive and Division Street. South of Albright Way to Shelburne Way, the street contains two travel lanes in each direction, sidewalks, and Class II bike lanes on both sides. Between Shelburne and Blossom Hill, the street is narrower and includes three travel lanes, limited on-street parking, and sidewalks.

PREPARED BY: YING SMITH
Transportation and Mobility Manager

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

BACKGROUND (continued):

The Los Gatos Bicycle and Pedestrian Master Plan (BPMP) identifies the construction of Class IV bike lanes along Winchester Boulevard as improvement projects. At its June 6, 2019 meeting, the Bicycle and Pedestrian Advisory Commission (BPAC) discussed the opportunity for conceptual engineering design of the entire length of Winchester Boulevard in Los Gatos to make it a Complete Street for multiple modes of travel. The conceptual engineering is the first step towards shovel ready construction projects, which would increase the Town's grant eligibility. The BPAC voted to support staff's recommendation to begin the Winchester Complete Streets design work from Blossom Hill Road to the Town's northern limits.

Additionally, staff applied for funding through the Bay Area Air Quality Management District (Air District)'s Vehicle Trip Reduction Program for a Class IV bikeway project between Blossom Hill Road and Albright Way. This project meets one of the grant categories of Class-I or Class-IV bikeway projects that encourage a shift to cycling as an alternative to driving.

DISCUSSION:

Despite the Class II bike lanes and sidewalks that currently exist, Winchester Boulevard is considered a high stress street for bicyclists and pedestrians due to the high speed and the high volume of automobile traffic. Complete Streets treatments, including enhanced bike lanes, pedestrian crossings, sidewalk improvements, pedestrian refuge islands, landscaped medians, and intersection modifications would provide for an enhanced multi-modal experience.

The best practice in delivering Complete Streets projects at this scale is to complete them in phases and to spread costs over time. Staff recommends completing a conceptual design for the entire corridor to help identify and cost the incremental phases of work. In addition, the conceptual design would further the development of shovel-ready project elements, facilitating the search for alternative funding.

After reviewing the Air District's grant program requirements and criteria as well as the priority projects in the Town's Bicycle and Pedestrian Master Plan (BPMP), staff submitted a grant application for the Winchester Boulevard Class IV Protected Bike Lanes project for submittal. If funded, the Class IV protected bike lanes would be one of the first Complete Streets improvements that the Town would implement over time on Winchester Boulevard. The Town also received a letter of support from the City of Monte Sereno.

The Air District requires a resolution from the Town Council within 30 days of application submittal that authorizes the application and commits to providing all necessary matching funds. Staff submitted the application contingent on Council adoption of the resolution for an

DISCUSSION (continued):

amount of \$785,960 (80% of construction cost. The final grant amount will be determined by the Air District's cost effectiveness calculations.

CONCLUSION:

Staff recommends issuing a Request for Proposals for the selection of a consultant to prepare a conceptual design of the Complete Streets improvements for the entire Winchester corridor in Los Gatos and adoption of the resolution authorizing submittal of the grant application for the Class IV protected bike lanes on Winchester Boulevard between Blossom Hill Road and Albright Way.

COORDINATION:

This report was coordinated with the Bicycle and Pedestrian Advisory Commission and City of Monte Sereno staff.

FISCAL IMPACT:

There is no fiscal impact as a result of the recommended actions. If the grant application is awarded, the Council will have the opportunity to review the funding agreement to accept the grant funds.

Project #813-0218 Bicycle and Pedestrian Improvements in the Fiscal Year 2019/20 Capital Improvement Program Budget has sufficient funds for the design work and the local match for the Class IV Protected Bike Lanes project. Staff would return to the Council for award of the design contract that results from the RFP. If the Town receives the grant, the Council would need to accept the grant and recognize the revenue.

ENVIRONMENTAL ASSESSMENT:

The construction of improvements is a project as defined under CEQA but is Categorically Exempt, Section 15064.3 (2). A Notice of Exemption was filed on September 5, 2019.

Attachments:

1. Draft RFP with Attachments A (scope of services) and B (sample contract)
2. Resolution authorizing application for grant funds

**TOWN OF LOS GATOS
DEPARTMENT OF PARKS AND PUBLIC WORKS
41 MILES AVENUE, LOS GATOS, CA 95030**

REQUEST FOR PROPOSALS

Winchester Boulevard Complete Streets Conceptual Design

PROPOSAL SUBMITTAL DEADLINE:

DATE: October 28, 2019

TIME: 4:00 pm

Submit by email to: ysmith@losgatosca.gov



ATTACHMENT 1

REQUEST FOR PROPOSALS

1. INTRODUCTION

The Town of Los Gatos (Town) is issuing this Request for Proposals (RFP) for the Winchester Boulevard Complete Streets Conceptual Design. The selected Consultant team is expected to provide the following areas of expertise: professional conceptual engineering design, Complete Streets concepts and principles, and project management as outlined in the RFP. Project background and scope of work, including a project location map, are included in Attachment A.

Minimum Qualifications of Personnel – The Consultant shall meet, at a minimum, the appropriate professional qualifications as required to complete the work outlined in the RFP and as required by State Law and the contract. The responsible consultant/engineer shall sign all Plans, Specifications, Special Provisions, and Estimate (PS&E) and engineering data and reports furnished under the contract including the engineer's registration number and expiration date.

2. ATTACHMENTS

The attachments below are included with this RFP.

Attachment A – Project Background and Scope of Work

Attachment B – Town of Los Gatos Standard Agreement

3. INSTRUCTIONS TO PROPOSERS

3.1 Pre-proposal Conference: None

3.2 Examination of Proposal Documents.

The submission of a proposal shall be deemed a representation and certification by the Proposer that they:

3.2.1 Have carefully read and fully understand the information that was provided by the Town to serve as the basis for submission of this proposal.

3.2.2 Have the capability to successfully undertake and complete the responsibilities and obligations of the proposal being submitted.

3.2.3 Represent that all information contained in the proposal is true and correct.

3.2.4 Did not, in any way, collude, conspire to agree, directly or indirectly, with any person, firm, corporation or other Proposer in regard to the amount, terms or conditions of this proposal.

3.2.5 Acknowledge that the Town has the right to make any inquiry it deems appropriate to substantiate or supplement information supplied by Proposer, and Proposer hereby grants the Town permission to make these inquiries, and to provide any and all related documentation in a timely manner.

- 3.3 No request for modification of the proposal shall be considered after its submission on grounds that Proposer was not fully informed of any fact or condition.
- 3.4 The Proposer bears all costs of preparing and submitting its proposal consistent with the requirements outlined in this RFP

3.5 Questions

Any questions by the Proposer regarding this RFP or the attachments must be put in writing and received by the Town per Item 5, RFP Timeline. Correspondence shall include in the email subject line: **Winchester Boulevard Complete Streets Conceptual Design RFP** and be addressed to:

Ying Smith, Transportation and Mobility Manager

E-mail: ysmith@losgatosca.gov

The Town shall not be responsible for nor be bound by any oral instructions, interpretations, or explanations issued by the Town or its representatives.

Responses from the Town to questions by any Proposer will be communicated in writing to all recipients of this RFP. Questions received after the date and time stated above will not be accepted or responded.

3.6 Addenda

Addenda to this RFP, if issued, will be sent to all prospective Consultants the Town of Los Gatos - Parks and Public Works Department has specifically e-mailed a copy of the RFP to and will be posted on the Town of Los Gatos - Parks and Public Works Department website at: <https://www.losgatosca.gov/2258/RFPREQ>

Submittal of Proposals

Proposals should be in electronic format, submitted via email as attachment(s) with the email subject line: **Winchester Boulevard Complete Streets Conceptual Design**. Verification of receipt of proposal is the responsibility of the submitting firm.

Proposals must be delivered per Item 5, RFP Timeline. Town staff may request printed copies on a later date if necessary. All proposals received after that time will not be accepted. All proposals shall be submitted to:

Ying Smith

Department of Parks and Public Works

41 Miles Avenue

Los Gatos, CA 95030

E-mail: ysmith@losgatosca.gov

3.7 Withdrawal of Proposals

A Proposer may withdraw its proposal at any time before the expiration of the time for submittal of proposals as provided in the RFP by delivering a written request for withdrawal signed by, or on behalf of, the Proposer.

3.8 Project Funding

This phase of the project is funded with Town of Los Gatos dollars, requiring the Consultant to follow all pertinent local regulations.

4. RIGHTS OF THE TOWN OF LOS GATOS

This RFP does not commit the Town to enter into a contract, nor does it obligate the Town to pay for any costs incurred in preparation and submittal of proposals or in anticipation of a contract. The Town reserves the right to:

- Make the selection based on its sole discretion;
- Reject any and all proposals;
- Issue subsequent Requests for Proposals;
- Postpone opening proposals for its own convenience;
- Remedy errors in the Request for Proposals process;
- Approve or disapprove the use of particular subconsultants;
- Negotiate with any, all or none of the Proposers regarding project scope;
- Accept other than the lowest cost offer;
- Waive informalities and irregularities in the Proposals; and/or
- Enter into an agreement with another Proposer in the event the originally selected Proposer defaults or fails to execute an agreement with the Town.

An agreement shall not be binding or valid with the Town unless and until it is executed by authorized representatives of the Town and of the Proposer.

5. RFP TIMELINE

The Town intends to select a firm within thirty days following the submission deadline. The Town may, at its own discretion, conduct interviews and other evaluations of some, all, or none of the applicants prior to selection. The Town will select the firm that best meets the needs of the Town.

RFP and Project Schedule (Tentative):

Task	Schedule
Request for Proposal	October 2, 2019
Questions from Proposer	October 9, 2019
Town Response to questions from proposers	October 14, 2019
Deadline for Proposal Submittals	October 28, 4:00 pm
Interview (if required)	November 6 - 8, 2019
Selection of top-rated firms for scope refinement	November 15, 2019
Contract Award (Council)	December 3, 2019
Notice to Proceed (tentative)	December 4, 2019
First Draft Design	April 1, 2020
Final Delivery	June 30, 2020

6. INFORMATION TO BE SUBMITTED

These guidelines govern the format and content of the proposal. The intent of the RFP is to encourage responses that clearly communicate the Proposer's understanding of the Town's requirements and the firm's ability to meet those requirements.

In addition to the items included within this RFP, including Attachments A and B, the proposal should include the following information referenced by letter for ease of identification:

- 6.1 Consultant Qualifications and Experience: Provide details of the team's qualifications and experience, including any specific qualifications in Complete Streets design and engineering. Provide Examples of projects with similar scope.
- 6.2 Organization and Approach: Describe the roles and organization of your proposed team for this project. Describe your project and management approach and identify the Project Manager. Describe the roles of key individuals on the team. Provide resumes and references for all key team members.
- 6.3 Scope of Services: Prepare a detailed Scope of Services per Attachment A of the RFP. Describe project deliverables for each phase of your work.
- 6.4 Schedule of Work: Provide a detailed schedule for all tasks/phases of the project and the proposed Consultant's services, including time for reviews and approvals. The schedule shall meet the Project Schedule as shown in Item 5 of the RFP or shall be modified with explanation as to why an alternate schedule is being proposed.
- 6.5 Cost Proposal: All labor costs, overhead costs, sub-consultant costs, and direct expenses should be included. Costs must be shown in a matrix format, by task grouping (as negotiated), and show hours per staff member, base labor rates, and overhead and profit rates.
- 6.6 Identify any exceptions taken to Attachment B – Standard Agreement, per Item 8, Contract Type and Method of Payment.
- 6.7 Additional supporting documentation as the proposer's discretion.

7. EVALUATION CRITERIA AND SELECTION PROCESS

Based on the proposals and interviews, proposers will be evaluated according to each Evaluation Criteria. The Evaluation Criteria Summary and their respective weights are as follows:

No.	Evaluation Criteria	Weight
1	Completeness of Response	Pass/Fail
2	Qualifications & Experience	20
3	Organization & Approach	20
4	Scope of Services to be Provided	25

5	Schedule of Work	15
6	Cost	20
Total:		100

After proposal evaluation and interviews, Town staff will meet with the top-rated firm(s) to discuss and develop a final scope of services and an updated cost proposal. If the Town is unable to reach agreement with the top-rated firm, the Town may choose to negotiate with additional firms.

8. CONTRACT TYPE AND METHOD OF PAYMENT

It is anticipated that the agreement resulting from this RFP, if awarded, will be an Agreement for Services.

Proposers shall be prepared to accept the terms and conditions of the Agreement, including Insurance Requirements. If a Proposer desires to take exception to the Agreement, Proposer shall provide the following information of their submittal package.

- Proposer shall clearly identify each proposed change to the Agreement, including all relevant Attachments.
- Proposer shall furnish the reasons for each proposed change, as well as specific recommendations for alternative language.

The above factors will be taken into account in evaluating proposals.

The Town pays net 30 days of invoice for work performed.

9. INSURANCE REQUIREMENTS

The selected Proposer(s), at Proposer's sole cost and expense and for the full term of the agreement or any extension thereof, shall obtain and maintain, at a minimum, all of the insurance requirements as outlined in the Town Standard Agreement.

All policies, endorsements, certificates and/or binders shall be subject to the approval of the Town of Los Gatos as to form and content. These requirements are subject to amendment or waiver, if so approved in writing by the Town of Los Gatos. The selected Proposer agrees to provide the Town with a copy of said policies, certificates and/or endorsement upon award of Agreement.

10. PUBLIC NATURE OF PROPOSAL MATERIAL

Responses to this RFP become the exclusive property of the Town of Los Gatos. At such time as the Town awards a contract, all proposals received in response to this RFP become a matter of public record and shall be regarded as public records, with the exception of those elements in each proposal which are defined by the Proposer as business or trade secrets and plainly marked as "Confidential," "Trade Secret," or "Proprietary." The Town shall not in any way be liable or responsible for the disclosure of any such proposal or portions thereof, if they are not plainly marked as "Confidential," "Trade Secret," or "Proprietary," or if disclosure, in the Town's sole discretion, is required under the California Public Records Act as addressed below. Any proposal which contains language purporting to render all or significant portions of the proposal "Confidential," "Trade

Secret,” or “Proprietary” shall be regarded as non-responsive.

Although the California Public Records Act recognizes that certain confidential trade secret information may be protected from disclosure, the Town of Los Gatos may determine, in its sole discretion that the information that a Proposer submits is not a trade secret. If a request is made for information marked “Confidential,” “Trade Secret,” or “Proprietary,” the Town shall provide the Proposer who submitted the information reasonable notice to allow the Proposer to seek protection from disclosure by a court of competent jurisdiction, at the Proposer's sole expense.

11. COLLUSION

By submitting a proposal, each Proposer represents and warrants that its proposal is genuine and made in the interest of or on behalf of any person named therein; that the Proposer has not directly induced or solicited any other person to submit a sham proposal or any other person to refrain from submitting a proposal; and that the Proposer has not in any manner sought collusion to secure any improper advantage over any other person submitting a proposal.

12. DISQUALIFICATION

Factors, such as, but not limited to, any of the following, may disqualify a proposal without further consideration:

- Evidence of collusion, directly or indirectly, among Proposers in regard to the amount, terms or conditions of this proposal;
- Any attempt to improperly influence any member of the evaluation team;
- Existence of any lawsuit, unresolved contractual claim or dispute between Proposer and the Town;
- Evidence of incorrect information submitted as part of the proposal;
- Evidence of Proposer’s inability to successfully complete the responsibilities and obligations of the proposal; and
- Proposer’s default under any previous agreement with the Town.

13. NON-CONFORMING PROPOSAL

A proposal shall be prepared and submitted in accordance with the provisions of these RFP instructions and specifications. Any alteration, omission, addition, variance, or limitation of, from or to a proposal may be sufficient grounds for non-acceptance of the proposal, at the sole discretion of the Town.

14. GRATUITIES

No person shall offer, give or agree to give any Town employee any gratuity, discount or offer of employment in connection with the award of contract by the Town. No Town employee shall solicit, demand, accept or agree to accept from any other person a gratuity, discount or offer of employment in connection with a Town contract.

ATTACHMENT A
Project Background and Scope of Work
Winchester Boulevard Complete Streets Conceptual Design

Project Location and Limits

The project is located on Winchester Boulevard between Blossom Hill Road and Knowles Drive in Los Gatos, as shown on Exhibit 1.

Purpose and Needs

Winchester Boulevard is a major arterial parallel to Highway 17, bordering the Town of Los Gatos and the City of Monte Sereno. For the most part between Blossom Hill Road and Knowles Drive (Town Limits), the street contains two travel lanes in each direction, sidewalks, and Class II bike lanes on both sides between Shelburne Way and Albright Way.

Despite the Class II bike lanes and sidewalks, the street is considered a high stress street for bicyclists and pedestrians because of the high speed and high volume of automobile traffic. It is envisioned that Winchester Boulevard can be improved with Complete Streets treatments, including enhanced bike lanes, pedestrian crossings, sidewalk improvements, pedestrian refuge islands, landscaped median, and intersection modifications for safer biking and walking. The goal of the Complete Streets improvements is to provide a safer and lower stress street that will encourage more biking and walking trips. Additional considerations should be given to the vulnerable street users, including school-age children, the elderly and people with disabilities. Collectively, the improvements will minimize the conflicts between the active transportation users and vehicles and discourage vehicle speeding. It is anticipated that the improvements will shift a significant number of vehicle trips to bicycling and walking trips and reduce on-road vehicle emissions.

The Complete Streets treatments should be master-designed, with construction completed over time. Completing the design for the entire corridor will help identify and cost out separate projects, some of which can be funded by various sources, including grant funds.

The Los Gatos Bicycle and Pedestrian Master Plan (BPMP) identified two projects on Winchester Boulevard. The project is also endorsed by the City of Monte Sereno.

#36 (prioritized): Class IV between Shelburne and Albright

#33: Class IV between Albright and Knowles

Scope of Work

The vision for Winchester Boulevard is a Complete Streets corridor with upgraded bicycle and pedestrian facilities. Town intends to complete a corridor-level Conceptual Design work for the Complete Streets improvements.

The pavement is near the end of its useful life and new pavement improvements will be required in the next two to three years. Given the length and width of the street, pavement improvements will be expensive. The Conceptual Design work should consider re-configuring the street cross sections to narrow the travel lanes where appropriate, allow additional width for the bike lanes, and incorporate phasing of the construction projects to achieve efficiency and cost savings.

The Town is pursuing grant funding for the construction of a Winchester Boulevard Class IV Protected Bike Lanes project. If funded, the Class IV protected bike lanes can be one of the first Complete Streets improvements that the Town implements over time. If the Town is successful in securing grant funds for the bicycle and pedestrian improvements, it can potentially lower the cost of pavement work.

The next steps, Preliminary Engineering and Final Design of individual projects will be completed separately pending funding availability.

Tasks and Deliverables

The Town is soliciting a qualified engineering consultant to complete the scope of work described above and deliver the following tasks:

1. Prepare a preliminary evaluation of the street and;
2. Recommend and provide conceptual design of the most appropriate Complete Streets treatments;
3. Prepare conceptual design of three typical cross sections;
4. Support Town staff in outreach activities, including the preparation of exhibits and project information sheet, etc.;
5. Recommend phasing options to maximize flexibility and efficiency in project delivery.

Additional Information

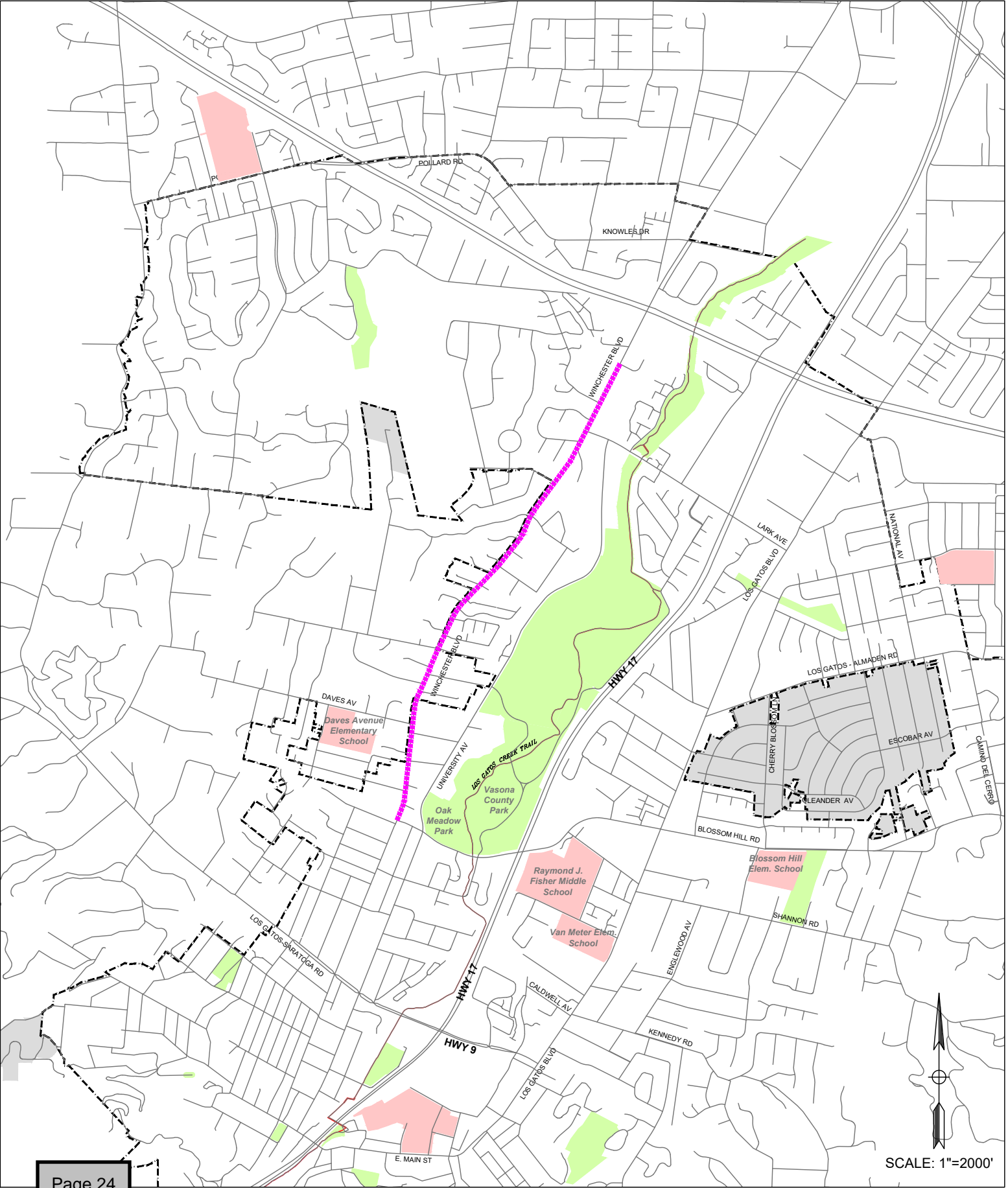
Exhibit 2 includes bicycle, pedestrian and traffic data and other background information.

Bicycle and Pedestrian Master Plan (BPMP):

https://www.losgatosca.gov/DocumentCenter/View/18924/Los-Gatos-BPMP_March-2017-small?bidId=

Student Travel Survey 2018:

<https://www.losgatosca.gov/DocumentCenter/View/22097/Student-Travel-Survey-Draft-Report-and-Appendix-A-121018>



LEGEND

- Project Location
- Proposed Class IV Protected Bike Lanes

AGREEMENT FOR CONSULTANT SERVICES

THIS AGREEMENT is made and entered into on _____(DATE) by and between TOWN OF LOS GATOS, a California municipal corporation, ("Town") and _____ NAME OF COMPANY, ("Consultant"), whose address is _____ ADDRESS OF COMPANY. This Agreement is made with reference to the following facts.

I. RECITALS

- 1.1 The Town desires to engage Consultant to provide BRIEF DESCRIPTION OF SERVICES TO BE PERFORMED.
- 1.2 The Consultant represents and affirms that it is willing to perform the desired work pursuant to this Agreement.
- 1.3 Consultant warrants it possesses the distinct professional skills, qualifications, experience, and resources necessary to timely perform the services described in this Agreement. Consultant acknowledges Town has relied upon these warranties to retain Consultant.

II. AGREEMENTS

- 2.1 Scope of Services. Consultant shall provide services as described in that certain NAME OF DOCUMENT (EX: ENGAGEMENT LETTER, PROPOSAL, ETC.) sent to the Town on DATE DOCUMENT SENT, which is hereby incorporated by reference and attached as Exhibit A. IF NO DOCUMENT DESCRIBES SERVICES, then INSERT DESCRIPTION OF WHAT CONSULTANT WILL BE DOING HERE.
- 2.2 Term and Time of Performance. This contract will remain in effect from _____ to _____. Consultant shall perform the services described in this agreement as follows: ENTER DESCRIPTION OF SERVICE SCHEDULE.
- 2.3 Compliance with Laws. The Consultant shall comply with all applicable laws, codes, ordinances, and regulations of governing federal, state and local laws. Consultant represents and warrants to Town that it has all licenses, permits, qualifications and approvals of whatsoever nature which are legally required for Consultant to practice its profession. Consultant shall maintain a Town of Los Gatos business license pursuant to Chapter 14 of the Code of the Town of Los Gatos.
- 2.4 Sole Responsibility. Consultant shall be responsible for employing or engaging all persons necessary to perform the services under this Agreement.
- 2.5 Information/Report Handling. All documents furnished to Consultant by the Town and all reports and supportive data prepared by the Consultant under this Agreement are the Town's property and shall be delivered to the Town upon the completion of Consultant's

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

2.6 Compensation. Compensation for Consultant's professional services **shall not exceed \$AMOUNT**, inclusive of all costs. Payment shall be based upon Town approval of each task.

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

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

Invoices:

Town of Los Gatos

Attn: Accounts Payable

P.O. Box 655

Los Gatos, CA 95031-0655

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

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

2.10 Independent Contractor. It is understood that the Consultant, in the performance of the work and services agreed to be performed, shall act as and be an independent contractor and not an agent or employee of the Town. As an independent contractor he/she shall not obtain any rights to retirement benefits or other benefits which accrue to Town

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

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

III. INSURANCE AND INDEMNIFICATION

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

an amount not less than one million dollars (\$1,000,000) combined single limit per accident for bodily injury and property damage.

- iii. Consultant shall provide to the Town all certificates of insurance, with original endorsements effecting coverage. Consultant agrees that all certificates and endorsements are to be received and approved by the Town before work commences.
- iv. Consultant agrees to have and maintain, for the duration of the contract, professional liability insurance in amounts not less than \$1,000,000 which is sufficient to insure Consultant for professional errors or omissions in the performance of the particular scope of work under this agreement.

General Liability:

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

- 3.2 All Coverages. Each insurance policy required in this item shall be endorsed to state that coverage shall not be suspended, voided, cancelled, reduced in coverage or in limits except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the Town. Current certification of such insurance shall be kept on file at all times during the term of this agreement with the Town Clerk.

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

IV. GENERAL TERMS

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

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

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

CONSULTANT NAME
Attn:
ADDRESS HERE

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

- 4.7 Order of Precedence. In the event of any conflict, contradiction, or ambiguity between the terms and conditions of this Agreement in respect of the Products or Services and any attachments to this Agreement, then the terms and conditions of this Agreement shall prevail over attachments or other writings.
- 4.8 Entire Agreement. This Agreement, including all Exhibits, constitutes the complete and exclusive statement of the Agreement between the Town and Consultant. No terms, conditions, understandings or agreements purporting to modify or vary this Agreement, unless hereafter made in writing and signed by the party to be bound, shall be binding on either party.

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

Town of Los Gatos by:

Consultant, by:

Laurel Prevetti, Town Manager

Recommended by:

Name and Title

Matt Morley, Director of Parks and Public
Works

Approved as to Form:

Robert Schultz, Town Attorney

Attest:

Shelley Neis, CMC, Town Clerk

RESOLUTION 2019-

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS IN SUPPORT OF AN APPLICATION TO THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT FOR FISCAL YEAR 2020 PILOT TRIP REDUCTION GRANT PROGRAM FUNDS

WHEREAS, the Bay Area Air Quality Management District (BAAQMD) has developed guidelines for the purpose of administering and distributing Transportation Fund for Clean Air regional funds for Pilot Trip Reduction Grant Program; and

WHEREAS, the Town of Los Gatos as an eligible project sponsor may receive funding from for eligible projects funded by the Pilot Trip Reduction Grant Program; and

WHEREAS, the Town of Los Gatos recognizes the potential trip-reduction benefits of upgrading bicycle facilities and has submitted a proposed project called Winchester Boulevard Class IV Protected Bike Lanes; and

WHEREAS, BAAQMD requires project sponsors to provide a resolution from the project sponsor's governing body that authorizes the submittal of the application, identifies the individual authorized to submit and carry out the proposal, and commits the sponsoring agency to provide all necessary funds to undertake the project including matching funds; and

WHEREAS, Town of Los Gatos wishes to delegate authorization to execute all required documents associated with the administration of any Pilot Trip Reduction grant funding received and any amendments thereto to the Town Manager or his/her designee;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Los Gatos that the agency authorize the development and implementation of the Winchester Boulevard Class IV Protected Bike Lanes Project and comply with all conditions and requirements as may be set forth by the Bay Area Air Quality Management District in conjunction with receiving Pilot Trip Reduction grant funds; and

BE IT FURTHER RESOLVED that the Town Council of the Town of Los Gatos hereby commits to providing all necessary matching funds required to undertake the project.

ATTACHMENT 2

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 1st day of October 2019 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: 10/01/2019

ITEM NO: 5

DATE: September 19, 2019
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Authorize Actions for the Los Gatos Creek Trail to Highway 9 Trailhead Connector Project 411-832-4505:
a. Authorize the Town Manager to Execute an Agreement for Consultant Services with Mott MacDonald Group, Inc. for Professional Design Services for the Los Gatos Creek Trail to Highway 9 Trailhead Connector Project 18-832-4505 in an Amount Not to Exceed \$486,747.
b. Authorize an Expenditure Budget Transfer of \$130,000 from the Bicycle and Pedestrian Improvement Project Budget (411-813-0231) to the Los Gatos Creek Trail to Highway 9 Trailhead Connector Project (411-832-4505).

RECOMMENDATION:

Authorize actions for the Los Gatos Creek Trail to Highway 9 Trailhead Connector Project 18-832-4505:

- a. Authorize the Town Manager to execute an Agreement for Consultant Services with Mott MacDonald Group, Inc., for professional design services for the Los Gatos Creek Trail to Highway 9 Trailhead Connector Project in an amount not to exceed \$486,747.
- b. Authorize an expenditure budget transfer of \$130,000 from the Bicycle and Pedestrian Improvement Project budget (411-813-0231) to the Los Gatos Creek Trail to Highway 9 Trailhead Connector Project (411-832-4505).

BACKGROUND:

On March 7, 2017 the Town Council adopted the Town of Los Gatos Bicycle and Pedestrian Master Plan. One high priority bike recommendation in the Master Plan was the construction of a direct connection to the Los Gatos Creek Trail from Highway 9. The Trailhead Connector Project is included in the 2019/2020 – 2023/2024 Capital Improvement Program.

PREPARED BY: Lisa Petersen
Assistant Director of Parks and Public Works/Town Engineer

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

SUBJECT: Authorize Actions for the Los Gatos Creek Trail to Highway 9 Trailhead
Connector Project 18-832-4505

DATE: September 19, 2019

BACKGROUND (continued):

On June 20, 2017, the Town Council authorized the Town Manager to file an application for funding for the Los Gatos Creek Trail to Highway 9 Trailhead Connector Project from the non-competitive One Bay Area Grant (OBAG) Cycle II funding, and to issue a request for proposals (RFP) for the design of the project. Additionally, the Town Council adopted a resolution committing any necessary matching funds and stating assurance to complete the project.

The project was subsequently awarded OBAG funding in the amount of \$343,000 and required local matching funds of \$44,440 for a total project budget of \$387,440.

On February 15, 2019, a Request for Proposals for professional engineering design services for the Trailhead Connector Project was released. The RFP process followed the required strict federal guidelines for the project to remain eligible for the federal reimbursement. On March 28, 2019, proposals were received from three professional engineering design firms. Town staff interviewed all three consultant project teams pursuant to the required federal process, and selected Mott MacDonald Group, Inc. as the most qualified firm to complete the project design.

DISCUSSION:

The attached Agreement for Consultant Services, including the scope of services and associated cost proposals, have been negotiated with Mott MacDonald Group, Inc. The RFP process and the proposed contract have been reviewed and approved by the Caltrans Office of Local Assistance for the Town's consideration of award. Additionally, the consultant and subconsultants cost proposals and financial documents have been reviewed and approved by the Caltrans Independent Office of Audits and Investigations.

The anticipated cost to complete the scope of services determined to be necessary for the design of the Los Gatos Creek Trail to Highway 9 Trailhead Connector Project is \$486,747. Funding for the construction of the project has not yet been identified; however, projects that show significant design progress will be more competitive for construction funding in the upcoming Measure B funding cycle. Should the Town Council approve the Consultant Service Contract with Mott MacDonald Group, Inc., it is anticipated the design will begin immediately and will be complete by November of 2020.

Future Public Outreach

The contract also includes support services from the consultant for outreach to the community regarding the project. The Town anticipates the consultant facilitating one meeting with the public and one meeting with appropriate Town Commissions. Additionally, staff will notify and update the community on the project and anticipated public meetings through letters to

SUBJECT: Authorize Actions for the Los Gatos Creek Trail to Highway 9 Trailhead
Connector Project 18-832-4505

DATE: September 19, 2019

DISCUSSION (continued):

adjacent neighbors, NextDoor, and through a dedicated Town webpage. Additional outreach will be included as needed during design. Staff anticipates returning to the Town Council for approval of the final design in December of 2020.

CONCLUSION:

Authorizing the Town Manager to execute the Consultant Services Agreement for the Los Gatos Creek Trail to Highway 9 Trailhead Connector Project and approving the necessary budget adjustment will allow the Trailhead Connector Project to move forward into design and will move the Town closer to the completion of one of the major priority improvements identified in the Town's Bicycle and Pedestrian Master Plan. Additionally, by initiating the design work, it is anticipated that the Trailhead Connector Project will become more competitive for construction funding in the upcoming Measure B call for projects.

ALTERNATIVES:

The Council could choose to add additional design scope to the consultant agreement. As federal funds have been allocated to the design of this project, the draft contract, cost proposals, and scope of services have been required to be submitted to various Caltrans offices for review and approval prior to any Town Council action. Any modifications would require renegotiations with the consultant and resubmission of these items to the appropriate Caltrans offices for review and approval. This would add a significant time delay to the design of the project which could jeopardize the federal funding allocated to the project.

COORDINATION:

The proposed Consultant Services Agreement has been reviewed with the Town Attorney's Office and the proposed budget adjustment has been coordinated with the Finance Department. Additionally, the project is required to comply with the requirements for federally funded projects and has been coordinated with the Caltrans Office of Local Assistance.

FISCAL IMPACT:

The Trailhead Connector Project has been identified in the FY 2019/2020 Capital Improvement Project with funding of \$387,440. The proposed budget adjustment would redistribute \$130,000 from the Bicycle and Pedestrian Improvement Project to the Los Gatos Creek Trail to Highway 9 Trailhead Connector Project for a total project budget of \$517,440.

In house staffing for project management will be conducted by part time temporary staff retained for this project specifically. The use of this staffing model allows for the delivery of

SUBJECT: Authorize Actions for the Los Gatos Creek Trail to Highway 9 Trailhead
Connector Project 18-832-4505

DATE: September 19, 2019

FISCAL IMPACT (continued):

projects above and beyond the capacity of Department staffing. The additional staffing will be billed directly to the project.

Trailhead Connector Project 832-4505		
	Budget	Costs
OBAG Cycle II Grant	\$ 343,000	
GFAR (Grant Match)	\$ 44,226	
Proposed Budget Transfer	\$ 130,000	
Total Budget	\$ 517,226	
Mott MacDonald Group, Inc. Contract		\$ 486,747
Staff Costs		\$ 30,000
Total Expenditures		\$ 516,747
Remaining Balance		\$ 479

ENVIRONMENTAL ASSESSMENT:

Actions approving the consultant services agreement and budget adjustment are not a project as defined under CEQA, and no further action is required. The consultant hired will complete the CEQA process for the Los Gatos Creek Trail to Highway 9 Trailhead Connector Project.

Attachment:

1. Agreement for Consultant Services – Los Gatos Creek Trail to Highway 9 Trailhead
Connector Project 18-832-4505

AGREEMENT FOR CONSULTANT SERVICES

LOS GATOS CREEK TRAIL TO HIGHWAY 9 TRAILHEAD CONNECTOR PROJECT 18-832-4505

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ARTICLE I – INTRODUCTION

This AGREEMENT is made and entered into on [REDACTED] (DATE) by and between the **TOWN OF LOS GATOS**, a California municipal corporation, hereinafter referred to as, **LOCAL AGENCY** and **Mott MacDonald Group, Inc.**, hereinafter referred to as, **CONSULTANT**, whose address is 2077 Gateway Place, Suite 550, San Jose, CA 95110. The CONSULTANT is incorporated in the State of Delaware.

The Project Manager for the CONSULTANT will be Teferi Abere, Principal Project Manager.

The Contract Administrator for LOCAL AGENCY will be Lisa Petersen, Assistant Public Works Director/Town Engineer.

This AGREEMENT is made with reference to the following facts.

The LOCAL AGENCY desires to engage CONSULTANT to provide professional engineering design services for the Los Gatos Creek Trail to Highway 9 Trailhead Connector Project.

The CONSULTANT represents and affirms that it is willing to perform the desired work pursuant to this AGREEMENT.

The CONSULTANT represents to LOCAL AGENCY that it possesses the professional skills, qualifications, experience, and resources necessary and has all licenses, permits, qualifications and approvals of whatsoever nature which are legally required for CONSULTANT to practice its profession and to timely perform the services described in this AGREEMENT. The services performed by CONSULTANT will be in a manner consistent with that level of care and skill ordinarily exercised by other professional consulting firms providing similar services under similar circumstances at the time, and in the general vicinity where, the services are performed. CONSULTANT acknowledges LOCAL AGENCY has relied upon these representations to retain the CONSULTANT.

CONSULTANT shall comply with all applicable laws, codes, ordinances, and regulations of governing federal, state and local laws.

CONSULTANT shall maintain a Town of Los Gatos business license pursuant to Chapter 14 of the Code of the Town of Los Gatos.

- A. The work to be performed under this AGREEMENT is described in Article II entitled Statement of Work and the approved CONSULTANT's Cost Proposal dated August 29, 2019. The approved CONSULTANT's Scope of Services (Exhibit A) and Cost Proposal (Exhibit B) is attached hereto and incorporated by reference. If there is any conflict between the approved Scope of Services or Cost Proposal and this AGREEMENT, this AGREEMENT shall take precedence.
- B. CONSULTANT agrees to the fullest extent permitted by law, to indemnify, protect, defend, and hold harmless LOCAL AGENCY, its officers, officials, agents, employees and volunteers from and against any and all claims, damages, demands, liability, penalties, costs, losses and expenses, in law or equity, including without limitation, court costs and

- reasonable attorneys' and expert witness fees, to the extent caused by the negligent acts, errors, omissions, recklessness or willful misconduct on the part of CONSULTANT, or any of the CONSULTANT'S officers, employees, or agents or any sub-consultants. The provisions of this section shall survive termination or suspension of this AGREEMENT.
- C. CONSULTANT and the agents and employees of CONSULTANT, in the performance of this AGREEMENT, shall act in an independent capacity and not as officers or employees or agents of LOCAL AGENCY. As an independent contractor it or its employees or agents shall not obtain any rights to retirement benefits or other benefits which accrue to LOCAL AGENCY employee(s).
 - D. LOCAL AGENCY is not required to make any deductions or withholdings from the compensation payable to CONSULTANT under the provisions of this AGREEMENT, and is not required to issue W-2 Forms for income and employment tax purposes for any of CONSULTANT's assigned personnel. CONSULTANT, in the performance of its obligation hereunder, is only subject to the control or direction of the LOCAL AGENCY as to the designation of tasks to be performed and the results to be accomplished.
 - E. Any third party person(s) employed by CONSULTANT shall be entirely and exclusively under the direction, supervision, and control of CONSULTANT. CONSULTANT hereby indemnifies and holds LOCAL AGENCY harmless from any and all claims that may be made against LOCAL AGENCY based upon any contention by any third party that an employer-employee relationship exists by reason of this AGREEMENT.
 - F. The services to be performed under this AGREEMENT are unique and personal to the CONSULTANT. No portion of these services shall be assigned or subcontracted without the written consent of the LOCAL AGENCY. With prior written consent, the CONSULTANT may perform some obligations under this AGREEMENT by subcontracting, but may not delegate ultimate responsibility for performance or assign or transfer interests under this AGREEMENT. CONSULTANT agrees to reasonably cooperate with LOCAL AGENCY regarding litigation brought regarding the subject of CONSULTANT's work to be performed under this AGREEMENT. CONSULTANT shall be compensated for its time, and any costs and expenses at its then current hourly rates of compensation, unless such litigation is brought by CONSULTANT or is based on allegations of CONSULTANT'S negligent performance or wrongdoing.
 - G. CONSULTANT shall be as fully responsible to the LOCAL AGENCY for the negligent acts and omissions of its contractors and subcontractors or Subconsultants, and of persons either directly or indirectly employed by them, in the same manner as persons directly employed by CONSULTANT.
 - H. No alteration or variation of the terms of this AGREEMENT shall be valid, unless made in writing and signed by the parties hereto; and no oral understanding or agreement not incorporated herein, shall be binding on any of the parties hereto.
 - I. The consideration to be paid to CONSULTANT as provided herein, shall be in compensation for all of CONSULTANT's expenses incurred in the performance hereof, including travel and per diem, unless otherwise expressly so provided.

ARTICLE II STATEMENT OF WORK

CONSULTANT agrees to perform the services as outlined in "Exhibit A-Scope of Services" within the time frames specified therein, and "Exhibit B - Consultant's Cost Proposal" which are hereby incorporated by reference and attached.

ARTICLE III CONSULTANT'S REPORTS OR MEETINGS

- A. CONSULTANT shall submit progress reports at least once a month. The report should be sufficiently detailed for the Contract Administrator to determine, if CONSULTANT is performing to expectations, or is on schedule; to provide communication of interim findings, and to sufficiently address any difficulties or special problems encountered, so remedies can be developed.
- B. CONSULTANT's Project Manager shall meet with LOCAL AGENCY's Contract Administrator, as needed, to discuss progress on the AGREEMENT.

ARTICLE IV PERFORMANCE PERIOD

- A. This AGREEMENT shall go into effect on (insert award date), contingent upon approval by LOCAL AGENCY, and CONSULTANT shall commence work after notification to proceed by LOCAL AGENCY'S Contract Administrator. The AGREEMENT shall end on 06/20/21, unless extended by AGREEMENT amendment.
- B. CONSULTANT is advised that any recommendation for AGREEMENT award is not binding on LOCAL AGENCY until the AGREEMENT is fully executed and approved by LOCAL AGENCY.

ARTICLE V ALLOWABLE COSTS AND PAYMENTS TASK A-

- A. The method of payment for TASK A of this AGREEMENT will be based on lump sum. The total lump sum price paid to CONSULTANT will include compensation for all work and deliverables, including travel and equipment described in Article II Statement of Work of this AGREEMENT. No additional compensation will be paid to CONSULTANT, unless there is a change in the scope of the work or the scope of the project. In the instance of a change in the scope of work or scope of the project, adjustment to the total lump sum compensation will be negotiated between CONSULTANT and LOCAL AGENCY. Adjustment in the total lump sum compensation will not be effective until authorized by AGREEMENT amendment and approved by LOCAL AGENCY.
- B. Progress payments may be made monthly in arrears based on the percentage of work completed by CONSULTANT. If CONSULTANT fails to submit the required deliverable items according to the schedule set forth in the Statement of Work, LOCAL AGENCY shall have the right to delay payment or terminate this AGREEMENT in accordance with the provisions of Article VI Termination.
- C. CONSULTANT shall not commence performance of work or services until this AGREEMENT has been approved by LOCAL AGENCY and notification to proceed has been issued by LOCAL AGENCY'S Contract Administrator. No payment will be made prior to approval of any work, or for any work performed prior to approval of this AGREEMENT.
- D. CONSULTANT will be reimbursed within thirty (30) days upon receipt by LOCAL AGENCY'S Contract Administrator of itemized invoices in duplicate. Invoices shall

be submitted no later than thirty (30) calendar days after the performance of work for which CONSULTANT is billing. Invoices shall detail the work performed on each milestone, on each project as applicable. Invoices shall follow the format stipulated for the approved Cost Proposal and shall reference this AGREEMENT number and project title. Final invoice must contain the final cost and all credits due LOCAL AGENCY that include any equipment purchased under the provisions of Article XI Equipment Purchase of this AGREEMENT. The final invoice must be submitted within sixty (60) calendar days after completion of CONSULTANT's work, unless a later date is approved by the LOCAL AGENCY. Invoices shall be mailed to LOCAL AGENCY's Contract Administrator at the following address:

Town of Los Gatos Parks and Public Works Department
ATTN: Lisa Petersen, Assistant
Public Works Director/Town Engineer Los
Gatos Creek Trail to Highway 9 Trailhead
Connector Project
41 Miles Avenue Los Gatos, CA 95030

- E. The total amount payable by LOCAL AGENCY for TASK A shall not exceed \$458,747

TASK B and TASK C

- A. The method of payment for TASK B and TASK C shall be at the rate specified for each item, as described in this Article. The specified rate shall include full compensation to CONSULTANT for the item as described, including but not limited to, any repairs, maintenance, or insurance, and no further compensation will be allowed therefore.
- B. The specified rate to be paid for vehicle expense for CONSULTANT's field personnel shall be \$0.00 per approved Cost Proposal. This rate shall be for a fully equipped vehicle(s) specified in Article II Statement of Work, as applicable. The specified rate to be paid for equipment shall be, as listed in Exhibit B- Consultant's Cost Proposal.
- C. The method of payment for TASK B and TASK C of this AGREEMENT, except those items to be paid for on a specified rate basis, will be based on cost per unit of work. LOCAL AGENCY will reimburse CONSULTANT for actual costs (including labor costs, employee benefits, travel, equipment-rental costs, overhead and other direct costs) incurred by CONSULTANT in performance of the work. CONSULTANT will not be reimbursed for actual costs that exceed the estimated wage rates, employee benefits, travel, equipment rental, overhead and other estimated costs set forth in the approved Cost Proposal, unless additional reimbursement is provided for, by AGREEMENT amendment. In no event, will CONSULTANT be reimbursed for overhead costs at a rate that exceeds LOCAL AGENCY approved overhead rate set forth in the approved Cost Proposal. In the event, LOCAL AGENCY determines that changed work from that specified in the approved Cost Proposal and AGREEMENT is required; the actual costs reimbursable by LOCAL AGENCY may be adjusted by AGREEMENT amendment to accommodate the changed work. The maximum total cost as

- specified in Paragraph "J," of this Article shall not be exceeded unless authorized by AGREEMENT amendment.
- D. In addition to the allowable incurred costs, LOCAL AGENCY will pay CONSULTANT a fixed fee of \$0. The fixed fee is nonadjustable for the term of the AGREEMENT, except in the event of a significant change in the scope of work and such adjustment is made by AGREEMENT amendment.
- E. Reimbursement for transportation and subsistence costs shall not exceed the rates specified in the approved Cost Proposal.
- F. When milestone cost estimates are included in the approved Cost Proposal, CONSULTANT shall obtain prior written approval for a revised milestone cost estimate from the Contract Administrator before exceeding such cost estimate.
- G. Progress payments will be made monthly in arrears based on services provided and allowable incurred costs. A pro rata portion of CONSULTANT's fixed fee will be included in the monthly progress payments. If CONSULTANT fails to submit the required deliverable items according to the schedule set forth in Article II Statement of Work, LOCAL AGENCY shall have the right to delay payment or terminate this AGREEMENT.
- H. No payment will be made prior to approval of any work, nor for any work performed prior to approval of this AGREEMENT.
- I. CONSULTANT will be reimbursed within thirty (30) days of receipt by LOCAL AGENCY's Contract Administrator of itemized invoices in duplicate. Invoices shall be submitted no later than thirty (30) calendar days after the performance of work for which CONSULTANT is billing. Invoices shall detail the work performed on each milestone and each project as applicable. Invoices shall follow the format stipulated for the approved Cost Proposal and shall reference this AGREEMENT number and project title. Final invoice must contain the final cost and all credits due LOCAL AGENCY including any equipment purchased under the provisions of Article XI Equipment Purchase. The final invoice should be submitted within sixty (60) calendar days after completion of CONSULTANT's work. Invoices shall be mailed to LOCAL AGENCY'S Contract Administrator at the following address:
- Town of Los Gatos Parks and Public Works
Department ATTN: Lisa Petersen, Assistant
Public Works Director/Town Engineer
Los Gatos Creek Trail to Highway 9 Trailhead
Connector Project 41 Miles Avenue
Los Gatos, CA 95030
- J. The total amount payable by LOCAL AGENCY including the fixed fee for TASK B and TASK C shall not exceed \$ 28,000.
- K. Salary increases will be reimbursable if the new salary is within the salary range identified in the approved Cost Proposal and is approved by LOCAL AGENCY's Contract Administrator.
- L. For personnel subject to prevailing wage rates as described in the California Labor Code, all salary increases, which are the direct result of changes in the

prevailing wage rates are reimbursable.

ARTICLE VI TERMINATION

- A. This AGREEMENT may be terminated by LOCAL AGENCY, provided that LOCAL AGENCY gives not less than thirty (30) calendar days' written notice (delivered by certified mail, return receipt requested) of intent to terminate. In the event of such termination, LOCAL AGENCY may proceed with the work in any manner deemed proper by LOCAL AGENCY.
- B. LOCAL AGENCY may temporarily suspend this AGREEMENT, at no additional cost to LOCAL AGENCY, provided that CONSULTANT is given written notice (delivered by certified mail, return receipt requested) of temporary suspension. If LOCAL AGENCY gives such notice of temporary suspension, CONSULTANT shall immediately suspend its activities under this AGREEMENT. A temporary suspension may be issued concurrent with the notice of termination provided for in subsection A of this Section.
- C. Notwithstanding any provisions of this AGREEMENT, CONSULTANT shall not be relieved of liability to LOCAL AGENCY for damages sustained by LOCAL AGENCY by virtue of any breach of this AGREEMENT by CONSULTANT, and LOCAL AGENCY may withhold any payments due to CONSULTANT until such time as the exact amount of damages, if any, due LOCAL AGENCY from CONSULTANT is determined.
- D. In the event of termination, CONSULTANT shall be compensated as provided for in this AGREEMENT, except as provided in Article XI C. Upon termination, and upon receipt of payment by CONSULTANT, LOCAL AGENCY shall be entitled to all work, including but not limited to, reports, investigations, appraisals, inventories, studies, analyses, drawings and data estimates performed to that date, whether completed or not.

ARTICLE VII COST PRINCIPLES AND ADMINISTRATIVE REQUIREMENTS

- A. The CONSULTANT agrees that 48 CFR Part 31, Contract Cost Principles and Procedures, shall be used to determine the allowability of individual terms of cost.
- B. The CONSULTANT also agrees to comply with Federal procedures in accordance with 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.
- C. Any costs for which payment has been made to the CONSULTANT that are determined by subsequent audit to be unallowable under 48 CFR Part 31 or 2 CFR Part 200 are subject to repayment by the CONSULTANT to LOCAL AGENCY.
- D. When a CONSULTANT or Subconsultant is a Non-Profit Organization or an Institution of Higher Education, the Cost Principles for Title 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards shall apply.

ARTICLE VIII RETENTION OF RECORDS/AUDIT

For the purpose of determining compliance with California Gov. Code § 8546.7, the CONSULTANT, Subconsultants, and LOCAL AGENCY shall maintain all books, documents, papers, accounting records, Independent CPA Audited Indirect Cost Rate workpapers, and other evidence pertaining to the performance of the AGREEMENT including, but not limited to, the costs of administering the AGREEMENT. All parties, including the CONSULTANT's Independent CPA, shall make such workpapers and materials available at their respective offices at all reasonable times during the AGREEMENT period and for three (3) years from the date of final payment under the AGREEMENT. LOCAL AGENCY, Caltrans Auditor, FHWA, or any duly authorized representative of the Federal government having jurisdiction under Federal laws or regulations (including the basis of Federal funding in whole or in part) shall have access to any books, records, and documents of the CONSULTANT, Subconsultants, and the CONSULTANT's Independent CPA, that are pertinent to the CONSULTANT's work and services for audits, examinations, workpaper review, excerpts, and transactions, and copies thereof shall be furnished if requested without limitation.

ARTICLE IX AUDIT REVIEW PROCEDURES

- A. Any dispute concerning a question of fact arising under an interim or post audit of this AGREEMENT that is not disposed of by agreement of LOCAL AGENCY and CONSULTANT, shall be reviewed by LOCAL AGENCY'S Chief Financial Officer.
- B. Not later than thirty (30) days after issuance of the final audit report, CONSULTANT may request a review by LOCAL AGENCY'S Chief Financial Officer of unresolved audit issues. The request for review will be submitted in writing.
- C. Neither the pendency of a dispute nor its consideration by LOCAL AGENCY will excuse CONSULTANT from full and timely performance, in accordance with the terms of this AGREEMENT.
- D. CONSULTANT and Subconsultant contracts, including cost proposals and ICR, are subject to audits or reviews such as, but not limited to, an AGREEMENT audit, an incurred cost audit, an ICR Audit, or a CPA ICR audit work paper review. If selected for audit or review, the AGREEMENT, cost proposal and ICR and related work papers, if applicable, will be reviewed to verify compliance with 48 CFR, Part 31 and other related laws and regulations. In the instances of a CPA ICR audit work paper review it is CONSULTANT's responsibility to ensure federal, state, or local government officials are allowed full access to the CPA's work papers including making copies as necessary. The AGREEMENT, cost proposal, and ICR shall be adjusted by CONSULTANT and approved by LOCAL AGENCY contract manager to conform to the audit or review recommendations. CONSULTANT agrees that individual terms of costs identified in the audit report shall be incorporated into the AGREEMENT by this reference if directed by LOCAL AGENCY at its sole discretion. Refusal by CONSULTANT to incorporate audit or review recommendations, or to ensure that the federal, state or local governments have access to CPA work papers, will be considered a breach of AGREEMENT terms and cause for termination of the AGREEMENT and

disallowance of prior reimbursed costs.

- E. CONSULTANT'S Cost Proposal may be subject to a CPA ICR Audit Work Paper Review and/or audit by California's Department of Transportation (Caltrans) Audit and Investigation (A&I). Caltrans A&I, at its sole discretion, may review and/or audit and approve the CPA ICR documentation. The Cost Proposal shall be adjusted by the CONSULTANT and approved by the LOCAL AGENCY Contract Administrator to conform to the Work Paper Review recommendations included in the management letter or audit recommendations included in the audit report. Refusal by the CONSULTANT to incorporate the Work Paper Review recommendations included in the management letter or audit recommendations included in the audit report will be considered a breach of the AGREEMENT terms and cause for termination of the AGREEMENT and disallowance of prior reimbursed costs.

1. During a Caltrans A&I review of the ICR audit work papers created by the CONSULTANT's independent CPA, Caltrans A&I will work with the CPA and/or CONSULTANT toward a resolution of issues that arise during the review. Each party agrees to use its best efforts to resolve any audit disputes in a timely manner. If Caltrans A&I identifies significant issues during the review and is unable to issue a cognizant approval letter, LOCAL AGENCY will reimburse the CONSULTANT at an accepted ICR until a FAR (Federal Acquisition Regulation) compliant ICR {e.g. 48 CFR, part 31; GAGAS (Generally Accepted Auditing Standards); CAS (Cost Accounting Standards), if applicable; in accordance with procedures and guidelines of the American Association of State Highways and Transportation Officials (AASHTO) Audit Guide; and other applicable procedures and guidelines} is received and approved by A&I.

Accepted rates will be as follows:

- a. If the proposed rate is less than 150% - the accepted rate reimbursed will be 90% of the proposed rate.
 - b. If the proposed rate is between one hundred fifty percent (150%) and two hundred percent (200%) - the accepted rate will be 85% of the proposed rate.
 - c. If the proposed rate is greater than two hundred percent (200%) - the accepted rate will be 75% of the proposed rate.
2. If Caltrans A&I is unable to issue a cognizant letter per paragraph E.1. above, Caltrans A&I may require CONSULTANT to submit a revised independent CPA-audited ICR and audit report within three (3) months of the effective date of the management letter. Caltrans A&I will then have up to six (6) months to review the CONSULTANT's and/or the independent CPA's revisions.
 3. If the CONSULTANT fails to comply with the provisions of this paragraph E, or if Caltrans A&I is still unable to issue a cognizant approval letter after the revised independent CPA-audited ICR is submitted, overhead cost reimbursement will be limited to the accepted ICR that was established upon initial rejection of the ICR and set forth in paragraph E.1. above for all rendered services. In this event, this provisional ICR will become the actual and final ICR for reimbursement purposes under this AGREEMENT.
 4. CONSULTANT may submit to LOCAL AGENCY final invoice only when all of the

following items have occurred: (1) Caltrans A&I accepts or adjusts the original or revised independent CPA- audited ICR; (2) all work under this AGREEMENT has been completed to the satisfaction of LOCAL AGENCY; and, (3) Caltrans A&I has issued its final ICR review letter. The CONSULTANT MUST SUBMIT ITS FINAL INVOICE TO LOCAL AGENCY no later than sixty (60) calendar days after occurrence of the last of these items. The accepted ICR will apply to this AGREEMENT and all other AGREEMENTS executed between LOCAL AGENCY and the CONSULTANT, either as a prime or Subconsultant, with the same fiscal period ICR. The ICR period shall extend beyond the one-year period and shall be fixed for the life of the contract.

ARTICLE X SUBCONTRACTING

- A. Nothing contained in this AGREEMENT or otherwise, shall create any contractual relation between LOCAL AGENCY and any Subconsultant(s), and no subcontract shall relieve CONSULTANT of its responsibilities and obligations hereunder. CONSULTANT agrees to be as fully responsible to LOCAL AGENCY for the acts and omissions of its Subconsultant(s) and of persons either directly or indirectly employed by any of them as it is for the acts and omissions of persons directly employed by CONSULTANT. CONSULTANT's obligation to pay its Subconsultant(s) is an independent obligation from LOCAL AGENCY'S obligation to make payments to the CONSULTANT.
- B. CONSULTANT shall perform the work contemplated with resources available within its own organization and no portion of the work pertinent to this AGREEMENT shall be subcontracted without written authorization by LOCAL AGENCY's Contract Administrator, except that, which is expressly identified in the approved Cost Proposal.
- C. All subcontracts entered into as a result of this AGREEMENT shall contain all the provisions stipulated in this entire AGREEMENT to be applicable to Subconsultants unless otherwise noted.
- D. CONSULTANT shall pay its Subconsultants within fifteen (15) calendar days from receipt of each payment made to CONSULTANT by LOCAL AGENCY for the work performed by such Subconsultants.
- E. Any substitution of Subconsultant(s) must be approved in writing by LOCAL AGENCY's Contract Administrator in advance of assigning work to a substituted Subconsultant(s).

ARTICLE XI EQUIPMENT PURCHASE

- A. Prior authorization in writing, by LOCAL AGENCY's Contract Administrator shall be required before CONSULTANT enters into any unbudgeted purchase order, or subcontract exceeding five thousand dollars (\$5,000) for supplies, equipment, or CONSULTANT services. CONSULTANT shall provide an evaluation of the necessity or desirability of incurring such costs.
- B. For purchase of any item, service or consulting work not covered in CONSULTANT's approved Cost Proposal and exceeding five thousand dollars (\$5,000), with prior authorization by LOCAL AGENCY's Contract Administrator;

three competitive quotations must be submitted with the request, or the absence of bidding must be adequately justified.

- C. Any equipment purchased with funds provided under the terms of this AGREEMENT is subject to the following:
1. CONSULTANT shall maintain an inventory of all nonexpendable property. Nonexpendable property is defined as having a useful life of at least two years and an acquisition cost of five thousand dollars (\$5,000) or more. If the purchased equipment needs replacement and is sold or traded in, LOCAL AGENCY shall receive a proper refund or credit at the conclusion of the AGREEMENT, or if the AGREEMENT is terminated, CONSULTANT may either keep the equipment and credit LOCAL AGENCY in an amount equal to its fair market value, or sell such equipment at the best price obtainable at a public or private sale, in accordance with established LOCAL AGENCY procedures; and credit LOCAL AGENCY in an amount equal to the sales price. If CONSULTANT elects to keep the equipment, fair market value shall be determined at CONSULTANT's expense, on the basis of a competent independent appraisal of such equipment. Appraisals shall be obtained from an appraiser mutually agreeable to by LOCAL AGENCY and CONSULTANT, if it is determined to sell the equipment, the terms and conditions of such sale must be approved in advance by LOCAL AGENCY.
 2. Regulation 2 CFR Part 200 requires a credit to Federal funds when participating equipment with a fair market value greater than five thousand dollars (\$5,000) is credited to the project.

ARTICLE XII STATE PREVAILING WAGE RATES

- A. No CONSULTANT or Subconsultant may be awarded an AGREEMENT containing public work elements unless registered with the Department of Industrial Relations (DIR) pursuant to Labor Code §1725.5. Registration with DIR must be maintained throughout the entire term of this AGREEMENT, including any subsequent amendments.
- B. The CONSULTANT shall comply with all of the applicable provisions of the California Labor Code requiring the payment of prevailing wages. The General Prevailing Wage Rate Determinations applicable to work under this AGREEMENT are available and on file with the Department of Transportation's Regional/District Labor Compliance Officer (http://www.dot.ca.gov/hq/construc/LaborCompliance/documents/DistrictRegion_Map_Construction_7-8-15.pdf)

These wage rates are made a specific part of this AGREEMENT by reference pursuant to Labor Code §1773.2 and will be applicable to work performed at a construction project site. Prevailing wages will be applicable to all inspection work performed at LOCAL AGENCY construction sites, at LOCAL AGENCY facilities and at off-site locations that are set up by the construction contractor or one of its subcontractors solely and specifically to serve LOCAL AGENCY projects. Prevailing wage requirements do not apply to inspection work performed at the facilities of vendors and commercial materials suppliers that provide goods and services to the general public.

- C. General Prevailing Wage Rate Determinations applicable to this project may also be obtained from the Department of Industrial Relations Internet site at <http://www.dir.ca.gov>.
- D. Payroll Records
1. Each CONSULTANT and Subconsultant shall keep accurate certified payroll records and supporting documents as mandated by Labor Code §1776 and as defined in 8 CCR §16000 showing the name, address, social security number, work classification, straight time and overtime hours worked each day and week, and the actual per diem wages paid to each journeyman, apprentice, worker, or other employee employed by the CONSULTANT or Subconsultant in connection with the public work. Each payroll record shall contain or be verified by a written declaration that it is made under penalty of perjury, stating both of the following:
 - a. The information contained in the payroll record is true and correct.
 - b. The employer has complied with the requirements of Labor Code §1771, §1811, and §1815 for any work performed by his or her employees on the public works project.
 2. The payroll records enumerated under paragraph (1) above shall be certified as correct by the CONSULTANT under penalty of perjury. The payroll records and all supporting documents shall be made available for inspection and copying by LOCAL AGENCY representative's at all reasonable hours at the principal office of the CONSULTANT. The CONSULTANT shall provide copies of certified payrolls or permit inspection of its records as follows:
 - a. A certified copy of an employee's payroll record shall be made available for inspection or furnished to the employee or the employee's authorized representative on request.
 - b. A certified copy of all payroll records enumerated in paragraph (1) above, shall be made available for inspection or furnished upon request to a representative of LOCAL AGENCY, the Division of Labor Standards Enforcement and the Division of Apprenticeship Standards of the Department of Industrial Relations. Certified payrolls submitted to LOCAL AGENCY, the Division of Labor Standards Enforcement and the Division of Apprenticeship Standards shall not be altered or obliterated by the CONSULTANT.
 - c. The public shall not be given access to certified payroll records by the CONSULTANT. The CONSULTANT is required to forward any requests for certified payrolls to the LOCAL AGENCY Contract Administrator by both email and regular mail on the business day following receipt of the request.
 3. Each CONSULTANT shall submit a certified copy of the records enumerated in paragraph (1) above, to the entity that requested the records within ten (10) calendar days after receipt of a written request.
 4. Any copy of records made available for inspection as copies and furnished upon request to the public or any public agency by LOCAL AGENCY shall be marked or obliterated in such a manner as to prevent disclosure of each individual's name, address, and social security number. The name and address of the CONSULTANT or Subconsultant performing the work shall not be

marked or obliterated.

5. The CONSULTANT shall inform LOCAL AGENCY of the location of the records enumerated under paragraph (1) above, including the street address, city and county, and shall, within five (5) working days, provide a notice of a change of location and address.
 6. The CONSULTANT or Subconsultant shall have ten (10) calendar days in which to comply subsequent to receipt of written notice requesting the records enumerated in paragraph (1) above. In the event the CONSULTANT or Subconsultant fails to comply within the ten (10) day period, he or she shall, as a penalty to LOCAL AGENCY, forfeit one hundred dollars (\$100) for each calendar day, or portion thereof, for each worker, until strict compliance is effectuated. Such penalties shall be withheld by LOCAL AGENCY from payments then due. CONSULTANT is not subject to a penalty assessment pursuant to this section due to the failure of a Subconsultant to comply with this section.
- E. When prevailing wage rates apply, the CONSULTANT is responsible for verifying compliance with certified payroll requirements. Invoice payment will not be made until the invoice is approved by the LOCAL AGENCY Contract Administrator.
- F. Penalty
1. The CONSULTANT and any of its Subconsultants shall comply with Labor Code §1774 and §1775. Pursuant to Labor Code §1775, the CONSULTANT and any Subconsultant shall forfeit to the LOCAL AGENCY a penalty of not more than two hundred dollars (\$200) for each calendar day, or portion thereof, for each worker paid less than the prevailing rates as determined by the Director of DIR for the work or craft in which the worker is employed for any public work done under the AGREEMENT by the CONSULTANT or by its Subconsultant in violation of the requirements of the Labor Code and in particular, Labor Code §§1770 to 1780, inclusive.
 2. The amount of this forfeiture shall be determined by the Labor Commissioner and shall be based on consideration of mistake, inadvertence, or neglect of the CONSULTANT or Subconsultant in failing to pay the correct rate of prevailing wages, or the previous record of the CONSULTANT or Subconsultant in meeting their respective prevailing wage obligations, or the willful failure by the CONSULTANT or Subconsultant to pay the correct rates of prevailing wages. A mistake, inadvertence, or neglect in failing to pay the correct rates of prevailing wages is not excusable if the CONSULTANT or Subconsultant had knowledge of the obligations under the Labor Code. The CONSULTANT is responsible for paying the appropriate rate, including any escalations that take place during the term of the AGREEMENT.
 3. In addition to the penalty and pursuant to Labor Code §1775, the difference between the prevailing wage rates and the amount paid to each worker for each calendar day or portion thereof for which each worker was paid less than the prevailing wage rate shall be paid to each worker by the CONSULTANT or Subconsultant.
 4. If a worker employed by a Subconsultant on a public works project is not paid the general prevailing per diem wages by the Subconsultant, the

prime CONSULTANT of the project is not liable for the penalties described above unless the prime CONSULTANT had knowledge of that failure of the Subconsultant to pay the specified prevailing rate of wages to those workers or unless the prime CONSULTANT fails to comply with all of the following requirements:

- a. The AGREEMENT executed between the CONSULTANT and the Subconsultant for the performance of work on public works projects shall include a copy of the requirements in Labor Code §§ 1771, 1775, 1776, 1777.5, 1813, and 1815.
- b. The CONSULTANT shall monitor the payment of the specified general prevailing rate of per diem wages by the Subconsultant to the employees by periodic review of the certified payroll records of the Subconsultant.
- c. Upon becoming aware of the Subconsultant's failure to pay the specified prevailing rate of wages to the Subconsultant's workers, the CONSULTANT shall diligently take corrective action to halt or rectify the failure, including but not limited to, retaining sufficient funds due the Subconsultant for work performed on the public works project.
- d. Prior to making final payment to the Subconsultant for work performed on the public works project, the CONSULTANT shall obtain an affidavit signed under penalty of perjury from the Subconsultant that the Subconsultant had paid the specified general prevailing rate of per diem wages to the Subconsultant's employees on the public works project and any amounts due pursuant to Labor Code §1813.
5. Pursuant to Labor Code §1775, LOCAL AGENCY shall notify the CONSULTANT on a public works project within fifteen (15) calendar days of receipt of a complaint that a Subconsultant has failed to pay workers the general prevailing rate of per diem wages.
6. If LOCAL AGENCY determines that employees of a Subconsultant were not paid the general prevailing rate of per diem wages and if LOCAL AGENCY did not retain sufficient money under the AGREEMENT to pay those employees the balance of wages owed under the general prevailing rate of per diem wages, the CONSULTANT shall withhold an amount of moneys due the Subconsultant sufficient to pay those employees the general prevailing rate of per diem wages if requested by LOCAL AGENCY.
- G. Hours of Labor
Eight (8) hours labor constitutes a legal day's work. The CONSULTANT shall forfeit, as a penalty to the LOCAL AGENCY, twenty-five dollars (\$25) for each worker employed in the execution of the AGREEMENT by the CONSULTANT or any of its Subconsultants for each calendar day during which such worker is required or permitted to work more than eight (8) hours in any one calendar day and forty (40) hours in any one calendar week in violation of the provisions of the Labor Code, and in particular §§1810 to 1815 thereof, inclusive, except that work performed by employees in excess of eight (8) hours per day, and forty (40) hours during any one week, shall be permitted upon compensation for all hours worked in excess of eight (8) hours per day and forty (40) hours in any week, at not less than one and one-half (1.5) times the basic rate of pay, as provided in §1815.

H. Employment of Apprentices

1. Where either the prime AGREEMENT or the sub agreement exceeds thirty thousand dollars (\$30,000), the CONSULTANT and any Subconsultants under him or her shall comply with all applicable requirements of Labor Code §§ 1777.5, 1777.6 and 1777.7 in the employment of apprentices.
2. CONSULTANTS and Subconsultants are required to comply with all Labor Code requirements regarding the employment of apprentices, including mandatory ratios of journey level to apprentice workers. Prior to commencement of work, CONSULTANT and Subconsultants are advised to contact the DIR Division of Apprenticeship Standards website at <https://www.dir.ca.gov/das/>, for additional information regarding the employment of apprentices and for the specific journey-to- apprentice ratios for the AGREEMENT work. The CONSULTANT is responsible for all Subconsultants' compliance with these requirements. Penalties are specified in Labor Code §1777.7.

ARTICLE XIII CONFLICT OF INTEREST

- A. During the term of this AGREEMENT, the CONSULTANT shall disclose any financial, business, or other relationship with LOCAL AGENCY that may have an impact upon the outcome of this AGREEMENT, or any ensuing LOCAL AGENCY construction project. CONSULTANT shall also list current clients who may have a financial interest in the outcome of this AGREEMENT, or any ensuing LOCAL AGENCY construction project, which will follow.
- B. CONSULTANT certifies that it has disclosed to LOCAL AGENCY any actual, apparent, or potential conflicts of interest that may exist relative to the services to be provided pursuant to this AGREEMENT. CONSULTANT agrees to advise LOCAL AGENCY of any actual, apparent or potential conflicts of interest that may develop subsequent to the date of execution of this AGREEMENT. CONSULTANT further agrees to complete any statements of economic interest if required by either LOCAL AGENCY ordinance or State law.
- C. CONSULTANT hereby certifies that it does not now have, nor shall it acquire any financial or business interest that would conflict with the performance of services under this AGREEMENT.
- D. The CONSULTANT hereby certifies that the CONSULTANT or Subconsultant and any firm affiliated with the CONSULTANT or Subconsultant that bids on any construction contract or on any AGREEMENT to provide construction inspection for any construction project resulting from this AGREEMENT, has established necessary controls to ensure a conflict of interest does not exist. An affiliated firm is one, which is subject to the control of the same persons, through joint ownership or otherwise.

ARTICLE XIV REBATES, KICKBACKS OR OTHER UNLAWFUL CONSIDERATION

CONSULTANT warrants that this AGREEMENT was not obtained or secured through rebates, kickbacks or other unlawful consideration, either promised or paid to any LOCAL AGENCY employee. For breach or violation of this warranty, LOCAL AGENCY

shall have the right in its discretion; to terminate this AGREEMENT without liability; to pay only for the value of the work actually performed; or to deduct from this AGREEMENT price; or otherwise recover the full amount of such rebate, kickback or other unlawful consideration.

ARTICLE XV PROHIBITION OF EXPENDING LOCAL AGENCY STATE OR FEDERAL FUNDS FOR LOBBYING

- A. CONSULTANT certifies to the best of his or her knowledge and belief that:
 - 1. No state, federal or LOCAL AGENCY appropriated funds have been paid, or will be paid by- or on behalf of CONSULTANT to any person for influencing or attempting to influence an officer or employee of any local, State or Federal agency; a Member of the State Legislature or United States Congress; an officer or employee of the Legislature or Congress; or any employee of a Member of the Legislature or Congress, in connection with the awarding or making of this AGREEMENT, or with the extension, continuation, renewal, amendment, or modification of this AGREEMENT.
 - 2. If any funds other than Federal appropriated funds have been paid, or will be paid to any person for influencing or attempting to influence an officer or employee of any agency; a Member of Congress; an officer or employee of Congress, or an employee of a Member of Congress; in connection with this AGREEMENT, the CONSULTANT shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.
- B. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than ten thousand dollars (\$10,000) and not more than one hundred thousand dollars (\$100,000) for each such failure.
- C. CONSULTANT also agrees by signing this document that he or she shall require that the language of this certification be included in all lower-tier subcontracts, which exceed one hundred thousand dollars (\$100,000) and that all such sub recipients shall certify and disclose accordingly.

ARTICLE XVI NON-DISCRIMINATION CLAUSE AND STATEMENT OF COMPLIANCE

- A. CONSULTANT's signature affixed herein, and dated, shall constitute a certification under penalty of perjury under the laws of the State of California

that CONSULTANT has, unless exempt, complied with, the nondiscrimination program requirements of Government Code § 12990 and Title 2 CCR § 8103.

- B. During the performance of this AGREEMENT, CONSULTANT and its Subconsultants shall not discriminate against any person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status, nor shall they unlawfully discriminate, harass, or allow harassment against any employee or applicant for employment because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.
- C. CONSULTANT and Subconsultants shall insure that the evaluation and treatment of their employees and applicants for employment are free from such discrimination and harassment. CONSULTANT and Subconsultants shall comply with the provisions of the Fair Employment and Housing Act (California Gov. Code §12990 et seq.), the applicable regulations promulgated there under (2 CCR §11000 et seq.), the provisions of California Gov. Code §§11135-11139.5, and the regulations or standards adopted by LOCAL AGENCY to implement such article. The applicable regulations of the Fair Employment and Housing Commission implementing California Gov. Code §12990 (a-f), set forth 2 CCR §§8100-8504, are incorporated into this AGREEMENT by reference and made a part hereof as if set forth in full.
- D. CONSULTANT, with regard to its work performed under this Agreement and to the extent the California Fair Employment and Housing Commission regulations are applicable to such work, shall permit access by representatives of the Department of Fair Employment and Housing and the LOCAL AGENCY upon reasonable notice at any time during the normal business hours, but in no case less than twenty-four (24) hours' notice, to such of its books, records, accounts, and all other sources of information and its facilities as said Department or LOCAL AGENCY shall require to ascertain compliance with this clause.
- E. CONSULTANT and its Subconsultants shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other Agreement.
- F. CONSULTANT shall include the nondiscrimination and compliance provisions of this clause in all subcontracts to perform work under this AGREEMENT.
- G. The CONSULTANT, with regard to the work performed under this AGREEMENT, shall act in accordance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d et seq.). Title VI provides that the recipients of federal assistance will implement and maintain a policy of nondiscrimination in which no person in the United States shall, on the basis of race, color, national origin, religion, sex, age, disability, be excluded from participation in, denied the benefits of or subject to discrimination under any program or activity by the recipients of federal assistance or their assignees and successors in interest.
- H. The CONSULTANT shall comply with regulations relative to non-discrimination in federally-assisted programs of the U.S. Department of Transportation (49

CFR Part 21- Effectuation of Title VI of the Civil Rights Act of 1964). Specifically, the CONSULTANT shall not participate either directly or indirectly in the discrimination prohibited by 49 CFR §21.5, including employment practices and the selection and retention of Subconsultants.

