



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

**Minutes of the Town Council Meeting
Tuesday, December 17, 2024
7:00 P.M.**

The Town Council of the Town of Los Gatos conducted a regular meeting in-person and via teleconference.

MEETING CALLED TO ORDER AT 7:01 P.M.

ROLL CALL

Present: Mayor Matthew Hudes, Vice Mayor Rob Moore, Council Member Mary Badame, Council Member Rob Rennie, Council Member Maria Ristow.

Absent: None

PLEDGE OF ALLEGIANCE

Girl Scouts Sophia, Audrey, and Nishka led the Pledge of Allegiance. The audience was invited to participate.

PRESENTATIONS

- i. AARP provided a Presentation to the Town of Los Gatos on Acceptance into the AARP Network of Age-Friendly States and Communities.

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

1. Approve Closed Session Minutes of the December 3, 2024 Town Council Meeting.
2. Approve the Minutes of the December 3, 2024 Town Council Meeting.
3. Adopt An Ordinance to Repeal Town Code Sections 6.120.060, 6.120.070, and 6.120.080 (All Electric Construction Requirements). **ORDINANCE 2365**
Ordinance Title: An Ordinance of the Town Council of the Town of Los Gatos Repealing Section 6.120.060, "All Electric Construction Definitions," Section 6.120.070, "Residential All Electric Construction," and Section 6.120.080, "Nonresidential All Electric Construction" of the Town Code.
4. Adopt an Ordinance Amending Chapter 29 (Zoning Regulations) of the Town Code Regarding State Mandated Density Bonuses, Pursuant to Implementation Program R of the 2023-2031 Housing Element. Adoption of this Ordinance is Exempt Pursuant to CEQA, Section 15061(b)(3) in That It Can be Seen with Certainty That It Will Not Impact the Environment, Because the Town is Already Subject to Government Code Sections 65915 and Following. Town Code Amendment Application A-24-005. **Project Location: Town Wide.** Applicant: Town of Los Gatos. **ORDINANCE 2366**
Ordinance Title: An Ordinance of the Town Council of the Town of Los Gatos Amending Chapter 29, "Zoning," of the Town Code to Update the Town's Density Bonus Ordinance to Reflect Changes Made in State Law.

5. Adopt an Ordinance Amending Chapter 29 (Zoning Regulations) of the Town Code to Add Low Barrier Navigation Centers as a By-Right Use in Mixed-Use and Nonresidential Zones, Pursuant to Implementation Program AD of the 2023-2031 Housing Element. Adoption of this Ordinance is Exempt Pursuant to CEQA, Section 15061(b)(3) in That It Can be Seen with Certainty That It Will Not Impact the Environment, Because the Town is Already Subject to Government Code Sections 65660 - 65668. Town Code Amendment Application A-24-006. **Project Location: Town Wide.** Applicant: Town of Los Gatos. **ORDINANCE 2367**
Ordinance Title: An Ordinance of the Town Council of the Town of Los Gatos to Add Division 11, "Low Barrier Navigation Centers," to Article I, "General" of Chapter 29, "Zoning Regulations," of the Town Code.
6. Adopt a Replacement Units Ordinance Pursuant to Implementation Program AU of the 2023-2031 Housing Element. Adoption of this Ordinance is Exempt Pursuant to CEQA, Section 15061(b)(3) in That It Can be Seen with Certainty That It Will Not Impact the Environment, Because the Town is Already Subject to State Law. Town Code Amendment Application A-24-007. **Project Location: Town Wide.** Applicant: Town of Los Gatos. **ORDINANCE 2368**
Ordinance Title: An Ordinance of the Town Council of the Town of Los Gatos Amending Chapter 29, "Zoning," of the Town Code, to Add Division 12, "Replacement Housing Units," to Article I, "General."
7. Consider the Following Actions for the Property Location: 653 Blossom Hill Road. APN 529-65-002. Property Owner: Natalie Ladd. **RESOLUTION 2024-053**
 - a. Adopt a Resolution Approving a Purchase and Sale Agreement for the Re-Purchase of an Affordable Housing Unit Subject to an Existing Below Market Price (BMP) First Right of Refusal Option; and
 - b. Authorize the Town Manager to Negotiate and Execute all Agreements and Documents Necessary and Appropriate to Effectuate the Preservation of the Affordable Housing Unit; and
 - c. Authorize an Expenditure Budget Adjustment in the Amount of \$476,154 from Available BMP Housing In-Lieu Fee Fund to Purchase, Make Any Necessary Repairs, and Pay Any Past Due Fees and Taxes of the Property Prior to Resale; and
 - d. Authorize a Revenue Budget Adjustment in the Amount of \$476,154 to Redeposit the Sales Proceeds to the BMP Fund after Reselling the Unit.
8. Authorize the Town Manager to Execute a Five-Year Agreement for Services with Buringrud & Reyes Electric Inc. for Maintenance of Downtown Decorative Tree Lighting for a Total Agreement Amount Not to Exceed \$304,425.
9. Adopt a Resolution to Designate the Traffic Sergeant or Police Department Staff Member as Designated by the Chief of Police to the Board of Directors of the Los Gatos-Monte Sereno Safe Routes to School Organization. **RESOLUTION 2024-054**
10. Authorize the Town Manager to Execute a Use Agreement with California Farmers' Markets Association for Farmers' Market Operation Services for a Three-Year Term with Two Three-Year Options to Extend the Term.
11. Adopt Council Committee Appointments Effective January 1, 2025.

