



**TOWN OF LOS GATOS
COUNCIL AGENDA MINUTES**

**Minutes of the Town Council Meeting
Tuesday, August 1, 2023**

The Town Council of the Town of Los Gatos conducted a regular meeting in person and utilizing teleconferencing means on Tuesday, August 1, 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

Nika Spitzer led the Pledge of Allegiance. The audience was invited to participate.

PRESENTATIONS

Mayor Ristow accepted a ceremonial check on behalf of the Town, issued by the Friends of Los Gatos Library.

CLOSED SESSION REPORT

Gabrielle Whelan, Town Attorney, stated the Council met in closed session to discuss one item of anticipated litigation and labor negotiations pursuant to Government Code Sections 54956.9 and 54957.6, and there was no reportable action.

COUNCIL/TOWN MANAGER REPORTS

Council Matters

- Council Member Moore stated he attended the Drag Queen Story Time, the announcement of a historic investment into the Los Gatos-Saratoga Recreation 55+ Program secured by Assembly Member Gail Pellerin, a Ribbon Cutting for the Sutter Health Los Gatos campus, and a Recognition Luncheon of West Valley Sanitation Employees.
- Vice Mayor Badame stated she attended Symphony in the Park, and Music in the Park; met with Tom Picraux regarding senior activities; and met with community members regarding beach traffic, SB 330, and the Town's Housing Element.
- Council Member Rennie stated he attended a few Silicon Valley Clean Energy Authority meetings including the Risk Oversight Committee and a Ribbon Cutting of the Sutter Health Los Gatos campus; met with Gail Pellerin regarding the investment into the Los Gatos-Saratoga Recreation 55+ Program; and attended the Los Gatos-Saratoga Recreation Senior Luncheon.
- Council Member Hudes stated he met with Summerhill regarding the development of the Los Gatos Lodge; met with the Foundation for Seniors; attended the Seniors of Distinction

Awards Ceremony, two committees of the Foundation for Seniors, Eden Affordable Housing's Celebration, and Symphony in the Park.

Council Member Hudes requested the Town's Housing Element to be placed on an agenda in August. Vice Mayor Badame seconded the request. The Mayor agreed to work with the Town Manager to place the item on the earliest possible agenda.

- Mayor Ristow stated she attended the Terrace's Seniors of Distinction Awards Ceremony; Los Gatos-Monte Sereno Police Department National Night Out at the Walker neighborhood, West Valley Mayors and Managers Meeting, Ribbon Cutting of Walnut Grove, and Symphony in the Park; and met with residents regarding the Housing Element, SB 330, and beach traffic.

Manager Matters

- Announced Summer Library Programs are underway.
- Announced the progress of the Town's Housing Element, including the rezonings of the Housing Element sites is scheduled to be heard by the Planning Commission on August 23.
- Announced beach traffic mitigations efforts are continuing, and more information can be found on the Town website.
- Announced a Joint Meeting with the Town Council and the Planning Commission will be held on September 12, 2023 to discuss SB 330 and related laws.
- Announced Music in the Park will continue through August 27, 2023, and invited all to attend.

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

1. Approve Minutes of the June 13, 2023 Town Council Retreat.
2. Approve Minutes of the June 20, 2023 Closed Session Town Council Meeting.
3. Approve Minutes of the June 20, 2023 Study Session of the Town Council.
4. Approve Minutes of the June 20, 2023 Town Council Meeting.
5. Appoint Mayor Maria Ristow as the Town's Voting Delegate and Council Member Rob Moore as the Town's Alternate Voting Delegate for the League of California Cities Annual Conference Scheduled for September 20-22, 2023 in Sacramento.
6. Adopt 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 to Update the Town's Concealed Carry Firearm Licensing Ordinance and Prohibit the Carry of Firearms in Sensitive Places." **ORDINANCE 2341**
7. Adopt 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." **ORDINANCE 2342**