ARTICLE XVII DEBARMENT AND SUSPENSION CERTIFICATION

- A. CONSULTANT's signature affixed herein, shall constitute a certification under penalty of perjury under the laws of the State of California, that CONSULTANT or any person associated therewith in the capacity of owner, partner, director, officer or manager:
 - 1. Is not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any federal agency;
 - 2. Has not been suspended, debarred, voluntarily excluded, or determined ineligible by any federal agency within the past three (3) years;
 - 3. Does not have a proposed debarment pending; and
 - 4. Has not been indicted, convicted, or had a civil judgment rendered against it by a court of competent jurisdiction in any matter involving fraud or official misconduct within the past three (3) years.
- B. Any exceptions to this certification must be disclosed to LOCAL AGENCY. Exceptions will not necessarily result in denial of recommendation for award, but will be considered in determining responsibility. Disclosures must indicate to whom exceptions apply, initiating agency, and dates of agency action.
- C. Exceptions to the Federal Government Excluded Parties List System maintained by the General Services Administration are to be determined by the FHWA.

ARTICLE XVIII DISADVANTAGED BUSINESS ENTERPRISES (DBE) PARTICIPATION

- A. This AGREEMENT is subject to 49 CFR, Part 26 entitled "Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs". Consultants who enter into a federally-funded agreement will assist the LOCAL AGENCY in a good faith effort to achieve California's statewide overall DBE goal.
- B. The goal for DBE participation for this AGREEMENT is 15%. Participation by DBE Consultant or Subconsultants shall be in accordance with information contained in the Consultant Proposal DBE Commitment (Exhibit 10-01), or in the Consultant Contract DBE Information (Exhibit 10-02) attached hereto and incorporated as part of the AGREEMENT. If a DBE Subconsultant is unable to perform, CONSULTANT must make a good faith effort to replace him/her with another DBE Subconsultant, if the goal is not otherwise met.
- C. CONSULTANT can meet the DBE participation goal by either documenting commitments to DBEs to meet the AGREEMENT goal, or by documenting adequate good faith efforts to meet the AGREEMENT goal. An adequate good faith effort means that the CONSULTANT must show that it took all necessary and reasonable steps to achieve a DBE goal that, by their scope, intensity, and appropriateness to the objective, could reasonably be expected to meet the DBE goal. If CONSULTANT has not met the DBE goal,

complete and submit Exhibit 15-H: DBE Information - Good Faith Efforts to document efforts to meet the goal. Refer to 49 CFR Part 26 for guidance regarding evaluation of good faith efforts to meet the DBE goal.

- D. DBEs and other small businesses, as defined in 49 CFR, Part 26 are encouraged to participate in the performance of contracts financed in whole or in part with federal funds. The LOCAL AGENCY, CONSULTANT or Subconsultants shall not discriminate on the basis of race, color, national origin, or sex in the performance of this AGREEMENT. CONSULTANT shall carry out applicable requirements of 49 CFR, Part 26 in the award and administration of US DOT-assisted contracts. Failure by CONSULTANT to carry out these requirements is a material breach of this AGREEMENT, which may result in the termination of this AGREEMENT or such other remedy as LOCAL AGENCY deems appropriate which may include:
 - 1) Withholding monthly progress payments;
 - 2) Disqualifying the CONSULTANT from future bidding as non-responsive.
- E. A DBE firm may be terminated only with prior written approval from LOCAL AGENCY and only for the reasons specified in 49 CFR 26.53(f). Prior to requesting LOCAL AGENCY consent for the termination, CONSULTANT must meet the procedural requirements specified in 49 CFR 26.53(f). If a DBE Subconsultant is unable to perform, CONSULTANT must make a good faith effort to replace him/her with another DBE Subconsultant, if the goal is not otherwise met.
- F. Consultant shall not be entitled to any payment for such work or material unless it is performed or supplied by the listed DBE or by other forces (including those of Consultant) pursuant to prior written authorization of the LOCAL AGENCY's Contract Administrator.
- G. A DBE is only eligible to be counted toward the AGREEMENT goal if it performs a commercially useful function (CUF) on the AGREEMENT. A DBE performs a Commercially Useful Function (CUF) when it is responsible for execution of the work of the AGREEMENT and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. To perform a CUF, the DBE must also be responsible with respect to materials and supplies used on the AGREEMENT, for negotiating price, determining quality and quantity, ordering the material, and installing (where applicable) and paying for the material itself. To determine whether a DBE is performing a CUF, evaluate the amount of work subcontracted, industry practices, whether the amount the firm is to be paid under the AGREEMENT is commensurate with the work it is actually performing, and other relevant factors.
- H. A DBE does not perform a CUF if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of DBE participation. In determining whether a DBE is such an extra participant, examine similar

transactions, particularly those in which DBEs do not participate.

- I. If a DBE does not perform or exercise responsibility for at least thirty percent (30%) of the total cost of its contract with its own work force, or the DBE subcontracts a greater portion of the work of the contract than would be expected on the basis of normal industry practice for the type of work involved, it will be presumed that it is not performing a CUF.
- J. CONSULTANT shall maintain records of materials purchased or supplied from all subcontracts entered into with certified DBEs. The records shall show the name and business address of each DBE or vendor and the total dollar amount actually paid each DBE or vendor, regardless of tier. The records shall show the date of payment and the total dollar figure paid to all firms. DBE prime consultants shall also show the date of work performed by their own forces along with the corresponding dollar value of the work.
- K. Upon completion of the AGREEMENT, a summary of these records shall be prepared and submitted on the form entitled, "Final Report-Utilization of Disadvantaged Business Enterprise (DBE), First-Tier Subconsultants" CEM-2402F [Exhibit 17-F, of the LAPM], certified correct by CONSULTANT or CONSULTANT's authorized representative and shall be furnished to the Contract Administrator with the final invoice. Failure to provide the summary of DBE payments with the final invoice will result in twenty-five percent (25%) of the dollar value of the invoice being withheld from payment until the form is submitted. The amount will be returned to CONSULTANT when a satisfactory "Final Report-Utilization of Disadvantaged Business Enterprises (DBE), First-Tier Subconsultants" is submitted to the Contract Administrator.
- L. If a DBE Subconsultant is decertified during the life of the AGREEMENT, the decertified Subconsultant shall notify CONSULTANT in writing with the date of decertification. If a Subconsultant becomes a certified DBE during the life of the AGREEMENT, the Subconsultant shall notify CONSULTANT in writing with the date of certification. Any changes should be reported to LOCAL AGENCY's Contract Administrator within 30 days.
- M. Any subcontract entered into as a result of this AGREEMENT shall contain all of the provisions of this section.

ARTICLE XIX INSURANCE

- A. Prior to commencement of the work described herein, CONSULTANT shall furnish LOCAL AGENCY a Certificate of Insurance in compliance with the following:

Minimum Scope of Insurance:

- i. CONSULTANT agrees to have and maintain, for the duration of the AGREEMENT, General Liability insurance policies insuring it to an amount not less

than: one million dollars (\$1,000,000) combined single limit per occurrence for bodily injury, personal injury and property damage.

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

General Liability:

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

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 LOCAL AGENCY. Current certification of such insurance shall be kept on file at all times during the term of this AGREEMENT with the Town Clerk.

Workers' Compensation. In addition to these policies, CONSULTANT shall have and maintain Workers' Compensation insurance as required by California law and shall provide evidence of such policy to the LOCAL AGENCY before beginning services under this AGREEMENT. Further, CONSULTANT shall ensure that all subcontractors employed by CONSULTANT provide the required Workers' Compensation insurance for their respective employees.

Indemnification. CONSULTANT shall save, keep, hold harmless and indemnify and defend the LOCAL AGENCY 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 the negligent act or omissions of the CONSULTANT, or any of the CONSULTANT's officers, employees, or agents or any Subconsultant.

- B. CONSULTANT agrees that the insurance herein provided for, shall be in effect at all times during the term of this AGREEMENT. In the event said insurance coverage expires at any time or times during the term of this AGREEMENT, CONSULTANT agrees to provide at least thirty (30) days prior notice to said expiration date; and a new Certificate of Insurance evidencing insurance coverage as provided for herein, for not less than either the remainder of the term of the AGREEMENT, or for a period of not less than one (1) year. New Certificates of Insurance are subject to the approval of LOCAL AGENCY. In the event CONSULTANT fails to keep in effect at all times insurance coverage as herein provided, LOCAL AGENCY may, in addition to any other remedies it may have, terminate this AGREEMENT upon occurrence of such event.

ARTICLE XX FUNDING REQUIREMENTS

- A. It is mutually understood between the parties that this AGREEMENT may have been written before ascertaining the availability of funds or appropriation of funds, for the mutual benefit of both parties, in order to avoid program and fiscal delays that would occur if the AGREEMENT were executed after that determination was made.
- B. This AGREEMENT is valid and enforceable only, if sufficient funds are made available to LOCAL AGENCY for the purpose of this AGREEMENT. In addition,

this AGREEMENT is subject to any additional restrictions, limitations, conditions, or any statute enacted by the Congress, State Legislature, or LOCAL AGENCY governing board that may affect the provisions, terms, or funding of this AGREEMENT in any manner.

- C. It is mutually agreed that if sufficient funds are not appropriated, this AGREEMENT may be amended to reflect any reduction in funds.
- D. LOCAL AGENCY has the option to void the AGREEMENT under the 30-day termination clause pursuant to Article VI, or by mutual agreement of the parties to amend the AGREEMENT to reflect any reduction of funds.

ARTICLE XXI CHANGE IN TERMS

- A. No modification, waiver, mutual termination, or amendment of this AGREEMENT is effective unless made in writing and signed by the LOCAL AGENCY and the CONSULTANT.
- B. CONSULTANT shall only commence work covered by an amendment after the amendment is executed and notification to proceed has been provided by LOCAL AGENCY'S Contract Administrator.
- C. There shall be no change in CONSULTANT's Project Manager or members of the project team, as listed in the approved Cost Proposal, which is a part of this AGREEMENT without prior written approval by LOCAL AGENCY'S Contract Administrator.

ARTICLE XXII CONTINGENT FEE

CONSULTANT warrants, by execution of this AGREEMENT that no person or selling agency has been employed, or retained, to solicit or secure this AGREEMENT upon an agreement or understanding, for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees, or bona fide established commercial or selling agencies maintained by CONSULTANT for the purpose of securing business. For breach or violation of this warranty, LOCAL AGENCY has the right to annul this AGREEMENT without liability; pay only for the value of the work actually performed, or in its discretion to deduct from the AGREEMENT price or consideration, or otherwise recover the full amount of such commission, percentage, brokerage, or contingent fee.

ARTICLE XXIII DISPUTES

Prior to either party commencing any legal action under this AGREEMENT, the parties agree to try in good faith, to settle any dispute amicably between them. If a dispute has not been settled after thirty (30) days of good-faith negotiations and as may be otherwise provided herein, then either party may commence legal action against the other.

- A. Any dispute, other than audit, concerning a question of fact arising under this

AGREEMENT that is not disposed of by AGREEMENT shall be decided by a committee consisting of LOCAL AGENCY's Contract Administrator and Public Works Director, who may consider written or verbal information submitted by CONSULTANT.

- B. Not later than 30 days after completion of all deliverables necessary to complete the plans, specifications and estimate, CONSULTANT may request review by LOCAL AGENCY Governing Board of unresolved claims or disputes, other than audit. The request for review will be submitted in writing.
- C. Neither the pendency of a dispute, nor its consideration by the committee will excuse CONSULTANT from full and timely performance in accordance with the terms of this AGREEMENT.
- D. In any dispute over any aspect of the AGREEMENT, the prevailing party shall be entitled to reasonable attorney's fees, including costs of appeal.

ARTICLE XXIV INSPECTION OF WORK

CONSULTANT and any Subconsultant shall permit LOCAL AGENCY, the state, and the FHWA if federal participating funds are used in this AGREEMENT; to review and inspect the project activities and files at all reasonable times during the performance period of this AGREEMENT including review and inspection on a daily basis.

ARTICLE XXV SAFETY

- A. CONSULTANT shall comply with OSHA regulations applicable to CONSULTANT regarding necessary safety equipment or procedures. CONSULTANT shall comply with safety instructions issued by LOCAL AGENCY Safety Officer and other LOCAL AGENCY representatives. CONSULTANT personnel shall wear hard hats and safety vests at all times while working on the construction project site.
- B. Pursuant to the authority contained in Division 1, Section 591 of the California Vehicle Code, LOCAL AGENCY has determined that such areas are within the limits of the project and are open to public traffic. CONSULTANT shall comply with all applicable requirements set forth in Divisions 11, 12, 13, 14, and 15 of the California Vehicle Code. CONSULTANT shall take all reasonably necessary precautions for safe operation of its vehicles and the protection of the traveling public from injury and damage from such vehicles.
- C. Any subcontract entered into as a result of this AGREEMENT, shall contain all of the provisions of this Article.
- D. CONSULTANT must have a Division of Occupational Safety and Health (CAL-OSHA) permit(s), as outlined in California Labor Code Sections 6500 and 6705, prior to the initiation of any practices, work, method, operation, or process related to the construction or excavation of trenches which are five feet or deeper.

ARTICLE XXVI OWNERSHIP OF DATA

- A. It is mutually agreed that subject to CONSULTANT's receipt of payment for its services under this AGREEMENT all materials prepared by CONSULTANT under this AGREEMENT shall become the property of LOCAL AGENCY, and CONSULTANT shall have no property right therein whatsoever. Immediately upon termination, LOCAL AGENCY shall be entitled to, and CONSULTANT shall deliver to LOCAL AGENCY, reports, investigations, appraisals, inventories, studies, analyses, drawings and data estimates performed to that date, whether completed or not, and other such materials as may have been prepared or accumulated to date by CONSULTANT in performing this AGREEMENT which is not CONSULTANT's privileged information, as defined by law, or CONSULTANT's personnel information, along with all other property belonging exclusively to LOCAL AGENCY which is in CONSULTANT's possession. Publication of the information derived from work performed or data obtained in connection with services rendered under this AGREEMENT must be approved in writing by LOCAL AGENCY.
- B. Additionally, it is agreed that the Parties intend this to be an AGREEMENT for services and each considers the products and results of the services to be rendered by CONSULTANT hereunder to be work made for hire. CONSULTANT acknowledges and agrees that the work (and all rights therein, including, without limitation, copyright) belongs to and shall be the sole and exclusive property of LOCAL AGENCY without restriction or limitation upon its use or dissemination by LOCAL AGENCY.
- C. Nothing herein shall constitute or be construed to be any representation by CONSULTANT that the work product is suitable in any way for any other project except the one detailed in this AGREEMENT. Any reuse by LOCAL AGENCY for another project or project location shall be at LOCAL AGENCY's sole risk.
- D. Applicable patent rights provisions regarding rights to inventions shall be included in the AGREEMENTs as appropriate (48 CFR 27, Subpart 27.3 - Patent Rights under Government Contracts for federal-aid contracts).
- E. LOCAL AGENCY may permit copyrighting reports or other AGREEMENT products. If copyrights are permitted; the AGREEMENT shall provide that the FHWA shall have the royalty-free nonexclusive and irrevocable right to reproduce, publish, or otherwise use; and to authorize others to use, the work for government purposes.

ARTICLE XXVII CLAIMS FILED BY LOCAL AGENCY's CONSTRUCTION CONTRACTOR

- A. If claims are filed by LOCAL AGENCY's construction contractor relating to work performed by CONSULTANT's personnel, and additional information or assistance from CONSULTANT's personnel is required in order to evaluate or defend against such claims; CONSULTANT agrees to reasonably cooperate with LOCAL AGENCY.
- B. CONSULTANT's consultation or testimony will be reimbursed at CONSULTANT's then current hourly rates of compensation plus any costs and expenses.

ARTICLE XXVIII CONFIDENTIALITY OF DATA

- A. All financial, statistical, personal, technical, or other data and information relative to LOCAL AGENCY's operations, which are designated confidential by LOCAL AGENCY and made available to CONSULTANT in order to carry out this AGREEMENT, shall be protected by CONSULTANT from unauthorized use and disclosure.
- B. Permission to disclose information on one occasion, or public hearing held by LOCAL AGENCY relating to the AGREEMENT, shall not authorize CONSULTANT to further disclose such information, or disseminate the same on any other occasion.
- C. CONSULTANT shall not comment publicly to the press or any other media regarding the AGREEMENT or LOCAL AGENCY's actions on the same, except to LOCAL AGENCY's staff, CONSULTANT's own personnel involved in the performance of this AGREEMENT, at public hearings or in response to questions from a Legislative committee.
- D. CONSULTANT shall not issue any news release or public relations item of any nature, whatsoever, regarding work performed or to be performed under this AGREEMENT without prior review of the contents thereof by LOCAL AGENCY, and receipt of LOCAL AGENCY'S written permission.
- E. All information related to the construction estimate is confidential, and shall not be disclosed by CONSULTANT to any entity other than LOCAL AGENCY, Caltrans, and/or FHWA. All of the materials prepared or assembled by CONSULTANT pursuant to performance of this AGREEMENT are confidential and CONSULTANT agrees that they shall not be made available to any individual or organization without the prior written approval of LOCAL AGENCY or except as may be required by any law, regulation or government or court order. If CONSULTANT or any of its officers, employees, or subcontractors does voluntarily provide information in violation of this AGREEMENT, LOCAL AGENCY has the right to reimbursement and indemnity from CONSULTANT for any damages caused by CONSULTANT releasing the information, including, but not limited to, LOCAL AGENCY's attorney's fees and disbursements, including without limitation experts' fees and disbursements.

ARTICLE XXIX NATIONAL LABOR RELATIONS BOARD CERTIFICATION

In accordance with Public Contract Code Section 10296, CONSULTANT hereby states under penalty of perjury that no more than one final unappealable finding of contempt of court by a federal court has been issued against CONSULTANT within the immediately preceding two-year period, because of CONSULTANT's failure to comply with an order of a federal court that orders CONSULTANT to comply with an order of the National Labor Relations Board.

ARTICLE XXX EVALUATION OF CONSULTANT

CONSULTANT's performance will be evaluated by LOCAL AGENCY. A copy of the evaluation will be sent to CONSULTANT for comments. The evaluation together with the comments shall be retained as part of the AGREEMENT record.

ARTICLE XXXI RETENTION OF FUNDS

- A. Any subcontract entered into as a result of this AGREEMENT shall contain all of the provisions of this section.
- B. No retainage will be held by the LOCAL AGENCY from progress payments due the CONSULTANT. Any retainage held by the CONSULTANT or subconsultants from progress payments due subconsultants shall be promptly paid in full to subconsultants within thirty (30) calendar days after the subconsultant's work is satisfactorily completed. Federal law (49 CFR §26.29) requires that any delay or postponement of payment over thirty (30) calendar days may take place only for good cause and with the LOCAL AGENCY's prior written approval. Any violation of this provision shall subject the violating CONSULTANT or subconsultant to the penalties, sanctions and other remedies specified in Business and Professions Code §7108.5. These requirements shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the CONSULTANT or subconsultant in the event of a dispute involving late payment or nonpayment by the CONSULTANT, deficient subconsultant performance, or noncompliance by a subconsultant. This provision applies to both DBE and non-DBE CONSULTANT and subconsultants.

ARTICLE XXXII NOTIFICATION

All notices hereunder and communications regarding interpretation of the terms of this AGREEMENT and changes thereto, shall be effected by the mailing thereof by registered or certified mail, return receipt requested, postage prepaid, and addressed as follows:

CONSULTANT:

MOTT MACDONALD GROUP, INC.
ATTN: Chris Metzger, Senior Vice President
2077 GATEWAY PLACE, SUITE 550
SAN JOSE, CA 95110

LOCAL AGENCY:

Town of Los Gatos - Parks and Public Works Department
ATTN: Lisa Petersen, Assistant Public Works Director/Town Engineer
41 Miles Avenue
Los Gatos, CA 95030

ARTICLE XXXIII AGREEMENT

The two parties to this AGREEMENT, who are the before named CONSULTANT and the before named LOCAL AGENCY, hereby agree that this AGREEMENT constitutes the entire AGREEMENT which is made and concluded in duplicate between the two parties. Both of these parties for and in consideration of the payments to be made, conditions mentioned, and work to be performed; each agree to diligently perform in accordance with the terms and conditions of this AGREEMENT as evidenced by the signatures below.

ARTICLE XXXIV SIGNATURES

Recommended by Department Head:

WHEREOF, THE LOCAL AGENCY AND CONSULTANT HAVE EXECUTED THIS AGREEMENT.

TOWN OF LOS GATOS by:

Laurel Prevetti, Town Manager

CONSULTANT by:

Signature

Printed Name and Title

Approved as to Form:

Robert Schultz, Town Attorney

Attest:

Shelley Neis, CMC, Town Clerk

EXHIBIT A SCOPE OF SERVICES

EXHIBIT A – SCOPE OF SERVICES

We have prepared the following scope of services to address the Town's requested scope in the RFP and additional requirements we anticipate from Caltrans for the successful completion of the project. The design services scope of work is divided into 11 major tasks as follows:

TASK A – Design Services

Mott MacDonald will provide all design services, including but not limited to:

- Project management
- Preliminary engineering
- Environmental studies and documentation
- Utility coordination and right-of-way
- Permits and coordination with other agencies
- Surveys and mapping
- Geotechnical investigations and reports
- Structural and final design and development of all contract documents
- Obtaining the authorization to proceed to construction from Caltrans for the Los Gatos Creek Trail to Highway 9 Trailhead Connector Project as described below.

All work for Task A is to be completed within 18 months from the execution of this agreement. Monthly progress payments shall be made based on the percent complete of each task and shall be based on the not to exceed cost per task as shown in Exhibit B – Cost Proposals by Task.

BASIC SERVICES (Tasks A.1 – A.10)

Task A.1 Project Management and Coordination

The Town will serve as the contract manager and direct liaison between Mott MacDonald and Caltrans District 4 Division of Local Assistance; however, Mott MacDonald will provide support to the Town regarding the project steps necessary to deliver the federally funded project consistent with Caltrans and federal reimbursement requirements.

Mott MacDonald will provide project management for each task for the entire duration of the project. Management activities will consist of planning and supervision of all project development tasks, project administration, project meetings, project coordination, and maintaining quality control as stated below.

Supervision

- Oversee technical work by Mott MacDonald Team members, including subconsultants
- Ensure compliance with Town of Los Gatos, Caltrans, Santa Clara Valley Water District processes, codes and standards
- Interface with Caltrans staff to maintain format consistency of all deliverables
- Establish and maintain project files
- Create, monitor, and update the project schedule, including reporting monthly on progress and recommending and implementing adjustments as required

- Develop a work plan so that the project remains on budget and schedule
- Create and implement a Risk Management Plan in accordance with Caltrans requirements

Administration

- Prepare and submit monthly progress reports that identify work performed on each task from the preceding month
- Engage subconsultants contractually to ensure all contractual obligations are met by all team members
- Provide monthly invoices by task that identify percentage complete of each task, expense charges, and subconsultant charges, with support documentation for direct expenses and other charges

Project Meetings

The Mott MacDonald Team will be responsible for planning, leading, and preparing documentation for project meetings, including preparing and submitting agendas, meeting materials, and meeting minutes for each meeting. The team will attend the following meetings:

- One (1) kick-off meeting with the Project Team to review and refine the scope of work, work plan, and schedule
- In-person PDT meetings with Caltrans and SCVWD staff and subconsultant team members, as required, to review deliverables and resolve comments
- Monthly in-person or teleconference meetings with Town staff, key stakeholders, or other agencies
- Conducting field reviews/meetings as needed

A total of ten (10) meetings are budgeted for this project.

Coordination

- Develop a list of project stakeholders for coordination during project design
- Provide and distribute contact information for all project team members
- Track action items for the Town
- Prepare all submissions for the Town to submit to Caltrans Local Assistance

Quality Control

- Perform a thorough review and verification of correction by an independent reviewer
- Take corrective actions to rectify findings of non-compliance by a QA/QC review
- Document quality reviews, and make findings and corrective actions available for Town's review

Deliverables:

- Meeting agenda and minutes
- Field review logs
- Submittal, Action and Decision documentation logs
- Tracking spreadsheets
- Caltrans submissions
- Project Schedule
- Project Work Plan
- Risk Management Plan
- Progress Reports

- Invoices

Task A.2 Data Collection, Review, and Site Visit

The Mott MacDonald Team will review all available information provided by Town of Los Gatos, Caltrans, Santa Clara Valley Water District, and other agencies, which will include the following items:

- Previous studies, reports, and documents
- As-built plans
- Utility information
- Aerial photos and mapping
- Survey control data
- Existing right-of-way information
- Geotechnical reports
- Town's adopted Bicycle and Pedestrian Master Plan and other documents related to the project
- Funding parameters and obligations
- Review Town of Los Gatos Standard Specifications and Details for Construction, 2018 Caltrans Standard Specifications and Standard Plans, California Manual of Uniform Traffic Control Devices (CA MUTCD 2014 Revision 3) and other controlling design standards as appropriate

Although the team has already visited the project site multiple times and is very familiar with the project area, we will conduct a field review with the Project Manager and key project staff, to envision the project issues, identify and document concerns, and photograph key aspects that will affect the overall project development effort. The team will produce field notes, photos, and field measurements for use in the project development.

Deliverables:

- Field notes
- Photos
- Video of existing site conditions
- Location of utilities within project area
- Summary or diagram of existing conditions highlighting any special/potential conditions that may affect the final design
- Summary of ADA standards and trail guidelines applicable to the project

Task A.3 Surveys and Mapping

The Mott MacDonald Team, with R.E.Y Engineers leading the surveying effort, will perform design topographic surveys and right-of-way mapping for the project. The topographic information will be compiled to create an existing conditions base map in AutoCAD.

Right-of-way Mapping

R.E.Y. will provide record right-of-way mapping of the project area. Right of way will be based upon preliminary title reports, record maps, deeds, Caltrans right-of-way maps, SCVWD right-of-way maps, and assessor maps. The Town will provide preliminary title reports, if required.

Topographic Mapping

R.E.Y. will perform a topographic survey for design purposes of the project site. R.E.Y. will conduct a detailed field survey to review and record existing conditions in the project area to identify any unusual or special conditions that may affect the design or construction of the project. The field survey for the project area shall include at a minimum, the location of existing facilities, including but not limited to:

- Los Gatos Creek
- The Los Gatos Creek Trail and adjacent land area
- Roadways
- Sidewalks
- Curbs
- Gutters
- Ramps
- Highway 9 overcrossing including the embankments and structural components
- Utilities (above, below, and attached to bridge structure if any)
- Flood control facilities
- Waterways
- Outfalls
- Trees greater than 6" DBH with tree species identified
- Any existing irrigation facilities
- Fences and Gates

Survey shall extend sufficiently beyond the project area to demonstrate proper post project drainage. R.E.Y. will prepare topographic and aerial mapping at a scale of 1"=20' for use in the project design.

Deliverables:

- Base map(s) in AutoCAD format and survey data sheets
- Right of Way Mapping

Task A.4 Utility Coordination

The complete effort related to utilities for this project includes accurately identifying and mapping existing utilities, identifying and defining any relocations or modifications required by the project, and documenting utilities (those affected and those not affected) in accordance with Caltrans policies.

Mott MacDonald will coordinate early with utility companies to confirm any potential conflicts with existing overhead and underground utilities within the project area. This effort will include the following tasks:

- Develop utility contacts lists and relocation tracking database
- Prepare Utility "A" letters for the Town's signature requesting existing utility information from utility owners within the project vicinity during the preliminary design phase
- Schedule and conduct utility coordination meetings with utility owners. Prepare/distribute meetings agendas in advance of each meeting and prepare/distribute meeting minutes within three working days
- Prepare Utility "B" letters (Notice to Utility Owners of Conflict) for the Town's Signature at the 65% submittal milestone
- Prepare Utility Conflict Maps clearly delineating existing and proposed utilities in current and final locations. Location of proposed utilities in final locations will be based upon design information provided by the affected utility companies

- Prepare Utility “C” letters (Notice to Utility Owners to Relocate Conflicting Facilities) for the Town Signature at the 95% submittal milestone
- Provide support to the Town to determine liability for utility relocation costs and certify that all utility conflicts are addressed so that Utility Certification (part of ROW Certification) is obtained
- Prepare Utility Agreements to be executed with affected utility companies

Deliverables:

- ‘A’+‘B’+‘C’ Letters for Town signature requesting utility information
- AutoCAD basemap of existing utilities
- Encroachment Permit Applications for site access

Task A.5 Preliminary Engineering

Upon completion of the above and preparation of the base map, Mott MacDonald will develop a preliminary design for up to three alternatives of the project consistent with the project’s goals and budget. The preliminary plans will be to roughly a 15% design level and will include plan and profile exhibits over the project base mapping and aerials. The exhibits will allow the Town, stakeholders, and permitting agencies to understand the relative spatial impacts and design elements of the layout. We anticipate up to two (2) iterations of the preliminary design addressing the Town staff comments. The preliminary geometry will be developed considering cost, accessibility and connectivity, safety, design exceptions, environmental impacts, required permits, grading/drainage, right of way, utility relocation, geotechnical/retaining wall, ADA, extent of required demolition activities, construction phasing/staging, and future maintenance considerations.

The Mott MacDonald team will present final preliminary design at two (2) public meetings.

Deliverables:

- Preferred preliminary design and order of magnitude cost estimate for review with Town staff
- Up to three preliminary design alternatives developed to approximately 15% complete
- Presentation of preliminary design at two public meetings – Town to arrange meetings (assume three hours each)

Task A.6 Environmental Studies and Documentation

The Mott MacDonald Team expects that the suitable environmental clearance documents will be a NEPA Categorical Exclusion (CE) and a CEQA Categorical Exemption (CE). It is assumed that Caltrans will serve as the NEPA lead agency and approve the NEPA CE and that the Town will serve as the CEQA lead agency and adopt the CE..

NEPA Environmental Technical Memos and Studies

To support the environmental analysis of the project, the Mott MacDonald team, led by David J. Powers & Associates (DJP&A), will prepare the following technical memos:

- Traffic Technical Memo
- Air Quality (MTC PM2.5 exemption email)
- Water Quality Technical Memo (BMPs during construction)
- Biological Technical Memo:
 - Natural Environmental Study (Minimal Impacts)

- Section 4(f) Enhancement Concurrence Letter
- Cultural Resources Technical Memo
 - Archaeological/Historical Consultants (subconsultant):
 - Area of Potential Effects (APE) Map
 - Historic Property Survey Report (HPSR)
 - Archaeological Survey Report (ASR)
 - Equipment Staging Technical Memo

DJP&A will prepare the traffic, equipment staging, and water quality memo based on information provided by the Project Team. The memos will be prepared based on Caltrans' Standard Environmental Reference (SER) and submitted to the Town for review. DJP&A will revise the memos once and submit them back to the Town for submittal to Caltrans.

Based on review comments by Caltrans, DJP&A, with concurrence from the Town, will revise the memos once for resubmittal to Caltrans. Once the memos are deemed complete by Caltrans, they will issue the NEPA Categorical Exclusion (CE) for use by the City in obtaining federal funding. We believe that the project will qualify as a Categorical Exclusion under NEPA (23 CFR 771.117; (c) (3): Construction of bicycle and pedestrian lanes, paths, and facilities).

CEQA Environmental Clearance

Given the nature of the improvements proposed, we believe the project falls under a Class I Categorical Exemption under CEQA. The Class I exemption as identified in CEQA Section 15301, Existing Facilities (c), "Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety), and other alterations such as the addition of bicycle facilities, including but not limited to bicycle parking, bicycle-share facilities and bicycle lanes, transit improvements such as bus lanes, pedestrian crossings, street trees, and other similar alterations that do not create additional automobile lanes)." DJP&A will prepare a Categorical Exemption (CE) for the project and submit to Town staff for one round of review. Once approved, DJP&A will file the CE at the Santa Clara County Clerk's office and pay the \$50 filing fee on behalf of the Town.

Deliverables:

- Environmental studies and reports for Categorical Exclusion under NEPA
- Environmental studies and reports for Categorical Exemption under CEQA
- Documentation of activities required by the State Water Resources Control Board
- Incorporation of mitigation measures, if any, into final contract documents
- Location Hydraulic Study Form
- Summary Floodplain Encroachment Report Form

Task A.7 Geotechnical Investigations Reports

Mott MacDonald includes in this scope of services a geotechnical investigation and analysis, geotechnical analyses and preparation of Structures Preliminary Geotechnical Report (SPGR), Preliminary Foundation Report (PFR), and Foundation Report (FR) to support the preparation of the design and construction documents. The scope of geotechnical work includes coordination of an on-site geotechnical investigation, laboratory testing of retrieved soil samples, analysis and reporting of geologic and geotechnical conditions, and providing preliminary and final foundation and construction recommendations. The SPGR will be completed to support Caltrans type selection

process, prior to completion of the geotechnical investigation. The results of the geotechnical investigation will be incorporated in the PFR and FR documents as appropriate for Caltrans procedures.

The geotechnical investigation aims to collect data and soil samples enabling development of geotechnical design parameters for the proposed bridge and retaining wall structures. Mott MacDonald has reviewed previous geotechnical information available for the site by others. Those studies indicate that the subsurface soil comprises dense to very dense silty sand mixed with gravel. The existing highway bridge is founded on shallow spread footings near the creek and the abutments are supported on driven H-pile foundations approximately 40 feet deep. The geotechnical field investigation will comprise a program of near-surface utility clearance activity and drilling of two geotechnical boreholes shown at the proposed locations in Figure 16.

Figure 1: Proposed Borehole Locations (imagery from GoogleEarth Pro)



Mott MacDonald will coordinate and provide subcontractors to complete the following services:

- **Utility Clearance:** In compliance with California law, Mott MacDonald will file a utility clearance ticket with Underground Service Alert (USA). This will require a site visit to identify proposed excavation and drilling locations. A utility locating subcontractor will complete utility clearance activities (electromagnetic detection) at the proposed locations for geotechnical investigation.
- **Geotechnical Drilling:** Mott MacDonald will procure the services of Pitcher Drilling, a union drilling contractor. Pitcher Drilling will complete one borehole to a maximum depth of 75 feet below site grades at the southerly abutment location of the proposed bridge. The intent of this borehole is to confirm that conditions are similar to those encountered and described in the contract documents for the construction of the adjacent Highway 9 bridge. Because of poor access, a similar borehole will not be completed at the northerly abutment. A second borehole will be completed on the shoulder of southbound Highway 9 at the location of the start of the existing wooded trail. This borehole will extend to a maximum depth of 50 feet (likely shallower) to characterize the subsurface stratigraphy for support of retaining structures and earthwork fills for construction of the proposed bicycle trail. Soil samples will be retrieved from the boreholes, visually characterized and logged in the field, and stored for transportation to a geotechnical laboratory. The soil boring data collected are used to identify stratigraphic details, soil strength parameters, and soil behavior. Mott MacDonald will obtain drilling permits as required by Santa Clara Valley Water District (SCVWD) and Caltrans requirements, and the explorations will be backfilled with neat cement grout in accordance with SCVWD requirements. To complete the geotechnical investigation, Mott MacDonald will rely on the Town to provide and coordinate access to the existing bicycle trail; Mott MacDonald will provide traffic control and safe working areas to minimize impacts to bicycle traffic.

- **Laboratory Testing:** Mott MacDonald will transport the soil samples obtained to the facility of Inspection Services, Incorporated (ISI), our geotechnical laboratory subcontractor. The soil samples will be tested for corrosivity (using a secondary corrosion specialist laboratory consultant), strength, and physical classification.
- **Analysis and Reporting:** Mott MacDonald will complete geotechnical analyses to develop design parameters and recommendations for deep foundations supporting the proposed bridge and retaining wall structures. The results of the geotechnical investigation, analysis, and recommendations will be documented within PFR, and FR in accordance with Caltrans geotechnical report guidance. An additional Geotechnical Design Report will be prepared in the form of a design memorandum documenting the analyses completed to prepare the PFR and FR. The recommendations in these reports will be directed to the design team for their preparation of plans and specifications for the project and include recommendations for foundation types, seismic information, and construction considerations. It will also include preliminary scour and corrosion evaluations, lateral earth pressure parameters, and seismic design parameters developed from simplified code procedures in AASHTO 2014 with Caltrans Amendments. No site-specific seismic hazard, site response analyses, or numerical pile-soil interaction analyses are anticipated as part of this work.

The preparation of this scope of services above relies on several assumptions documented below. Should the conditions encountered or project requirements vary from our assumptions, we would not embark on additional services without written authorization of the Town.

Deliverables:

- Geotechnical site investigation comprising two boreholes
- Structure Preliminary Geotechnical Report (for structural type selection)
- Preliminary Foundation Report
- Foundation Report
- Geotechnical Design Report (in technical memorandum format)

Task A.8 Right of Way Certification

We do not anticipate that right of way will be required for the project. Mott MacDonald will verify and prepare the appropriate right-of-way certification documents, in accordance with forms and guidelines in Chapter 14 of Caltrans Right of Way Manual. We will evaluate the right of way requirements for the Project. All project improvements including those necessary to accommodate stage construction and temporary access will be included in the evaluation. We will identify staging areas and temporary construction easements for use by the general contractor during construction.

Deliverables:

- Right-of-Way Certification, Utility Certification

Task A.9 Final Design

The Mott MacDonald team will develop and prepare the final design of the project improvements that include but are not limited to trail alignment and profiles, pre-fabricated pedestrian bridge, retaining wall, ramp structure, signing and striping, drainage improvements and stormwater treatment.

Improvements will be designed in accordance with the latest editions of the following Town of Los Gatos, Caltrans, and federal policies, procedures, practices, regulations, manuals and standards:

- Town of Los Gatos Standard Specifications and Details
- Caltrans Highway Design Manual
- Caltrans Standard Plans and Specifications (2018)
- California Manual of Uniform Traffic Control Devices (MUTCD)
- AASHTO “Green Book” – A Policy on Geometric Design of Highways and Street
- AASHTO – Roadside Design Guide
- Accessibility Guidelines for Outdoor Recreation and Trails
- Americans with Disabilities Act Accessibility Guidelines
- California Access Compliance Reference Manual
- Santa Clara Valley Urban Runoff Pollution Prevention Program

Mott MacDonald will prepare Plans, Specifications, and Estimates for final design of the preferred alternative at 35%, 65%, 95% and bid set milestone submittals. Comments received at each submittal will be incorporated into subsequent submittals. At each milestone level, we will monitor the cost estimate to ensure the project stays within the design completion budget and schedules. The following tasks will be performed.

- **35% Submittal:** Mott MacDonald will prepare 20-scale preliminary plans intended to allow the Town to review and comment upon the basic design concepts early in the process. At a minimum, plans include the Town’s Standard Cover Sheet and Title Sheet and all plan sheets that will be included in the final plan set at a 35% completion stage. A listing of all required details will also be provided. Existing conditions and base maps will be developed fully at this stage. The Standard Specifications and Special Provisions will be prepared at a 35% completion level, and the construction cost estimate will include all anticipated cost items with a 20% estimating contingency.
- Biggs Cardosa will prepare Structure Type Selection documents for the proposed bridge including a brief description of key design issues. Bridge General Plan, and Engineer’s Estimate of Probable Construction Costs.
- **65% submittal:** The Mott MacDonald Team will incorporate comments received from the preliminary plan review and prepare 65% PS&E which include all plan sheets developed to a 65% completion stage. It is anticipated that the 65% plan set will include the following plans:
 - Title sheet
 - General Notes
 - Survey Control Data
 - Typical Sections
 - Demolition Plan
 - Layout and Profile
 - Construction Details
 - Structures Plan
 - Structures Details
 - Retaining Walls
 - Drainage & Utility
 - Signing and Pavement Delineation
 - Water Pollution Control Plan

- Construction Staging and Traffic Handling Plan
 - Log of Test Borings
- Specifications and Special Provisions at the 65% level will include a complete table of contents with all special provisions necessary for the construction of the project identified. The construction cost estimate will be prepared and will include a 15% estimating contingency.
- **95% submittal:** The Mott MacDonald team will incorporate comments received from the 65% submittal. The 95% PS&E will be the fully developed set of contract documents including all plans sheets, Specifications and Special Provisions, details, and other contract documents necessary for the construction of the project. The construction cost estimate will be finalized and will include a 10% estimating contingency. Mott MacDonald will conduct an internal quality control review of the plans, Specifications, Special Provisions, and construction cost estimate prior to submitting the 95% complete set to coordinate contract documents and make information consistent between all documents.
- Following submission and review of the 95% submittal, Mott MacDonald will prepare and provide the Town with the final contract documents for use in the construction bid process. All contract documents (plans, Specifications, Special Provisions, and estimates) will be signed by the licensed professional engineer in charge of the design.

Deliverables:

- Five hard copy sets of D-size (24"x36") plans and three hard copy sets of B-size (11"x17") Plans
- Five hard copies of the Specifications, Special Provisions
- Five hard copies of Cost Estimates
- MS Word copy of Technical Specifications
- Excel spreadsheet copy of construction cost estimates
- Electronic copies (PDF format) of plans, Technical Specifications and cost estimates
- Plans AutoCAD files
- A signed and stamped mylar copy of the final approved plans
- Final contract documents

Task A.10 Coordination with Stakeholder Agencies

Mott MacDonald will coordinate with Caltrans and Santa Clara Valley Water District to determine the need for and obtain the necessary permits to allow for the construction of the project, including access and staging areas for the anticipated construction stages.

Mott MacDonald will prepare a Standard Encroachment Permit Application form TR-0100 and a Permit Engineering Evaluation Report form TR-0112. The Town will be responsible for Caltrans fees. This task includes budget for two rounds of revisions (Town and Caltrans comments) between application submittal and encroachment permit issuance. Note that supplemental forms and reports that will be submitted with the encroachment permit may change as a result of meetings with Caltrans staff throughout the permit approval process.

Utility and ADA Certification

Caltrans is likely to require several forms, signed by an agent of the Town, to show the project doesn't require major utility relocations, and meets the current ADA design standards. These forms would be prepared by and signed by the Town. However, Mott MacDonald would provide guidance and support in filling out these forms.

Lane Closure Report (LCR) – A LCR will be prepared to determine the duration of Highway 9 lane closures during construction of the Project. Lane closure calculations per Caltrans standard methodology will be performed and submitted to Caltrans for review and approval. This will also include Late Lane Closure Pickup calculations. It is assumed that 7 day 24 hour traffic counts will be provided, and no counts will be performed by the Mott MacDonald Team.

Deliverables:

- Standard Encroachment Permit Application Package and PEER
- ADA Certification
- Lane Closure Report
- Valley Water Encroachment Permit Application

SUPPLEMENTAL REPORTS AND SERVICES - Task A.11

These services or subtasks listed may or may not be required by Caltrans during the design phase process. Should any of the following sub tasks be required, the Consultant will provide the required cost proposal for the work and upon agreement, the Town will provide a written authorization to proceed with the subtask, with deliverables and lump sum payment identified.

There is no guarantee, either expressed or implied, that the services and costs shown for Task A.11 will be authorized in full.

A.11-1 Construction Phase Authorization

Mott MacDonald will support the Town in the preparation of the Request for Authorization to proceed (E-76) forms and exhibits for construction funding applications using procedures outlined in the Caltrans Local Assistance Procedures Manual. Forms include:

- Exhibit 3-D: Request for Authorization to Proceed with Construction
- Exhibit 3-E: Request for Authorization to Proceed Data Sheet
- Exhibit 3-O: Sample Federal-aid Project Finance Letter
- Exhibit 9-D: DBE Contract Goal Methodology
- Exhibit 12D: PS&E Checklist
- Exhibit 13A: Right of Way Certification for Local Assistance Project
- Exhibit 15A: Local Agency Construction Contract Administration Checklist
- Copy of FTIP/FSTIP Reference
- Completed Field Review Form 7B
- Approved NEPA document

Deliverables:

- Authorization from Caltrans to proceed with construction (E-76)

A.11-2 Wetland Technical Assessment

Field Surveys. Impacts will occur to potentially regulated habitats on-site, thus H. T. Harvey & Associates will conduct the field work necessary to prepare a full report representing a delineation of Waters of the U.S./State on the site, which would serve as the Wetland Delineation/Wetland Technical Assessment for the NES. Data on the soils, vegetation, and hydrology within potential wetlands on the site are necessary in order to complete the assessment. H. T. Harvey & Associates propose to delineate the boundaries of Los Gatos Creek and the tributary that runs parallel and adjacent to the proposed trail ramp from eastbound Highway 9 according to methodologies outlined in the USACE Wetland Delineation Manual and other USACE guidance. To that end, a routine, on-site delineation of wetlands that occur in the project area will be conducted. In addition to wetlands, any other potentially jurisdictional features, including "other waters" of the U.S./State, will be delineated and described per USACE and RWQCB requirements. The extent and distribution of "riparian" habitats as defined by CDFW will also be mapped and described within the report and presented on accompanying figures.

Wetland Technical Assessment. H. T. Harvey & Associates will prepare a technical report summarizing the methods and results of the field survey of regulated habitats. This report will be prepared to report specifications developed by the Caltrans, USACE, RWQCB and CDFW and thus will be of sufficient detail for agency review and a jurisdictional determination (in the case of the USACE). It will include a brief description of existing conditions, description of field techniques employed in the delineation, wetland data sheets, and copies of aerial photographs and maps which show the extent of regulated habitats on the project site. This task includes time for HTH senior staff to attend a field site visit with the USACE to verify the delineation.

A.11-3 Extended Phase I Archaeological Survey Report

XPI Fieldwork. Because the project area is sensitive for prehistoric archaeological sites, it is possible that Caltrans will require an Extended Phase I (XPI) Archaeological Survey Report for this project. XPI reports are used in situations where ordinary surface survey is insufficient to determine the presence or absence of cultural resources in a project area. An XPI proposal detailing the aims and methodology of the study is first prepared for Caltrans approval. After approval of the proposal, XPI fieldwork may begin. This proposal assumes that XPI fieldwork, if necessary, will be limited to hand excavation due to access constraints for heavy equipment in the project area. Hand excavation will include 50x50cm surface transect units and hand augering to identify the presence or absence of archaeological deposits. After completion of fieldwork, the XPI Report will be prepared and submitted to Caltrans PQS for review and approval.

Extended Phase I Archaeological Survey Reports. Draft and Final Extended Phase I Archaeological Survey Reports for submission by the City of Los Gatos to Caltrans will be prepared, following the guidelines in the Caltrans Standard Environmental Reference, Volume 2, Exhibit 5.2.

Deliverables:

- Wetland Technical Assessment Report
- Extended Phase I Archaeological Survey Report

A.11-4 Phase I ISA

PARIKH will prepare Phase I Initial Site Assessment study report for the proposed project. ASTM recommends a 1.0-mile radius for the data search. Environmental Data Research Inc. (EDR Inc.) report study will be ordered using an approximate center of the project. The ISA study will be prepared to identify potential hazardous waste sites and evaluate environmental factors that may have impacted the soil groundwater quality within the project limits. The study will include data collection and documents research including historical land use based on study of aerial

photographs and other relevant documents. No field exploration and/or testing are included in this phase of the work.

Deliverables:

- Phase I ISA Report

A.11-5 Additional Studies, Reports, Activities

Design Exception Fact Sheets

Caltrans may require supplemental reports to seek approval of improvements that don't meet all of Caltrans design requirements. These studies include:

- Fact Sheet Exception for Mandatory Design Standards - Includes design standards that require Caltrans headquarters to approve
- Fact Sheet Exception for Advisory Design Standards - These are standards that the local district (District 4) can approve

During the meeting with Caltrans, Mott MacDonald will discuss potential elements that will require design exceptions and prepare a design exception fact sheet if needed. Mott MacDonald will work with Caltrans to minimize the amount of additional work needed for these fact sheets.

Storm Water Data Report (SWDR)

Caltrans may require a supplemental report to document the project's measures to mitigate the project's construction-related impacts to the regional water system. Depending on the project impact to Caltrans right of way, a SWDR Will be prepared if required by Caltrans.

A.11-6 Additional Plan Reviews or Design Services

Additional budget request will be submitted in the instance that Caltrans or the Town provide more than one round of review comments to the different reports submitted for Caltrans review or request additional design services.

TASK B – Bid Support Services

Task B.1 Bid Services

Mott MacDonald will respond in writing to questions that arise during the bid phase and will prepare addendums, if necessary, which will be distributed by the Town of Los Gatos - Parks and Public Works Department. Each addendum will address cost implications to the project construction cost estimate. Mott MacDonald will prepare written responses to questions received and addenda in a format that can be easily posted to the Town's website. Following completion of bid stage, Mott MacDonald will incorporate any addenda into the final contract documents and will prepare the final "Conformed Contract Documents." Mott MacDonald will provide an electronic copy of the final Conformed Contract Documents, a signed and stamped mylar copy of the final conformed plans, and a hard copy of the final signed, approved, and stamped conformed Specifications, Special Provisions, and cost estimate. The electronic copy of the plans will be provided as both AutoCAD files and PDF files, and the electronic copy of the specifications and estimate will be provided in both Microsoft Word/Excel format and PDF format.

A separate Notice to Proceed shall be issued by the Town prior to any work proceeding on Task B. All work on Task B shall be completed based on the project bid and award schedule in effect at the time of the Notice to Proceed.

TASK C – Construction Support Services

Task C.1 Construction Support Services

Mott MacDonald will provide the following construction support services as requested:

- Review of submittals and shop drawings for compliance with Contract Documents
- Review and response to Requests for Information, Requests for Change Orders, Quotes from Contractor
- Review of Contract Change Orders
- Review and tracking of results from materials testing for conformation to Contract Documents
- Field review and geotechnical monitoring during bridge installation
- Structural review and field monitoring during bridge installation
- Prepare design modifications if necessary due to unforeseen conditions

A separate Notice to Proceed shall be issued by the Town prior to any work proceeding on Task C. All work on Task C shall be completed based on the project construction schedule in effect at the time of the Notice to Proceed.

General Assumptions

- The Town will furnish any available documents, as-builts, electronic files or information that may be required to complete the design aspect of this scope, including survey monument data and preliminary title reports.
- Town to provide Town's standard CAD border drawing to use for the project.
- Inspection and construction management services are not included in the scope of services.
- Scope does not include right-of-way engineering and right-of-way acquisitions.
- Drilling spoils must be off-hauled but are assumed to be nonhazardous for the purposes of disposal.
- Scour analysis is not required for the bridge supports as the channel is concrete-lined.
- Access to the proposed sites (particularly the bicycle trail) can be provided by the Town between the hours of 7am and 7pm, Monday-Friday (see Figure 6 for proposed locations).
- No point of investigation has been included on the north side of Highway 9 and conditions will be extrapolated from those represented in historical documents for the construction of the highway bridge.
- The Mott MacDonald Team will consider a variety of superstructure types and shapes in the preliminary phase but for the final design, a standard type prefabricated truss is assumed. The Mott MacDonald Team assumes that the superstructure will be designed by the manufacturer and the Construction Documents will include a prefabricated bridge option.
- Mott MacDonald also assumes that Caltrans will accept a prefabricated bridge option in their ROW and will approve the use of a prefabricated steel pedestrian bridge option that will be designed by the manufacturer.
- Mott MacDonald will prepare the design and calculations for the supports of the bridge and the walls.
- The scope of work and fees include a retaining wall at two locations as well as slab on grade ramps.
- Independent check of structural plans will be a red, yellow, and green check of the construction documents and structural calculations that will be performed after the 65% PS&E submittal.

- PS&E Submittals will be provided at 35%, 65%, 95% and 100% completion levels. Agency reviews are limited to one round of comments consolidated to one set of redline plans, specifications and estimate redline comments per agency. Project Reports will be limited to one draft and one final version of each report. Additional PS&E submittal, agency reviews, and report submittals will be considered Extra Work unless submittals are deemed incomplete.
- Plans and specifications shall be prepared following standard Caltrans format as outlined in "Ready-to-List and Construction Contract Award Guide" published by Caltrans.
- The Consultant will prepare technical specifications (Caltrans Division 2 through 10) using the 2018 Caltrans Standard Special Provisions (SSPs). The 2018 Caltrans Standard Specifications and the 2018 Caltrans Standard Plans will be referenced in the design documents as applicable. The Town will provide all necessary boilerplate specifications.
- Construction Cost Estimates will be prepared based on readily available industry standards and past project experience. Construction Cost Estimates are the Consultant's estimate of the probable construction costs. Actual construction costs may vary based on varying industry trends and competitive Contractor bids and understanding of the project.
- Town reviews will be provided concurrently with other Agency reviews.
- The Construction Support Services scope of work and fee is assumed based on anticipated project development.
- In the event the project design changes and impacts jurisdictional or regulated habitats, a Wetland Technical Assessment (WTA) will be included as an optional task.
- In the event Caltrans requires an Extended Phase I (XPI) Archaeological Survey Report, this service will be included as an optional task. Note that if an XPI is needed, an additional 12-16 weeks would be added to the project schedule.
- Design scope and fee are based on an assumed maximum design duration of 18 months.

EXHIBIT B COST PROPOSALS

COST PROPOSAL BY TASK (for progress payment purposes)

SUB TASK	DESCRIPTION	NOT TO EXCEED COST
TASK A - BASIC SERVICES:		
Task A.1	Project Management and Coordination	\$26,960
Task A.2	Data Collection, Review and Site Visit	\$9,212
Task A.3	Surveys and Mapping	\$27,154
Task A.4	Utility Coordination	\$11,336
Task A.5	Preliminary Engineering	\$27,231
Task A.6	Environmental Studies and Documentation	\$42,991
Task A.7	Geotechnical Investigations and Reports	\$54,489
Task A.8	Right of Way Certification	\$4,400
Task A.9	Final Design	\$198,438
Task A.10	Coordination with Adjacent Agencies	\$6,601
SUBTOTAL BASIC SERVICES		\$408,812
Task A.11	Supplemental Reports and Services	\$49,935
TOTAL NOT TO EXCEED TASK A		\$458,747
TOTAL NOT TO EXCEED TASK B AND TASK C		\$28,000
TOTAL CONTRACT AMOUNT NOT TO EXCEED		\$486,747

TASK A – BASIC SERVICES

EXHIBITS 10-H1 COST PROPOSALS

EXHIBIT 10-H1 COST PROPOSAL Page 1 of 3

ACTUAL COST-PLUS-FIXED FEE, OR LUMP SUM (FIRM FIXED PRICE) CONTRACTS
(DESIGN, ENGINEERING AND ENVIRONMENTAL STUDIES)

Note: Mark-ups are Not Allowed

☒ Prime Consultant ☐ SubconsultantConsultant Mott MacDonald, LLCProject No. TLG 18-832-4505, SCL
170028, CML-5067 (021)Contract No. _____ Date 8/29/2019

DIRECT LABOR

Classification/Title	Name	Hours	Actual Hourly Rate	Total
(Project Manager)	Teferi Abere	174	\$ 82.97	\$ 14,436.78
(QA/QC)	Mohammed Basma	16	\$ 115.4	\$ 1,846.40
(Sr. Project Engineer)	Tommy Cho	277	\$ 69.72	\$ 19,312.44
(Project Engineer)	Damtew Ayele	60	\$ 68.0	\$ 4,080.00
(Geotech Lead)	Martin Walker	25	\$ 78.13	\$ 1,953.25
(Geotech Engineer)	Faustas Buskevicius	56	\$ 52.0	\$ 2,912.00
(Geotech Engineer)	Morteza Khorshidi	153	\$ 42.3	\$ 6,471.90
(Engineer IV)	Jared Murphy	40	\$ 58.0	\$ 2,320.00
(Engineer III)	Lauren Sotir	202	\$ 40.87	\$ 8,255.74
(CAD Specialist)	Paola Burk	178	\$ 48.00	\$ 8,544.00

LABOR COSTS

a) Subtotal Direct Labor Costs \$ 70,132.51b) Anticipated Salary Increases (see page 2 for calculation) \$ 1257.29c) TOTAL DIRECT LABOR COSTS [(a) + (b)] \$ 71,389.80

INDIRECT COSTS

d) Fringe Benefits (Rate: 57.6%) e) Total Fringe Benefits [(c) x (d)] \$ 41,120.52f) Overhead (Rate: 95.5%) g) Overhead [(c) x (f)] \$ 68,177.26h) General and Administrative (Rate: 0%) i) Gen & Admin [(c) x (h)] \$ 0j) TOTAL INDIRECT COSTS [(e) + (g) + (i)] \$ 109,297.78

FIXED FEES

k) TOTAL FIXED FEE [(c) + (j)] x fixed fee 10% \$ 18,068.76

l) CONSULTANT'S OTHER DIRECT COSTS (ODC) – ITEMIZE (Add additional pages if necessary)

Description of Item	Quantity	Unit	Unit Cost	Total
Mileage Costs			\$	\$352
Geotechnical Drilling			\$	\$16,675
Permit Fees			\$	\$1,850
Plan Sheets			\$	\$250
Laboratory Test			\$	\$4,400

l) TOTAL OTHER DIRECT COSTS \$ 23,527

m) SUBCONSULTANTS' COSTS (Add additional pages if necessary)

Subconsultant 1: Biggs Cardosa Associates	\$105,020.00
Subconsultant 2: ActiveWayz Engineering	\$ 41,000.18
Subconsultant 3: David J. Powers & Associates	\$ 64,065.68
Subconsultant 4: R.E.Y Engineers	\$ 26,378.03

n) TOTAL OTHER DIRECT COSTS INCLUDING SUBCONSULTANTS [(l)+(m)] \$ 259990.71

TOTAL COST [(c) + (j) + (k) + (n)] \$ 458747.05

NOTES:

1. All costs must comply with the Federal cost principles. Subconsultants will provide their own cost proposals.
2. The cost proposal format shall not be amended. Indirect cost rates should be based on consultant's annual accounting period and established by a cognizant agency or accepted by Caltrans.
3. Anticipated salary increases calculation (page 2) must accompany.

EXHIBIT 10-H1 COST PROPOSAL Page 2 of 3**ACTUAL COST-PLUS-FIXED FEE OR LUMP SUM (FIRM FIXED PRICE) CONTRACTS**

(CALCULATIONS FOR ANTICIPATED SALARY INCREASES)

1. Calculate Average Hourly Rate for 1st year of the contract (Direct Labor Subtotal divided by total hours)

Direct Labor Subtotal per Cost Proposal	Total Hours per Cost Proposal		Avg Hourly Rate	5 Year Contract Duration
\$70,132.51	1181	=	\$59.38	Year 1 Avg Hourly Rate

2. Calculate hourly rate for all years (Increase the Average Hourly Rate for a year by proposed escalation %)

	Avg Hourly Rate		Proposed Escalation			
Year 1	\$59.38	+	3%	=	\$61.16	Year 2 Avg Hourly Rate
Year 2	\$61.16	+	3%	=	\$63.00	Year 3 Avg Hourly Rate
Year 3	\$63.00	+	3%	=	\$64.89	Year 4 Avg Hourly Rate
Year 4	\$64.89	+	3%	=	\$66.84	Year 5 Avg Hourly Rate

3. Calculate estimated hours per year (Multiply estimate % each year by total hours)

	Estimated % Completed Each Year		Total Hours per Cost Proposal		Total Hours per Year	
Year 1	20.0%	*	1181	=	472	Estimated Hours Year 1
Year 2	60.0%	*	1181	=	709	Estimated Hours Year 2
Year 3	0%	*	0	=	0	Estimated Hours Year 3
Year 4	0%	*	0	=	0	Estimated Hours Year 4
Year 5	0%	*	0	=	0	Estimated Hours Year 5
Total	100%		Total	=	1181	

4. Calculate Total Costs including Escalation (Multiply Average Hourly Rate by the number of hours)

	Avg Hourly Rate (calculated above)		Estimated hours (calculated above)		Cost per Year	
Year 1	\$59.38	*	472	=	\$28,027.36	Estimated Hours Year 1
Year 2	\$61.16	*	709	=	\$43,362.44	Estimated Hours Year 2
Year 3	\$63.00	*	0	=	\$0.00	Estimated Hours Year 3
Year 4	\$64.89	*	0	=	\$0.00	Estimated Hours Year 4
Year 5	\$66.84	*	0	=	\$0.00	Estimated Hours Year 5
Total Direct Labor Cost with Escalation				=	\$71,389.80	
Direct Labor Subtotal before Escalation				=	\$70,132.51	
Estimated total of Direct Labor Salary Increase				=	\$1257.29	Transfer to Page 1

NOTES:

1. This is not the only way to estimate salary increases. Other methods will be accepted if they clearly indicate the % increase, the # of years of the contract, and a breakdown of the labor to be performed each year.
2. An estimation that is based on direct labor multiplied by salary increase % multiplied by the # of years is not acceptable. (i.e. \$250,000 x 2% x 5 yrs = \$25,000 is not an acceptable methodology)
3. This assumes that one year will be worked at the rate on the cost proposal before salary increases are granted.
4. Calculations for anticipated salary escalation must be provided.

EXHIBIT 10-H1 COST PROPOSAL Page 3 of 3

Certification of Direct Costs:

I, the undersigned, certify to the best of my knowledge and belief that all direct costs identified on the cost proposal(s) in this contract are actual, reasonable, allowable, and allocable to the contract in accordance with the contract terms and the following requirements:

1. Generally Accepted Accounting Principles (GAAP)
2. Terms and conditions of the contract
3. [Title 23 United States Code Section 112](#) - Letting of Contracts
4. [48 Code of Federal Regulations Part 31](#) - Contract Cost Principles and Procedures
5. [23 Code of Federal Regulations Part 172](#) - Procurement, Management, and Administration of Engineering and Design Related Service
6. [48 Code of Federal Regulations Part 9904 - Cost Accounting Standards Board](#) (when applicable)

All costs must be applied consistently and fairly to all contracts. All documentation of compliance must be retained in the project files and be in compliance with applicable federal and state requirements. Costs that are noncompliant with the federal and state requirements are not eligible for reimbursement.

Local governments are responsible for applying only cognizant agency approved or Caltrans accepted Indirect Cost Rate(s).

Prime Consultant or Subconsultant Certifying:Name: Chris MetzgerTitle *: Sr. Vice PresidentSignature : Date of Certification (mm/dd/yyyy): 08/29/2019Email: Chris.Metzger@mottmac.comPhone Number: 408-876-6039Address: 2077 Gateway Place, Suite 550 San Jose CA 95110

*An individual executive or financial officer of the consultant's or subconsultant's organization at a level no lower than a Vice President or a Chief Financial Officer, or equivalent, who has authority to represent the financial information utilized to establish the cost proposal for the contract.

List services the consultant is providing under the proposed contract:

Prepare Plans, Specification & Estimates for Los Gatos Creek Trail to Highway 9 Trailhead Connector Proje

EXHIBIT 10-H1 COST PROPOSAL Page 1 of 3**ACTUAL COST-PLUS-FIXED FEE OR LUMP SUM (FIRM FIXED PRICE) CONTRACTS**

(DESIGN, ENGINEERING AND ENVIRONMENTAL STUDIES)

Note: Mark-ups are Not Allowed

☐ Prime Consultant ☒ Subconsultant ☐ 2nd Tier Subconsultant

Consultant Biggs Cardosa Associates, Inc.

Project No. LOS GATOS CREEK TRAIL TO HIGHWAY
9 TRAILHEAD CONNECTOR PROJECT

Contract No. _____

Date 8/20/2019

DIRECT LABOR

Classification/Title	Name	Hours	Actual Hourly Rate	Total
Struct. Project Manager*	M. Harms	38	\$101.54	\$3,858.52
Associate	Varies	0	\$69.52	\$0.00
Engineering Manager	Varies	44	\$65.19	\$2,868.36
Senior Structures Engineer	Varies	216	\$61.16	\$13,210.56
Structures Project Engineer	Varies	140	\$53.08	\$7,431.20
Structures Staff Engineer	Varies	101	\$43.56	\$4,399.56
Structures Assistant Engineer	Varies	0	\$39.23	\$0.00
Senior Computer Drafter	Varies	72	\$51.35	\$3,697.20
Admin Services	Varies	0	\$46.15	\$0.00

LABOR COSTS

611

a) Subtotal Direct Labor Costs

\$35,465.40

b) Anticipated Salary Increases (see page 2 for sample)

\$2,145.66

c) **TOTAL DIRECT LABOR COSTS [(a) + (b)]**

\$37,611.06

INDIRECT COSTS

d) Fringe Benefits (Rate: 0.00%)

e) Total Fringe Benefit [(c) x (d)]

\$0.00

f) Overhead (Rate: 152.03%)

g) Overhead [(c) x (f)]

\$57,180.09

h) General and Administrative (Rate: 0.00%)

i) Gen & Admin [(c) x (h)]

\$0.00

j) **Total Indirect Costs [(e) + (g) + (i)]**

\$57,180

FIXED FEEk) **TOTAL FIXED FEE [(c) + (j)] x fixed fee 10 %**

\$9,479

l) CONSULTANT'S OTHER DIRECT COSTS (ODC) – ITEMIZE (Add additional pages if necessary)

Description of Item	Quantity	Unit(s)	Unit Cost	Total
Plotting & Reproduction (22x34)	40	EA	\$10.00	\$400.00
Plotting & Reproduction (11x17)	80	EA	\$2.00	\$160.00
Overnight Mail Service (Submittals)	5	EA	\$30.00	\$150.00
Overnight Mail Service (Documents)	5	EA	\$8.00	\$40.00

l) **TOTAL OTHER DIRECT COSTS**

\$750

m) SUBCONSULTANTS' COSTS (Add additional pages if necessary)

Subconsultant 1:

Subconsultant 2:

m) **TOTAL SUBCONSULTANTS' COSTS**

\$0

n) **TOTAL OTHER DIRECT COSTS INCLUDING SUBCONSULTANTS [(l)+(m)]**

\$750

TOTAL COST [(c) + (j) + (k) + (n)]

\$105,020

NOTES:

- Key personnel **must** be marked with an asterisk (*) and employees that are subject to prevailing wage requirements must be marked with two asterisks (**). All cost must comply with the Federal cost principles. Subconsultants will provide their own cost proposals.
- The cost proposal format shall not be amended. Indirect cost rates should be based on consultant's annual accounting period and established by a cognizant agency or accepted by Caltrans.
- Anticipated salary increases calculation (page 2) must accompany.

EXHIBIT 10-H1 COST PROPOSAL Page 2 of 3**ACTUAL COST-PLUS-FIXED FEE OR LUMP SUM (FIRM FIXED PRICE) CONTRACTS****(CALCULATIONS FOR ANTICIPATED SALARY INCREASES)****1. Calculate Average Hourly Rate for 1st year of the contract (Direct Labor Subtotal divided by total hours)**

Direct Labor <u>Subtotal</u>	Total Hours		Avg Hourly	5 Year Contract
per Cost Proposal	per Cost Proposal		Rate	Duration
\$35,465.40	611	=	\$58.04	Year 1 Avg Hourly Rate

2. Calculate hourly rate for all years (Increase the Average Hourly Rate for a year by proposed escalation %)

	Avg Hourly Rate		Proposed Escalation			
Year 1	\$58.04	+	5.0%	=	\$60.95	Year 2 Avg Hourly Rate
Year 2	\$60.95	+	5.0%	=	\$63.99	Year 3 Avg Hourly Rate
Year 3	\$63.99	+	5.0%	=	\$67.19	Year 4 Avg Hourly Rate
Year 4	\$67.19	+	5.0%	=	\$70.55	Year 5 Avg Hourly Rate

3. Calculate estimated hours per year (Multiply estimate % each year by total hours)

	Estimated %		Total Hours		Total Hours	
	Completed Each Year		per Cost Proposal		per Year	
Year 1	0.00%	*	611.0	=	0.0	Estimated Hours Year 1
Year 2	80.00%	*	611.0	=	488.8	Estimated Hours Year 2
Year 3	20.00%	*	611.0	=	122.2	Estimated Hours Year 3
Year 4	0.00%	*	611.0	=	0.0	Estimated Hours Year 4
Year 5	0.00%	*	611.0	=	0.0	Estimated Hours Year 5
Total	100%		Total	=	611.0	

4. Calculate Total Costs including Escalation (Multiply Average Hourly Rate by the number of hours)

	Avg Hourly Rate		Estimated hours		Cost per Year	
	(calculated above)		(calculated above)			
Year 1	\$58.04	*	0	=	\$0.00	Estimated Hours Year 1
Year 2	\$60.95	*	489	=	\$29,790.94	Estimated Hours Year 2
Year 3	\$63.99	*	122	=	\$7,820.12	Estimated Hours Year 3
Year 4	\$67.19	*	0	=	\$0.00	Estimated Hours Year 4
Year 5	\$70.55	*	0	=	\$0.00	Estimated Hours Year 5
Total Direct Labor Cost with Escalation				=	\$37,611.06	
Direct Labor Subtotal before Escalation				=	\$35,465.40	
Estimated total of Direct Labor Salary Increase				=	\$2,145.66	Transfer to Page 1

NOTES:

1. This is not the only way to estimate salary increases. Other methods will be accepted if they clearly indicate the % increase, the # of years of the contract, and a breakdown of the labor to be performed each year.
2. An estimation that is based on direct labor multiplied by salary increase % multiplied by the # of years is not acceptable. (i.e. \$250,000 x 2% x 5 yrs = \$25,000 is not an acceptable methodology)
3. This assumes that one year will be worked at the rate on the cost proposal before salary increases are granted.
4. Calculations for anticipated salary escalation must be provided.

EXHIBIT 10-H1 COST PROPOSAL Page 3 of 3**Certification of Direct Costs:**

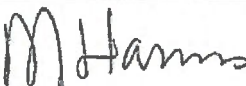
I, the undersigned, certify to the best of my knowledge and belief that all direct costs identified on the cost proposal(s) in this contract are actual, reasonable, allowable, and allocable to the contract in accordance with the contract terms and the following requirements:

1. Generally Accepted Accounting Principles (GAAP)
2. Terms and conditions of the contract
3. [Title 23 United States Code Section 112](#) - Letting of Contracts
4. [48 Code of Federal Regulations Part 31](#) - Contract Cost Principles and Procedures
5. [23 Code of Federal Regulations Part 172](#) - Procurement, Management, and Administration of Engineering and Design Related Service
6. [48 Code of Federal Regulations Part 9904 - Cost Accounting Standards Board](#) (when applicable)

All costs must be applied consistently and fairly to all contracts. All documentation of compliance must be retained in the project files and be in compliance with applicable federal and state requirements. Costs that are noncompliant with the federal and state requirements are not eligible for reimbursement. Local governments are responsible for applying only cognizant agency approved or Caltrans accepted Indirect Cost Rate(s).

Prime Consultant or Subconsultant Certifying:

Name: Mahvash Harms Title *: Principal / Vice President

Signature:  Date of Certification (mm/dd/yyyy): 8/20/2019

Email: mharms@biggscardosa.com Phone Number: 408-296-5515

Address: 865 The Alameda San Jose CA 95126

*An individual executive or financial officer of the consultant's or subconsultant's organization at a level no lower than a Vice President or a Chief Financial Officer, or equivalent, who has authority to represent the financial information utilized to establish the cost proposal for the contract.

List services the consultant is providing under the proposed contract:

Project Management
Structural Engineering-design and bid support

EXHIBIT 10-H1 COST PROPOSAL Page 1 of 3

ACTUAL COST-PLUS-FIXED FEE OR LUMP SUM (FIRM FIXED PRICE) CONTRACTS

(DESIGN, ENGINEERING AND ENVIRONMENTAL STUDIES)

Note: Mark-ups are Not Allowed

☐ Prime Consultant ☒ Subconsultant ☐ 2nd Tier SubconsultantConsultant ActiveWayz Engineering, Inc.Project No. _____ Contract No. _____ Date 05/29/2019**DIRECT LABOR**

Classification/Title	Name	Hours	Actual Hourly Rate	Total
(Project Manager)*	Admas Zewdie	92	\$ 75	\$ 6,900.00
(Sr. Civil Engineer)	Project Engineer	70	\$ 60	\$ 4,200.00
(Envir. Scientist)	Ermias Gebremedhin	152	\$ 40	\$ 6,080.00
(Inspector)**			\$	\$

LABOR COSTS

- a) Subtotal Direct Labor Costs \$ 17,180.00
- b) Anticipated Salary Increases (see page 2 for calculation) \$ 518.78
- c) **TOTAL DIRECT LABOR COSTS [(a) + (b)]** \$ 17,698.78

INDIRECT COSTS

- d) Fringe Benefits (Rate: _____%) e) Total Fringe Benefits [(c) x (d)] \$ _____
- Overhead (Rate: 110%) g) Overhead [(c) x (f)] \$ 19,468.66
- h) General and Administrative (Rate: _____%) i) Gen & Admin [(c) x (h)] \$ _____
- j) **TOTAL INDIRECT COSTS [(e) + (g) + (i)]** \$ 19,468.66

FIXED FEE

- k) **TOTAL FIXED FEE [(c) + (j)] x fixed fee 10 %** \$ 3,716.74

l) CONSULTANT'S OTHER DIRECT COSTS (ODC) – ITEMIZE (Add additional pages if necessary)

Description of Item	Quantity	Unit	Unit Cost	Total
Mileage Costs	200	mile	\$ 0.58	\$ 116.00
Equipment Rental and Supplies			\$	\$
Permit Fees			\$	\$
Plan Sheets			\$	\$
Test			\$	\$

l) **TOTAL OTHER DIRECT COSTS** \$ 116.00**m) SUBCONSULTANTS' COSTS (Add additional pages if necessary)**

Subconsultant 1:	\$
Subconsultant 2:	\$
Subconsultant 3:	\$
Subconsultant 4:	\$
m) TOTAL SUBCONSULTANTS' COSTS	\$

n) **TOTAL OTHER DIRECT COSTS INCLUDING SUBCONSULTANTS [(l)+(m)]** \$ 116.00**TOTAL COST [(c) + (j) + (k) + (n)]** \$ 41,000.18**NOTES:**

- Key personnel must be marked with an asterisk (*) and employees that are subject to prevailing wage requirements must be marked with two asterisks (**). All costs must comply with the Federal cost principles. Subconsultants will provide their own cost proposals.
- The cost proposal format shall not be amended. Indirect cost rates shall be updated on an annual basis in accordance with the consultant's annual accounting period and established by a cognizant agency or accepted by Caltrans.
- Anticipated salary increases calculation (page 2) must accompany.

