SECOND AMENDMENT

TO

USE AGREEMENT

BETWEEN THE TOWN OF LOS GATOS AND LOS GATOS UNITED SOCCER LEAGUE FOR USE OF THE LOS GATOS CREEKSIDE SPORTS PARK

This SECOND AMENDMENT to USE AGREEMENT is entered into this 16th day of May, 2018, by and between the **TOWN OF LOS GATOS**, State of California ("Town"), and **LOS GATOS UNITED SOCCER LEAGUE**, a California nonprofit corporation ("LGUSL").

RECITALS

- A. Town and LGUSL entered into a Use Agreement on May 23, 2013 for use of the Los Gatos Creekside Sports Park, a copy of which is attached hereto and incorporated by reference as Attachment 1 to this Amendment.
- B. Town and LGUSL entered into a First Amendment to Use Agreement on June 25, 2014 for use of the Los Gatos Creekside Sports Park, a copy of which is attached hereto and incorporated by reference as Attachment 2 to this Amendment.
- Town and LGUSL mutually desire to extend the term of the existing Use Agreement for a fiveyear term.

SECOND AMENDMENT

NOW, THEREFORE, THE PARTIES HERETO AGREE AS FOLLOWS:

The term of this Agreement shall be extended for one additional five-year term as outlined in section 3 of the Use Agreement from July 1, 2018 through June 30, 2023.

Los Catos United Soccer League by:

2. All other Terms and Conditions of the Use Agreement shall remain in effect.

IN WITNESS WHEREOF:

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TOWN OF MOD CHECOS BY	many managed of managed property and a series
Laurel Prevetti, Town Manager	Signature
Double Cherry 2011 Hanning	
	Print Name and Title
Recommended by:	
Matt Morley	
Director of Parks and Public Works	
Approved as to Form:	Attest:
08	shacoy nois 8/27/18
Rob Schultz Town Attorney	Shelly Neis, Clerk Administrator

Shelley

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USE AGREEMENT

BETWEEN THE TOWN OF LOS GATOS AND LOS GATOS UNITED SOCCER LEAGUE FOR USE OF THE LOS GATOS CREEKSIDE SPORTS PARK

This USE AGREEMENT is entered into this 23 day May, 2013, by and between the TOWN OF LOS GATOS, State of California ("Town"), and LOS GATOS UNITED SOCCER LEAGUE, a California nonprofit corporation ("LGUSL").

RECITALS

- A. Town is the owner of Creekside Sports Park, located at 930 University Avenue, Los Gatos, California.
- B. LGUSL is an affiliate of the California Youth Soccer Association (CYSA) and as such, its teams and players are governed by the rules, regulations and bylaws of the California Youth Soccer Association.
- C. With over 1700 participants, LGUSL provides high quality youth soccer programs for youth from Los Gatos and the surrounding communities which emphasize the development of soccer skills, promote self-esteem, encourage good sportsmanship and enhance other developmental assets.
- D. LGUSL was a major partner with the Town in marshaling community support for the acquisition and development of the Creekside Sports Park.
- E. Town and LGUSL each desire an agreement between them setting forth the specific terms and conditions under which the LGUSL may use the Creekside Sports Park, including: hours of use; responsibility for maintenance of the fields and adjacent grounds; use and maintenance of associated facilities and structures, including but not limited to the "snack shack" portion of the restroom facility; storage of LGUSL goods and equipment; and other related items.

AGREEMENT

NOW, THEREFORE, THE PARTIES HERETO AGREE AS FOLLOWS:

- Subject Premises. The Premises covered by this Agreement is the Creekside Sports Park, located at 930 University Avenue, Los Gatos, California. A drawing depicting the Premises is attached hereto and incorporated by reference (Attachment A)
- 2. <u>Use of Premises.</u> LGUSL shall have exclusive use of the Premises, except bathrooms and parking, which are open to the public at large, only during those times and dates as shown on Attachment B, "Annual Schedule". LGUSL shall also have exclusive use of the kitchen/snack shack portion of the restroom/kitchen building during both exclusive and non-exclusive use times and dates. No later than October 15th of each year this Agreement is in force, LGUSL and Town staff shall meet to develop an Annual Schedule for the following calendar year. Town retains the right to use or authorize the use of the Premises for all dates and times not allocated to LGUSL in the Annual Schedule.

