



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 10/03/2023

ITEM NO: 2

**DRAFT
Minutes of the Town Council Meeting
Tuesday, September 19, 2023**

The Town Council of the Town of Los Gatos conducted a regular meeting in person and utilizing teleconferencing means on Tuesday, September 19, 2023, at 7:00 p.m.

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

ROLL CALL

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

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Ristow led the Pledge of Allegiance. The audience was invited to participate.

COUNCIL/TOWN MANAGER REPORTS

Council Matters

- Council Member Hudes stated he met with the Foundation for Older Adults; attended a Democracy Tent meeting; participated in the Joint Town Council and Planning Commission Study Session, and a Cities Association Legislative Action Committee Meeting.
- Council Member Rennie stated he met with the Silicon Valley Clean Energy Authority (SVCEA) Chief Executive Officer (CEO); participated in the SVCEA CEO Search Committee; met with Jim Foley regarding the Tait and Forbes Town properties; attended a SVCEA Board meeting; chaired the Valley Transportation Authority (VTA) Policy Advisory Committee meeting; attended a Cities Association Board meeting; and met with Senator Josh Becker.
- Council Member Moore wished Jewish community members a happy New Year for Rosh Hashanah; stated he hosted an event with Senator Josh Becker; hosted his Council Member community coffee monthly meeting and announced the next date; toured the Santa Clara County Fire Department (SCCFD); attended Saratoga and the Campbell's State of the City events, a Jewish Democratic Club of Silicon Valley presentation, the Art and Wine Festival, a West Valley Sanitation District meeting, and variety of meetings including one with the Chief of Staff for West Valley Mission Community College.
- Vice Mayor Badame stated she participated in the West Valley Clean Water Authority Board meeting and a West Valley Solid Waste Management Authority Board meeting; attended a Democracy Tent meeting; met with Jesse Bristow with Swenson Builders who is representing the applicant for the Winchester Project, item 10 on the agenda.
- Mayor Ristow stated she attended Campbell and Saratoga's State of the City events, the Veteran's Memorial Foundation 9/11 Remembrance event, and the West Valley Service Provider's Meeting; announced the Successful Aging Solutions & Community Consulting

(SASCC, formerly Saratoga Area Senior Coordinating Council) Health Fair is scheduled for October 21; attended the Lion's Club lunch and presented a proclamation for White Cane Days, the Kiwani's Club 100th Anniversary event, Fiesta de Artes, and the Los Gatos Music and Arts Gala; met with a third grade class at Lexington school to discuss government; attended a Plant Based Advocates talk at the Library and the Town of Los Gatos Employee Health Fair.

Manager Matters

- Announced Screen on the Green will be held on Friday, September 22 at the Civic Center Lawn with activities beginning at 6:30 p.m.
- Announced the Housing Element Advisory Board will meet on September 28 to discuss the next revision of the Housing Element.

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

1. Approve Minutes of the September 5, 2023 Town Council Meeting.
2. Receive the Monthly Financial and Investment Report for July 2023.
3. Adopt a Resolution Acknowledging the Completion of Public Right-of-Way Improvements by Betchart Union Avenue Development LLC for the Subdivision Located at 15975 Union Avenue and Authorizing the Town Manager to Execute and Record a Notice of Completion and Certificate of Acceptance. **RESOLUTION 2023-048**
4. Authorize the Town Manager to Execute a First Amendment to the Memorandum of Agreement with the Santa Clara County Recycling and Waste Reduction Technical Advisory Committee to Allow Satellite and Auxiliary Teleconferencing Attendance in Meetings.
5. Actions Related to Police Vehicles:
 - a. Authorize the Town Manager to Execute a Purchase Order with Lehr to Fit Up Three Police Vehicles in an Amount not to Exceed \$66,615; and
 - b. Authorize an Expenditure Budget Adjustment in an Amount of \$66,615 from the Available Equipment Replacement Fund.
6. Authorize the Town Manager to Execute a Third Amendment to a Special Services Agreement with Liebert Cassidy Whitmore (LCW) to Increase Compensation in the Amount of \$50,000 for a Total Contract Amount Not to Exceed \$280,000.
7. Reschedule to October 17, 2023 the Consideration of the Adoption of a Resolution 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.
8. Adopt a Resolution for the California Public Employees' Retirement System Retirement Plan to Waive the 180-Day Retiree Rehire Wait Period and to Appoint Paul Horvat as the Temporary Emergency Services Coordinator in the Town Manager's Office. **RESOLUTION 2023-049**

Mayor Ristow opened public comment.

No one spoke.

Mayor Ristow closed public comment.

MOTION: Motion by Vice Mayor Badame to approve all consent items. **Seconded by Council Member Hudes.**

VOTE: Motion passed unanimously.

