



AGENDA

CITY OF MONTE SERENO

TUESDAY, JANUARY 21, 2014

REGULAR
MEETING OF THE
CITY COUNCIL
7:30 P.M.

Monte Sereno City Council Chambers – 18041 Saratoga-Los Gatos Road, Monte Sereno, Ca 95030

***Staff Recommendation**
Confirm Quorum

MEETING CALLED TO ORDER

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL

ORDERS OF THE DAY

ORAL COMMUNICATIONS

WRITTEN COMMUNICATIONS - None

CONSENT CALENDAR (It is recommended that all items listed be acted on simultaneously unless separate discussion and/or action is required by a Councilmember or a member of the audience.) Action

1. Approve Minutes Of December 17, 2013 City Council Meeting
2. Approve Warrant List
3. Approve Monthly Treasurer's Report Of Month Of December, 2013
4. Approve Monthly Financial Report For Month Of December, 2013
5. Approve Resolution Authorizing The City Manager Or City Engineer To Execute Right Of Way Certification And Other Documents Required For Receipt Of Grant Funds

PUBLIC HEARINGS

6. Hold Public Hearing And Adopt A Resolution Of The City Council Of The City Of Monte Sereno Overruling Objections And Determining To Proceed With Weed Abatement Action

UNFINISHED BUSINESS

7. Consider Making Appointment To Fill City Council Vacancy Info/Action

NEW BUSINESS

8. Consider Los Gatos/Monte Sereno Police Department's Request for Overtime Reimbursement Associated With The Kumra Homicide Info/Action
9. Ratify Commission/Committee Appointments For 2014 Action

COMMITTEE/COMMISSION REPORTS

COUNCIL MEMBER COMMENTS

CITY MANAGER'S REPORT

ADJOURNMENT

*** All items on the agenda are subject to action/or change by the City Council**

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk (408) 3547635. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28CFR 35.102-35.104 ADA Title II] Z:\CCLRKOFF\CITYCOUNPACKETS\CCAGENDA\2014\AGENDAS\01-21-14\AGN.doc



**MONTE SERENO CITY COUNCIL
MEETING MINUTES**

DECEMBER 17, 2013

REGULAR MEETING CALLED TO ORDER

At 7:30 p.m., Mayor Craig called the meeting to order.

PLEDGE OF ALLIEGIANCE

ROLL CALL

Present: Council Members Anstandig, Huff, Rogers and Mayor Craig
Absent: None
Staff Present: City Manager Loventhal, City Attorney Powell, and City Clerk Chelemengos

ORDERS OF THE DAY

There were no changes made.

ORAL COMMUNICATIONS

Ed Scott, Monte Sereno Representative to the Los Gatos Parks Commission, discussed the charge of the Commission and its recent activities.

WRITTEN COMMUNICATIONS

None

CONSENT CALENDAR

1. Approve Minutes Of City Council Meeting
2. Approve Warrant List in the amount of \$59,871.67
3. Approve Treasurer's Report For Month Of November, 2013
4. Approve Monthly Financial Report For Month Of November, 2013

Council Member Anstandig moved to approve the Consent Calendar. The motion was seconded by Council Member Huff and the motion passed with a 4-0 vote.

PUBLIC HEARINGS – None

UNFINISHED BUSINESS – None

NEW BUSINESS

5. Consider City Council Vacancy

City Manager Loventhal provided a report to the Council and answered questions.

Following discussion, there was Council consensus to appoint a qualified candidate to the Council vacancy. Staff was directed by the Council to begin the recruitment process and present any qualified applicants at the January 21, 2014 City Council meeting.

6. Consider Appointment Of Two City Council Members To The Long Term City Vision Ad Hoc Committee

Following a report by City Manager Loventhal, Council Member Anstandig moved that the Council take action to create a Long Term City Vision Ad Hoc Committee consisting of residents and two Council Members. The motion was seconded by Council Member Rogers and the motion passed with a 4-0 vote.

Mayor Craig and Council Member Rogers volunteered to serve on the ad hoc committee. Council Member Anstandig moved that the Council appoint Mayor Craig and Council Member Rogers to serve on the newly formed ad hoc committee. The motion was seconded by Council Member Huff and the motion passed with a 4-0 vote.

7. Consider Cancellation Of January 7, 2014 City Council Meeting And Setting A Special City Council Meeting For January 14, 2014

Council Member Rogers moved that the Council meeting scheduled for January 7, 2014 be cancelled and a special City Council meeting be scheduled for January 14, 2014. The motion was seconded by Council Member Anstandig and the motion passed with a 4-0 vote.

8. Consider Resolution Cancelling January 7, 2014 Weed Abatement Public Hearing And Resetting The Public Hearing For January 21, 2014

Following explanation by City Manager Loventhal, Council Member Anstandig moved that the Council adopt the proposed resolution cancelling January 7, 2014 Weed Abatement Public Hearing And Resetting The Public Hearing For January 21, 2014. The motion was seconded by Council Member Huff and the motion passed with a 4-0 vote.

COMMITTEE/COMMISSION REPORTS

The Council Member reported on the activities of their assigned Commissions/Committees.

COUNCIL MEMBER COMMENTS

None

CITY MANAGER'S REPORT

None

ADJOURNMENT

At 8:16 p.m., Mayor Craig adjourned the meeting to Tuesday, January 14, 2014 to be held in the City Council Chambers located at 18041 Saratoga-Los Gatos Road, Monte Sereno, California.

ATTEST:

Andrea M. Chelemengos, City Clerk

Burton Craig, Mayor



CITY OF MONTE SERENO
REGISTER OF ACCOUNTS PAYABLE

AS OF THIS DATE:
 January 21, 2014

CHECK NO.	TO	FOR	AMOUNT	ACCOUNT
14789	PG&E	Office utility	274.29	01-705
14790	Vavrinek, Trine, Day & Co.	Auditing services rendered	2,025.00	01-470
14791	NFPA	National Fire Prevention Assoc. dues	165.00	01-745
14792	American Express	Office supplies	65.42	01-710
14793	Wells Fargo Bank	Meeting refreshments & phone equip.	4,370.48	VAR
14794	Wells Fargo Bank	Holiday luncheon/ meeting expenses	742.14	VAR
14795	ABAG Power Pool	Office gas utility	134.18	01-705
14796	XEROX	Copier service and supplies	91.98	01-715
14797	CSG Consultants, Inc.	Engineering/Inspections/Code Enforce	13,892.00	VAR
14798	Logan & Powell, LLP	Litigation services	1,016.40	01-427
14799	Comcast	Internet provider	99.90	01-720
14800	Town of Los Gatos	Police services for January 2014	45,775.16	03-545
14801	McKenna Landscape	Street sign installation	3,010.00	05-915
		Total	71,661.95	
		Vouchered as Due January 7, 2014	42,400.40	
		Vouchered as Due December payroll	91,159.91	
		Grand Total	205,222.26	

I, SUE L'HEUREUX, FINANCE OFFICER DO HEREBY CERTIFY THAT THE PROCEEDING ACCOUNTS HAVE BEEN CHECKED AND FOUND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF

Sue L'Heureux

 SUE L'HEUREUX, FINANCE OFFICER

* Reimbursable expense



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* Reimbursable expense



CITY OF MONTE SERENO
REGISTER OF ACCOUNTS PAYABLE

AS OF THESE DATES:
 December 20, 2013 Payroll
 January 7, 2014 warrants

VOUCHERED AS DUE

CHECK NO.	TO	FOR	AMOUNT	ACCOUNT NO.
14753-14767		December 2013 payroll	91,159.91	
14768	Calif Building Standards	Disburse SB1473 fees	198.90	01-532
14769	Dept. of Conservation	Disburse SMIP fees	514.98	01-531
14770	Ali Fatapour, P.E.	Structural plan checks	7,383.80	01-765
14771	McKenna Landscape	Grounds maintenance	650.00	01-860
14772	AT&T Mobility	Cell phone service	44.03	01-720
14773	Accrisoft Corp	Email server	50.00	01-720
14774	Alhambra drinking water	Service for December 2013	25.57	01-710
14775	National Notary Assoc.	Annual membership	59.00	01-745
14776	Verizon	Local phone service	290.28	01-720
14777	Allegiance Cleaning Service	Janitorial services and supplies	290.00	01-860
14778	AT&T	Long distance phone service	81.76	01-720
14779	Goldfarb & Lipman Attorneys	Litigation services	2,053.50	01-427
14780	Town of Los Gatos	Mayors & Managers Luncheon	600.00	VAR
14781	PG&E	Office utility	286.16	01-705
14782	San Jose Water	Service for November & December 2013	341.75	01-705
14783	Town of Los Gatos	Disburse COPS grant 1st quarter	24,999.99	03-548
14784	McKenna Landscape	Installation new street signs	1,375.00	05-915
14785	D&M Traffic Services	Street sign hardware	2,076.04	05-915
14786	PG&E	Street Lighting services	568.26	VAR
14787*	Verizon	Post Office phone service	99.18	06-580
14788*	Pitney Bowes, Inc	Postal meter rental	412.20	06-580
		TOTAL January 7, 2014 warrants	\$42,400.40	
		Voched as due December 2013 payroll	\$91,159.91	
		GRAND TOTAL VOUCHERED AS DUE	\$133,560.31	

* Reimbursable expense

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Sue L'Heureux

 SUE L'HEUREUX, FINANCE OFFICER

TREASURER'S REPORT

December 2013

BALANCE AS OF November 2013
 RECEIPTS FOR PERIOD
 INVESTMENTS RECEIPTS DURING PERIOD
 INTEREST EARNED
 CASH DISBURSEMENTS FOR PERIOD
 INVESTED DURING PERIOD

	\$518,443.89
	\$293,128.49
	\$24.60
	(\$158,051.75)
EFT(PERS retirement)	(\$12,914.70)
EFT (payroll taxes)	(\$15,740.64)
Bank card fees	(\$529.66)
per item deposit fee	(\$9.00)
	<u>\$624,351.23</u>

BALANCE IN DEMAND ACCOUNTS
 \$500.00 CHECKING
 \$623,851.23 SAVINGS

FUND DISTRIBUTION IN DEMAND ACCOUNTS

1 GENERAL	\$461,456.56
3 LAW ENFORCEMENT	(\$234,729.50)
5 TRAFFIC SAFETY	\$159,344.29
6 POST OFFICE	\$36,648.84
12 GAS TAX (2107)	\$149,470.95
25 STORM DRAIN	\$50,598.95
30 SURETY TRUST	\$72.75
40 LOMA SERENA LTG.	(\$91.81)
50 ROSE/ANDREWS LTG.	\$1,580.20
TOTAL	<u>\$624,351.23</u>

City of Monte Sereno
Investment Accounts

Local Agency Investment Fund - Custodian

FUND	9/30/2013	10/31/2013	11/30/2013	12/31/2013
		Interest		
General	5,927,961.53	5,931,832.87	5,931,832.87	5,931,832.87
Traffic Safety	0.00	0.00	0.00	0.00
2107 GAS TAX	20,254.79	20,267.89	20,267.89	20,267.89
Storm Drain	21,000.00	21,000.00	21,000.00	21,000.00
Surety Trust	27,042.53	27,042.53	27,042.53	27,042.53
Building Fund	0.00	0.00	0.00	0.00
Loma Serena Litg.	9,000.00	9,000.00	9,000.00	9,000.00
TOTAL	6,005,258.85	6,009,143.29	6,009,143.29	6,009,143.29

NOTES:

Interest is deposited directly to LAIF account.

This quarterly report is in compliance with the City's investment policy and demonstrates the City's ability to meet its expenditure requirements for the next six months.

