



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 05/21/2024

**DRAFT
Minutes of the Town Council Meeting
Tuesday, May 7, 2024**

The Town Council of the Town of Los Gatos conducted a regular meeting in-person and utilizing teleconferencing means on Tuesday, May 7, 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 (teleconference, arrived 7:07 p.m.), Council Member Maria Ristow.

Absent: None

PLEDGE OF ALLEGIANCE

Grace Krasniewicz led the Pledge of Allegiance. The audience was invited to participate.

PRESENTATIONS

The Mayor acknowledged National Police Week, Municipal Clerks Week, and Parks and Public Works Week.

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

1. Approve Minutes of the April 16, 2024 Closed Session Town Council Meeting.
2. Approve Minutes of the April 16, 2024 Town Council Meeting.
3. Approve Minutes of the April 23, 2024 Closed Session Town Council Meeting.
4. Adopt a Resolution Declaring Hazardous Vegetation (Brush) a Public Nuisance, Ordering Abatement, and Setting June 18, 2024 as a Public Hearing to Consider Objections to the Proposed Removal of Brush. **RESOLUTION 2024-018**
5. Parking Program Implementation – Wayfinding and Signage Project (CIP No. 813-0242):
 - a. Award and Authorize the Town Manager to Execute a Construction Agreement with Square Signs LLC., Dba Front Signs in an Amount Not to Exceed \$191,908.13; and
 - b. Authorize the Staff to Execute Change Orders in an Amount Not to Exceed \$38,381.63 Which Represents a Twenty Percent (20%) Contingency of the Contract Award Amount.
6. Authorize the Town Manager to Execute Agreements with the County of Santa Clara for:
 - a. AB 939 Implementation Fee Collection and Distribution; and
 - b. Countywide Household Hazardous Waste (HHW) Collection Program to Augment Funding up to an Additional \$94,219 to the Countywide HHW Program During Fiscal Year (FY) 2024/25.
7. Authorize the Town Manager to Execute a Fourth Amendment to the Agreement for Services with St. Francis Electric, Inc. for Traffic Signal and Streetlight Maintenance and

Underground Service Alert Locating Services to Increase the Contract Amount for Fiscal Year 2023/24 in the Amount of \$55,000, for a Total Agreement Amount Not to Exceed \$1,008,948.

8. 2024 Annual Curb, Gutter, and Sidewalk Maintenance Project (CIP No. 813-9921):
 - a. Award and Authorize the Town Manager to Execute a Public Works Contract with Villalobos and Associates in the Amount of \$409,480;
 - b. Authorize Town Manager to Execute Change Orders in an Amount Not to Exceed Ten Percent (10%) of the Contract Award Amount;
 - c. Authorize an Expenditure Budget Transfer in an Amount of \$185,331 from the Annual Street Repair and Resurfacing Project (CIP No. 811-9901); and
 - d. Approve the Project Construction Plans as required by Government Code 830.6 – Design Immunity.
9. Authorize the Town Manager to Execute a Second Amendment to the Agreement for Consultant Services with Kier and Wright Civil Engineers and Surveyors, Inc. to Provide Services as the “Acting Town Surveyor” for Various Land Development Mapping Services, Extending the Term to June 30, 2025.
10. Authorize the Town Manager to Execute a Second Amendment to the Agreement for Consultant Services with AMS Electric LLC (dba Prime Electric LLC) for a Design-Build Project to Install a Battery Storage System at the Library (CIP 821-2505) to Extend the Term and Time of Performance through June 30, 2025.
11. Approve an Amendment to the Town Manager’s Employment Agreement.
12. Approve and Authorize the Town Manager to Execute a Side Letter of Agreement Between the Town of Los Gatos and the American Federation of State, County, and Municipal Employees (AFSCME) to Contract Out Street Sweeping Services Effective July 1, 2024.

Mayor Badame opened public comment.

No one spoke.

Mayor Badame closed public comment.

MOTION: Motion by Council Member Ristow to approve consent items 1-12. Seconded by Council Member Moore.