VERBAL COMMUNICATIONS

Claire Wilson

- Commented on concerns with parking and requested six reserved parking spaces for the residents of 135 W. Main Street.

Theodore Chin

- Commented on concerns with parking, requested six reserved parking spaces for the residents of 135 W. Main Street, and spoke about his experience of carjacking.

Richard Kelso

- Commented on concerns with parking due to the reallocation of parking spaces for parklets and requested six reserved parking spaces for the residents of 135 W. Main Street.

Lynley Hogan

- Shared religious quotes and said a prayer.

Council asked questions of staff.

OTHER BUSINESS

9. Adopt an Amended Resolution for the California Public Employees' Retirement System Retirement Plan to Waive the 180-Day Retiree Rehire Wait Period and to Appoint Sean Rose as the Temporary Capital Projects Manager in the Parks and Public Works Department.

RESOLUTION 2023-050

Katy Nomura, Assistant Town Manager, presented the staff report.

Mayor Ristow opened public comment.

No one spoke.

Mayor Ristow closed public comment.

Council discussed the item.

MOTION: Motion by Vice Mayor Badame to adopt an amended resolution (Attachment 4 to the staff report) for the California Public Employees' Retirement System Retirement Plan to waive the 180-day retiree rehire wait period and to appoint Sean Rose as the temporary Capital Projects Manager in the Parks and Public Works Department.
Seconded by Council Member Moore.

VOTE: Motion passed unanimously.

PUBLIC HEARINGS

10. Consider an Appeal of a Planning Commission Decision to Approve the Demolition of One Existing Office and Four Residential Buildings, Construction of an Assisted Living and Memory Care Facility, Variance from the Maximum Height and Lot Coverage of the Zone, Merger of Four Lots Into One, and Removal of Large Protected Trees on Property Zoned Office. Located at 15860 -15894 Winchester Boulevard and 17484 Shelburne Way. APNs 529-11-013, -038, -039, and -040. Architecture and Site Application S-21-008, Conditional Use Permit Application U-21-010, Variance Application V-21-003, Subdivision Application M-22-008, and Mitigated Negative Declaration ND-22-001. An Initial Study and Mitigated Negative Declaration Have Been Prepared for This Project. Applicant/Property Owner: Green Valley Corp. d.b.a. Swenson. Appellant: Eric Hulser. Project Planner: Jennifer Armer.

Jennifer Armer, Planning Manager, presented the staff report.

Council asked preliminary questions.

The appellant, Eric Hulser, provided opening comments.

The applicant, Jesse Bristow of Swenson Builders, provided opening comments.

Mayor Ristow opened public comment.

Nicole Ricci

- Commented on concerns regarding the square footage of the project and traffic.

Liz Lawler

- Commented in support of the appellant and stated concerns with the variances.

Maxim Zarzhetskiy

- Commented on concerns and stated opposition of granting the requested variances.

Joseph Gemigrani (Jim Mangani)

- Commented in support of the project.

Bryan Mekechuk, Mayor of Monte Sereno

- Commented on a survey and stated the results did not support granting the requested variances.

Lee Quintana

- Commented on concerns with transparency, common understanding of terms, and below market rate housing requirements.

Tony Alarcon

- Requested the Town consider posting projects on Nextdoor and commented on concerns.

Georgina Van Horn

- Commented in opposition of granting the variances of height and lot coverage and stated other concerns.

Mayor Ristow closed public comment.

The applicant, Jesse Bristow, of Swenson Builders, provided closing comments.

The appellant, Eric Hulser, provided closing comments.

Mayor Ristow asked Council if they had any disclosure related to this item.

Council Member Hudes stated he visited the site.

Council Member Rennie stated he met with the applicant, met with Mr. Mekechuk, and visited the site.

Vice Mayor Badame stated she visited the site and met with the applicant.

Council Member Moore stated he met with developer, visited the site, and met with Mr. Mekechuk.

Mayor Ristow stated she visited the site, met with applicant, and met with neighbors in that area.

Council discussed the item.

MOTION: Motion by Council Member Moore to deny the appeal of the Planning Commission decision to approve the demolition of one existing office and four residential buildings, construction of an assisted living and Memory Care Facility, variance from the maximum height and lot coverage of the zone, merger of four lots into one, and removal of large, protected trees on property Zoned Office. Seconded by Council Member Rennie.

VOTE: Motion passed 3-2. Council Member Hudes and Vice Mayor Badame voted no.

Mayor Ristow called a recess at 9:55 p.m.

Mayor Ristow reconvened the meeting at 10:09 p.m.

OTHER BUSINESS

11. Provide Direction on the Pinehurst Community Garden (CIP No. 831-4610) and Lynn Avenue Pedestrian Path Design (CIP No. 832-4510).

