



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 05/07/2024

**DRAFT
Minutes of the Town Council Meeting
Tuesday, April 16, 2024**

The Town Council of the Town of Los Gatos conducted a regular meeting in-person and utilizing teleconferencing means on Tuesday, April 16, 2024, at 7:00 p.m.

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

ROLL CALL

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

Absent: None

PLEDGE OF ALLEGIANCE

The Stratford School Student Council led the Pledge of Allegiance. The audience was invited to participate.

PRESENTATIONS

Mayor Badame presented proclamations to Parks and Public Works Director Nicolle Burnham for Arbor Day and Keep Los Gatos Beautiful Month, and a proclamation to Captain Clinton Tada and Dispatchers Christine Crosson and Brooke Smith for Nation Public Safety Telecommunications Week.

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

1. Approve Minutes of the April 2, 2024 Closed Session Town Council Meeting.
2. Approve Minutes of the April 2, 2024 Town Council Meeting.
3. Approve Minutes of the April 8, 2024 Special Town Council Meeting.
4. Authorize the Town Manager to Execute a First Amendment to the Agreement for Services with Brightview Tree Care Services, Inc. to Increase Compensation for Fiscal Year 2023/24 in an Amount of \$100,000 for a Total Annual Amount Not to Exceed \$300,000 and a Total Agreement Amount Not to Exceed \$1,100,000; and Authorize a Revenue and Expenditure Budget Adjustment in the Amount of \$100,000 from the Available Tree Replacement Deposit Account.
5. Authorize a Budget Transfer of Previously Allocated Measure B Funds in the Amount of \$1,734,250 from the Winchester Boulevard Complete Streets Project (CIP No. 813-0238) to the Kennedy Road Sidewalk – Los Gatos Boulevard Project (CIP No. 813-0241).
6. Receive the Monthly Financial and Investment Report for February 2024.
7. Adopt a Resolution Describing Improvements and Directing the Preparation of the Town Engineer's Report for Fiscal Year 2024/25 for Landscape and Lighting Assessment Districts No. 1 and 2. **RESOLUTION 2024-014**

8. Authorize Revenue and Expenditure Budget Adjustments in the Amount of \$15,615.98 to Recognize Excess Insurance Reimbursement for Damage to Howes Play Lot Structure.
9. Approve the Following Action for the Shannon Road Pedestrian and Bikeway Improvement Project (CIP No. 813-0218):
 - a. Authorize the Town Manager to execute Program Supplement No. F0104 to the Administering Agency-State Agreement for Federal-Aid Project No. 04-5067F15 in the Amount of \$940,100 from the State of California Department of Transportation (Caltrans).
10. Authorize the Town Manager to Execute a Certificate of Acceptance and Notice of Completion for Construction of the Corporation Yard Building Replacement Completed by S&H Construction, Inc., and Authorize the Town Clerk to File for Recordation.
11. Approve and Authorize the Town Manager to Execute a Memorandum of Understanding Between the Town of Los Gatos and the Police Officers' Association, and Authorize an Expenditure Budget Adjustment in the Amount of \$154,376 from the Available General Fund Capital/Special Projects Reserve.
12. Adopt a Resolution Rescinding the Land Use and Community Design Elements of the 2040 General Plan. **RESOLUTION 2024-015**
13. Adopt a Resolution Rescinding Resolution Nos. 2024-003, 2024-004, and 2024-005 Regarding the Transportation Impact Fee. **RESOLUTION 2024-016**
14. Authorize the Town Manager to Execute the First Amendment to the Contract with DKS Associates to Modify the Scope of Services and Increase Compensation from \$160,505 to \$166,647.

Vice Mayor Hudes pulled item #14.

Mayor Badame opened public comment.

No one spoke.

Mayor Badame closed public comment.

MOTION: Motion by Council Member Rennie to approve consent items 1-13. Seconded by Council Member Moore.

VOTE: Motion passed unanimously by roll call vote.

VERBAL COMMUNICATIONS

Rich Stephens

- Commented on concerns with a proposed development on Los Gatos Blvd.

Richard Sandigo

- Commented on concerns with a proposed development on Los Gatos Blvd.

Rob Stump

- Commented on concerns with traffic and safety and made a request for a second access point to Los Gatos High School through the proposed Los Gatos Lodge development.

Carin Yamamoto

- Commented on concerns with a proposed development on Los Gatos Blvd.

Joe Enz, Friends of the Los Gatos Creek

- Commented on unhoused residents, creek cleanup, and safety concerns.

Allan Bayless

- Commented on safety concerns and requested accessory dwelling units (ADUs) as housing options for homeless individuals.

