



**TOWN OF LOS GATOS
COUNCIL MEETING AGENDA *AMENDED
JANUARY 18, 2022
TELECONFERENCE
LOS GATOS, CA**

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

PARTICIPATION IN THE PUBLIC PROCESS

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

Effective Proceedings: The purpose of the Town Council meeting is to conduct the business of the community in an effective and efficient manner. For the benefit of the community, the Town of Los Gatos asks that you follow the Town’s meeting guidelines while attending Town Council meetings and treat everyone with respect and dignity. This is done by following meeting guidelines set forth in State law and in the Town Code. Disruptive conduct is not tolerated, including but not limited to: addressing the Town Council without first being recognized; interrupting speakers, Town Council or Town staff; continuing to speak after the allotted time has expired; failing to relinquish the podium when directed to do so; and repetitiously addressing the same subject. Disruption of the meeting may result in a violation of Penal Code 403.

Deadlines for Public Comment and Presentations are as follows:

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

***Town Council Meetings Broadcast Live on KCAT, Channel 15 (on Comcast) on the 1st and 3rd Tuesdays at 7:00 p.m.
Rebroadcast of Town Council Meetings on the 2nd and 4th Mondays at 7:00 p.m.
Live & Archived Council Meetings can be viewed by going to:
www.LosGatosCA.gov/TownYouTube***

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

COUNCIL MEETING AGENDA *AMENDED
JANUARY 18, 2022
TELECONFERENCE
7:00 PM

IMPORTANT NOTICE

This meeting is being conducted utilizing teleconferencing and electronic means consistent with Government Code Section 54953, as Amended by Assembly Bill 361, in response to the state of emergency relating to COVID-19 and enabling teleconferencing accommodations by suspending or waiving specified provisions in the Ralph M. Brown Act (Government Code § 54950 et seq.). Consistent with AB 361 and Town of Los Gatos Resolution 2021-044, this meeting will not be physically open to the public and the Council will be teleconferencing from remote locations. Members of the public can only participate in the meeting by joining the Zoom webinar (log in information provided below).

PARTICIPATION

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

- **Zoom webinar:** Join from a PC, Mac, iPad, iPhone or Android device: Please click this URL to join.
<https://us06web.zoom.us/j/88937889139?pwd=SUYzZ2puM00yNldLK3VBNjUydnBWQT09>. Passcode: 601502. You can also type in 889 3788 9139 in the “Join a Meeting” page on the Zoom website at <https://zoom.us/join>.
- **Join by telephone:** Join by Telephone: Dial: USA 877 336 1839 US Toll-free or 636-651-0008 US Toll. Conference code: 969184

When the Mayor announces the item for which you wish to speak, click the “raise hand” feature in Zoom. If you are participating by phone on the Zoom app, press *9 on your telephone keypad to raise your hand. If you are participating by calling in, press #2 on your telephone keypad to raise your hand.

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

If you are unable to participate in real-time, you may email to PublicComment@losgatosca.gov the subject line “Public Comment Item #__” (insert the item number relevant to your comment) or “Verbal Communications – Non-Agenda Item.” Comments received by 11:00 a.m. the day of the meeting will be reviewed and distributed before the meeting. All comments received will become part of the record.

RULES OF DECORUM AND CIVILITY

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

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

- addressing the town Council without first being recognized;
- interrupting speakers, Town Council, or Town staff;
- continuing to speak after the allotted time has expired;
- failing to relinquish the microphone when directed to do so;
- repetitiously addressing the same subject.

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

REMOTE LOCATION PARTICIPANTS *The following Council Members are listed to permit them to appear electronically or telephonically at the Town Council meeting: MAYOR ROB RENNIE, VICE MAYOR MARIA RISTOW, COUNCIL MEMBER MARY BADAME, COUNCIL MEMBER MATTHEW HUDES, and COUNCIL MEMBER MARICO SAYOC. All votes during the teleconferencing session will be conducted by roll call vote.*

MEETING CALL TO ORDER

ROLL CALL

PRESENTATIONS

- i. Commissioner End-of-Term Commendations.

COUNCIL / MANAGER MATTERS

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

1. Approve Draft Minutes of the December 14, 2021 Special Town Council Meeting - Commissioner Interviews.
2. Approve Draft Minutes of the December 14, 2021 Special Meeting of the Town Council.
3. Approve Draft Minutes of the December 21, 2021 Town Council Meeting.
4. Adopt a Resolution Reaffirming Resolution 2021-044 Regarding Brown Act Compliance and Teleconferencing and Making Findings Pursuant to Government Code Section 54953, as Amended by Assembly Bill 361, During the COVID -19 Pandemic.
5. Adopt a Resolution to Rescind the Los Gatos Boulevard Plan.
6. Actuarial Services Agreement:

- a. Authorize the Town Manager to Execute a Five-Year Agreement with Bartel Associates, LLC to Provide Actuarial Services for the Town of Los Gatos in Amount of \$170,400, Plus an Additional \$20,000 for Other Services as Required for a Total Agreement Amount Not to Exceed \$190,400; and,
- b. Approve an Expenditure Budget Adjustment in the Amount of \$11,000 from Available Capital/Special Projects Reserve.

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

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

7. Weed Abatement Program Public Hearing to Consider Objections to the Proposed Abatement of Hazardous Vegetation (Weeds) for Properties Listed on the 2022 Weed Abatement Program Commencement Report and Order the Abatement.

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

8. *Discuss and Provide Direction on the Following Actions to Continue the Town's Support of Economic Recovery and Community Vitality in Response to the Ongoing COVID-19 Pandemic, Including:
 - a. Extend the Temporary Krail from January 31, 2022 until May 1, 2022 to Allow for Construction to Begin on the Semi-Permanent Parklets;
 - b. Authorize an Expenditure Budget Adjustment in the Amount of \$28,000 from ARPA funding for Krail Rental;
 - c. Consider Delaying the Decision to Program Some of the Identified Public Parklet Locations until the Completion of the Semi-Permanent Parklet Program; and
 - d. Receive update on Grays Lane Plans and Provide Additional Direction on Programming the Public Areas for Placemaking.
9. Reconfirm Prior Music In the Park (MIP) Council Action.
10. Cannabis Consultant Services:
 - a. Authorize the Town Manager to Engage the Services of a Cannabis Consultant to Evaluate the Potential Taxation of Cannabis and Potential Amendments to the Town's Cannabis Ordinance in an Amount not to exceed \$50,000; and,
 - b. Approve an Expenditure Budget Adjustment in the Amount of \$50,000 from Available Capital/Special Projects Reserve.

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.

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



**DRAFT
Minutes of the Special Town Council Meeting – Commissioner Interviews
December 14, 2021**

The Town Council of the Town of Los Gatos conducted a special meeting utilizing teleconference and electronic means consistent with Government Code Section 54953, as Amended by Assembly Bill 361, in response to the state of emergency relating to COVID-19 and enabling teleconferencing accommodations by suspending or waiving specified provisions in the Ralph M. Brown Act (Government Code § 54950 et seq.) and Town of Los Gatos Resolution 2021-044 on Tuesday, December 14, 2021, at 4:30 p.m. to conduct Board, Commission, and Committee interviews.

MEETING CALLED TO ORDER AT 4:30 P.M.

ROLL CALL

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

Absent: None

VERBAL COMMUNICATIONS

No one spoke.

BOARD/COMMISSION/COMMITTEE INTERVIEWS

Council interviewed applicants for the vacant positions on Town Boards, Commissions, and Committees.

- **Arts and Culture Commission**
 - Claudia Dencker
 - Amy Fasnacht
 - Anne Lamborn
 - Kaitlyn Alicia-Romero
 - Tom Spilsbury

- **Community Health and Senior Services Commission**
 - Gary Barbin
 - Eleanor Yick

PAGE 2 OF 2

SUBJECT: Draft Minutes of the Special Town Council Meeting – Commissioner Interviews
of December 14, 2021

DATE: December 14, 2021

- **Complete Streets and Transportation Committee**

- Cheri Finalle Binkley
- Jean-Marc Blanchard
- Kevin Jones
- Ali Miano
- Jeff Thompson
- Cindy Walker

- **General Plan Committee**

- Susan Burnett

- **Library Board**

- Donna Brewster
- Claudia Dencker
- Lydia Norcia
- Leticia Ramos
- Anita Wolf

- **Parks Commission**

- Jean-Marc Blanchard
- Brant Corenson
- Matthew Ober

- **Personnel Board**

- Edward Matchak

- **Planning Commission**

- Kylie Clark
- Steve Raspe
- Chris Ray

SPECIAL MEETING ADJOURNED

Meeting adjourned at 6:40 p.m.

Respectfully submitted:

Jenna De Long, Deputy Clerk



**DRAFT
Minutes of the Town Council Special Meeting
December 14, 2021**

The Town Council of the Town of Los Gatos conducted a special meeting in person and provided the public an opportunity to participate either in public or via Teleconference on Tuesday, December 14, 2021, at 7:00 p.m.

MEETING CALLED TO ORDER AT 7:06 P.M.

ROLL CALL

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

Absent: None

BOARD, COMMISSION, AND COMMITTEE APPOINTMENTS

The Town Council appointed applicants for the vacant positions on Town Boards, Commissions, and Committees.

- **Arts and Culture Commission**
 - Claudia Dencker was not appointed.
 - Amy Fasnacht was re-appointed to a 3-year term.
 - Anne Lamborn was appointed to a 1-year term.
 - Kaitlyn Alicia-Romero was appointed to a 2-year term.
 - Tom Spilsbury was re-appointed to a 3-year term.

- **Community Health and Senior Services Commission**
 - Gary Barbin did not interview.
 - Eleanor Yick was appointed to a 3-year term.

- **Complete Streets and Transportation Committee**
 - Cheri Finalle Binkley was appointed to a 1-year term.
 - Jean-Marc Blanchard was not appointed.
 - Kevin Jones did not interview.
 - Ali Miano was appointed to a 3-year term.
 - Jeff Thompson was re-appointed to a 3-year term.
 - Cindy Walker was not appointed.

Appointments - continued

- **Finance Commission**
 - Ron Dickel was re-appointed to a 4-year term by Mayor Rennie.

- **General Plan Committee**
 - Susan Burnett was appointed to a 4-year term.

- **Library Board**
 - Donna Brewster was not appointed.
 - Claudia Dencker was not appointed.
 - Lydia Norcia was appointed to a 3-year term.
 - Leticia Ramos Madeiros was appointed to a 3-year term.
 - Anita Wolf did not interview.

- **Parks Commission**
 - Jean-Marc Blanchard was appointed to a 3-year term.
 - Bant Corenson did not interview.
 - Matthew Ober was re-appointed to a 3-year term.

- **Personnel Board**
 - Edward Matchak was re-appointed to a 5-year term.

- **Planning Commission**
 - Kylie Clark was appointed to a 4-year term.
 - Steve Raspe was appointed to a 4-year term.
 - Chris Ray was not appointed.

VERBAL COMMUNICATIONS

Rob Moore

- Thanked Mayor Sayoc for her service and stated he is looking forward to incoming Mayor Rennie's leadership.

Anne Marie de Cesare

- Thanked Mayor Sayoc for her service and stated she is looking forward to incoming Mayor Rennie's leadership.

Ben Batson

- Requested the Council consider providing a warm shelter for homeless people.

Dennis Lozano

- Thanked Mayor Sayoc and congratulated incoming Mayor Rennie.

REMARKS BY THE OUTGOING MAYOR

Mayor Sayoc thanked Town staff, her colleagues, and the residents of the Town for their passion and commitment to the community, and stated she looks forward to continuing to serve.

Assistant Town Manager Andrews presented Mayor Sayoc with a plaque and introduced a video commemorating her year as Mayor.

APPOINTMENT OF MAYOR AND VICE MAYOR

MOTION: Motion by Mayor Sayoc to appoint Vice Mayor Rennie as Mayor. Seconded by Council Member Badame.

VOTE: Motion passed unanimously.

MOTION: Motion by Mayor Rennie to appoint Council Member Ristow as Vice Mayor. Seconded by Council Member Badame.

VOTE: Motion passed unanimously.

SWEARING IN OF MAYOR AND VICE MAYOR

Mike Wasserman, Santa Clara County Supervisor, led the swearing in ceremony for Mayor Rennie and Vice Mayor Ristow.

REMARKS BY THE MAYOR AND VICE MAYOR

Mayor Rennie thanked the volunteers who serve on Town Commissions, Boards, and Committees and volunteers who work for local nonprofits. He recounted the year in review and commented on his goals and objectives for the coming year.

Vice Mayor Ristow expressed her commitment to working with Mayor Rennie, Council, Town staff, residents, and business owners. She thanked outgoing Mayor Sayoc, Town Manager Prevetti, and her husband for their support.

ADJOURNMENT

The meeting adjourned at 8:09 p.m.

Respectfully submitted:

Jenna De Long, Deputy Clerk



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

The Town Council of the Town of Los Gatos conducted a regular meeting utilizing teleconference and electronic means consistent with Government Code Section 54953, as Amended by Assembly Bill 361, in response to the state of emergency relating to COVID-19 and enabling teleconferencing accommodations by suspending or waiving specified provisions in the Ralph M. Brown Act (Government Code § 54950 et seq.) and Town of Los Gatos Resolution 2021-044 on Tuesday, December 21, 2021, at 7:00 p.m.

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

ROLL CALL

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

Absent: Council Member Mary Badame

BOARD, COMMISSION, AND COMMITTEE APPOINTMENTS

Due to technical difficulties at the December 14, 2021 Special Meeting of the Town Council, the Board, Commission, and Committee appointments were re-announced.

- **Arts and Culture Commission**
 - Claudia Dencker was not appointed.
 - Amy Fasnacht was re-appointed to a 3-year term.
 - Anne Lamborn was appointed to a 1-year term.
 - Kaitlyn Alicia-Romero was appointed to a 2-year term.
 - Tom Spilsbury was re-appointed to a 3-year term.

- **Community Health and Senior Services Commission**
 - Gary Barbin did not interview.
 - Eleanor Yick was appointed to a 3-year term.

- **Complete Streets and Transportation Committee**
 - Cheri Finale Binkley was appointed to a 1-year term.
 - Jean-Marc Blanchard was not appointed.
 - Kevin Jones did not interview.
 - Ali Miano was appointed to a 3-year term.
 - Jeff Thompson was re-appointed to a 3-year term.
 - Cindy Walker was not appointed.

Appointments - continued

- **Finance Commission**
 - Ron Dickel was re-appointed to a 4-year term by Mayor Rennie

- **General Plan Committee**
 - Susan Burnett was appointed to a 4-year term.

- **Library Board**
 - Donna Brewster was not appointed.
 - Claudia Dencker was not appointed.
 - Lydia Norcia was appointed to a 3-year term.
 - Leticia Ramos Madeiros was appointed to a 3-year term.
 - Anita Wolf did not interview.

- **Parks Commission**
 - Jean-Marc Blanchard was appointed to a 3-year term.
 - Brant Corenson did not interview.
 - Matthew Ober was re-appointed to a 3-year term.

- **Personnel Board**
 - Edward Matchak was re-appointed to a 5-year term.

- **Planning Commission**
 - Kylie Clark was appointed to a 4-year term.
 - Steve Raspe was appointed to a 4-year term.
 - Chris Ray was not appointed.

COUNCIL/TOWN MANAGER REPORTS

Council Matters

- Council Member Hudes stated he attended the Finance Commission meeting.
- Vice Mayor Ristow stated she attended the West Valley Sanitation District Board of Directors meeting and the Cal Cities Housing Matters webinar; observed the Complete Streets and Transportation Commission (CSTC), Finance Commission, and Democracy Tent meetings; and met with residents.
- Council Member Sayoc stated she attended the Cal Cities Housing Matters webinar, Los Gatos-Monte Sereno Police Officer Swearing In Ceremony with Mayor Rennie, and the Santa Clara County Cities Association Executive Committee meeting.

Council Reports - continued

- Mayor Rennie stated he attended the Silicon Valley Clean Energy Authority (SVCEA) Board and Finance Committee meetings, Bay Area Air Quality Management District (BAAQMD) Legislative Committee and Board meetings, Valley Transportation Authority (VTA) Policy Action Committee (PAC) meeting, Finance Commission meeting, Senior Services Committee meeting, Police Officer Swearing In Ceremony with Council Member Sayoc, West Valley Community Services Park-It Market, Wreaths Across America event, and the Silicon Valley Youth Climate Action Group holiday event.

Manager Matters

- Announced free valet parking will be offered every Friday and Saturday through the holiday season with additional days on December 22nd, 23rd, and 24th.
- Announced COVID-19 testing will be held on Thursday, December 23rd at the Adult Recreation Center (ARC); appointments are recommended.
- Announced Town administrative offices will be closed beginning December 23rd and will reopen January 3, 2022.
- Announced the Library will be closed December 24th through 26th, and December 31st through Jan 2nd.
- Building and Planning applications will be accepted through the online portal, and staff will not be available for responses until Jan 3rd.

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

1. Approve Draft Minutes of the December 2, 2021 Closed Session Town Council Meeting.
2. Approve Draft Minutes of the December 7, 2021 Town Council Study Session.
3. Approve Draft Minutes of the December 7, 2021 Town Council Meeting.
4. Adopt a Resolution Reaffirming Resolution 2021-044 Regarding Brown Act Compliance and Teleconferencing and Making Findings Pursuant to Government Code Section 54953, as Amended by Assembly Bill 361, During the COVID -19 Pandemic. **RESOLUTION 2021-059**
5. Authorize the Town Manager to Take All Necessary Steps and Execute Appropriate Documents to Participate in the Opioid Settlement Agreements with the Distributors and Janssen and Agree to the State Subdivision Agreements.
6. Adopt A Resolution Delegating Authority to the Town Manager to Settle Claims, Pending Actions and Workers' Compensation Claims Against the Town That Do Not Exceed Fifty Thousand Dollars (\$50,000). **RESOLUTION 2021-060**
7. Consider a Request for an Exception to the Height Pole and Netting Policy to Allow an Alternative to Standard Story Pole Installation to Illustrate and Provide Notice of the Proposed Project on Property Zoned R-1:8 Located at 445 Los Gatos Boulevard. APN 510-47-038. Property Owners/Applicants: Nam and Nikki Nguyen.
8. Adopt Council Committee Appointments Effective January 1, 2022.

Consent Items – Continued

9. Adopt a Resolution Making Determination and Approving the Reorganization of an Uninhabited Area Designated as El Gato Lane No. 5, Approximately 0.789 Acres on Property Pre-Zoned R-1:8. APN 523-22-010. Annexation Application AN21-003. Project Location: **15605 El Gato Lane**. Property Owner/Applicant: Natasha Malisic. **RESOLUTION 2021-061**
10. Receive the Town Finance Commission Recommendation and Authorize the Town Manager to Execute a Three-Year Agreement with Chavan & Associates, LLP to Provide Auditing Services for the Town of Los Gatos in Amount Not to Exceed \$117,000.
11. Fiscal Year 2021/22 Street Repair and Resurfacing Project (CIP Number 811-9901):
 - a. Approve the Proposed Street List; and
 - b. Authorize the Town Manager to Execute a Cost Share Agreement with the City of Campbell in an Amount Not to Exceed \$335,000.
12. Review the Local Roadway Safety Plan Progress Report.
13. Reaffirm Town Council Code of Conduct Policy.
14. Authorize the Town Manager to Execute an Agreement with The Advantage Group to Continue to Administer Retiree Health Contribution Reimbursements in an Amount Not to Exceed \$57,500.
15. Corporation Yard Building Replacement Project (CIP No. 821-2302):
 - a. Authorize the Town Manager to Approve the Project Plans and Specifications; and
 - b. Authorize Advertising the Project for Bid; and
 - c. Authorize the Town Manager to Award and Execute a Construction Agreement in an Amount not to Exceed \$763,776, Including Contingencies and change orders; and Authorize Staff to Execute Future Change Orders in an Amount Not to Exceed Fifteen Percent of the Contract Award Amount; and
 - d. Authorize the Town Manager to purchase a Prefabricated Steel Storage building from Empire Steel Buildings in an amount not to exceed \$103,939 for the Corp Yard; and
 - e. Authorize the Town Manager to Execute Third Amendment to Agreement for Consulting Services with Cuschieri Horton Architects to Extend the Agreement Expiration Date to 12/31/22; and
 - f. Authorize an Expenditure Budget Adjustment to the Corporation Yard Building Replacement Project in the Amount of \$135,981 from Available General Fund Appropriated Fund Reserve.

Council Member Hudes pulled item #2.

Opened public comment.

No one spoke.

Closed public comment.

Consent Items – Continued

**MOTION: Motion by Vice Mayor Ristow to approve consent items 1-15, exclusive of item 2.
Seconded by Council Member Sayoc.**

VOTE: Motion passed 4-0-1, Council Member Badame absent.

VERBAL COMMUNICATIONS

Claudia Dencker

- Stated she would like to speak to the Council when her video camera can be turned on or at an in-person meeting.

OTHER BUSINESS

16. Battery Power Supply – Library (Project 821-2505)

- Authorize the Town Manager to Execute an Agreement for Consultant Services with AMS Electric LLC, dba Prime Electric LLC for a Design-Build Project to Install a Battery Storage System to Provide Backup Power at the Library in an Amount Not to Exceed \$513,000; and
- Authorize Revenue and Expenditure Budget Adjustments in the Amount of \$300,000 to Recognize Receipt and Expenditure of the State Office of Emergency Services Community Power Resiliency Grant Funds (421-821-2505-43415 421-821-2505-824050; and
- Authorize Revenue and Expenditure Budget Adjustments in the Amount of \$213,000 to Recognize Receipt and Expenditure of the Silicon Valley Clean Energy Grant Funds (421-821-2505-43529 421-821-2505-82405).

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

Opened public comment.

No one spoke.

Closed public comment.

Council discussed the item.

Other Business Item #16 – Continued

MOTION: Motion by Council Member Hudes to:

- Authorize the Town Manager to Execute an Agreement for Consultant Services with AMS Electric LLC, dba Prime Electric LLC for a Design-Build Project to Install a Battery Storage System to Provide Backup Power at the Library in an Amount Not to Exceed \$513,000; and
- Authorize Revenue and Expenditure Budget Adjustments in the Amount of \$300,000 to Recognize Receipt and Expenditure of the State Office of Emergency Services Community Power Resiliency Grant Funds (421-821-2505-43415 421-821-2505-824050); and
- Authorize Revenue and Expenditure Budget Adjustments in the Amount of \$213,000 to Recognize Receipt and Expenditure of the Silicon Valley Clean Energy Grant Funds (421-821-2505-43529 421-821-2505-82405).

Seconded by Council Member Sayoc.

VOTE: Motion passed 4-0-1, Council Member Badame absent.

17. Annual Comprehensive Financial Report (ACFR):

- a. Receive the Annual Comprehensive Financial Report (ACFR) for the Fiscal Year Ended June 30, 2021, and
- b. Adopt a Resolution Confirming June 30, 2021 Fund Balances in Accordance Fiscal Year 2020/21 Final Audit and Town Council General Fund Reserve Policy. **RESOLUTION 2021-062**

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

Opened public comment.

No one spoke.

Closed public comment.

Council discussed the item.

MOTION: Motion by Council Member Sayoc to:

- Receive the Annual Comprehensive Financial Report (ACFR) for the Fiscal Year Ended June 30, 2021 (Attachment 1); and
- Adopt a Resolution Confirming June 30, 2021 Fund Balances in Accordance Fiscal Year 2020/21 Final Audit and Town Council General Fund Reserve Policy (Attachment 2). **Seconded by Vice Mayor Ristow.**

VOTE: Motion passed 4-0-1, Council Member Badame absent.

18. Adopt a Resolution for the California Public Employees' Retirement System Retirement Plan to Waive the 180-Day Retiree Rehire Wait Period and to Appoint a Retiree as an Interim Town Attorney and Approve the Employment Agreement Between the Town of Los Gatos and the Interim Town Attorney. **RESOLUTION 2021-063**

Lisa Velasco, Human Resources Director, presented the staff report.

Opened public comment.

No one spoke.

Closed public comment.

Council discussed the item.

MOTION: Motion by Council Member Sayoc to adopt a resolution for the California Public Employees' Retirement System Retirement Plan to waive the 180-day retiree rehire wait period and to appoint a retiree as an interim Town Attorney and approve the employment agreement between the Town of Los Gatos and the Interim Town Attorney. **Seconded by Vice Mayor Ristow.**

VOTE: Motion passed 4-0-1, Council Member Badame absent.

19. Adopt a Resolution for the California Public Employees' Retirement System Retirement Plan to Waive the 180-Day Retiree Rehire Wait Period and to Appoint a Retiree as an Interim Finance Director. **RESOLUTION 2021-064**

Lisa Velasco, Human Resources Director, presented the staff report.

Opened public comment.

No one spoke.

Closed public comment.

Council discussed the item.

MOTION: Motion by Council Member Hudes to adopt a resolution for the California Public Employees' Retirement System Retirement Plan to waive the 180-day retiree rehire wait period and to appoint a retiree as an Interim Finance Director. **Seconded by Council Member Sayoc.**

VOTE: Motion passed 4-0-1, Council Member Badame absent.

PUBLIC HEARINGS

20. Consider Adoption of a 45-Day Urgency Ordinance to Implement Senate Bill 9 to Allow for Two-Unit Housing Developments and Urban Lot Splits in All Single-Family Residential Zoning Districts. **ORDINANCE 2326**

Jennifer Armer, Planning Manager, presented the staff report.

Opened public comment.

Terry Szewczyk

- Commented in support of the recommendation.

David Weissman

- Requested a deed restriction be placed on any new subdivision under the ordinance to increase below market rate housing; modify the intent to occupy verbiage to begin upon issuance of an occupancy permit; and include consequences and exceptions to the three-year time frame.

Safaei Design Group

- Inquired if there will be a public hearing requirement for second story additions and if floor area ratio limits change under the ordinance.

Tony Jeans

- Presented a number of suggested changes to the wording of the proposed urgency ordinance.

Closed public comment.

Council discussed the item.

MOTION: Motion by Vice Mayor Ristow to adopt a 45-day Urgency Ordinance to implement Senate Bill 9 (SB9) to allow for two-unit housing developments and urban lot splits in all single-family residential zoning districts and that the three-year timeframe begins with occupancy permit issuance and not at approval of the subdivision.

AMENDMENT: Any new units proposed through the SB9 processes are limited to no more than 1,200 square feet each. **Seconded by Council Member Sayoc.**

VOTE: Motion passed 4-0-1, Council Member Badame absent.

Town Clerk Neis read the title of the ordinance.

Public Hearing Item #20 – Continued

Council Members provided input on items for staff to research and bring back to Council for possible inclusion in the future consideration of extending the urgency ordinance.

Pulled Consent Item #2

2. Approve Draft Minutes of the December 7, 2021 Town Council Study Session.

Laurel Prevetti, Town Manager presented the staff report.

Opened public comment.

No one spoke.

Closed public comment.

Council discussed the item.

MOTION: Motion by Vice Mayor Ristow to approve the draft minutes of the December 7, 2021 Town Council Study Session. Seconded by Council Member Sayoc.

VOTE: Motion passed 3-1-1, Council Member Hudes voting no, Council Member Badame absent.

ADJOURNMENT

The meeting adjourned at 9:33 p.m.

Respectfully submitted:

Jenna De Long, Deputy Clerk



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 01/18/2022

ITEM NO: 4

DATE: January 13, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Adopt a Resolution Reaffirming Resolution 2021-044 Regarding Brown Act Compliance and Teleconferencing and Making Findings Pursuant to Government Code Section 54953, as Amended by Assembly Bill 361, During the COVID -19 Pandemic

RECOMMENDATION:

Adopt a Resolution reaffirming Resolution 2021-044 and making findings pursuant to Government Code Section 54953, as amended by Assembly Bill 361, and authorizing the continued use of virtual meetings due to health and safety concerns for the public.

BACKGROUND:

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

DISCUSSION:

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

PREPARED BY: Shelley Neis
Town Clerk

Reviewed by: Assistant Town Manager

DISCUSSION (Cont) :

AB 361 requires Public agencies to make findings by majority vote within 30 days of the first teleconferenced meeting under AB 361 and every 30 days thereafter that a state of emergency still exists and continues to directly impact the ability of the members to meet safely in person, or that officials continue to impose or recommend measures to promote social distancing.

Town Council adopted Resolution 2021-044 on October 5, 2021 regarding Brown Act compliance and teleconferencing pursuant to Government Code Section 54953, as amended by AB 361, on November 2, 2021 adopted Resolution 2021-046 reaffirming Resolution 2021-044, on November 16, 2021 adopted Resolution 2021-048 reaffirming Resolution 2021-044, on December 7, 2021 adopted Resolution 2021-054 reaffirming Resolution 2021-044, and on December 21, 2021 adopted Resolution 2021-059.

CONCLUSION:

Adopt a Resolution reaffirming Resolution 2021-044 making findings pursuant to Government Code Section 54953, as amended by Assembly Bill 361, and authorizing the continued use of virtual meetings. If adopted, virtual meetings may continue for all Town Boards, Commissions, and Committees.

COORDINATION:

This report was coordinated with the Town Attorney and Town Manager's office.

FISCAL IMPACT:

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

ENVIRONMENTAL ASSESSMENT:

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

Attachment:

1. Draft Resolution

RESOLUTION 2022-

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
REAFFIRMING RESOLUTION 2021-044 REGARDING BROWN ACT COMPLIANCE AND
TELECONFERENCING PURSUANT TO GOVERNMENT CODE SECTION 54953, AS AMENDED BY
ASSEMBLY BILL 361, DURING THE COVID-19 PANDEMIC**

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

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

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

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

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

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

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

ATTACHMENT 1

WHEREAS, the Town Council of the Town of Los Gatos approved Resolution No. 2021-044 on October 5, 2021 declaring the need for the Town Council, Committees, and Commissions to continue to meet remotely in order to ensure the health and safety of the public; and

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

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

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

1. The Town Council hereby finds that the fact set forth in the above recitals and as contained in Resolution 2021-044 are true and correct, and establish the factual basis for the adoption of this Resolution;

2. There is an ongoing proclaimed state of emergency relating to the novel coronavirus causing the disease known as COVID-19 and as a result of that emergency, meeting in person would present imminent risks to the health or safety of attendees of in-person meetings of this legislative body and all Town advisory bodies within the meaning of California Government Code section 54953(e)(1).

3. Under the present circumstances, including the risks mentioned in the preceding paragraph, the Town Council determines that authorizing teleconferenced public meetings consistent with Assembly Bill 361 is necessary and appropriate.

4. Staff are directed to take all actions necessary to implement this Resolution for all Town meetings in accordance with the foregoing provisions and the requirements of Government Code section 54953, as amended by Assembly Bill 361, including but not limited to returning for ratification of this Resolution every 30 days after teleconferencing for the first time pursuant to Assembly Bill 361 for so long as either of the following circumstances exists: (a) the state of emergency continues to directly impact the ability of this legislative body to meet in person; and/or (b) state or local officials, including but not limited to the County Health Officer, continue to impose or recommend measures to promote social distancing.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 18th day of January 2022, 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: 01/18/2022

ITEM NO: 5

DATE: January 13, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Adopt a Resolution to Rescind the Los Gatos Boulevard Plan

RECOMMENDATION:

Adopt a Resolution to rescind the Los Gatos Boulevard Plan (Attachment 2).

BACKGROUND:

The Los Gatos Boulevard Plan (www.losgatosca.gov/DocumentCenter/View/373) was adopted in 1997 by Resolutions 1997-036 and -038 (Attachment 1, Exhibits 2 and 3).

Over the last number of years there have been many comments regarding the fact that the Los Gatos Boulevard Plan may no longer be relevant given the adoption of the Commercial Design Guidelines in 2005, the Bicycle and Pedestrian Master Plan updated in 2020, and the pending draft 2040 General Plan. The draft 2040 General Plan currently includes an Implementation Program that calls for the rescission of the Los Gatos Boulevard Plan.

On May 25, 2021, the Council Policy Committee considered and recommended the rescission of the Los Gatos Boulevard Plan (Attachment 1, Exhibits 4 and 5).

On December 8, 2021, the Planning Commission unanimously recommended that the Town Council rescind the Los Gatos Boulevard Plan.

DISCUSSION:

As stated in the December 8, 2021 Planning Commission Staff Report (Attachment 1), Town staff have reviewed the Los Gatos Boulevard Plan and have confirmed that all elements are either included in or superseded by the Commercial Design Guidelines (adopted in 2005) and Bicycle and Pedestrian Master Plan (updated in 2020).

PREPARED BY: Jennifer Armer, AICP
Planning Manager

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

PAGE 2 OF 2

SUBJECT: Los Gatos Boulevard Plan Rescission

DATE: January 13, 2022

CONCLUSION:

Staff recommends that the Town Council adopt a Resolution (Attachment 2) to rescind the Los Gatos Boulevard Plan.

COORDINATION:

The information contained in this report was coordinated with the Parks and Public Works Department and Town Attorney.

FISCAL IMPACT:

Adoption of the resolution to rescind the Los Gatos Boulevard Plan has 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 this project will have a significant effect on the environment.

Attachments:

1. December 8, 2021 Planning Commission Staff Report
2. Resolution to Rescind the Los Gatos Boulevard Plan



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 12/08/2021

ITEM NO: 6

DATE: December 3, 2021
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Consider Forwarding a Recommendation to the Town Council to Rescind the Los Gatos Boulevard Plan.

RECOMMENDATION:

Forward a recommendation to the Town Council to rescind the Los Gatos Boulevard Plan.

BACKGROUND:

The Los Gatos Boulevard Plan (www.losgatosca.gov/DocumentCenter/View/373) was adopted in 1997 by Resolutions 1997-036 and -038 (Exhibits 2 and 3).

Over the last number of years there have been many comments regarding the fact that the Los Gatos Boulevard Plan may no longer be relevant given the adoption of the Commercial Design Guidelines in 2005, the Bicycle and Pedestrian Master Plan updated in 2020, and the pending draft 2040 General Plan. The draft 2040 General Plan currently includes an Implementation Program that calls for the rescission of the Los Gatos Boulevard Plan.

On May 25, 2021, the Council Policy Committee considered and recommended the rescission of the Los Gatos Boulevard Plan (Exhibits 4 and 5).

DISCUSSION:

Town staff have reviewed the Los Gatos Boulevard Plan and have confirmed that all elements are either included in or superseded by the Commercial Design Guidelines (adopted in 2005) and Bicycle and Pedestrian Master Plan (updated in 2020).

PREPARED BY: Jennifer Armer, AICP
Planning Manager

Reviewed by: Community Development Director

ENVIRONMENTAL REVIEW:

The project is Categorical 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 this project will have a significant effect on the environment.

PUBLIC COMMENTS:

At time of preparation of this report, no public comment has been received.

CONCLUSION:

A. Recommendation

Based on the direction of the Town Council Policy Committee, staff recommends that the Planning Commission review the information included in the staff report and forward a recommendation to the Town Council for rescission of the Los Gatos Boulevard Plan. If the Commission agrees, it should take the following actions:

1. Make the required finding that the rescission of the Los Gatos Boulevard Plan is Categorical Exempt from CEQA (Exhibit 1);
2. Make the required finding that the rescission of the Los Gatos Boulevard Plan is consistent with the General Plan (Exhibit 1); and
3. Forward a recommendation to the Town Council to rescind the Los Gatos Boulevard Plan (Exhibit 2).

B. Alternatives

Alternatively, the Commission can:

1. Continue the matter to a date certain with specific direction;
2. Forward a recommendation to the Town Council to rescind the Los Gatos Boulevard Plan with additional direction; or
3. Forward a recommendation to the Town Council to not rescind the Los Gatos Boulevard Plan.

EXHIBITS:

1. Required Findings
2. Resolution 1997-136 – Approving the Los Gatos Boulevard Plan
3. Resolution 1997-138 – Approving Amendment 1 to the Los Gatos Boulevard Plan
4. Council Policy Committee May 25, 2021 Staff Report
5. Council Policy Committee May 25, 2021 Minutes

PLANNING COMMISSION – December 8, 2021
REQUIRED FINDINGS FOR:

Los Gatos Boulevard Plan Rescission

Consider Forwarding a Recommendation to the Town Council to Rescind the Los Gatos Boulevard Plan.

FINDINGS

Required Findings for CEQA:

- It has been determined that there is no possibility that this project will have a significant impact on the environment; therefore, the project is not subject to the California Environmental Quality Act, Section 15061 (b)(3).

Required Findings for the General Plan:

- The rescission of the Los Gatos Boulevard Plan is consistent with the General Plan.

EXHIBIT 1

S:\PLANNING COMMISSION REPORTS\2021\12-8-21\LGB PLAN\EXHIBIT 1 - REQUIRED FINDINGS.DOCX

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RESOLUTION 1997-136

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
MAKING THE NEGATIVE DECLARATION AND APPROVING
THE LOS GATOS BOULEVARD PLAN AND DESIGN STANDARDS**

WHEREAS, the Town of Los Gatos has completed a major study of Los Gatos Boulevard;
and

WHEREAS, the General Plan Committee approved Resolution No.1997-1 recommending
Town Council adoption of the Draft Los Gatos Boulevard Plan on November 12, 1997; and

WHEREAS, the Planning Commission conducted a public hearing for consideration of
the Los Gatos Boulevard Plan and Design Standards on August 13, 1997; and

WHEREAS, the Town Council conducted public hearings for consideration of the Los
Gatos Boulevard Plan and Design Standards on September 15, 1997 and December 1, 1997; and

WHEREAS, during these hearings, the Planning Commission and Town Council
considered public input on the Los Gatos Boulevard Plan and Design Standards; and

WHEREAS, the General Plan Committee, Architectural Standards/Hillside Committee,
and Planning Commission recommended approval of the Los Gatos Boulevard Plan and Design
Standards; and

WHEREAS, the Town has in good faith worked with residents, merchants and property
owners to address their concerns, and

WHEREAS, it is necessary to establish a plan and design standards to provide direction to
decision makers, architects, designers, engineers and developers; and

WHEREAS, the Public Improvements Section of the Plan does not include policy involving
bike lanes north of Blossom Hill Road or narrowing travel lanes.

RESOLVED, that the Town Council finds that the Los Gatos Boulevard Plan and Design
Standards will not have a significant environmental impact and makes the Negative Declaration.

FURTHER RESOLVED, the Town Council of the Town of Los Gatos hereby adopts the
Los Gatos Boulevard Plan and Design Standards attached hereto as Exhibits A and B respectively.

PASSED AND ADOPTED at a regular meeting of the Town Council held on the 15th day of December 1997, by the following vote:

COUNCIL MEMBERS:

AYES: Randy Attaway, Joanne Benjamin, Steven Blanton, Jan Hutchins,
Mayor Linda Lubeck

NAYS: None

ABSENT: None

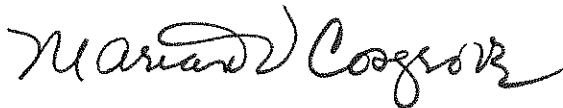
ABSTAIN: None

SIGNED:



MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:



CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

LOS GATOS BOULEVARD

DRAFT

PLAN

"A Comprehensive Long Term Plan to Enhance Los Gatos Boulevard"



TOWN OF LOS GATOS

FALL 1997

TOWN OF LOS GATOS OFFICERS AND STAFF

Town Council

Linda Lubeck, Mayor
Jan Hutchins, Vice Mayor
Joanne Benjamin
Randy Attaway
Steven Blanton

Planning Commission

Michael H. Abkin
Sandy Decker, Vice Chair
Marcia Jensen, Chair
Kathryn Morgan
Laura Nachison
Leonard Pacheco

General Plan Committee

Michael H. Abkin, Chair
Jan Hutchins
Linda Lubeck
Sandy Decker
Marcia Jensen
Gary Ehlert
Joe Pirzynski
Elizabeth Smith
Steve Boersma

Town Staff

David Knapp, Town Manager
Jim Piper, Assistant Town Manager
Lee Bowman, Planning Director
Bud Lortz, Senior Planner
Sandy Baily, Associate Planner
Trish Duarte, Sr. Engineering Tech
Kristine Syskowski, Assistant Planner
Erwin Ordonez, Assistant Planner
Ryan Bane, Planning Technician
Chris Lane, Planning Technician
Martin Alkire, Planning Tech/Code Compliance

LOS GATOS BOULEVARD PLAN

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I. INTRODUCTION

A. Vision Statement

The Los Gatos Boulevard Plan has been created and adopted in order to establish a partnership among residents, businesses, property owners and the Town government to develop the Boulevard as a distinct place that enhances the quality of life of the people of Los Gatos through its economic vitality, beauty, and community.

To realize this Vision, the overall Goals of the Plan are to:

- Preserve and project the essence of Los Gatos' history, individuality, character, and natural environment.
- Promote commercial activity that complements the whole Town. Provide a dependable source of income, employment opportunities, goods and services.
- Provide for attractive, easy and effective access to, from and through the Boulevard.
- Provide effective links and interfaces between neighborhoods and commercial areas.

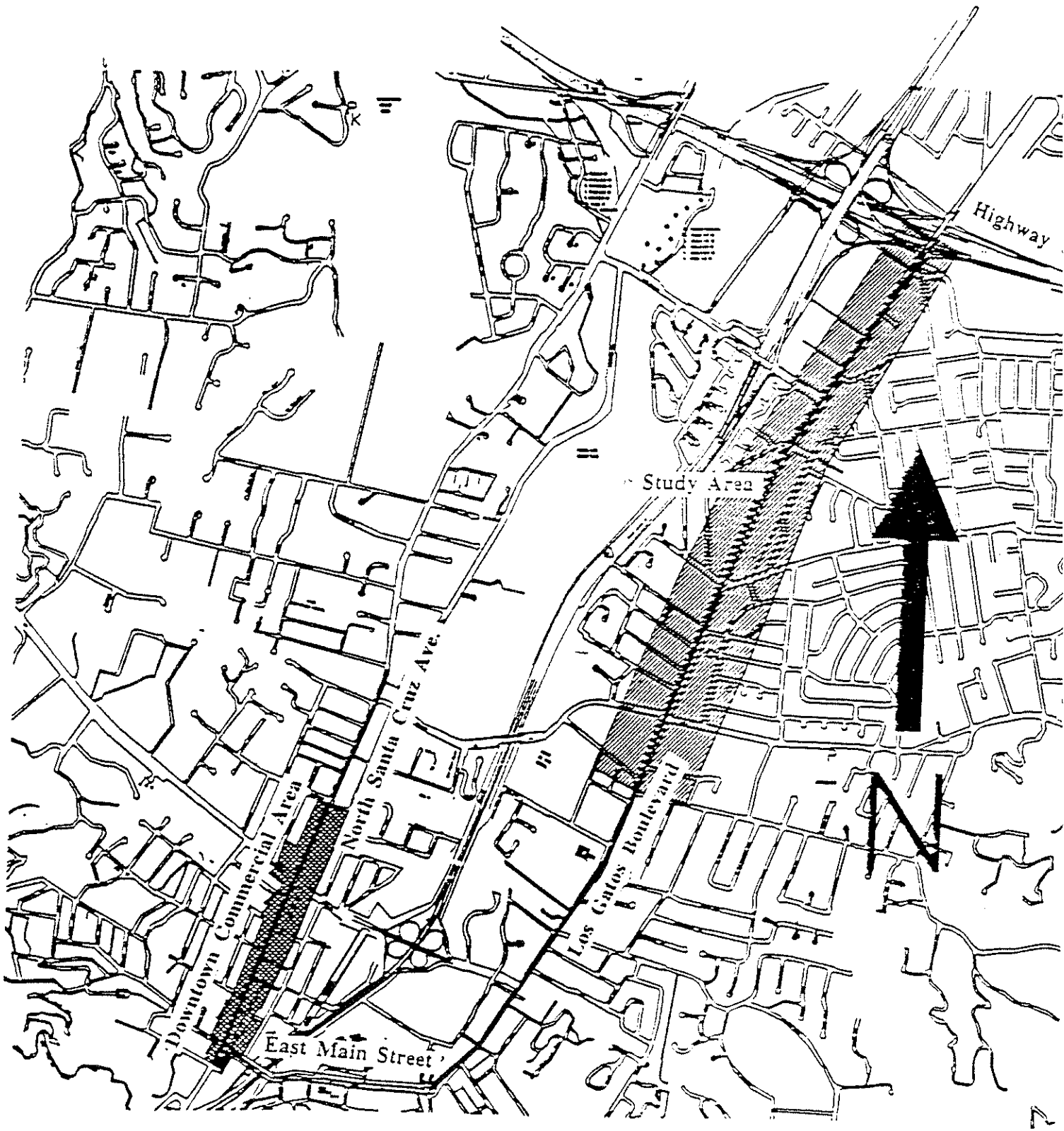
The purpose of the Plan is to establish short, medium and long range goals, policies and implementation measures including priorities for Boulevard improvements.

B. Study Area and Conditions

The Los Gatos Boulevard Plan Study Area extends for approximately 1.8 miles between the Route 85 interchange to the north and Spencer Road to the south. Land use in this area consists primarily of mixed use commercial, neighborhood shopping centers, auto sales and repair and office. Existing zoning provides for the broadest range of mixed use commercial and residential uses excluding industrial and manufacturing. The following vicinity maps illustrate 1) the study area location in relationship to downtown Los Gatos, and 2) the land uses along Los Gatos Boulevard as of June 1997.

Several events have combined to lead to the current conditions along Los Gatos Boulevard: construction of Highway 85, relocation of several businesses leaving large vacant lots and buildings, and a message from both business owners and residents for a re-examination of the development and public improvement goals for the Boulevard. These events were the catalyst for the Town's re-evaluation of the Boulevard development goals.

