



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 12/07/2021

ITEM: 1

**Minutes of the Town Council Meeting
November 16, 2021**

The Town Council of the Town of Los Gatos conducted a regular meeting utilizing teleconference and electronic means consistent with Government Code Section 54953, as Amended by Assembly Bill 361, in response to the state of emergency relating to COVID-19 and enabling teleconferencing accommodations by suspending or waiving specified provisions in the Ralph M. Brown Act (Government Code § 54950 et seq.) and Town of Los Gatos Resolution 2021-044 on Tuesday, November 16, 2021, at 7:00 p.m.

MEETING CALLED TO ORDER AT 7:02 P.M.

ROLL CALL

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

Absent: None

COUNCIL/TOWN MANAGER REPORTS

Council Matters

A moment of silence was held in remembrance of prior Planning Commissioner Thomas O'Donnell who recently passed away.

- Mayor Sayoc stated she attended the Santa Clara County Cities Association Board and Legislative Action Committee meetings.
- Vice Mayor Rennie stated he volunteered at the West Valley Community Services (WVCS) food pantry; attended the Saratoga State of the City address; Silicon Valley Clean Energy Authority (SVCEA) Risk Oversight Committee and Board; Finance Commission with Council Member Hudes; Valley Transportation Authority (VTA) Policy Action Committee; United Against Hate march with all Council Members; and announced the Santa Clara County Board of Supervisors voted to move the redistricting map forward.
- Council Member Badame stated she met with West Valley Collection and Recycling Outreach Manager; attended the West Valley Clean Water Authority (WVCWA) Board; West Valley Solid Waste Management Authority (WVSWMA) Board; observed the Finance Commission meetings; attended the United Against Hate march; met with the Los Gatos Community Alliance; and observed the Santa Clara County Board of Supervisors Redistricting meeting.
- Council Member Hudes stated he attended the Finance Commission; next Police Chief community meeting; Senior Services Committee meeting; United Against Hate march; and met with Live Oak Nutrition Center clients.

Council Matters – continued

- Council Member Ristow stated she attended the West Valley Sanitation District (WVSD) Board; observed the Complete Streets and Transportation Committee (CSTC) meeting; next Police Chief Community meeting; and the United Against Hate walk; announced the Shannon Road community meeting will be taking place virtually on Wednesday, November 17; and met with residents regarding sewer connection fees and the Draft 2040 General Plan.

Manager Matters

- Announced an Interfaith Service will be held on November 18, 2021 from 7-8 p.m.
- Announced free valet parking service begins Friday, November 26 in downtown and the service runs on Fridays and Saturdays through the holiday season with additional days on the 22nd, 23rd, and 24th.
- Announced Small Business Saturday is November 27 and encouraged everyone to support Los Gatos businesses.
- Announced the annual Tree Lighting event will be held December 3rd at Town Plaza Park.
- Announced Board, Commission, and Committee recruitment is underway; the application period closes 4:00 p.m. on December 3.
- Announced the Town Council will hold a Study Session on December 7 to discuss the 2040 Draft General Plan.

CLOSED SESSION REPORT

Mayor Sayoc stated Council met in closed session November 9th as duly noted on the agenda and that there is no reportable action.

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

1. Approve Town Council Closed Session Meeting Minutes of November 1, 2021.
2. Approve Town Council Closed Session Meeting Minutes of November 2, 2021.
3. Approve Town Council Meeting Minutes of November 2, 2021.
4. Approve Town Council Closed Session Meeting Minutes of November 9, 2021.
5. Adopt a Resolution Reaffirming Resolution 2021-044 Regarding Brown Act Compliance and Teleconferencing and Making Findings Pursuant to Government Code Section 54953, as Amended by Assembly Bill 361, During the COVID -19 Pandemic. **RESOLUTION 2021-048**
6. Adoption of an Ordinance of the Town of Los Gatos Amending the Los Gatos Town Code Section 18.50.100 to Prohibit Targeted Residential Picketing. **ORDINANCE 2323**
7. Adopt a Resolution Making Determinations and Approving the Reorganization of an Uninhabited Area Designated as Winterbrook No. 7, Approximately 0.95 Acres on Property Pre-Zoned R-1:8. APN 523-26-017. Annexation Application AN21-002. Project Location: **16010 Winterbrook Road**. Property Owner/Applicant: Drew and Kari Brown. **RESOLUTION 2021-049**

