



TOWN OF LOS GATOS COUNCIL AGENDA REPORT

Minutes of the Town Council Meeting January 17, 2023

The Town Council of the Town of Los Gatos conducted a regular meeting in-person and via teleconference on Tuesday, January 17, 2023, at 7:00 p.m.

MEETING CALLED TO ORDER AT 7:01 P.M.

ROLL CALL

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

Absent: None

PLEDGE OF ALLEGIANCE

Michael Hein led the Pledge of Allegiance. The audience was invited to participate.

PRESENTATIONS

Mayor Ristow presented commendations to outgoing Commissioners.

CLOSED SESSION REPORT

Gabrielle Whelan, Town Attorney, stated the Town Council met in Closed Session as duly noted on the agenda and there was no reportable action.

COUNCIL/TOWN MANAGER REPORTS

Council Matters

- Council Member Hudes stated he attended Senior Service Committee and Subcommittee meetings, met with Los Gatos-Saratoga Recreation, and observed the Finance Commission meeting.
- Council Member Rennie stated he attended the Bay Area Air Quality Management District Board meeting, Hannukah on Main Candle Lighting event, Silicon Valley Clean Energy Authority (SVCEA) Risk Oversight Committee meeting, Finance Commission meeting, SVCEA Board meeting, and the Valley Transportation Authority Board meeting.
- Vice Mayor Badame stated she met with Lee Fagot (moderator of the Democracy Tent community group), observed the Finance Commission meeting, and disclosed she met with the applicant/appellant for agenda item #15.

Council Matters – continued

- Council Member Moore stated he met with Destination Home CEO and its executive leadership, attended the Governor's inauguration, participated in the CalCities training for New Mayors and Council Members, attended the West Valley Sanitation Board District Authority Board meeting, met with many community members, attended Hannukah on Main Candle Lighting event, and supported the Town residents and vulnerable community members who were affected by the storms.
- Mayor Ristow stated she attended Hannukah on Main Candle Lighting event, new Commissioner Orientation, Finance Commission meeting, Senior Service Committee meeting, Complete Streets and Transportation Commission meeting as an observer, and announced the Los Gatos Theatre grand opening on Thursday, January 20.

Manager Matters

- Thanked the Community Emergency Response Team (CERT) and Disaster Assistance Response Team (DART) for the storm response efforts.
- Announced the Finance Commission recruitment is underway and applications are available on the Town website and are due on January 27.
- Announced the launch of the Town's updated website.
- Announced a valet parking survey is now available on the Town website.
- Announced a Special Meeting of the Town Council to be held on January 24, 2023, to discuss Strategic Priorities.
- Announced a Special Meeting of the Town Council will be held on January 30, 2023, to discuss the Draft Housing Element with a potential second meeting on January 31, 2023.
- Announce the Town will be partnering with the school districts to host a community workshop on February 1 at 6:00 p.m. via Zoom to prevent underage drinking by promoting healthy norms.

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

1. Approve Draft Minutes of the December 20, 2022 Town Council Meeting.
2. Approve Draft Minutes of the January 10, 2023 Special Town Council Meeting.
3. Adopt a Resolution Reaffirming Resolution 2021-044 and Making Findings Pursuant to Government Code Section 54953, as Amended by Assembly Bill 361, and, Due to Health and Safety Concerns for the Public, Authorizing the Use of Hybrid Meetings for the Town Council and the Continued Use of Virtual Meetings for Boards and Commissions While Town Staff Makes the Necessary Arrangements to Transition to Hybrid Meetings for All Town Boards, Commissions, and Committees. **RESOLUTION 2023-002**
4. Los Gatos Creek Trail to Highway 9 Trailhead Connector Project (CIP No. 832-4505):
 - a. Approve the Plans and Specifications;
 - b. Authorize Advertising the Project for Bid Upon Receipt of Formal Funding Approval (E-76) from Caltrans; and
 - c. Authorize the Release of a Request for Proposals for Construction Management, Inspection, and Materials Testing Services.