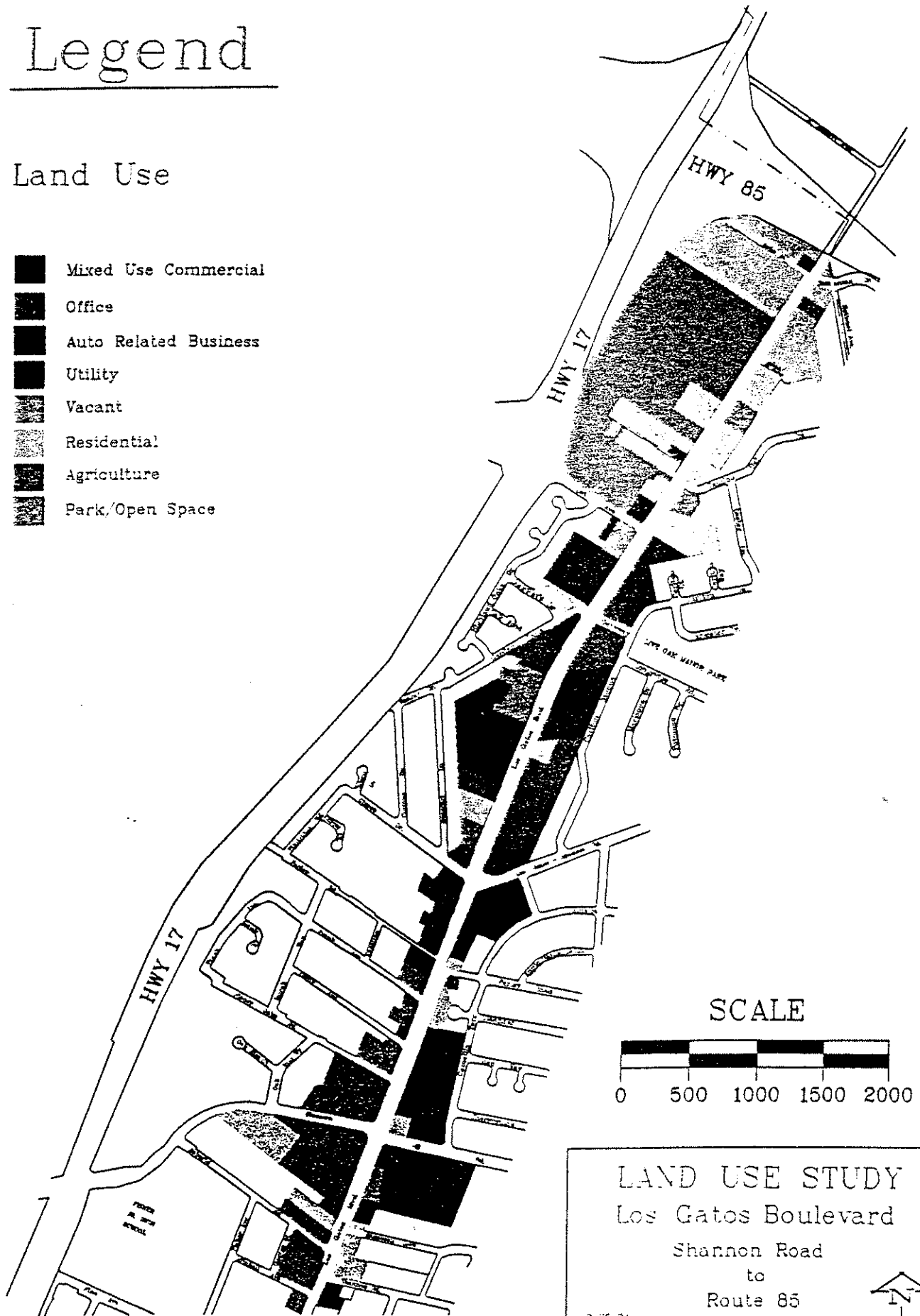
Study Area Map



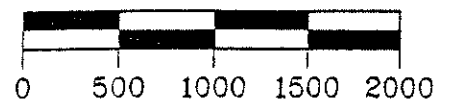
Legend

Land Use

-  Mixed Use Commercial
-  Office
-  Auto Related Business
-  Utility
-  Vacant
-  Residential
-  Agriculture
-  Park/Open Space



SCALE



LAND USE STUDY
 Los Gatos Boulevard
 Shannon Road
 to
 Route 85

9-13-94
 C.M. 807

SEACAD, LOS GATOS



C. Background

Los Gatos Boulevard was originally named San Jose-Los Gatos Road. In 1904 the San Jose-Los Gatos Interurban Railway was established and hourly trips between San Jose and Los Gatos were instituted. San Jose-Los Gatos Road was designated a state highway and Caltrans established the plan line in the early 1940's calling for a 120 foot right-of-way. Caltrans abandoned the Boulevard as a state highway when Highway 17 was constructed.

San Jose-Los Gatos Road was renamed Los Gatos Boulevard and the Town adopted the plan line for a 120 foot right-of-way in 1963 to accommodate the community's transportation needs of the future. At full build out the street is designed to include six travel lanes, street parking, median and bike lanes. The cities of Campbell and San Jose have adopted similar plan lines to the six lane arterial. Los Gatos Boulevard runs north and south extending to the Town's northern border at the Route 85 interchange and southward to Main Street. Los Gatos Boulevard becomes Bascom Avenue at Samaritan Drive. In 1990, the Town signed the Route 85 agreement that called for a full interchange at Los Gatos Boulevard/Bascom Avenue and Route 85.

In 1989, the Council appointed the Commercial Specific Plan Committee to study all commercial districts and identify goals and implementation measures that would encourage commercial growth and stability. After completion of its study, in May 1991, the Committee submitted its report to the Town Council which identified specific goals and implementation measures for each commercial district in Town. The goals for the Los Gatos Boulevard study area were to encourage new automobile dealerships, develop a major commercial shopping center, provide clear direction to potential developers and work with existing auto dealers, commercial property owners and merchants to develop a marketing strategy specifically for Los Gatos Boulevard.

Between 1989 and 1992 the Town lost five auto dealerships, leaving vacant lots and buildings and resulting in a significant loss of sales tax revenue. But since 1994, two new auto dealerships have opened on previously vacant dealership lots. Other vacant or underdeveloped lots along the Boulevard have been developed with the Blossom Hill Pavilion, Speedee Lube and Office Depot.

In February 1993, the Town adopted the *Route 85/Vasona Light Rail* element of the General Plan. This General Plan amendment changed the land use designation from residential and agricultural to mixed use commercial for property along both sides of Los Gatos Boulevard between Lark Avenue and Samaritan Drive. The 40 plus acres on the west side of Los Gatos Boulevard are bordered by Highways 85 and 17 and Lark Avenue. The General Plan states that this area should be developed with destination retail and limited neighborhood commercial. The east side of Los Gatos Boulevard, consisting of 13 acres, is designated for mixed use office and high density residential. It is surrounded by single family residential and medical office uses.

In 1993, the Boulevard Community Alliance was formed consisting of Los Gatos Boulevard business and property owners with the goal of enhancing and promoting the Boulevard. In March 1994, the Town Council directed the General Plan Committee to study alternatives and make recommendations for improving the appearance and commercial viability of the Boulevard. On September 6, 1994 the Council approved the General Plan Committee's recommendation to sponsor community forums to solicit public input. To maximize public participation, the Town Council agreed to fund two public forums. The Boulevard Community Alliance sponsored a third, follow up forum.

D. Public Forums

The first forum on October 27, 1994, served as a public information and education seminar. Noted architect and urban designer Michael Freedman shared a two-hour slide presentation with approximately 150 Town residents and business leaders. Prepared with both good and bad examples from communities in the Bay Area, Freedman demonstrated that good design is not "rocket science" and that development can enhance a community when residents and local businesses are involved.

The second forum on November 12, 1994 was an all day design "charrette" organized and hosted by the Town of Los Gatos and the American Institute of Architects, Santa Clara Valley Chapter. "Charrette" comes from the French word for cart, coined when design students would frantically work as the cart would come by and mercilessly collect their sketches.

Today, a charrette is an intensive, collaborative design effort that includes professional planners, architects and the community working together over an extended period to reach consensus. The Los Gatos Boulevard Charrette drew considerable public support and participation. Over 80 businesses contributed food and services. An estimated 125 participants broke into nine teams put pen to paper to create nine unique visions for the Boulevard.

As a result of the interest generated by the two design forums, a third forum entitled "Share the Vision" was sponsored by the Boulevard Community Alliance on February 15, 1995, at the Neighborhood Center. Team leaders from the charrette presented their vision for the Boulevard. A panel of community representatives addressed questions from the audience and shared their views on Boulevard development. This event was attended by an estimated 150 members of the community.

E. Plan Objectives

Subsequent to the public forums, the Town Council adopted Resolution 1995-88, establishing the Mission, Goals and Objectives of the Los Gatos Boulevard Plan. The Plan Objectives were established as follows:

Gateways

Major entrances to the Boulevard will have special landscaping, architecture, and/or artistic displays that announce Los Gatos as a distinct area.

Land Uses

Land uses will include the following: open space; community recreation; auto related, regional and neighborhood commercial; retail entertainment; and sufficient housing to support regional transportation centers. These uses will be implemented in such a way to keep the transition from the higher density mixed use area in the north to a mixture of residential and commercial clusters, and then to existing residential in the south.

Streetscape

The streetscape will be designed to protect and complement both valley and mountain vistas. Underground utilities are a must. Areas of distinct pedestrian and bicycle amenities (e.g. public arts, paths, benches, bike racks, streetlights, and transit stops) shall be clustered at key activity centers, intersections and crossing points.

Buildings

Architecture will provide distinctive, pedestrian friendly buildings which protect existing vistas and open spaces. All buildings must incorporate materials, colors and styles that reflect the history and character of Los Gatos.

Transportation

To service the Boulevard, downtown and local neighborhoods, attractive bus/shuttle stops and passenger drops will be located at activity centers. The design of the road will facilitate access to businesses and increase safety for and encourage use by pedestrians and bicyclists. Connections to regional transportation to Santa Cruz, San Jose, and the Light Rail will be connected at the gateways.

Development Incentives

Residents, businesses, property owners and the Town government working in partnership will identify and implement incentive programs for development.

Signs

Signs will complement the streetscape and meet commercial needs.

II. PUBLIC IMPROVEMENTS

A. Overview

Early in the public workshop process, participants envisioned Los Gatos Boulevard as a true "Boulevard" - a broad, landscaped thoroughfare which is traditionally thought of as a major community shopping and social gathering place. This concept should guide public improvement policy and development.

B. Opportunities and Constraints

Opportunities:

- Majority of Boulevard currently has existing landscaped medians in the center.
- Street trees are planted along sidewalk in most cases; upon site redevelopment a condition of approval is to plant/ replant street trees on Boulevard frontage.
- On-street parking in certain areas could be substituted with wider sidewalk and bike lane.

Constraints:

- No funding in 1996-2001 Capital Improvement Program for the improvement of Boulevard design or median improvement/construction.

C. Goals

The Goals for Los Gatos Boulevard Public Improvements are:

1. To reduce the speed of automobile traffic on the Boulevard and at major intersections while maintaining a safe, smooth and efficient flow to both local and through traffic, including emergency vehicles.
2. To make the Boulevard attractive and conducive to neighborhood and bicycle access along and across it.
3. To enhance and coordinate landscaping and amenities.
4. To provide attractive and convenient transit facilities that encourage their use.
5. To facilitate and promote access to commercial and residential uses along the Boulevard.

D. Policies

The public improvement policies directly relating to the street and sidewalks are:

1. Los Gatos Boulevard shall have six lanes of traffic (three in each direction) from the northern Town boundary south to Blossom Hill Road, then narrowing between Blossom Hill Road and Shannon Road to four lanes of traffic (two in each direction), then narrowing to two lanes (one in each direction) from Shannon Road south.
2. The width of traffic lanes on Los Gatos Boulevard and up to one street off the Boulevard on Blossom Hill Road shall be reduced to a minimum of 11 feet wide.
3. Existing medians and left turn lanes shall be retained.
4. On-street parking shall be creatively designed to coordinate the efficient flow of motorists, pedestrians, and bicyclists. Where on-street parking is used infrequently, the Town will consider replacing on-street parking with landscaping and pedestrian and/or bicycle improvements, subject to engineering analysis.
5. Free right turns shall be preserved wherever they can be safely and efficiently designed and coordinated with nodes.
6. Right-of-way width gained by narrowing traffic lanes, redesigning on-street parking and reconfiguring free right turn lanes shall be used for enhanced driveway, transit turnouts, sidewalks, bike lanes, landscaping, nodes, and street furniture where permitted.
7. The design, location and orientation of lighting, furniture and landscaping shall attract and encourage neighborhood activity and provide visual and physical buffers between pedestrian and automobile areas.
8. The design of any public improvements listed above must minimize adverse impacts upon adjacent residential areas.
9. Financing of improvements shall be shared by the public and private sectors

III. NODES

A. Overview

Traditionally, nodes are defined as activity centers within neighborhoods and districts. Nodes can be places for pedestrians and motorists. A node can be where major roadways meet, creating a break in the transportation corridor. At these breaks, there is a heightened sense of awareness for motorists, due to the time spent stopped and the high level of activity at the node.

The type and quality of development at a node will leave a strong impression. Development at these points should create anticipation and be distinctive. This can be achieved with a strong sense of architecture, a coherent spatial form, and amenities such as public pedestrian enclaves, plazas, water features, pedestrian connections, public art and pocket parks.

B. Opportunities/ Constraints

Opportunity:

- Nodes can establish visual and activity focal points.

Constraints:

- Locations identified as nodes may remain vacant or underdeveloped; the opportunity for establishing a node on private property is contingent upon receipt of applications to develop that property.
- Town funding may not be available for node development on public right-of-way.

C. Goals

The Goals for Nodes along the Boulevard are listed below. Nodes may be developed in the public right-of-way and on private property separately, or on a combination of both.

1. To encourage pedestrian activity at and movement across Los Gatos Boulevard at key points along the Boulevard.
2. To establish the perception of Los Gatos Boulevard as people friendly.
3. To connect, improve and unify the streetscape on both sides of Los Gatos Boulevard.
4. To establish activity focal points on private and public property along Los Gatos Boulevard.

D. Policies

The policies for Nodes in the public right-of-way and private land are:

1. Each node site shall have a clearly identifiable character as reflected through its hardscape, landscaping and street signage.
2. Crossing surfaces, paths and signal timing shall be conducive to and encourage pedestrian crossing and promote pedestrian and bicycle safety.
3. Each node site shall serve as a circulation and visual focal point along Los Gatos Boulevard.

IV. LAND USE

A. Overview

During the public workshops, land use was identified as a major component of the Los Gatos Boulevard Plan. The consensus of opinion was that land uses along Los Gatos Boulevard should create a different shopping experience than uses in the Downtown area and should complement rather than duplicate those uses.

B. Opportunities and Constraints

Opportunities:

- Provide family orientation in uses.
- Provide more pedestrian/bike areas and links to adjacent residential areas to foster neighborhood use of commercial centers.
- Proximity to Route 85 and Highway 17 supports potential for destination commercial at North end of Boulevard.
- Expanding commercial development provides a dependable source of income, employment opportunities and goods and services for the community.

Constraints:

- Most of commercial and office uses abut residential property.

C. Goals

The Land Use Goals for Los Gatos Boulevard are:

1. To promote commercial activity that complements the whole Town.
2. To provide a dependable source of income, employment opportunities, goods and services.
3. To encourage a mixture of uses along Los Gatos Boulevard that are compatible with surrounding uses.
4. To provide a transition from higher density uses at the north end of Los Gatos Boulevard to existing residential uses at the south end of Los Gatos Boulevard.

D. Policies

In the long run, similar types of uses should be clustered geographically on Los Gatos Boulevard. As parcels become available for development or redevelopment, the following policies shall guide the planning process.

1. Auto related uses currently existing shall be allowed to remain indefinitely.
2. New and relocating auto-related businesses shall be located a) north of Los Gatos Almaden Road, b) adjacent to existing auto dealerships, or c) on a vacant site previously used for permitted auto sales.
3. Neighborhood commercial, multi-family residential and office uses shall be concentrated south of Los Gatos Almaden Road.
4. Uses on Los Gatos Boulevard south of Shannon Road shall be residential or office; existing non-residential uses shall not be intensified and existing vacant property and residential uses shall be developed as Single Family Residential.
5. Commercial and mixed use development north of Lark shall be in keeping with the Route 85 element of the General Plan and shall provide/incorporate Boulevard, Downtown and regional transit access accordingly.
6. New development must be designed in order to minimize adverse impacts upon adjacent residential areas.

V. GATEWAYS

A. Overview

A "Gateway" can be considered a major entry feature located at a prominent entry point to the Town or Los Gatos Boulevard specifically. An example of a gateway and its importance is the entryway at Los Gatos Boulevard and Route 85; the sense of entry that can be created there by a gateway feature is important because it is a prelude to the Boulevard and the Town of Los Gatos. Gateways can express the character of the Town and create landmarks.

B. Opportunities and Constraints

Opportunities:

- Chance to distinguish entryways to both Los Gatos and the Boulevard which welcome residents and visitors.
- May create landmarks and heighten the sense of place on the Boulevard.
- May involve private corporations and individuals in the design process.

Constraints:

- Town right-of-way may not be adequate to create "Gateways," resulting in a need to use private land.
- Town funding not currently available.

C. Goals

The Goals for Gateways are:

1. To establish gateways as architectural or landscape elements which welcome people to Los Gatos and Los Gatos Boulevard as a destination.
2. To convey positive attributes and values of the Town to visitors and residents through gateway design.
3. To ensure that gateway features shall create a landmark, spark civic pride, and add a heightened sense of identity to the Town.

D. Policies

1. Gateway features shall be highly visible to motorists and pedestrians.
2. Gateways shall be encouraged along Los Gatos Boulevard and at other main entrances to Town.
3. Gateway designs shall be clearly identifiable and create a precedent for development and design on Los Gatos Boulevard.
4. Gateways shall exhibit aesthetics appropriate to Los Gatos and reflect themes such as cats, the hills, orchards, or others indicative of Los Gatos.
5. A gateway may be combined with a node to increase pedestrian activity at that location.
6. Gateways shall be funded by private individual and corporate sponsors.

VI. PRIVATE IMPROVEMENTS

A. Overview

The Los Gatos Boulevard Design Standards have been developed and adopted in order to serve as recommendations for the design treatment of private improvements in the Los Gatos Boulevard Plan Area. The Standards are established for use by the Town Council, Planning Commission, staff, project applicants and property owners in providing for the public health, safety, welfare and convenience of the community. The Standards will ensure environmental and design quality in the development and redevelopment of Los Gatos Boulevard.

Opportunities:

- Guidelines serve as a mechanism to gain developers' cooperation in enhancing link from public right-of-way to private land with nodes/ gathering places.

Constraints:

- No mechanism for underdeveloped land to reach potential use intensity as designated in Boulevard policy.

B. Goals

The Design Standards for Los Gatos Boulevard have been developed and adopted to achieve the goals set forth below:

1. To preserve and protect the Town's scenic beauty through careful planning.
2. To encourage site and building design that is particularly suited to the site and contributes to the Town's unique character, natural beauty and openness.
3. To ensure new development will enhance the use, enjoyment and value of neighboring residential and commercial property.
4. To encourage a compatible relationship between proposed and existing development.

C. Policies

Through the Los Gatos Boulevard Design Standards, the Town of Los Gatos adopts the following policies:

1. Proposals shall be designed to fit the natural conditions of a site and respect scenic corridors.
2. Proposals should be designed to enhance the Boulevard through excellence in architectural design.
3. Proposals shall be designed to minimize interference with the privacy, quiet and views of surrounding residential properties.
4. Standardized building plans or corporate designs shall be discouraged.
5. Building and site design shall reflect the historic, natural and architectural setting unique to Los Gatos.
6. Pedestrian access to buildings and sites shall be encouraged.

VII. IMPLEMENTATION PROGRAM

A. Public Improvements

1. Develop and implement guidelines for the design, location and orientation of on-street parking and transit turnouts, pedestrian oriented lighting, furniture, and landscaping; work with the appropriate agencies to relocate mailboxes and public phones when necessary.
2. Develop and implement funding and construction plans to narrow traffic lanes, reconfigure on-street parking, complete landscaping improvements, and enhance pedestrian, transit and bicycle access.
3. Amend the General Plan to include designated bike lanes on Los Gatos Boulevard.
4. Provide appropriate transition where lane alignment is modified.
5. Provide a landscape buffer zone between the curb and sidewalk when removal of the parking lane area results in curbs located closer to the travel lanes .
6. Maintain sight distance for motorists and pedestrians where landscaping and street furniture will be provided in the public right-of-way.
7. Amend the Circulation Element of the General Plan (Section 4.6.1(g.3.) about Los Gatos Boulevard by a) removing the section about four lanes from Samaritan Drive to Camino del Sol and adding bike lanes to the six lane discussion and b) removing the Nino Avenue to Spencer Avenue section.

B. Nodes

1. Develop nodes at the following intersections: Blossom Hill Road, Los Gatos Almaden Road, New Town/Village Square, Lark Avenue, and between Samaritan Drive and Lark Avenue as consistent with future development.
2. Encourage street furniture at node sites.
3. Review signal timing for adequate pedestrian crossing time.
4. Develop standards for node sites on public/private property which will address hardscape, landscape, and street furniture.

C. Land Use

1. Encourage replacement of vacated business south of Los Gatos Almaden Road with neighborhood commercial, multi-family, or office uses.
2. Amend the General Plan and rezone properties as needed to accomplish policies.
3. Establish development standards for all types of uses, incorporating guidelines for pedestrian access for clear direction to future developers.
4. Explore use of "air space" over Seven Mile Reservoir for auto storage or recreational purposes.
5. Encourage new or relocating auto-related businesses to relocate to available property north of Los Gatos-Almaden Road.
6. Amend Zoning Ordinance to allow Development Review Committee approval of all exterior changes to buildings, when consistent with Los Gatos Boulevard Design Standards.

D. Gateways

1. Locate a gateway at Samaritan Drive.
2. Architectural Standards Committee shall establish locations and standards for gateways at other main entrances to Town.
3. Architectural Standards Committee shall develop design standards for gateways that take into account visibility, location, maintenance and durability.
4. Conduct an open design competition that includes public and private professional judges to recommend the final gateway design(s).

E. Funding

The Town shall establish a committee comprised of three (3) property/ business owners, one Planning Commissioner and one Council member to explore funding alternatives for the construction of public improvements, development of nodes and creation of gateways.

LOS GATOS
BOULEVARD

DRAFT

DESIGN STANDARDS



TOWN OF LOS GATOS

FALL 1997

LOS GATOS BOULEVARD

DESIGN STANDARDS

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IV. MODIFICATION OF DESIGN STANDARDS

I. INTRODUCTION

A. PREFACE

The Los Gatos Boulevard Design Standards are intended to provide guidance and specific recommendations for the architectural treatment, organization and mix of buildings and open space in the Los Gatos Boulevard Plan area. The Standards are established for use by the Planning Commission, Town Council, staff, project applicants and property owners in providing for the public health, safety, convenience, environmental and design quality in the development and redevelopment of Los Gatos Boulevard.

These Design Standards are intended to guide architects, designers and engineers in preparing plans to be considered by the Development Review Committee and Planning Commission during the Architecture and Site review process for new buildings, additions and any exterior changes to existing buildings (hereafter referred to as "proposals") located on Los Gatos Boulevard, within any zoning classification. Applicants shall demonstrate how their proposal meets the Design Standards.

B. GOALS

The Design Standards for Los Gatos Boulevard have been developed and adopted to achieve the goals set forth below:

- To preserve and protect the Town's scenic beauty through careful planning
- To encourage site and building design that is particularly suited to the site and contributes to the Town's unique character, natural beauty and openness.
- To ensure that development will enhance the use, enjoyment and value of neighboring residential and commercial property.

- To encourage a compatible relationship between proposed and existing development.

C. POLICIES

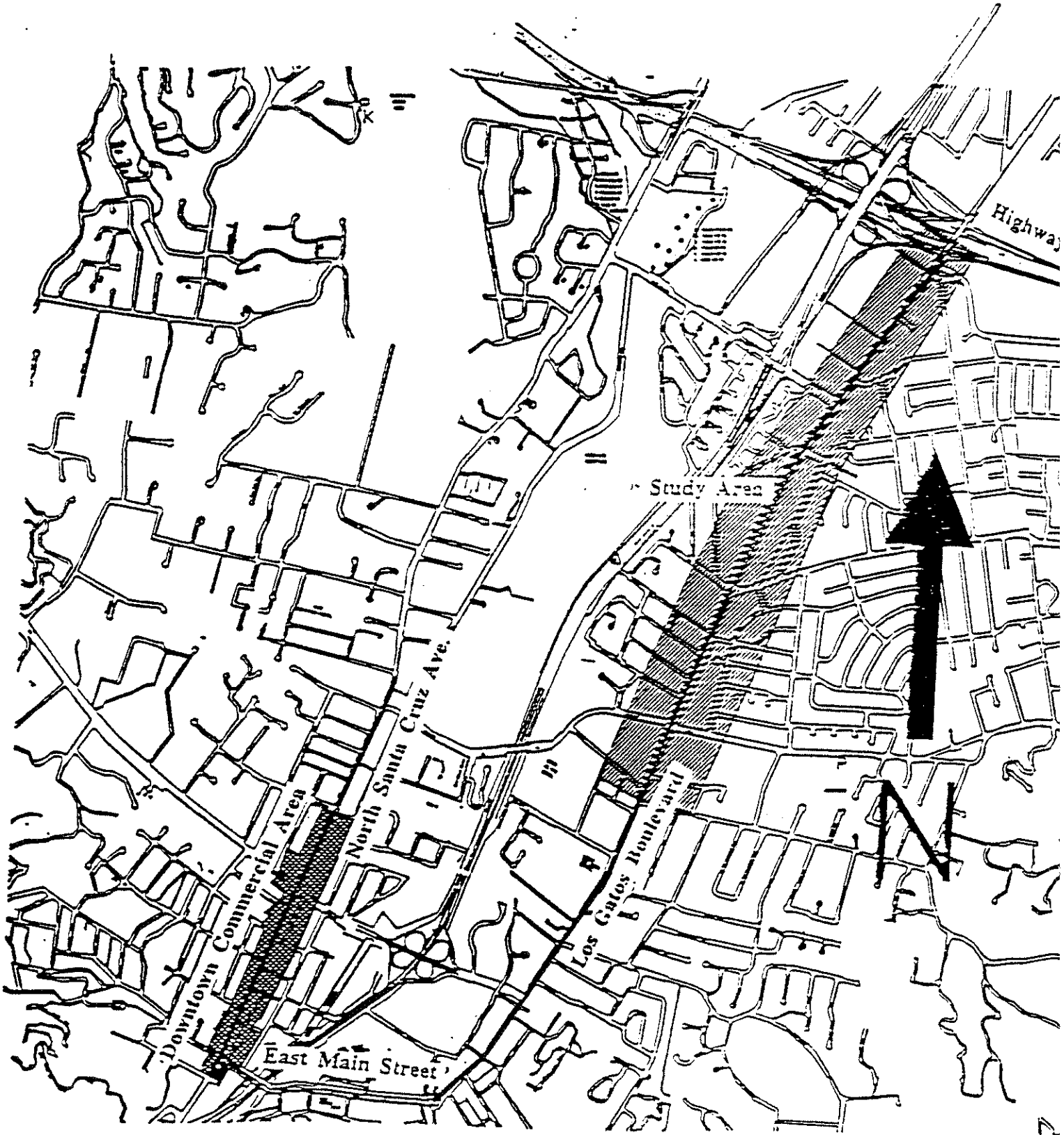
Through the Los Gatos Boulevard Design Standards, the Town of Los Gatos adopts the following policies:

- Proposals shall be designed to fit the natural conditions of a site and respect scenic corridors.
- Proposals should be designed to enhance the Boulevard through excellence in architectural design.
- Proposals shall be designed to minimize interference with the privacy, quiet and views of surrounding residential properties.
- Standardized building plans or corporate designs shall be discouraged.
- Building and site design shall reflect the historic, natural and architectural setting unique to Los Gatos.
- Pedestrian friendly access to buildings and sites shall be encouraged.

D. STUDY AREA

The Los Gatos Boulevard Study Area spans approximately 1.8 miles, from Samaritan Drive at the north to Spencer Avenue at the south. (Map of Study Area included on next page.)

Study Area Map



II. DEVELOPMENT GUIDELINES

A. SITE DEVELOPMENT

1. General

The Planning Commission will assess any proposal based on its overall effect on Los Gatos Boulevard existing conditions as well as its compatibility with the surrounding area. The appearance of the proposal should complement the character of the surrounding area without negatively impacting existing conditions.

Site design will be evaluated based upon its contribution to the Town's beauty and openness, as well as its suitability for the location.

Site plans shall be integrated with the roadway to create harmony of design and continuity along the Boulevard. Harmony is achieved when the roadway and building location together create a sense of defined space.

A proposal shall include a demonstration of how the development will respect the pattern of existing development (streetscape) and natural surroundings (hillsides and trees).

A proposal shall not impair - directly or through the cumulative effect of new developments - the use, enjoyment and value of neighboring public and private property. Proposals should be designed to minimize interference with the privacy, quiet and views of residential neighbors.

Scenic vistas shall be protected.

2. Building Location

Proposals that result in a structure having more than one story, located adjacent to residential uses, shall be designed to minimize views into and shadows cast onto adjacent residential structures and yard areas. (Fig. 1)

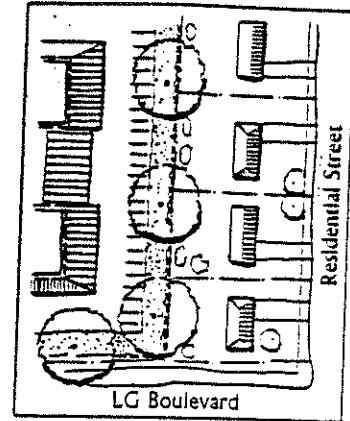
Buildings, not parking lots, should be seen along Los Gatos Boulevard whenever possible. Parking located on the street frontage makes businesses less visible to motorists and less accessible to pedestrians who are potential customers. (Fig. 2)

The location of buildings in relationship to Los Gatos Boulevard frontage shall be staggered to avoid a tunnel effect. (Fig. 3)

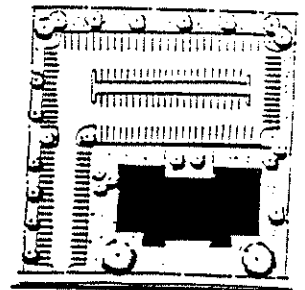
Corner lots shall be occupied by buildings of architectural excellence that generate interest and activity. Corner development should be designed in order to create a visual connection across an intersection.

A proposal shall emphasize framing a scenic view rather than screening or blocking it. (Fig. 4)

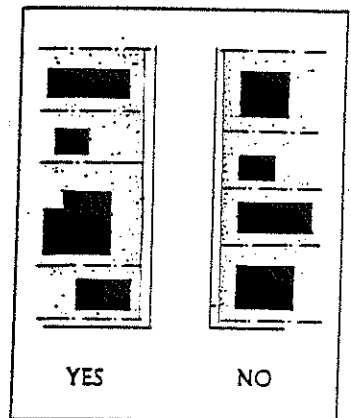
Proposed development shall be designed to fit a site's natural conditions, rather than alter a site to accommodate a particular building plan. Natural grade and vegetation shall be preserved to the maximum extent possible. Excessive cuts and fills shall be avoided.



1. Minimize Impact



2. Site Parking Away from Boulevard



3. Avoid Tunnel Effect



4. Frame Views

3. Parking Lot Layout

Parking areas shall be designed in a manner which minimizes the visual impact when viewed from the street and should be located along the sides and/or behind the proposed building(s). (Fig. 5)

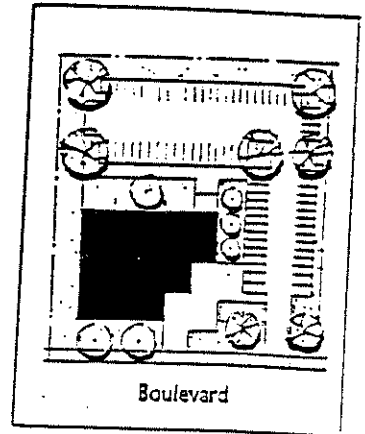
Parking lot surfaces shall be enhanced with modular concrete pavers and the use of brick or concrete bands to divide parking lot paving into small, interrelated segments whenever possible. All parking areas shall be landscaped to reflect Los Gatos' historic and natural character, including orchard trees, river rock, etc.. (Fig. 6)

Driveways and parking areas shall incorporate design and landscape elements which reduce the impact on adjacent residential properties and compliment the natural environment, where possible.

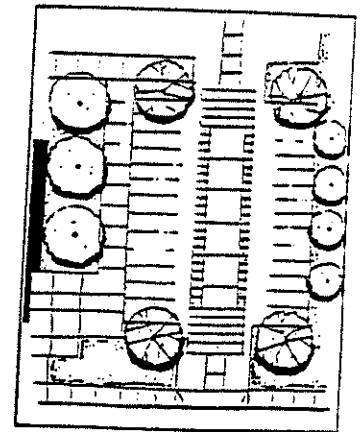
Parking for commercial or multiple family residential projects may be below grade when feasible. The preferred design is to provide subterranean parking with the first floor no more than four feet above grade. (Fig. 7)

Parking lot layout and landscaping shall be closely coordinated with the architectural design of the building(s).

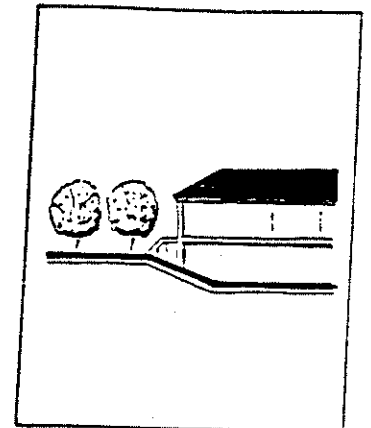
Loading and service areas shall not be visible from the street. Such areas located adjacent to a residential area or street shall be appropriately screened.



5. Minimize View of Parking from Street



6. Enhanced Surfaces



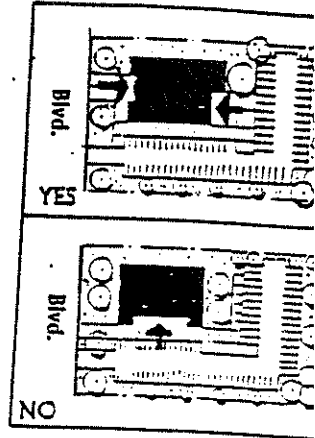
7. Below Grade Parking

4. Pedestrian Orientation

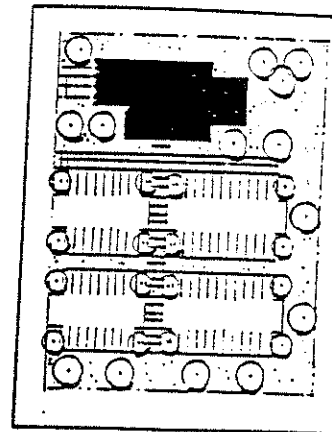
Proposals should be designed to have a pedestrian scale and should emphasize pedestrian entryways and access. Buildings located at the street frontage shall have pedestrian entries from the front as well as the rear or side(s) which face the parking lot. (Figures 8 and 11)

Large parking areas shall incorporate defined pedestrian paths and safe crossing points through the use of distinctive pavers, asphalt treatment, or landscape. (Fig. 9)

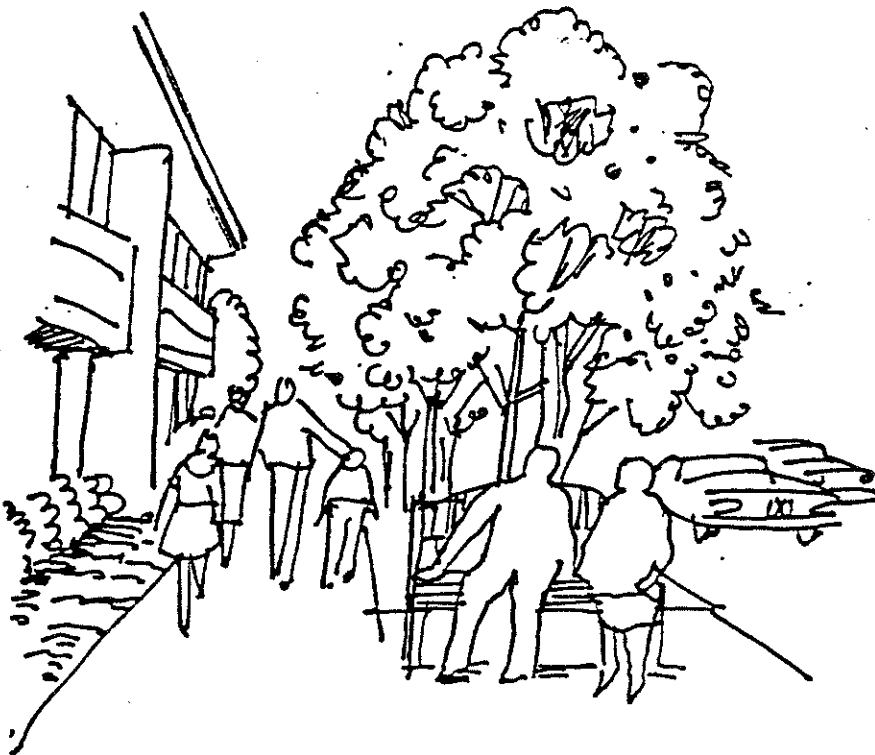
Proposals shall strike an appropriate balance between the demands of the automobile and the needs of the pedestrian (in the context of the development). (Fig. 10)



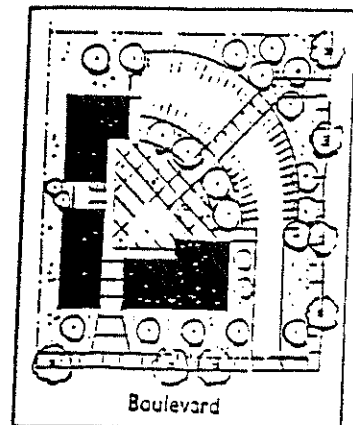
8. Pedestrian Access



9. Defined Paths



11. Pedestrian Compatibility

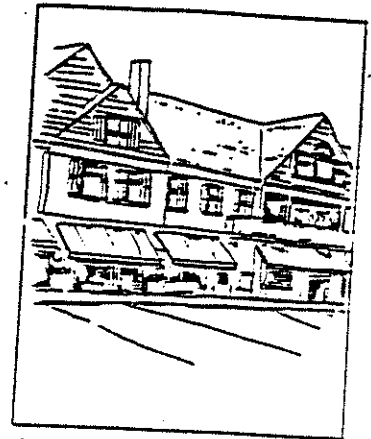


10. Balanced Access Between Pedestrian and Vehicle

B. BUILDING DESIGN

1. Mass and Scale

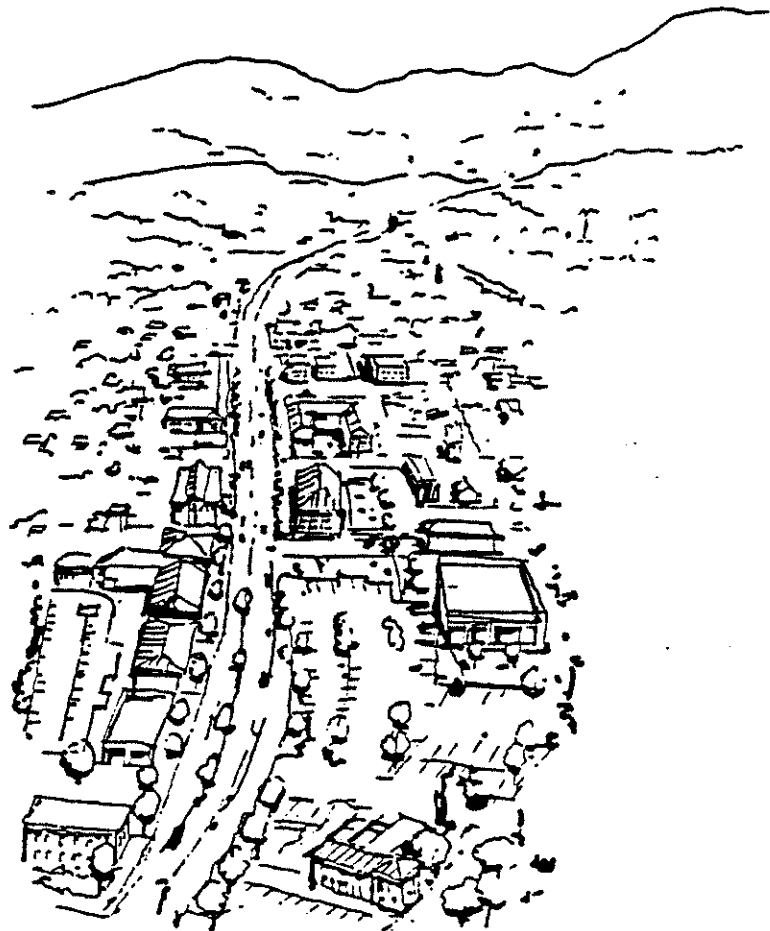
Simple building forms derived from and complimentary to classic residential building elements and the architectural character of Los Gatos residential areas shall be encouraged. This type of building form draws from Los Gatos' residential history, establishes a sense of timelessness and relates buildings to one another in mass and scale. (Fig. 1)



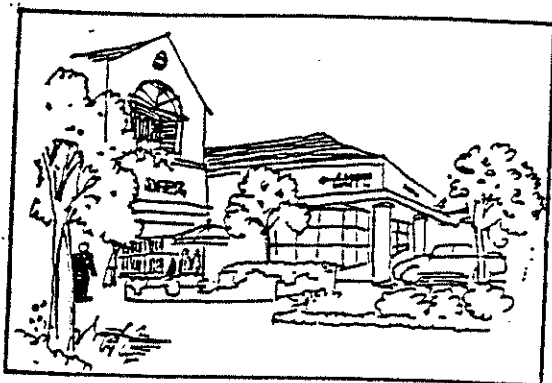
1. Classic Forms

Building height is the most obvious indicator of scale. Building height shall be considered in its relationship to surrounding development, commensurate to the width of Los Gatos Boulevard and shall not block scenic vistas or solar access. (Fig. 2)

Buildings should not overwhelm adjacent pedestrian areas. Taller two or three story buildings adjacent to pedestrian areas shall be stepped back to maintain small scale character near street level. Buildings shall be articulated on the ground level to create a human scale. (Fig. 3)



2. Relationship to Surroundings



3. Human Scale

- The degree of building setback shall be commensurate to the lot size.

2. Vehicle Services, Sales, and Related Activities

- Buildings shall not have a wall of garage doors facing the Boulevard or surrounding residential areas.
- Landscaping shall be incorporated in the design of a proposal to screen and soften building impact upon the Boulevard.

B. MIXED USE

Mixed use is considered a collection of residential and non-residential uses located on one parcel.

- The design standards for each use within a mixed use development shall be determined by analogy to the standards for uses listed in this Section.
- Below grade parking is encouraged to allow for adequate on-site parking.
- Parking for residences should be designated and separated from parking for other uses when possible.
- In residential development, required open space shall provide an attractive visual amenity for residents that may also serve as a buffer to adjacent retail/commercial or office uses.

C. MEDIUM AND HIGH DENSITY RESIDENTIAL

- Building style shall reflect existing simple residential forms in Los Gatos.
- Landscaping shall provide an appropriate buffer to adjacent or nearby commercial use(s).
- View corridors as perceived from within a proposed structure or addition shall be preserved.

D. GATEWAYS

Gateways shall be treated as a prelude to a special place, a landmark to identify the Town and Los Gatos Boulevard.

- Gateway elements should be compatible with the scale and proportion of the site and should emphasize transition into the Town of Los Gatos.

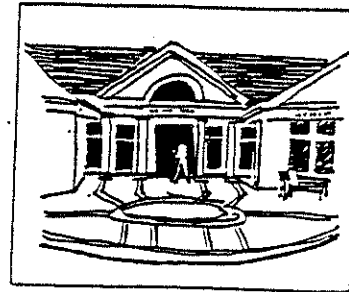
E. NODES

Each node shall be a distinctive, coherent open space laid out with features such as benches, trees, plants, and walkways.

- Nodes shall reflect the unique natural setting of Los Gatos through the incorporation of building and landscape materials that emphasize and complement such features as the Santa Cruz Mountains and their related viewshed.
- A node shall be designed and developed to serve as a pedestrian enclave.
- Node site pedestrian amenities should include seating and one or more of the following: bike rack, trash receptacle, fountain, planter, trees, newspaper stand.
- Architectural elements shall be consistent with the architecture on site and may include trellises, pergolas and/or lattice work to provide shade and/or visual interest at each node.

3. Architectural Elements

The main entry to a building shall be architecturally defined so as to create a focal point for the structure and add vitality to the streetscape. (Fig. 8)



8. Defined Entryway

Architectural elements shall be of reasonable height and not interfere with scenic corridors.

Fixed non-rigid canvas awnings, allowed to ripple in the breeze, are encouraged.

Fenestration shall be consistent with the architectural style of a proposal and shall add to the identity of a building. Mirrored or opaque glass in commercial buildings shall be discouraged. (Fig. 9)



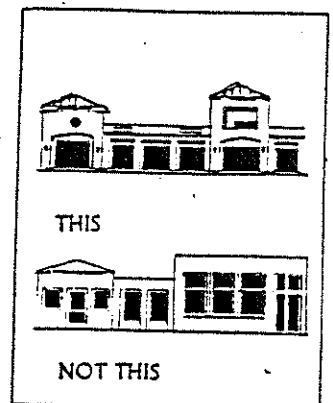
9. Fenestration

Structures shall be designed to achieve proportionality among architectural elements. A structure with proportion has functional and decorative elements like windows, roofs and doors which are in scale with one another.

Storefronts for individual retail tenants within a larger building should be "buildings within a building". Each building bay should be articulated with its own entrance, window grouping, and roofline. Repeating roof forms may be used to indicate the presence of individual tenants. (Fig. 10)

Faux elements, facades, and mansard roof forms are not allowed.

Architectural elements shall provide for diversity and interest. Standardized building types recognizable anywhere shall be discouraged.



10. Storefronts

Lighting of architectural features shall be encouraged. Lighting must shine onto on-site improvements.

III. USE SPECIFIC STANDARDS

When a proposed use is not addressed in the following sections, the Planning Director shall determine the Design Standards for the use in question by analogy to the listed uses.

A. COMMERCIAL

1. Neighborhood Commercial and Shopping Centers

Neighborhood Commercial development and Shopping Centers should have an integrated, cohesive design that reads as a whole building form. The overall design should allow for harmony between individual storefronts yet still allow identifiable tenant entrances.

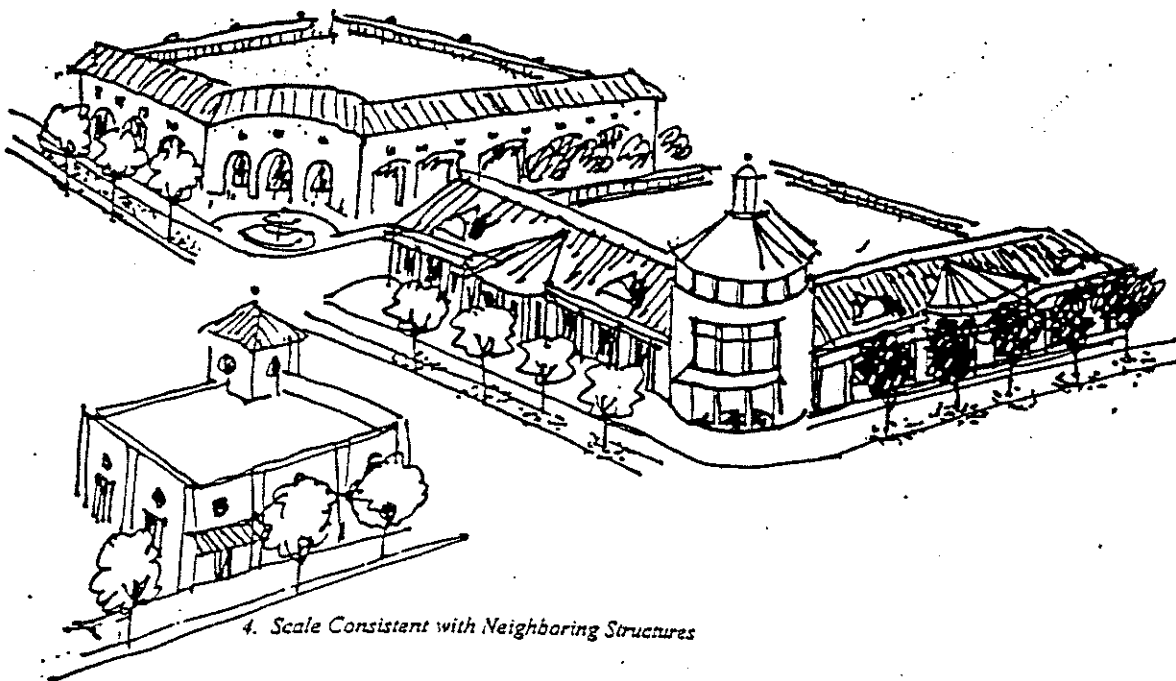
- Pedestrian amenities - low level lights, benches, trees, umbrellas - should be installed along the frontage of the center to make it a safer and more pleasant place to shop and eat.
- An identifiable architectural entrance sign may be installed to project a unified image.
- Pedestrian pathways from residential areas located to the rear or side of the center shall be established. The pathways shall be encouraged where the rear or side of a center is abutting a residential street rather than residential property.
- Landscaping shall be consistent with the architectural style of the center. Shade trees should be installed as an amenity and to help define travel lanes. "Orchard" planting is recommended to maintain visibility from the road. New lights with a pedestrian character should also be installed where possible.
- Exterior materials and finishes shall be consistent throughout the entire development.
- Commercial centers shall not have a rectangular "big-box" design.