LGUSL may request changes to the Annual Schedule by written notification to the Department of Parks and Public Works, but shall endeavor to minimize changes to the schedule during each calendar year. All changes should be made in writing no less than 30 days prior to the effective

N:PPWPI\Agreements - Miscellaneous (No Project Numbers)\Los Gatos United Soccer League\Sports Park Use Agreement Final for Signature doex

date of the change. The Town of Los Gatos shall have sole authority to approve the Annual Schedule and any requested changes to the Annual Schedule.

- 3. Term of Agreement. Unless terminated sooner pursuant to Section 16 of this Agreement, this Agreement shall expire on June 30, 2018. The term of this Agreement may be extended for up to two additional five year periods upon mutual written consent of the parties.
- 4. Annual Use Fee. Beginning July 1, 2013, and every year thereafter, LGUSL shall pay the Town of Los Gatos an Annual Use Fee for the use of the Premises. The initial Annual Use Fee shall be \$15,000. The Annual Use Fee shall be considered full and fair compensation for exclusive use of the facility for those days and times indicated on the Annual Schedule, and shall be deemed adequate and fair compensation to the Town for its maintenance responsibilities and contribution toward future life-cycle replacement expenses. On July 1, 2014, and each anniversary thereafter, the Annual User Fee shall be adjusted according to the percent change in the U.S. Department of Labor, Bureau of Labor Statistics Consumer Price Index, All Hents, All Urban Consumers, San Francisco-Oakland-San Jose, 1982-84-100 Index. For the period March 1, 2013 through June 30, 2013 LGUSL shall pay a fee of \$4,000 for use of the facility.
- Additional Annual Use Fee Adjustment. Should LGUSL increase or decrease its requested hours of use as set forth in Attachment B. Annual Schedule, by 5% or more, the Annual Use Fee shall be adjusted proportionally based on the percentage change in hours. In no case shall the Annual Use Fee be decreased by more than 10% below the Initial Use Fee as set forth in Section 4.
- 6. <u>Maintenance</u>. LGUSL shall be responsible for the maintenance responsibilities set forth in Attachment C. Maintenance Responsibilities.
- Facility Use Policies. LGUSL shall comply, without limitation, to all applicable provisions of the Los Gatos Fown Code, with special attention to the provisions of Chapter 19, Parks and Recreation. LGUSL shall also comply with any park rules and regulations established by the Director of Parks and Public Works pursuant to Section 19,10,025(17) of the Town Code, including those rules set forth in Attachment D, Town of Los Gatos Park Rules and Regulations, and Attachment E. Town of Los Gatos Creekside Sports Park Special Use Policies. Failure to comply with these policies may result in suspension and/or termination of this agreement.
- 8. Utility Costs. In addition to the Annual Use Fee, LGUSL shall be obligated to pay its proportional share of utility costs. The Town shall invoice LGUSL annually, no later than March 1 of each calendar year, for a proportional share of utility costs (water, power and sewer services) for the prior calendar year, calculated by dividing the total hours of exclusive LGUSL field use by the total hours of field use affocated to all permitted users plus any hours the facility is open to the general public
- Payment. LGUSL shall make all payments, whether or not invoiced by Town, required pursuant to this Agreement no later than July 1 of each year that such payments are due. All payments shall be mailed by first class mail or delivered in person at Town offices and addressed as follows:

Town of Los Gatos Attn: Finance Department P.O. Box 655 Los Gatos, California 95030

- 10. Assignment. LGUSL shall not assign any portion of this Agreement, or allow any use of the Premises by any other person or entity contrary to the terms of this Agreement, without prior written approval of Town. LGUSL is expressly prohibited from use of the Premises for any activity other than actives sanctioned and associated with LGUSL.
- 11. Personal Property. Personal property of LGUSL shall be LGUSL's sole responsibility to acquire, repair, replace and store. LGUSL shall remove its personal property at the expiration or termination of this Agreement. Any personal property not so removed shall become the sole property of Town with no compensation.

12. Insurance.

(a) Minimum Scope of Insurance:

- LGUSL agrees to have and maintain, for the duration of the contract, General Liability insurance policies insuring the LGUSL, its officers and employees to an amount not less than: one million dollars (\$1,000,000) combined single limit per occurrence for bodily injury, personal injury and property damage. Insurance is to be placed with insurers with a current Best's rating of no less than B+.
- (ii) LGUSL agrees to have and maintain for the duration of the contract, an Automobile Liability insurance policy insuring the LGUSL, its officers and employees to an amount not less than one million dollars (\$1,000,000) combined single limit per accident for bodily injury and property damage.
- (iii) LGUSL shall provide to the Town all certificates of insurance, with original endorsements effecting coverage. LGUSL shall provide all certificates and endorsements before term of Agreement begins.

