



**TOWN OF LOS GATOS  
COUNCIL MEETING AGENDA \* AMENDED  
DECEMBER 21, 2021  
TELECONFERENCE  
LOS GATOS, CA**

*Rob Rennie, Mayor  
Maria Ristow, Vice Mayor  
Mary Badame, Council Member  
Matthew Hudes, Council Member  
Marico Sayoc, Council Member*

**PARTICIPATION IN THE PUBLIC PROCESS**

**How to participate:** The Town of Los Gatos strongly encourages your active participation in the public process, which is the cornerstone of democracy. If you wish to speak to an item on the agenda, please follow the participation instructions on page 2 of this agenda. If you wish to speak to an item NOT on the agenda, you may do so during the “Verbal Communications” period, by following the participation instructions on page 2 of this agenda. The time allocated to speakers may change to better facilitate the Town Council meeting.

**Effective Proceedings:** The purpose of the Town Council meeting is to conduct the business of the community in an effective and efficient manner. For the benefit of the community, the Town of Los Gatos asks that you follow the Town’s meeting guidelines while attending Town Council meetings and treat everyone with respect and dignity. This is done by following meeting guidelines set forth in State law and in the Town Code. Disruptive conduct is not tolerated, including but not limited to: addressing the Town Council without first being recognized; interrupting speakers, Town Council or Town staff; continuing to speak after the allotted time has expired; failing to relinquish the podium when directed to do so; and repetitiously addressing the same subject. Disruption of the meeting may result in a violation of Penal Code 403.

**Deadlines for Public Comment and Presentations are as follows:**

- Persons wishing to make an audio/visual presentation on any agenda item must submit the presentation electronically, either in person or via email, to the Clerk’s Office no later than 3:00 p.m. on the day of the Council meeting.
- Persons wishing to submit written comments to be included in the materials provided to Town Council must provide the comments as follows:
  - For inclusion in the regular packet: by 11:00 a.m. the Thursday before the Council meeting
  - For inclusion in any Addendum: by 11:00 a.m. the Monday before the Council meeting
  - For inclusion in any Desk Item: by 11:00 a.m. on the day of the Council Meeting

***Town Council Meetings Broadcast Live on KCAT, Channel 15 (on Comcast) on the 1st and 3rd Tuesdays at 7:00 p.m.  
Rebroadcast of Town Council Meetings on the 2<sup>nd</sup> and 4<sup>th</sup> Mondays at 7:00 p.m.  
Live & Archived Council Meetings can be viewed by going to:  
[www.LosGatosCA.gov/TownYouTube](http://www.LosGatosCA.gov/TownYouTube)***

***IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THIS MEETING, PLEASE CONTACT THE CLERK DEPARTMENT AT (408) 354-6834. NOTIFICATION 48 HOURS BEFORE THE MEETING WILL ENABLE THE TOWN TO MAKE REASONABLE ARRANGEMENTS TO ENSURE ACCESSIBILITY TO THIS MEETING [28 CFR §35.102-35.104]***

**TOWN OF LOS GATOS**  
**COUNCIL MEETING AGENDA \* AMENDED**  
**DECEMBER 21, 2021**  
**TELECONFERENCE**  
**7:00 PM**

**\*IMPORTANT NOTICE**

This meeting is being conducted utilizing teleconferencing 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.). Consistent with AB 361 and Town of Los Gatos Resolution 2021-044, this meeting will not be physically open to the public and the Council will be teleconferencing from remote locations. Members of the public can only participate in the meeting by joining the Zoom webinar (log in information provided below).

**\*PARTICIPATION**

To provide oral comments in real-time during the meeting:

- **Zoom webinar:** Join from a PC, Mac, iPad, iPhone or Android device: Please click this URL to join.  
<https://us02web.zoom.us/j/89468766147?pwd=a2NNL0NmWEJVMdZUcmhYUEJQWWpZdz09>. Passcode: 163437. You can also type in 894 6876 6147 in the “Join a Meeting” page on the Zoom website at <https://zoom.us/join>.
- **Join by telephone:** Join by Telephone: Dial: USA 877 336 1839 US Toll-free or 636-651-0008 US Toll. Conference code: 969184

When the Mayor announces the item for which you wish to speak, click the “raise hand” feature in Zoom. If you are participating by phone on the Zoom app, press \*9 on your telephone keypad to raise your hand. If you are participating by calling in, press #2 on your telephone keypad to raise your hand.

When called to speak, you will be asked to provide your full name and your town/city of residence. This identifying information is optional and not a requirement for participation. Please limit your comments to three (3) minutes, or such other time as the Mayor may decide, consistent with the time limit for speakers at a Council meeting. If you wish to speak to an item or items on the Consent Calendar, please state which item number(s) you are commenting on at the beginning of your time.