Large undifferentiated wall planes on the street elevation are not allowed. If a blank wall is unavoidable or existing near a pedestrian area, it should be treated with lattice work, landscaping, or other elements to soften its impact.

Large monolithic structures are not allowed. Separations between structures or recessed facade areas shall be used to break large building masses into units similar in size to adjacent and nearby smaller lot development. A proposal may consist of a collection of small buildings connected by arcades, paths, gardens and retaining walls, with particular attention to preserving and protecting existing views.

Buildings shall be articulated to reduce the apparent mass of the structure. Changes in building plane and height, and the addition of elements such as bay windows, porches, porticos or dormers create shadow and texture on the building mass. Rooflines should also be articulated with elements such as secondary gables or hip roofs.

Architectural features such as roof forms, pilasters, columns, balconies, window details and building facade articulation shall be effectively used to maintain a scale consistent with neighboring structures. (Fig. 4)



4. Scale Consistent with Neighboring Structures

2. Texture and Materials

Exterior colors should be subdued and used to complement the architecture and natural setting. A color should be used with an awareness of the surface size to which it is applied.

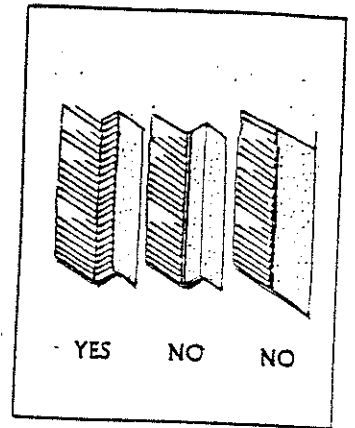
Building materials shall be used to enhance the architectural style of the structure. Materials shall "wrap" around corners and not be discontinued or altered on outside edges or flat planes. (Fig. 5)

A proposal's exterior colors and materials shall reflect the natural setting of Los Gatos.

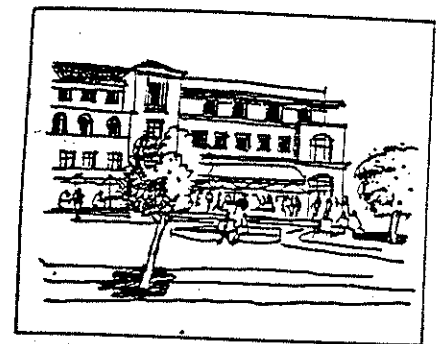
A proposal's materials and colors shall be sensitive to adjacent commercial structures and residential properties and promote visual continuity along Los Gatos Boulevard.

Buildings shall have visual order. Buildings shall be designed to create patterns of texture, light, color and materials. (Fig. 6)

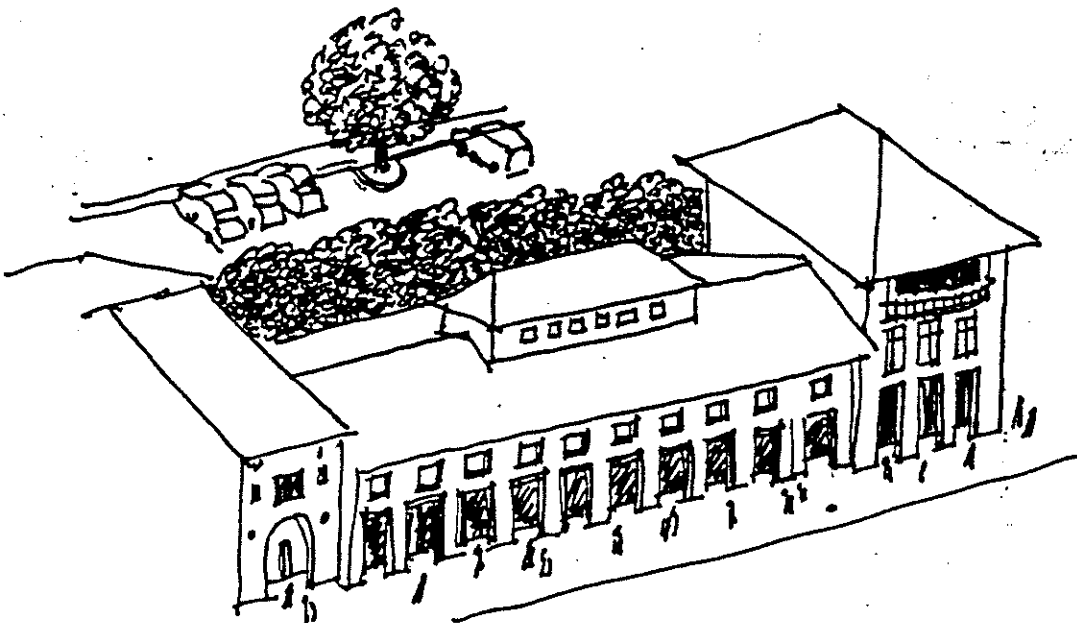
A building shall be articulated with changes in building planes, colors, material and rhythm. (Fig. 7)



5. Exterior Materials



6. Visual Order



7. Building Articulation

IV. MODIFICATION TO DESIGN STANDARDS

The Design Standards for new buildings, additions, and exterior remodels in the Los Gatos Boulevard Study Area are established as guidelines which reflect current Town policy for community design. In the event a project might be adversely affected by these standards, the applicant may present a written request for modification through the Architecture and Site Approval process. If the Planning Commission deems the requested modification worthy of favorable consideration, the modification may be allowed provided that findings are made that such modification will not be detrimental to the health, safety, general welfare, convenience and quality of life of any adjacent residents and of the community. If the modification is not allowed by the Planning Commission, the applicant may appeal to the Town Council. No modification may be considered without a public hearing.

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RESOLUTION 1997-138

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
APPROVING AMENDMENT No. 1 TO THE LOS GATOS BOULEVARD PLAN
REGARDING LANE WIDTH**

WHEREAS, the Town Council conducted public hearings for consideration of the Los Gatos Boulevard Plan on September 15, 1997 and December 1, 1997, and adopted the Plan on December 15, 1997; and

WHEREAS, during these hearings, the Town Council considered public input on the Los Gatos Boulevard Plan; and

WHEREAS, the Town has in good faith worked with residents, merchants and property owners to address their concerns, and

WHEREAS, it is necessary to amend the plan to address public concerns about bike lanes; and

WHEREAS, the Public Improvements section of the Plan will not include addition of bike lanes to the right-of-way.

RESOLVED, the Town Council finds that the Los Gatos Boulevard Plan will not have a significant environmental impact and makes the Negative Declaration.

RESOLVED, the new striping plan shall be evaluated by the Town one year after the striping is completed.

FURTHER RESOLVED, the Town Council amends the Los Gatos Boulevard Plan Public Improvements Policies as follows:

* * *

II.D.5 Right-of-way width gained by narrowing traffic lanes and redesigning on-street parking shall be used for enhanced driveway, transit turnouts, sidewalks, landscaping, nodes and street furniture where permitted.

* * *

II.D.9 The width of traffic lanes on Los Gatos Boulevard and up to one street off the Boulevard on Blossom Hill Road shall be reduced to a minimum of 11 feet wide.

* * *

FURTHER RESOLVED, the Town Council amends the Los Gatos Boulevard Plan Public Improvements Implementation Measures as follows:

* * *

VII.A.2 Develop and implement funding and construction plans to narrow traffic lanes, reconfigure on-street parking, complete landscaping improvements, and enhance pedestrian, transit and bicycle areas.

* * *

FURTHER RESOLVED, the Town Council of the Town of Los Gatos hereby adopts the amended Los Gatos Boulevard Plan attached hereto as Exhibit A.

PASSED AND ADOPTED at a regular meeting of the Town Council held on the 15th day of December 1997, by the following vote:

COUNCIL MEMBERS:

AYES: Randy Attaway, Jan Hutchins, Mayor Linda Lubeck

NAYS: Joanne Benjamin, Steven Blanton

ABSENT: None

ABSTAIN: None

SIGNED:

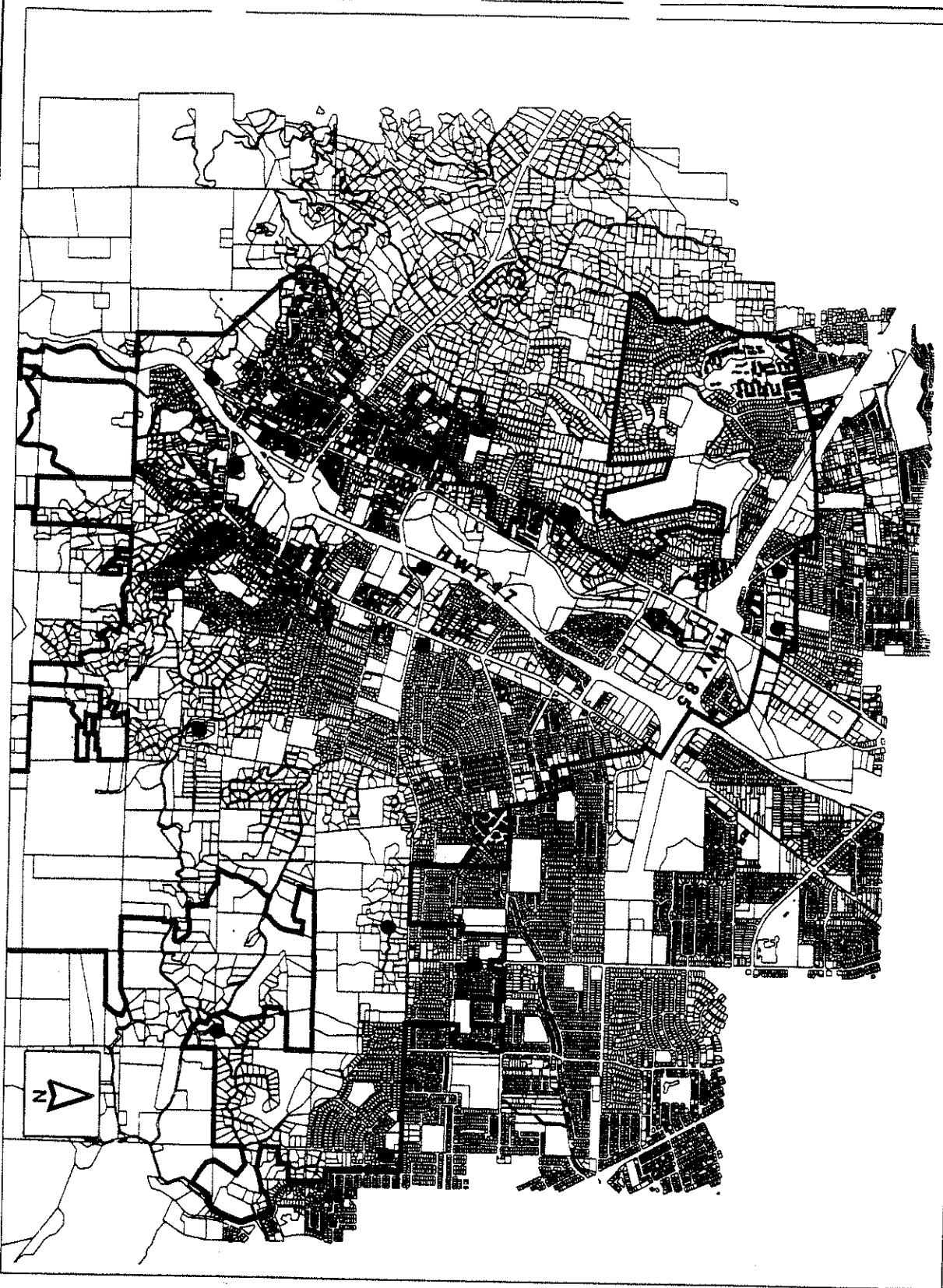


MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:



CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA



**TOWN OF LOS GATOS
NOTICE OF PUBLIC
HEARING**

NOTICE IS HEREBY GIVEN that the Town Council of the town of Los Gatos has scheduled a public hearing for **Monday, December 15, 1997**, at 7:30 p.m. in the Council Chambers, Civic Center, 110 East Main Street, Los Gatos, to:

Consider recommendations of the Planning Commission for a General Plan Land Use Map Update - General Plan Amendment GP-97-0002 -

a) Adopt a resolution updating the 1985 Los Gatos General Plan Land Use Map. The recommended Land Use Map update identifies uses on a parcel by parcel basis. Approximately 150 parcels are recommended for land use amendment. General areas are represented by a dot on the adjacent map.

b) Adopt Urban Growth Boundary. These matters are Categorically Exempt. If anyone wishes to challenge these matters in court, they may be limited to raising only those issues they or anyone else raised in the public hearing described in this notice, or in written correspondence delivered to the town Clerk at, or prior to the public hearing.

A complete record concerning these matters is on file for public inspection in the Office of the Town Clerk at 110 East Main Street, Los Gatos.

INTERESTED PERSONS are encouraged to appear and be heard at this public hearing.

TOWN OF LOS GATOS
/s/ Marian V. Cosgrove/
Town Clerk
(Pub LG 12/3/97)

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**TOWN OF LOS GATOS
COUNCIL POLICY COMMITTEE REPORT**

MEETING DATE: 05/25/2021

ITEM NO: 2

DATE: May 21, 2021
TO: Council Policy Committee
FROM: Laurel Prevetti, Town Manager
SUBJECT: Discuss and Provide Input to the Town Council Regarding Rescission of the Los Gatos Boulevard Plan.

RECOMMENDATION:

Staff recommends that the Council Policy Committee discuss and provide input to the Town Council regarding the rescission of the Los Gatos Boulevard Plan.

BACKGROUND:

On January 25, 2021, the Council Policy Committee approved their work plan. One of the items on the work plan was the rescission of the Los Gatos Boulevard Plan. The Los Gatos Boulevard Plan was adopted in 1997. Over the last number of years there have been many comments regarding the fact that the Los Gatos Boulevard Plan may no longer be relevant given the adoption of the Commercial Design Guidelines in 2005 and the pending draft 2040 General Plan. The draft General Plan currently includes an Implementation Program that calls for the rescission of the Los Gatos Boulevard Plan.

DISCUSSION:

The Policy Committee should consider and discuss the following preliminary questions:

1. Should the Los Gatos Boulevard Plan be rescinded?
2. Should any of the existing provisions in the Los Gatos Boulevard Plan be incorporated into other policy document(s)?

PREPARED BY: Joel Paulson
Community Development Director

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

PAGE 2 OF 2

SUBJECT: Los Gatos Boulevard Plan Rescission

DATE: May 21, 2021

CONCLUSION:

The purpose of this item is to facilitate a discussion of this work plan item with the Council Policy Committee to provide direction on whether the Town Council should consider rescission of the Los Gatos Boulevard Plan.

Attachment:

1. Los Gatos Boulevard Plan: <https://www.losgatosca.gov/DocumentCenter/View/373/Los-Gatos-Boulevard-Plan-?bidId=>



**Minutes of the Town Council Policy Committee Regular Meeting
May 25, 2021**

The Town Council Policy Committee of the Town of Los Gatos conducted a regular meeting via Teleconference via COVID-19 Shelter in Place Guidelines on Tuesday, May 25, 2021, at 5:00 p.m.

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

ROLL CALL

Members Present: Maria Ristow, Marico Sayoc.

Staff Present: Laurel Prevetti, Town Manager; Robert Schultz, Town Attorney; Joel Paulson, Community Development Department Director; Robert Gray, Chief Building Official; Holly Zappala, Management Analyst.

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

1. Approve the Draft Minutes of the April 27, 2021 Policy Committee Meeting.

Approved.

VERBAL COMMUNICATIONS

None.

OTHER BUSINESS

2. Discuss and Provide Input to the Town Council Regarding Rescission of the Los Gatos Boulevard Plan.

Joel Paulson, Community Development Director, presented the staff report.

After discussion, the Committee unanimously agreed to forward a recommendation to the Town Council to rescind the Los Gatos Boulevard Plan. The Committee also directed staff to further analyze the Los Gatos Boulevard Plan to determine if any of its elements should be incorporated into other land use policy documents as appropriate.

PAGE 2 OF 2

SUBJECT: Minutes of the Regular Council Policy Committee Meeting of May 25, 2021

DATE: June 22, 2021

ADJOURNMENT

The meeting adjourned at 5:14 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the May 25, 2021 meeting as approved by the Town Council Policy Committee.

/s/ Holly Zappala, Management Analyst

RESOLUTION 2022-xx

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS TO
RESCIND THE LOS GATOS BOULEVARD PLAN AND
THE ADOPTING RESOLUTIONS 1997-036 AND 1997-038**

WHEREAS, the Town of Los Gatos Town Council adopted Resolutions 1997-036 and 1997-038 on December 15, 1997 adopting the Los Gatos Boulevard Plan; and

WHEREAS, the Town Council adopted the Commercial Design Guidelines on June 20, 2005; and

WHEREAS, the Town Council adopted the Bicycle and Pedestrian Master Plan on March 7, 2017 with Council approved revisions on September 1, 2020; and

WHEREAS, the Planning Commission unanimously recommended that the Town Council rescind the Los Gatos Boulevard Plan on December 8, 2021.

NOW, THEREFORE, BE IT RESOLVED, the Town Council hereby rescinds the Los Gatos Boulevard Plan and the adopting Resolutions 1997-036 and 1997-038.

ATTACHMENT 2

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 18th day of January, 2022, 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: 01/18/2022

ITEM NO: 6

DATE: January 11, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Actuarial Services Agreement:
a. Authorize the Town Manager to Execute a Five-Year Agreement with Bartel Associates, LLC to Provide Actuarial Services for the Town of Los Gatos in Amount of \$170,400, Plus an Additional \$20,000 for Other Services as Required for a Total Agreement Amount Not to Exceed \$190,400; and,
b. Approve an Expenditure Budget Adjustment in the Amount of \$11,000 from Available Capital/Special Projects Reserve.

RECOMMENDATION:

Staff recommends that the Town Council take the following actions regarding an actuarial services agreement:

- a. Authorize the Town Manager to execute a five-year agreement with Bartel Associates, LLC to provide actuarial services for the Town of Los Gatos in amount of \$170,400, plus an additional \$20,000 for other services as required for a total agreement amount not to exceed \$190,400; and,
- b. Approve an expenditure budget adjustment in the amount of \$11,000 from available Capital/Special Projects Reserve.

BACKGROUND:

Bartel Associates, LLC has been the Town's actuarial consultant since 2007. Bartel Associates, LLC is a reputable firm with extensive knowledge performing Governmental Accounting Standards Board (GASB) studies for similar sized California cities. Over the years, Bartel Associates, LLC provided the Town additional analyses for the Town's Pension and Other Post-Employment Benefits (OPEB) Trusts Oversight Committee, on the effects of additional discretionary payments (ADPs) to the pension plan, prefunding the OPEB plan, and other items related to labor negotiations. Starting in 2018 The firm also provided an annual review of the CalPERS generated actuarial valuations for the Town's pension plans.

PREPARED BY: Stephen Conway
Finance Director

Reviewed by: Assistant Town Manager, and Town Attorney

DISCUSSION:

In October 2021, the Town of Los Gatos sent a Request for Proposals (RFP) for actuarial consulting services to sixteen qualified firms known to provide actuarial services. The opportunity was also promoted on the Town's website, What's New, and other social media platforms. Three firms responded with proposals: Actuarial Retirement Consulting, Precision Actuarial Inc., and Bartel Associates, LLC.

A selection panel consisting of the Finance Commission Chair, the Finance Director, Assistant Town Manager, Finance and Budget Manager, and Finance Administrative Analyst reviewed and scored the three proposals. The firms were evaluated based on their technical expertise, qualified personnel, and responsiveness to the RFP. These qualities were weighted at seventy percent and proposed fees weighted at thirty percent. Based upon the firm's technical expertise, proposal, interview, and references, the panel selected Bartel Associates, LLC.

With this new contract, the Town will change its project lead to Vice President Mary Elizabeth Redding who has over 30 years experience in employee benefits. She is a fellow of the Society of Actuaries, member of the American Academy of Actuaries, and fellow of the Conference of Consulting Actuaries. She has assisted the California Committee on Municipal Accounting (CCMA) with the 2015 GASB 68 White Paper and its 2016 Update. The firm's current client list includes: City of Sunnyvale, City of Vallejo, and City of Malibu amongst other California cities.

The firm will provide the following services for the Town:

- Prepare actuarial valuation reports, including recommended contributions and the plan's funded status;
- Prepare roll forward GASB 75 accounting information reports and the California Employers' Retiree Benefit Trust (CERBT) actuarial information packet;
- Assist the Town in implementing new GASB requirements and pronouncements related to the Town's OPEB plan;
- Provide annual reviews of the Town's CalPERS Miscellaneous and Safety pension plans;
- Provide GASBS 68 accounting information reports for the Town's Safety risk pool plans; and
- Complete other consulting services as needed.

CONCLUSION:

Staff recommends that the Town Council take the following actions regarding an actuarial services agreement:

- a. Authorize the Town Manager to execute a five-year agreement with Bartel Associates, LLC to provide actuarial services for the Town of Los Gatos in amount of \$170,400, plus an additional \$20,000 for other services as required for a total agreement amount not to exceed \$190,400, and

PAGE 3 OF 2

SUBJECT: Actuarial Services Agreement

DATE: January 11, 2022

CONCLUSION (continued):

- b. Approve an expenditure budget adjustment in the amount of \$11,000 from available Capital/Special Project Reserve.

FISCAL IMPACT:

The expected expenditure for the first year of the contract is \$37,500 of which \$26,500 is available in the Adopted Operating Budget for Fiscal Year 2021/22. An additional \$11,000 is needed to fund the needed services for the first year, requiring the recommended budget adjustment. The Capital/Special Project Reserve has funds available for the proposed expenditure budget adjustment in the amount of \$11,000. Budgeting for future years services will be addressed through the annual budget process.

ENVIRONMENTAL ASSESSMENT:

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

Attachment:

1. Agreement to provide actuarial and optional services with Bartel Associates, LLC.

AGREEMENT FOR CONSULTANT SERVICES

THIS AGREEMENT is made and entered into on _____ by and between TOWN OF LOS GATOS, a California municipal corporation, ("Town") and Bartel Associates, LLC, ("Consultant"), whose address is 411 Borel Avenue, Suite 620, San Mateo, CA 94402. This Agreement is made with reference to the following facts.

I. RECITALS

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

II. AGREEMENTS

- 2.1 Scope of Services. Consultant shall provide services as described in that certain proposal sent to the Town on October 27, 2021, which is hereby incorporated by reference and attached as Exhibit A.
- 2.2 Term and Time of Performance. This contract will remain in effect from _____ to _____.
- 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 the these documents or information available to any

individual or organization not employed by the Consultant or the Town without the written consent of the Town before such release. 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 \$190,400**, 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

Bartel Associates, LLC
411 Borel Avenue
Suite 620
San Mateo, CA 94402

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:

Stephen Conway, Finance Director

Bartel Associates, LLC

Approved as to Form:

Robert Schultz, Town Attorney

Attest:

Shelley Neis, MMC, CPMC
Town Clerk



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 01/18/2022

ITEM NO: 7

DATE: January 4, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Weed Abatement Program Public Hearing to Consider Objections to the Proposed Abatement of Hazardous Vegetation (Weeds) for Properties Listed on the 2022 Weed Abatement Program Commencement Report and Order the Abatement

RECOMMENDATION:

Conduct a public hearing to consider objections to the proposed abatement of hazardous vegetation (weeds) for properties listed on the 2022 Weed Abatement Program Commencement Report (Attachment 1) and order the abatement.

BACKGROUND:

The Weed Abatement Program is a different, but complimentary program to the Brush Abatement Program, that works to protect the Town by preventing fire hazards created by vegetative growth and the accumulation of combustible debris with the goal of voluntary compliance.

The Town of Los Gatos Municipal Code Chapter 11, Article II et seq requires property owners to prevent potential fire hazards based on the California Health & Safety Code to provide protection for the property and any nearby structures by clearing hazards according to Minimum Fire Safety Standards. It also authorizes the County to remove the weeds if the property owner fails to do so and to recover costs through an assessment on the property tax bill for each parcel.

Typically, a property is placed in the program after a County inspector identifies a potential fire hazard on the premises. Fire Departments, Code Enforcement, Public Works, and other public

PREPARED BY: Meredith Johnston
Administrative Technician, Parks and Public Works

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

PAGE 2 OF 4

SUBJECT: Weed Abatement Program Public Hearing to Consider Objections to the Proposed Abatement of Hazardous Vegetation (Weeds) for Properties Listed on the 2022 Weed Abatement Program Commencement Report and Order the Abatement

DATE: January 4, 2022

BACKGROUND (continued):

agencies can also submit complaints to the County. Once a parcel is placed in the program, it will remain until it displays compliance for three consecutive years, at which point it will be removed.

The Program is administered by the County on behalf of the Town and is funded from fees assessed on the properties included on the assessment list. Every year while in the program, each of the property owners are charged an annual compliance inspection fee and some incur costs for additional inspections, administrative, and abatement fees.

DISCUSSION:

On December 7, 2021, the Town Council passed Resolution 2021-057 (Attachment 2) declaring hazardous vegetation (weeds) a public nuisance, providing for their abatement, and setting January 18, 2022 as a public hearing for the annual program to consider objections for proposed removal and to order the abatement. On December 15, 2021, the County mailed informational weed abatement program packets to all property owners, including the schedule and price list (Attachment 3).

The weed abatement process consists of eight steps that begin in November and go through August of each year. Currently the process is at Step 4 on the list as illustrated below.

1. When properties are identified as having hazardous weeds, they are placed in the program, monitored, and must be compliant for three consecutive years in order to be removed from the program. County prepares a report of all properties that have been identified and provides the report to the Town (Attachment 1) (November).
2. Town Council adopts resolution declaring weeds a nuisance and sets a hearing date to hear objections by property owners to having their property listed on the report (Attachment 2) (December).
3. County sends notice to property owners on the report notifying them of the hearing date, along with guidelines on the Weed Abatement Program explaining that they must remove weeds by the abatement deadline or it will be done for them and the cost of the abatement plus administrative costs will be assessed by the County Tax Collector against the respective property (Attachment 3) (December).

PAGE 3 OF 4

SUBJECT: Weed Abatement Program Public Hearing to Consider Objections to the Proposed Abatement of Hazardous Vegetation (Weeds) for Properties Listed on the 2022 Weed Abatement Program Commencement Report and Order the Abatement

DATE: January 4, 2022

DISCUSSION (continued):

4. Town Council holds a public hearing to consider objections by property owners and orders abatement (January).
5. County sends a courtesy letter to property owners on the report notifying them again of the abatement deadline (January).
6. After the April parcel abatement deadline, the properties are inspected by the County to verify that weeds were removed and proceeds with abatement if the inspection fails. County creates an assessment report of all costs associated with the abatement and provides that report to the Town (June-July).
7. Town notifies the property owners on the assessment report notifying them of the hearing date (July).
8. Town Council holds a public hearing, notes any disputes, and adopts a resolution confirming the assessment report, authorizing collection of the assessment charges (August).

CONCLUSION:

Staff recommends that the Council conduct a public hearing to consider objections to the proposed abatement of hazardous vegetation (weeds) for properties listed on the 2022 Weed Abatement Program Commencement Report (Attachment 1) and order the abatement. At the time of this report's preparation, staff had not been contacted regarding potential objections.

COORDINATION:

This program has been coordinated with the Santa Clara County Department of Agriculture and Environmental Management.

FISCAL IMPACT:

The County's Weed Abatement Program administers services for 13 local agencies under a cost recovery model paid for by fees imposed on the parcel owners. The estimated program cost related to each agency is based on the number of parcels per agency. Funds are provided in the FY 2021/22 Operating Budget to cover the cost of publishing all required legal notices.

PAGE 4 OF 4

SUBJECT: Weed Abatement Program Public Hearing to Consider Objections to the
Proposed Abatement of Hazardous Vegetation (Weeds) for Properties Listed on
the 2022 Weed Abatement Program Commencement Report and Order the
Abatement

DATE: January 4, 2022

ENVIRONMENTAL ASSESSMENT:

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

Attachments:

1. 2022 Weed Abatement Program Commencement Report
2. Resolution 2021-057
3. Abatement Program Packet Mailed to Parcel Owners

2022 WEED ABATEMENT PROGRAM
COMMENCEMENT REPORT
TOWN of LOS GATOS

	Situs		APN	Owner
831	POLLARD	RD	406-26-011	LAM MITCHELL
	CALLE MARGUERITA		409-04-049	GUPTA MOHIT AND APAN PARUL
			409-04-052	UNION PACIFIC CORPORATION
			409-08-001	UNION PACIFIC CORPORATION
17291	WEDGEWOOD	AV	409-14-013	KIM YOUNG CHANG AND TAI HYUN TRUSTEE
14330	LA RINCONADA	DR	409-14-020	GERA NICHOLAS TRUSTEE & ET AL
14341	BROWNS	LN	409-14-035	KOWITZ MICHAEL D TRUSTEE
14316	MULBERRY	DR	409-15-005	SAWHNEY CHANDANDEEP AND BHATIA MONTY
14298	LORA	DR	409-15-029	CLARK JOE TRUSTEE
17631	WEDGEWOOD	AV	409-17-010	BELCHER PHYLLIS TRUSTEE
14821	GOLF LINKS	DR	409-27-005	NEAL WALTER E JR TRUSTEE
16245	BURTON	RD	424-06-115	SWENSON C B TRUSTEE
	BURTON	RD	424-06-116	SWENSON C B TRUSTEE
14823	LOS GATOS	BL	424-07-065	14823 LGB LLC
14926	LOS GATOS	BL	424-10-009	TSAI DAVID Y AND UNDINE Y TRUSTEE
15545	BENEDICT	LN	424-20-008	NELSON VICTORIA A
15710	WINCHESTER	BL	424-27-013	DONNELLY TESSA I ET AL
	LAUREL	AV	510-41-068	GERTRIDGE JOHN H ET AL
72	FAIRVIEW PLAZA		510-43-010	MURPHY ROBERT J
110	WOOD	RD	510-47-038	COVIA COMMUNITIES
138	WOOD	RD	510-47-044	FRENKEL LILY M AND DRAA JUSTIN S
779	BLOSSOM HILL	RD	523-04-037	BLANTON LOUISE C TRUSTEE
15931	BLOSSOM HILL	RD	523-25-028	TERRY NAKA K
263	PINEHURST	AV	523-43-019	GORMAN ROBERT L AND THERESA A
15941	QUAIL HILL	RD	527-02-006	KHOSRAVI ARVIN AND MOZAFAR FIROUZEH J TRUST
72	DRYSDALE	DR	527-02-007	DIEP JOHN AND ALLISON
15790	BLOSSOM HILL	RD	527-07-006	TAI CHAIN CHANG AND HOH BAO LIAN
16084	GREENRIDGE	TR	527-15-002	LUU RICHARD T
	LARGA VISTA	DR	527-16-013	GUEVARA MARIA E TRUSTEE & ET AL
14960	LARGA VISTA	DR	527-16-016	PROUTY PAUL ROBERT AND KYMBERLY KAY TRUSTEE
14850	BLOSSOM HILL	RD	527-18-014	O'DEEGAN STEVE
401	SURMONT	DR	527-20-002	BATE ROSEMARY S
303	BELGATOS	LN	527-26-009	MICHAELIS MICHAEL W TRUSTEE & ET AL
175	BELWOOD GATEWAY		527-30-032	HOUGH JUSTIN TRUSTEE
	ALTA TIERRA	CT	527-55-042	OHM VICTOR J AND VANNA J
118	HARWOOD	CT	527-56-020	SIU MARIAN Y TRUSTEE
112	HARWOOD	CT	527-57-008	CHANG WEICHAU AND YISHAN Y
			529-06-072	CROSS CREEK LOS GATOS LLC
615	BLOSSOM HILL	RD	529-16-026	DUNN PROPERTIES LP ETAL
	BELLA VISTA	AV	529-21-010	MASTERSON ANTHONY D ET AL
	BELLA VISTA	AV	529-23-015	PETERS JAKE C AND KATHERINE H TRUSTEE
	BELLA VISTA	AV	529-23-016	ROSS DANIEL LEE TRUSTEE
401	ALBERTO	WY	529-23-018	LP ACQUISITIONS LLC
	BELLA VISTA	AV	529-23-019	HARLAN MARILYN S TRUSTEE
	BELLA VISTA	AV	529-23-020	SHANKER BENJAMIN J AND SHARI ET AL
			529-29-065	DOUGLAS-KIDDER VASILIKI TRUSTEE
	RESERVOIR	RD	529-29-066	DOUGLAS-KIDDER VASILIKI TRUSTEE

140	FOSTER	RD	529-37-015	GOETZ JAMES
	(VACANT)		529-39-047	ST WARD PROPS LP
16336	SHADY VIEW	LN	532-03-034	COULSON ALLAN A AND ADRIANA C TRUSTEE
16666	TOPPING	WY	532-09-018	LIN ARTHUR W AND CHANG CHRISTINE
	TWIN OAKS	DR	532-16-006	SURREY FARMS GROUP LLC
16510	KENNEDY	RD	532-17-025	TSAO WILLIAM AND PENG ANGELA
16461	S KENNEDY	RD	532-17-027	WALL RYAN COMFORT TRUSTEE & ET AL
16481	S KENNEDY	RD	532-17-028	HAKHU JAI K AND NALINI
17511	PHILLIPS	AV	532-39-009	UPLIFT FAMILY SERVICES
17435	PHILLIPS	AV	532-39-013	SCOTT JOHN C AND ELVIE E
17528	TOURNEY	RD	537-04-019	EBRAHIMI KEVIN A
15220	KENNEDY	RD	537-15-004	IYAR SUBRAH S TRUSTEE
14050	SHANNON	RD	537-17-027	LEIRER VON OTTO AND PERZOW CARRIE JOY TRUST
233	FORRESTER	RD	537-21-010	JACKSON STREET EQUITIES LLC
229	FORRESTER	RD	537-22-011	SATIA JAGAT B AND INDIRA
210	WOODED VIEW	DR	537-23-046	CUNNINGHAM JAMES F TRUSTEE
15876	SHANNON	RD	537-26-009	LIVE WELL HOMES INC
15760	SHANNON	RD	537-26-018	KELLERMANN MARC ET AL
16060	CERRO VISTA	DR	537-30-004	BREZOCZKY BLASIVUS TRUSTEE & ET AL

RESOLUTION 2021-057

**RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS
DECLARING CERTAIN HAZARDOUS VEGETATION GROWING IN
THE TOWN OF LOS GATOS TO BE A PUBLIC NUISANCE, DESCRIBING PROPERTIES
WHERE SUCH NUISANCE EXISTS; ORDERING ABATEMENT AND SETTING A PUBLIC
HEARING DATE OF JANUARY 18, 2022 TO CONSIDER OBJECTIONS FOR PROPOSED
ABATEMENT**

WHEREAS, Section 39501 and Section 39502 of the Government Code of the State of California authorize the Town of Los Gatos to prescribe a procedure for compelling the owner, lessees or occupant of buildings, grounds, or lots to remove hazardous vegetation (weeds) from such buildings or grounds and adjacent sidewalks, and, upon his failure to do so, to remove such hazardous vegetation (weeds) at owner's expense, making the cost thereof a lien upon such property; and

WHEREAS, the Town of Los Gatos, by ordinance, has adopted such a procedure, codified in Chapter 11, Article II, Sections 11.20.010 through 11.20.045 of the Los Gatos Town Code.

NOW, THEREFORE, BE IT RESOLVED: that the Town Council hereby finds that hazardous vegetation "weeds," as that term is defined in Section 11.20.010, are growing upon and adjacent to private property within the Town of Los Gatos, and declares that all hazardous vegetation (weeds) growing upon any private property or properties, and in any sidewalk street, or alley within the Town of Los Gatos are a public nuisance and should be abated.

BE IT FURTHER RESOLVED that unless such nuisance be abated by the destruction or removal of such hazardous vegetation (weeds) within thirty (30) days after the adoption of this resolution, or within the time specified in a written agreement with the Town of Los Gatos Director of Parks and Public Works, or his representative, whichever time shall be later, as provided in Chapter 11, Article II, of the Los Gatos Town Code, the Town of Los Gatos shall cause such nuisance to be abated, and the expense thereof assessed upon the lots and lands from which, or in the front and rear of which, such hazardous vegetation (weeds) shall have been destroyed or removed, such expense constituting a lien upon such lots or lands until paid, and to be collected upon the next tax roll upon which general municipal taxes are collected.

BE IT FURTHER RESOLVED that the Director shall execute a "Notice to Destroy Hazardous Vegetation (Weeds)" in the form set forth in Section 11.20.020(b) and shall cause same to be published and posted in the manner prescribed by Section 11.20.020(c).

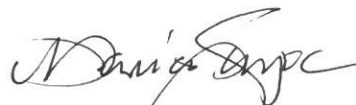
BE IT FURTHER RESOLVED that on the 18th day of January 2022 at a meeting of the Town Council beginning at 7:00 p.m. via Teleconference, a public hearing will be held during which all property owners in the Town of Los Gatos having any objections to the proposed destruction or removal of such hazardous vegetation (weeds) will be heard and given due consideration.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 7th day of December 2021 by the following vote:

COUNCIL MEMBERS:

AYES: Mary Badame, Matthew Hudes, Rob Rennie, Maria Ristow, Mayor Marico Sayoc
NAYS: None
ABSENT: None
ABSTAIN: None

SIGNED:



MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: 12/14/2021

ATTEST:



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

DATE: 12/20/2021

County of Santa Clara

Consumer and Environmental Protection Agency
Weed Abatement Division

1553 Berger Drive
Building 1
San Jose, CA 95112
(408) 282-3145
Fax (408) 286-2460



AFFIDAVIT OF MAILING

Notice of Public Hearing for the Jurisdictions of: Los Gatos

Milton Kumre, declares as follows: That he is a citizen of the United States, over the age of 18 years, that at all times herein mentioned was an employee/agent of the County of Santa Clara.

Milton Kumre, deposited in the United States Post Office, California, a Notice of Hearing, a copy of which is attached hereto. That said mailing list has been provided by the applicant and lists the owners of property who are entitled to Notice of Hearing. That on said day, there was a regular communication by United States mail between San Jose, California and the addresses shown on the attached mailing list.

I declare under penalty of perjury that
the foregoing is true and correct.

Date: December 15 2021

By: 

1553 Berger Drive
Building 1
San Jose, CA 95112
(408) 282-3123

County of Santa Clara

Consumer and Environmental Protection Agency
Weed Abatement Division



1553 Berger Drive
Building 1
San Jose, CA 95112
(408) 282-3145
Fax (408) 286-2460

November 24, 2021

IMPORTANT NOTICE TO ABATE WEEDS

Dear Property Owner:

To protect your property and the surrounding area from possible fire, your jurisdiction (city or County if in unincorporated areas) contracts with the County of Santa Clara to operate a Weed Abatement Program. You are receiving this notice and information because our staff has determined that your parcel is part of this Program. Please read the information carefully and contact us for clarification or additional information.

Your jurisdiction has or will adopt a resolution declaring your property as one that may contain fire hazards from weeds or other debris. Following this action, your jurisdiction will conduct a public hearing to consider an abatement order which would require you to remove any hazardous vegetation or combustible debris prior to the deadline in the attached abatement schedule. The public hearing will be held on the date and at the place stated in the attached notice and provides an opportunity for you to raise any objections or concerns with this requirement.

If you believe your parcel includes an environmentally sensitive habitat, please check the box and provide additional information on the reply form to assist us in determining the best approach to abating your property.

If, after the public hearing, the Weed Abatement Program is approved for your property, the County is authorized by your city and the California Health and Safety Code sections 14875-14922 to inspect your property to confirm that the property has been cleared of hazards according to Minimum Fire Safety Standards (see enclosed brochure). Inspections will begin after the abatement deadline for your jurisdiction. This notice does not relieve you of your responsibility to complete the necessary work prior to the deadline for your jurisdiction. You will be responsible for an annual fee of \$91 to cover the cost of this compliance inspection.

If you fail to complete the abatement work prior to our inspection of your property, you will be responsible for an inspection fee of \$505 per parcel, and your property will be scheduled for abatement by the County contractor. You will be assessed a County administrative fee of \$858 per parcel plus the County's cost of abatement if the County completes this work. If you complete the abatement work before the County contractor, you will not incur further charges.

The County will use the least costly method of abatement considering the physical characteristics of your property and any other environmental or related concerns. Fees are detailed in the attached price list. The total amount will be included as a special assessment on your property tax bill following confirmation of the charges by your city or the County if parcel is not in a city at a public hearing?. This hearing would be scheduled in late spring/summer 2021 with the exact date determined by your jurisdiction. Jurisdictions

Board of Supervisors: Mike Wasserman, Cindy Chavez, Otto Lee, Susan Ellenberg, S. Joseph Simitian
County Executive: Jeffrey V. Smith

post hearing information at a physical location (typically at a city hall building or other government center and most jurisdictions also publish this information on their websites) at least three days prior to the meeting.

You can avoid all costs, other than the annual compliance fee, by completing the abatement work yourself according to Minimum Fire Safety Standards (see enclosed brochure) prior to the abatement deadline for your jurisdiction and maintaining the Minimum Fire Safety Standards for the duration of fire season, which typically runs March Through October. Parcels will be removed from the program after three consecutive years of voluntary compliance (work completed by property owner prior to the deadline and confirmed by our inspection).

In preparation for this program, please complete and return the enclosed Reply Form by January 15, 2021 so we are notified of your plans for abating your property.

If you designate in your reply that you intend to abate the weeds yourself, you need to complete the abatement before the deadline listed on the attached abatement schedule and maintain fire safe conditions for the duration of the fire season. Responding that you intend to provide maintenance yourself does not release you from this responsibility to have the maintenance *completed* before your deadline and *repeated* as necessary to maintain Minimum Fire Safe Standards. The County will abate hazardous vegetation as required after the deadline for your jurisdiction at your cost.

Enclosed you will find the following information:

- √ **Reply Form specific to your property. Please complete and return by January 15, 2021.**
- √ **Notice to Destroy Weeds informing you of an upcoming public meeting (that you must attend if you have any objections to the proposed removal of hazardous vegetation or debris from your property. Your Jurisdiction may offer the ability for you to participate in this meeting virtually; please confirm directly with your jurisdiction.**
- √ **Weed Abatement Program Schedule for your city with current County abatement fees.**
- √ **County of Santa Clara Weed Abatement Brochure.**

Please be aware that any abatement performed by the County must comply with all applicable regulations. If your property falls within an area designated as possible habitat for burrowing owls or any other protected species of bird or animal, the methods used to remove vegetation may be regulated by specific laws or local ordinances.

If you are no longer the owner of the property identified by this mailing, please notify us immediately at (408) 282-3145. If you sell your property after the date of this letter, it is your responsibility to notify the new owner and to include the obligation to pay any abatement costs in your agreement of sale. Without taking this action, you will be responsible for all hazard abatement charges assessed to the property.

Our goals are voluntary compliance with the Minimum Fire Safety Standards and all properties remain safe from fire. If you have any questions or need on-site advice to help you achieve compliance with the Minimum Fire Standards, please call us at (408) 282-3145.

Sincerely,

DocuSigned by:

23BC95461D52437...
Jo Zientek, Director
Consumer and Environmental Protection Agency

Notice to Destroy Weeds

NOTICE IS HEREBY GIVEN that on December 7, 2021, pursuant to the provisions of Section 11.20.020 of the Town Code of the Town of Los Gatos, the Town Council of said Town adopted a Resolution declaring that all weeds growing upon any private property or in any street, sidewalk or alley, as defined in Section 11.20.020 of such code, constitute a public nuisance, which nuisance must be abated by the destruction or removal thereof.

NOTICE IS FURTHER GIVEN that property owners shall within thirty days after the adoption of such resolution, or within the time specified in a written agreement with the Director of Parks and Public Works of the Town of Los Gatos, or the Director of Parks and Public Works' representative, whichever time shall be later, remove all such weeds from their property, the abutting sidewalks, and the abutting half of the street in front, and alleys, if any, behind such property, and between the lot lines thereof as extended, or such weeds will be destroyed or removed and such nuisance abated by the Town of Los Gatos, in which case the cost of such destruction or removal will be assessed upon the lots and lands from which, or from the front or rear of which, such weeds shall have been destroyed or removed; and such cost will constitute a lien upon such lots or lands until paid, and will be collected upon the next tax roll upon which general municipal taxes are collected. All property owners having any objections to the proposed destruction or removal of such weeds are hereby notified to attend a meeting of the Town Council of such Town to be held in the Council Chambers of said Town at 110 East Main Street, Los Gatos, California, on **Tuesday, January 18, 2022 at 7:00 p.m.**, or as soon thereafter as the matter can be heard, when their objections will be heard and given due consideration. *The language and format for this notice is required by California Health and Safety Code Sections 14891 Et. Seq.*

LOS GATOS WEED ABATEMENT PROGRAM SCHEDULE

- | | |
|--------------------------|---|
| January 18, 2022 | Public hearing to consider objections to Abatement List. |
| April 15, 2022 | <u>PARCEL ABATEMENT DEADLINE</u>
Parcel must be free from hazardous vegetation by this date or Inspector will order abatement. |
| July-August, 2022 | Assessment Hearing to protest abatement charges
(Date subject to change, please confirm with City Clerk) |

2022 COUNTY WEED ABATEMENT FEES

Properties in the Weed Abatement Program, you will be responsible for an annual inspection fee of \$91.00 per parcel.

Please be advised that the property owner of any parcel found to be non-compliant on or after the April 15th deadline will be charged a processing fee of \$505.00 and the property will be scheduled for abatement by the County contractor. If you complete the abatement work before the County contractor performs the abatement, you will not incur further charges. Should the abatement work be performed by a County contractor, you will be assessed the contractor's charges plus a County administrative fee of \$858.00 per parcel.

2022 COUNTY CONTRACTOR'S WEED ABATEMENT PRICE LIST

A) Disc Work**

PARCEL SIZE:	1 st Disc	+ 2 nd Disc	= Total Discs
0-12,500 sq.ft.	<u>\$412.39</u>	<u>\$165.79</u>	<u>\$578.18</u>
12,501sq.ft.- 43,560sq.ft.	<u>\$412.39</u>	<u>\$165.79</u>	<u>\$578.18</u>
Larger than 1 Acre	<u>\$299.56</u>	<u>\$146.30</u>	<u>\$445.86</u> (PER ACRE)

** It is required that parcels be disced twice a year. The cost for the first discing is higher due to additional work normally required during the first discing.