(b) General Liability:

- (i) The Town, its officers, employees and volunteers are to be covered as additional insured as respects to liability arising out of activities occurring on or related to the occupancy and use of the Premises by the LGUSL.
- (ii) The LGUSL's insurance coverage shall be primary insurance as respects the Town, its officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the Town, its officials, employees or volunteers shall be excess of the LGUSL's insurance and shall not contribute with it.
- (iii) Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the Town, its officers, officials, employees or volunteers.
- (iv) The LGUSL's insurance shall apply separately to each insured against whom a claim is made or suit is brought, except with respect to the limits of the insurer's liability.
- (c) All Coverages. Each insurance policy required in this Paragraph 12 shall be endorsed to state that coverage shall not be suspended, voided, canceled, reduced in coverage or in limits except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the Town. The LGUSL shall ensure that current certification of such insurance is on file at all times with the Town Clerk during the term of this agreement.

- (d) Workers' Compensation. In addition to these policies, LGUSL shall have and maintain Workers' Compensation insurance as required by California law. Further, LGUSL shall ensure that all contractors employed on the Premises by the LGUSL provide the required Workers' Compensation insurance for their respective employees.
- (e) Property Insurance: Town shall have no obligation to maintain any insurance of the Premises or any personal property placed on the Premises. LGUSL shall be solely responsible for obtaining whatever insurance coverage that the LGUSL believes may be appropriate to protect and indemnify the LGUSL for loss to the Premises or to any personal property that the LGUSL may place on the Premises.
- 13. Indemnification. LGUSL agrees to indemnify, hold harmless, and defend the Town, its officers, employees, volunteers, and agents, from and against any and all damages, claims or liability, penaltics, costs or expenses in law or equity that may at any time arise from any loss, damage, or injury to persons or property occurring in or about the Premises that arises out of or incident to the LGUSL's use of the Premises, including use by anyone that the LGUSL has permitted or allowed to use the Premises. This obligation to indemnify, hold harmless, and defend applies whether or not the incident or claim or liability is or may be related to negligence on the part of the Town.

14. Damage and Destruction.

- (a) Damage or destruction of any portion of the Premises by any cause shall not terminate this Agreement or otherwise affect the respective obligations of the two parties, any present or future law to the contrary notwithstanding, except pursuant to the provisions of this Paragraph 14.
- (b) If because of the destruction or damage to the Premises, the Premises is entirely unsuitable or inadequate for the use specified herein, LGUSL shall be entitled to a pro rata rebate of the fee paid to the Town calculated by dividing the Annual User Fee by the total number of hours of exclusive use as shown in Attachment A. Annual Schedule and then multiplying this calculated hourly rate by the number of hours remaining on the Annual Schedule after the date of the damage or destruction of the Premises.
- (e) Under no circumstances does the Town have any obligation to provide the LGUSL with an alternative property to conduct its operations, and the LGUSL is solely responsible for obtaining such insurance as the LGUSL deems appropriate to protect its interests should damage or destruction to the Premises occur.
- (d) LGUSL shall be liable for any loss, damage or injury to the field and/or Sports Park premises as a result of the direct or indirect use of the premises by LGUSL under this agreement.
- Compliance with Town Code. LOUSL shall comply with all provisions of the Town Code, including the provisions of Chapter 19 of the Code concerning Parks and Recreation.

16. Termination.

(a) Should Town terminate prior to the end of the term of this Agreement, LGUSL shall be entitled to a pro rate rebate of the Annual Use Fee only calculated by dividing the Annual User Fee by the total number of hours of exclusive use as shown in Attachment B, Annual

Schedule and then multiplying this calculated hourly rate by the number of hours remaining on the Annual Schedule after the effective date of termination.

