



TOWN OF LOS GATOS COUNCIL AGENDA REPORT

Minutes of the Town Council Meeting Tuesday, October 17, 2023

The Town Council of the Town of Los Gatos conducted a regular meeting in person and utilizing teleconferencing means on Tuesday, October 17, 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

Victoria Basilico led the Pledge of Allegiance. The audience was invited to participate.

CLOSED SESSION

Gabrielle Whelan, Town Attorney, stated the Town Council met in closed session regarding two items of potential litigation. Regarding the first item, there was no reportable action. Regarding the second item, the Town Council authorized litigation and the details will be provided in the event that litigation commences so long as it would not jeopardize service of process or settlement negotiations.

PRESENTATIONS

Mayor Ristow read a commendation commending Los Gatos resident Justin Liu, Silicon Valley Clean Energy Electric Showcase Award Winner.

COUNCIL/TOWN MANAGER REPORTS

Council Matters

- Council Member Hudes stated he met with a member of the Foundation for Older Adults to Thrive and Tylor Taylor of the Successful Aging Solutions and Community Consulting (SASCC); attended the opening of Domus; met with Margaret Smith the Owner of Domus and with the Community Health and Senior Service Committee Chair; and attended the Jewish Community Center Solidarity Event.
- Council Member Rennie stated he attended the Joint Venture Silicon Valley Poll, the Silicon Valley Clean Energy Authority (SVCEA) Risk Oversight Committee meeting, the Valley Transportation Authority (VTA) Board meeting, the Finance Commission meeting, the West Valley Sanitation District Board meeting, the Silicon Valley Clean Energy Board meeting, the VTA Policy Advisory Committee, the Highway 9 Los Gatos Creek Trail Connector Groundbreaking Event, and the SVCEA CEO Search Committee meeting.

- Vice Mayor Badame stated she attended the Finance Commission as an observer and a Plant Based Advocates presentation; and met with residents regarding the Housing Element and other concerns.
- Council Member Moore stated he held his Council Member Community Coffee event; met with high school students; attended a Youth Commission meeting; participated in a conversation about addressing mental health in cities; met with a variety of community members to discuss several topics; acknowledged the situation in Israel and Palestine; and attended the Jewish Community Center Solidarity Event.
- Mayor Ristow stated she attended the Joint Venture Silicon Valley Poll, a Leadership Los Gatos class, the Cities League Mental Health Forum, the Domus Ribbon Cutting, and the Inaugural Veteran's Gala; worked with the Los Gatos Beautification Committee on Pageant Park; attended the Highway 9 Los Gatos Creek Trail Connector Groundbreaking Event; volunteered at the Wine Walk; and attended a Plant Based Advocates presentation and the Jewish Community Center Solidarity Event.

Manager Matters

- No report.

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

1. Approve Closed Session Council Meeting Minutes of October 3, 2023.
2. Approve Minutes of the October 3, 2023, Town Council Meeting.
3. Reschedule to December 5, 2023, the Consideration of the 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.
4. Receive the Monthly Financial and Investment Report for August 2023.
5. Rescind Resolution 2021-006 and Adopt a Revised Enabling Resolution for the Policy Committee. **RESOLUTION 2023-055**
6. Authorize the Town Manager to Execute a Fourth Amendment to a Special Services Agreement with Liebert Cassidy Whitmore (LCW) to Increase Compensation in the Amount of \$150,000 for a Total Contract Amount Not to Exceed \$430,000; and Authorize an Expenditure Budget Adjustment in the Amount of \$117,283 from the Available General Fund Capital/Special Projects Reserve.
7. Authorize Revenue and Expenditure Budget Adjustments in the Total Amount of \$40,000 to Recognize Receipt and Expenditure of the California Automated Permit Processing (CalAPP) Grant Administered by the California Energy Commission.
8. Authorize the Town Manager to Execute an Agreement for Services with Bay Area Tree Specialists for Tree Removal and Stump Grinding of Eighteen Eucalyptus Trees Located on Overlook Road for a Total Agreement Amount not to Exceed \$186,300.