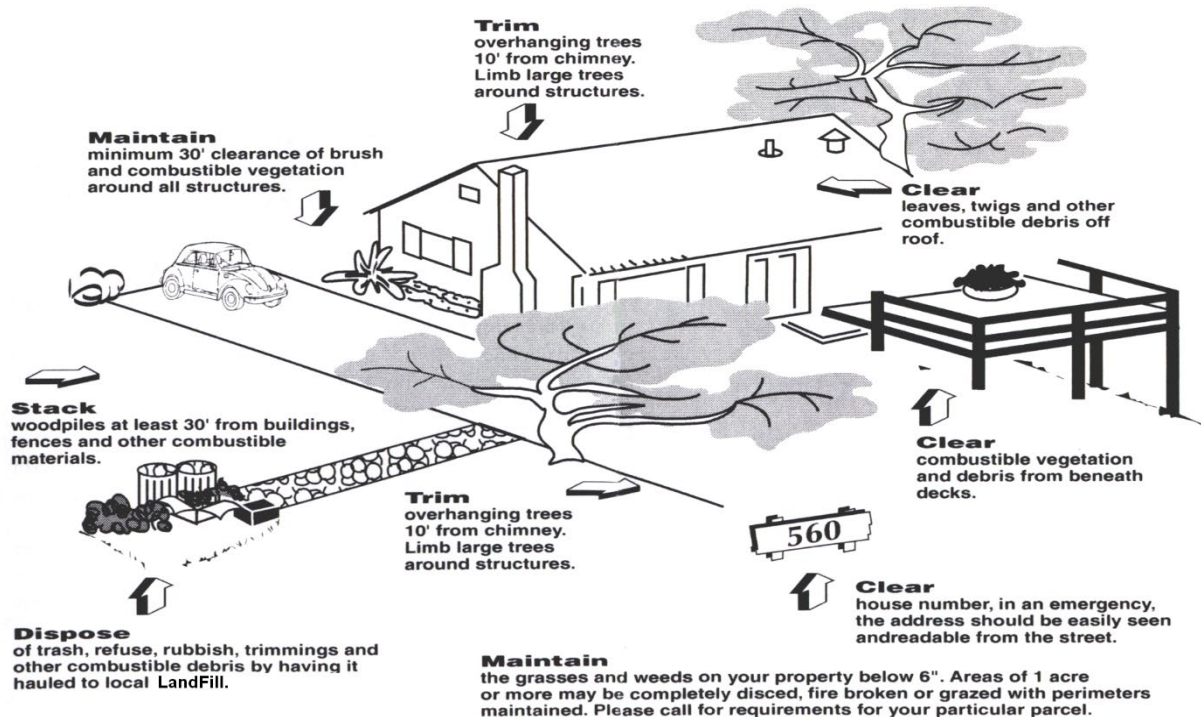
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|--------------------------|--|
| B) HANDWORK | <u>\$5.57 PER 100 Square Feet (SF)</u> |
| C) FLAIL | <u>6 Foot Mower \$7.11 PER 1,000 SF</u> |
| MOWING | <u>12 Foot Mower \$7.11 PER 1,000 SF</u> |
| D) LOADER WORK | <u>\$170.40 PER HOUR</u> |
| E) DUMP TRUCK | <u>\$157.29 PER HOUR</u> |
| F) BRUSH WORK | <u>\$5.32 PER 100 SF</u> |
| G) DEBRIS REMOVAL | <u>\$58.52 PER HOUR</u> |
| H) DUMP FEE | <u>100%</u> |

Added to orders with debris removal at 100% of the dump site charge.

***Please note this program does not offer herbicide application as a method of abatement.**

MINIMUM FIRE SAFETY STANDARDS (MFSS)

1. **Vegetation must not exceed 6 inches in height any time after the compliance deadline.**
2. Maintain grasses and weeds below 6 inches for 10 feet horizontally on both sides of all roadways, including driveways and access routes. Roads and driveways must maintain a clearance of 10' W by 13'6" H for all vegetation.
3. Clear flammable vegetation a minimum of 30 feet around any structure, occupied or not. Ornamental vegetation should be kept clear of dead material. Some conditions, such as slopes, may require up to a 100 foot clearance.
4. Parcels one acre or less shall be completely abated. Parcels over one acre up to five acres require 30 foot clearance around structures and perimeter property lines. Additional 30 foot cross fuel breaks may also be required.
5. Parcels larger than five acres require 30 foot clearance around structures and perimeter property lines in addition to 30-foot cross fuel breaks as needed to separate the remaining vegetation into sections no larger than five acres.
6. Keep property clear of accumulation of combustible debris, such as trash, wood, and dead vegetation. Stacked firewood and neatly piled yard waste is not considered to be combustible debris.
7. Keep vegetation cleared from under the eaves of houses.
8. Trim tree branches to at least 10 feet away from chimneys. Trim tree branches up from the ground to provide at least 6 feet of vertical clearance.
9. Clear leaves, pine needles and debris from roof and gutters.



Fire Resistant Landscaping

The following is a partial list of fire resistant plants that you may choose to use around your home to reduce the risk of fire. Contact your local nursery for selections appropriate to your area. All grasses, including those purportedly fire resistant, must be maintained below 6" in height.

Trees:

African Sumac
Paper

Shrubs:

Bearberry
Carmel Creeper
Carolina Cherry
Catalina Cherry

Escallonia

Hopseed Bush
Lemonade Berry

Groundcover:

Aaron's Beard
Australian Daisy
Candytuft
Sterile Capeweed

Freeway Daisy

Rock Rose (except Gum
Variety)

Fire Safety Through Vegetation Management

Santa Clara County

Consumer and Environmental
Protection Agency

Weed Abatement Program



1553 Berger Drive #1

San Jose, Ca 95112

Phone (408) 282-3145

Fax: (408) 286-2460

SCC.WeedAbatement@cep.sccgov.org

The Santa Clara County Weed Abatement Program

The Santa Clara County Consumer and Environmental Protection Agency and your city are working together to protect your community from fire. We need your help. Please read and follow the directions provided in this brochure regarding fire prevention on your property. The purpose of the Weed Abatement Program is to prevent fire hazards posed by vegetative growth and the accumulation of combustible materials.

The Weed Abatement program is entirely funded from fees charged to residents. Fees will be assessed for any property in the program. This is to cover the cost of the compliance inspection for the property. Properties that fail the compliance inspection will be charged a failed inspection fee, even if the resident completes the weed abatement. If the property requires abatement by the County contractor, the property owner will be responsible for the actual cost of abatement plus an administrative fee. Properties that meet and maintain the minimum fire safety standards will not be charged other than the annual fee.

Program staff annually inspect parcels at the beginning of the fire season, which is typically in March or April depending on your jurisdiction. If the parcel is not in compliance at the time of inspection, the property owner will be charged a failed inspection fee, and the owner will be sent a courtesy notice as a reminder to abate the weeds. If the weeds are not abated by the property owner, the work will be completed by the County contractor. The property owner will pay the contractor's fees plus a County administrative fee. All fees will be included in your property tax bill.

Our Goal Is Voluntary Compliance

Property Owner's Responsibilities

- Do not allow a fire hazard to exist on your property. The Minimum Fire Safety Standards (MFSS) in this brochure give you guidelines to follow in order to maintain your property and protect against a fire hazard. **Please contact our office if you need guidance or have any questions regarding the requirements!**
- Make arrangements to have your property maintained throughout the year. Contractors can be found in the yellow pages. You may choose to have the County contractor maintain your property. A current price list is included in your packet.
- Please complete and return the Reply Form provided in your mailing packet by the date on the form. Indicate your preference regarding performance of weed abatement services.

Program Staff Responsibilities

- Weed Abatement Inspectors will perform periodic inspections on all parcels included in the Santa Clara County Weed Abatement Program. Properties that fail the compliance inspection will be charged a failed inspection fee, even if the resident completes the weed abatement.

- Inspectors will order the County contractor to perform all necessary abatement work on any parcel where the MFSS are not met. An attempt will be made to give the owner a courtesy notice prior to releasing the work order.
- The County contractor uses several methods of abatement including discing and handwork. The property owner is free to select whatever method they choose, provided the MFSS of all federal, state and local laws are met.
- The Weed Abatement Program will place inspection costs and the charges for County contractor services plus a County administrative fee on the property owner's tax bill during the next fiscal year.

Burrowing Owls

These small owls nest in abandoned ground squirrel burrows. Discing collapses the burrows and kills the young. These owls are listed as a state Species of Special Concern and are protected by the federal Migratory Bird Treaty Act. If you suspect burrowing owls on your property you **must** use another form of weed abatement such as mowing or weed-eating. If you request the County perform abatement services, please notify program staff or your City if burrowing owls are known to exist on your property.

Frequently Asked Questions

Q. Why have I received an Abatement Notice?

A. Typically, a property is placed on the program if a Weed Abatement Inspector identified a potential fire hazard on the property. Fire Departments and other agencies also submit complaints to the Weed Abatement Program.

Q. What is required of me now that I am in the Program?

A. All property owners are required to maintain their property free of fire hazards throughout the year.

Q. The grasses planted on my property are fire resistant. Are they exempt from the Weed Abatement program?

A. No. Even grasses that possess some fire resistant qualities are not fire proof, and they can add fuel to any site that is subject to a fire. Additionally, fire resistant grasses are rarely found in a pure, homogenous stand but rather are usually found to occur mixed with other common introduced annual grasses that are highly flammable and hazardous in a fire event. Finally, many grasses occur in Santa Clara County and species identification is difficult in the field, especially after the spring when the reproductive portions required for identification have dried and dispersed. Weed Abatement Inspectors can only focus on the presence of grasses and weeds on your property and the Minimum Fire Safety Standards, and not on grass species identification. Therefore, all grasses are required to be below 6 inches in height.

Q. What is the SC County Weed Abatement Program?

A. This is a monitoring program and our primary objective is voluntary compliance. See the first two paragraphs of this brochure for further specifics.

More FAQ:

Q. How long will I be on the Program?

A. Your property will remain on the Program for three years. If no hazards are found during that time, your property may be removed from the program.

Q. How much will this cost me?

A. There will be an annual fee to cover the cost of the compliance inspection. If the parcel does not meet the MFSS when it is first inspected in the spring, or if work is required by the County contractor, you will be charged additional fees. Our goal is to ensure that the MFSS are met at the lowest possible cost to the property owner.

Q. How will I be billed?

A. Any charges for the inspection and any abatement work performed will appear as a special assessment on your next property tax bill.

Q. Why have you performed work on my property while the vegetation is still green?

A. Grass, weeds or piles of combustible debris have been declared a public nuisance by your jurisdiction. Abating fire hazards in the spring minimizes the volume of combustible material before the hazards increase and dries out completely during the peak fire season.

Q. Will you notify me prior to beginning abatement work?

A. Property owners are responsible for preventing fire hazards on their property. If the MFSS have been met, but further work is necessary, you will receive notice prior to the County contractor performing the work. If the MFSS have **not** been met, an attempt will be made to give the owner a courtesy notice prior to initial abatement.

Q. Where can I find someone to provide abatement services?

A. Weed Abatement contractors can be found in the Yellow Pages under "Weed Control Services" or "Discing Services". You may have the County contractor perform the necessary work; see your mailing packet for a current price list as administrative costs are charged.

Q. How can I get additional information or assistance regarding the specific requirements for my property?

A. Weed Abatement Inspectors are available to assist you and answer your questions. Please call our Customer Service line at (408) 282-3145 to schedule a consultation with program staff or to obtain additional information.

Q. I have Grazing Animals do I need to perform abatement?

A. Grazing animals do not absolve you of your responsibilities to provide a fire safe condition on your property. You will need to check with our office to determine if grazing is adequate or if additional work is required.



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 01/18/2022

ITEM NO: 8

DATE: January 12, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Discuss and Provide Direction on the Following Actions to Continue the Town's Support of Economic Recovery and Community Vitality in Response to the Ongoing COVID-19 Pandemic, Including:

- a. Extend the Temporary Krail from January 31, 2022 until May 1, 2022 to Allow for Construction to Begin on the Semi-Permanent Parklets;
- b. Authorize an Expenditure Budget Adjustment in the Amount of \$28,000 from ARPA funding for Krail Rental;
- c. Consider Delaying the Decision to Program Some of the Identified Public Parklet Locations until the Completion of the Semi-Permanent Parklet Program; and
- d. Receive update on Grays Lane Plans and Provide Additional Direction on Programming the Public Areas for Placemaking.

RECOMMENDATION:

Discuss and provide direction on the following actions to continue the Town's support of economic recovery and community vitality in response to the ongoing COVID-19 pandemic, including:

- a. Extend the temporary krail from January 31, 2022 until May 1, 2022 to allow for construction to begin on the semi-permanent parklets;
- b. Authorize and expenditure budget adjustment in the amount of \$28,000 from the American Rescue Plan Act (ARPA) funding for krail rental;
- c. Consider delaying the decision to program some of the identified public parklet locations until the completion of the semi-permanent parklet program; and
- d. Receive update on Grays Lane plans and provide additional direction on programming the public areas for placemaking.

PREPARED BY: Monica Renn
Economic Vitality Manager

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, Police Chief, Community Development Director, Parks and Public Works Director, and Finance Director

SUBJECT: Discuss and Provide Direction on Actions to Continue the Town's Support of Economic Recovery and the Semi-Permanent Parklet Program

DATE: January 12, 2021

BACKGROUND:

The Town Council remains proactive, adaptive, and flexible in its efforts and actions to support the business community through the dynamic economic recovery environment created by the COVID-19 pandemic, health orders, and shifting timelines. Since March 2020, the Town Council has been working to support the Town's business stakeholders, delicately balancing competing interests, and continuing to consider how to provide available assistance. One of these assistance opportunities is the Town's subsidized semi-permanent parklet program in which businesses may enter into a public-private partnership with the Town to construct and operate an outdoor dining area, known as a parklet, within existing public on-street parking spaces. When the operating business is closed, the area is open for public use. Parklets enhance the downtown experience through offering placemaking and al fresco dining opportunities, while providing an outdoor dining environment that lends itself to having a higher comfort level for gathering in the wake of the COVID-19 pandemic.

Attachment 1 provides a high-level overview of the meeting dates and Town Council actions taken specifically addressing economic and community vitality as it relates to COVID-19.

On November 17, 2021, during the Town Council's most recent discussion on the semi-permanent parklet program, the Town Council provided guidance on programming five public parking space areas that are in between or bookend parklets as on-street parking, public parklets, bike parking, and other public amenities. During this discussion, the Town Council also had specific questions regarding Grays Lane for which staff had limited information given this topic was not identified as a specific agenda item.

Following the meeting, staff realized that there was more information and questions that need consideration in order to gain clarity and ensure that everyone is working from the same information. Given this, staff is bringing back the discussion on public parklet areas and Grays Lane specifically to share additional information and receive the related direction from the Town Council.

DISCUSSION:

Temporary Krail Extension

The construction industry continues to be heavily impacted with projects and material acquisition delays and December proved to be an exceptionally wet and stormy month, thus the launch of parklet construction is taking longer than originally anticipated. Additionally, many businesses are experiencing a spike in prices for the construction and materials and are spending time reworking their parklet plans to reduce costs. Contractors are also reporting that some of the materials, such as the concrete planters, are going to take at least ten to twelve weeks to secure once the contract is signed with the business due to logistics and supply issues.

SUBJECT: Discuss and Provide Direction on Actions to Continue the Town's Support of Economic Recovery and the Semi-Permanent Parklet Program

DATE: January 12, 2021

DISCUSSION (continued):

Many won't plan to start construction until they have a delivery date for materials so that the project doesn't sit half-finished for several weeks when the space could continue to be used to help support the business.

With this in mind, staff is recommending that the temporary krail be extended until May 1, 2022. This extension would support the current desire of diners and restaurant staff to be outdoors more than indoors as the community navigates the significant increase in COVID-19 cases due to the transmissibility of the Omnicron variant.

Temporary Krail Options: The Town Council may wish to consider other options for extending the krail, including adding a qualifying benchmark for those in the parklet process. For example, if a business provides proof they are moving forward in the semi-permanent parklet process then they may keep the krail for an extended period of time; however, those who do not have an application or are no longer moving forward in the process would have their krail removed and on-street parking returned.

Another option would be to allow businesses willing to pay the rental costs for the krail to keep it until a date certain. The Town is currently paying to rent the krail at a rate of \$240 per 50 linear feet, totaling about \$7,000 per month. Managing such a rental program would be time intensive for staff and may reduce the resources available to work on the semi-permanent parklet program. If this is the direction of the Town Council, staff recommends managing it with a three-month rental fee option paid upfront by the business, directly to the Town.

Of the building permits ready to issue, several of the businesses have not provided the documents necessary to execute agreements with the Town or communicated a tentative schedule to move forward. In these cases, an earlier krail removal date or rental charge incurred could provide motivation to move forward. Staff recognizes that there is a balance that the Town Council must consider with this option between supporting the spirit of economic recovery, accommodating the construction environment, and providing clear deadlines to keep the parklet applicants motivated to move forward.

Even with the timeline challenges outlined above, staff believes at this point that it is feasible for all parklets to be completed by December 31, 2022, the current adopted deadline, for those businesses truly committed to the moving forward in the process.

Public Spaces

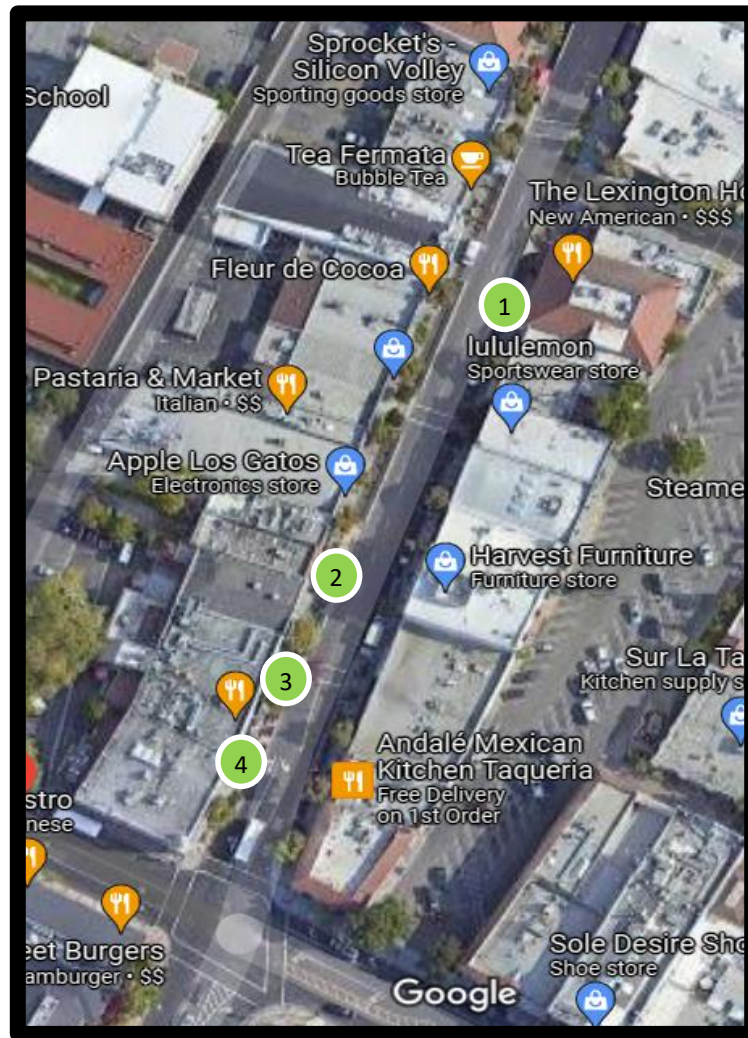
Direction was provided at the November 17, 2021 Town Council meeting for the programming of single parking spaces left between two parklets, or for those that have organically grown into public placemaking spaces. Staff presented five locations as options for consideration, corresponding with the maps on the next page.

SUBJECT: Discuss and Provide Direction on Actions to Continue the Town's Support of Economic Recovery and the Semi-Permanent Parklet Program

DATE: January 12, 2021

DISCUSSION (continued):

The Town Council voted to have location #1 remain as on-street parking, locations #2,3, and 4 become public placemaking/parklet areas, and location #5 become a public parklet area that includes a bike corral.



SUBJECT: Discuss and Provide Direction on Actions to Continue the Town's Support of Economic Recovery and the Semi-Permanent Parklet Program

DATE: January 12, 2021

DISCUSSION (continued):

Location #1 would remain as on-street parking and location #5 could move forward soon with a public parklet and bike corral area. For location #5, staff estimates that the cost of building a one stall parklet would be approximately \$85,000 total (\$75,000 for construction and \$10,000 for the design and engineering). This could be funded from the current allotted budget for the semi-permanent parklets since a couple of businesses originally considered in the budget subsidy have since declined to move forward.

Given that the bulk of the semi-permanent parklets have not started construction and that there are still businesses and property owners considering a variety of options, the final count and placement of the semi-permanent parklets remains fluid. Given this dynamic environment, staff is recommending that the Town Council defer the placemaking investments for locations #2, 3, and 4 until the completion or near completion of the semi-permanent parklet construction. Staff would return to the Council at that time with specific placemaking ideas and costing for these three locations. The Town Council would then need to identify a funding source.

Grays Lane

During the November 17, 2021 meeting, Grays Lane was discussed and the Council asked questions that needed additional staff consideration. With this report, staff is providing the history and outline of the plans for this public right-of-way to date. The Town Council should discuss and provide additional direction prior to investing the allocated \$20,000 for additional design options.

When the closure of Grays Lane was approved by the Town Council in April of 2020, the closure was deemed temporary to allow for pilot placemaking. As the COVID-19 pandemic persisted, the use of the space transformed into a large parklet for the adjoining restaurant Loma Brewing, and a pop-up venue for music, outdoor activities, and group gatherings.

As the Town Council considered the semi-permanent parklet program on January 19, 2021, it provided direction to continue the temporary closure of Grays Lane to support placemaking and the addition of parklets for the current and prospective (HK Group) restaurants with business frontage on Grays Lane. The direction did not include a permanent closure of the public street; thus, it is necessary that the street remain configured in such a way that it could return to allow traffic flow if deemed necessary. During this discussion, staff presented the idea that parklets could run parallel to the sidewalks and a thoroughfare could remain up the center of the street, allowing the right-of-way to be available for parklets, pedestrian access, and small gathering areas. Staff understood there to be consensus on this general layout.

SUBJECT: Discuss and Provide Direction on Actions to Continue the Town's Support of Economic Recovery and the Semi-Permanent Parklet Program

DATE: January 12, 2021

DISCUSSION (continued):

During this meeting, Councilmembers also inquired about noise levels and noise complaints from Grays Lane and how staff can continue to monitor and mitigate concerns. Staff understood it to be a priority that programming on Grays Lane should remain low key to balance the various neighbors and stakeholders.

As the use of Grays Lane evolved over the course of 2021, Loma was provided with flexibility to arrange and rearrange their parklet set up using fencing in lieu of rail provided by the Town. Staff considers the fencing and parklet area operated by Loma to be part of the Town's temporary rail parklet program, thus would apply any rail extension or removal equitably with this space.

There is one other tenant (retail) currently open for business that shares the Grays Lane frontage, so the size and location of Loma Brewing parklet was able to be dynamic as its placement and size impact on other businesses has been minimal. Opposite of Loma on Grays Lane is HK Restaurant Group's project for a new restaurant. As we look to the future of Grays Lane and the semi-permanent parklet program, it is important to consider how this new business may integrate into this space and further liven and enhance the placemaking experience.

Once the direction was provided at the January 19, 2021 Town Council meeting regarding parklets and Grays Lane, staff moved forward with working with the stakeholders on Grays Lane to apply for semi-permanent parklets. Staff relayed the direction to the stakeholders on Grays Lane that parklets would run adjacent to the sidewalks to allow for the pre-approved parklet design to be utilized, and to maintain paths of travel for pedestrians up the center of Grays Lane and along the existing sidewalks.

Such a configuration allows for the most flexibility for current and future needs, including the possibility of reopening the street for vehicular traffic with the elimination of one side of parklets while not disturbing the other. Aside from the placemaking, flexibility, and business preference aspects, there are other outside factors that must be considered when locating service areas and marking pedestrian paths of travel on Grays Lane including the Americans with Disabilities Act (ADA) and Alcohol Beverage Control (ABC) provisions.

The sidewalks are currently part of the required accessible route for the pedestrian paths of travel from ADA parking spaces in the municipal parking lots 3 and 4 to N. Santa Cruz Avenue. As a public street, Grays Lane must retain an accessible path of travel from Town parking lots and sidewalks must remain open with appropriate clearance consistent with ADA standards to allow for the access. It may still be feasible for a restaurant to place tables on the sidewalk in addition to the parklet; however, it is not feasible to encapsulate the sidewalk seating within a parklet barrier as that would inhibit pedestrian travel.

SUBJECT: Discuss and Provide Direction on Actions to Continue the Town's Support of Economic Recovery and the Semi-Permanent Parklet Program

DATE: January 12, 2021

DISCUSSION (continued):

ABC regulations for alcohol service require a business to provide a fixed barrier around the alcohol service area if it is outside the confines of their establishment. Also, should any alcohol need to cross over public right-of-way to reach a service area, it must be served to the guest at the table by an employee of the establishment, rather than carried to the table by the guest. This regulation is consistently applied to all the semi-permanent parklets and has been accommodated by all establishments operating within this program.

Staff received feedback from stakeholders at Loma Brewing that they did not prefer a tableside service model and thus requested an exemption to have their parklet built to include the sidewalk so guests could carry their own alcohol from inside to outside the restaurant without crossing public right-of-way. Staff discussed with business owners that this is not a viable option given the need for ADA sidewalk access and then they decided to move forward with the standard parklet model.

Staff received a semi-permanent parklet application from Loma in May of 2021, and began conversations with them regarding their layout and design, including working with the property owner to understand their expectations. By late fall, Loma had fulfilled all of the preliminary requirements for the application process and in November confirmed they decided on a size and placement for the parklet and were ready to move forward with the architect.

Staff also received an application for a semi-permanent parklet from HK Group in May of 2021. Staff worked with HK Group on their parklet design and layout and how it could be integrated with public placemaking space. HK Group applied for a parklet that utilized the pre-approved plans by the Town's architecture vendor. They also submitted a separate building permit application that provides an integrated public placemaking space that includes an asphalt treatment of the entire closed Grays Lane area, potted trees at both ends of the closure, and trees and seating areas clustered together on the side of west side of Grays Lane, closest to N. Santa Cruz Ave. Attachment 2 provides an overview of the submittal with space for Loma to construct a parklet of varying size and placement.

Grays Lane has a few infrastructure challenges that have been taken into consideration in the overall plan for the public area and parklet placements. There are multiple in-ground utility access points and large in-ground transformers that exist near the curbs of both restaurants that must remain free and clear of obstruction. HK has shifted the start of their parklet to the west of the utilities on their side of the street, which allows for the road closure to also be shifted, shrinking the footprint of the Grays Lane closure, providing full access to the in-ground utilities here, and providing the ability to add back the loading parking space formerly in this location, which is crucial to the function of the restaurant and other businesses in and around this area. There is also the ability to add a loading space on the Loma side as well.

SUBJECT: Discuss and Provide Direction on Actions to Continue the Town's Support of Economic Recovery and the Semi-Permanent Parklet Program

DATE: January 12, 2021

DISCUSSION (continued):

For Loma, the in-ground transformer on their side of the street creates a bit more of a dividing point on their business frontage. Their parklet would need to start on the west side of the transformer and continue towards N. Santa Cruz Ave., at a size and placement they design with the architects.

Staff was recently made aware of a Mercury News article published on January 5, 2022, where Loma Brewing leadership is quoted stating that they will not be building a parklet on Grays Lane. Caught by surprise of this information, staff connected with Loma to request clarification on their plans for a parklet and have not heard back from them as of the publish date of this report.

Grays Lane Options: Should Loma Brewing choose to not move forward with a semi-permanent parklet, the Town Council may wish to provide direction to: (1) increase the public programming for the remainder of Grays Lane with furnishing, potted trees, and group seating areas that mimic what is being provided by HK Group on the east side of Grays Lane; (2) explore different placemaking options; or (3) re-open the street to one-way vehicular traffic. Future consideration of Grays Lane would then be deferred to the longer term downtown streetscape project. Enough space exists for Grays Lane to support a parklet on one side of the street with one lane of traffic. While this is not the most ideal option in staff's opinion, it is one that the Town Council may wish to discuss.

If the Town Council would like to pursue options 1 and 2 above, the exploration could begin by staff working with the HK Group to understand the extent of their ability to provide partnership with this area, determine cost sharing options for additional furnishings and enhancement in the remaining closed area of Grays Lane, and identify funding sources for future Council consideration.

Before staff does this research and prices other options for programming this potential area, it hopes to gain clarity and commitment from Loma on their application status and direction from the Town Council on next steps given the new information.

The Chamber of Commerce continues to be an invested partner with the Town providing support with destination marketing, convening stakeholder groups, gathering input, and creating ideas and opportunities to draw residents and visitors to downtown. Attachment 3 includes a written communication from Catherine Somers, Executive Director of the Los Gatos Chamber of Commerce, prior to the distribution of the staff report. In addition to communication with the Chamber, staff emailed a large business stakeholder group and welcomed participation on this agenda item. Additional outreach and social media posts are occurring in an effort to encourage input from the business and greater Los Gatos community.

SUBJECT: Discuss and Provide Direction on Actions to Continue the Town's Support of Economic Recovery and the Semi-Permanent Parklet Program

DATE: January 12, 2021

CONCLUSION:

After discussing the recommendations and options provided with this report, staff looks to the Town Council to provide direction on next steps. Below are the staff recommendations:

1. Extend the temporary krail from January 31 2022, until May 1, 2022 to allow for more time for construction to begin on the semi-permanent parklets and support the move towards more outdoor dining given the significant increase in COVID cases.
2. Move forward with retaining on-street parking in location #1; defer the programming of the public parking spaces in locations #2, 3, and 4; and construct a single space parklet and bike corral in location #5 at the approximate cost of \$85,000 which may be funded from the current allotted semi-permanent parklet budget.
3. After receiving an update on the current status of the applications and tentative plans for placemaking on Grays Lane, the Town Council may want to provide additional direction on programming the public areas for placemaking.

COORDINATION:

This report was drafted in collaboration with the Town Manager and Town Attorney's Offices, and the Community Development and Parks and Public Works Departments.

FISCAL IMPACT:

Based on the direction of the Council, the fiscal impact will vary.

Extending all of the krail requires an allocation of funds of in the amount of \$7,000 per month, which is not currently budgeted for beyond January. The requested \$28,000 expenditure budget adjustment would cover the additional rental cost. Staff recommending using the unallocated American Rescue Plan Act funds. A more comprehensive discussion of ARPA and additional allocations is tentatively scheduled for February 15, 2022; however, Council could identify ARPA for this purpose with this agenda item.

The implementation of a parklet and bicycle corral for location #5 would come from the expected savings in the semi-permanent parklet program.

The Town Council previously allocated \$20,000 to support design options for Grays Lane, depending on the direction for this space, these funds could be used for their original purpose, or reallocated to purchase furnishings to implement a cohesive Grays Lane design.

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**SUBJECT: Discuss and Provide Direction on Actions to Continue the Town's Support of
Economic Recovery and the Semi-Permanent Parklet Program**

DATE: January 12, 2021

ENVIRONMENTAL ASSESSMENT:

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

Attachments:

1. Timeline of Town Council discussions and actions to date on Economic Recovery Efforts specifically as they relate to parklets and placemaking in the public right-of-way.
2. Proposed improvements for Grays Lane
3. Written input on Grays Lane provided by the Chamber of Commerce
4. Public Comment received before 11 a.m. on January 13, 2021

TIMELINE OF TOWN COUNCIL DISCUSSIONS AND ACTIONS ON ECONOMIC RECOVERY EFFORTS SPECIFICALLY RELATED TO PARKLETS AND PLACEMAKING IN THE PUBLIC RIGHT-OF-WAY.

April 7, 2020

During a regular Town Council meeting, the Town Council directed the Town Manager to implement a temporary public parklet on a portion of Grays Lane to promote community vitality and continue to gather information on possible options for the future downtown streetscape improvements.

May 26, 2020

Special meeting of the Town Council to discuss Economic Recovery due to the COVID-19 Pandemic and the following actions were taken by the Town Council:

- Town Council adopted an Economic Recovery Resolution including:
 - Implementing temporary krail parklets in existing parking spaces on public right-of-way downtown;
 - Implementing streamlined processes, and reduced fees and timelines for business permits;
 - Reducing parking requirements in private commercial parking lots to allow for outdoor dining and commerce.

October 7, 2020

During a regular Town Council meeting, the Town Council discussed progress of Economic Recovery and Community Vitality, and the following actions were taken by the Town Council:

- Extends krail parklets until at least March 2021;
- Directs the removal of unused krail to allow for additional short term parking spaces for curbside and quick-turn order pick-up;
- Disallows pop-up businesses to operate within parklets;
- Approves cost recovery grants for ADA platforms built within temporary krail parklets (\$2,500);
- Extends pilot parklet program that existed prior to COVID from a 3-year pilot program to a semi-permanent parklet program;
- Directs staff to return in January to discuss grant opportunities for semi-permanent parklets and additional time for temporary krail parklets to remain in place.

January 19, 2021

During a regular Town Council meeting, the Town Council discussed progress of Economic Recovery and Community Vitality, and the following actions were taken by the Town Council:

- Extends temporary krail parklets until September 19, 2021;
- Adopts a grant and subsidy program for semi-permanent parklets including:
 - \$10,000 construction grant per business,
 - Directs staff to secure an architecture firm to provide standardized parklet plans,
 - Approves the full subsidy of the Town's parklet application and permit fees;
- Continues the temporary closure of Grays Lane to facilitate placemaking and the ability to construct semi-permanent parklets;
- Extends and expands Economic Recovery Resolution through December 31, 2021;
- Provides business license waivers for personal services in Q1 of 2021 due to mandated shutdown of the services by County Health Order.

February 23, 2021

Joint Study Session with Town Council and Planning Commission was held to meet with industry professionals regarding economic trends and recovery through COVID.

April 20, 2021

During a regular Town Council meeting, the Town Council discussed progress of Economic Recovery and Community Vitality, and the following actions were taken by the Town Council:

- Modifies Economic Recovery Resolution to allow for Personal Service businesses to operate in the commercial office zones, (Zone O) with approved Economic Recovery Agreement;
- Directs an increase to the grant amount and subsidy for businesses participating in the Semi-Permanent Parklet program including:
 - Increase grant to 75% of construction costs, up to \$40,000 per business,
 - Provide further subsidy for architecture and engineering costs;
- Adds retroactive grants for ADA platforms built since June of 2020, and semi-permanent parklets built pre-COVID;
- Approves the allowance for coverings on semi-permanent parklets with open sides, including a thin, low-profile, roofing material, that is reviewed and approved by the Town, given that the cost of the roof is fully covered by the applicant, and must be built in full compliance of Town codes;
- Directs the removal of the sides of the coverings located in the parklets by May 1, 2021 and fully remove the tent roofs/coverings located in the parklets once indoor dining capacity is allowed at 100% by State and/or County Health Orders;
- Directs the sunset of the temporary krail parklets on September 19, 2021 unless the State does not fully re-open on June 15, at which point the sunset date will be 90 days after date the State and/or County has fully reopened, with the ability of the Council to reconsider the date with input from the business community;
- Allows businesses to request parklets larger than two parking stalls on a case-by-case basis with consideration for space and street frontage of the applicant's building given that Town subsidy and grants are only applied to up to two of the parking spaces.

July 30, 2021

Semi-Permanent Parklet applications are due.

August 17, 2021

During a regular Town Council meeting, the Town Council discussed progress of Economic Recovery and Community Vitality, and the following actions were taken by the Town Council:

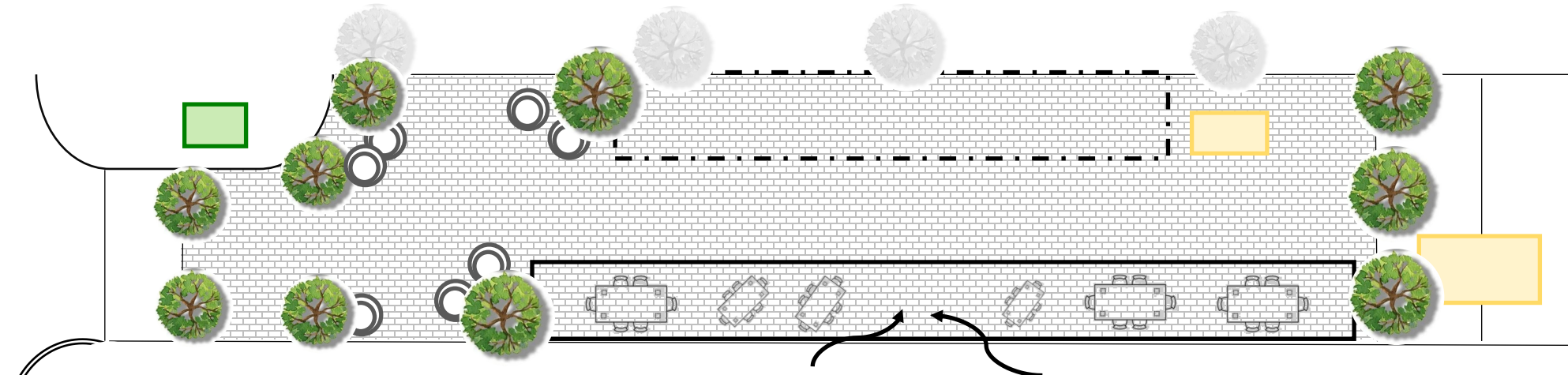
- Approves an extended krail parklet sunset date for dining establishments until January 31, 2022;
- Approves a budget adjustment from American Rescue Plan (ARPA) to meet the demand of the parklet application response in the amount of \$680,000;
- Continues prior direction to disallow vertical barriers, banner, or shades of any kind, and temporary tents and other weather protection covers except for umbrellas and movable sail-type shade covers and those already permitted within the temporary krail parklets through the duration of the temporary krail parklet program, and directs the enforcement of these requirements through typical Code Compliance practices;
- Requests staff return to the Town Council in three months for updates on the parklet program.

November 17, 2021







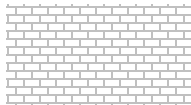

During a regular Town Council meeting, the Town Council discussed progress of Economic Recovery and Community Vitality, and the following actions were taken by the Town Council:

- Extends the Economic Recovery Resolution to December 31, 2022;
- Provides direction on five specific parking space locations that are between parklets for parking, public placemaking and bike parking;
- Directs staff to provide the Town Council with three design options for Grays Lane that would include the possibility of the existing parklet design as well as other options to improve the attractiveness and vitality of Grays Lane, utilizing funds up to \$20,000 for the conceptual designs and exclude from the designs any areas that already have building permits or designs approved for semi-permanent parklets.

130 N. Santa Cruz Avenue, Loma Brewing



122 N. Santa Cruz Avenue, HK Group

							
POTTED TREE	EXISTING TOWN TREE	SEATING CLUSTER	EXISTING TOWN PLANTER	HK GROUP'S PARKLET	POSSIBLE PLACEMENT OF LOMA'S PARKLET	ASPHALT ENHANCEMENT/TREATMENT AREA	IN-GROUND UTILITIES

** This rendering was created using information provided in Building Permit #B21-0859. Hard copies of plans are not provided to the public, however may be viewed in person by members of the public at the Community Development Department's public counter during normal business hours.

Date: January 11, 2022

To: Monica Renn

From: Catherine Somers
Los Gatos Chamber of Commerce

RE: Gray's Lane and the placemaking possibilities the space offers as a public space with outdoor dining.

The Chamber would like to thank the Council for revisiting the Gray's Lane original parklet proposal and for understanding that perhaps there is more we can do to ensure that space becomes the centerpiece in the entire downtown parklet program.

In order for that space to be the central focus, we suggest the following to be considered in your discussion next Tuesday evening.

- Some "Continuity and consistency" between this public space and the other parklets, ie: the rod iron fencing, the planters, the base and the color palate.
- The floor or base of the entire park needs to be one level with ADA accessible ramps installed at either end. In other words, it should not look like a street transformed into a Park. Make it special and unique.
- The dining could be contiguous to the restaurant establishments to maximize the middle common space for public use or Council determines that they want less public space and the restaurants utilize the majority of the space with their own enclosed parklets.
- Council with the help of the Town's Engineering staff should research sound minimizing options for the south end of the Park.
- The Town 'could' invest in hiring an Landscape Architect or Urban Designer whose main responsibility is to develop this space as the centerpiece of the whole Parklet Program together. The Hero Ranch Kitchen owners are working with the architectural firm, Arcanum, who has drawn up a few different options. They may want to take the lead on setting the look and feel for this space.

The biggest question that continues to arise is whether or not we should be planning for the long term "Downtown Streetscape Plan" or are we simply in "stop gap" mode. If we are in the stop gap mindset, perhaps we do just do what

is and cost effective right now and revisit space in a few years? Council needs to discuss and decide.

- Restaurant establishments that reside on Gray's Lane will select their own furniture and umbrellas, etc. and will be responsible for keeping their areas clean, sanitized and maintained.
- The space should be flexible so that various daily uses may be considered before the restaurants open.

Thanks again to the Council for taking a second look at Gray's Lane and dreaming bigger and better. We look forward to having a few speakers at next Tuesday's meeting to help frame the discussion around this public space and what can be done with it that will enhance the charm and character of our entire downtown.

From: Willie Harmatz <[REDACTED]>
Sent: Wednesday, January 12, 2022 10:13 AM
To: Monica Renn <mrenn@losgatosca.gov>
Subject: Re: Parklet discussion at Town Council on 1/18/22

EXTERNAL SENDER

Just to let you know that our Athletic Performance Parklet are especially great for the weekend bikers that park there every weekend (especially on the weekends) and good for the weekly parking of their bikes while they get coffee. It keeps all the bikes off of the sidewalk which is much safer, because it can be very busy in front of the Los Gatos Roasting Company coffee shop as you know. It helps the other restaurants, Nimbus hair salon and my store Athletic Performance.

Thanks,
Willie

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

From: Monica Renn <mrenn@losgatosca.gov>
To: Monica Renn <mrenn@losgatosca.gov>
Cc: <chamber@losgatoschamber.com> <chamber@losgatoschamber.com>
Sent: Wed, Jan 12, 2022 8:54 am
Subject: Parklet discussion at Town Council on 1/18/22

Good morning and Happy New Year-

I hope that this email finds you in good health. I am connecting today to ensure you are aware that the Town Council will be discussing the downtown semi-permanent parklet program at their next meeting, scheduled for Tuesday, January 18 at 7pm, via Zoom. The staff report will be published tomorrow evening (1/13) and will be available at:
<https://meetings.municode.com/PublishPage/index?cid=LOGGATOS&ppid=a7cef0f9-a4a2-40e7-a6e3-056a78898413&p=1>.

The specific topics under consideration are a kral extension beyond 1/31 to allow for construction to begin on the semi-permanent parklets, programming for public parklet areas, and placemaking options for Grays Lane. If you have interest in this conversation, we hope you will log on and join the discussion. Comments may be provided in writing before 11 am on Tuesday, January 18, or verbally at the meeting during public comment on this agenda item.

Please feel free to share this information with other stakeholders who may be interested. All are welcome to participate in the conversation.

Thank you!
Kindly,
Monica Renn
Town of Los Gatos



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 01/18/2022

ITEM NO: 8

DESK ITEM

DATE: January 18, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Discuss and Provide Direction on the Following Actions to Continue the Town's Support of Economic Recovery and Community Vitality in Response to the Ongoing COVID-19 Pandemic, Including:

- a. Extend the Temporary Krail from January 31, 2022 until May 1, 2022 to Allow for Construction to Begin on the Semi-Permanent Parklets;
- b. Authorize an Expenditure Budget Adjustment in the Amount of \$28,000 from ARPA funding for Krail Rental;
- c. Consider Delaying the Decision to Program Some of the Identified Public Parklet Locations until the Completion of the Semi-Permanent Parklet Program; and
- d. Receive update on Grays Lane Plans and Provide Additional Direction on Programming the Public Areas for Placemaking.

REMARKS:

Attachment 5 includes additional public Comments received between 11:01 a.m., Friday, January 13, 2022, and 11:00 a.m. Tuesday, January 18, 2022.

ATTACHMENTS:

Previously received with the January 14, 2022 Staff Report:

1. Timeline of Town Council discussions and actions to date on Economic Recovery Efforts specifically as they relate to parklets and placemaking in the public right-of-way
2. Proposed improvements for Grays Lane
3. Written input on Grays Lane provided by the Chamber of Commerce
4. Public Comment received before 11 a.m. on January 13, 2021

PREPARED BY: Monica Renn
Economic Vitality Manager

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, Police Chief, Community Development Director, Parks and Public Works Director, and Finance Director

PAGE 2 OF 2

SUBJECT: Discuss and Provide Direction on Actions to Continue the Town's Support of
Economic Recovery and the Semi-Permanent Parklet Program

DATE: January 12, 2021

ATTACHMENTS (continued):

Received with this Desk Item:

5. Public Comments received between 11:01 a.m., Friday, January 13, 2022, and 11:00 a.m. Tuesday, January 18, 2022

From: Willie Harmatz <[REDACTED]>
Sent: Tuesday, January 18, 2022 9:02 AM
To: Monica Renn <mrenn@losgatosca.gov>
Subject: MAIN COPY: PARKLET REQUEST TO KEEP AT 55 W. MAIN ST. AT ATHLETIC PERFORMANCE

EXTERNAL SENDER

LEFT OFF below:

The Athletic Performance parklet has also been a great meeting place for our running group to stretch out and warm-up before runs without bothering any other businesses on Sunday mornings. This is why I have mats down on the ground inside the parklet. And when the weather is good, I set up a table there for sales.

DEAR Town Council,

Please don't take away my Parklet in front of Athletic Performance. It is greatly used for bikes during each week and especially on the weekends. I have a big Athletic Performance sign on it and is great for business as well, but it is more importance to have two spots there for bike parking and the spread out of crowds, since it is a huge hang out spot from the coffee roasting company.

The one parklet spot which is the Nimbus Hair Salon parklet, is only one spot, and it is not enough for all the bikes on Saturday and Sunday mornings that stop there for their coffee and hang out at the Coffee Roasting Company. The current 2 parklets is fine and is perfect for all the bikes that come in and out.

Without that one spot, there will be too many people on the side walk leading up to the coffee shop that is already jammed up on the weekends. Just having one spot is not enough, having two spots is good. If you have been out there, you know what I mean, the coffee shop is a good hang out spot, this way, it will spread them out much more, especially now since the Share Tea is now operating on the corner. I am out there every weekend and during the week as well.

Please leave it the same.

**Thanks,
Willie
Athletic Performance**

[REDACTED]

**Los Gatos
Owner since 1978**

[REDACTED]



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 01/18/2022

ITEM NO: 9

DATE: January 10, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Reconfirm Prior Music In the Park (MIP) Council Action

RECOMMENDATION:

Staff recommends that the Town Council reconfirm prior MIP Council action.

BACKGROUND:

On January 31, 2020, the Town issued a request for proposals (RFP) for a third-party vendor to coordinate and execute the 2020 Music in the Park (MIP) season. On March 3, 2020, the Town Council considered the results of the RFP, and approved staff's recommendation to work with the organizer group of Mark Secchia, Neal Turley, and Perry Thorwaldson (Organizers) for the 2020 series (Attachment 1). As a part of the approval, the Town Council also approved the Organizer's request for \$20,000 in sponsorship support of the concert series.

