



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

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### **Minutes of the Town Council Meeting Tuesday, June 18, 2024**

The Town Council of the Town of Los Gatos conducted a regular meeting in-person and utilizing teleconferencing means on Tuesday, June 18, 2024, at 7:00 p.m.

#### **MEETING CALLED TO ORDER AT 7:00 P.M.**

#### **ROLL CALL**

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

Absent: None

#### **PLEDGE OF ALLEGIANCE**

Mayor Badame led the Pledge of Allegiance. The audience was invited to participate.

#### **PRESENTATIONS**

The Mayor presented a proclamation for Parks & Open Space.

The Mayor presented commendations from the Town of Los Gatos and County of Santa Clara Board of Supervisors to Town Manager Laurel Prevetti.

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

1. Approve Closed Session Minutes of the June 4, 2024, Town Council Meeting.
2. Approve Minutes of the June 4, 2024, Town Council Meeting.
3. Receive the Monthly Financial and Investment Report for April 2024.
4. Authorize the Town Manager to Execute a Second Amendment to Agreement for Services with H. A. Bowen Electric Inc. to Extend the Term through June 30, 2026, and Increase the Compensation Amount by \$48,000 for a Total Agreement Amount Not to Exceed \$145,335.
5. Authorize the Town Manager to Execute a Lease Agreement with the Friends of the Los Gatos Library for the Property Located at 108 E. Main St.
6. Shannon Road Pedestrian and Bikeways Improvement Project (CIP No. 813-0218):
  - a. Award and Authorize the Town Manager to Execute a Contract with Sposeto Engineering Inc. in an Amount Not to Exceed \$2,115,930.50;
  - b. Authorize the Town Manager to Execute Change Orders in an Amount Not to Exceed Ten Percent (10%) of the Contract Award Amount (\$211,593);
  - c. Approve the Project Construction Plans with Addenda as Required by Government Code 830.6 – Design Immunity;
  - d. Authorize an Expenditure Budget Increase From Storm Drain Basin #1 Funds in an Amount of \$447,717; and

- e. Authorize an Expenditure Budget Decrease of Underground Utility Funds in an Amount of \$48,003.
- 7. Stormwater Network Mapping Services (CIP No. 816-0425):
  - a. Award and Authorize the Town Manager to Execute a Contract with NCE in an Amount Not to Exceed \$380,700;
  - b. Authorize the Town Manager to Execute Change Orders in an Amount Not to Exceed Ten Percent (10%) of the Contract Award Amount (\$38,070).
- 8. Authorize the Town Manager to Execute a Revised Master Service Agreement with Flock Safety Group Inc. for Stationary Automated License Plate Readers (ALPR) in the Amount \$255,000 for a Sixty-Month Term and Authorize the Town Manager to Enter into Amendments as Necessary for up to an Additional \$40,000 for a Total Agreement Not to Exceed \$295,000 Over the Agreement Term.
- 9. Authorize the Town Manager to Execute a Second Amendment to the Agreement for Services with Pro-Sweep, Inc. for Power-Washing Services to Extend the Term Through December 31, 2024, and Increase the Compensation by \$32,760 for a Total Amount not to Exceed \$410,539.
- 10. Approve and Authorize the Town Manager to Execute a Side Letter of Agreement Between the Town of Los Gatos and the Police Officers Association (POA) to Modify the Vacation Accrual Cap through June 30, 2025.
- 11. Highway 17 Bicycle and Pedestrian Overcrossing (Project No. 818-0803):
  - a. Authorize the Town Manager to Execute a Second Amendment to the Agreement for Consultant Services with BKF Engineers Inc. for Additional Environmental Consulting Services in the amount of \$39,000 for a Total Agreement Not to Exceed \$3,087,735; and
  - b. Authorize an Expenditure Budget Adjustment in the Amount of \$34,822 to Authorize the Allocation to the Previously Received Transportation Development Act Article 3 Grant Receipt.
- 12. Approve Change to Existing Purchase Order with Baker and Taylor Not to Exceed \$115,800.
- 13. Authorize the Town Manager to Execute a Fifth Amendment to a Special Services Agreement with Liebert Cassidy Whitmore (LCW) to Increase Compensation in the Amount of \$120,000 for a Total Contract Amount Not to Exceed \$550,000.
- 14. Approve an Amendment to the Town Employees Association (TEA) Salary Schedule to Establish a New Classification Title and Salary Range for Senior Transportation Planner.
- 15. Authorize the Town Manager to Execute an Agreement with Los Gatos-Monte Sereno Safe Routes to School to Provide Education and Encouragement Programs and Crossing Guard Services for a Total Agreement Base Amount Valued at \$350,950 Prior to Any Increased Adjustment Made for Consumer Price Index (CPI) Changes.