EXHIBIT 10-H1 COST PROPOSAL PAGE 2 OF 3
ACTUAL COST-PLUS-FIXED FEE OR LUMP SUM (FIRM FIXED PRICE) CONTRACTS
(CALCULATIONS FOR ANTICIPATED SALARY INCREASES)

Consultant ActiveWayz Engineering Contract No. _____ Date 5/29/2019

1. Calculate Average Hourly Rate for 1st year of the contract (Direct Labor Subtotal divided by total hours)

Direct Labor Subtotal per Cost Proposal	Total Hours per Cost Proposal	Avg Hourly Rate	3 Year Contract Duration
\$17,180.00	314	\$ 54.71	Year 1 Avg Hourly Rate

2. Calculate hourly rate for all years (Increase the Average Hourly Rate for a year by proposed escalation %)

	Avg Hourly Rate		Proposed Escalation			
Year 1	\$54.71	+	3.0%	=	\$56.35	Year 2 Avg Hourly Rate
Year 2	\$56.35	+	3.0%	=	\$58.05	Year 3 Avg Hourly Rate
Year 3	\$58.05	+	3.0%	=	\$59.79	Year 4 Avg Hourly Rate
Year 4	\$59.79	+	3.0%	=	\$61.58	Year 5 Avg Hourly Rate
						0

3. Calculate estimated hours per year (Multiply estimate % each year by total hours)

	Estimated % Completed Each Year		Total Hours per Cost Proposal		Total Hours per Year	
2019	33.33%	*	314.0	=	104.7	Estimated Hours Year 1
2020	33.33%	*	314.0	=	104.7	Estimated Hours Year 2
2021	33.33%	*	314.0	=	104.7	Estimated Hours Year 3
Year 4	0.00%	*	314.0	=	0.0	Estimated Hours Year 4
Year 5	0.00%	*	314.0	=	0.0	Estimated Hours Year 5
Total	100%		Total	=	314.0	

4. Calculate Total Costs including Escalation (Multiply Average Hourly Rate by the number of hours)

	Avg Hourly Rate (calculated above)		Estimated hours (calculated above)		Cost per Year	
Year 1	\$54.71	*	105	=	\$5,726.09	Estimated Hours Year 1
Year 2	\$56.35	*	105	=	\$5,897.88	Estimated Hours Year 2
Year 3	\$58.05	*	105	=	\$6,074.81	Estimated Hours Year 3
Year 4	\$59.79	*	0	=	\$0.00	Estimated Hours Year 4
Year 5	\$61.58	*	0	=	\$0.00	Estimated Hours Year 5
			Total Direct Labor Cost with Escalation	=	\$17,698.78	
			Direct Labor Subtotal before Escalation	=	\$17,180.00	
			Estimated total of Direct Labor Salary Increase	=	\$518.78	Transfer to Page 1

NOTES:

- This is not the only way to estimate salary increases. Other methods will be accepted if they clearly indicate the % increase, the # of years of the contract, and a breakdown of the labor to be performed each year.
- An estimation that is based on direct labor multiplied by salary increase % multiplied by the # of years is not acceptable.
(i.e. \$250,000 x 2% x 5 yrs = \$25,000 is not an acceptable methodology)
- This assumes that one year will be worked at the rate on the cost proposal before salary increases are granted.
- Calculations for anticipated salary escalation must be provided.

EXHIBIT 10-H1 COST PROPOSAL Page 3 of 3

Certification of Direct Costs:

I, the undersigned, certify to the best of my knowledge and belief that all direct costs identified on the cost proposal(s) in this contract are actual, reasonable, allowable, and allocable to the contract in accordance with the contract terms and the following requirements:

1. Generally Accepted Accounting Principles (GAAP)
2. Terms and conditions of the contract
3. [Title 23 United States Code Section 112](#) - Letting of Contracts
4. [48 Code of Federal Regulations Part 31](#) - Contract Cost Principles and Procedures
5. [23 Code of Federal Regulations Part 172](#) - Procurement, Management, and Administration of Engineering and Design Related Service
6. [48 Code of Federal Regulations Part 9904 - Cost Accounting Standards Board](#) (when applicable)

All costs must be applied consistently and fairly to all contracts. All documentation of compliance must be retained in the project files and be in compliance with applicable federal and state requirements. Costs that are noncompliant with the federal and state requirements are not eligible for reimbursement.

Local governments are responsible for applying only cognizant agency approved or Caltrans accepted Indirect Cost Rate(s).

Prime Consultant or Subconsultant Certifying:

Name: Admas Zewdie, P.E. Title *: President
 Signature :  Date of Certification (mm/dd/yyyy): 03/25/2019
 Email: admas@activewayz.engineering Phone Number: 408-219-5678
 Address: 114 Woodhams Road, Santa Clara, CA 95051

*An individual executive or financial officer of the consultant's or subconsultant's organization at a level no lower than a Vice President or a Chief Financial Officer, or equivalent, who has authority to represent the financial information utilized to establish the cost proposal for the contract.

List services the consultant is providing under the proposed contract:

Utility coordination
 Right of Way certification
 Quality control review
 Construction staging and traffic handling plans
 Water pollution control plans
 Design exception fact sheet
 Storm water data report; lane closure report

Exhibit 10-H1 Cost Proposal Page 1 of 3

Actual Cost-Plus-Fixed Fee or lump sum (Firm Fixed Price) contracts

(Design, Engineering and Environmental Studies)

 Prime Consultant

☐ 2nd Tier Subconsultant

David J. Powers & Associates

Contract No. _____

Date: August 29, 2019

DIRECT LABOR

[illegible]

LABOR COSTS

\$ 6.959.76

2

c) TOTAL DIRECT LABOR COSTS [(a) + (b)]	\$ 6,959.76
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FRINGE BENEFITS

e) Total Fringe Benefits [(c) x (d)]	\$	3,513.98
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g) Overhead [(c) x (f)]	\$	
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i) Gen & Admin [(c) x (h)]	\$	8,204.86
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j) TOTAL INDIRECT COSTS [(e) + (g) + (i)] \$ 11,718.84

FIXED FEE

k) TOTAL FIXED FEE [(c) + (j)] x fixed fee	10.00%	\$	1,867.86
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D) CONSULTANT'S OTHER DIRECT COSTS (ODC) - ITEMIZE (Add additional pages if necessary)

Description of Item	Quantity	Unit	Unit Cost	Total
Mileage Costs	119.34	mile	0.58	\$ 69.22
Permit Fees	1	units	50	\$ 50.00
Graphics	1	units	50	\$ 50.00
				\$ -
				\$ -

1) TOTAL OTHER DIRECT COSTS \$	169.22
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m) SUBCONSULTANTS' COSTS (Add additional pages if necessary)

Subconsultant 1: Archaeological/Historical Consultants	\$	17,845.00
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Subconsultant 2: H.T. Harvey & Associates	\$ 25,505.00
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Subconsultant 3:	\$	-
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Subconsultant 4:	\$	-
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m) TOTAL SUBCONSULTANTS' COSTS	\$	43,350.00
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n) TOTAL OTHER DIRECT COSTS INCLUDING SUBCONSULTANTS [(l) + (m)]	\$ 43,519.22
-------------------------------------------------------------------------	---------------------

TOTAL COST [(c) + (j) + (k) + (n)] \$ 64,065.68

NOTES:

1. Key personnel must be marked with an asterisk (*) and employees that are subject to prevailing wage requirements must be marked with two asterisks (**). All costs must comply with the Federal cost principles. Subconsultants will provide their own cost proposals.
2. The cost proposal format shall not be amended. Indirect cost rates shall be updated on an annual basis in accordance with the consultant's annual accounting period and established by a cognizant agency or accepted by Caltrans.
3. Anticipated salary increases calculation (page 2) must accompany.

Exhibit 10-H1 Cost Proposal Page 2 of 3

Actual Cost-Plus-Fixed Fee or Lump Sum (Firm Fixed Price) Contracts
(Calculations for Anticipated Salary Increases)

1. Calculate average hourly rate for 1st year of the contract (Direct Labor Subtotal divided by total hours)

Direct Labor <u>Subtotal</u> per Cost Proposal		Total Hours per Cost Proposal		Avg Hourly Rate	10 Year Contract Duration
\$ 6,959.76	/	142	=	\$49.01	Year 1 Avg Hourly Rate

2. Calculate hourly rate for all years (Increase the Average hourly rate for a year by proposed escalation %)

	Avg Hourly Rate		Proposed Escalation			
Year 2	\$49.01	+	3%	=	\$50.48	Year 2 Avg Hourly Rate
Year 3	\$50.48	+	3%	=	\$52.00	Year 3 Avg Hourly Rate
Year 4	\$52.00	+	3%	=	\$53.56	Year 4 Avg Hourly Rate
Year 5	\$53.56	+	3%	=	\$55.16	Year 5 Avg Hourly Rate

3. Calculate estimated hours per year (Multiply estimate % each year by total hours)

	Estimated % Completed Each Year		Total Hours per Cost Proposal		Total Hours per Year	
Year 1	100.00%	*	142	=	142	Estimated Hours Year 1
Year 2	0.00%	*	142	=	0	Estimated Hours Year 2
Year 3	0.00%	*	142	=	0	Estimated Hours Year 3
Year 4	0.00%	*	142	=	0	Estimated Hours Year 4
Year 5	0.00%	*	142	=	0	Estimated Hours Year 5
Total	100%		Total	=	142	

4. Calculate Total Costs including Escalation (multiply average hourly rate by the number of hours)

	Avg Hourly Rate (calculated above)		Estimated hours (calculated above)		Cost per Year	
Year 1	\$49.01	*	142	=	\$6,959.76	Estimated Hours Year 1
Year 2	\$50.48	*	0	=	\$0.00	Estimated Hours Year 2
Year 3	\$52.00	*	0	=	\$0.00	Estimated Hours Year 3
Year 4	\$53.56	*	0	=	\$0.00	Estimated Hours Year 4
Year 5	\$55.16	*	0	=	\$0.00	Estimated Hours Year 5
Total Direct Labor Cost with Escalation				=	\$6,959.76	
Direct Labor Subtotal before escalation				=	\$ 6,959.76	
Estimated total of Direct Labor Salary Increase				=	\$0.00	Transfer to Page 1

NOTES:

1. This is not the only way to estimate salary increases. Other methods will be accepted if they clearly indicate the % increase, the # of years of the contract, and a breakdown of the labor to be performed each year.
2. An estimation that is based on direct labor multiplied by salary increase % multiplied by the # of years is not acceptable.(i.e. \$250,000 x 2% x 5 yrs = \$25,000 is not an acceptable methodology)
3. This assumes that one year will be worked at the rate on the cost proposal before salary increases are granted.
4. Calculations for anticipated salary escalation must be provided.

Certification of Direct Costs:

I, the undersigned, certify to the best of my knowledge and belief that all direct costs identified on the cost proposal(s) in this contract are actual, reasonable, allowable, and allocable to the contract in accordance with the contract terms and the following requirements:

1. Generally Accepted Accounting Principles (GAAP)
2. Terms and conditions of the contract
3. [Title 23 United States Code Section 112](#) - Letting of Contracts
4. [48 Code of Federal Regulations Part 31](#) - Contract Cost Principles and Procedures
5. [23 Code of Federal Regulations Part 172](#) - Procurement, Management, and Administration of Engineering and Design Related Service
6. [48 Code of Federal Regulations Part 9904 - Cost Accounting Standards Board](#) (when applicable)

All costs must be applied consistently and fairly to all contracts. All documentation of compliance must be retained in the project files and be in compliance with applicable federal and state requirements. Costs that are noncompliant with the federal and state requirements are not eligible for reimbursement.

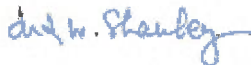
Local governments are responsible for applying only cognizant agency approved or Caltrans accepted Indirect Cost Rate(s).

Prime Consultant or Subconsultant Certifying:

Name: Judy W. Shanley

Title *: President

Signature:



Date of Certification (mm/dd/yyyy): 8/29/2019

Email: jshanley@davidjpowers.com

Phone Number: 408-454-3431

Address:

*An individual executive or financial officer of the consultant's or subconsultant's organization at a level no lower than a Vice President or a Chief Financial Officer, or equivalent, who has authority to represent the financial information utilized to establish the cost proposal for the contract.

List services the consultant is providing under the proposed contract:

Complete NEPA (CE) and CEQA (CE) environmental review process.

Exhibit 10-H1 Cost Proposal Page 1 of 3

Actual Cost-Plus-Fixed Fee or lump sum (Firm Fixed Price) contracts

(Design, Engineering and Environmental Studies)

☐ Prime Consultant☐ Prime Consultant☒ Subconsultant☒ 2nd Tier Subconsultant

Archaeological/Historical Consultants

Contract No. _____

Date:

DIRECT LABOR

[illegible]

LABOR COSTS

\$ 5,875.00

\$ 73.44

c) TOTAL DIRECT LABOR COSTS [(a) + (b)]	\$ 5,948.44
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FRINGE BENEFITS

e) Total Fringe Benefits [(c) x (d)]	\$ 2,676.80
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g) Overhead [(c) x (f)]	\$	3,866.48
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i) Gen & Admin [(c) x (h)]	\$	NA
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j) TOTAL INDIRECT COSTS [(e) + (g) + (i)] \$ 6,543.28

FIXED FEE

k) TOTAL FIXED FEE [(c) + (j)] x fixed fee	10.00%	\$	1,249.17
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D) CONSULTANT'S OTHER DIRECT COSTS (ODC) - ITEMIZE (Add additional pages if necessary)

Description of Item	Quantity	Unit	Unit Cost	Total
NWIC Record Search	1	Search	528.32	\$ 528.32
Mileage	500	miles	0.58	\$ 290.00
Postage	10	stamps	0.55	\$ 5.50
Traffic Control	24	hours	120	\$ 2,880.00
Private Utility Locator	4	hours	100	\$ 400.00
			1) TOTAL OTHER DIRECT COSTS	\$ 4,103.82

m) SUBCONSULTANTS' COSTS (Add additional pages if necessary)

§

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2

2

m) TOTAL SUBCONSULTANTS' COSTS \$ -

n) TOTAL OTHER DIRECT COSTS INCLUDING SUBCONSULTANTS [(l) + (m)] \$ 4,103.82

TOTAL COST [(c) + (j) + (k) + (n)] \$ 17,844.71

NOTES:

1. Key personnel must be marked with an asterisk (*) and employees that are subject to prevailing wage requirements must be marked with two asterisks (**). All costs must comply with the Federal cost principles. Subconsultants will provide their own cost proposals.

2. The cost proposal format shall not be amended. Indirect cost rates shall be updated on an annual basis in accordance with the consultant's annual accounting period and established by a cognizant agency or accepted by Caltrans.

3. Anticipated salary increases calculation (page 2) must accompany.

Exhibit 10-H1 Cost Proposal Page 2 of 3

Actual Cost-Plus-Fixed Fee or Lump Sum (Firm Fixed Price) Contracts

(Calculations for Anticipated Salary Increases)

1. Calculate average hourly rate for 1st year of the contract (Direct Labor Subtotal divided by total hours)

Direct Labor <u>Subtotal</u> per Cost Proposal	Total Hours per Cost Proposal	Avg Hourly Rate	10 Year Contract Duration
\$ 5,875.00 /	113	= \$51.99	Year 1 Avg Hourly Rate

2. Calculate hourly rate for all years (Increase the Average hourly rate for a year by proposed escalation %)

	Avg Hourly Rate		Proposed Escalation			
Year 2	\$51.99	+	5%	=	\$54.59	Year 2 Avg Hourly Rate
Year 3	\$54.59	+	5%	=	\$57.32	Year 3 Avg Hourly Rate
Year 4	\$57.32	+	5%	=	\$60.19	Year 4 Avg Hourly Rate
Year 5	\$60.19	+	5%	=	\$63.20	Year 5 Avg Hourly Rate

3. Calculate estimated hours per year (Multiply estimate % each year by total hours)

	Estimated % Completed Each Year		Total Hours per Cost Proposal		Total Hours per Year	
Year 1	75.00%	*	113	=	84.75	Estimated Hours Year 1
Year 2	25.00%	*	113	=	28.25	Estimated Hours Year 2
Year 3	0.00%	*	113	=	0	Estimated Hours Year 3
Year 4	0.00%	*	113	=	0	Estimated Hours Year 4
Year 5	0.00%	*	113	=	0	Estimated Hours Year 5
Total	100%		Total	=	113	

4. Calculate Total Costs including Escalation (multiply average hourly rate by the number of hours)

	Avg Hourly Rate (calculated above)		Estimated hours (calculated above)		Cost per Year	
Year 1	\$51.99	*	84.75	=	\$4,406.25	Estimated Hours Year 1
Year 2	\$54.59	*	28.25	=	\$1,542.19	Estimated Hours Year 2
Year 3	\$57.32	*	0	=	\$0.00	Estimated Hours Year 3
Year 4	\$60.19	*	0	=	\$0.00	Estimated Hours Year 4
Year 5	\$63.20	*	0	=	\$0.00	Estimated Hours Year 5
Total Direct Labor Cost with Escalation				=	\$5,948.44	
Direct Labor Subtotal before escalation				=	\$ 5,875.00	
Estimated total of Direct Labor Salary Increase				=	\$73.44	Transfer to Page 1

NOTES:

1. This is not the only way to estimate salary increases. Other methods will be accepted if they clearly indicate the % increase, the #of years of the contract, and a breakdown of the labor to be performed each year.
2. An estimation that is based on direct labor multiplied by salary increase % multiplied by the # of years is not acceptable.(i.e. \$250,000 x 2% x 5 yrs = \$25,000 is not an acceptable methodology)
3. This assumes that one year will be worked at the rate on the cost proposal before salary increases are granted.
4. Calculations for anticipated salary escalation must be provided.

Certification of Direct Costs:

I, the undersigned, certify to the best of my knowledge and belief that all direct costs identified on the cost proposal(s) in this contract are actual, reasonable, allowable, and allocable to the contract in accordance with the contract terms and the following requirements:

1. Generally Accepted Accounting Principles (GAAP)
2. Terms and conditions of the contract
3. [Title 23 United States Code Section 112](#) - Letting of Contracts
4. [48 Code of Federal Regulations Part 31](#) - Contract Cost Principles and Procedures
5. [23 Code of Federal Regulations Part 172](#) - Procurement, Management, and Administration of Engineering and Design Related Service
6. [48 Code of Federal Regulations Part 9904 - Cost Accounting Standards Board](#) (when applicable)

All costs must be applied consistently and fairly to all contracts. All documentation of compliance must be retained in the project files and be in compliance with applicable federal and state requirements. Costs that are noncompliant with the federal and state requirements are not eligible for reimbursement.

Local governments are responsible for applying only cognizant agency approved or Caltrans accepted Indirect Cost Rate(s).

Prime Consultant or Subconsultant Certifying:

Name: Daniel Shoup

Title *: Principal

Signature:



Date of Certification (mm/dd/yyyy): 5/20/2019

Email: daniel.shoup@ahc-heritage.com

Phone Number: 510-654-8635

Address: 609 Aileen Street, Oakland CA 94609

*An individual executive or financial officer of the consultant's or subconsultant's organization at a level no lower than a Vice President or a Chief Financial Officer, or equivalent, who has authority to represent the financial information utilized to establish the cost proposal for the contract.

List services the consultant is providing under the proposed contract:

Cultural Resources documents for Caltrans environmental review.

Exhibit 10-H1 Cost Proposal Page 1 of 3

Actual Cost-Plus-Fixed Fee or lump sum (Firm Fixed Price) contracts

(Design, Engineering and Environmental Studies)

Note: Mark-ups are Not Allowed

☐ Prime Consultant

☒ Subconsultant

☒ 2nd Tier Subconsultant

Consultant

H. T. Harvey & Associates

Project No.

Contract No.

Date:

May 28, 2019

DIRECT LABOR

Classification/Title	Name	Hours	Actual Hourly Rate	Total
<u>Principal</u>	Steve Rottenborn	5	\$ 87.50	437.50
<u>Principal</u>	Kelly Hardwicke	11	\$ 62.98	692.79
<u>Senior Associate Ecologist</u>			\$ 57.45	0.00
<u>Associate Ecologist</u>			\$ 50.72	0.00
<u>Senior Ecologist 2</u>	Mark Bibbo	29.25	\$ 45.19	1321.88
<u>Senior Ecologist 1</u>			\$ 40.99	0.00
<u>Ecologist 2</u>	Craig Fosdick	37	\$ 36.54	1351.92
<u>Ecologist 1</u>	Matthew Mosher	81	\$ 32.45	2628.61
<u>Field Biologist 2</u>			\$ 28.73	0.00
<u>Field Biologist 1</u>			\$ 25.48	0.00
<u>Senior GIS Analyst</u>	Mark Lagarde	1.25	\$ 50.00	62.50
<u>GIS Analyst</u>	Michele Childs	18.75	\$ 36.06	676.08
<u>Technical Editor</u>	Jessica Hughes	6	\$ 36.30	217.79
<u>Senior Technical Support</u>	Liesl Bross	1	\$ 38.70	38.70
<u>Technical Support</u>	Liza Bodistow	5	\$ 22.50	112.50

LABOR COSTS

a) Subtotal Direct Labor Costs

\$ 7,540.26

b) Anticipated Salary Increases (see page 2 for calculation)

\$ -

c) **TOTAL DIRECT LABOR COSTS [(a) + (b)]** \$

7,540.26

FRINGE BENEFITS

d) Fringe Benefits (Rate: 100.70%)

e) Total Fringe Benefits [(c) x (d)] \$ 7,592.79

f) Overhead (Rate: 104.40%)

g) Overhead [(c) x (f)] \$ 7,871.71

h) General and Administrative (Rate: [Included in Overhead Rate])

i) Gen & Admin [(c) x (h)] \$ NA

j) **TOTAL INDIRECT COSTS [(e) + (g) + (i)]** \$

15,464.50

FIXED FEE

k) **TOTAL FIXED FEE [(c) + (j)] x fixed fee 10.00%** \$

2,300.48

l) CONSULTANT'S OTHER DIRECT COSTS (ODC) - ITEMIZE (Add additional pages if necessary)

Description of Item	Quantity	Unit	Unit Cost	Total
Mileage Costs		mile	0.58	\$ -
Motion-Sending Cameras		units	10	\$ -
Per Diem Lodging, Meals and Incidentals		night		\$ -
GIS Charges	20	hour	10	\$ 200.00
				\$ -
l) TOTAL OTHER DIRECT COSTS \$				200.00

m) SUBCONSULTANTS' COSTS (Add additional pages if necessary)

Subconsultant 1:	\$	-
Subconsultant 2:	\$	-
Subconsultant 3:	\$	-
Subconsultant 4:	\$	-
m) TOTAL SUBCONSULTANTS' COSTS		\$ -
n) TOTAL OTHER DIRECT COSTS INCLUDING SUBCONSULTANTS [(l) + (m)]		\$ 200.00
TOTAL COST [(c) + (i) + (k) + (n)]		\$ 25,505.24

NOTES:

1. Key personnel must be marked with an asterisk (*) and employees that are subject to prevailing wage requirements must be marked with two asterisks (**). All costs must comply with the Federal cost principles. Subconsultants will provide their own cost proposals.
2. The cost proposal format shall not be amended. Indirect cost rates shall be updated on an annual basis in accordance with the consultant's annual accounting period and established by a cognizant agency or accepted by Caltrans.
3. Anticipated salary increases calculation (page 2) must accompany.

Exhibit 10-H1 Cost Proposal Page 2 of 3

Actual Cost-Plus-Fixed Fee or Lump Sum (Firm Fixed Price) Contracts
(Calculations for Anticipated Salary Increases)

1. Calculate average hourly rate for 1st year of the contract (Direct Labor Subtotal divided by total hours)

Direct Labor <u>Subtotal</u> per Cost Proposal		Total Hours per Cost Proposal		Avg Hourly Rate	10 Year Contract Duration
\$ 7,540.26	/	195.25	=	\$38.62	Year 1 Avg Hourly Rate

2. Calculate hourly rate for all years (Increase the Average hourly rate for a year by proposed escalation %)

	Avg Hourly Rate		Proposed Escalation			
Year 2	\$38.62	+	3%	=	\$39.78	Year 2 Avg Hourly Rate
Year 3	\$39.78	+	3%	=	\$40.97	Year 3 Avg Hourly Rate
Year 4	\$40.97	+	3%	=	\$42.20	Year 4 Avg Hourly Rate
Year 5	\$42.20	+	3%	=	\$43.47	Year 5 Avg Hourly Rate

3. Calculate estimated hours per year (Multiply estimate % each year by total hours)

	Estimated % Completed Each Year		Total Hours per Cost Proposal		Total Hours per Year	
Year 1	100.00%	*	195.25	=	195.25	Estimated Hours Year 1
Year 2	0.00%	*	195.25	=	0	Estimated Hours Year 2
Year 3	0.00%	*	195.25	=	0	Estimated Hours Year 3
Year 4	0.00%	*	195.25	=	0	Estimated Hours Year 4
Year 5	0.00%	*	195.25	=	0	Estimated Hours Year 5
Total	100%		Total	=	195.25	

4. Calculate Total Costs including Escalation (multiply average hourly rate by the number of hours)

	Avg Hourly Rate (calculated above)		Estimated hours (calculated above)		Cost per Year	
Year 1	\$38.62	*	195.25	=	\$7,540.26	Estimated Hours Year 1
Year 2	\$39.78	*	0	=	\$0.00	Estimated Hours Year 2
Year 3	\$40.97	*	0	=	\$0.00	Estimated Hours Year 3
Year 4	\$42.20	*	0	=	\$0.00	Estimated Hours Year 4
Year 5	\$43.47	*	0	=	\$0.00	Estimated Hours Year 5
Total Direct Labor Cost with Escalation				=	\$7,540.26	
Direct Labor Subtotal before escalation				=	\$ 7,540.26	
Estimated total of Direct Labor Salary Increase				=	\$0.00	Transfer to Page 1

NOTES:

1. This is not the only way to estimate salary increases. Other methods will be accepted if they clearly indicate the % increase, the #of years of the contract, and a breakdown of the labor to be performed each year.
2. An estimation that is based on direct labor multiplied by salary increase % multiplied by the # of years is not acceptable.(i.e. \$250,000 x 2% x 5 yrs = \$25,000 is not an acceptable methodology)
3. This assumes that one year will be worked at the rate on the cost proposal before salary increases are granted.
4. Calculations for anticipated salary escalation must be provided.

Certification of Direct Costs:

I, the undersigned, certify to the best of my knowledge and belief that all direct costs identified on the cost proposal(s) in this contract are actual, reasonable, allowable, and allocable to the contract in accordance with the contract terms and the following requirements:

1. Generally Accepted Accounting Principles (GAAP)
2. Terms and conditions of the contract
3. [Title 23 United States Code Section 112](#) - Letting of Contracts
4. [48 Code of Federal Regulations Part 31](#) - Contract Cost Principles and Procedures
5. [23 Code of Federal Regulations Part 172](#) - Procurement, Management, and Administration of Engineering and Design Related Service
6. [48 Code of Federal Regulations Part 9904 - Cost Accounting Standards Board](#) (when applicable)


All costs must be applied consistently and fairly to all contracts. All documentation of compliance must be retained in the project files and be in compliance with applicable federal and state requirements. Costs that are noncompliant with the federal and state requirements are not eligible for reimbursement.

Local governments are responsible for applying only cognizant agency approved or Caltrans accepted Indirect Cost Rate(s).

Prime Consultant or Subconsultant Certifying:

Name: Karin Hunsicker

Title *: CEO

Signature: 

Date of Certification (mm/dd/yyyy): 8/12/2019

Email: kshunsicker@harveyecology.com

Phone Number: 408.458.3206

Address: 983 University Ave, Bldg D, Los Gatos, CA 95032

*An individual executive or financial officer of the consultant's or subconsultant's organization at a level no lower than a Vice President or a Chief Financial Officer, or equivalent, who has authority to represent the financial information utilized to establish the cost proposal for the contract.

List services the consultant is providing under the proposed contract:

Preparing a Natural Environment Study – Minimal Impacts (NES-MI), including a site and tree survey. Performing a wetland delineation.

EXHIBIT 10-H1 COST PROPOSAL (Page 2 of 3)**ACTUAL COST-PLUS-FIXED FEE OR LUMP SUM (FIRM FIXED PRICE) CONTRACTS**
(CALCULATIONS FOR ANTICIPATED SALARY INCREASES)**1. Calculate Average Hourly Rate for 1st year of the contract (Direct Labor Subtotal divided by total hours)**

Direct Labor <u>Subtotal</u> per Cost Proposal		Total Hours per Cost Proposal		Avg Hourly Rate	5 Year Contract Duration
\$7,564.94	/	161.0	=	\$46.99	Year 1 Avg Hourly Rate

2. Calculate hourly rate for all years (Increase the Average hourly rate for a year by proposed escalation %)

	Avg Hourly Rate		Proposed Escalation			
Year 1	\$46.99	+	5.0%	=	\$49.34	Year 2 Avg Hourly Rate
Year 2	\$49.34	+	5.0%	=	\$51.80	Year 3 Avg Hourly Rate
Year 3	\$51.80	+	5.0%	=	\$54.39	Year 4 Avg Hourly Rate
Year 4	\$54.39	+	5.0%	=	\$57.11	Year 5 Avg Hourly Rate

3. Calculate estimated hours per year (Multiply estimate % each year by total hours)

	Estimated % Completed Each Year		Total Hours per Cost Proposal		Total Hours per Year	
Year 1	100%	*	161.0	=	161.0	Estimated Hours Year 1
Year 2		*	161.0	=	0.0	Estimated Hours Year 2
Year 3		*	161.0	=	0.0	Estimated Hours Year 3
Year 4		*	161.0	=	0.0	Estimated Hours Year 4
Year 5		*	161.0	=	0.0	Estimated Hours Year 5
Total	100%		Total	=	161.0	

4. Calculate Total Costs including Escalation (Multiply Average Hourly Rate by the number of hours)

	Avg Hourly Rate (calculated above)		Estimated hours (calculated above)		Cost per Year	
Year 1 \$	46.99	*	161.0	=	\$7,564.94	Estimated Hours Year 1
Year 2 \$	49.34	*	0.0	=	\$0.00	Estimated Hours Year 2
Year 3 \$	51.80	*	0.0	=	\$0.00	Estimated Hours Year 3
Year 4 \$	54.39	*	0.0	=	\$0.00	Estimated Hours Year 4
Year 5 \$	57.11	*	0.0	=	\$0.00	Estimated Hours Year 5
Total Direct Labor Cost with Escalation				=	\$7,564.94	
Direct Labor Subtotal before escalation				=	\$7,564.94	
Estimated total of Direct Labor Salary Increase				=	\$0.00	Transfer to Page 1

NOTES:

1. This is not the only way to estimate salary increases. Other methods will be accepted if they clearly indicate the % increase, the # of years of the contract, and a breakdown of the labor to be performed each year.
2. An estimation that is based on direct labor multiplied by salary increase % multiplied by the # of years is not acceptable. (i.e. \$250,000 x 2% x 5 yrs = \$25,000 is not an acceptable methodology)
3. This assumes that one year will be worked at the rate on the cost proposal before salary increases are granted.
4. Calculations for anticipated salary escalation must be provided.

EXHIBIT 10-H1 COST PROPOSAL (Page 3 of 3)**Certification of Direct Costs**

I, the undersigned, certify to the best of my knowledge and belief that all direct costs identified on the cost proposal(s) in this contract are actual, reasonable, allowable, and allocable to the contract in accordance with the contract terms and the following requirements:

- 1 Generally Accepted Accounting Principles (GAAP)
- 2 Terms and conditions of the contract
- 3 Title 23 United States Code Section 112 - Letting of Contracts
- 4 48 Code of Federal Regulations Part 31 - Contract Cost Principles and Procedures
- 5 23 Code of Federal Regulations Part 172 - Procurement, Management, and Administration of Engineering and Design Related Services
- 6 48 Code of Federal Regulations Part 9904 - Cost Accounting Standards Board (when applicable)

All costs must be applied consistently and fairly to all contracts. All documentation of compliance must be retained in the project files and be in compliance with applicable federal and state requirements. Costs that are noncompliant with the federal and state requirements are not eligible for reimbursement.

Local governments are responsible for applying only cognizant agency approved or Caltrans accepted Indirect Cost Rate(s).

Prime Consultant or Suconsultant Certifying:

Name: Mike Shoup, PLS Title*: Bay Area Regional Manager, Survey Principal

Signature:  Date of Certification (mm/dd/yyyy): 8/20/2019

Email: mshoup@revengineers.com Phone Number: 408-219-3236

Address: 505 14th Street, Suite 900, Oakland, CA 94612

*An individual executive or financial officer of the consultant's or subconsultant's organization at a level no lower than a Vice President or a Chief Financial Officer, or equivalent, who has authority to represent the financial information utilized to establish the cost proposal for the contract.

List services the consultant is providing under this proposed contract:

Land Surveying

TASKS B & C

EXHIBITS 10-H3 COST PROPOSALS

EXHIBIT 10-H3 COST PROPOSAL Page 1 of 2

COST PER UNIT OF WORK CONTRACTS
(GEOTECHNICAL AND MATERIAL TESTING)

Note: Mark-ups are Not Allowed

☒ Prime Consultant☐ SubconsultantConsultant Mott MacDonaldProject No. TLG 18-832-4505, SCL
170028, CML – 5067 (021)Contract No. _____ Date 8/13/2019**Unit/Item of Work:**

(Example: Log of Test Boring for Soils Report, or ADL Testing for Hazardous Waste Material Study)

Include as many Items as necessary.

DIRECT LABOR	Hours	Billing Hourly Rate (\$)	Total (\$)
Professional (Classification)*	<u>126</u>	<u>\$150.79</u>	<u>\$19,000</u>
Sub-professional/Technical**	_____	_____	_____
EQUIPMENT 1 (with Operator)	_____	_____	_____
EQUIPMENT 2 (with Operator)	_____	_____	_____

Consultant's Other Direct Costs (ODC) – Itemize:

Description of Item	Quantity	Unit	Unit Cost	Total
ODC Example: Travel/Mileage Costs			\$	\$
ODC Example: Mobilization/De-mobilization			\$	\$
ODC Example: Supplies/Consumables			\$	\$
ODC Example: Report			\$	\$
ODC (List more ODCs as applicable)			\$	\$
Subconsultant 1: Biggs Cardosa Associates				\$ 9,000
Subconsultant 2:				\$
Subconsultant 3:				\$
Subconsultant 4:				\$
Subconsultant 5:				\$

Note: Attach additional pages if necessary.

TOTAL COST PER UNIT OF WORK\$ 28,000**NOTES:**

1. All costs must comply with the Federal cost principles. Subconsultants will provide their own cost proposals. The cost proposal format shall not be amended.
2. Hourly billing rates should be consistent with publicly advertised rates charged to all clients (Commercial, Private or Public).
3. Mobilization/De-mobilization is based on site location and number and frequency of tests/items.
4. ODC items shall be based on actual costs and supported by historical data and other documentation.
5. ODC items that would be considered "tools of the trade" are not reimbursable.
6. Billing Hourly Rates must be actual, allowable, and reasonable.

EXHIBIT 10-H3 COST PROPOSAL Page 2 of 2

Certification of Direct Costs:

I, the undersigned, certify to the best of my knowledge and belief that all direct costs identified on the cost proposal(s) in this contract are actual, reasonable, allowable, and allocable to the contract in accordance with the contract terms and the following requirements:

13. Generally Accepted Accounting Principles (GAAP)
14. Terms and conditions of the contract
15. [Title 23 United States Code Section 112](#) - Letting of Contracts
16. [48 Code of Federal Regulations Part 31](#) - Contract Cost Principles and Procedures
17. [23 Code of Federal Regulations Part 172](#) - Procurement, Management, and Administration of Engineering and Design Related Service
18. [48 Code of Federal Regulation Part 9904 - Cost Accounting Standards Board](#) (when applicable)

All costs must be applied consistently and fairly to all contracts. All documentation of compliance must be retained in the project files and be in compliance with applicable federal and state requirements. Costs that are noncompliant with the federal and state requirements are not eligible for reimbursement.

Prime Consultant or Subconsultant Certifying:Name: Chris MetzgerTitle*: Sr. Vice PresidentSignature: Date of Certification (mm/dd/yyyy): 08/13/2019Email: Chris.Metzger@mottmac.comPhone Number: 408-876-6039Address: 2077 Gateway Place, Suite 550 San Jose CA 95110

* An individual executive or financial officer of the consultant's or subconsultant's organization at a level no lower than a Vice President or a Chief Financial Officer, or equivalent, who has authority to represent the financial information utilized to establish the cost proposal for the contract.

List services the consultant is providing under the proposed contract:

Provide bid and construction support services for Los Gatos Creek Trail to Highway 9 Trailhead Connector Project

EXHIBIT 10-H3 COST PROPOSAL Page 1 of 2

COST PER UNIT OF WORK CONTRACTS
(GEOTECHNICAL AND MATERIAL TESTING)

Note: Mark-ups are Not Allowed

☐ Prime Consultant☒ Subconsultant☐ 2nd Tier SubconsultantConsultant **Biggs Cardosa Associates**Project No. **TLG 18-832-4505** Contract No. _____ Date **May 20, 2019****Unit/Item of Work:****(Example: Log of Test Boring for Soils Report, or ADL Testing for Hazardous Waste Material Study)**
Include as many Items as necessary.

DIRECT LABOR	Hours	Billing Hourly Rate (\$)	Total (\$)
Professional (Classification)*	50 max.	180	\$9,000
Sub-professional/Technical**	_____	_____	_____
EQUIPMENT 1 (with Operator)	_____	_____	_____
EQUIPMENT 2 (with Operator)	_____	_____	_____

Consultant's Other Direct Costs (ODC) – Itemize:

Description of Item	Quantity	Unit	Unit Cost	Total
ODC Example: Travel/Mileage Costs			\$	\$
ODC Example: Mobilization/De-mobilization			\$	\$
ODC Example: Supplies/Consumables			\$	\$
ODC Example: Report			\$	\$
ODC (List more ODCs as applicable)			\$	\$
Subconsultant 1:				\$
Subconsultant 2:				\$
Subconsultant 3:				\$
Subconsultant 4:				\$
Subconsultant 5:				\$

Note: Attach additional pages if necessary.

TOTAL COST PER UNIT OF WORK\$ **\$9,000****NOTES:**

1. Key personnel must be marked with an asterisk (*) and employees that are subject to prevailing wage requirements must be marked with two asterisks (**). All costs must comply with the Federal cost principles. Subconsultants will provide their own cost proposals. The cost proposal format shall not be amended.
2. Hourly billing rates should include prevailing wage rates and be consistent with publicly advertised rates charged to all clients (Commercial, Private or Public).
3. Mobilization/De-mobilization is based on site location and number and frequency of tests/items.
4. ODC items shall be based on actual costs and supported by historical data and other documentation.
5. ODC items that would be considered "tools of the trade" are not reimbursable.
6. Billing Hourly Rates must be actual, allowable, and reasonable.

EXHIBIT 10-H3 COST PROPOSAL Page 2 of 2

Certification of Direct Costs:

I, the undersigned, certify to the best of my knowledge and belief that all direct costs identified on the cost proposal(s) in this contract are actual, reasonable, allowable, and allocable to the contract in accordance with the contract terms and the following requirements:

13. Generally Accepted Accounting Principles (GAAP)
14. Terms and conditions of the contract
15. [Title 23 United States Code Section 112](#) - Letting of Contracts
16. [48 Code of Federal Regulations Part 31](#) - Contract Cost Principles and Procedures
17. [23 Code of Federal Regulations Part 172](#) - Procurement, Management, and Administration of Engineering and Design Related Service
18. [48 Code of Federal Regulation Part 9904 - Cost Accounting Standards Board](#) (when applicable)

All costs must be applied consistently and fairly to all contracts. All documentation of compliance must be retained in the project files and be in compliance with applicable federal and state requirements. Costs that are noncompliant with the federal and state requirements are not eligible for reimbursement.

Prime Consultant or Subconsultant Certifying:

Name: Mahvash Harms Title*: Vice President

Signature : Digitally signed by Mahvash Harms
DN: cn=Mahvash Harms, o=Biggs Cardosa Associates, ou, email=mharms@biggscardosa.com, c=US
Date: 2019.05.20 14:45:10 -07'00' Date of Certification (mm/dd/yyyy): May 20, 2019

Email: mharms@biggscardosa.com Phone Number: 408-839-8878

Address: 865 The Alameda San Jose CA

* An individual executive or financial officer of the consultant's or subconsultant's organization at a level no lower than a Vice President or a Chief Financial Officer, or equivalent, who has authority to represent the financial information utilized to establish the cost proposal for the contract.

List services the consultant is providing under the proposed contract:

Respond to questions that arise during the bid phase, prepare addendums, Review of submittals and shop drawings, Structural reviews, Review and response to Requests for Information.

EXHIBIT C

**ADDITIONAL
CALTRANS FORMS**

EXHIBIT 10-02 CONSULTANT CONTRACT DBE COMMITMENT

1. Local Agency: Town of Los Gatos Parks and Public Works De 2. Contract DBE Goal: 15%
 3. Project Description: Design and construction documents for the Los Gatos Creek Trail to Hwy 9 Trailhead Connector
 4. Project Location: Los Gatos Creek Trail at Highway 9
 5. Consultant's Name: Mott MacDonald, LLC 6. Prime Certified DBE: ☐ 7. Total Contract Award Amount: \$486,747
 8. Total Dollar Amount for ALL Subconsultants: \$236,464 9. Total Number of ALL Subconsultants: 6

10. Description of Work, Service, or Materials Supplied	11. DBE Certification Number	12. DBE Contact Information	13. DBE Dollar Amount
Utility coordination, right of way certification, plan review and coordination	043754	ActiveWayz Engineerin (510)989-2420, admas@activewayz.engineering.com	\$41,000
Environmental documentation	38205	David J Powers, (408) 454-3422, dloukas@davidjpowers.com	\$20,716
Cultural Resources Consulting	6JN00016	AHC (510) 654-8635, info@ahc-heritage.com	\$17,845
Local Agency to Complete this Section			
20. Local Agency Contract Number: _____			\$ 79,561
21. Federal-Aid Project Number: _____			
22. Contract Execution Date: _____			16.3 %
Local Agency certifies that all DBE certifications are valid and information on this form is complete and accurate.			
23. Local Agency Representative's Signature _____			
24. Date _____			
25. Local Agency Representative's Name _____			
26. Phone _____			
27. Local Agency Representative's Title _____			
14. TOTAL CLAIMED DBE PARTICIPATION			
IMPORTANT: Identify all DBE firms being claimed for credit, regardless of tier. Written confirmation of each listed DBE is required.			
15. Preparer's Signature _____			8/29/2019
16. Date _____			
Chris Metzger			(408) 876-6039
17. Preparer's Name _____			18. Phone _____
Senior Vice President			
19. Preparer's Title _____			

DISTRIBUTION: 1. Original – Local Agency
 2. Copy – Caltrans District Local Assistance Engineer (DLAE). Failure to submit to DLAE within 30 days of contract execution may result in de-obligation of federal funds on contract.

ADA Notice: For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-6410 or TDD (916) 654-3880 or write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

INSTRUCTIONS – CONSULTANT CONTRACT DBE COMMITMENT**CONSULTANT SECTION**

- 1. Local Agency** - Enter the name of the local or regional agency that is funding the contract.
- 2. Contract DBE Goal** - Enter the contract DBE goal percentage as it appears on the project advertisement.
- 3. Project Description** - Enter the project description as it appears on the project advertisement (Bridge Rehab, Seismic Rehab, Overlay, Widening, etc).
- 4. Project Location** - Enter the project location as it appears on the project advertisement.
- 5. Consultant's Name** - Enter the consultant's firm name.
- 6. Prime Certified DBE** - Check box if prime contractor is a certified DBE.
- 7. Total Contract Award Amount** - Enter the total contract award dollar amount for the prime consultant.
- 8. Total Dollar Amount for ALL Subconsultants** – Enter the total dollar amount for all subcontracted consultants. SUM = (DBEs + all Non-DBEs). Do not include the prime consultant information in this count.
- 9. Total number of ALL subconsultants** – Enter the total number of all subcontracted consultants. SUM = (DBEs + all Non-DBEs). Do not include the prime consultant information in this count.
- 10. Description of Work, Services, or Materials Supplied** - Enter description of work, services, or materials to be provided. Indicate all work to be performed by DBEs including work performed by the prime consultant's own forces, if the prime is a DBE. If 100% of the item is not to be performed or furnished by the DBE, describe the exact portion to be performed or furnished by the DBE. See LAPM Chapter 9 to determine how to count the participation of DBE firms.
- 11. DBE Certification Number** - Enter the DBE's Certification Identification Number. All DBEs must be certified on the date bids are opened.
- 12. DBE Contact Information** - Enter the name, address, and phone number of all DBE subcontracted consultants. Also, enter the prime consultant's name and phone number, if the prime is a DBE.
- 13. DBE Dollar Amount** - Enter the subcontracted dollar amount of the work to be performed or service to be provided. Include the prime consultant if the prime is a DBE. See LAPM Chapter 9 for how to count full/partial participation.
- 14. Total Claimed DBE Participation - \$:** Enter the total dollar amounts entered in the "DBE Dollar Amount" column. **%:** Enter the total DBE participation claimed ("Total Participation Dollars Claimed" divided by item "Total Contract Award Amount"). If the total % claimed is less than item "Contract DBE Goal," an adequately documented Good Faith Effort (GFE) is required (see Exhibit 15-H DBE Information - Good Faith Efforts of the LAPM).
- 15. Preparer's Signature** - The person completing the DBE commitment form on behalf of the consultant's firm must sign their name.
- 16. Date** - Enter the date the DBE commitment form is signed by the consultant's preparer.
- 17. Preparer's Name** - Enter the name of the person preparing and signing the consultant's DBE commitment form.
- 18. Phone** - Enter the area code and phone number of the person signing the consultant's DBE commitment form.
- 19. Preparer's Title** - Enter the position/title of the person signing the consultant's DBE commitment form.

LOCAL AGENCY SECTION

- 20. Local Agency Contract Number** - Enter the Local Agency contract number or identifier.
- 21. Federal-Aid Project Number** - Enter the Federal-Aid Project Number.
- 22. Contract Execution Date** - Enter the date the contract was executed.
- 23. Local Agency Representative's Signature** - The person completing this section of the form for the Local Agency must sign their name to certify that the information in this and the Consultant Section of this form is complete and accurate.
- 24. Date** - Enter the date the DBE commitment form is signed by the Local Agency Representative.
- 25. Local Agency Representative's Name** - Enter the name of the Local Agency Representative certifying the consultant's DBE commitment form.
- 26. Phone** - Enter the area code and phone number of the person signing the consultant's DBE commitment form.
- 27. Local Agency Representative Title** - Enter the position/title of the Local Agency Representative certifying the consultant's DBE commitment form.

EXHIBIT 17-F FINAL REPORT-UTILIZATION OF DISADVANTAGED BUSINESS ENTERPRISES (DBE) AND FIRST-TIER SUBCONTRACTORS

Page 116

[illegible]

List all first-tier subcontractors/subconsultants and DBEs regardless of tier whether or not the firms were originally listed for goal credit. If actual DBE utilization (or item of work) was different than that approved at the time of award, provide comments on an additional page. List actual amount paid to each entity. If no subcontractors/subconsultants were used on the contract, indicate on the form:

I CERTIFY THAT THE ABOVE INFORMATION IS COMPLETE AND CORRECT

I CERTIFY THAT THE ABOVE INFORMATION IS COMPLETE AND CORRECT			
17. Contractor/Consultant Representative's Signature	18. Contractor/Consultant Representative's Name	19. Phone	20. Date
I CERTIFY THAT THE CONTRACTING RECORDS AND ON-SITE PERFORMANCE OF THE DBE(S) HAS BEEN MONITORED			
21. Local Agency Representative's Signature	22. Local Agency Representative's Name	23. Phone	24. Date

DISTRIBUTION: Original – Local Agency, Copy – Caltrans District Local Assistance Engineer. Include with Final Report of Expenditures

ADA NOTICE: For individuals with sensory disabilities, this document is available in alternate formats. For information, call (916) 445-1233, Local Assistance Procedures Manual TTY 711, or write to Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

INSTRUCTIONS – FINAL REPORT-UTILIZATION OF DISADVANTAGED BUSINESS ENTERPRISES (DBE) AND FIRST-TIER SUBCONTRACTORS

- 1. Local Agency Contract Number** - Enter the Local Agency contract number or identifier.
- 2. Federal-Aid Project Number** - Enter the Federal-Aid Project Number.
- 3. Local Agency** - Enter the name of the local or regional agency that is funding the contract.
- 4. Contract Completion Date** - Enter the date the contract was completed.
- 5. Contractor/Consultant** - Enter the contractor/consultant's firm name.
- 6. Business Address** - Enter the contractor/consultant's business address.
- 7. Final Contract Amount** - Enter the total final amount for the contract.
- 8. Contract Item Number** - Enter contract item for work, services, or materials supplied provided. Not applicable for consultant contracts.
- 9. Description of Work, Services, or Materials Supplied** - Enter description of work, services, or materials provided. Indicate all work to be performed by DBEs including work performed by the prime contractor/consultant's own forces, if the prime is a DBE. If 100% of the item is not to be performed or furnished by the DBE, describe the exact portion to be performed or furnished by the DBE. See LAPM Chapter 9 to determine how to count the participation of DBE firms.
- 10. Company Name and Business Address** - Enter the name, address, and phone number of all subcontracted contractors/consultants. Also, enter the prime contractor/consultant's name and phone number, if the prime is a DBE.
- 11. DBE Certification Number** - Enter the DBE's Certification Identification Number. Leave blank if subcontractor is not a DBE.
- 12. Contract Payments** - Enter the subcontracted dollar amount of the work performed or service provided. Include the prime contractor/consultant if the prime is a DBE. The Non-DBE column is used to enter the dollar value of work performed by firms that are not certified DBE or for work after a DBE becomes decertified.
- 13. Date Work Completed** - Enter the date the subcontractor/subconsultant's item work was completed.
- 14. Date of Final Payment** - Enter the date when the prime contractor/consultant made the final payment to the subcontractor/subconsultant for the portion of work listed as being completed.
- 15. Original DBE Commitment Amount** - Enter the "Total Claimed DBE Participation Dollars" from Exhibits 15-G or 10-O2 for the contract.
- 16. Total** - Enter the sum of the "Contract Payments" Non-DBE and DBE columns.
- 17. Contractor/Consultant Representative's Signature** - The person completing the form on behalf of the contractor/consultant's firm must sign their name.
- 18. Contractor/Consultant Representative's Name** - Enter the name of the person preparing and signing the form.
- 19. Phone** - Enter the area code and telephone number of the person signing the form.
- 20. Date** - Enter the date the form is signed by the contractor's preparer.
- 21. Local Agency Representative's Signature** - A Local Agency Representative must sign their name to certify that the contracting records and on-site performance of the DBE(s) has been monitored.
- 22. Local Agency Representative's Name** - Enter the name of the Local Agency Representative signing the form.
- 23. Phone** - Enter the area code and telephone number of the person signing the form.
- 24. Date** - Enter the date the form is signed by the Local Agency Representative.



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 10/1/2019

ITEM NO: 6

DATE: October 1, 2019
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Authorize the Town Manager to Purchase Two Vehicles from Downtown Ford Sales in an Amount Not to Exceed \$126,376

RECOMMENDATION:

Authorize the Town Manager to purchase two vehicles from Downtown Ford Sales in an amount not to exceed \$126,376.

BACKGROUND:

As part of the Fiscal Year 2019/20 Operating Budget, the Equipment Replacement Fund was approved, providing funds for replacement of high mileage or older vehicles that have reached their replacement criteria or do not meet federal regulations for emissions. The Town amortizes a vehicle's replacement over its forecasted life and sets funds aside on an annual basis to ensure the Equipment Replacement Fund has sufficient resources for the timely replacement of vehicles. In addition, this funding structure allows for a smoothing of operating expenditures and a more accurate reflection of the actual cost of operations.

The Town Vehicle and Equipment Acquisition and Replacement Policy (Attachment 1) determines which assets should be replaced by evaluating predetermined age and/or mileage criteria.

Fleet vehicle replacement purchases are reviewed annually through the Operating Budget and approved as part of the budget process.

PREPARED BY: Steve Regan
Superintendent

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

SUBJECT: Authorize the Town Manager to Purchase Two Vehicles from Downtown Ford Sales in an Amount Not to Exceed \$126,376

DATE: October 1, 2019

BACKGROUND (continued):

The recommended action addresses two assets approved to be replaced in the Parks and Public Works Department. One vehicle is assigned to Park Services, a 2007 Ford F250 pickup with 76,234 miles, and the second vehicle assigned to the Street Division a, 2008 Ford F250 pickup with 82,757 miles. The vehicles currently meet the replacement criteria based on miles and years of service and the identifying criteria for replacement, which is eleven years and/or 72,000 miles.

DISCUSSION:

Staff reviewed multiple vehicle models to determine the best options for replacement taking into consideration several factors, including staff's need and use for the vehicle, the vehicle's fuel consumption, and the overall cost.

For the Parks Maintenance vehicle, the primary use entails daily service to parks where staff requires access to a variety of tools, irrigation supplies, and playground parts, as well as vehicle capacity in the truck bed for hauling waste and small motorized equipment for maintenance operations.

The Streets Maintenance Program is responsible for maintaining roads, trails and the Heinz Open Space. The replacement vehicle includes a four-wheel drive system to allow staff the ability to access the hillside area year around. Currently, the Department is unable to tow any equipment up the steep gravel roads to respond to downed trees and mud slides, providing challenges for service response and mitigation of fire hazards. Additionally, the new vehicles incorporate a mechanical liftgate which allows for one person to load heavy or cumbersome objects into the bed of the vehicle to increase efficiency and to reduce possible injuries to staff.

In accordance with the Town's Purchasing Policy, Section 7c (Cooperative Purchasing), the purchase of these vehicles is based on a formal bid process completed by the State of California Department of General Services, which allows for other municipalities to purchase vehicles using their formal bid proposal documents (Attachment 2).

CONCLUSION:

Staff recommends that the Town Council authorize the Town Manager to purchase two vehicles from Downtown Ford Sales in an amount not to exceed \$126,376.

FISCAL IMPACT:

There are sufficient funds available in the Equipment Replacement Fund to purchase these vehicles.

PAGE 3 OF 3

SUBJECT: Authorize the Town Manager to Purchase Two Vehicles from Downtown Ford
Sales in an Amount Not to Exceed \$126,376

DATE: October 1, 2019

ALTERNATIVE:

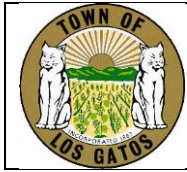
Alternatively, the Town Council could direct staff to delay replacement of the vehicles. Staff does not recommend this alternative as the vehicles have reached the end of their useful life and the lack of the four-wheel drive vehicle impacts daily productivity specific to responding to incidents within the open space and trails.

ENVIRONMENTAL ASSESSMENT:

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

Attachments:

1. Town Vehicle and Equipment Acquisition and Replacement Policy
2. Bid Proposal Documents



TOWN OF
LOS GATOS
CALIFORNIA

COUNCIL POLICY MANUAL

Small Town Service

Community Stewardship

Future Focus

TITLE: Town Vehicle and Equipment Acquisition and Replacement Policy

POLICY NUMBER: 4-05

EFFECTIVE DATE: 4/6/1994

PAGES: 3

ENABLING ACTIONS:

REVISED DATES: 5/26/1998

APPROVED: Mayor Linda Lubeck

PURPOSE

To set forth specific procedures for the acquisition and disposal of vehicle and motorized equipment used by the Town of Los Gatos.

SCOPE

This policy will apply to the acquisition and disposal of vehicles and equipment used by all Town Departments.

POLICY

When purchasing vehicles or motorized equipment or disposing of surplus vehicles and equipment, the following will apply:

- A. Replacement of vehicles and motorized equipment is based on an equipment replacement schedule that allows for replacement on a programmed cycle. The recommended basis is as follows:

Vehicle/Equipment Type

Replacement Cycle

Police Patrol

3 years and/or 85,000 miles

Police Undercover (used, 1 to 2 years old)

4 years and/or 75,000 miles

Police Sedans (used, 1 to 2 years old)

4 years and/or 75,000 miles

Motor Cycles

4 years and/or 42,000 miles

Parking Vehicles

6 years and/or 75,000 miles

All-Terrain Vehicle

8 years and/or 50,000 miles

Police Vans

6 years and/or 85,000 miles

Sedans (new)

8 years and/or 85,000 miles

TITLE: Town Vehicle and Equipment Acquisition and Replacement Policy	PAGE: 2 of 3	POLICY NUMBER: 4-05
-----------------------------------------------------------------------------	------------------------	-------------------------------

<u>Vehicle/Equipment Type</u>	<u>Replacement Cycle</u>
Sedans (used 1 to 2 years old)	6 years and/or 85,000 miles
Pickups (gas)	8 years and/or 72,000 miles
Pickups (diesel)	12 years and/or 100,000 miles
Medium Trucks (gas)	8 years and/or 80,000 miles
Medium Trucks (diesel)	12 years and/or 100,000 miles
Heavy Trucks (gas)	8 years and/or 80,000 miles
Heavy Trucks (diesel)	15 years and/or 100,000 miles
Lawn Mowers	6 years
Roadable Mowers	8 years
Vans	8 years and/or 100,000 miles
Sweepers	6 years and/or 65,000 miles
Backhoes	10 years and/or 7,000 hours
Loaders	12 years and/or 7,200 hours
Graders	20 years and/or 9,000 hours
Aerial Units	12 years and/or 80,000 miles
Chippers	10 years and/or 5,000 hours
Compressors	12 years and/or 5,000 hours
Forklifts	17 years and/or 9,000 hours
Rollers	15 years
Trailers	10 years
Sprayers	8 years
Sewer Cleaners	6 years
Rodders	10 years

The equipment/replacement list will be used as a guideline in the replacement of vehicles and equipment. Other factors that will be used in the evaluation process include:

1. Overall conditions of vehicles and equipment
2. Repair records.
3. Vehicle efficiency and safety.
4. Service life related to extended use in other departments.

B. COOPERATIVE PURCHASING PROGRAM:

When purchasing vehicles and equipment, the town of Los Gatos will invite vendors (local and non-local) to submit bids. Where applicable, the Town will use the State of California Cooperative Purchasing Program.

TITLE: Town Vehicle and Equipment Acquisition and Replacement Policy	PAGE: 3 of 3	POLICY NUMBER: 4-05
-----------------------------------------------------------------------------	------------------------	-------------------------------

C. SPECIFICATIONS:

The Department of Parks and Public Works will review all specifications for vehicles and motorized equipment to be purchased by the Town of Los Gatos. Specifications will be prepared based on user needs, operating costs, safety factors, life expectancy, new technology, availability, and cost. When applicable, performance standards will be included in the specification writing process.

D. VEHICLE AND EQUIPMENT DISPOSAL:

Disposal may take place via trade-in when vehicles or equipment are purchased. If the trade-in offer is deemed insufficient, the Town will advertise and surplus items at a minimum pre-determined price. When possible, staff will try to offer specialized vehicles, such as Police patrol cars, to agencies that need such equipment but may not be able to purchase new equipment. Prior to the disposal of vehicle or equipment, the Parks and Public Works Department will determine if reassignment to another department is warranted.

E. RESPONSIBILITY:

All applicable departments within the Town of Los Gatos who are assigned vehicles or motorized equipment may be involved in the procurement/disposal process.

1. Finance personnel and the Town Manager shall review the equipment replacement list annually to ensure that replacement costs for vehicles and equipment are current and in-line with long-term replacement needs.
2. Each Department is responsible for requesting vehicle or equipment replacement during the annual budget process.
3. The Parks and Public Works Department will prepare vehicle specifications for all Town Departments except the Police Department.
4. The Parks and Public Works Department will review all Town specifications for vehicles and motorized equipment.
5. Disposal or reassignment of surplus vehicles and equipment will be coordinated by the Parks and Public Works Department.

APPROVED AS TO FORM:

/s/ Orry Korb, Town Attorney

THIS IS YOUR QUOTE

DOWNTOWN FORD SALES
525 N16th Street, Sacramento, CA. 95811
916-442-6931 fax 916-491-3138

RJM091320191235

QUOTATION

Customer

Name CITY OF LOS GATOS
Address F350 SRW REGULAR CAB PICKUP
City 4X2 WITH **DIAMOND BODY**
Phone ATTN: STEVE REGAN

Date 9/13/2019
REP MILLOY
Phone 916 230 2569
FOB SACRAMENTO

Qty	Description	Unit Price	TOTAL
	STATE OF CALIFORNIA CONTRACT #1-18-23-20A CLIN 28		
1	NEW FORD F350, 4x2 Regular Cab Pickup SRW, 6.2L V8 FFV Gas Engine, 6 Speed Auto Trans, 142" WB 56" CA, 10,400# GVWR, Black Front Bumper, 17" Painted Steel Whls, Rubber Flooring, Manual Windows/Locks A/C, AM/FM, Tilt Wheel, XL Trim, 40/20/40 Vinyl Seating	\$24,696.00	\$24,696.00
1	Change to 40/Mini Console/40 Vinyl Seating	\$360.00	\$360.00
1	Limited Slip Rear Axle	\$389.00	\$389.00
1	Back Up Alarm	\$125.00	\$125.00
1	Heavy Duty Service Suspension for Pickup Bed Delete	\$127.00	\$127.00
1	Bluetooth (Factory SYNC) STANDARD IN 2020	\$0.00	\$0.00
1	Running Boards	\$375.00	\$375.00
1	Power Group	\$926.00	\$926.00
1	Rear View Camera	\$535.00	\$535.00
1	Trailer Brake Controller	\$273.00	\$273.00
1	DIAMOND Service Body, Model #16-42-98-OT-B49 and install of Light Package through Lehr and handled by Diamond Truck Body per Quote # 18653	\$26,969.00	\$26,969.00
1	Document Fee	\$80.00	\$80.00
Subtotal			\$54,855.00
DELIVERY			\$200.00
Sales Tax			\$5,005.52
CA Tire Tax			\$8.75
TOTAL DUE			\$60,069.27

\$500 DISCOUNT FOR PROMPT
PAYMENT IN 20 DAYS



Diamond Truck Body Mfg. Co. Inc.,

1908 E. Fremont St.

Stockton, CA 95205

QUOTATION

Phone: (209) 943-1655 Fax: (209) 943-0805

DATE	QUOTATION #
9/13/2019	18653

NAME / ADDRESS	Ship To		
DOWNTOWN FORD 525 N 16TH ST. SACRAMENTO, CA 95814	DOWNTOWN FORD 525 N 16TH ST. SACRAMENTO, CA 95814		
Customer Contact	SANDRA / BOB	Customer Phone	916-442-6931 EX-413

P.O. NO.	TERMS	DUE DATE	REP	FOB	PROJECT	TRK COLOR
	NET 10	9/23/2019	JC			WHITE

ITEM	DESCRIPTION	QTY	PRICE	TOTAL
502	TOWN OF LOS GATOS ATT: STEVE 2020 FORD F-350 57" CA. SRW. REG. CAB FACTORY ORDER # VIN# 8' FOOT DIAMOND SERVICE BODY. MODEL # 16-42-98-OT-B49. PAINTED WHITE AND INSTALLED TO MOUNT ON FORD SUPER DUTY 57" CA F-350. 2X4 [GAS] --42" TALL CABINETS / 16" DEEP COMPARTMENTS --49" WIDE BED AREA. 12GA. DIA. PLATE FLOOR --STAINLESS STEEL T-HANDLE LOCK POCKETS --PUSH BUTTON CYLINDER LOCKS --STAINLESS STEEL FUEL FILLER SPOUT --STAINLESS STEEL WHEEL WELL TRIM --STANDARD SHELF PACKAGE. --UNDER COATED. --INSTALL FORD FACTORY BACK UP CAMERA --SPRAY ON BED LINER. [DIAMOND POLYUREA] --MASTER LOCKING SYSTEM. LOCK BAR™ --TOMMY GATE. G254-1342-TP38 1300# CAPACITY --1800W. TRIP LITE POWER INVERTER. --GR27 DEEP CYCLE BATTERY W/ POLY BOX --12V. BATTERY ISOLATOR W/ IN LINE FUSES. --120V. WEATHERPROOF OUTLET. C.S.R. PANEL --ALL LIGHTS TO BE L.E.D.	1		

Quoted by John Cooper This bid is valid for 30 days. thank you for the opportunity to bid your order.

SUBTOTAL

SALES TAX (0.0%)

TOTAL



Diamond Truck Body Mfg. Co. Inc.,

1908 E. Fremont St.
Stockton, CA 95205

QUOTATION

Phone: (209) 943-1655 Fax: (209) 943-0805

DATE	QUOTATION #
9/13/2019	18653

NAME / ADDRESS		Ship To	
DOWNTOWN FORD 525 N 16TH ST. SACRAMENTO, CA 95814		DOWNTOWN FORD 525 N 16TH ST. SACRAMENTO, CA 95814	
Customer Contact	SANDRA / BOB	Customer Phone	916-442-6931 EX-413

P.O. NO.	TERMS	DUE DATE	REP	FOB	PROJECT	TRK COLOR
	NET 10	9/23/2019	JC			WHITE

ITEM	DESCRIPTION	QTY	PRICE	TOTAL
504	INSTALL POWER INVERTER AND BATTERY IN CURB SIDE REAR COMPARTMENT. INSTALL 120V. POWER PLUG AT CURB SIDE REAR END PANEL.	1		
504	WEIGHT CERTIFICATE.	1		
504	ALUMINUM OVERLAY PACKAGE. POLISHED ALUMINUM DIAMOND PLATE ON OPEN TOP LIDS, AND FRONT ROCK / GRAVEL GUARDS.	1		
504	LOS GATOS AMBER LIGHT PACKAGE. [AS PER EVS PARTS LIST PROVIDED BY STEVE R.] INSTALLATION COMPLETED BY LEHR AUTO ELECTRIC.	1		
504	[6] RECESSED TIE DOWNS IN BED AREA WALLS. LOW REAR, CENTER, AND BEHIND TANK.	6		
504	ADD ONE LEAF SPRING TO REAR SUSPENSION, EACH SIDE.	1		
	QUOTED BY JOHN COOPER.			

Quoted by John Cooper This bid is valid for 30 days. thank you for the opportunity to bid your order.

AUTHORIZATION _____

SIGNATURE _____

SUBTOTAL

SALES TAX (0.0%)

TOTAL

THIS IS YOUR QUOTE

DOWNTOWN FORD SALES
525 N16th Street, Sacramento, CA. 95811
916-442-6931 fax 916-491-3138

RJM091320191256

QUOTATION

Customer

Name CITY OF LOS GATOS
Address F350 SRW REGULAR CAB PICKUP
City 4X4 WITH DIAMOND BODY
Phone ATTN: STEVE REGAN

Date 9/13/2019
REP MILLOY
Phone 916 230 2569
FOB SACRAMENTO

Qty	Description	Unit Price	TOTAL
	STATE OF CALIFORNIA CONTRACT #1-18-23-20A CLIN 28		
1	NEW FORD F350, 4x2 Regular Cab Pickup SRW, 6.2L V8 FFV Gas Engine, 6 Speed Auto Trans, 142" WB 56" CA, 10,400# GVWR, Black Front Bumper, 17" Painted Steel Whls, Rubber Flooring, Manual Windows/Locks A/C, AM/FM, Tilt Wheel, XL Trim, 40/20/40 Vinyl Seating	\$24,696.00	\$24,696.00
1	Change to 4x4	\$2,910.00	\$2,910.00
1	Change to 40/Mini Console/40 Vinyl Seating	\$360.00	\$360.00
1	Limited Slip Rear Axle	\$389.00	\$389.00
1	Back Up Alarm	\$125.00	\$125.00
1	Heavy Duty Service Suspension for Pickup Bed Delete	\$127.00	\$127.00
1	Bluetooth (Factory SYNC) STANDARD IN 2020	\$0.00	\$0.00
1	Running Boards	\$375.00	\$375.00
1	Power Group	\$926.00	\$926.00
1	Rear View Camera	\$535.00	\$535.00
1	Trailer Brake Controller	\$273.00	\$273.00
1	DIAMOND Service Body, Model #16-42-98-OT-B49 and install of Light Package through Lehr and handled by Diamond Truck Body per Quote #18655	\$29,774.00	\$29,774.00
1	Document Fee	\$80.00	\$80.00
Subtotal			\$60,570.00
DELIVERY			\$200.00
Sales Tax			\$5,527.02
CA Tire Tax			\$8.75
TOTAL DUE			\$66,305.77

\$500 DISCOUNT FOR PROMPT
PAYMENT IN 20 DAYS



Diamond Truck Body Mfg. Co. Inc.,

1908 E. Fremont St.
Stockton, CA 95205

Phone: (209) 943-1655 Fax: (209) 943-0805

QUOTATION

DATE	QUOTATION #
9/13/2019	18655

NAME / ADDRESS		Ship To	
DOWNTOWN FORD 525 N 16TH ST. SACRAMENTO, CA 95814		DOWNTOWN FORD 525 N 16TH ST. SACRAMENTO, CA 95814	
Customer Contact	SANDRA / BOB	Customer Phone	916-442-6931 EX-413

P.O. NO.	TERMS	DUE DATE	REP	FOB	PROJECT	TRK COLOR
	NET 10	9/23/2019	JC			WHITE

ITEM	DESCRIPTION	QTY	PRICE	TOTAL
502	TOWN OF LOS GATOS ATT: STEVE 2020 FORD F-350 57" CA. SRW. REG. CAB FACTORY ORDER # VIN# 8' FOOT DIAMOND SERVICE BODY. MODEL # 16-42-98-OT-B49 PAINTED WHITE AND INSTALLED TO MOUNT ON FORD SUPER DUTY 57" CA F-350. 4X4 [GAS] --42" TALL CABINETS / 16" DEEP COMPARTMENTS --49" WIDE BED AREA. 12GA. DIA. PLATE FLOOR --STAINLESS STEEL T-HANDLE LOCK POCKETS --PUSH BUTTON CYLINDER LOCKS --STAINLESS STEEL FUEL FILLER SPOUT --STAINLESS STEEL WHEEL WELL TRIM --STANDARD SHELF PACKAGE. --UNDER COATED. --FORK LOAD OVER CAB RACK. REAR SWING BAR. --BUILD RACK 4" TALLER THAN STOCK FOR LIGHT BAR. --[4] RATCHET TIE DOWNS ON RACK [2] EA. SIDE. --INSTALL FORD FACTORY BACK UP CAMERA --SPRAY ON BED LINER. [DIAMOND-POLYUREA] --MASTER LOCKING SYSTEM. LOCK BAR --TOMMY GATE. G254-1342-TP38 1300# CAPACITY --1800W. TRIP LITE POWER INVERTER. --GR27 DEEP CYCLE BATTERY W/ POLY BOX --12V. BATTERY ISOLATOR W/ IN LINE FUSES. --120V. WEATHERPROOF OUTLET. C.S.R. PANEL	1		

Quoted by John Cooper This bid is valid for 30 days. thank you for the opportunity to bid your order.

SUBTOTAL

SALES TAX (0.0%)

TOTAL



Diamond Truck Body Mfg. Co., Inc.,

1908 E. Fremont St.
Stockton, CA 95205

QUOTATION

Phone: (209) 943-1655 Fax: (209) 943-0805

DATE	QUOTATION #
9/13/2019	18655

NAME / ADDRESS		Ship To	
DOWNTOWN FORD 525 N 16TH ST. SACRAMENTO, CA 95814		DOWNTOWN FORD 525 N 16TH ST. SACRAMENTO, CA 95814	
Customer Contact	SANDRA / BOB	Customer Phone	916-442-6931 EX-413

P.O. NO.	TERMS	DUE DATE	REP	FOB	PROJECT	TRK COLOR
	NET 10	9/23/2019	JC			WHITE

ITEM	DESCRIPTION	QTY	PRICE	TOTAL
	--ALL LIGHTS TO BE L.E.D.			
	INSTALL POWER INVERTER AND BATTERY IN CURB SIDE REAR COMPARTMENT. INSTALL 120V. POWER PLUG AT CURB SIDE REAR END PANEL.			
504	WEIGHT CERTIFICATE.	1		
504	ALUMINUM OVERLAY PACKAGE. POLISHED ALUMINUM DIAMOND PLATE ON OPEN TOP LIDS, AND FRONT ROCK / GRAVEL GUARDS.	1		
508	INSTALL CITY SUPPLIED FUEL TANK AND TRANSFER PUMP. ALL WIRING, AND CIRCUIT BRAKERS AND MISC HARDWARE SUPPLIED BY CITY OF LOS GATOS.	4		
504	LOS GATOS AMBER LIGHT PACKAGE. [AS PER EVS PARTS LIST PROVIDED BY STEVE R.] INSTALLATION COMPLETED BY LEHR AUTO ELECTRIC.	1		
504	[6] RECESSED TIE DOWNS IN BED AREA WALLS. LOW REAR, CENTER, AND BEHIND TANK.	6		
504	ADD ONE LEAF SPRING TO REAR SUSPENSION, EACH SIDE.	1		
504	CARR SPRING LOADED 24" WIDE GRIP STRUT STEP. #501020. ONE STEP MOUNTED UNDER EA. FRONT COMPARTMENT.	2		
	QUOTED BY JOHN COOPER.			

Quoted by John Cooper This bid is valid for 30 days. thank you for the opportunity to bid your order.

AUTHORIZATION _____

SUBTOTAL

SALES TAX (0.0%)

TOTAL



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 10/01/2019

ITEM NO: 7

DATE: September 23, 2019
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Town Code Amendment Application A-19-006. Project Location: **Town Wide**.
Applicant: Town of Los Gatos.
Adopt amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding Parking Assessment District regulations.

RECOMMENDATION:

Adopt amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding Parking Assessment District regulations (Attachment 1).

DISCUSSION:

On September 17, 2019, the Council considered and voted to introduce an Ordinance amending Chapter 29 of the Town Code regarding Parking Assessment District regulations. Adoption of the attached Ordinance (Attachment 1) would finalize that decision.

Attachment:

1. Draft Ordinance

PREPARED BY: Jocelyn Shoopman
Associate Planner

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

DRAFT ORDINANCE

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
AMENDING CHAPTER 29 (ZONING REGULATIONS) OF THE TOWN CODE
REGARDING PARKING ASSESSMENT DISTRICT REGULATIONS**

WHEREAS, the Town Council would like to streamline the land use process to reduce the time and cost impacts for businesses and residences;

WHEREAS, Section 29.10.150 of the Town Code states that parking spaces that are credited in the Parking Assessment District calculation may not be eliminated;

WHEREAS, removal of on-site parking spaces in the Parking Assessment District requires a Variance application when commercial uses are converted to a residential use;

WHEREAS, the proposed amendments will reduce cost and processing time for conversion of a commercial use to a residential use with less intensive parking requirements;

WHEREAS, this matter was regularly noticed in conformance with State and Town law and came before the Planning Commission for public hearing on August 14, 2019;

WHEREAS, on August 14, 2019, the Planning Commission reviewed the proposed amendment regarding Parking Assessment District regulations and forwarded a recommendation to the Town Council for approval of the proposed amendments;

WHEREAS, this matter was regularly noticed in conformance with State and Town law and came before the Town Council for public hearing on September 17, 2019; and

WHEREAS, on September 17, 2019, the Town Council reviewed and commented on the proposed amendments regarding Parking Assessment District regulations and the Town Council voted to introduce an Ordinance.

ATTACHMENT 1

NOW, THEREFORE, THE PEOPLE OF THE TOWN OF LOS GATOS AND THE TOWN COUNCIL DO HEREBY ORDAIN AS FOLLOWS:

SECTION I

Section 29.10.150 of Town Code Chapter 29 are hereby amended to read as follows:

Sec. 29.10.150. – Number of off-street spaces required.

...

(f) *Properties in parking districts.* Required spaces in parking districts shall be as follows:

(1) For any building or open-air use in a public parking district, the number of required off-street parking spaces is:

- a. None, when the gross floor area of the building and open area occupied by a use, combined, do not exceed the area of the building and open area occupied when the district is formed; or
- b. When the area limitation in subsection (f)(1)a. is exceeded or the use is intensified, the required number is derived only on the basis of the excess area.

(2) The creation of a parking assessment district relieves those properties located within the district which were nonconforming as to parking from having to supply on-site parking spaces in accordance with subsection (b).

(3) The assessment formula was based on a number of factors that included existing floor area, existing use, in some cases potential floor area and included credits for existing on-site parking spaces and for participation in past assessment districts.