On May 5, 2020, the Town Council reconfirmed their \$20,000 commitment previously allocated for the 2020 MIP series and reallocated the funding to FY 2020/21 budget for the support of the 2021 MIP Concert Series.

The continued regulatory environment necessary for the health and safety of COVID-19 mitigation resulted in the 2021 MIP concert series also being postponed.

DISCUSSION:

Given the lead time necessary to produce the MIP concert series, staff reached out to the Organizers to see if their original 2020 proposal and interest in managing the series was still valid. The Organizers confirmed their proposal and as such staff is seeking to reconfirm the

PREPARED BY: Arn Andrews
Assistant Town Manager

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

DISCUSSION (continued):

Town Council’s previously adopted and budgeted sponsorship and other in-kind and monetary considerations are outlined below:

“Title” Sponsorship	
• Naming Rights “Title” Sponsor	\$20,000.00

In-Kind Donations	
• Use of Council Lobby as a band staging area (“green room”)	
• Use of Town stage, including setup and tear down	
• Use of electricity to power the stage and sound systems	
• Use of parking spaces to accommodate restrooms, sponsors, and band and sound technicians	
• Use of Town staff for affixing the main concert sign behind the stage	

Additional Monetary Consideration		
• Special Event Permit Application Fee (For-Profit)	Waived	\$680.00
• Parks Hourly Fee	Waived	\$4,400.00
• Temporary Sign Fee	Waived	\$99.00
• No Parking Signs Fee	Waived	\$110.40
• 2 LGMS Police Officer Fee	Waived	\$10,240.00
Total Additional Monetary Consideration		\$15,529.40

ALTERNATIVES:

Alternatively, the Council may wish to provide other direction or pursue other alternatives. For example, the Council may wish to continue to work with the previously approved Organizers and renegotiate some of the terms. Staff is not recommending any changes to the terms as these were carefully considered to create a balanced package agreeable to both the Town and the Organizers.

Another option is to skip the 2022 concert series and go out for a new RFP in the fall of 2022 for the 2023 MIP. Staff is not recommending this option because of the community interest in a 2022 series if public health concerns are mitigated. In addition, the Town and the Organizers would learn from the 2022 experience and the Council can provide additional direction for 2023 concert series in the fall of 2022.

PAGE 3 OF 3

SUBJECT: Reconfirm Prior MIP Council Action

DATE: January 10, 2022

CONCLUSION:

If Council reconfirms its previous actions and public health policy permits, staff will work with the Organizers to finalize the sponsorship agreement and special event permit in preparation for the potential renewal of the MIP summer concert series in 2022. This is the most efficient, cost effective, and expeditious approach to providing a concert series in 2022.

COORDINATION:

This staff report has been coordinated with the Town Managers Office, Town Attorney, and Finance Department.

FISCAL IMPACT:

The original \$20,000 sponsorship has been budgeted each year so there is no new FY 2021/22 impact. The in-kind and other monetary considerations will be requested in the Mid-Year budget pending Council action.

ENVIRONMENTAL ASSESSMENT:

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

Attachments:

1. MIP RFP Staff Report



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 03/03/2020

ITEM NO: 11

DATE: February 25, 2020
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Authorize the Town Manager to Prepare and Execute an Agreement with for the Production of Music in the Park 2020, Including Any Council Direction

RECOMMENDATION:

Authorize the Town Manager to prepare and execute an agreement with for the production of Music in the Park (MIP) 2020, including any Council direction.

BACKGROUND:

On December 3, 2019, the Town Council received a staff report detailing the staff production of MIP and seeking input on the development of an MIP Request for Proposals (RFP). The staff report presented the financial results for the past two years of the staff produced series. The financial results are summarized below:

2018	
Total Expenses 2018	\$38,939
Total Sponsorships 2018	\$36,000
Net Loss	(\$2,939)

2019	
Total Expenses 2019	\$38,454
Total Sponsorships 2019	\$22,000
Net Loss	(\$16,454)

PREPARED BY: Arn Andrews
Assistant Town Manager

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

BACKGROUND (continued):

In addition, staff sought guidance on the extent of financial and other in-kind considerations the Council would provide to a successful RFP respondent. Following is the itemized list of in-kind and other monetary considerations that the Council opted to include in the RFP.

In-Kind Donations	
•	Use of Council Lobby as a band staging area (“green room”)
•	Use of Town stage, including setup and tear down
•	Use of electricity to power the stage and sound systems
•	Use of parking spaces to accommodate restrooms, sponsors, and band and sound technicians
•	Use of Town staff for affixing the main concert sign behind the stage

Monetary Consideration		
•	Special Event Permit Application Fee (For-Profit)	Waived \$680.00
•	Parks Hourly Fee	Waived \$4,400.00
•	Temporary Sign Fee	Waived \$99.00
•	No Parking Signs Fee	Waived \$110.40
•	1 LGMS Police Officer Fee	Waived \$5,120.00
Total Monetary Consideration		\$10,409.40

On January 31, 2020, the Town released an RFP “*For Production and Promotional Services for the Town of Los Gatos Music in the Park (MIP) Summer Concert Series*”. By the submission date of February 20, 2020, the Town received a single proposal (Attachment 1).

DISCUSSION:

RFP Response and Proposal Summary

On February 20, 2020, the Town received a proposal from a group which includes Neal Turley, Mark Secchia, and Perry Thorwaldson. All three of the individuals either currently live in Los Gatos or have previously resided in Town and are very familiar with the Music in the Park summer concert series. Mr. Turley and Mr. Thorwaldson both have extensive experience in the production and planning of music venues. It should be noted that Mr. Thorwaldson provided audio services for MIP the past two years. Mr. Secchia currently serves on the Town’s Sales tax Oversight Committee and volunteers his time for a multitude of other agencies in Town. Mr. Secchia is financing the project and will be responsible for sponsorship development.

DISCUSSION (continued):

The proposal group has the ability to produce the series through either existing 501c3 non-profit organization Sustainable Waze or through the existing for-profit organization Bliss Point Productions.

The submitted proposal confirmed that the group can comply with the Scope of Work (SOW) as outlined in the RFP. The respondents understand that the SOW is not comprehensive in nature and that additional event details will be addressed through the Special Event Permit process. Provided below is the SOW per the RFP:

- a. Produce eight Sunday concerts commencing on July 5, 2020 and concluding on August 23, 2020. Concerts are to begin at 5:00 p.m. and end by 7:15 p.m. (including encores).
- b. Audition, book, contract with, and pay the performers. The Town reserves the right to reject any band deemed inappropriate for the MIP series. Bands should be targeted that attract audiences between 1,500 and 2,500 people.
- c. Provide a professional sound system and sound engineer on site for the duration of the concert. The sound system must be capable of accommodating the horizontal dimensions of the concert venue (see Attachment C).
- d. Provide an adequate number of staff and/or volunteers to run the concerts and clean after the concerts. Minimum staffing requirements per concert is six individuals.
- e. Maintain a clean, safe, and attractive environment for the concerts.
- f. Provide at least one family friendly activity at each concert.
- g. Indemnify and hold harmless the Town of Los Gatos.
- h. Carry necessary liability insurance as required by the Town.
- i. Work with Town staff to ensure all other aspects of the required Special Event Permit are met.
- j. Market the series primarily to the geographic area of Los Gatos.
- k. Use the existing MIP branding/logo in the RFP as the primary brand.
- l. Maintain the existing MIP Facebook presence. The Town will transition the current Facebook page to the successful respondent.

In addition to confirmation of the SOW requirements listed above, the group also included a commitment option to contribute 10% of net non-audited profit to the Town or chosen recipient.

DISCUSSION (continued):

Additional Requests from the Submitted Proposal

The submitted proposal included a section referred to as “Commitment from the Town of Los Gatos”. In follow-up conversations with the respondent, the Town Council is being asked to provide specific direction as to whether it accepts any of the following requests:

- Purchase the naming rights sponsorship for MIP for \$20,000 to remain “Los Gatos Music in the Park” with no additional sponsor name in the title;
- Fund all required Police Officers for the full duration of each MIP concert;
- Provide and pay for all trash and recycling bins and removal service;
- Allow a beer and wine tasting roped off area to be run in accordance with the requirements of the State Alcoholic Beverage Control;
- Provide a 30-minute meeting with the Town Attorney to discuss liability, insurance, and choice of executing entity;
- Allow the removal of the portable bathrooms every Monday morning before 9 a.m.;
- Not charge for any special event application fees (already waived by Town Council); and
- Allow the team to exclusively deal with one person (i.e., Arn Andrews) as a point of contact between the Town and Mark Secchia.

The two main items for Council consideration are the first two bulleted items. Staff believes the remaining bullets already have established precedent in place or can be easily accommodated.

Regarding the first item (*Purchase the naming rights sponsorship for MIP for \$20,000 to remain: “Los Gatos Music in the Park” with no additional sponsor name in the title*), the respondent intends to develop a single title naming rights sponsorship and they believe the Town would be the likely partner for this level. In the event the Council opts not to be a naming rights sponsor, the group would like assurance that the Town is accepting of a potential corporate entity having exclusive naming rights.

Regarding the second item (*Fund sufficient Police Officers for the full duration of each MIP*), the respondent would like the second required Police Officer to also be financed by the Town. In the event the Council opts not to provide additional funding for the second Officer, the group would like the ability to meet with the Town’s Chief of Police to see if alternative public safety approaches could be deployed. The group mentioned the possibility of local sworn residents acting as volunteers to meet the needs of public safety officials needing to present during events.

CONCLUSION:

Staff believes the representative respondents have the professional expertise to produce and promote a successful MIP summer concert series. For this reason, staff recommends moving forward with the preparation and execution of a contract. However, the response clearly illustrates some reservations of the group to assume the full financial responsibility for the series beyond the in-kind and monetary contributions already identified by the Town. For this reason, Council direction on these additional items is needed.

ALTERNATIVES:

In the event the Council opts not to outsource the production and promotion of the MIP summer concert series, it would likely default to staff to produce. Similar to the prior two years, a staff production would be for a five-concert series and as in years past, requires a significant staff commitment. It should be noted, that while staff seeks sponsorships to the best of their ability, Town employees are not ideally suited for fundraising. It should also be noted, that despite best efforts, the production of the concert series has resulted in a net loss both years.

COORDINATION:

This staff report was coordinated with the Town Manager, Town Attorney, and Economic Vitality Manager.

FISCAL IMPACT:

The current impact as outlined in the RFP is a series of in-kind donations and \$10,409.40 of waived fees.

ENVIRONMENTAL ASSESSMENT:

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

Attachment:

1. MIP RFP Proposal

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COVER LETTER

for

Music in the Park Concert Series

Proposal

Note: Other than this cover letter's *references* section, the information in this cover letter is also contained in the proposal. This cover letter is written solely to list items in the mandatory order in response to item #7, on pages 10 and 11 of the RFP.

Item 1 from RFP (Proposal Summary):

These individuals have the authority to bind the proposal:

Mr. Neal Turley
104a Edelen Avenue
Los Gatos, CA 95030
cell: (512)917-3907
whoisguygrand@gmail.com

Mr. Mark Secchia
130 Edelen Avenue
Los Gatos, CA 95030
cell: (669)258-9005
mark@secchia.com

The legal form of the executing firm will be decided in conjunction with the town. It could be done as a non-profit through Sustainable Waze, could be done as a for-profit through Bliss Point Productions, or could be done as sole proprietors without any entity. Neal Turley is the principal of both Sustainable Waze and Bliss Point Productions. We are open to discussion with the town as to which entity is most appropriate. The two entities are described as follows:

Sustainable Waze ~ 501 3C non-profit organization. This organization was founded in 2018 by Neal Turley to provide consulting services for special events. The goal of Sustainable Waze is to help events reduce their environmental impact while maintaining fiscal responsibility.

Bliss Point Productions is an event production company based in Los Gatos. For 20 years, Bliss Point has provided mobile staging and professional equipment necessary for producing outdoor live music events. Bliss Point Productions is involved in all aspects of events including sponsorship development, talent buying and onsite event execution.

Both entities are relatively small and have less than five full-time employees.

Item 2 from RFP (Experience/Expertise):

Neal Turley lives in Los Gatos and has been in the music festival business for over 20 years, and has previously submitted a proposal to produce MIP in 2016. His career has been dedicated to executing outdoor music festivals. Three years ago, he simplified his business to focus on small-scale community events, often with corporate hospitality and artist development. Local events he works on include Claws for a Cause, San Jose Jazz Festival, Redwood Mountain Faire, and the SoFA Street Fair. His corporate clients include Facebook, BottleRock, PG&E, Barracuda Networks, Pure Storage, Sierra Nevada Brewing Company, Lagunitas Brewing Company, and New Belgium Brewing Company. For MIP, Neal plans on bringing in rustic wooden wine barrel furniture and trailers and looks forward to sharing his vision with the town. Neal will provide his marketing, operations, and planning expertise, and will also bring in equipment for the event, and if MIP 2020 does not lose money, will receive 40% of the net profits.

Mark Secchia lives in Los Gatos, and has previously worked with the town to establish a local business. He completed Leadership Los Gatos, and currently serves on the Sales Tax Oversight Committee. Mark will be responsible for sponsorships, childrens' activities, and will be the point of contact for the town regarding MIP. Mark will fund the project, and if MIP 2020 is profitable, he will receive 40% of the profits.

Perry Thorwaldson was born in Los Gatos, and currently lives in Saratoga. Through his company Thor Audio, he has been providing exclusive audio services to MIP for the last few years, and has over 30 years of experience in audio engineering & recording, and a 20+ year record of successful business management as evidenced by the fact that Thor Audio Solutions has never had any litigation against them. His role would be identical to what he did in the past, with the additional responsibility of managing the bands (choosing, negotiating, contracting, hosting, etc). Although being paid for his services, Perry Thorwaldson is also a partner in this venture, with a trailing 10% profit share. He will provide the same equipment, staffing levels, dedication, professionalism, and quality that you have come to expect of him.

Item 3 from RFP (Scope of Work):

Yes, we can comply with the scope of work as outlined in section three of the RFP.

Item 4 from RFP (References):

Neal Turley:

- Kevin Sanchez, Recreation Coordinator, City of Burlingame, ksanchez@burlingame.org
- Sheila Cotruvo, Event Coordinator, City of Pleasant Hill, SCotruvo@PleasantHillRec.com
- Tim Beeman, CEO Miramar Events, Representing Chamber of Commerce for City of Mountain View and Menlo Park, tim@miramarevents.com
- Dan Lawson, Claws for a Cause, dlawson@opesadvisors.com

Mark Secchia:

- Monica Hernandez, principal, Saint Mary School, mhernandez@stmaryslg.org
- Sue Farwell, landlord, Los Gatos, s.farwell@verizon.net
- Jim Foley, owner, Rootstock, jimfoley@gmail.com

Perry Thorwaldson:

- Eric Lochtefeld, Golden State Theatre, Eric@goldenstatetheatre.com
- Dena Grim, Facebook Events, dena@fb.com
- Teri Hope, Jazz on the Plazz

Item 5 from RFP (Proposal Agreement):

By submitting this proposal, the team agrees to be bound by it.

Item 6 from RFP (Proposal Exceptions):

The team would like to lock in the dates of each concert, and eliminate the RFP clause that the town can “postpone opening for its own convenience”.

Through his audio corporation work, Perry Thorwaldson is in contact with others who may be doing proposals for MIP, but the team has not engaged in any activities not allowed in the RFP.

The RFP requires the team to be available for an evaluation panel. We respectfully request that only Principals Neal Turley and Mark Secchia be required to attend. Partner Perry Thorwaldson will do his best to attend but is often unavailable in the evenings due to his work schedule.

Item 7 from RFP (Proposal Submittal Requirement):

This proposal is submitted via three hard copies and one USB drive to Arn Andrews on February 20, 2020.

Production & Promotion Proposal

Music in the Park Concert Series

Proposed to the town of Los Gatos

by Neal Turley, Mark Secchia, and Perry Thorwaldson

Submitted via three hard copies and one USB drive to Arn Andrews
February 20, 2020

Table of Contents:

Summary
The Vision
The Team
Proposed Dates and Location
The Entity
Bands
Estimated Costs
Conflicts with the RFP
Commitments from the Team
Commitments from the Town
Contract
Further Considerations for Discussion
Attachment A - Sponsorship
Attachment B - Childrens' Activities

Summary:

We (“the team”) are very excited about the opportunity to bid on producing and promoting the Los Gatos Music in the Park summer concert series (“MIP”), and are looking forward to working with the town to execute a successful 32nd annual MIP possible, and to continuing a long-standing tradition of a fun-filled, exciting, family and community event that makes Los Gatos the vibrant town that we are proud to call home.

The Vision:

The team is committed to executing the town’s vision. We have observed the prior two years of the town producing and promoting the event, and will follow their lead.

However, we would like to propose a few deviations from 2019 such as a focus on alternative marketing, family-friendly activities, and the addition of a tasting area.

For more information on alternative marketing, please see Attachment A “Sponsorship”.

For more information on the family-friendly activities, please see Attachment B “Activities”.

For the tasting area, the team proposes to work in conjunction with the town and

within its and the ABC's guidelines, to create a roped off area where beer and wine tastings are available. Wristbands will be sold or given in sponsorship packages. Simple food may also be included. The tasting area would open up at 4pm, one hour after the childrens' activities commence. See Attachment B "Activities".

The Team:

Principal
Mr. Neal Turley
106a Edelen Avenue
Los Gatos, CA 95030
cell: (512)917-3907
whoisguygrand@gmail.com

Principal
Mr. Mark Secchia
130 Edelen Avenue
Los Gatos, CA 95030
cell: (669)258-9005
mark@secchia.com

Partner
Mr. Perry Thorwaldson
945 Berryessa Road
San Jose, CA 95133
cell: (650)823-5361
perrythor@earthlink.com

Neal Turley lives in Los Gatos and has been in the music festival business for over 20 years, and has previously submitted a proposal to produce MIP in 2016. His career has been dedicated to executing outdoor music festivals. Three years ago, he simplified his business to focus on small-scale community events, often with corporate hospitality and artist development. Local events he works on include Claws for a Cause, San Jose Jazz Festival, Redwood Mountain Faire, and the SoFA Street Fair. His corporate clients include Facebook, PG&E, Barracuda Networks, Pure Storage, Sierra Nevada Brewing Company, Lagunitas Brewing Company, and New Belgium Brewing Company. For MIP, Neal plans on bringing in rustic wooden wine barrel furniture and trailers and looks forward to sharing his vision with the town. Neal will provide his marketing, operations, and planning expertise, and will also bring in equipment for the event, and if MIP 2020 does not lose money, will receive 40% of the net profits.

Mark Secchia lives in Los Gatos, and has previously worked with the town to establish a local business. He completed Leadership Los Gatos, and currently serves on the Sales Tax Oversight Committee. Mark will be responsible for sponsorships, childrens' activities, and will be the point of contact for the town regarding MIP. Mark will fund the project, and if MIP 2020 is profitable, he will receive 40% of the profits.

Perry Thorwaldson was born in Los Gatos, and currently lives in Saratoga. Through his company Thor Audio, he has been providing exclusive audio services to MIP for the last few years, and has over 30 years of experience in audio engineering & recording, and a 20+ year record of successful business management as evidenced by the fact that Thor Audio Solutions has never had any litigation against them. His role would be identical to what he did in the past, with the additional responsibility of managing the bands (choosing, negotiating, contracting, hosting, etc). Although being paid for his services, Perry Thorwaldson is also a partner in this venture, with a trailing 10% profit share. He

will provide the same equipment, staffing levels, dedication, professionalism, and quality that you have come to expect of him.

Proposed Dates and Location:

This proposal is for the 2020 MIP, to promote and produce eight sundays of bands and entertainment on the Los Gatos Civic Center lawn. All eight dates will be free to attend.

July 5, 12, 19, 26

August 2, 9, 16, 23

Childrens' and family activities will be from 3-5pm (see Attachment B "Childrens' Activities").

Music will be from 5-7pm, with a 7:15 non-negotiable hard stop.

The Entity:

The legal form of the executing firm will be decided in conjunction with the town. It could be done as a non-profit through Sustainable Waze, could be done as a for-profit through Bliss Point Productions, or could be done as sole proprietors without any entity. Neal Turley is the principal of both Sustainable Waze and Bliss Point Productions. We are open to discussion with the town as to which entity is most appropriate. The two entities are described as follows:

Sustainable Waze ~ 501 3C non-profit organization. This organization was founded in 2018 by Neal Turley to provide consulting services for special events. The goal of Sustainable Waze is to help events reduce their environmental impact while maintaining fiscal responsibility.

Bliss Point Productions is an event production company based in Los Gatos. For 20 years, Bliss Point has provided mobile staging and professional equipment necessary for producing outdoor live music events. Bliss Point Productions is involved in all aspects of events including sponsorship development, talent buying and onsite event execution.

Both entities are relatively small and have less than five full-time employees.

Bands:

Selection/Production: The artist we choose will be similar to what we historically

have seen at Music in the Park. Perry Thorwaldson, in conjunction with Neal Turley, will be choosing and contracting with the bands. We will choose talent that can capture the crowd's attention and make them feel comfortable enough to get up and dance while the music should not be so overwhelming that it demands your full attention. Bands will be consistent with previous years' bookings, and will perform songs from mainstream genres such as or similar to rock, salsa, top 40, blues, etc. Bands will be chosen that can perform for approximately 2,000 people, and with the understanding that we want attendees to be local, drawn from the tax-paying base of Los Gatos, and we are not looking for bands that will bring a big following along with them. Mark Secchia will submit the band names and dates to Arn Andrews more than three weeks prior to each band's performance date. The town reserves the right to deny any band for any reason, but must do so within three business days of submission, via Arn Andrews.

Sponsors: We would like to find a sponsor for each band, such that at each event, we will acknowledge the sponsor for today's band and thank them for providing the entertainment for the evening. A sponsor could be an individual, a group, or a company.

Encore: On some evenings, the bands may be making announcements that after MIP they will be continuing on to other Los Gatos entertainment venues. For example, #1 Broadway may be a promotional partner, and some bands may announce that after MIP they will continue later at #1 Broadway.

Marching Bands: Although they will not perform on stage, we will be approaching the Los Gatos high school band for occasional appearances. For example, we may have the band march through at the beginning as a kick-off of the first MIP of the summer, or for closing ceremonies.

Estimation of costs:

audio, \$1,800 per week	\$14,400
bands, \$2,000 per week	\$16,000
bathrooms, \$1,200 per week	\$ 9,600
insurance, \$1,000 per week	\$ 8,000
marketing & advertising	\$ 8,500
onsite staff, for eight concerts	\$ 5,000
tasting area beverages, food, and supplies, \$6,000 per week	\$48,000
misc event expenses	\$ 2,000

TOTAL **\$111,500**

We believe an estimation of revenues at this point is premature. The team hopes to break even in 2020, and if chosen to do future MIP concerts we would aim to make a profit.

Conflicts with RFP:

The team would like to lock in the dates of each concert, and eliminate the RFP clause that the town can “postpone opening for its own convenience”.

Through his audio corporation work, Perry Thorwaldson is in contact with others who may be doing proposals for MIP, but the team has not engaged in any activities not allowed in the RFP.

The RFP requires the team to be available for an evaluation panel. We respectfully request that only Principals Neal Turley and Mark Secchia be required to attend. Partner Perry Thorwaldson will do his best to attend but is often unavailable in the evenings due to his work schedule.

Commitments from the Team:

- Fund all the capital for all expenses regardless of sponsor and event income,
- abide with all RFP parameters not specifically listed in the section above,
- contribute 10% of net non-audited profit to the town or its chosen recipient,
- have six visibly identifiable staff for the duration of each event,
- maintain a clean, safe, and attractive environment at each concert,
- provide our own town-approved event insurance,
- liaise with the ABC for alcohol considerations,
- and we will not alter the MIP logo in any unauthorized way.

Commitment from the Town of Los Gatos:

- Purchase the naming rights sponsorship for MIP for \$20,000 to remain:
 - “Los Gatos Music in the Park” with no additional sponsor name in the title.
- fund sufficient police officers for the full duration of each MIP
- provide trash and recycling bins and removal service,
- allow a beer and wine tasting roped off area to be run in accordance with ABC,
- provide a 30-minute meeting with the town attorney to discuss liability, insurance, and choice of executing entity,
- allow us to remove the portable bathrooms every monday morning before 9am,
- not charge for any special event applications or parks hourly fee,
- and allow the team to exclusively deal with one person (our preference is Arn Andrews) as a point of contact between the town and Mark Secchia.

Previous Assumed Commitments:

- provide all prior banners, and printed marketing materials,
- allow hanging approved banners on same street poles, community areas, and

- concert area as past MIP's,
- send two dedicated emails to Los Gatos residents exclusively for MIP,
 - provide stage and weekly set up & tear down labor and storage,
 - provide exact pricing for last two years' advertising activities,
 - provide log-ins for social media that the town wants managed,
 - allow exclusive use of streetside parking spaces as in the past,
 - immediately update <https://www.losgatosca.gov/350/Music-in-the-Park> to reference upcoming 2020 dates,
 - provide a letter authorizing us to promote MIP (for continuity),
 - provide introductions to previous sponsors of last two years' MIP,
 - allow use of Council lobby for band green room,
 - allow use of Council lobby bathrooms for bands and select sponsors,
 - and allow use of town staff for affixing the main concert sign behind the stage.

Contract:

This proposal is for the team to promote and produce one year (2020) of MIP. The contract will commence from March 20, and end three months after the last executed concert.

If, after the successful completion of MIP 2020, the town would like the team to manage MIP 2021, the team and the town shall sign the contract before December 31, 2020, in which case the team prefers the second contract be for a subsequent three years.

Any profit sharing is cumulative. Cumulative losses will be offset against future profit-sharing.

In Conclusion:

The team hereby represent that we have carefully read and fully understand the information that was provided by the town in the town email update Friday January 30 which included the RFP to which we are replying. The team has not read any previous or subsequent versions of the RFP.

Submitted respectfully on this 20th day of February, 2020,

Neal Turley

Mark Secchia

Perry Thorwaldson

Attachment A - Sponsorship Levels

Sponsorship will be our primary source of revenue to support the event, with prices that are negotiable but it remains critical that we are successful in these fundraising efforts to keep the event free to the community. We will leverage our relationships with the Chamber of Commerce and Jazz on the Plazz to discuss how to approach sponsors, and whether we can work towards group packages.

We hope to target individuals, groups, and companies to offer experiential, engaging marketing opportunities. For example, we would like to find a sponsor for each band. That sponsor will be acknowledged and thank them for providing the entertainment for the evening. Through integrated sponsorship packages, we hope to create memorable experiences that attendees will remember. It's important that attendees will appreciate our sponsors' contributions. In an informal survey of past MIP-goers, we have learned the majority assume the city underwrites the whole event, and very few people could remember any sponsors from previous years except for "that Arthur adult dance company" that two people remembered.

\$20,000+ "Title" sponsor (1) Available

We feel it's appropriate for the town of Los Gatos to partner with us at this level. There is only 1 title sponsor available. This is very much like Oracle Park, AT&T Park.

\$10,000 Sponsor (2) Available

This (2) sponsors will have key presence onsite and will be included in all marketing and collateral materials

\$5,000 Sponsor (4) Available

will be included in all marketing and collateral materials

\$2,500+ "community" sponsor(s)

onsite presence and activation

\$500+ group purchases & memberships

We believe there are many members of the community who appreciate MIP and want to support it. We would like to offer them ways to buy advance wristbands for the tasting area, as well as possible seating reservations in the tasting area or other perks we can offer to them.

Attachment B - Childrens' Activities

The team would like to host MIP childrens' activities in the early afternoons at each MIP from 3-5pm, in an area separate from the main stage (which will be busy doing sound checks), most likely closer to the library parking lot. During this time, we will continue set up for MIP in the main area, but at least some of the bathrooms will be ready. The tasting tent will open at 4pm, but cold waters will be available for purchase from 3pm.

During Childrens' Activity time, we will have static activities such as face-painting (for a fee which is kept by the painter...unless we have a face painting sponsor), and similar simple entertainment. Another idea is to hang a large-rolling butcher paper roll that children can draw on, to be left up for that day's MIP.

We also will have more engaging group activities like:

- water balloon toss,
- relay games,
- watermelon or pie-eating contests,
- walking balancing an egg on a spoon,
- treasure hunts,
- and/or potato sack 3-legged contests.

Other than the previously mentioned possibility of a marching band, we do not plan on having any amplified music during childrens' activities. However, we may engage local childrens' dance studios to dance, or similar activities, that may have some background music that will be played at a much lower volume than MIP bands.

We will engage the local elementary schools to see if they have an interest in choosing one date to promote to their kids as, for example "Van Meter Childrens' day at the park", and we will work with them to see what activities the children can do from 3-5pm.

We will also engage local non-profits such as Rotary, Elks, Kiwanis and others to see if they would like to have a presence and help host some childrens' activities as well.

We will list these childrens' activities and times on the insurance application, and rely on the town to provide the correct police officer presence.



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 01/18/2022

ITEM NO: 10

DATE: January 11, 2022
TO: Mayor and Town Council
FROM: Robert Schultz, Town Attorney
SUBJECT: Cannabis Consultant Services:
a. Authorize the Town Manager to Engage the Services of a Cannabis Consultant to Evaluate the Potential Taxation of Cannabis and Potential Amendments to the Town's Cannabis Ordinance in an Amount not to exceed \$50,000; and,
b. Approve an Expenditure Budget Adjustment in the Amount of \$50,000 from Available Capital/Special Projects Reserve.

RECOMMENDATION:

Staff recommends that the Town Council take the following actions regarding cannabis consulting services:

- a. Authorize the Town Manager to engage the services of a Cannabis Consultant to evaluate the potential taxation of cannabis and potential amendments to the Town's Cannabis Ordinance in an amount not to exceed \$50,000; and,
- b. Approve an expenditure budget adjustment in the amount of \$50,000 from available Capital/Special Projects Reserve.

BACKGROUND:

Medical cannabis use has been legal in California since 1996. On November 9, 2016, adult use of cannabis by persons age 21 or over became legal in California. However, cities still retain full regulatory authority over all commercial cannabis businesses. In June 2017, California enacted the Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA), which consolidated the State regulatory and licensing framework for medical and adult-use cannabis. The State agencies responsible for regulating commercial cannabis activity adopted regulations addressing commercial cannabis activity. These State regulations affect commercial cannabis activity and include a variety of licensing, operation, and business location requirements.

PREPARED BY: Robert Schultz
Town Attorney

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

PAGE 2 OF 4

SUBJECT: Approval to Engage the Services of a Cannabis Consultant Prior to Requesting Direction Related to Steps for Possible Cannabis Tax and Amendments to Town Cannabis Regulations

DATE: January 11, 2022

BACKGROUND (continued):

On January 1, 2018, the State began issuing State licenses allowing businesses to sell cannabis products for medical use to individuals who are at least 18 and have a valid physician's recommendation, and adult use to adults 21 and over.

With recent State law changes, cities and counties across California are exploring these new regulations and the fiscal tax impact of allowing commercial cannabis operations and facilities. According to local governments' cannabis policy experts HdL Companies, two years ago there were 16,000 cannabis businesses. In California, there are 661 storefront retail licenses in 120 jurisdictions that allow retail. HdL indicates the market demand is for 1,842 retail licenses.

However, the only other cities in Santa Clara County that have, to this point, permitted commercial cannabis businesses are San Jose and Mountain View. The City of San Jose currently has a total of 16 cannabis retail facilities and is evaluating raising the number of allowed cannabis retail stores to 42. The 16 cannabis retail facilities in San Jose are expected to generate \$17.5 million in revenues to the City for Fiscal Year (FY) 2021/22. In Mountain View, the City Council adopted cannabis regulations to permit a maximum of three (3) non-storefront retail cannabis businesses. The FY 2020/21 Mountain View Budget states that "Revenue is projected to increase \$737,000 (13.8%) in FY 2021/22 from the FY 2020/21 unaudited, primarily from the approval of one cannabis permit and the Recology franchise fee. Revenues are projected to increase in the remaining Forecast years as the economy is projected to recover and with the opening of two additional cannabis businesses."

In contrast, the Town has maintained a moratorium or prohibition of commercial cultivation, manufacturing, processing, laboratory testing, labeling, storing, wholesale and retail sales and distribution, and deliveries of cannabis, cannabis products, and all cannabis derivatives in the Town of Los Gatos. The Town currently allows deliveries from dispensatories located outside of the Town, cultivation (of up to six plants), and the transportation, possession, purchase of cannabis legally acquired outside of the Town.

In January 2021, the Town Council directed staff to study potentially allowing and regulating commercial cannabis businesses in Los Gatos and to seek public input on these issues. In response, the Town Attorney held approximately ten public meetings with various community groups and Town Boards/Commissions/Committees to facilitate the discussion and to seek input on whether the Council should consider potential amendments to our cannabis regulations. At these public meetings, the majority of the public expressed an interest in allowing cannabis businesses in Town and were interested in the potential new source of tax revenue but also expressed concerns and uncertainty about allowing cannabis operations and the potential health and safety impacts. In addition, the Town conducted a Survey Monkey poll to solicit input from the public. The results of the survey are set forth in Attachment 1.

PAGE 3 OF 4

SUBJECT: Approval to Engage the Services of a Cannabis Consultant Prior to Requesting Direction Related to Steps for Possible Cannabis Tax and Amendments to Town Cannabis Regulations

DATE: January 11, 2022

DISCUSSION:

It continues to be staff's position that Town Council should further study and obtain additional public input regarding the potential permitting of some or all of the various uses of cannabis (e.g., retail sale, warehousing/distribution, laboratory testing, manufacturing, and/or commercial cultivation). It is staff's position that the Council would greatly benefit from an expert cannabis consultant to help the Council and public better understand the legal cannabis industry and the implications of allowing licensed cannabis businesses.

For example, based on staff's research, HdL is one of the leading firms offering cannabis regulatory and permitting policy services. The company represents over 175 cities and counties in California for cannabis related services. HdL's Cannabis Management Team of professionals has over 46 years of direct experience establishing and implementing cannabis regulatory and taxation programs, including establishing land use regulations, permit processes, staffing plans, cost recovery fees, fiscal analysis, regulatory compliance, financial audits, and staff training. Based upon staff's review of other cities, the costs of hiring an expert cannabis consultant would be between \$35,000 to \$50,000. Attachment 2 is an example of the draft proposal for a scope of services from a cannabis consultant.

In short, with the recent resignation of the Town Attorney, the Town does not have the in-house capacity or expertise to conduct additional public meetings, prepare a fiscal analysis and tax cost recovery fee study, draft a cannabis regulatory ordinance, and draft cannabis tax ordinance and accompanying ballot measure language. In addition, staff could not find a single small city that did not use cannabis consultants to help with development of regulations. Therefore, the Town would benefit from hiring a cannabis consultant in order to provide the expertise the Town Council and Town staff require to continue to evaluate this issue.

CONCLUSION AND NEXT STEPS:

Staff seeks Town Council authorization to enter into an agreement with a cannabis consultant that would include a scope of services that provides for community meetings, preparation of a fiscal analysis, development of an amended or new cannabis ordinance, development of the application process and cost recovery fees, and development of a cannabis tax ordinance and accompanying ballot measure. If approved, outreach to the Town Finance Commission and other stakeholders would be part of the community engagement process. Once the consultants have completed their work, the Council would consider the package and then vote whether or not to move forward with a ballot measure.

PAGE 4 OF 4

SUBJECT: Approval to Engage the Services of a Cannabis Consultant Prior to Requesting
Direction Related to Steps for Possible Cannabis Tax and Amendments to Town
Cannabis Regulations

DATE: January 11, 2022

ALTERNATIVES:

Direct staff to discontinue research and related work on potential regulation and taxation of commercial cannabis.

COORDINATION:

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

FISCAL IMPACT:

Cannabis Consultant services will cost approximately \$50,000, requiring the recommended budget adjustment.

ENVIRONMENTAL ASSESSMENT:

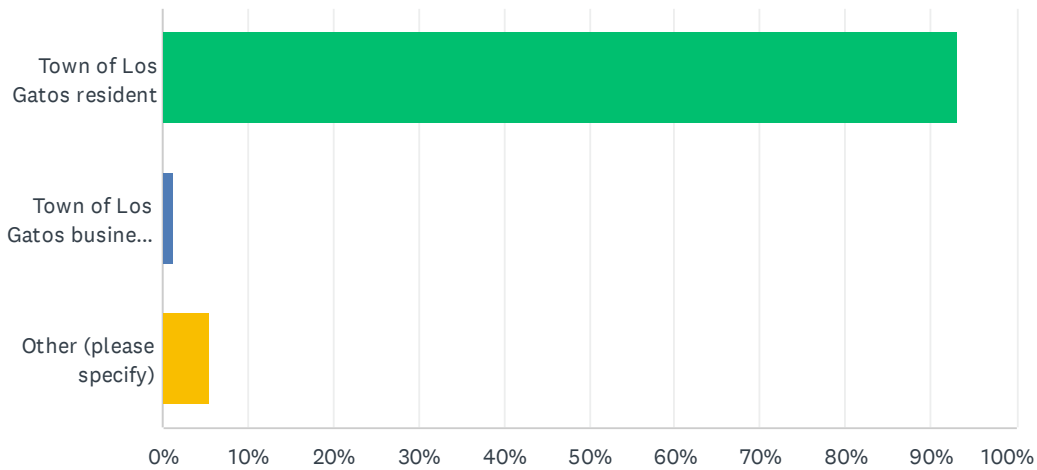
This is not a project defined under CEQA, and no further action is required.

Attachments:

1. Survey
2. Sample Proposal

Q1 Which of the following best describes you?

Answered: 948 Skipped: 3



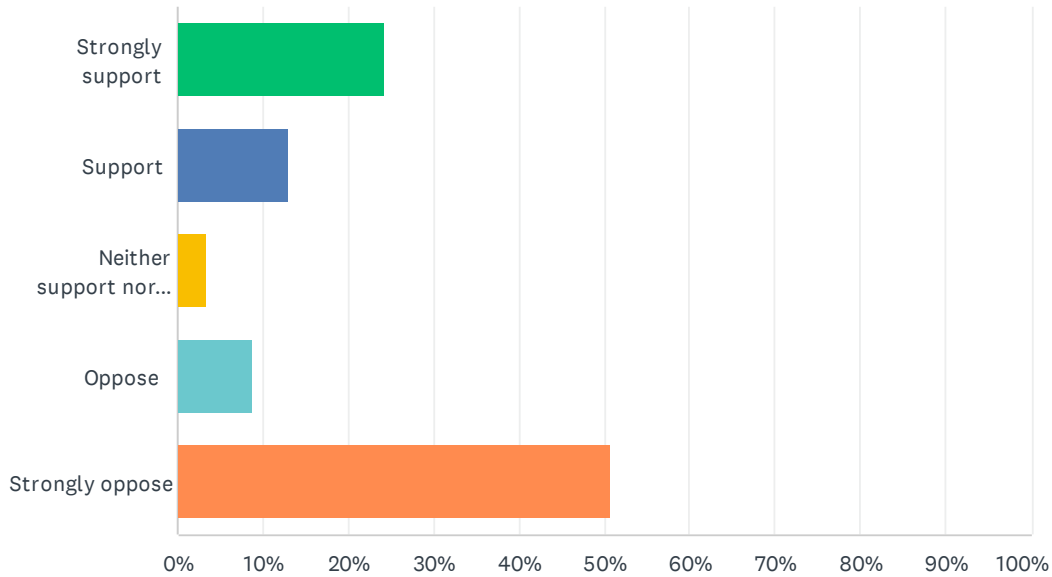
ANSWER CHOICES	RESPONSES
Town of Los Gatos resident	93.14% 883
Town of Los Gatos business owner	1.37% 13
Other (please specify)	5.49% 52
TOTAL	948

#	OTHER (PLEASE SPECIFY)	DATE
1	Living in bordering city	10/29/2021 11:11 PM
2	San Jose resident who frequents LG	10/29/2021 11:06 PM
3	Patron and employee	10/29/2021 10:36 PM
4	Adjacent Resident	10/29/2021 10:33 PM
5	Resident and Business owner	10/15/2021 4:47 PM
6	Saratoga resident	10/1/2021 7:46 AM
7	Almaden Valley resident	9/29/2021 7:50 PM
8	Live a stone throw away from LG near Leigh High School	9/29/2021 7:10 PM
9	I grew up in LG and live in Campbell now. Parents live in LG and I still consider myself a part of the LG community.	9/29/2021 2:45 PM
10	I work in Town of Los Gatos	9/28/2021 6:12 PM
11	Nearby resident	9/28/2021 1:01 PM
12	County resident	9/24/2021 4:43 PM
13	Nearby resident	9/24/2021 10:47 AM
14	Unincorporated Los Gatos resident	9/20/2021 4:55 PM
15	Cannabis Industry Professional	9/15/2021 2:44 PM
16	Los Gatos Mountains	9/14/2021 10:30 AM

17	saratoga resident	9/10/2021 2:06 PM
18	Employed in the Town of Los Gatos	9/7/2021 9:02 AM
19	Saratoga resident	9/6/2021 9:21 AM
20	Bay Area resident	9/5/2021 11:55 PM
21	Morgan Hill	9/5/2021 11:15 PM
22	Visitor from Saratoga	9/5/2021 10:53 PM
23	Living near Los Gatos and visit Los Gatos frequently, love the vibes of downtown LG	9/5/2021 10:16 PM
24	Los Gatos Mountain resident	9/5/2021 12:33 PM
25	95033 mountain zip code, LGHS & Los Gatos address	9/5/2021 11:22 AM
26	campbell resident	9/3/2021 8:00 AM
27	Los Gatos Commercial Real Estate Agent	9/1/2021 10:19 AM
28	Unincorporated Los Gatos resident	8/30/2021 5:52 PM
29	Los Gatos address, county	8/30/2021 1:23 PM
30	Work in Town	8/30/2021 12:58 PM
31	County resident in Los Gatos	8/22/2021 5:32 PM
32	Monte Sereno resident	8/21/2021 4:10 PM
33	Live one block away from Los Gatos border	8/21/2021 8:57 AM
34	I live in the mountains, Unincorporated area Los Gatos address, Santa Clara County	8/20/2021 5:09 PM
35	property owner	8/19/2021 11:17 AM
36	Campbell Resident on Border	8/19/2021 9:53 AM
37	Monte Sereno resident	8/19/2021 9:23 AM
38	Work at Los Gatos High School	8/19/2021 8:58 AM
39	Almaden resident	8/19/2021 7:14 AM
40	Monte Sereno resident	8/18/2021 9:09 PM
41	Monte Sereno resident	8/18/2021 1:32 PM
42	I live right on the border. My Safeway is in Los Gatos.	8/17/2021 10:04 PM
43	95033	8/17/2021 8:56 PM
44	Employed in Los Gatos	8/17/2021 8:18 PM
45	Both	8/17/2021 7:01 PM
46	staff	8/17/2021 6:57 PM
47	County Los Gatos	8/17/2021 6:15 PM
48	Former resident and bordering city resident (Campbell)	8/17/2021 6:13 PM
49	Saratoga resident	8/17/2021 4:27 PM
50	Resident of unincorporated Los Gatos	8/17/2021 4:20 PM
51	Resident of a nearby city, frequent visitor to Los gatos	8/17/2021 4:15 PM
52	Nearby resident	8/17/2021 4:13 PM

Q2 In general, do you support or oppose allowing commercial cannabis businesses in Los Gatos?

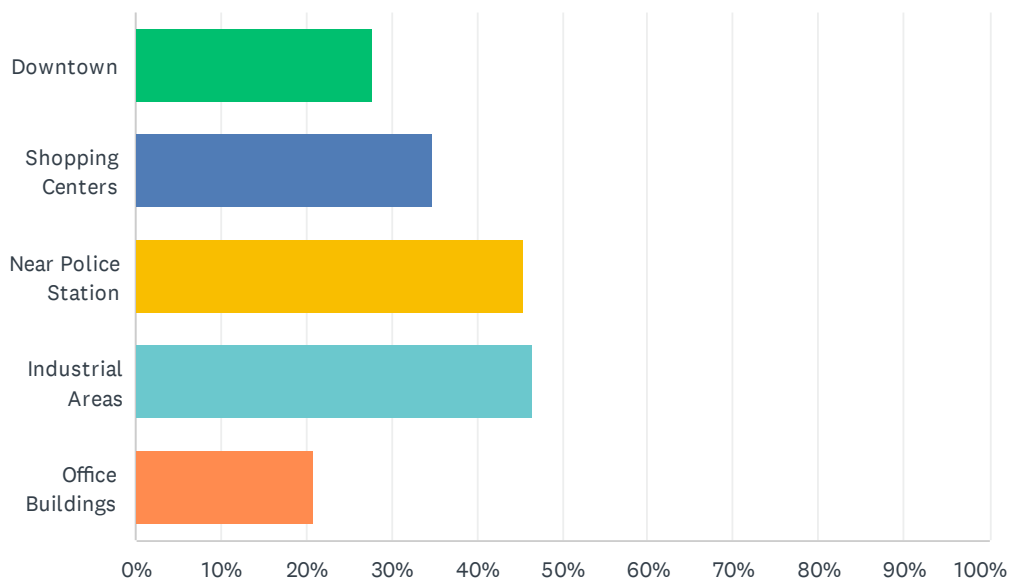
Answered: 948 Skipped: 3



ANSWER CHOICES	RESPONSES	
Strongly support	24.26%	230
Support	12.97%	123
Neither support nor oppose	3.38%	32
Oppose	8.65%	82
Strongly oppose	50.74%	481
TOTAL		948

Q3 Storefront cannabis retailers are commonly allowed in commercial districts where other similar types of retail stores may be located. However, the Town may limit storefront retailers to only specific types of commercial district. If storefront retail cannabis businesses (dispensary) are allowed, where should they be located in Los Gatos? (Choose all that apply)

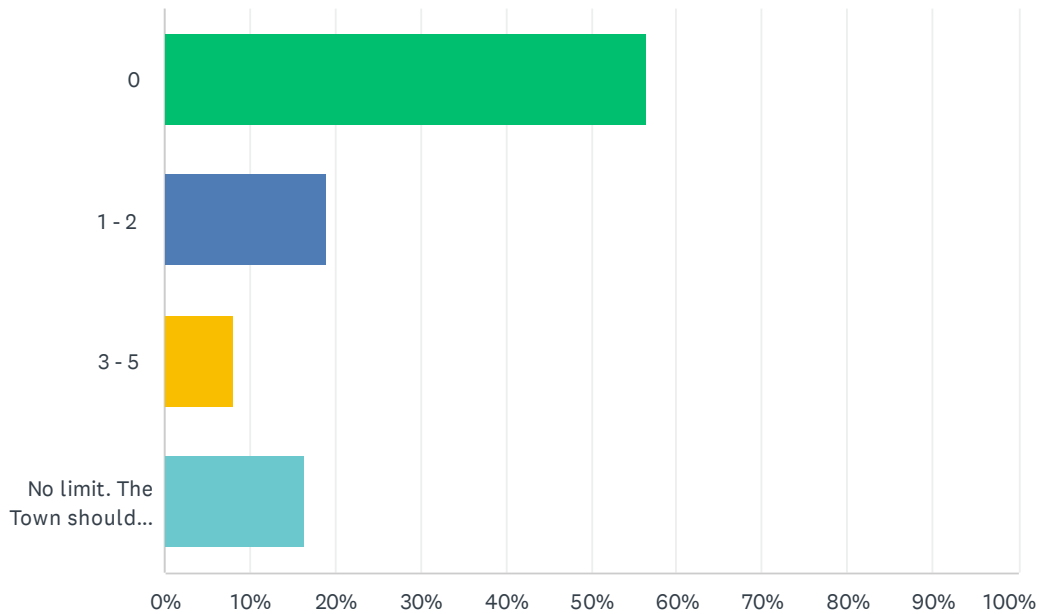
Answered: 896 Skipped: 55



ANSWER CHOICES	RESPONSES
Downtown	27.79% 249
Shopping Centers	34.82% 312
Near Police Station	45.42% 407
Industrial Areas	46.43% 416
Office Buildings	20.98% 188
Total Respondents: 896	

Q4 Some cities have chosen to limit the number of permits that will be issued for various types of cannabis businesses. This can be done on a “first come/first served” basis, or by a lottery, or by a competitive ranking process. What is the maximum number of storefront retail cannabis businesses (dispensary) that should be permitted in Los Gatos?