Lynley

- Commented on concerns and spoke about religion.

PUBLIC HEARINGS

15. Open the Public Hearing for an Appeal of a Planning Commission Decision to Deny a Request to Eliminate a Housing Unit from the Town's Housing Inventory on Property Zoned R-1D, Located at 501 Monterey Avenue, and Continue the Matter to May 7, 2024. APN 410-15-052. Categorically Exempt Pursuant to CEQA Guidelines Section 15301: Existing Facilities. Architecture and Site Application S-23-038. Property Owner/Applicant/Appellant: Katrina and Carlos Azucena. Project Planner: Sean Mullin

Jennifer Armer, Planning Manager, presented the staff report.

Mayor Badame opened public comment.

No one spoke.

Mayor Badame closed public comment.

Staff stated no further action is required because the appellant withdrew the appeal.

OTHER BUSINESS

16. Establish a Town Council Policy Governing Town Board, Commission, and Committee Budgets. **POLICY 5-03**

Laurel Prevetti, Town Manager, presented the staff report.

Mayor Badame opened public comment.

No one spoke.

Mayor Badame closed public comment.

Council discussed the item.

MOTION: Motion by Vice Mayor Hudes to approve the Commission Budget Town Council Policy to establish the consistency and clear guidelines for the appropriate use of funds by Town Commissions. **AMENDMENT:** Add language to section [II. (A)(4)] stating “paying for the registration for a table or booth at a non-Town event in conformance with State law.” **Seconded by Council Member Ristow.**

VOTE: Motion passed unanimously by roll call vote.

17. Discuss Future Adoption Development Agreement Procedures and Provide Direction to Staff.

Gabreille Whelan, Town Attorney, presented the staff report.

Mayor Badame opened public comment.

No one spoke.

Mayor Badame closed public comment.

Council discussed the item.

MOTION: Motion by Vice Mayor Hudes to approve staff’s verbal recommendation to allow the procedures for entering into development agreements to be broad and allow development agreements cover all land uses. **Seconded by Council Member Moore.**

VOTE: Motion passed unanimously by roll call vote.

MOTION: Motion by Council Member Moore to not put a limit on the project size for development agreements. **Seconded by Mayor Badame.**

VOTE: Motion passed unanimously by roll call vote.

MOTION: Motion by Council Member Moore to not set a minimum dollar amount for development agreements. **Seconded by Council Member Ristow.**

VOTE: Motion passed unanimously by roll call vote.

18. Adopt a Resolution, Based on Planning Commission Recommendations, Modifying the Height Pole and Netting Policy for Additions and New Construction. The Proposed Modifications to Town Policy are Not Considered a Project Under the California Environmental Quality Act. Project Location: Town Wide. Applicant: Town of Los Gatos.

RESOLUTION 2024-017

Jennifer Armer, Planning Manager, presented the staff report.

Mayor Badame opened public comment.

Rich Stevens

- Commented on the use of story poles as notification of a multi-story building being proposed.

Suma Warriar

- Commented on using social media as part of the notification process.

Lee Fagot

- Commented on the use of a three-dimensional video rendering as part of the notification process.

Mayor Badame closed public comment.

Council discussed the item.

MOTION: Motion by Vice Mayor Hudes to amend the [Story Pole] Policy to state that whenever a formal application (including but not limited to SB 330 and Builder's Remedy applications) is received, that neighbors within 1,000 feet will be notified and provided access to information in the visual renderings, signs, and the application itself. Significant projects including pre-applications in excess of 100 units will be posted on social media, and information about the pre-application will be posted on the website which includes an elevation drawing. **Seconded by Mayor Badame.**

VOTE: Motion failed 2-3 by roll call vote. Council Members Ristow, Moore, and Rennie voted no.

MOTION: Motion by Council Member Ristow to adopt the resolution in Attachment 14 based on Planning Commission recommendations, modifying the height pole and netting policy for additional new construction. **Seconded by Council Member Moore.**

VOTE: Motion passed 3-2 by roll call vote. Vice Mayor Hudes and Mayor Badame voted no.

Mayor Badame called a recess at 9:27 p.m.

The meeting reconvened at 9:40 p.m.

19. Discuss and Provide Direction Regarding the Finance Commission Recommendation to Issue a Request for Qualification (RFQ) for the Preparation of the Annual Comprehensive Financial Report (ACFR).

Gitta Ungvari, Finance Director, presented the staff report.

Mayor Badame opened public comment.

No one spoke.

Mayor Badame closed public comment.

Council discussed the item.