12. Approve a Side Letter that Amends the Town Employees Association (TEA) Salary Schedule to Establish a New Classification Title and Salary Range for Project Analyst I/II.
13. Receive the Monthly Financial and Investment Report for October 2024.
14. Receive Annual Comprehensive Financial Report for the Fiscal Year Ended June 30, 2024, and Adopt a Resolution Confirming June 30, 2024 Fund Balances in Accordance with Fiscal Year 2023/24 Final Audit and Town Council General Fund Reserve Policy. **RESOLUTION 2024-055**
15. Adopt the Town of Los Gatos Community Wildfire Protection Plan (Annex 9 of the Countywide Community Wildfire Protection Plan).
16. Receive a Fiscal Year (FY) 2023/24 Status Report on Receipt and Use of Development Impact Fees.

Mayor Hudes opened public comment.

Carin Yamamoto

- Requested clarification on items 3, 4, 5, and 6, and commented concerns on item 15.

Mayor Hudes closed public comment.

MOTION: Motion by Council Member Ristow to approve consent items one through sixteen. Seconded by Vice Mayor Moore.

VOTE: Motion passed unanimously.

VERBAL COMMUNICATIONS

Michael Kane

- Commented on a newspaper article, Senate Bill 54, a Town Resolution from 2017 (Resolution 2017-024), and on item 22.

Lynley Hogan

- Congratulated Mayor Hudes and commented on America's 250th anniversary.

Gus Who

- Congratulated Mayor Hudes and Vice Mayor Moore; commented on concerns with policies and recent events; and acknowledged Council Member Mayor Badame's service as Mayor.

Tom Picraux, Los Gatos Thrives Foundation President

- Commended the Town for joining the AARP Age-Friendly Network.

PUBLIC HEARINGS

17. Conduct a Public Hearing for Appeal of Administrative Citation VL-19-362 (16660 Cypress Way) for Violations of the Los Gatos Town Code Related to Grading and Building and Adopt a Resolution Upholding the Administrative Citation and Imposing Costs According to Proof.

Gabrielle Whelan, Town Attorney, stated this item has been rescheduled to January 21, 2025.

18. Consider an Appeal of a Planning Commission Decision to Approve an Architecture and Site Application for Construction of a Single-Family Residence and Site Improvements Requiring a Grading Permit on Vacant Property Zoned R-1:8. **Located at 15411 National Avenue.** APN 424-12-140. Architecture and Site Application S-23-033. Categorically Exempt Pursuant to CEQA Guidelines Section 15303: New Construction. Property Owners: Vyankatesh and Ramya Muddada. Applicant: Jose Rama. Appellant: Hellen Martinez. Project Planner: Erin Walters.

Erin Walters, Senior Planner, presented the staff report.

Christian Urricariet and Hellen Martinez, Appellants

- Provided a presentation for the appeal.

Vyankatesh and Ramya Muddada, Property Owner/Applicant

- Provided a presentation of the proposed project.

Mayor Hudes opened public comment.

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- Commented on concerns with privacy and massing.

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- Commented on concerns with privacy and massing.

Mayor Hudes closed public comment.

Vyankatesh and Ramya Muddada, Property Owners, and Jose Rama, Applicant

- Provided closing comments and answered Council questions.

