Minutes of the Town Council Meeting
Tuesday, October 4, 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, October 4, 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

COUNCIL/TOWN MANAGER REPORTS

Council Matters

- Vice Mayor Ristow stated she attended the Campbell State of the City, Saratoga State of the City, Fusion Academy 10-year Anniversary Celebration event, the Los Gatos-Monte Sereno Police Department (LGMSPD) Academy, Screen on the Green, Youth Citizen of the Year Awards, LGMSPD Swearing-In Ceremony, Senior Services Committee meeting, and a Senior Services Engagement Ad Hoc Committee meeting; and toured the Live Oak Adult Day Care.
- Council Member Badame stated she attended the Council Policy Committee meeting, met Saratoga Area Senior Coordinating Council (SASCC) Executive Director Tyler Taylor, and met with constituents regarding issues in Town.
- Council Member Sayoc stated the League of California Cites Peninsula Division held an annual social meeting.
- Council Member Hudes stated he attended Senior Services Committee and subcommittee meetings, attended a Silicon Valley Regional Interoperability Authority meeting, participated in the LGMSPD Academy, taught at the Emergency Communications “HAM Cram” classes, and attended the Los Gatos Concert Series.
- Mayor Rennie stated he attended the Bay Area Air Quality Management District Board and Legislative Committee meetings, LGMSPD Swearing-In Ceremony, Youth Citizens of the Year Award, and the West Valley Mayors and Managers meeting; and spoke with Cub Scout Pack 556.

Manager Matters

- Announced staff will be at the Farmer's Market to discuss the Housing Element.
- Announced adult Board, Commission, and Committee recruitment is underway; the application period closes on December 2, 2022 at 4:00 p.m.; additional information and applications are available on the Town Clerk webpage.

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

1. Approve Draft Minutes of the September 17, 2022 Town Council Special Meeting Retreat.
2. Approve Minutes of the September 20, 2022 Closed Session Town Council Meeting.
3. Approve Minutes of the September 20, 2022 Town Council Meeting.
4. 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 2022-060**
5. Authorize the Town Manager to Execute a Second Amendment to the Agreement with M-Group for Consultant Services as Provided in the Senate Bill 2 Los Gatos Planning Grant Program Application by Increasing Compensation to a Total Not to Exceed Amount of $130,279 Including Contingencies and Authorize a $67,279 Revenue Budget Adjustment to Recognize the Grant Receipt.
6. Authorize the Town Manager to Execute a Third Amendment to the Agreement for Audit Services with Badawi and Associates to Extend the Term of the Agreement.
7. Adopt a Resolution Amending the Enabling Resolution of the Senior Service Committee and Rescind Resolution 2021-035. **RESOLUTION 2022-061**
8. Approve an Amendment to the Management Salary Schedule to Establish a New Classification Title and Salary Range for Finance and Accounting Manager.
9. Adopt a Resolution to Accept the Elections Official's Certification of the Sufficiency of the Petition of the Referendum of Resolution 2022-046. **RESOLUTION 2022-062**

MOTION: **Motion** by **Council Member Badame** to approve consent items 1-9. **Seconded** by **Vice Mayor Ristow.**

VOTE: **Motion passed unanimously.**

VERBAL COMMUNICATIONS

Folake Phillips

- Commented on inclusion and belonging, and inquired about support for the United Against Hate week.

Ami Davis, NUMU Executive Director

- Stated NUMU would like to help participate and be a resource for the Town to promote justice, equity, diversity, and inclusion efforts.

Verbal Communication – continued

Jeffrey Suzuki
- Commented on the Town's justice, equity, diversity, and inclusion efforts.

OTHER BUSINESS

10. Adopt the Updated Town Social Media Policy as Recommended by the Policy Committee.

Holly Young, Management Analyst, presented the staff report.

Opened Public Comment.

No one spoke.

Closed Public Comment.

Council discussed the matter.

MOTION: **Motion** by **Council Member Hudes** to adopt the updated Town Social Media Policy as recommended by the Council Policy Committee. **AMENDMENT**: Direct staff to review the policy every two years and if there are material changes either bring it to the Policy Committee or directly back to the Council in the event that the Policy needs to be amended.. **Seconded** by **Council Member Badame.**

VOTE: **Motion passed unanimously.**

11. Adopt the Updated Town Council Code of Conduct Policy as Recommended by the Policy Committee.

Gabrielle Whelan, Town Attorney, presented the staff report.

Opened Public Comment.

No one spoke.

Closed Public Comment.

Council discussed the matter.

MOTION: **Motion** by **Council Member Badame** to adopt the updated Town Council Code of Conduct Policy as recommended by the Council Policy Committee. **Seconded** by **Council Member Hudes.**

VOTE: **Motion passed unanimously.**

12. Adopt a Resolution Granting 4 New York Avenue to the Los Gatos-Saratoga Union High School District and Authorize the Town Manager to Negotiate and Execute the 4 New York Avenue Grant Agreement and All Documents Needed to Complete the Transaction in a Form Acceptable to the Town Attorney. **RESOLUTION 2022-063**

Arn Andrews, Assistant Town Manager, presented the staff report.

Opened Public Comment.

Scott Hoffman, San Jose Water
- Commented on concerns for future utility easements.

Lee Fagot
- Commented in support of the item.

Closed Public Comment.

Council discussed the matter.

MOTION: **Motion** by **Vice Mayor Ristow** to adopt a resolution granting 4 New York Avenue to the Los Gatos-Saratoga Union High School District and authorize the Town Manager to negotiate and execute the 4 New York Avenue grant agreement and all documents needed to complete the transaction in a form acceptable to the Town Attorney. **Seconded** by **Council Member Sayoc.**

VOTE: **Motion passed unanimously.**

13. Adopt Final Lease Agreement with CineLux Theatres Co. LLC for the Operation and Program Management of the Los Gatos Theatre.

Arn Andrews, Assistant Town Manager, presented the staff report.

Opened Public Comment.

No one spoke.

Closed Public Comment.

Council discussed the matter.

Other Business Item #13 - continued

MOTION: **Motion** by **Vice Mayor Ristow** to adopt a final lease agreement with CineLux Theatres Co. LLC for the operation and program management of the Los Gatos Theatre. **Seconded** by **Council Member Hudes.**

VOTE: **Motion passed unanimously.**

14. Adopt a Resolution to Confirm Suspension of the 2040 General Plan Land Use and Community Design Elements and Provide that the 2020 General Plan Land Use and Community Design Elements Govern During the Period of Suspension. **RESOLUTION 2022-064**

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

Opened Public Comment.

Jeffrey Suzuki, Los Gatos Anti-Racism Coalition President
- Commented in support of the 2040 General Plan.

Ali Miano, Los Gatos Anti-Racism Coalition
- Commented in support of the 2040 General Plan.

Closed Public Comment.

Council discussed the matter.

Mayor Rennie reopened public comment.

Marica Jensen
- Commented on the 2040 General Plan, encouraged the Council to move forward with the Housing Element, and inquired about the suspension of the Land Use and Community Design Elements due to the Referendum.

Closed Public Comment.

Council continued to discuss the matter.

MOTION: **Motion** by **Council Member Badame** to approve the resolution to confirm suspension of the 2040 General Plan Land Use and Community Design Elements and provide that the 2020 General Plan Land Use and Community Design Elements govern during the suspension period. **Seconded** by **Council Member Hudes.**

VOTE: **Motion passed unanimously.**

ADJOURNMENT
The meeting adjourned at 8:42 p.m.

Respectfully submitted:

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/s/ Jenna De Long, Deputy Clerk