



TOWN OF LOS GATOS COUNCIL AGENDA REPORT

Minutes of the Town Council Meeting Tuesday, September 5, 2023

The Town Council of the Town of Los Gatos conducted a regular meeting in person and utilizing teleconferencing means on Tuesday, September 5, 2023, at 7:00 p.m.

MEETING CALLED TO ORDER AT 7:00 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

The Los Gatos Toastmasters Club led the Pledge of Allegiance. The audience was invited to participate.

PRESENTATIONS

Mayor Ristow presented a Suicide Prevention and Awareness Month Proclamation at the request of Assembly Member Gail Pelgrin.

CLOSED SESSION REPORT

Gabrielle Whelan, Town Attorney, stated the Town Council met in closed session on August 22, 2023, to discuss anticipated litigation regarding the Town's Sensitive Places Ordinance. The Town received a letter from Michel and Associates asking the Town delay enforcement of the Town's Sensitive Places Ordinance at places of worship, public transit, and government building(s) where government business is not specifically transacted. The basis for the request is that there is not case law definitively stating that regulations of the concealed carry weapons in those locations is authorized. The Town's ordinance is based on what was proposed by the state. Michel and Associates anticipates litigation with the State of California and they asked that the Town delay enforcing the ordinance at those locations until state litigation has been resolved, which is anticipated to occur in two to twelve months. All members of the Town Council, except for Rob Moore who was absent during the closed session, had voted to suspend enforcement of the affected portions of the Town's "sensitive places" ordinance per the request.

COUNCIL/TOWN MANAGER REPORTS

Council Matters

- Council Member Hudes stated he met with the Senior Foundation; participated in the Council Policy Committee meeting; listened to the Housing Element Advisory Board Meeting; invited the public to attend the September 12, 2023 Joint Planning Commission and Town Council Study Session regarding SB330, Density Bonus Law, Builder's Remedy, and CEQA.

Council Member Hudes requested an item be placed on a Town Council agenda in September to review the Housing Element work plan to meet the January 31, 2024 Housing Element deadline, discuss the interactions between the Town and the California Department of Housing and Community Development (HCD), and provide direction to staff, the Housing Element Advisory Board, and other advisory bodies about the most expeditious way to achieve the deadline. Vice Mayor Badame supported the request.

- Council Member Rennie stated he attended meetings of the Silicon Valley Clean Energy Authority (SVCEA) Risk Oversight Committee, Executive Committee, and CEO Search Committee meetings; viewed a property on Oka Lane prompted by a complaint of potential code violations; and met with the applicant of the assistive care building on Winchester.
- Vice Mayor Badame stated she met with Jim Foley, Board Member for the Chamber of Commerce; attended a Community Health and Senior Services Commission (CHSSC) special meeting; attended the Monte-Sereno Community Picnic in the Park; commented on concerns with the Housing Element adoption timeline and supported Council Member Hudes' request for an agenda item at a meeting in September and requested the new Housing Element consultant be in attendance for questions.
- Council Member Moore recognized Labor Day, stated he attended a meeting of the Los Gatos Beautification Committee and explained how to get involved; met with the Chief Attorney of the City of Kathmandu in Nepal with the Mayor; attended the South Bay Labor Council Labor Day Barbeque, commented on the September 12 Joint Study Session with the Planning Commission; attended the Council Policy Committee meeting; and stated he will be hosting his Council Member Community Coffee on Monday.
- Mayor Ristow stated she attended the Jazz in the Plazz and the Music in the Park events, the quarterly meeting of the Chamber of Commerce, Assembly Member Gail Pellerin's Open House and School Supply Drive, the Midpeninsula Regional Open Space Annual Appreciation Luncheon, the quarterly Santa Clara Valley Water Commission special meeting, the 13th Annual Silicon Valley Bike Summit, the Monte-Sereno Community Picnic in the Park, the Drums of the World event, and the Los Gatos Eye Care 20th Anniversary Ribbon Cutting; met with several people regarding numerous topics; and encouraged all to attend the September 12th Planning and Town Council Joint Study Session regarding Senate Bill 330.

Manager Matters

- Announced a Joint Meeting with the Town Council and the Planning Commission on September 12, 2023, to discuss SB330 and related laws will be in person, on Zoom, and televised.
- Announced the Planning Commission will consider modifications to the Accessory Dwelling Unit Ordinance on September 13, 2023.
- Announced Screen on the Green will be held on the Civic Center Lawn on September 22, 2023.

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

1. Approve Minutes of the August 15, 2023 Special Town Council Meeting.
2. Approve Minutes of the August 15, 2023 Town Council Meeting.
3. Approve Minutes of the August 22, 2023 Town Council Closed Session Meeting.
4. Adopt a Resolution Approving Changes to the Town's Comprehensive Fee Schedule Amending the Rates for Annual Residential Parking Permits and Employee Parking Permits.