9. Adopt a Resolution to Set a Date for Consideration of the Reorganization of an Uninhabited Area Designated as Los Gatos Boulevard No. 20, Approximately 0.521 Acres on Property Pre-Zoned R-1:8. APN 523-01-001. Annexation Application AN22-001. Project Location: 15810 Los Gatos Boulevard. Property Owner/Applicant: Jesus Ching and Kathleen Ban.

RESOLUTION 2023-056

10. Adopt an Ordinance Titled, "An Ordinance of the Town Council of the Town of Los Gatos Amending Section 18.60.020, 'Permits for Retailers of Tobacco Products' of Article VI, 'Smoking Regulations' of Chapter 18, 'Offenses and Miscellaneous Provisions,' of the Town Code to Increase Fine Amounts and Amend the Definition of 'Tobacco Products' to Align with the Santa Clara County Ordinance." **ORDINANCE 2344**
11. Authorize the Town Manager to Execute a Certificate of Acceptance and Notice of Completion for the Fiscal Year 2022/23 Curb, Gutter, and Sidewalk Maintenance Project (CIP No. 813-9921) Completed by Spencon Construction and Authorize the Town Clerk to File for Recordation.
12. Authorize Revenue and Expenditure Budget Adjustments in the Amount of \$76,700 to Recognize Receipt and Expenditure for State of California Office of Traffic Safety (OTS) Grant Funds.

Mayor Ristow opened public comment.

No one spoke.

Mayor Ristow closed public comment.

MOTION: Motion by Council Member Moore to approve the consent items. Seconded by Council Member Hudes.

VOTE: Motion passed unanimously.

VERBAL COMMUNICATIONS

Lynley Fenchel

- Commented on religion and racism.

Linda Swenberg

- Commented on concerns with the infrastructure changes made to Blossom Hill Road.

Erica Osman

- Requested the Town's objective guidelines be strengthened.

Allan Bayless

- Commented on unhoused residents being displaced by CalTrans and strategies to assist unhoused residents.

Ron Meyer

- Commented on concerns with accountability.

OTHER BUSINESS

13. Receive and Provide Direction for the Youth Commission Work Plan for School Year 2023/24.

Laurel Prevetti, Town Manager, introduced the Youth Commission Chair. Taj Chunawala, Youth Commission Chair, presented the staff report and a presentation.

Mayor Ristow opened public comment.

No one spoke.

Mayor Ristow closed public comment.

Council discussed the item and provided feedback.

PUBLIC HEARINGS

14. Consider a Resolution to Amend the General Plan Land Use Designation of 15810 Los Gatos Boulevard from Low Density Residential to Mixed Use Commercial and Introduce an Ordinance Titled "An Ordinance of the Town of Los Gatos Amending the Zoning Code from R-1:8 Prezone (Single-Family Residential, Minimum Lot Size of 8,000 square feet) to CH (Restricted Commercial Highway) for Property Located at 15810 Los Gatos Boulevard." APN: 523-01-001. An Environmental Impact Report (EIR) was Prepared and Certified for the 2040 General Plan Update on June 30, 2022, Which Included the Proposed General Plan Amendment for the Property Located at 15810 Los Gatos Boulevard. No Further Environmental Analysis is Required. Zone Change Application Z-23-001 and General Plan Amendment Application GP-23-001. PROPERTY OWNER/APPLICANT: Jesus Ching and Kathleen Ban. PROJECT PLANNER: Jocelyn Shoopman. **RESOLUTION 2023-057**
ORDINANCE 2346

Jocelyn Shoopman, Associate Planner, presented the staff report.

Mayor Ristow opened public comment.

Roger Shanks, Applicant Representative

- Commented in support of the item.

Mayor Ristow closed public comment.

Council discussed the item.

MOTION: Motion by Council Member Rennie to accept the staff recommendation to adopt a resolution (Attachment 3 to the staff report) to amend the General Plan land use designation of 15810 Los Gatos Boulevard from Low Density Residential to Mixed Use Commercial and introduce an ordinance (Attachment 4 to the staff report) titled "An Ordinance of the Town of Los Gatos Amending the Zoning Code from R-1:8 Prezone (Single-Family Residential, Minimum Lot Size of 8,000 square feet) to CH (Restricted Commercial Highway) for property located at 15810 Los Gatos Boulevard." **Seconded by Council Member Moore.**

VOTE: Motion passed unanimously.