8. Approve the Modification to Town Council Policy 2-17: Solicitation and Donation Policy as Recommended by the Policy Committee. **POLICY 2-17**
9. Authorize the Construction of the Los Gatos Creek Trail to Highway 9 Trailhead Connector Project (CIP No. 832-4505), Federal Project No. CML-5067(021), by taking the following actions:
 - a. Reject the bid from AB Construction Company received on April 6, 2023 for Construction of the Los Gatos Creek Trail to Highway 9 Trailhead Connector Project; and
 - b. Authorize the Town Manager to Execute a Construction Agreement with Granite Construction in the Amount of \$6,529,395.78 with a 10% Construction Contingency in the Amount of \$652,939.58 for a Total Contract Amount Not to Exceed \$7,182,335.36 for Construction of the Los Gatos Creek Trail to Highway 9 Trailhead Connector Project; and
 - c. Authorize Staff to Execute Contract Change Orders Up To and Within the Not to Exceed 10% Construction Contingency of \$652,939.58; and
 - d. Authorize the Town Manager to Execute the Second Amendment to the Agreement for Consultant Services with Mott MacDonald Group to Provide Design Consultant Construction Support Services in an Amount Not to Exceed \$206,371; and
 - e. Authorize the Town Manager to Execute an Agreement for Consultant Services with Zoon Engineering for Construction Management, Inspection, and Materials Testing Services in an amount not to exceed \$1,220,822.07 and also to encumber a 2% contingency in the amount of \$29,177.93 for a total agreement amount not to exceed \$1,250,000; and
 - f. Authorize Advances from the General Fund to the Town's Grant Fund not to Exceed the Approved Grant Funding of \$8,054,305 to Bridge Expenses and Reimbursement Timing.
10. Adopt an Updated Police Officer Association Salary Schedule, Effective July 9, 2023, to Correct a Mathematical Error to the Police Sergeant Classification.

Opened public comment.

No one spoke.

Closed public comment.

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

VOTE: Motion passed unanimously.

VERBAL COMMUNICATIONS

Lynley Hogan

- Commented on concerns regarding Drag Story Time.

Albert Lustre

- Commented in support of local area labor standards for construction workers, including livable wage, local hire apprenticeship, and healthcare.

PUBLIC HEARINGS

11. Weed Abatement Program Public Hearing to Consider Objections to the 2023 Weed Abatement Program Assessment Report and Adopt a Resolution Confirming the Report and Authorizing Collection of the Assessment Charges.

Meredith Johnston, Administrative Technician, presented the staff report.

Opened public comment.

No one spoke.

Closed public comment.

Council discussed the item.

MOTION: **Motion by Vice Mayor Badame** to adopt a resolution confirming the report and authorizing collection of the assessment charges. **Seconded by Council Member Rennie.**

VOTE: **Motion passed unanimously.**

12. Introduce an Ordinance Titled "An Ordinance of the Town Council of the Town of Los Gatos Amending Section 18.30.040, 'Penalties for Violations,' of Division 1, Article III, of Chapter 18 of the Town Code, 'Social Host Ordinance'."

Gabrielle Whelan, Town Attorney, presented the staff report.

Opened public comment.

No one spoke.

Closed public comment.

Council discussed the item.

MOTION: **Motion by Council Member Moore** to introduce an ordinance titled "An Ordinance of the Town Council of the Town of Los Gatos Amending Section

18.30.040, 'Penalties for Violations,' of Division 1, Article III, of Chapter 18 of the Town Code, 'Social Host Ordinance'". **Seconded by Council Member Hudes.**

VOTE: Motion passed unanimously.

OTHER BUSINESS

13. Receive the Fiscal Year 2022/23 Parks Commission Accomplishments and Provide Direction on the Fiscal Year 2023/24 Work Plan.

Nicolle Burnham, Parks and Public Works Director, introduced the Parks Commission Chair.

Rob Stephenson, Parks Commission Chair, presented the workplan.

Opened public comment.

No one spoke.

Closed public comment.

Council discussed the item and provided feedback.

PUBLIC HEARINGS

14. Consider an Appeal of a Planning Commission Decision to Approve a Fence Height Exception Request for Construction of an Automated Vehicular Gate Exceeding the Maximum Height and with Reduced Setbacks on Property Zoned R-1:8. **Located at 380 Blackwell Drive.** APN 424-12-027. Categorically Exempt Pursuant to CEQA Guidelines Section 15303 (e): New Construction or Conversion of Small Structures. Fence Height Exception Application FHE-23-002. PROPERTY OWNER: Larry Cesnik and Martha Johnson. APPELLANT: Larry Cesnik. APPLICANT: Ramin Zohoor. PROJECT PLANNER: Sean Mullin.

Jennifer Armer, Planning Manager, presented the staff report.

Council Member Moore disclosed he lives near the property but is not within the 1,000 feet conflict-of-interest zone.

Mayor Ristow, Council Members Hudes and Moore, and Vice Mayor Badame disclosed they viewed the property.

Opened public comment.

Laurence Cesnik, Appellant, provided comments in support of the appeal.

Closed public comment.

Council discussed the item.