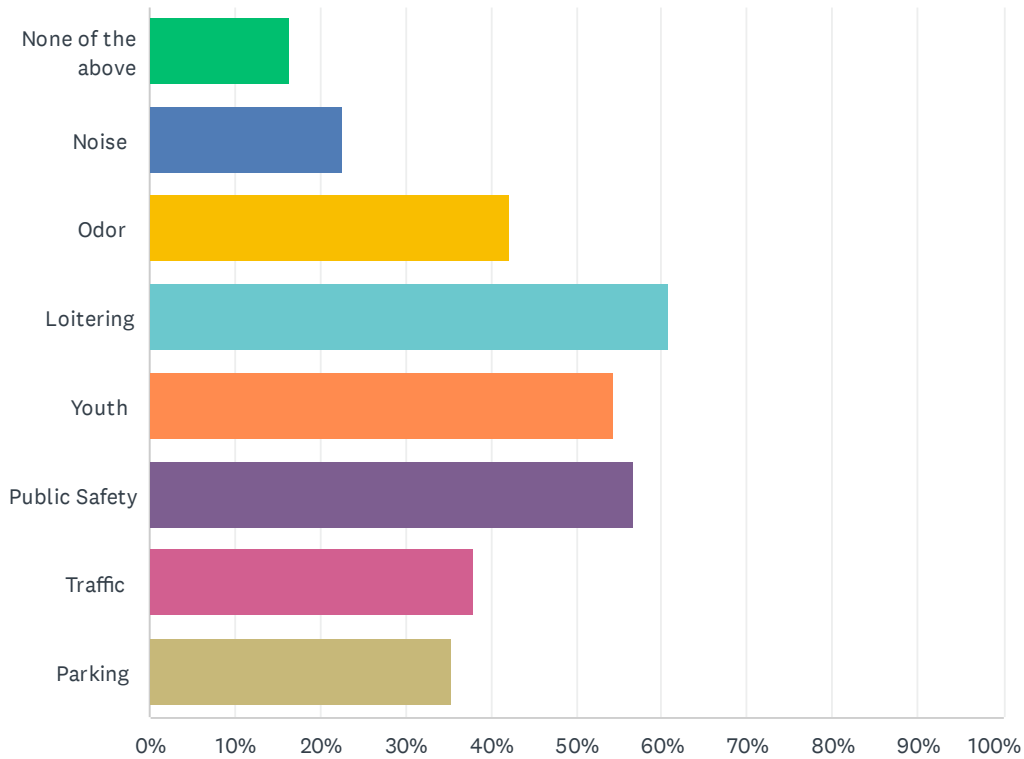
Answered: 944 Skipped: 7



ANSWER CHOICES	RESPONSES	
0	56.57%	534
1 - 2	19.07%	180
3 - 5	8.05%	76
No limit. The Town should allow the market and other regulations to limit the number of businesses.	16.31%	154
TOTAL		944

Q5 Commercial cannabis businesses may have the potential to produce a number of impacts on the surrounding community. Some of these concerns may be common to other retail businesses, such as traffic, parking, signage and lighting. Others, such as odors, may be more specific to cannabis businesses. Which of the following (Choose all that apply) do you agree with as potential concerns from storefront cannabis retailers?

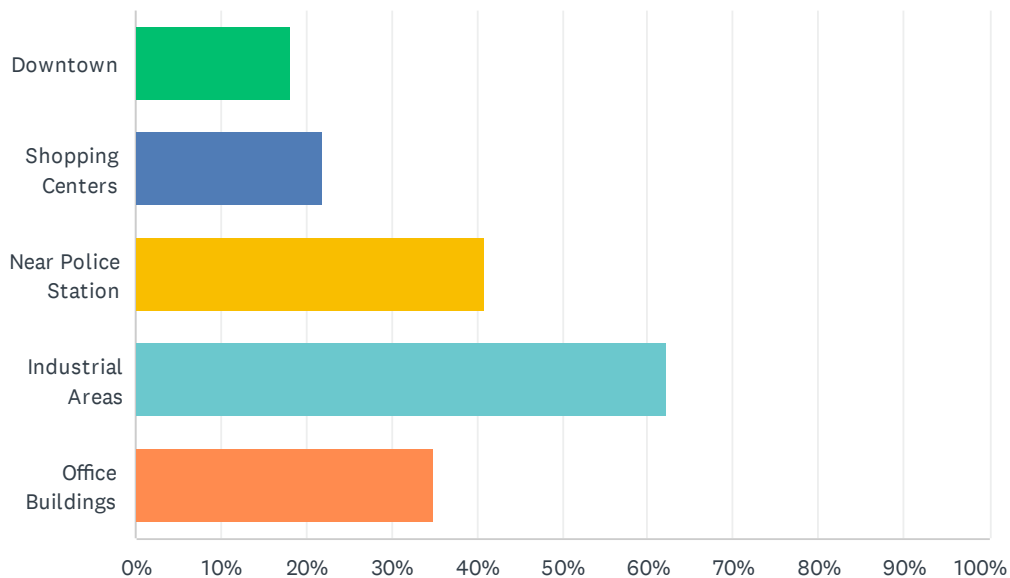
Answered: 948 Skipped: 3



ANSWER CHOICES	RESPONSES
None of the above	16.46% 156
Noise	22.68% 215
Odor	42.19% 400
Loitering	60.76% 576
Youth	54.43% 516
Public Safety	56.75% 538
Traffic	37.97% 360
Parking	35.34% 335
Total Respondents: 948	

Q6 Non-storefront cannabis retail businesses sell cannabis goods to customers exclusively through delivery, must have a State-licensed facility to store the cannabis goods, and shall not be open to the public. If allowed, where should non-storefront retail cannabis businesses be located in Los Gatos ? (Choose all that apply)

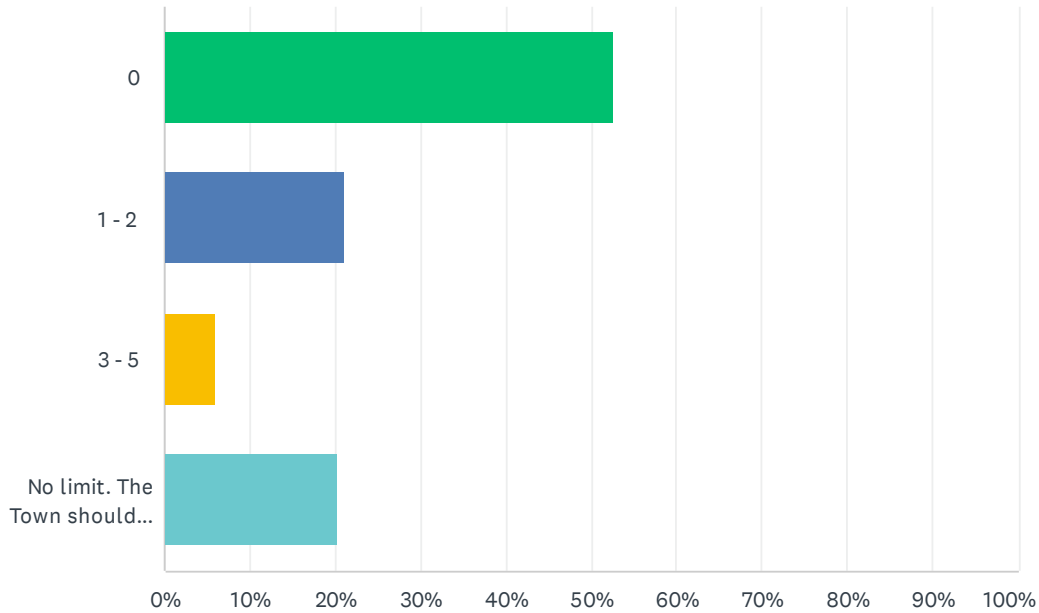
Answered: 893 Skipped: 58



ANSWER CHOICES	RESPONSES
Downtown	18.03% 161
Shopping Centers	22.06% 197
Near Police Station	40.99% 366
Industrial Areas	62.26% 556
Office Buildings	35.05% 313
Total Respondents: 893	

Q7 What is the maximum number of non-storefront retail cannabis (delivery facility) businesses that should be permitted in Los Gatos?

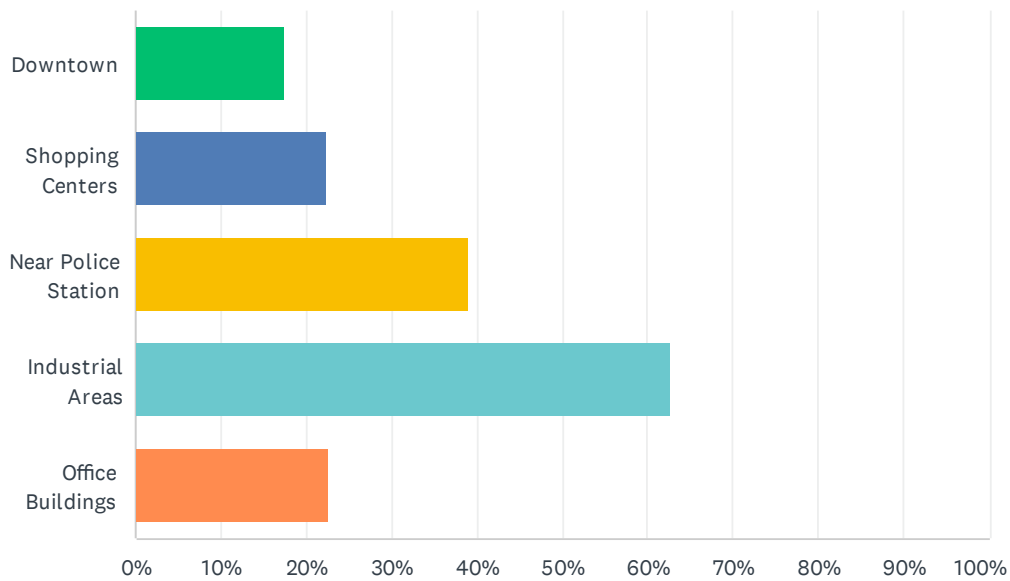
Answered: 946 Skipped: 5



ANSWER CHOICES	RESPONSES	
0	52.64%	498
1 - 2	21.14%	200
3 - 5	5.92%	56
No limit. The Town should allow the market and other regulations to limit the number of businesses.	20.30%	192
TOTAL		946

Q8 A microbusiness license allows a licensee to engage in 3+ of the following activities at the same location: cultivate cannabis on an area up to 10,000 square feet, distribute, manufacture, and retail. If cannabis microbusinesses are allowed, where should they be located in Los Gatos? (Choose all that apply)

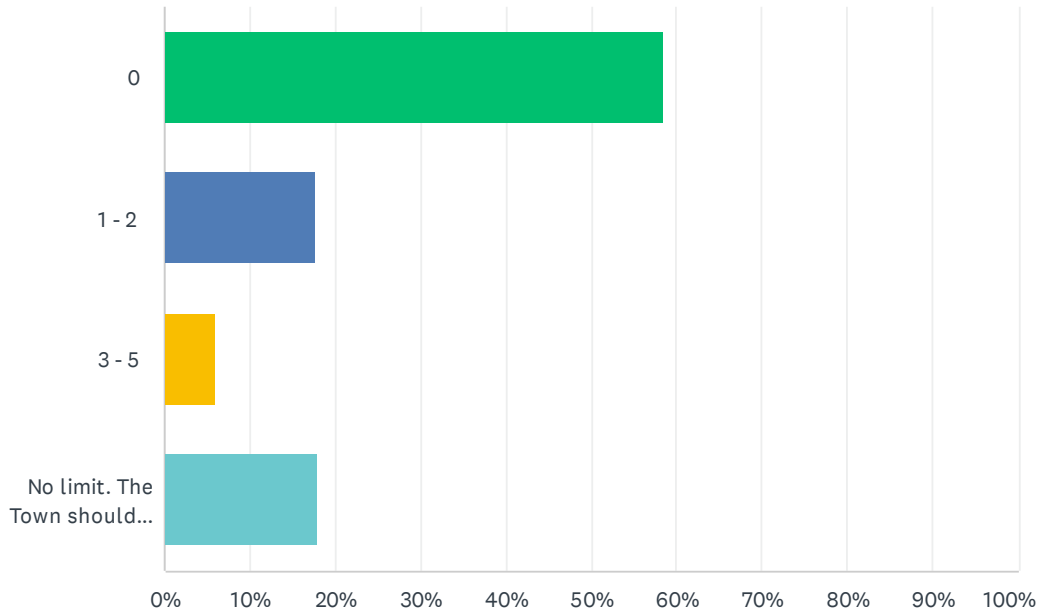
Answered: 879 Skipped: 72



ANSWER CHOICES	RESPONSES
Downtown	17.52% 154
Shopping Centers	22.41% 197
Near Police Station	39.02% 343
Industrial Areas	62.68% 551
Office Buildings	22.53% 198
Total Respondents: 879	

Q9 What is the maximum number of cannabis microbusinesses that should be permitted in Los Gatos?

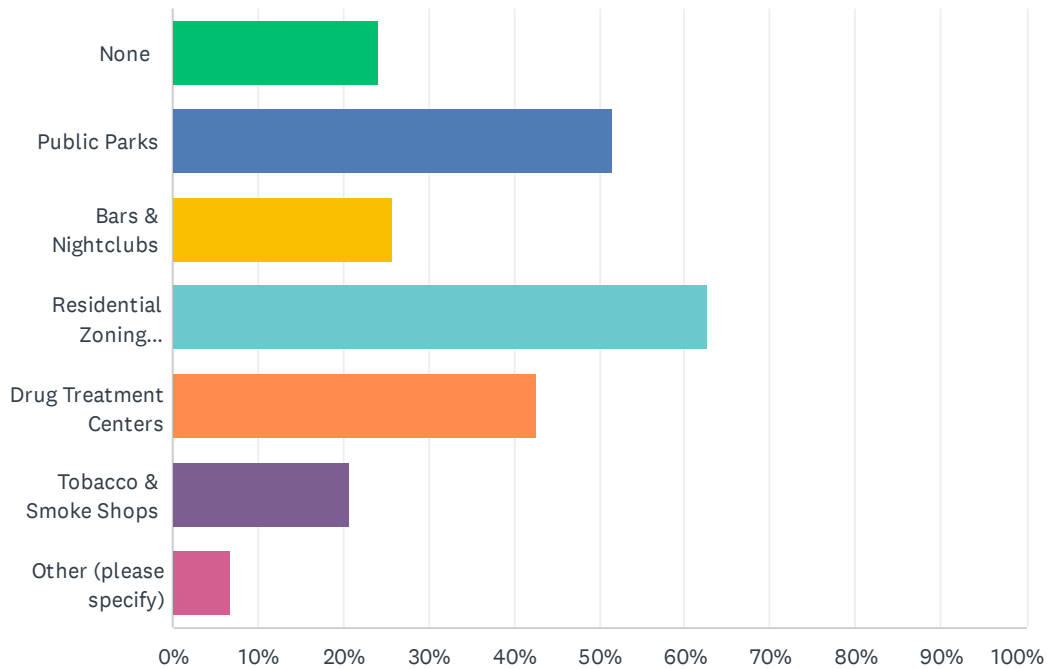
Answered: 945 Skipped: 6



ANSWER CHOICES	RESPONSES	
0	58.52%	553
1 - 2	17.67%	167
3 - 5	5.93%	56
No limit. The Town should allow the market and other regulations to limit the number of businesses.	17.88%	169
TOTAL		945

Q10 State law requires a 600-foot buffer between a licensed cannabis business and “sensitive uses,” such as schools, day care centers, and youth community centers, in existence when the initial license is issued. Should the Town maintain the State’s list of “sensitive uses” or add additional uses? (Choose all that apply)

Answered: 914 Skipped: 37



ANSWER CHOICES	RESPONSES
None	24.07% 220
Public Parks	51.53% 471
Bars & Nightclubs	25.82% 236
Residential Zoning Districts	62.58% 572
Drug Treatment Centers	42.56% 389
Tobacco & Smoke Shops	20.68% 189
Other (please specify)	6.89% 63
Total Respondents: 914	

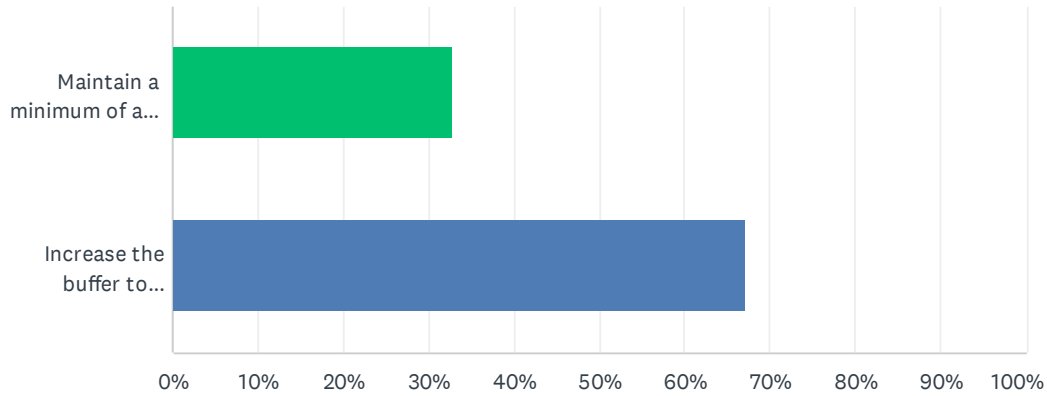
#	OTHER (PLEASE SPECIFY)	DATE
1	Shouldn't be allowed at all.	10/29/2021 11:20 PM
2	Churches	10/29/2021 1:21 PM
3	Don't allow smoking at public parks in the day time	10/29/2021 12:02 PM

4	Should NOT be in LG.	10/23/2021 1:20 AM
5	Hospitals doctor offices medical offices surgeries etc	10/16/2021 9:14 PM
6	libraries, restaurants, supermarkets, toy stores, children's stores, fastfood, convenience stores, gyms, gas stations	9/30/2021 1:08 PM
7	I don't want any of these in our town. They could go to San Jose to buy it.	9/30/2021 9:55 AM
8	All places in Los Gatos	9/30/2021 8:58 AM
9	It should be restricted everywhere	9/30/2021 8:55 AM
10	It should not be allowed anywhere in Los Gatos	9/30/2021 8:32 AM
11	Shopping and dining	9/29/2021 11:41 PM
12	Can the town dictate more than 600'? I think >1 mile would be more appropriate.	9/29/2021 2:45 PM
13	don't let them anywhere near our kids	9/28/2021 11:34 AM
14	Please keep cannabis business away from Los Gatos	9/25/2021 10:52 PM
15	Schools	9/15/2021 8:32 PM
16	Grocery Stores	9/15/2021 10:32 AM
17	Housing	9/11/2021 1:36 PM
18	Schools, day care centers, youth centers, hospitals, any medical facility, any retail zone	9/8/2021 10:21 AM
19	We should not have any type of cannabis business in Los Gatos	9/7/2021 8:47 PM
20	after school and tutoring centers	9/7/2021 2:00 PM
21	Hospitals, senior centers	9/5/2021 11:55 PM
22	Make LG Classy Again	9/5/2021 8:53 PM
23	community centers, libraries, gas stations, firehouses	9/5/2021 12:55 PM
24	schools, day-care, youth community centers	9/5/2021 9:34 AM
25	Like tobacco, this should not be allowed anywhere	9/3/2021 6:18 PM
26	i dont really understand this question	8/31/2021 2:52 PM
27	Senior centers	8/31/2021 7:26 AM
28	Don't allow any anywhere	8/31/2021 2:08 AM
29	Church	8/30/2021 8:56 PM
30	Medical offices, hospitals, treatment facilities, restaurants, houses, apartments, condos, hotels, Downtown, churches, after school care facilities, and location used for any youth activity like camps, recreation, enrichment.	8/30/2021 4:12 PM
31	Should be more than 600 ft	8/30/2021 1:44 PM
32	Gun stores: as cannabis is still federally illegal	8/30/2021 12:09 PM
33	Commercial Zoning Districts	8/29/2021 1:26 PM
34	we don't need this in our town	8/29/2021 12:56 PM
35	Not in town, no matter where.	8/29/2021 12:18 PM
36	Libraries, community centers	8/28/2021 11:48 AM
37	Similar to liquor stores	8/27/2021 7:27 PM
38	Schools, Daycare facilities, Retail Stores	8/27/2021 5:22 PM
39	Restaurants	8/27/2021 4:34 PM
40	Downtown area or near fisher school where lots of kids are walking.	8/27/2021 4:33 PM

41	Restaurants retail centers hotels	8/27/2021 2:26 PM
42	Restaurants, retail centers	8/27/2021 2:23 PM
43	Churches, DMV, athletic facility, Post Office	8/25/2021 5:09 PM
44	Do not allow anywhere in Los Gatos	8/22/2021 5:32 PM
45	Shopping areas	8/22/2021 9:55 AM
46	Restaurants and shopping	8/21/2021 5:26 PM
47	Hiking trails	8/21/2021 7:43 AM
48	No cannabis business in LG!	8/20/2021 11:09 PM
49	schools & child/teen activities	8/20/2021 11:02 PM
50	Hospital doctor offices. Cancer centers. Dental offices. Food stores	8/20/2021 10:08 PM
51	Church, Library	8/20/2021 9:21 PM
52	Maintain same buffer and list of sensitive uses	8/20/2021 4:48 PM
53	Los Gatos	8/19/2021 12:20 PM
54	Hospitals & Senior housing facilities	8/19/2021 11:25 AM
55	Resident homes restaurants library	8/19/2021 9:40 AM
56	The above should be added to the list	8/18/2021 12:55 PM
57	Do not want this in Los Gatos	8/18/2021 11:40 AM
58	churches	8/18/2021 9:49 AM
59	Hospitality businesses (e.g. hotels), recreational areas (e.g. children's parks, tracks)	8/18/2021 8:40 AM
60	Small town. follow the rules and state laws and it should be nobody's business other than their own. Not like LG is about to be a stoner capital of anything. And for as many complaints about "taxes" why not a little revenue coming in?	8/18/2021 12:43 AM
61	Any place popular with youth and teens: LGSR, Courtside club, 7-11, Starbucks, bike shops, etc.	8/17/2021 10:44 PM
62	This question is confusing. Just use the state's list.	8/17/2021 10:04 PM
63	Schools, Churches, Gyms	8/17/2021 4:37 PM

Q11 Towns are able to increase the distance from sensitive uses. In your opinion, the Town should:

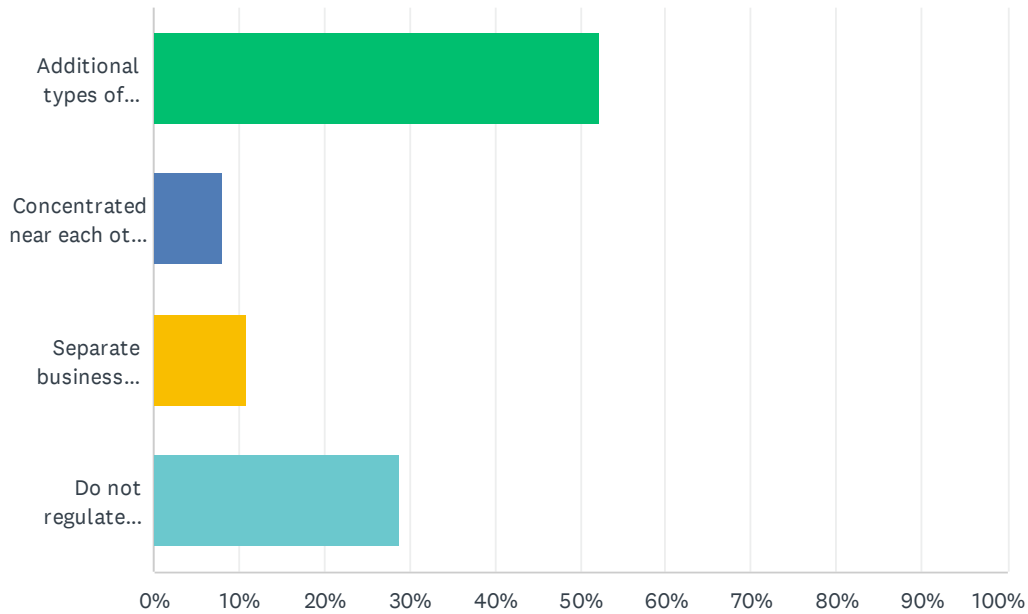
Answered: 934 Skipped: 17



ANSWER CHOICES	RESPONSES	
Maintain a minimum of a 600-foot buffer from "sensitive uses"	32.76%	306
Increase the buffer to 1,000-feet from "sensitive uses"	67.24%	628
TOTAL		934

Q12 If cannabis retail and microbusinesses are allowed in Los Gatos, should they be concentrated in close proximity to other commercial cannabis businesses OR should they be dispersed throughout the community?

Answered: 931 Skipped: 20



ANSWER CHOICES	RESPONSES	
Additional types of cannabis businesses should not be allowed.	52.20%	486
Concentrated near each other (e.g., within ¼ mile).	8.16%	76
Separate business locations from each other.	10.85%	101
Do not regulate separation between commercial cannabis businesses.	28.79%	268
TOTAL		931

Q13 Please provide any additional comments, questions, or concerns regarding regulating cannabis retail and microbusinesses in Los Gatos. Please also elaborate on reasoning for any of the answers to the previous questions.

Answered: 376 Skipped: 575

#	RESPONSES	DATE
1	No cannabis in our town, please.	10/29/2021 11:20 PM
2	Please do not allow for cannabis retail in Los Gatos	10/29/2021 11:11 PM
3	If marijuana users need their fix, they can go to another town. Why bring it to LG?!	10/29/2021 10:33 PM
4	This is concerning and does not fit with the Los Gatos culture. It will not be good.	10/29/2021 10:25 PM
5	The status of LG will go down.	10/29/2021 10:24 PM
6	I believe that people should have the freedom to use marijuana if they want...BUT we as a town should not support it nor allow any sort of stores to open. If we do, we will be making weed so easily attainable for people! I grew up here and I can't tell you how often my friends would go steal their parents weed and we would smoke it... No doubt, this will impact the youth! PLUS other cities are close by for people to go get it if they really want. Please keep our town drug-free. For our families, our children and our overall road safety.	10/29/2021 10:11 PM
7	There are plenty of storefront cannabis shops and delivery services that cater to Los Gatos residents. Despite the allure of the income they could bring to the town, please do not open any within our town. If one must be opened, please locate it where children and people under 21 will not see it and be attracted to it on a regular basis. Definitely not downtown!	10/29/2021 1:21 PM
8	Having areas where you're allowed to smoke weed! Public places or buildings, kinda like bars but for smoking :)	10/29/2021 12:02 PM
9	Great idea	10/27/2021 10:23 PM
10	This will be great for the town And senior citizens that are ill they can get delivery service Great revenue for the town	10/27/2021 6:44 PM
11	Been a Los Gatos resident for 38 years. I recall the age of Buffalo Trading Company. I see it as a peaceful addition to the neighborhood.	10/27/2021 2:54 PM
12	These types of businesses should not be allowed in Los Gatos. It's the one area where you can enjoy being without having to smell people smoking it. This should not be around our kids either.	10/23/2021 1:20 AM
13	Place such business further away from any middle/high schools. 1000 ft is insufficient. 1000 yards is about right	10/22/2021 9:31 PM
14	We already have a problem with drugs in Los Gatos. Like the drugdealer guy in the big black truck with the gold dragon on the tail gate. And the pickup area back behind Petco by the Teslas. We don't need more people coming in hanging around. There are plenty of places nearby in Campbell people can go to. Smoke from weed travels just like cigarette smoke and can make other people high. Hate it. No place for that is Los Gatos. Thank you!!	10/22/2021 7:25 PM
15	LG could collect quite a bit of tax revenue for the city from these businesses.g	10/22/2021 5:46 PM
16	Do not do it...we have enough problems...you are inviting additional problems in the community if you allow cannabis!	10/22/2021 4:52 PM
17	Do not allow this in Los Gatos, it is available all over the California from legal and non-legal growers. I can buy any amount I want in Los Gatos any time of day. I don't smoke and after	10/21/2021 10:06 AM

	the surgeon general comes out with the tar level in pot it will condemn the use. It makes us look stupid to allow it	
18	The problem with Cannabis indirectly being sold to our youth needs to be assessed before considering opening ANY cannabis location in Los Gatos. There are already plenty of them in San Jose, let's not make it any easier	10/19/2021 12:53 PM
19	These are health hazards for people with allergies or lung conditions. Should not be allowed. The odors and or smoke are health hazards.	10/16/2021 9:14 PM
20	no smoking marijuana in downtown Los Gatos	10/15/2021 7:09 PM
21	no need for more distribution locations. there are already too many locations withing our county metropolitan complex	10/15/2021 5:12 PM
22	Bad idea	10/15/2021 1:02 AM
23	Why do we need this in LG?	10/15/2021 12:59 AM
24	Pls bring a Dispensary to Los Gatos	10/14/2021 4:39 PM
25	Thank you for the opportunity. Santa Barbara is a good example of offering few but high-end dispensaries that are aligned with the town culture and socio-economic status.	10/13/2021 10:44 AM
26	Why is the Town Attorney the one proposing this?	10/11/2021 8:58 AM
27	Horrible idea	10/11/2021 8:53 AM
28	Cannabis has been repeatedly shown to be significantly less harmful than alcohol. Any restrictions and regulation on cannabis sales and consumption should be no stricter than those on alcohol.	10/10/2021 2:27 PM
29	There was a cannabis store downstairs from my dentist in San Jose. It was well controlled. The only problem I saw was some loitering. I did wonder about stoned people driving. Like bars, I think sellers of cannabis need to not sell to someone who is already under the influence. There are legitimate uses for cannabis products but driving is not one of them.	10/4/2021 5:02 PM
30	Very bad idea for our town. Will add a whole new level of addiction for vulnerable young people & probably increase the levels of crime & traffic problems.	10/1/2021 5:43 PM
31	A lot of the chemicals in canines are very unhealthy, you should look at a lung on the autopsy table.	10/1/2021 1:17 PM
32	I strongly support NOT allowing cannabis retail or microbusiness in Los Gatos.	10/1/2021 10:57 AM
33	There is no need for this type of business in town. The schools are located near the shopping districts, adding a closer location to this vulnerable age group is not wise. There is already enough access to such places of business.	9/30/2021 9:34 PM
34	I strongly support NOT allowing cannabis retail or microbusiness in Los Gatos.	9/30/2021 9:08 PM
35	You are crazy if you allow this	9/30/2021 4:02 PM
36	Eewe	9/30/2021 2:26 PM
37	As a parent of high school students, I would prefer Los Gatos not have any cannabis businesses	9/30/2021 1:40 PM
38	Legalized cannabis would only be beneficial if regulated. It is not a product for everyone, and definitely not one for children and teens. If we want to keep Los Gatos a family-friendly town, one with safe neighborhoods and welcoming stores and restaurants, then we should have no business in cannabis retail or any other scope for that matter.	9/30/2021 1:08 PM
39	I'd like no marijuana in Los Gatos.	9/30/2021 12:12 PM
40	If people start smoking weed, everyone will stress free.	9/30/2021 10:23 AM
41	a dispensary or two on Los Gatos Blvd. would be OK, not downtown	9/30/2021 10:02 AM
42	I don't want this in our town. I don't understand why the survey is structured in a way that the town is already agree? Is there deal been made already? This is outrageous. We are such a small town with schools around the corners everywhere. Don't do this to our kids.	9/30/2021 9:55 AM

43	I strongly support NOT allowing cannabis retail or microbusiness in Los Gatos.	9/30/2021 9:45 AM
44	Strong oppose cannabis retail and relevant business.	9/30/2021 9:41 AM
45	There must be other ways to increase tax revenue, bringing in cannabis business has no good but just harm for this small town, it may cost us much more on money spend on public health, community safety and to prevent kids from marijuana.	9/30/2021 9:36 AM
46	NO CANNABIS IN LOS GATOS!!!	9/30/2021 9:21 AM
47	It is as if the drug and crime issues at Los Gatos are not enough, strongly oppose	9/30/2021 9:21 AM
48	Don't destroy this clean town with cannabis!!!!!!!!!!!!!!!!!!!!!!!!!!!!	9/30/2021 9:16 AM
49	Cannabis business should be away from town center and schools	9/30/2021 9:12 AM
50	I strongly oppose having any kind of cannabis business in the town of Los Gatos. It will cause many problems, such as bad environment, increasing crime, bad model for youth, traffic, and so on. Please keep our town staying in cannabis free. Think about the fall of Roman Empire, when we begin to indulge in and tolerate things like cannabis, will that be another beginning of the fall of an empire?	9/30/2021 8:58 AM
51	Los Gatos should not allow any cannabis business in the town. Bad influence for kids!	9/30/2021 8:55 AM
52	I strongly oppose the idea of having cannabis retail or micro business in Los Gatos. Cannabis have bad influence on youth, adults, and would attract drug additic to the town which will destroy our town.	9/30/2021 8:32 AM
53	A brick an mortar operation is not needed. I can order online and get product delivered in 90 min or less! Who thought of this comes too late to the game	9/30/2021 8:29 AM
54	I oppose any cannabis business in Los Gatos.	9/30/2021 8:05 AM
55	Allow it It's Better for people than alcohol	9/29/2021 10:54 PM
56	I've seen cannabis shops on Venice beach. Not a great look for downtown Los gatos.	9/29/2021 9:47 PM
57	No cannabis in Los Gatos!! This is family community and cannabis - legal or not - does not need to be a part of the fabric of the community. I'd even eliminate stores that sell hard liquor that do not also sell food products.	9/29/2021 5:01 PM
58	a well run, reputable cannabis business will bring in tax dollars for the town and should be considered as important as any other business. Many use cannabis for medical purposes; having a local provider would make it much easier for those who use it for this reason	9/29/2021 3:45 PM
59	I've been to 1 business in San Jose and it seemed very safe clean and quiet. No smoking was allowed on property	9/29/2021 3:12 PM
60	"Youth" on question 5 is *not* a valid concern. Are we stereotyping and excluding based on age now? You might as well have put "poor people" or "people of color" below it. What were you thinking? Dispensaries should be kept away from areas kids hang out after school (downtown, shopping centres, other). While cannabis is not dangerous, having it too integrated into the town could encourage kids to want to try it. It's only natural for teenagers to experiment, but I'm concerned what middle schoolers will do if they get too much exposure. Industrial areas in town is the right choice because it's convenient for town residents, but out of the way enough to not bother anyone.	9/29/2021 2:45 PM
61	Familiar with cannabis locations in other local communities. They are very quiet, with low traffic and no odor. Honestly these are no different from liquor stores.	9/29/2021 2:14 PM
62	Should be treated same as Alcohol/Tobacco business. If Alcohol is allowed in the area, Cannabis is fine too. Additional monitoring should be added to Alcohol and Cannabis business	9/29/2021 2:07 PM
63	Please solve the drug issue at the Los Gatos High school before considering commercial Cannabis businesses. The safety of our children has a bigger priority than generating revenues from drug business.	9/29/2021 1:56 PM
64	I don't use the products; however I do support 1-2 locations to purchase these products in Los Gatos.	9/29/2021 1:52 PM
65	No other comments	9/29/2021 1:34 PM

66	I grew up in Carmel and they've allowed cannabis businesses for quite some time and it's been great to see. I'd recommend following their regulations and implementation	9/29/2021 1:17 PM
67	Very bad idea for the community.	9/27/2021 7:47 PM
68	This is a bad idea and will crime and addiction for teens and adults.	9/27/2021 7:06 PM
69	Glad this is finally being talked about. It's irrational to make people drive over dangerous Highway 17 in order to get their cannabis! It's both unsafe and bad for the environment!	9/27/2021 3:26 PM
70	PLEASE keep cannabis business away from Los Gatos	9/25/2021 10:52 PM
71	Concerned for ease of access of cannabis to teens in our town. Concerned ease of access can contribute to cannabis use as a gateway drug: https://www.drugabuse.gov/publications/research-reports/marijuana/marijuana-gateway-drug We moved to Los Gatos for the reason it's a safe place for families	9/25/2021 9:18 AM
72	Opposed	9/24/2021 5:45 PM
73	Cannabis businesses should not be allowed within the Los Gatos city limits.	9/24/2021 4:14 PM
74	Pot stores bring crime to the area. Keep crime out of LG	9/24/2021 4:14 PM
75	This will bring nothing but good things to Los Gatos	9/20/2021 9:57 AM
76	I hate marijuana.	9/19/2021 8:42 PM
77	Why would we want to do this?	9/19/2021 12:50 PM
78	Say no	9/17/2021 9:38 PM
79	I am somewhat concerned about odor if cultivation is allowed in town. I don't think that should be a problem with retail dispensaries though.	9/17/2021 6:26 PM
80	You don't need to drive far to obtain cannabis, so there's no need to sell in LG. Plus it's smelly!	9/16/2021 4:36 PM
81	This is a terrible idea. Let other communities handle this; not ours. I have seen up-and-personal what cannabis addiction and life style can do to our youth. It was terrible, ugly and something no parent wants to go through. Please save our town. This is not who we are.	9/16/2021 12:15 PM
82	Remove "Dispensary on Wheels" currently seen on Nextdoor!!! It shows it is located across from a children's park!!! It shows on Google too! But NOT Nextdoor, at least	9/16/2021 9:50 AM
83	Time to get with the rest of the world	9/15/2021 8:32 PM
84	I believe its a shame that so many residents either travel or have cannabis delivered without Los Gatos getting the tax benefit	9/15/2021 8:19 PM
85	I think that retail stores selling cannabis should not be allowed in Los Gatos. Our town could end up looking like the streets of San Francisco with drug users camping out on our streets and parks. If people want to purchase and use cannabis then let them go to another town to purchase cannabis. We do not need cannabis shops in our town given the relatively few stores which there are in Los Gatos.	9/15/2021 4:53 PM
86	For years our community has fought against cannabis and other drugs from being used and abused in Los Gatos. We got rid of a previous cannabis shop years ago with a lot of community backing. Please do not authorize drugs into our town when we have tried so hard to keep the out. It will attract drug users and send a bad message to our youth. We are CASA, Community Against Drug Abuse.	9/15/2021 4:36 PM
87	No issues with this type of business in town, other than general traffic and parking concerns that would apply to ANY new business locating here.	9/15/2021 3:51 PM
88	retail only would preferable... no cultivating	9/15/2021 3:17 PM
89	I use cannabis for pain and sleep - I'm tired of driving to San Jose so I support local retail sales plus tax dollars to our town which it doesn't get now!	9/15/2021 11:50 AM
90	I believe that our town has many "secret" cannabis users that have to travel far into San Jose. It would be super convenient first of all, and bring big tax dollars to our town. I get frustrated	9/15/2021 11:31 AM

with people comparing weed to alcohol. As far as kids- they are going to get it if they want it and have ways to. (I have 2 teenage boys so I know first hand).

91	I hope you publish the results of this survey. I would love to help you respond to the stigma. This town is missing out on SOOOOOOOOOO much tax money. Delivery makes up 65% of cannabis transactions and TRUST ME when I tell you delivery services are coming here and taking Los Gatos tax money back to San Jose to San Rafael. And there aren't parking problems when you take delivery. lol. Carbon filtration systems inside the buildings prevent odor of plant material (that skunky smell) and the non-consumption laws prevent loitering so there's no hotboxing. Come on, LG, all those other towns can't be wrong!	9/15/2021 11:31 AM
92	Why are you even considering encouraging cannabis use. It is harmful to users, especially youth & young adults!!	9/15/2021 10:58 AM
93	Find other ways to increase revenue (ie: North Forty- commercial offices). Keep LG free of cannabis and the problems it will bring.	9/15/2021 10:32 AM
94	Should be very similar to how liquor stores are regulated.	9/15/2021 7:23 AM
95	Strongly against any cannabis business in town!	9/15/2021 5:39 AM
96	I would be very unhappy to see cannabis retail and micro businesses in Los Gatos. I cannot think of a reasonably compelling reason to add these businesses to our town.	9/14/2021 9:20 PM
97	Thanks for the survey	9/14/2021 8:12 PM
98	Cannabis is medicine and should be as available as pharmacies	9/14/2021 6:52 PM
99	Los Gatos banned e-cigarettes and flavored tobacco. If Los Gatos wants to allow Cannabis they should allow e cigs and flavored tobacco as well.	9/14/2021 3:19 PM
100	Don't do this	9/14/2021 12:08 PM
101	I support legal cannabis. I am concerned about increased traffic from storefront sales (traffic is tight as it is and out-of-community shoppers would only add to that). I like the idea of delivery only, as it would provide some economic stimulation and community value while minimizing increased traffic	9/14/2021 10:44 AM
102	These businesses are better suited in larger cities and other locations. The demographics in Los Gatos are predominantly families and older seniors. Los Gatos should not have a cannabis business in its town.	9/14/2021 10:23 AM
103	I worry that providing cannabis outlets will be detrimental to the town of Los Gatos that we love (filled with restaurants, cute shops, etc.)	9/13/2021 7:40 PM
104	Go to San Jose to buy cannabis. Don't sell it here.	9/13/2021 8:02 AM
105	Los Gatos is a no smoking town. I think we do not need to have a cannabis business in Los Gatos. There is one in Campbell on Wichester Blvd. which is close to Los Gatos. I think we need to have other businesses in Los Gatos.	9/13/2021 5:02 AM
106	Bring the fun LG before the silicon valley yuppies took it over.	9/12/2021 9:25 PM
107	Please don't ruin our Town by selling cannabis	9/11/2021 6:58 PM
108	There is no reason to allow cannabis business in Los Gatos for any purpose under any conditions.	9/11/2021 1:36 PM
109	Many other communities nearby have successfully implemented cannabis sales (Santa Cruz is probably the closest). They can provide models & advice to LG.	9/10/2021 11:10 PM
110	I have no idea why the Town needs to sell cannabis.....go to asan Jose!	9/10/2021 9:39 PM
111	Town council members previously addressed this with a vote to not allow these establishments. Please don't reverse this.	9/10/2021 6:13 PM
112	No need for this in LG. There are plenty of other places people can get this.	9/10/2021 5:19 PM
113	drug stores carry enough cannabis products now. Don't think we should have more cannabis shops in Los Gatos.	9/10/2021 2:06 PM
114	Why would we want this in our town?	9/10/2021 11:35 AM

115	A really bad idea	9/10/2021 11:15 AM
116	I think we need to specify that a large portion will go directly to schools in Los Gatos. There is a huge disparity between school funding in LG & Saratoga.	9/9/2021 1:29 PM
117	There is no need to sell cannabis in Town. It can be purchased in SJ.	9/8/2021 3:39 PM
118	My husband and I are strongly opposed to this...this will harm our children and community..	9/8/2021 11:49 AM
119	Please protect our town from the blight that comes with these businesses. Please don't turn downtown into a cannabis recreation zone. It would completely change the character of our town and turn away so many who have no interest in cannabis.	9/8/2021 10:21 AM
120	Dispensaries are not needed in LG. There are plenty of options for people to obtain marijuana. They will increase crime wherever they are. Crime has already dramatically increased in LG. Please keep them out of LG.	9/7/2021 9:26 PM
121	Los Gatos is a small town. If people want to buy cannabis San Jose is not far away and all the dispensaries have delivery services. Our town has been experiencing a serious rise in crime and I fear having cannabis dispensaries would only increase it. I was assaulted at gun point, severely beaten with the gun mid day two blocks from N Santa Cruz three months ago. A week after my assault a high school student coming home from prom was assaulted at gun point by a Junkie. If you bring cannabis to our already fragile town we will all experience more violent crime. It will make it easier for kids in Los Gatos to access drugs. Please don't turn our beautiful town into a dangerous place. Thank you	9/7/2021 8:47 PM
122	Cannabis is a major public safety issue which has created and will create mental illnesses in some of the people who use it. This is in particular for youth who may feel social pressure to use cannabis. We need to make it more difficult to purchase cannabis for those living in Los Gatos and the surrounding towns.	9/7/2021 2:00 PM
123	There should be no limit on the type or quantity of legal businesses allowed to operate within the boundaries of the town. Allowing for cannabis sales would potentially fill currently empty storefronts throughout downtown and provide yet another reason for out of town visitors to see Los Gatos as a tourist destination. In writing an ordinance, please keep in mind the communities historically affected by the war on drugs and consider offering storefront permits to those directly affected by previous cannabis laws.	9/7/2021 9:02 AM
124	I'm optimistic that things will be fine with a policy having a light touch.	9/6/2021 5:37 PM
125	Businesses should require ID and customers should be accompanied by a clerk within a secure product area.	9/6/2021 4:36 PM
126	No concerns, happy to hear that the town of Los Gatos is taking progressive steps in the right direction. The reality is most who are using cannabis are having to get it outside of Los Gatos causing inconvenience as well as revenue loss.	9/6/2021 8:34 AM
127	Why not put a casino and gun store downtown as well? This is not a good idea - do not add cannibals stores in LG.	9/5/2021 10:53 PM
128	I have seen deterioration occur near dispensary, addicts, unruly folks, even the homeless crowd likes to congregate near dispensaries. Why destroying the beautiful Los Gatos??	9/5/2021 10:16 PM
129	RESIGN NOW!!!	9/5/2021 8:53 PM
130	Just Say No! Save the Children!	9/5/2021 8:40 PM
131	If cannabis retail and microbusinesses are going to be allowed in Los Gatos, please do *not* put them near police stations. Unnecessarily over-policing of cannabis is an enormous problem that disproportionately affects marginalised groups.	9/5/2021 1:50 PM
132	Breathing cannabis is harmful to health so people should not be allowed to use it except on their own property and indoors so it won't affect the neighbors	9/5/2021 12:55 PM
133	Cannababis should not be regulated more than liquor stores with similar restrictions and regulations.	9/5/2021 12:44 PM
134	Cannabis is readily available all over. There is no need to cater to users in the small town of Los Gatos. At all.	9/5/2021 12:33 PM

135	I would think that availability of cannabis related businesses in the nearby cities should suffice.	9/5/2021 8:28 AM
136	I am strongly opposed to any kind of cannabis cultivation, production, or dispensing in Los Gatos. It would be a huge mistake for our town!	9/4/2021 10:26 PM
137	I am concerned that not enough people will see this survey. We already have a serious drug problem at Los Gatos High. Although I believe marijuana should be legal to avoid needless incarceration, I see no benefit to encouraging it.	9/4/2021 10:24 PM
138	Cannabis should not be allowed in Los Gatos	9/4/2021 9:22 PM
139	I really think that it is a good idea to allow these businesses.	9/4/2021 2:34 PM
140	The town is missing out on the income it will make from the taxes. In 2021 I can't believe this is still an issue.	9/4/2021 11:20 AM
141	I realize that cannabis users are winning the fight, but I think the town of Los Gatos should not yield to the pressure. Keep the town away from cannabis as much as possible.	9/4/2021 10:29 AM
142	This will increase homeless population in Los Gatos	9/4/2021 8:24 AM
143	This type of business will be coming to a place near Los Gatos regardless of what LG does. If allowed in a place where it is not close to residents or schools, and not downtown where there is a lot of foot traffic, I think it will not be a bad thing. But it will need to be monitored well by police to protect those who are just outside that 600 or 1,000 feet perimeter.	9/4/2021 6:59 AM
144	It is already accessible in nearby locales for those who want to seek it out. It sends the wrong message to our young people, many of whom hang out downtown and around town - and they'd likely get the wrong message (that it's okay to start using at a young age). We'd probably see an increase in substance use since the message from greater presence in town would be that of permissiveness of use.	9/3/2021 11:07 PM
145	Cannabis dispensaries should not be permitted in Los Gatos. It will lead to increased crime, unsavory people, and cannabis dispensaries are strongly related to negative societal impacts (entry drug, etc). The drug is illegal at the Federal level so should be treated as such at the community level.	9/3/2021 6:18 PM
146	Will affect our young people	9/3/2021 6:05 PM
147	The Town should allow well-regulated cannabis businesses in order to benefit from the sales tax revenue from residents who would otherwise buy cannabis products in neighboring municipalities. The responsible use of cannabis has become mainstream so why should Los Gatos miss out on business opportunities based on outdated reasons. I'd rather have 10 cannabis businesses than one gun shop.	9/3/2021 5:12 PM
148	I am just fundamentally opposed to cannabis retail and microbusinesses in Los Gatos...period.	9/3/2021 5:07 PM
149	As a senior citizen and responsible cannabis user, I would appreciate not having to drive to San Jose. A local (LG) retail dispensary would be ideal.	9/3/2021 3:33 PM
150	Glad to see Los Gatos giving cannabis business serious consideration.	9/3/2021 12:42 PM
151	i hope the town of los gatos allows dispensaries with the resistance of towns to open dispensaries, creates further and further distances to get medicine studies show few downsides to dispensaries, in fact show home prices increase around dispensaries please review information from NORML, https://norml.org/ i live on the border of los gatos, across the street and am a regular consumer of various businesses in LG and would love to be a shopper at a local dispensary i strongly support the forward thinking of those preparing to bring dispensaries forward for business in los gatos	9/3/2021 8:00 AM
152	Let's maintain our current town environment and not bring in a business that will potentially change the traditional LG and small town feel and level of safety to our citizens.	9/1/2021 5:46 PM
153	The legalization of marijuana is a good source of tax revenue and has not damaged communities where it is allowed. Los Gatos should allow retail sales in the community.	9/1/2021 12:29 PM
154	Hi there! My name is Devon Stout I am a commercial cannabis real estate broker at Compass LG. I have gotten permits for my clients and am familiar with over 7 different cannabis municipalities in from SLO > Bay Area> SAC. I believe there are many sensitive uses here in	9/1/2021 10:19 AM

Los Gatos surrounding the Downtown Corridor and throughout the city. I believe a retail confectionary in downtown with the right security regulations should be allowed. They may also receive a type 6 (non volatile manufacturing license) to bake more product. A dispensary selling flower, hash, vapes, and other products should be sold on off streets of downtown. If there is space available, away from sensitive uses, I would recommend that for Los Gatos. Microbusiness Type 6 Manufacturing should be allowed in some office space. I would not agree to put type 7 (Volatile Manufacturing) Licenses at this time. This is also in accordance to cannabis cultivation (as the market is overflowing with flower at this time) and the odor is very strong.

