



## **TOWN OF LOS GATOS COUNCIL AGENDA REPORT**

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### **Minutes of the Town Council Meeting February 7, 2023**

The Town Council of the Town of Los Gatos conducted a regular meeting in-person and utilizing teleconferencing means on Tuesday, February 7, 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**

Isabella Burlinson led the Pledge of Allegiance. The audience was invited to participate.

#### **COUNCIL/TOWN MANAGER REPORTS**

##### **Council Matters**

- Council Member Moore stated he attended the CalCities New Mayors and Council Members Academy, the inauguration of Sheriff Bob Johnson, and the plant-based food empowerment event; completed a tour of Town facilities; met with staff from Senator Alex Padilla office and Congresswoman Anna Eshoo's office; and commented on the upcoming meetings for Silicon Valley Clean Energy Authority (SVCEA) and West Valley Sanitation District.
- Vice Mayor Badame stated she attended the Council Policy Committee as an observer; met with Jim Foley and Catherine Somers of the Chamber of Commerce; met with Tom Picraux and Maureen Health of the Senior Service Committee; and attended the West Valley Clean Water Authority Board meeting, the West Valley Solid Waste Management District Authority Board meeting, and the plant-based food empowerment event.
- Council Member Rennie stated he attended the plant-based food empowerment event; met with Tom Picraux of the Senior Service Committee; met with NUMU representatives; met with Chamber of Commerce representatives; and attended the Valley Transportation Authority (VTA) Policy Advisory Committee meeting, the Bay Area Air Quality Management District Board meeting, the All Town Employees Breakfast, the Cities Association Board meeting, the VTA Board workshop, the SVCEA Executive Committee meeting, the League of Cities event in Redwood City, the VTA Board meeting, and the SVCEA Risk Oversight Committee meeting.
- Council Member Hudes stated he attended the Senior Service Committee and subcommittee meetings, the West Valley Water Commission Board meeting, and the

Council Matters - continued

Community Health and Senior Services Commission meeting as an observer; and met with representatives of Saratoga Area Senior Coordinating Council, and the Chamber of Commerce representatives.

- Mayor Ristow stated she attended the West Valley Mayors and Managers meeting, the All Town Employees Breakfast, the Midpeninsula Open Space Hwy 17 overcrossing meeting, and the Town, Los Gatos Union High School District and Los Gatos Union Elementary School District discussion on Positive Community Norms; attended the Ribbon Cuttings for Golden State Dermatology, Specialized Los Gatos Bike Shops, and Los Gatos Theatre; and met with several residents.

**Manager Matters**

- Announced the Housing Element Advisory Board (HEAB) will be held on Thursday, February 16, 2023.

**COUNCIL MEMBER RENNIE FINANCE COMMITTEE APPOINTEE**

Council Member Rennie announced the appointment of Linda Reiners to the Finance Commission.

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

1. Approve Minutes of the January 17, 2023 Closed Session Town Council Meeting.
2. Approve Minutes of the January 17, 2023 Town Council Meeting.
3. Approve Minutes of the January 24, 2023 Special Town Council Meeting.
4. Approve Minutes of the January 30, 2023 Special Town Council Meeting.
5. Adopt a Resolution Reaffirming Resolution 2021-044 and Making Findings Pursuant to Government Code Section 54953, as Amended by Assembly Bill 361, and, Due to Health and Safety Concerns for the Public, Authorizing the Use of Hybrid Meetings for the Town Council and the Continued Use of Virtual Meetings for Boards and Commissions While Town Staff Makes the Necessary Arrangements to Transition to Hybrid Meetings for All Town Boards, Commissions, and Committees. **RESOLUTION 2023-007**
6. Consider the Following Actions for the Americans with Disabilities Act (ADA) Public Restroom – Adult Recreation Center Project (CIP No. 821-2601):
  - a. Approve Plans and Specifications; and
  - b. Authorize Advertising the Project for Bid; and
  - c. Authorize the Town Manager to Execute the County of Santa Clara Grant Agreement (Fiscal Year 2022/23) and Authorize Revenue and Expenditure Budget Adjustments in the Amount of \$250,000 to Recognize Receipt and Expenditure for CIP No. 821- 2601; and
  - d. Authorize the Town Manager to Execute the Santa Clara County Community Development Block Grant (CDBG) City/County Contract for Fiscal Year 2023 and Authorize Revenue and Expenditure Budget Adjustments in the Amount of \$140,000 to Recognize Receipt and Expenditure of the Community Development Block Grant Fund for CIP No 821-2601.