VOTE: Motion passed 4-0-1 by roll call vote. Council Member Rennie absent.

VERBAL COMMUNICATIONS

Tom Sandoval, Belwood of Los Gatos Homes Association

- Commented on the damaged neighborhood monument at Blossom Hill Road and Belwood Gateway and requested the Town partner with the Belwood community to get it rebuilt.

Tevis Ignacio

- Commented on the World Cup and attracting national teams to stay in Los Gatos.

Joe Enz, Friends of Los Gatos Creek

- Commented on concerns with e-waste and safety.

Ron Meyer

- Commented on a recent court ruling regarding SB9 related to charter cities' "Home Rule" provisions.

Lee Fagot

- Commented on safety and requested the Town work with the Los Gatos Lodge property developer to incorporate bike and pedestrian access to the Los Gatos High School.

Aubrie Mastrangelo, Bill Wilson Center

- Commented on National Mental Health Awareness Month and mental health services in Santa Clara County.

Harani

- Commented on a recent court ruling regarding SB9 related to charter cities' "Home Rule" provision and stated that it is not applicable to the Town.

OTHER BUSINESS

13. Review Polling Results, Authorize the Town Manager to Execute an Amendment to the NBS Agreement to Include Phase 2 in the Scope of Services to Prepare a 1/8th Cent Sales Tax Measure for the November 2024 Ballot and Increase the Not to Exceed Amount to \$105,000, and Authorize an Expenditure Budget Adjustment in an Amount of \$60,400 from the Available General Fund Capital/Special Projects Reserve.

Katy Nomura, Assistant Town Manager, introduced Gene Bregman with NBS, who presented the polling results.

Mayor Badame opened public comment.

No one spoke.

Mayor Badame closed public comment.

Council discussed the item.

MOTION: Motion by Vice Mayor Hudes to continue this item to the next Council meeting.

AMENDMENT: Refer the item to the Finance Commission for its review. **Seconded** by Mayor Badame.

VOTE: Motion passed unanimously by roll call vote.

14. Receive an Update on the Downtown Restroom Feasibility Study (CIP No. 821-2011) and Provide Direction to Town Staff.

Marina Chislett, Environmental Programs Specialist, 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 Rennie to limit the choices to site 4 option 1 and site 1 options 1 and 2 (as listed in the staff report); ask staff to continue to review the options; review safety concerns with Police Department; and ask Council to consider whether site 4 option 1 is visible enough. **Seconded** by Council Member Ristow.

VOTE: Motion passed unanimously by roll call vote.

15. Authorize the Town Manager to Execute an Agreement for Services with the Los Gatos Chamber of Commerce to Manage the Los Gatos Visitors Information Center and the Visit Los Gatos Website, Social Media and Destination Marketing Services for FY 2024/2025, in an amount not to exceed \$55,000.

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

Mayor Badame opened public comment.

Jennifer Lin, Chamber of Commerce

- Commented on the work of the Chamber of Commerce and requested Council approve the agreement in an amount of \$88,000.

Lauren Scalora, Chamber of Commerce

- Introduced herself and asked if Council Members had any questions.

Beth Foley, Chamber of Commerce

- Introduced herself and asked if Council Members had any questions.

Randi Chen

- Supported Jennifer Lin's comments and requested Council approve the requested amount of \$88,000.

Jim Foley, Chamber of Commerce

- Supported Jennifer Lin's comments and requested Council approve the increase in funding.

Rachel Brown, Chamber of Commerce

- Commented on the important of the Chamber, echoed previous comments, and requested Council consider the requested funding amount.

Mayor Badame closed public comment.

Council discussed the item.

MOTION: Motion by Vice Mayor Hudes to approve \$88,000 with the intention to fund it from Transient Occupancy Tax (TOT) in excess over the current budget. **Seconded by Mayor Badame.**

VOTE: Motion passed unanimously.

Vice Mayor Hudes clarified the intention of his motion was to use the funds from TOT in excess over budget, understanding that if it is not achieved it will be funded from the reserve account.

Mayor Badame called recess at 9:16 p.m.