Christian Urricariet and Hellen Martinez, Appellants

- Provided closing comments.

Council provided disclosures that each member has visited the site of the proposed project.

Council discussed the item.

MOTION: Motion by Council Member Badame To provide direction to staff to prepare a resolution to grant the appeal and remand the application back to the Planning Commission with specific direction, that direction being: reduce the square footage of the residence to an amount not exceeding the largest in the immediate neighborhood, reduce the square footage of the garage to an amount not to exceed

the largest in the immediate neighborhood, adopt the remaining two recommendations of the Town architect which is number one and number five [which is to] provide an under the eave entry in lieu of the proposed stone tower and provide projecting trim at the second-floor line around all sides of the home. The neighbors shall mutually agree upon the number, and location, and species of the privacy trees; work with the neighbors and Town staff to minimize and relocate windows to mitigate privacy impacts to the neighbors; and use obscure glass to address privacy at impacted locations. **Seconded by Vice Mayor Moore.**

Council Member Badame withdrew the motion.

After discussion, the following motion was made:

MOTION: Motion by Council Member Badame to provide direction to staff to prepare a resolution granting the appeal and remanding the application back to the Planning Commission with specific direction: reduce second floor massing, the number and location and species of the privacy trees shall be mutually agreed upon by the neighbors, work with the neighbors and Town staff to minimize and relocate windows to mitigate privacy impacts to the neighbors, and use of obscured glass to address privacy at impacted locations. Include the findings as just stated [the decision was not supported by substantial evidence in the record, the residential design guidelines were not met, staff's recommendation of denial, and Commissioner Barnett's quoting of section 2.1 of the residential design guidelines]. **Seconded by Vice Mayor Moore.**

VOTE: Motion passed 4-1. Council Member Ristow voted no.

Mayor Hudes called a recess at 9:22 p.m.

The meeting reconvened at 9:34 p.m.

OTHER BUSINESS

19. Introduce an Ordinance Amending Section 06.20.020 (Buildings and Building Regulations) to Add the Definition of Qualifying Alterations; and Consider Introducing an Ordinance Establishing Air Quality and NOx Emissions Regulations.

Ordinance Titles: An Ordinance of the Town Council of the Town of Los Gatos Adding a Section 06.20.020, "Qualifying Alterations," to Article II, "Administration Of Codes," of Chapter 6, "Buildings And Building Regulations," of the Town Code to Add a Definition for "Qualifying Alterations"; and An Ordinance of the Town Council of the Town of Los Gatos Adding Article V, "Air Quality" to Chapter 13, "Health and Safety" of the Town Code to Establish Air Quality and NOx Emissions Regulations, and Amending Section 29.20.720, "Administration And Enforcement" to Add the Implementation of the Air Quality Ordinance, and Amending Section 29.20.720 to Add Implementation to Duties of the Building Official.

Gabrielle Whelan, Town Attorney, presented the staff report.

Mayor Hudes opened public comment.

No one spoke.

Mayor Hudes closed public comment.

Council discussed the item.

MOTION: Motion by Council Member Ristow to introduce an ordinance amending section 06.20.020 (Buildings and Building Regulations) to add the definition of qualifying alterations in Attachment 1. **Seconded by Council Member Badame.**

VOTE: Motion passed unanimously.

After discussion, the following motion was made:

MOTION: Motion by Council Member Rennie to continue this item and look at what other cities are doing. **Seconded by Council Member Ristow.**

VOTE: Motion passed unanimously.

20. Discuss Options for a New Annual Town Event for Fall 2025 and Provide Direction.

Monica Renn, Economic Vitality Manager, presented the staff report.

Mayor Hudes opened public comment.

No one spoke.

Mayor Hudes closed public comment.

Council discussed the item and provided direction to staff to return to the Council with a breakdown of staff resources for the different events; look at a scale of both Sunday and Saturday as options; options for an event at Town Plaza Park alongside the Farmer's Market and as a standalone event, options to include the costs of staff time, road closures, and non-road closures; provide a better estimate on the number of attendees.

21. Approve a Third Amendment to the Employment Agreement Between the Town of Los Gatos and the Town Attorney and Authorize the Mayor to Execute the Amendment; Modify the Management Salary Schedule; and Authorize a Budget Adjustment in the Amount of \$22,017.61 from Available General Fund Capital/Special Projects Reserve.

Cheryl Parkman, Human Resources Director, presented the staff report.