Vice Mayor Hudes pulled items numbered 6 and 11.

Mayor Badame opened public comment.

No one spoke.

Mayor Badame closed public comment.

**MOTION: Motion by Council Member Ristow** to approve consent items 1-5, 7-10, and 12-15.  
**Seconded by Vice Mayor Hudes.**

**VOTE: Motion passed unanimously.**

Mayor Badame stated Item 23 will be moved up after Verbal Communications.

### **VERBAL COMMUNICATIONS**

Tevis Ignacio

- Commented on the upcoming World Cup and suggested the Town of Los Gatos as a possible Team Base Camp.

Galit Goldenthal, Jewish Community Relations Council (JCRC) & Jewish Silicon Valley (JSV)

- Thanked Town Manager Laurel Prevetti for her service, partnership, and dedication to the community.

Amy Despars

- Commented on concerns with proposed developments in Town, traffic safety, and meeting norms.

### **PUBLIC HEARINGS**

23. Adopt a Resolution and Introduce Ordinances to Place a One-Eighth Cent Sales Tax on the November 2024 Ballot as Either One Measure for a Special Tax or Two Measures for a General Tax and a Companion Advisory Measure to be Adopted by a Separate Resolution; and Authorize a Fiscal Year 2024/25 Expenditure Budget Adjustment of \$66,000 for a Single Measure or \$132,000 for Two Measures from the Available Capital/Special Projects Reserve.

Katy Nomura, Assistant Town Manager and Gabrielle Whelan, Town Attorney, presented the staff report.

Vice Mayor Hudes commented on a procedural concern.

**MOTION: Motion by Vice Mayor Hudes** to strike the item from the agenda because it is a reconsideration a previous decision. **Seconded by Mayor Badame.**

Town Attorney Whelan asked for a brief recess to review the Town's reconsideration policy.

Mayor Badame called a recess at 7:40 p.m.

The meeting reconvened at 7:55 p.m.

Mayor Badame opened public comment.

Jim Foley, Chamber of Commerce

- Commented in support of a general tax measure, as long as it is coupled with the advisory measure and the priorities include public safety, infrastructure, and economic vitality.

Member of the public (no name provided)

- Commented on concerns with the general tax and suggested the Town consider the special tax.

Council discussed the motion.

Vice Mayor Hudes withdrew his motion.

**Motion:** Motion by Vice Mayor Hudes to consider the special tax as it is written in the agenda and to agendize the discussion of a general tax sometime in the future  
**Seconded by Mayor Badame.**

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

Mayor Badame closed public comment.

Council discussed the special tax.

**Motion:** Motion by Council Member Ristow not to put a Specific Tax on the ballot in 2024,  
**Seconded by Council Member Moore.**

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

Gabrielle Whelan, Town Attorney asked for a vote to consider a special meeting.