Local Agency Investment Fund
P.O. Box 942809
Sacramento, CA 94209-0001
(916) 653-3001

www.treasurer.ca.gov/pmia-laif
January 13, 2014

CITY OF MONTE SERENO

FINANCE OFFICER
18041 SARATOGA-LOS GATOS ROAD
MONTE SERENO, CA 95030

PMIA Average Monthly Yields

Account Number:
98-43-561

Tran Type Definitions

December 2013 Statement

Account Summary

Total Deposit:	0.00	Beginning Balance:	6,009,143.29
Total Withdrawal:	0.00	Ending Balance:	6,009,143.29

THE CITY OF MONTE SERENO
REVENUES AND EXPENDITURES REPORT
FOR THE MONTH OF
DECEMBER 2013
(50 % of FY)

REVENUES	ACCOUNT NUMBER	BUDGET	CURRENT PERIOD	YTD ACTUAL	% OF BUDGET
PROPERTY TAX					
Secured	01 202	1,103,656.00	209,204.23	331,751.75	30.06%
Unsecured	01 204	64,026.00	0.00	55,371.73	86.48%
Homeowners Exemption SB 813	01 210 01 214	5,454.00 12,000.00	793.85 1,437.25	793.85 3,326.18	14.56% 27.72%
TOTAL PROPERTY TAX		1,185,136.00	211,435.33	391,243.51	33.01%
REAL PROPERTY TAX					
Real Prop Trans	01 222	40,000.00	880.55	35,035.29	87.59%
TOTAL REAL PROP. TAX		40,000.00	880.55	35,035.29	87.59%
LICENSES AND PERMITS					
Business Lic.	01 232	37,000.00	1,635.00	30,360.00	82.05%
Construction Tax	01 234	22,000.00	4,546.65	21,136.60	96.08%
Construction Permits	01 236	260,000.00	21,888.73	174,225.40	67.01%
Grading Permits	01 237	30,000.00	2,901.00	13,139.25	43.80%
Subdivision Fee	01 240	53,000.00	0.00	0.00	0.00%
Zoning Fees	01 242	65,000.00	3,460.00	34,590.00	53.22%
Encroachments	01 244	12,000.00	0.00	7,285.00	60.71%
Road Impact fees	01 246	50,000.00	8,150.43	53,496.56	106.99%
TOTAL LICENSE & PERMITS		529,000.00	42,581.81	334,232.81	63.18%
FRANCHISE TAX					
Gas	01 262	14,000.00	0.00	0.00	0.00%
Electricity	01 263	42,000.00	0.00	0.00	0.00%
Water	01 264	19,000.00	0.00	0.00	0.00%
Refuse	01 266	80,000.00	1,483.90	53,110.41	66.39%
Recycle HHW & JPA fees	01 267	13,200.00	1,143.58	5,717.93	43.32%
Cable TV	01 268	59,000.00	0.00	16,269.70	27.58%
TOTAL FRANCHISE TAX		227,200.00	2,627.48	75,098.04	33.05%
Interest - General	01 282	20,000.00	0.00	3,909.22	19.55%
TOTAL INTEREST		20,000.00	0.00	3,909.22	19.55%
MISCELLANEOUS					
Horticultural/Arborist Service	01 284	500.00	0.00	0.00	0.00%
Merchant Credit service fee	01 286	1,500.00	50.99	1,067.69	71.18%
AB939	01 287	1,200.00	0.00	956.01	79.67%
AVASA	01 288	1,600.00	552.39	903.18	56.45%
BCJPIA/State fund Ins. rebate	01 290	3,700.00	0.00	331.61	8.96%
Microfilm Fee	01 291	5,000.00	499.00	4,256.00	85.12%
Miscellaneous	01 292	1,000.00	27.00	8,268.50	826.85%
Alarm Soundings	01 293	800.00	0.00	200.00	25.00%
Reimb. Publication	01 294	1,000.00	5.75	140.65	14.07%
Debt Collection	01 295	0.00	0.00	0.00	N/A
General Fund Reserve transfer	01 xxx	29,395.00	0.00	0.00	0.00%
TOTAL MISCELLANEOUS		45,695.00	1,135.13	16,123.64	35.29%

THE CITY OF MONTE SERENO
REVENUES AND EXPENDITURES REPORT
FOR THE MONTH OF
DECEMBER 2013
(50 % of FY)

REVENUES		ACCOUNT NUMBER		BUDGET	CURRENT PERIOD	YTD ACTUAL	% OF BUDGET
STATE SUBVENTION							
	Sales and Use Tax	01	296	10,500.00	407.19	2,544.36	24.23%
	Misc. (Bev.recycle)	01	305	5,000.00	0.00	1,555.27	31.11%
TOTAL STATE SUBVENTION				15,500.00	407.19	4,099.63	26.45%
LAW ENFORCEMENT							
	Law Enforcement Tax	03	316	183,150.00	0.00	0.00	0.00%
	Miscellaneous/COPS grant	03	318	100,000.00	8,333.33	24,999.99	25.00%
TOTAL LAW ENFORCEMENT				283,150.00	8,333.33	24,999.99	8.83%
TRAFFIC SAFETY							
	Traffic Safety	05	322	13,000.00	2,233.16	6,052.10	46.55%
	Misc(Safe routes state grant)	05	323	447,000.00	0.00	390,894.06	87.45%
	Traffic Safety Reserve transfer	05	xxx	68,570.00	0.00	0.00	0.00%
TOTAL TRAFFIC SAFETY				528,570.00	2,233.16	396,946.16	75.10%
GAS TAX							
	Gas Tax	12	328	85,000.00	19,061.99	56,919.31	66.96%
	Gas Tax Interest	12	332	150.00	0.00	32.02	21.35%
	Misc (Street rehab fed grant)	12	333	250,000.00	0.00	0.00	0.00%
	Gas Tax reserver transfer	12	xxx	0.00	0.00	0.00	N/A
TOTAL GAS TAX				335,150.00	19,061.99	56,951.33	16.99%
STORM DRAIN FEES							
	Storm drain dev fees	25	352	6,000.00	2,450.00	8,970.00	149.50%
	Clean water program lease	25	353	4,140.00	0.00	2,070.00	50.00%
	Storm Drain maintenance/Administration	25	354	22,470.00	0.00	0.00	0.00%
	Storm drain transfer	25	xxx	0.00	0.00	0.00	N/A
TOTAL STORM DRAIN FEES				32,610.00	2,450.00	11,040.00	33.85%

THE CITY OF MONTE SERENO
REVENUES AND EXPENDITURES REPORT
FOR THE MONTH OF
DECEMBER 2013
(50 % of FY)

EXPENSES	ACCOUNT	BUDGET	CURRENT PERIOD	YTD ACTUAL	% OF BUDGET
	NUMBER				
GENERAL GOVERNMENT					
Council Trvl, Mtgs, Protocol	01 505	22,000.00	1,248.59	9,687.38	44.03%
Council Membership	01 515	7,500.00	2,344.00	7,098.00	94.64%
Elections	01 520	0.00	0.00	0.00	N/A
Municipal Code Revision	01 521	2,000.00	650.00	959.73	47.99%
Environmental Svcs	01 522	15,000.00	5,106.01	8,860.38	59.07%
Professional Svcs	01 535	19,000.00	2,380.00	8,666.50	45.61%
Insurance & Bonding	01 540	65,000.00	0.00	61,976.00	95.35%
Code Enforcement	01 545	16,000.00	1,840.00	6,087.00	38.04%
Community Assist.	01 550	15,000.00	1,000.00	12,000.00	80.00%
Emergency Svcs	01 555	17,600.00	129.12	17,734.12	100.76%
Legal Ads	01 565	200.00	50.00	105.00	52.50%
General Plan Revise	01 570	5,000.00	0.00	34,562.90	691.26%
Misc/Refunds	01 575	200.00	0.00	55.00	27.50%
Sales Tax	01 576	114.00	0.00	24.00	21.05%
Animal Control	01 585	23,403.00	5,850.75	17,552.25	75.00%
TOTAL GEN. GOVERNMENT		208,017.00	20,598.47	185,368.26	89.11%
PERSONNEL					
Reg Full Time	01 605	666,858.00	55,153.38	327,963.98	49.18%
Part Time	01 615	26,386.00	2,242.53	13,656.44	51.76%
Ltdi Lif Ins	01 620	9,912.00	888.02	5,379.47	54.27%
Rtrmnt Employer	01 625	99,134.00	8,452.12	50,306.96	50.75%
Rtrmnt Employee	01 627	48,527.00	4,017.70	23,913.39	49.28%
Health Insurance	01 630	45,921.00	4,871.35	26,880.76	58.54%
Dental Insurance	01 635	8,542.00	496.80	2,980.80	34.90%
Workers Comp	01 642	16,714.00	0.00	4,645.28	27.79%
Social Security	01 645	46,180.00	1,929.30	15,975.82	34.59%
Medicare	01 647	10,800.00	895.08	5,331.18	49.36%
Unemployment	01 650	0.00	0.00	0.00	N/A
Tuition Reimb	01 655	0.00	0.00	0.00	N/A
Deferred Compensation	01 660	13,847.00	1,130.64	6,715.49	48.50%
Benefits Allowance	01 665	18,558.00	1,604.21	9,737.26	52.47%
TOTAL PERSONNEL		1,011,379.00	81,681.13	493,486.83	48.79%

THE CITY OF MONTE SERENO
REVENUES AND EXPENDITURES REPORT
FOR THE MONTH OF
DECEMBER 2013
(50 % of FY)

EXPENSES	ACCOUNT NUMBER	BUDGET	CURRENT PERIOD	YTD ACTUAL	% OF BUDGET
ADMINISTRATION					
Off Utilities	01 705	8,000.00	134.18	4,043.18	50.54%
Off Supplies	01 710	7,000.00	44.62	3,800.60	54.29%
Postage	01 711	5,000.00	0.00	297.38	5.95%
Off Equip Maintenance	01 715	5,000.00	140.51	2,648.10	52.96%
Communications	01 720	8,000.00	714.01	5,286.77	66.08%
Reproduction/Printing	01 725	7,000.00	2,164.30	5,035.66	71.94%
Mtgs/Trvl/Mileage reimb.	01 740	21,000.00	1,830.61	10,227.45	48.70%
Pubs/Books/Membership	01 745	7,100.00	97.50	3,694.92	52.04%
Contract Services	01 765	129,000.00	8,231.00	55,750.96	43.22%
Training	01 770	5,000.00	115.10	2,090.35	41.81%
Miscellaneous	01 775	0.00	0.00	0.00	N/A
Horticultural/Arborist Services	01 885	500.00	0.00	0.00	0.00%
City Mngrs Revolving	01 999	3,000.00	0.00	0.00	0.00%
TOTAL ADMINISTRATION		205,600.00	13,471.83	92,875.37	45.17%
EQUIPMENT/IMPROVEMENTS					
Office	01 805	2,000.00	0.00	0.00	0.00%
Field	01 810	200.00	0.00	0.00	0.00%
Computer, Hard/Software	01 811	25,000.00	0.00	1,332.80	5.33%
Building Improvements	01 815	7,000.00	0.00	0.00	0.00%
TOTAL EQUIP./IMPROV.		34,200.00	0.00	1,332.80	3.90%
LAW ENFORCEMENT					
Police Services	03 545	525,470.00	45,775.16	259,731.08	49.43%
Booking & CAL-ID	03 546	60.00	0.00	0.00	0.00%
Disburse COPS grant	03 548	100,000.00	0.00	25,000.00	25.00%
TOTAL LAW ENFORCEMENT		625,530.00	45,775.16	259,731.08	41.52%
BUILDING MAINTENANCE					
Building & Ground Maint	01 860	15,000.00	1,830.09	7,049.43	47.00%
Building & Ground Const	01 920	0.00	0.00	0.00	N/A
TOTAL BUILDING MAINTENANCE		15,000.00	1,830.09	7,049.43	47.00%
MAINTENANCE					
Street Maint.&Repair	12 845	50,000.00	0.00	6,390.00	12.78%
Storm Drain Maintenance	25 850	5,000.00	0.00	993.66	19.87%
Clean Water Program Administration	25 805	24,447.00	0.00	18,500.00	75.67%
Street Sweeping	12 865	6,500.00	0.00	2,301.54	35.41%
Traffic Safety	05 870	10,000.00	321.00	3,783.72	37.84%
Traffic Safety projects (Signs)	05 915	50,000.00	11,998.32	12,132.91	24.27%
Congestion Management	12 875	2,000.00	0.00	1,997.55	99.88%
TOTAL MAINTENANCE		147,947.00	12,319.32	46,099.38	31.16%
CONSTRUCTION					
Gen Fund Road Project(monuments)	01 905	50,000.00	0.00	0.00	0.00%
Road Project (Street rehab grant)	12 905	250,000.00	0.00	0.00	0.00%
Traffic Safety (safe routes grant)	05 905	522,000.00	0.00	408,276.78	78.21%
Storm Drain Project	25 910	0.00	0.00	0.00	N/A
TOTAL CONSTRUCTION		822,000.00	0.00	408,276.78	49.67%

THE CITY OF MONTE SERENO
REVENUES AND EXPENDITURES REPORT
FOR THE MONTH OF
DECEMBER 2013
(50 % of FY)

EXPENSES		ACCOUNT NUMBER		BUDGET	CURRENT PERIOD	YTD ACTUAL	% OF BUDGET
SPECIAL DISTRICTS							
Post Office Expense		06	580	4,000.00	0.00	1,155.69	28.89%
	Payroll	06	606	24,703.00	2,047.67	12,307.14	49.82%
	PERS	06	626	5,261.00	444.88	2,673.85	50.82%
	Soc Sec	06	646	1,531.00	126.96	763.03	49.84%
	Medicare	06	648	358.00	29.69	178.45	49.85%
	Loma Serena Ltg	40	935	2,300.00	194.84	975.75	42.42%
	Rose/Andrews	50	945	1,312.00	51.27	256.77	19.57%
TOTAL SPECIAL DISTRICTS				39,465.00	2,895.31	18,310.68	46.40%
TOTAL EXPENDITURES				3,255,093.00	187,245.75	1,574,890.47	48.38%

MEETING DATE

January 21, 2014

REPORT TO MONTE SERENO CITY COUNCIL

Authorizing City Manager or City Engineer to Execute Right of Way Certifications and Other Documents
Required for Receipt of Grant Funds

RECOMMENDATION:

Authorize City Manager or City Engineer to execute right of way certifications and other documents required for receipt of grant funds .