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

Opened public comment.

Dick Konrad

- Commented in support of the projects.

Kevin Arroyo

- Commented in support of the projects and requested native plants be incorporated into the garden design.

Tom Picraux

- Commented in support of the projects.

Closed public comment.

Council discussed the item and provided direction to staff.

12. Consider Adopting an Enabling Resolution to Establish an Equity Commission Entitled the Unity and Solidarity Commission and Direct its Recruitment with the Annual Fall Commission Recruitment. **RESOLUTION 2023-051**

Holly Young, Management Analyst, presented the staff report.

Opened public comment.

Jeff Suzuki

- Commented in support of adopting the proposed enabling resolution to establish an Equity Commission entitled the Unity and Solidarity Commission.

Ron Meyer

- Commented in opposition of adopting the proposed enabling resolution to establish an Equity Commission entitled the Unity and Solidarity Commission and expressed concerns.

Richard Kananen

- Inquired about the reasons for forming a Commission, and requested Council defer their vote on this item to next month.

Varily Isaacs, JEDI Working Group

- Shared a personal experience and commented in support of adopting the proposed enabling resolution to establish an Equity Commission entitled the Unity and Solidarity Commission.

Dominic Broadhead, JEDI Working Group

- Commented in support of adopting the proposed enabling resolution to establish an Equity Commission entitled the Unity and Solidarity Commission.

Catherine Somers, JEDI Working Group

- Commented in support of adopting the proposed enabling resolution to establish an Equity Commission entitled the Unity and Solidarity Commission.

Susan Burnett

- Requested Council review the 2040 General Plan Racial, Social, and Environmental Justice Element implementation and compare it with the suggestions from ALFI and commented on the additional workload for staff.

Ali Miano, Los Gatos Anti-Racism Coalition

- Commented on racism and spoke in support of adopting the proposed enabling resolution to establish an Equity Commission entitled the Unity and Solidarity Commission.

Galit Lipsitz Goldenthal

- Shared a personal experience and commented in support of adopting the proposed enabling resolution to establish an Equity Commission entitled the Unity and Solidarity Commission.

Kylie Clark

- Commented in support of adopting the proposed enabling resolution to establish an Equity Commission entitled the Unity and Solidarity Commission.

Jake Wilde

- Commented in support of adopting the proposed enabling resolution to establish an Equity Commission entitled the Unity and Solidarity Commission.

Kinsey Lee, Los Gatos Anti-Racism Coalition

- Commented in support of adopting the proposed enabling resolution to establish an Equity Commission entitled the Unity and Solidarity Commission.

Anne Roley

- Commented in support of adopting the proposed enabling resolution to establish an Equity Commission entitled the Unity and Solidarity Commission.

Closed public comment.

MOTION: Motion by Council Member Rennie to extend the meeting for 20 minutes. Seconded by Council Member Moore.

VOTE: Motion passed unanimously.

Council discussed the item.

MOTION: Motion by Council Member Moore to extend the meeting until 12:40 a.m. Seconded by Council Member Hudes.

VOTE: Motion passed unanimously.

Council continued their discussion of the item.

MOTION: Motion by Mayor Ristow to extend the meeting for another 10 minutes. Seconded by Council Member Hudes.

VOTE: Motion passed unanimously.

MOTION: Motion by Council Member Moore to adopt an enabling resolution (Attachment 1 to the staff report) to establish an equity commission entitled the Diversity, Equity, and Inclusion Commission, direct its recruitment with the annual fall Commission recruitment, bring back a revised workplan once the Commission has had time to work through the workplan as an established Commission, come back to Council with associated costs, with an amendment to the wording in section 2 (a) (iv) to state "One Town of Los Gatos Faith Leader who leaders a congregation in Los Gatos;" and if there is trouble recruiting, the enabling resolution will come back for Council to look at the membership. **AMENDMENT: to strike the General Plan Committee Member, strike one of the two business owners or employees who may or may not live in Los Gatos, and strike two of the five Los Gatos residents from the membership section of the resolution for a total Commission membership of eleven (11) members. **Seconded by Mayor Ristow.****

VOTE: Motion passed 4-1. Vice Mayor Badame voted no.

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SUBJECT: Draft Minutes of the Town Council Meeting of September 19, 2023

DATE: September 19, 2023

Mayor Ristow stated items 13 and 14 will be moved to the next available meeting.

13. Receive the Report and Provide Direction for an Updated Traffic Impact Fee and a Proposed Vehicle Miles Traveled Impact Fee.

14. Discuss the Housing Element Work Plan.

ADJOURNMENT

The meeting adjourned at 12:52 a.m.

Respectfully Submitted:

Jenna De Long, Deputy Town Clerk