



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 01/18/2021

ITEM NO: 3

**DRAFT
Minutes of the Town Council Meeting
December 21, 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, December 21, 2021, at 7:00 p.m.

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

ROLL CALL

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

Absent: Council Member Mary Badame

BOARD, COMMISSION, AND COMMITTEE APPOINTMENTS

Due to technical difficulties at the December 14, 2021 Special Meeting of the Town Council, the Board, Commission, and Committee appointments were re-announced.

- **Arts and Culture Commission**
 - Claudia Dencker was not appointed.
 - Amy Fasnacht was re-appointed to a 3-year term.
 - Anne Lamborn was appointed to a 1-year term.
 - Kaitlyn Alicia-Romero was appointed to a 2-year term.
 - Tom Spilsbury was re-appointed to a 3-year term.

- **Community Health and Senior Services Commission**
 - Gary Barbin did not interview.
 - Eleanor Yick was appointed to a 3-year term.

- **Complete Streets and Transportation Committee**
 - Cheri Finale Binkley was appointed to a 1-year term.
 - Jean-Marc Blanchard was not appointed.
 - Kevin Jones did not interview.
 - Ali Miano was appointed to a 3-year term.
 - Jeff Thompson was re-appointed to a 3-year term.
 - Cindy Walker was not appointed.

Appointments - continued

- **Finance Commission**
 - Ron Dickel was re-appointed to a 4-year term by Mayor Rennie

- **General Plan Committee**
 - Susan Burnett was appointed to a 4-year term.

- **Library Board**
 - Donna Brewster was not appointed.
 - Claudia Dencker was not appointed.
 - Lydia Norcia was appointed to a 3-year term.
 - Leticia Ramos Madeiros was appointed to a 3-year term.
 - Anita Wolf did not interview.

- **Parks Commission**
 - Jean-Marc Blanchard was appointed to a 3-year term.
 - Brant Corenson did not interview.
 - Matthew Ober was re-appointed to a 3-year term.

- **Personnel Board**
 - Edward Matchak was re-appointed to a 5-year term.

- **Planning Commission**
 - Kylie Clark was appointed to a 4-year term.
 - Steve Raspe was appointed to a 4-year term.
 - Chris Ray was not appointed.

COUNCIL/TOWN MANAGER REPORTS

Council Matters

- Council Member Hudes stated he attended the Finance Commission meeting.
- Vice Mayor Ristow stated she attended the West Valley Sanitation District Board of Directors meeting and the Cal Cities Housing Matters webinar; observed the Complete Streets and Transportation Commission (CSTC), Finance Commission, and Democracy Tent meetings; and met with residents.
- Council Member Sayoc stated she attended the Cal Cities Housing Matters webinar, Los Gatos-Monte Sereno Police Officer Swearing In Ceremony with Mayor Rennie, and the Santa Clara County Cities Association Executive Committee meeting.

Council Reports - continued

- Mayor Rennie stated he attended the Silicon Valley Clean Energy Authority (SVCEA) Board and Finance Committee meetings, Bay Area Air Quality Management District (BAAQMD) Legislative Committee and Board meetings, Valley Transportation Authority (VTA) Policy Action Committee (PAC) meeting, Finance Commission meeting, Senior Services Committee meeting, Police Officer Swearing In Ceremony with Council Member Sayoc, West Valley Community Services Park-It Market, Wreaths Across America event, and the Silicon Valley Youth Climate Action Group holiday event.

Manager Matters

- Announced free valet parking will be offered every Friday and Saturday through the holiday season with additional days on December 22nd, 23rd, and 24th.
- Announced COVID-19 testing will be held on Thursday, December 23rd at the Adult Recreation Center (ARC); appointments are recommended.
- Announced Town administrative offices will be closed beginning December 23rd and will reopen January 3, 2022.
- Announced the Library will be closed December 24th through 26th, and December 31st through Jan 2nd.
- Building and Planning applications will be accepted through the online portal, and staff will not be available for responses until Jan 3rd.

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

1. Approve Draft Minutes of the December 2, 2021 Closed Session Town Council Meeting.
2. Approve Draft Minutes of the December 7, 2021 Town Council Study Session.
3. Approve Draft Minutes of the December 7, 2021 Town Council Meeting.
4. 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 2021-059**
5. Authorize the Town Manager to Take All Necessary Steps and Execute Appropriate Documents to Participate in the Opioid Settlement Agreements with the Distributors and Janssen and Agree to the State Subdivision Agreements.
6. Adopt A Resolution Delegating Authority to the Town Manager to Settle Claims, Pending Actions and Workers' Compensation Claims Against the Town That Do Not Exceed Fifty Thousand Dollars (\$50,000). **RESOLUTION 2021-060**
7. Consider a Request for an Exception to the Height Pole and Netting Policy to Allow an Alternative to Standard Story Pole Installation to Illustrate and Provide Notice of the Proposed Project on Property Zoned R-1:8 Located at 445 Los Gatos Boulevard. APN 510-47-038. Property Owners/Applicants: Nam and Nikki Nguyen.
8. Adopt Council Committee Appointments Effective January 1, 2022.