Consent Items – continued

7. Authorize Budget Adjustments in the Total Amount of \$43,500 to Recognize Receipt and Expenditure of Black Gold Library Consortium Grant Funds.
8. Consider the Following Actions for the Annual Curb, Gutter, and Sidewalk Maintenance Project (CIP No. 813-9921):
  - a. Approve the Plans and Specifications; and
  - b. Authorize Advertising the Project for Bid.
9. Consider the Following Actions for the Property Location: 137 Bersano Lane. APN 424- 29-054. Property Owner: Lisa DeGeorge. **RESOLUTION 2023-008**
  - 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 Revenue and Expenditure Budget Adjustments in the Amount of \$436,276 from Available BMP Housing In-Lieu Fee Fund to Re-Purchase, Repair, and Pay Past Due Fees and Taxes of the Property.
10. Authorize the Town Manager to Execute a Certificate of Acceptance and Notice of Completion Accepting the Work of Ashron Construction and Restoration, Inc., and Authorize Recording by the Town Clerk for PPW Job No. 817-0708 Parking Lot 4 Repair and Waterproofing.
11. Authorize the Town Manager to Execute First Amendments to the Master Lease Agreements with Tait Firehouse, LLC and Forbes Mill, LLC.
12. Authorize the Town Manager to Execute an Agreement with Sustainable Waze to Continue the Coordination of Music in the Park (MIP) Summer Concert Series for 2023, with Options for Annual Extensions for Two Additional Years.

Opened public comment.

Lee Fagot

- Commented on item #9 and stated concerns with the seller profiting from the property.

Closed public comment.

Council Member Rennie pulled item #9.

**MOTION: Motion by Council Member Rennie to approve items 1-12, exclusive of item 9.  
Seconded by Council Member Moore.**

**VOTE: Motion passed unanimously.**

## **VERBAL COMMUNICATIONS**

Folake Phillips

- Commented on an incident that occurred at the Library.

Joseph Enz

Commented on displaced unhoused residents near the Los Gatos Creek Trail and requested that the Town provide two trash cans the Balzer park area of the trail.

Nate Vandergrift

- Commented on fallen eucalyptus trees on Overlook Road, stated concerns with the remaining trees, and requested Council consider allocating funds to remove the eucalyptus trees on lower Overlook Road.

Jordan Chan

- Requested greater recognition of Black History Month on the Town calendar, website, and social media.

Lynley Kerr Hogan

- Commented on a Supreme Court case related to free speech and stated concerns with racialism.

Raven

- Requested information related to weapons in a government office or public space.

Beverly

- Commented in support of the unhoused residents and suggested researching grant funding for a cold weather or emergency shelter.

## **PUBLIC HEARINGS**

13. Introduce a Proposed Ordinance Amending Chapter 24 (Subdivision Regulations) and Chapter 29 (Zoning Regulations) of the Town Code Regarding Town-Initiated Parcel Mergers.

Gabrielle Whelan, Town Attorney, presented the staff report.

Opened Public Comment.

No one spoke.

Closed Public Comment.

Council discussed the matter.

Public Hearing Item #13 – continued

**MOTION:** Motion by Vice Mayor Badame to introduce an ordinance amending Chapter 24 (Subdivision Regulations) and Chapter 29 (Zoning Regulations) of the Town Code regarding Town-initiated parcel mergers and to waive the first reading. **Seconded** by Council Member Hudes.

**VOTE:** Motion passed unanimously.

Town Clerk Wood read the title of the ordinance.

### **OTHER BUSINESS**

14. Discuss Valley Transportation Authority (VTA) Proposed Changes to Route 27 Weekend Bus Service.

Tracy Wang, Transportation and Mobility Manager, presented the staff report.

Opened public hearing.

No one spoke.

Closed public hearing.

Council discussed the matter.