**MOTION:** Motion by Council Member Ristow to hold a special meeting to consider a General Sales Tax with an accompanying advisory measure at a date to be determined in July. **Seconded by Council Member Moore.**

**VOTE:** Motion passed unanimously.

16. Conduct a Public Hearing to Hear Protests and Authorize the Following Actions for Landscape and Lighting Assessment Districts No. 1 and 2:

- a. Adopt a Resolution Confirming the Diagram and Assessments and Levying and Authorizing Collection of Assessments for Landscape and Lighting Assessment District No. 1-Blackwell Drive Benefit Zone. **RESOLUTION 2024-035**
- b. Adopt a Resolution Confirming the Diagram and Assessments and Levying and Authorizing Collection of Assessments for Landscape and Lighting Assessment District No. 1-Kennedy Meadows Benefit Zone. **RESOLUTION 2024-036**
- c. Adopt a Resolution Confirming the Diagram and Assessments and Levying and Authorizing Collection of Assessments for Landscape and Lighting Assessment District No. 1-Santa Rosa Heights Benefit Zone. **RESOLUTION 2024-037**
- d. Adopt a Resolution Confirming the Diagram and Assessments and Levying and Authorizing Collection of assessments for Landscape and Lighting Assessment District No. 1-Vasona Heights Benefit Zone. **RESOLUTION 2024-038**
- e. Adopt a Resolution Confirming the Diagram and Assessments and Levying and Authorizing Collection of assessments for Landscape and Lighting Assessment District No. 1-Hillbrook Drive Benefit Zone. **RESOLUTION 2024-039**
- f. Adopt a Resolution Confirming the Diagram and Assessments and Levying and Authorizing Collection of assessments for Landscape and Lighting Assessment District No. 2-Gemini Court Benefit Zone. **RESOLUTION 2024-040**

Meredith Johnston, Administrative Technician, presented the staff report.

Mayor Badame opened public comment.

No public comments

Mayor Badame closed public comment.

**MOTION:** Motion by Council Member Ristow to adopt the resolution in attachment one confirming the diagram and assessments and levying and authorizing collection of assessments for Landscape and Lighting Assessment District No. 1-Blackwell Drive Benefit Zone; adopt the resolution in attachment two confirming the diagram and assessments and levying and authorizing collection of assessments for Landscape and Lighting Assessment District No. 1-Kennedy Meadows Benefit Zone; adopt the resolution in attachment three confirming the diagram and assessments and levying and authorizing collection of assessments for Landscape and Lighting Assessment District No. 1-Santa Rosa Heights Benefit Zone; adopt the resolution in attachment four confirming the diagram and assessments and levying and authorizing collection of assessments for Landscape and Lighting Assessment District No. 1-Vasona Heights Benefit Zone; adopt the resolution in attachment five confirming the diagram and assessments and levying and authorizing collection of assessments for Landscape and Lighting Assessment District No. 1-Hillbrook Drive Benefit Zone; and adopt the

resolution in attachment six confirming the diagram and assessments and levying and authorizing collection of assessments for Landscape and Lighting Assessment District No. 2-Gemini Court Benefit Zone. **Seconded by Mayor Badame.**

**VOTE: Motion passed unanimously.**

17. Conduct Brush Abatement Program Public Hearing to Consider Objections to the Proposed Removal of Brush on Parcels Listed on the 2024 Wildland Urban Interface (WUI) Area Non-Compliant Parcel List and Order Abatement.

Meredith Johnston, Administrative Technician, presented the staff report.

Jereme Davis, Assistant Fire Marshall from Santa Clara County Fire

- Stated that after reinspection, there were four properties that had abated the hazard. He requested the following properties as identified by Assessor's Parcel Numbers (APN) be removed from the list: APN 53723061 (item three), 53724015 (item four), 53727047 (item eight), and 53730021 (item nine).

Mayor Badame opened public comment.

Alan Couder

- Stated he make the requested corrections to his property and asked to be removed from the list.

Assistant Fire Marshall Davis

- Stated Mr. Couder's property is not on the list.

Stanford Stickney

- Thanked the Council, the Police Department, and the Fire Department for the work they do.

Mayor Badame closed public comment.

Council discussed the item.

**MOTION: Motion by Council Member Rennie to order abatement to on the items in attachment one, which are items numbered one, two, five, six, and seven. Seconded by Council Mayor Badame.**

**VOTE: Motion passed unanimously.**

18. Hear Protests and Adopt a Resolution Making Determinations and Approving the Reorganization of an Uninhabited Area Designated as El Gato Lane No. 06, Approximately 0.563 Acres on Property Pre-Zoned R-1:8. APN 523-22-007. Annexation Application AN24-001. Project Location: 15575 El Gato Lane. Property Owner: Sai Kiran Garimella and Renu Sushma Kolli. Applicant: Barzin Keyhankhadiv. **RESOLUTION 2024-041**

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

Mayor Badame opened public comment.