Consent Items – Continued

9. Adopt a Resolution Making Determination and Approving the Reorganization of an Uninhabited Area Designated as El Gato Lane No. 5, Approximately 0.789 Acres on Property Pre-Zoned R-1:8. APN 523-22-010. Annexation Application AN21-003. Project Location: **15605 El Gato Lane**. Property Owner/Applicant: Natasha Malisic. **RESOLUTION 2021-061**
10. Receive the Town Finance Commission Recommendation and Authorize the Town Manager to Execute a Three-Year Agreement with Chavan & Associates, LLP to Provide Auditing Services for the Town of Los Gatos in Amount Not to Exceed \$117,000.
11. Fiscal Year 2021/22 Street Repair and Resurfacing Project (CIP Number 811-9901):
 - a. Approve the Proposed Street List; and
 - b. Authorize the Town Manager to Execute a Cost Share Agreement with the City of Campbell in an Amount Not to Exceed \$335,000.
12. Review the Local Roadway Safety Plan Progress Report.
13. Reaffirm Town Council Code of Conduct Policy.
14. Authorize the Town Manager to Execute an Agreement with The Advantage Group to Continue to Administer Retiree Health Contribution Reimbursements in an Amount Not to Exceed \$57,500.
15. Corporation Yard Building Replacement Project (CIP No. 821-2302):
 - a. Authorize the Town Manager to Approve the Project Plans and Specifications; and
 - b. Authorize Advertising the Project for Bid; and
 - c. Authorize the Town Manager to Award and Execute a Construction Agreement in an Amount not to Exceed \$763,776, Including Contingencies and change orders; and Authorize Staff to Execute Future Change Orders in an Amount Not to Exceed Fifteen Percent of the Contract Award Amount; and
 - d. Authorize the Town Manager to purchase a Prefabricated Steel Storage building from Empire Steel Buildings in an amount not to exceed \$103,939 for the Corp Yard; and
 - e. Authorize the Town Manager to Execute Third Amendment to Agreement for Consulting Services with Cuschieri Horton Architects to Extend the Agreement Expiration Date to 12/31/22; and
 - f. Authorize an Expenditure Budget Adjustment to the Corporation Yard Building Replacement Project in the Amount of \$135,981 from Available General Fund Appropriated Fund Reserve.

Council Member Hudes pulled item #2.

Opened public comment.

No one spoke.

Closed public comment.

Consent Items – Continued

**MOTION: Motion by Vice Mayor Ristow to approve consent items 1-15, exclusive of item 2.
Seconded by Council Member Sayoc.**

VOTE: Motion passed 4-0-1, Council Member Badame absent.

VERBAL COMMUNICATIONS

Claudia Dencker

- Stated she would like to speak to the Council when her video camera can be turned on or at an in-person meeting.

OTHER BUSINESS

16. Battery Power Supply – Library (Project 821-2505)

- a. Authorize the Town Manager to Execute an Agreement for Consultant Services with AMS Electric LLC, dba Prime Electric LLC for a Design-Build Project to Install a Battery Storage System to Provide Backup Power at the Library in an Amount Not to Exceed \$513,000; and
- b. Authorize Revenue and Expenditure Budget Adjustments in the Amount of \$300,000 to Recognize Receipt and Expenditure of the State Office of Emergency Services Community Power Resiliency Grant Funds (421-821-2505-43415 421-821-2505-824050; and
- c. Authorize Revenue and Expenditure Budget Adjustments in the Amount of \$213,000 to Recognize Receipt and Expenditure of the Silicon Valley Clean Energy Grant Funds (421-821-2505-43529 421-821-2505-82405).

Matt Morley, Parks and Public Workers Director, presented the staff report.

Opened public comment.

No one spoke.

Closed public comment.

Council discussed the item.

Other Business Item #16 – Continued

MOTION: Motion by Council Member Hudes to:

- Authorize the Town Manager to Execute an Agreement for Consultant Services with AMS Electric LLC, dba Prime Electric LLC for a Design-Build Project to Install a Battery Storage System to Provide Backup Power at the Library in an Amount Not to Exceed \$513,000; and
- Authorize Revenue and Expenditure Budget Adjustments in the Amount of \$300,000 to Recognize Receipt and Expenditure of the State Office of Emergency Services Community Power Resiliency Grant Funds (421-821-2505-43415 421-821-2505-824050); and
- Authorize Revenue and Expenditure Budget Adjustments in the Amount of \$213,000 to Recognize Receipt and Expenditure of the Silicon Valley Clean Energy Grant Funds (421-821-2505-43529 421-821-2505-82405).

Seconded by Council Member Sayoc.