15. Consider Modifications to Town Council Policy 2-01: Town Agenda Format and Rules Regarding Remote Attendance for Town Boards, Commissions, and Committees as Discussed by the Council Policy Committee. **POLICY 2-01**

Laurel Prevetti, Town Manager, presented the staff report.

Opened public hearing.

Lee Quintana

- Commented in support of the Planning Commission offering a remote participation option for the public, and requested clarification on recordings for other Board, Commission, Committee meetings.

Closed public hearing.

Council discussed the matter.

Other Business Item #15 - continued

**MOTION:** Motion by Council Member Hudes to adopt changes as recommended by staff in Attachment 3 with the exception of the Planning and the Finance Commission and modify remote attendance to match what is currently allowed in Brown Act, limit annual remote participation by Commissioners to four (4) times in a year and two (2) consecutive meetings. **AMENDMENT:** Policy Committee and potentially the Council revisit this policy before the end of the year. **Seconded** by Council Member Rennie.

**VOTE:** Motion passed 4-1. Mayor Ristow voted no.

16. Receive the Senior Service Committee Roadmap for Senior Services and Provide Any Additional Direction to the Committee and/or Staff.

Tom Picraux, Senior Service Committee Chair, presented the staff report.

Opened public hearing.

Lisanne Kennedy, Los Gatos-Saratoga Recreation 55+ Program Manager

- Thanked the Committee for their work on the Road Map and commented on a proposed Case Manager position to provide resources, counseling, and support.

Elenor Yick, Community and Heath and Senior Services Commission Member

- Commented in support of the item and requested Council consider the recommendation to add a part-time (0.2 FTE) position for a Town Age-Friendly Coordinator.

Diana Miller, County of Santa Clara Senior Program Manager

- Commented in support of the item.

Dick Konrad, Senior Services Committee Member

- Commented on the importance of the core services and how they contribute to the welfare of the senior community.

Catherine Somers, Chamber of Commerce Executive Director and Senior Services Committee Member

- Commented support of the item and recommendation the Town add a part-time (0.2 FTE) position for a Town Age-Friendly Coordinator.

Closed public hearing.

Council discussed the matter.

Other Business Item #16 – continued

**MOTION: Motion by Council Member Hudes to accept the report and endorse the Senior Services Roadmap for Los Gatos. Seconded by Vice Mayor Badame.**

**VOTE: Motion passed unanimously.**

Recess 9:55 pm.

Reconvene 10:08 p.m.

17. Consider the Following Items Recommended by the Art and Culture Commission:

- a. Receive the Arts and Culture Commission's Three-Year Plan Consisting of Capital Improvement Program (CIP) Funding for Completion of the Gateway Project and Annual Funding for Maintenance of Existing Town-Owned Public Artwork; and
- b. Authorize the Town Manager to Enter into a Memorandum of Understanding with Silicon Valley Creates; and
- c. Grant permission for Arts and Culture Commissioners to Solicit Philanthropic Funding for Future Public Art Projects.

Ryan Baker, Library Director, presented the staff report.

Opened public comment.

Cristiano Colantoni

- Commented on public art and stated support for allocating funding to complete the gateway art project.

Lisa McAdams

- Commented on public art and stated support for allocating funding to complete the gateway art project.

Maureen Cappon-Javey, Arts and Culture Commission Chair

- Commented on the public art program and stated support for allocating funding to complete of the gateway art project.

Jan Schwartz, NUMU

- Commented in support of public art projects and enjoys the gateway cat sculptures.

Craig Gleason, Parks Commissioner

- Commented in support of the gateway project and funding for the project completion.

Tom Spilsbury, Arts and Culture Commissioner

- Commented on the work of the Arts and Culture Commission and supports allocating funding for the gateway art project.

Other Business Item #17 – continued

Olga Enciso Smith

- Commented in support of public art and allocating funding for the completion of the gateway project.

Anne Lamborn, Arts and Culture Commissioner

- Commented the gateway art project and stated support for allocating funding to complete the project.

Elenor Yick

- Commented on in support of the gateway art project and suggested lighting up the sculptures at night.

Bent Jensen, Arts and Culture Commissioner

- Commented in support of the gateway art project and expressed interested in making Los Gatos a cultural center in Silicon Valley.

Closed public comment.

Council discussed the matter.