No one spoke.

Mayor Badame closed public comment.

**MOTION:** Motion by **Mayor Badame** to adopt a Resolution in attachment one making determinations and approving the reorganization of an uninhabited area designated as El Gato Lane No. 06, approximately 0.563 located at 15575 El Gato Lane APN 523-22-007. **Seconded by Council Member Rennie.**

**VOTE:** Motion passed unanimously.

19. Consider a Request for an Exception to the Height Pole, Flagging, Netting, and Signage Policy to Allow Preparation of Visual Renderings by the Applicant Rather than the Town's Consultant as Required by the Policy on Property Zoned R:PD Located at 110 Wood Road. This Request is Not a Project as Defined by CEQA Guidelines Section 21065. APN 510-47-038. Applicant: Frank Rockwood. Property Owner: Front Porch Communities. Project Planner: Sean Mullin

Council Member Ristow recused herself from this item because the project is within 1,000 feet of her property. Council Member Ristow left the Council Chambers.

Sean Mullin, Senior Planner, presented the staff report.

Frank Rockwood, Rockwood Pacific Design

- Commented on a visual rendering of the project and presented a video explaining how the three-dimensional (3D) imaging was prepared.

Jonathan Arnold, Arnold Imaging

- Commented on the data in the video and his experience creating visualizations for developers.

Mayor Badame opened public comment.

Stanford Stickney

- Commented on concerns about the visual rendering and stated he could not tell what the buildings looked like.

Mayor Badame closed public comment.

Council discussed the item.

**MOTION: Motion by Vice Mayor Hudes** to grant an exception to the Height Pole, Flagging, Netting, and Signage Policy to allow preparation of visual renderings by the applicant rather than the Town's consultant for the property zoned R:PD located at 110 Wood Road. **Seconded by Council Member Moore.**

**VOTE: Motion passed unanimously 4-0 (Council Member Ristow was recused)**

Council Member Ristow returned to the Council Chambers.

## **OTHER BUSINESS**

20. Receive a Presentation, Provide Direction, and Consider Accepting a Proposed Donation from the Los Gatos Rotary to the Town at Live Oak Manor Park.

Nicolle Burnham, Parks and Public Works Director, introduced the item and Mike Norcia from Los Gatos Rotary Club and Brian Glick from HMH gave a presentation on the proposed project.

Mayor Badame opened public comment.

Amy Despars

- Commented on having the Rotary Club talk with neighbors and spoke in support of the proposed project.

Mayor Badame closed public comment.

Council discussed the item.

Council Ristow has an association with the Mike Norcia from Los Gatos Rotary Club. Town Attorney Whelan said that she can vote.

**MOTION: Motion by Vice Mayor Hudes** to accept the proposed donation from the Los Gatos Rotary to the Town at Live Oak Manor Park. **Seconded by Council Member Ristow.**

**VOTE: Motion passed unanimously.**

Mayor Badame called a recess at 9:35 p.m.



The meeting reconvened at 9:43 p.m.

21. Provide Direction on the Town's Community Grant Process.

Ryan Baker, Library Director, presented the staff report.

Mayor Badame opened public comment.

No one spoke.

Mayor Badame closed public comment.

Council discussed the item.