VOTE: Motion passed 4-0-1, Council Member Badame absent.

17. Annual Comprehensive Financial Report (ACFR):

- a. Receive the Annual Comprehensive Financial Report (ACFR) for the Fiscal Year Ended June 30, 2021, and
- b. Adopt a Resolution Confirming June 30, 2021 Fund Balances in Accordance Fiscal Year 2020/21 Final Audit and Town Council General Fund Reserve Policy. **RESOLUTION 2021-062**

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

Opened public comment.

No one spoke.

Closed public comment.

Council discussed the item.

MOTION: Motion by Council Member Sayoc to:

- Receive the Annual Comprehensive Financial Report (ACFR) for the Fiscal Year Ended June 30, 2021 (Attachment 1); and
- Adopt a Resolution Confirming June 30, 2021 Fund Balances in Accordance Fiscal Year 2020/21 Final Audit and Town Council General Fund Reserve Policy (Attachment 2). **Seconded by Vice Mayor Ristow.**

VOTE: Motion passed 4-0-1, Council Member Badame absent.

18. Adopt a Resolution for the California Public Employees' Retirement System Retirement Plan to Waive the 180-Day Retiree Rehire Wait Period and to Appoint a Retiree as an Interim Town Attorney and Approve the Employment Agreement Between the Town of Los Gatos and the Interim Town Attorney. **RESOLUTION 2021-063**

Lisa Velasco, Human Resources Director, presented the staff report.

Opened public comment.

No one spoke.

Closed public comment.

Council discussed the item.

MOTION: Motion by Council Member Sayoc to adopt a resolution for the California Public Employees' Retirement System Retirement Plan to waive the 180-day retiree rehire wait period and to appoint a retiree as an interim Town Attorney and approve the employment agreement between the Town of Los Gatos and the Interim Town Attorney. **Seconded by Vice Mayor Ristow.**

VOTE: Motion passed 4-0-1, Council Member Badame absent.

19. Adopt a Resolution for the California Public Employees' Retirement System Retirement Plan to Waive the 180-Day Retiree Rehire Wait Period and to Appoint a Retiree as an Interim Finance Director. **RESOLUTION 2021-064**

Lisa Velasco, Human Resources Director, presented the staff report.

Opened public comment.

No one spoke.

Closed public comment.

Council discussed the item.

MOTION: Motion by Council Member Hudes to adopt a resolution for the California Public Employees' Retirement System Retirement Plan to waive the 180-day retiree rehire wait period and to appoint a retiree as an Interim Finance Director. **Seconded by Council Member Sayoc.**

VOTE: Motion passed 4-0-1, Council Member Badame absent.

PUBLIC HEARINGS

20. Consider Adoption of a 45-Day Urgency Ordinance to Implement Senate Bill 9 to Allow for Two-Unit Housing Developments and Urban Lot Splits in All Single-Family Residential Zoning Districts. **ORDINANCE 2326**

Jennifer Armer, Planning Manager, presented the staff report.

Opened public comment.

Terry Szewczyk

- Commented in support of the recommendation.

David Weissman

- Requested a deed restriction be placed on any new subdivision under the ordinance to increase below market rate housing; modify the intent to occupy verbiage to begin upon issuance of an occupancy permit; and include consequences and exceptions to the three-year time frame.

Safaei Design Group

- Inquired if there will be a public hearing requirement for second story additions and if floor area ratio limits change under the ordinance.

Tony Jeans

- Presented a number of suggested changes to the wording of the proposed urgency ordinance.

Closed public comment.

Council discussed the item.

MOTION: Motion by **Vice Mayor Ristow** to adopt a 45-day Urgency Ordinance to implement Senate Bill 9 (SB9) to allow for two-unit housing developments and urban lot splits in all single-family residential zoning districts and that the three-year timeframe begins with occupancy permit issuance and not at approval of the subdivision.

AMENDMENT: Any new units proposed through the SB9 processes are limited to no more than 1,200 square feet each. **Seconded by Council Member Sayoc.**

VOTE: Motion passed 4-0-1, Council Member Badame absent.

Town Clerk Neis read the title of the ordinance.

Public Hearing Item #20 – Continued

Council Members provided input on items for staff to research and bring back to Council for possible inclusion in the future consideration of extending the urgency ordinance.

Pulled Consent Item #2

2. Approve Draft Minutes of the December 7, 2021 Town Council Study Session.

Laurel Prevetti, Town Manager presented the staff report.

Opened public comment.

No one spoke.

Closed public comment.

Council discussed the item.

MOTION: Motion by Vice Mayor Ristow to approve the draft minutes of the December 7, 2021 Town Council Study Session. Seconded by Council Member Sayoc.

VOTE: Motion passed 3-1-1, Council Member Hudes voting no, Council Member Badame absent.

ADJOURNMENT

The meeting adjourned at 9:33 p.m.

Respectfully submitted:

Jenna De Long, Deputy Clerk