Mayor Hudes opened public comment.

No one spoke.

Mayor Hudes closed public comment.

Council discussed the item.

MOTION: Motion by Council Member Badame to approve a Third Amendment to the Employment Agreement between the Town of Los Gatos and the Town Attorney and authorize the Mayor to execute the amendment; modify the Management Salary Schedule; and authorize a budget adjustment in the amount of \$22,017.61 from available General Fund Capital/Special Projects Reserve. **Seconded by Vice Mayor Moore.**

VOTE: Motion passed unanimously.

22. Approve the Proposed Modifications to Town Council Policy 2-11 "Commission Appointments, Residency, and Attendance Requirements, and Establishing a Quorum" as Recommended by the Council Policy Committee. **POLICY 2-11**

Wendy Wood, Town Clerk, presented the staff report.

Mayor Hudes opened public comment.

No one spoke.

Mayor Hudes closed public comment.

Council discussed the item.

MOTION: Motion by Vice Mayor Moore to approve the proposed modifications to Town Council Policy 2-11 "Commission Appointments, Residency, and Attendance Requirements, and Establishing a Quorum" as recommended by the Council Policy Committee with the amendment of striking immediate family and the definition of immediate family, and replacing it with family member or loved one. **Seconded by Council Member Rennie.**

VOTE: Motion passed unanimously.

COUNCIL/TOWN MANAGER REPORTS

Council Matters

- Council Member Rennie stated he attended a Valley Transportation Authority (VTA) Board meeting; met with John Callen from El Camino Hospital District; attended the Los Gatos in Lights event, the Children's Holiday/Christmas Parade, the Santa Clara County Cities Association Holiday Gathering; met with incoming Saratoga Mayor; attended a Finance Commission meeting, a Silicon Valley Clean Energy Authority (SVCEA) Holiday Mixer and Panel Discussion, a SVCEA Board meeting; and met with a prospective Planning Commissioner.
- Vice Mayor Moore stated he attended the Los Gatos in Lights event, the Children's Holiday/Christmas Parade, the Santa Clara County Cities Association Holiday event; held his monthly Council Member Community Coffee; attended the swearing-in of new Assemblymember Patric Ahrens, a West Valley Sanitation District Board meeting and Holiday Luncheon; met with community members, John Callen from El Camino Hospital District, a Los Gatos student, and a business owner.
- Council Member Ristow stated she attended the Tomorrow's City/County Manager Forum, the Los Gatos in Lights event, the Children's Holiday/Christmas Parade, the Santa Clara County Cities Association Holiday event; attended a Wreaths Across America event; met with residents and Council Members from Saratoga, Monte Sereno, and Cupertino.
- Council Member Badame stated she attended the West Valley Mayors and Managers monthly meeting; met with the Executive Director of the West Valley Solid Waste Management Authority, the Town Manager and Parks and Public Works Director Nicolle Burnham; participated in a Ribbon Cutting for the 25th Anniversary of the Spa of Los Gatos, a Ribbon Cutting for La Vie MD Med Spa; participated in the Los Gatos in Lights event, Children's Christmas Parade; met with John Callen from El Camino Hospital District; attended a Ribbon Cutting for Santa's Workshop.
- Mayor Hudes stated he participated in all of the holiday events that were mentioned, a Finance Commission meeting, a Ribbon Cutting at Santa's Workshop; observed the Diversity, Equity, and Inclusion (DEI) Commission meeting; attended a Wreaths Across America event; met with Assembly Member Gail Pellerin; commented on Commission appointments.

Town Manager Matters

- Announced the season of events has been completed; commended staff, volunteers, and partners for the Los Gatos in Lights and Christmas/Holiday Parade.
- Announced Town Administrative Offices will be closed from December 24 – January 1.
- Announced the Library will be closed December 23-25, December 30- January 1.
- Announced Police and Emergency Response will be operating 24 hours a day.

Gabrielle Whelan, Town Attorney, stated the Town Council met in closed session to discuss an appointee performance evaluation and anticipated litigation and there is no reportable action. The appointee performance evaluation will be continued to a date uncertain in January.

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SUBJECT: Minutes of the Town Council Meeting of December 17, 2024

DATE: December 17, 2024

ADJOURNMENT

The meeting adjourned at 11:14 p.m.

Respectfully Submitted:

/s/Jenna De Long, Deputy Town Clerk