



**TOWN OF LOS GATOS
COUNCIL MEETING AGENDA
AUGUST 15, 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*

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]

**TOWN OF LOS GATOS
COUNCIL MEETING AGENDA
AUGUST 15, 2023
110 EAST MAIN STREET AND TELECONFERENCE
TOWN COUNCIL CHAMBERS
7:00 PM**

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.

This meeting will be teleconferenced pursuant to Government Code Section 54953(b)(3). Council Member Rob Rennie will be participating from a teleconference location at 16879 Prospect Avenue, Thousand Island Park, New York, 13693. The teleconference location shall be accessible to the public and the agenda will be posted at the teleconference locations 72 hours before the meeting.

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

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 Council Meeting Minutes of August 1, 2023.
2. Approve Council Meeting Minutes of August 1, 2023.
3. Adopt a Resolution to Extend the Term of the Housing Element Advisory Board.

4. Authorize the Town Manager to Execute the Third Amendment to the Consulting Services Agreement with ActiveWayz Engineering for Additional Engineering Services in an Amount of \$80,224, Resulting in a Total Agreement Amount Not to Exceed \$276,933, for the Shannon Road Pedestrian and Bikeways Improvement Project (CIP No. 813-0218).
5. Consider the Following Actions Regarding the Howes Play Lot Structure:
 - a. Authorize the Town Manager to Execute a Purchase and Service Agreement with Ross Recreation Equipment to Replace Play Structure Equipment in an Amount of \$115,884 Plus Five Percent for Unforeseen Repairs for a Total Agreement Amount not to Exceed \$121,678; and
 - b. Authorize an Expenditure Budget Adjustment in an Amount of \$121,678 From Available General Fund Special/Capital Projects Reserve.
6. Adopt a Resolution Granting an Appeal of a Planning Commission Decision to Approve a Fence Height Exception Request for Construction of an Automated Vehicular Gate Exceeding the Maximum Height and with Reduced Setbacks on Property Zoned R-1:8. **Located at 380 Blackwell Drive.** APN 424-12-027. Categorically Exempt Pursuant to CEQA Guidelines Section 15303 (e): New Construction or Conversion of Small Structures. Fence Height Exception Application FHE-23-002. PROPERTY OWNER: Larry Cesnik and Martha Johnson. APPELLANT: Larry Cesnik. APPLICANT: Ramin Zohoor. PROJECT PLANNER: Sean Mullin.
7. Adopt an Ordinance Titled "An Ordinance of the Town Council of the Town of Los Gatos Amending Section 18.30.040, 'Penalties for Violations,' of Division 1, Article III, of Chapter 18 of the Town Code, 'Social Host Ordinance'."
8. Authorize the Town Manager to Execute the First Amendment to the Consulting Services Agreement with Nichols Consulting Engineers for Additional Engineering Services in an Amount of \$42,500, Resulting in a Total Agreement Amount Not to Exceed \$486,900, and an Extension of Time for the Shannon Road Repair Project (CIP No. 811-0008).
9. Receive Monthly Financial and Investment Reports (April Amended, May, and June 2023).

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.)*

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

10. Adopt a 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.
11. Review the Library Board Work Plan for Calendar Year 2023.
12. a. Receive the Information Provided in the Police Services Report: January – June 2023;

- and
- b. Approve the Technical Sharing of Information Obtained from the Town's Automated License Plate Reader (ALPR) Technology and Information Captured by the Flock Safety Technology with Other Law Enforcement Agencies in Santa Clara County.
13. Receive an Update on American Rescue Plan Act (ARPA) Public Safety Expenses and General Fund Council Priorities – Economic Recovery Reserve Tracking and Provide Direction for the Use of the Remaining Funds in this Reserve.
 14. Receive the Report on Downtown Paid Parking Program Models and Consider the Following Actions:
 - a. Direct Staff to Return to Council with an Updated Fee Resolution to:
 - i. Increase the Rates Effective January 1, 2024 for Residential Permit Parking to \$52 per Year for Vehicle One, and \$72, \$92, and \$112 for Vehicles Two, Three, and Four, Respectively;
 - ii. Set Rates for Residential Permits in the Olive Zone to Match Rates for the Town's Other Residential Parking Zones Effective January 1, 2024; and
 - iii. Eliminate the Annual Fee for Employee Parking in the Olive Zone Effective January 1, 2024;
 - b. Provide Direction to Staff Regarding the Establishment of Residential Permit Rates for Low Income Residents Defined as Households with Income of Less than 80% of Area Median Income;
 - c. Provide Direction to Staff Regarding the Two Free Visitor Passes that are Available to Each Household in the Residential Permit Parking Areas; and
 - d. Provide Feedback and/or Direction on the Paid Parking Program Options, Pricing Models, Service Delivery Scenarios, and Staffing Alternatives Required to Support a Functioning and Effective Downtown Paid Parking Program.
 15. Receive and Discuss a Status Update on the 2023-2031 Housing Element Process.

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.