**MOTION:** Motion by Vice Mayor Badame to receive the Arts and Culture Commission's Three-Year Plan consisting of Capital Improvement Program (CIP) Funding for completion of the Gateway Project and annual funding for maintenance of existing Town-owned public artwork; and authorize the Town Manager to enter into a memorandum of understanding for a partnership with Silicon Valley Creates; and grant permission for Arts and Culture Commissioners to solicit funding for future public art projects.  
**Seconded by Council Member Moore.**

**VOTE:** Motion passed unanimously.

18. Receive a Report on the Town Resources Utilized to Support 2022 Special Events, Provide Direction for the Allocation of Resources to Support Anticipated 2023 Special Events, and Approve the Attached Modifications to the Town's Facilities Use Policy. **POLICY 1-04**

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

Opened public comment.

Rick Miller, Chairman Los Gatos Children's Christmas Parade

- Thanked the Council and staff for support for the Children's Parade and looks forward to the continued support.



Other Business Item #18 – continued

Carol Musser

- Commented in support of the Children's Parade, on the Recreation Department and Lion's Club volunteer hours for the Children's Parade, and requested additional details of staff time hours and concerns so that they can find a mutual solution.

Closed public comment.

Council discussed the matter.

**MOTION: Motion by Council Member Rennie** to allocate resources to support the Children's Holiday Parade, including funding to support the expanded use of a professional traffic management vendor for street closure and traffic management of the event; allocate funds to support the use of a professional traffic management vendor to implement road closures on Halloween in the Almond Grove and Johnson neighborhoods; adopt the modified red-lined draft of the Town Facilities Use Policy with an amendment to add language to the Montebello Way and Broadway Road Closure for Special Events, stating it may be closed for special events, with an approved special event permit, no more than eight times per calendar year, unless otherwise approved by agreement with the Town Council. **Seconded by Council Member Moore.**

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

**MOTION: Motion by Council Member Rennie** to extend the meeting past the midnight adjournment time until 12:20 a.m. **Seconded by Mayor Ristow.**

**VOTE: Motion passed unanimously.**

19. Approve the Library's Holiday and Recognition Work Plan.

Ryan Baker, Library Director, presented the staff report.

Opened public comment.

Alicia

- Spoke in support of Native American Heritage Month being added to the Library's Holiday recognition work plan, requested the holiday be clearly celebrated by the Town, commented on anti-racism training, and stated concerns with an incident that occurred at the Library.

Closed public comment.

Other Business Item #19 – continued

Council discussed the item.

**MOTION:** Motion by Council Member Rennie to approve the Library's holiday and recognition workplan. **Seconded by Council Member Moore.**

**VOTE:** Motion passed unanimously.

Pulled Consent Items

9. Consider the Following Actions for the Property Location: 137 Bersano Lane. APN 424- 29-054. Property Owner: Lisa DeGeorge. **RESOLUTION 2023-008**
- 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 Revenue and Expenditure Budget Adjustments in the Amount of \$436,276 from Available BMP Housing In-Lieu Fee Fund to Re-Purchase, Repair, and Pay Past Due Fees and Taxes of the Property.

Gabrielle Whelan, Town Attorney, presented the staff report.

Opened public comment.

Lee Fagot

- Commented on concerns with the differential amount the Town has to pay for repairs, and unpaid Home Owner's Association fees and unpaid property taxes.

Closed public comment.

Council discussed the matter.

**MOTION:** Motion by Council Member to adopt a Resolution approving a purchase and sale agreement in substantially the form presented for the re-purchase of an affordable housing unit subject to an existing below market price (BMP) first right of refusal option for property located at 137 Bersano Lane (APN 424-29-054); and authorize the Town Manager to negotiate and execute all agreements and documents necessary to for the reservation of the affordable housing unit; and authorize revenue and expenditure budget adjustments in the amount of \$436,276 from available BMP Housing In-Lieu Fee Fund to re-purchase, repair, and pay past due fees and taxes of the property. **Seconded by Mayor Ristow.**

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SUBJECT: Minutes of the Town Council Meeting of February 7, 2023

DATE: February 8, 2023

**VOTE: Motion passed unanimously.**

**ADJOURNMENT**

The meeting adjourned at 12:14 a.m.

Respectfully Submitted:

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/s/ Jenna De Long, Deputy Clerk