Consent Items – continued

5. Legal Costs for Colantuono, Highsmith & Whatley, PC
 - a. Authorize Payment of Up to An Additional \$50,000 for a Total Payment Not to Exceed \$150,000 for Fiscal Year 2022/23; and
 - b. Authorize Expenditure Budget Adjustment in an Amount of \$100,000 From Available General Fund Capital/Special Projects Reserve.
6. Adopt a Resolution to Extend the Term of the Housing Element Advisory Board.
RESOLUTION 2023-003
7. Authorize Budget Adjustments in the Total Amount of \$57,046 to Recognize Receipt and Expenditure of Pacific Library Partnership, California State Library, and Library Services & Technology Act Grant Funds.
8. Authorize the Town Manager to Execute a Fifth Amendment to the Agreement for Services with Brightview Tree Care Services, Inc. to Increase Compensation for Fiscal Year 2022/23 in an Amount of \$100,000 for a Total Annual Amount Not to Exceed \$200,000 with the Total Agreement Amount Not to Exceed \$1,096,000.
9. Authorize the Town Manager to Execute a Third Amendment to a Consultant Agreement for Executive Recruitment Services with Teri Black & Company, LLC for an Additional Amount of \$31,000 with a Total Amount Not to Exceed \$170,500 and Authorize an Expenditure Budget Adjustment from Available General Fund Capital/Special Projects Reserve.
10. Receive Monthly Investment Reports for October and November 2022.

Council Member Hudes pulled item #4.

MOTION: Motion by Council Member Rennie to approve consent items 1-10, exclusive of item 4. Seconded by Vice Mayor Badame.

VOTE: Motion passed unanimously.

VERBAL COMMUNICATIONS

Sue Ahmadian, St. Vincent de Paul

- Commented on the unhoused and requested Council consider opening and overnight warming center.

Ramesh Sastry

- Commented on a recent burglary and catalytic converter thefts.

Naomi Salowe

- Read a letter from Ellie, whose boyfriend passed away in a fatal crash on Blossom Hill Road and Belgatos Road.

Verbal Communications – continued

Sriram Narayanan

- Commented on concerns with Blossom Hill Road safety and requested Council consider additional safety measures on Blossom Hill between Leigh Avenue and Harwood Road.

Kelly Massini

- Commented on concerns with Blossom Hill Road safety and requested Council consider additional safety measures on Blossom Hill between Leigh Avenue and Harwood Road.

Katrina Brinkman

- Commented on concerns with Blossom Hill Road safety and requested Council consider additional safety measures at Blossom Hill and Belgatos Road.

Blake Thornberry

- Commented on concerns with Blossom Hill Road safety and requested Council consider additional safety measures at Blossom Hill and Belgatos Road.

Lee Fagot

- Commented on the Housing Element and requested the Town Council consider convening additional community meetings to discuss the Draft Housing Element.

The Mayor stated the 30-minute time limit had been reached and that Verbal Communications would continue for any additional speakers at end of the meeting.

PUBLIC HEARINGS

11. Consider Objections to the Proposed Abatement of Hazardous Vegetation (Weeds) for Properties Listed on the 2023 Weed Abatement Program Commencement Report and Order the Abatement.

Meredith Johnston, Administrative Technician, presented the staff report.

Opened Public Comment.

Eugene Della Maggiore

- Requested Council consider removing his address from the list so he could abate the weeds on his own property. He was unable to do so earlier due to COVID.

Closed Public Comment.

Council discussed the matter.

Public Hearing Item #11 – continued

MOTION: **Motion by Vice Mayor Badame** to order the abatement of weeds for properties listed on the 2023 weed abatement program in attachment one and remove parcel number 410-17-008 from the list due to the hardship of having COVID. **Seconded by Council Member Hudes.**

VOTE: **Motion passed unanimously.**

12. Consider a General Plan Amendment by Resolution to Add Policies to the Hazards and Safety Element. Location: Town-Wide. General Plan Amendment Application GP-22-002.
RESOLUTION 2023-004

Jennifer Armer, Planning Manager, presented the staff report.

Opened Public Comment.

No one spoke.

Closed Public Comment.

Council discussed the matter.

MOTION: **Motion by Council Member Moore** to approve a General Plan amendment by Resolution to add policies to the Hazards and Safety Element. **Seconded by Vice Mayor Badame.**

VOTE: **Motion passed unanimously.**

OTHER BUSINESS

13. Receive the Police Services Report: July – December 2022.

Jamie Field, Police Chief, and Derek Moye, Operations Captain, presented the staff report.

Opened Public Comment.

John Shepardson

- Commented on traffic stop data and requested a cost benefit analysis of police services be conducted.

Closed Public Comment.

Council discussed the matter and received the report.

Other Business Item #13 – continued

Recess 8:53 p.m.

Reconvene 9:00 p.m.

14. Review and Approve the Town’s Response to the 2022 Civil Grand Jury of Santa Clara County Report Entitled, “Show Me the Money: Financial Transparency Needed” and the Changes to the Town’s Operating Portfolio Investment Policy as Reviewed by the Finance Commission.

Gitta Ungvari, Finance Director, presented the staff report.

Opened Public Comment.

John Shepardson

- Commented on the item and suggested a review of the Grand Jury’s concerns.