Mayor Badame reconvened the meeting at 9:26 p.m.

16. Approve West Valley Community Services, Counseling and Support Services for Youth, and AWO as Potential Community Service Partners to Provide their Respective Services at the Interim Community Center.

Robert Gray, Chief Building Official, presented the staff report.

Mayor Badame opened public comment.

Sujatha Venkatraman, West Valley Community Services

- Spoke about the services West Valley Community Services provides and commented on the opportunity to expand and enhance their services at the Interim Community Center.

Marico Sayoc, Executive Director of Counseling and Support Services for Youth (CASSY)

- Commented on the services of Counseling and Support Services for Youth (CASSY) and how they can utilize the community center to better serve the community.

Mayor Badame closed public comment.

Council discussed the item.

MOTION: Motion by Council Member Ristow to approve West Valley Community Services, Counseling and Support Services for Youth (CASSY), and AWO as potential community service partners to provide their respective services at the interim community center. **Seconded by Council Member Moore.**

VOTE: Motion passed 4-1 by roll call vote. Vice Mayor Hudes voted no.

17. Discuss and Provide Direction on Outreach and Noticing Options for Senate Bill (SB) 330 Projects.

Jennifer Armer, Planning 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 amend the policy to state that whenever a pre-application or formal application for a development of three stories or more, including, but not limited to SB330 and Builder's Remedy application, is received or scheduled for a hearing, that neighbors within 1,000 feet will be notified and provided access to information in the visual renderings, signs, and the application itself. Further, if a project changes significantly, there will be re-notification. Fees will be recovered wherever possible. Notice will include a brief explanation of SB330 and current development process. **Seconded by Mayor Badame.**

VOTE: Motion passed unanimously by roll call vote.

18. Discuss and Provide Direction on Objective Design Standards.

Jennifer Armer, Planning 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 Council Member Ristow to ask staff to look for a consultant, if necessary, and come back with objective standards for high-quality design. **Seconded by Council Member Moore.**

SUBSTITUTE MOTION: Motion by Vice Mayor Hudes to approach the existing consultant and ask for a proposal to work on high-quality building design, view standards, and architectural styles. **Seconded by Mayor Badame.**

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

MOTION: Motion by Council Member Moore to extend the meeting to 12:20 a.m. **Seconded by Mayor Badame.**

VOTE: Motion passed unanimously by roll call vote.

PUBLIC HEARINGS

19. Introduce an Ordinance Titled, "An Ordinance of the Town Council of the Town of Los Gatos Amending Chapter 29, 'Zoning Regulations,' Article I, 'In General,' Division 3 'Signs,' of the Town Code Regarding Sign Regulations" as Recommended by the Planning Commission. The proposed amendments to the Town Code are not a project subject to CEQA [CEQA Guidelines Section 15061(b)(3)]. Town Code Amendment Application A-24-002. Project Location: Town Wide. Applicant: Town of Los Gatos.

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 Council Member Ristow to Introduce an Ordinance Titled, “An Ordinance of the Town Council of the Town of Los Gatos Amending Chapter 29, ‘Zoning Regulations,’ Article I, ‘In General,’ Division 3 ‘Signs,’ of the Town Code Regarding Sign Regulations” in Attachment 3, as recommended by the Planning Commission, with the language the Town Attorney provided regarding removal regarding temporary signs relative to a specific event with the change from 15 days to seven days [Section 29.10.110 (15) In the last sentence replace the word “fifteen” with the word “seven”]. **Seconded by Council Member Hudes.**

VOTE: Motion passed unanimously.

20. Introduce an Ordinance Titled “An Ordinance of the Town Council of the Town of Los Gatos Amending Chapter 29, ‘Zoning Regulations,’ of the Town Code Regarding Senate Bill (SB) 9 For Modified Design Review Standards and Other Clarifying Revisions.” The Proposed Amendments to the Town Code are Not Considered a Project Under Section 15378 of the California Environmental Quality Act, and in Accordance with Government Code Section 66411.7(n) and 66452.21(g), SB 9 Ordinances are Not a Project Subject to the California Environmental Quality Act. Town Code Amendment Application A-24-003. Project Location: Town Wide. Applicant: Town of Los Gatos.