BACKGROUND/DISCUSSION:

The City of Monte Sereno has been allocated to receive \$250,000 for street rehabilitation funds. California State Department of Transportation (Caltrans) administered State or Federally assisted projects require local agencies to execute right-of-way certifications stating that all right-of-way required for the project has been or will be acquired. The right-of-way certifications are typically required before grant funds appropriated for the project construction are obligated. Such grant funds may also require execution of additional documents by person(s) authorized by a City Council resolution. Staff requests that the City Council, by its Resolution authorize the City Manger or the City Engineer to execute the aforementioned certifications/documents on behalf of the City.

FISCAL ANALYSIS:

City Council authorization will enable City staff to submit grant required certifications/documents in an efficient and timely manner and receive grant funds.

The Staff recommends approval of the attached resolution.

Respectfully submitted,

Mo Sharma
City Engineer

Attachment: Resolution

RESOLUTION NO. _____

**A RESOLUTION OF THE MONTE SERENO CITY COUNCIL AUTHORIZING CITY
MANAGER OR CITY ENGINEER TO EXECUTE RIGHT OF WAY CERTIFICATIONS AND
OTHER DOCUMENTS REQUIRED FOR RECEIPT OF GRANT FUNDS**

RESOLVED, by the City Council of the City of Monte Sereno, County of Santa Clara, State of California, that

WHEREAS, in order to obtain financial assistance in connection with State and Federal funded projects, it is necessary that the City of Monte Sereno certify the State Department of Transportation that the Right-of-Way necessary for the project execution will be or has been acquired, and

WHEREAS, the State of California Department of Transportation, as provided in its Local Program Manual Volume 1, will accept Right-of-Way Certifications signed by a City official or employee as authorized by the City Council Resolution,

NOW, THEREFORE, IT IS HEREBY DETERMINED AND RESOLVED, AS FOLLOWS:

The City Council of the City of Monte Sereno, County of Santa Clara, State of California, hereby approves and authorizes City Manager or the City Engineer of the City of Monte Sereno to execute Right-of-Way certifications and other documents required for receipt of grant funds.

Regularly adopted and passed this 21st day of January 2014, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Burton Craig, Mayor

ATTEST:

Andrea M. Chelemengos, City Clerk

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTE SERENO OVERRULING OBJECTIONS AND DETERMINING TO PROCEED WITH WEED ABATEMENT

WHEREAS, the City Council adopted Resolution No. 3543 on December 3, 2013, (and Resolution 3544 adopted on December 17, 2013) which by its terms the Council did declare as a public nuisance all weeds, dirt, rubbish and other hazardous material growing, located or existing upon streets, sidewalks, alleys or upon private property in the City; and

WHEREAS, a Public Hearing was held on January 21, 2014 and no objections to the proposed removal of weeds, dirt, rubbish and other hazardous material were made or presented orally or in written form.

NOW THEREFORE, IT IS FOUND, ORDERED AND DETERMINED as follows:

1. On January 21, 2014 the City Council elected to proceed under Chapter 2 of Title 8 of the Monte Sereno Municipal Code and did declare as a public nuisance all weeds, dirt, rubbish and other hazardous material growing, located or existing upon the streets, sidewalks, alleys and private property in the City, all as more particularly described in Resolution No. 3543 adopted on December 3, 2013.
2. The Council fixed Tuesday, January 21, 2014, at the hour 7:30 p.m. in the Council Chambers, City Hall, 18041 Saratoga-Los Gatos Road, Monte Sereno, California, as the time and place for hearing all objections to the proposed destruction or removal of weeds, dirt, rubbish or other hazardous material and the Fire Marshal did prepare Notices to destroy weeds and remove dirt, rubbish and other hazardous material, and did, in the time and manner prescribed by Chapter 2 entitled "Weed Abatement" of Title 8 of the Monte Sereno Municipal Code, cause

copies of the Notice to be Conspicuously posted in three (3) prominent places in the City of Monte Sereno.

3. The City Council did hold a Public Hearing on January 21, 2014, and no oral objections to the proposed removal of weeds, dirt, rubbish or other hazardous material were presented, and the Hearing was closed on January 21, 2014.
4. The Fire Marshal is ordered to abate the nuisance declared by Resolution No. 3543 by having weeds, dirt, rubbish or other material removed as specified in Chapter 2 of Title 8 of the Monte Sereno Municipal Code and, for this purpose, the Fire Marshall may enter upon private property to abate the nuisance. Before the Fire Marshall arrives, any property owner may remove weeds, dirt, rubbish or other hazardous material at his or her own expense.
5. The Fire Marshall shall keep an account of the cost of abatement in front of or on each separate parcel of land where the work is done and shall submit to the Council for consideration, hearing or objection, modification and confirmation, an itemized written report showing this cost, all as more particularly described in Chapter 2 of Title 8 of the Monte Sereno Municipal Code.

REGULARLY passed and adopted this 21st day of January 2014.

AYES:

NOES:

ABSENT:

APPROVED:

Burton Craig, Mayor

ATTEST: _____
Andrea M. Chelemengos, City Clerk

**2014 WEED ABATEMENT PROGRAM
COMMENCEMENT REPORT
CITY OF MONTE SERENO**

EXHIBIT A

<u>Situs</u>	<u>APN</u>	<u>OWNER</u>	<u>CITY/STATE</u>	<u>PHONE</u>
15191	AV 409-40-006	MONTANO, ALFRED AND MONTANO, 15191 KARL AV	MONTE SERENO	CA 95030-2229
17771	AV 409-41-022	STILLINGER, KATHRYN ANNE	MONTE SERENO	CA 95030
15301	LN 409-41-026	MEHRANY, KHOSROW TRUSTEE & 15301 ROBIN ANNE LN	MONTE SERENO	CA 95070-0000
	409-43-001	LOMA SERENA IMPROVEMENT ASSN PO BOX 35634	MONTE SERENO	CA 95030-0634
15890	AV 410-03-004	GRANT, THOMAS A AND GRANT, P.O. BOX 1707	LOS ALTOS	CA 94023
15850	RD 410-21-006	PERHAM, LEONARD C AND PERHAM, P. O. BOX 2610	SARATOGA	CA 95070-0610
15820	RD 410-21-007	ERICKSON, RICHARD AND 536 N SANTA CRUZ AV	LOS GATOS	CA 95030-4323
18245	RD 410-21-008	ERICKSON, RICHARD AND 536 N SANTA CRUZ AV	LOS GATOS	CA 95030-4323
15973	RD 410-23-007	DO CUONG VIET & MINH TON 18245 SARATOGA-LOS	MONTE SERENO,	CA 95030-3142
18220	AV 410-24-004	WATANABE, GERALDINE K TRUSTEE 15973 GRANDVIEW AV	MONTE SERENO	CA 95030
15136	AV 410-29-012	SEMICHY, ROBERT LLOYD AND 18220 DAVES AV	MONTE SERENO	CA 95030-3112
16005	410-43-018	KHAN, ZULKI TRUSTEE & ET AL 5940 STERLING OAKS DR	SAN JOSE	CA 95120-1785
16255	LN 510-10-041	KLEINMAN, SIMON AND KLEINMAN, 14636 PLACIDA CT	SARATOGA	CA 95070-5739
16265	AV 510-21-058	ROOHPARVAR, TALA AND 16255 RIDGECREST AV	MONTE SERENO	CA 95030-4139
16165	LN 510-22-003	DEFRENNE, ALAIN ET AL 16265 GREENWOOD LN	MONTE SERENO	CA 95030-3062
16101	LN 510-22-040	BHATNAGAR, RAVINDER K AND 15091 SOBEY RD	SARATOGA	CA 95070-6288
	RD 510-50-001	PAN, QI AND HE, LIMIN TRUSTEE 16101 GREENWOOD RD	MONTE SERENO	CA 95030-3019

MEETING DATE

January 21, 2014

REPORT TO MONTE SERENO CITY COUNCIL

Consider Appointment for City Council Vacancy

RECOMMENDATION:

Staff recommends that the City Council consider appointing one applicant to fill the vacant City Council seat with a term ending November 2016.

BACKGROUND/DISCUSSION:

The Monte Sereno City Council is comprised of five (5) City Council members. To qualify to be on the City Council candidates must be 18 years old, be residents of the City and be registered to vote in Monte Sereno. The City Council members are elected by the voters to staggered four year terms.

On December 10, 2013, Julie Wiltshire vacated her City Council seat by relocating her residence outside of the City limits. Mrs. Wilshire's elected term ends November 2016. When a City Council seat is vacated prior to the end of the elected term, the California Government Code requires that within 60 days the City Council fill the vacancy by appointing a replacement or call for a special election. If the City Council determines to fill the vacancy by appointment, the appointment must be made by February 8, 2014.

At their December 17th meeting the City Council determined to fill the vacancy by appointment. Since that time City staff has advertised the vacancy at City Hall, on the City website, by email and by articles in the local newspaper. The recruitment period had now closed. The City has received letters of interest from the five (5) candidates listed below. Copies of the letters of interest are enclosed with this report.

- Lionel Allan
- Narayan Balasubramanian
- Mark Brodsky
- Leo Normington
- Joe Neil Zelaya

The candidates have been advised the City Council will be considering the appointment at this meeting. The candidates can provide a brief statement to explain their interest in the community and being on the Monte Sereno City Council. The City Council may also have questions they desire to ask the candidates. At the conclusion of the comment and question period, the City Council will be asked to appoint one applicant to fill the vacant City Council seat or to provide additional direction to staff.



City Manager

filed

Andrea Chelemengos

From: Lionel Allan
Sent: Thursday, December 19, 2013 9:22 AM
To: Burton and Susana Craig; Walter Huff; Curtis Rogers; Marshall and Patricia Anstandig
Cc: Brian Loventhal; Andrea Chelemengos; Erin Ventura; Kirsten Powell
Subject: Application for vacant Council seat

Dear Members of the Monte Sereno City Council

As a resident, homeowner and registered voter in Monte Sereno since 1979, I would like to apply for the vacant position on the City Council. I believe that my longstanding residency in our community, my involvement in community affairs and my legal and non-profit board experience provide me with the qualifications to ably serve my fellow residents of Monte Sereno on our City Council.

Qualifications:

--Attorney licensed in California since 1969; Law Clerk to Chief Judge Robert Peckham of the Federal Court in Northern California, 1969-70; elected a member of the American Law Institute (ALI) in 1989. I hold a Bachelor's degree in Political Science from the University of Michigan and a JD degree from Stanford Law School.

--Commissioner on the Site & Architecture Commission since 2010; Chair of the Commission in 2013.

--Served on more than a dozen non-profit boards of directors, including Villa Montalvo Arts Center (President of the Board); The Harker School (Chair of the Board) and KTEH Public Television Channel 54 (Chair of the Board).