- (b) LGUSI, shall promptly terminate its use of the Premises at the termination of this Agreement, leaving the Premises in the same condition it was received, in good order and repair, reasonable wear and tear and damage by the elements excepted. All improvements and alterations made by the LGUSL shall become the property of the Town upon termination of the Agreement without compensation by Town. Any personal property not removed by the LGUSL within thirty (30) days of the termination of this License Agreement shall become the property of the Town and may be disposed of as the Town in its sole discretion deems advisable.
- (c) This Agreement shall continue in full force and effect unless prior to February 1st of any calendar year, either Party provides written notice to the other Party that it desires to terminate the Agreement for convenience and, upon such notice, the Agreement shall terminate on June 30st of the same calendar year.
- (d) If Town in its sole discretion determines that it requires the Premises for any public purpose, Town may terminate this Agreement upon one hundred eighty (180) days written notice. In the event of an emergency, Town may terminate this Agreement upon five (5) days written notice. "Emergency," for the purposes of this paragraph, is defined as when the Town Council declares a State of Emergency. Upon termination of this Agreement in the event of an Emergency, Town and LGUSL will work cooperatively to develop a written plan for transition of services and vacation of Premises by LGUSL.
- (e) In the event of any material default or breach by LGUSL, Town may at any time thereafter, following any notice required by statute, and without limiting Town in the exercise of any right or remedy which may have reason of such default or breach:
 - a. Terminate LGUSL's right to possession of the Premises by any lawful means, in which case this Agreement shall terminate and LGUSL shall immediately surrender possession of the Premises to Town. In such event, Town shall be entitled to recover from LGUSL any damages incurred by Town by reason of LUSL's default including but not limited to: the cost of recovering possession of the Premises and reasonable attorneys' fees.
 - b. Pursue any other remedy now or hereafter available to Town under the laws of the State of California. Town shall have all remedies provided in law and equity.
- (f) LGUSL waives all rights of redemption or relief from forfeiture under California Code of Civil Procedure sections 1174 and 1179, and any other present and future law, in the event LGUSL is evicted or Town otherwise lawfully takes possession of the Premises by reason of any default or breach of this Agreement by LGUSL.
- (g) If LGUSL fails to remove any personal property belonging to LGUSL from the Premises after forty-five (45) days of the expiration or termination of this Agreement, such property shall at the option of the Town be deemed to have been transferred to Town. Town shall have the right to remove and to dispose of such property without liability to LGUSL or to any person claiming under LGUSL, and the Town shall have no need to account for such property.

- No Property Rights. Nothing in this Agreement is in any way intended to establish, convey, create or otherwise grant to LGUSL any form of property rights in the Premises, nor shall such rights be established, conveyed, created or otherwise granted by LGUSL's use of the Premises pursuant to this Agreement. LGUSL hereby acknowledges that it currently has no property interest in the Premises or any improvements thereto or fixtures location thereon, and that any claim it may have to same is hereby and forever waived.
- 18. <u>Notices</u>. Any written correspondence or Notices given under this Agreement shall be addressed as follows:

To the LGUSL: President

Los Gatos United Soccer League 15466 Los Gatos Blvd. #109

MB Box 168

Los Gatos, CA 95032

To the Town: Director

Department of Parks and Public Works

Town of Los Gatos 41 Miles Avenue

Los Gatos, CA 95030

Notices shall be delivered by first class, postage prepaid mail or in person. If mailed, a notice shall be deemed effective on the fifth day following deposit in the U.S. Mail.

- 19. <u>Waiver.</u> No failure on the part of either party to exercise any right or remedy hereunder shall operate as a waiver of any other right or remedy that party may have hereunder, nor does waiver of a breach or default under this Agreement constitute a continuing waiver of a subsequent breach of the same or any other provision of this License Agreement.
- 20. Entire Agreement. This Agreement constitutes the complete and exclusive statement of the Agreement between Town and LGUSL. No terms, conditions, understanding or agreements purporting to modify or vary this Agreement, unless hereafter made in writing and signed by the party to be bound, shall be hinding on either party.

IN WITNESS WHEREOF:

Town of Los Gatos, by:

Approved as to Form:

Greg Larson, Town Manager

Los Gajos United Soccer League, by:

Signature

Print Name and Title

Attest:

Mazanin Vakharia, Town Clerk



AGREEMENT ROUTING SHEET (FOR INTERNAL USE ONLY)