Ryan Safty, Associate Planner, presented the staff report.

Mayor Badame opened public comment.

Harini Chila

- Commented on concerns with inconsistency in the two-unit development fees and Accessory Dwelling Unit (ADU) standards and stated support for the revised step-back guidelines.

Mayor Badame closed public comment.

Council discussed concerns with requirements for screening mechanical equipment, prohibited materials, and step-backs.

MOTION: Motion by Vice Mayor Hudes to extend the meeting until 12:30 a.m. **Seconded by Council Member Moore.**

VOTE: Motion passed unanimously by roll call vote.

MOTION: Motion by Council Member Ristow to introduce an Ordinance titled “An Ordinance of the Town Council of the Town of Los Gatos Amending Chapter 29, ‘Zoning Regulations,’ of the Town Code Regarding Senate Bill (SB) 9 For Modified Design Review Standards and Other Clarifying Revisions” with modifications to prohibit vinyl siding and plywood and to require the side setback for the second story to be nine feet regardless of where the first [story] setback is set. **Seconded by Council Member Moore.**

Associate Planner Safty clarified for the record the changes are to Section 29.10.630 (2)(i) to remove subsection 1 Exterior Foam Molding and subsection 4 Exterior Insulation Finishing System (EIFS); and Section 29.10.630 (2)(e) changing the step back to require a nine-foot side and rear setback for the second story.

VOTE: Motion passed unanimously by roll call vote.

MOTION: Motion by Mayor Badame to extend the meeting until 12:45 a.m. **Seconded by Council Member Moore.**

VOTE: Motion passed unanimously by roll call vote.

COUNCIL/TOWN MANAGER REPORTS

Council Matters

- Council Member Ristow stated she attended the Council Policy Committee and observed the Finance Commission meetings; met with Mark Robsen the developer for Belgatos site; met with Peter Norris the new Executive Director for the Los Gatos Terraces; attended the Jewish Community Center Challah Bake Event; and attended the Leadership Los Gatos graduation event and the Los Gatos Foundation for Older Adults to Thrive Monday morning monthly movie.
- Council Member Moore stated he attended a Passover Seder at Congregation Shir Hadash, the Community Police Academy graduation, the Leadership Los Gatos graduation event; spoke at the Relay for Life event in Cambrian; and attended the Power of Democracy event, the Life Moves luncheon, a meet and greet with Congressman Adam Schiff, an event at Daves Elementary School, and the grand opening of the new bookstore Beyond Text.
- Council Member Rennie stated he met with Rob Stump to discuss the Los Gatos Lodge development.
- Vice Mayor Hudes stated that in addition to the meetings already mentioned by other Council Members, he attended the NUMU ArtNow event and the Los Gatos Foundation for Older Adults to Thrive Monday morning monthly movie.
- Mayor Badame stated she attended Spring into Green event, the West Valley Mayors and Managers monthly meeting; celebrated Arbor Day by planting a tree at Los Gatos Parent Nursery School; attended a ribbon cutting at Aspire El Camino Health; gave a presentation at the NUMU ArtNow program; observed the Council Policy Committee meeting, Finance Commission meetings, a ribbon cutting for DAR Restaurant and Bar, a West Valley Clean

Water Authority Board meeting; gave a presentation at the Leadership Los Gatos graduation event; and attended the Los Gatos Foundation for Older Adults to Thrive Monday morning monthly movie.

Manager Matters

- Announced the Town is moving forward with the adoption phase of the Housing Element and the Planning Commission will consider it on May 22, and Town Council consideration is tentatively scheduled for June 4.

CLOSED SESSION REPORT

Gabrielle Whelan, Town Attorney, stated the Town Council met in closed session to discuss appointment of an Interim Town Manager and no action was taken.

ADJOURNMENT

The meeting adjourned at 12:32 a.m.

Respectfully Submitted:

Jenna De Long, Deputy Town Clerk