(4) The Planning Director shall develop a table using the floor area, parking and previous assessment district information used to calculate the parking assessment and translating that information into a parking credit based on the parking requirements set forth in subsection (b).

When an application is filed to intensify the use within an existing building or to expand an existing building, this information will be used to calculate the amount of on-site parking, if any, that will be necessary to comply with the parking requirements set forth in subsection (b).

(5) Any on-site parking spaces that are credited in the parking assessment district calculation

may not be eliminated, unless the use is changed to a residential use that does not require the existing on-site parking spaces.

...

SECTION II

With respect to compliance with the California Environmental Quality Act (CEQA), the Town Council finds as follows:

A. These Town Code amendments are not subject to review under CEQA pursuant to sections and 15061(b)(3), in that it can be seen with certainty that there is no possibility that the proposed amendment to the Town Code would have significant impact on the environment; and

B. The proposed Town Code amendment is consistent with the General Plan and its Elements.

SECTION III

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This Town Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

SECTION IV

Except as expressly modified in this Ordinance, all other sections set forth in the Los Gatos Town Code shall remain unchanged and shall be in full force and effect.

SECTION V

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on September 17, 2019, and adopted by the following vote as an ordinance of the Town of Los Gatos at a meeting of the Town Council of the Town of Los Gatos on October 1, 2019 and becomes effective 30 days after it is adopted.

In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the Town Council and a certified copy shall be posted in the office of the Town Clerk, pursuant to GC 36933(c)(1).

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

ATTEST:

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

DATE: _____



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 10/01/2019

ITEM NO: 8

DATE: September 23, 2019
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Town Code Amendment Application A-19-004. Project Location: **Town Wide**.
Applicant: Town of Los Gatos.
Adopt amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding parking lot improvement regulations .

RECOMMENDATION:

Adopt amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding parking lot improvement regulations (Attachment 1).

DISCUSSION:

On September 17, 2019, the Council considered and voted to introduce an Ordinance amending Chapter 29 of the Town Code regarding parking lot improvement regulations. Adoption of the attached Ordinance (Attachment 1) would finalize that decision.

Attachment:

1. Draft Ordinance

PREPARED BY: Jocelyn Shoopman
Associate Planner

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

DRAFT ORDINANCE

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
AMENDING CHAPTER 29 (ZONING REGULATIONS) OF THE TOWN CODE
REGARDING PARKING LOT IMPROVEMENT REGULATIONS**

WHEREAS, the Town Council would like to streamline the land use process to reduce the time and cost impacts for businesses and residences;

WHEREAS, Section 29.10.145 of the Town Code contains regulations regarding Building Permits for parking lot improvements;

WHEREAS, Section 29.20.745 of the Town Code designates the Development Review Committee (DRC) as the deciding body for these Building permits;

WHEREAS, the proposed amendments will modify the deciding body for these Building Permits from the DRC to the Community Development Director given the same departments that are represented on the DRC already review the Building Permits;

WHEREAS, this matter was regularly noticed in conformance with State and Town law and came before the Planning Commission for public hearing on August 14, 2019;

WHEREAS, on August 14, 2019, the Planning Commission reviewed the proposed amendments regarding parking lot improvement regulations and forwarded a recommendation to the Town Council for approval of the proposed amendments;

WHEREAS, this matter was regularly noticed in conformance with State and Town law and came before the Town Council for public hearing on September 17, 2019; and

WHEREAS, on September 17, 2019, the Town Council reviewed and commented on the proposed amendments regarding parking lot improvement regulations and the Town Council voted to introduce an Ordinance.

ATTACHMENT 1

NOW, THEREFORE, THE PEOPLE OF THE TOWN OF LOS GATOS AND THE TOWN COUNCIL DO HEREBY ORDAIN AS FOLLOWS:

SECTION I

Section 29.10.145 and Section 29.20.745 of Town Code Chapter 29 are hereby amended to read as follows:

Sec. 29.10.145. – Development standards.

...

(l) *Determination.* Applications for permits for parking lot improvements shall be determined by the ~~Planning~~ Community Development Director. When compliance with State disabled-accessibility statutes and regulations will result in a reduction in the number of spaces remaining in the parking lot below the number required by this chapter, the application shall be determined by the ~~Development Review Committee~~ Community Development Director through the building permit process.

(m) *Standards for disabled accessibility.* Parking lot improvements shall be rendered disabled-accessible. Each application for a permit for parking lot improvements shall be reviewed and determined in accordance with the requirements for disabled-accessibility as set forth in title 24 of the California Administrative Code. The ~~Development Review Committee~~ Community Development Director may approve a permit for parking lot improvements which reduces the number of parking spaces required pursuant to section 29.10.150. This approval must be based upon a finding that public necessity for disabled-accessible parking spaces outweighs the need for the number of parking spaces required by section 29.10.150.

(n) *Effect of ~~Development Review Committee~~ Community Development Director approval.* No penalties shall apply to and no assessments shall be based on an increased parking space deficiency or a created parking space deficiency pursuant to section 29.10.150 resulting from the ~~Development Review Committee~~ Community Development Director approval of a parking lot permit under subsection (l) of this section. This subsection (n) shall not apply to an increased parking space deficiency or a created parking space deficiency due to an addition to a building or a structure or to an intensification of use.

...

Sec. 29.20.745. – Development Review Committee.

The Development Review Committee shall:

...

~~(4) Review and make recommendations on parking lot permits under section 29.10.155(l) including reconfiguration or trade-off of zoning requirements under other sections of this chapter, and under section 29.10.145(g) on use of valet parking for parking lots within a town parking assessment district. The development review committee has the authority to make final determinations for approval and revocation of parking lot permits for valet parking.~~

...

SECTION II

With respect to compliance with the California Environmental Quality Act (CEQA), the Town Council finds as follows:

A. These Town Code amendments are not subject to review under CEQA pursuant to sections and 15061(b)(3), in that it can be seen with certainty that there is no possibility that the proposed amendments to the Town Code would have significant impact on the environment; and

B. The proposed Town Code amendments are consistent with the General Plan and its Elements.

SECTION III

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This Town Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

SECTION IV

Except as expressly modified in this Ordinance, all other sections set forth in the Los Gatos Town Code shall remain unchanged and shall be in full force and effect.

SECTION V

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on September 17, 2019, and adopted by the following vote as an ordinance of the Town of Los Gatos at a meeting of the Town Council of the Town of Los Gatos on October 1, 2019 and becomes effective 30 days after it is adopted.

In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the Town Council and a certified copy shall be posted in the office of the Town Clerk, pursuant to GC 36933(c)(1).

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

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

DATE: _____



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 10/01/2019

ITEM NO: 9

DATE: September 23, 2019
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Town Code Amendment Application A-19-005. Project Location: **Town Wide**.
Applicant: Town of Los Gatos.
Adopt amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding valet parking regulations

RECOMMENDATION:

Adopt amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding valet parking regulations (Attachment 1).

DISCUSSION:

On September 17, 2019, the Council considered and voted to introduce an Ordinance amending Chapter 29 of the Town Code regarding valet parking regulations. Adoption of the attached Ordinance (Attachment 1) would finalize that decision.

Attachment:

1. Draft Ordinance

PREPARED BY: Jocelyn Shoopman
Associate Planner

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

DRAFT ORDINANCE

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
AMENDING CHAPTER 29 (ZONING REGULATIONS) OF THE TOWN CODE
REGARDING PARKING LOT IMPROVEMENT REGULATIONS**

WHEREAS, the Town Council would like to streamline the land use process to reduce the time and cost impacts for businesses and residences;

WHEREAS, Section 29.10.145 of the Town Code contains regulations regarding Building Permits for parking lot improvements;

WHEREAS, Section 29.20.745 of the Town Code designates the Development Review Committee (DRC) as the deciding body for these Building permits;

WHEREAS, the proposed amendments will modify the deciding body for these Building Permits from the DRC to the Community Development Director given the same departments that are represented on the DRC already review the Building Permits;

WHEREAS, this matter was regularly noticed in conformance with State and Town law and came before the Planning Commission for public hearing on August 14, 2019;

WHEREAS, on August 14, 2019, the Planning Commission reviewed the proposed amendments regarding parking lot improvement regulations and forwarded a recommendation to the Town Council for approval of the proposed amendments;

WHEREAS, this matter was regularly noticed in conformance with State and Town law and came before the Town Council for public hearing on September 17, 2019; and

WHEREAS, on September 17, 2019, the Town Council reviewed and commented on the proposed amendments regarding parking lot improvement regulations and the Town Council voted to introduce an Ordinance.

ATTACHMENT 1

NOW, THEREFORE, THE PEOPLE OF THE TOWN OF LOS GATOS AND THE TOWN COUNCIL DO HEREBY ORDAIN AS FOLLOWS:

SECTION I

Section 29.10.145 and Section 29.20.745 of Town Code Chapter 29 are hereby amended to read as follows:

Sec. 29.10.145. – Development standards.

...

(l) *Determination.* Applications for permits for parking lot improvements shall be determined by the ~~Planning~~ Community Development Director. When compliance with State disabled-accessibility statutes and regulations will result in a reduction in the number of spaces remaining in the parking lot below the number required by this chapter, the application shall be determined by the ~~Development Review Committee~~ Community Development Director through the building permit process.

(m) *Standards for disabled accessibility.* Parking lot improvements shall be rendered disabled-accessible. Each application for a permit for parking lot improvements shall be reviewed and determined in accordance with the requirements for disabled-accessibility as set forth in title 24 of the California Administrative Code. The ~~Development Review Committee~~ Community Development Director may approve a permit for parking lot improvements which reduces the number of parking spaces required pursuant to section 29.10.150. This approval must be based upon a finding that public necessity for disabled-accessible parking spaces outweighs the need for the number of parking spaces required by section 29.10.150.

(n) *Effect of ~~Development Review Committee~~ Community Development Director approval.* No penalties shall apply to and no assessments shall be based on an increased parking space deficiency or a created parking space deficiency pursuant to section 29.10.150 resulting from the ~~Development Review Committee~~ Community Development Director approval of a parking lot permit under subsection (l) of this section. This subsection (n) shall not apply to an increased parking space deficiency or a created parking space deficiency due to an addition to a building or a structure or to an intensification of use.

...

Sec. 29.20.745. – Development Review Committee.

The Development Review Committee shall:

...

~~(4) Review and make recommendations on parking lot permits under section 29.10.155(l) including reconfiguration or trade-off of zoning requirements under other sections of this chapter, and under section 29.10.145(g) on use of valet parking for parking lots within a town parking assessment district. The development review committee has the authority to make final determinations for approval and revocation of parking lot permits for valet parking.~~

...

SECTION II

With respect to compliance with the California Environmental Quality Act (CEQA), the Town Council finds as follows:

A. These Town Code amendments are not subject to review under CEQA pursuant to sections and 15061(b)(3), in that it can be seen with certainty that there is no possibility that the proposed amendments to the Town Code would have significant impact on the environment; and

B. The proposed Town Code amendments are consistent with the General Plan and its Elements.

SECTION III

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This Town Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

SECTION IV

Except as expressly modified in this Ordinance, all other sections set forth in the Los Gatos Town Code shall remain unchanged and shall be in full force and effect.

SECTION V

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on September 17, 2019, and adopted by the following vote as an ordinance of the Town of Los Gatos at a meeting of the Town Council of the Town of Los Gatos on October 1, 2019 and becomes effective 30 days after it is adopted.

In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the Town Council and a certified copy shall be posted in the office of the Town Clerk, pursuant to GC 36933(c)(1).

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

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

DATE: _____



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 10/01/2019

ITEM NO: 10

DATE: September 25, 2019
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Provide Direction to Staff on the Next Steps for the Temporary Community Vitality and Land Use Streamlining Resolutions Due to Sunset in December 2019

RECOMMENDATION:

Provide direction to staff on the next steps for the temporary community vitality and land use streamlining resolutions due to sunset in December 2019.

BACKGROUND:

The Town Council has an adopted strategic priority that promotes community vitality and encourages land use streamlining efforts. Since the adoption of this priority, staff has been working with the Town Council and Council Policy Committee to identify and streamline many of the business-related processes to reduce the associated time and cost.

Attachment 1 provides a timeline and synopsis of the adopted streamlining efforts to date. Those highlighted in yellow are temporary resolutions adopted by the Council that are due to sunset in December of 2019.

DISCUSSION:

Since the adoption of the streamlined items outlined in Attachment 1, staff has done a large amount of outreach to interested stakeholders, including businesses, property owners, commercial brokers, and property managers. These connections have not only provided the opportunity to update the business community on the adopted resolutions, they have also afforded the opportunity to share the story of Los Gatos, the positive efforts of the Council, and

PREPARED BY: Monica Renn
Economic Vitality Manager

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

DISCUSSION (continued):

encourage business retention, expansion, and attraction. To date, staff has received positive feedback on the Council's support of businesses and the opportunities these regulatory changes provide. Due to the time and cost associated with obtaining a new or modifying an existing Conditional Use Permit (CUP), many businesses historically have not applied for the process and have appreciated the opportunity to do so under the streamlined process.

To provide context for the Council's discussion, below are high-level summaries of how the temporary streamlining efforts that have been adopted since June 5, 2018 have been utilized.

Formula Retail in Downtown (resolution adopted 6/5/18): The Town Council adopted a temporary resolution allowing up to five new formula retailers over an 18-month period in spaces downtown that do not have a current CUP in place for Formula Retail. To date, there have been three new formula retailers that have leased spaces downtown that were formerly occupied by a use other than a formula retailer. It is important to note that some formula retailers have left downtown whom had a valid CUP for formula retail, thus the replacement businesses do not count towards the five new formula uses.

Restaurant CUP modifications at the Development Review Committee (DRC) (adopted 6/19/18): The Town Council adopted a temporary 18-month resolution to allow current restaurants to modify their use permits at the DRC level. Nine restaurants have completed a modification, five are currently in the process, and another three are anticipated to apply before the end of the year. Many of these businesses chose to modify their use permit to allow them to participate in the pilot parklet program as the former language in their CUP prohibited outdoor dining in many cases.

New restaurant CUPs to be heard at the DRC and suspension of Ordinance 2021 (adopted 3/5/19): The Town Council adopted a temporary resolution valid through 12/31/19 allowing new restaurants, Town-wide, to be heard by the DRC. To make this possible, Ordinance 2021 was also suspended for the same period. Two restaurants have been approved at the DRC since its adoption.

Allow Minor Exterior Modifications to Commercial Buildings to be Processed as Building Permits (adopted 3/5/19): The Town Council adopted a temporary resolution valid through 12/31/19 allowing minor exterior modifications to commercial buildings to be processed as building permits, rather than having to go to the DRC. Since the adoption of the resolution, staff has processed seven applications for exterior modifications. The types of modifications include swapping doors for windows, windows for doors, parking lot reconfigurations, window awnings, pedestrian walkways, changes to exterior materials, and other similar items.

DISCUSSION (continued):

Group Classes to be heard by the DRC in the C-2 and permitted by-right outside of the C-2 zone (adopted 3/19/19): The Town Council adopted a temporary resolution valid through 12/31/19 allowing CUPs for group classes within the C-2 to be heard by the DRC, and those outside of the C-2 to be allowed with over the counter permits (Business license and Certificate of Use and Occupancy). One new CUP for group classes has been approved by the DRC. Following the DRC approval of the application, it was appealed by a community member to the Planning Commission whom ultimately upheld the DRC's approval and approved the group class use. Additionally, one new group class use outside the C-2 has been approved.

While the streamlined processes are helpful for businesses, there are still many other factors in play when it comes to retaining and attracting businesses. Staff has found that since the time and costs have been reduced, businesses are generally much more satisfied with the CUP process. For many though, this is just the first step in a lengthy road to opening their business. Building permits may not be applied for or issued until the CUP is obtained, and often outside agencies have requirements and processes of their own that take weeks to months to complete. Thus, reverting to the longer and more expensive process for CUPs could have a negative impact on the Town's business attraction and retention efforts.

CONCLUSION:

Staff has observed several successes with the temporary streamlining processes and recognize that memorializing the streamlining processes on a more permanent basis would likely continue to create opportunities to strengthen the businesses in Town. Each application is still fully reviewed and vetted with the streamlining, and staff recommends conditions of approval for the deciding body as in any discretionary CUP process. The reduction in time and costs is a product of the streamlining and allowing decisions to occur at a lower level while retaining all appeal rights.

Should the resolutions pertaining to CUPs sunset and the application process revert, the fees for a new CUP would be \$8,976.14 for Planning Commission applications and \$15,383.52 for Town Council applications. If minor exterior modifications to commercial buildings were required to once again be approved by DRC, the application fee would be \$5,743.02.

Time and cost are typically the two biggest concerns the staff hears from businesses and property owners. The streamlined processes provide a reduction in both while maintaining staff and discretionary oversight.

As the Council discusses the resolutions outlined in this report (Attachments 2 - 6), staff is recommending the Council provide direction on next steps for each of the temporary resolutions as follows:

CONCLUSION (continued):

- Recommend memorializing one or more of the streamlining efforts through Town Code amendments. Staff will draft language and present it to the Planning Commission for discussion and recommendations to the Town Council;
- Extend the sunset date of one or more of the temporary resolutions; or
- Allow the resolutions to sunset and the processes to revert to the current Code language.

COORDINATION:

This staff report was prepared in coordination with the Town Managers Office, Town Attorney's Office, and Community Development Department.

FISCAL IMPACT:

Fees paid for by applicants cover the cost of the applicant's process thus there is no fiscal impact.

ENVIRONMENTAL ASSESSMENT:

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15061(b)(3), in that it can be seen with certainty that there is no possibility that the proposed amendments to the Town Code will have a significant effect on the environment.

Attachments:

1. Economic Vitality and Land Use Streamlining Summary
2. Temporary resolution suspending the CUP requirement for formula retailers
3. Temporary Resolution allowing restaurants to modify their CUP at the DRC
4. Temporary Resolution suspending Ordinance 2021 and allowing new restaurants to obtain a CUP at the DRC
5. Temporary Resolution allowing for minor exterior modifications to commercial buildings to be made at building permit
6. Temporary Resolution allowing group classes without a CUP in commercial zones outside of downtown, and those within downtown to obtain a CUP at the DRC

ECONOMIC VITALITY & LAND USE STREAMLINING



The Town of Los Gatos is proud to be the home of a variety of premium shopping and dining experiences. Our downtown is one of the most charming and beautiful places around, while Los Gatos Boulevard and surrounding shopping centers provide neighborhood convenience and other fantastic shopping, dining, and service businesses against the back drop of the picturesque foothills. The Town Council is committed to creating opportunities for existing and new businesses to thrive throughout Los Gatos, and as a result have adopted a strategic priority to continue to support our business community through streamlining processes, policies, and ordinances.

The list below highlights much of the work that has been completed to date, and we will continue to make strides in creating an environment that allows our business community to continue to be the very best. Please click on any of the items below to learn more about what was adopted:

- Flexible [outdoor seating](#) regulations on public and private property (9/1/15, Town Council Meeting, Item 11)
- Allowance for paid private [Downtown valet parking](#) (11/3/15, Town Council Meeting, Item 13)
- Allowance for [entertainment](#) by right before 10 P.M. and late-night entertainment with a permit (6/21/16, Town Council Meeting, Item 19)
- Significantly reducing the Traffic Impact Fees that are applied to existing commercial space in Downtown and Shopping Centers ([11/17/16](#) and [2/16/17](#), Policy Committee Meetings)
- Providing flexible [seating calculations for restaurants](#) guided by Maximum Fire Occupancy (3/20/18, Town Council Meeting, Item 9)
- Rescission of the [Town's Alcohol Beverage Policy](#) acknowledging that ample vetting and oversight is provided through the State of California's Alcohol Beverage Control (4/3/18, Town Council Meeting, Item 8)
- Resolution for a limited time suspending the Conditional Use Permit requirement for [Formula Retailers in Downtown](#) (6/5/18, Town Council Meeting, Item 18)
- Resolution for a limited time allowing [restaurants to modify their Conditional Use Permits at the Development Review Committee](#) level significantly reducing the time and cost related to a CUP modification (6/19/18, Town Council Meeting, Item 19)
- Elimination of [parking time limits](#) in public parking lots Downtown on Saturdays (11/6/18, Town Council Meeting, Item 8)
- Approval for a [one-way street pilot on N. Santa Cruz Avenue](#) for the Summer and Fall of 2019, offering more on street parking and greater opportunities for parklets and bike and pedestrian traffic (1/15/19, Town Council Meeting, Item 5)
- Approval of a [pilot program to allow parklets](#), also known as sidewalk cafes, on Main Street and N. Santa Cruz Avenue (2/5/19, Town Council Meeting, Item 11)
- Resolution for a limited time [suspending Ordinance 2021, and allowing new restaurants to obtain a CUP at the DRC](#) level until, and a resolution [allowing for minor exterior modifications to commercial buildings to be processed at building permit](#) 12/31/19 (3/5/19, Town Council Meeting, Item 7)
- Resolution for a limited time [allowing group classes without a CUP in commercial zones outside of downtown, and those within downtown to obtain a CUP at the DRC](#) level. (3/19/19, Town Council Meeting, Item 11)

RESOLUTION 2018-032

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS SUSPENDING TOWN CODE SECTION 29.20.185 REGARDING THE REGULATIONS FOR FORMULA RETAIL BUSINESSES IN THE C-2 ZONE FOR A PERIOD NOT TO EXCEED 18 MONTHS.

WHEREAS, since the adoption of the formula retail regulations in 2002, the retail industry continues to evolve through online shopping and new shopping models creating a different environment for brick and mortar retail locations; and

WHEREAS, additional commercial spaces are being added to the inventory through new developments in Los Gatos creating more opportunity for retail locations; and

WHEREAS, piloting a change to the regulations in the C-2 zone to match those in other commercial zones creates a more level playing field during the pilot period; and

WHEREAS, a temporary suspension of the Town Code Section 29.20.185 may allow the opportunity for the Town Council to gauge potential changes to the retail mix in the C-2 zone with the ability to modify the resolution at any time before the 18-month period expires.

NOW, THEREFORE, BE IT RESOLVED: The Town Council of the Town of Los Gatos suspends the Town Code Section 29.20.185 regarding the regulations for formula retail businesses in the C-2 zone for a period not to exceed 18 months with the following provisions:

1. Existing Retail Locations
New formula retail businesses must occupy an existing commercial space that is less than 6,000 square feet in the C-2 zone, and may not combine spaces or add additional square footage; and
2. Certificate of Use and Occupancy and Business License
New formula retail businesses must follow the same requirements as an independent retail business by filing a Certificate of Use and Occupancy, and a Business License with the Town prior to operating; and
3. Maximum Threshold for Review
Should five new formula retail businesses open before the 18-month period expires, Town staff will provide the Town Council with an update and review of this resolution; and
4. Town Council Approval
This resolution does not apply to formula retail businesses that intend to sell products (such as alcohol) that require approval by the Town Council.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, on the 5th day of June, 2018 by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:



MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: 6/6/18

ATTEST:



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

DATE: 6/6/18

RESOLUTION 2018-039

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS REGARDING TOWN CODE SECTION 29.20.745 AND SUSPENDING A PORTION OF 29.20.755(2) REGARDING THE ASSIGNMENT OF DUTIES TO ALLOW THE DEVELOPMENT REVIEW COMMITTEE TO APPROVE CERTAIN MODIFICATIONS TO EXISTING CONDITIONAL USE PERMITS FOR RESTAURANTS FOR A PERIOD OF 18 MONTHS.

WHEREAS, many Conditional Use Permits for restaurants in the Town of Los Gatos have been in place for many years and contain language that is either contradictory to current Town Code and policies, or inconsistent with current business models; and

WHEREAS, additional commercial spaces are increasing the inventory through new developments in Los Gatos, creating more opportunity for commercial uses; and

WHEREAS, providing an 18-month time period in which businesses defined as a restaurant may apply for modifications to existing Conditional Use Permits to provide the ability to revise obsolete language, innovate their existing businesses, and/or make other adjustments within the existing business location and square footage; and

WHEREAS, the Town recently adopted a Town Code amendment to adjust seating and parking requirements for restaurants and revised policies allowing outdoor seating and entertainment for businesses, given policy parameters are met and proper Town permits obtained; and

WHEREAS, the Town recently rescinded the Alcohol Beverage Policy given that the State of California's Alcohol Beverage Control has strict requirements and a process in place for the review, control, and monitoring of all businesses that possess or apply to obtain a permit to sell alcoholic beverages on- and off-site; and

WHEREAS, the Town of Los Gatos Municipal Code Section 29.20.745 identifies the role of the Development Review Committee, including but not limited to: Section 29.20.745 (16) Determine and issue zoning approval for minor restaurants that are located outside of the Downtown (C-2 zone); and

WHEREAS, the Town of Los Gatos Municipal Code sets forth the public hearing and noticing requirements for the Development Review Committee and any appeals of its decisions; and

WHEREAS, the Town of Los Gatos Municipal Code Section 29.20.750 identifies the role of the Planning Commission, including but not limited to the following: Section 29.20.750 (8) Determine Conditional Use Permit applications that are not assigned to the Development Review Committee or the Town Council; and

WHEREAS, the Town of Los Gatos Municipal Code Section 29.20.755 identifies the role of the Town Council, including but not limited to the following: Section 29.20.755 (2) Hears and determines Planning Commission recommendations for the adoption or amendment of the general plan or any specific plans and conditional use permits for establishments selling alcoholic beverages for on premises consumption.

NOW, THEREFORE, BE IT RESOLVED: The Town Council of the Town of Los Gatos suspends a portion of 29.20.755(2) regarding the assignment of duties to allow the Development Review Committee to approve certain modifications to existing Conditional Use Permits for restaurants for a period of 18 months with the following provisions:

1. Restaurants

The Development Review Committee may issue approval of modifications to an existing Conditional Use Permit for a restaurant use as defined by Town Code Section 29.10.020 in any commercial zone; and

2. Locations

Restaurants with existing Conditional Use Permits may apply for modification of a Conditional Use Permit within the existing commercial space inclusive of both indoor and outdoor/patio areas at the same address (new restaurants or restaurants combining two or more commercial spaces would require full review by either the Planning Commission or Town Council); and

3. Development Review Application

To apply for the modification, businesses must complete the Development Review application and pay the associated fees adopted within the fee schedule.

RESOLUTION 2019-008

**RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS
REGARDING TOWN CODE SECTION 29.20.745 AND
SUSPENDING A PORTION OF 29.20.755(2) REGARDING THE ASSIGNMENT OF DUTIES
TO ALLOW THE DEVELOPMENT REVIEW COMMITTEE TO APPROVE NEW
CONDITIONAL USE PERMITS FOR RESTAURANTS UNTIL DECEMBER 31, 2019.**

WHEREAS, the Town of Los Gatos Town Council has an adopted strategic priority to streamline Land Use and Economic Vitality policies; and

WHEREAS, the Town has recently experienced a high turnover in commercial spaces, particularly in Downtown and have additional commercial spaces that will increase the commercial space inventory through new developments in Los Gatos; and

WHEREAS, providing a 9-month period in which business uses defined as a *Restaurant* as identified in Town of Los Gatos Municipal Code Section 29.10.020 may apply for a new Conditional Use Permit to create more opportunities to attract businesses to Los Gatos; and

WHEREAS, by reassigning the duties to the Development Review Committee, the impact of cost and process time on prospective businesses is drastically decreased and more closely aligned with neighboring jurisdictions which could provide an incentive for businesses to consider locating Los Gatos; and

WHEREAS, the Town of Los Gatos Municipal Code Section 29.20.745 identifies the role of the Development Review Committee, including but not limited to: Section 29.20.745 (16) Determine and issue zoning approval for minor restaurants that are located outside of the Downtown (C-2 zone); and

WHEREAS, the Town recently rescinded the Alcohol Beverage Policy given that the State of California's Alcohol Beverage Control has strict requirements and a process in place for the review, control, and monitoring of all businesses that possess or apply to obtain a permit to sell alcoholic beverages on- and off-site; and

WHEREAS, the Town of Los Gatos Municipal Code sets forth the public hearing and noticing requirements for the Development Review Committee and any appeals of its decisions; and

WHEREAS, the Town of Los Gatos Municipal Code Section 29.20.750 identifies the role of the Planning Commission, including but not limited to the following: Section 29.20.750 (8) Determine Conditional Use Permit applications that are not assigned to the Development Review Committee or the Town Council; and

WHEREAS, the Town of Los Gatos Municipal Code Section 29.20.755 identifies the role of the Town Council, including but not limited to the following: Section 29.20.755 (2) Hears and determines Planning Commission recommendations for the adoption or amendment of the general plan or any specific plans and conditional use permits for establishments selling alcoholic beverages for on premises consumption.

NOW, THEREFORE, BE IT RESOLVED: The Town Council of the Town of Los Gatos suspends a portion of 29.20.755(2) regarding the assignment of duties to allow the Development Review Committee to approve new Conditional Use Permits for restaurants until December 31, 2019.

1. Restaurants

The Development Review Committee may issue new Conditional Use Permit for a restaurant use as defined by Town Code Section 29.10.020 in any commercial zone; and

2. Locations

New Conditional Use Permit applications for restaurants in conditionally permissible commercial zones as identified in 29.20.185, Section 1- Commercial, (j) and (k); and

3. Development Review Application

To apply for a new conditional use permit, businesses must complete the Development Review application and pay the associated fees adopted within the fee schedule.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, on the 5th day of March, 2019 by the following vote:

COUNCIL MEMBERS:

AYES: Marcia Jensen, Rob Rennie, Marico Sayoc, Barbara Spector, Mayor Steven Leonardis

NAYS: None.

ABSENT: None.

ABSTAIN: None.


SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: 3/10/19

ATTEST:


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

DATE: 3/11/19

RESOLUTION 2019-009

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS SUSPENDING TOWN CODE SECTION 29.20.755 (8), REGARDING THE ASSIGNMENT OF DUTIES TO ALLOW THE MINOR EXTERIOR MODIFICATIONS TO COMMERCIAL BUILDINGS BE MADE AT THE BUILDING PERMIT LEVEL UNTIL DECEMBER 31, 2019

WHEREAS, the Town of Los Gatos Town Council has an adopted strategic priority to streamline Land Use and Economic Vitality policies; and

WHEREAS, the Town has recently experienced a high turnover in commercial spaces, particularly in Downtown and have additional commercial spaces that will increase the commercial space inventory through new developments in Los Gatos; and

WHEREAS, providing a 9-month period in which businesses and commercial property owners may make minor exterior modifications to their store fronts and buildings to create more opportunities to attract and retain businesses in Los Gatos; and

WHEREAS, by reassigning the duties to the Planning Director at the building permit level will provide businesses and commercial property owners with a process that is significantly less expensive and quicker for minor exterior modifications to commercial buildings, which could provide an incentive for businesses to consider locating Los Gatos; and

WHEREAS, the Town of Los Gatos already has other provisions in place that guide such modifications within the Town Code, Commercial Design Guidelines, and the process with the Historic Preservation Committee (when applicable); and

WHEREAS, the Town of Los Gatos already has other provisions in place that provide framework for such modifications within the Town Code, Commercial Design Guidelines, and the process with the Historic Preservation Committee (when applicable).

NOW, THEREFORE, BE IT RESOLVED:

The Town Council of the Town of Los Gatos suspends a portion of Town Code Section 29.20.755 (8), regarding the assignment of duties to allow minor exterior modifications to commercial buildings be made at the building permit level until December 31, 2019.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, on the 5th day of March, 2019 by the following vote:

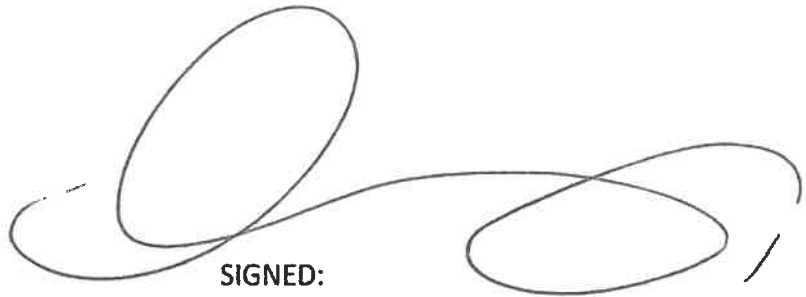
COUNCIL MEMBERS:

AYES: Marcia Jensen, Rob Rennie, Marico Sayoc, Barbara Spector, Mayor Steven Leonardis

NAYS: None.

ABSENT: None.

ABSTAIN: None.



SIGNED:

**MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA**

DATE: 3/10/19

ATTEST:



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

DATE: 3/11/19

RESOLUTION 2019-012

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS SUSPENDING TOWN CODE SECTION 29.20.750 (8), REGARDING THE ASSIGNMENT OF DUTIES TO ALLOW THE GROUP CLASSES IN THE C-2 ZONE TO BE HEARD BY THE DEVELOPMENT REVIEW COMMITTEE, AND SUSPENDING A PORTION OF 29.20.185, 4. (H) TO ALLOW GROUP CLASSES IN THE O, C-1, CH, AND LM ZONES TO OPERATE WITHOUT A CONDITIONAL USE PERMIT UNTIL DECEMBER 31, 2019.

WHEREAS, the Town of Los Gatos Town Council has an adopted strategic priority to streamline Land Use and Economic Vitality policies; and

WHEREAS, the Town has recently experienced a high turnover in commercial spaces, and have additional commercial spaces that will increase the commercial space inventory through new developments in Los Gatos; and

WHEREAS, providing a 9-month period in which group classes may gain approval with a reduced process timeline and cost may create more opportunities to attract and retain businesses in Los Gatos; and

WHEREAS, group classes create an exposure, synergy, and in many cases a partnership with nearby retailers and restaurants strengthening the vitality of the shopping area.

NOW, THEREFORE, BE IT RESOLVED:

The Town Council of the Town of Los Gatos suspends a portion of Town Code Section 29.20.750 (8), regarding the assignment of duties to allow group classes in the C-2 zone to be heard by the Development Review Committee, and suspends a portion of 29.20.185 4.(h) to allow group classes in the O, C-1, CH and LM zones to operate without a Conditional Use Permit until December 31, 2019 pursuant to the following provisions:

1. Development Review Committee: New group class businesses locating in the C-2 Zone (Downtown) must complete a Development Review Application for a Conditional Use Permit, pay the associated application fees, and be approved by the Development Review Committee.
2. Certificate of Use and Occupancy and Business License
New group class businesses locating in the O, C-1, CH, or LM zones must file applications with the Town for a Certificate of Use and Occupancy and a Business License, and pay the associated fees prior to operating. No Conditional Use Permit is required.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, on the 19th day of March, 2019 by the following vote:

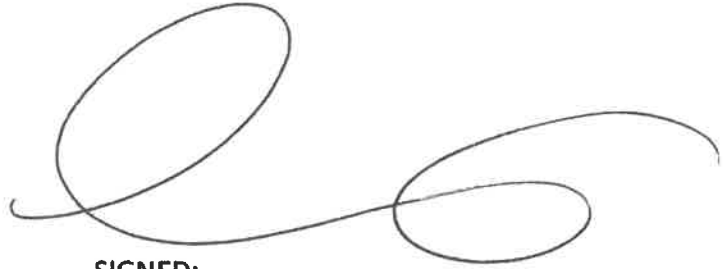
COUNCIL MEMBERS:

AYES: Marcia Jensen, Rob Rennie, Marico Sayoc, Barbara Spector, Mayor Steven Leonardis

NAYS: None

ABSENT: None.

ABSTAIN: None.



SIGNED:

**MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA**

DATE: 3/22/19

ATTEST:



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

DATE: 3/22/19



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 10/01/2019

ITEM NO: 10

ADDENDUM

DATE: September 30, 2019
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Provide Direction to Staff on the Next Steps for the Temporary Community Vitality and Land Use Streamlining Resolutions Due to Sunset in December 2019

REMARKS:

Attachment 7 contains public comment received after the distribution of the staff report and before 11:00 a.m. on September 30, 2019.

Attachments:

1. Economic Vitality and Land Use Streamlining Summary
2. Temporary resolution suspending the CUP requirement for formula retailers
3. Temporary Resolution allowing restaurants to modify their CUP at the DRC
4. Temporary Resolution suspending Ordinance 2021 and allowing new restaurants to obtain a CUP at the DRC
5. Temporary Resolution allowing for minor exterior modifications to commercial buildings to be made at building permit
6. Temporary Resolution allowing group classes without a CUP in commercial zones outside of downtown, and those within downtown to obtain a CUP at the DRC

Attachments received with this Addendum:

7. Public comment received after the distribution of the staff report and before 11:00 a.m. September 30, 2019.

PREPARED BY: Monica Renn
Economic Vitality Manager

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

Subject: FW: Letter regarding Policy Changes and One Way Pilot
Attachments: Letter to Town on Policy Changes and One Way Street.pdf

From: Jim Foley <jimfoley@lacadainvestments.com>
Sent: Friday, September 27, 2019 3:58 PM
To: Council <Council@losgatosca.gov>
Cc: Robert Schultz <RSchultz@losgatosca.gov>; Monica Renn <mrenn@losgatosca.gov>; Clerk <Clerk@losgatosca.gov>;
Matt Morley <MMorley@losgatosca.gov>; Joel Paulson <jpaulson@losgatosca.gov>; Laurel Prevetti
<LPrevetti@losgatosca.gov>
Subject: Letter regarding Policy Changes and One Way Pilot

Please find attached a letter for these subjects scheduled to be discussed at next week's Town Council meeting.

Thank you,

Jim Foley

(408) 813-7490



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Honorable Mayor and Town Council,

2019 has shown tremendous progress towards revitalizing downtown Los Gatos under your guidance. The 13+ policy changes, among other efforts including but not limited to the one-way street trial on North Santa Cruz Ave and the Parklet Program, have set Los Gatos up to compete with other newer and more vibrant dining and entertainment districts in the South Bay and on the Peninsula. While progress has been made, in order to achieve the goals we all share, more time is needed to test and implement the vision provided by these critical policy changes. Any policy change set to sunset or have any limitation needs to be made permanent at this time. Town Council always has the option to invoke future policy changes if any issues arise.

Regarding the policy changes, we have only just begun to see some new restaurants and businesses locate in Los Gatos. In fact, as of this date, not one of the businesses that has been able to take advantage of the suspension of ordinance 2021 or the policy on formula retail has opened for business. There are two very exciting tenants that are locating on two of the hard corners of N Santa Cruz and Main St. and each business has utilized each of the aforementioned policy changes. They will be wonderful additions that will attract more diners and shoppers to downtown, but we need more. There are several in the pipeline but the new mantra of "Los Gatos is Open for Business" needs to proliferate further, and prove to other less confident members of the business community that the message is true and we want them to embrace Los Gatos and bring their businesses here.

Regarding the policy changes like the rescission of the alcoholic beverage policy, the entertainment by right prior to 10pm, the policy on outdoor seating, the traffic impact fee, and the de-coupling of seats to parking, these adjustments have already demonstrated very evident change in the existing restaurants and many are experiencing more success. Many of the restaurants are still unaware of these changes and/or are just beginning to explore taking advantage of the changes.

Regarding the one-way street trial, while we have heard many complaints from the community, we have heard equally as many members of the community embrace it or say they are indifferent. Many people find the parking quite easy. We are continually seeing more people enjoying the temporary parklets. With the more permanent parklets on the way in coming weeks, we feel it would be a shame to go through the pain of reverting the street configuration at this time. This configuration needs longer testing and if the configuration requires change in any way it should evolve to test something different or better and not simply revert back to the way it was. Keep progress moving forward.

Future considerations to be made by the council to further promote the vision include but are not limited to supporting the PBID process, reevaluating the traffic impact fee, creating an incentive program for new businesses in the commercial core, and improving the bottlenecks with the building department in order to expedite plan checks and issuance of building permits for tenant improvements and small redevelopment projects.

We feel patience is prudent in all of these matters and continue to support and embrace the direction the Town is headed under your leadership.

Thank you,

A handwritten signature in black ink, appearing to read "Jim Foley".

Jim Foley
La Cañada Investments, LLC



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 10/01/2019

ITEM NO: 10

DESK ITEM

DATE: October 1, 2019
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Provide Direction to Staff on the Next Steps for the Temporary Community Vitality and Land Use Streamlining Resolutions Due to Sunset in December 2019

REMARKS:

Attachment 8 contains public comment received after the distribution of the staff report and before 11:00 a.m. on October 1, 2019.

Attachments:

1. Economic Vitality and Land Use Streamlining Summary
2. Temporary resolution suspending the CUP requirement for formula retailers
3. Temporary Resolution allowing restaurants to modify their CUP at the DRC
4. Temporary Resolution suspending Ordinance 2021 and allowing new restaurants to obtain a CUP at the DRC
5. Temporary Resolution allowing for minor exterior modifications to commercial buildings to be made at building permit
6. Temporary Resolution allowing group classes without a CUP in commercial zones outside of downtown, and those within downtown to obtain a CUP at the DRC

Attachments received with this Addendum:

7. Public comment received after the distribution of the staff report and before 11:00 a.m. September 30, 2019.

Attachments received with this Desk Item:

8. Public comments received after the distribution of the staff report and before 11:00 a.m. October 1, 2019.

PREPARED BY: Monica Renn
Economic Vitality Manager

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



September 30, 2019

Honorable Mayor and Town Council:

By way of your leadership, we have seen noticeable progress toward the revitalization of downtown Los Gatos this year. Various provisional policy changes have shown strong potential, setting the foundation for our Town to once again become the local bustling place that it used to be with people walking the streets, shopping and dining. But, more time is needed for this initial promise to manifest itself. In light of this, it is imperative that the recent progress made through the policy changes not be undone; those set to sunset or have any limitation must be made permanent so that headway made this year is cemented and may serve as a basis for future improvement as well. The result will be a solidification of the message that Los Gatos warmly welcomes all those who seek to positively add to the strong fabric that is our community.

As we are all keenly attune, new restaurants and businesses have steadily continued to open in Los Gatos recently, and existing ones have or are starting to renew their operations and/or the physical quality of their buildings as enabled by policy changes like the rescission of the alcoholic beverage policy, the entertainment by right prior to 10pm, the outdoor seating policy, the traffic impact fee, the de-coupling of seats to parking, and the minor exterior renovations classification. However, to date, none have taken advantage of the suspension of Ordinance 2021 or the policy on Formula Retail. Two of the prominent corners along North Santa Cruz Avenue are set to be occupied by such Formula Retailers, and they will certainly be fantastic additions to the downtown through their service of our Town and attraction of more diners and shoppers.

The reality, though, is we need more quality tenants, shoppers, and diners to reach the critical mass necessary to realize our collective goals. Likewise, there are still many businesses that have either just become aware of the changes, or still do not know about them. For their sake, and the sake of reinforcing the positive progress made this year by way of the changes, it is vital to establish these changes as permanent. Should there ever be unforeseen second-order consequences from establishing such permanency, it is fully within the Council's rights and power to eliminate such rule(s) to preserve the quality of our amazing Town. Moreover, as we at McCarthy Ranch have seen firsthand through our leasing efforts at our Highway 9 project, many businesses are looking to locate at the North 40 as opposed to downtown. To remove the economic incentives to locate downtown as the first phase of the North 40 comes online is, in essence, a "double whammy" to the area that we feel is avoidable.

Thus, with all the above in mind, as a final thought I encourage the Council to continue to good work and offer the following as ideas which stand to further promote our collective vision of an always improving Los Gatos:

- Support for the PBID process
- Reevaluating the traffic impact fee
- Creating an incentive program for new businesses in the commercial core
- Improving building department review bottlenecks in order to expedite plan checks and issuance of building permits for tenant improvements and small redevelopment projects.

With an eye to toward an ever-improving future for Los Gatos, we at McCarthy Ranch wholeheartedly support the Council's direction and look forward to many further positive changes.

Sincerely,

Bobby Caya
McCarthy Ranch

ATTACHMENT 8

Monica Renn

From: REDEMPTION <shopredemption@gmail.com>
Sent: Tuesday, October 1, 2019 10:04 AM
To: Monica Renn
Subject: Vitality and land use resolutions

Hi Monica

Not sure who to address this too, but here is our feedback on the vitality and land use streaming.

We are writing to ask that you do not let the vitality and streamlining resolutions sunset at the end of the year, if they are indeed due to do so. From what we understand from the Chamber, the lessened restrictions are having a positive effect on potential businesses' attitude towards the downtown and the rent difficulties. We ourselves did not try and attempt to put up signage when we first opened, but will definitely be doing so now with the easier permitting process.

We commend the Town in taking these initial steps and hope they will continue to take action to allow the downtown to thrive for merchants and visitors alike. With the commercial rent prices bring what they are, everything that can be done needs to be done to attract new and exciting businesses, while still supporting the existing merchants that work so hard to make the Downtown what it is.

Thanks!
Tammy and David
REDEMPTION

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Town Council Meeting October 1, 2019

Community Vitality: Business Streamlining



TEMPORARY RESOLUTIONS



- CUP requirement suspended for Formula Retail
- Existing Restaurant CUPs modified at DRC
- Ordinance 2021 suspended and new restaurant CUPs heard by DRC
- Minor exterior modifications to commercial buildings processed with a building permit
- Group classes permitted without a CUP in commercial zones outside of the C-2, and those within the C-2 heard by the DRC



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 10/01/2019

ITEM NO: 11

DATE: September 25, 2019
TO: Mayor and Town Council
FROM: Robert Schultz, Town Attorney
SUBJECT: Review of Tobacco Retailers Ordinance and Annual Report from County of Santa Clara on Implementation of the Ordinance and Discuss Potential Amendments to the Ordinance to Prohibit the Sale of Electronic Smoking Devices

RECOMMENDATION:

Staff recommends that Council discuss and provide direction on whether staff should draft amendments to the Tobacco Retailers Ordinance regarding the prohibition of electronic smoking device sales.

BACKGROUND:

In 2016, the Town Council recognized the dangers of smoking and secondary smoke and adopted amendments to the Town's Smoking Regulations to prohibit smoking in the Town's public spaces, including outdoor dining areas, entryways, public events, recreation areas, and service areas and multi-family residential units. In addition, in 2017, the Town Council adopted an ordinance (Attachment 1) to address regulating the sales of tobacco by businesses in Los Gatos. The primary components of the Ordinance are:

- Require all establishments selling tobacco products to obtain a Tobacco Retailing Permit (TRP) from the Town.
- Require an annual Permit renewal.
- Require an annual inspection of the premises for compliance with the requirements.
- Require TRP be displayed in a publicly visible location at the licensed location.
- Prohibit the sale or transfer of tobacco products to anyone under the age of 21.
- Prohibit a person under the age of 21 to engage in tobacco retailing.
- Prohibit all self-service displays of tobacco products.
- Prohibit the sale of flavored tobacco products.
- Prohibit the sale of tobacco products in pharmacies.

PREPARED BY: Robert Schultz
Town Attorney

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

SUBJECT: Review of Tobacco Retailers Ordinance and Annual Report from County of Santa Clara on implementation of the Ordinance

DATE: September 25, 2019

BACKGROUND (continued):

- Prohibit new tobacco retailing within 1,000 feet of a school, parks, and playgrounds.
- Prohibit any new tobacco retailers within 500 feet of another tobacco retailer.
- Include fines for permit violations.
- Allow for a process for Permit suspension and revocation for violations.

After the Tobacco Retailers Ordinance was adopted by the Town Council, the Town entered into an Agreement with the County of Santa Clara that allowed the County of Santa Clara to administer the ordinance and collect the annual permit fees. Attachment 2 is an Annual Report from the County of Santa Clara on the implementation and enforcement of our Tobacco Retailer ordinance.

DISCUSSION:

The Town Council did not include this topic at its Strategic Priorities goal setting session or as an identified Ordinance for the Town Attorney to work on. The Mayor, at his discretion, has requested this item be placed on the agenda.

The Mayor's primary concern for needing amendments to our Tobacco Retail Ordinance are associated with the growth in sales of e-cigarettes, electronic smoking devices and electronic smoking device paraphernalia, such as vaping devices. According to many studies, the sale of electronic cigarettes poses a risk to public health. In addition, most electronic cigarettes have not obtained a premarket review order from the U.S. Food and Drug Administration to determine their appropriateness for the protection of the public health.

Virtually all e-cigarettes are considered "new tobacco products" under the Family Smoking Prevention and Tobacco Control Act enacted by Congress in 2009. The U.S. Food and Drug Administration (FDA) is responsible for conducting a premarket review of all new tobacco products not on the market as of February 15, 2007. The FDA's premarket review process is intended to determine if a tobacco product is appropriate for the protection of the public health "with respect to the risks and benefits to the population as a whole, including users and nonusers of the tobacco product, and taking into account- (A) the increased or decreased likelihood that existing users of tobacco products will stop using such products; and (B) the increased or decreased likelihood that those who do not use tobacco products will start using such products."

Tobacco companies are required to report to the FDA for premarket review any information concerning health risks, the components, ingredients, additives, and manufacturing methods.

DISCUSSION (continued):

Unfortunately, nearly all e-cigarettes on the market have not obtained a premarket review order and the FDA has not taken appropriate action to enforce the requirements of the Tobacco Control Act.

Nationwide, electronic cigarette use has increased at alarming rates since the first products became available about 10 years ago. While there have been many successful efforts to reduce underage tobacco use, the growing availability of e-cigarettes has reversed those positive trends. The Town's current regulations prohibit the sale of all electronic cigarette products that have "a constituent or additive, an artificial or natural flavor or aroma..."

The Mayor has expressed an interest in protecting the public, particularly our youth, from products that contribute substantially to increased drug use and exposure to harmful substances. Both the Mayor and Town Attorney have attended seminars related to this topic and the materials and other articles are included in Attachment 3 and 4.

If the Council desires, an amendment could be drafted to expand the prohibition on electronic cigarette products to include any device or delivery system which can be used to consume nicotine in aerosolized or vaporized form. Products would be identified as prohibited for sale if they are "new tobacco products" which require FDA premarket review and have not been issued an order approving their marketing.

CONCLUSION:

Council should discuss and provide direction on whether staff should draft amendments to the Tobacco Retailers Ordinance.

Attachments:

1. Ordinance No. 2259
2. Los Gatos Tobacco Retail Permit Annual Summary
3. Material Received from Mayor Leonardis
4. Material Received from Bay Area City Attorneys Meeting

ORDINANCE 2259

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS REQUIRING THE LICENSURE OF TOBACCO RETAILERS AND ADDING SECTION 18.60.020 TO THE TOWN CODE OF LOS GATOS ENTITLED PERMITS FOR RETAILERS OF TOBACCO PRODUCTS AND/OR ELECTRONIC SMOKING DEVICES

WHEREAS, tobacco use causes death and disease and continues to be an urgent public health challenge; and

WHEREAS, the Town Council recently adopted Ordinance 2254 to regulate smoking within the Town of Los Gatos and protect the public and environment from secondhand smoke; and

WHEREAS, nationally, the failure of tobacco retailers to comply with all tobacco control laws, particularly laws prohibiting the sale of tobacco products to minors, presents an imminent threat to the public health, safety, and welfare and therefore is a threat to the public health, safety, and welfare of the residents of the Town of Los Gatos; and

WHEREAS, a local licensing system for tobacco retailers is appropriate to ensure that retailers comply with tobacco control laws and business standards of the Town of Los Gatos, to protect the health, safety, and welfare of the Town's residents; and

WHEREAS, the California Legislature has recognized the danger of tobacco use and has made reducing youth access to tobacco products a high priority, as evidenced by the fact that:

1. The Legislature has declared that smoking is the single most important source of preventable disease and premature death in California (Cal. Health & Safety Code § 118950); and
2. State law prohibits the sale or furnishing of cigarettes, tobacco products, and smoking paraphernalia to anyone under the age of 21 (Cal. Pen. Code § 308); and
3. State law requires that tobacco retailers check the identification of tobacco purchasers who reasonably appear to be under 21 years of age (Cal. Bus. & Prof. Code § 22956) and provides procedures for using minors to conduct onsite compliance checks of tobacco retailers (Cal. Bus. & Prof. Code § 22952); and
4. State law prohibits the sale or furnishing of electronic cigarettes to minors (Cal. Health & Safety Code § 119405).

WHEREAS, state law requires all tobacco retailers to be licensed by the Board of Equalization primarily to curb the illegal sale and distribution of cigarettes due to tax evasion and counterfeiting (Cal. Bus. & Prof. Code §§ 22970.1, 22972); and

WHEREAS, state law explicitly permits cities and counties to enact local tobacco retail licensing ordinances, and allows for the suspension or revocation of a local license for a violation of any state tobacco control law (Cal. Bus. & Prof. Code § 22971.3); and

WHEREAS, over 148 towns, cities and counties in California have passed tobacco retailer licensing ordinances in an effort to stop minors from using tobacco; and

WHEREAS, the Town of Los Gatos has a substantial interest in promoting compliance with federal, state, and local laws intended to regulate tobacco sales and use; in discouraging the illegal purchase of tobacco products by minors; in promoting compliance with laws prohibiting sales of cigarettes and tobacco products to minors; and finally, and most importantly, in protecting children from being lured into illegal activity through the misconduct of adults; and

WHEREAS, the 2011 Tobacco Products Scientific Advisory Committee (TPSAC) Report made findings that the availability of menthol cigarettes has an adverse impact on public health in the U.S. and recommended removal of menthol cigarettes from the marketplace and that the Menthol's anesthetizing effect makes the smoke "smooth" and easier to inhale while masking the harshness of tobacco, making menthol cigarettes more appealing to youth and beginner smokers; and

WHEREAS, a policy statement published by the American Academy of Pediatrics in November 2015, recommended a complete ban on all flavors used in electronic smoking devices, including menthol flavoring; and

WHEREAS, in 2016, California Medical Association (CMA) issued a white paper titled Flavored and Mentholated Tobacco Products: Enticing a New Generation of Users states, "Research supports the finding that flavors and menthol tobacco products are "starter" products that establish daily habits and increase addiction to tobacco products, make it harder to quit, and increase use of multiple tobacco products concurrently." although the use of cigarettes is declining in the United States (U.S.), sales of menthol cigarettes have steadily increased in recent years, especially among young people and new smokers; and

WHEREAS, the Town Council finds that the regulations imposed by this Section provide a reasonable opportunity for tobacco retailers to operate within the Town of Los Gatos. In the establishment of these regulations, the Town Council considered their effects on the number and suitability of locations for tobacco retailers.

NOW THEREFORE, it is the intent of the Town Council, in enacting this ordinance, to ensure compliance with the business standards and practices of the Town and to encourage responsible tobacco retailing and to discourage violations of tobacco-related laws, especially those which prohibit or discourage the sale or distribution of tobacco and nicotine products to minors, but not to expand or reduce the degree to which the acts regulated by federal or state law are criminally proscribed or to alter the penalties provided therein.

**NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF LOS GATOS DOES ORDAIN
AS FOLLOWS:**

SECTION I.

Los Gatos Town Code Article VI – Smoking Regulations Section 18.60.020 is hereby added to read as follows:

Sec. 18.60.020 – Permits for retailers of tobacco products and/or electronic smoking devices.

(a) *Intent.* This Section is adopted to:

1. Ensure compliance with the business standards and practices of the Town;
2. Encourage responsible retailing of tobacco products and electronic smoking devices;
3. Discourage violations of laws related to tobacco products and electronic smoking devices, especially those that prohibit or discourage the sale or distribution of tobacco products and electronic smoking devices to persons under 21; and
4. Protect the public health and welfare.

This Section does not expand or reduce the degree to which the acts regulated by federal or state law are criminally proscribed or alter the penalties provided by such laws.

(b) *Definitions.*

For the purposes of this Section, the following definitions shall apply:

1. *Arm's length transaction* means a sale in good faith and for valuable consideration that reflects the fair market value in the open market between two or more informed and willing parties, neither of which is under any compulsion to participate in the transaction. A sale between relatives, related companies or partners, or a sale for which a significant purpose is avoiding the effect of the violations of this Section is not an arm's length transaction.
2. *Designee* means the agency selected or designated by the Town to enforce or administer the provisions of this Section.
3. *Electronic smoking device* means (1) an electronic and/or battery-operated device that can deliver an inhalable dose of nicotine to the user or (2) any product intended or sold for use with such a device. "Electronic smoking device" includes any product meeting this definition, regardless of whether it is manufactured, distributed, marketed or sold as an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, electronic vape, vaporizer or any other product name or descriptor.
4. *Ownership* means possession of a ten percent or greater interest in the stock, assets, or income of a business, other than a security interest for the repayment of debt.
5. *School* means a public or private elementary, middle, junior high or high school.

6. *Tobacco product* means (unless specifically noted elsewhere):
 - a. Any product subject to Subchapter IX [21 U.S.C. § 387 et seq. ("Subchapter IX")) of the Federal Food, Drug, and Cosmetic Act (See 21 U.S.C. § 387a(b) (products subject to Subchapter IX); 21 C.F.R. §§ 1100.1- 1100.3 (tobacco products subject to Subchapter IX)). Products subject to Subchapter IX include, but are not limited to, cigarettes, cigarette tobacco, roll-your-own tobacco, smokeless tobacco, cigars, pipe tobacco, waterpipe tobacco, and electronic nicotine delivery systems (such as; but not limited to, electronic cigarettes, electronic cigars, electronic hookahs, vape pens, personal vaporizers, and electronic pipes). Products subject to Subchapter IX also include components or parts of tobacco products, such as, but not limited to, liquids that are for use in an electronic nicotine delivery system and that contain tobacco or nicotine or are derived from tobacco or nicotine ("e-liquids"), vials that contain e-liquids, and atomizers. Products that are not subject to Subchapter IX include accessories of tobacco products, such as, but not limited to, ashtrays, spittoons, and conventional matches and lighters that solely provide an external heat source to initiate but not maintain combustion of a tobacco product
 - b. Any product for use in an electronic nicotine delivery system, whether or not it contains tobacco or nicotine or is derived from tobacco or nicotine.
7. *Retailer* means any person who sells, exchanges, or offers to sell or exchange, for any form of consideration, tobacco products and/or electronic smoking devices. "Retailing" shall mean the doing of any of these things. This definition is without regard to the quantity of tobacco products or electronic smoking devices sold, exchanged, or offered for sale or exchange.

(c) *Requirements and prohibitions.*

1. *Permit required.* It shall be unlawful for any person to act as a retailer of tobacco products and/or electronic smoking devices in the Town of Los Gatos without first obtaining and maintaining a valid retailer permit pursuant to this Section for each location at which that activity is to occur. Tobacco product retailing without a valid tobacco retailer permit is a nuisance as a matter of law.
2. *Lawful business operation.* It shall be a violation of this Section for any retailer to violate any local, state, or federal law applicable to tobacco products, electronic smoking devices, or the retailing of such products.
3. *Display of permit.* Each current retailer permit shall be prominently displayed in a publicly visible place at the permitted location.
4. *Notice of minimum age for purchase of electronic smoking devices.* Retailers shall post conspicuously, at each point of purchase, a notice stating that selling tobacco products and electronic smoking devices to anyone under 21 years of age is illegal and subject to penalties. Such notice shall be subject to the approval of the Town or its Designee.
5. *Positive identification required.* No retailer shall sell or transfer a tobacco product or electronic smoking device to another person who appears to be under 30 years of age without first examining the customer's identification to confirm that the customer is at

least the minimum age required under state law to purchase and possess the tobacco product.

6. *False and misleading advertising prohibited.* A retailer either without a valid retailer permit or with a suspended retailer permit:
 - a. Shall keep all tobacco products and electronic smoking devices out of public view.
 - b. Shall not display any advertisement relating to tobacco products or electronic smoking devices that promotes the sale or distribution of such products from the retailer's location or that could lead a reasonable consumer to believe that tobacco products or electronic smoking devices can be obtained at that location.
7. *Limitation on storefront advertising.* No more than 15 percent of the square footage of the windows and clear doors of an establishment used for retailing shall bear advertising or signs of any sort, and all advertising and signage shall be placed and maintained in a manner that ensures that law enforcement personnel have a clear and unobstructed view of the interior of the premises, including the area in which the cash registers are maintained, from the exterior public sidewalk or entrance to the premises. However, this latter requirement shall not apply to an establishment where there are no windows, or where existing windows are located at a height that precludes a view of the interior of the premises by a person standing outside the premises.
8. *Flavored tobacco products.*
 - a. Except as permitted in paragraph (c) of this subsection (8), no retailer shall sell a tobacco product containing, as a constituent or additive, an artificial or natural flavor or aroma (other than tobacco) or an herb or spice, including strawberry, grape, orange, clove, cinnamon, pineapple, vanilla, coconut, licorice, cocoa, chocolate, cherry, or coffee, that is a characterizing flavor or aroma of the tobacco product, smoke or vapor produced by the tobacco product.
 - b. A tobacco product shall be subject to a rebuttable presumption that the product is prohibited by paragraph (a) of this subsection if:
 - (i) The product's manufacturer or any other person associated with the manufacture or sale of tobacco products makes or disseminates public statements or claims to the effect that the product has or produces a characterizing flavor or aroma, other than tobacco; or
 - (ii) The product's label, labeling, or packaging includes a statement or claim including any text and/or images used to communicate information that the product has or produces a characterizing flavor or aroma other than tobacco.
 - c. Paragraph (a) of this subsection (8) shall not apply to any retailer that meets all of the following criteria:
 - (i) Primarily sells tobacco products;
 - (ii) Generates more than 60 percent of its gross revenues annually from the sale of tobacco products;
 - (iii) Does not permit any person under 21 years of age to be present or enter the premises at any time, unless accompanied by the person's parent or legal guardian, as defined in Section 6903 of the Family Code;
 - (iv) Does not sell alcoholic beverages or food for consumption on the premises; and

- (v) Posts a sign outside the retail location that clearly, sufficiently, and conspicuously informs the public that persons under 21 years of age are prohibited from entering the premises.
- 9. Vending machines prohibited. No tobacco product or electronic smoking device shall be sold, offered for sale, or distributed to the public from a vending machine or appliance, or any other coin or token operated mechanical device designed or used for vending purposes, including, but not limited to, machines or devices that use remote control locking mechanisms.
- 10. Prohibition on sale or distribution of tobacco products or electronic smoking devices to persons under 21 years. No retailer shall sell, offer for sale, or distribute any tobacco product or electronic smoking device to any individual who is under 21 years of age.

(d) Eligibility requirements for a permit.

- 1. No retailer permit may be issued to authorize retailing at other than a fixed location. For example, retailing by persons on foot or from vehicles is prohibited.
- 2. No retailer permit may be issued to authorize retailing at a temporary or recurring temporary event. For example, retailing at flea markets and farmers' markets is prohibited.
- 3. No retailer permit may be issued to authorize retailing at any location where the profession of pharmacy is practiced by a pharmacist licensed by the State of California in accordance with the Business and Professions Code and where prescription drugs are offered for sale.
- 4. No retailer permit may be issued to authorize retailing at any location within 1,000 feet of a school, as measured by a straight line between any point along the property line of any parcel on which a school is located and any point along the perimeter of the applicant's proposed business location; provided, however, that the prohibition contained in this subsection (d)(4) shall not apply to the following:
 - a. Any retailer of tobacco products operating lawfully on the date immediately prior to this Section becoming effective; and
 - b. Any retailer of electronic smoking devices operating lawfully on the date immediately prior to this Section becoming effective; and
 - c. Any lawfully operating retailer of tobacco products that would otherwise become ineligible to receive or renew a retailer permit due to the creation or relocation of a school.
- 5. No retailer permit may be issued to authorize retailing at a location which is within 500 feet of a location occupied by another retailer, as measured by a straight line between any point along the property line of any parcel on which a retailer is located and any point along the perimeter of the applicant's proposed business location, provided, however, that the prohibition contained in this subsection (d)(5) shall not apply to:
 - a. Existing retailers of tobacco products operating lawfully on the date immediately prior to this Section becoming effective; and

- b. Existing retailers of electronic smoking devices operating lawfully on the date immediately prior to amendment of this Section to regulate the retailing of electronic smoking devices.
- 6. Any exemption granted to a retailer pursuant to this Section shall cease to apply upon the earlier of the following to occur:
 - a. The retailer fails to timely renew the retailer permit pursuant to this Section.
 - b. A new person obtains ownership in the business.

(e) *Application procedure.*

- 1. It is the responsibility of each retailer to be informed of all laws applicable to retailing, including those laws affecting the issuance of a retailer permit. No retailer may rely on the issuance of a retailer permit as a determination by the Town that the retailer has complied with all laws applicable to retailing. A retailer permit issued contrary to this Section, contrary to any other law, or on the basis of false or misleading information supplied by a retailer shall be revoked pursuant to this Section.
- 2. All retailer permit applications shall be submitted on a form supplied by the Town or its Designee to implement this Section.
- 3. A permitted retailer shall inform the Town or its Designee in writing of any change in the information submitted on an application for a retailer permit within 14 calendar days of a change.
- 4. All information specified in an application pursuant to this Section shall be subject to disclosure under the California Public Records Act (Government Code Section 6250 et seq.) or any other applicable law, subject to any exemptions.

(f) *Issuance of permit.*

- 1. Upon the receipt of a complete application for a retailer permit, the application fee, and the annual permit fee, the Town or its Designee shall issue a retailer permit unless substantial evidence demonstrates that one or more of the following bases for denial exists:
 - a. The information presented in the application is inaccurate or false.
 - b. The application seeks authorization for retailing at a location for which this Section prohibits issuance of a retailer permit.
 - c. The application seeks authorization for retailing by a person to whom this Section prohibits issuance of a retailer permit.
 - d. The application seeks authorization for retailing that is prohibited pursuant to this Section (e.g., mobile vending) or that is unlawful pursuant to any other law.
- 2. A retailer permit shall be revoked if the Town finds that one or more of the bases for denial of a retailer permit under this Section existed at the time application was made or at any time before the retailer permit issued. Such a revocation shall be without prejudice to the filing of a new permit application.
- 3. A decision to deny issuance of a retailer permit or to revoke a retailer permit that has been wrongly issued may be appealed pursuant to this Section.

(g) *Permit term, renewal, and expiration.*

1. Term of permit. The term of a retailer permit is one year. A retailer permit is invalid upon expiration.
2. Renewal of permit. The Town or its Designee shall renew a valid retailer permit upon timely payment of the annual permit fee. The Town or its Designee may, in its discretion, agree to renew any expired retailer permit within the three-month period following expiration if the retailer pays the annual permit fee and applicable late charges. For every calendar month, or fraction thereof, that a retailer fails to renew an expired retailer permit, a late charge equal to 20 percent of the annual permit fee shall be assessed. A retailer permit renewed within three calendar months of expiration shall be treated as if timely renewed.
3. Issuance of permit after revocation or expiration of permit. To apply for a new retailer permit more than three calendar months after expiration of a retailer permit or following revocation of a retailer permit that was wrongly issued, a retailer must submit a complete application for a retailer permit, along with the application fee and annual permit fee. The Town or its Designee shall issue a retailer permit pursuant to the requirements of this Section.

(h) *Permits nontransferable.*

1. A retailer permit may not be transferred from one person to another or from one location to another. Whenever a new person obtains ownership in a business for which a retailer permit has been issued, a new retailer permit shall be required, but any exemption granted pursuant to Section (d) shall cease to apply.
2. Notwithstanding any other provision of this Section, prior violations of this Section at a location shall continue to be counted against a location and permit ineligibility and suspension periods shall continue to apply to a location unless:
 - a. One hundred percent of the interest in the stock, assets, or income of the business, other than a security interest for the repayment of debt, has been transferred to one or more new owners; and
 - b. The Town or its Designee is provided with clear and convincing evidence, including an affidavit, that the business has been acquired in an arm's length transaction.

(i) *Permit conveys a limited, conditional privilege.*

Nothing in this Section shall be construed to grant any person obtaining and maintaining a retailer permit any status or right other than the limited, conditional privilege to act as a retailer at the location in the Town identified on the face of the permit.

(j) *Fees.*

The Town or its Designee shall not issue or renew a retailer permit prior to full payment of any applicable fees. The Town shall, from time to time, establish by resolution the fees to issue or to renew a retailer permit. The fees shall be calculated so as to recover the cost of administration and enforcement of this Section, including, for example, issuing a permit, administering the permit program, conducting retailer education, performing retailer inspection and compliance checks, documenting violations, and prosecuting violators, but shall not exceed the cost of the regulatory program authorized by this Section. All fees and interest earned from such fees shall be used exclusively to fund administration and enforcement of this Section.

(k) *Compliance monitoring.*

1. Compliance with this Section shall be monitored by the Town or its Designee. In addition, any peace officer may enforce the penal provisions of this Section. The Town Manager may designate any number of additional persons to monitor and facilitate compliance with this Section.
2. The Town or its Designee shall check each retailer at least once per 12-month period to determine if the retailer is complying with all laws applicable to retailing, other than those laws regulating underage access to tobacco products or electronic smoking devices. Nothing in this paragraph shall create a right of action in any retailer or other person against the Town or its agents.

(l) *Prevention of underage sales.*

1. The Town or its Designee shall check each retailer to determine whether the retailer is conducting business in a manner that complies with laws regulating youth access to tobacco products or electronic smoking devices. Nothing in this paragraph shall create a right of action in any retailer or other person against the Town or its agents.
2. The Town or its Designee shall not enforce any law establishing a minimum age for tobacco product or electronic smoking device purchases or possession against a person who otherwise might be in violation of such law because of the person's age ("Youth Decoy") if the potential violation occurs when:
 - a. The Youth Decoy is participating in a compliance check supervised by a peace officer or a code enforcement official of the Town;
 - b. The Youth Decoy is acting as an agent of a person designated by the Town to monitor compliance with this Section; or
 - c. The Youth Decoy is participating in a compliance check funded in part, either directly or indirectly through subcontracting, by the Town, or the California Department of Public Health.

(m) *Penalties for a violation by a retailer with a permit.*

1. In addition to any other penalty authorized by law, an administrative fine shall be imposed and a retailer permit shall be suspended if any court of competent jurisdiction determines, or the Town or its Designee finds based on a preponderance of the evidence, after the retailer is afforded notice and an opportunity to be heard, that the retailer, or any of the retailer's agents or employees, has violated any of the requirements, conditions, or prohibitions of this Section, has pled guilty, "no contest" or its equivalent to such a violation, or has admitted to such a violation.
2. Amount of fine. Each such violation shall be subject to an administrative fine as follows:
 - a. A fine not to exceed \$100.00 for a first violation within a 12-month period;
 - b. A fine not to exceed \$200.00 for a second violation within a 12-month period; and
 - c. A fine not to exceed \$500.00 for each additional violation within a 12-month period.
3. Time period for permit suspension.
 - a. For a first violation of this Section at a location within any 24-month period, the retailer permit shall be suspended for up to 30 calendar days.
 - b. For a second violation of this Section at a location within any 24-month period, the retailer permit shall be suspended for up to 90 calendar days.
 - c. For each additional violation of this Section at a location within any 24-month period, the retailer permit shall be suspended for up to one year.
4. Waiver of penalties for first violation. The Town or its Designee may waive any penalties for a retailer's first violation of any requirement, condition or prohibition of this Section, other than a violation of a law regulating youth access to tobacco products or electronic smoking devices, if the retailer admits the violation in writing and agrees to forego a hearing on the allegations. Regardless of the Town's or its Designee's waiver of penalties for a first violation, the violation will be considered in determining the penalties for any future violation.
5. Corrections period. The Town or its Designee shall have discretion to allow a retailer a period of time to correct any violation of any requirement, condition or prohibition of this Section, other than a violation of a law regulating youth access to tobacco products or electronic smoking devices. If a retailer's violation is corrected within the time allowed for correction, no penalty shall be imposed under this Section.
6. Appeals. Any penalties imposed under this Section may be appealed pursuant to Section A18-381 of this Section.

(n) *Penalties for retailing without a permit.*

1. *Administrative fine.* In addition to any other penalty authorized by law, an administrative fine and an ineligibility period for application or issuance of a retailer permit shall be imposed if a court of competent jurisdiction determines, or the Town or its Designee finds based on a preponderance of evidence, after notice and an opportunity to be heard, that any person has engaged in retailing at a location without a valid retailer permit, either directly or through the person's agents or employees, has

- pled guilty, "no contest" or its equivalent to such a violation, or has admitted to such a violation.
2. *Amount of fine.* Each such violation shall be subject to an administrative fine as follows:
 - a. A fine not to exceed \$100.00 for a first violation within a 12-month period;
 - b. A fine not to exceed \$200.00 for a second violation within a 12-month period; and
 - c. A fine not to exceed \$500.00 for each additional violation within a 12-month period.
 3. *Time period for permit ineligibility.*
 - a. For a first violation of this Section at a location within any 24-month period, no new retailer permit may be issued for the person or the location (unless ownership of the business at the location has been transferred in an arm's length transaction) until 30 calendar days have passed from the date of the violation.
 - b. For a second violation of this Section at a location within any 24-month period, no new retailer permit may be issued for the person or the location (unless ownership of the business at the location has been transferred in an arm's length transaction) until 90 calendar days have passed from the date of the violation.
 - c. For each additional violation of this Section at a location within any 24-month period, no new retailer permit may be issued for the person or the location (unless ownership of the business at the location has been transferred in an arm's length transaction) until one year has passed from the date of the violation.
 4. *Waiver of penalties for first violation.* The Town or its Designee may waive any penalties for a retailer's first violation of this Section, unless the violation also involves a violation of a law regulating youth access to tobacco products or electronic smoking devices, if the retailer admits the violation in writing and agrees to forego a hearing on the allegations. Regardless of the Town's or its Designee's waiver of penalties for a first violation, the violation will be considered in determining the penalties for any future violation.
 5. *Appeals.* Any penalties imposed under this Section may be appealed pursuant to this Section.

(o) *Appeals.*

1. A decision to deny issuance of a retailer permit, to revoke a retailer permit that has been wrongly issued, or to impose penalties for a violation of this Section can be appealed to a hearing officer, subject to the following requirements and procedures. The hearing officer shall be the Town Manager or its Designee.
2. All appeals must be in writing, state the grounds asserted for relief and the relief sought, and be filed with the Town or its Designee within ten calendar days of receipt of notice of the appealed action. If such an appeal is made, it shall stay enforcement of the appealed action.
3. No later than 15 calendar days after receipt of the appeal, the hearing officer shall set an appeal hearing at the earliest practicable time and shall give notice of the hearing to the parties at least ten calendar days before the date of the hearing.

4. Neither the provisions of the Administration Procedure Act (Government Code Section 11500 et seq.) nor the formal rules of evidence in civil or criminal judicial proceedings shall apply to such hearing. At the hearing, the hearing officer may admit any evidence, including witnesses, relevant to the determination of the matter, except as otherwise provided in Section A18-382(c) of this Section. A record of the hearing shall be made by any means, including electronic recording, so long as a reasonably accurate and complete written transcription of the proceedings can be made.
5. The hearing officer may continue the hearing from time to time, in his or her sole discretion, to allow for orderly completion of the hearing.
6. After the conclusion of the hearing, the hearing officer shall issue a written decision, which shall be supported by substantial evidence. Notice of the written decision, including findings of facts, conclusions of law, and notification of the time period in which judicial review may be sought pursuant to Code of Civil Procedure Section 1094.6, shall be served upon all parties no later than 20 calendar days following the date on which the hearing closed. Any decision rendered by the hearing officer shall be a final administrative decision.

(p) *Enforcement.*

1. Any violation of this Section is hereby declared to be a public nuisance.
2. Causing, permitting, aiding, abetting, or concealing a violation of any provision of this Section shall also constitute a violation of this Section.
3. Whenever evidence of a violation of this Section is obtained in any part through the participation of a person under the age of 18 years old, such a person shall not be required over his or her objection to appear or give testimony in any civil or administrative process brought to enforce this Section and the alleged violation shall be adjudicated based upon the sufficiency and persuasiveness of the evidence presented.
4. Violations of this Section may be remedied by a civil action brought by the Town, including, but not limited to, administrative or judicial nuisance abatement proceedings, civil code enforcement proceedings, and suits for injunctive relief. For the purposes of the civil remedies provided in this Section, each day on which a tobacco product or electronic smoking device is offered for sale in violation of this Section, and each individual retail tobacco product or electronic smoking device that is distributed, sold, or offered for sale in violation of this Section, shall constitute a separate violation of this Section.
5. Any person found guilty of violating any provision of this Section shall be deemed guilty of an infraction, punishable as provided by California Government Code § 25132.
6. The remedies provided by this Section are cumulative and in addition to any other remedies available at law or in equity.