Initiating Depa	ortment:	PPW		Contact	Name	/Phone:	M. Morley/S	S. Regan x	5775
Agreement Tit	tle:	Second An	nendment	to Use	Aare	ement			
Term of Agree	ment: From	7/1/18	TM recid	and the same of th		6/30/2	3		
Date Approve Council:	d By	n/a		Item or			n/a		
Vendor Name	t ė	Los Gatos I	United Soc	cerle:	aque		Manday H.	2622	•
Vendor Email:		mathewlopez7:					— 949-233-07		·····
Vendor Contac	ct:	Mathew Lo		•					
Business Licen	se #:	n/a		Expirati	on Dat	e:	n/a		
Insurance (IHH	I) #:	Attached	X 7110/	Expiration	on Dat	e:	1/1/19		
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Routing			Action(s)				Pate Completed	Signature	7
1. Clerk	1. Assign Agreement # 18-185 2. Verify attachments included/labeled 3. Verify no automatic renewals without defined termination date 4. Verify Insurance						7/18/18	78	
2. Finance	1. Confirm Fiscal Impact PARK ARMAL USE REV 5301 - 44614 2. Confirm contract amount agrees with Council approval 3. Verify Purchasing Policy Compliance (Bids/Sole Source/Bus Purpose/RFP) 4. Check Payment Terms						M2)-	oderwoodstrate (201.s.) suppression (20.s.)	
3. Attorney	Approve Insurance Waiver Review and Sign Agreement						8/23/8	PA	
4: Assistant Town Manager	Review Agri Follow up w	eement ith Departments if n	eeded	***************************************		(8/24/14	an	
5. Town Manager	1. Review and	Sign Agreement					8/24/18	USP	
6. Clerk		rfiche and file agree vill email departmen ent to vendor)		greement (C	epartm	nent	8/27/13	aB	





Agreement Narrative:

If your agreement has gone before the Town Council for approval, please reference that fact and include a very brief description of the purpose of the agreement. Identify bids/business purpose for vendor selection/RFP/Sole Source. If hourly rate please identify how cost was determined. If your agreement has not gone to the Town Council for approval, include a discussion of the purpose of the agreement, how the Town's purchasing procedures were followed, and any special instructions.

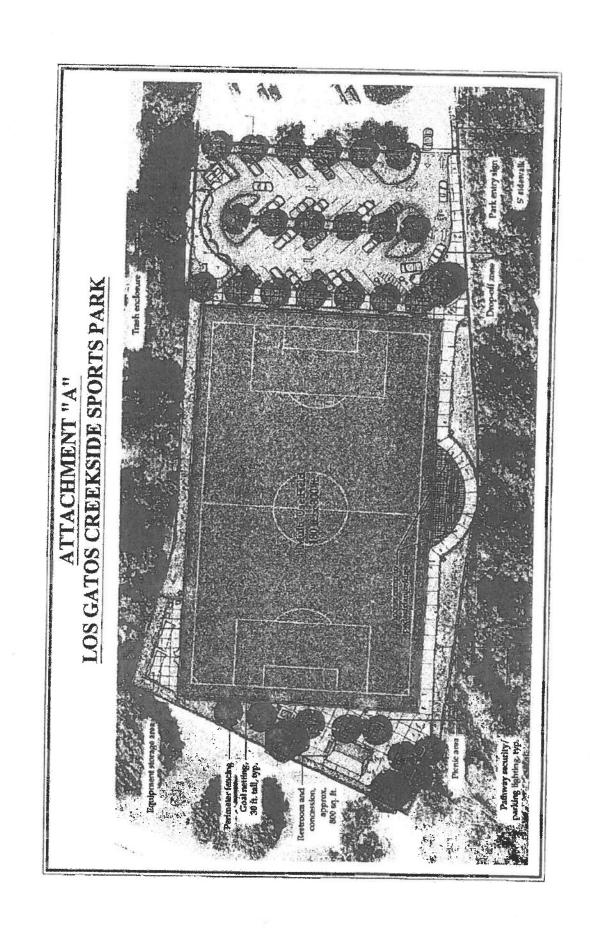
Second Amendment to Use Agreement for use of the Los Gatos Creekside Sports Park. Exercising the option to extend the term beginning July 1, 2018 through June 30, 2023.

LGUSL shall continue to pay the Annual Use Fee base of \$15,000 with an additional Annual Use Fee adjustment if necessary, plus annual CPI increase, and utility costs.

Please insert narrative here:

Department Checklist (to be completed by originating department):

	Agreement Signed by Vendor:
V	List Exhibits/Attachments with Title(s): Attachments 1 & 2: Original Agreement and First Amendment
	Copy of insurance certificates or Release of Liability
E	Originals of bonds issued for contract
	First page of Town Council report
-	Scope of work aligns to Council Report and contractor proposal/exhibits
	ÐIR #:
	Date Project Awarded:
	Date Staff submitted Project to DIR:
	Project #



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Aftachment B - Annual Use Schedule

Town of Los Gatos - Parks & Public Works Department

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Town of Los Gatos - Parks & Public Works Department

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Town of Los Gatos. - Partis & Public Works Department

