



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/19/2022

ITEM NO: 2

**Minutes of the Town Council Meeting
April 5, 2022**

The Town Council of the Town of Los Gatos conducted a regular meeting utilizing teleconference and electronic means consistent with Government Code Section 54953, as Amended by Assembly Bill 361, in response to the state of emergency relating to COVID-19 and enabling teleconferencing accommodations by suspending or waiving specified provisions in the Ralph M. Brown Act (Government Code § 54950 et seq.) and Town of Los Gatos Resolution 2021-044 on Tuesday, April 5, 2022 at 7:00 p.m.

MEETING CALLED TO ORDER AT 7:00 P.M.

ROLL CALL

Present: Mayor Rob Rennie, Vice Mayor Maria Ristow, Council Member Mary Badame, Council Member Matthew Hudes, Council Member Marico Sayoc (all participating remotely).

Absent: None

PRESENTATIONS

Mayor Rennie presented a proclamation in honor of National Poetry Month and invited Town Poet Laureate, Jen Siraganian, to read her poem entitled Los Gatos 2022.

Mayor Rennie presented a proclamation in honor of National Public Safety Telecommunications Week, April 10-16, 2022 and thanked the Town's Dispatchers for their service and dedication.

CLOSED SESSION REPORT

Robert Schultz, Town Attorney, stated Council met in closed session as duly noted on the agenda and that there is no reportable action.

COUNCIL/TOWN MANAGER REPORTS

Council Matters

- Council Member Hudes stated he attended the CalCities Peninsula Division event "Growth You Can Count On"; Senior Service Committee and Senior Service Sub-Committee meetings; Silicon Valley Regional Interoperability Authority (SVRIA) Board meeting as an alternate; Chamber of Commerce Awards Luncheon; Housing Element Update community meeting; met with KCAT president; toured the Los Gatos-Saratoga Recreation facility; met with the developers of Los Gatos Meadows; and met with the neighbors of 118 Olive Street.

Council Matters – continued

- Council Member Sayoc announced the next CalCities Peninsula Division meeting will focus on Governor Newsom's Cares Court and attended the Council Policy Committee meeting.
- Council Member Badame stated she met with Supervisor Joe Simitian; Frank Rockwood, developer of 110 Wood Rd; residents on a variety of topics; neighbors appealing 118 Olive Street and the applicant; attended the Chamber of Commerce Awards Luncheon; Senior Service Sub-Committee as an observer; Housing Element Update community meeting; Democracy Tent community meeting; and the Council Policy Committee meeting.
- Vice Mayor Ristow stated she has been assisting with bike skills classes for elementary school children; attended the Safe Routes to School Board of Directors meeting; Los Gatos Meadows community meeting as a resident; Belmont Villages of Los Gatos with Council Member Sayoc and The Club ribbon cuttings; Los Gatos Pollinator Project meeting; Interfaith Unity Passover Seder with Mayor Rennie and Council Member Sayoc; met with Los Gatos-Saratoga Recreation Executive Director; Senior Service Committee chair Tom Picraux; City of Seaside planners; NUMU ArtNow High School Exhibition Event.
- Mayor Rennie stated he attended the Bay Area Air Quality Management District (BAAQMD) Special Board and Stationary Source Committee meetings; Valley Transportation Authority (VTA) Special Board meeting; Yosemite Policy Makers Conference; California Native Garden Foundation event; West Valley Mayors and Managers meeting; Senior Service Committee meeting; ribbon cutting at The Club; Chamber of Commerce Awards Luncheon; Interfaith Unity Passover Seder; provided testimony on Senate Bill 1100 at a Senate Committee meeting; participated in the installation of solar panels on a local nonprofit; spoke at the Democracy Tent community meeting; met with Los Gatos-Saratoga Union High School District Superintendent; met with residents regarding cannabis and Shannon Road; neighbors of 118 Olive Street; and met with the owners of Hero Ranch.

Manager Matters

- Announced a Town Council, Planning Commission, and Housing Element Advisory Board Study Session on the Nuts and Bolts of Affordable Housing will be held on April 6, 2022 at 6:00 p.m.
- Announced the Planning Commission will begin deliberations on the Draft 2040 General Plan on April 13, 2022.
- Announced Adult Commissioner recruitment is underway; the application period closes on May 27 at 4:00 p.m. Interviews are scheduled for June 7, 2022.

