



TOWN OF LOS GATOS
***AMENDED COUNCIL MEETING AGENDA**
JUNE 20, 2023
110 EAST MAIN STREET AND TELECONFERENCE
TOWN COUNCIL CHAMBERS
LOS GATOS, CA
7:00 PM

PARTICIPATION IN THE PUBLIC PROCESS

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

* Indicates revised item

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.

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 2nd and 4th Tuesdays at 7:00 p.m.

Live & Archived Council Meetings can be viewed by going to:

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]

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IMPORTANT NOTICE

This is a hybrid meeting and will be held in-person at the Town Council Chambers at 110 E. Main Street and virtually through the Zoom webinar application (log-in information provided below). Members of the public may provide public comments for agenda items in-person or virtually through the Zoom webinar by following the instructions listed below. The live stream of the meeting may be viewed on television and/or online at www.LosGatosCA.gov/TownYouTube.

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://losgatosca.gov.zoom.us/j/85379428243?pwd=b3QzdklOUXRxaG5XQ2dSN3c0U0NLdz09>
Passcode: 192366 You can also type in 85379428243 in the “Join a Meeting” page on the Zoom website at <https://zoom.us/join>.
 - 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.
- **Join by telephone:** Join by Telephone: Dial: USA 877 336 1839 US Toll-free or 636 651 0008 US Toll. Conference code: 686100
 - If you are participating by calling in, press #2 on your telephone keypad to raise your hand.
- **In-Person:** If you wish to speak during the meeting, please complete a “speaker’s card” located on the back of the chamber benches and return it to the Town Clerk. If you wish to speak to an item on the agenda, please list the item number. If you wish to speak on an item NOT on the agenda, please list the subject and you may speak during the “Verbal Communications” period. The time allocated to speakers may change to better facilitate the Town Council meeting.

When called to speak, you may 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 Clerk@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.

MEETING CALL TO ORDER

ROLL CALL

APPROVE REMOTE PARTICIPATION *(This item is listed on the agenda in the event there is an emergency circumstance requiring a Council Member to participate remotely under AB 2449 (Government Code 54953)).*

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 Meeting without first being recognized;
- Interrupting speakers, Town Council Meeting, 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 Section 403.

PLEDGE OF ALLEGIANCE

PRESENTATIONS

- i. Police Foundation Commendation.
- ii. Midpeninsula Open Space District Presentation.

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 Closed Session Meeting Minutes of June 6, 2023.
2. Approve Minutes of the June 6, 2023 Town Council Special Meeting Regarding Commission Interviews.
3. Approve Minutes of June 6, 2023 Town Council Meeting.
4. Authorize the Town Manager to Execute an Agreement with Dillingham Associates for Preliminary Design Services for the Pinehurst Community Garden (CIP No. 831-4610)

and Lynn Avenue Pedestrian Path Design (CIP No. 832-4510) for a Total Amount Not to Exceed \$123,556.

5. Authorize the Town Manager to Issue a Request for Qualifications (RFQ) for Revenue Ballot Measure Consulting Services.
6. Authorize the Town Manager to Execute a Five-Year Agreement for Services with Brightview Tree Care Services, Inc. for Tree Trimming and Maintenance Services in an Amount not to exceed \$200,000 in Fiscal Year 2023/24 and Total Five-Year Contract Value of Up to \$1,000,000.
7. Consider the Following in Support of Tree Trimming and Maintenance:
 - a. Authorize the Town Manager to Execute a Sixth Amendment to the Agreement for Services with Brightview Tree Care Services, Inc. to Increase Compensation for Fiscal Year 2022/23 in an Amount of \$75,000 for a Total Annual Amount Not to Exceed \$275,000 and a Total Agreement Amount Not to Exceed \$1,174,000; and
 - b. Authorize a Revenue and Expenditure Budget Adjustment in the Amount of \$75,000 from the Available Tree Replacement Deposit Account.
8. Authorize the Town Manager to Execute an Agreement with Los Gatos Saratoga Community Education and Recreation for Senior Services in the Amount of \$225,000.
9. Authorize the Town Manager to Execute a Second Amendment to the Agreement with Whitlock & Weinberger Transportation, Inc. dba W-Trans, Modifying the Scope of Service, Extending the Term, and Increasing the Total Compensation by \$50,000 for a Total Contract Amount not to Exceed \$250,000 for Consultant Services for the Project Management Function of the Traffic Signal Modernization Project (Project 813-0227).
10. Authorize the Town Manager to Execute a Notice of Completion and Certificate of Acceptance for Specified Improvements Completed by SummerHill N40 LLC for the North 40 Phase 1 Development at Lark Avenue and Los Gatos Boulevard and Authorize the Town Clerk to Submit for Recordation.
11. Adopt a Resolution Establishing the Fiscal Year 2023/24 Gann Appropriation Limit for the Town of Los Gatos.
12. Receive the Monthly Financial and Investment Report (April 2023).
- 13.*Item Removed.
14. Authorize the Town Manager to Execute a Second Amendment to the Agreement for Consultant Services with CSG Consultants, Inc. to Extend the Term and Time of Performance to June 30, 2025, Revise the Compensation Approach, and Increase the Minimum Scope of Insurance of the Agreement.
15. Staff Recommends the Town Council:
 - a. Authorize the Town Manager to Prepare a Joint Jurisdiction (Los Gatos and San José) Grant Application to the Safe Streets and Roads for All Program for a Corridor Study of Blossom Hill Road from Union Avenue to Camden Avenue;
 - b. Authorize Town Manager to Execute a Second Amendment to the Agreement for Consultant Services with Fehr and Peers for a Total Contract Amount Not to Exceed \$124,999.14; and
 - c. Authorize an Expenditure Budget Transfer in an Amount of \$25,000 from Available Fiscal Year (FY) 2023/24 Funds in in Project No. 911-9901 – Street Repair and Resurfacing to Project 812-0132 – Local Road Safety Program.