155	I feel that these businesses do not need any more regulations than do wine or liquor stores.	8/31/2021 10:19 PM
156	No cannabis in town of Los Gatos	8/31/2021 10:08 PM
157	The cannabis industry is a booming industry with millions of dollars at play. A town like Los Gatos should follow suit with towns like Issaquah, Washington and embrace cannabis in all aspects. It will bring more money to the town, and the realities of the dangers are far less than the usual concern, especially in a town that is already as well-policed as Los Gatos.	8/31/2021 8:36 PM
158	There is no good reason to permit these businesses in Los Gatos.	8/31/2021 6:24 PM
159	I feel it is an individual choice to use cannabis. However, I find the smell very offensive !!	8/31/2021 4:17 PM
160	They should be handled the SAME as liquor stores, bars and breweries. Period.	8/31/2021 4:15 PM
161	All of dispensaries I have been to have an armed guard outside, metal detectors and a variety of clientele. In the evenings the ones in more social areas are packed and people are smoking and loitering around. In Los Gatos, you cant find a place to go after 8, everything shuts down early. We are so strict in so many ways. Why would we be lax on this issue? I realize it is legal, but it comes with a lot of headaches, particularly if it is anywhere near downtown or the schools. I like to be open minded but there seem to be plenty of opportunities for people to obtain their marijuana online, I do not see why we would need a dispensary or any marijuana related business in town. The only way I might be convinced is if they pay a very heavy fee that would be able to keep our police department open	8/31/2021 2:52 PM
162	It's easy to go to a short distance to get cannabis. Why bring crime, enforcement costs and people who don't live here coming to buy it?	8/31/2021 1:18 PM
163	Legalize & tax	8/31/2021 11:07 AM
164	Federally illegal- let's not bring this type of storefront to LG!!!	8/31/2021 9:42 AM
165	Please, no.	8/31/2021 8:46 AM
166	None	8/31/2021 7:26 AM
167	We don't want an increase in crime. People can already go to Other locations close to Los Gatos to get their cannabis. Thank you.	8/31/2021 7:26 AM
168	I hope the Town of Los Gatos is not doing this just to make money from the businesses of these products. That Los Gatos checked out the results of States/Cities that allowed such sales and see the results of the outcome. I see no plans by LG in place how to monitor this business. LG already does not enforce its current codes, how will these sales and improper outcome be enforced? Does LG plan to have code in place first with follow up planned actions and then permit such businesses?	8/31/2021 3:29 AM
169	Drugs will only encourage more theft. We have a terrible problem of car robberies, home invasions and the police can't and don't procurator due to our laws that these things are a misdemeanor. Don't bring that to Los Gatos.	8/31/2021 2:08 AM
170	Our fine town does not HAVE to sell weed! Let users go to neighboring cities or have it delivered from elsewhere. Let's not add to Los Gatos long-standing drug reputation by allowing dispensaries or growers in town. We are already facing an uphill battle with local Los Gatos teen and adult drug use. It's just not worth it. Let's generate city fees from positive healthy activities. Not weed. Please no weed stores or shops or growers. Take a hard pass while you can. Thank you.	8/30/2021 11:38 PM
171	As a person who has been to cannabis retailers and has been a customer of non-retail cannabis businesses in the past, I can say with certainty that having cannabis businesses does not significantly change the quality of the surrounding areas in any way, nor do they	8/30/2021 9:54 PM

make them less safe or desirable. Now that marijuana is legal, the process for vetting customers, the sign up programs, the security, etc are all very high level and well documented. I actually believe that it would do a lot of good for Los Gatos to have such a business there.

172	Please noooooooooooooooooo	8/30/2021 9:14 PM
173	Allow it and tax it. It's no different than a liquor store.	8/30/2021 9:00 PM
174	None	8/30/2021 8:49 PM
175	Please no. Not in our town!	8/30/2021 7:59 PM
176	Los Gatos too high end for cannabis store come on	8/30/2021 3:58 PM
177	This adds nothing to our Town. Cannabis is readily available in the Bay Area. This just brings a negative element closer to us, impacts our air and our children. Strongly oppose.	8/30/2021 3:48 PM
178	It would degrade the character of the town	8/30/2021 2:04 PM
179	Please don't allow this at all. We don't need to make it easier for our youth to illegally or legally obtain the ability to get high. And neither do adults need it. We already have far too many liquor options in town.	8/30/2021 1:44 PM
180	High rents in Los Gatos should be enough to self select for high end retailers who are motivated to run clean quiet normal retail stores. We need to get past the bias against these legal businesses. They provide to communities they serve as much as salons or bars.	8/30/2021 1:23 PM
181	Keep them in industrial areas away from areas where children congregate.	8/30/2021 12:58 PM
182	I would suggest you consider this the same as you would a liquor store . Except it's actually medicinal for many people , so in many ways far more healthy and additive to the town . Ps: I don't partake , but want others to have the freedom to do so.	8/30/2021 12:58 PM
183	I think a medical marijuana shop would be the most appropriate thing for Los Gatos. Putting a medical marijuana store downtown that sell edibles and other forms of marijuana would be the best way to sell in Los Gatos and safest way.	8/30/2021 12:58 PM
184	the current LG family - friendly environment will certainly change in a negative way if cannabis business is invited in!	8/30/2021 12:52 PM
185	Los Gatos already has a drug/cannabis issue in its public parks. Allowing the sale of cannabis will only magnify that problem. Focus on fixing the problems we have. Thank you.	8/30/2021 12:47 PM
186	proposed cannabis business in LG is a safety concern as well as a health concern—let SJ deal with it — in addition, our police force is stretched too thin as it is.	8/30/2021 12:42 PM
187	Na	8/30/2021 12:35 PM
188	Cannabis may be legal city/state, but it is still illegal on the federal level. I do not support cannabis sales in Los Gatos.	8/30/2021 12:09 PM
189	Not associating cannabis with all bad people, but the types of people that draw to these companies are not all good people and will lead to more petty crime and even some higher crime.	8/30/2021 11:58 AM
190	Nond	8/30/2021 11:33 AM
191	This would be extremely beneficial for the town!	8/30/2021 11:32 AM
192	No cannabis in LG	8/30/2021 10:47 AM
193	Cannabis business in LG should be fine. The market will regulate how many survive and stay around long term. The town of Los Gatos needs to fix its other issues (traffic, unnecessary development at Lark & LG Blvd that will destroy that area with gridlock). Who cares about cannabis. Stop wasting our time and fix your ridiculous development plans that are impacting our quality of life. Whereas cannabis improves life quality	8/30/2021 10:40 AM
194	Solve the drug issue at the LG highschool first before considering extending the business of drugs even be it legal. My son reports events about it almost every week (including an OD) and nothing is done about it.	8/30/2021 10:37 AM
195	At least read the executive summary from the Colorado chamber of commerce 2020 study.	8/30/2021 10:36 AM

You do not want this in LG. <https://www.thenmi.org/wp-content/uploads/2020/10/RMHIDTA-Marijuana-Report-2020-2.pdf>

196	We have people drinking on sidewalks and in grays lane, etc. The town has some life. As long as the owners business model and aesthetic aligns to the town's, why would we not allow it?	8/30/2021 10:35 AM
197	What is it to gain from having cannabis retail in Los Gatos? I believe it will bring in the wrong clientele, people who drive under the influence and easier access to cannabis for kids/teenagers.	8/30/2021 10:34 AM
198	restrictions on home cultivation of cannabis for personal use should be relaxed. the smell of burning cannabis is more of a public nuisance than growing it.	8/30/2021 10:21 AM
199	Hopefully we won't have any of these stores in our town.	8/30/2021 10:16 AM
200	Don't destroy our youth with this shit.	8/30/2021 10:12 AM
201	There are plenty of nearby cities and towns that have cannabis businesses. We don't need any.	8/30/2021 9:51 AM
202	Los Gatos has a huge teen drug abuse public health crisis. It is rampant at LGHS and Fisher. Cannabis and vaping are used extensively and very easily obtained by students. They are gateway drugs to more serious drugs and drug scenes that have resulted in student hospitalization, treatment and student death (at least one, Aug 2020). Cannabis and vaping products are sold to minors without question by stores in neighboring areas, students who are obviously underage. These do not seem policed. Any cannabis businesses in Los Gatos need to have strict control on sale to minors. Cannabis and cannabis plants stink and to sensitive individuals can cause migraines. Any commercial operations will generate foul odors and make residential areas, downtown and office areas unpleasant, uninhabitable for many and devalue properties. Cannabis farming consumes excessive water. Seems illogical and irresponsible in the middle of a bad drought and water use reduction to permit this. Any grow sites should also be assessed for wildfire risk and hillside instability should growing require site clearing, tilling, construction. Cannabis is not a good neighbor to have in any form and should be tightly controlled in heavily policed areas with mandatory controls and enforcement for all nuisances including odor, blight, selling to minors, excessive water usage. Certainly would not want as my neighbor or in the downtown area and would not wish on anyone. Worse than having the landfill or a bunch of non-compliant bodysshops next door.	8/29/2021 3:11 PM
203	Marijuana poses detrimental effects on users, particularly youth; sets a bad example of moral standards. The only reason to use MJ is to get high. Users can have a detrimental effect on communities - DUI, gateway to other drugs, odor, reduced inhibitions to doing crime, gateway to being a societal loser. No compelling upside.	8/29/2021 1:26 PM
204	I don't feel this is a suitable business for our town	8/29/2021 12:56 PM
205	I cannot imagine any benefits of allowing cannabis business in our community. I have only seen negative results in other communities.	8/29/2021 12:23 PM
206	You can buy alcohol in numerous places in town. There is no difference. Same rules should apply to both.	8/28/2021 7:17 PM
207	None.	8/28/2021 4:54 PM
208	Cannabis businesses are inappropriate everywhere, but especially in Los Gatos. Growing cannabis requires a lot of water, so it should not be allowed at all.	8/28/2021 12:33 PM
209	Office space is ideal as the location for these businesses as they have their own parking and typically far from sensitive areas. With covid and remote work, cannabis businesses can fill the space of other businesses who may need less office space.	8/28/2021 11:48 AM
210	Thanks for this survey!	8/28/2021 10:32 AM
211	We moved here from Amsterdam so we have direct experience with this. It is not advisable to open cannabis businesses in a small town community. The patrons are not coming to visit the town, they are coming for cannabis and create unnecessary in and out traffic. We might as well line the street with sex shops too if that is the direction the town is headed. These businesses detract from the quaint feel that is LG. In a big city, you can avoid them. In a small town, you cannot.	8/28/2021 8:04 AM
212	alcohol is already sold everywhere in LG and cannabis sales will not have a negative effect on	8/28/2021 6:49 AM

LG. It's already sold everywhere nearby and delivery options are already available to all LG residents from stores in other counties/towns.

213	Los Gatos has plenty of challenges. No need to choose another challenge to question our issues. This issue will help outsiders but not really our residents. We actually have issues that our representatives should tackle. Why not focus on what our residents need?	8/27/2021 8:18 PM
214	Los Gatos prides itself on amazing lifestyle, shopping and dining, all of which have been meticulously cultivated under the town's leadership. We offer something no other community surrounding us offers in this regard. Exposing the town to cannabis retail and microbusinesses unnecessarily detract from our uniqueness and expose the town to a variety of unintended consequences - all of which need to be carefully studied prior to making a decision.	8/27/2021 7:44 PM
215	A cannabis dispensary will draw people to our town who will enjoy other town offerings which is good for town business AND will generate revenue for the town. Any retail store front should align with the look and feel of our town.	8/27/2021 7:27 PM
216	Allowing cannabis stores is a slippery slope that will start to turn Los Gatos into a mini San Francisco.	8/27/2021 7:14 PM
217	Let's face it, these establishments don't exactly "class up" an area. Their advertisements alone are a turn off. I'm not against the use, per se, but the operations of the ones I see in San Jose are generally lacking.	8/27/2021 6:09 PM
218	There are enough dispensaries in Santa Clara County. No need to involve Los Gatos.	8/27/2021 5:09 PM
219	Cannabis businesses should not be allowed. They create blight, when it comes to loitering in front and smoke smell on the nearby area. We don't need our youth subjected to this. Seriously	8/27/2021 4:10 PM
220	This is not something that should be considered for our town. It will bring the wrong element from out of town to our community and does not represent the values of our community. This is not the right message to send to our youth. I believe this could impact property values as well. We have taught our children that drug use is wrong and dangerous and this goes against those teachings. This is no different than adding another liquor store with the exception of a liquor store being a legally recognized business in our country. Not only is cannibals illegal on a federal level but it is yet another blight on our society!	8/27/2021 2:26 PM
221	Cannabis businesses should absolutely not be allowed to operate in Los Gatos. We do not want or need this kind of business in our town, and I believe that it will have many negative impacts on our community, including but not limited to on our youth, property values, and overall town atmosphere. The last thing our town needs is to endorse nefarious operations in a community that has always fostered a wholesome, small-town atmosphere.	8/27/2021 2:23 PM
222	Not in Los Gatos!!!!	8/27/2021 12:53 PM
223	There are numerous cannabis businesses not far from Los Gatos-we definitely do not need one in Los Gatos	8/27/2021 8:17 AM
224	No cannabis allowed in LG	8/23/2021 3:55 PM
225	Los Gatos should do this. Bring life back to the town.	8/23/2021 10:35 AM
226	Cannabis retail and micro businesses are accessible in nearby San Jose. Such businesses are not in character with the "look and feel" of the Town of Los Gatos.	8/23/2021 9:42 AM
227	Do not allow any form of cannabis business or microbusiness in Los Gatos	8/22/2021 5:32 PM
228	Cannabis businesses should not have a place in Los Gatos. The risk to public safety, quality of life and other unintended consequences are too great. Already, there are instances of people smoking marijuana in empty parking lots at night, and the stench from the smoking is a public nuisance. Los Gatos already has a drug problem in the schools and community. Why introduce additional sources of risk to the community?	8/22/2021 1:08 PM
229	I think they would bring more traction to LG and they would benefit a lot of people.	8/22/2021 12:37 PM
230	Legal cannabis products readily available in other areas close to Los Gatos (e.g., Campbell).	8/22/2021 12:05 PM
231	Let's keep LG safe, specially for our kids.	8/22/2021 11:17 AM
232	I view cannabis businesses like liquor stores. If they follow the rules and aren't allowed to	8/22/2021 10:00 AM

proliferate I think there shouldn't be many issues. I've seen many "high end" cannabis stores so it can be done with a style that suits Los Gatos. I don't think that a micro business where they are growing would be appropriate in most areas. With that you get more odor and the potential for people trying to break in.

233	Who are the Town officials that are wanting to encourage drug use in this town? I would like to see them voted out of office.	8/22/2021 9:55 AM
234	Many cities have figured this out as it's a legitimate business these days. The questions about micro-business were a little confusing to the average person.	8/22/2021 9:06 AM
235	None	8/22/2021 7:41 AM
236	Keep Los Gatos quaint. People have many choices nearby to get their fix. I work in a school in LG and cringe at this thought. Awful idea.	8/21/2021 5:26 PM
237	No NONO pot sold in Los Gatos. Drive to San Jose.	8/21/2021 4:10 PM
238	Los Gatos should definitely allow cannabis dispensaries. Currently everyone is going to San Jose for Cannabis and all that tax revenue is going to San Jose. Los Gatos should benefit the sales tax not San Jose.	8/21/2021 3:12 PM
239	I support cannabis dispensaries in LG because all the dispensaries are outside of LG. Why not keep the revenue in LG?	8/21/2021 3:12 PM
240	After over 30 years in public safety, including a couple of stints working narcotics, I can tell you that the negative effects of allowing this in Los Gatos far outweigh any perceived benefit. There are enough of these businesses around that patrons can easily access it. There is no need to allow it here.	8/21/2021 11:11 AM
241	Los Gatos does not need this type of business. It is readily available nearby. The added revenue to the town will be eaten up by increased need for police due to public safety concerns. It just isn't worth it	8/21/2021 10:07 AM
242	This is not needed in Los Gatos, go to Santa Cruz if you want your weed.	8/21/2021 9:50 AM
243	We don't need weed in Los Gatos, those townspeople who need and want it get it just fine as is.	8/21/2021 8:07 AM
244	My only concern is for teens getting access before they really should be allowed to try it. As long as purchasing rules are tight and that is readily enforced, I don't see how having these businesses here vs just down the road in San Jose would make any difference for the community.	8/21/2021 7:43 AM
245	Cannabis dispensaries SHOULD NOT be permitted anywhere in Los Gatos.	8/20/2021 11:09 PM
246	It is incredibly easy to get a medical marijuana card. Don't be naive that kids don't get them and fake ID's. Now they can just stop in before and after school? Dispensaries STINK for blocks, I've been in them, they reek. Also, interesting that one gun store got run out of town a few years back, because LG didn't want that type of business. So this type is OK? And various types of this? There is no way LG would have a gun manufacturer in one place and a gun store front in town. Guns are legal throughout CA too. Why always so one sided? Why does LG constantly have to jump on the trendy political band wagon, can't it just be a nice, basic sub-burb instead of yet another gross extension of San Jose? Is LG town council so afraid of being chastised and or so desperate to be considered "woke" that we can't simply say no thanks not a good fit for our town?	8/20/2021 11:02 PM
247	Please just don't.	8/20/2021 10:08 PM
248	Let's keep the TOWN of Los Gatos special and upscale. We don't even have a lot of liquor stores in town, we don't want a dispensary.	8/20/2021 9:21 PM
249	Cannabis should be purchased in neighboring towns not in Los Gatos!	8/20/2021 9:16 PM
250	Keep it regulated and inaccessible to youth please. Safe cannabis versus street/unknown cannabis (laced with drugs) is a win if it is done right.	8/20/2021 9:11 PM
251	Los Gatos does not need any cannabis "businesses", nor would it be an asset to the town. If people want to purchase/smoke drugs, they can do so in the privacy of their own home. This should not be done in front of impressionable adolescents.	8/20/2021 7:47 PM

252	Absolutely NO cannabis retailers in Los Gatos. Thank you for asking for citizens to give feedback.	8/20/2021 7:39 PM
253	It is the people that are brought in from out of town that are often the problem. With all the homeless and crime happening at the moment it seems a horrible time to bring pot farms, dispensaries or anything related into our area.	8/20/2021 7:13 PM
254	I understand that people have the right to choose to smoke, but in public second hand smoke is forced on people who choose not to smoke. I do not think that is fair.	8/20/2021 6:31 PM
255	No way	8/20/2021 6:14 PM
256	We live in a very urban area, where there are many other neighboring cities that provide store front and non store front cannabis support to the people of Los Gatos (heck there is even an app that will deliver it to your house). We don't need the extra traffic from these types of business in our town, as this is still a very unregulated/cash heavy business prone to lots of robbery. Let's the people of Los Gatos get their weed from San Jose or Santa Cruz.	8/20/2021 6:10 PM
257	It should be treated like any other business	8/20/2021 5:30 PM
258	Los Gatos banning weed businesses is asinine. I've never smoked weed in my life. It's a dumb habit but so is smoking cigarettes and habitual drinking. Regulate the weed business and grow from there.	8/20/2021 4:55 PM
259	Please allow the opportunity for cannabis businesses in LG without overly regulating and limiting them. These businesses are being run safely and securely in other cities with little impacts, and they are generating significant revenues for those jurisdictions.	8/20/2021 4:48 PM
260	If cannabis legalization is done correctly, then the businesses that sell it will be no more detrimental to the surrounding community than a liquor store.	8/20/2021 4:18 PM
261	Mobile dispensary already a problem with being located near park AND teenagers loitering & purchasing!!!!	8/20/2021 2:46 PM
262	Keep it away from residences and schools.	8/20/2021 2:40 PM
263	Our community is fighting now, in our own homes, at schools, parks and other areas, to keep our community safe from harmful activities and those that can lead to addictions. Cannabis sales / cultivation is a major contributor to such dangerous and addictive behavior. The Town Council should NOT endorse such behavior by approving this proposal under the guise of gaining new tax revenues. Consider the costs for providing such approvals, to the families, neighborhoods and to Town government for remedial action and the Town's policing and social services impacts. Vote NO	8/20/2021 1:26 PM
264	We don't need more drug/alcohol sales. These businesses are not good for public health and safety.	8/20/2021 1:22 PM
265	My personal experience suggests this is a BAD idea. Los Gatos is already struggling to be a destination & retain residents. PLEASE DO NOT ALLOW!	8/20/2021 12:22 PM
266	We have a beautiful community. Cannabis has a strong odor and often finds its way into the hands of children. As a resident and registered voter, I strongly oppose allowing cannabis business into our community.	8/20/2021 10:59 AM
267	Retail cannabis operations - similar location regulations to the retail sale of liquor	8/19/2021 10:48 PM
268	Let our market grow and expand, freely and comfortably!	8/19/2021 8:35 PM
269	I didn't see any questions regarding growing in mountain areas, but I do think pot stores will be a blight on this beautiful town, giving it a low class image.	8/19/2021 5:47 PM
270	Please no cannabis	8/19/2021 5:35 PM
271	YES FINALLY	8/19/2021 4:26 PM
272	Cannabis does not blend in with Los Gatos culture and community....it can bring the negative impact and change the special town character residents cherish	8/19/2021 4:05 PM
273	Any of those cannabis businesses should employ guards to keep the peace.	8/19/2021 2:44 PM
274	Why can't the growing part of a microbusiness be done up in the mountains? And have the	8/19/2021 2:38 PM

retail down in the flats. I have seen the various local taxes on products the cities are raising. It would be great if LG could generate some of that for our town.

275	There are pot stores all over San Jose within 10 mile. We are a town not a city let's act like it.	8/19/2021 1:05 PM
276	Keep the weed and easy access to it and related Paraphernalia out of Los Gatos. There are stores with that right nextdoor in Campbell. Keep Los Gatos Clean. Thank you.	8/19/2021 12:20 PM
277	Cannabis dispensaries of any kind should not be allowed in Los Gatos.	8/19/2021 11:57 AM
278	The quality of life in Los Gatos has greatly diminished in the twenty years that I have lived here. Stop lowering the standards of the town and be considerate to those who prefer to live in a community where residents or commuters do not need to get high, or contribute to that life-style. The town council continues to make poor decisions that directly impact residents. None of it can be undone. Enough already.	8/19/2021 11:25 AM
279	Don't need more people high causing accidents, and stinking up our community.	8/19/2021 11:24 AM
280	A lot of progress has been made regarding cannabis. Just think of it and treat it like alcohol. Downtown is full of bars, and alcohol is sold at most restaurants and stores. Welcoming cannabis businesses will help filling vacant buildings and increase tax revenue	8/19/2021 11:02 AM
281	Am opposed to having it in Los Gatos. We are a residential community and should not allow sales of cannabis products!	8/19/2021 10:52 AM
282	I have seen the increased use and ease of purchasing dispensary marijuana products by youth and teens in our community over the past 5 years. They are purchasing from older people who buy from dispensaries and sell to them. The closer the dispensaries, the more product is available to youth in LG and the surrounding communities. I would be hugely disappointed in the town if they allowed marijuana dispensaries in town limits especially since they do not allow gun stores either. Let's keep these things out of the town. There are plenty of dispensaries in neighboring communities. I beg you to vote no. I don't need my kids having even easier access to marijuana products. Our schools already have enough problems with drugs.	8/19/2021 10:18 AM
283	I really believe that a cannabis retail does not belong in Los Gatos but if the city is going to allow it, make the locations away from the residential areas.	8/19/2021 9:53 AM
284	Not a town set up for this and plenty of towns nearby for delivery. Not a necessity. Service can be obtained close by already	8/19/2021 9:40 AM
285	I have experience with this happening in San Jose when a dispensary opened next door to my business and backing up to residential area. They had to move and it was a horrible or experience for all.	8/19/2021 9:23 AM
286	Should be legal and allowed, but only in industrial areas. I don't want to see retail pot shops strolling down Santa Cruz Ave, nor driving along Los Gatos Blvd. Shove them off to the side, but this would allow LG residents shorter drives to acquire, and add to the tax base.	8/19/2021 9:09 AM
287	It will just make the drug problem worse	8/19/2021 9:03 AM
288	I'm a lifelong Los Gatos resident (42 years old class of 97 LGHS/93 Fisher/90 Blossom Hill) and also a purchasing manager for a Santa Cruz based cannabis shop. We do not have issues if you put shops within businesses it's when you segregate them like in San Jose where you run it into problems. I'd love to be on the committee that works on this. Steff1979@live.com Stephanie simas (Schwartz) 408-830-7101 Ask Mike Wasserman about me I served him and his family, for years at southern kitchen.	8/19/2021 8:52 AM
289	It seems that if someone is needing this they can go to nearby San Jose. There are plenty of other locations.	8/19/2021 8:39 AM
290	To follow Alcohol regulations is a good start.	8/19/2021 8:30 AM
291	This is wrong this is not what I want represented in my town I do not want my tax dollars being used to even think about this! I find it disgusting- take a look at Santa Cruz- all over these places all over homeless people hanging out for freebies! NO NO NO	8/19/2021 8:00 AM
292	I don't feel cannabis dispensaries fit the character of our town. It is readily available nearby and by mail. LG should be encouraging businesses that add to the character. I feel this would detract from it.	8/19/2021 7:54 AM

293	We care about environment , we care about depression, why would we make it easier..	8/19/2021 7:37 AM
294	No comment	8/19/2021 7:36 AM
295	There are a few empty car lots and places that have gone out of business near the police station that might work. I would much rather my kids use edibles and cannabis rather than drink alcohol it kills people, destroys family's & marriages and is the worst social disease	8/19/2021 7:27 AM
296	I have been inside a couple of cannabis stores in San Francisco and they were very well kept with beautiful interiors, knowledgeable attendants, and there was no odor. The cannabis stores I have seen in other cities look a lot better than most of the liquor stores around our little town. I think the revenue can be quite beneficial for the Town of Los Gatos.	8/19/2021 7:19 AM
297	Safe access for people who benefit from use is key.	8/19/2021 7:14 AM
298	I am concerned about the usage of cannabis by our youth and young adults. I don't think a cannabis shop enhances any aspect of our town. I can not state in words how against cannabis shops I feel. I lost my father to cannabis use and my childhood to his cannabis use. I fear losing my children to it. Making it harder to access in town is a benefit.	8/19/2021 7:03 AM
299	Los Gatos does not need this type of bus. In our community. Keep our youth away from any type of marijuana. This will threaten the safety of our community. It encourages loitering, homeless and drugs. I have seen this happen near a building I own near Valley Fair. Keep us safe. No on cannabis stores in Los Gatos.	8/19/2021 6:49 AM
300	We are opposed to any outdoor smoking of marijuana	8/19/2021 6:41 AM
301	Cannabis should be treated, in general, in a similar fashion to alcohol.	8/19/2021 6:38 AM
302	Having them near is more convenient than shopping further from my home	8/19/2021 6:37 AM
303	I think LG should allow cannabis businesses. It is legal in CA therefore it is tax revenue and residents should be able to shop local. The size of LG can handle it.	8/19/2021 6:33 AM
304	Medically speaking, it should be available. The downside is always going to be people who abuse it.	8/19/2021 6:15 AM
305	Cannabis businesses would be wonderful and beneficial for the town of Los Gatos!	8/18/2021 9:40 PM
306	Why would we want this in our town? If locals want they know how to get. Quit trying to make LG the "cool" party town and deflate image	8/18/2021 9:20 PM
307	None	8/18/2021 7:57 PM
308	I'm a 45 plus year LG resident. Los Gatos residents use marijuana and spend a lot on it, legally. Let's allow the legal activities bring tax revenue and jobs to LG as well.	8/18/2021 5:42 PM
309	Strongly oppose	8/18/2021 5:16 PM
310	I urge Los Gatos to respect the will of the majority of its citizens, which support a licensed, regulated cannabis industry. I would hope the City recognizes that a vocal minority that spreads misinformation about cannabis and traffics in groundless stereotypes should not be the driving force behind cannabis policy. Of course, if the City chooses to maintain its commercial cannabis ban, I am happy to continue contributing tax revenue to the City of San Jose. And I'm sure the drug dealers that regularly sell cannabis to Los Gatos youth will be happy. as well, because unlike a licensed cannabis dispensary, they willingly and gladly target youth.	8/18/2021 4:50 PM
311	Please allow cannabis to flourish here. Right now I have to give my tax money to Santa Cruz or San Jose! Let me purchase my medicine locally and help LG improve.	8/18/2021 4:33 PM
312	N/a	8/18/2021 3:45 PM
313	Please no!	8/18/2021 2:12 PM
314	I don't think cannabis businesses would reflect the kind of family-orientated town that LG is. I'm afraid of the kinds of people a cannabis business would attract, whether as customers or criminals who are attracted to a high-profit business that is required by federal law to be primarily cash. It's also worth noting that allowing cannabis to be cultivated takes a significant amount of power and water and can cause a great deal of damage to the building.	8/18/2021 1:55 PM

315	If it's approved, I am moving. What a joke. CA is turning into a scum fest joke. Just like Oregon.	8/18/2021 1:32 PM
316	We do not need cannabis stores in our family focused town.	8/18/2021 1:18 PM
317	Cannabis is no more dangerous than beer or wine, and should be regulated in the same manner.	8/18/2021 12:54 PM
318	Please do not allow cannabis businesses in Los Gatos. There is a well known drug problem at Los Gatos High School. I used to live near Fisher middle school and found discarded drug paraphernalia in my front yard (broken bong among other things). Legal dispensaries have a significant risk of allowing wider dissemination of Marijuana to minors (kids taking from parents, gray markets, etc) and we should do everything we can to stop that in our community. Also, the smell is incredibly bad and we don't need that to drive people from enjoying our residential or business communities.	8/18/2021 12:39 PM
319	Please don't allow this.	8/18/2021 12:27 PM
320	I rather not have weee business here.	8/18/2021 12:02 PM
321	I would rather see consumption lounges than storefronts	8/18/2021 11:54 AM
322	NA	8/18/2021 11:48 AM
323	Please do not allow cannabis businesses in Los Gatos. For people who want access to cannabis products, there are many other options - there is no need to impact the safety and culture of our community to provide cannabis products.	8/18/2021 11:41 AM
324	Please don't bring this to Los Gatos. There is no need, and it will only lead to a lessening of our community quality. Please please please do not allow this.	8/18/2021 11:40 AM
325	Please keep all cannabis business out of LG - happy to let other neighboring towns have this business!	8/18/2021 11:08 AM
326	LET THEM IN	8/18/2021 10:57 AM
327	We oppose cannabis in Los Gatos	8/18/2021 9:47 AM
328	As a business owner in hospitality, cannabis has become a difficult behavior to control once allowed. This leads to substantial cleaning and other op expenses to hotels.	8/18/2021 8:40 AM
329	Lg community members will have to ask themselves if they want to smell weed all around town and if that is the community we want. If someone in LG wants to buy some there are other towns close by the do it but once we allow it the community will shift.	8/18/2021 8:16 AM
330	I do not use cannabis or alcohol, but as long as alcohol is readily obtainable, cannabis should not be prohibited. It is a far less harmful drug.	8/18/2021 7:56 AM
331	Weed should have similar regulations as cigarettes.	8/18/2021 7:36 AM
332	This is a terrible idea. Let the towns that want this have it. Los Gatos doesn't need this tax revenue and it will attract the wrong kind of people to our town. I say this as both an LG resident and a consumer of the product being sold. I'd rather drive the 15 mins into downtown SJ than attract the community that patronizes these establishments that goes along with the local convenience.	8/18/2021 4:33 AM
333	No cannabis!	8/18/2021 4:23 AM
334	I don't see any issue with having a cannabis business in the town of Los Gatos.	8/18/2021 2:34 AM
335	Its legal, so shops should be allowed. Thank you	8/18/2021 12:48 AM
336	Stop worrying about LG becoming some kind of "red-light" district. There are enough boutique stores to keep most folk out anyway. I don't smoke, but there is a unique pearl-clutching that this town is special at. If not a luxury brand or "worked in a Michelin star" new business, it gets tossed aside. We all know where to go to spend \$3k on a bicycle, or \$20 on a panini. Not judging. But it sure would be fun for some to BUY some LEGAL relief and go watch a movie downtown. Just saying, the Karen's in this town know no bounds. A spot by the theater, or even better, the animal shelter where a little impulsiveness can lead to a positive outcome. Or between the auto body shop and LG meats, get a "Rollie" a "Rollie" and look at all the fancy	8/18/2021 12:43 AM

	cars as you walk back downtown to watch a movie with a sandwich in hand! -Graduate of LGHS 2005 and non-shopper since.	
337	Strongly against cannabis retail in Los Gatos.	8/18/2021 12:24 AM
338	I am highly supportive of bringing cannabis to Los Gatos! I'm excited to see where this goes.	8/17/2021 11:40 PM
339	Since many are turning to alternatives in place of pharmaceuticals. Having a dispensary or 2 in town would provide a much needed respite. If managed properly, (security, early closing hours and ample parking) this would be welcomed in my opinion. Thank you for considering :)	8/17/2021 10:45 PM
340	There is already a cannabis problem with teenagers in Los Gatos! Please DO NOT bring cannabis businesses here. I have two teenagers at LGHS and I can not tell you the number of times I have seen teens smoking and selling on or near LGHS. Also near on the railroad tracks near Wimbeldon and Courtstyle homes where my family lives. Yes, I have witnessed selling near the corner of Church Street and High School Court. I have emailed last year's principal, Paul Robinson, only to have nothing done and being met with indifference!!! This would be bad for Los Gatos's image too.	8/17/2021 10:44 PM
341	I think commercial cannabis is a horrible idea for LG. San Jose has plenty of crappy neighborhoods for people to buy their drugs; there is no need for Los Gatos to sacrifice its quaint and small town character to peddle weed for boomers and teens. We are better than this, or at least I think we are.	8/17/2021 10:37 PM
342	Many elderly friends of mine in LG have to drive to San Jose to get this product for Parkinson's, sleep problems and relief in general. An over 21 cannabis retail place is needed in LG. There is no longer a taboo so why let San Jose get all the much needed tax dollars. We live in a new time with this virus and it is time to do what we can to generate money for this town.	8/17/2021 10:15 PM
343	I worked in the industry for five years as security and a community liason for retail cannabis storefronts. Just go with what's there to start and make common sense changes that fit the town's needs. Most business owners will want to comply to stay open.	8/17/2021 10:04 PM
344	N/A	8/17/2021 9:55 PM
345	Don't add a ridiculous tax rate either :)	8/17/2021 9:49 PM
346	There's plenty of other nearby cities to buy cannabis, let's not make Los Gatos one of them. This will only draw more attention and traffic to our quaint town. We have enough to deal with on the weekends with beach traffic. The town limits fast food restaurants, drive throughs, and gun shops. Why would we even consider this use? This town is a family oriented community, and we don't need any cannabis facilities here, just like we didn't need a gun store. Cannabis use for young people is a gateway drug to other drug use. Please, protect our town, and do not allow any cannabis related businesses here.	8/17/2021 9:42 PM
347	Very against these businesses in LG, especially downtown	8/17/2021 8:46 PM
348	Cannabis is legal just like alcohol , you should follow similar practices to what you do to regulate bars, restaurants and other types of retails that serve alcohol	8/17/2021 8:36 PM
349	I see no need to allow cannabis businesses in to Los Gatos. I don't see anything positive coming from this and strongly oppose	8/17/2021 8:13 PM
350	Na	8/17/2021 8:13 PM
351	Many other nearby cities sell cannabis products and are enjoying the tax benefits, Los Gatos is missing a huge opportunity to fill empty buildings with these businesses and LG should enjoy the tax income these businesses will bring to our town.	8/17/2021 7:49 PM
352	More jobs, economy booster,	8/17/2021 7:33 PM
353	A cannabis business would negatively impact the charm and prestige of our town. Leave cannabis to nearby towns that have less of a sense of community.	8/17/2021 7:33 PM
354	I am against the legalization of Marijuana on a state by state basis. This is still illegal under federal law. I don't want to see this activity anywhere and I don't want to smell it. I don't want my family members using Marijuana and I want it too be as hard as possible to get it.	8/17/2021 7:33 PM
355	Medical use should be allowed	8/17/2021 7:09 PM

356	I have no issues with cannabis businesses in town. Bring em on, I say	8/17/2021 7:00 PM
357	We could use the tax revenue.	8/17/2021 6:39 PM
358	N/a	8/17/2021 6:19 PM
359	I have no problem with this, please get rid of the "elements" downtown, that is a CBD beauty company and their employees stand out side and lure people in and harass people to buy things.	8/17/2021 6:15 PM
360	We should not allow these kind of business in Los Gatos. They do not help in any way.	8/17/2021 6:14 PM
361	I truly believe lifting regulations on cannabis will help us destigmatize the use of a helpful plant, and that it can make medicine much more accessible to people in my community who truly need it.	8/17/2021 6:12 PM
362	Allowing cannabis retail and mucrobusinesses is not in line with a friendly, family oriented and welcoming community that is focused upon the safety and welfare of its inhabitants. Areas with cannabis retail are usually located in seedier locations or become that way due to its presence. I have witnessed this in Campbell where my mother in law lives and there has been an increase in loitering, trash and homeless people nearby, and she now feels unsafe walking down her street on Bascom Ave. I do not wish this upon Los Gatos	8/17/2021 6:11 PM
363	None	8/17/2021 6:11 PM
364	The people of California should be freely allowed to open a business that sells something completely legal in the state of California. We have no jurisdiction over people's freedom to open businesses they wish to open and continue to support our community and economy.	8/17/2021 6:05 PM
365	Can the money be put towards homelessness please	8/17/2021 5:47 PM
366	I take CBD for epilepsy and a dispensary in Los Gatos would be nice to have.	8/17/2021 5:22 PM
367	Since marijuana has already been legalized at the state level, there should not be much further regulation from The Town.	8/17/2021 5:18 PM
368	Licenses who are people of color /minorities should be chosen first as these are the communities that have suffered the worst from the "war on drugs".	8/17/2021 5:14 PM
369	Everyone is using cannabis so why not put one here rather than having delivery from San Jose. Los Gatos is nothing special other than another town.	8/17/2021 5:10 PM
370	The high school has enough problems with drugs. We don't need better access. We need less.	8/17/2021 5:01 PM
371	I believe it would be a great add to the community and if done right, a great attraction.	8/17/2021 4:45 PM
372	We are experiencing many issues with crime, homelessness, and mental health. I would prefer not to add this to the mix.	8/17/2021 4:44 PM
373	I hope this is a joke and not a serious consideration. I hate the smell of not only cannabis but also tobacco and people will not adhere to the laws and restrictions in place.	8/17/2021 4:37 PM
374	Na	8/17/2021 4:32 PM
375	Cannabis can be great for the community as long as it is maintained properly	8/17/2021 4:13 PM
376	J	8/17/2021 4:13 PM

City of National City

Cannabis Management Services

April 19, 2019

HdL[®] Companies

SUBMITTED BY

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Brea, CA 92821
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CONTACT

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ATTACHMENT 2

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I. LETTER OF TRANSMITTAL

April 19, 2019

Megan Gamwell
Economic Development Specialist
City of National City
1243 National City Blvd.
National City, CA 91950

Re: Proposal for Cannabis Management Services

Dear Ms. Gamwell,

Thank you for the opportunity to submit this proposal for cannabis management services for the City of National City. The enclosed scope of services is designed to assist the City with community outreach, development of a draft cannabis ordinance, a merit-based application review process and cost recovery fees, as requested. The proposal also outlines additional services that HdL can provide at the City's request, including ongoing compliance inspections and financial audits of permitted cannabis businesses.

HdL was incorporated in 1983 and has over 30 years of experience providing revenue enhancement and consulting services to local governments in California. HdL is a consortium of three companies established to maximize local government revenues by providing audit, compliance, economic development, consulting services and software products. Its audit and consulting services include sales, use and transaction taxes, property taxes, transient occupancy taxes, and a Cannabis Management Program. HdL's systematic and coordinated approach to revenue management and economic data analysis is currently being utilized by over 500 agencies in six states. The firm currently serves 49 counties, 311 cities and 132 transactions tax districts in California.

Our knowledgeable team of professionals have more than 46 years' combined experience in the establishment and implementation of cannabis regulatory programs including establishing land-use regulations, registration processes, operation regulations for cannabis facilities, staffing plans, cost recovery, structuring cannabis business taxes and conducting compliance and financial audits.

We look forward to the opportunity to partner with the City of National City in developing a strategy which meets your program needs. If you have any questions or require additional information, please feel free to contact me by email at anickerson@hdlcompanies.com or David McPherson at dmcpherson@hdlcompanies.com or by phone at 714.879.5000.

Sincerely,



Andy Nickerson
President, HdL Companies

II. PROPOSED SCOPE OF SERVICES

The City of National City currently prohibits the establishment or operation of any and all medical or adult-use cannabis businesses in the City.

The City is interested in exploring the possibility of the development of an ordinance to permit and regulate commercial cannabis businesses within the City.

As a part of this process, the City wishes to conduct a series of community outreach meetings or workshops to explore and identify the range of policy issues and concerns to be considered and addressed by the ordinance. Should an ordinance be adopted, the City would conduct a merit-based application process for awarding permits. The City also desires to apply appropriate fees to recover all City costs associated with the permit process as well as establish a cannabis tax ordinance through a ballot measure process.

To meet these objectives, the City is seeking assistance from HdL to help with community outreach, to develop a draft regulatory ordinance, design a merit-based application process and to determine appropriate cost recovery fees and to develop a tax ordinance. This proposal provides a fixed unit cost for each of these items, and includes additional hours for conference calls, technical assistance and subject matter expertise, to be utilized on an as-needed basis at the City's request.

The enclosed Scope of Services to be provided by HdL includes all of the following:

- Kick-off conference call meeting with City staff;
- Attendance, support or presentations at 3 public meetings, including one community outreach workshop, one meeting of the City Council or Planning Commission, and one additional meeting or workshop as may be needed;
- Development of a cannabis regulatory ordinance that addresses community concerns and complies with all applicable State and local laws;
- Design an application process that includes merit-based review, ranking and final selection of cannabis business permittees;
- Conduct a fiscal analysis to determine proper cost recovery fees and to design a tax ordinance with appropriate cannabis tax rates. Fees shall ensure all allowable City costs associated with the development and implementation of the regulatory program are borne by the applicants;
- Develop an annual cannabis business regulatory fee to recover ongoing costs associated with administrative oversight of permitted cannabis facilities, including compliance inspections, financial audits and any other regulatory requirements;
- Design a cannabis tax ordinance and ballot measure resolution which will be submitted to the County Elections Office.
- Provide City staff with technical assistance and subject matter expertise as needed.

Objective 1: Attendance, Support or Presentations at Public Meetings or Workshops

HdL shall provide support or presentations at 3 public meetings or workshops to gauge concerns about the potential community impacts of the various types of cannabis businesses. Input gathered through these meetings will be used to help guide the development of a regulatory ordinance. These meetings will likely include one public workshop and at least one meeting of the City Council and/or Planning Commission.

Objective 2: Develop a Draft Cannabis Regulatory Ordinance

Consultant shall develop a draft cannabis regulatory ordinance that addresses community concerns. The draft ordinance shall include specific regulations for each of the various cannabis business types as directed by the City, which may include cultivation, manufacturing, distribution, microbusinesses, storefront retailers, non-storefront retailers, and/or testing laboratories. HdL shall ensure that the proposed ordinance complies with all State and local laws and reflects evolving best practices within the industry.

Objective 3: Application Process Development

Consultant shall design an application process that includes merit-based review, ranking and final selection of cannabis business permittees. The process shall include evaluation criteria consistent with the draft ordinance and shall ensure that all information desired by the City is incorporated into the cannabis business application form and procedures. HdL shall also provide all necessary application forms, as well as procedures, guidelines, indemnification forms, background information releases, and other required documents.