--Currently Co-Director, Partner Programs, Rock Center for Corporate Governance at Stanford and also Faculty, Stanford Senior Executive Leadership Program. Formerly Chair of the Middle Market and Small Business Committee of the American Bar Association and member, Stanford Law School Board of Visitors.

--For additional information, please see www.lonallan.com

Respectfully submitted,

Lon Allan

Lionel M. Allan
18222 Seebree Lane
Monte Sereno
O 408 354 8854
C 408 421 8170
E lon@lonallan.com
W lonallan.com

File
1/15/13

My name is Narayan Balasubramanian. I am 41 years old. I have been living in Monte Sereno since March of 2011. I live in 16090 Ridgecrest Ave with my family. My wife and I both work in the tech industry and we have been living in the valley since 1999. We have a boy and a girl who are attending Redwood Middle and Argonaut elementary schools.

I graduated from Clemson University in 1996 with a Masters in Electrical Engineering. I have worked at a few tech titans in the valley like Juniper Networks and Yahoo. I am glad I have had the opportunity to work with some of the most talented in the industry and have played a hand in some groundbreaking products. I also founded Urbanindo, a portal for properties in Indonesia. I currently work at Apple as an Edge Engineer.

I have voted in every single election after I became eligible to vote.

My interests include traveling. I have traveled to more than 30 countries. I love traveling with my family to national parks, because I get to enjoy nature and do a lot of hikes. One of my reasons for moving to Monte Sereno is its proximity to nature. I love the fact that we share our neighborhood with deers, coyotes and other wildlife. I also like the tree cover that we have in Monte Sereno. I enjoy the hilly views from my house everyday.

I would like to get more involved in the city functioning. It is my way of giving back to the community.

In the 3 years that I have lived in Monte Sereno, I have seen quite a few accidents on highway 9. If I am elected, I would like to participate with the residents to find a solution to this problem. There are quite a few others who share my love for nature. I will work with the people to make sure that we keep the surroundings green and beautiful. Recently, we had a bike stolen from our front porch. I have also heard about a few security related issues, all occurring in the last month.. If I am elected, I will work closely with the law enforcement agency to ensure that such incidents are minimized. Finally, I would like to preserve the beauty of this place for future generations.

With my experience in the tech industry, I will leverage technology to improve community participation and connections with residents. I have worked in quite a few successful startups where I have delivered under pressure. My calm approach to problem solving, patience to hear all parties, ability to work with everyone and taking decisions that is in the best interest of the city will help me in my job.

My problem solving approach and ability to think of various options when beset with problems will help me to play a positive role in civic administration.

RECEIVED

JAN 14 2014

CITY OF MONTE SERENO

✓ Am, 1/13/14
RECEIVED

January 13, 2014

JAN 14 2014

Statement of Interest

Mark Brodsky 17306 Grosvenor Court, Monte Sereno CA 95030 408-254-2515
24 year city resident, City Councilmember 2002-2006 City Mayor 2006

CITY OF MONTESERENO

Dear Members of the Monte Sereno City Council,
I would like to fill the vacant seat on the council to help:

Public Safety Planning

As it is prudent to have fire insurance, and a fire department, it seems wise for this town to be better prepared for greater disasters as well. There is one large open space in the city's sphere of influence that has room to store major supplies, protect large numbers of refugees, and be a central gathering place for volunteers. And it is also right next door to our Fire Department. I refer to the Hacienda property. If thoughtfully developed, the city offices can evacuate our current obsolete facility to utilize a community center developed at this site. It is no longer in the public interest to base land use decisions on speculation and inertia. The hard evidence is now available that traffic congestion cannot become an issue if this site is expanded to create a host of empty nester homes for our aging population. Lets' not fail to act.

Maintaining and Enhancing Property Values

Many homes in this city are the central asset for funding our retirement and helping our family grow. Monte Sereno Brand Value must not be devalued by excessive and unnecessary regulation nor depreciated by mediocre street design. There are beautiful cityscapes in California. Making Monte Sereno look like San Jose will not enhance our city's value. For example stop signs may slow traffic, but do nothing to accentuate the quality of a neighborhood. There are better ways to create safety and also promote a city style that draws respect and admiration to city planners and adds value to our resident's pocketbook.

Becoming an Attractive Government

Our small community is an example of the front line of democracy. All Americans desire our close community ties. However over 1200 county residents vigorously (and loudly) protested the idea of being annexed to Monte Sereno. This is because of our local government's overly officiousness approach to regulation. How much better would this city be if all our residents had the option to choose City or County codes; of course subject to our thorough and neighborly review. Our citizens would act like their government was on their side and working to promote their interest.

Becoming a model of modern local government requires innovation. In the past two decades Los Gatos has had 3 excellent city managers. One went on to further develop Cupertino, the other San Jose. It is time to put out the old and bring in the new. Eliminate the known problems. We need a fresh start in City Management. This is how this Council can make a difference, one our neighbors will applaud.

Additionally, my appointment will save the city the cost of 3 days of training and boarding in Sacramento.

Thank you for your consideration.

due v. 1/15/13

RECEIVED

JAN 14 2014

CITY OF MONTESERENO

Joe Neil Zelaya
17520 Daves Avenue, Monte Sereno, CA 95030
(650) 430-7997
joneilzelaya@gmail.com

Dear Council Members of Monte Sereno,

Thank you for taking the time to read this introduction letter. My name is Joe Neil Zelaya and I am currently interested in the Monte Sereno City Council Member position, currently listed on Monte Sereno's main city website. I have been a member of this wonderful city for over 8 years now and have grown to love the style of advancement this city has to offer. I have learned to love its beautiful mountains for hiking and mountain biking. The small businesses that provide great products and services that build even smaller communities of loyalty and trust. Right down to the peaceful nights walking downtown under the cool breeze of the night, is of no concern due to the men and women who protect our streets. I have been very interested and involved in politics even at a young age and would be thrilled to provide immediate and effective skill sets through my knowledge and experience that will aid in Monte Sereno's developmental evolution. Furthermore, after the dissolution of my own non-profit that I had started for political change, I have been looking for the proper opportunity to not only continue serving my community but also further elevate my own professional career growing in hopes that I may continue serving others.

Through my employment career and personal experiences, I have come across a hypothesis, which is in order to accurately influence society, one must be able to understand human behavior on multiple levels to effectively engage in complex societal dynamics. Throughout my life time I have been honored and humbled to have gathered working knowledge at a high corporate level in order to further my familiarity with this concept. While working with some of these mentors who are Chief Executive Officers, Vice Presidents and Entrepreneurs, in shadowing them for many years, while receiving my education, I learned many different skill sets that enabled me to be self-dedicated, flexible, determined, dynamic, intelligent in making comprehensive decisions, while relishing in intense moments to learn quickly.

I have had the privilege of effectively leading groups or individuals from many different personal, social and professional backgrounds, while being able to adapt to communication variations in each person in order to properly train, lead and operate any task given. I have had the opportunity to develop many skills in appropriately handling a system in maintaining records, financial stability and management appropriations in order to lead an organization and team to a successful outcome. While obtaining many of these tools I have also learned that no amount of preparation can prepare an individual in any position to fully be aware of unpredictable situations. In which I have gained an understanding of having a sound basic knowledge of any situation forthcoming, must be progressively analyzed during unstable conditions or events to properly initiate a solution for a much more peaceful and resourceful resolution. I have also learned from these mentors how to combine technology and politics. A unique front in today's economic age, in which I learned how to integrate modern technology into a political atmosphere while saving huge amounts of financial capital. Furthermore beyond my Political Science degree with a focus on political theory and economics, while establishing my non-profit, I had a great deal of experience dealing with city council members, elected officials and political consultants in a political atmosphere that most individuals are unprepared for or unable to handle.

I am young, creative, a fast learner and more importantly someone who likes to take risks, someone who enjoys going outside the box, a concept I learned from many of my mentors, who they themselves apply every day to their professional lives. I like to bring a sense of humor into everyday situations and bring that mentality into the work environment, while further elevating others to their full potential. I work hard and dedicate my professional career to assuring success. Lastly, the reason for my eagerness for this role is for on one hand, I am a problem solver. It is why I excelled in politics so rapidly, given a problem there is always a solution. Secondly, I enjoy making others' lives more remarkable, serving my community and showing people that if every person participates great things can be accomplished. With my experience both educationally and professionally, I would be thrilled to represent the city of Monte Sereno for this City Council Member position. Thank you very much for your consideration.

Sincerely,
Joe Neil Zelaya

V. Dec
1/6/14

To: Andrea M. Chelemengos
Monte Sereno City Clerk

January 6, 2014

From: Leo Normington Jr.
Monte Sereno resident and registered voter

RECEIVED

JAN 07 2014

Subject: Statement of Interest for Monte Sereno City Council Vacancy

CITY OF MONTESERENO

Hello,

I am Leo Normington Jr. and I would like to be a council member for the City of Monte Sereno.

I was born and raised in the Bay Area and my wife grew up in Los Gatos. My family and I realized several important goals when we purchased a home and moved to Monte Sereno in August of 2013. My wife Rhokel and her mother Rhonda, who lives with us, came home to the community that they grew up in and cherish. Our 5 year old son Tripp now attends Dave's Avenue, a world class public school. We chose to live in Monte Sereno because of the beautiful homes, quiet neighborhoods, great schools, and safe environment. We appreciate that the city is in the middle of the Silicon Valley where we work. We adore that when we are at home we are living in a small city nestled against the foot hills and the craziness of the valley feels very distant.

I have over 25 years of business experience as a Project/Program Manager. I have worked at large companies such as Lockheed Martin and Symantec. I have run my own successful company. I have also worked at a startup. I have successfully led large teams on multi-million dollar projects and I have worked closely with small diverse teams to get the job done. My job is to get disparate groups to; come together, exchange their ideas, drive consensus, and ultimately execute. I believe these skills would serve me well as a council member. My Linked In profile is = www.linkedin.com/pub/leo-normington/22/7b3/735/.

In my youth I belonged to the Santa Clara County Boy Scouts and as an adult I have participated in several Eagle Scout review boards. My wife and I support the Dave's Avenue Home and School Club.

I want to be a Monte Sereno City Council Member to ensure that all of the qualities that attracted my family to Monte Sereno are preserved. I believe my professional experience and personal commitment would benefit the City of Monte Sereno.

Thank you for your consideration for the position of City Council member.

Sincerely,

Leo Normington Jr.

Home phone = 408-402-5441

Email = leonormington@hotmail.com

MEETING DATE
January 21, 2014

REPORT TO MONTE SERENO CITY COUNCIL
Consider request for overtime reimbursement from the
Los Gatos Monte Sereno Police Department

RECOMMENDATION:

Staff recommends the City Council consider the request and provide direction to staff.

BACKGROUND/ DISCUSSION:

At a study session on November 17, 2013, the City Council discussed a request from the Los Gatos Monte Sereno Police Department to reimburse the Town of Los Gatos for overtime costs related to the Kumra homicide investigation. At the study session the City Council requested additional, more detailed information from the Police Department regarding the costs. City staff subsequently met with the Police Chief and staff from the Town of Los Gatos to discuss what additional information may be desired. This information includes how the overtime was authorized and what cost controls were implemented; an analysis of how the overtime was accrued (direct investigation or backfill) and, a cost accounting by pay period.

Included with this report is a memorandum prepared by Chief Seaman dated December 20, 2013. The memo is intended to provide the additional information requested by the Council. Also included with this report is the agreement for law enforcement services and communications related to the request.



City Manager



Los Gatos

POLICE DEPARTMENT

Monte Sereno

Memo

RECEIVED

JAN 06 2014

CITY OF MONTE SERENO

Date: December 20, 2013
To: Monte Sereno City Council
From: Scott R. Seaman, Chief of Police
RE: Overtime Cost Analysis for the Kumra Homicide

Background

Following its November 17, 2013 study session, Council has requested additional information from the police department regarding overtime costs associated with the Kumra Homicide and the request presented to Council for reimbursement to the Town of Los Gatos for those costs.