SECTION II

The Town Council finds and determines that the adoption of this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) per CEQA Guidelines under the General Rule (Section 15061(b)(3)), which sets forth that the CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that the proposed Town Code text amendments will have no significant negative effect on the environment.

SECTION III

If any provision of this ordinance or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. The Town Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

SECTION IV

Except as expressly modified in this Ordinance, all other Sections set forth in the Los Gatos Town Code shall remain unchanged and shall be in full force and effect.

SECTION V

This Ordinance shall take effect on January 1, 2018. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the Town Council and a certified copy shall be posted in the office of the Town Clerk, pursuant to GC 36933(c)(1).

SECTION VI

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the 2nd day of May, 2017, and adopted by the following vote as an ordinance of the Town of Los Gatos at a regular meeting of the Town Council of the Town of Los Gatos on the 16th day of May, 2017.

COUNCIL MEMBERS:

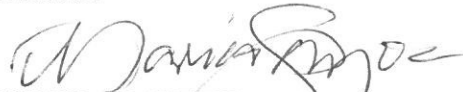
AYES: Marcia Jensen, Steve Leonardis, Rob Rennie, Barbara Spector, Mayor Marico Sayoc

NAYS: None.

ABSENT: None.

ABSTAIN: None.

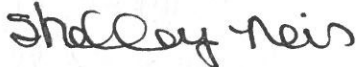
SIGNED:



MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: 5-17-17

ATTEST:



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

DATE: 5/17/17

**Santa Clara County Public Health Department
Tobacco-Free Communities Program
City-County Tobacco Retail Permitting Annual Summary**

In August 2017, the County of Santa Clara and the Town of Los Gatos entered in a City-County Tobacco Retail Permitting (TRP) Agreement where the County is responsible for the implementation, administration, monitoring, and enforcement (except tobacco sales to minors laws) of the Town's ordinance. Below is an annual summary of the ordinance within its first year of implementation.

OVERVIEW OF LOS GATOS'S TOBACCO RETAIL LANDSCAPE

Prior to the implementation of the TRP, there were a total of 29 tobacco retailers in the Town of Los Gatos. However, post-policy implementation has resulted in a decrease of ten tobacco retailers. Five businesses were restricted from selling tobacco products because they had a licensed pharmacist on-site (Rite Aid and Safeway), four businesses did not apply for the TRP and are no longer engaging in the sale of tobacco products (Maple Leaf Donuts, Blossom Valley Valero, Safeway Store 742, and Lunardi's Market), and two locations are no longer in business (Smith's Liquor and Los Gatos Cigar Club).

As of September 2019, a total of 19 businesses are permitted by the Santa Clara County Department of Environmental Health to sell tobacco products in the Town of Los Gatos (see Table 1). Eleven stores are located within 500 feet of an existing tobacco retailer and 10 are located within 1,000 feet of a school (defined as public or private elementary, middle, junior high, and high school). Currently, there are no adult-only tobacco stores operating in the Town of Los Gatos.

Since the effective date of the Tobacco Retail Permitting Ordinance, no new businesses have made attempts to apply for a TRP. However, we identified one new e-commerce business engaging in tobacco sales and we are determining their tobacco retail permit eligibility.

Table 1: List of Permitted Tobacco Retailers in the Town of Los Gatos

Store Name	Address	500 ft. of tobacco retailers	1,000 ft. of schools
1. Los Gatos 76 (Mobil)	666 N. Santa Cruz Ave.	7-11 2233-14221 (235 ft.)	
2. Rotten Robbie #1	15299 Los Gatos Blvd.	Los Gatos 76 (Los Gatos Blvd) (258 ft.)	
3. Marsh Fuel (Los Gatos Chevron)	200 Los Gatos Saratoga Rd.	Village Liquors (160 ft.), Shell of Los Gatos (396 ft.)	
4. Carry Nations	8 N. Santa Cruz Ave.		St. Mary's Catholic School (310 ft.)
5. Los Gatos Valero	16500 Los Gatos Blvd.	Los Gatos Wines & Liquor (85 ft.)	Louis Van Meter Elementary (302 ft.)
6. 7-Eleven Store 2233-14221	657 N. Santa Cruz Ave.	Los Gatos 76 (Santa Cruz Ave.) (235 ft.)	
7. Village Liquors	211 Los Gatos Saratoga Rd.	Marsh Fuel (160 ft.), Shell of Los Gatos (411 ft.)	
8. Los Gatos Chevron	700 Blossom Hill Rd.		

9. Los Gatos Almaden Chevron	441 Leigh Ave.		Stratford School Los Gatos (755 ft.), South Valley Carden School (SJ) (650 ft.), Leigh High School (SJ) (144 ft.)
10. 7-Eleven Store 2233-14211B	280 E. Main St.	Dio Deko (478 ft.)	Los Gatos High (177 ft.)
11. Los Gatos Wine & Liquors	16498 Los Gatos Blvd.	Los Gatos Valero (85 ft.)	Louise Van Meter Elementary (220 ft.)
12. Dio Deko	210 E. Main St.	7-11 #2233-14211B (478 ft.)	Los Gatos High (110 ft.)
13. Los Gatos Cigar Club	21 College Ave.		Los Gatos High (734 ft.)
14. MJ Market & Liquor	15665 Los Gatos Blvd.		
15. Valero of Los Gatos (formerly Shell of Los Gatos)	255 Los Gatos Saratoga Rd.	Marsh Fuel (396 ft.), Village Liquors (411 ft.)	
16. Rinconada Liquor Store	1480 Pollard Rd.		Rolling Hills Middle School (Campbell) (348 ft.)
17. Los Gatos 76	15380 Los Gatos Blvd.	Rotten Robbie #1 (258 ft.)	
18. Black Watch	141 ½ N. Santa Cruz Ave.		St. Mary's Catholic School (509 ft.)
19. Lark Ave. 76	15171 Los Gatos Blvd.		Rainbow of Knowledge Elementary School (521 ft.)

LOS GATOS TOBACCO RETAILER INSPECTIONS

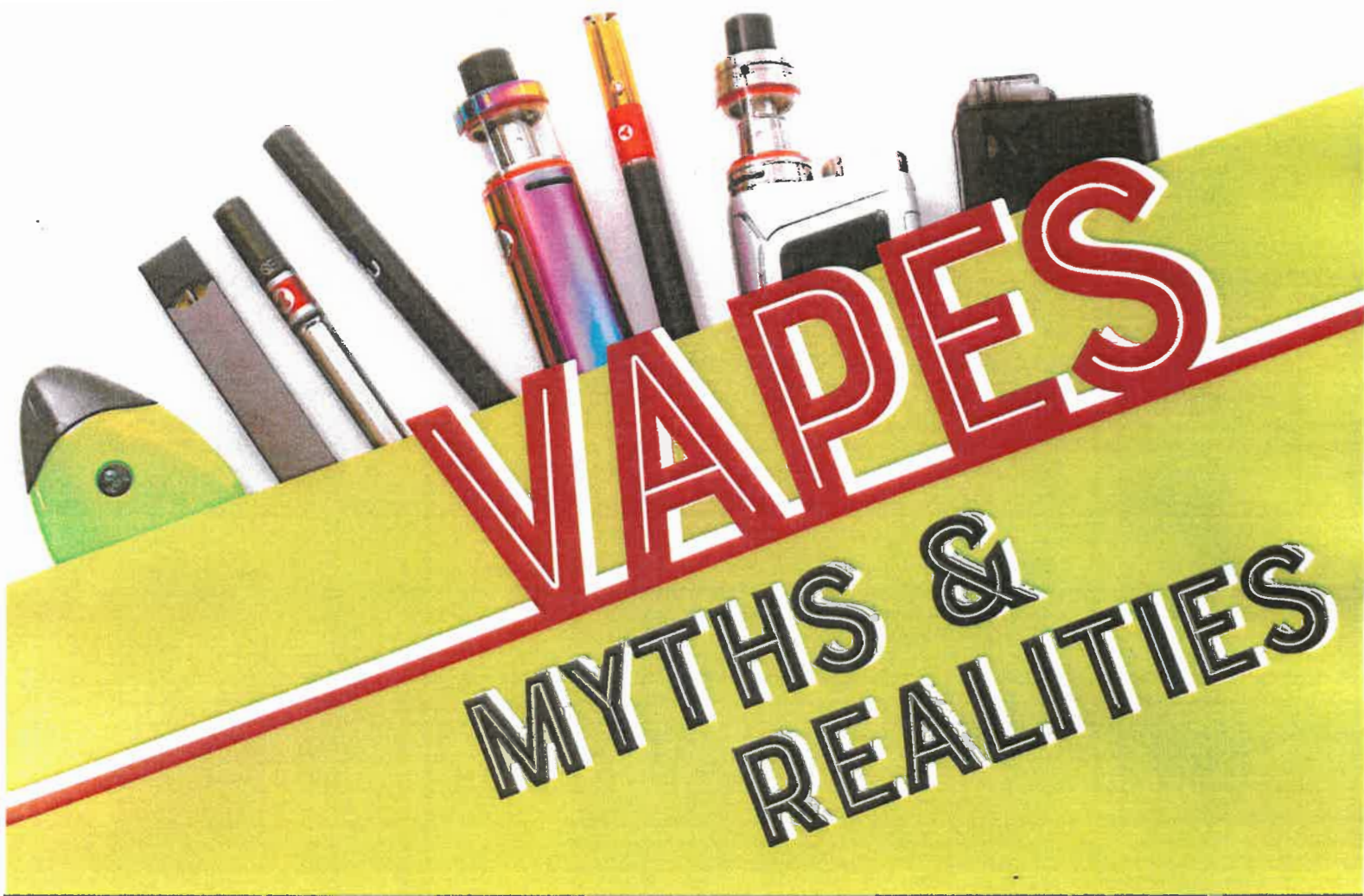
The Santa Clara County Department of Environmental Health conducted tobacco compliance checks in the permitted Los Gatos tobacco retailers during the month of March 2019. Please see Table 2 for summary of outcomes. All the stores listed above, with the exception of Lark Ave. 76 were visited.

Table 2: Summary of the Tobacco Compliance Checks

Indicator	% Stores in Compliance
Santa Clara County (SCC) TRP Available	94% (n=16)
SCC TRP Posted in Public View	59% (n=10)
California Department of Tax and Fee Administration (CDTFA) Tobacco License Posted in Public View	88% (n=15)
Self-Service Tobacco and/or Electronic Smoking Device Displayed	100% (n=17)
STAKE Act Warning Signs Posted at Point(s) of Purchase	71% (n=12)
Sale of Cigarette Packs Containing <20 Cigarettes	100% (n=17)
Advertising and Signage Covers >15% of Windows and Clear Doors	88% (n=15)
Advertising and Signage Obstructs a Clear View into the Interior of the Premises	88% (n=15)

Sale of Flavored Tobacco Products	71% (n= 12)
Tobacco Sampling and/or Coupon Distribution	100% (n=17)
Smoking in an Enclosed Space at a Place of Employment	100% (n=17)

As reflected in Table 2, all the stores have a SCC TRP, and almost all the stores had them available in the store during the time of the visit. A little over half of stores had their SCC TRP posted in public view, a requirement of the Ordinance, and remaining stores were asked by the Santa Clara County Department of Environmental Health Inspector to correct the issue. More than three-quarters of stores had their CDTFA tobacco license posted in public view and those that did not were asked by the Inspector to correct the issue. Over three-quarters of the stores had their STAKE (Stop Tobacco Access to Kids Enforcement) Act sign posted at each point of purchase. To support stores come in compliance with this, Santa Clara County Public Health Department staff have mailed the required signage to the businesses. Over two-thirds of stores were in compliance with the flavored tobacco restriction, however stores that were out of compliance were asked to immediately cease the sales of all flavored tobacco products. The Santa Clara County Department of Environmental Health mailed follow-up letters to businesses notifying them of their violations and conducted re-inspection visits in September 2019, particularly to ensure that stores not exempted from the flavored tobacco restriction have continued to cease sales of flavored tobacco products.



Myth: Vapes produce a harmless water vapor.

Reality: Vapes produce an aerosol that has nicotine and toxins known to cause cancer. These toxic chemicals include things like benzene, lead, and nickel, some of the same chemicals found in tobacco products. The chemical diacetyl, found in many vape flavors, is linked to serious lung disease.¹

Myth: Vapes are safe.

Reality: Vapes are NOT a risk-free product. They contain nicotine and low levels of toxins and chemicals. Vapes are especially dangerous for teens, whose brains are still developing. Teens who vape are at risk for nicotine addiction, mood disorders, difficulty paying attention, reduced impulse control, and learning problems.¹

Myth: Vaping isn't addictive.

Reality: Nicotine is a highly addictive drug. Nicotine is one of the main ingredients in most vape e-liquids.¹

Myth: Vapes can help people quit tobacco.

Reality: Vapes are not approved by the FDA to help people quit tobacco.

Some people switch from cigarettes to vapes. But switching isn't quitting. In fact, vape use among youth and young adults is strongly linked to the use of other tobacco products, such as traditional cigarettes, cigars, and smokeless tobacco.¹

Myth: Big Tobacco doesn't make vape products.

Reality: All major tobacco companies now make vapes. By 2020 the vape market is expected to reach \$15 billion.²

Sources:

1. U.S. Department of Health and Human Services, in partnership with the Office of the U.S. Surgeon General and the U.S. Centers for Disease Control and Prevention, Office on Smoking and Health. Know the Risks: E-cigarettes & Young People. 2018. <https://e-cigarettes.surgeongeneral.gov/knowtherisks.html> [Accessed 8/2018]
2. California Department of Public Health. Flavors Hook Kids. 2018. www.flavorshookkids.org [Accessed 8/2018]

Note: The term "vapes" is used here to refer to a range of electronic smoking devices including e-cigarettes, e-hookahs, vape pens, electronic nicotine delivery systems (ENDS), and mods.

© Revised 2018. California Department of Public Health, funded under contract #16-16004. www.tecc.org

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QUIT TODAY: 1-800-NO-BUTTS (1-800-662-8887)

OR VISIT WWW.NOBTTS.ORG.

Preventing the Under-Age Sale of Tobacco and Electronic Cigarettes:

Fining and Penalizing Youth Doesn't Work

Talking and Message Points

1. Almost 95 percent of adults with a daily smoking habit started using in their teens and early twenties. Laws that raise the minimum age for the sale of tobacco products to twenty-one years and do not penalize youth can be an effective prevention strategy—especially when combined with active enforcement of retailers.
2. Youth under age twenty-one who buy tobacco products often struggle with nicotine addiction. Fines and punishment can discourage this vulnerable population from getting help.
3. Smoking and vaping are addictive and quitting is hard. Effective, evidence-based prevention and cessation programs are more likely to stop youth from using tobacco than fines and suspension from school.
4. Cessation resources such as “Quit-Lines,” educating communities about the dangers of using tobacco, and strict enforcement of store licensing requirements are more beneficial than laws that penalize youth.
5. Laws that fine or penalize under-age youth who buy electronic cigarettes (e-cigarettes) and other tobacco products have not proven to be effective. Prevention experts with the American Cancer Society Cancer Action Network support regulating the sale—not the purchase—of tobacco.
6. The burden of complying with laws that ban the sale of e-cigarettes and tobacco to people under age twenty-one lies with retailers and not with youth.
7. Penalizing students who PUP tobacco takes the focus off of retailers who illegally sell tobacco products to youth under age twenty-one.

Purchase, Use, and Possess Ordinances

In 2016, California raised the minimum age for the sale of tobacco from eighteen to twenty-one. It is now illegal to sell, give, or furnish tobacco products or paraphernalia, including electronic smoking devices, to anyone under the age of twenty-one.

To enforce this new law, some communities are adopting local ordinances that penalize youth who “Purchase, Use, or Possess” (PUP) tobacco.

Instead of preventing tobacco use and addiction, PUP ordinances are more likely to divert resources away from retailers who sell tobacco products illegally and predatory marketing practices that target children and young people.

Tobacco-Use Prevention Education (TUPE) Office

Phone: 916-323-1540

Email: tupe@cde.ca.gov

Visit our TUPE Program web page at

<https://www.cde.ca.gov/ls/he/at/tupe.asp>

8. According to the Truth Initiative (a nonprofit organization dedicated to preventing young people from becoming smokers), enforcement that penalizes the PUP of tobacco products disproportionately harms African-American and Latino students—even after accounting for differences in smoking rates.
9. Tobacco companies support laws that penalize young people for buying and possessing tobacco because this type of enforcement shifts blame away from predatory marketing practices that target youth.
10. To prevent young people from becoming addicted to tobacco, the American Cancer Society Cancer Action Network encourages local enforcement agencies to focus on licensing requirements such as conducting annual unannounced compliance checks at stores and suspending the licenses of retailers who sell to under-age youth.

For more information, please refer to the following resources:

- ✓ Richmond Times Dispatch Brian Donohue Column. 2019. Tobacco 21: Addressing the Right Problem the Wrong Way. (https://www.richmond.com/opinion/their-opinion/guest-columnists/brian-donohue-column-tobacco-addressing-the-right-problem-the-wrong/article_79f3191e-0b24-5244-9b60-dd8a43d5f752.html).
- ✓ The Truth Initiative, 2019. Where We Stand: Raising the Tobacco Age to 21. (<https://truthinitiative.org/news/where-we-stand-raising-tobacco-age-21>).
- ✓ American Cancer Society Cancer Action Network. 2019. Raising Federal Purchase Age of Tobacco Products to 21 Holds Promise If Done Correctly. (<https://www.fightcancer.org/releases/raising-federal-purchase-age-tobacco-products-21-holds-promise-if-done-correctly>).
- ✓ Wakefield, G Giovino. 2003. "Teen Penalties for Tobacco Possession, Use, and Purchase: Evidence and Issues." *BMJ*, 12 (Suppl L): 16–i13.
- ✓ California Legislative Information. 2015–16. SB-7 Tobacco Products: Minimum Legal Age. (http://leginfo.legislature.ca.gov/faces/billCompareClient.xhtml?bill_id=201520162SB7).

Tobacco Use Among High School Students in Santa Clara County

Findings from the 2017-18
California Student Tobacco Survey



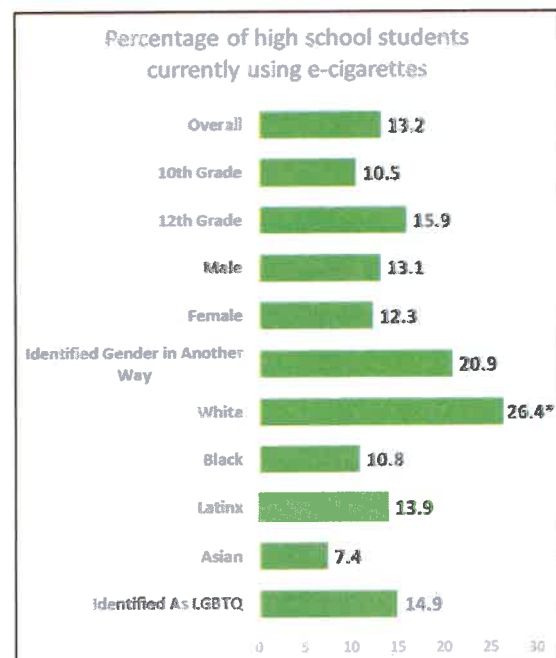
SUMMARY OF KEY FINDINGS

This factsheet summarizes the main findings from the 2017–18 California Student Tobacco Survey (CSTS) for Santa Clara County. The survey was administered to Santa Clara County's 8th, 10th, and 12th grade students from September 2017 to December 2018. The project was conducted by the University of California, San Diego, with funding from the Santa Clara County Public Health Department. Throughout 2017–18, 6,669 students from 9 high schools and 9 middle schools in Santa Clara County participated in the survey. This report focuses on high school students (10th and 12th graders; 4,624 students).

The survey was designed to assess use of, knowledge of, and attitudes towards cigarettes and other tobacco products. The survey included questions that assessed use of each tobacco product, susceptibility to future use, and social and environmental exposure to products.

Tobacco Use Behavior

- The smoking prevalence for high school students in Santa Clara has reached a historic low. In 2017–2018, only 1.4% of high school students in Santa Clara County reported currently using cigarettes. Use of other combustible tobacco products, like little cigars or cigarillos (LCC), big cigars, and hookah, was also very low (1.7%, 0.7%, and 0.8%, respectively).
- E-cigarettes were the most commonly used tobacco product among high school students in Santa Clara County (13.2%).



- Overall tobacco use was still relatively high among students in Santa Clara County (13.9%), driven mainly by the high rate of e-cigarette use.
- Approximately 15.8% of tobacco product users reported using two or more products.
- Most current tobacco users in Santa Clara County reported using a flavored tobacco product (82.3%). Flavored tobacco product use was high across all genders, races/ethnicities, and grades.

Risk Factors for Tobacco Use

- Among high school students in Santa Clara County who had never used a tobacco product, two in five (40.1%) were susceptible to future use if offered by a best friend. Susceptibility was even higher among those who reported having friends who used tobacco products.
- Over one in four (28.0%) high school students in Santa Clara County reported being offered e- cigarettes, cigarettes, LCC, or hookah in the last 30 days. Over one in ten (13.5%) students who had never used these products reported being offered one in the last 30 days.
- Less than half of high school students in Santa Clara County who used tobacco products reported paying for their own e-cigarettes (45.4%) and cigarettes (47.4%). Many high school students perceived that it would be easy to get e-cigarettes (63.2%) or cigarettes (47.5%) if they wanted them.

Exposure to Secondhand Smoke & Aerosol

- Most high school students in Santa Clara County reported having a complete home ban on vaping (78.4%) and smoking (85.2%).
- Despite home bans on vaping and smoking, the rate of exposure to secondhand smoke and aerosol (from vaping devices) was still high: generally, one-third of high school students were exposed to secondhand vapor (37.7%) and smoke (30.3%) in a room in the last 30 days.
- Overall exposure to secondhand vapor and smoke in a room did not differ according to home type; however, students who lived in multi-unit housing (49.9%) and in other housing (54.1%) reported greater exposure to drifting smoke than those who lived in detached houses (31.7%).

Tobacco-Free Communities Program – Santa Clara County Public Health Department

1775 Story Road, Suite 120
 San Jose, CA 95122
 Phone: (408) 793-2700
 Email: tobaccoprevention@phd.sccgov.org
 Visit: www.sccphd.org/tobaccofree



Illegal Access to Tobacco in San Jose

Did you know that you must be **21 years** of age to purchase tobacco in California?

That's right—the law changed in 2016 and it also includes the sale of electronic smoking devices.

Despite this, **over 26%** of Santa Clara County youth who report buying their own e-cigarettes, said they **purchased them from a store**.

In 2018, the Santa Clara County Public Health Department's Tobacco Free Community Program conducted a Young Adult Tobacco Purchase Survey (YATPS). Youth decoys between the ages of 18-20 attempted to purchase flavored tobacco products at 109 stores in San Jose.



23% of the retailers surveyed **illegally sold tobacco products** to underage youth



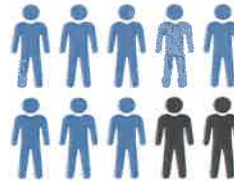
11% of illegal sales came from a **tobacco/vape shop**



Of all the illegally sold tobacco products:

- » 28% were **mint or menthol flavored**
- » 68% were **fruit flavored**

WHY IS THIS IMPORTANT?



82% of high school students who use tobacco are using a **flavored product**



1 in 4 stores that sell tobacco in Santa Clara County are **within 2 blocks of a school**

Although there has been a TRL policy in San Jose (where over half of the retailers in the county are located) since 2011, flavored tobacco and mint/menthol products are not included. The City of San Jose TRL also exempts licensing for tobacco and vape shops from their current TRL ordinance.

WHAT'S THE SOLUTION?

- » Tobacco Retail Licensing (TRL) creates consequences for stores caught selling tobacco to youth and can allow local enforcement of the law.
- » TRL can also restrict sales of flavored products and limit the number of tobacco retailers near schools and other youth zones.
- » A stronger TRL policy that includes restrictions on the sale of flavored tobacco products **will protect our youth and communities** from the negative health impacts of tobacco.

Santa Clara County
PUBLIC HEALTH

For more information or to join the tobacco-free movement, call 408-793-2700 or visit www.sccphd.org/tobaccofree

References:

Ambrose, BK, et al. Flavored Tobacco Use Among US Youth Aged 12-17 Years, 2013-2014. JAMA, 314:17 (2015): 1671-73.
Santa Clara County Tobacco Free Communities Program. Young Adult Tobacco Purchase Survey 2018.

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Electronic Cigarettes and Vaping Devices: *Nicotine Addiction Repackaged*

Impact of Tobacco-Free Laws on Students and Local Educational Agencies

How do California tobacco-free laws affect youth and local educational agencies?

- ✓ All local educational agencies (LEAs) are required to prohibit the use of all tobacco products, including vaping, by students, staff, and visitors at all times on all LEA property. The LEAs are required to post signs stating “Tobacco Use is Prohibited” at all entrances to LEA property.
- ✓ In order to protect all California students, school staff, and visitors to schools, a comprehensive approach is necessary. A clearly articulated Tobacco-Free School Policy applied fairly and consistently can help students decide not to start using tobacco or to quit using tobacco products. Tobacco-free school policies that are consistently enforced promote and reflect norms that tobacco use is not an acceptable behavior. More importantly, they are associated with decreased tobacco-use prevalence among adolescents.
- ✓ Use and possession of all tobacco products, including e-cigarettes, by students while on school grounds or participating in any school-sponsored activities off school property, is prohibited.
- ✓ This provision explicitly allows students to use or possess cessation or therapeutic products approved by the U.S. Food and Drug Administration.
- ✓ Local law enforcement and school resource officers may not cite youth for possession and use of tobacco products. However, schools may still discipline students for tobacco use and possession off school grounds under California *Education Code* Section 48901, whether on campus or off campus at a school-sponsored activity.
- ✓ According to the Centers for Disease Control and Prevention, the most effective approaches to helping youth quit tobacco use are through counseling and education. Schools should consider alternatives to harsher disciplinary actions when addressing violations by students of the school tobacco-free policy.^{viii}
- ✓ All school districts, charter schools, and county offices of education receiving Tobacco-Use Prevention Education funds from the California Department of Education (CDE) are required to adopt and enforce a tobacco-free campus policy.

For more information, please visit the CDE Tobacco-Free Law Information web page at <https://www.cde.ca.gov/ls/he/at/tobaccocalawsfags.asp>.

Electronic Cigarettes and Vaping Devices:

Nicotine Addiction Repackaged

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^v Centers for Disease Control and Prevention Smoking and Tobacco Use Fact Sheets on Youth and Tobacco Use. https://www.cdc.gov/tobacco/data_statistics/fact_sheets/youth_data/tobacco_use/index.htm

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^{vii} U.S. Department of Health and Human Services. E-Cigarette Use Among Youth and Young Adults. A Report of the Surgeon General. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2016.

^{viii} U.S. Department of Health and Human Services. Guidelines for School Health Programs to Prevent Tobacco Use and Addiction. *Morbidity and Mortality Weekly Report (MMWR)*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, February 1994.

Emerging Electronic Tobacco Products

A generational look at the evolution of electronic tobacco products.

CIG-A-LIKES

Cig-a-likes first entered the market in 2007. These products mimic the size and shape of a tobacco cigarette and the nicotine solution is sold in pre-filled cartridges. Very often they are also disposable.



E-LIQUID

E-liquid is the flavored liquid that is used in e-cigarettes. Sometimes referred to as e-juice or vape juice, e-liquid is often available in a range of nicotine strengths and flavors.



VAPE PENS

Vape pens are larger than cig-a-likes and often have the appearance of an ink pen. These devices reach higher temperatures, can have batteries or be rechargeable, and have a refillable cartridge that the user fills with a nicotine or THC solution.



MODS & TANKS

Moder and tanks are the largest devices. They have a big battery to create more aerosol which allows the user to inhale greater amounts of nicotine and chemicals at a faster rate. The devices have a refillable tank for a nicotine solution.



POD SYSTEMS

Pod-based systems are typically smaller and can often look like a USB. Pods consist of two parts: a battery and a pod filled with a nicotine solution that connects to it. The pods can be refillable or purchased pre-filled.





Tobacco continues to take a huge toll on our health and the health of our community.

Secondhand smoke exposure and youth access to tobacco products are critical issues to address.

JOIN US

Show your support for policies to protect our community.



For more information:

**Tobacco Free Communities Program
County of Santa Clara**

Public Health Department

www.sccphd.org/tobaccofree

tobaccoprevention@phd.sccgov.org

408-793-2700

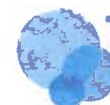
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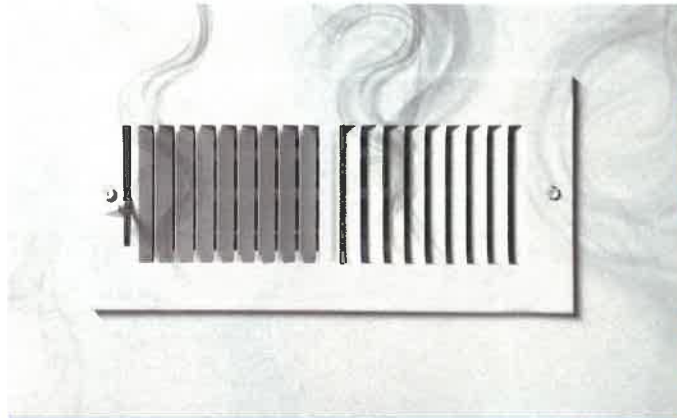
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TOBACCO PREVENTION POLICES CAN SAVE LIVES



TOBACCO-FREE COALITION
of Santa Clara County



Prevent secondhand smoke exposure in multi-unit housing

Smoke-free housing policies can protect all residents in multi-unit housing from secondhand smoke.

EXPOSURE TO SECONDHAND SMOKE
CAUSES 41,000 DEATHS
ANNUALLY AMONG ADULTS IN THE U.S.¹

- » There is **no risk-free** level of exposure to secondhand smoke.²
- » Secondhand smoke travels through doorways, cracks in walls, electrical outlets, ventilation systems, and plumbing.
- » In Santa Clara County, **nearly one-third of adults** living in multi-unit housing reported smelling tobacco smoke drifting into their homes from nearby apartments or outside **one or more times** in the past seven days.³

1 IN 3 HOUSEHOLDS LIVE
IN MULTI-UNIT HOUSING
IN SANTA CLARA COUNTY⁴



Prevent youth access and exposure to tobacco products

Tobacco retail licensing policies can decrease the availability of tobacco and can prevent youth from accessing these deadly products.

IN SANTA CLARA COUNTY
MORE THAN **1 IN 10** YOUTH USE
TOBACCO PRODUCTS⁵

- » Almost **40% of youth** who smoke, stated that they acquired their cigarettes from a store.⁶
- » The tobacco industry purposely markets flavored, including menthol, tobacco products to lure kids. In fact, **80% of kids** who have ever used tobacco started with a flavored product.⁷
- » **More than a quarter of stores** that sell tobacco are located within two blocks of a school, resulting in increased access and exposure to tobacco products.⁸
- » **Kids are 3x more sensitive to tobacco marketing** than adults.⁹

TEAR HERE

☐ **I support preventing secondhand smoke exposure in multi-unit housing!**

☐ **I support preventing youth access and exposure to tobacco products!**

Print Name: _____

Signature: _____

Organization/School (if applicable): _____

Email (optional): _____

Date: _____

City of Residence (if signing as an individual): _____

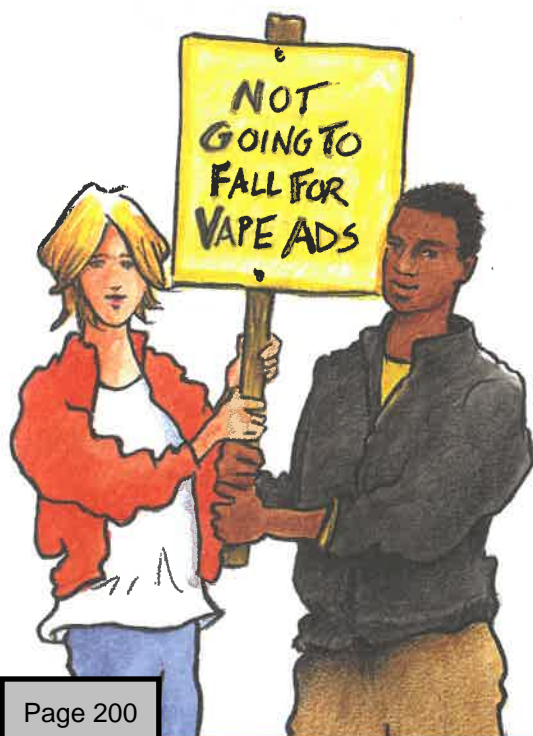
Zip Code (if signing as an individual): _____

District (if you reside in San Jose): _____

There's a reason cigarette ads were banned from TV.

- They lured people into using a dangerous product.
- Vape ads are trying the same tactics.
- Are you going to let a sexy star or a cool car fool you?

**The truth is –
your health
is important!**



Vape pipes, hookah pens and e-cigs may seem cool. Think again. They're just a new way to addict people to nicotine.

Don't get hooked. See through the vapor to the truth about vaping.

This pamphlet is not a substitute for medical care. If you have questions or concerns, please talk with a health care provider.

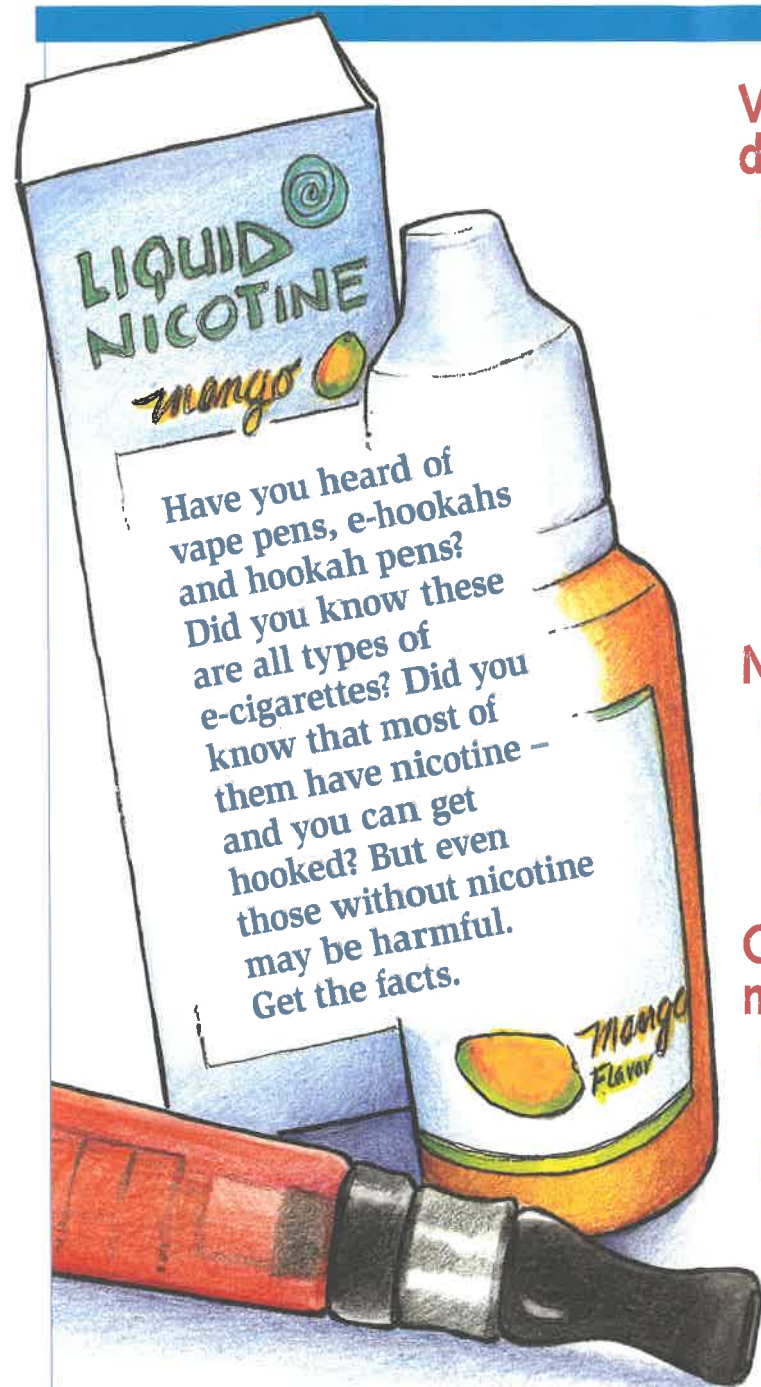
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The Truth About Vaping, E-Cigs and Hookah Pens





Vapes are battery-operated devices that mimic smoking.

- They include vape pens, e-hookahs, e-cigarettes, mods, tanks and personal vaporizers.
- They all create an aerosol (vapor) that usually has nicotine and other chemicals. This aerosol is inhaled and exhaled like smoke.
- Most have nicotine, though some are sold as nicotine-free.
- They are sometimes used to smoke marijuana oil or other drugs.

Nicotine is an addictive drug.

- Once you start using nicotine, it's hard to stop.
- Nicotine can affect your heart rate and blood pressure. It can affect insulin levels too. It may lead to heart disease.

Other chemicals in vapes may harm your health.

- All vapes, even those with no nicotine, have other chemicals in the liquid and flavors.
- These liquids have not been tested enough to know the long- or short-term health risks.

Vaping will cost you money.

- Some vapes are disposable, so you have to keep buying them.
- With others you need to replace the batteries, liquid and chargers.
- Is that really how you want to spend your cash?



Vapes are designed to seem cool.

- Really? There's nothing cool about risking your health.

Sweet flavors make it easy for young people to try.

- Vape juice comes in flavors like bubble gum, chocolate and cherry.
- With tempting flavors like these, young people may try them and soon find themselves hooked on nicotine.





8. Talking with your kids can help.

- Ask them what they know about vaping, e-hookahs and e-cigarettes.
- Let them know that they are not proven safe.
- It's okay to say that you don't want them to smoke or use vaping devices. Talk to them about nicotine and addiction.



If you smoke or use e-cigarettes, the best thing you can do is to quit. But if you cannot stop, talk with your children about what it is like to be addicted.

Have you heard about hookah pens and other types of e-cigarettes? Many young people think they are risk-free.

Look inside to learn more about these devices and to get tips on how to talk with your kids about them.

This pamphlet is not a substitute for medical care. If you have questions or concerns, please talk with a health care provider.

Written by Mardi Richmond.
Designed by Su Gatch. Illustrated by Meg Biddle.
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Vaping and E-Cigarettes

8 Things Every Parent Should Know



More and more, young people have been trying e-cigarettes, vape pens and hookah pens. Here are eight things you should know about these devices and how they may affect your kids.

1. By any name, all e-cigarettes are the same.

- Some of the many types of e-cigarettes are:
 - ▶ Hookah pens
 - ▶ Personal vaporizers (PVs or vapes)
 - ▶ E-hookahs
 - ▶ Vape pens
 - ▶ Mods
 - ▶ Pods
 - ▶ Tanks
 - ▶ E-shishas
- They all use a battery to heat up a liquid, often called e-liquid. The vapor from the heated liquid is then inhaled.
- The e-liquid comes in a variety of flavors and nicotine levels.
- The vapor is not just water. It is an aerosol of tiny particles of many different chemicals.



2. They are drug delivery devices.

- They are sold as a way to get nicotine. Nicotine is an extremely addictive drug.
- Nicotine may affect growing brains. It can affect blood pressure, heart rate and insulin levels.
- Vape pens and other e-cigs are also used to smoke marijuana oil and other drugs.

3. Some do not have nicotine.

- But they are NOT risk-free. Studies suggest that when heated, the flavors and other chemicals in e-liquid may harm the lungs.
- Vaping has not been proven safe.

4. They don't always look like cigarettes.

- Vaping devices often look like colorful or metallic pens or small flashlights. Some look like USB memory drives. Others are larger, hand-held containers called tanks.

5. The sweet flavors attract young people.

- Some of the flavors are apple, cherry, banana, chocolate and coffee.
- The flavors can make them seem harmless.



6. The ads target kids.

- The ads make e-cigs seem safe. Some ads use celebrities to make e-cigs look glamorous.
- Ads are often put where teens will see them – on Facebook, on teen sites, on TV and in magazines.

7. E-cigs could mean trouble at school.

- Many schools now treat vaping devices like tobacco and other drugs. Kids may be suspended or expelled for having them at school.



4. Protect children from secondhand smoke.

- ✓ Secondhand smoke has the same harmful chemicals that a smoker breathes in.
- ✓ Children who breathe secondhand smoke have more colds, ear infections, asthma attacks and other health problems.
- ✓ Opening windows or using fans is not enough to protect kids.
- ✓ Even if you have allowed smoking in your home or car in the past, you can take steps now to protect their health.

What can you do?

- ❑ Make your home smoke-free. Ask people who visit to not smoke inside.
- ❑ Set up a "smoking area" outside and away from children.
- ❑ Don't allow smoke in the car or other closed areas.



REMEMBER: You can make a difference! Help your children stay tobacco-free.

Parents and caregivers make a difference! You can help children grow up healthy and tobacco-free! Look inside for tips on talking with kids about tobacco, and protecting them from secondhand smoke. You can get more information by visiting the Centers for Disease Control's tobacco information website at www.cdc.gov/tobacco

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FOR PARENTS AND CAREGIVERS

4 Great Ways to Help Your Child Stay Tobacco-Free



TALKING ABOUT TOBACCO

4 GREAT WAYS TO HELP YOUR CHILD STAY TOBACCO-FREE

Children learn about smoking and tobacco everyday – in school, from friends, from the media, movies and online. But you play a big role in what they learn too. Here are some great ways to help your child be tobacco-free for life.

1. Talk to kids about tobacco.

- ✓ The nicotine in tobacco is very addictive. Once a person starts using any kind of tobacco, it is hard to stop.
- ✓ Smoking or using smokeless tobacco can lead to serious health problems. Cancer, lung disease, heart disease and stroke are real risks.

What can you do?

- ❑ When you see tobacco use in public, or in the media or movies – talk about it.
- ❑ Let kids know you care about their health. Say, “I don’t want you to smoke, chew or use tobacco of any kind.”



2. Teach kids how to say no.

- ✓ Kids may feel pressure to try tobacco.
- ✓ Young people need support to stay tobacco-free.

What can you do?

- ❑ Help them come up with reasons not to use tobacco. Things to include may be, not wanting to hurt their health or smell like smoke. Wanting to keep their smile bright and do well in sports.
- ❑ Say, “Let’s practice saying no. Pretend I offer you tobacco.”
- ❑ Help kids come up with several ways to respond. They can try saying “No thanks,” “Tobacco is not for me,” or just walk away.



3. Be a good role model.

- ✓ Don’t smoke or use any other tobacco products. It is the best way to be a good role model.

If you or another family member uses tobacco:

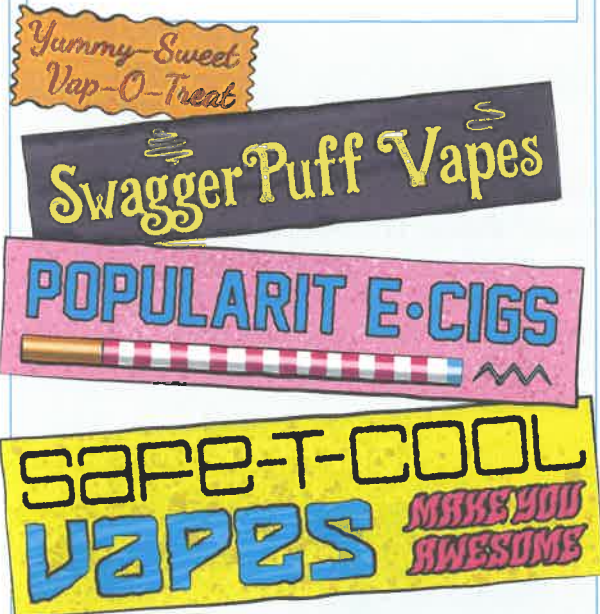
- ❑ Know that if your child bugs you to quit, it is only because he or she cares about you.
- ❑ Your child may be worried something bad will happen to you. If they are, say, “I know you are worried about my health.”
- ❑ Take steps to quit. This may be the best thing you can do for your own health. It can help your child be tobacco-free too. Talk to your health care provider about how to quit. Get help from a quit program.
- ❑ If you aren’t ready to quit, talk to your child about addiction and how hard it is to quit.
- ❑ Don’t smoke or use other tobacco products around kids. Don’t leave tobacco where a child can get it.



6. Vape companies use which tricks to get young people hooked on vapes?

- ☐ A. Flavored nicotine
- ☐ B. Ads that make vaping seem cool and safe
- ☐ C. Trendy-looking vapes
- ☐ D. All of the above

Answer: D. Vaping companies use all of these strategies to make young people want to vape. They care more about getting money than about your health.



7. True or false: Vapes and e-cigarettes can explode.

Answer: True. Many people have been injured and burned from e-cigarette explosions caused by the batteries.

What do you know about vaping and e-cigarettes? Take the quiz and find out what's a myth and what's real. You'll learn about explosions, chemicals and a mysterious disease called popcorn lung. That way, you'll have the facts to help you make up your mind about vaping!

This pamphlet is not a substitute for medical care. If you have questions or concerns, please talk with a health care provider.

Written by Maya Desci.
Designed by Su Gatch. Illustrated by Zeke Smith.
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The Vaping Quiz



Vapes and e-cigarettes are devices that people use to inhale nicotine. Instead of burning tobacco, vapes heat liquid nicotine to make “vapor.” Vape companies say vaping is safe, but is it really? Take this quiz to test your knowledge and get the facts!

1. True or False? The vapor is just water.

Answer: False. The “vapor” that e-cigarettes make is actually an aerosol (a fine mist of tiny particles). The aerosol can contain nicotine, toxic chemicals and heavy metals. It is way more than just water.

2. Which of the following is true about nicotine?

- ☐ A. Nicotine is a drug. It is as addictive as cocaine or heroin.
- ☐ B. Nicotine affects your heart rate, blood vessels and brain development.
- ☐ C. Nicotine is safe.
- ☐ D. Liquid nicotine is poisonous when swallowed or absorbed through the skin.

Answer: A, B and D. Nicotine in any form is addictive and bad news for your health. There are safety issues too! Reports of children and pets poisoned by liquid nicotine are on the rise.



3. The liquid used in vapes can contain which of the following?

- ☐ A. Formaldehyde
- ☐ B. Nickel
- ☐ C. Acetaldehyde (a chemical used in paint stripper)
- ☐ D. All of the above

Answer: D. People who vape may be inhaling all of these chemicals as well as others. Some are known to cause cancer.

4. Vaping can lead to which of these health issues?

- ☐ A. Asthma attacks
- ☐ B. Popcorn lung
- ☐ C. Lung and throat irritation
- ☐ D. All of the above

Answer: D. Vaping can lead to all these health problems. (Popcorn lung is a lung disease. It was first seen in workers at a popcorn factory who got sick after breathing the dust of a flavoring chemical. That same flavoring is used in many vapes.)

5. True or False? Vaping helps people quit smoking tobacco.

Answer: False. There is no evidence that vaping helps people quit smoking. If it did, vapes would be approved quit-smoking aids. Nicotine is addictive, and many smokers find they just trade one habit for another.

ADDICTIVE
means you feel
like you need
nicotine, and may
feel sick without it.
Not fun!



Keep vapes and liquid nicotine away from children and pets.

- ▶ Liquid nicotine is poisonous when swallowed or absorbed through the skin.
- ▶ Every year, hundreds of children are poisoned by liquid nicotine.
- ▶ Never leave vapes or liquid nicotine where children or pets can get them.

Vapes can explode!

- ▶ People have been seriously injured due to explosions of vaping devices.
- ▶ Explosions may happen when people use the wrong chargers, or leave the vape charging for too long. Or, the device (or spare battery) may explode when it touches keys or metal coins in a pocket or purse.



Vapes don't just affect the person using them! They also affect the people and pets nearby, and can lead to everything from explosions to lung disease. Get the facts about secondhand vapor and other risks of using e-cigarettes.

This pamphlet is not a substitute for medical care. If you have questions or concerns, please talk with a health care provider.

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Secondhand Vaping

& Other Risks of E-Cigarettes



Electronic smoking products, such as vapes or e-cigarettes, affect more than just the person using them. Like secondhand smoke, secondhand vapor – when you breathe in the vapor that people exhale when vaping – has health risks. There are other dangers of vaping as well. Keep reading to learn more.

Vapes and e-cigs are tools to inhale nicotine.

- ▶ Vapes heat liquid nicotine until it makes an aerosol mist of tiny particles. This aerosol is often called vapor.
- ▶ When someone inhales e-cig vapor, the nicotine enters his or her bloodstream.
- ▶ Nicotine is very addictive.
- ▶ Nicotine increases your heart rate and harms blood vessels. It also affects brain development in teens.



Vapor has other harmful chemicals.

- ▶ Vapor is not just water vapor. It is an aerosol full of nicotine and other chemicals that float in the air together.
- ▶ Studies show that the aerosol from an e-cig often has formaldehyde, heavy metals and other chemicals known to cause cancer.
- ▶ If you vape, or breathe in the vapor that people exhale, you will breathe in nicotine and these other chemicals.
- ▶ Many liquid nicotine flavors use a chemical called diacetyl. When inhaled, diacetyl may cause popcorn lung, a serious lung disease.



Do not vape indoors or in a car.

- ▶ If you vape, do it outside and away from other people and pets.
- ▶ Even if no one else is nearby, particles from the vapor can stick to surfaces like car seats or furniture.
- ▶ This means others may be exposed to the harmful chemicals in vapes, just from sitting on the couch!

Ask friends and family to not vape around you.

- ▶ You can say, “Will you please vape outside? I want to help everyone in our house stay healthy.”
- ▶ Research shows that people who live with e-cig users absorb nicotine from the vapor.
- ▶ Opening a window or going into another room is not enough to protect you.
- ▶ If you can, set up a spot outside where the person can vape.



Policy Options to Address Youth Vaping

Anne Pearson
Deputy City Attorney
San Francisco City Attorney's Office

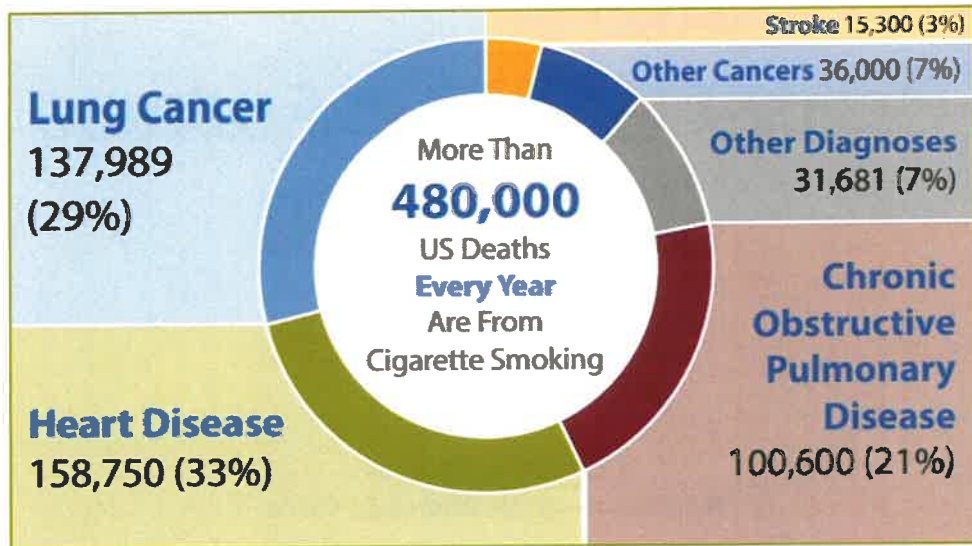
1

Burden of Tobacco Use

- Tobacco use remains the single largest preventable cause of death and disease in the United States.
- Cigarette smoking kills more than 480,000 Americans each year.
- In addition, smoking-related illness in the United States costs more than \$300 billion a year, including nearly \$170 billion in direct medical care for adults and \$156 billion in lost productivity.

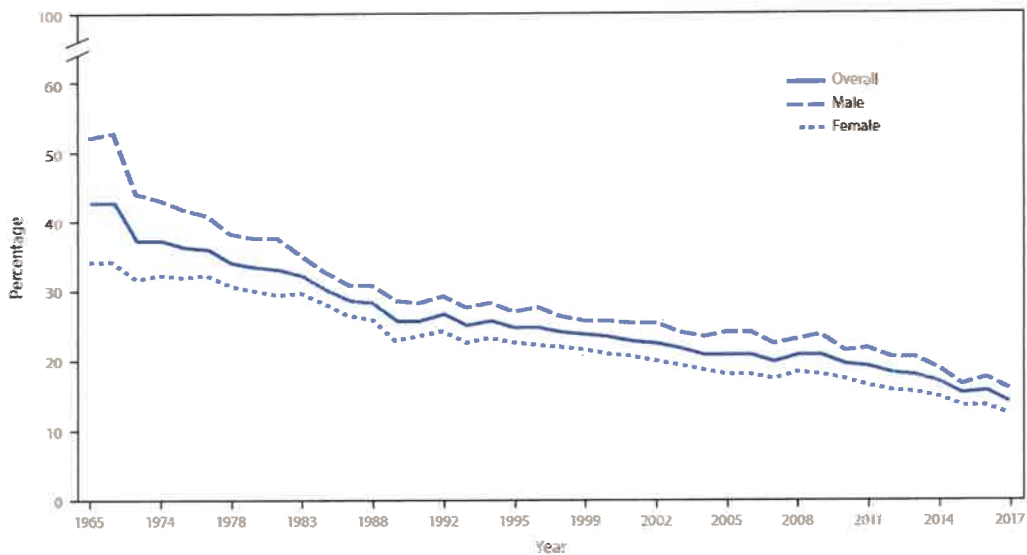
2

Annual Deaths from Smoking, United States



Note: Average annual number of deaths for adults aged 35 or older, 2005–2009.
Source: [2014 Surgeon General's Report, Table 12.4, page 660](#).

3



Tobacco use among adults – United States, 2017. MMWR

4

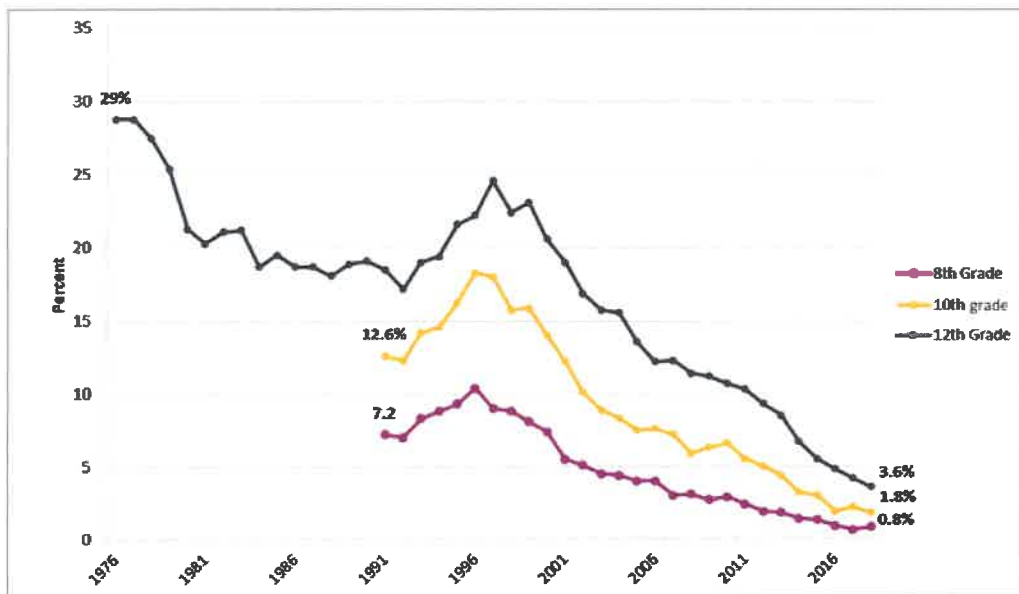
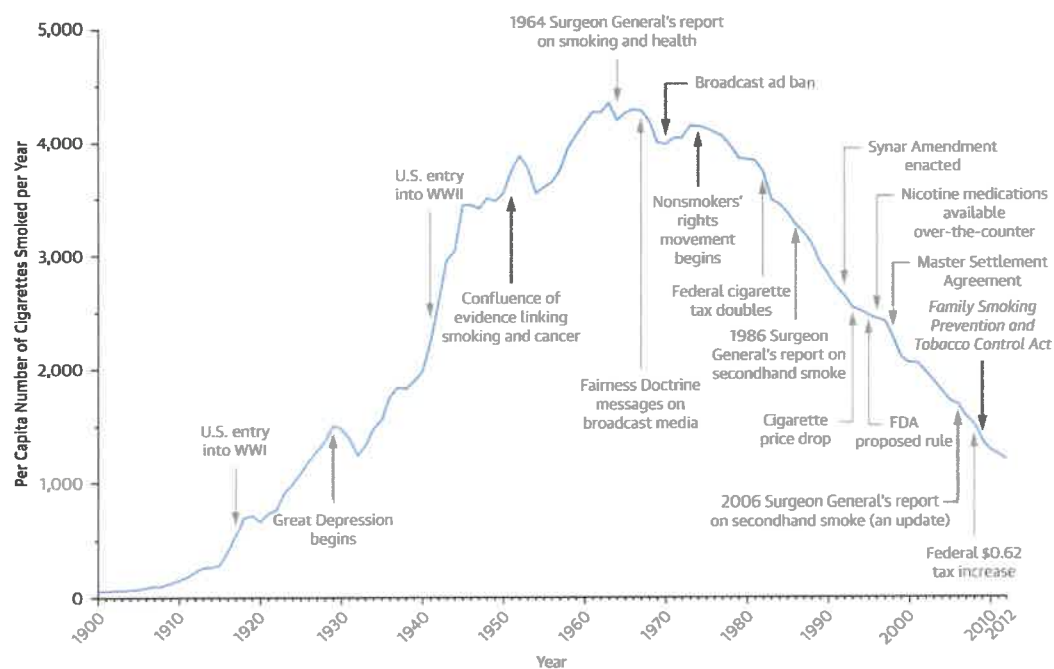


Figure 1: 30 Day Prevalence of Daily Use of Cigarettes, by Grade, 1976-2018

5



6

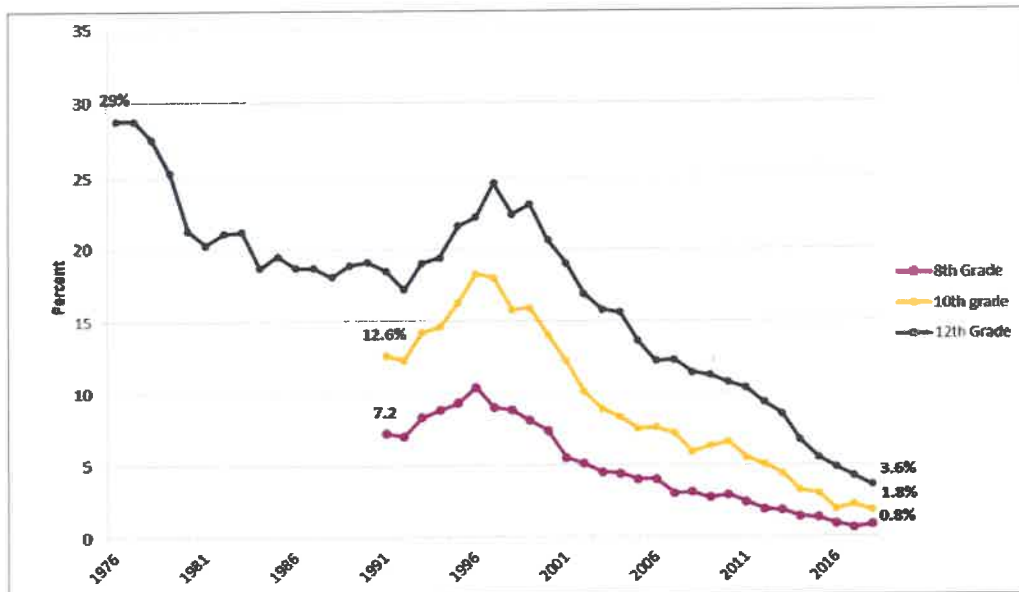


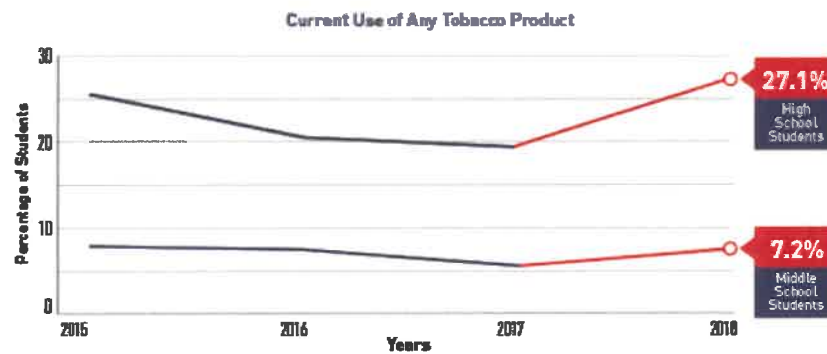
Figure 1: 30 Day Prevalence of Daily Use of Cigarettes, by Grade, 1976-2018

7

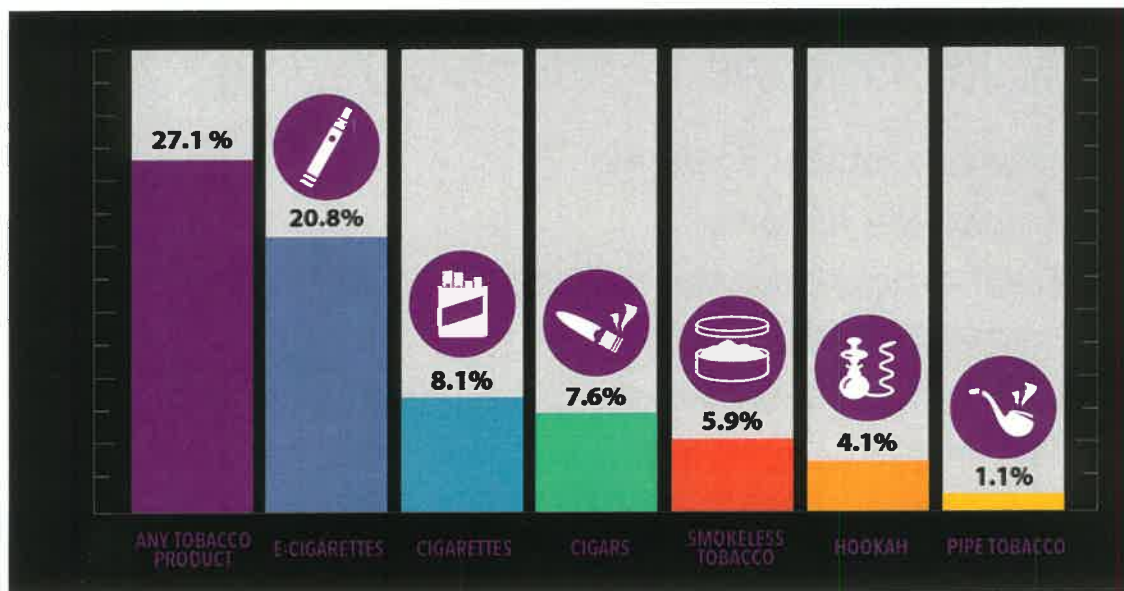


8

E-CIGARETTE USE SURGE LED TO UPTICK IN OVERALL TOBACCO USE — Reversing Previous Declines

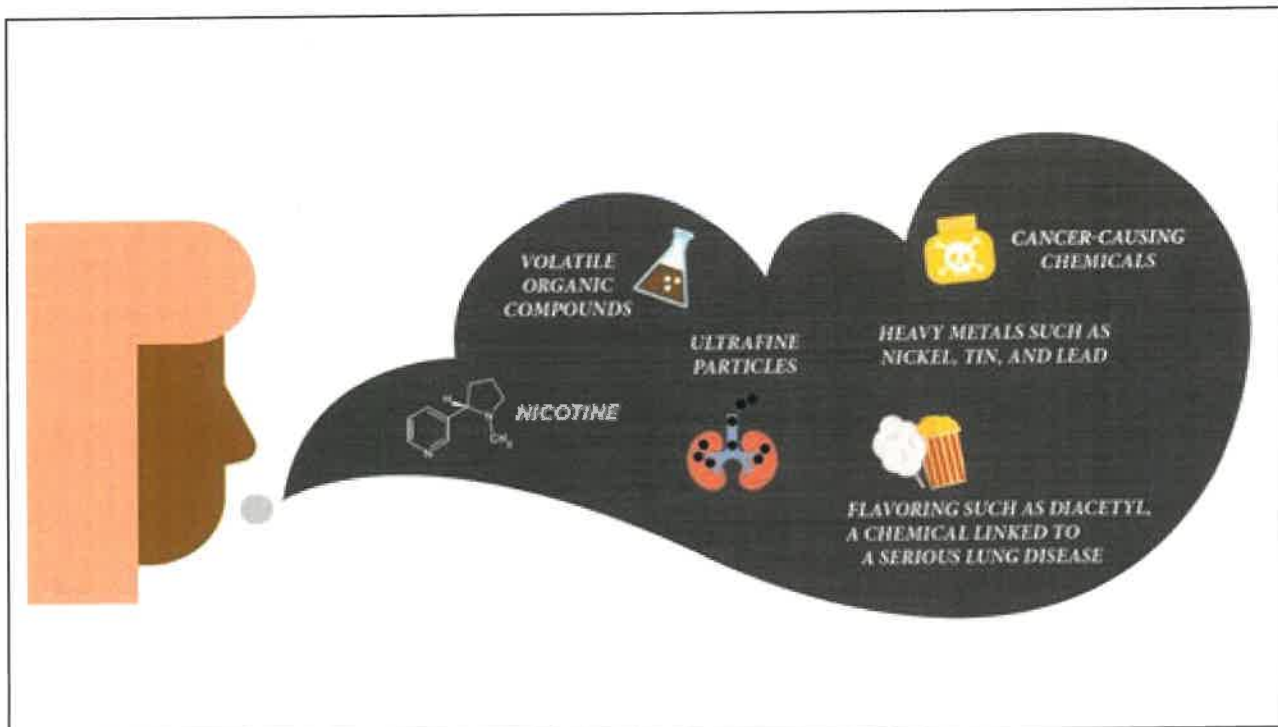


9



Tobacco product use among high school students—2018

10



11

Policy Options to Address Vaping - 101

- Tobacco retailer licensing
- Smokefree air laws
- Treat e-cigarettes like traditional tobacco products for purposes of sales/smokefree air laws
- Change definition of “tobacco product” to include e-cigarettes

12

Policy Options to Address Vaping - 201

- Prohibit pharmacy sales
- Reduce number of tobacco retail outlets

13

Policy Options to Address Vaping - 301

- Prohibit the sale of all flavored tobacco products
- Restrict the sale of electronic cigarettes that require – but lack – FDA premarket authorization

14

Flavored Tobacco Products

- Federal law establishes a product standard that prohibits flavored cigarettes other than menthol
- Localities may prohibit the sale of flavored tobacco products
- SF has banned the sale of all flavored tobacco products, including e-cigarettes and menthol and mint flavors

15

Examples of tobacco products now banned from sale in San Francisco:



16

Prohibit Sales of E-Cigarettes that Lack FDA Premarket Approval

	FILE NO. 190312	ORDINANCE NO. 122-19
1	[Health Code - Restricting the Sale, Manufacture, and Distribution of Tobacco Products, including Electronic Cigarettes]	
2		
3	Ordinance amending the Health Code to prohibit the sale by tobacco retail	
4	establishments of electronic cigarettes that require, but have not received, an order	
5	from the Food and Drug Administration (FDA) approving their marketing; and	
6	prohibiting the sale and distribution to any person in San Francisco of flavored	
7	tobacco products and electronic cigarettes that require, but have not received, an FDA	
8	order approving their marketing.	
9	NOTE: Unchanged Code text and uncodified text are in plain Arial font.	
10	Additions to Codes are in <i>single-underline italic Times New Roman font</i> .	
11	Deletions to Codes are in <i>double-underline Times New Roman font</i> .	
12	Board amendment additions are in <i>double-underline Arial font</i> .	
13	Board amendment deletions are in <i>double-underline Arial font</i> .	
14	Asterisks (" * ") indicate the omission of unchanged Code	
15	subsections or parts of tables.	
16		
17	Be it ordained by the People of the City and County of San Francisco:	
18		
19	Section 1. Findings.	
20	(a) Despite progress in reducing smoking, tobacco use is still the leading cause of	
21	preventable death in the United States. Tobacco kills more than 480,000 people in this	
22	country annually -- more than AIDS, alcohol, car accidents, illegal drugs, murders, and	
23	suicides combined. And beyond this large, impersonal statistic, are countless human beings,	
24	whose lives are forever devastated by the irreparable loss of a loved one caused by tobacco	
	use, and the inevitable rupture of family that follows such a loss. And that is to say nothing of	
	the huge financial costs tobacco use places on our health care system, and the constraints on	
	productivity it imposes on our economic system.	

17

Family Smoking Prevention and Tobacco Control Act

- Enacted in 2009
- Grandfathered in most tobacco products on the market as of 2007
- Established process for FDA review/approval of new tobacco products - 21 U.S.C. § 387j
- Pre-market review to determine safety for public health

18

Public Health Standard 21 U.S.C. § 387j(c)(4)

(4) **Basis for finding.** For purposes of this section, the finding as to whether the marketing of a tobacco product for which an application has been submitted is **appropriate for the protection of the public health** shall be determined with respect to the risks and benefits to the population as a whole, including users and nonusers of the tobacco product, and taking into account—

- (A) the increased or decreased likelihood that existing users of tobacco products will stop using such products; and
- (B) the increased or decreased likelihood that those who do not use tobacco products will start using such products.

19

Deadlines for FDA Review/Approval

- FSPTCA enacted 2009; did not cover e-cigarettes
- E-cigarettes on the market 2008; JUUL in 2015
- Deeming Rule enacted 2016; put e-cigarettes under FDA jurisdiction
- Deadline under Deeming Rule: 2018
- Deadline under Guidance: 2022
- Deadline imposed by Court: May 2020

20

Current Status

- E-cigarettes that entered the market after 2007 require FDA review and authorization
- The court order giving them until May 2020 is just a filing deadline; it does not eliminate the current legal requirement for review/authorization
- Effective January 28, 2020, e-cigarettes that require but lack FDA authorization may not be sold in SF
- Proposition C

21

Resources

- Anne Pearson: 415-554-4250
anne.pearson@sfcityattty.org
- www.Changelabsolutions.org
- Tobacco Control Legal Consortium,
www.publichealthlawcenter.org, Mark Meaney, 651-695-7642

22



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 10/01/2019

ITEM NO: 11

ADDENDUM

DATE: September 30, 2019
TO: Mayor and Town Council
FROM: Robert Schultz, Town Attorney
SUBJECT: Review of Tobacco Retailers Ordinance and Annual Report from County of Santa Clara on Implementation of the Ordinance and Discuss Potential Amendments to the Ordinance to Prohibit the Sale of Electronic Smoking Devices

REMARKS:

Attachment 5 contains public comment received after the distribution of the staff report and before 11:00 a.m. on September 30, 2019.

Attachments:

1. Ordinance No. 2259
2. Los Gatos Tobacco Retail Permit Annual Summary
3. Material Received from Mayor Leonardis
4. Material Received from Bay Area City Attorneys Meeting

Attachments received with this Addendum:

5. Public comment received after the distribution of the staff report and before 11:00 a.m. September 30, 2019.

PREPARED BY: Robert Schultz
Town Attorney

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

Subject: FW: Removing Adult-Only Store Exemptions for Flavored Tobacco Regulations
Attachments: Los Gatos Removing Adult stores exemption 10-1-19 .pdf

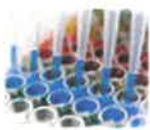
From: Jen Grand-Lejano <jen.grandlejano@cancer.org>
Sent: Friday, September 27, 2019 3:30 PM
To: Council <Council@losgatosca.gov>
Subject: Removing Adult-Only Store Exemptions for Flavored Tobacco Regulations

Dear Mayor Leonardis and Members of the Los Gatos Town Council,

Please see the attached letter urging you to remove adult-only tobacco shop exemptions so that you can truly end the sale of flavored tobacco products citywide. Thank you for taking action to close this loophole. Please let me know if you have any questions.

Jen Grand-Lejano
Northern California Government Relations Director
(510) 464.8107 | m: (925) 639.9130

American Cancer Society Cancer Action Network, Inc.
1001 Marina Village Parkway Suite 300
Alameda, CA 94501
fightcancer.org | 1.800.227.2345



Learn about American Cancer Society research
As the largest private, not-for-profit funder of cancer research, we have invested more than \$4.8 billion since 1946 in the U.S.

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September 26, 2019

The Honorable Steve Leonardis
Los Gatos Town Council
110 E. Main Street
Los Gatos, CA 95030

Dear Mayor Leonardis and Members of the Los Gatos Town Council:

The American Cancer Society Cancer Action Network's mission is to end suffering and death from cancer, and we are committed to advancing that mission in the Town of Los Gatos. To that end, we are deeply concerned about the availability of flavored tobacco products, which is contributing to a growing epidemic that is plaguing our communities here in Northern California and nationwide. The Council led the Bay Area in ending the sale of flavored tobacco products but stopped short by exempting adult-only tobacco shops. We urge you to close that loophole and remove exemptions for adult-only tobacco shops and truly put an end to all sales of flavored tobacco products to protect the lives of our young people from predatory marketing of the tobacco industry.

We've learned from experience that exempting adult-only stores is problematic and weakens what could be a strong policy. This exemption leaves flavored tobacco products available in the community, is difficult to implement and enforce, and is perceived by other tobacco retailers as unfair. After a similar exemption for adult only stores passed in Oakland, the town saw the number adult-only tobacco stores jump from only a few to more than 45.

Four out of five youth who have ever used a tobacco product started with a flavored tobacco product, and when asked why, say because they come in flavors they like. With more than 15,000 flavors of tobacco like sour worm and cotton candy, it's clear that our youth are being targeted for lifelong addiction. A recent study concluded that youth who use e-cigarettes are more than four times more likely to try cigarettes and nearly 3 times as likely to smoke cigarettes than those youth who never tried e-cigarettes. Young people who smoke menthol cigarettes are disproportionately African American, Asian American, LGBT and from low-income communities already significantly impacted by tobacco-related disease. Prohibiting the sale of all flavored tobacco products including menthol cigarettes in all stores removes much of the allure of these products and is a key component of a comprehensive strategy to effectively help reduce tobacco initiation, and subsequent addiction.

The Town Council needs to make the health of Los Gatos youth a priority and join its neighbors in the numerous communities throughout California who have adopted strong policies to end the sale of all flavored tobacco products without exemptions for adult-only stores.

Sincerely,

Jen Grand-Lejano
Government Relations Director, Northern California
American Cancer Society Cancer Action Network

American Cancer Society Cancer Action Network
1001 Marina Village Parkway Suite 300 • Alameda CA 94501 • 510.464-8107



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 10/01/2019

ITEM NO: 12

DATE: September 26, 2019
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Provide Feedback and Direction on the Downtown One-Way Pilot Project

RECOMMENDATION:

Provide feedback and further direction on the Downtown One-Way Pilot Project.