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Attachment B - Annual Use Schedule

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Attachment B - Annual Use Schodule

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Town of Los Gatos - Parks & Public Works Department

ATTACHMENT C

MAINTENANCE RESPONSIBILITIES

LGUSL shall be responsible for the following:

- 1. Opening and closing of kitchen/snack shack and storage areas as needed, with closing no later than ½ hour after scheduled use time.
- Following each scheduled use, pick up and deposit in receptacles or dumpsters all recyclables, litter and trash from field, walkways, building areas and parking tot.
- 3. Emptying of receptacles and recycling containers on an "as-needed" basis during or following scheduled use, particularly during tournaments or other heavy use events.
- Cleaning floors, food preparation and serving surfaces, sinks, and appliances in the kitchen/snack shack area.
- Obtaining permits and complying with, as applicable, all environmental and health department regulations associated with the storage, preparation and serving of food and beverages from the kitchen/snack shack.
- 6. Maintenance and replacement of all equipment and appliances in the snack shack/kitchen area.
- 7. Maintaining all soccer goals and associated equipment, and ensuring that they are used in a safe and secure manner.

The Town of Los Gatos shall be responsible for the following:

- 1. Opening and closing of premises and restrooms.
- 2. Cleaning and restocking of restrooms on a daily basis.
- 3. Providing extra liners for garbage and recycling receptacles as may be needed by LGUSL.
- 4. Maintenance of building, parking lot and security lighting
- 5. Landscape and irrigation maintenance.
- 6. Maintenance of all structures, walkways, hardscape, fencing, gates and other surfaces.
- 7. Field maintenance
- 8. Parking lot sweeping.
- 9. Maintenance of all Town-installed field striping.
- 10. Graffiti abatement.



PARKS AND PUBLIC WORKS DEPARTMENT PHONE (408) 399-5770 FAX (408) 354-8529

SERVICE CENTER 41 MILES AVENUE LOS GATOS, CA 95030

PARK RULES AND REGULATIONS (Effective March 1, 2013)

All park users shall comply with the provisions of Chapter 19, Parks and Recreation of the Los Gatos Town Code, and the these Park Rules and Regulations established by the Director of Parks and Public Works pursuant to Section 19.10.025(17) of the Los Gatos Town Code

General

Hours:

Parks and trails are open from official sunrise to one-half hour after

sunset, unless posted otherwise.

Parking at Oak Meadow Park:

Residents of Los Gatos

FREE

(all residents living in 95030 & 95032 zip codes)

Non-Residents

\$6.00 per vehicle

(includes people living in

95033 zip code)

Parking at all other Parks:

Free

No Smoking

Smoking is prohibited within any park or on any trail.

Food & Alcohol

- Beer and wine are allowed with a picnic meal but must not leave the picnic site.
- A Vehicle Escort Permit is required when a caterer delivers food to a picnic site.
- Barbecues are not allowed at Belgatos Park.

Decorations & Signs

- Decorations must not interfere with other picnic sites.
- Decorations must be cleaned up and removed before leaving the park.
- Directional signs may be posted in designated areas, but must be removed before leaving.
- No tacks, nails or staples on park signs, tables or trees.
- No confetti, Egg toss or piñatas are allowed.

Dogs

A six (6) foot leash is required at all times and dogs must be kept under physical control.

Attachment D



PARKS AND PUBLIC WORKS DEPARTMENT PHONE (408) 399-5770 FAX (408) 354-8529

SERVICE CENTER 41 MILES AVENUE LOS GATOS, CA 95030

• Pet owners are required to immediately clean-up after their pets.

Miscellaneous

- Portable BBOs (gas or charcoal) are allowed in picnic areas only.
- Portable radios are allowed.
- · Loud music is not allowed at any hour.
- Volleyball and Badminton nets are allowed.
- · Portable toilets are not allowed.
- Petting zoos and pony rides are not allowed.
- · Water slides and 'Slip-n-Slides" are not allowed.
- · Organized sports activities are not allowed without a permit.
- · No golfing within any park.
- No overnight camping allowed.
- No sale or vending or other commercial activity except by permit.

Clean-Up

- Facilities rented and used must be left in clean condition. A fee will be assessed to you for leaving the picnic area unclean or damaged.
- Applicant should provide means to clean up site, including extra trash bags.
- Pick-up and dispose of all trash and food waste materials at reserved park site.
- Remove cans, bottles, bags, decorations, balloons, food and debris from park site. Use trash cans.
- Allow fires in barbecue pits to burn out. Do not use water because it will damage the grill and pit.