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

1. Approve Closed Session Meeting Minutes of March 12, 2022.
2. Approve Draft Meeting Minutes of the March 15, 2022 Town Council Meeting.
3. Adopt a Resolution Reaffirming Resolution 2021-044 Regarding Brown Act Compliance and Teleconferencing and Making Findings Pursuant to Government Code Section 54953, as Amended by Assembly Bill 361, During the COVID -19 Pandemic. **RESOLUTION 2022-013**

Consent Items – continued

4. Authorize the Town Manager to Execute a Certificate of Acceptance and Notice of Completion for the Fiscal Year 2020/21 Street Repair and Resurfacing Project (CIP No. 811-9901), Completed by Pavement Coatings, and Authorize the Town Clerk to File for Recordation.
5. Americans with Disabilities Act Transition Plan (CIP No. 812-0129):
 - a. Authorize the Town Manager to Execute a First Contract Amendment to the Consultant Services Agreement with Disability Access Consultants, LLC for Additional Services, in an Amount of \$40,000 for a Total Agreement Not to Exceed \$170,000; and
 - b. Authorize An Expenditure Budget Adjustment in the Amount of \$40,000 to the Project from Available General Fund Appropriated Reserve (GFAR) for Fiscal Year 2021/22.
6. Adopt A Resolution Authorizing an Application to the California Department of Parks and Recreation's Recreational Trails Program for the Los Gatos Creek Trailhead Connector Project. **RESOLUTION 2022-014**
7. Authorize the Town Manager to Execute a Third Amendment to an Agreement for Consultant Services with Mintier Harnish for Preparation of the General Plan Update and Environmental Impact Report (EIR).
8. Adopt Amendments to the Town Council Late Night Entertainment Policy No. 1-03 to Clarify the Use of Public Right-of-Way and Semi-Permanent Parklets for Entertainment as Recommended by the Town Council Policy Committee. **POLICY 1-03**
9. Authorize the Town Manager to Execute an Amended and Restated Agreement Between the County of Santa Clara and the Town of Los Gatos for Weed Abatement Services.
10. Approve the Senior Service Committee Request to Seek Targeted Solicitations to Host a Community Reception Per the Town Solicitation and Donation Policy.

Opened public comment.

No one spoke.

Closed public comment.

MOTION: Motion by Vice Mayor Ristow to approve consent items 1-10. Seconded by Council Member Sayoc.

VOTE: Motion passed unanimously.

VERBAL COMMUNICATIONS

Joanne Rodgers

- Commented on increasing housing units and in opposition of allowing marijuana dispensaries.

Verbal Communications – continued

Stacey Hein

- Commented on the effect of marijuana on teens.

Stephen Guruwaiya

- Commented in opposition of allowing marijuana dispensaries.

PUBLIC HEARINGS

11. Introduction and First Reading of an Ordinance Repealing and Replacing Article III of Chapter 10 of the Los Gatos Town Code Regulating Food Service Ware by Food Facilities to Align with New State Laws.

Robert Schultz, Interim Town Attorney, presented the staff report.

Opened public comment.

Kamron Emami, Youth Commission Environmental Sub-Committee Chair

- Commented in support of the ordinance.

Jack Noymer, Youth Commission Environmental Sub-Committee Co-Chair

- Commented in support of the ordinance.

Sasha Balasingham, Youth Commission Chair

- Commented in support of the ordinance.

Quincy Scott, Youth Commission Vice Chair

- Commented in support of the ordinance.

Closed public comment.

Council discussed the item.

MOTION: Motion by Council Member Badame to introduce by title only, an ordinance repealing and replacing Article III of Chapter 10 of the Los Gatos Town Code Regulating Food Service Ware by Food Facilities to align with new State laws.
Seconded by Vice Mayor Ristow.

VOTE: Motion passed unanimously.

Town Clerk Neis read the title of the ordinance.

OTHER BUSINESS

12. Approve the Employment Agreement Between the Town of Los Gatos and Gabrielle Whelan for Appointment to Town Attorney and Authorize the Mayor to Execute the Agreement.

Laurel Prevetti, Town Manager, presented the staff report.

Opened public comment.

No one spoke.

Closed public comment.

Council discussed the item.

MOTION: Motion by **Council Member Hudes** to approve the employment agreement between the Town of Los Gatos and Gabrielle Whelan for appointment to Town Attorney and authorize the Mayor to execute the agreement. **Seconded by Council Member Sayoc.**

VOTE: Motion passed unanimously.

PUBLIC HEARINGS

13. Introduce an Ordinance Approving a Military Equipment Funding, Acquisition, and Use Policy Pursuant to Assembly Bill 481.

Derek Moye, Interim Captain, presented the staff report.

Opened public comment.

No one spoke.

Closed public comment.

Council discussed the item.

MOTION: Motion by **Vice Mayor Ristow** to introduce by title only, an ordinance approving a military equipment funding, acquisition, and use policy pursuant to Assembly Bill 481 including the Los Gatos-Monte Sereno Police Department Policy 704. **Seconded by Council Member Badame.**

VOTE: Motion passed unanimously.

Public Hearing Item #13 – continued

Town Clerk Neis read the title of the ordinance.

OTHER BUSINESS

14. Discuss and Provide Direction Regarding Fiscal Analysis of the Draft 2040 General Plan.

Joel Paulson, Community Development Director, presented the staff report.

Opened public comment.

Phil Koen

- Commented on the need for a fiscal analysis of the Draft 2040 General Plan to be completed before moving the Draft 2040 General Plan forward.

Jak Van Nada

- Commented on the need for a fiscal analysis of the Draft 2040 General Plan to be completed before moving the Draft 2040 General Plan forward.

Closed public comment.