Objective 4: Fiscal Analysis, Cost Recovery Fees, Tax Ordinance and Annual Regulatory Fee

Consultant shall conduct a fiscal analysis to determine proper cost recovery fees and design a cannabis tax ordinance with appropriate cannabis tax rates. Fees shall ensure all allowable City costs associated with the development of the regulatory program and with the processing and issuance of permits are borne by the applicants. Consultant shall also develop an annual regulatory fee to recover costs associated with administrative oversight of permitted cannabis facilities, including permit renewals, compliance inspections, financial audits and any other requirements deemed necessary by the City. The fiscal analysis shall include a study of the local cannabis industry to guide the City in setting cannabis tax rates for the ballot measure resolution and cannabis tax ordinance which will be prepared by the Consultant.

Objective 5: Provide Subject Matter Expertise & Technical Support

HdL shall provide up to 20 hours of general consulting in the form of subject matter expertise or technical assistance, to be utilized on an as-needed basis at the City's request. Such assistance may include monitoring of changes to State laws and regulations, participation in conference calls, responding to staff inquiries via phone and email, reviewing staff reports to

the City Council, assisting with responses to inquiries from the public, or other issues yet to be determined as requested by the City.

Optional Cannabis Consulting Services:

Application Reviews and Selection Process

HdL has experience reviewing over 1,800 cannabis business applications for counties and cities across California. Our team can provide application reviews, scoring, merit-based ranking and interviews to inform the final selection for cannabis business permits.

Our process begins with an initial screening of all applications for completeness based upon a checklist of required documentation. All applications deemed complete will move forward for a full review, including scoring and merit-based ranking based on the applicant's demonstrated ability to meet or exceed minimum requirements in each category. Reviews identify both strengths and weaknesses of each application as well as providing a numerical score to inform the subsequent interview and selection process. HdL can also conduct an interview panel for all applicants that receive passing scores and can prepare a report to inform the final selection of which applicants shall be granted permits.

Application reviews, scoring and merit-based ranking:	\$2,500 per applicant
Applicant interviews:	\$500 per applicant

Background Checks

HdL is qualified to provide supplemental background checks for principals and employees of cannabis businesses as part of the application process. This service is not included as a part of this proposal but can be provided at an additional cost of \$300 per person for owners or managers, and \$150 per person for line staff. This price includes an employee identification card designed by HdL with the City logo which will meet all the state regulation requirements.

Regulatory Compliance Reviews and Financial Audits

HdL's Cannabis Management Team has over 26 years combined experience conducting approximately 16,000 cannabis compliance inspections, financial audits and investigations in Colorado, California and Nevada. HdL can provide annual compliance reviews and financial audits at the following rates for each cannabis business permitted in the City.

- A. Conduct one (1) financial audit annually for each permit at a rate of \$6,000.
- B. Conduct one (1) compliance review annually for each permit at a rate of \$1,250.
- C. Conduct one (1) financial audit and one (1) compliance review annually for each permit at a rate of \$7,250.
- D. Conduct one (1) financial audit and two (2) compliance reviews annually for each permit at a rate of \$8,500.

- E. Conduct one (1) financial audit and three (3) compliance reviews annually for each permit at a rate of \$9,750.
- F. Conduct one (1) financial audit and four (4) compliance reviews annually for each permit at a rate of \$11,000.

III. COST

The proposed services are broken down into specific line items in the cost table below. Some of these services may include both fixed costs for developing and initiating each of the various components of the program and variable costs based on the number of applicants or businesses. HdL’s fees are based on time, materials and travel-related expenses associated with the execution of the services.

The hours and costs in the table below do not include any additional items that are not contemplated by this scope of services. All City costs¹ would be incorporated into either the application fees or the annual permit fees, to be payable by the applicant or permittee. Any additional services requested by the City will be billed at HdL’s hourly rate. Prices are valid for 90 days from April 19, 2019.

Scope of Service Objectives	Estimated Cost
Objective 1: Community meetings, workshops and presentations (assumes 3 site visits)	\$5,400 Includes travel
Objective 2: Develop a draft cannabis regulatory ordinance	\$5,000
Objective 3: Develop a merit-based application and review process	\$5,000
Objective 4: Conduct fiscal analysis and develop cost recovery fees	\$7,500
Objective 5: Subject matter expertise and technical assistance	\$6,000
ESTIMATE OF TOTAL COSTS	\$28,900

¹ Except for costs associated with setting cannabis tax rates.

IV. EXPERIENCE AND RESOURCES

Company Profile

Founded in 1983, HdL is a consortium of three companies established to maximize local government revenues by providing audit, compliance, economic development, consulting services and software products. Its audit and consulting services include sales, use and transaction taxes, property taxes, transient occupancy taxes, and a Cannabis Management Program. The firm also provides a variety of enterprise software processing tools for business licensing, code enforcement, animal control, building permits and tracking/billing of false alarms. HdL's systematic and coordinated approach to revenue management and economic data analysis is currently being utilized by over 500 agencies in six states. The firm currently serves 49 counties, 311 cities and 132 transactions tax districts in California.

HdL's key staff has extensive experience serving local government and many have previously held positions in city management, finance, planning, economic development or revenue collection. HdL is a Corporate Partner of the League of California Cities and California State Association of Counties and works extensively with the County Auditor's Association of California, California Society of Municipal Finance Officers (CSMFO) and California Municipal Revenue and Tax Association (CMRTA) on anticipation and planning of programs to strengthen local government revenues.

This close understanding of local government needs coupled with extensive databases and advanced methodology provides for the most relevant, productive and responsive revenue recovery; forecasting; and economic services available.

Our team of professionals has over 46 years of direct experience establishing and implementing cannabis regulatory and taxation programs, including establishing land-use regulations, permit processes, staffing plans, and cost recovery fees; structuring cannabis business tax fees; regulatory compliance; financial audits; and law enforcement training. Our team has conducted over 16,000 cannabis compliance inspections and investigations in Colorado, California and Nevada.

Key Personnel

David McPherson, Cannabis Compliance Director

David McPherson works with local agencies to prepare them to mitigate regulatory issues surrounding Proposition 64 and SB 94. Prior to joining HdL, David served 28 years in local government for the County of Orange and the cities of Newport Beach, San Jose and Oakland. David's experience as a law enforcement officer, compliance auditor, and tax administrator has provided him a wealth of experience that makes him uniquely qualified to manage HdL's Cannabis Management Program. While working for the City of Oakland, he became the first Tax Administrator in the country to successfully tax, regulate and audit medical marijuana businesses. David has over 8 years of experience working with cannabis regulatory programs.

David is one of the state's most recognized experts in cannabis regulatory policies, compliance implementation and tax policies. His unique knowledge in horticulture, processing and dispensary operations while working for the City of Oakland has made him one of the pioneers in creating a Cannabis Management Program. He uses his experience to assist local and state agencies in developing cannabis policies for regulation, compliance, auditing and economic development. He worked closely with the League of Cities on the development of the Medical Cannabis Regulation and Safety Act (MCRSA) and helped shape SB 94, the Medicinal Adult-Use Cannabis Regulation and Safety Act (MAUCRSA).

David provides technical support on cannabis-related matters to the League of Cities, the Police Chief's Association, Rural County Representatives of California and the California State Association of Counties. In addition, David is working collaboratively with the Department of Consumers Affairs, Department of Food & Agriculture, Department of Health Services and the State Board of Equalization on the implementation of best practices for regulating the cannabis industry for local agencies.

David received his Bachelor's Degree in History from California State University, Fullerton and his Master's Degree in Public Administration from California State University, Long Beach. While at Long Beach, he was named "Future Urban Administrator of the Year".

Matt Eaton, Cannabis Compliance Manager

Matt Eaton is the Cannabis Compliance Manager at HdL and plays a critical role in implementing the Cannabis Compliance Program for local agencies. Prior to joining the firm, he was a progressive law enforcement professional with 29 years' experience conducting criminal/regulatory investigations, and corporate/individual background investigations.

While working as a Supervisory Investigator at the Colorado Department of Revenue in the Marijuana Enforcement Division (MED), Matt managed criminal investigators and civilian staff in the Denver Metro and Longmont field offices. During his six-year tenure at the MED, he conducted approximately 10,000 criminal investigations and compliance reviews which included regulatory and financial investigations. In addition, he is a subject matter expert on track and trace systems. He understands the complexity of reviewing data to ensure businesses are in compliance with state and local regulations. Matt was responsible for planning, developing and implementing report and field inspection protocols for the agency. He also played an instrumental role in recommending changes to current regulations and identifying essential language for new legislation in Colorado. Matt is well known for his ability to maintain working relationships with cannabis industry leaders and external stakeholders in resolving issues.

Matt received his Bachelor of Science Degree from Biola University and currently maintains a Colorado Post Certificate. He has also served as an adjunct instructor teaching law enforcement principle related to criminology, correctional processes, procedural law, interviews, interrogations and criminal evidence at AIMS Community College in Greeley, Colorado.

Tim Cromartie, Senior Cannabis Advisor

Tim Cromartie is a Senior Cannabis Advisor at HdL, in which his primary role is providing policy expertise related to cannabis regulatory and tax policies at the state and local level. Prior to joining HdL, Tim served as the legislative representative covering public safety issues for the League of California Cities since 2013, with a heavy emphasis on shaping legislation governing state and local regulation of marijuana. He has been actively involved in educating cities on changes in the law resulting from the Medical Cannabis Regulation and Safety Act, as well as Proposition 64, the Adult Use of Marijuana Act. When these two Acts were merged into a single regulatory structure in 2017, Tim successfully advocated for clarification of local government's regulatory and enforcement authority in the cannabis context, and for related environmental safeguards in cultivation operations, protections against over-concentration of businesses, regulation of testing labs, and the inclusion of fire safety standards and a definition of volatile solvents in state law governing cannabis manufacturing operations. Since then he has been engaged in educating local governments on the more recent Medical and Adult Use Cannabis Regulation and Safety Act (MAUCRSA), as well as advocating for a reduction in the cumulative state tax rate for cannabis, improvements in the state's track-and-trace program, and the restoration of a statewide cultivation cap.

Prior to the League, he held a variety of positions in the Legislature and state government, including legislative representative for CalPERS Governmental Affairs, legislative director and public safety consultant to former state Senator Gloria Romero, and field representative for Congresswoman Barbara Lee during her term in the state Senate. Mr. Cromartie holds degrees from the University of California at Berkeley (B.A. Political Science) and UC Hastings College of the Law. Tim is an ardent aviation buff and a member of the California Aerospace Museum at the site of the former McClellan Air Force Base in Sacramento.

Billie-jo Naysmith, Cannabis Compliance Manager

Billie-jo Naysmith is a Cannabis Compliance Manager at HdL in which she plays a diverse role in implementing the Cannabis Compliance Program for local agencies in both California and Colorado. Prior to joining the firm, she was a progressive law enforcement professional with 23 years' experience conducting criminal/regulatory investigations, cannabis applicant background investigations and complex financial investigations.

While working in the Office of the Colorado Attorney General as a Criminal Investigator she investigated Financial and Securities Fraud specializing in cannabis business activity. In addition, she worked closely with forensic accountants analyzing financial records to determine if criminal activity occurred.

During her tenure as a Supervisory Investigator at the Colorado Department of Revenue in the Marijuana Enforcement Division (MED), Billie-jo managed criminal investigators and civilian staff in the Denver Metro and Longmont field offices. During her five-year stretch at the MED, she conducted approximately 5,000 criminal investigations and compliance reviews which included regulatory and financial investigations. In addition, she is a subject matter expert on track and trace systems where she has conducted data analysis in order to

assist in complex cannabis regulatory investigations. She understands the complexity of reviewing data to ensure businesses follow state and local regulations. Billie-jo was responsible for assisting in the strategic planning for the division which included providing training for investigators. Furthermore, Billie-jo participated in collaborative rulemaking work groups and focus groups with cannabis industry leaders and external stakeholders to develop best practice regulations. She also provided critical recommendations for the agencies cannabis rules and regulations by addressing key loop holes in the Colorado legislation which was subsequently amended. In addition, Billie-jo formed essential partnerships with federal, state and local law enforcement agencies as well as local licensing authorities.

Billie-jo received her Bachelor of Science Degree in Business Administration from Colorado Christian University where she graduated with the distinction of Suma Cum Laude. She also currently maintains a Colorado POST Certificate.

Mark Lovelace, Cannabis Policy Advisor

Mark Lovelace has 16 years of broad experience in public policy, community engagement and advocacy and is recognized as a leader in advancing the statewide discussion of medical and recreational cannabis as a policy issue in California.

Mark served on the Humboldt County Board of Supervisors from 2009 through 2016 where he was instrumental in developing a comprehensive approach to regulating cannabis, including a voter-approved tax on commercial cultivation and an innovative track and trace pilot program. Mark established and co-chaired the Medical Marijuana Working Group for the California State Association of Counties (CSAC) and helped draft CSAC's legislative platform for cannabis issues. Mark pioneered the first-ever six-County regional summit on cannabis issues in 2015 which resulted in the North Coast Counties Marijuana Policy Statement. His work and input were pivotal in guiding the development of SB 643 and AB 243, two components of the Medical Cannabis Regulation and Safety Act (MCRSA).

Mark has worked extensively with public agencies and statewide associations on cannabis issues, including CSAC, Rural County Representatives of California, the Association of California Water Agencies, the North Coast Resource Partnership, California Department of Fish and Wildlife, the State Water Board, the North Coast Regional Water Board, the Bureau of Cannabis Control, state legislators, the Department of Justice, members of Congress and others. He has led numerous presentations, workshops and panel discussions on cannabis issues and has been a sought-after speaker on the topic for government agencies, community organizations and cannabis industry groups.

Mark received his Bachelor of Science degree in Industrial Design from California State University, San Jose. Prior to his time on the Board, he worked for many years as a respected advocate on land use, planning, development and environmental issues.

Kami Miller, Cannabis Senior Auditor

Kami Miller is a Cannabis Senior Auditor at HdL whose primary role is to ensure cannabis compliance and identify the risk assessment in the supply chain process of each permitted

business. Prior to joining the firm, she served three years as a Marijuana Compliance Manager for the Department of Public Behavior and Health (DPBH) for the State of Nevada. During this time Kami played a key role in Nevada's implementation of its Medical Marijuana Program in which she was responsible for statewide monitoring of medical marijuana facilities that included cultivation, production, testing labs and retail stores.

During her tenure at the DPBH, Kami managed compliance auditors and support staff in the Las Vegas office. She conducted approximately 1,000 compliance and financial inspections for which she developed the inspection protocols documentation to create comprehensive reports. In addition, her experience with various cannabis track and trace systems allowed her to develop industry supply chain practices for the Department of Taxation.

Kami received her Bachelor of Business Administration in E-Commerce and Supply Chain Management from Tennessee State University.

Elizabeth Eumurian, Cannabis Senior Auditor

Elizabeth Eumurian is a Cannabis Senior Auditor at HdL. Her primary role is to conduct financial audits, evaluate cannabis applications and conduct background checks. As part of the audit program, she will be conducting and preparing analytical information through the CATS™ program to prepare Tax Analytical Remittance Reports (TARR) summaries to evaluate under reporting or anomalies in the remittance of tax payments to local jurisdictions.

Elizabeth previously worked as a senior auditor in the entertainment industry. In this role, she executed testing procedures for targeted audit programs, analyzed findings and prepared audit and compliance reports. She also has experience working for a large financial institution analyzing data for reporting anomalies and performing internal audits. Elizabeth has recently done work for Blythe, California City, Coachella, Cotati, Desert Hot Springs, Long Beach, Mammoth Lakes, Moreno Valley, Perris, San Bernardino, and Vallejo.

She earned her Bachelor of Arts degree in History from California State University, Fullerton. She has also received a certificate in CannaBusiness from Oaksterdam University.

Michelle Shaw, Cannabis Compliance Inspector

Michelle is a Cannabis Compliance Inspector at HdL and is tasked with conducting onsite inspections, examinations and other actions to monitor compliance with established standards for local licensed cannabis businesses. Prior to joining HdL, she was a Compliance Specialist Officer at a large, multinational bank where she managed, validated and oversaw the effectiveness and accuracy of numerous compliance issues within the consumer retail space. Throughout her eight years of experience at the bank, she performed onsite assessments of affiliate businesses to determine compliance/non-compliance of their processes and procedures pursuant to bank standards and state regulations.

A graduate of Cypress College, Michelle holds a Foundations of Banking Risk certificate from the Global Association of Risk Professionals and a paralegal certificate from the Southern California College of Business and Law.

Alfredo Marquez, Cannabis Senior Auditor

Alfredo Marquez is a Cannabis Senior Auditor at HdL. His primary role is to conduct financial audits. Alfredo previously worked for Teledyne Technologies analyzing risk assessments for acquiring new businesses and various units in the organization. In this role he worked with people at various levels in the organization and successfully conducted financial, Sarbanes Oxley and compliance audits across North America, Latin America, Europe, and Asia. Alfredo has recently done work for Cotati, Cloverdale, Desert Hot Springs, Mammoth, Perris, and Vallejo. He earned his Bachelor's Degree in Accounting from the University of La Verne.

V. REFERENCES

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**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 01/18/2022

ITEM NO: 10

DESK ITEM

DATE: January 18, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Cannabis Consultant Services:
a. Authorize the Town Manager to Engage the Services of a Cannabis Consultant to Evaluate the Potential Taxation of Cannabis and Potential Amendments to the Town's Cannabis Ordinance in an Amount not to exceed \$50,000; and,
b. Approve an Expenditure Budget Adjustment in the Amount of \$50,000 from Available Capital/Special Projects Reserve.

REMARKS:

Attachment 3 includes public comment received before 11:00 a.m. on Tuesday, January 18, 2022.

ATTACHMENTS:

Previously received with the January 13, 2022 Staff Report:

1. Survey
2. Sample Proposal

Received with this Desk Item:

3. Public Comments received before 11:00 a.m. on Tuesday, January 18, 2022

PREPARED BY: Robert Schultz
Interim Town Attorney

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

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1-15-22

Dear Town Council,

The LGCA is writing to you to express our recommendation regarding Agenda item #10 – Cannabis Consultant Services.

Recommendation

We ***recommend not to proceed with spending \$50,000*** to retain a consultant to perform a cannabis fiscal analysis given 60% of the respondents to the Town’s survey opposed/strongly opposed such a measure (see attached survey result). When deducting those opposed from those supporting, this leaves a **net negative percentage of 22%**.

Given this very strong anti-cannabis sentiment, the Town Council should expect a highly contested election if a Cannabis Sales Tax Initiative is placed on the ballot. It would require the approval of voters to impose any sales tax. **Such an overwhelming negative level strongly suggests that a cannabis sales tax initiative would lose by a very large margin.** Spending the public’s money for a fiscal analysis of a cannabis sale tax measure, which is highly likely to be rejected by voters, is a waste of public funds.

Background

It is important to remember the suggestion to examine the commercial sale of cannabis did not arise from the public during the Council Priority Setting Session. In fact, of the 175 suggestions for new priorities submitted by the public as part of last year’s Priority Setting Survey (see attached), no one from the public put forth a suggestion to change the municipal code to allow for the commercial sale of cannabis.

This work stream was put forth by the then Town Attorney as part of his 2021 priorities. A Commercial Cannabis Operations and Facilities Ordinance was listed as #7 on the Town Attorney’s recommended list of municipal codes that “needed updates”. The stated reason for pursuing this workstream was solely for the additional sales tax revenue that could be levied on the commercial sale of cannabis. To further justify the workstream, the Town Manager noted that the priority would be “consistent with the council priority of Prudent Financial Management”. Based on the Town Attorney’s recommendation, Council then directed Staff to seek public opinion on this issue. **The public has clearly spoken – they are strongly opposed.**

Discussion

Given the survey results, we are bewildered by the Staff’s recommendation to spend \$50,000 to hire a consultant. The notion of performing a fiscal analysis of cannabis sales taxes is doubly troubling at this time given the tremendous uncertainty with respect to the tax and regulatory framework that has been introduced in Governor Newsom’s budget proposal. In his proposal, he states that he, “supports cannabis tax reform and plans to work with the Legislature to make modifications to California’s cannabis tax policy to help stabilize the market.” These modifications are widely understood to mean a significant reduction in cannabis taxation, which would make a fiscal analysis at this time premature at best, and probably meaningless in the final analysis.

If the Town truly has \$50,000 available to spend, the LGCA recommends that this money be spent on hiring a consultant to do a **fiscal impact analysis** (FIA) of the 2040 General Plan. The LGCA survey of 400 voters in Los Gatos regarding the draft 2040 General Plan shows 87% support/strongly support a FIA (see attached). **The net support for a FIA is an overwhelming positive 78% compared to a negative 22% on the commercial sale of cannabis.**

The LCGA has repeatedly made the recommendation to Staff to complete a FIA of the 2040 General Plan prior to adoption. Many cities in California routinely perform a FIA as part of the general plan approval process to fully inform the Town Council and public of the revenue, expenditure and capital investment impacts flowing from the adoption of a 20-year plan. Our recommendation has been repeatedly rejected, citing the lack of funding for a FIA. We believe the Town cannot afford not to do such an analysis, especially given that the draft 2040 General Plan calls for a 30% growth in the Town's population.

Conclusion

We respectfully ask the Council to not proceed with the Staff recommendation and instead instruct the Staff to retain a consultant to perform a FIA for the 2040 General Plan. This is a much higher use of public funds and would greatly benefit the public in understanding the fiscal impact of the draft 2040 General Plan.

Thank you for your consideration.

Los Gatos Community Alliance

#	FIRST CHOICE	DATE
1	Keep the town beautiful to attract business and people: Roads, sidewalks, bridges in perfect condition	1/4/2021 2:25 PM
2	fire abatement	1/4/2021 11:43 AM
3	Traffic/Parking	1/4/2021 9:40 AM
4	vitalize n santa cruz st	1/4/2021 9:17 AM
5	Fire Safety	1/3/2021 10:29 AM
6	Fire Protection	1/3/2021 7:24 AM
7	Streamline the Planning process for fire-safe building applications	1/2/2021 6:01 PM
8	Fire Protection	1/2/2021 4:10 PM
9	Emergency preparedness	1/2/2021 3:37 PM
10	Environmentally friendly town	1/2/2021 3:37 PM
11	Safety (including Fire)	1/2/2021 3:24 PM
12	Economic vitality	1/2/2021 2:59 PM
13	Summer traffic	1/2/2021 2:51 PM
14	Fire Protection	1/2/2021 2:36 PM
15	Fire protection and prep	1/2/2021 2:11 PM
16	Fire Protection	1/2/2021 1:57 PM
17	Reduce taxes for residents	12/26/2020 7:51 PM
18	parking - you should turn the flat lot at tate and main to an underground parking, with 2 levels above ground.	12/26/2020 2:08 PM
19	Safety, how do emergency vehicles get through town with so much uncontrolled grid lock	12/24/2020 10:07 AM
20	Highway 17 and town beach traffic	12/19/2020 8:55 AM
21	A plan to save businesses during pandemic	12/18/2020 8:16 AM
22	Support community programs such as Rec department	12/17/2020 5:46 PM
23	create fire buffer areas between the town and the mountains	12/17/2020 5:37 PM
24	Traffic congestion	12/17/2020 1:05 PM
25	land use	12/17/2020 11:15 AM
26	Crime prevention	12/16/2020 9:09 PM
27	Climate change	12/16/2020 3:43 PM
28	Encourage dining and shopping. Ease rules and barriers of entry	12/16/2020 11:51 AM
29	Economic recovery	12/16/2020 10:01 AM
30	Identify what is most critical to make effective needed changes	12/14/2020 1:42 PM
31	Safe roads for school	12/12/2020 10:23 AM
32	Closing down North Santa Cruz Ave & Creating Pedestrian Mall	12/12/2020 7:35 AM
33	Down down life	12/11/2020 6:38 PM
34	Among current priorities consider strategic plan for senior issues	12/11/2020 10:52 AM
35	Racial, socio-economic diversity	12/10/2020 8:02 PM
36	Diversity	12/10/2020 5:20 PM
37	Continue the outdoor dining/ entertainment options even after COVID	12/7/2020 10:36 PM

38	Parking for employees & customers	12/7/2020 9:43 PM
39	more bike lanes, sidewalks, and traffic management	12/6/2020 9:44 PM
40	Senior Citizen Accommodations & Services	12/6/2020 3:48 PM
41	Fire Prevention	12/5/2020 8:10 PM
42	More affordable housing	12/5/2020 12:23 PM
43	Racial equity and addressing issues with policing	12/5/2020 11:41 AM
44	Resolve Hiway 17 gridlock thru neighborhoods! Dangerous! Can't get I out/in or move for 8 hrs- especially 1st-Tait & 2nd is Bayviee	12/5/2020 11:01 AM
45	Traffic reduction	12/5/2020 6:33 AM
46	Housing that is less expensive to built; modular.	12/4/2020 9:31 PM
47	Beach traffic	12/4/2020 9:00 PM
48	No more high density projects! Deal with beach traffic!	12/4/2020 6:29 PM
49	Clean our streets and entry way to our town	12/4/2020 2:11 PM
50	Hillside home fire protection and education, increase inspections and follow up for property owners who do not comply with the requirements	12/4/2020 1:35 PM
51	Fire Protection including Emergency Planning (earthquakes, etc.)	12/4/2020 1:11 PM
52	downtown summer gridlock traffic!	12/4/2020 12:02 PM
53	Development	12/4/2020 12:01 PM
54	NO MORE DEVELOPMENTS!	12/4/2020 10:09 AM
55	Fighting state on giving back local control of housing & building in town. Use your community support.	12/4/2020 10:09 AM
56	retain green & open space	12/4/2020 10:07 AM
57	Less restrictive on property owners rights	12/4/2020 6:59 AM
58	Bring life to downtown	12/4/2020 6:24 AM
59	Economic recovery and small business support	12/4/2020 6:21 AM
60	dealing with summer traffic and shutting down North Santa Cruz on weekends	12/4/2020 6:20 AM
61	Summer Beach Traffic/Additional LaneLark-Hwy9	12/4/2020 6:15 AM
62	More toilets	12/4/2020 12:27 AM
63	Widen highway 17 and prevent traffic backup into town	12/3/2020 10:54 PM
64	Schools	12/3/2020 7:25 PM
65	Address climate change by promoting plant-based diets	12/3/2020 4:44 PM
66	Get rid of the parklets. What an eyesore. Horrible.	12/3/2020 3:23 PM
67	Affordable low-income housing	12/3/2020 11:15 AM
68	Inclusive Community	12/3/2020 10:43 AM
69	Public safety unaddressed issues for glenridge area	12/3/2020 6:21 AM
70	Traffic	12/2/2020 8:47 PM
71	Fiscal sustainability - managing our debt	12/2/2020 4:13 PM
72	Support for Mental Health Services	12/2/2020 2:44 PM
73	Traffic	12/2/2020 2:33 PM
74	Parking	12/2/2020 2:06 PM
75	make it easier for businesses to do business in LG	12/2/2020 1:00 PM

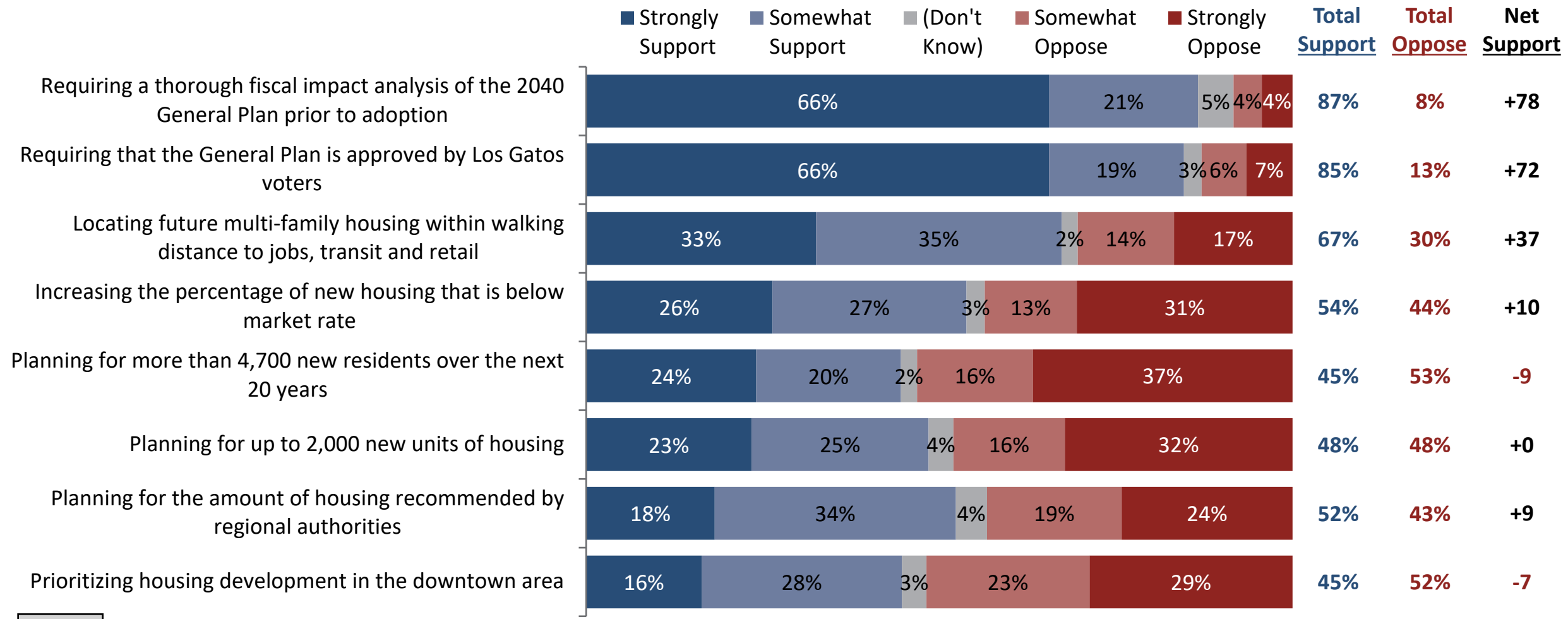
76	Fire prevention	12/2/2020 12:02 PM
77	What are they???	12/2/2020 11:27 AM
78	Arts	12/2/2020 11:09 AM
79	Fire mitigation	12/2/2020 10:31 AM
80	Economic Vitality	12/2/2020 10:18 AM
81	low income transportation	12/2/2020 10:08 AM
82	Honest disclosure or pension and healthcare costs and more transparency on labor negotiations.	12/2/2020 9:05 AM
83	Disallow conversion of residential property to commercial	12/2/2020 8:56 AM
84	Environmental impact	12/2/2020 8:52 AM
85	When considering transportation and traffic issues please consider drivers at a higher level than bicyclists as drivers are paying for the roads through DMV and we follow the laws.	12/2/2020 8:50 AM
86	Safety & Security, enhanced police protection plans, resources, and community communication for protests or riots and associated crimes	12/2/2020 7:56 AM
87	crosswalks & stop signs added and upgraded	12/2/2020 7:41 AM
88	Help local restaurants and business most impacted by shutdown	12/2/2020 2:33 AM
89	Summer Traffic should be addressed	12/2/2020 12:23 AM
90	This town needs a dedicated emergency communications and warning system like other communities. SCCAlerts are not remotely sufficient if / when wildfires break out in downtown. It's just a matter of time given our location, climate change and few roads in/out of town. .	12/1/2020 10:24 PM
91	Traffic	12/1/2020 8:55 PM
92	Climate change mitigation and adaptation	12/1/2020 8:50 PM
93	diversity and inclusivity	12/1/2020 8:18 PM
94	Emergency preparedness	12/1/2020 8:01 PM
95	Support small business, not chains; climate change policy	12/1/2020 7:59 PM
96	Build a bridge or tunnel to increase the flow of pedestrians and bikers from Safeway side of town to downtown. The bridge should be between Double D's and Flights over to the parking area toward the Tesla charging lot behind Starbucks. The lights take WAY too long at HWY 9 and University due to Caltrans control. The traffic is horrific on University from Vasona toward downtown since the turning lanes have been redone.	12/1/2020 7:31 PM
97	Affordable housing and more multi dwelling residential construction	12/1/2020 7:28 PM
98	control summer cut thru traffic it shuts down our town	12/1/2020 6:41 PM
99	Summer beach traffic clogging local streets on weekends	12/1/2020 6:32 PM
100	Set commercial rent limits or offer landlords tax incentives to reduce rents to reduce vacancies	12/1/2020 6:28 PM
101	Homeless	12/1/2020 5:54 PM
102	A dedicated Pickleball Facility	12/1/2020 5:38 PM
103	drawing interesting and non-chain stores to the downtown core	12/1/2020 5:31 PM
104	land use	12/1/2020 5:12 PM
105	Implement a transparent, community-engaged review of the police use-of-force policy and bring transparency to police disciplinary issues. (e.g. Obama Foundation "Mayors Pledge")	12/1/2020 5:05 PM
106	Less bureaucracy for home owners to fix up their homes	12/1/2020 4:51 PM
107	CoVid Recovery	12/1/2020 4:29 PM
108	Re-vitalize downtown including replacement of the ugly concrete barriers on Santa Cruz Ave	12/1/2020 4:25 PM

109	Energy efficiency	12/1/2020 4:23 PM
110	Fiber to the house	12/1/2020 4:23 PM
111	Covid safety- enforce mask mandate	12/1/2020 4:22 PM
112	train homeowners in fire mitigation	12/1/2020 4:20 PM
113	Fire & Disaster Preparedness & Managing Forest/Vegetation	12/1/2020 3:59 PM
114	Enforce existing ordinances	12/1/2020 3:53 PM
115	Seniors of our community need a center & activities like Saratoga/Campbell/Camden not combined with homeless	12/1/2020 3:49 PM
116	Urban Agriculture	12/1/2020 3:27 PM
117	Post Covid economic recovery	12/1/2020 3:23 PM
118	Dog Park	12/1/2020 3:16 PM
119	Economic Vitality (same)	12/1/2020 3:08 PM
120	Attract more businesses/restaurants/stores not only high end	12/1/2020 3:02 PM
121	Make permanent the use of street front parking for restaurants. It added SO much to the energy and vitality of the downtown!	12/1/2020 2:56 PM
122	No new high density housing and associated traffic issues. The north 40 and Lark Ave is reprehensible.	12/1/2020 2:56 PM
123	Focus less on downtown	12/1/2020 2:40 PM
124	Emergency preparedness	12/1/2020 2:36 PM
125	Affordable housing in spaces where crowding is not an issue	12/1/2020 2:34 PM
126	Density	12/1/2020 2:33 PM
127	Summer traffic abatement	12/1/2020 2:27 PM
128	Address Traffic flow and weekend overflow	12/1/2020 2:25 PM
129	Smaller and more affordable housing units	12/1/2020 2:18 PM
130	Adopt a long-term view on future of transportation - E.g. underground light rail extension, electrification, accommodations for self driving vehicles, elimination of above ground parking, establishing pedestrian-only streets	12/1/2020 2:13 PM
131	Build Back Better as we get COVID-19 under control	12/1/2020 2:11 PM
132	Make LG more walkable; establish vehicle-free zones and roads	12/1/2020 2:09 PM
133	Deal with current event issues first	12/1/2020 2:08 PM
134	Open space	12/1/2020 2:08 PM
135	Transportation management	12/1/2020 2:00 PM
136	Economic Vitality	12/1/2020 1:58 PM
137	Economics - How to attract and keep businesses alive and well in town.	12/1/2020 1:57 PM
138	Public safety	12/1/2020 1:54 PM
139	Economic	12/1/2020 1:46 PM
140	Hillside and Neighborhood preservation	12/1/2020 1:45 PM
141	Upgrade town services. Specifically police, code enforcement and parks services. Major overhaul required.	12/1/2020 1:45 PM
142	Transportation	12/1/2020 1:44 PM
143	Landlord/Business Rental/Small Business rent control (we are losing xlnt businesss to other towns because our rents are too high)	12/1/2020 1:44 PM

144	get flashing cross walks downtown like other towns do. it is extremely dangerous and you can't see people in the crosswalks in the rain. someone is going to lose their life to a driver who just can't see the person at night.	12/1/2020 1:35 PM
145	Transportation	12/1/2020 1:34 PM
146	Fire safety	12/1/2020 1:33 PM
147	Maintaining space for natural vegetation and animals	12/1/2020 1:27 PM
148	Eliminate in-town beach traffic.	12/1/2020 1:27 PM
149	Fire safety	12/1/2020 1:24 PM
150	Parking solutions	12/1/2020 1:24 PM
151	Priority on summer traffic clogging our town, I see it's sandwiched in with cycle paths, pedestrian and public transport improvements, but who wants to ride their bike through clogged roads with cars pumping out pollution into the air and drivers putting cyclists lives in danger as they grow increasingly angry, we hear it downtown all the time, the endless angry horns. The summer traffic issue desperately needs fixing before any other issues can be put into place.	12/1/2020 1:24 PM
152	Making parklets permanent/ close santa cruz ave	12/1/2020 1:23 PM
153	intelligent approach to traffic management	12/1/2020 1:19 PM
154	Traffic	12/1/2020 1:14 PM
155	Pension reform, pensions will kill all other priorities	12/1/2020 1:14 PM
156	Economic Vitality	12/1/2020 1:10 PM
157	Defy Santa Clara County and Return Kids to School - Follow the Science	12/1/2020 1:08 PM
158	Emergency preparedness.	12/1/2020 1:06 PM
159	Emergency preparedness	12/1/2020 1:06 PM
160	Traffic on LG Boulevard/Lark Avenue	12/1/2020 1:04 PM
161	keeping downtown alive	12/1/2020 1:04 PM
162	A nice, 1-floor senior homes complex (like Rinconada Hills)!	12/1/2020 12:59 PM
163	Homeless encampments - address growing problems before it's so bad it can't be solved as in neighboring communities	12/1/2020 12:59 PM
164	Streamline and remove bloat from building and grading process	12/1/2020 12:59 PM
165	Reduce town traffic	12/1/2020 12:57 PM
166	Help support local bussiness's its very important to the towns continued growth	12/1/2020 12:54 PM
167	Pedestrian zone in the city center	12/1/2020 12:49 PM
168	Economic Vitality	12/1/2020 12:49 PM
169	Ditch building a parking structure dwtn	12/1/2020 12:48 PM
170	Transportation/Traffic/Parking Management especially during summer	12/1/2020 12:46 PM
171	Fire	12/1/2020 12:42 PM
172	Transportation Improvements	12/1/2020 12:27 PM
173	This may be under economic vitality, but having an active and thriving pedestrian friendly downtown will be the single greatest asset to bring residents and visitors.	12/1/2020 11:37 AM
174	Affordable housing	12/1/2020 11:37 AM
175	Beach traffic	12/1/2020 11:10 AM

Alternative General Plan Elements

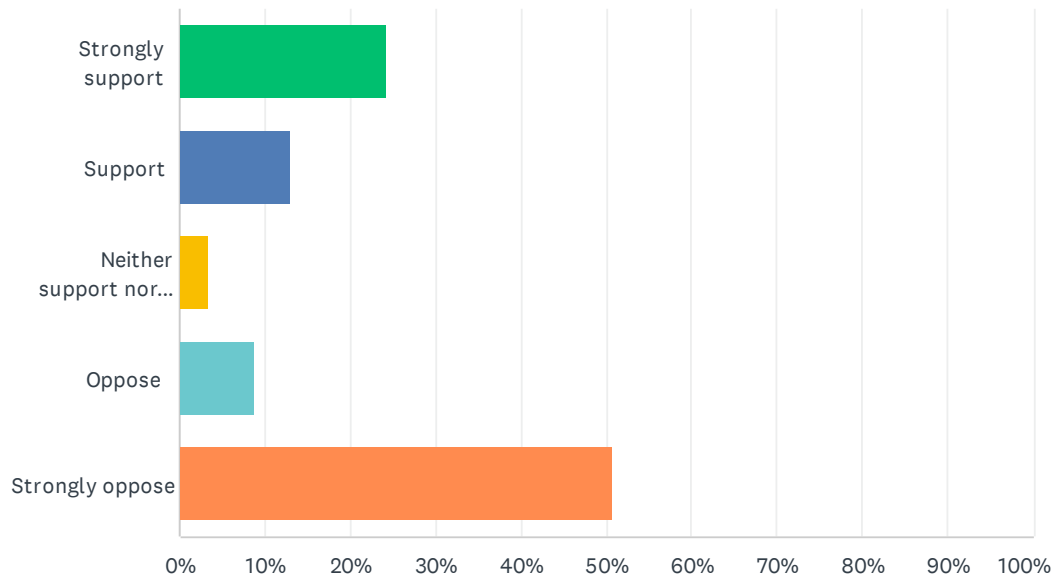
There is very strong support for a fiscal impact analysis and putting the plan to a vote. Locating multi-family housing near jobs and transit is popular, but all elements related to housing are divisive.



Q. ...ally, I am going to read you some alternative items that some people say should be included in the Los Gatos 2040 General Plan. Please tell me each you support or oppose each one.

Q2 In general, do you support or oppose allowing commercial cannabis businesses in Los Gatos?

Answered: 948 Skipped: 3



ANSWER CHOICES	RESPONSES	
Strongly support	24.26%	230
Support	12.97%	123
Neither support nor oppose	3.38%	32
Oppose	8.65%	82
Strongly oppose	50.74%	481
TOTAL		948

From: Julia Ristow

Sent: Sunday, January 16, 2022 10:04 PM **To:**

Council <Council@losatosca.gov> **Subject:**

Cannabis [Town Council Item #10]

EXTERNAL SENDER

Dear Los Gatos Town Council,

I am a 21 year old Los Gatos resident, and I'm in favor of allowing cannabis dispensaries in Los Gatos.

I would like there to be a dispensary in town because I prefer being able to walk or drive short distances to do my errands, and I can get most of what I need in town, but cannabis is one of the few things I can't get. Currently if I want to purchase cannabis, I would usually use delivery services, but if there was a dispensary in town, I wouldn't have to do that. I'm sure there are many other Los Gatos residents like me who would want to be able to travel a shorter distance or not have to use delivery services to purchase cannabis.

I saw the **results from the survey** and would like to provide my point of view on some of the comments people left on the survey against allowing dispensaries in town.

For the people concerned about **smell**:

I have been to the Airfield Supply dispensary in San Jose. While there is some smell of cannabis at this location, this would not be the case if a retail only dispensary opened in Los Gatos, as everything in the retail area is fully sealed and there is no consumption allowed on the property. All of the smell present at this location is from the cultivation.

In terms of concerns about people smoking in town and causing there to be a smell in town from that, there is already a no smoking law in place that applies to marijuana as well as other things like cigarettes.

Additionally, most residents who want to use marijuana are already getting it from other cities and then using it at home, so adding a dispensary to Los Gatos will probably not change how much cannabis is consumed in Los Gatos by very much. The biggest noticeable change to the town would likely just be more tax dollars coming in.

For the people concerned about it **influencing youth**:

It would be unlikely for the presence of a dispensary in town to cause middle and high school students to start using marijuana. I attended both Fisher Middle School and Los Gatos High School and can say that students know what weed is and if they want it they will find a way to get it, regardless of there being a dispensary in town or not.

Also, students who consume weed are probably not getting it from dispensaries. First of all, just to enter the Airfield dispensary, you have to show your ID and it gets scanned. Then, inside, all the products are behind the counter or secured in a way that they can't be shoplifted. In order to buy any products you have to show your ID again. This means it's very difficult for someone underage to even step foot in a dispensary, let alone purchase or steal anything.

Another comment I saw on the survey was that a dispensary should not be allowed in areas where youths hang out, giving 7-11 as an example. While I don't have a strong opinion either way on this point, I would like to point out that 7-11 sells alcohol and alcohol is very accessible all throughout Los Gatos (7-11, bars, restaurants, grocery stores, etc.). Unlike a dispensary where you have to show your ID to enter and all the products are behind the counter, places like 7-11 and Safeway have alcohol out in the aisles and anyone can enter these stores, meaning it's very easy for teens to steal or purchase alcohol with a fake ID (because ID checks for purchasing alcohol are less intensive than for purchasing cannabis at a dispensary).

Additionally, when comparing the **impacts of alcohol versus marijuana on people**, alcohol is much more damaging to the body (especially if the marijuana is consumed in an edible form rather than smoke). Alcohol is also much more addictive than marijuana and an overdose on alcohol can lead to death whereas consuming too much marijuana will not directly result in death.

My point here is that alcohol is much more dangerous for youth to be consuming than marijuana, and if a dispensary opened in town it would be way more regulated than alcohol is in this town. In my opinion, this makes the concerns about the presence of a dispensary in town negatively impacting youth practically irrelevant.

I also saw concerns in the survey comments that a dispensary would not be "classy" and would not fit the "Los Gatos culture." To this, I go back to my points about alcohol. If you walk through downtown Los Gatos you'll see bars, wine tasting rooms, and restaurants advertising alcohol. This displays the "culture" of Los Gatos as very alcohol centric. I'm not against having places that serve alcohol in town, but I don't see how pushing drinking culture is any better than allowing a dispensary in town. Especially since a dispensary would only be for the sale of cannabis and not the consumption and would be less "in your face" than the places selling alcohol, **I don't think the presence of a dispensary would strongly impact the culture of the town.**

I think the negative thoughts some people have towards marijuana and dispensaries likely come from **misconceptions**. I would encourage people who are against the opening of a dispensary to look into what a dispensary actually looks like and how it operates (maybe even go see one in person) and research the impacts of marijuana versus alcohol on a person's body before forming a decision on whether or not to allow a dispensary in town.

Sincerely,
Julia Ristow

From: Sandra Livinghouse
Sent: Monday, January 17, 2022 9:35 AM
To: Council <Council@losgatosca.gov>
Subject: Fiscal Responsibility and Proposed Cannabis Analysis

EXTERNAL SENDER

Hello Town Council,

I am reaching out regarding your proposal to spend \$50,000 on a consultant to do a cannabis fiscal analysis. Please do not spend public funds on this activity. If you have money for a consultant for a fiscal analysis, please do a fiscal analysis of your North 40 plan, since it will involve building new schools, fire departments and expanding the police force, but to date these items are not analyzed as part of the plan.

I have recommended no consultant for cannabis for the following reasons:

- Town residents don't agree with the Cannabis Sales Tax Initiative, as your own studies have shown.
- To hire a consultant for \$50,000 is a waste of public funds
- A better use of \$50,000 and of much greater need is a fiscal analysis of the the LG GP, which advises major changes to the town with no associated fiscal analysis at all.

Thank you for the work that you do, but please restore your efforts to a more thoughtful and sound stewardship of our town.

Best,
Sandra Livinghouse
[REDACTED] Los Gatos

From: Joan Cross
Sent: Monday, January 17, 2022 12:57 PM
To: Council <Council@losgatosca.gov>
Subject: Marijuana Dispensary in Los Gatos

EXTERNAL SENDER

Dear Sirs/Madames,

As a 34 year resident of Los Gatos, a downtown resident and a past President & Committee member of CASA I vote NO to allowing a Marijuana Dispensary in our town.

How is it possible to support a long term, local & 'home grown' organization like CASA (which the town has wholeheartedly endorsed & supported since its inception) and at the same time being in a drug dispensary?

Is this only about the money? There MUST be another way.

Joan Y Cross, CPM
Los Gatos and
Coronado

From: [Marsie Sweetland](#)
To: [PublicComment](#)
Subject: Commercial Cannabis
Date: Tuesday, January 18, 2022 3:02:35 PM

EXTERNAL SENDER

Hello,

I am a mother in Los Gatos--our kids are in middle school and high school and we live on Edelen Ave.

I wanted to write to express that I am very opposed to the idea of commercial cannabis in Los Gatos.

Best,
Marsie

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Marsie Sweetland