**MOTION:** Motion by **Council Member Ristow** related to item five [in the staff report regarding nutrition/food grants and for the rent relief grants]: To distribute the rent relief grants in a competitive process with a cap of \$10,000 specifically for rent relief for residents of Los Gatos and that the nutrition grant be directly given to Live Oak Nutrition this year. **AMENDMENT:** remove the \$10,000 cap for rent relief and change it to a maximum of three organizations to receive grant money and it will be divided equally. **Seconded by Vice Mayor Hudes.**

**VOTE:** Motion passed unanimously.

**MOTION:** Motion by **Mayor Badame** related to item one [in the staff report regarding sustaining grants]: To maintain the four noncompetitive, sustaining grants at their current levels. **Seconded by Vice Mayor Hudes.**

**VOTE:** Motion passed unanimously.

**MOTION:** Motion by **Vice Mayor Hudes** related to item two [in the staff report regarding competitive grants]: The remaining \$180,000 be distributed into a number of grants with a cap of \$10,000 for each grant. **Seconded by Council Member Moore.**

**VOTE:** Motion passed unanimously.

**MOTION:** Motion by **Vice Mayor Hudes** related to item three [in the staff report regarding eligibility]: Organizations who receive funding from the Town through other mechanisms should be eligible for community grant funding through the competitive process. **Seconded by Council Member Ristow.**

**VOTE:** Motion passed unanimously.

**MOTION:** Motion by **Council Member Moore** related to item four [in the staff report regarding organizations that receive sustaining grants]: For nutrition grants and for the rent relief grants, organizations already receiving a sustaining grant are eligible for these funds **Seconded** by **Vice Mayor Hudes**.

**VOTE:** Motion passed unanimously.

22. Provide Any Additional Direction on Near-term Improvements to the Interim Community Center and Operational Support for Community Partners.

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

Mayor Badame opened public comment.

Lee Fagot

- Commented on the meeting rooms at the Saratoga Adult Recreation Center and the technology they have for Zoom meetings.

Mayor Badame closed public comment.

Council discussed the item.

**MOTION:** Motion by **Vice Mayor Hudes** that the LGS Recreation normal fee of \$24 per hour would not be charged in the arrangement with the Town's Community Partners. **Seconded** by **Council Member Moore**.

**VOTE:** Motion passed unanimously.

**MOTION:** Motion by **Mayor Badame** to direct staff to proceed with the keypad for the office, approve the large hall divider, safety lighting and one portable system (hybrid meeting equipment). **Seconded** by **Council Member Moore**.

**VOTE:** Motion passed unanimously.

**MOTION:** Motion by **Council Member Moore** to allow up to \$20,000 to be spent to make the provider space and potentially the lobby more inviting. **Seconded** by **Vice Mayor Hudes**.

**VOTE:** Motion passed unanimously.

Pulled Consent Items

6. Shannon Road Pedestrian and Bikeways Improvement Project (CIP No. 813-0218):
- a. Award and Authorize the Town Manager to Execute a Contract with Sposeto Engineering Inc. in an Amount Not to Exceed \$2,115,930.50;
  - b. Authorize the Town Manager to Execute Change Orders in an Amount Not to Exceed Ten Percent (10%) of the Contract Award Amount (\$211,593);
  - c. Approve the Project Construction Plans with Addenda as Required by Government Code 830.6 – Design Immunity;
  - d. Authorize an Expenditure Budget Increase From Storm Drain Basin #1 Funds in an Amount of \$447,717; and
  - e. Authorize an Expenditure Budget Decrease of Underground Utility Funds in an Amount of \$48,003.

Nicolle Burnham, Parks and Public Works Director, gave a brief overview of the item.

Mayor Badame opened public comment.

No one spoke.

Mayor Badame closed public comment.

Council discussed the item.

**MOTION:** Motion by Vice Mayor Hudes to approve the Shannon Road Pedestrian and Bikeways Improvement Project CIP Number 813-0218; consisting of parts a through outlined in the staff report [(a) Award and authorize the Town Manager to execute a contract with Sposeto Engineering Inc. in an amount not to exceed \$2,115,930.50; (b) authorize the Town Manager to execute change orders in an amount not to exceed ten percent (10%) of the contract award amount (\$211,593); (c) approve the project construction plans with addenda as required by Government Code 830.6 – Design Immunity; (d) authorize an expenditure budget increase from Storm Drain Basin #1 Funds in an amount of \$447,717; and (e) authorize an expenditure budget decrease of underground utility funds in an amount of \$48,003]. **Seconded by Council Member Ristow.**

**VOTE:** Motion passed unanimously.

11. Highway 17 Bicycle and Pedestrian Overcrossing (Project No. 818-0803):

- c. Authorize the Town Manager to Execute a Second Amendment to the Agreement for Consultant Services with BKF Engineers Inc. for Additional Environmental Consulting Services in the amount of \$39,000 for a Total Agreement Not to Exceed \$3,087,735; and

- d. Authorize an Expenditure Budget Adjustment in the Amount of \$34,822 to Authorize the Allocation to the Previously Received Transportation Development Act Article 3 Grant Receipt.