Reservations

- Prior to selecting and reserving any picnic area or bandstand/gazebo, we recommend that the
 applicant visit the park facility in advance or view <u>Parks & Trails Map</u> to obtain details of each
 of Town's parks and trails, including maps and driving directions. A <u>Park and Trails Map</u> is
 available online and at Town offices.
- The Parks and Public Works Department staff will finalize your reservation request once you
 have completed the on-line reservation process and payment by credit card in full is received.
 Checks will no longer be accepted. A reservation fee will be charged for each site you reserve.

Attachment D



PARKS AND PUBLIC WORKS DEPARTMENT PHONE (408) 399-5770 FAX (408) 354-8529

SERVICE CENTER 41 MILES AVENUE LOS GATOS, CA 95030

If you reserve two or more sites, a fee will be assessed for each site, as applicable. Park reservations do not include parking. Please view the Fee Schedule for current charges.

- Requests to reserve a picnic area should not be submitted with less than 48 hours of advance notice prior to the requested reservation date. All reservation requests must be completed through the on-line reservation process. Reservations by phone will not be accepted.
- All information collected is only for the use of the Town of Los Gatos Parks and Public Works
 Department for park reservations and will not be sold or shared with outside vendors. Also be
 assured that all data you send as part of this reservation process is through a secure server and the
 data is encrypted for transmission. We do not keep any of your credit card information on our
 system.

Permits

- Special Use Permits are required for the following:
 - 1. Use of a group area for 25 people or more.
 - 2. Use of a jump house at any park in Los Gatos.
 - 3. Use of a vehicle escort at any park.
 - 4. Use of Bocce ball Courts at Oak Meadow Park.
 - 5. Use of Gazebo/Bandstand at Oak Meadow Park.
 - 6. For any organized recreational activities, such as formal classes or other similar activities.
- The permitee, under Town Municipal Code, Section 19.30.025, shall be bound by all park rules and regulations, and all applicable ordinances. The person to whom such permit is issued shall be liable for any loss, damage or injury sustained by the Town or by any person whomsoever by reason of the negligence of the person to whom such permit shall have been issued.
- Special Use Permit is approved by the Parks & Public Works Department upon review of reservation request and payment of applicable deposit.
- Use of a disc jockey (DJ) at the Gazebo/Bandstand at Oak Meadow Park is allowed only after receiving a Special Events Permit from the Los Gatos-Monte Sereno Police Department. The Police Department number is (408) 354-8600.
- An insurance certificate in the amount of \$1 million, naming the Town of Los Gatos, its Council
 members, Boards, Commissions, employees and agents as additionally insured is required for
 groups of over 100 people (reservations for events such as weddings, reunions and company
 picnics).
- Permits cannot be transferred, assigned or sublet.

Jump Houses

Use of a jump house requires a Special Use Permit. At Oak Meadow Park, a Special Use Permit
for jump houses can be requested only if the associated picnic area is reserved concurrently.

Attachment D



PARKS AND PUBLIC WORKS DEPARTMENT PHONE (408) 399-5770 FAX (408) 354-8529

SERVICE CENTUR 41 MILES AVENUE LOS GATOS, CA 95030

 Jump houses can be rented only from companies that have provided proof of liability insurance naming the Town of Los Gatos as the additional insured. The following companies have registered with the Clerk's Office and have provided the required certificate:

Astro Events & Jump	(800) 300-0922
Bali Baly Jump	(408) 226-2706
Jump For Fun	(800) 281-6792
Bay Area Jump	(800) 514-5867
Jump For Joy	(800) 418-5867

- Any jump house company not listed above must provide insurance to the Town of Los Gatos Clerk's Office for consideration. A permit will not be issued to an applicant without providing proof of insurance from the vendor.
- himp houses must be hand carried in to the park and placed in the area specified by the Parks Service Officer.
- No electricity is provided at the park for jump houses.
- Jump houses with combined features such as a jumper and a slide and/or obstacle course, and features containing water are not allowed.
- · Personally owned jump houses are not allowed.
- Jump house fees for residents are \$95. Non-resident fees are \$125.
- A Jump House Permit does not include Picnic Area Use Permit. Each must be obtained separately.

Vehicle Escort

Individuals renting a park facility can request a staff vehicle escort to assist with the transport of supplies to/from a designated picnic area. Reservations must be made five (5) business days in advance of the event date for this service.