Discussion/Analysis

On November 30, 2012, Ravi Kumra was murdered at his home in Monte Sereno in the course of a robbery. A police investigation was initiated which utilized many varied resources including on duty personnel, personnel on overtime, personnel from neighboring law enforcement agencies, volunteers and outside regional, state and national law enforcement agencies. This crime was highly unique to the Monte Sereno community and required an exceptional amount of effort and time to investigate. Significant unbudgeted overtime costs were incurred as a direct result of the investigation. On November 17, 2013, the police department addressed Council in a study session to discuss a request for reimbursement of overtime costs from November 30, 2012 through March 2, 2013; the point at which the need for investigative overtime was deemed to have diminished to such a level that personnel were returned to regular hours and assignments.

The total costs associated with the Kumra homicide are much greater than the overtime costs and include many thousands of regular hours of work by Los Gatos officers and regular and overtime hours worked by outside agencies. In addition, significant

investigative costs for reports and analysis are absorbed by the police department as part of its investigative expense. These costs are not part of this request. Only hours worked on an overtime basis by Los Gatos personnel are presented to Council for reimbursement.

The investigation demanded immediate and intensive investigation by a large number of investigators over the initial weeks. In the early stages of the investigation, as many as 30 department personnel and additional outside investigators worked at the same time, sometimes for as much as 20 hours a day, returning after a short rest period to work extended hours again. As leads led to arrests and evidence identification and collection was completed, the work became less dependent upon immediate and continuous use of personnel on an overtime basis. This dynamic is represented in a chart at the end of this memo associated with the summary accounting of overtime worked.

This homicide was a more time consuming investigation than the department's prior case, the homicide of Mark Achilli. The case was uniquely complex due to the involvement of two criminal street gangs from the East Bay, and a heavy reliance on technology and data to corroborate evidence and investigative leads. Investigators and investigative teams spent a large amount of time in the East Bay and Sacramento on surveillance and enforcement activities throughout December and part of January.

From the first moments of the case, local and regional law enforcement partners provided personnel at their own expense to assist the department. These agencies include: Santa Clara County Sheriff, Sunnyvale PD, Santa Clara PD, Campbell PD, Mountain View PD, San Jose PD, Santa Clara County District Attorney, Oakland PD, Sacramento PD, Santa Clara County Specialized Enforcement Team/Department of Justice, among others. Many times, these agencies assumed complete responsibility for major investigative tasks, spending hours and days on surveillance or investigative follow-up locally or in the East Bay and to Sacramento.

The investigation demanded the assignment of the department's detectives to the case as well as the reassignment of experienced investigators from patrol. This caused the department to use personnel to come in on overtime on 12 occasions to backfill those vacated positions to manage workload in investigations and patrol. Approximately 10% of the overtime coded to the homicide was overtime worked to backfill positions vacated by an investigator reassigned to the homicide.

This memorandum addresses the police department's policies and procedure for authorization and approval of overtime work, the specific cost control and auditing measures in place ahead of and following the overtime work, and a review of the two types of overtime per pay period.

Authorization and Approval of Overtime and Cost Controls

Overtime worked by any employee within the Los Gatos/Monte Sereno police department requires supervisory approval and/or, as in the case of a major investigation, pre-authorization. The memorandum of agreement with the police officers association grants

officers the choices whether overtime worked is paid or recorded as compensatory time. Compensatory time can be taken as leave at a later date, or can be paid at one of two times each year. Caps on accumulation of compensatory time can also require that overtime be paid at the time of accrual.

Overtime in the Kumra homicide was pre-authorized each day through the direct involvement of the detective sergeant. All overtime was subsequently reviewed for accuracy and approved through the department's normal time sheet submission process. The detective sergeant or other appropriate supervisor reviewed timesheets for the Kumra homicide, followed by the division captain and the department's time keeper. The Town established a project code for this investigation and each timesheet that contained overtime relating to the homicide was reviewed and appropriate overtime was coded to this project.

A single employee within the police department performs timesheet accounting. This employee does all data entry for all timesheets for department members. During the period of the homicide investigation, this employee reviewed each timesheet and assigned overtime and compensatory overtime to the homicide project code. As the need for overtime diminished, the department set March 2, 2013 as an appropriate time to bracket overtime accruals for this case, recognizing that some additional overtime would still be, and has been, worked past this date. Approximately \$8,000 in overtime has been worked since March 2, 2013.

The Town's Finance Department prepared a report drawing from the project code for the homicide for the pay periods from November 30, 2012 to March 2, 2013. The initial report contained costs totaling \$201,529.43 within three categories: paid overtime, compensatory time, and Medicare costs. Paid overtime is a cost to the Town at the time of accrual. Compensatory time has the equivalent value as paid overtime and is a cost to the Town either from use of the time as time off, or if paid to the employee at a later time. Medicare costs accrue to the Town from the accumulation of both paid overtime and compensatory time.

Police department staff has conducted a review of each timesheet that contains overtime related to the homicide. These timesheets have each been correlated to the financial report. This review identified one instance where three hours of overtime should not have been attributed to the investigation and one instance where hours of a per diem employee should not have been included. These hours and associated Medicare costs have been removed from the report. 25 hours of overtime for a lead investigator in the case were not included in the original report and have been added. This review adjusted the total cost of overtime through March 2, 2013 to \$198,537.78.

A total of 2,075 hours were worked for either paid overtime or compensatory time between November 30, 2012 and March 2, 2013.

Analysis of Time Worked and Associated Costs

Overtime and related costs for the homicide are comprised of the following:

1. Paid overtime
2. Compensatory overtime
3. Medicare – included as these costs accrue to the Town of Los Gatos for every hour of overtime worked

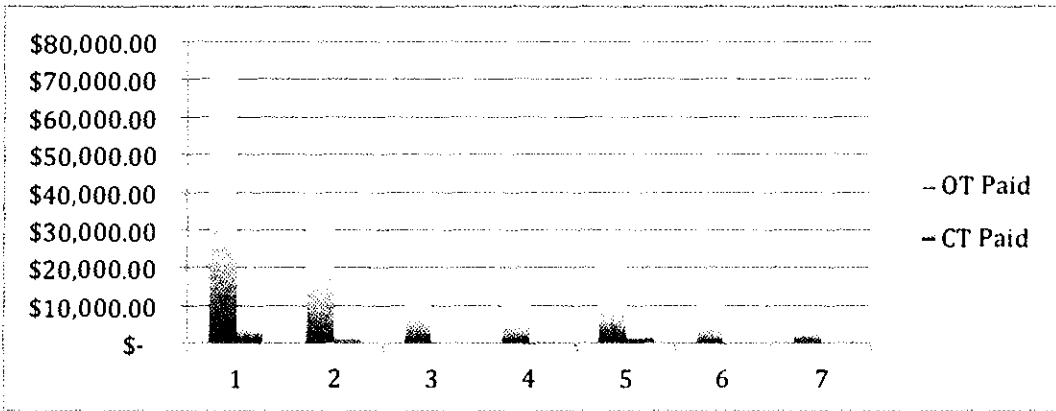
Overtime was worked for three general purposes. The majority of the overtime was accrued directly investigating the case. On 12 days, personnel worked overtime to help with backlogged work in the detective bureau arising from the reassignment of detectives to the homicide, or to fill a patrol or supervisory shift vacated by an officer or sergeant who was assigned to the homicide.

The original time/cost accruals for overtime/Medicare costs related to the homicide and adjustments resulting from timesheet review are:

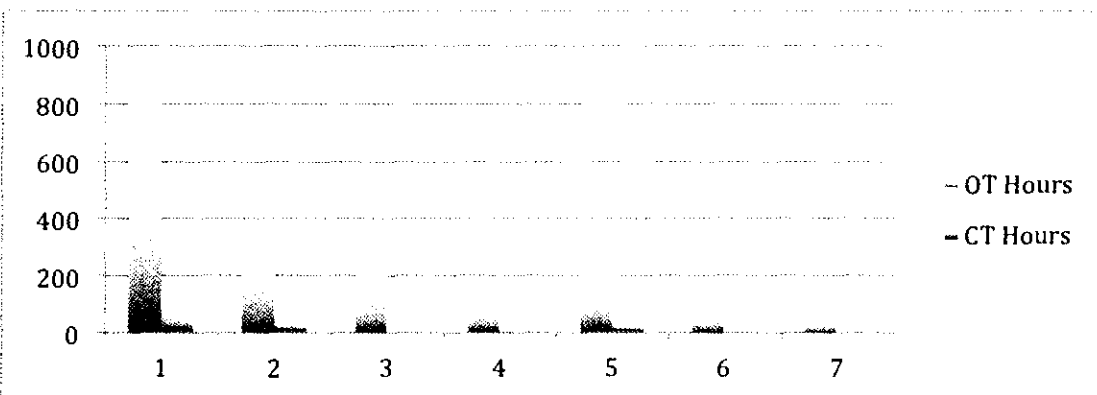
Category	Original Cost	Adjusted Cost
Paid Overtime	\$180,507.57	\$182,337.92
Comp Time	\$18,187.21	\$13,435.45
Medicare	\$2,834.65	\$2,764.41
Total	\$201,529.43	\$198,537.78

A period-by-period accounting of personnel accruing overtime, accruals for overtime (OT), compensatory time (CT) and Medicare, with number of overtime hours worked is:

	12/8	12/22	1/5	1/19	2/2	2/16	3/2	Total
# Personnel	30	14	10	9	11	8	6	N/A
OT Paid	\$75,119.50	\$37,727.54	\$17,943.53	\$11,932.41	\$20,854.60	\$10,677.47	\$8,082.87	\$182,337.92
CT Paid	\$6,716.77	\$2,142.00	\$465.39	\$762.73	\$3,022.88	\$325.68	0	\$13,435.45
Medicare	\$1,153.91	\$574.34	\$265.21	\$181.47	\$311.88	\$161.95	\$115.65	\$2,764.41
Total Paid	\$82,990.18	\$40,443.88	\$18,674.13	\$12,876.61	\$24,189.36	\$11,165.10	\$8,198.52	\$198,537.78
OT Hours	812.16	354.5	218.5	129.16	199.16	104.83	66.5	1,884.81
CT Hours	86.08	46.5	6	9.5	38.5	4		190.58
Total Hours	898.24	401	224.5	138.66	237.66	108.83	66.5	2,075.39



Graphical Representation of Paid and Compensatory Overtime by Pay Period



Graphical Representation of Paid Overtime and Compensatory Overtime in Hours Worked by Pay Period

Summary

The Kumra homicide was a unique and unusual criminal investigation for its complexity, geographical reach, and regional investigative coordination. While a great number of on-duty hours were utilized during the investigation, many hours of overtime were required as well to respond to continual and changing urgent investigative needs. The overtime for this case was not budgeted.

The Town of Los Gatos respectfully requests the City of Monte Sereno reimburse the Town for its overtime costs through March 2, 2013.

Scott R. Seaman
Chief of Police

MEETING DATE

January 21, 2014

REPORT TO MONTE SERENO CITY COUNCIL

Consider request for overtime reimbursement from the
Los Gatos Monte Sereno Police Department

RECOMMENDATION:

Staff recommends the City Council consider the request and provide direction to staff.

BACKGROUND/ DISCUSSION:

At a study session on November 17, 2013, the City Council discussed a request from the Los Gatos Monte Sereno Police Department to reimburse the Town of Los Gatos for overtime costs related to the Kumra homicide investigation. At the study session the City Council requested additional, more detailed information from the Police Department regarding the costs. City staff subsequently met with the Police Chief and staff from the Town of Los Gatos to discuss what additional information may be desired. This information includes how the overtime was authorized and what cost controls were implemented; an analysis of how the overtime was accrued (direct investigation or backfill) and, a cost accounting by pay period.

Included with this report is a memorandum prepared by Chief Seaman dated December 20, 2013. The memo is intended to provide the additional information requested by the Council. Also included with this report is the agreement for law enforcement services and communications related to the request.



City Manager



Los Gatos

POLICE DEPARTMENT

Monte Sereno

Memo

RECEIVED

JAN 06 2014

CITY OF MONTESERENO

Date: December 20, 2013
To: Monte Sereno City Council
From: Scott R. Seaman, Chief of Police
RE: Overtime Cost Analysis for the Kumra Homicide

Background

Following its November 17, 2013 study session, Council has requested additional information from the police department regarding overtime costs associated with the Kumra Homicide and the request presented to Council for reimbursement to the Town of Los Gatos for those costs.