Nicolle Burnham, Parks and Public Works Director, gave a brief overview of the item.

Mayor Badame opened public comment.

No one spoke.

Mayor Badame closed public comment.

Council discussed the item.

**MOTION:** Motion by Vice Mayor Hudes to authorize the Town Manager to execute a second amendment to the agreement for Consultant Services with BKF Engineers Inc. for additional environmental consulting services in the amount of \$39,000 for a total agreement not to exceed \$3,087,735; and authorize an expenditure budget adjustment in the amount of \$34,822 to authorize the allocation to the previously received Transportation Development Act Article 3 Grant Receipt. **Seconded by Council Member Ristow.**

**VOTE:** Motion passed unanimously.

## **COUNCIL/TOWN MANAGER REPORTS**

### **Council Matters**

- Council Member Ristow stated she attended the Los Gatos Chamber Board of Directors meeting; met with Rob Stump to discuss various issues; attended the Live Oak Nutrition Center 50<sup>th</sup> Anniversary lunch and the Cities Association June membership event; met with representatives from Los Gatos Meadows and met with several residents regarding various issues.
- Council Member Moore stated he held his monthly Council Member Community Coffee; had a table at Farmers Market to talk to the community; met with members from Mid-Peninsula Housing to discuss 100% affordable housing; attended South Bay High Road Roundtable, the West Valley Sanitation District Board of Directors meeting, and the groundbreaking of the Vally Transportation Authority (VTA) BART connection.
- Council Member Rennie stated he attended VTA Board Meeting, the Silicon Valley Clean Energy Board meeting, the Live Oak Nutrition Center 50<sup>th</sup> Anniversary lunch, and the Cities Association membership event; spoke at the Democracy Tent meeting; and met with Lee Quintana to discuss housing.

- Vice Mayor Hudes stated he filmed a video about mental health for the Cities Association; participated in the Community Health Senior Services Commission meeting; attended the Live Oak Nutrition Center 50<sup>th</sup> Anniversary lunch; participated in the ribbon cutting events for a few new retail stores; met with the Board of Los Gatos Thrives; attended the Cities Association membership event; listened to the Democracy Tent meeting; and met with Tylor Taylor from SASCC (formerly known as the Saratoga Area Senior Coordinating Council, and now Successful Aging Solutions & Community Consulting) to discuss senior services in Los Gatos.
- Mayor Badame stated she met with Vice Mayor and City Manager of Monte Sereno to review the contract for services provided by Los Gatos/Monte Sereno Police Department, and with 30 kids from the NUMU Foot Bridge Mural Project Camp; and participated in a ribbon cutting for Jen Statement Jewelry and a ribbon cutting from Ambrosia India Bistro.

### **Town Manager Matters**

- Reminder that Town Hall and Library are closed for Juneteenth. The Fourth of July Celebration will be at Oak Meadow Park. On Sunday July 7, the Town will be conducting an outreach meeting regarding Police Department services as part of a Departmental assessment, the public is welcome to attend and provide input. July 15 is the opening of the nomination period for the two Council seats that are on the 2024 Ballot.

### **CLOSED SESSION REPORT**

Gabrieille Whelan, Town Attorney, stated the Town Council met in closed session to discuss Real Property Negotiations pursuant to Government Code Section 54956.8 and Labor Negotiations pursuant to Government Code Section 54957.6, and there was no reportable action.

### **ADJOURNMENT**

The meeting adjourned at 11:46 p.m.

Respectfully Submitted:

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/s/ Keara Johnson, Deputy Town Clerk