- No vehicles are allowed beyond designated public parking lots. If an individual would like to
 drop off supplies or equipment beyond these areas in a vehicle, a vehicle escort is required.
- Vehicle escorts conducted by a Park Service Officer must be scheduled in advance.
- Vehicle escorts are not available for Picnic Areas 1, 2, & 7 at Oak Meadow Park.



PARKS AND PUBLIC WORKS DEPARTMENT PHONE (408) 399-5770 FAX (408) 354-8529

SERVICE CENTER 41 MILES AVENUE LOS GATOS, CA 95030

CREEKSIDE SPORTS PARK SPECIAL RULES AND REGULATIONS (Effective March 1, 2013)

All park users shall comply with the provisions of Chapter 19, Parks and Recreation of the Los Gatos Town Code; Park Rules and Regulations established by the Director of Parks and Public Works pursuant to Section 19.10.025(17) of the Los Gatos Town Code; and these Special Rules and Regulations, also established pursuant to Section 19.10.025(17) of the Los Gatos Town Code. Permitted groups have priority use and other users shall promptly vacate field upon request by permitted users

No Smoking

Smoking of any substance and use of any tobacco product, including chewing tobacco, is prohibited.

Artificial Turf Field and Warm Up Area Use

- No metal cleats or spikes allowed.
- No metal stakes, such as umbrellas or shade structures permitted.
- No bare feet.
- No spitting on artificial turf surfaces.
- No vehicles allowed on field or warm-up area
- No marking or painting of turf unless approved by the Town of Los Gatos.
- · No golfing or use of golf clubs.
- No discus, hammer, javelin or other field events permitted.

Food & Beverages

- No alcoholic beverages permitted within Creekside Sports Park.
- · No open fires, flames or portable barbecues (gas or charcoal) permitted.
- No chewing gum or sunflower seeds allowed within Creekside Sports Park.
- No food or beverages allowed on playing field other than water.
- No glass bottles or containers allowed on field or warm-up areas.

Dogs and Other Animals

No dogs or other animals allowed except for certified guide animals.

Signage

- Signs may be affixed with string, rope or ties only. No tape, tacks, staples, or nails allowed.
- All signage and ties must be removed after use.
- No staking of any team signs or banners allowed.

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FIRST AMENDMENT OF

USE AGREEMENT

BETWEEN THE TOWN OF LOS GATOS AND LOS GATOS UNITED SOCCER LEAGUE FOR USE OF THE LOS GATOS CREEKSIDE SPORTS PARK

This FIRST AMENDMENT of USE AGREEMENT is entered into this day of June, 2014, by and between the TOWN OF LOS GATOS. State of California ("Town"), and LOS GATOS UNITED SOCCER LEAGUE, a California nonprofit corporation ("LGUSL").

RECITALS

- A. Town and LGUSL entered into a Use Agreement On May 23, 2013 for use of the Los Gatos Creekside Sports Park (Use Agreement"), a copy of which is attached hereto and incorporated by reference as Attachment 1 to this Amendment.
- B. Town and LGUSL mutually desire to amend the Use Agreement to include the payment of a Facilities Maintenance Fee of \$2.00 per participant to help offset the Town of Los Gatos' costs of maintaining the Creekside Sports Park.
- C. The Use Agreement provides for modification of the Use Agreement through written amendment signed by both parties to the Use Agreement.

FIRST AMENDMENT

NOW, THEREFORE, THE PARTIES HERETO AGREE AS FOLLOWS:

- Beginning July 1, 2014, and every year thereafter, LGUSL shall pay the Town of Los Gatos a Facility Maintenance Fee of \$2.00 per participant. The FMF shall be charged per participant for each distinct registration at which registration and fees are typically collected by LGUSL, LGUSL shall pay an estimated fee of \$1000 on July 1, 2014, covering the July 1, 2014 through June 30, 2015 period. On July 1, 2015 and ever year thereafter that this agreement is in force, a reconciliation shall be made in calculating the amount due based on actual participation in the prior year.
- 2. All other Terms and Conditions of the Use Agreement dated May 23, 2013 shall remain in effect.

IN WITNESS WHEREOF:

Town of Los Gatos, by:	Los Gatos United Soccer League, by:
Greg Larson, Town Manager	EDWARD P. SAW JUAN /VP OPERATION
	Print Name and Title LGUSL
Approved as to Form	Attest:
Rob Schultz, Town Averhey	Shelly Nels, Interim Town Clerk Hammer & CACK