OTHER BUSINESS

15. Authorize the Town Manager to Execute an Agreement for Revenue Ballot Measure Consultant Services with NBS in an Amount Not to Exceed \$105,000 and Authorize an Expenditure Budget Adjustment in an Amount of \$105,000 from the Available General Fund Capital/Special Projects Reserve.

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

Mayor Ristow opened public comment.

Ron Meyer

- Commented on the Town's budgeting priorities and concerns with transparency.

Jak Van Nada

- Commented on forecast revenue estimates, Town budgets, and concerns with this item.

Lynda Swenberg

- Commented on the item and concerns with studying a specific use tax.

Mayor Ristow closed public comment.

Council discussed the item.

MOTION: Motion by Council Member Moore to authorize the Town Manager to execute an agreement for Revenue Ballot Measure Consultant Services with NBS in an amount not to exceed \$44,600 and authorize an expenditure budget adjustment in the amount of \$44,600 from the General Fund, with the understanding that staff and the consultant will return to Council with the revenue models and any other pieces that have been completed before moving forward in the next step of public polling.

AMENDMENT: concurrently develop the stakeholder outreach and public engagement messaging. **Seconded by Mayor Ristow.**

VOTE: Motion passed 4-1. Vice Mayor Badame voted no.

Mayor Ristow called a recess at 9:05 p.m.

Mayor Ristow reconvened the meeting at 9:15 p.m.

16. Discuss and Provide Direction Regarding Potential Changes to the Town's Boards, Commissions, and Committees.

Laurel Prevetti, Town Manager, presented the staff report.

Mayor Ristow opened public comment.

No one spoke.

Mayor Ristow closed public comment.

Council discussed the item.

MOTION: Motion by Mayor Ristow to return to Council with a redlined enabling resolution for the Parks Commission, change the name of the Parks Commission to the Parks and Sustainability Commission, and modify the language in the scope to address sustainability issues. **Seconded by Council Member Rennie.**

VOTE: Motion passed unanimously.

MOTION: Motion by Council Member Moore to direct staff to research ways for Building Board of Appeals members could serve on other Town Commissions as appropriate and where an overlap or conflicts do not exist. **Seconded by Mayor Ristow.**

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

17. Accept the Diversity, Equity, and Inclusion (DEI) Plan and Identify First Year Priorities for the DEI Commission.

Holly Young, Management Analyst, presented the staff report.

Mayor Ristow opened public comment.

Susan Burnett

- Inquired if the DEI goals can be achieved without the use of staff and fiscal resources.

Linda Swenberg

- Commented on the DEI plan and stated Los Gatos should be a welcoming place for residents and businesses.

Johanes Swenberg

- Inquired about the outcome of the DEI plan, specific action items, and the fiscal impact.

Ron Meyer

- Commented on concerns with the DEI plan, specific action items, and the fiscal impact.

Ali Miano

- Commented in support of the item.

Mayor Ristow closed public comment.

Council discussed the item and provided direction below:

Council Member Rennie commented on concerns with the following items listed in the DEI Plan:

1. Goal C, Section 2, Subsection a - Town staff/School Districts/Youth to identify needs for both community-based and school-based programming.
2. Goal E, Section 1, Subsection a, Subparagraph i. - Education about affordable housing residents and the services they receive.
3. Goal E, Section 1, Subsection c. - Town staff to create a program to ensure that all rental multifamily housing is inspected on a three to five-year cycle to ensure compliance with all building, housing, and other codes for safe and sanitary housing.

Council Member Rennie commented in support of the following items listed in the DEI Plan:

1. Goal A, Section 1, Subsection a – In partnership with other Commissions, DEI Commission to review the community grants rubric for the community grant distribution process through an equity lens.
2. Goal A, Section 1, Subsection b - DEI Commission to create an annual review process and evaluation of the DEI Work Plan action items.
3. Goal B, Section 2, Subsection d – Town staff to explore the possibility of film festivals/benefit events at the Los Gatos Theatre.
4. Goal B, Section 3, Subsection a - Town staff/DEI Commission/Community Partners to develop a community learning opportunity focused on historical inequities and the history of the 3 Town of Los Gatos. Focused on but not limited to: Indigenous communities; redlining practices; and other items as identified through community partners.
5. Goal B, Section 4, Subsection a – Town staff in the Police Department to continue to offer a Community Police Academy, or similar program, to educate community members on law enforcement policies, practices, and problem solving, as well as promoting the opportunity for one-on-one interaction with Department members in a relaxed environment.
6. Goal C, Section 1, Subsection a, Subparagraph ii – Focus on collaborative projects that promote healing.