Consent Items - continued

8. Adoption of an Ordinance of the Town of Los Gatos Amending Chapter 11 Regarding Garbage, Refuse, and Weeds to Include Organic Waste Disposal Reduction and Amending Sections Conflicting with Ordinance Definitions and Requirements. **ORDINANCE 2324**
9. Authorize the Town Manager to Execute an Agreement for Software Support with Sun Ridge Systems, Inc.
10. Adopt a Resolution Accepting Funds from the California Supplemental Law Enforcement Service Fund (SLESF). **RESOLUTION 2021-050**
11. Authorize the Town Manager to Execute a Certificate of Acceptance and Notice of Completion for the Massol Intersection Improvements (CIP No. 813-0236), Completed by Tennyson Electric Inc., and Authorize the Town Clerk to File for Recordation.
12. Authorize the Town Manager to Purchase Three Police Patrol Vehicles from Folsom Lake Ford in and Amount Not to Exceed \$125,037.
13. Authorize the Town Manager to Execute an Amendment to a Consultant Agreement for Executive Recruitment Services with Teri Black & Company, LLC. in an Amount Not to Exceed \$83,500.
14. Receive the First Quarter Investment Report (July through September 2021) for Fiscal Year 2021/22.
15. Approve Addenda to the Town Employees' Association and the American Federation of State, County and Municipal Employees Memoranda of Understanding and Revisions to the Classification Plans for the Unrepresented Management and Confidential Units; and Authorize Salary and Benefits Budget Adjustments in the Amount of \$85,596 from Available General Fund Capital/Special Projects Reserve.
16. Authorize the Town Manager to Quitclaim a 1947 Sewer Line Easement at 101 Blossom Hill Road.

Opened public comment.

No one spoke.

Closed public comment.

**MOTION: Motion by Council Member Ristow to approve Consent Items 1 through 16.
Seconded by Council Member Badame.**

VOTE: Motion passed unanimously.

VERBAL COMMUNICATIONS

Melissa Toren

- Commented on KCAT programs and showed a video of the United Against Hate march.

Verbal Communications – continued

John Shepardson

- Commented on conduct at previous Town Council meetings and in support of the United Against Hate march.

Rob Moore

- Thanked the Council, staff, Diane Fisher, and community partners for the United Against Hate march.

Ali Miano

- Commented in support of the United Against Hate march, and that public transportation and more affordable housing are needed to move the Town towards diversity, equity, and inclusion.

Kjirste Morrell

- Commented in support of the United Against Hate march and the State Redistricting Commission approved draft maps for the State Assembly and Senate for the next 10 years.

Giulianna Pendleton

- Commented in opposition of artificial turf at elementary schools.

OTHER BUSINESS

17. Approve an Amendment to the Employment Agreement Between the Town of Los Gatos and the Town Manager Effective on the Anniversary Date.

18. Approve an Amendment to the Employment Agreement Between the Town of Los Gatos and the Town Attorney.

Lisa Velasco, Human Resources Director, presented the staff report for items 17 and 18.

Opened public comment.

John Shepardson

- Commented in support of both items.

Closed public comment.

Council discussed the matter.

Other Business Items #17 and #18 – continued

MOTION: Motion by Council Member Badame to approve an amendment to the employment agreement between the Town of Los Gatos and the Town Manager effective on the anniversary date. **Seconded by Council Member Hudes.**

VOTE: Motion passed unanimously.

MOTION: Motion by Council Member Badame to approve an amendment to the employment agreement between the Town of Los Gatos and the Town Attorney. **Seconded by Council Member Hudes.**

VOTE: Motion passed unanimously.

19. Consider the Recommendation of the Arts and Culture Commission to Commission Artist Matt Babcock for the Second Gateway Sculpture to be Placed at Hwy 17 and Lark, and to Use the Same Artist and Same Design for Future Gateway Sites.

Ryan Baker, Library Director, presented the staff report.

Opened public comment.

Ellis Wecker, Arts and Culture Commission

- Commented in support of the item.

Maureen Cappon-Javey, Arts and Culture Commission

- Commented in support of the item.

John Shepardson

- Commented in support of public art; suggested the utility box art be rotated, and some type of public art be installed at N. Santa Cruz Avenue and Highway 9 that mentions the historic nature of the downtown.

Closed public comment.

Council discussed the matter.

Other Business Item #19 – continued

MOTION: Motion by Council Member Ristow to accept the recommendation of the Arts and Culture Commission (ACC) to commission artist Matt Babcock for the second gateway sculpture to be placed at Highway 17 and Lark Ave, to use the same artist and same design for future gateway sites, and the ACC to decide which color palette to use for this installation. **Seconded by Council Member Badame.**

VOTE: Motion passed unanimously.

20. Authorize the Town Manager to Negotiate and Execute a Donation Agreement for the Los Gatos Theater Donation Property and Issue a Request for Proposal (RFP) for the Management and Programming of the Theater.

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

Opened public comment.

John Shepardson

- Commented in support of the item; inquired if a plaque could be posted honoring the Goetz family.

Closed public comment.

Council discussed the matter.

MOTION: Motion by Council Member Hudes to authorize the Town Manager to negotiate and execute a donation agreement for the Los Gatos Theater donation property and issue an RFP for the management and programming of the theater. **Seconded by Council Member Ristow.**

VOTE: Motion passed unanimously.

21. Discuss and Provide Direction on the Following Actions to Continue the Town’s Support of Economic Recovery and Community Vitality in Response to the Ongoing COVID-19 Pandemic, Including:

- a. Receive an Update on the Status and Progress of the Semi-Permanent Parklet Program;
- b. Provide Direction on the Addition of Public Parklet Areas; and
- c. Extend the Economic Recovery Resolution to December 31, 2022. **RESOLUTION 2021-051**

Monica Renn, Economic Vitality Manager, presented the staff report.