Discussion/Analysis

On November 30, 2012, Ravi Kumra was murdered at his home in Monte Sereno in the course of a robbery. A police investigation was initiated which utilized many varied resources including on duty personnel, personnel on overtime, personnel from neighboring law enforcement agencies, volunteers and outside regional, state and national law enforcement agencies. This crime was highly unique to the Monte Sereno community and required an exceptional amount of effort and time to investigate. Significant unbudgeted overtime costs were incurred as a direct result of the investigation. On November 17, 2013, the police department addressed Council in a study session to discuss a request for reimbursement of overtime costs from November 30, 2012 through March 2, 2013; the point at which the need for investigative overtime was deemed to have diminished to such a level that personnel were returned to regular hours and assignments.

The total costs associated with the Kumra homicide are much greater than the overtime costs and include many thousands of regular hours of work by Los Gatos officers and regular and overtime hours worked by outside agencies. In addition, significant

investigative costs for reports and analysis are absorbed by the police department as part of its investigative expense. These costs are not part of this request. Only hours worked on an overtime basis by Los Gatos personnel are presented to Council for reimbursement.

The investigation demanded immediate and intensive investigation by a large number of investigators over the initial weeks. In the early stages of the investigation, as many as 30 department personnel and additional outside investigators worked at the same time, sometimes for as much as 20 hours a day, returning after a short rest period to work extended hours again. As leads led to arrests and evidence identification and collection was completed, the work became less dependent upon immediate and continuous use of personnel on an overtime basis. This dynamic is represented in a chart at the end of this memo associated with the summary accounting of overtime worked.

This homicide was a more time consuming investigation than the department's prior case, the homicide of Mark Achilli. The case was uniquely complex due to the involvement of two criminal street gangs from the East Bay, and a heavy reliance on technology and data to corroborate evidence and investigative leads. Investigators and investigative teams spent a large amount of time in the East Bay and Sacramento on surveillance and enforcement activities throughout December and part of January.

From the first moments of the case, local and regional law enforcement partners provided personnel at their own expense to assist the department. These agencies include: Santa Clara County Sheriff, Sunnyvale PD, Santa Clara PD, Campbell PD, Mountain View PD, San Jose PD, Santa Clara County District Attorney, Oakland PD, Sacramento PD, Santa Clara County Specialized Enforcement Team/Department of Justice, among others. Many times, these agencies assumed complete responsibility for major investigative tasks, spending hours and days on surveillance or investigative follow-up locally or in the East Bay and to Sacramento.

The investigation demanded the assignment of the department's detectives to the case as well as the reassignment of experienced investigators from patrol. This caused the department to use personnel to come in on overtime on 12 occasions to backfill those vacated positions to manage workload in investigations and patrol. Approximately 10% of the overtime coded to the homicide was overtime worked to backfill positions vacated by an investigator reassigned to the homicide.

This memorandum addresses the police department's policies and procedure for authorization and approval of overtime work, the specific cost control and auditing measures in place ahead of and following the overtime work, and a review of the two types of overtime per pay period.

Authorization and Approval of Overtime and Cost Controls

Overtime worked by any employee within the Los Gatos/Monte Sereno police department requires supervisory approval and/or, as in the case of a major investigation, pre-authorization. The memorandum of agreement with the police officers association grants

officers the choices whether overtime worked is paid or recorded as compensatory time. Compensatory time can be taken as leave at a later date, or can be paid at one of two times each year. Caps on accumulation of compensatory time can also require that overtime be paid at the time of accrual.

Overtime in the Kumra homicide was pre-authorized each day through the direct involvement of the detective sergeant. All overtime was subsequently reviewed for accuracy and approved through the department's normal time sheet submission process. The detective sergeant or other appropriate supervisor reviewed timesheets for the Kumra homicide, followed by the division captain and the department's time keeper. The Town established a project code for this investigation and each timesheet that contained overtime relating to the homicide was reviewed and appropriate overtime was coded to this project.

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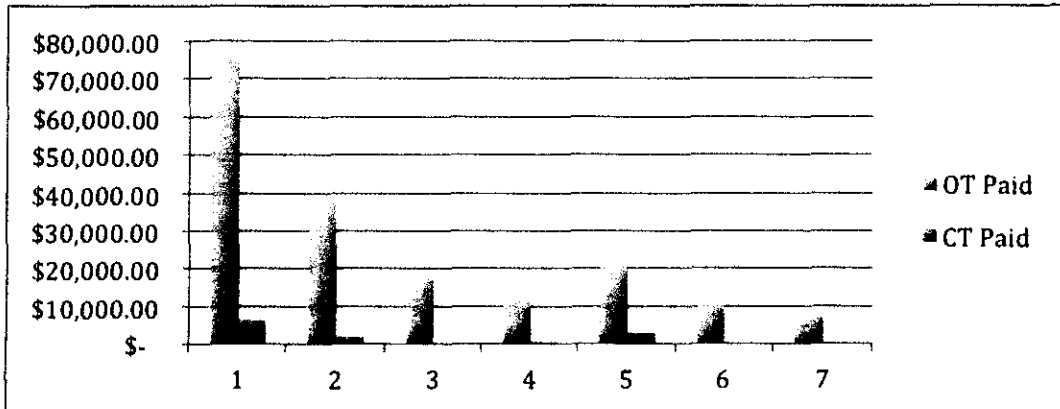
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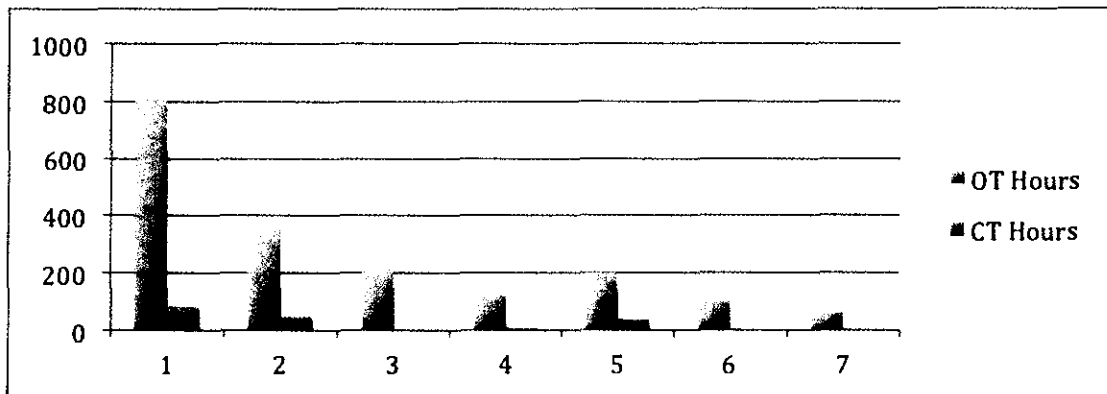
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The Town of Los Gatos respectfully requests the City of Monte Sereno reimburse the Town for its overtime costs through March 2, 2013.

Scott R. Seaman
Chief of Police



TOWN OF LOS GATOS

OFFICE OF THE MAYOR AND TOWN COUNCIL

(408) 354-6801

Council@LosGatosCA.gov

CIVIC CENTER
110 E. MAIN STREET
P.O. BOX 949
LOS GATOS, CA 95031

Steven Leonardis, Mayor
Marcia Jensen, Vice Mayor
Diane McNutt, Council Member
Joe Pirzynski, Council Member
Barbara Spector, Council Member

January 14, 2014

Honorable Mayor Burton Craig
City of Monte Sereno
18041 Saratoga-Los Gatos Road
Monte Sereno, CA 95030

Dear Burton,

I am writing as Mayor of Los Gatos to urge your approval of the Town of Los Gatos request for full reimbursement of the direct overtime policing costs incurred in response to the extensive and productive investigation of the tragic murder in your fine community. This is an unprecedented request that will ensure the continued provision of the highest quality of police services in both of our communities.

Last February, as Vice Mayor, I made the motion, which was unanimously approved by the Los Gatos Town Council, to seek your approval for this reimbursement. Our Town Manager and Police Chief have had numerous follow-up discussions with your staff regarding this reimbursement, and have recently provided the additional documentation and information that the City of Monte Sereno requested.

Our respective Council meetings are being held on the same evening next week, so I am unable to make this request in person. But I do want to clarify, for the public record, that both the Town of Los Gatos and I strongly support the reimbursement of the designated funds.

Thank you, in advance, for your consideration.

Sincerely,

STEVE LEONARDIS
Mayor

cc: Monte Sereno City Council
Los Gatos Town Council
Monte Sereno City Manager
Los Gatos Town Manager
Los Gatos/Monte Sereno Police Chief

RECEIVED

JAN 15 2014

CITY OF MONTESERENO



INVOICE



Town of Los Gatos
 Finance Department
 P O Box 697
 Los Gatos CA 95031
 (408) 354-6835

5500000085 1
 Feb 19, 2013 1
 MONTE SERENO POLICE SRVCS
 DUE UPON RECEIPT
 Feb 19, 2013

Customer # 0000000155

CITY OF MONTE SERENO
 ATTN: CITY MANAGER
 18041 SARATOGA-LOS GATOS RD
 MONTE SERENO, CA 95030

CITY OF MONTE SERENO
 ATTN: CITY MANAGER
 18041 SARATOGA-LOS GATOS ROAD
 MONTE SERENO, CA 95030

Description	Quantity	Per Unit	Amount
-------------	----------	----------	--------

POLICE SERVICES FOR MONTE SERENO	1.00	180,820.73	180,820.73 N
ADDITIONAL HOMICIDE INVESTIGATION THROUGH 2/7/2013			

Total Charges	
Total Tax	
Total Invoice	180,820.73
	0.00
Payments	
Adjustments	180,820.73
Total Due	0.00
	0.00
	180,820.73



Councilmember: Marshall Anstandig
Councilmember: Burton Craig
Councilmember: Walter Huff
Councilmember: Curtis Rogers
Councilmember: Julie Wiltshire

City Manager: Brian Loventhal
City Clerk: Andrea Chelemengos
Finance Officer: Sue L'Heureux
Building Official: Howard T. Bell

City of Monte Sereno

February 27, 2013

Mr. Greg Larson,
Town Manager
Town of Los Gatos

Los Gatos, CA 95030

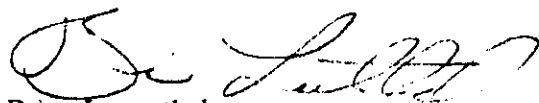
RE: Invoice for Police Services

Dear Greg:

On Tuesday, February 19, 2013, I received an invoice from the Town of Los Gatos in the amount of \$180,820.73 for police services associated with the Withey Road homicide investigation. Because our contract for police services includes investigations, I was surprised to receive the invoice without an accompanying letter explaining your justifications for requesting payment. I am unable to take this matter to the City Council for consideration without an explanation of the basis for the request and a more detailed description of the work performed. If you can provide me with the requested information I would be willing bring the issue to the Council for their consideration. However, once again I want to remind you that I cannot promise any payment for costs not authorized by our law enforcement agreement.

If you would like to discuss this matter in more detail, please do not hesitate to contact me.

Sincerely,


Brian Loventhal
City Manager



TOWN OF LOS GATOS

OFFICE OF THE TOWN MANAGER
(408) 354-6832
Manager@LosGatosCA.gov

CIVIC CENTER
110 E. MAIN STREET
P.O. Box 949
LOS GATOS, CA 95031

March 14, 2013

Mr. Brian Loventhal, City Manager
City of Monte Sereno
18041 Saratoga-Los Gatos Road
Monte Sereno, CA 95030-4299

RECEIVED

MAR 19 2013

CITY OF MONTESERENO

RE: Monte Sereno Kumra Overtime

Dear Brian,

The Agreement for Law Enforcement Services between the Town of Los Gatos and the City of Monte Sereno was created in August, 1995. That contract sets compensation for services based solely on the cost of two officers for 80 hours of service per week. Under the contract, all law enforcement services are included. The contract, when established 17 years ago, did not include any mechanism for recovery of costs in exceptional and unusually complex cases.

The 2008 murder of Mark Achilli in Los Gatos was such a complex, time consuming, and costly investigation for the Town of Los Gatos. Using the Achilli homicide case as an example, the Chief held discussions with you about how to manage costs should such an exceptional case occur in Monte Sereno. While there was no specific agreement resulting from those discussions, the nature of the discussions were that Monte Sereno would be willing to consider covering costs of an exceptional investigation, should one occur in Monte Sereno.