BACKGROUND:

On May 7, 2019 the Town Council approved a project for conversion of North Santa Cruz Avenue to a one-way street between Bachman Avenue and Elm Street as a four-month pilot program. The project included restriping for the one-way street, the addition of angled parking, and the addition of seven parklets along North Santa Cruz Avenue.

The pilot began with the idea that wider sidewalks would provide a functional improvement to the downtown, allowing for a more comfortable walking experience and for programming of spaces along the sidewalks for activities like sidewalk dining. To achieve wider sidewalks, the potential pilot widening would need to obtain space from either existing parking or from a travel lane, reducing those areas by the space needed for more sidewalk. The pilot was designed to allow for exploration of these ideas and to illustrate the tradeoffs associated with the component parts. Wider sidewalks and reductions in parking were simulated through the installation of parklets.

The installation of angled parking towards the northerly end created an overall small net increase in parking, offsetting the decrease due to the temporary parklets. The reduction of a travel lane allowed for all of the changes and provided a real experience for residents, businesses, and visitors on the possible benefits of widening the downtown sidewalks and sidewalk dining.

PREPARED BY: Matt Morley
Parks and Public Works Director

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

BACKGROUND (continued):

On July 8, 2019, the one-way pilot was installed. The direction from Council included removal of the pilot program at the end of October.

DISCUSSION:

Staff has monitored the pilot throughout the course of the pilot program. The following sections highlight observations through the course of the program.

Public Outreach and Feedback

Leading up to and during the pilot, staff conducted significant public outreach, including postings on social media and attending meetings of business and community groups. The Town also established a dedicated web page with more information, including FAQs:

<https://www.losgatosca.gov/2529/NSC-One-Way-Street-Pilot>. The pilot also garnered much attention through television media outlets, several of whom carried news stories in print and on television. Despite extensive efforts to get information out about the purpose of the pilot, the biggest challenge was countering the idea that the one-way pilot was meant to address beach cut through traffic.

The Town marketed the summer event season through a new branding called ExperienceLG. Through this effort, a separate email address (experiencelg@losgatosca.gov) was developed and provided an opportunity to gather specific input. From emails and phone calls on the one-way pilot specifically, 70 communications were generally against the pilot and 54 communications were generally in support through September 26. Public comments are provided as Attachment 1. The Chamber of Commerce is also currently conducting a poll of businesses and will provide that information prior to the Town Council meeting.

Over the course of the pilot, when cost effective, staff adjusted initial elements to address some concerns that were brought up. Adjustments included programming more active cleaning of the parklets and furniture, providing umbrellas for shade, and adding interactive features such as a piano, tic tac toe, and a giant chess set.

During the week of September 23, everyone who submitted an email with feedback on the pilot received an email from the Town with the October 1st Town Council meeting information, including how to download this report and the Town Council agenda. In addition, a post on Nextdoor, What's New, and other social media will provide similar information to those community users.

DISCUSSION (continued):

Roadway Configuration and Traffic

Over the course of the pilot program, staff observed the roadway configuration to ensure the pilot was safe and functional. A major concern early on was ensuring that drivers did not turn the wrong way given the new configuration. Signage was designed to achieve this, and although a few wrong way instances occurred at the beginning of the program, no accidents have resulted to date.

The capacity of Main Street at University Avenue to handle the additional traffic was another concern. The left turn pocket from Main Street to University Avenue is very short and therefore has little capacity to hold vehicles waiting to turn onto University Avenue. Any significant increases in traffic at the intersection has the ability to quickly create congestion all the way through the intersection of Main Street and Santa Cruz Avenue. Designing the one-way to start at Elm Street instead of Main was meant to provide some relief to the University Avenue and Main Street intersection and seems to have achieved that goal. Extending the one-way in potential future configurations to Main Street would not be recommended by staff.

Other observations included that traffic on University Avenue grew significantly during the course of the pilot. The impact from this increase is especially noticeable during the morning and afternoon school drop-off and pickup times, and during busy lunchtime periods. Stop signs along University Avenue kept speeds slow, but also added to congestion as vehicles were unable to move through the intersections efficiently enough to reduce backups. The intersection of University Avenue and Highway 9 appeared to manage the load, clearing traffic on University Avenue with each cycle. Staff believes that the change in traffic on University Avenue associated with the pilot put that street at its maximum capacity. Some of the information provided through traffic analysis included:

- During the summer (when school is out), traffic on University Avenue increased 51% per day compared to previous years in the same timeframe.
- With school in session in September, traffic on University Avenue increased by 39% per day compared to previous years in the same timeframe.
- Northbound Massol Avenue traffic increased 130% during the morning school commute and 58% over a 24 hour period.
- Northbound Tait Avenue traffic counts are in progress and will be provided prior to the Council meeting.
- Southbound Santa Cruz Avenue traffic did not change as a result of the one-way pilot.
- Approximately 70% of the previous traffic on northbound Santa Cruz Avenue was rerouted to University Avenue. The remaining 30% was distributed to local streets or remained on Highway 17.

DISCUSSION (continued):

Parklets

The parklets received mixed reviews over the course of the pilot program. Although used less frequently during the heat of the afternoons, the parklets had more use in the evenings. The addition of interactive activities including a piano and a giant chess set provided a positive change and attracted more involvement.

Staff reviewed the initial criticism on the visual appearance of the parklets. In general, given the many changes in driver behavior the pilot introduced, the concrete barrier approach provided a high level of protection to parklet users. In addition, given cost considerations and the short-term aspect of the pilot program, the barriers provided an efficient and safe way to illustrate a parklet concept. Staff does regret not using a more vibrant design for the vinyl wrap on the barriers as initially considered. Costs for planters, higher end furniture, and/or more elaborate barriers do not seem warranted given the short-term nature of the pilot program.

Much feedback came in the way of suggesting the parklets be placed in front of restaurants for their use. Given the challenge with selecting the restaurants and modifying alcohol and food service permits, the decision on locations seemed to have provided good spacing and equal benefit. Independent of the one-way pilot, the Town has also received a number of applications from businesses and property owners to install parklets through the separate Parklet Pilot and did not want to interfere with the progress on those efforts. Staff did consider moving one parklet; however, the logistics with moving the heavy barriers proved difficult and the decision was made not to do so.

Angled Parking

The use of angled parking provided a good opportunity to try a change and assisted in ensuring that the pilot program did not negatively impact the overall parking space counts. Because of the efficiencies of angled parking, the pilot program saw a net gain of six parking spaces, even accounting for those lost to parklet use.

Feedback on angled parking included the ease of use in comparison to parallel parking and the traffic calming effect of cars backing out into the travel lane. Some feedback did highlight that the angled parking changed the look of the downtown too much and provided obstructions to the visibility of storefronts.

CONCLUSION AND NEXT STEPS:

The pilot project is set to complete at the end of October. To that end, staff has begun planning for the return to the previous two-way configuration including the removal of angled parking and parklets.

The original plan had included the application of a pavement slurry seal to ensure the temporary improvements are fully removed and to address current pavement maintenance needs. However, the estimated costs for this work have come in extremely high due to the small size of this part of the project. In addition, this type of work requires warmer temperatures and can be challenging in the fall when weather is less reliable. The work should be completed at night, to prevent interference with downtown businesses, and lower nighttime temperatures in October could prevent the material from hardening, delaying the road from reopening. As an alternative, staff would like to remove the existing striping and black out the marks temporarily. North Santa Cruz Avenue will then be included in next year's pavement maintenance program to fully address the roadway's maintenance needs. This should maximize cost effectiveness and minimize disruption to businesses. The concrete barriers are rented and will be returned to the vendor. The Town purchased the furniture and will use some of it in the Plaza and surplus what is not needed.

Given the overall information garnered from the pilot program, staff recommends the Council provide feedback or direction in several areas:

1. Should any element of the pilot project remain in place past the end of the pilot program? Staff will compile costs associated with ongoing efforts for future funding decisions by the Council.
2. Was the one-way portion of the pilot successful given the changes in traffic patterns that were created? If so, how should staff plan for future configurations?
3. Was the diagonal parking successful? If so, should this element be considered in a future design of North Santa Cruz, noting the limitation that angled parking can only be achieved in a one-way format?
4. One approach to create wider sidewalks is the reduction of on-street parking. Should the existing parking study incorporate an analysis of the impact on parking quantities if some or all on street parking is removed?
5. What other input and/or direction would the Council like to provide regarding the overall pilot and its elements? This input would be useful in the preparation for future capital improvement projects.

COORDINATION:

This project has been coordinated with the Economic Vitality Manager.

FISCAL IMPACT:

The following fiscal table shows expenditures and commitments to date. Operational costs to date and through the end of the pilot are forecast at \$10,000 for maintenance by Parks and Public Works staff and have been absorbed in the Department budget. Extension of the timeline for any portion of the project will increase costs and may require additional funding.

One-Way Downtown Street Pilot Expenditures to Date Project 813-0234		
	Budget	Costs
Project Budget	\$238,686	
Striping		\$153,376
Design Consultant		\$13,000
K Rail Rental		\$19,200
K Rail Wrapping		\$19,500
Furniture		\$6,359
Outreach		\$1,214
Total Expenditures		\$212,649
Balance		\$26,037

ENVIRONMENTAL ASSESSMENT:

This is a project as defined under CEQA but is Categorical Exempt (Section 15301c). A Notice of Exemption will not be filed.

Attachment:

1. Public Comment received through September 26, 2019 at 11 a.m.

From: Michael Burke <mrburke@mac.com>

Sent: Thursday, September 26, 2019 8:57 AM

To: Experience LG <ExperienceLG@losgatosca.gov>; Council <Council@losgatosca.gov>; Town Manager <Manager@losgatosca.gov>

Subject: Video of traffic impacts on University Ave

Members of the Town Council,

The link in this e-mail points to a video captured by the dash cam on my car. The video is from Monday 9-17-19 @ 7:45am

The video shows the impacts not only to those residents who live on University Ave, but also the impacts to residents who live south of Highway 9 and now forced to all use University as their only way North out of town.

<https://www.icloud.com/sharedalbum/#B0fG4TcsmG3z1iY>

Thank You

Michael R. Burke

From: Heather Gaede Regoli <hgregoli@gmail.com>
Sent: Wednesday, September 25, 2019 9:19 PM
To: Council <Council@losgatosca.gov>
Subject: One Way Pilot (input for 9/23/19 meeting)

Hello-

I find the current look of downtown unpleasant (construction / parking lot look and so many signs!), but that is just my opinion. What is a fact is that this one way traffic plan is a true hardship for those of us that live downtown. Not only is it difficult for us to get out of our own neighborhoods, but we have people cutting through our streets at high rates of speed (I have literally been passed going the speed limit on Broadway and it is my understanding that a little girl has been hit). Ironically, it also makes it harder for me to patronize businesses downtown; I can no longer grab coffee or drop off dry cleaning on the way out of town easily. I have noticed that mapping programs now direct cars down Massol or Tait as opposed to Santa Cruz (every single Uber that has picked me up since the one-way plan has cut through the neighborhood). I hardly ever complain about anything, because I love living downtown and I believe the benefits far outweigh the inconveniences. The beach traffic is just a fact of life, for example. But this is a problem created by the town, and I feel like the quality of life of downtown residents has been utterly ignored.

This is not Menlo Park. Unlike their main drag, our Santa Cruz Avenue is a heavily used street and one of only three ways through town.

I would love to see the town address the empty storefronts by making it easier to do business in this town. My understanding from (admittedly anecdotal) conversations with business owners in town that it is very difficult, especially in the last four or five years.

I have never written anything to you before. I just honestly cannot believe our own town government is doing this to us.

Respectfully,
Heather Regoli
69 Broadway

From: Michael Burke <mrburke@mac.com>

Sent: Thursday, September 26, 2019 8:39 AM

To: Council <Council@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>; Town Manager <Manager@losgatosca.gov>

Subject: Oneway pilot feedback

Please include my attached PDF as part of the council meeting on the oneway pilot.

Thank You.

Michael Burke



September 25, 2019

Los Gatos Town Council
110 E. Main Street
Los Gatos, CA 95030

Mr. Mayor & Council Members

Your one-way pilot program has created a disaster on University Ave. We now have beach traffic 7 days a week. In taking the action for the pilot, you broke with a long standing tradition in Los Gatos of involving the community when it came to decisions that could significantly affect them. None of my neighbors on University Avenue received any notice of this plan until we were given a two-week construction notice. This tradition is so important that the Town's general plan references it.

Had you involved us, in the discussion, we could have pointed the impacts the current pilot would have before the town spent the money to find out. By forcing all of the Northbound Traffic at Elm onto University you more than double the traffic on University. And that traffic is now 24 hours a day. Delivery trucks in the morning, bar patrons heading home after a few drinks and night and loud motorcycles driving through town at all hours of the day and night. The Town's general plan places great importance on protecting existing residential neighborhoods.

P.O. Box 2143 Los Gatos, CA 95031

More cars & trucks bring more than just traffic. They bring air pollution, noise pollution and safety issues. As we live in an older house without central air-conditioning, we must rely on open windows for our ventilation. With the windows open, the front half of our house is practically unusable in the evenings. The noise is too loud to watch TV or carry on a conversation. And forget about getting an un-interrupted night's sleep. And with the increase in traffic comes the corresponding increase in air pollution and safety hazards. Multiple parked cars have been hit on University Ave and during the pilot I personally saw double tanker truck that was carrying gasoline (Base on it placard.) These impacts are unacceptable to the neighborhood and they are unacceptable to the writers of the Town's General Plan.

I ask that you end this one-way pilot and return University Ave to a street people will actually enjoy living on. Please allow me to use the front half of my house no matter what the weather. I also ask that before you embark on any other projects like this, you solicit input from the whole community, not just those who seek to benefit from the project.

If, however you choose to extend this pilot, or even worse, make it permanent, I demand that it be modified to be consistent with all sections of the Town's General Plan and that the pilot be suspended while the town performs a full Environmental Impact Report so that the impacts can be understood, addressed and mitigated.

Sincerely yours,

Michael R. Burke

General Plan References

Goal LU-5 To encourage public involvement in Town planning processes.

Policy LU-5.1 Use task forces, ad hoc committees, and other means as appropriate to involve residential and commercial interests in Town matters.

Action LU-5.1 Utilize traditional communication tools and new media and technology to provide clear and current information on Town processes and decisions and to encourage public participation in Town government.

Policy LU-6.1 Protect existing residential areas from the impacts of non-residential development.

Policy TRA-1.5 Make effective use of the traffic-carrying ability of Los Gatos's arterials and collectors while considering the needs of pedestrians, bicyclists, and adjacent residents.

Policy TRA-3.4 New projects shall not cause the level of service for intersections to drop more than one level if it is at Level A, B, or C and not drop at all if it is at D or below.

Policy TRA-5.4 Limit new development that increases commercial traffic flow through residential neighborhoods.

Action TRA-5.1 Develop and implement appropriate traffic controls to protect residential neighborhoods from the impacts of through traffic such as safety hazards, speeding, noise, and other disturbances in accordance with the adopted Neighborhood Traffic Calming policy.

Action TRA-6.1 Develop and implement appropriate traffic controls to protect downtown residential neighborhoods from the impacts of through traffic in terms of safety, speeding, noise, and other disturbances.

Policy NOI-6.1 The Town shall not approve land use patterns and traffic patterns that expose sensitive land uses or sensitive noise receptors to unacceptable noise levels.

Policy NOI-6.2 Review transportation improvement plans to ensure that noise-sensitive areas are not exposed to unacceptable noise levels.

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Thursday, September 26, 2019 8:09 AM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Judy

Last Name: Marlin

Email: g.ames@comcast.net

Los Gatos Resident?: Yes

Please leave your comments here:: I live in the La Rinconada area and found the new traffic plan did NOT leave me stranded on our land-locked hill during beach traffic times, so I'm happy w/ it. Coming home from downtown on Univ is time consuming but worth it in the whole scheme of things.

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Thursday, September 26, 2019 7:15 AM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Jan

Last Name: Taylor

Email: Tayfam003@aol.com

Los Gatos Resident?: Yes

Please leave your comments here:: I hate the new downtown changes! The traffic congestion is much worse than ever before! Please, please PLEASE CHANGE IT BACK TO THE WAY IT WAS!!!!!!!!!!

September 25, 2019

Town Council
110 E. Main Street
Los Gatos, CA 95030

TOWN OF LOS GATOS
CITY CLERK
2019 SEP 25 PM 2:32

Re: One Way Pilot – input for Oct. 1 Meeting

Dear Council:

I am quite concerned about the number of businesses that have closed in downtown Los Gatos. There seem to be increasingly empty storefronts. Thus, I applaud the town's efforts to restore vitality to this area. The current pilot program, however, only makes reaching the shopping and dining on North Santa Cruz more difficult and subjects the surrounding residential areas to heavy traffic.

First, requiring one-way traffic southbound on North Santa Cruz diverts north-bound traffic into residential neighborhoods and away from the businesses on the Avenue. This seems counter-productive to the goal of encouraging shopping and dining on North Santa Cruz. It also makes navigating through Los Gatos cumbersome enough to discourage some visitors.

Second, the pilot program raises significant safety issues for residents backing out of their driveways onto University Avenue. It also results in the line of cars waiting to reach Los Gatos/Saratoga Road from the South frustratingly long. This driver frustration makes crossing University on foot a scary proposition, even in the crosswalks.

I believe Los Gatos should go back to the original two way street that North Santa Cruz traditionally has been. We currently have enough bench seating (often commemorating past residents) to accommodate those who wish to rest, thus making the proposed cut-outs unnecessary. And, lastly, I would like to see the Council encourage more restaurants to have a modicum of outdoor service, such as the two tables at Billy's Chowder House. I think this would add to the ambiance of the town.

Sincerely,


Georgia Van Zanten

256 University Avenue
Los Gatos, CA 95030
(408) 354-4364

From: Richard Billig <rrbillig@gmail.com>

Sent: Wednesday, September 25, 2019 1:33 PM

To: Experience LG <ExperienceLG@losgatosca.gov>; Council <Council@losgatosca.gov>; Town Manager <Manager@losgatosca.gov>

Subject: Please Undo the One-Way Pilot Program - It's Harming Residents, Businesses, and Visitors

As a 30-year resident of Downtown Los Gatos, I was frankly shocked and dismayed when I saw the inexplicable changes to North Santa Cruz Avenue! I do not recall having had any opportunity to learn about this idea, and to communicate my (and my neighbors') complete disagreement with the plan, prior to its implementation.

I have always made it a point to support local businesses, but I do not believe that I have shopped on North Santa Cruz since this change was made. If the idea was to promote downtown business, at least in our case, it had the opposite effect. I found the so-called "parklets" unappealing and would never have used them. Friends that I have spoken with, on this subject, also have told me that they now avoid driving through Downtown Los Gatos completely (if possible). That cannot have been your plan, I assume...

It has also negatively impacted traffic for all of us who live and work downtown.

To improve life for all of us (residents and merchants alike), PLEASE REMOVE THIS CRAZY EXPERIMENT AND REVERT THE STREET TO ITS ORIGINAL CONFIGURATION well before the Christmas holiday season begins.

Also, please do not attempt another such kindergarten city planning experiment without allowing all interested parties ample time to offer comment.

Thank you for your consideration.

Richard R. Billig
1 Bayview Ave Unit 12
Los Gatos, CA 95030-5943
rrbillig@gmail.com
+1 (408) 499-3457

Lynn Kennedy
P.O. Box 2143
Los Gatos, CA 95031

September 24, 2019

Los Gatos Town Council
110 E. Main Street
Los Gatos, CA 95030

Re: One-way pilot program on North Santa Cruz Avenue

Dear Council Members:

It's hard to describe how badly you erred approving a poorly conceived experiment with little or no residential community input. This pilot program is an utter failure and there is no reason to have it continue any longer. Just admit the mistake, drop any thought of making this permanent, and undertake a far more thoughtful approach to solutions that will actually enhance the business district – solutions that will benefit residents, visitors and merchants alike, will not negatively impact any stakeholders, or further pit factions against each another.

The one-way scheme does not make downtown more attractive. Quite the contrary – the sea of diagonally-parked cars obscures pedestrians and businesses making North Santa Cruz feel like a parking lot. Furthermore, visitors now have a harder time departing downtown, navigating at a crawl onto over-crowded residential streets. They leave Los Gatos with a terrible first and last impression, and many don't come back.

The pilot has made it difficult for many residents to get around town, has increased commute times, and has made life miserable for residents of University Avenue and possibly other streets that bear new traffic loads. **Failing to consider the negative impact on residents is completely unacceptable.** The longer you wait to restore two-way traffic on N. Santa Cruz, the worse the impact will be on the neighborhoods, as temporary habits quickly become permanent. We need to immediately get the late-night bar traffic back onto North Santa Cruz and off of neighborhood streets. We need to immediately get the early morning commercial delivery traffic back onto North Santa Cruz, etc. We need to put an immediate stop to the any-time-of-day-or-night lines of stop-and-go traffic on University that is polluting our homes and threatening our safety. The longer you wait, the more we suffer, and the harder it will be to reroute the traffic without going to the other extreme and having a barrier on University Avenue between Old Town and nearby homes like the barrier on Edelen Avenue near Old Town.

I have not had a good night's sleep since early July. When we turn off the lights there's stop-and-go traffic just outside. We're now awakened regularly by drunks and delivery drivers at all hours – something that did not occur previously. I'm also having respiratory problems and have developed a cough I can't shake. Our old home has no central air conditioning – we MUST open the windows for ventilation cooling. We're breathing far more particulates than we used to, and it simply must stop.

For some inexplicable reason Town staff has not performed any traffic studies that actually counted the cars on University Avenue in any of the blocks that are parallel to the one-way section of North Santa Cruz. Why on earth would you spend money on a pilot and fail to adequately study the consequences – can it be that someone with an agenda does not really want all the facts?

We don't need parklets to make downtown more inviting. I know no one who wants to sit in the street with inadequate shade breathing exhaust fumes. There are many sections of North Santa Cruz with wide sidewalks that are sadly underutilized. Town and businesses could cooperate to make this existing space compelling. Some property owners might want their own designs. Others might be happy to host commemorative benches and gardens matching those already gracing the street. Some of these areas could include interactive elements making town more playful. But never forget – town residents have invested heavily in the existing sidewalk seating and

September 24, 2019

To: Los Gatos Town Council and Staff

From: Lynn Kennedy

Re: *Petition to Restore Quality of Life on Historic University Avenue* by restoring two-way traffic flow on North Santa Cruz Avenue and mitigating damage created by one-way pilot program

The attached petition was circulated only to University Avenue residences between Old Town and Highway 9; residences that bear the brunt of Council's decision to eliminate northbound traffic on most of North Santa Cruz Avenue. You will find four pages with 70 signatures representing approximately 90% of the parcels in this area.

Everyone who answered the door when I stopped by objected vehemently to the massive increase in traffic that has resulted from this pilot – **non-stop northbound traffic that far exceeds weekend beach traffic as it flows seven days a week, beginning with the morning commute, and lasting late into the evening.** Note that **this traffic is in addition to southbound beach traffic**, a recognized problem that you have been attempting to address. With both directions impacted on weekends and holidays University Avenue periodically comes to a complete standstill. It can truly be impossible to exit a driveway or for an emergency vehicle to get around the traffic.

Had we been notified that this pilot was under consideration we'd have spoken up immediately and implored you not to burden us as you have, however the only notice we received was a flyer from your paving contractor around the first of July.

We now understand that the one-way pilot program focused on business over traffic, however the traffic impact is significant and unacceptable! Now that you understand the negative impact of this pilot on our neighborhood we trust that you will, without hesitation, restore two-way traffic on North Santa Cruz and reject any other plans that would create a similar impact.

Please recall that by reversing a trial intended to reduce beach traffic that resulted in a shift of traffic from downtown to other neighborhoods – even though it impacted those residents only a few days a week, and a few months in the year – you have established a precedent for protecting residences from traffic caused by policy changes.

My neighbors are completely fed up with this unexpected situation and thanked me profusely for working to help bring it to a stop. They will thank you too when you take the proper action.

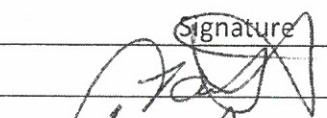

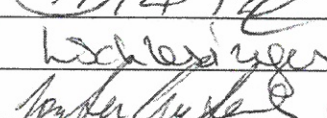
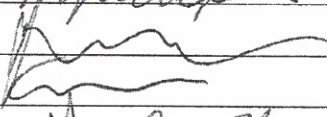
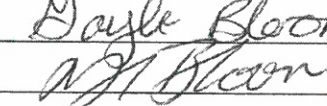



This petition does not address other elements of the pilot program.

Petition to Restore Quality of Life on Historic University Avenue

We, the undersigned residents and/or property owners of homes on University Avenue, vehemently object to the callous disregard with which we have been treated by the Town Council and Town of Los Gatos staff. This team's misguided decision to change the traffic flow on North Santa Cruz Avenue, a decision made without our input, has adversely affected our quality of life and is an utter failure. Our **residential** street, a designated historic district, now bears its normal load plus 100% of the traffic that should flow north on North Santa Cruz at all hours of the day and night; traffic including rowdy late night bar patrons and early morning commercial truck deliveries. This situation is unacceptable, as it the fact that we were not noticed on this project in time to object and prevent what was an easily-predicted outcome.

Our lives have been negatively impacted by severe difficulty entering/exiting narrow driveways; breathing problems due to increased pollution/poor air quality; reduced sleep due to large truck and car traffic all night long, and; constant noise (revving engines, squealing brakes, blasting radios and more) disrupting our right to quiet enjoyment of life in our yards, porches, patios and inside our historic homes, many of which have thin walls and windows.

We demand that the Town of Los Gatos immediately and permanently restore downtown traffic patterns be to the pre-July 8, 2019 design with two directions of travel for the entirety of North Santa Cruz Avenue. Failure to permanently restore the traffic pattern will adversely impact our property values in addition to our long-term health and well-being as well as the health of neighborhood pets. We request that University Avenue be signed for residential traffic only, with "No Truck Traffic" signs at key gateway locations; map apps should be notified to route traffic away from University Avenue. Finally, we demand that the Town reinstate written notification to all residents and property owners of planning issues that will impact their properties, allowing us time to review plans and make public comments.

	Printed Name	Address	Signature
1	Tami Shoot	205 University	
2	David Plewn	205 University	
3	LYNN KENNEDY	217 UNIVERSITY	
4	Michael Burke	217 university	
5	Leon Schlesinger	216 university	
6	Bettrice Gates	103 university	
7	J. Roiken	119 university	
8	Erin Mogford	119 university	
9	Gayle Bloom	122 University Ave	Gayle Bloom
10	Michael Bloom	"	M Bloom

Circulated and signed August 2019, Los Gatos, California, 95030

Petition to Restore Quality of Life on Historic University Avenue, p.2

We demand that the Town of Los Gatos immediately and permanently restore downtown traffic patterns be to the pre-July 8, 2019 design with two directions of travel for the entirety of North Santa Cruz Avenue. Failure to permanently restore the traffic pattern will adversely impact our property values in addition to our long-term health and well-being as well as the health of neighborhood pets. We request that University Avenue be signed for residential traffic only, with "No Truck Traffic" signs at key gateway locations; map apps should be notified to route traffic away from University Avenue. Finally, we demand that the Town reinstate written notification to all residents and property owners of planning issues that will impact their properties, allowing us time to review plans and make public comments.

	Printed Name	Address	Signature
1	Derek Haase	112 University Ave.	[Signature]
2	Michael White	112 University Ave #3	[Signature]
3	Emmi Koivunen	222 University Ave	[Signature]
4	RIEN LUONG	222 University Ave	[Signature]
5	Tim Genske	246 University Ave.	[Signature]
6	Carlos Dangelo	248 University Ave.	C.D.-1.
7	Aida Dangelo	248 " "	[Signature]
8	Kris Ingram	326 University Ave	[Signature]
9	Alexander	326 UNIVERSITY AVE	[Signature]
10	MARK SENIO	371 UNIVERSITY	[Signature]
11	Log Wu	303 University	Log Wu
12	Rawia Alshaer	259 university Ave	[Signature]
13	Yazeed Gussous	259 university Ave	[Signature]
14	Katharine Heintz	229 University Ave	[Signature]
15	SUSIE TODD	221 UNIVERSITY AVE	[Signature]
16	Lawrence Vertin	115 University	[Signature]
17	Daphne Yu	115 University Ave	[Signature]
18	Ross Anderson	210 University Ave	[Signature]
19	Lois Anderson	210 University Ave	[Signature]
20	SANDY O'Gorman	123 University Ave	[Signature]

Circulated and signed August 2019, Los Gatos, California, 95030

Petition to Restore Quality of Life on Historic University Avenue, p.3

We demand that the Town of Los Gatos immediately and permanently restore downtown traffic patterns be to the pre-July 8, 2019 design with two directions of travel for the entirety of North Santa Cruz Avenue. Failure to permanently restore the traffic pattern will adversely impact our property values in addition to our long-term health and well-being as well as the health of neighborhood pets. We request that University Avenue be signed for residential traffic only, with "No Truck Traffic" signs at key gateway locations; map apps should be notified to route traffic away from University Avenue. Finally, we demand that the Town reinstate written notification to all residents and property owners of planning issues that will impact their properties, allowing us time to review plans and make public comments.

	Printed Name	Address	Signature
1	PERRY GARDNER	215 UNIVERSITY	Perry Gardner
2	Gwen Gardner	215 University	Gwen Gardner
3	Dianna Rhudy	122 University	Dianna Rhudy
4	JOHN C. FOX	315 University Ave, LG	John C. Fox
5	Donna Fox	315 University Ave. LG	Donna Fox
6	Kelly Dougherty	321 University Ave	Kelly Dougherty
7	Kari Phillips	201 University Ave.	Kari Phillips
8	Ron Filice	201 University Ave	Ron Filice
9	tyler shewey	202 university Ave	tyler shewey
10	Dianne Van Voorhis	245 University Ave	Dianne Van Voorhis
11	William Epling	251 University Ave.	William Epling
12	Tanya Lippert	301 University Ave	Tanya Lippert
13	Paulette Kondes	202 University Ave.	Paulette Kondes
14	Hailey Delgado	209 University Ave	Hailey Delgado
15	William O'Hara	105 University Ave	William O'Hara
16	B. BARBOZA	103 University Ave	B. Barboza
17	Barbara Drizin	112 University Ave	Barbara Drizin
18	Ammed Alkhalid	128 UNIVERSITY AVE.	Ammed Alkhalid
19	Melissa Kandel	128 UNIVERSITY AVE.	Melissa Kandel
20	Addison McKenzie	236 University Ave	Addison McKenzie

Circulated and signed August 2019, Los Gatos, California, 95030
 & September

Petition to Restore Quality of Life on Historic University Avenue, p.4

We demand that the Town of Los Gatos immediately and permanently restore downtown traffic patterns be to the pre-July 8, 2019 design with two directions of travel for the entirety of North Santa Cruz Avenue. Failure to permanently restore the traffic pattern will adversely impact our property values in addition to our long-term health and well-being as well as the health of neighborhood pets. We request that University Avenue be signed for residential traffic only, with "No Truck Traffic" signs at key gateway locations; map apps should be notified to route traffic away from University Avenue. Finally, we demand that the Town reinstate written notification to all residents and property owners of planning issues that will impact their properties, allowing us time to review plans and make public comments.

	Printed Name	Address	Signature
1	MATTHEW WARREN	232 UNIVERSITY AVE, LOS GATOS	<i>[Signature]</i>
2	Heidi Delgado	309 University Ave	<i>[Signature]</i>
3	Linda Hanson	230 University Ave Front	<i>[Signature]</i>
4	RICHARD MINERT	255 UNIVERSITY AVE	<i>[Signature]</i>
5	GEORGIA VAN ZANTEN	256 UNIVERSITY AVE	<i>[Signature]</i>
6	Scott Olli	327 University Ave	<i>[Signature]</i>
7	Amy Olli	327 University Ave	<i>[Signature]</i>
8	Tyler Winslow	333 UNIVERSITY AVE	<i>[Signature]</i>
9	Wanda Studzinski	230B UNIVERSITY AVE	<i>[Signature]</i>
10	Bridget Mercik	244 University Ave	<i>[Signature]</i>
11	Pam Hanton	237 University Ave	<i>[Signature]</i>
12	Susie Hambrey	254 University Ave	<i>[Signature]</i>
13	Barry Shime/Fair	118 University Ave	<i>[Signature]</i>
14	Neil SWOBOD	314 UNIVERSITY AVE	<i>[Signature]</i>
15	KITTY WURICH	322 UNIVERSITY AVE	<i>[Signature]</i>
16	CHARLITA KRATE	322 UNIV. AVE	<i>[Signature]</i>
17	Mary Killen	242 University Ave	<i>[Signature]</i>
18	CAROL WEIST	241 UNIVERSITY (241)	<i>[Signature]</i>
19	Kendra Wilson	266 University Ave	<i>[Signature]</i>
20	Jeffrey Hickey	244 University Ave	<i>[Signature]</i>

Circulated and signed August 2019, Los Gatos, California, 95030
 ‡ SEPTEMBER

TOWN OF LOS GATOS
CITY MANAGER
2019 SEP 25 A 10:29

2019 SEP 25 A 10:29 September 30th, 2019

William O'Hara
105 University Ave
Los Gatos, CA 95030
650-533-8694

Town Council
110 E. Main Street
Los Gatos, CA 95030

Re. One Way Pilot – input for Oct. 1 Meeting

Dear Town Council,

I am writing to express my concern about the new traffic patters related to the One Way Pilot on Santa Cruz Avenue and the negative impact it has had on the quality of the life of my family. I understand that it is not yet decided that the new pattern become permanent and I would appreciate this letter be included as part of the councilmember preparatory packet for the meeting scheduled on October 1st, 2019.

Traffic is a fact of life on University Ave. We exchanged the tranquility of a less central location for greater walkability. We considered the amount of traffic to be tolerable if not an issue at all for us. It is now almost intolerable. Traffic is increasingly backed up on the northbound side of University, drivers are increasingly aggressive preventing me from backing out of my driveway, and the noise of roaring engines is much more common. I believe that University is taking the brunt if not all the downtown outflow. University is now the only viable way out of downtown for one turning left on Los Gatos Saratoga Road or going straight to the northern part of Los Gatos. Tait Ave is not a viable exit from downtown as one cannot turn left on Los Gatos Saratoga Road and cannot go straight into the northern part of Los Gatos.

Lastly, I do not find the Santa Cruz Ave shopping experience to be better with the one-way traffic pattern. Even if the council were to disagree with me on this point, I do not believe that the decrease in quality of living on University Avenue is an acceptable tradeoff either.

Does the council agree with me? I look forward to your response on October 1st.

Sincerely



William O'Hara

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Wednesday, September 25, 2019 9:46 AM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Melanie

Last Name: Allen

Email: Mallen@garlic.com

Los Gatos Resident?: Yes

Please leave your comments here:: As a long time resident, I have given it serious consideration. I Hate It. The surrounding streets traffic increase is terrible on top of beach traffic. You can no longer see the store fronts, deterring the decision to stop and look around. The parklets detract from the charm which is the main reason people come to our town.

Sent: Wednesday, September 25, 2019 9:44 AM

To: Experience LG <ExperienceLG@losgatosca.gov>; Council <Council@losgatosca.gov>; Town Manager <Manager@losgatosca.gov>

Subject: Negative Impact of N. Santa Cruz Avenue 1-way pilot program.

To Whom It May Concern:

As a resident of Los Gatos in the Santa Cruz Mountains, Los Gatos traffic and road conditions have a daily impact on our lives. We travel Highway 17 daily to Los Gatos for work as well as shopping, entertainment, dining and visiting friends and family in the downtown residential neighborhoods.

We were shocked during a recent visit with family living on University at the traffic in front of our University friends/neighbors homes. Frankly we became concerned for our safety in parking or walking in the area with large trucks, usually restricted to commercial roadways, being diverted to residential streets. We were confused by the decision to block off portions of Santa Cruz Avenue and divert commercial traffic to a primarily residential street.

We wish to express in writing our concern for what we believe is a poorly planned 1-way pilot on Santa Cruz Avenue in downtown Los Gatos.

The newly established parking and seating areas are an eye sore at a minimum and take away from the once beautiful downtown landscape. Based on increased traffic delays, poor traffic routing and planning we are less likely to visit our town and invite friends to join us. We have personally seen downtown Los Gatos residential neighborhoods becoming the "backroads" for commercial traffic. Compounded by beach traffic and poor routing options, our family and friends feel strongly that the Council MUST reconsider the current 1-way pilot program and conduct additional detailed traffic and parking studies to look for intelligent and aesthetic ways to provide visitors and Los Gatos residents with better and more creative options for parking, signage and traffic routing plans for commercial AND beach traffic.

In a previous career, I personally worked with the authorities in a small town on a Downtown Redevelopment Project and conducted a 360 review to analyze long term transformation, transportation and revitalization programs. Consensus with and input from all property owners, commercial and residential, was key to that effort.

We hope you will reconsider the current plan and listen to the residents, commercial property owners and businesses in another effort to solve the infrastructure issues affecting all.

This is our future, our town and our lives.

Respectfully,

Los Gatos Resident
Anonymous

Dianne Van Voorhis
245 University Avenue
Los Gatos, CA 95033

TOWN OF LOS GATOS
2019 SEP 24 4 38 50

September 22, 2019

To: The Los Gatos Town Council
110 E. Main Street
Los Gatos, CA 95030

To whom it may concern:

I live on University Avenue in the block between Bachman Avenue and Royce Street. I purchased my home in 1979 and have lived there since 1989. Over the years I've seen the traffic issues grow on University, particular at the times when school starts and ends and during the summers, however, with the one way plan for part of N. Santa Cruz Avenue the number of cars traveling down my street has become absolutely terrible for much of the day. Since the change it most often takes me three stop lights of cars at Hwy 9 and University before there is a break so I can even get out of my driveway, and there is no way I can go north towards Hwy. 9 with traffic that has come from Main Street and/or the diverted traffic from the one way sections of N Santa Cruz Avenue. So now I have to go towards Main Street and circle through the parking lot behind my house to be able to go north toward Hwy. 9.

I often walk to local stores to shop for small items and have noted at various times of the day the parklets have had few or no people using them. And most of the people using them were children eating food. As a resident I wouldn't want to sit where I smell exhaust fumes while drivers idle slowly down the street, besides the fact that our streets are much too narrow for these parklets. I must also mention the unattractive nature of the angled cars parked on one side of the street.

The current one way street plan is extremely inconvenient for residents on University, Wilder and Tait Avenues. I hope you will not continue with this dreadful experiment. Instead, I hope you will work with the state and county to come up with another plan to expand options for the beach and commuter traffic on Highway 17, and not allow drivers caught in traffic jams on Highway 17 to clog up our residential streets and endanger residents and children.

Thank you for your consideration,

Dianne Van Voorhis

From: Stefan Walker <stefan@stefanwalker.com>

Sent: Tuesday, September 24, 2019 10:24 PM

To: Experience LG <ExperienceLG@losgatosca.gov>; Council <Council@losgatosca.gov>; Town Manager <Manager@losgatosca.gov>

Subject: against one-way on N Santa Cruz

To whom it may concern:

I would like to take this opportunity to voice my concern and opposition to N Santa Cruz Avenue continuing as a partial one-way street. I have worked in and around Los Gatos for more than twenty years. While the town has retained its character and charm, it has grown into a place that is nearly impossible to navigate by car. I agree that the downtown shopping district needs a shot in the arm, but restricting traffic on one of the town's main thoroughfares is not the answer. In my experience, the restricted traffic flow makes getting into the area that much more difficult and will deter people from visiting. Easier access and more parking would encourage more people to visit. In my opinion, restricting traffic on N Santa Cruz exacerbates the main issue that is deterring visitors.

One of the main issues for downtown is beach traffic and the thousands of vehicles diverted onto town streets by the various traffic apps. Has there been any consideration given to restricting (or closing) access to Hwy 17 at Santa Cruz Ave? If access was eliminated here – if only during peak beach times – then beach-bound traffic would not venture south of Hwy 9 and at least keep the downtown area flowing easier.

From a real estate viewpoint, in the past few years I have had buyers instructing me to not show them property in the downtown district due to the brain damage that must be endured to get in and out of the area. It's currently a small percentage, but bound to become a more frequent instruction if the allure of downtown living is erased by the ever-increasing headaches involved in getting to and from home. Los Gatos property values did not increase over the past 8 years at the same rate as the more centrally-located towns that have less to offer in terms of character, such as Cupertino, Sunnyvale, Mountain View, and Los Altos, primarily because of commute-related issues. If traffic conditions within the town continue to deteriorate, demand for homes in the area could suffer more, which could negatively affect values in the long term.

Thank you for your consideration,

STEFAN WALKER

Broker Associate | Realtor



Members of the Town Council and staff:

My wife and I have lived in this location on University Avenue for 44 years, raised our family here. Over the years the Town has made many changes in order to take good care of the downtown residents and businesses:

- The cut-through traffic problem was solved by blocking many streets
- Cruising was eliminated with a carefully thought out ordinance and persistent enforcement
- The dirt parking lots between University and N. Santa Cruz were paved and landscaped
- A new parking garage was built and parking lots were added behind Mt Charleys
- Evening permit parking exists all around the downtown core streets, eliminating the late night revelers and debris that they left behind
- Daytime parking limits improved the residents' ability to park on our streets

This "one way pilot" program is without a doubt the worst thing that has ever happened to our street and the downtown in general:

- Now there is nearly constant heavy traffic on University
- Backups occur several times each day for the entire length of University from Main to Highway 9
- Cars now use the parking lots to avoid University
- Our property value will be significantly reduced if this program is made permanent
- This purported "solution" to some non-existent problem is now the problem itself

A few questions for you:

- Why was there no community input?
- Where is the money to pay for the pilot, to build the permanent parklets, signs, striping since the Town is teetering on the brink of bankruptcy?
- How would you like it if your home was on a street that suddenly was inundated with 700 to 900 vehicles per hour?
- Would you like to feel trapped in your driveway, hesitating to back out into the volume of traffic?

We have lived downtown for many years and accept that our street is busy from time to time – commute hours, school traffic, beach traffic. It is just part of being where we are. It's ok with us. This new traffic volume is not busy. It is constant. University is now a thoroughfare not a downtown residential street.

Please remember the people who elected you, who trusted you to be thoughtful and care about us. Do the right thing, and own up to the fact that this one-way pilot did not work. Kill the program now.

Sincerely,
Perry Gardner
215 University

From: drjimpiet@comcast.net <drjimpiet@comcast.net>

Sent: Tuesday, September 24, 2019 11:00 AM

To: Council <Council@losgatosca.gov>

Cc: Town Manager <Manager@losgatosca.gov>

Subject: Parking

Dear Mayor and Council Members,

The one way design on N Santa Cruz Ave from my office at 233 N Santa Cruz to Main street was a brilliant idea.

It has reduced traffic in and around my office and has allowed more ample parking for other small businesses that heavily rely on their customers/clients to park in front or close by.

I have been the business owner at LGVOC since 2001 and have never seen the traffic flow so well and the feed back from some local small business owners in downtown Los Gatos has been very positive.

Thank you very much and keep up the good work!

With warm regards,

Dr Jim Pietrantonio

Los Gatos Optometric Vision Care

408 354-9310

From: Jen Bernier <jenn271@gmail.com>

Sent: Tuesday, September 24, 2019 9:58 AM

To: Experience LG <ExperienceLG@losgatosca.gov>; Town Manager <Manager@losgatosca.gov>; Council <Council@losgatosca.gov>

Subject: 1-way scheme on N. Santa Cruz

Hello,

Just a comment on the recent change in downtown Los Gatos turning N. Santa Cruz into a 1-way thoroughfare. While not a resident of Los Gatos, I do live in nearby Almaden, my hair salon is on N. Santa Cruz Ave., my sons work in a restaurant on N. Santa Cruz Ave., and I do most of my shopping in Los Gatos. I am not actually sure what the reasoning was behind the change that was made, but I will say that it took me extra time to get to my most recent hair appointment, and getting around is definitely more difficult. I understand that there were challenges previously in terms of the overall traffic congestion, but this change doesn't appear to have done anything but continue congestion on North Santa Cruz and increase congestion on nearby streets like University Ave. Given this, we have started to rethink how often we visit downtown's restaurants and other shops (although I will continue to use my hair salon -- I will just need to add time to make sure I can get there on time). Thanks.

Best,

Jen Bernier

650-336-4222

From: Shelley D. Spray <shelley_spray@yahoo.com>

Sent: Monday, September 23, 2019 9:58 AM

To: Experience LG <ExperienceLG@losgatosca.gov>; Council <Council@losgatosca.gov>; Town Manager <Manager@losgatosca.gov>

Subject: One way pilot input for Oct 1 meeting: NO NO NO NO NO NO NO!!!!

To those receiving this email I would like to communicate the frustration I have had, along with my neighbors, regarding the one way pilot in downtown Los Gatos. I have lived in LG for almost 20 years and rented a home on University for 3 years. Currently I live in the Almond Grove in a home I purchased 5 years ago. The pilot was not strategically planned and we are all confused as to why it was actually done.

1. First, we are trying to reduce the traffic heading toward the 17 on ramp located by the Toll House. By creating a one way street headed toward the on-ramp it's absolutely the most illogical move the city could have made. We now have even more bumper to bumper traffic on Santa Cruz which makes it a huge challenge to head into town to the shops.
2. Second, University has become a parking lot and the residents there are extremely frustrated with the constant cars, motorcycles, delivery trucks, buses and it's made living on that street a nightmare.
3. Third, the extraordinary cost that was incurred to do this with the painting and repainting that will need to be done to put the street back to the way it is used to be is ridiculous. The cheaply designed areas where people can sit made our town look cheap, vs the elegant town that we are. And they are not placed in front of the restaurants where they would make sense. If you were going to do this it would have been nice to place them in front of restaurants and have them pay the city an extra amount of money to do this. Then they could extend the areas where they can serve and we could finally have more places to sit outside. That would have been nice and I think you would have had more people on board. It would have been nice to spend that money on something else that would have helped add to the beauty and class of our sweet town.

I sit at the coffee roasting co every morning and the amount of people who are extremely frustrated with this is extraordinary. I vote NO NO NO on keeping the one way pilot. Please feel free to contact me directly if needed. I would be happy to talk with anyone in the city. Thank you. Shelley

Shelley D Spray
President & Chief Creative Officer
SD Spray Consulting, LLC
PO Box 2012
Los Gatos, CA 95031
408.499.2378
www.SDSpray.com

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Sunday, September 22, 2019 6:15 PM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Leslie

Last Name: Garrison

Email: garrison.leslie@gmail.com

Los Gatos Resident?: Yes

Please leave your comments here:: Los Gatos Town Administrators,

I live across from the DMV on Ashler (bought house 3 yrs ago) and I walk to downtown all the time... at least once a week for the farmers market. I am thrilled with the one way pilot. I like that more space is dedicated to pedestrian traffic and less space dedicated to vehicles. The sitting areas are often used by people enjoying food, beverages or a conversation. This is exactly the direction we need to go in order to encourage more pedestrians and foot traffic to local stores.

I realize that the beach traffic is still a major headache and this pilot was not going to fix it. Has the town considered issuing permits for businesses on Santa Cruz to set up curbside vendors? If we have frustrated travelers inching through downtown, we might as well offer them ways to spend money with our local businesses. I have never seen curbside vendors so I assume it is an unpermitted activity. This could be the "new drive thru" - capitalize off the traffic if you can't beat it.

Thanks again for your open-mindedness to try this pilot. Constructive change is necessary for the town to remain unique and I imagine you are receiving a fair amount of old cranky comments. Keep up the good work.

Les
15 Ashler

From: Claudia Weist <claudiaw815@yahoo.com>
Sent: Saturday, September 21, 2019 10:49 AM
To: Experience LG <ExperienceLG@losgatosca.gov>
Subject: Fwd: Unsafe University Avenue

Sent from my iPhone

Begin forwarded message:

From: Claudia Weist <claudiaw815@yahoo.com>
Date: September 21, 2019 at 10:14:02 AM PDT
To: ExperienceG@LosGatosCA.gov
Subject: Fwd: Unsafe University Avenue

Sent from my iPhone

Begin forwarded message:

From: Claudia Weist <claudiaw815@yahoo.com>
Date: August 13, 2019 at 8:14:53 AM PDT
To: council@losgatosca.gov
Subject: Unsafe University Avenue

I am a homeowner residing at 241 University Avenue, and have been placed in an unsafe situation. First, let me say that I chose to live downtown because I love it and enjoy supporting the local merchants. I can't remember the last time I shopped at a mall. Making N Santa Cruz Avenue one way has forced those of us on the west side of the street to have to back out of our driveways across two lanes of traffic. Before the change, I would back out, make a right on Royce and another right on N Santa Cruz. I no longer am allowed to do that. Every friend who has visited me has said that they would hate to live here. I realized when I bought my home that University could be busy, but except for school and lunch time, it's been manageable. Not anymore.

I feel that this situation is very unsafe for us who live on University Avenue, and it's an accident waiting to happen.

Please address this issue.

Thank you,

Claudia Weist
241 University Avenue
Sent from my iPhone

From: Matt Morley <MMorley@losgatosca.gov>
Sent: Wednesday, September 18, 2019 3:45 PM
To: Experience LG <ExperienceLG@losgatosca.gov>
Subject: One Way - not in favor

Raymond Fullerton phone message.

Does not like the one way.

From: Jahan D Hill <jahandokht@gmail.com>
Sent: Sunday, September 15, 2019 2:58 PM
To: Experience LG <ExperienceLG@losgatosca.gov>
Subject: We like your downtown experiment

Greetings,

I'm a long time resident of Los Gatos and I want to commend you for your N Santa Cruz ave experiment with both the 1way and the seating areas. It's great and also it's like Paris and other EU towns . Please keep it going!!

Thank you!

Best

Jahan Hill

From: Matt Morley <MMorley@losgatosca.gov>
Sent: Thursday, September 12, 2019 6:08 AM
To: Experience LG <ExperienceLG@losgatosca.gov>
Subject: phone call feedback

Voicemail from Bev Miller who lives on Tourney Road

Does not like the one way street.

Creates too much congestion.

From: eikoj@earthlink.net <eikoj@earthlink.net>

Sent: Wednesday, September 11, 2019 11:08 AM

To: Council <Council@losgatosca.gov>

Cc: Mary Ann Jafri <majafri@aol.com>; Bobbi stek <bobbi@stek.us>; Jackie Williams <jponwms@aol.com>

Subject: Suggestions and Comments about Los Gatos

I am a resident of Monte Sereno for over 40 year and have been a member of The Butter Paddle for 18 years.

As you know, The Butter Paddle is one of your important Gift Shop in Los Gatos.

This Summer was a very trying time for us because of the traffic in Los Gatos.

We lost a lot business because our customers could not get in or did not want to come to town on weekends.

I live only a mile away and yet took me almost 30 min to get to the Butter Paddle on 33 N Santa Cruz Ave during the middle of the day on weekends. Most of my friends said that they avoided coming to Los Gatos on weekends to avoid the hassle of the traffic. Drivers were grid locked on every street and cutting through main road, back roads, residential streets, and everywhere.

Parking was not so bad because people could not come in to shop.

The parklets you created are almost never used. It is not comfortable and too hot. I have never seen anybody sitting in front of William Sonoma. It needs to be near or in front of café or coffee shops and needs shade in the summer. The barriers and chairs, even though they were temporary, were so ugly. I think the idea is good but we should be able to do it better.

I highly suggest we widen highway 17 as far as we can beyond highway 9. It is imperative that we put the drivers on the highway and not on our streets. They may have to sit on the highway longer but that is better than having them clogging up our streets.

You are putting these issues as an agenda on the coming town council meetings.

I am sure you will have enough businesses voicing these issues.

Eiko Johnson

From: Matt Morley <MMorley@losgatosca.gov>
Sent: Wednesday, September 11, 2019 6:39 AM
To: Susan Testa <romantiqueslingerie@yahoo.com>
Cc: Monica Renn <mrenn@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: RE: Merchant input regarding one way pilot program

Susan

Thank you for taking the time to provide feedback on this project. The most important meeting on the subject will be October 1, when the Council discusses it. It would be great if you could join us, but regardless we will make sure your email is included in the record for the item.

Matt Morley • Director
Parks and Public Works • 41 Miles Ave, Los Gatos CA 95030
Ph: 408.399.5774
www.losgatosca.gov

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

From: Susan Testa <romantiqueslingerie@yahoo.com>
Sent: Tuesday, September 10, 2019 9:15 PM
To: Matt Morley <MMorley@losgatosca.gov>
Cc: Monica Renn <mrenn@losgatosca.gov>; catherine@losgatoschamber.com; Steven Leonardis <SLeonardis@losgatosca.gov>; Marcia Jensen <MJensen@losgatosca.gov>; Rob Rennie <RRennie@losgatosca.gov>; Marico Sayoc <MSayoc@losgatosca.gov>; BSpector <BSpector@losgatosca.gov>
Subject: Merchant input regarding one way pilot program

Hi Matt and Monica,

I'm sure your inbox has been full this summer.
I wanted to give you some feedback as a merchant and life long resident of Los Gatos.

Thank you for taking the risk and leading the one way/park-let pilot program. I think change is necessary in the downtown corridor in order to compete with the impending north 40 development.

I think the program was met with equal amounts of positivity and negativity. As a business owner, I tried to sell the idea and to educate people about why the town was doing it in the first place... I'm not 100% sure why it was done, but I totally appreciate the effort.

I would also like to mention that I think residents who have purchased a home in the downtown corridor should not have as much influence as they currently do. I know many are against the change because it causes more traffic. I would like to note... they purchased a home in the DOWNTOWN district. I feel bad for those that are having trouble getting out of their driveways however just because they are the squeakiest wheel right now should not mean you walk away from helping the existing downtown business district.

The first thing that I noticed was that the flow of traffic down North Santa Cruz became relaxed and not so hurried. Pedestrians no longer took their lives into their own hands trying to cross the street. Parking because of the Diagonal spaces helped ease the flow. Cars no longer needed to wait for people to parallel park. Yes, things need to be tweaked... park-lets need to be in front of restaurants and other food establishments... not in front of empty store fronts. They need to have a cohesive, elevated design. I'm sure you've heard that input from everyone.

I've heard that the plan is to revert back to a two way street in October. I think that is a huge mistake as people are finally adapting to the new route. It would be a shame to waste the investment it took to create this change. Why not continue to evolve this plan to better meet the needs of the downtown and the residents that chose to live here.

I'm not sure I will be making any of the meetings but please feel free to reach out to me. I'm happy to help in anyway I can.

Warm regards,
Susan Testa
Romantiques
Owner

From: Matt Morley <MMorley@losgatosca.gov>
Sent: Wednesday, September 11, 2019 6:30 AM
To: Lilia Bosio <liliabosio@yahoo.com>
Cc: Experience LG <ExperienceLG@losgatosca.gov>
Subject: RE: Regarding University Ave and Santa Cruz

Lilia

Thank you for stopping by the office and for leaving a message. I am sorry I missed you.

Your input is extremely important to us. I will make sure that this email is included in the meeting agenda for October 1 when we talk with the Town Council about the pilot so that they have your feedback.



Matt Morley • Director

Parks and Public Works • 41 Miles Ave, Los Gatos CA 95030

Ph: 408.399.5774

www.losgatosca.gov



From: Lilia Bosio <liliabosio@yahoo.com>
Sent: Tuesday, September 10, 2019 10:26 AM
To: Matt Morley <MMorley@losgatosca.gov>
Subject: Regarding University Ave and Santa Cruz

Hi Matt,

I stopped by your office today to talk to you about the University Avenue and Santa Cruz Avenue.

I know the project of making the Santa Cruz Street one way is very interesting. However it has created a lot of problems on how the traffic flows at dropping off and picking up time for the Los Gatos High School.

It is hard to come back to my house after dropping off my daughter at her high school. Last year it was taking me

10 minutes, today takes me 45 minutes. I see people driving by the parking lots trying to get out from the University

Street traffic. Twice, I took Massol Avenue but it did not work.

Please call me at (310) 739-9703.

Best regards,

Lilia Bosio
55 Roberts Road Unit C
Los Gatos, CA 95032

From: Sally Edsall <sally.edsall.com@gmail.com>
Sent: Tuesday, September 10, 2019 4:24 PM
To: Experience LG <ExperienceLG@losgatosca.gov>
Subject: One Way Pilot and Parklets

Just have to say we LOVE the one-way traffic change on Santa Cruz Ave and the parklets are wonderful. They have made our downtown feel more intimate, created a community feeling, and slowed traffic tremendously - such a fantastic improvement to our downtown. We hope these will become permanent changes to our downtown landscape. We applaud the town for introducing this change, thinking creatively and boldly trying something new and inventive. Happy to come speak at any hearing there may be in the future to address this topic.

Thanks so much,
Tom & Sally Edsall
152 Twin Oaks Drive, LG

From: Debbie <dcsacks1@comcast.net>
Sent: Monday, September 09, 2019 8:53 AM
To: Experience LG <ExperienceLG@losgatosca.gov>
Subject: support for North Santa Cruz traffic pattern and parklets

To Whom It May Concern —

I wanted to add my voice to support for the 1-way traffic pattern and parklets along North Santa Cruz Avenue. I particularly like the added, angled parking spaces.

If some or all the parklets are made permanent, I hope they will be improved to be more inviting.

I hope that the Town of Los Gatos will make the One-Way Street Pilot permanent.

Sincerely,
Debbie Sacks
18400 Overlook Road Unit 31
Los Gatos 95030

From: theresa.whitney@yahoo.com <theresa.whitney@yahoo.com>

Sent: Sunday, September 08, 2019 4:46 PM

To: Experience LG <ExperienceLG@losgatosca.gov>

Subject: Parklets support

Hello: I would like to weigh in on the parklets and one-way street. I like them! I feel that once the parklets are adopted and decorated, they will be even better.

Thanks for trying something new.

Theresa Whitney

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Saturday, September 07, 2019 5:03 PM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Laura

Last Name: Miri

Email: lauramartinmiri@gmail.com

Los Gatos Resident?: Yes

Please leave your comments here:: Hello, I have waited until now to comment on the one way Santa Cruz pilot because I was open to the idea. Now at the end of summer, I'm convinced that it was a terrible idea. This pilot has made traffic much worse on Tait, Massol, and University. I have even seen a bus and a dump truck drive up Tait avenue.

As for the parklets, I tried the one in front of Dolce Spazio. Overall, The parklets are unsightly, cheap looking, and frankly, embarrassing. They also lack adequate shade.

Please reverse the one-way as soon as possible in October. While I commend the town for trying new things, it's also important to know when to admit that things haven't worked so well.

Sincerely,

Laura Miri

From: Julie Scopazzi <julie@testarossa.com>
Sent: Thursday, September 05, 2019 4:02 PM
To: Experience LG <ExperienceLG@losgatosca.gov>
Cc: Catherine Somers <catherine@losgatoschamber.com>
Subject: Feedback on One-Way Pilot

Hi Monica

Here is feedback from Rob Jensen at Testarossa Winery:

I think the single lane of traffic makes N. Santa Cruz Avenue much more enjoyable for pedestrians, and cyclists. It makes this retail corridor feel more welcoming, comfortable and quaint, not to mention that with eliminating half the cars, there is also half the exhaust spewing onto sidewalks, sidewalk cafes, and into stores.

Cheers
Julie

Julie Scopazzi
Marketing Manager
TESTAROSSA Winery

From: Kristine Reiners <info@casablancateas.com>
Sent: Thursday, September 05, 2019 3:17 PM
To: Experience LG <ExperienceLG@losgatosca.gov>
Subject: One Way Pilot

Hi! We are business owners on N. Santa Cruz Ave and Royce (Tea on the Avenue) and have had a front row seat to the one way pilot. We want to express our support with moving forward with the one-way concept and more importantly, the objective of improving the downtown experience. A couple of thoughts:

- 1) It doesn't appear that most people understand the longer term concept if the pilot is deemed successful. The current temporary accommodations are frequently thought of as what would exist in the future if the decision is reached to continue. We have frequent discussions at our "tea bar" with folks asking what we think of the pilot – and when it is mentioned that sidewalks would be widened and the parklets would be integrated into a total concept many people suddenly express their support. Certainly, the sometime emotional discussions on Next Door don't include this thinking but rather seemed to center around whether the current temporary parklet's are being utilized sufficiently or whether the pilot fixes or make the traffic worse. Perhaps some sort of artist rendering could be used to help paint a picture of the potential future state that could be realized???
- 2) As I am certain that you are aware, there is frequent confusion about the intent of the pilot to fix the beach traffic issue (which it is not). We certainly see the impact of beach traffic but I don't see that the pilot has in any way made the problem worse. Frankly, the weekends that the beach traffic has been bad business is clearly impacted but I haven't felt the number of days impacted have been outrageous – and we certainly knew what to expect. I do hear a lot of other business owners claim the whole summer has become something of a write off – but my sense is much of that is other town dynamics (ie vacations, etc) than just beach traffic. In other words, if we counted the days the traffic actually impacted us it would be the minority of the number of days business is down during the summer. I can't help but wonder how we can get value out of all those folks crawling past or through town by having them think – "what a cool little town, I'm going to come back and have lunch (dinner, etc).
- 3) We also hear a lot of complaints about parking. Again, we haven't really seen the amount of available parking as an major issue. The 2 hour limitations sends a very business unfriendly message and we urge increasing or eliminating that requirement. If employee parking is an issue then looking at dispersed employee parking might help but frankly I am constantly surprised at how unwilling people are to walk even a couple of blocks. From a pilot perspective, the parking doesn't appear to be impact. We do like not having to see everyone struggle to parallel park while traffic piles up behind them 😊.
- 4) Lastly, we encourage leaving the pilot infrastructure in place while the capital project moves forward. Folks seem to feel negatively about change. Leaving the one-way in place allows people to develop more "muscle memory" of how to navigate the town and the improvements to reach the desired end state won't feel like such a change.

Thank you for the opportunity to provide feedback.

Linda & Kristi Reiners
Tea on the Avenue
155 N. Santa Cruz Ave

From: O'Carroll, Sean <socarroll@ngkf.com>
Sent: Thursday, September 05, 2019 2:47 PM
To: Experience LG <ExperienceLG@losgatosca.gov>
Subject: One Way feedback

As a shopper in Los Gatos and a retail leasing specialist I would like to comment on the recent change to one way and park-lets.

I like the concept but feel there are way too many park-lets. In my opinion they should only be located in front of food or drink establishments where they can utilize out door seating and not places like Restoration Hardware or the patio furniture store. Make them special. It eliminates the narrow feel to parts of the street and frees up more parking.

Also you need to continue the suspension of the formula retail restriction. It is tough enough to find retailers without banning successful concepts.

Sean O'Carroll
Senior Managing Director
Newmark Cornish & Carey

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Wednesday, September 04, 2019 9:28 PM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Worth

Last Name: Thomas

Email: vworht@gmail.com

Los Gatos Resident?: Yes

Please leave your comments here:: I'm happy to see some of the innovative ideas to help with some of the downtown woes. I live near the library and regularly walk, bike and drive in the downtown area. My feedback regarding the pilot are as follows 1. As a frequent biker, the one way down Santa Cruz is very hard to negotiate. This used to be my go-to path to travel in each direction due to the slower speed limit. Now I have to take my bike on university to go North and the southbound bike lane is a joke if it is only present for a few blocks. I rode with my almost 7 year old a few weeks ago and we ended up on the sidewalk due to safety concerns. Ride your bike down there a few times (especially with your kids) and you will quickly see that there is no longer a bike friendly option.

2. I know the diagonal parking is there to create more spots, however visually, it now looks like a "parking lot" downtown. Nobody wants to hang out in a parking lot, even if there are nice chairs to sit in. On heavy traffic days, the feeling is obviously even more oppressive, but even on an average days, the "vibe" is still less welcoming to those of us who are out of our cars.

I suggest working on solutions to increase walking, biking, hanging out. Talk to those of us who are frequent "alternative transportation" users. We have a lot of time on our rides and walks to think about making our streets more friendly and appealing.

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Wednesday, September 04, 2019 6:19 PM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Laura

Last Name: Murphy-Wilikens

Email: murphywilikens@gmail.com

Los Gatos Resident?: Yes

Please leave your comments here:: Hi,

My family and I enjoy the new parklets and the diagonal parking. We often make our dining decision on whether we can eat outside and have found ourselves going to Campbell or Santana Row because of the outdoor dining options and the great ambiance. I think building out portions of the sidewalks to create more dining and lingering opportunities is a wonderful idea. I hope there will be spots where people can sit or play music without having to purchase something at a specific restaurant as well to provide flexibility. Sunnyvale has a wonderful Murphys Ave that they can close to car traffic. I wonder if the street heading to the post office next to the Town Plaze could be closed on Saturday nights as it is for the Farmer's market to allow for tables and a gathering place. Sunnyvale had a music night where you could order a select menu that included dishes from a variety of restaurants. You simply called the restaurant and placed an order and they brought it to your table. I also appreciate the diagonal parking spots. I would love to see all parking spots converted to diagonal spots. It is so much easier to pull into and limits traffic backups that occur when drivers are parallel parking. I was amazed when I found an open spot on a mid Friday day. Normally, I wouldn't even attempt to try to park downtown on a Friday, but I drove through to see if I could run an errand and was thrilled that I could park and visit the store I wanted to stop into.

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Wednesday, September 04, 2019 4:46 PM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Gaby

Last Name: Clark

Email: gabyclark@yahoo.com

Los Gatos Resident?: Yes

Please leave your comments here:: Love the parklets, not so much the execution. By this I mean the concrete barriers are not very appealing.

Also, it should have communicated a bit better that this was not to mitigate traffic, most people don't seem to understand that. I think that is why people oppose them, since they don't understand the concept.

I hope are here to stay!

Gaby

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Wednesday, September 04, 2019 3:07 PM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Alexander

Last Name: Roe

Email: afroe3@gmail.com

Los Gatos Resident?: Yes

Please leave your comments here:: I support the parklets and one way Santa Cruz. I'd like to see the aesthetics improved and have parklets located near restaurants.

Our family moved from Willow Glen, and in my opinion the "road diet" and associated parklets there dramatically improved Lincoln Avenue.

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Wednesday, September 04, 2019 8:51 AM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Jessica

Last Name: Richter

Email: jessbricht@gmail.com

Los Gatos Resident?: Yes

Please leave your comments here:: Hello,

I appreciate that efforts have been made to bring more people/liven up the down town. I do not think that making N. Santa Cruz a one way street, nor the poorly placed parklets have added anything to our downtown. I am upset that so much money was spent to re-do the street without a pilot to make the street one way first without changing the parking. I don't think that town funds, resources, and knowhow should go toward "Spiffing up the downtown" in this way. What is needed is ALL of the available resources to fight the impact of Waze/Google on our town in the summer and prepare for fire risk. The heightened risk to human life during the summer traffic jams if there is a wildfire should be the town's primary focus and responsibility until a solution is found. In terms of approaching the parklets-- Are you using consultants? Evaluations? Surveys? Video research? . I am very familiar with towns throughout the Bay Area and those towns that have used parklets have also widened their sidewalks, added planters and greenery etc. Most of the "parklets" that I think work are actually outdoors eating areas for restaurants. This makes the town more lively and since we have such nice weather here, we should have more outdoor restaurants and stop being so afraid of liveliness, music, etc. . I also always say we need more healthy, family oriented restaurants that go far beyond burgers and pizza. Where's the Crepevine? Where's the Le Pain Quotidian (a good one)? i went to a restaurant in Littleton Colorado with Corn Holes for kids and adults. yes it was loud and they served alcohol. But it was fun! Like the food trucks that used to be set up on LG/Saratoga Rd. Expense isn't needed--creativity is. What about Food trucks placed where the farmers market is on Thursday evenings? Or closer to city hall? This would draw way more people to town than the parklets! See what is happening in Burlingame, Los Altos, Menlo Park even. The pilot was not done in an effective way. What is the objective measure of success? A town representative promoting the idea on Next-door is not an objective measure. I do not think the parklets or one way street should be continued without more objective measures , money to implement correctly and in the right place (connected to restaurants). Fix the traffic/fire danger life threatening issue first and do something fun like the food trucks that won't take as much taxpayer money. Regards, Jessica Richter

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Monday, September 02, 2019 5:52 PM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Denise

Last Name: Bridgeman

Email: denisehbridge@gmail.com

Los Gatos Resident?: No

Please leave your comments here:: I live in Monte Sereno and I am in town most days of the week.

It has been stated on Next Door that merchants or groups are purchasing the parklets. I think most of us believed this was a temporary change and would go away in October. It appears we have been duped. The one way, parklets are dangerous, ugly and cause traffic issues all over town.

Is this a money venture? maybe a 2 story parking lot would be a better answer.

Santa Cruz Ave is just too small and busy for these changes. Plus the communication from the city is very ineffective. People are always surprised and do not know what is going to happen next.

From: KIPP KRAMER <kippkramer@aol.com>
Sent: Monday, September 02, 2019 12:01 PM
To: Council <Council@losgatosca.gov>
Subject: Santa Cruz Avenue

Dear Council Members,

I am writing again but this time directly to you instead of a suggested link on Next Door. I just want my voice heard in this...I think this town is going in the wrong direction in trying to boost our sweet downtown. It is sad but true that many of our favorite businesses have gone away and there are a lot of empty store fronts and restaurants for many, many reasons.

And East Los Gatos, where I live, is losing businesses and preparing for an onslaught of traffic and people when the North 40 opens...especially in the summer time. It doesn't seem the already burdened streets are going to be altered to handle the traffic. It appears to be already at capacity at some times in the day. But that is a whole other issue..

Please, *please* remove this one way street on Santa Cruz Avenue!!! We are actually avoiding downtown often now and the businesses are feeling it. Traveling on the alternative, University, is now gridlocked at busy times and I feel for those residents. So everyone goes up the Boulevard to get from south to north and impacts that side of town! Where did the town think that traffic would go??

The diagonal parking now looks like a crowded, busy shopping center when you look down the street and only becomes normal and pretty at the end where it goes back to two lane. Our little downtown always had an inviting, graceful feel to it...but not so anymore.

And the parklets...while I am not completely opposed to the outside seating, these are not placed strategically in front of restaurants, but randomly. And all these people that say they saw someone sitting in them on a Sunday afternoon...well, I think they stay empty most of the time and seem to impact a lot of us for a few. Maybe entice the restaurants to stay in town by putting them at our costs in front of those businesses. Maybe put them next to restaurants and have the sidewalks to go around to the outside...just an idea. Do we need so many? I think you are forcing a nice idea into a space that is not designed for this use.

And if it is just for seating and not to allow restaurants to expand their outside eating...then do it in and around the Plaza. Seems that would be ideal and impact less people. Maybe restaurants will come in around the Plaza and gain service permission to serve outside there...like many towns in Europe...but I realize I am reaching here.

We are not Willow Glen or Campbell or some quaint place up the Peninsula, but we are uniquely Los Gatos with an old style, Disney worthy downtown that is so unique with its setting against the hills.

The beach traffic isn't going away and I feel for all of those who work hard to resolve it. And I hope there is some wisdom put into the traffic that will be generated by the North 40...that someone has a plan.

But let's control what we can...the one way street is frustrating a lot of people and business owners...especially if you are coming from the south to the north. The shops no longer get traffic

exposure in that direction. We have actually gone home when planning to eat downtown because we had to detour around the main street.

I don't know when the trial period is up...I hope soon! I don't love the parklets...the street is just not a natural, but used sporadically in the correct place might work??

Sorry about the lengthy discussion...but *please* bring our town back to it's downtown charm! Please....

Thanks for listening and I sincerely thank you for your service on the council!

Carolyn Kramer
408-375-7905
842 Cherrystone Drive

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Saturday, August 31, 2019 12:14 AM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Kevin

Last Name: Falini

Email: kevin_s_falini@hotmail.com

Los Gatos Resident?: Yes

Please leave your comments here:: THIS IS A GREAT IDEA OF A STUPID IDEA BEING POORLY EXECUTED.

THE IDEA solves a problem that we don't have (too much Northbound traffic) while it DOES NOTHING TO ADDRESS A PROBLEM THAT WE DO HAVE (unrelenting Southbound traffic running through town). Along with many of my friends and neighbors, I am left to wonder what the powers that be were thinking.

THE EXECUTION IS CHEAP, TACKY AND UNSIGHTLY. Los Gatos faces many challenges today and this approach only serves to degrade both the function and the image of the town. We have consistently fallen relative to our peers over the past two decades. Today, Willow Glen, for example, is a much more pleasant place to be than downtown Los Gatos.

For all of the space dedicated to this experiment, THE SPACES AND SEATING ARE HARDLY USED.

WHY ARE YOU ACTIVELY WORKING TO RUIN MY TOWN, MY QUALITY OF LIFE AND THE VALUE OF MY INVESTMENT?

We need to reduce the flow of Southbound traffic through the town, every day and especially during summer weekends. Can somebody actually work on that, real problem?

Please let me know if I have not been clear enough in my feedback.

From: Michael <michaelsambrailo@gmail.com>
Sent: Tuesday, August 27, 2019 5:16 PM
To: Experience LG <ExperienceLG@losgatosca.gov>
Subject: Los Gatos pilot program

Hello,

As a person that lives out of Los Gatos, but visits the downtown about 4+/- times a month, I like the new configuration & logistics. However, the one issue I did notice, was that there seems to be a lot more trash on the streets now & especially in the street patio pop outs. Esthetics & cleanliness are important for downtown & I'm hoping the city can look into it. Thank you.

Regards,
Michael

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Monday, August 26, 2019 11:33 PM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: A

Last Name: B

Email: mn.m@mail.com

Los Gatos Resident?: No

Please leave your comments here:: Visit Los Gatos from this road 3-4 times a week. Very inconvenient now that it has become one-way. When leaving Los gatos it is adding 5 minutes to my commute back because it is one way and is now a non-accessible side. Please do not make this permanent. I hope you revert back to the way it was. Thanks.

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Monday, August 26, 2019 10:11 PM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: C

Last Name: Vitolo

Email: 981spy@gmail.com

Los Gatos Resident?: Yes

Please leave your comments here:: PLEASE restore normal access and two way traffic to the area. This failed experiment has caused nothing but hardship for residents. It is nearly impossible to approach downtown on weekends, the traffic has increased exponentially and merchant businesses are down. It is a complete mess.

If you want to increase business interest in the area, you must address the empty storefronts, higher than market rents and well funded businesses that are leaving the area. That solution lies with commerce. Creating traffic jams and putting empty chairs on streets do not solve, it has only magnified the areas problems and deters patrons.

The traffic backs up to almost Route 85 on weekends. Residents cannot get around easily anymore.

PLEASE RESTORE THE AREA TO ITS ORIGINAL STATE.

From: Code Compliance [mailto:do_not_reply@civicplus.com]

Sent: Monday, August 26, 2019 9:34 AM

Subject: New request received

Category Code Compliance Complaints has received a new request.

Here is what we have on file:

Code Compliance Complaint

#2261

SUBMITTER

[View Request](#)

Category: Code Compliance
Complaints

Isy Goldwasser

Priority: 3

104 Auzerais Ct.

Assigned To: Meyer Allen

Los Gatos, CA 95032

Submitted: 8/26/2019 9:33 AM

CONTACT

Source: Website 73.93.154.217

isy@akivako.com

4083530490

200 Santa Cruz Ave down town
Los Gatos, CA

REQUEST DETAILS

Description

Traffic and Street Planning for Los Gatos. I have lived in Los Gatos since 2003 and this is the first time I have logged a complaint. The council needs to immediately reevaluate traffic and street planning for down town los gatos. The recent change is a huge mistake that results in more traffic and reduced business for local shops downtown. Also, the new mall is going to create additional traffic and there should be a concerted effort to add infrastructure and perhaps a new exit at Blossom Hill. I would like to know what steps are being taken by the council to correct mistakes and actually plan for the future of the town.