MOTION: Motion by Mayor Badame to approve the Finance Commission recommendation [which is to adopt a practice to hire a separate entity to perform work necessary for the preparation of the Town's Annual Comprehensive Financial Report] to issue a Request for Qualifications for the preparation for the Annual Comprehensive Financial Report. **Seconded by Vice Mayor Hudes.**

VOTE: Motion passed 3-2 by roll call vote. Council Members Ristow and Moore voted no.

20. Authorize the Town Manager to Negotiate an Animal Services Agreement between the Town of Los Gatos and the Silicon Valley Animal Control Authority (SVACA), and Direct Staff to Bring Back an Agreement for the Town to Become a Member of the SVACA.

Clinton Tada, Police Captain, presented the staff report.

Mayor Badame opened public comment.

No one spoke.

Mayor Badame closed public comment.

Council discussed the item.

MOTION: Motion by Vice Mayor Hudes to approve authorization for the Town Manager to negotiate an Animal Services agreement between the Town of Los Gatos and the Silicon Valley Animal Control Authority (SVACA), and direct staff to bring back an

agreement for the Town to become a member of the SVACA Joint Powers Agency (JPA). **Seconded by Council Member Ristow.**

VOTE: Motion passed unanimously by roll call vote.

Pulled Consent Items

14. Authorize the Town Manager to Execute the First Amendment to the Contract with DKS Associates to Modify the Scope of Services and Increase Compensation from \$160,505 to \$166,647.

Nicolle Burnham, Parks and Public Works Director, presented the staff report.

Mayor Badame opened public comment.

No one spoke.

Mayor Badame closed public comment.

Council discussed the item.

MOTION: Motion by Council Member Ristow to authorize the Town Manager to execute the first amendment to the contract with DKS Associates to modify the scope of services and increase compensation from \$160,505 to \$166,647. **Seconded by Council Member Moore.**

VOTE: Motion passed 3-2 by roll call vote. Vice Mayor Hudes and Mayor Badame voted no.

COUNCIL/TOWN MANAGER REPORTS

Council Matters

- Council Member Ristow stated she attended a community meeting regarding State Route Hwy 17 resiliency and adaptation plan, ribbon cutting for Time Out's 30th anniversary event, and community Iftar event hosted by West Valley Muslim Association; observed the Finance Commission meeting and the Diversity Equity and Inclusion (DEI) Commission meeting; and met with people on a variety of topics including housing, animals, and public health.
- Council Member Moore stated he held his happy hour and Council Member community coffee meetings; attended the community Iftar event hosted by West Valley Muslim Association; met with a Youth Commissioner regarding Special Needs Assistance Program (SNAP); met with Los Gatos Lions Club; attended a West Valley Sanitation District meeting and Cities Association Legislative Action Committee meeting; and completed a Community Emergency Response Team (CERT) Wilderness First Aid Class.
- Vice Mayor Hudes stated he received an update on North 40 Phase II from the developer; participated in the Los Gatos Foundation for Older Adults to Thrive Executive Committee

meeting; attended Time Out 30th Anniversary and Beaute Bar ribbon cuttings, and community Iftar event hosted by West Valley Muslim Association; participated in the Finance Commission meeting, Community Center Committee (Foundation) meeting, and a Cities Association Board of Directors meeting.

- Council Member Rennie stated he met with Valley Transportation Authority (VTA) staff; attended a VTA Board meeting; met with his Finance Committee appointee; attended the community Iftar event hosted by West Valley Muslim Association; met with the Silicon Valley Clean Energy Authority (SVCEA) CEO; attended a SVCEA Board meeting and the Finance Commission meeting; and met with the Director of the Chamber of Commerce.
- Mayor Badame stated she attended Time Out 30th Anniversary and Beaute Bar ribbon cuttings; participated in the County Housing and Community Advisory Committee meeting; observed the Finance Commission meeting; met with the developer of a residential project located at the Mirassou school site; attended quarterly Chamber of Commerce meeting; met with former Mountain View Mayor Margaret Abe-Koga; and participated in a ceremonial acceptance of a gift to the Library.

Manager Matters

- Announced the Spring into Green event will be on April 21, 2024, from 10 a.m. to 1 p.m. at Plaza Park and invited all to attend.
- Announced the Youth Commission recruitment is underway, and applications are due May 1, 2024.

CLOSED SESSION REPORT

Gabrielle Whelan, Town Attorney, stated the Town Council met in closed session on to discuss labor negotiators pursuant to Government Code Section 54957.6 and anticipated litigation pursuant to Government Code 54956.9 and stated there was no reportable action.

ADJOURNMENT

The meeting adjourned at 10:48 p.m.

Respectfully Submitted:

Jenna De Long, Deputy Town Clerk