On November 30, 2012, Mr. Raveesh Kumra died in his Monte Sereno home during the commission of a home invasion robbery. The subsequent murder investigation has proven to be even more complex, time-consuming and costly than the Achilli homicide. Investigators from the Los Gatos/Monte Sereno Police Department have been supported by investigators from a number of local, regional and state law enforcement agencies. The investigation required a tremendous investment of both on-duty time and overtime for the first several weeks, and continuing until the present. While the use of overtime has slowed, there continues to be a need for overtime on an occasional basis.

The overtime costs directly associated with the Kumra homicide investigation have created an overage in the Police Department budget which needed to be addressed at the February 18 Los Gatos Town Council Mid-Year Budget Review. In that review, staff indicated that the increased expenditures could be offset by additional revenue requested from the City of Monte Sereno.

As of February 7, 2013, the costs for overtime for the Kumra investigation totaled \$180,820.73. These costs include direct overtime costs of \$161,479.21, compensatory time costs of \$16,799.86 and Medicare costs associated with overtime accruals of \$2,541.66. An invoice is attached to this memorandum for your review. The actual costs of the homicide investigation are much greater as they



Page 2
March 14, 2013
Brian Loventhal
City of Monte Sereno

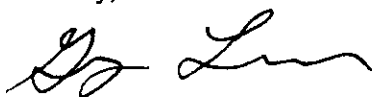
include on-duty time for detectives since November 30, 2012 and the cost of local and regional law enforcement investigators. Neither of these costs are being presented to Monte Sereno for reimbursement. The on-duty costs are borne by the Town of Los Gatos under the Agreement for Law Enforcement Services. Allied agency costs are borne by the allied agency.

Additional overtime costs will accrue after February 7, 2013; however, the Police Department anticipates that the accrual rate will continue to slow. The Chief will review overtime costs monthly and will share those costs with you for your review and consideration for reimbursement. I intend to work with you and the Chief to identify a date beyond which we can agree that overtime costs will not be presented for reimbursement.

I request that the City of Monte Sereno reimburse the Town of Los Gatos \$180,820.73 for overtime accrual resulting from the Kumra homicide investigation through February 7, 2013, and overtime accrued each month beyond that date to a mutually agreed upon termination date.

I greatly appreciate all of the prior discussions you have had with both the Chief and me regarding this, as well as your willingness to present this for Monte Sereno City Council consideration.

Sincerely,



GREG LARSON
Town Manager

GL:jj

cc: Police Chief Scott Seaman



Los Gatos

Monte Sereno

POLICE DEPARTMENT

MAY 1 2013

May 1, 2013

Brian Loventhal, City Manager
City of Monte Sereno
18041 Saratoga-Los Gatos Road
Monte Sereno, CA 95030

Dear Mr. Loventhal:

The purpose of this letter is to inform you that the overtime costs for the Kumra homicide for the period between 2/7/13 and 3/20/13 are an additional \$20,708.70. Total costs incurred to 3/20/13 are \$201,529.43.

Please be advised that overtime costs have slowed significantly in the past month, and I will provide you with an update soon on that next increment of costs.

Sincerely,

A handwritten signature in cursive script that reads "Scott R. Seaman".

Scott R. Seaman
Chief of Police

SRS/jc

**AGREEMENT FOR LAW
ENFORCEMENT SERVICES
BETWEEN THE CITY OF MONTE SERENO
AND THE TOWN OF LOS GATOS**

This Agreement is entered into by and between the TOWN OF LOS GATOS ("Los Gatos" hereinafter) and the CITY OF MONTE SERENO ("Monte Sereno" hereinafter), both municipal corporations and general law cities located in the County of Santa Clara, State of California.

WITNESSETH

A. RECITALS

- I. Los Gatos has its own police department and Monte Sereno does not.
- II. Monte Sereno desires to contract with Los Gatos to provide for police protection within its boundaries pursuant to this Agreement.
- III. This Agreement is entered into pursuant to provisions of Government Code Sections 55631 through 55634, and any and all other applicable authority.
- IV. Los Gatos and Monte Sereno desire to enter into a 29 year, ten month agreement effective September 1, 1995.

B. AGREEMENT

NOW, THEREFORE, in consideration of the respective agreements herein contained, the parties hereto agree as follows:

- I. **FORMER AGREEMENT.** Any agreements between the County of Santa Clara and Monte Sereno, as they pertain to law enforcement services, shall be terminated by Monte Sereno, as of the effective date of this Agreement except as to any duties, liabilities, or responsibilities incurred or arising out of the former agreements between the two agencies including, but not limited to, payment obligations, insurance, and defense and indemnity provisions as required thereunder.

2. **GENERAL PROVISIONS.**

(a) The City Manager of Monte Sereno shall have the general duty and responsibilities under this Agreement of providing the Chief with general policies relative to the furnishing of police services by Los Gatos within Monte Sereno subject to the provisions of this Agreement.

(b) The Chief and the Chief's Staff shall have authority and control over the day to day operations and the procedural manner in which the policies shall be carried out.

(i) The Chief, by June 1 of each year, shall submit to the Monte Sereno City Manager mutually agreeable performance measures.

(ii) The Chief or a member of the Chief's staff will attend, based upon availability, Council and other appropriate meetings when requested to do so by the Monte Sereno City Manager.

(c) In applying for any government law enforcement grants, Los Gatos shall offer participation therein to Monte Sereno, providing the necessary criteria are met.

(d) In this agreement the word "Chief" means Chief of Police of the Town of Los Gatos.

3. **SERVICE PROVISIONS.** Los Gatos shall provide police protection services to Monte Sereno for and during the term of this Agreement and any extension or extensions thereof. Services shall be similar to those provided to Los Gatos and include the following:

(a) The enforcement of State Statutes and Municipal Ordinances of Monte Sereno, except such Municipal Ordinances of the type which would require special training of officers, or of a type of enforcement of which is contracted for by Los Gatos within the Town. Nothing herein contained shall preclude enforcement by Los Gatos personnel of the above-excepted ordinances.

(b) Patrol officer services for an average of 80 hours per week including traffic enforcement;

(c) Community Service Officer services;

(d) Follow-up investigations by detectives of all cases meeting the assignment criteria being used by Los Gatos;

- (e) Twenty-four (24) hour per day communications service to include:
 - (i) 9-1-1 service
 - (ii) Police dispatching
 - (iii) After-hours dispatching of non-police services
- (f) Police Records Specialist service;
- (g) The following special services when deemed necessary by the Chief or a member of the Chief's staff:

- (i) Police Reserve Officers
- (ii) Disaster Aid Response Team
- (iii) Critical Incident Team
- (iv) Special Investigations Unit
- (h) Participation in the following special programs:
 - (i) Crime Prevention
 - (ii) We C.A.R.E.
 - (iii) Operation Hug
 - (iv) Operation A.W.O.L.
 - (v) Juvenile Diversion Program
 - (vi) Traffic Safety Programs
 - (vii) Courtesy Citation Program
 - (viii) School Resource Officer (including Drug Education Programs)
 - (ix) Other crime prevention programs offered by the Los Gatos Police Department

(i) Coordination of police resources with Monte Sereno's Emergency Disaster Plan and in the event of a major disaster that necessitates the activation of an Emergency Operations Center in Monte Sereno, a Police Department representative shall immediately be dispatched and report to the Monte Sereno Director of Emergency Services (City Manager).

For the purpose of performing all of the services provided for in this Agreement, Los Gatos shall provide personnel, supervision, communications, equipment and supplies necessary to maintain the services to be rendered; provided, however, if in the sole judgment of the Chief

or any authorized member of the Chief's headquarters staff, an emergency arises in Los Gatos which requires temporary diversion of officers and vehicles from Monte Sereno, the same may be diverted to Los Gatos on an emergency basis, and to the extent emergencies in Monte Sereno require additional police support, the Chief or the Chief's staff may divert personnel and vehicles from Los Gatos to Monte Sereno for any emergencies.

4. **AUTHORITY**

(a) The authority for assignment, control and discipline of Los Gatos officers and employees and other matters incident to the performance of services by Los Gatos under this Agreement, and the control of Los Gatos personnel shall remain with Los Gatos.

(b) Monte Sereno shall designate the Los Gatos Chief as its Chief in order to satisfy the provisions of Part I, Division 3, Title 4 of the California Government Code (sections 36501, et seq.).

5. **LIABILITY AND INSURANCE PROVISIONS**

(a) Monte Sereno shall not be liable for payment of salaries, wages or other forms of compensation to any Los Gatos personnel performing services hereunder, including personnel performing indirect services hereunder, such as police management personnel, watch commanders, background investigators, community service officers, police communications personnel and police clerical personnel. It is understood and agreed that for such purposes all such Los Gatos personnel performing either direct or indirect services to Monte Sereno hereunder shall be deemed employees of Los Gatos while acting in or for Monte Sereno pursuant to this Agreement.

(b) Los Gatos shall maintain Worker's Compensation insurance covering all Los Gatos personnel performing services pursuant to this Agreement.

(c) Los Gatos shall indemnify, defend, and hold harmless Monte Sereno, its officers, agents and employees from any loss, liability, claim, injury or damage arising out of, or in connection with, performance of the duties and obligations of Los Gatos and its employees as set forth in this Agreement.

(d) Monte Sereno shall indemnify, defend, and hold harmless Los Gatos its officers, agents and employees from any loss, liability, claim, injury or damage arising out of, or in

connection with, performance of the duties and obligations of Monte Sereno and its employees as set for in this Agreement.

(e) Los Gatos and Monte Sereno shall each maintain its own liability insurance coverage, through self-insurance or otherwise, against any claim of civil liability arising out of the performance of this Agreement.

6. COST PROVISIONS

(a) A year, for the purposes of this Agreement, is the period beginning on July 1st and ending on June 30th. The first Agreement "year" is an exception. It begins on September 1st and ends on June 30th.

(b) Monte Sereno agrees to pay to Los Gatos as consideration for the services to be performed by Los Gatos an annual base amount of \$195,238. The base amount is the sum of Los Gatos' evaluation of the cost of personnel, supplies, and materials, including overhead, for providing police service to Monte Sereno.

(i) For the period September 1, 1995 through June 30, 1996, payment will be ten twelfths of the base amount, \$162,698. For each agreement year beginning July 1, 1996, the base amount will be adjusted by adding or subtracting, depending on whether the change is an increase or decrease:

(A) The percent change in total compensation provided to Los Gatos employees in the classifications represented, as of the date of this Agreement, by the Police Officers Association, in accordance with the then-current, Los Gatos Town Council-Approved Memorandum of Understanding, and

(B) The percent change in the cost of supplies and materials. The parties shall use the U.S. Department of Labor, Bureau of Labor Statistics Consumer Price Index, All Items, All Urban Consumers, San Francisco-Oakland-San Jose, 1982-84-100 index, rather than actual cost, to calculate changes in the cost of supplies and materials. The index used shall be that issued for April of each year. The beginning index (April, 1995) is 151.5.

(C) For the personnel portion of the total annual payment, the base amount for calculating changes is \$166,921; for supplies, materials and overhead the base amount is \$28,317.

(ii) In no event shall the annual increase exceed 7.5 percent. By June 1, 2000 and June 1 preceding the end of each five year period thereafter, the parties shall reevaluate the 7.5% annual limit on increases and agree upon whether an adjustment is appropriate for the next five-year period.

(iii) No other costs of any kind, including but not limited to capital projects, construction, equipment, or unforeseen personnel actions, will be added to the cost of the services unless this Agreement is otherwise modified in accordance with paragraph 6(d) below.

(c) Los Gatos shall provide to Monte Sereno a monthly statement for 1/12 of the annual sum, as specified, for such services provided and the same shall be due and payable on or before the fifteenth day of the month next succeeding the month during which any such statement is mailed or delivered. All such statements shall be delivered to Monte Sereno as is specified in paragraph 8(b) of this Agreement.

(d) Crime laboratory fees, booking fees, and fees associated with the Santa Clara County Automated Fingerprint System (Cal ID), charged by the County of Santa Clara, or any other city, county or state agency, for incidents originally occurring in Monte Sereno shall be paid by the City of Monte Sereno, directly to the County of Santa Clara or applicable public agency and are not included in this Agreement.