Your Information

Name

Isy Goldwasser

From: Willie Harmatz <willieharmatz@aol.com>
Sent: Sunday, August 25, 2019 9:20 PM
To: Experience LG <ExperienceLG@losgatosca.gov>
Subject: Downtown

The Downtown traffic situation is not any better for potential customers.
The best thing to do is to leave it alone and put it back to a 2 way street.
It does not promote downtown business for people flow for the businesses.
People are now avoiding downtown in the one-way area.

Willie
Athletic Performance
55 W. Main St.
Los Gatos

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Saturday, August 24, 2019 3:03 PM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Donna

Last Name: Buccino

Email: Walkingandrolling@yahoo.com

Los Gatos Resident?: No

Please leave your comments here:: Terrible. Parking is worse. It's confusing and looks cheap and tacky.

From: Matt Morley <MMorley@losgatosca.gov>
Sent: Friday, August 23, 2019 9:46 AM
To: Experience LG <ExperienceLG@losgatosca.gov>
Subject: Input from resident - phone message

Long time resident (no name left).

Thinks the one way pilot is a bad idea.

Doesn't like the impact on traffic.

Doesn't think people will use the parklets because sitting right against the cars.

Increased traffic on University a negative.

Visitors to town won't like it.

From: Matt Morley <MMorley@losgatosca.gov>
Sent: Friday, August 23, 2019 8:54 AM
To: Mike O'Neil <mikeoneil@me.com>
Cc: Experience LG <ExperienceLG@losgatosca.gov>
Subject: RE: Traffic Issue

Mike

Thank you for your email with respect to the one way pilot project on North Santa Cruz Avenue. We have received a good amount of feedback on this project, both positive and negative. With school back in, we have a new dynamic with the traffic and we are evaluating and making adjustments. The Town Council will be discussing the project on October 3 and I will include your feedback in the correspondence.

If you would like more info on the pilot program, there is information available on our website:
www.losgatosca.gov/ExperienceLG

Matt Morley • Director
Parks and Public Works • 41 Miles Ave, Los Gatos CA 95030
Ph: 408.399.5774
www.losgatosca.gov

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

From: Mike O'Neil <mikeoneil@me.com>
Sent: Friday, August 23, 2019 8:35 AM
To: Matt Morley <MMorley@losgatosca.gov>
Subject: Traffic Issue

Matt

I was told you were the person to speak to. This one way N. Santa Cruz thing is a mess. It's causing a back up onto Highway 17 on W. Santa Cruz. People are driving on the wrong side of the road as it's turning into a parking lot as we are trying to get kids to school.

At this point, you guys are going to need to change the signals or assign an officer to direct traffic as it's a mess.

No offense, but this project doesn't seem to have been thought out completely and we spent a lot of money for something that provides little or no benefit.

Can you please address this.

Mike

Sent from my iPhone

From: Matt Morley <MMorley@losgatosca.gov>
Sent: Thursday, August 22, 2019 10:14 AM
To: Experience LG <ExperienceLG@losgatosca.gov>
Subject: Phone call with University resident

Follow up phone call with Tammy who lives on University.

Tammy has major concerns with the amount of traffic on University. The increase has been very impactful on a residential street. In addition to the volume, Tammy feels that the type of traffic has changed, now including bigger trucks often at unsafe speeds.

Tammy asked me to attend a neighborhood meeting, to which I agreed. I also let Tammy know that the Council would discuss this item on October 1.

From: Randi Chen <randi@losgatoschamber.com>
Sent: Wednesday, August 21, 2019 4:44 PM
To: Matt Morley <MMorley@losgatosca.gov>; Monica Renn <mrenn@losgatosca.gov>
Cc: Experience LG <ExperienceLG@losgatosca.gov>
Subject: feedback from today

Hi Monica and Matt –

Attached are the feedback forms that were left with me today after our merchant meeting.

Randi Chen
Los Gatos Chamber of Commerce

Input on One-Way Pilot Program & Parklets

Feedback from Our Staff -
even though we are in Old Town
most drive thru N. Santa Cruz
very irritating, goes faster they
feel to go thru town.
gives more places to sit and
have lunch.

Parking is so much easier.
They would rather drive thru
N. Santa Cruz instead of
University, even though we are
on University. Also
~~Probably~~ Now more traffic
on University.

Hair Salon

Input on One-Way Pilot Program & Parklets

Love to see North Santa Cruz
blocked off on Saturdays for a
Pedestrian Experience from
Elm to Main St as soon
as possible to help with beach
traffic issue and for the holidays.

Love the efforts the
town is making to try to
bring Los Autos back to life!

Thank you!

Love the parklets - would love
them to be beautified a bit!

Jennifer Croll, The Library,
The Maids Quarters.

Input on One-Way Pilot Program & Parklets

Pharmaca Store Manager:

I appreciate the initiative taken to improve downtown L.G.

I enjoy seeing people relaxing & enjoying the Parklet near our business - the piano seems to be a hit. Our new fiscal year began July 1st and both

Rx and Retail are making more money compared to this time last year. ~~our~~ Customers do appreciate the slanted parking on N. Santa Cruz instead

of parallel parking. We are now curious what the future holds for this pilot program - there is a fair amount of speculation.

Thank you for the parklet near Pharmaca - something new & interesting!

Input on One-Way Pilot Program & Parklets

Love the pilot - !
Don't take the
park let or one
way out ~~after~~
the pilot while
waiting for the
capital project.

Black Cat Hats

Input on One-Way Pilot Program & Parklets

The parklets are fantastic.

The angled parking is a huge improvement. It really helps the flow of traffic because parallel parking is very time consuming. If it was changed to 3 hours it would help even more.

I feel certain employees would be willing to park further away from stores if they didn't have to comply with short term parking limits.

From: Laurel Prevetti <LPrevetti@losgatosca.gov>
Sent: Monday, August 19, 2019 12:11 PM
To: valerie hopkins <valeriehopkins@comcast.net>
Cc: Matt Morley <MMorley@losgatosca.gov>; Janette Judd <jjudd@losgatosca.gov>
Subject: RE: North Santa Cruz

Good afternoon Valerie,
Thank you for your comments regarding the temporary one-way pilot and for being clear that the comments are shared by other residents. We have been receiving quite a bit of comment on the experiment and will be sharing all of the input with Council. This communication will be included.

I am copying the Council on this email in a manner that will not foster Brown Act violations.

Best regards to you and John,
Laurel

From: valerie hopkins <valeriehopkins@comcast.net>
Sent: Monday, August 19, 2019 10:40 AM
To: Steven Leonardis <SLeonardis@losgatosca.gov>; BSpector <BSpector@losgatosca.gov>; Marico Sayoc <MSayoc@losgatosca.gov>; Rob Rennie <RRennie@losgatosca.gov>; Laurel Prevetti <LPrevetti@losgatosca.gov>
Subject: Fwd:

Dear Los Gatos Town Council,

I do not know where to begin to say how saddened we are about the "new look" on No. Santa Cruz Ave. Please do not try to be something we are not- we are not Campbell or Pleasanton, we are Los Gatos. It is not that we are against change, but do not feel this is appropriate for Los Gatos. Our Town looked lovely the way it was without those ugly parklets (or whatever they are called) and cheap, colored seats and umbrellas. And it is not really a one-way street, it is half one-way and half two-way with tacky-looking signage directing you to go this or that way. We are embarrassed and cannot imagine that you think this is attractive or productive for businesses. We also do not like looking at the rear-ends of all the cars diagonally parked sticking halfway out in the street. Please, please, please do not do this.

Most sincerely,

Valerie & John Hopkins
Mary Curtis and Michael Miller
SANDY DECKER
Mary Ellen Kaschub
Ginger MacDonald
Joanne & Nick Talesfore
Colleen Wilcox

From: Monica Renn <mrenn@losgatosca.gov>
Sent: Monday, August 19, 2019 11:47 AM
To: Glazier Rolls <icecream@glazierrolls.com>
Cc: Experience LG <ExperienceLG@losgatosca.gov>
Subject: RE: Town Council Discussion Tomorrow- Downtown Parking Study

Hello Arindam,

The one-way pilot is scheduled to end after 10/31. I believe the Town Council will be discussing this pilot and if there is support to make part or all of the pilot elements more permanent at an upcoming meeting, likely in early October.

If you have specific feedback to share, please provide it in an email, or you may join us at any upcoming Town Council meeting and speak towards the beginning of the meeting during verbal communication.

I will send an update of the date the item will be agenized once it is confirmed.

Thank you-
Kindly,
Monica

From: Glazier Rolls <icecream@glazierrolls.com>
Sent: Monday, August 19, 2019 10:30 AM
To: Monica Renn <mrenn@losgatosca.gov>
Cc: <chamber@losgatoschamber.com> (chamber@losgatoschamber.com)
<chamber@losgatoschamber.com>
Subject: Re: Town Council Discussion Tomorrow- Downtown Parking Study

Hello Monica,
Thanks for sharing the parking study with us.
In general, the whole 278 page long pdf is really interesting with so much useful information on it.

On a separate note, do you know why this one way traffuc would be ending? We are being negatively impacted by this.

Regards,
Arindam

On Monday, August 19, 2019, Monica Renn <mrenn@losgatosca.gov> wrote:

Hello again,

I understand the link in my previous email may not be working, my apologies. Here is link to the main meeting agenda page. From here, click on the August 20 Council agenda and scroll to item #15:

<https://meetings.municode.com/PublishPage/index?cid=LOSGATOS&ppid=a7cef0f9-a4a2-40e7-a6e3-056a78898413&p=1>

Thank you,

Monica

From: Monica Renn

Sent: Monday, August 19, 2019 9:07 AM

Cc: <chamber@losgatoschamber.com> (chamber@losgatoschamber.com)
<chamber@losgatoschamber.com>

Subject: Town Council Discussion Tomorrow- Downtown Parking Study

Good morning,

I want to make sure that you are all aware that the Town Council will be discussing the initial findings of the parking consultant's Downtown Parking Study at their meeting tomorrow evening. (Tuesday, August 20, 7 p.m. in the Town Council Chambers at 110 E. Main Street, Los Gatos)

Please see the link below, item #15 includes the staff report:

[file:///C:/Users/mrenn/AppData/Local/Packages/Microsoft.MicrosoftEdge_8wekyb3d8bbwe/TempState/Downloads/AgendaPacket-Council%20Meeting-August%2020,%202019%207.00%20PM%20\(3\).pdf](file:///C:/Users/mrenn/AppData/Local/Packages/Microsoft.MicrosoftEdge_8wekyb3d8bbwe/TempState/Downloads/AgendaPacket-Council%20Meeting-August%2020,%202019%207.00%20PM%20(3).pdf)

All are welcome to join this public meeting and provide verbal comments in person, or if you would prefer, comments may be submitted in writing/email before 11 a.m. tomorrow.

Feel free to share this information with other stakeholders in our community. If you have any questions, please let me know. Thank you!

Kindly,

Monica Renn

Economic Vitality Manager

Town of Los Gatos

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Friday, August 16, 2019 5:37 PM
To: Town Manager <Manager@losgatosca.gov>
Subject: Online Form Submittal: Customer Feedback Form

Customer Feedback Form

We'd like to hear from you! Please complete the online form to share your concerns, suggestions, or praise with us.

Contact Information

Name: Erica Mittelhauser

Address: 17818 Vineland Ave

City: Monte Sereno

State: CA

Zip: 95030

Home Phone Number: 4152697493

Daytime Phone Number: *Field not completed.*

Email Address: erica@mittelhauser.org

Please let us know how we are doing or what we can do for you!

Just want to provide feedback on the Santa Cruz Ave one-way traffic. I am a parent of a student at LGHS. Today after school, the traffic was absolutely atrocious getting from near the school (I do not drive all the way in - in an effort to avoid contributing to congestion near the school) back through the downtown area. In previous years, there were two main routes through town south toward Hwy 9; Santa Cruz Ave and University Ave. Now, all traffic has to go down University (or cross all the way over to Tait/Massol - something that those residents wouldn't appreciate). Cars were at an absolute standstill. It is my opinion that the Santa Cruz Ave one way traffic pilot is not sustainable. Please please please don't make traffic WORSE in this town.

From: Matt Morley <MMorley@losgatosca.gov>
Sent: Friday, August 16, 2019 10:14 AM
To: Experience LG <ExperienceLG@losgatosca.gov>
Subject: One Way feedback - not a fan

Phone conversation with Maresh.

Maresh has concerns with school in as traffic is extremely congested, especially on University Avenue. Feels that the Santa Cruz "closure" should occur only on weekends and not Monday through Friday.

This is impacting her significantly in her 2 mile drive to drop her teens off at the high school.

From: Matt Morley <MMorley@losgatosca.gov>
Sent: Thursday, August 15, 2019 4:05 PM
To: Experience LG <ExperienceLG@losgatosca.gov>
Subject: Michael Hutchinson - not a fan

Conversation with Michael Hutchinson

Not a fan of the changes to infrastructure including the one way street and the BHR bike lanes.

For the one-way pilot specifically-
Gridlock on university
Overflow to other streets
One lane versus two is a bad change.

Would like to know how to be more involved and was provided several options, including Notify Me and Commission opportunities.

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Tuesday, August 13, 2019 5:49 PM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Dan

Last Name: Pruyn

Email: Hitecdan@me.com

Los Gatos Resident?: No

Please leave your comments here:: I grew up in Los Gatos and miss Village toys. I have always known Main Street to be full of two way traffic and remember Friday night cruising. Love the new one way setup.

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Tuesday, August 13, 2019 10:15 AM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Whitney

Last Name: Halladay

Email: whitney.halladay@gmail.com

Los Gatos Resident?: Yes

Please leave your comments here:: I absolutely love this new downtown with sitting areas and one way street allowing more room for people to sit and enjoy this beautiful town. The street is much safer WITHOUT two lanes and allows for people to enjoy sitting outside. I DO HOPE we can keep this new system for the long run and and I LOVE the sitting area, especially near the ice cream shop.

Whitney Halladay (resident 16400 Hilow road, LG)

PS. - tired of all the complainers out there on 'next door' who are so resistant to new fun ideas for this town.

From: Claudia Weist <claudiaw815@yahoo.com>

Date: August 13, 2019 at 8:14:53 AM PDT

To: council@losgatosca.gov

Subject: Unsafe University Avenue

I am a homeowner residing at 241 University Avenue, and have been placed in an unsafe situation. First, let me say that I chose to live downtown because I love it and enjoy supporting the local merchants. I can't remember the last time I shopped at a mall. Making N Santa Cruz Avenue one way has forced those of us on the west side of the street to have to back out of our driveways across two lanes of traffic. Before the change, I would back out, make a right on Royce and another right on N Santa Cruz. I no longer am allowed to do that. Every friend who has visited me has said that they would hate to live here. I realized when I bought my home that University could be busy, but except for school and lunch time, it's been manageable. Not anymore.

I feel that this situation is very unsafe for us who live on University Avenue, and it's an accident waiting to happen.

Please address this issue.

Thank you,

Claudia Weist
241 University Avenue

From: Gail Ferrari <gailferrari@comcast.net>
Sent: Monday, August 12, 2019 4:24 PM
To: Town Manager <Manager@losgatosca.gov>
Subject: Pilot Program

After living in Los Gatos almost my whole life I realize change needs to happen but change needs to happen to make things better. The pilot program does not.

It creates:

More traffic

Less Parking

Stupid sitting areas at taking up valuable parking Sitting areas are not even by restaurant etc

Please NO.

Bring back old traffic flow. This does help.

Gail Ferrari

Sent from my iPhone

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Monday, August 12, 2019 10:05 AM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Marlona

Last Name: Gregersen

Email: Marlonagregersen@yahoo.com

Los Gatos Resident?: No

Please leave your comments here:: I am a Saratoga resident but own a building on SC Ave where my husband runs his business.

I am in LG daily for one thing or another. I grew up in SJ where LG was the place to be. I am a native and know the history in this area. LG, a place of prestige, elegance, beauty and quaint has now become a embarrassing joke.

It is unfathomable to me that the board of LG or town would choose the contents of these temporary parklets. The first impression for me was that LG was hosting some type of kids activity however walking into 5 retail stores I learned the reason behind these parklets. It was also in all of these stores I heard the complaints from several if not all the workers/owners as to their disapproval and embarrassment of these parklets stating the clientele these parklets were attracting was high school kids or teenagers. These individuals do not represent LG nor will bring success to this trial.

I find it important to share the comments I heard from family & friends who grew up in this area.

Looks like sh-t

Looks awful

Los Ghettos

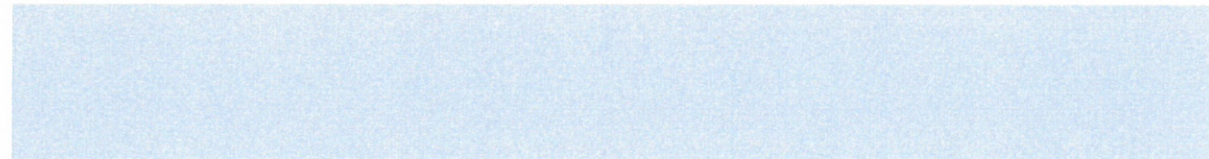
What a disappointment

Unbelievable

Looks pretty bad, sure to fail

My apologies for coming off strong, rough and speaking the truth, I have NEVER written to a town in my life but felt it necessary in this case. It was shocking and disappointing to see what was going on and even more heartbreaking hearing the negativity this has caused.

I am passionate about LG as I spend a good portion of my time there. I frequent the shops, restaurants and farmers market. I am proud of this town but not the looks of these parklets. It is the multi color and selection of contents put into these parklets. Obviously done on a very low budget in which LG has never been known for at least to the consumer.



From: Debbie <dcsacks1@comcast.net>
Sent: Sunday, August 11, 2019 12:37 PM
To: Town PPW <ppw@losgatosca.gov>
Subject: comment and suggestion

To Whom It May Concert —

I don't know what kind of feed back you've been getting about the change in traffic on North Santa Cruz, but I think it's been great. Love the angled parking. If the seating areas are kept I hope they will be made nicer and maybe placed better.

From: MARLONA GREGERSEN <marlonagregersen@yahoo.com>
Sent: Saturday, August 10, 2019 6:44 AM
To: Experience LG <ExperienceLG@losgatosca.gov>
Subject: Parklets

LG, a place that has always been elegant, beautiful and quaint has now become a embarrassing joke. I am perplexed that this trial idea was approved by a board of people. This will fail miserably. Upscale is what attracts people especially in LG. Very bad decision and not a fair trial, seem like this was an intentional attempt to fail!!!!!!

Marlona Gregersen
408-891-2231

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Saturday, August 10, 2019 12:12 PM
To: Town Manager <Manager@losgatosca.gov>
Subject: Online Form Submittal: Customer Feedback Form

Customer Feedback Form

We'd like to hear from you! Please complete the online form to share your concerns, suggestions, or praise with us.

Contact Information

Name: Kerri Linden

Address: PO Box 1962

City: Los Gatos

State: Ca

Zip: 95031

Home Phone Number: 6504651280

Daytime Phone Number: *Field not completed.*

Email Address: kerrilinden60@gmail.com

Please let us know how we are doing or what we can do for you!

Please revert downtown back to normal traffic flow. Restriping has caused the downtown Wells Fargo branch to close on Saturdays, forcing us to go to Blossom Hill, causing us to endure at least 30 minutes extra time in traffic due to BEACH traffic. Yet another reason to avoid downtown.

Sent: Sunday, August 04, 2019 7:43 PM

To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>

Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Sandy

Last Name: Leonard

Email: sleonard4jc@yahoo.com

Los Gatos Resident?: No

Please leave your comments here:: Please don't do this long term.

You may think more parking and people means more revenue, but if you pack in the people, there are many of us that will stop coming to your "no-longer-quaint" little town.

My suggestion would be that instead of making so many playground feeling areas that you would have invested your budget into 1 or 2 parklets making them upscale and desirable to attract the clientele that LG is known for.

It is my hope that you get this corrected before you start losing business. LG could be the next Campbell or Santana Row if done correctly in which I would support.

I would love to get involved.

Thanks for your time.

Marlona Gregersen

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Thursday, August 01, 2019 10:54 PM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Jessica

Last Name: Richter

Email: jessbricht@gmail.com

Los Gatos Resident?: Yes

Please leave your comments here:: Hello

I really like that some new ideas are being tried downtown. I like the angled street parking. It's very hard to tell if the parklets add much value though. In Los Altos and Menlo Park, didn't they widen the sidewalks so seats are not right next to traffic? My suggestion would be to make Santa Cruz into a no car mall up to Main Street and use all that space for outdoor seating etc. With so many vacant store fronts, small high end restaurants, high rents, parking constraints, and planning hoops that contribute to the issues (like when is the Indian Restaurant opening?) I'm not sure the piloted idea adds much to our town. I personally think all available town funds and political effort to mobilize the community to effect necessary changes should be spent to really solve the summer traffic problem before there is a wildfire and many people die because they cannot get out of town. The wildfire risk is (sadly) an opportunity to push cal trans and the state into making an exception and closing the 17 southbound entrance in downtown on summer weekends. And sue Google/Waze. And use our town funds to pay for one way and do not turn signs and extra police to direct traffic on summer weekends. This is a matter of public safety and efforts must continue until an effective solution is found. To me this is more important than bringing people downtown to shop. Once beach traffic is off of residential streets and residents are safe and can do errands drive through town again on summer weekends, then I support parklets etc.

regards

Jessica Richter

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Thursday, August 01, 2019 5:37 PM
To: City Hall <cityhall@cityofmontesereno.org>
Subject: Online Form Submittal: Contact Us

Name	Gary Fredkin
Email Address	gary@fredkar.com
Phone Number	408-529-3775
Subject	Comment
Additional Information	<p>My wife and I have a comment on the traffic experiment being run through downtown. It a single phrase, it is an ugly mess. I welcome the City's efforts to arrive at some new approaches to our overwhelming traffic issues on the weekends. Unfortunately, the experiment has created a disfunctional mess. It has turned our gorgeous town into a third rate dying whistle stop. The original notion of trying a one-way street approach has morphed into a cluster of bad ideas. I thought one-way was worth a try. I thought that increasing parking slots with angled positions was a worthy experiment. What you have created, however, is ugly, messy, confusing and non-productive to the original goals. Please reverse this mess ASAP and next time, work a plan with a clear goal and the ability to measure success. Thank you.</p>

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Wednesday, July 31, 2019 7:05 PM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Rodney

Last Name: Williams

Email: Rodwilliams11@hotmail.com

Los Gatos Resident?: Yes

Please leave your comments here:: First, I applaud the town's attempt to alleviate the traffic problems. Not excited about the "for a couple of reasons. First, there is not one disabled parking space in the modified area, or the entire street for that matter. Hope it was an oversight. Secondly, none of the parklets are ramped. How are our esteemed citizens that use adaptive equipment supposed to enjoy this "improvement"?

From: Monica Renn <mrenn@losgatosca.gov>
Sent: Wednesday, July 31, 2019 9:52 AM
To: mike rugani <flyfish2069@icloud.com>
Cc: Experience LG <ExperienceLG@losgatosca.gov>
Subject: RE: Downtown traffic flow

Good morning Mike,

Thank you for your input and observations! Please continue to provide your thoughts if you have others, and encourage other property and business owners to as well. We are keeping track of all of the input we receive.

Kindly,
Monica

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

From: mike rugani <flyfish2069@icloud.com>
Sent: Monday, July 29, 2019 6:46 PM
To: Monica Renn <mrenn@losgatosca.gov>
Subject: Downtown traffic flow

I wanted to congratulate all of you involved in new traffic flow and parking. I think it is excellent for these reasons.

- 1) It is easier to cross having only to look in one direction as a pedestrian.
- 2) much easier to park diagonally and don't have to worry about opening car doors into oncoming traffic.
- 3) creates a easily discernible bike lane which is safer and wider
- 4) parklets are great and create a user friendly community type atmosphere to sit and talk and enjoy the walk by traffic.
- 5) easier to make turns onto side streets without worry of oncoming traffic.

I hope this will continue as a long time resident 67 years all in Los Gatos. This is one of the best ideas to come out of the town.

From: Los Gatos Chamber <chamber@losgatoschamber.com>
Sent: Tuesday, July 30, 2019 2:17 PM
To: Matt Morley <MMorley@losgatosca.gov>
Subject: FW: Pilot is great

From: JB Wood [<mailto:jbwood@tsia.com>]
Sent: Monday, July 29, 2019 4:57 PM
To: chamber@losgatoschamber.com
Subject: Pilot is great

I live on Bachman Ave and since the pilot I have begun to more consistently walk to my office in Old Town each day. I really feel the pilot is directionally correct and should be made permanent with some improvements like expanding the west sidewalk to the size of the crosswalk extensions. While we would sacrifice those parking spaces it would create a true European feel, particularly if we let the restaurants extend their service onto the sidewalks. But the real reason I am writing is to tell you that walking has gotten me to better know several merchants on Santa Cruz Ave. In fact, since the pilot began I have:

- Moved my pharmacy account from Walgreens to Pharmica
- Spent \$11,000+ with Village Galeria
- Spent over \$1,000 on clothes with The Library
- To name but a few...

So if the goal was to promote more local business...it worked on me! Thx JB

J.B. Wood | President and CEO | TSIA
Technology Services Industry Association
17065 Camino San Bernardo
San Diego, CA USA 92127
1-408-483-4607 cell
jbwood@tsia.com

From: Matt Morley <MMorley@losgatosca.gov>
Sent: Tuesday, July 30, 2019 9:57 AM
To: Experience LG <ExperienceLG@losgatosca.gov>
Subject: Phone Input

Jim – a long time resident called to provide his input. Jim is not supportive and prefers the two way streets. He feels the signs and change in traffic flow do not work for the historic quaint downtown.

From: Matt Morley <MMorley@losgatosca.gov>
Sent: Thursday, July 25, 2019 3:05 PM
To: Experience LG <ExperienceLG@losgatosca.gov>
Subject: phone conversation

Phone conversation with Leslie on Lilac Lane.

Does not like the pilot for three reasons.

1. Angle parking makes it so you cannot see the storefronts
2. Traffic on University at various time is extremely heavy.
3. Won't help beach traffic and may make it worse.

From: Nathan Digre <natedigre@me.com>
Sent: Thursday, July 25, 2019 2:00 PM
To: Experience LG <ExperienceLG@losgatosca.gov>
Subject: N. Santa Cruz pilot project and Northbound traffic

Hello,

I've read a lot about the impact on N. Santa Cruz.

The thing that is a real problem is the traffic on Northbound University Avenue

The available lanes is essential cut in half and all of the traffic is now on University.

It is a total disaster for anyone living on the south end of town.

And from my friend who lives on University, the traffic is never-ending even late at night and during non rush hour times.

Nate Digre | 408.375.5811

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Monday, July 29, 2019 6:47 PM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Heather

Last Name: Kiuttu

Email: heatherkiuttu@comcast.net

Los Gatos Resident?: Yes

Please leave your comments here:: I love the new diagonal parking in downtown. The little outlets for sitting are placed in awkward locations. There are only 2, maybe 3 places where there would be beneficial additional seating to eat.

The best thing we can do as a town is to stop the rent hiking and allowing chain stores into our town. I have been sad to see shops close up after 20+ years because the landlords are gauging the sole proprietors.

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Sunday, July 28, 2019 11:08 AM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Missy

Last Name: Von Luehrte

Email: Missyvl@comcast.net

Los Gatos Resident?: Yes

Please leave your comments here:: I am saddened by the many negative comments regarding the parklets and diagonal parking pilot. First and foremost, it is a PILOT to get information and learn prior to spending money or making permanent decisions. It is important to have vision and patience for positive change to occur.

The parklets were in good use last evening 7/28. It was wonderful on a warm Summer evening walking around and hanging out in these open spaces with no expectation to purchase or buy anything. Just a summer evening place to relax and have a chat with friends.

It will be even nicer in the future with better designs and aligned to different restaurants/bars/coffee shops. Thank you to our town leadership for the efforts toward a future vision and tolerating MANY rash negative comments along the way. Hang tight!

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Saturday, July 27, 2019 7:58 PM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Carly

Last Name: Kolb

Email: Ckolb14@gmail.com

Los Gatos Resident?: Yes

Please leave your comments here:: Parklets vote: NO One way vote: NO

As a business owner who has clients downtown Los Gatos— I've never seen such a negative impact that is effecting the last of small / local businesses LG has

From: noreply@civicplus.com <noreply@civicplus.com>

Sent: Saturday, July 27, 2019 4:53 PM

To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>

Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Marilyn

Last Name: Gum

Email: mgum@comcast.net

Los Gatos Resident?: Yes

Please leave your comments here:: Barricades with table and chairs ugly and purposeless. I vote NO on them. J

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Saturday, July 27, 2019 3:22 PM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Laura

Last Name: Rodriguez

Email: laura.j.rodriguez@gmail.com

Los Gatos Resident?: Yes

Please leave your comments here:: Parklets are an eye soar. At least make it becoming of exactly what the charm of Los Gatos is supposed to be. Please do something soon. Change the furniture and add planted trees and umbrellas.

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Saturday, July 27, 2019 2:39 PM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: James

Last Name: Cummins

Email: Jimmy.Cummins@gmail.com

Los Gatos Resident?: No

Please leave your comments here:: This is a complete nightmare. Every street into town is backed up for miles, we saw a guy walking from NC board shop and he beat us to the high school. Please end this program.

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Saturday, July 27, 2019 1:08 PM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Adrienne

Last Name: Boerger

Email: Daboerger2@yahoo.com

Los Gatos Resident?: Yes

Please leave your comments here:: Leaving feedback for the one-way and parklet trial:

The one way seems to work fine and traffic isn't terrible so that seems to be working. The parklets would be more useful if they were in front of restaurants like Pizza My Heart or Round Table or the coffee/pastry shop where people could purchase food or drink and then sit down outside. The random ones are less useful and are an eye sore when they are empty. The furniture needs upgrading and they need shade umbrellas for sure.

I think it has potential but people aren't thrilled with the first attempt. Try moving and improving the parklets and see if that makes a difference.

From: noreply@civicplus.com <noreply@civicplus.com>

Sent: Saturday, July 27, 2019 12:29 PM

To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>

Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Paul

Last Name: Benke

Email: paulbenke@zdefects.com

Los Gatos Resident?: Yes

Please leave your comments here:: Parklets are a great idea but, the barriers being used are incredibly ugly.

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Saturday, July 27, 2019 9:57 AM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Amanda

Last Name: Jacobs

Email: amanda@jacobs.tv

Los Gatos Resident?: Yes

Please leave your comments here:: I love the concept of the parklets. I understand these are temporary measures being trialed hence the ugly plastic chairs and I'm delighted that the town are taking steps to mix things up a bit. I do not however understand why the town is charging in excess of \$25000 to businesses wanting to apply for (temporary) parklets outside their place of business. I thought the point of this is that it's a trial - to see if it'll bring more people for town, more business to the area, revitalize the downtown. Therefore this trial should come with minimal costs to businesses. Incentivize then to trial it as opposed to make it cost prohibitive. It's either a trial to see what works or it's a quick buck making strategy. Shouldn't be both. Let's also focus on more outside dining. Look at Campbell, Sunnyvale, Mountain View, and Palo alto and Los Altos. They all have outdoor dining. Somewhere to have a meal or just sit and have a drink. We are desperately lacking in that area and are losing business to our neighboring towns as a result. Earlier in the summer we took our dog for a walk, and wanted to have a beer/wine and sit outside but other than rootstock and oak n rye (which were full) there was no where else to go in the whole downtown. Let's sort it out and make Los Gatos a place people want to hang out in again.

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Saturday, July 27, 2019 8:48 AM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Kathryn

Last Name: Parker

Email: jandkparker@mindspring.com

Los Gatos Resident?: Yes

Please leave your comments here:: Re: Parklets

I think they are a good idea. A suggestion - make sure that there is a garbage can at every one. If one is not immediately available, there is liable to be quite a bit of mess left behind.

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Saturday, July 27, 2019 8:37 AM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Lori

Last Name: Gragnola

Email: TheIgoFlg@gmail.com

Los Gatos Resident?: Yes

Please leave your comments here:: The one way street on Santa Cruz ave is creating too much traffic on university ave. I live downtown and sometimes cannot get out of town now. Why would you take away a major travel vessel in town. When school starts, it is going to be a mess. Morning and afternoon. You are killing the two.

The parlets are a joke. Let's be real, get some shopping worthy businesses and restaurants in town and people will come. Campbell, willow glen, and even Saratoga are bypassing us. Remove the restaurant tax, and allow some big retail to move in. We need change.

TC-19-93

Town Manager and Town Council members:

If you are concerned about visitors staying in town and shopping and eating here then you should provide them with public restrooms and more parking such as a multi level garage such as Campbell and Santa Cruz have.

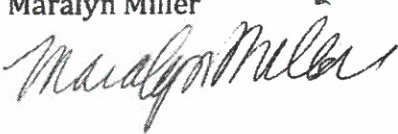
The money spent on this latest experiment would have better been spent on public restrooms.

The parallel parking is horrible because backing into oncoming traffic is dangerous. And I don't know anyone who wants to sit in the Sun with cars passing close by.

I avoid going down town as much as possible now.

Just the opinion of a town resident of 44 years.

Maralyn Miller



TOWN OF SANTA CRUZ
CLERK OF THE BOARD
2019 JUL 26 AM 11:47

From: Gary S Rose <gsrose@gsroslaw.com>
Sent: Wednesday, July 24, 2019 12:57 PM
To: Experience LG <ExperienceLG@losgatosca.gov>
Subject: Comments On N. Santa Cruz Ave One-Way Experiment

I had my office at 59 N. Santa Cruz Ave for many years, moving on to a home office only a couple of months ago.

I have driven through and walked about downtown since the change, and I think it would work well. The angled parking is so much easier to use, and makes downtown more inviting. Once the parklets are developed with umbrellas, tables, landscaping, I think they could be a hit. And it may be my imagination, but it seems evening and weekend traffic is down some too.

On another aspect of this problem, Waze and other mapping programs have been diverting autos onto Los Gatos streets in situations where it appears the time savings are minimal (and sometimes/often none from what I've seen) but the cost to the Town, our businesses, to residents' peace of mind and the enjoyment of their homes and community, and the possible impairment of emergency vehicles ability to get where they might need to go, are significant.

I bring this up to ask if the Town has considered whether this conduct creates actionable public and private nuisances, given the burdens placed on the town, its businesses and its citizens, for what appears to a very limited benefit of possible time savings to the individuals who flood our streets.

Gary

Gary S. Rose
Attorney at Law
85 Hollywood Ave
Los Gatos, CA 95030
(408) 399-4566 voice
(408) 399-6683 facsimile
gsrose@gsroslaw.com

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Wednesday, July 24, 2019 12:50 PM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Linda

Last Name: Tell

Email: tellr2789@gmail.com

Los Gatos Resident?: No

Please leave your comments here:: Used to live here and can't believe Parklet concept without food or drink. All the hangers on will camp out without supporting the businesses.
It is nice to be able to sit.

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Monday, July 22, 2019 4:55 PM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Carolyn

Last Name: Kramer

Email: kippkramer@aol.com

Los Gatos Resident?: Yes

Please leave your comments here:: I know there has been lots of feedback on the one way street and the parklets. I wanted to add my two cents...

I appreciate that the town is trying to do something to revitalize the downtown, but this takes away so much about what we love, I think it is starting in the wrong place...we need to continue to work to get the businesses back...which I know is an ongoing process.

First and most importantly, the aesthetics of our sweet downtown are severely damaged by the signs, the diagonal cars and the unfriendly, look of lots of cars when you look down the street. It looks like a shopping center...not like the old Main Street USA that we all loved...you could see the trees, cars were on the sides and you didn't notice them and there was a nice wide street that was most inviting with the movie theater as a great anchor. The owners worked hard to make that blend with our main street and the town is now taking away from that whole look. Our downtown was special and beautiful!!

Since the change, our friends and I have avoided going downtown on many occasions with the comments that we would go, but didn't want the hassle, the whole thing, the town didn't feel the same, etc. And especially when we tried to bike downtown...there was no room for bikes or even a place to put bikes! It is so narrow on that part and the worry of cars backing out was there! We felt very unsafe.

Then there is University...the street was so backed up from Main Street to Hwy. 9 and beyond, we cut through the parking lots on both our bikes and our car when we come down. I am wondering what the town thought was going to happen to all of that northbound traffic when it was diverted. University can't handle it...so you tend to go to an already crowded LG Blvd. It is very frustrating to go from south to north through town plus then we no longer go by the businesses that need exposure!

I really hope you rethink this and restore our sweet downtown so the locals will want to go there. I have read both support and opposition to this trial and hope that just because it is there now...it can still be changed back.

And the parklets are forced in a situation that can't handle them...on the street, busy with cars and obtrusive. We would love outdoor seating, but it is a lot of inconvenience to service a few...they are just not that important to the well being of the town. We don't want to be a Campbell or Willow Glen!

Please reconsider this project...

And while we all are thinking about the direction of our town...it would be nice for some development thought be given to the East Los Gatos area especially with the North 40 going in. By having restaurants and shops on that side of town, we will be able spread out the traffic flow to all of Los Gatos. Even a shuttle circulating the area when give all businesses an opportunity to participate in the growth. The loss of Vivas took away the nice adult bar restaurant that we all enjoyed so much! In short, we are dreading the intensity that the development will bring and cannot see how the Blvd is going to handle it all!!

Again, we appreciate your efforts to think outside the box...let's keep brainstorming, but this solution isn't it@

Thanks!

Carolyn Kramer

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Monday, July 22, 2019 4:20 PM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Connie

Last Name: Hamrah

Email: CCHamrah@aol.com

Los Gatos Resident?: Yes

Please leave your comments here:: This is a trial and the City needs to be to open to determining that this may not work in Los Gatos. We, long standing residents are willing to give it a try but you also need to keep an open mind about this project.

I don't believe your child going off to school is the same thing .

My first impression is that it makes N. Santa Cruz Ave. feel very congested. I'm willing to see how it feels as I drive down the street on a daily basis.

Connie Hamrah

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Saturday, July 20, 2019 10:40 PM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Julene

Last Name: Pief

Email: jpief@ix.netcom.com

Los Gatos Resident?: Yes

Please leave your comments here:: How do you intend to measure the effectiveness of the North Santa Cruz Ave. 4 block one-way PILOT?

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Saturday, July 20, 2019 2:39 PM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Steven

Last Name: Erickson

Email: ericksonmail@gmail.com

Los Gatos Resident?: Yes

Please leave your comments here:: I like the concept and am overall positive. I think it would be more useful if the final concept enabled restaurants to better expand onto the sidewalk. The parklets as they stand seem to miss this point.

Keep up the good work and be careful of the few loudmouth complainers that seem to complain about everything.

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Friday, July 19, 2019 11:21 PM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Jeff

Last Name: Lamborn

Email: jlamborn1@yahoo.com

Los Gatos Resident?: Yes

Please leave your comments here:: I really like the concept of the parklets and how it encourages pedestrian use of the downtown. However, I have concerns about the public's perception of them at this time. The problem is that they are not safe-the furniture is not level, too low, too flimsy, and the close proximity to traffic. I realize that this just a mock up. I really like the new traffic flow, and look forward to this project to take shape.

From: noreply@civicplus.com <noreply@civicplus.com>

Sent: Friday, July 19, 2019 5:48 PM

To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>

Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Steve

Last Name: Curry

Email: steve@scurryn.com

Los Gatos Resident?: Yes

Please leave your comments here:: I know there was some concern about umbrellas in the parklets tipping over & blowing away.

I don't know how you could attach them, but those triangular canvas sun shades can be quite attractive & provide a lot more cover than individual umbrellas. (Probably easier maintenance too)

From: Grabinski, Richard <rgrabinski@flatironcorp.com>
Sent: Friday, July 19, 2019 2:15 PM
To: Los Gatos Chamber <chamber@losgatoschamber.com>
Cc: Experience LG <ExperienceLG@losgatosca.gov>
Subject: RE: Official Statement

Thanks Randi. I guess I was confused by the e-mail. So, in that case, does the Town have an official statement, or how do I contact the Town about the issue (beach traffic and closing the on-ramp)?

From: Los Gatos Chamber <chamber@losgatoschamber.com>
Sent: Thursday, July 18, 2019 2:09 PM
To: Grabinski, Richard <rgrabinski@flatironcorp.com>
Cc: experiencelg@losgatosca.gov
Subject: RE: Official Statement

Hi Richard –

This is not an official statement from the Town. It came from the Chamber of Commerce, which is a separate entity from the Town of Los Gatos.

It was meant as a clarification and summary of the feedback and suggestions we have received.

Randi

From: Grabinski, Richard [<mailto:rgrabinski@flatironcorp.com>]
Sent: Thursday, July 18, 2019 1:26 PM
To: chamber@losgatoschamber.com
Cc: experiencelg@losgatosca.gov
Subject: Official Statement

Hello-

As a resident of LG, I can't believe the Town's official statement contained in your recent email about the Beach traffic.

In Section II.b the Town is shirking all responsibility and ability to change the clogged streets as a result of weekend beach traffic. Really??

What we need are public officials serving the Town who will go to fight for their residents and create the change that is needed to maintain our community. In reading the official statement, the Town officials are defeated and have given up. Shame on you.

If the current elected officials think it is a job too big, beyond their control, or a Regional issue they can't control - then we need new elected officials and Town staff that can and want to solve the problem and protect the Town.

This is not a difficult situation to fix. All you need is some courage and some one who is willing to roll up their sleeves and tell CalTrans we're closing the on ramp.

Richard Grabinski
233 Belmont Avenue
(408) 354-7277

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Friday, July 19, 2019 11:53 AM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Tom

Last Name: Lackovic

Email: tom@lackovicandassociates.com

Los Gatos Resident?: Yes

Please leave your comments here:: Regarding the one-way pilot, here is some feedback. Generally speaking, I like the concept and idea of making downtown LG a more inviting place to visit. Here's how I would improve upon the pilot.

1. Move parklets in front of restaurants so they can be extensions and provide outdoor eating areas. Similar to santana row that has many restaurants with seating on the other side of the sidewalk. Obviously the design of the parklets would improve once they become permanent.

2a. The angled parking makes it very difficult to see the stores when driving and also when walking because there are now no gaps between the cars. The end result is that things feels very industrial and crowded as opposed to the open and inviting.

2b. Regarding the parking, since there is a scarcity of parking, adding the angled parking did add a few more spaces, but the visual cost is too high. Parking needs to be approached similar to Campbell where they built multistory structures. Keep it all within the commercial area to cut down on resident resistance. Put parking structures in the lot behind pizza my heart and the lot behind lexington house. That will free up N. Santa Cruz to have plenty of space for as many parklets as stores will sponsor, a nice bike lane and plenty of space for walking.

3. Keep the process open so we can all learn what feedback you receive so we can all evaluate and help build a downtown we will all be proud of.

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Thursday, July 18, 2019 5:59 PM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Claudia

Last Name: Weist

Email: claidiaw815@yahoo.com

Los Gatos Resident?: Yes

Please leave your comments here:: As a Los Gatos resident who lives on University, I feel that. Y opinions are valid. I do all my shopping locally and support my charming town every time there is an event. That said, I was sitting outside at the Palms enjoying their great happy hour while facing big, red. WRONG WAY DO NOT ENTER signs. The angle parking takes away from the small town ambience. I understand that the parklets are temporary and will be replaced by classier barriers, but the seating will still be on the street. There is already tire marks on one of the barriers. Towns that have outdoor seating have wider sidewalks than we do. We are not Campbell.

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Thursday, July 18, 2019 5:04 PM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Ami

Last Name: Sherman

Email: ami.sherman@gmail.com

Los Gatos Resident?: Yes

Please leave your comments here:: We are new in town so don't have all the history (or baggage) of long term resident. I think the people who want to keep LG the same as it was years ago will be disappointed no matter what you do. With population increase and urban sprawl, things will never be the same. Those same factors drive beach traffic. I think trying to stop traffic is a waste of time. The best things for LG, in my opinion, are to make LG an attractive town for residents and visitors. The parklets are a great start - Lg is lacking in outdoor seating, which is a big draw for diners in this climate. Maybe the parklets will help draw in more restaurants bars to town. There needs to be more parking that is not limited to 2-3 hours. I love the new angled parking on SC. If you want people to walk around town, shop, dine and have a cup coffee, you have to allow them to park for more than 2 hours. As far as beach traffic goes, I think instead of trying to stop traffic, the best thing is to help facilitate the movement of traffic thru town. Adjust the timing of lights, direction of traffic, etc to keep the cars moving.

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Thursday, July 18, 2019 4:22 PM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: SYLVIA

Last Name: MOORE

Email: sfmoore99@aol.com

Los Gatos Resident?: No

Please leave your comments here:: I live in Monte Sereno. I like the new parking style but the parklets are a mess. Seating needs to be near buildings and away from traffic for safety. Your pilot project does nothing to mitigate beach traffic. Surely your intent was to have a positive impact upon traffic? Perhaps making North Santa Cruz one-way northbound would help with beach traffic but could have unintended consequences for nearby neighborhoods.

I do not have the answer but the pilot project is not a success. Please try something different.

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Thursday, July 18, 2019 3:40 PM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Patty

Last Name: Charles

Email: pgcharles@gmail.com

Los Gatos Resident?: Yes

Please leave your comments here:: I love the pilot. It feels like progress. I do think the sitting areas need to be put in front of restaurants....love the one in front of Dolce Spazio.

The feeling in town is changing a bit. I do forget where the one ways starts sometimes and end up in a muddle, but I will learn. I applaud the effort and look forward to seeing how it progresses.

I hope this is the beginning of better pedestrianizing in town.

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Thursday, July 18, 2019 2:23 PM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Richard A.

Last Name: Carlson

Email: toycarlson@hotmail.com

Los Gatos Resident?: Yes

Please leave your comments here:: No question Mike Calise (via his NextdoorThread on Parklets) did his job to have people interact on the test pilot program/tentative use of Parklets in town. It just got presented wrong by the City and just created confusion at first.

Can it work -- sure, but not overnight. The observation noted above by Mike Parker is right on and I quote, "Most if not all of the negative comments on Parklets could have been avoided, if only the rollout was managed better. Look at the pictures people have shared. Take the Willow Glen example. Nice. Simple. That design could have been staged in the LG High parking lot, then moved to N. Santa Cruz in 2 hours one evening. TA DA! Two nice Parklets (with umbrellas) would have likely evoked great comments from locals and avoided most of the not so great ones. Disappointment. Confusion."

At first I was thrilled that the the City was addressing the parking solution some by adding nice diagonal parking which created more parking and easy access. Then two days later the City took away about 14 of those parking spaces to add 6 or 7 Temporary Parklets when they only needed to add two and place them in front of a café or a coffee shop to see how they get used and see if the restaurant or coffee shop liked the idea -- then just ask the coffee shop and or restaurant for feedback on a weekly basis. You do not need four months to get feedback. If the City had just added two nice examples of a Parklet on the right side(take up only two parallel parking spaces) you would see less negative response due to confusion. Placing a sample Parklet in front of a coffee shop or a Pizza joint would have served the purpose(less negative feedback) in my opinion.

Now if the purpose is to bring people to town to eat or drink outdoors, seems to me the City only has to widen the sidewalk allowing room for restaurants or coffee shops to expand outdoor seating/service without taking away parking spots. In fact if the sidewalks were designed better to add/allow outdoor seating, not sure, but the City may be able to add diagonal parking on both sides of the one way street and solve two problems - add outdoor seating and add more parking - duh, is that to extreme! Because the city went little overboard, in my opinion, with 6-7 parklets that look the same, it has led to some negative comments.

Thanks, I think this is my last comment.

From: Joyce Mitakides <mitakides@att.net>
Sent: Thursday, July 18, 2019 8:48 AM
To: BSpector
Subject: DOWNTOWN

What were you thinking when you allowed the changes to what was beautiful downtown Los Gatos.
Truly, it is ugly and unsafe.

I was on my way to Site for Sore Eyes yesterday at 11:30am when I witnessed the mess. Cars going every direction and U-turns in the middle of side streets. Accidents waiting to happen.

There were no pedestrians on the sidewalk just tons of cars.

I never made it to Site for Sore Eyes. I gave up. Going round and round in circles is not fun. I feel so sorry for the retail stores and restaurants.

We will no longer be able to take our out of town guests for lunch downtown. Not sure it works for us for dinner.

Please reconsider. Joyce Mitakides.

From: Matt Morley <MMorley@losgatosca.gov>
Sent: Friday, July 19, 2019 7:47 AM
To: Experience LG <ExperienceLG@losgatosca.gov>
Subject: FW: New Voicemail Message from 3995771

Voicemail not supportive of pilot

From: Matt Morley <MMorley@losgatosca.gov>
Sent: Thursday, July 18, 2019 7:36 AM
To: Experience LG <ExperienceLG@losgatosca.gov>
Subject: Input via next door supporting one way

We love the idea of one way traffic on N Santa Cruz and would like to see it become permanent. People complaining that it shouldn't be southbound don't understand that northbound would put more traffic through the Almond Grove. I would like to see the few blocks made into a pedestrian only area, at least on the weekends. It's too bad that it doesn't extend all the way to Main Street.

Can the town put the lite up sign on Winchester at Lark stating Hwy 17/beach, directing traffic to Lark Ave on ramps. Have the same signs at LG Blvd and Lark. A sign at Blossom Hill Rd directing beach traffic to Lark Ave

Close Ridgecrest, Massol and Tait 9-3 Saturday and Sundays. Close the southbound ramp at S Santa Cruz the same times as Ridgecrest. A sign at LG Blvd and Hwy 9 and N Santa Cruz and Hwy 9 stating southbound on ramp closed. If the one way area is made a pedestrian zone on the weekends....all the signs can state no through traffic after Bachman on N Santa Cruz. No access to Hwy 17.

Please reconsider and ask Caltran for a stop light at Hwy 9 and Massol. It is a dangerous section and especially now with the narrowing of the lanes on Massol at Hwy 9. You can't see oncoming traffic without entering the crosswalk on Massol.

My last comment is about the deletion of lanes on Blossom Hill Road. What a bottle neck and nightmare to drive. Last Saturday the traffic was stopped and lined up going west from Blossom Hill Road and Roberts Road. The stop light at Roberts Road is not timed properly. The light was forever green with zero cars on Roberts Road also separate green light for exiting cars from townhouse complex at Roberts with zero cars. I sat at the light over 4 minutes several times because only a few cars were able to make it through the light, this caused the terrible backup on Blossom Hill Road.

Thanks for hopefully taking the time to read this. I also hope some of it can be implemented.

John and Ruth Ransom
219 Wilder Ave
Los Gatos

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

From: Matt Morley
Sent: Wednesday, July 17, 2019 6:55 PM
To: Matt Morley <MMorley@losgatosca.gov>
Subject: Nextdoor response

John and Ruth
Thank you for the detailed message.
We will be sure to include your feedback in our reports.

With respect to beach traffic, we find that traffic is starting their cut through outside of Los Gatos - Union Avenue, Saratoga Avenue, Camden Avenue. We will do some signage at Rridgecrest to try to discourage some of those cut through actions.

Give Blossom Hill some time, we aren't done yet. The Roberts Road light is missing the sensors. Those should be in with a new sensor in the next couple of weeks. If you reflect on that road configuration, the bridge is the biggest choke point and limits the capacity to one lane each way. The change that we are making shouldn't affect the flow of traffic long term. I know it's been painful while we do construction. It will all be over soon!

Thank you again.

-Matt

Sent from my iPad

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Wednesday, July 17, 2019 11:30 PM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Samantha

Last Name: Moore

Email: Samanthae_Moore@yahoo.com

Los Gatos Resident?: Yes

Please leave your comments here:: I like the idea of parklets - you can already see how they found be successful driving by Dolce. Less so with many others which sit empty.

Should the town's wildfire evac planning been completed first however? I grow increasingly worried about fire danger. And we're restricting even further one our main routes to evacuate.

From: Bill Cooper <bill@cgv.com>

Sent: Wednesday, July 17, 2019 3:26 PM

To: chamber@losgatoschamber.com

Cc: Experience LG <ExperienceLG@losgatosca.gov>

Subject: RE: Official Statement from the Chamber of Commerce to residents, businesses, Town Council & Town Staff

Very informative, thank you.

From here, it looks like one-way street concept is positive and the suggested tweaks are more about improvements.

Re beach traffic, if you relieve the backup I perceive at the Main/Santa Cruz signal, you'll probably only encourage more thru traffic so I hope the one-way flow, easier diagonal parking, etc., helps.

Thanks again,

Bill Cooper, Saratoga and downtown for sure on Sunday am to go North Santa Cruz, University, East Main to church and back University straight to Hyway 9

From: noreply@civicplus.com <noreply@civicplus.com>

Sent: Wednesday, July 17, 2019 3:23 PM

To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>

Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: mark

Last Name: secchia

Email: mark@secchia.com

Los Gatos Resident?: Yes

Please leave your comments here:: I fully support the parklet and one way Santa Cruz trial.

From: Lois Morrison-Keffer <l.morrisonkeffer@comcast.net>
Sent: Wednesday, July 17, 2019 2:43 PM
To: Experience LG <ExperienceLG@losgatosca.gov>
Subject: one way Santa Cruz

Thank you all for addressing this issue.

I think a lot of points are missed in your letter re: the one way experiment.

First of all, I'd like to say I love this town dearly. Have lived here 20 years. Have been visiting since 15 plus years prior to living here.

I'd also like to say I understand there is no easy answer for the traffic issues, and I don't blame the town for the traffic issues, but we need to find better solutions somehow, working with experts who understand traffic.

- 1) if the goal for the one way traffic on Santa Cruz and creating parklets is to attract more people to downtown, I think it is failing already, and will fail miserably. I walked downtown last Saturday. It was like walking in an overcrowded parking lot (with cars) and very few people. Having any kind of seating so much in the traffic is not attractive at all. They were empty except one chair down the whole street. Even with beautifully crafted parklets, it puts people next to cars that are standing still and ultimately drivers who are very frustrated. And if the traffic were moving, you would still be right next to it. I think keeping two way traffic is much better, as it at least moves.
- 2) Shop keepers are already complaining about losing business in this short time.
- 3) Friends I know who love this town won't come here anymore on the weekends. This is not unique. Other people on Next Door have said the same.
- 4) People on next door who live here have said they would not come downtown either.
- 5) If we need more seating, why not try bistro tables on the sidewalk, at least having some barrier of the sidewalk between people and the road. Campbell has this. It works well.
- 6) Even though this pilot is not addressing traffic, it is making traffic much worse, not just on University, but all over town, and thus discouraging anyone from approaching downtown.
- 7) I am not voicing my concerns just to complain. I truly love this town. It is very sad to see it losing its charm and approachability.

Please carefully rethink what this pilot is doing to our beautiful town,

Thank you,
Lois Morrison-Keffer

From: Sofya Elperin-Smirnov <selperin@gmail.com>
Sent: Wednesday, July 17, 2019 12:58 PM
To: chamber@losgatoschamber.com; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Re: Thank you - Official Statement

Thank you so much for this newsletter!

Please know that SOME of us really appreciate all that you do. And I 100% support the pilot program. I know change is hard for the older generation but I know with encouragement they will see the benefit of it. And yes traffic can be hard but I know you are working hard.

GOOD JOB!!!!

Sofya Elperin-Smirnov

From: Jessica Goodman <jessica.goodman@gmail.com>
Sent: Friday, June 21, 2019 4:49 PM
To: Experience LG <ExperienceLG@losgatosca.gov>
Subject: one way pilot program

I don't have a question. Just wanted to let you know that I'm all for this pilot! Happy to see the city trying this out. I think it's terrific!

Jessica Goodman
15122 Lynn Ave.

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Wednesday, July 17, 2019 11:07 AM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Mark

Last Name: Wainwright

Email: wainwright@aya.yale.edu

Los Gatos Resident?: Yes

Please leave your comments here:: My comment refers to the current experiment with the reconfiguration of N Santa Cruz Avenue. In response to Mike Calise's letter on "next door.com" I wrote,

"Mike, thank you for your very thoughtful letter. I am hoping that most people in the Town can support this experiment. From my limited observation, it seems that fewer people are exiting 17 at South Santa Cruz, and that the traffic flow through downtown is much calmer than before. Perhaps this will be a real benefit to our downtown merchants."

I strongly support the town's experiment and sincerely hope that it can become permanent.

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Wednesday, July 17, 2019 9:01 AM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Nick

Last Name: Goddard

Email: nickjgoddard@gmail.com

Los Gatos Resident?: Yes

Please leave your comments here:: Love the plan and hope it becomes permanent, but until you close that Wood Road access during the summer, Santa Cruz Ave and Almond Grove will be parking lots at the weekend and people aren't going to want to enjoy a beer while sucking in exhaust fumes. Close that ramp!

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Wednesday, July 17, 2019 8:33 AM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Gina

Last Name: Vitelli

Email: gvitelli1@yahoo.com

Los Gatos Resident?: Yes

Please leave your comments here:: Love the new idea about park lets. Can we adjust the parking. The angle parking looks jumbled and cluttered. Can we go back to parallel parking which is part of the town's character.

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Tuesday, July 16, 2019 10:29 PM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Matt

Last Name: Tenuta

Email: mtenuta@gmail.com

Los Gatos Resident?: No

Please leave your comments here:: We are county residents off Hwy 9 and try spend our time and money in the Los Gatos downtown area as much as possible.

There has been much negativity voiced on Nextdoor regarding the one way Santa Cruz pilot so I wanted to make sure some positive feedback made it's way to the council/staff:

- The approach to conduct a cost-effective trial to evaluate traffic impacts and gather community input is appreciated.
- We have not noticed increased traffic during our typical trips to downtown (weekday evenings and Sunday mornings, we avoid Saturdays due to beach traffic)
- Parking adjacent to former north-bound lane on Santa Cruz Ave. is used more effectively in diagonal configuration
- Hopefully we will have the opportunity to respond to a poll with more targeted questions once the initial feedback has been evaluated
- Vision regarding parklets is a good one, eventually extending to widened sidewalks would be ideal (configured similar to Purple Onion on Main St.)

Thank you,
Matt

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Tuesday, July 16, 2019 7:55 PM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Sueling

Last Name: Cho

Email: sueling.cho@comcast.net

Los Gatos Resident?: Yes

Please leave your comments here:: I think the road diet & parklet experiment is worth a try. Bigger issue is parking & the crazy ticketing. Please consider extending the time limits & somehow increase parking. 2hrs allows someone to dine or shop but not both.

From: noreply@civicplus.com <noreply@civicplus.com>

Sent: Tuesday, July 16, 2019 5:27 PM

To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>

Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Lara

Last Name: Farwell

Email: larafarwell@me.com

Los Gatos Resident?: Yes

Please leave your comments here:: I think the one way traffic and parklet program is awesome! The parklets aren't attractive yet, but I foresee them bringing so much character and charm to Los Gatos. Nice work Town! We are on the right path:)

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Tuesday, July 16, 2019 6:40 AM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Dolly

Last Name: Goel

Email: dollycgoel@yahoo.com

Los Gatos Resident?: Yes

Please leave your comments here:: So far I am not seeing the value. There is incredible traffic on University Ave northbound now and the street is not able to handle the traffic. It is also really inconvenient to get to the stores and restaurants I want, and it will be easier to miss them going northbound. It has also seriously slowed down getting through downtown to get to the "outdoor cafe" you are hoping people will come to enjoy.

I hope my comments will be taken into consideration at the end of your pilot.
thank you.

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Monday, July 15, 2019 3:03 PM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Anna

Last Name: McGill

Email: annacmcgill@gmail.com

Los Gatos Resident?: Yes

Please leave your comments here:: To whom it may concern,

Thank you for the opportunity to provide comments on the pilot one way system on Santa Cruz. I don't have any real opposition to the concept of the pilot program (and I'm glad it commenced in the summer as traffic is worse during these months).

However, it feels like most of the public realm is being used for angled parking, which, in my view defeats the points of what we are trying to achieve.

Allowing space for a bike lane (good)

Allowing spaces for public seating areas (good-although I would recommend staff working more closely with business owners to pick strategic locations for this. In front of the ice shop is great but in front of stores like restoration hardware seems under utilized.

Allowing for on-street parking on one side of the road (good) Angled parking- I don't understand this, it takes up a lot of space and offers residents very little community benefits. Streetscape, parklets, bike lanes and widened sidewalks are much preferred here.

Thank you for your time.

Anna McGill

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Monday, July 15, 2019 11:15 AM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Heather

Last Name: Robertson

Email: heather5551212@yahoo.com

Los Gatos Resident?: Yes

Please leave your comments here:: Please don't close the off/on ramps to 17 at N.Santa Cruz, or the ramps to Hwy 9. We live off Black and I take my kids to swim lessons at the high school on Saturdays. My parents still live in my childhood home off Main. I need that ramp to get to my elderly parents. I don't have any issue with the 1 way or the parklets. I avoid downtown because of the traffic and the nasty, snobby residents who live there. They're aggressive, knocking on people's car windows and screaming. I would like to see an increase in police presence as I no longer feel safe, but I can avoid the area.

I would like to see 17 widened and the 85 interchange fixed through Hwy 9. That needs to be done. It's time.

The downtown retailers are suffering from the same conditions that malls and chain stores are. With high rents and no shoppers, they're going to have to offer merchandise people want to buy, or go out of business. I've noticed that the clothing is geared toward older career women and it's expensive. Most of this demographic in town is retired and no longer buys this stuff. Pedro's hasn't been remodeled since the 90's and the carpet is now black. Who wants to eat there? Gross.

Also, wages haven't gone up in many years and we don't eat out much anymore. We used to get takeout from Andele but it got so spicy that it was no longer edible. The homeless drove us from our home in downtown LG, especially with them sleeping on my patio furniture 5 feet from my back door. There weren't enough police on duty to keep the town safe, so we moved up to the mountains. The neighbors are nicer up here.

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Monday, July 15, 2019 9:01 AM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Laura

Last Name: Kerschenbaum

Email: anidoomucule@gmail.com

Los Gatos Resident?: Yes

Please leave your comments here:: Just offering a suggestion for controlling traffic especially during these difficult Santa Cruz beach goer months.

Could Los Gatos hire specifically dedicated Traffic Officers to direct traffic on the most congested, dangerous intersections--ie: North Santa Cruz and Main/, NSCruz and Hwy 9, Lark and Los Gatos Blvd, Blossom Hill/LG Blvd, Lark and University, Blossom Hill/University, Winchester/Lark, etc?

Residents could pay a fee to contribute to the salaries for these traffic directing officers. People are so fed up with the congestion that I believe folks would gladly pay for traffic officers to free up the worst clogs particularly on the weekends.

Furthermore, if the officers are separate from LGPD, then the local police wouldn't have to worry about splitting their crime fighting time with directing traffic since they are understaffed as it is.

Thanks for your consideration,

Sincerely

Laura Kerschenbaum

Las Astas Drive

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Monday, July 15, 2019 8:50 AM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Kirsten

Last Name: Duggins

Email: kcduggins@comcast.net

Los Gatos Resident?: Yes

Please leave your comments here:: I've lived in Los Gatos for 40 years and ever since WAZE came to be, it has been a wonderful town to live in. Weekend summers have been atrocious and it is not only affecting the residents, it is affecting the merchants. Many people blame the lack of parking, but quite frankly I have never had any problem finding a parking spot. It is the gridlock that is affecting our ability to spend any time downtown on weekends. Particularly on Saturdays. I know closing the southbound exit was tried and it did help. I truly think that WAZE et al, needs to be addressed, but that takes time. In the meantime, why couldn't we move Farmers Market to most of Santa Cruz Ave thereby essentially closing the SB exit without really closing it. if Main and Santa Cruz intersection is blocked wouldn't that be apparent to WAZE and not direct people to that area? It would get locals out to not only get there veggies but might get them to come for lunch at the restaurants and do a bit of shopping.

From: Hillari Zighelboim <hillzig@gmail.com>
Sent: Sunday, July 14, 2019 1:51 PM
To: Experience LG <ExperienceLG@losgatosca.gov>
Subject: Downtown one way traffic

I want to express my appreciation that the Town is trying to do something different to maintain our beautiful downtown. My family and I walked around the farmers market today, and then I strolled N. Santa Cruz with my son to check out the changes. The backup at Main and N. Santa Cruz at 12:30pm was the typical one block, but flowed smoothly after that. There were open parking spaces and if residents were frustrated by anything, I didn't observe it. There were shoppers in the retail businesses and restaurants that are thriving, and not in those that are struggling. It is no secret that retailers everywhere are getting crushed, (this is not just a Los Gatos problem), and unfortunately parking and direction of traffic is not going to resolve that.

Even if this is not the answer ultimately, it is essential to experiment and constructively work together toward a long term solution, so I thank you for your hard work in trying to implement change in a town where many residents are strongly opposed to any change at all.

Warmly,
Hillari Zighelboim

From: SANTOSH PANDIPATI <santoshpandipati@icloud.com>

Sent: Saturday, July 13, 2019 2:44 PM

To: Experience LG <ExperienceLG@losgatosca.gov>

Subject: Pilot program is turning out to be a disaster

Dear Sir/Ma'am,

I am a resident of Los Gatos and have shared in everyone's frustrations with beach traffic going through downtown to get to Hwy 17 southbound. I appreciate your efforts in trying to control this traffic in the summer months when congestion is at its peak. When I learned of the pilot program and your intention to make traffic flow southbound one-way on North Santa Cruz I immediately thought it would not work. I experienced the pilot program for the first time today and all of my fears were confirmed. Here was my adventure trying to get to Ken Gehrken's Jewelry and then Icing on the Cake:

- 1) There was so much traffic and I had limited time. I parallel parked at N Santa Cruz and Bachman. I walked the distance to Ken's. There was bumper to bumper traffic, and most of the cars were obviously headed to the beach, trying to cut through LG to get to 17S. As I got closer to Ken's I saw a bunch of open angled parking spots, further confirming that the congestion was not due to locals trying to get into downtown.
- 2) I am glad I did not use one of the angled parking spots - I don't see how I could have pulled back out of a spot when there is wall-to-wall traffic that would have been difficult to back into. Drivers did not seem generous in allowing others into the flow of traffic.
- 3) After I left Ken's I went to Icing, and then walked back to my car on University. University also had bumper-to-bumper beach traffic, with virtually all the cars turning onto Main to get to N Santa Cruz. Multiple drivers were blasting their car horns out of frustration anytime pedestrians were crossing Main Street and holding up traffic at the intersection of Main and University. What gives these drivers the right to get mad at people walking around downtown?!

Here are my suggestions:

- 1) Force one-way traffic on N Santa Cruz to go the OTHER way (northbound) - not towards the 17S onramp.
- 2) Alternatively, close the 17S on-ramp at the end of N. Santa Cruz in summer on weekends and during typical business hours so people are not tempted to go through downtown LG.

I am happy to discuss this further if you would like. But I am sure I am not alone in my comments.

Thanks for your time and consideration.

Yours,
Santosh
(408) 658-4780

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Saturday, July 13, 2019 7:08 AM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Eileen

Last Name: Cully

Email: ehcully@mac.com

Los Gatos Resident?: Yes

Please leave your comments here:: Hi. I live at 105 Massol and am in downtown LG frequently. I also experience the weekend summer beach traffic - haha! So far I love this plan. I have already sat at one of the parklets after a visit to BofA was shorter than I expected. I needed to kill time and just hung out there instead of going home. A neighbor came by with her grandson and we chatted awhile. Next time I'll get a coffee. Love the neighborhood/old-fashioned downtown feel! Thanks for being innovative and trying this out.

Eileen

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Friday, July 12, 2019 10:36 PM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Tami

Last Name: S

Email: tshootdroid@gmail.com

Los Gatos Resident?: Yes

Please leave your comments here:: This is a terrible idea. It has increased traffic significantly on our RESIDENTIAL street, University! This is completely unacceptable. And, it was done without notifying those living on this segment of University.

Sent: Friday, July 12, 2019 5:08 PM
To: Town Manager <Manager@losgatosca.gov>
Subject: One way pilot program

I vote NO. We do not need random places to sit. We need more parking and more access. No to these useless sitting areas. Change to parking. I would understand if they were attached to a restaurant or outside bar but they make NO sense.

Thank you for your efforts in making Los Gatos great.
Gail Ferrari

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Friday, July 12, 2019 6:28 AM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Joy

Last Name: Walsh

Email: Joywalsh1@comcast.net

Los Gatos Resident?: No

Please leave your comments here:: I don't love sitting out and eating with exhaust fumes from all the slow traffic. Also there's the empty shops the landlords and internet drove out-of-business. Then there's the recent uptick of cars driving into buildings, so let's park the cars towards the bldgs to make that easier to happen in Los Gatos. University Avenue residents must love this idea.

LG is not Campbell. There are more less-affluent people than wealthy people in the county and the less affluent go to Campbell. It's a matter of numbers in my humble opinion. You can probably tell I'm older since I spell out my words.

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Thursday, July 11, 2019 9:34 PM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Ronnie

Last Name: Jenkins

Email: ronniejenkins@gmail.com

Los Gatos Resident?: Yes

Please leave your comments here:: This is awful. The traffic out of town has become significantly worse and there are no benefits of note.

Downtown looks like a construction zone with all the temporary signs, cones, and the ugly barriers for the parklets.

If the goal is to promote more business downtown, then you should talk with the greedy business owners who keep raising rents on tenants in turn forcing many great businesses to leave town. Have you seen how many empty stores there are? Lower the rents and better businesses will fill the spots and in turn bring more business downtown.

Such a shortsighted initiative and a waste of money.

I live on Bayview so am an epicenter resident.

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Thursday, July 11, 2019 9:32 PM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Marco

Last Name: Rolandi

Email: marco.rolandi@gmail.com

Los Gatos Resident?: Yes

Please leave your comments here:: Great idea! I would make Santa Cruz Ave entirely car free. Keep the park let's, substitute the barriers with planters and some shade for day.

From: chriswstein@aol.com <chriswstein@aol.com>
Sent: Thursday, July 11, 2019 4:58 PM
To: Planning <Planning@losgatosca.gov>
Subject: Santa Cruz Ave

Dear Planning Board,

What have you done to the charming down town! Santa Cruz Ave is so tacky and unattractive now with its bunkers with plastic chairs. Please take it all away ASAP!

What was the thinking behind such a project, it is a complete fail. Ugly beyond words.

Chris Stein

From: Matt Morley <MMorley@losgatosca.gov>
Sent: Thursday, July 11, 2019 4:44 PM
To: Experience LG <ExperienceLG@losgatosca.gov>
Subject: Input from Tammy - Resident on University

This is input from a resident on University – Tammy 408-489-5568

The heavy traffic on University is disappointing.

Would have liked more noticing.

Would like signage for speeding on University

Thinks the Parklets could be spruced up with the addition of foliage, activities, friendly signage, etc.

Overall not supportive of the pilot.

This resident took a very collaborative approach to the conversation.

From: Matt Morley <MMorley@losgatosca.gov>
Sent: Wednesday, July 10, 2019 10:55 AM
To: Experience LG <ExperienceLG@losgatosca.gov>
Subject: FW: New Voicemail Message from 3995770

Susan calling morning of parklet installs. "Pretty ugly"

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Wednesday, July 10, 2019 10:49 PM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Mary Jane

Last Name: Donofrio

Email: mjdonofrio@gmail.com

Los Gatos Resident?: Yes

Please leave your comments here:: I was very disappointed in the parking lot feel of the street. Theaded parking spots made what I hoped would be the quaint street with outdoor dining like mountain view or downtown Sunnyvale.

The outdoor areas are poorly placed and should be in front of a restraunt and allow for outdoor service.

I also experienced limited visibility. As I came to a crosswalk a large white van was parked diagonally just before the crosswalk and made it tough to see people about to cross.

I would be ok with less parking, one way traffic and outdoor dining. I do not want to eat in a parking lot.

I think get rid of diagonal parking would be best.

From: Jill Levy <jillmeryllevy@sbcglobal.net>
Sent: Wednesday, July 10, 2019 9:25 AM
To: Robert Schultz <RSchultz@losgatosca.gov>
Cc: Town Manager <Manager@losgatosca.gov>
Subject: Traffic Made Worse in Downtown Los Gatos

Dear Mr. Shultz,

Traffic was once again backed up on southbound Highway 17 to the Blossom Hill overpass this morning because of fouled signal timing at Highway 9 and University. Please have Caltrans fix this problem.

Also, please note that I will no longer patronize businesses in downtown Los Gatos until and unless the Town of Los Gatos restores two-way traffic on North Santa Cruz Avenue. The addition of a few extra parking spaces comes at the high cost of disrupting traffic and making it more difficult for drivers to get around. Lack of adequate parking and the often-nightmarish traffic has always discouraged me from shopping in downtown Los Gatos. But the Town has made a bad situation worse, and I'm not willing to put up with it for the sake of patronizing downtown businesses. Please restore two-way traffic on North Santa Cruz Avenue.

Jill Levy

From: Monica Renn
Sent: Wednesday, July 10, 2019 9:17 AM
To: Matt Morley <MMorley@losgatosca.gov>; Laurel Prevetti <LPrevetti@losgatosca.gov>; Arn Andrews <aandrews@losgatosca.gov>
Subject: FW: Good job ;)

FYI- I want to share this feedback with you. I responded to her thanking her and encouraging her to continue to provide feedback as the pilot progresses.

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

From: Susan Testa <romantiqueslingerie@yahoo.com>
Sent: Tuesday, July 9, 2019 7:40 PM
To: Monica Renn <mrenn@losgatosca.gov>
Subject: Good job ;)

Hi Monica,

I know it's only been two days and the parklets aren't installed yet, but the pilot is definitely stirring interest, and I love the diagonal traffic spaces. I think changing the parking has had a positive impact... no more back ups due to the parallel parking challenged community (me 😊).

Please note a few things I have observed and have received feedback on... traffic on Elm street is backing up to the parking lot which usually only happens at Christmas (this is actually a positive for my business), and University Ave. has increased traffic (not great but hey, they moved downtown.) In a nutshell, I appreciate that you and the town have made such bold moves to help our downtown. It's all amazing and I know it's just going to get better. I just wanted to say thank you because I know you are probably getting input overload and probably not all positive. Please pass on this message to all involved if you please.

Warm regards,
Susan Testa
Romantiques

From: ginger rowe <ginger@timeoutclothing.com>

Sent: Tuesday, July 09, 2019 1:21 PM

To: Town PPW <ppw@losgatosca.gov>

Subject: New street direction

Hi, just had a customer give a piece of advice I thought with the changes to send off to you...
On Grays lane, before you enter the parking area, next to Loma Brewing Co and William
Sonoma....perhaps there should
Be a sign that says left turn only ahead...

Maybe that is in the works already, but wanted to pass on that word of advice from a resident and
customer....for some reason
They aren't willing to email you themselves.

Love the way the street is looking, thanks,

Ginger Rowe

Time Out Clothing

108 N. Santa Cruz Avenue

Los Gatos, CA. 95030

(408) 354-8653

www.timeoutclothing.com

From: Matt Morley <MMorley@losgatosca.gov>
Sent: Monday, July 08, 2019 5:54 AM
To: karenkaufman198@gmail.com
Cc: Experience LG <ExperienceLG@losgatosca.gov>
Subject: FW: Downtown

Ms. Kaufman

Thank you for providing input into this project. The changes will be in place for four months, during which time we will gather input from residents, businesses, and users. This will provide us with insight on potential improvements to the downtown that reinforces Los Gatos as a destination.

I hope you have an opportunity to drive the street in the one way configuration and provide further feedback.