RESOLUTION 2023-045

5. Approve a Waiver of the 60-Day Special Event Permit Application Submittal Requirement for the Los Gatos Veterans Memorial and Support Foundation's 9/11 Memorial Event, tentatively scheduled for Sunday, September 10, 2023.
6. Rescind Resolution 2023-044 and Adopt an Amended 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. **RESOLUTION 2023-046**

Opened public comment.

No one spoke.

Closed public comment.

MOTION: Motion by Council Member Moore to approve consent items 1-6. **Seconded** by Council Member Rennie.

VOTE: Motion passed unanimously.

VERBAL COMMUNICATIONS

Jack Lucas, Los Gatos Community Concert Association Board Member

- Thanked the Town for the Community Grant Award to the organization.

Cathy Morgan, Los Gatos Community Concert Association Board Member

- Thanked the Town for the Community Grant Award to the organization, commented on the organization, and stated the first performance is Sunday.

Verbal Communications – continued

Daniel Stickney

- Commented on a dip in the sidewalk on North Santa Cruz Avenue across the street from the Diner and the Post Office.

Lynley Hogan

- Commented on her experience of renting her home as a short-term rental.

Eleanor Yick, Vice Chair CHSSC

- Commented on the Senior Roadmap goals and the flyers created to make the community aware of the Hub.

OTHER BUSINESS

7. Adopt a Resolution for the California Public Employees' Retirement System Retirement Plan to Waive the 180-Day Retiree Rehire Wait Period and to Appoint Paul Horvat as the Temporary Emergency Services Coordinator in the Town Manager's Office. **RESOLUTION 2023-047**

Laurel Prevetti, Town Manager, presented the staff report.

Mayor Ristow opened public comment.

No one spoke.

Mayor Ristow closed public comment.

MOTION: **Motion by Vice Mayor Badame** to adopt a resolution for the California Public Employees' Retirement System Retirement Plan to waive the 180-day retiree rehire wait period and to appoint Paul Horvat as the Temporary Emergency Services Coordinator in the Town Manager's Office per attachment 1 to the staff report. **Seconded by Council Member Moore.**

VOTE: **Motion passed unanimously.**

8. Adopt Amendments to Town Council Policy #2-18: Legislative Policy and Approve Legislative Priorities with Regard to State, Federal, and Regional Legislation. **POLICY 2-18**

Katy Nomura, Assistant Town Manager, presented the staff report.

Mayor Ristow opened public comment.

Other Business Item #8 – continued

Eleanor Yick

- Commented on the importance of a legislative policy and supported the item.

Mayor Ristow closed public comment.

Council discussed the item.

MOTION: **Motion by Council Member Rennie** to adopt the amendments to the policy and approve the proposed Legislative Priorities. **Seconded by Council Member Hudes.**

VOTE: **Motion passed unanimously.**

9. Discuss and Provide Direction for the Use of the Town Council, Staff and Community Values.

Laurel Prevetti, Town Manager, presented the staff report.

Mayor Ristow opened public comment.

No one spoke.

Mayor Ristow closed public comment.

Council discussed the item.

MOTION: **Motion by Vice Mayor Badame** to endorse the bulleted values on page one of the staff report (be respectful, welcoming, inclusive, compassionate, and kind to each other, appreciate the diversity of perspectives and views in our community, express your views and share your perspectives in helpful ways, listen to understand and empathize with each other, and collaborate and work together to do what is best for Los Gatos, as stated in the staff report). **Seconded by Council Member Moore.**

VOTE: **Motion passed unanimously.**

Other Business Item # 9 – continued

MOTION: Motion by Council Member Hudes to bring back the Policy document notably the Code of Conduct updated with these values at the time the Council reconsiders the Code of Conduct. **AMENDMENT:** to remove the sentence “Disruption of the meeting may result in a violation of Penal Code Section 403” from the Code of Conduct and the Agenda Format and Rules Policies as they move forward. **Seconded by Council Member Moore.**

VOTE: Motion passed unanimously.

MOTION: Motion by Vice Mayor Badame to retire the current Rules of Decorum video with consideration of creation of a new video if found necessary by a Council majority. **Seconded by Council Member Hudes.**

VOTE: Motion passed unanimously.

MOTION: Motion by Council Member Moore to allow staff to administratively reconsider and streamline the standard agenda language. **Seconded by Council Member Hudes.**

VOTE: Motion passed unanimously.

ADJOURNMENT

The meeting adjourned at 8:34 p.m.

Respectfully Submitted:

/s/ Jenna De Long, Deputy Town Clerk