If you are unable to participate in real-time, you may email to [PublicComment@losgatosca.gov](mailto:PublicComment@losgatosca.gov) the subject line “Public Comment Item #\_\_” (insert the item number relevant to your comment) or “Verbal Communications – Non-Agenda Item.” Comments received by 11:00 a.m. the day of the meeting will be reviewed and distributed before the meeting. All comments received will become part of the record.

## **RULES OF DECORUM AND CIVILITY**

To conduct the business of the community in an effective and efficient manner, please follow the meeting guidelines set forth in the Town Code and State law.

The Town does not tolerate disruptive conduct, which includes but is not limited to:

- addressing the town Council without first being recognized;
- interrupting speakers, Town Council, or Town staff;
- continuing to speak after the allotted time has expired;
- failing to relinquish the microphone when directed to do so;
- repetitiously addressing the same subject.

Town Policy does not allow speakers to cede their commenting time to another speaker.

Disruption of the meeting may result in a violation of Penal Code 403.

## **REMOTE LOCATION PARTICIPANTS**

The following Council Members are listed to permit them to appear electronically or telephonically at the Town Council meeting: *MAYOR ROB RENNIE, VICE MAYOR MARIA RISTOW, COUNCIL MEMBER MARY BADAME, COUNCIL MEMBER MATTHEW HUDES, and COUNCIL MEMBER MARICO SAYOC.* All votes during the teleconferencing session will be conducted by roll call vote.

## **MEETING CALL TO ORDER**

### **ROLL CALL**

**BOARD, COMMISSION, AND COMMITTEE APPOINTMENTS** (*Appoint applicants to the vacant positions on Town Boards, Commissions, and Committees.*)

- |   |                             |
|---|-----------------------------|
| - Arts and Culture Commission (ACC)                       | (4 vacancies, 5 applicants) |
| - Building Board of Appeals (BOA)                         | (2 vacancies, 0 applicants) |
| - Community Health and Senior Services Commission (CHSSC) | (4 vacancies, 2 applicants) |
| - Complete Streets and Transportation Commission (CSTC)   | (3 vacancies, 5 applicants) |
| - Finance Commission (FC)                                 | (1 vacancy, 3 applicants)   |
| - General Plan Committee (GPC)                            | (1 vacancy, 1 applicant)    |
| - Library Board (LIB)                                     | (2 vacancies, 5 applicants) |
| - Parks Commission (Parks)                                | (3 vacancies, 3 applicants) |
| - Personnel Board (Personnel)                             | (2 vacancies, 1 applicant)  |
| - Planning Commission (PC)                                | (2 vacancies, 3 applicants) |

## **COUNCIL / MANAGER MATTERS**

**CONSENT ITEMS** (*Items appearing on the Consent Items are considered routine Town business and may be approved by one motion. Any member of the Council may request to have an item removed from the Consent Items for comment and action. Members of the public may provide input on any or multiple Consent Item(s) when the Mayor asks for public comments on the Consent Items. If you wish to comment, please follow the Participation Instructions contained on Page 2 of this agenda. If an item is removed, the Mayor has the sole discretion to determine when the item will be heard.*)

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.
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).
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.
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.
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.

**VERBAL COMMUNICATIONS** *(Members of the public are welcome to address the Town Council on any matter that is not listed on the agenda, consistent with the Participation Instructions contained on Page 2 of this agenda. To ensure all agenda items are heard and unless additional time is authorized by the Mayor, this portion of the agenda is limited to 30 minutes and no more than three (3) minutes per speaker. In the event additional speakers were not able to be heard during the initial Verbal Communications portion of the agenda, an additional Verbal Communications will be opened prior to adjournment.)*

**OTHER BUSINESS** *(Up to three minutes may be allotted to each speaker on any of the following items consistent with the Participation Instructions contained on Page 2 of this agenda.)*

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).
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.
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.
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.

**PUBLIC HEARINGS** *(Applicants/Appellants and their representatives may be allotted up to a total of five minutes maximum for opening statements. Members of the public may be allotted up to three minutes to comment on any public hearing item. Applicants/Appellants and their representatives may be allotted up to a total of three minutes maximum for closing statements. Items requested/recommended for continuance are subject to Council’s consent at the meeting.)*

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.

**ADJOURNMENT** *(Council policy is to adjourn no later than midnight unless a majority of Council votes for an extension of time).*

*Writings related to an item on the Town Council meeting agenda distributed to members of the Council within 72 hours of the meeting are available for public inspection at the front desk of the Los Gatos Town Library, located at 100 Villa Avenue, and are also available for review on the official Town of Los Gatos website. Copies of desk items distributed to members of the Council at the meeting are available for review in the Town Council Chambers.*

*Note: The Town of Los Gatos has adopted the provisions of Code of Civil Procedure §1094.6; litigation challenging a decision of the Town Council must be brought within 90 days after the decision is announced unless a shorter time is required by State or Federal law.*