MOTION: **Motion by Council Member Hudes** to continue the application to the next meeting on August 15, 2023 and provide direction to staff to prepare a resolution to grant the appeal and the exception, and make the findings that the appeal is categorically exempt from CEQA and that a special security concern exists and special circumstances exist that would result in undue hardship, and in regard to the granting the appeal of the Planning Commission, there was no findings of error or abuse of discretion by the Planning Commission rather the Planning Commission was lacking some information that was important.
Seconded by Council Member Moore.

VOTE: **Motion passed unanimously.**

Recess 8:49 p.m.

Reconvene 8:57 p.m.

OTHER BUSINESS

15. Consider Adoption of a Resolution Modifying the Height Pole and Netting Policy for Additions and New Construction. The Proposed Modifications to Town Policy are Not Considered a Project Under the California Environmental Quality Act. Project Location: Town Wide. Applicant: Town of Los Gatos.

Jennifer Armer, Planning Manager, presented the staff report.

Opened public comment.

Lee Fagot

- Commented in support of story poles; stated online videos, renderings, and/or models should not replace story poles; suggested allowing less expensive materials such as flag lines instead of mesh netting; suggested providing an exception for 40% below market price housing units per project; and requested onsite viewing be available for the public.

Lisa Harris

- Commented in support of story poles.

Closed public comment.

Council discussed the item.

MOTION: **Motion by Council Member Rennie** to waive the story pole requirements for projects with 30% below market price as defined by the Town Code or provides 20% low income or very low income affordability, and require on-site signage with a QR code that links to renderings and videos of the proposed project. **AMENDMENT:** to include mixed-use projects with language stating the percentage is for the residential units. **Seconded by Council Member Moore.**

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

MOTION: **Motion by Council Member Moore** to require story poles be installed for nonresidential projects if the project includes a request for variance or exception to physical development parameters which are defined as: height, setbacks, FAR (Floor Area Ratio), or lot coverage; or when the nonresidential addition exceeds 20% of the building's FAR. **Seconded by Council Member Rennie.**

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

MOTION: **Motion by Mayor Ristow** to require story poles for all new nonresidential buildings. **Seconded by Council Member Rennie.**

VOTE: **Motion passed unanimously.**

MOTION: **Motion by Council Member Moore** to require story poles to be installed for properties in the hillside area, as defined in the Hillside Development Standards and Guidelines, if the project includes new buildings, or new second-story additions. **Seconded by Vice Mayor Badame.**

VOTE: **Motion passed unanimously.**

MOTION: **Motion by Council Member Rennie** to keep the story pole requirements for buildings in the historic districts as is (require story poles for properties on the Historic Resource Inventory if the project includes new buildings (excluding single-story accessory structures), residential second story additions, or non-residential additions exceeding 100 square feet). **Seconded by Council Member Moore.**

VOTE: **Motion passed unanimously.**

MOTION: **Motion by Council Member Moore** to require story poles for single family residential projects if the project includes a new two-story home or a second story addition where both of the adjacent neighbors on the same side of the

street are single story homes, or there is a request for a variance or an exception from the development standards (parameters). **Seconded by Council Member Rennie.**

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

MOTION: Motion by Council Member Rennie to amend the story pole requirements to eliminate the mesh netting and change it to double flagging up to 55 feet and above 55 feet have something indicating the height and something else indicating the massing. **AMENDMENTS:** to revise the motion as follows: “to amend the story pole requirements to allow either mesh netting or double flagging.” **Seconded by Mayor Ristow.**

VOTE: Motion passed unanimously.

MOTION: Motion by Council Member Rennie to approve language recommended by the Planning Commission for multi-building projects (For multi-building developments, story poles shall only be required for the tallest structures and those along the perimeter of the site). **Seconded by Council Member Moore.**

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

16. Provide Direction on Legislative Priorities with Regard to State, Federal, and Regional Legislation and Town Council Policy #2-18: Legislative Policy.

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

Opened public comment.

No one spoke.

Closed public comment.

Council discussed the item.

MOTION: Motion by Vice Mayor Badame to extend the meeting to 12:06 a.m. **Seconded by Mayor Ristow.**

VOTE: Motion passed unanimously.

Council provided direction to staff to return with modifications to the Legislative Policy and potential legislative priorities.

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SUBJECT: Minutes of the Town Council Meeting of August 1, 2023

DATE: August 1, 2023

ADJOURNMENT

The meeting adjourned at 12:04 a.m.

Respectfully Submitted:

/s/ Jenna De Long, Deputy Town Clerk