



TOWN OF LOS GATOS COUNCIL AGENDA MINUTES

Minutes of the Town Council Meeting Tuesday, June 20, 2023

The Town Council of the Town of Los Gatos conducted a regular meeting in person and utilizing teleconferencing means on Tuesday, June 20, 2023, at 7:00 p.m.

MEETING CALLED TO ORDER AT 7:06 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

Council Member Hudes led the Pledge of Allegiance. The audience was invited to participate.

PRESENTATIONS

Midpeninsula Open Space District Board Member Craig Gleason gave a presentation about the District's activities.

Mayor Ristow presented commendations to the Police Foundation.

COUNCIL/TOWN MANAGER REPORTS

Council Matters

- Council Member Moore stated he hosted a fundraiser for the Los Gatos Anti-Racism Coalition for a rental assistance program and his monthly Council Member Community Coffee; met with the Community Health and Senior Services Chair and separately met with Los Gatos Union School District Superintendent Paul Johnson; and attended the West Valley Sanitation District meeting and the Housing Element Advisory Board meeting.
- Vice Mayor Badame stated she met with residents on various issues; and attended the Shannon Road community meeting and the Conceptual Development Advisory Committee meeting.
- Council Member Hudes stated he met with members of a newly formed group Friends of Los Gatos Older Adults, attended the Housing Element Advisory Board meeting, commented on concern with the housing element and requested a joint study session with the Planning Commission to review the potential impacts of state law related to pre-applications under Senate Bill 330, and participated in the Association of Bay Area Government's General Membership meeting.
- Council Member Rennie stated he met with Town seniors who are working on the implementation of the Senior Roadmap; and attended the Santa Clara County Local Agency Formation Commission 60-year lunch celebration, the Casa Diablo for Geothermal Plan

ribbon cutting ceremony, the Silicon Valley Clean Energy Board meeting and Study Session, and the Cities Association dinner.

- Mayor Ristow attended the Conceptual Development Advisory Committee meeting, the Cities Association Annual Membership Dinner, a couple ribbon cuttings, the beautification committee meeting, and the Council Retreat; and meet with NUMU's Childrens Art Camp.

Manager Matters

- Announced the Fourth of July celebration at Oak Meadow Park starting at 11:00 a.m.
- Announced the concert series Music in the Park will begin on Sunday afternoons in late July at the Civic Center.

CLOSED SESSION REPORT

Gabrielle Whelan, Town Attorney, stated the Council met in closed session to discuss one item of anticipated litigation pursuant to Government Code section 54956.9(d)(3) and there was no reportable action.

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

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. **RESOLUTION 2023-034**
 12. Receive the Monthly Financial and Investment Report (April 2023).
 13. *This item was removed from the agenda posted on June 15, 2023, as noted on the amended agenda posted on June 16, 2023.
 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.

Opened public comment.

No one spoke.

Closed public comment.

MOTION: Motion by **Council Member Rennie** to approve consent items 1-15 and noted item 13 was previously removed from the Consent Calendar. **Seconded by Council Member Moore.**

VOTE: Motion passed unanimously.

VERBAL COMMUNICATIONS

Carl Guardino, Vice President of Global Government Affairs for Turano Wireless

- Commented on the Third Annual 5K Stars and Stride Run and Walk on Saturday July 1 in Downtown San Jose with proceeds going to Valley Health Foundation to help support the basic health care needs of those in Santa Clara County.

Jeffery Blum, Community Health and Senior Services Commission Chair

- Commented on possible County funding for adult day care services or a case manager and requested Council read the mental health and substance abuse report they submitted.

OTHER BUSINESS

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. **RESOLUTION 2023-035**
- 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. **RESOLUTION 2023-036**
- 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. **RESOLUTION 2023-037**
- 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. **RESOLUTION 2023-038**
- 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. **RESOLUTION 2023-039**
- 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. **RESOLUTION 2023-040**

Meredith Johnston, Administrative Technician, presented the staff report.

Opened public comment.

No one spoke.

Closed public comment.

MOTION: Motion by **Council Member Rennie** to 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; 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; 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; 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; 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; 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. **Seconded by Council Member Hudes.**

VOTE: Motion passed unanimously.

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.

Meredith Johnston, Administrative Technician, presented the staff report.

Opened public comment.

No one spoke.

Closed public comment.