Matt Morley • Director
Parks and Public Works • 41 Miles Ave, Los Gatos CA 95030
Ph: 408.399.5774
www.losgatosca.gov

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

From: Karen Kaufman <karenkaufman198@gmail.com>
Sent: Wednesday, July 03, 2019 5:22 PM
To: Town Manager <Manager@losgatosca.gov>
Subject: Downtown

Hello,

This is possibly the dumbest idea that the town of Los Gatos has had. Like honestly this is an outrage. I rely on driving BOTH ways to conduct my business in downtown. The things this town has been doing has been making me want to be in town, spend my money in town less and less. We didn't need a lululemon #1. I drive to Santana row for that. North 40 is already going to ruin stuff and now the one way street, even more so. You all have COMPLETELY comprised the integrity and history of Los Gatos. I have no desire to go and spend time with friends downtown anymore and it is making all the long time locals slowly leave. We hate what you've been doing to the town. So many of my friends and their families have left. Can't you just preserve what we have and let the small town stay a nice small town? A one way only creates problems. the intersection of university going onto main is a nightmare. The backstreets are now going to be flooded. I don't even live downtown and this is just making me not want to go into town for my errands and instead drive further away. You are creating an undesirable place to live in. I wouldn't ever vote to allow this and everyone I know wouldn't either so I don't know who's running this town like a circus because it's a joke.

-Karen Kaufman
Sent from my iPhone

From: Matt Morley <MMorley@losgatosca.gov>
Sent: Tuesday, July 02, 2019 9:32 AM
To: Cagirlstacy@gmail.com
Cc: Experience LG <ExperienceLG@losgatosca.gov>
Subject: FW: (N.SantaCruz) Online Form Submittal: Customer Feedback Form

Thank you for your email on the pilot one way street project.

For clarification, Santa Cruz Avenue will not be closed, it will be changed to a one way street southbound for a stretch between Bachman Ave and Elm St. In addition, we will add angled parking and parklets to create more space for those in the downtown. During this project we hope to learn a lot that will guide us for future improvements. Most informative will be the use of parklets and how they might translate to wider sidewalks in the future.

We have good information online on all things going on in the downtown: www.losgatosca.gov/ExperienceLG

We would love to hear your thoughts now and as the program rolls out.

Name:	S Taylor
Address:	Calle Larga
City:	Lg
State:	Ca
Zip:	95032
Home Phone Number:	4083642066
Daytime Phone Number:	<i>Field not completed.</i>
Email Address:	Cagirlstacy@gmail.com
Please let us know how we are doing or what we can do for you!	Oh brother, closing n santa cruz, just another reson to avoid downtown. Hate beach traffic on the weekend and now tack on Mondays for 4 months to boot, it never ends.

From: Jessica Fischer <jessica@mpmsv.com>
Sent: Friday, June 28, 2019 10:56 AM
To: Experience LG <ExperienceLG@losgatosca.gov>
Cc: 'Harry McCaffrey' <harry@mpmaz.com>; jessica.mpmsv@gmail.com; 'Ursula Murray' <ursula@mpmsv.com>
Subject: One way on University

Are you serious????

How is anyone going to get out of town back to the Highway Northbound. Who came up with this idea? Have you spent any time watching the intersection of Main Street and University, pedestrians are at constant risk while crossing to the Post office. Moving all the traffic to University in front of Old Town will log jam that intersection. This will drive people away from our towns merchants. We are a local business owner and never received anything in the mail that this project was starting or being considered. Our business will be effected and do not agree with this ridiculous one way street pilot program.

Thank you,

Jessica Fischer
Marquise Property Management Inc.
408-354-0535
MPMSV.COM

From: Matt Morley <MMorley@losgatosca.gov>
Sent: Friday, June 28, 2019 10:16 AM
To: dnadance@earthlink.net
Cc: Experience LG <ExperienceLG@losgatosca.gov>
Subject: Experience LG & One-Way Pilot Feedback

Dena

Thank you for your feedback through the Town website.

I hear your frustration with the LG Weekly. That had been a good source of information for years. We hope to see an article in the Mercury News on this pilot project soon. You may also want to take a look at the Los Gatos Magazine <https://losgatosmagazine.com/> which I find provides some good local information.

In addition, is working to get information out through social media and the Town website. Frequent posts on Nextdoor, Twitter, Facebook, and Instagram have provided info on the project. And the most in depth info is on the website at www.losgatosca.gov/ExperienceLG The Town's website is a great location for information and you can even sign up to get weekly email updates.

To address your questions, the one way project is a placemaking effort to help draw folks to the downtown. There is no connection to this project and traffic. With the conversion to a one way street and the installation of parklets for a four month period, we hope to see what wider sidewalks (by way of the parklets), angled parking, and a new dynamic with the one way street. The hope is that this will benefit the businesses. The flyer you saw in the window of your CPA was one of the items we have provided to businesses to share information with their customers.

We certainly want to hear from residents and businesses along the way. Please continue to give us your feedback through the course of the project.

I don't think the community is really informed before this was decided in any way to offer feedback. The Los Gatos Weekly News which used to have lots of local Los Gatos town business news no longer serves in this capacity. (Now it offers recycled articles from SJ Mercury News and real estate ads.) So I for one feel in the dark even though I read several news sources. I don't have a voice or a way to feel informed about our own community which I love.

Anyways I don't understand the goal of this project. Traffic is already bad downtown. This seems to add an unnecessary complication to an already dysfunctional system.

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Friday, June 28, 2019 9:45 AM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Dena

Last Name: Crawford

Email: dnadance@earthlink.net

Los Gatos Resident?: Yes

Please leave your comments here:: I am concerned about this. Our tax accountants whom we have used for over 24 years in LG are now moving to San Jose. We note on their door alongside their moving notice was the notice of the one way project. So it obviously was untenable for them.

I don't think the community is really informed before this was decided in any way to offer feedback. The Los Gatos Weekly News which used to have lots of local Los Gatos town business news no longer serves in this capacity. (Now it offers recycled articles from SJ Mercury News and real estate ads.) So I for one feel in the dark even though I read several news sources. I don't have a voice or a way to feel informed about our own community which I love.

Anyways I don't understand the goal of this project. Traffic is already bad downtown. This seems to add an unnecessary complication to an already dysfunctional system.

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Wednesday, June 26, 2019 2:52 PM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Bud

Last Name: Everts

Email: bud.everts@gmail.com

Los Gatos Resident?: No

Please leave your comments here:: Live in Santa Cruz Mountains, but children attended LGHS and we shop and dine in downtown.

I applaud you for trying something new. Look forward to seeing the results, and making any needed changes after the pilot.

Thank you!

From: Jessica Goodman <jessica.goodman@gmail.com>
Sent: Friday, June 21, 2019 4:49 PM
To: Experience LG <ExperienceLG@losgatosca.gov>
Subject: one way pilot program

I don't have a question. Just wanted to let you know that I'm all for this pilot! Happy to see the city trying this out. I think it's terrific!

Jessica Goodman
15122 Lynn Ave.

From: Experience LG <ExperienceLG@losgatosca.gov>
Sent: Monday, June 17, 2019 3:30 PM
To: Ken Tucker <kc@kilili.com>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: RE: Upcoming Parklet Pilot Program

Ken

Thank you for your question. We have a list of Frequently Asked Questions on the website where we answer the question. Here is a link in case it is helpful to you in other areas.

Otherwise, a parklet is converted parking space that has been protected from traffic and provides additional seating for gathering or dining.

From: Ken Tucker <kc@kilili.com>
Sent: Sunday, June 16, 2019 11:07 AM
To: Experience LG <ExperienceLG@losgatosca.gov>
Subject: Upcoming Parklet Pilot Program

I read about this on your website, but could not find anything that explained what a parklet is. I have never heard the term before, and am confused about what it implies. Is this info missing from your website, or did I somehow miss it?

--

Ken

kc@kilili.com

[:]

There's nothing remarkable about it. All one has to do is hit the right key at the right time and the instrument plays itself. - Johann Sebastian Bach



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 10/01/2019

ITEM NO: 12

ADDENDUM

DATE: September 30, 2019
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Provide Feedback and Direction on the Downtown One-Way Pilot Project

REMARKS:

The Council Agenda Report for this item referenced forthcoming information for traffic changes to Tait Avenue. Similar to Massol Avenue, Tait Avenue experienced increased traffic of 133% during the morning commute and 41% on an average weekday over a 24-hour period.

Attachment Received with the Staff Report:

1. Public Comments received through 11:00 a.m., Thursday, September 26, 2019.

Attachment Received with this Addendum:

2. Public Comments received between 11:01 a.m., Thursday, September 26, 2019 and 11:00 a.m., Monday, September 30, 2019.

PREPARED BY: Matt Morley
Parks and Public Works Director

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

From: Ted Farrell <ted@tsfarrell.com>
Sent: Monday, September 30, 2019 10:49 AM
To: Experience LG <ExperienceLG@losgatosca.gov>
Subject: One way street pilot feedback

Dear Council Members,

I cannot make the meeting but wanted to voice my opposition for the North Santa Cruz project. In my opinion having the diagonal parking and extra streets signs have totally changed the look and vibe of the downtown street for the worse.

While I think parklets could be nice if they were connected to a restaurant and nicer looking (more like Lexington house, less like highway construction), I don't think the one-way traffic and diagonal parking have a place in our main downtown street. Rather than driving through and seeing the shops and people walking down the sidewalks, we now see a parking lot. It has also made University (where we lived for

14 years) a constant traffic issue. Just walking down University has lost its charm with all the cars, beeping and ignoring pedestrians to try to get out of the maze.

We could try to add some parklets while limiting the number of parallel spaces we loose. But please restore the vibe and look of our downtown back to what it was and what draws people to it!!

thanks for reading.

-ted

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Monday, September 30, 2019 9:38 AM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Janet

Last Name: Wolf

Email: Wolfjanet@yahoo.com

Los Gatos Resident?: Yes

Please leave your comments here:: I'm a very long time resident of los Gatos. I like seeing out of the box thinking. In terms of the Parklet pilot I think that the Parklets are a good idea and have seen people using them. I think that will improve if they are better constructed when businesses get involved. In terms of the One way street I really believe that has been a detriment to the town. It looks like a parking lot rather than a welcoming downtown. Are you see is the back of cars as you drive down the street and it obstructs the view of the store fronts on this side of the angle parking. You have a hard time seeing them if you were walking down the street on the opposite side. I would love to see the parking problem addressed with possibly some parking garages. The most thriving downtowns provide visitors a place to park that is easy and Convenient. I see that both in Willow Glen and especially in Campbell where parking was added or exists in parking garages. I would love to have the town consider parking and make it a high-priority. It has been talked about for a long time and it's time to come to some reasonable solutions! Thank you

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Sunday, September 29, 2019 6:58 PM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Lou

Last Name: Albert

Email: lou.albert@yahoo.com

Los Gatos Resident?: Yes

Please leave your comments here:: I am strongly in favor of the Parklets concept. I would encourage the planning department to emphasize parklets that can be incorporated into restaurants and are expansive, treed and comfortable. I believe we could live with much fewer parallel parking spots. I know local businesses are concerned that few parking spots equal fewer customers but a more walkable, bike friendly and vibrant downtown will be a more modern downtown in the decades to come. That type of downtown will equal more customers. Real bike lanes that don't just end "into oblivion", are safe and separated from traffic will greatly help. Encouraging a bicycle shop to open up a check in/out bike storage/parking lot will also help encourage people to leave their cars at home. There are a number of issues holding back the downtown. I believe parklets are one action that can help.

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Sunday, September 29, 2019 6:14 PM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Karen

Last Name: Kurtz

Email: kurtzk@comcast.net

Los Gatos Resident?: Yes

Please leave your comments here:: I want to thank the town, the council and the business owners for the experiment for NSC Ave. the past few months. I like that traffic has been less when walking downtown. Along with the bike lane it made being on the Avenue much safer with fewer cars. I hope it helped bring more business to our shops. I loved the idea of the piano parklet & hope that it can somehow remain. Most of all I am looking forward to new decorative parklets coming in the future with more outdoor dining in our town. I did not experience any problem ever in getting in and out of the downtown area.

I encourage more of the same... More parklets, fewer cars.

Thanks again for all the work.

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Sunday, September 29, 2019 5:12 PM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: John

Last Name: Connolly

Email: jpc3md@yahoo.com

Los Gatos Resident?: Yes

Please leave your comments here:: I live in Almond Grove area and frequent downtown by foot daily. The new traffic pattern with the one way street has been bad for downtown. It looks awful. Driving down the street, it is difficult to see any of the store fronts on the east side of the street because there are too many cars blocking the view. Traffic has been thrust out onto the surrounding streets, which has brought a host of problems, including safety issues due to unsafe drivers and road rage. Beach traffic is the real issue and until a real solution for that has been concocted, nothing else really matters. Downtown businesses struggled mightily this summer and the one way did nothing to help it. On the weekends, stores were empty but there were tons of cars on N Santa Cruz. Also, lots of empty parking spaces despite all the traffic. Parking is not the issue and having the diagonal parking is obviously not a necessity when there were so many parking spots open. Why not put a gate at the Wood Rd entrance to Hwy 17 that you can close a few hours on weekend days in the summer? the ramp into town can still stay open but just close the other one for a few hours, That is not a "closure" of the ramp, which Caltran opposes. It is simply traffic control a few hours each summer weekend. The parklets have not been successful either. Rarely see anyone using them. They would make sense in front of restaurants or coffee shops. The one way has also caused downtown to lose much of its charm. It was a good try, but extraordinarily unsuccessful. Please put N Santa Cruz back to a 2-way street.

From: Jill Levy <jillmeryllevy@sbcglobal.net>
Sent: Saturday, September 28, 2019 8:16 PM
To: Matt Morley <MMorley@losgatosca.gov>
Cc: Robert Schultz <RSchultz@losgatosca.gov>
Subject: Re: Los Gatos Downtown One-Way Pilot Project

Dear Mr. Morley,

Thank you for your email. I do not wish to waste my time at the Town Council meeting. However, I do wish to provide additional input. I am very much against the Downtown One-Way Project. I believe it was ill-conceived, with blatant disregard for life safety and ease of commuting through downtown Los Gatos.

I was a volunteer firefighter for 28 years. I've been through earthquakes, fires, floods, gas leaks, and other emergencies in downtown Los Gatos that made it necessary to reroute traffic. By turning North Santa Cruz Avenue into a one-way street, you have created what will become a nightmare for drivers should there be an incident on University Avenue or any of the other parallel streets.

I've seen near-miss collisions on North Santa Cruz Avenue because drivers going southbound now have worry about motorists parked on both sides of the street moving into the lane of travel.

I've seen near-miss collisions at the intersection of North Santa Cruz Avenue and Bachman because of bicyclists going the wrong way. (It's easy for drivers to think they no longer have to watch for vehicles coming northbound at that intersection. Pedestrians yes. Vehicles no. So when a bicyclist comes through going the wrong way, it catches drivers off-guard.)

It's pure idiocy to have seating in the street, even with the barricades. Doesn't the Town Council watch the news? It takes only one terrorist or one person with a grudge to drive through a barricade like that and murder anyone sitting in the street. The Town has made those people sitting ducks. For liability reasons alone, I can't believe the Town approved such a thing.

It is now more difficult for drivers to turn onto northbound University Avenue due to the increased traffic resulting from closing northbound North Santa Cruz Avenue. And more drivers are cutting through the parking lots instead.

Downtown Los Gatos was never a welcoming area for shoppers due to the miserable parking situation. It is even less welcoming now. If I didn't work in the Eureka Building, I wouldn't visit downtown Los Gatos. And I've not been any further south than my workplace since the Town converted North Santa Cruz Avenue into a one-way street. I have no desire to deal with the more difficult drive downtown.

I'm sure I had other complaints that I can't think of at the moment. But I wanted to respond promptly.

Jill Levy

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Monday, September 30, 2019 10:23 AM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Linda

Last Name: Bernal

Email: lbernal79@gmail.com

Los Gatos Resident?: Yes

Please leave your comments here:: The one-way and parklets seemed to have caused major congestion on University Ave. I live on Edelen Ave and trying to make a left on University anytime during the day is extremely dangerous. I cannot see oncoming traffic and so far I've avoided incidents, but it's only a matter of time before accidents start piling up. There has to be a better compromise than what is now. This new change has the town flipped up-side down.

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Friday, September 27, 2019 9:34 AM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Bryan

Last Name: Foertsch

Email: bfoertsch@omnino.com

Los Gatos Resident?: Yes

Please leave your comments here:: The changes to Santa Cruz Avenue are a disaster. It has disrupted morning traffic causing backups on University, Bascom/Los Gatos boulevard, Los Gatos-Saratoga Main Street and more. I have yet to see anyone sitting in those blocked off areas on the street that take up precious parking and are candidly and eye sore. Please consider this test as a failure and return Santa Cruz Avenue to its former free flowing street Bryan Foertsch

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Thursday, September 26, 2019 12:08 PM
To: Town PPW <ppw@losgatosca.gov>; Experience LG <ExperienceLG@losgatosca.gov>
Subject: Online Form Submittal: Experience LG & One-Way Pilot Feedback

The following form was submitted via your website: Experience LG & One-Way Pilot Feedback

First Name: Vladimir

Last Name: Troy

Email: vtroy@yahoo.com

Los Gatos Resident?: Yes

Please leave your comments here:: I am strongly against the current North Santa Cruz Pilot design. The street now looks like a parking lot with cheap looking sitting spaces that customers poorly use and when I tried with my wife I did not enjoy sitting next to cars driving by and smelling their exhaust versus seeing people stroll by. The design is poorly done and I hope is taken down as soon as possible.

I would love for N. Santa Cruz to be a destination for families to walk and enjoy. The previous design while not perfect was much better. Please think about other designs.

I also now have to drive through residential area to get back to my house and assume the increased traffic in those neighborhoods is not welcome to them.

I am very disappointed with the current design.

I am happy to answer any questions and can be reached at 408-242-6618. I've lived in Los Gatos for 15-years and first time I am giving my feedback since very disappointed and hope my input is taken seriously.

Best regards,
Vladimir

From: Lynn Kennedy <lynnk@mac.com>
Sent: Friday, September 27, 2019 4:24 PM
To: Matt Morley <MMorley@losgatosca.gov>
Cc: Council <Council@losgatosca.gov>; Town Manager <Manager@losgatosca.gov>
Subject: Re: Los Gatos Downtown One-Way Pilot Project

Matt,

Page 1 of 3 of my letter is page 230 of your PDF. Pages 2 and 3 are not included. Can you please add my complete letter as a desk item.

Thank you,

Lynn Kennedy

Lynn Kennedy
P.O. Box 2143
Los Gatos, CA 95031

September 24, 2019

Los Gatos Town Council
110 E. Main Street
Los Gatos, CA 95030

Re: One-way pilot program on North Santa Cruz Avenue

Dear Council Members:

It's hard to describe how badly you erred approving a poorly conceived experiment with little or no residential community input. This pilot program is an utter failure and there is no reason to have it continue any longer. Just admit the mistake, drop any thought of making this permanent, and undertake a far more thoughtful approach to solutions that will actually enhance the business district – solutions that will benefit residents, visitors and merchants alike, will not negatively impact any stakeholders, or further pit factions against each another.

The one-way scheme does not make downtown more attractive. Quite the contrary – the sea of diagonally-parked cars obscures pedestrians and businesses making North Santa Cruz feel like a parking lot. Furthermore, visitors now have a harder time departing downtown, navigating at a crawl onto over-crowded residential streets. They leave Los Gatos with a terrible first and last impression, and many don't come back.

The pilot has made it difficult for many residents to get around town, has increased commute times, and has made life miserable for residents of University Avenue and possibly other streets that bear new traffic loads. **Failing to consider the negative impact on residents is completely unacceptable.** The longer you wait to restore two-way traffic on N. Santa Cruz, the worse the impact will be on the neighborhoods, as temporary habits quickly become permanent. We need to immediately get the late-night bar traffic back onto North Santa Cruz and off of neighborhood streets. We need to immediately get the early morning commercial delivery traffic back onto North Santa Cruz, etc. We need to put an immediate stop to the any-time-of-day-or-night lines of stop-and-go traffic on University that is polluting our homes and threatening our safety. The longer you wait, the more we suffer, and the harder it will be to reroute the traffic without going to the other extreme and having a barrier on University Avenue between Old Town and nearby homes like the barrier on Edelen Avenue near Old Town.

I have not had a good night's sleep since early July. When we turn off the lights there's stop-and-go traffic just outside. We're now awakened regularly by drunks and delivery drivers at all hours – something that did not occur previously. I'm also having respiratory problems and have developed a cough I can't shake. Our old home has no central air conditioning – we MUST open the windows for ventilation cooling. We're breathing far more particulates than we used to, and it simply must stop.

For some inexplicable reason Town staff has not performed any traffic studies that actually counted the cars on University Avenue in any of the blocks that are parallel to the one-way section of North Santa Cruz. Why on earth would you spend money on a pilot and fail to adequately study the consequences – can it be that someone with an agenda does not really want all the facts?

We don't need parklets to make downtown more inviting. I know no one who wants to sit in the street with inadequate shade breathing exhaust fumes. There are many sections of North Santa Cruz with wide sidewalks that are sadly underutilized. Town and businesses could cooperate to make this existing space compelling. Some property owners might want their own designs. Others might be happy to host commemorative benches and gardens matching those already gracing the street. Some of these areas could include interactive elements making town more playful. But never forget – town residents have invested heavily in the existing sidewalk seating and

beautification. It is embarrassing that their contributions, sweat equity, memorials and dedications are now being belittled by proponents of trendy for the sake of trendy. I walk downtown regularly and have seen only a few people sitting in parklets, but I often see folks enjoying time both on the green benches and in well-designed private spaces as evidenced below.



Visitors choose green bench away from traffic over nearby empty parklet even when parklet is shaded.



Thinking longer term, Town must build the long-promised parking structure behind Mountain Charlie's. As part of that plan it may make sense to remove a few parallel parking spots, widening sidewalks at key locations. However, the design must preserve most of the parallel street parking within each block since on-street parking is clearly the first choice of shoppers. In the meantime, why not schedule regular sidewalk steam cleaning and add more trash and recycling bins to make downtown more attractive right now in addition to improving underutilized existing space.



We value Los Gatos' many unique shops and restaurants and are pleased that restaurants are mostly busy; it's retail that appears to be suffering as evidenced by the vast majority of the closed businesses. In this era of chain stores and online commerce Town needs to encourage unique, engaging retail options that residents want and will frequent, encourage fair rents, and encourage residents to shop locally. Residents are and should be the key customer base. A *Shop Los Gatos* educational campaign and discounts for residents might be the place to begin.

The Chamber of Commerce could focus on helping businesses learn to connect with customers and foster a climate of mutual support among business and residents that will help downtown flourish. Instead the Chamber focuses primarily on events benefitting only selected restaurants rather than retail, and that pit business against neighbors.

Do NOT allow amplified music outside any downtown business – it is not permitted in Town for good reason! **Do NOT approve street closures** other than the community-oriented Christmas Parade – surprise closures breed frustration that discourages customers! **Do NOT permit events masquerading as community events.** I learned recently that my neighbors refer to the Chamber "block parties" as the "Loma parties" which is pretty telling. **We need to rebuild community, and the Chamber, staff and Council don't seem to grasp this basic concept.**

I hope you will take this and other input presented to date and invite Los Gatos' many smart, creative residents to participate in a series of design charrettes. A genuine exchange of ideas could yield a win-win concept that actually supports business and does not do so at the expense of residents. Remember, unhappy residents are already avoiding the unattractive and hard-to-navigate downtown, negatively impacting business. Don't risk making this situation worse. **Restore two-way traffic flow now, as promised, and refrain from any further trials until after you have successfully engaged all stakeholders and developed a plan worthy of a trial.**

Sincerely,

From: Guy Gummow <acorn@acorn-property.com>
Sent: Friday, September 27, 2019 4:49 PM
To: Council
Subject: Santa Cruz Ave one way

Dear Council member,

I am writing to let you know that my wife and I are not happy with the one way traffic on Santa Cruz ave. We have lived in Los Gatos for over 30 years. It puts too much northbound traffic on University, Tait and Bayview.

My mother lives on Bayview, and has commented that now she gets traffic coming and going. Beach traffic in the morning and school traffic in the afternoon and mornings

Our daughter lives on Edelen and has commented how hard it is now to leave her area, as frustrated drivers don't want to let autos onto University from the side streets.

We think the parklets could work out, but please remove the one way.

Thank you,
Todd & Gwen Gummow

From: Linda Loew <lloew@comcast.net>
Sent: Thursday, September 26, 2019 6:10 PM
To: Steven Leonardis <SLeonardis@losgatosca.gov>
Cc: Marcia Jensen <MJensen@losgatosca.gov>
Subject: input regarding downtown one way etc

Hello Steve,

I do not know whom to send this to so if you are not the right person- please forward this.

This is just a quick email stating **I love the changes made on Santa Cruz Ave!!**

I live on Tait so daily I walk & drive on Santa Cruz. I love how the cars have slowed down. I don't feel like I am risking my life crossing the street anymore. I love how I always see people in the parklets. The parklets have brought vitality to the side walks. I see all ages gathering. Sometime reading a book solo and sometimes a couple playing chess AND families eating ice cream. (Oh and the piano was a great idea!) I think all the parked cars show "strangers" that stores are open and this is an exciting place to be.

I hope the stores sales reflect improvement. Of course I am hoping the design for the permanent parklets is much prettier. I grew up in an affluent part of Los Angeles where the diagonal parking was the norm so this feels very natural to me.

I feel like our beach traffic during the study was just like the previous years. It did not throw noticeably more cars on our street.

Thank you to whomever thought of the ideas,

Linda Loew

139 Tait Ave

Homeowner since 1985

From: Michael Burke <mrburke@mac.com>

Sent: Sunday, September 29, 2019 6:21 PM

To: Experience LG <ExperienceLG@losgatosca.gov>; Council <Council@losgatosca.gov>; Town Manager <Manager@losgatosca.gov>

Subject: Please add the following to desk items for the one-way pilot agenda item.

Mr. Mayor and Council Members,

After meeting with a couple of you this past week, I felt it was appropriate to include my beach traffic mitigation plan as part of your discussion on the one-way pilot.

Thank you for your consideration.

Michael Burke



September 29, 2019

Mr. Mayor and Council Members,

As you are currently considering downtown traffic as it relates to the one-way pilot, I felt it important to present my plan to mitigate some of the effects of summer beach traffic to benefit both residents and merchants.

I recommend implementing time-based restrictions to limit turning movements from east/west streets south of Highway 9 onto southbound North & South Santa Cruz Avenues between 10am and 4pm on summer weekends.

This idea has precedent. The Town currently uses time-based restrictions of turning movements in various locations, as example “No Right Turn 4:00pm-6:00pm.”

This prohibition would eliminate beach traffic entering Santa Cruz Avenue (North and South) from Main Street, University Avenue and the Almond Grove streets. It would reduce or eliminate the gridlock at the intersection of Main Street and Santa Cruz Avenue because southbound traffic on North Santa Cruz Avenue would no longer need to compete with cars turning off on Main Street. With the gridlock at that intersection removed, southbound traffic on North Santa Cruz should actually flow better.

Removing the beach traffic from Main and University would allow those street to service the downtown and the Town’s downtown parking lots as well as allowing emergency vehicles access when needed.

The cost to implement this plan is very low, and while 100% enforcement would be difficult, spot enforcement and targeted enforcement at Main and Santa Cruz Ave should be sufficiently effective. These restrictions are rules that can be communicated to the “map apps” to ensure that they do not route drivers to make prohibited turns. As a result, neighborhoods should see less cut through traffic.

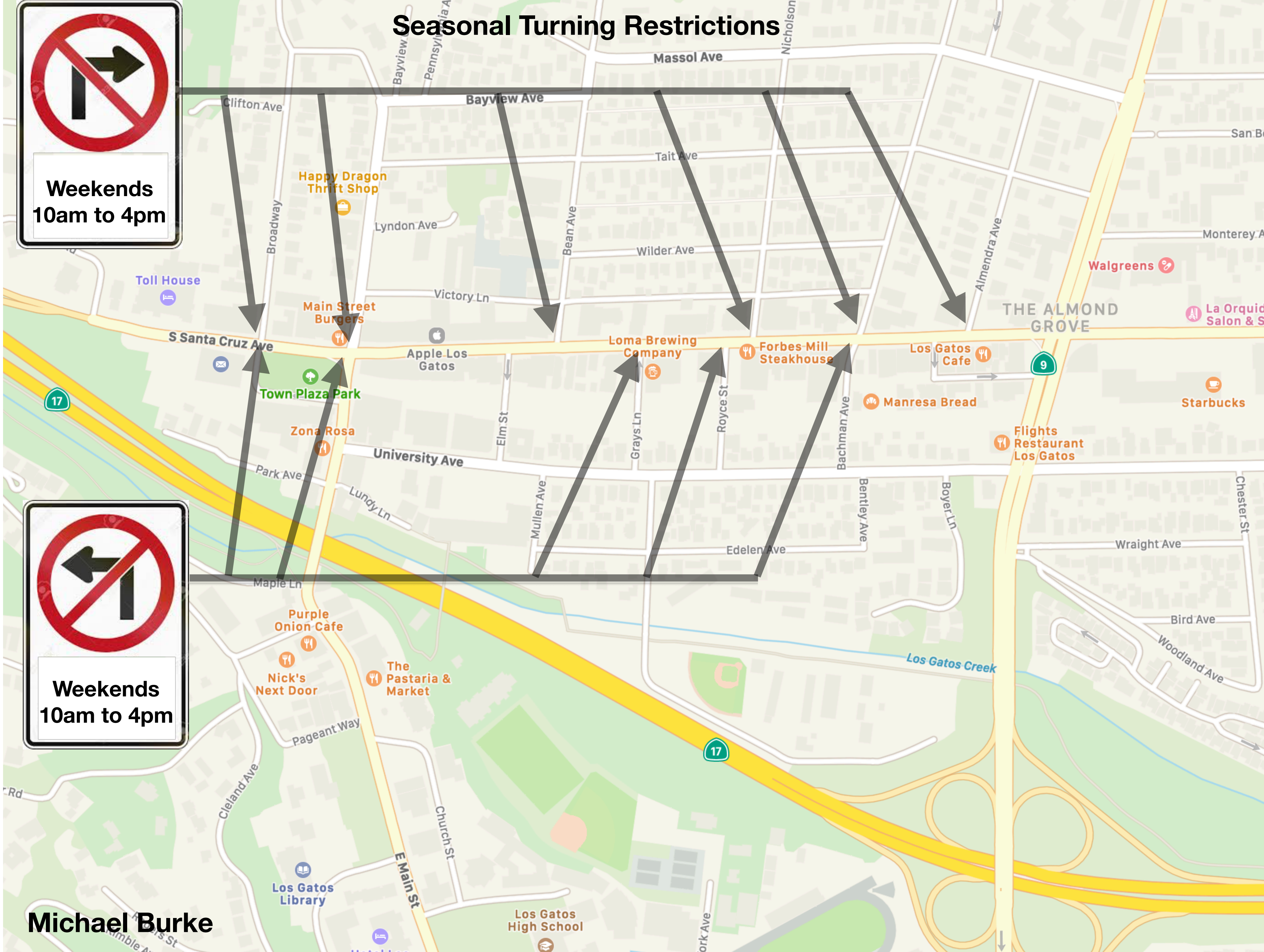
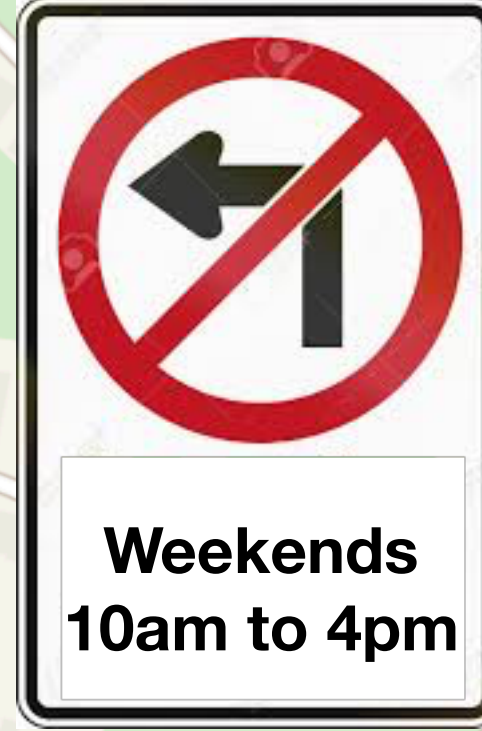
I have attached two annotated maps that provide a visualizing on my plan. If the council feels my plan has merit ,at least for further study, I would be happy to make a formal presentation to the Council at a later date. I can be reached at 408-268-0644 or mrburke@mac.com for comments or questions.

Sincerely yours,

Michael Burke

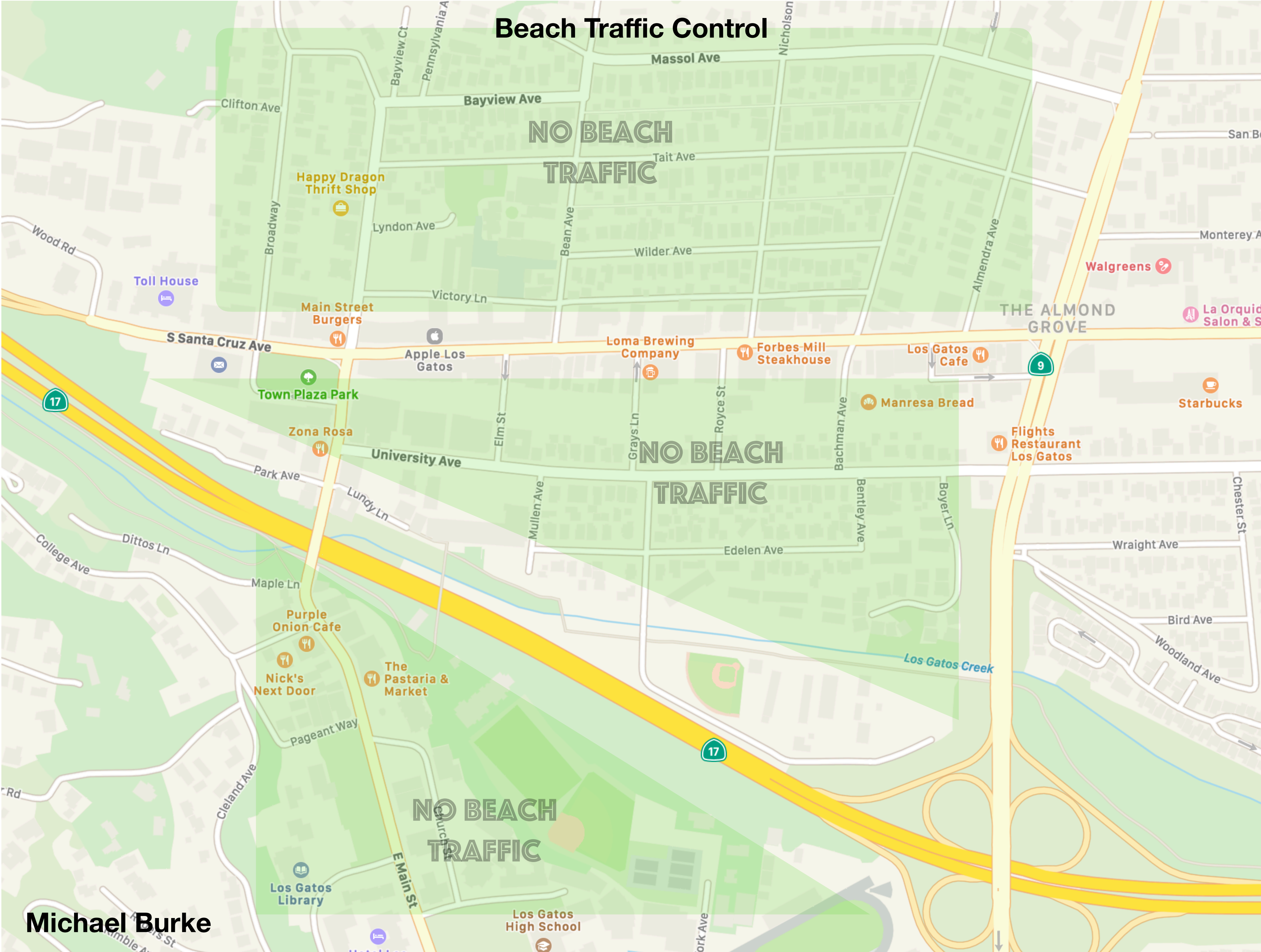
P.O. Box 2143 Los Gatos, CA 95031

Seasonal Turning Restrictions



Michael Burke

Beach Traffic Control



Michael Burke

From: drdresti@aol.com <drdresti@aol.com>
Sent: Saturday, September 28, 2019 12:34 PM
To: Experience LG <ExperienceLG@losgatosca.gov>
Subject: Feedback/ Traffic in Los Gatos

Dear Town Council of Los Gatos:

I read the article today in the Los Gatos Magazine and wanted to write to you for some feedback about the traffic situation both on North Santa Cruz Avenue and Los Gatos Blvd. This is a dire situation.

I have lived in Los Gatos for 65 years and although I understand the importance of growth I don't find that the one way dividers work well down town on N. Santa Cruz Avenue. I've spoken to many of the store owners and it is hurting their business where some have mentioned they will have to either close or close on weekends. From a resident perspective the down town is a mess with barriers and traffic backed up everywhere. Although I am supposed to be writing about some solutions, I may not have any but do know that we need to try something else. I know there are traffic flow experts that may shed some light on the subject-find them!

Los Gatos Blvd is a living nightmare for those of us that live on this side of downtown. I personally can not get anywhere during the weekdays as school is being let out and on the weekend there is no way I can get out of my house unless I take all back streets. This is a major congestion. What is going to happen when buildings go up where the Artisan Wine is currently? Parents pick up their kids there currently as another outlet from RJ Fisher. Foreseeable accidents will happen- there are kids everywhere and it's a mess. My son was actually hit in the cross walk in front of Van Meter when he was in 5th grade. It is worse now.

The beach traffic needs to be dealt with on weekends. The GPS systems need to be monitored or reprogramed. I would think that folks would have learned by now that it isn't any faster to crawl through Los Gatos Blvd to get onto Highway 17. I am hoping that you can find some engineers to get us some solutions.

The word out there is that more people just go to Campbell because it is easier to get to and park. The restaurants are thriving and they are building up their social life with young folks. Los Gatos has always been a great destination and quaint town and it has become a mess.

PLEASE understand that I realize you have heard my comments from others and you are looking for solutions but I think that the problem goes beyond your council. Hire some experts and get some subject expertise to fix these problems! We pay way too much to live in this wonderful place to watch it fail...

Thanks for listening!

Deanna Dresti

drdresti@aol.com

From: Gayle <ghbloomer@aol.com>
Sent: Saturday, September 28, 2019 10:25 AM
To: Experience LG <ExperienceLG@losgatosca.gov>
Subject: One way on N. Santa Cruz

We live on University and have been negatively impacted with the pilot program on N. Santa Cruz. It's unacceptable that we have to feel the brunt of the one way change. I'm glad it's only a pilot program and will change back the end of October. Our street has become unsafe and unhealthy with the amount of traffic. It's bad enough to have to deal with the beach traffic and then the school traffic, were in gridlock! The town council will have to figure out something else if they want to keep the park-lets.

Gayle Bloom
122 University Ave.

From: Dianne Rhudy <rootrhudy@aol.com>
Sent: Saturday, September 28, 2019 9:56 AM
To: Experience LG <ExperienceLG@losgatosca.gov>
Subject: Traffic experiment

My home is at 122 University. I have lived here for 45 years. I may be the oldest and longest continual resident on the street. The experiment has seriously affected my quality of life. It has turned my residential street into a boulevard. Traffic backs up many times a day with the ensuing exhaust very troublesome. I can no longer open my windows due to noise and bad air. Unsafe exit from my driveway is a worry. I have to jut out in traffic to get on the road. I do appreciate that we were trying to improve the quality of our downtown experience but it is very detrimental to us on University Avenue. I am very concerned about an escape route in the case of fire or other emergency. Please do not proceed with this becoming permanent. Dianne Rhudy Sent from my iPad

From: Jim Foley <jimfoley@lacanadainvestments.com>

Sent: Friday, September 27, 2019 3:58 PM

To: Council <Council@losgatosca.gov>

Cc: Robert Schultz <RSchultz@losgatosca.gov>; Monica Renn <mrenn@losgatosca.gov>; Clerk <Clerk@losgatosca.gov>; Matt Morley <MMorley@losgatosca.gov>; Joel Paulson <jpaulson@losgatosca.gov>; Laurel Prevetti <LPrevetti@losgatosca.gov>

Subject: Letter regarding Policy Changes and One Way Pilot

Please find attached a letter for these subjects scheduled to be discussed at next week's Town Council meeting.

Thank you,

Jim Foley

(408) 813-7490



Honorable Mayor and Town Council,

2019 has shown tremendous progress towards revitalizing downtown Los Gatos under your guidance. The 13+ policy changes, among other efforts including but not limited to the one-way street trial on North Santa Cruz Ave and the Parklet Program, have set Los Gatos up to compete with other newer and more vibrant dining and entertainment districts in the South Bay and on the Peninsula. While progress has been made, in order to achieve the goals we all share, more time is needed to test and implement the vision provided by these critical policy changes. Any policy change set to sunset or have any limitation needs to be made permanent at this time. Town Council always has the option to invoke future policy changes if any issues arise.

Regarding the policy changes, we have only just begun to see some new restaurants and businesses locate in Los Gatos. In fact, as of this date, not one of the businesses that has been able to take advantage of the suspension of ordinance 2021 or the policy on formula retail has opened for business. There are two very exciting tenants that are locating on two of the hard corners of N Santa Cruz and Main St. and each business has utilized each of the aforementioned policy changes. They will be wonderful additions that will attract more diners and shoppers to downtown, but we need more. There are several in the pipeline but the new mantra of "Los Gatos is Open for Business" needs to proliferate further, and prove to other less confident members of the business community that the message is true and we want them to embrace Los Gatos and bring their businesses here.

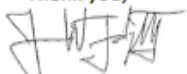
Regarding the policy changes like the rescission of the alcoholic beverage policy, the entertainment by right prior to 10pm, the policy on outdoor seating, the traffic impact fee, and the de-coupling of seats to parking, these adjustments have already demonstrated very evident change in the existing restaurants and many are experiencing more success. Many of the restaurants are still unaware of these changes and/or are just beginning to explore taking advantage of the changes.

Regarding the one-way street trial, while we have heard many complaints from the community, we have heard equally as many members of the community embrace it or say they are indifferent. Many people find the parking quite easy. We are continually seeing more people enjoying the temporary parklets. With the more permanent parklets on the way in coming weeks, we feel it would be a shame to go through the pain of reverting the street configuration at this time. This configuration needs longer testing and if the configuration requires change in any way it should evolve to test something different or better and not simply revert back to the way it was. Keep progress moving forward.

Future considerations to be made by the council to further promote the vision include but are not limited to supporting the PBID process, reevaluating the traffic impact fee, creating an incentive program for new businesses in the commercial core, and improving the bottlenecks with the building department in order to expedite plan checks and issuance of building permits for tenant improvements and small redevelopment projects.

We feel patience is prudent in all of these matters and continue to support and embrace the direction the Town is headed under your leadership.

Thank you,



Jim Foley

La Cañada Investments, LLC

From: Rudy Rucker, Sr. <rudyrucker.com>
Sent: Friday, September 27, 2019 8:54 AM
To: Council <Council@losgatosca.gov>
Subject: Against the Change to Santa Cruz Ave

I'm writing to oppose the new traffic configuration on Santa Cruz Avenue.

- (1) Instead of having four traffic lanes on Santa Cruz Avenue and University Avenue we now have three. Therefore north-bound traffic on University Ave is now jammed. And it's tedious to maneuver on and off Santa Cruz Ave.
- (2) Santa Cruz Ave now has less traffic and less life. The diagonally parked cars block a driver's view of the stores. Where the avenue felt vibrant and lively , it now feels like a small town off an Interstate in a rural area.
- (3) It's hard to maneuver one's way to a store if you have to drive past the store's block on University, go over to Santa Cruz, and drive south.
- (4) Although the street parks are nice, they're not worth the price of ruining the avenue. Why not keep a few of the street parks and sacrifice a few parking spaces.

Thanks for considering my input,

Rudy Rucker
50 Kimble Ave
Los Gatos CA

From: Sylvia Rucker <sylvia@monkeybrains.net>
Sent: Friday, September 27, 2019 9:16 AM
To: Council <Council@losgatosca.gov>
Subject: Downtown one-way pilot

To the Los Gatos council members:

As a long-time (33 years) resident of Los Gatos, I have seen our town grow in many positive ways. But along with growth and development, traffic in and near downtown has become more and more problematic, due in no small part to internet apps that reroute commuters onto our main streets. This summer, the town decided to make Santa Cruz Avenue one-way and to add parklets along several blocks. This was a disastrous decision that has resulted in even more traffic tie-ups and impassable streets downtown. Living as I do very near downtown, just above the library, I worry about being unable to drive into or out of my neighborhood safely in case of fire or other emergency. On my side of town, traffic along Main St, University Ave, and Los Gatos Blvd is at a standstill at way too many times each weekday and even more so on weekends. This problem has grown tremendously since Santa Cruz Ave has become one-way. And who needs those unsightly parklets?! I have seen very few people using them. Judging from the large number of empty storefronts downtown, the town's decision has not helped merchants either. I urge the council to bring two-way circulation back to Santa Cruz Ave, to get rid of the unnecessary parklets, and to reinstitute parallel parking, which allows better visibility of curbside businesses.

Sincerely,
Sylvia Rucker
Sylvia@monkeybrains.net

From: L Force <ll302651@gmail.com>
Sent: Thursday, September 26, 2019 1:48 PM
To: Experience LG <ExperienceLG@losgatosca.gov>
Subject: LG N SC Pilot Program Summer 2019

Dear LG "Experience" Team,

Not only did this "experience" destroy the look and charm of N Santa Cruz Avenue, it also wreaked havoc on residential streets that had to support the northbound traffic primarily on University, Tait and Massol.

It also did nothing to alleviate southbound/beach traffic gridlock this summer.

It has only been the past two weeks that I've noticed hoses to take some traffic measurements. You did not do it prior to the Pilot, or at the height of summer time. The data that you gather will not be a complete, whole picture.

A child was hit by a car in August because Waze directed the driver onto Tait due to the closure of northbound N SC. YOU are partly responsible for her fractured pelvis, broken nose, multiple abrasions and bruising.

When I heard about the Pilot, I vowed to boycott all independent businesses and Restaurants on N SC during the Pilot and now will boycott through the end of 2019.

I will expect to "experience" mimes/street performers/beggars - a la Pier 39 in SF -.
The people sitting in the Parklets were not shopping, were not dining, were not spending money, they were sitting next to traffic breathing pollution.

This Pilot was a Failure, Disaster, Not Good.

L. Force
Homeowner on Tait Avenue



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 10/01/2019

ITEM NO: 12

DESK ITEM

DATE: October 1, 2019
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Provide Feedback and Direction on the Downtown One-Way Pilot Project

REMARKS:

Attachment 3 contains public comment received from 11:01 a.m., Monday, September 30, 2019, though 11:00 a.m., Tuesday, October 1, 2019.

Attachments:

1. Public comments received through 11:00 a.m., Thursday, September 26, 2019.
2. Public comments received between 11:01 a.m., Thursday, September 26, 2019 and 11:00 a.m., Monday, September 30, 2019.

Attachment Received with this Desk Item:

3. Public comments received from 11:01 a.m., Monday, September 30, 2019, though 11:00 a.m., Tuesday, October 1, 2019.

PREPARED BY: Matt Morley
Parks and Public Works Director

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

From: Kim Vrijen <kim_vrijen@yahoo.com>
Sent: Tuesday, October 01, 2019 10:59 AM
To: Experience LG <ExperienceLG@losgatosca.gov>
Subject: One Way and Parklets

Hello -

I am writing to express my interest in having the parklets and one-way traffic on N Santa Cruz become permanent additions. I like the one-way traffic for several reasons. First, I like that it is easier to find parking. Before, you had to choose which direction to approach downtown in the hope that you would choose correctly and find an open space on your side of the street. Inevitably, the only spaces would be facing the opposite direction and, by the time you drove around the block, the space would be gone. Second, once you find a space, it is much easier to park. Pulling in to the angled spots is much faster than backing into the spaces on the side. Finally, as a pedestrian, it is much safer to cross the road. All cars are coming from one direction and there is only one car at a time to worry about. This makes it much easier and safer to cross the road. I also like the idea of the parklets and expect the permanent versions will be pleasant places to sit. I would love to have more outside dining options in LG. I am not sure how quickly permanent parklets would happen, but one idea is for Holiday time, you could allow outdoor pop-ups either all the time or for the weekends in December. One parklet could be an outdoor hot chocolate stand. Downtown LG would have a Christmas market feel which would, hopefully, attract more people to the downtown area.

Thank you for all the time you invest to make Los Gatos a fantastic place to live,
Km

From: REDEMPTION <shopredemption@gmail.com>
Sent: Tuesday, October 01, 2019 10:01 AM
To: Experience LG <ExperienceLG@losgatosca.gov>
Subject: One way and parklet pilot

To the Town

My name is David MacGregor and my wife Tammy and I own Redemption, a California based retail store located at 25 N Santa Cruz. We have been open at this location just over a year, as well as having our first location in Campbell that we opened in 2015. I am also a recent sign on to the Chamber of Commerce board, where I am one of the only retail representatives.

It is our view that the One way and Parklet program has had a positive effect on the downtown, and we hope that this is the first step towards wider sidewalks in the Downtown proper, as that would be our ultimate best scenario. We would even like to see the program extend past the October deadline and into the holiday season in order to gain more data. It is also my understanding that the general feeling among downtown merchants about the program is a positive one.

The overwhelming feedback we have received from our frequent daily discussions with customers however, is that the design and aesthetic of the parklets leave a lot to be desired. I believe that this feeling is echoed by the merchants. If it is feasible to extend the parklet program then, it would be extremely beneficial to the overall excitement and acceptance by the merchants and visitors alike to revisit the design and layout of the parklets. Now that there is some data on how they've been used, it could be useful to focus the program on only the parklets that were most used, and work on making them more appealing visually. The program is a good idea, we feel it just needs some area focus and increased aesthetic appeal.

Warm regards

Tammy and David
REDEMPTION

[+1 \(408\) 628 4877](tel:+14086284877)

241a E Campbell Ave
Campbell, CA 95008

+1 (408) 402 3888
25 N Santa Cruz Ave
Los Gatos, CA 95030

From: Maria Ristow <ristows@comcast.net>

Sent: Tuesday, October 1, 2019 9:13 AM

To: Council <Council@losgatosca.gov>; Matt Morley <MMorley@losgatosca.gov>

Subject: One-Way Pilot on Santa Cruz Avenue

In my opinion, Santa Cruz Avenue should primarily accommodate active and outdoor use of the space. Two-way car and bike traffic flow with additional sitting, recreating and dining space (through the use right now of parklets) seem to me to be the best use of the limited space. Ultimately, the sidewalks should be widened on each side of the street for all or much of the stretch between Highway 9 and Main Street, reducing or eliminating on-street parking.

We know that when people really want to come downtown, parking is NOT a top issue. They figure it out. We have large crowds regularly at Jazz in the Plazz, Music in the Park, and most recently, Eat Drink Play Los Gatos. Somehow people get to town and if they drive, they find a place to store their cars. Of all the ways we can make Los Gatos more vibrant and welcoming, parking is not the primary issue.

The parking study underway is already showing that we can improve parking issues through better use of the space we have with directing signage, encouraging employees to park a bit further away, and possibly partnering with banks and other businesses to share underutilized private lots. I would like to have Dixon Consulting look at the impact of further reducing or eliminating parking on Santa Cruz to see if this is possible.

The only justification for keeping Santa Cruz Avenue one-way would be to retain the angle parking. While a driversnumber of prefer angle parking to parallel, there is usually ample parking in the lots behind the businesses, which is easy to pull in and out. The angle parking, as others have pointed out, create a larger visual blockage of the shops and sidewalks than the parallel parking. It is the opposite of a pedestrian-friendly feel. The parking study should give us ways to improve parking allocation and utilization without turning Santa Cruz Avenue into another parking lot.

The downsides of the one-way configuration include greatly increased traffic impacts on University Avenue and increased traffic on Tait and Massol Avenues, all residential streets. Santa Cruz Avenue is our main downtown street and that is where the cars coming to town should be traveling, at the nice friendly speed of 15mph.

Regarding bike traffic, the one-way makes cycling downtown more difficult. For northbound cyclists, there is no good option. University is more crowded with cars, and drivers are not patient with cyclists who must take the lane. I regularly observed cyclists traveling the wrong way on the Santa Cruz or riding on the sidewalks. For southbound cyclists, the bike lane is little improvement, as it only exist for a couple of blocks.

I think we learned many things from the one-way pilot program, and I remain supportive of the Town Council and staff for exploring a variety of options at once. Now I advocate returning to two-way traffic movement for the entire length of Santa Cruz Avenue and focus on parklets and sidewalk space. We have business-sponsored parklets coming in, and I'm looking forward to more outdoor dining. I have one request for the Town regarding parklets. It would be great to retain one town-controlled parklet, with the piano and chess board and seats, in front of a retail shop, somewhere close to the middle of Santa Cruz Avenue. It should meet the design standards of the permanent parklets going in. It was fun

this summer to have more people-oriented activity along the street.

Thank you for experimenting, measuring and evaluating. Sometimes we need to actually test something out to understand it.

Maria Ristow
85 Broadway

From: Maria Ristow <ristows@comcast.net>

Sent: Monday, September 30, 2019 4:07 PM

To: Council <Council@losgatosca.gov>; Matt Morley <MMorley@losgatosca.gov>

Subject: One-way pilot comments from cyclists

I am passing along input from some bike club members regarding the Santa Cruz Avenue One-Way Pilot program. Maria Ristow

A cyclist who is riding north from, say, Lexington Reservoir, needs a way to get through Los Gatos and onto Highway 9 to head toward Saratoga and points north. We need a way to make that left turn onto Highway 9 at a light, because otherwise we won't be able to do it. If the city wants us to use University Avenue instead of Santa Cruz Avenue, fine, but since University is narrow, we're going to have to take the lane and that will delay motorists. I have absolutely no problem taking the lane, and will do it without a second thought, but Los Gatos needs to think whether it wants the cyclists who come off the trail down from Lexington to ride on University, or whether they have some other plan that cyclists will find just as good.

-- Anne Paulson

Hi Maria,

For me, it makes no difference - I always avoid biking on Santa Cruz Avenue.

My preferred biking routes are:

from home to downtown: LG Blvd/E Main, sometimes using Bella Vista

to home skirting downtown and the Hwy 17 crossing: Tait/W Main/E Main/LG Blvd

For what it's worth, I avoid driving through downtown on Santa Cruz Avenue, too. I find it too slow and chaotic with all the pedestrian crossings.

- Pat

Hello, Maria, I don't ride in Los Gatos so can't comment on this situation but thought I'd toss this note into the mix: I've ridden in cities and towns in Belgium where any one-way street provides two-way access for cyclists. That is, it's one-way for cars, two-way for cyclists. This tends to encourage people to ride their bikes rather than drive—in fact I think in some places there are lots of one-way streets specifically to tilt the advantage to cycling.

Likely you know this already but your questions brought it to my mind.

Thank you for your work in this area! - I.

Hi Maria,

I actually don't ride on Santa Cruz southbound, and I ride University instead (actually I didn't know they turned it into a one way street). I typically ride on Main Street, as it becomes Los Gatos Blvd, so I can go on Kennedy. I only do this so I can avoid cycling on Hwy 9, to get through the freeway overpass, which can be troublesome with car traffic merging in and out of onramp/offramps. If I had to ride Northbound, I would use University as an alternative, but I would not like it if University became a one-way street northbound (as I wouldn't want to ride Santa Cruz southbound as my only route into downtown). Hope this make sense.

Thanks.

Ron

Biking from Main Street to Highway 9 is terrible now. University is crowded and cars are not patient with cyclists who have to take the lane. In the early morning I will just ride on the sidewalk up Santa Cruz. In the afternoons I cut through the parking lots. I don't like either of these options, but they are better than trying to deal with all the angry car drivers on University. L.

From: Garnetta Annable <garnetta_annable@hotmail.com>

Sent: Monday, September 30, 2019 2:07 PM

To: Matt Morley <MMorley@losgatosca.gov>; Laurel Prevetti <LPrevetti@losgatosca.gov>; Steven Leonardis <SLeonardis@losgatosca.gov>

Cc: ristows@comcast.net

Subject: Impact on bicyclists - Santa Cruz Ave Changes

We business patrons and visitors to Los Gatos but not Los Gatos Town residents. Our visits include cycling through Los Gatos 2 to 3 times a week as part of our exercise routine.

Regarding Santa Cruz Ave (SC) impacts on cyclist, previously from Main, we cycled SC north to Hwy 9. SC was the preferred route because the roadway at intersection of SC and Hwy 9 is flat. Also, the turn lane traffic light timing is set well to allow adequate time for the left turn West on to Hwy 9. Forcing north bound motorist and cyclist on to University has created dangerous and frustrating experience for both. The dangerous situation is primarily making a westbound left off or University. At the intersection of University and Hwy 9 the roadway is inclined significantly. From a stopped position, it takes cyclists longer to push off and navigate the incline whether turning left or continuing straight. This creates danger for the cyclist and frustration for motorists. Our current work around the intersection problem is problematic also. Currently we make a left turn west from University onto Bachman to reach SC. It is dangerous because of the increased traffic on University caused by the SC diversion, lack of bicycle route signage, and no traffic light or stop signs at the intersection of Bachman with University.

If LG decides to maintain the SC changes permanently, the timing for lights at the intersection of University and Hwy 9 need to be significantly increased for west bound left turns and crossing Hwy 9 for cyclists. Also a bicycle lane or bicycle route signage painted large on University would create more awareness of types of traffic and be safer.

I hope these comments will be helpful to you and council as you review and determine your next steps.

Garnetta Annable
951 Dry Creek Road
Campbell, CA
(408) 371-9210

Town Council Meeting 10/1/2019

ONE WAY STREET PILOT PROGRAM RECAP









NEXT STEPS

1. Should any element of the Pilot remain after October 31?
2. Was the one-way portion of the pilot successful given the change in traffic patterns that occurred?
3. Was the diagonal parking successful?
4. Is a reduction of on street parking to achieve wider sidewalks something that should be incorporated into the parking study?
5. Other input, especially that might impact future capital investments?



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 10/01/2019

ITEM NO: 13

DATE: September 25, 2019
TO: Mayor and Town Council
FROM: Robert Schultz, Town Attorney
SUBJECT: Review of Citizen Ballot Initiative Amending the Los Gatos Town Code
Regarding Term Limits for Council Members

RECOMMENDATION:

It is recommended that the Town Council review this report and provide any direction to staff .

BACKGROUND:

On September 3, 2019, a Notice of Intent to Circulate Petition proposing an amendment to the Los Gatos Town Code was submitted to the Town Clerk. This ballot measure would amend the Los Gatos Town Code to add term limitations for members of the Town Council. Presently, persons serving as Council members serve four-year terms and can serve unlimited terms. This measure would eliminate the ability to serve unlimited terms and create a limit of two consecutive terms for Council members. After serving two consecutive terms, a Council member would not be eligible to serve an additional term until at least four years have elapsed since that Council member last held office. Under State Law, the ballot measure must operate prospectively, so that any time served by a person serving in office before certification of the 2020 election, would not count toward the term limit thereafter.

Attachment A is a Copy of the Notice of Intent to Circulate Petition and Attachment B is the Ballot Title and Summary, as mandated and prepared by the Town Attorney.

DISCUSSION:

Procedural requirements for placing a local initiative on the ballot parallel those for qualifying a statewide proposition. After drafting an initiative measure, proponents must file a "notice of

PREPARED BY: Robert Schultz
Town Attorney

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

SUBJECT: Review of Citizen Ballot Initiative Amending the Los Gatos Town Code Regarding
Term Limits for Council Members

DATE: September 25, 2019

intention” to circulate a petition for signatures with the Town Clerk, along with the text of the proposed measure and a request for ballot title and summary. The Town Clerk forwards the request to the Town Attorney, who has 15 days to return an impartial ballot title and summary. Proponents must publish the notice of intention, ballot title, and summary in the local newspaper of general circulation. Next, proponents have 180 days from the receipt of the ballot title and summary to circulate a petition for the requisite signatures.

Under State law, term limits can only be enacted by the voters at a regularly scheduled election. The next regularly scheduled election is November 2020. Since a term limits ballot measure must be held at a regularly scheduled election, the Petition will need a minimum of 10% of the registered voter population which equates to approximately 2,090 registered voters.

Upon receiving an initiative petition, the Town Clerk must verify the number of signatures obtained and their eligibility within 30 days. In the interim, the Town Council may refer the proposed measure for a report on its fiscal impact, consistency with the General Plan, and other effects. Reports must be received within 30 days after the Town Clerk has certified the sufficiency of the petition. If the Town Clerk determines that the requisite number of valid signatures has been gathered, he or she submits the initiative to the Town Council. A local government cannot refuse to place a duly certified initiative on the ballot.

Instead of waiting to see if the petitions qualify for the ballot, the Town Council could on its own direct staff to prepare resolutions to place all, part, or none of the term limit ballot measures on the November 2020 general election.

CONCLUSION:

This is primarily an informational report for Council consideration and to direct staff accordingly.

**RECEIVED
TOWN OF LOS GATOS**

SEP 03 2019

August 9, 2019

CLERK DEPARTMENT

Ms. Shelley Neis
Los Gatos Town Clerk
110 East Main Street
Los Gatos, CA 95030

RE: Request for Title and Summary

Dear Ms. Neis:

As the proponents of the "Los Gatos Town Council Term Limits Initiative" (the "measure"), we hereby give notice of our intention to circulate a petition within the Town of Los Gatos for the purpose of amending the Los Gatos Municipal Code to implement new term limits for Los Gatos Town Council Members.

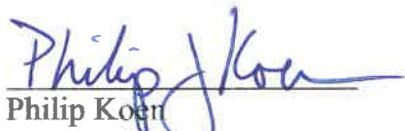
Attached are the Notice of Intent, the full text of the measure, the statements required by California Elections Code section 9608, and a check for the amount of \$200. Pursuant to California Elections Code sections 9202 and 9203, we request that the Los Gatos Town Attorney timely prepare a Title & Summary of the measure so that we may comply with the publication requirements and begin circulating the petition.

Please send all correspondence related to the measure to our attorney at the following office address and email address:

Samuel J. Harvey
The Sutton Law Firm
150 Post Street, Suite 405
San Francisco, CA 94108
(sharvey@campaignlawyers.com)

Thank you for your assistance with this matter.

Sincerely,



Philip Koen
88 Wissahickon Ave.
Los Gatos, CA 95030



Richard Van Hoesen
156 Villa Ave.
Los Gatos, CA 95030



Jak Van Nada
165 Euclid Ave.
Los Gatos, CA 95030

Enclosures

NOTICE OF INTENT TO CIRCULATE PETITION

Notice is hereby given by the persons whose names appear hereon of their intention to circulate the petition within the Town of Los Gatos for the purpose of amending the Los Gatos Municipal Code to implement new Town Council term limits within the Town of Los Gatos. A statement of the reasons for the proposed action as contemplated in the petition is as follows:

This ordinance implements new Town Council term limits within the Town of Los Gatos by:

Instituting a term limit on Town Council members of two consecutive four-year terms; and

Promoting more competitive and inclusive elections by limiting how long a Town Council member may serve; and

Allowing Town Council members who have served two consecutive terms to return to office if elected after leaving office for four years.



Phil Koen



Jak Van Nada

Richard H. Van Hoesen

Proponents' Signed Statements Pursuant to California Elections Code Section 9608

I, Philip J. Koen, acknowledge that it is a misdemeanor under state law (California Elections Code section 18650) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.


Philip J. Koen

Dated this 31 day of July, 2019.

I, Jack Van Nada, acknowledge that it is a misdemeanor under state law (California Elections Code section 18650) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.


Jack Van Nada

Dated this 31 day of July, 2019.

I, Richard H. Van Hoesen, acknowledge that it is a misdemeanor under state law (California Elections Code section 18650) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.


Richard H. Van Hoesen

Dated this 31st day of July, 2019.

LOS GATOS TOWN COUNCIL TERM LIMITS INITIATIVE

BE IT ORDAINED by the People of the Town of Los Gatos as follows:

Section 1. Title.

This measure shall be known and may be referred to as the “Town Council Term Limits Initiative.”

Section 2. Findings and Declarations.

WHEREAS, the Los Gatos Town Council consists of five Council members; and

WHEREAS, Los Gatos Town Council members are elected to serve staggered four-year terms; and

WHEREAS, the Town of Los Gatos currently does not have term limits for Town Council members; and

WHEREAS, term limits encourage competitive elections and foster increased citizen participation in seeking elective office; and

WHEREAS, term limits encourage diversity among the members of the Town Council; and

WHEREAS, term limits provide voters with more choices about who will represent them; and

WHEREAS, California Government Code section 36502 authorizes the People of Los Gatos to adopt by initiative a limit on the number of terms a member of the Town Council may serve; and

WHEREAS, the People of Los Gatos support a term limit of two consecutive four-year terms; and

WHEREAS, after serving two consecutive terms, a person should not be eligible to serve an additional term until at least four years have elapsed since that person last held office; and

WHEREAS, a person appointed or elected to serve a partial term of two years or

less should be eligible to serve an additional two consecutive four-year terms; and

WHEREAS, applying prospectively on or after the effective date of this ordinance, a partial term of more than two years should be deemed to be one full term; and

WHEREAS, the People of Los Gatos intend for sitting Town Council members as of the effective date of this ordinance to have the remainder of their current terms count as the first of their two consecutive terms.

NOW, THEREFORE, the People of the Town of Los Gatos do ordain as follows:

Section 3. Section 2.20.040 is hereby added to the Los Gatos Town Code to read in its entirety as follows:

Section 2.20.040. - Term Limits.

- (a) The term of office for each member of the Town Council shall be four years.
- (b) No person shall serve more than two consecutive terms as a member of the Town Council.
- (c) Any person who has served two consecutive terms shall not serve again, either by election or appointment, until at least four years have elapsed since that person last held office.
- (d) For purposes of this section, any person appointed or elected to the Town Council to fill an unexpired term of two years or less in length shall thereafter be eligible to serve two consecutive terms upon the expiration of the partial term for which that person was appointed or elected.
- (e) Applying prospectively as of the effective date of this ordinance, any portion of a term of office longer than two years shall be deemed to be a full term for the purpose of the limit imposed by this section.
- (f) Any member of the Town Council who resigns from or otherwise leaves office during a term shall be deemed to have served the entirety of that term for the purpose of the limit imposed by this section, regardless of the length of time remaining in the term.

Section 4. Earliest Possible Election.

The People of Los Gatos hereby expressly request that, if not adopted by the Town Council, this measure be submitted to the voters of Los Gatos at the earliest time allowable by law.

Section 5. Severability.

Should any provision of this measure, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable, or otherwise void, voidable, or invalid, that determination shall have no effect on any other provision, or the application of this measure to any other person or circumstance and, to that end, the provisions hereof are severable. By approving this measure, the voters express their intent that each section and subsection would have been adopted irrespective of whether any one or more sections or subsections are found to be invalid or unconstitutional, and that each section and subsection is therefore explicitly severable, part-by-part, phrase-by-phrase, and word-by-word, and that if any portion is determined by a court of competent jurisdiction to be unlawful, unenforceable, or otherwise void, voidable, or invalid, that the least amount of language be severed from the ordinance.

Section 6. Competing Initiatives/Measures.

This measure is intended to be comprehensive. It is the intent of the People of Los Gatos that, in the event this measure and one or more measures relating to the same subject shall appear on the same ballot, the provisions of the other measure or measures shall be deemed in conflict with this measure. In the event that this measure receives a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and all provisions of the other measure or measures shall be null and void. If this measure is approved by a majority of the voters but does not receive a greater number of affirmative votes than any other measure or measures appearing on the same ballot regarding the creation of term limits, then this measure shall take effect to the extent not in conflict with said other measure or measures.

Section 7. Effective Date.

This measure shall be considered adopted and become effective upon the date of the election which it was approved by the voters.

Section 8. Liberal Construction.

This measure is an exercise of the initiative power of the People of Los Gatos to create term limits for service on the Town Council, and shall be liberally construed to effectuate that purpose.

Section 9. Legal Defense.

The People of Los Gatos desire that this measure, if approved by a simple majority of voters, and thereafter challenged in court, be defended by the Town of Los Gatos. The People of Los Gatos, by approving this measure by a simple majority of voters, hereby declare that the proponent(s) of this measure have a direct and personal stake in defending this measure from constitutional or statutory challenges to the measure's validity or implementation. In the event the Town fails to defend this measure, or the Town fails to appeal an adverse judgment against the constitutionality, statutory permissibility or implementation of this measure, in whole or in part, in any court of law, the measure's proponent(s) shall be entitled to assert his, her or their direct personal stake by defending the measure's validity and implementation in any court of law and shall be empowered by the People through this measure to act as agents of the People of Los Gatos, and the Town of Los Gatos shall indemnify the proponent(s) for reasonable expenses and other losses incurred by the proponent(s), as agent(s), in defending the validity and/or implementation of the challenged measure. The rate of indemnification shall be no more than the amount it would cost the Town to perform the defense itself.

THE SUTTON LAW FIRM
150 POST STREET, SUITE 405
SAN FRANCISCO, CA 94108

WELLS FARGO BANK, N.A.
www.wellsfargo.com
11-4288/1210

9121

8/28/19

PAY TO THE
ORDER OF

Los Gatos Town Clerk

\$ 200.00

Two Hundred & 00/100 *****

DOLLARS

MEMO

Initiative Filing Fee


AUTHORIZED SIGNATURE

⑈0000009121⑈ ⑆121042882⑆ 1727416941⑈

THE SUTTON LAW FIRM

9121

8/28/19

Los Gatos Town Clerk

200.00

Two Hundred & 00/100 *****

Initiative Filing Fee

The Town Attorney has prepared the following title and summary of the chief purpose and points of the proposed measure:

BALLOT TITLE

A CITIZEN'S INITIATIVE MEASURE AMENDING THE TOWN CODE TO LIMIT THE TIME A PERSON MAY SERVE ON THE TOWN COUNCIL TO TWO CONSECUTIVE TERMS

BALLOT SUMMARY


The Los Gatos Town Council consists of five members, each elected by the voters to serve for a four-year term. Currently, the Town Code does not limit the number of terms that a person may serve on the Town Council.

This initiative would amend the Los Gatos Town Code to impose terms limit on Council Members in the following manner:

- a) No person shall serve more than two consecutive terms as a member of the Town Council.
- b) Any person who has served two consecutive terms shall not serve again, either by election or appointment, until at least four years have elapsed since that person last held office.
- c) Any person serving an unexpired term of two years or less in length shall thereafter be eligible to serve two consecutive terms upon the expiration of the partial term for which that person was appointed or elected.
- d) Applying prospectively as of the effective date of this ordinance, any portion of a term of office longer than two years shall be deemed to be a full term for the purpose of the limit imposed by this section.
- e) Any member of the Town Council who resigns from or otherwise leaves office during a term shall be deemed to have served the entirety of that term.
- f) Any member of the Town Council who resigns from or otherwise leaves office during a term shall be deemed to have served the entirety of that term for the purpose of the limit imposed by this section, regardless of the length of time remaining in the term.

This ballot title and summary are hereby submitted to the elections official in conformance with California Elections Code Section 9203.

Dated: September 18, 2019


Robert Schultz
Town Attorney

Attest:


Michelle Radcliffe

**RECEIVED
TOWN OF LOS GATOS
SEP 18 2019**

CLERK DEPARTMENT



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 10/01/2019

ITEM NO: 13

ADDENDUM

DATE: September 30, 2019
TO: Mayor and Town Council
FROM: Robert Schultz, Town Attorney
SUBJECT: Review of Citizen Ballot Initiative Amending the Los Gatos Town Code
Regarding Term Limits for Council Members

REMARKS

Attachment C contains public comment received after the distribution of the staff report and before 11:00 a.m. on September 30, 2019.

Attachments:

- A. Notice of Intent to Circulate Petition
- B. Ballot Title and Summary – Term Limits

Attachment received with this Addendum:

- C. Public comment received after the distribution of the staff report and before 11:00 a.m. September 30, 2019.

PREPARED BY: Robert Schultz
Town Attorney

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

Subject:

FW: Agenda Item 13 of the October 1, 2019 Town Council meeting

Dear Honorable Mayor and Council Members,

At the March 5, 2019 Council meeting, the Council discussed whether or not a term limit measure should be put on the ballot for the next regularly scheduled election which would be November 2020. At that meeting, the Council voted 4 to 1 to “table” this item with no commitment that the term limit measure would be taken up again by this Council. We believe this is an important issue which deserves to be put in front of voters.

While the Town council can usually adopt the language of an initiative on its own, under state law, term limits must be approved by the voters. This can be done in one of two ways: (1) voters can circulate a petition and qualify for the ballot, or (2) the Town Council can vote to place a term limits measure on the ballot.

As you can see from the Town Attorney’s memo, we have prepared a term limit measure which we believe is balanced and thoughtful. We also believe there is wide voter support for term limits. We commenced the initiative process solely because the Council chose to not move forward to place a term limit measure on the ballot at the [March 5](#) meeting. This action was not in the best interest of the residents and we believe the residents should have the ability to vote on this matter.

At this point we recommend that the Council place the exact language of our proposed initiative on the ballot so the voters can decide the matter. There is simply no reason for the Council not to take this sensible step. As the Staff reported at the [March 5](#) meeting, 12 cities in Santa Clara County already have term limits in place. It is time for the Town of Los Gatos to have the ability to vote on whether or not to enact term limits.

Thank you.

Jak Van Nada
Rick VanHoesen
Phil Koen

Subject:

FW: Term Limit

From: Gerard Abraham <abraham.gerard@yahoo.com>

Sent: Monday, September 30, 2019 9:38 AM

To: Council <Council@losgatosca.gov>

Subject: Term Limit

Dear Council Members,

For the October 1st 2019 Council Meeting, regarding Item 13 of the agenda, I am writing this message to let you know that both my wife, Helene, and I do strongly support the “two term limit” for Council members.

Sincerely,

Gerard & Helene Abraham

639 San Benito Avenue,

Los Gatos, CA 95030

Subject:

FW: Town of Los Gatos Council

From: Brady, John <JBrady@savills.us>

Sent: Monday, September 30, 2019 9:39 AM

To: Laurel Prevetti <LPrevetti@losgatosca.gov>

Subject: Town of Los Gatos Council

As citizens of Los Gatos, please know and relay to Town Council, that John and Judy Brady **fully support** the Citizen Ballot Initiative Amending the Los Gatos Town Code, regarding Term Limits for Council Members.

John Brady
Vice Chairman

Savills, 550 S. Winchester Boulevard, Suite 600, San Jose, CA 95128



Tel : +1 408 551 5316
Mobile : +1 408 781 5153
Email : jbrady@savills.us
Website : www.savills.us



License 00580537
Corporate License 00388260

Subject:

FW: Term limits

From: Albright Karla M. <kmalbright@gmail.com>

Sent: Sunday, September 29, 2019 3:25 PM

To: Council <Council@losgatosca.gov>

Subject: Term limits

Dear Council Members:

I am writing in reference to the upcoming 10/1/19 council meeting- item 13

I would like to inform the Council that I support two term limits for Council.

Thank you for representing the town.

Karla Albright
119 Clover Way
LG 95032

Sent from my iPhone

Subject:

FW: Supporting term limits and campaign contribution limits

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

From: Heidi Owens <heidi.timmons.owens@gmail.com>

Sent: Sunday, September 29, 2019 9:58 AM

To: Council <Council@losgatosca.gov>

Subject: Supporting term limits and campaign contribution limits

Hello Town Council,

I support term limits and campaign contribution limits for the Town Council.

Heidi Owens

Sent from my iPhone