(e) The level of services set forth herein may be increased by written supplement to this Agreement executed on behalf of both parties after approval by each City's Council as of the first day of any month during the term hereof, or any extension or extensions thereof. In such event, the computation of monthly costs for services shall be adjusted accordingly and reflected in the statement for services rendered during any and all months until a subsequent such adjustment is agreed upon by a further written supplement.

(f) Pursuant to paragraph 6(a) above, on or before May 1 of 1996, and of every year thereafter, the Chief shall present to the Town Manager of Los Gatos and the City Manager of Monte Sereno any cost adjustments that will occur as of July 1, because of contractual changes in employee salary and/or benefits, inflation, or other cost changes, and the Consumer Price Index, necessary to continue the level of service provided herein. The Chief shall determine the cost adjustment resulting from such changes, and report this to the City Manager of Monte

Sereno. The Chief and the City Manager of Monte Sereno shall also review the current level of services, and determine if there should be any changes in that level.

(g) Any and all property acquired under and pursuant to this Agreement whether by government grant funds or otherwise, shall be and at all times remain the property of Los Gatos without any division or distribution thereof upon termination of this Agreement, except as otherwise agreed upon in writing.

(h) The consideration provided to be paid to Los Gatos will not result in any surplus money and no monies shall be subject to refund to Monte Sereno at any time during or after the termination of this Agreement, unless there be overpayment made based on mistake.

(i) Monte Sereno may elect to financially participate in the Allied Agencies Narcotics Enforcement Team (AANET), in which case Monte Sereno can receive a proportionate share of the Asset Seizure Funds derived from that program.

7. TERM

This Agreement shall be effective September 1, 1995, and be operative through June 30, 2025, subject to the following cancellation provision: either Los Gatos or Monte Sereno may unilaterally with or without cause cancel this Agreement upon at least ninety (90) days written notice to the other party. This Agreement may also be canceled or amended as of any date by written mutual agreement of both parties.

8. MISCELLANEOUS

(a) No person is intended to or shall be a third party beneficiary to this Agreement.

(b) Any notice required by this Agreement shall be mailed or delivered to the Town of Los Gatos at 110 E. Main Street, Los Gatos, California 95032, Attention: Chief and to the City of Monte Sereno, 18041 Saratoga-Los Gatos Road, Monte Sereno, California, 95030, Attention: City Manager. A party's address may be modified by addressee's giving written notice of such modification to the other party calling specific attention to this Agreement.

(c) If any provision of this Agreement shall be held to be invalid, such provision shall be severable and such invalidity shall not impair the validity of any other provision of this Agreement.

(d) The waiver of either party of any breach or violation of any term or condition of

this Agreement shall not be deemed to be a waiver of any other term or condition contained herein or a waiver of any subsequent breach or violation of the same term or condition.

(e) In any legal action or proceeding brought for enforcement of this Agreement, the successful party shall be entitled to recover reasonable attorneys fees and other costs incurred in that action or proceeding, in addition to any other relief to which the successful party may be entitled.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the last day and year set forth below.

CITY OF MONTE SERENO

TOWN OF LOS GATOS

Dated: August 8, 1995
By: Francis D. Soltes
Mayor, City of Monte Sereno

Dated: August 7, 1995
By: David W. Knapp
Town Manager, Town of Los Gatos

ATTEST:

Andrea M. Chelmonaga
City Clerk, City of Monte Sereno

ATTEST:

Marianne Lopez
Town Clerk, Town of Los Gatos

AS TO FORM:

[Signature]
City Attorney, City of Monte Sereno

AS TO FORM:

[Signature]
Town Attorney, Town of Los Gatos

FIRST AMENDMENT TO AGREEMENT FOR
LAW ENFORCEMENT SERVICES
BETWEEN
THE CITY OF MONTE SERENO
AND
THE TOWN OF LOS GATOS

This First Amendment to Agreement for Law Enforcement Services (the "Amendment") is entered into on this 7th day of May, 2001, by and between the City of Monte Sereno ("Monte Sereno") and the Town of Los Gatos ("Los Gatos"), both California municipal corporations located in the County of Santa Clara, California.

RECITALS

- A. On September 1, 1995, Monte Sereno and Los Gatos entered into an Agreement For Law Enforcement Services (the "Agreement") wherein the Los Gatos police department contracted to provide police services for Monte Sereno.
- B. Both parties desire to amend the Agreement by entering into this Amendment to provide for a change in limitation on annual increases in salary and by extending the time required for cancellation of the Agreement.

AGREEMENT

- 1. Subsection (b)(ii) of section 6 of the Agreement entitled "COST PROVISIONS" is hereby amended to read as follows:

"(ii) In no event shall the annual increase exceed 8.0 percent between July 1, 2001 and June 30, 2006. By June 1, 2006, the parties shall reevaluate the 8.0 percent annual limit on increases and agree upon whether an adjustment is appropriate for the next five-year period."

- 2. Section 7 of the Agreement entitled "TERM" is hereby amended to read as follows:

"7. TERM AND AMENDMENT

This Agreement shall be effective September 1, 1995, and be operative through June 30, 2025. Notwithstanding the aforementioned term, this Agreement may be cancelled by either party, with or without cause, upon written notice to cancel to the other party as provided in section 8(b). To be effective, notice shall be provided not less than twelve months prior to the date the cancellation is to become effective. This Agreement may be amended by the written agreement of both parties."

3. Except as provided in the Amendment, all other provisions of the Agreement shall remain the same.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment on the day and year set forth above.

City of Monte Sereno

Date: 5/2/01

By:

Ben Lantieri
City Manager

Town of Los Gatos

Date: 5/16/01

By:

[Signature]
Town Manager

ATTEST:

Andrea M. Chelomanga
City Clerk

ATTEST:

Mark Lind Romoser
Town Clerk

AS TO FORM:

[Signature]
City Attorney

AS TO FORM:

[Signature]
Town Attorney



Los Gatos

Monte Sereno

POLICE DEPARTMENT

July 29, 2008

Brian Loventhal, City Manager
City of Monte Sereno
18041 Saratoga-Los Gatos Road
Monte Sereno, CA 95030

Dear Mr. Loventhal,

The Town of Los Gatos has recently concluded its assessment of the impact of GASB 45 accounting rules and has finalized its contract with the Police Officers' Association (POA). The POA contract will expire on June 30, 2011. With these two financial factors now determined, the Town of Los Gatos is prepared to adjust the yearly cap for the police services contract.

Given the defined term of the POA contract, the Town of Los Gatos proposes to create a cap which is agreeable to both cities through June 30, 2011. Our analysis of projected costs indicate that a yearly cap of 5.5% is advised. At the end of this term, for the period beginning on July 1, 2011, we will re-evaluate the Town's projected costs arising from the subsequent POA contract and will discuss with Monte Sereno whether a modification of the cap is necessary.

By signing and returning this letter to the Town of Los Gatos, Monte Sereno accepts a modification of the cap to the police services contract to 5.5% per year through June 30, 2011.

Sincerely,

A handwritten signature in cursive script that reads "Scott R. Seaman".

Scott R. Seaman
Chief of Police

Brian Loventhal, City Manager
City of Monte Sereno

Date



TOWN OF LOS GATOS

OFFICE OF THE TOWN MANAGER

(408) 354-6832

FAX: (408) 399-5786

CIVIC CENTER
110 E. MAIN STREET
P.O. BOX 949
LOS GATOS, CA 95031

July 11, 2006

Brian Loventhal
City Manager
City of Monte Sereno
18401 Saratoga-Los Gatos Road
Monte Sereno, California 95030-4299

Dear Brian:

Thank you for your letter memorializing our joint understanding of discussions surrounding the negotiation of the cap on increases to the contract for police services. I agree with your summary of the decisions arising from our May 3, 2006 meeting as outlined in your June 1, 2006 letter.

Los Gatos Town staff will be working to further develop cost information that will be used to discuss and agree on the cap. Chief Seaman will be arranging a meeting shortly to allow discussion and agreement at the earliest opportunity. Given summer schedules, I expect this meeting to occur in early August.

Sincerely yours,

Debra J. Figone
DEBRA J. FIGONE
Town Manager

DJF:pg

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cc: Scott Seaman, Chief of Police





Councilmember: A. Curtis Wright
Councilmember: Mark Brodsky
Councilmember: Erin Gamer
Councilmember: Barbara Nesbet
Councilmember: David Baxter

City of Monte Sereno

City Manager: Brian Loventhal
City Clerk: Andrea Chelemengos
Finance Officer: Sue L. Heuret
Building Official: Howard T. Bell

Ms. Debra Figone
Town Manager, Town of Los Gatos
P.O. Box 949
Los Gatos, CA 95031

June 1, 2006

RE: Police Services Contract

Dear Debra:

As you know, the City of Monte Sereno contracts for police services with the Town of Los Gatos. Pursuant to the agreement to provide services dated August 8, 1995, and a subsequent amendment, prior to June 30, 2006, the City and the Town must negotiate the cap on increases to cover personnel costs and supplies. Currently, the cap is 8%. Representatives from the City and the Town have met preliminarily to discuss the cap and other issues associated with the contract. It is expected we will come to an agreement in the near future.

The purpose of this letter is to confirm our understanding that the Town and the City will continue to work together to come to agreement on the cap and other associated issues. If we are unable to come to agreement by June 30, 2006, such failure will not result in any waiver of rights of either party. In addition, until such time as an agreement is reached as to the cap, the City will continue to pay the Town at the rate established for fiscal year 2005/2006. Once an agreement is reached, any increase in the cost of services will be paid retroactive to July 1, 2006.

If you disagree with the contents of this letter, please notify me immediately.
Thank you.

Sincerely,

Brian Loventhal
City Manager
City of Monte Sereno

2013

COMMITTEE & COMMISSION ASSIGNMENTS

COMMISSIONS/ COMMITTEES	2013 MEMBERS/ ALTERNATES	TYPICAL SCHEDULE
Association Of Bay Area Governments	Mayor Rogers Vice Mayor Craig	Semi-annual
Emergency Preparedness Policy Council	Vice Mayor Craig Council Member Huff	Quarterly
Expressway Plan 2040 – Policy Advisory Board	Council Member Wiltshire Council Member Huff	As scheduled
Guadalupe/West Valley Flood Control And Watershed Advisory Committee	Nancy Hobbs Alt: Brian Loventhal	Quarterly Morning
J.P.A. Library Board	Vice Mayor Craig Council Member Wiltshire	Quarterly
Joint Venture Silicon Valley Network	Council Member Huff	As scheduled
League Of California Cities Peninsula Division (LCC)	Vice Mayor Craig Council Member Anstandig	Dinner meetings Quarterly – 1-day meetings
Santa Clara County Cities Association -Board of Directors	Mayor Rogers Vice Mayor Craig	Monthly 7:00 p.m. 2 nd Thursday
Santa Clara County Cities Association – City Selection Committee	Mayor Rogers Vice Mayor Craig	As scheduled to fill vacancies
Santa Clara Valley Transportation Authority Policy Advisory Committee	Council Member Wiltshire Council Member Anstandig	Monthly 4:00 p.m. 2 nd Thursday (as needed)
Santa Clara Valley Water District Commission	Council Member Huff Vice Mayor Craig	Quarterly 11:30 a.m. (Lunch) 4 th Wed. Jan/Apr/July & Oct.
Silicon Valley Animal Control Authority	Mayor Rogers Council Member Anstandig	Every other month 4:00 p.m. 4 th Thursdays
Tax Equity Allocation (TEA) Ad Hoc Committee	Mayor Rogers Council Member Craig	As Scheduled
West Valley Sanitation District	Council Member Anstandig Council Member Huff	Monthly 6:00 p.m. 2 nd Wednesday
West Valley Solid Waste JPA	Mayor Rogers Council Member Huff	1st Thursday Feb, May, Sept & Nov 5:00 p.m.
Highway 9 Ad Hoc Committee	Council Member Anstandig Council Member Wiltshire	As scheduled
Youth Commission Liaisons	Vice Mayor Craig Mayor Rogers	Monthly 4:00 p.m. 2 nd Wednesday
School District Liaison	Council Member Wiltshire	As scheduled
West Valley Mayors & Managers	Mayor Rogers	Monthly Lunch Mtg. 4 th Wednesday