MOTION: Motion by **Vice Mayor Badame** to order the abatement of parcels listed on attachment one of the staff report that are part of the 2023 Wildland Urban Interface (WUI) Area Non-Compliant Parcel List. **Seconded by Council Member Moore.**

VOTE: Motion passed unanimously.

OTHER BUSINESS

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.

Gitta Ungvari, Finance Director, presented staff report.

Mayor Ristow called for a recess due to technical difficulties at 8:19 p.m.

Reconvened at 8:32 p.m.

Opened public comment.

No one spoke.

Closed public comment.

MOTION: **Motion** by **Council Member Moore** to adopt the Salary Schedule for Management Classifications Effective April 2, 2023; the American Federation of State, County, and Municipal Employees (AFSCME) Salary Schedule Effective July 9, 2023; Police Officer Association (POA) Salary Schedule Effective July 9, 2023; the Town Employees' Association (TEA) Salary Schedule Effective July 9, 2023; the Salary Schedule for Confidential Classifications Effective July 9, 2023; the Salary Schedule for Management Classifications Effective July 9, 2023; and the Salary Schedule for Temporary/Hourly Classifications Effective July 9, 2023. **Seconded** by **Vice Mayor Badame**.

VOTE: **Motion passed unanimously.**

PUBLIC HEARING

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.

Dan Keller, Facilities and Environmental Services Manager, presented the staff report.

Opened public comment.

No one spoke.

Closed public comment.

MOTION: Motion by Council Member Hudes to deny the bid protest and reject the bid from San Jose Demolition as non-responsive and award the construction agreement in Attachment 5 to the staff report to Tucker Construction; and authorize the Town Manager to execute the contract on behalf of the Town. **Seconded by Council Member Moore.**

VOTE: Motion passed unanimously.

OTHER BUSINESS

- 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.

Laurel Prevetti, Town Manager, presented staff report.

Opened public comment.

Ed Lozowicki, St. Vincent de Paul Society

- Spoke in support of the hotel voucher program for unhoused residents.

Closed public comment.

MOTION: Motion by Mayor Ristow to approve the Shower Ministry, the placement of a temporary restroom, and the proposed parameters Hotel Voucher Program for Los Gatos unhoused residents, leaving it to staff to figure out how the financial part of the vouchers will be managed moving forward. **AMENDMENT:** to ask staff to define medical stay. **Seconded by Council Member Moore.**

VOTE: Motion passed by a vote of 4-1. (Council Member Hudes voted no)

PUBLIC HEARINGS

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”.

Gabrielle Whelan, Town Attorney, presented the staff report.

Opened public comment.

Jared Ajlonny

- Commented on the County Sheriff’s process for a Carry Concealed Weapon permit.

Heidi Owens, Moms Demand Action

- Commented in support of the item.

Erica Mittelhauser

- Commented in support of the item.

Marie Rector, Moms Demand Action

- Commented in support of the item.

Bernadette, Moms Demand Action

- Commented in support of the item.

Fred Faltersack

- Commented in support of the item.

Kim B

- Commented in support of the item.

Carrie Walton

- Commented in support of the item.

Maria Gerst

- Commented in support of the item.

Closed public comment.

MOTION: Motion by Vice Mayor Badame to 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.”
Seconded by Council Member Moore.

VOTE: Motion passed unanimously.

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.

Sean Mullin, Senior Planner, presented the staff report.

Opened public comment.

Randi Chen, Chamber of Commerce

- Commented in support of staff’s recommendations and had some concerns with the specialty retail section regarding coffee shops.

Closed public comment.

MOTION: Motion by Vice Mayor Badame to allow personal service businesses as a permitted use in the C-2 and Office zones. Seconded by Council Member Hudes.

VOTE: Motion passed unanimously.

MOTION: Motion by Council Member Moore to adopt the recommended changes to bars markets and other miscellaneous commercial businesses. Seconded by Mayor Ristow.

VOTE: Motion passed unanimously.

MOTION: Motion by Vice Mayor Badame to approve the recommended changes to specialty retail and specialty food retail. Seconded by Council Member Moore.

VOTE: Motion passed unanimously.

MOTION: Motion by Council Member Hudes to approve the recommendations for banks, financial and investment services adding language for office activities to include

venture capital offices, technology incubator facilities, and biotechnology incubator facilities including dry lab facilities. **Seconded by Vice Mayor Badame.**

VOTE: Motion passed unanimously.