Council discussed the item.

MOTION: Motion by **Council Member Hudes** that the scope of a fiscal impact analysis should be based on the Draft General Plan maximum buildout at the existing level of service provided by the Town without raising taxes or other revenue sources, that the analysis would include options 1 through 4 contained in Attachment 1, that the amount of money to be spent on the study would be no more than \$27,260, and the analysis be complete prior to the Planning Commission completing its General Plan consideration. **Seconded by Council Member Badame.**

VOTE: Motion fails 2-3. Council Member Sayoc, Vice Mayor Ristow, Mayor Rennie voting no.

MOTION: Motion by **Council Member Badame** to implement options 1 and 2 contained in Attachment 1 for additional fiscal analysis of the Draft 2040 General Plan. **Seconded by Mayor Rennie.**

VOTE: Motion fails 2-3. Council Member Hudes, Council Member Sayoc, Vice Mayor Ristow voting no.

No further action was taken.

Recess 9:34 p.m.

Reconvene 9:42 p.m.

PUBLIC HEARINGS

15. Consider an Appeal of a Planning Commission Decision Approving a Request for Demolition of an Existing Single-Family Residence and Construction of a New Single-Family Residence to Exceed Floor Area Ratio Standards with Reduced Front and Side Yard Setbacks on Nonconforming Property Zoned R-1D. Located at 118 Olive Street. APN 410-15-022. Architecture and Site Application S-21-013. PROPERTY OWNER: Thomas and Meredith Reichert. APPLICANT: Jay Plett, Architect. **RESOLUTION 2022-015**

Sean Mullin, Senior Planner, presented the staff report.

Opened public comment.

Shelli Baker, Appellant

- Stated the reasons for the appeal.

Jay Plett, Applicant and Thomas Reichert, Property Owner

- Commented on the project.

Ed Pearson

- Commented on the amount of grading that would be required and that it isn't shown on the plans.

Darren

- Commented on the limited parking on the street, the size of the proposed home, and requested Council implement a construction management plan.

Bonnie Hurwitz

- Commented on the limited parking on the street and construction impacts to the neighborhood.

Thomas Reichert, Property Owner

- Addressed comments.

Public Hearing Item #15 – continued

Shelli Baker, Appellant

- Commented on the difficulty of the process and requested increased outreach guidance for property owners.

Public Hearing Item #15 – continued

Closed public comment.

Council discussed the item.

MOTION: Motion by **Vice Mayor Ristow** to deny the appeal but to grant the project with the following conditions: 1) increase the west side yard set-back from 3 feet to 4 feet; 2) grant the exception to reduce the east side yard set-back from the required 5 feet to 4 feet; 3) and increase the front yard set-back from 10 feet to 12 feet 6 inches.
Seconded by Council Member Hudes.

VOTE: Motion passed unanimously.

16. Requesting Approval of a Planned Development for Construction of a Senior Living Community, Removal of Large Protected Trees, and Site Improvements Requiring a Grading Permit on Property Zoned R:PD. Located at 110 Wood Road. APN 510-47-038. Planned Development Application PD-20-001 and Environmental Impact Report EIR-21-002.
APPLICANT: Rockwood Pacific. PROPERTY OWNER: Covia Communities. **RESOLUTION 2022-016**

Vice Mayor Ristow recused due to proximity to the project.

Sean Mullin, Senior Planner, presented the staff report.

Opened public comment.

Christopher Ichien, Applicant

- Commented on the project.

Catherine Somers, Chamber of Commerce Executive Director

- Commented in support of the application.

Fred

- Commented in support of the application.

Christopher Ichien, Applicant

- Addressed comments.

Closed public comment.

Council discussed the item.

Public Hearing Item #16 – continued

MOTION: Motion by **Council Member Sayoc** to certify the final EIR and approve the planned development application as modified by option B by taking the following actions:

- Adopt a resolution to certify the final EIR, make the CEQA Findings of Fact (Attachment 4, Exhibit A), and adopt the Mitigation Monitoring and Reporting Program (Attachment 4, Exhibit B);
- Make the required finding that the zone change is internally consistent with the General Plan and its elements, and other required findings (Attachment 3) and approve the application (PD-20-001) subject to the performance standards and development plans (Option B, Attachment D that includes BMP housing); (Attachment 10, Exhibit B);
- Waive the reading of the Ordinance and ask the Town Clerk to read the title of the proposed Ordinance; and
- The applicant to provide the Architecture and Site (A&S) materials and the application to go through the Planning Commission for its review.

Seconded by Mayor Rennie.

VOTE: Motion fails 2-2-1. Council Member Hudes and Council Member Badame voting no. Vice Mayor Ristow recused.

MOTION: Motion by **Council Member Badame** to remand the application back to the Planning Commission with consideration of Council comments. **Seconded by Council Member Hudes.**

VOTE: Motion passed 4-0-1. Vice Mayor Ristow recused.

ADJOURNMENT

The meeting adjourned at 11:25 p.m.

Respectfully submitted:

Jenna De Long, Deputy Clerk