Other Business Item #21 – continued

Opened public comment.

Catherine Somers, Los Gatos Chamber of Commerce Executive Director

- Commented that the businesses could use more time to build their parklets and in support of the item.

Randi Chen, Chamber of Commerce

- Commented in support of the item.

Closed public comment.

Council discussed the matter.

MOTION: Motion by Council Member Badame to extend the economic recovery resolution to December 31, 2022. Seconded by Council Member Hudes.

VOTE: Motion passed unanimously.

MOTION: Motion by Council Member Badame to receive the update on the status and progress of the Semi-Permanent Parklet Program. Seconded by Council Member Hudes.

VOTE: Motion passed unanimously.

MOTION: Motion by Vice Mayor Rennie to provide direction to:

- Utilize locations 2, 3, 4 to widen the sidewalk;
- Location 1 is kept as parking;
- Location 5 is split between bike corral and parking.

Seconded by Council Member Ristow.

VOTE: Motion passed 4-1, Council Member Hudes voting no.

MOTION: Motion by Council Member Hudes to provide Council with three (3) design options for Grays Lane that would include the possibility of the existing parklet design as well as other options and to present a couple of options to Council for consideration on ways to improve the attractiveness and vitality of Grays Lane. AMENDMENT: Utilize funds up to \$20,000 for the conceptual designs and exclude from the designs any areas that have already had building permits or designs approved for semi-permanent parklets. Seconded by Council Member Ristow.

VOTE: Motion passed 4-1, Mayor Sayoc voting no.

Recessed at 9:31 p.m.

Reconvened at 9:36 p.m.

PUBLIC HEARINGS

22. Staff Recommends the Following Actions Regarding Town Purchasing:

- a. Approve the Recommendation of the Council Policy Committee to Approve the Proposed Updates to the Town Purchasing Policy;
- b. Proceed with an Introduction and First Reading of an Ordinance of the Town Council of the Town of Los Gatos, by Title Only, Amending Chapter 2 (Administration), Article V, Division 2 of the Town Code Regarding Purchasing; and
- c. Adopt a Resolution of the Town Council of the Town of Los Gatos in the Matter of Uniform Public Construction Cost Accounting Procedures. **ORDINANCE 2325** and **RESOLUTION 2021-052**

Holly Zappala, Management Analyst, presented the staff report.

Opened public comment.

No one spoke.

Closed public comment.

Council discussed the matter.

MOTION: Motion by Council Member Badame to approve the recommendation of the Council Policy Committee to approve the proposed updates to the Town Purchasing Policy; proceed with an introduction and first reading of an Ordinance of the Town Council of the Town of Los Gatos, by title only, amending Chapter 2 (Administration), Article V, Division 2 of the Town Code regarding purchasing; and adopt a resolution of the Town Council of the Town of Los Gatos in the matter of uniform public construction cost accounting procedures. **Seconded** by Council Member Hudes.

VOTE: Motion passed unanimously.

The Town Clerk read the title of the Ordinance.

23. Consider an Appeal of the Community Development Director Determination of Demolition on Property Zoned R-1:8. Located at 33 Walnut Avenue. APN 510-41-007. Building Permit B19-0482. Property Owner/Applicant/ Appellant: Jeffrey Siegel. Project Planner: Erin Walters. **RESOLUTION 2021-053**

Council Member Hudes recused himself due to proximity to the project and left the meeting.

Public Hearing Item #23 – continued

Erin Walters, Associate Planner, presented the staff report.

Jeffrey Siegel, appellant, provided opening statements.

Opened public comment.

Paul Fulton

- Commented on the ambiguity of Town codes and requested leniency with regard to fines.

Brandon Witicker

- Commented on the ambiguity of Town codes.

Bess Wiersema

- Commented on the ambiguity of Town codes.

Anette Seaborn

- Commented in support of the appellant.

Closed public comment.

Jeffrey Siegel, appellant, provided closing statements.

Council discussed the matter.

MOTION: Motion by Council Member Badame to approve an appeal of the Community Development Director determination of demolition on property zoned R-1:8. Located at 33 Walnut Avenue. Seconded by Vice Mayor Rennie.

VOTE: Motion failed 2-2-1, Mayor Sayoc and Council Member Ristow voting no, Council Member Hudes recused.

MOTION: Motion by Vice Mayor Rennie to deny an appeal of the Community Development Director determination of demolition on property zoned R-1:8. Located at 33 Walnut Avenue and reduce the penalty fees by half. Seconded by Council Member Badame.

VOTE: Motion passes 3-1-1, Mayor Sayoc voting no and Council Member Hudes recused.

PAGE 10 OF 10

SUBJECT: Draft Minutes of the Town Council Meeting of November 16, 2021

DATE: November 16, 2021

ADJOURNMENT

The meeting adjourned at 10:33 p.m.

Respectfully submitted:

Jenna De Long, Deputy Clerk