Jak Van Nada

- Commented on the purpose of the Civil Grand Jury Report, referred to the City of Saratoga’s report and suggested the Town add tables 1 and 2 from Saratoga’s report to the Town’s the investment report.

Closed Public Comment.

Council discussed the matter.

MOTION: Motion by Council Member Moore to approve the Town’s Response to the 2022 Civil Grand Jury of Santa Clara County Report entitled, “Show Me the Money: Financial Transparency Needed” and the changes to the Town’s Operating Portfolio Investment Policy as reviewed by the Finance Commission. **Seconded by Council Member Rennie.**

VOTE: Motion passed 3-2, Vice Mayor Badame and Council Member Hudes voted no.

PUBLIC HEARINGS

15. Consider an Appeal of a Planning Commission Decision to Deny a Fence Height Exception Request for Construction of a Six-Foot Fence Located Within the Required Front Yard Setback and a Vehicular Gate Set Back Less than 18 Feet from the Edge of the Adjacent Street on Property Zoned R-1:10. Located at 755 Blossom Hill Road. APN 523- 04-043. PROPERTY OWNER/APPELLANT: David and Ilana Kohanchi. APPLICANT: Nina Guralnic.
RESOLUTION 2023-005

Public Hearing #15 – continued

Savannah Van Akin, Assistant Planner, presented the staff report.

Council Member Moore disclosed he met with the property owners and stated the owners have sold fruit and purchased luxury cars.

Vice Mayor Badame disclosed she met with property owner.

Council Member Hudes disclosed he met with the property owners.

Council Member Rennie disclosed he visited the property.

Mayor Ristow disclosed she visited the property.

Opened Public Comment.

Ilana Kohanchi, Applicant/Appellant, commented on the item and provided opening comments.

David Kohanchi, Applicant/Appellant, commented on the item provided closing comments.

Closed Public Comment.

Council discussed the matter.

MOTION: Motion by Council Member Hudes to adopt a resolution to grant the appeal and approve the application with the following 3 conditions: (1) the spikes be removed from the fence, (2) the gate be reconfigured to work from the other side so it does not obstruct traffic, and (3) the appellants to use their best efforts to ensure the gate remains open from 6:30 a.m. to 9:00 p.m. and provide some documentation to the Town of their efforts to do that; and make the findings that the safety would not be extraordinarily harmed because the fence has good visibility, the public safety weighed with the safety of the property owner is balanced, the adjacency to commercial perimeter of eight feet is a safety concern, and the Planning Commission decision did not include some of the issues discussed so it was not supported by substantial evidence with regard the information on the website and the lack of consideration of the adjacency to the commercial perimeter. **Seconded by Council Member Rennie.**

VOTE: Motion passed 3-2, Mayor Ristow and Council Member Moore voted no.

Pulled Consent Items

4. Los Gatos Creek Trail to Highway 9 Trailhead Connector Project (CIP No. 832-4505):
 - a. Approve the Plans and Specifications;
 - b. Authorize Advertising the Project for Bid Upon Receipt of Formal Funding Approval (E-76) from Caltrans; and
 - c. Authorize the Release of a Request for Proposals for Construction Management, Inspection, and Materials Testing Services.

Nicolle Burnham, Parks and Public Works Director, answered Council questions.

Opened Public Comment.

John Shepardson

- Commented on concerns with the item.

Closed Public Comment.

Council discussed the matter.

MOTION: Motion by Council Member Hudes to approve the plans and specifications; authorize advertising the project for bid upon receipt of formal funding approval (E-76) from Caltrans; and authorize the release of a request for proposals for construction management, inspection, and materials testing services. **Seconded by Council Member Moore.**

VOTE: Motion passed unanimously.

ADDITIONAL VERBAL COMMUNICATIONS

DOC

- Commented on concerns with security and safety such as data mining the use of facial recognition technology.

Lynley Kerr Hogan

- Commented on maxims.

Joanne Rodgers

- Read a letter written by Planning Commissioner Kylie Clark regarding the Town's Housing Element sent to the California Department of Housing & Community Development (HCD).

Chris Wiley

- Commented on concerns with the letter written by Kylie Clark to the HCD and her capacity to be an objective Planning Commissioner.

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SUBJECT: Minutes of the Town Council Meeting of January 17, 2023

DATE: January 17, 2023

Additional Verbal Communications – continued

Lisa Harris

- Commented on concerns with the letter written by Kylie Clark to the HCD and requested she be removed from her position as a Planning Commissioner.

John Shepardson

- Commented on concerns with Blossom Hill/Belgatos traffic safety and Diversity Equity and Inclusion (DEI) efforts.

ADJOURNMENT

The meeting adjourned at 11:10 p.m.

Respectfully Submitted:

/s/ Jenna De Long, Deputy Clerk