7. Goal C, Section 3, Subsection b – Town staff to explore opportunities for collaborating with other municipalities on DEI work.
8. Goal F, Section 1, Subsection b – Town staff to create a defined set of criteria that measures and prioritizes equitable distribution of Capital Improvement (CI) Projects Town-wide.
9. Goal F, Section 4, Subsection c – Town staff to continue to evaluate the annual proposed Capital Improvement Budget and any service expansion/contraction in the Operating Budget to ensure that all neighborhoods are treated equitably in the availability of services and infrastructure investment.
10. Goal F, Section 4, Subsection h – Town staff to continue to provide Biannual Reports to review progress at Town Council meetings on Police Reforms, including independent investigations, mental health/homeless support, traffic stop data, and options for nonemergency calls.
11. Goal F, Section 4, Subsection i – Town staff to continue to strengthen the Police Department relationship with County Behavioral Health and Crisis Response Teams.
12. Goal F, Section 4, Subsection j – Town staff to work toward the Police Chief's goal for all Department personnel to exceed the minimum number of hours of training in de-escalation and crisis intervention.
13. Goal F, Section 4, Subsection k – Town staff to continuously review and update Town policies and procedures to ensure that it is employing the best practices for hiring, training, eliminating bias, and ensuring the public's safety.
14. Goal E, Section 1, Subsection b – Town staff to investigate ways to attract affordable housing developers to the Town of Los Gatos.

Council Member Hudes commented on concerns with the following items listed in the DEI Plan:

1. Goal B, Section 1, Subsection b – Town staff/DEI Commission to evaluate heritage/holiday celebrations and recognitions in the Holiday and Recognition Work Plan.
2. Goal B, Section 2, Subsection b – Town staff/DEI Commission/Community Partners to work with other Boards, Commissions, and Committees to curate safe and engaging learning, dialogue and advocacy spaces for all community members.
3. Goal B, Section 2, Subsection e, Subparagraph i – Consider a Park Stewardship Program to develop meaningful relationships between different groups (example: seniors) and each park.
4. Goal B, Section 3, Subsection b – Town staff to develop diversity, sensitivity, and awareness training courses and curriculum for residents, business owners, and local organizations to take part in.
5. Goal D, Section 2, Subsection b, Subparagraph i – Develop a local business pledge about belonging and unwillingness to tolerate discrimination.

Council Member Hudes commented in support of the following items listed in the DEI Plan:

1. Goal B, Section 2, Subsection e – Town staff/Commissions to explore options for bringing diversity and incorporating equity into Town parks, open space, and the

community garden (create a garden and food-based programs and identify additional spaces for a community garden).

2. Goal B, Section 2, Subsection d – Town staff to explore the possibility of film festivals/benefit events at the Los Gatos Theatre.

Council Member Hudes suggested the following items:

1. Explore cultural food festivals, cooking demos, dancing, street fairs.
2. Promoting and possible subsidizing adult school multicultural offerings such as languages and music classes.
3. Organizing community cultural participation in local schools
4. Aggressively pursue funding opportunities for actual affordable housing construction rather than luxury development projects.

Council Member Moore commented in support of the following items listed in the DEI Plan:

1. Goal E, Section 1, Subsection b – Town staff to investigate ways to attract affordable housing developers to the Town of Los Gatos.
2. Goal B, Section 1, Subsection b - Town staff/DEI Commission to evaluate heritage/holiday celebrations and recognitions in the Holiday and Recognition Work Plan making sure all faith groups are brought into the holiday discussions and events.
3. Goal F, Section 1, Subsection b - Town staff to create a defined set of criteria that measures and prioritizes equitable distribution of Capital Improvement (CI) Projects Town-wide.
4. Goal C, Section 1, Subsection a, Subparagraph ii - Focus on collaborative projects that promote healing.
5. Goal B, Section 4, Subsection a - Town staff in the Police Department to continue to offer a Community Police Academy, or similar program, to educate community members on law enforcement policies, practices, and problem solving, as well as promoting the opportunity for one-on-one interaction with Department members in a relaxed environment (add Police Department to work with community members to talk about how hate interacts with community).
6. Goal A, Section 2, Subsection a – DEI Commission to recommend additional action items to the Town Council to make visible the equity issues that matter to the larger community.
7. Goal C, Section 1, Subsection a, Subparagraph i – Meet with community partners to determine how they would like to manifest equity learning in the community. Focused on, but not limited to, the following local groups: local businesses; community-based organizations; nonprofits; education partners; faith-based partners; Town Departments; and other Town Commissions.
8. Goal D, Section 1, Subsection a – Town staff/DEI Commission/Community Partners to create a yearly communications campaign centered around equity education and promotion of community events. Include in this process: visible signage/banners, local art, and art displays.

Council Member Moore suggested the following items:

1. Consider working with additional schools in the area regarding DEI programming.

Vice Mayor Badame commented in support of the following items in the DEI Plan and stated she would trust the DEI Commission to advise the Town Council on action items of their deliberation:

1. Action items relating to safety.
2. Goal F, Section 4, Subsection b - Town staff to update the Town's Anti-Harassment Policy to meet current best practices, including anti-bullying.

Mayor Ristow commented in support of the following items listed in the DEI Plan:

1. Goal A, Section 1, Subsection a – In partnership with other Commissions, DEI Commission to review the community grants rubric for the community grant distribution process through an equity lens.
2. Goal B, Section 1, Subsection a – Town staff/DEI Commission to review the Town's four events (Spring into Green, 4th of July Symphony in the Park, Screen on the Green, and Winter Celebration) with an equity lens and requested broadening the events to be more expansive or adding new events such as a food culture event.
3. Goal B, Section 2, Subsection d – Town staff to explore the possibility of film festivals/benefit events at the Los Gatos Theatre.
4. Goal B, Section 4, Subsection a – Town staff in the Police Department to continue to offer a Community Police Academy, or similar program, to educate community members on law enforcement policies, practices, and problem solving, as well as promoting the opportunity for one-on-one interaction with Department members in a relaxed environment.
5. Goal B, Section 4, Subsection e – Town staff to continue to enhance awareness of DEI through expanded Library programming for both adults and children.
6. Goal D, Section 1, Subsection a – Town staff/DEI Commission/Community Partners to create a yearly communications campaign centered around equity education and promotion of community events. Include in this process: visible signage/banners, local art, and art displays.
7. Goal D, Section 2, Subsection a - Town staff/DEI Commission/Community Partners to create a new Town tagline, in concert with the mission statement that involves the spirit of 'belonging', as a north star for ongoing work and make a request to have the commission reevaluate the commission name.
8. Goal F, Section 4, Subsection h – Town staff to continue to provide Biannual Reports to review progress at Town Council meetings on Police Reforms, including independent investigations, mental health/homeless support, traffic stop data, and options for non-emergency calls.
5. Goal F, Section 4, Subsection i - Town staff to continue to strengthen the Police Department relationship with County Behavioral Health and Crisis Response Teams.
6. Goal F, Section 4, Subsection j - Town staff to work toward the Police Chief's goal for all Department personnel to exceed the minimum number of hours of training in de-escalation and crisis intervention.

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SUBJECT: Minutes of the Town Council Meeting of October 17, 2023

DATE: October 17, 2023

MOTION: Motion by Council Member Moore to accept the Diversity, Equity, and Inclusion (DEI) Plan. **AMENDMENT:** Accept the DEI Plan and add a more refined memo or addendum with the direction received from Council and to provide that direction to the DEI Commission in January and add the five-question Government Alliance on Race and Equity (GARE) (five questions: what is your timelines, how will you evaluate and report progress overtime, how will you know when an action is complete, can you retain stakeholder participation, does it ensure internal meaning government and public accountability) as a suggested framework to accomplish tangibility to be part of the addendum. **Seconded by Mayor Ristow.**

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

ADJOURNMENT

The meeting adjourned at 11:40 p.m.

Respectfully Submitted:

/s/ Jenna De Long, Deputy Town Clerk