VERBAL COMMUNICATIONS *(Members of the public are welcome to address the Town Council on any matter that is not listed on the 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.)*

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.)*

16. Authorize the Following Actions for Landscape and Lighting Assessment Districts No. 1 and 2:
 - a. Adopt a Resolution Confirming the Diagram and Assessments and Levying and Authorizing Collection of Assessments for Landscape and Lighting Assessment District No. 1-Blackwell Drive Benefit Zone.
 - b. Adopt a Resolution Confirming the Diagram and Assessments and Levying and Authorizing Collection of Assessments for Landscape and Lighting Assessment District No. 1-Kennedy Meadows Benefit Zone.
 - c. Adopt a Resolution Confirming the Diagram and Assessments and Levying and Authorizing Collection of Assessments for Landscape and Lighting Assessment District No. 1-Santa Rosa Heights Benefit Zone.
 - d. Adopt a Resolution Confirming the Diagram and Assessments and Levying and Authorizing Collection of assessments for Landscape and Lighting Assessment District No. 1-Vasona Heights Benefit Zone.
 - e. Adopt a Resolution Confirming the Diagram and Assessments and Levying and Authorizing Collection of assessments for Landscape and Lighting Assessment District No. 1-Hillbrook Drive Benefit Zone.
 - f. Adopt a Resolution Confirming the Diagram and Assessments and Levying and Authorizing Collection of assessments for Landscape and Lighting Assessment District No. 2-Gemini Court Benefit Zone.
17. Conduct Brush Abatement Program Public Hearing to Consider Objections to the Proposed Removal of Brush on Parcels Listed on the 2023 Wildland Urban Interface (WUI) Area Non-Compliant Parcel List and Order Abatement.

OTHER BUSINESS *(Up to three minutes may be allotted to each speaker on any of the following items.)*

18. Adopt the Following Salary Schedules:
 - a. Salary Schedule for Management Classifications Effective April 2, 2023,
 - b. American Federation of State, County, and Municipal Employees (AFSCME) Salary Schedule Effective July 9, 2023,
 - c. Police Officer Association (POA) Salary Schedule Effective July 9, 2023,
 - d. Town Employees' Association (TEA) Salary Schedule Effective July 9, 2023,
 - e. Salary Schedule for Confidential Classifications Effective July 9, 2023,
 - f. Salary Schedule for Management Classifications Effective July 9, 2023, and

- g. Salary Schedule for Temporary/Hourly Classifications Effective July 9, 2023.

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.)*

19. Consider the Following Actions for the Adult Recreation Center - Americans with Disabilities Act (ADA) Compliant Public Restroom Project (CIP No. 821-2601):
 - a. Consider a Protest in Opposition of the Intent to Award a Construction Agreement for the Adult Recreation Center - Americans with Disabilities Act (ADA) Compliant Public Restroom Project (CIP No. 821-2601) to Tucker Construction;
 - b. Authorize the Town Manager to Award and Execute a Construction Agreement with Tucker Construction Inc. in an Amount not to Exceed \$249,490; and
 - c. Authorize Staff to Execute Change Orders in an Amount Not to Exceed Ten Percent of the Contract Award Amount.

OTHER BUSINESS *(Up to three minutes may be allotted to each speaker on any of the following items.)*

20. Receive Report on the Status of the Shower Ministry and Provide Direction on the Placement of a Temporary Restroom and the Proposed Parameters for a Hotel Voucher Program for Los Gatos Unhoused Residents.

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.)*

21. Introduce an Ordinance Titled "An Ordinance of the Town Council of the Town of Los Gatos Amending Chapter 18, Article VII, "Weapons," of the Town Code Update the Town's Concealed Carry Firearm Licensing Ordinance and Prohibit the Carry of Firearms in Sensitive Places".
22. 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 Land Use and Economic Recovery Amendments Related to Personal Service Businesses, Bars, Tap/Tasting Rooms, Specialty Food Retail, Banks, Financial and Investment Services, Office Activities, Formula Retail, Group Classes, Veterinarians, and Definitions." The Proposed Amendments to the Town Code are Not Considered a Project Under the California Environmental Quality Act. Town Code Amendment Application A-23-001. Project Location: Town Wide. Applicant: Town of Los Gatos.

OTHER BUSINESS *(Up to three minutes may be allotted to each speaker on any of the following items.)*

23. Receive the Report on Potential Revisions and Community Input to the Shannon Road Pedestrian and Bicycle Improvements Project (CIP No. 813-0218) and Provide Design Direction.

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: In accordance with Code of Civil Procedure §1094.6; litigation challenging a quasi-adjudicatory decision of the Town Council must be brought within 90 days after the decision is final unless a shorter time is required by State or Federal law.