MOTION: Motion by Council Member Hudes to keep the definition for formula retail business and changing the number from 7 to 11 and keep formula retail business in the “Table of Conditional Uses” changing the square feet from 6,000 to 10,000. **Seconded by Vice Mayor Badame.**

VOTE: Motion passed unanimously.

MOTION: Motion by Council Member Hudes to keep the Conditional Use Permit requirement as-is for group classes. **Seconded by Mayor Ristow.**

VOTE: Motion passed unanimously.

MOTION: Motion by Council Member Moore to adopt the recommended changes for veterinary businesses in C-1 zone. **Seconded by Mayor Ristow.**

VOTE: Motion passed unanimously.

Sean Mullin, Senior Planner, summarized the following changes to the proposed ordinance:

Section 29.10.020 “Definitions,” of Chapter 29, “Zoning Regulations,” “Office activities” is amended to include the language “venture capital offices, technology incubator facilities, and biotechnology incubator facilities including dry lab facilities.”

Section 29.10.020 “Definitions,” of Chapter 29, “Zoning Regulations,” is amended to keep the definition of “Formula retail business” changing the language to 11 or more other business locations.”

Section 29.20.185 “Table of Conditional Uses,” of Chapter 29, “Zoning Regulations,” Subsection (1)(o) is amended to read “Formula retail business greater than 10,000 s.f.” and retain the CUP requirements.

Section 29.20.185, “Table of Conditional Uses,” of Chapter 29, “Zoning Regulations,” Subsection (4)(h) is amended to retain Art, craft, music, dancing school, group classes and retain the CUP requirement.

Section 29.20.190, “Findings and Decision,” of Chapter 29, “Zoning Regulations,” Subsection (b) is amended retain the language and change six thousand (6,000) to ten thousand (10,000).

Section 29.60.210, "Permitted uses," of Chapter 29, "Zoning Regulations," Subsection (a)(1) is amended to read "Retailing up to ten thousand (10,000) square feet."

Section 29.60.320, "Permitted uses," of Chapter 29, "Zoning Regulations," Subsection (a)(1) is amended to read "Retailing including formula retail up to ten thousand (10,000) square feet."

Section 29.60.320, "Permitted uses," of Chapter 29, "Zoning Regulations," Subsection (a)(9) is amended to remove "Group classes."

Section 29.60.420, "Permitted uses," of Chapter 29, "Zoning Regulations," Subsection (a)(1) is amended to "Retailing, including formula retail up to ten thousand (10,000) square feet."

Section 29.70.100, "Permitted uses," of Chapter 29, "Zoning Regulations," Subsection (a)(1) is amended to "Retailing, including formula retail up to ten thousand (10,000) square feet."

Section 29.20.745, ""Development Review Committee," of Chapter 29, "Zoning Regulations," Subsection (21) is amended to retain the language "Determine and issue zoning approval for group classes in the C-2 zone."

MOTION: **Motion by Mayor Ristow** to introduce the 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" with the changes noted by staff. **Seconded by Council Member Hudes.**

VOTE: **Motion passed unanimously.**

Mayor Ristow called for a recess at 11:11 p.m.

Reconvened at 11:17 p.m.

OTHER BUSINESS

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.

Gary Heap, Town Engineer, presented the staff report.

Opened public comment.

Maria Gerst

- Expressed gratitude to the Town Council and the Engineering staff for considering the needs and wants of the residents and commented in support of the proposed option.

Ryan Rosenberg

- Thanked the Town Council and the Engineering staff for listening to the residents and believed the proposed option is a reasonable compromise.

Mark Bony

- Thanked the Town Council and the Engineering staff for listening to the residents and commented in support of the modified option one.

Bill Ehlers

- Commented in support of three-foot bike lane buffers.

Closed public comment.

MOTION: **Motion by Council Member Hudes** to provide direction to staff to follow modified option one in an effort to meet the request of the Shannon Road residents and other community members while still meeting Town Council direction of the April 18, 2023, meeting. **Seconded by Vice Mayor Badame.**

VOTE: **Motion passed unanimously.**

ADJOURNMENT

The meeting adjourned at 11:50 p.m.

Respectfully Submitted:

/s/ Wendy Wood, Town Clerk