



TOWN OF LOS GATOS COUNCIL AGENDA REPORT

Minutes of the Town Council Meeting Tuesday, December 5, 2023

The Town Council of the Town of Los Gatos conducted a regular meeting in-person and utilizing teleconferencing means on Tuesday, December 5, 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

Harrison Armer led the Pledge of Allegiance. The audience was invited to participate.

COUNCIL/TOWN MANAGER REPORTS

Council Matters

- Council Member Hudes stated he attended an Initiatives and Publicity Committee meeting of the Older Adults Thrive Foundation and a Council Policy Committee meeting; met with Rob Stump regarding wildfire safety; and attended the Winter Celebration event and the Children's Christmas/Holiday Parade.
- Council Member Rennie stated he attended a Silicon Valley Clean Energy Authority (SVCEA) Executive Committee meeting, a Finance Commission meeting, and the Winter Celebration event; and met with his Finance Commission appointee.
- Council Member Moore stated he attended the Winter Celebration, the Children's Christmas/Holiday Parade, and the Silicon Valley at Home (SV@Home) Civic Leadership Program; met with faith leaders, Katherine Alexander from Supervisor Simitian's Office, and staff from the Governor's Office with the Mayor; attended a Policy Committee meeting; observed a Parks and Sustainability Commission meeting; and stated he will hold his Council Member Community Coffee on Friday.
- Vice Mayor Badame stated she attended a Community Health and Senior Services Commission (CHSSC) meeting as Council liaison, the Winter Celebration, and the Children's Christmas/Holidays Parade; met with the Executive Director of the Chamber of Commerce; and observed a Finance Commission meeting.
- Mayor Ristow stated she met with representatives from Governor Newsom's Office; attended a West Valley Mayor's and Managers meeting; met with a representative from Supervisor Simitian's Office and faith leaders; attended the Winter Celebration, the Children's Christmas/Holiday Parade, and a Finance Commission meeting; observed a Policy Committee meeting; and met with the Executive Director of the Chamber of Commerce.

Manager Matters

- Announced Board, Commission, and Committee interviews will be held on Wednesday, December 6, 2023, at 6:00 p.m.
- Announced a Community Meeting regarding the Community Garden and Path project will be held at the Adult Recreation Center on December 7, 2023.
- Announced a Study Session regarding the Community Garden project on December 19, 2023, at 5:45 p.m.
- Announced the Mayoral transition will be held on December 12, 2023, at 7:00 p.m. in the Town Council Chambers and invited the public to attend.
- Provided a Housing Element Update; stated the Town received a letter from the California Department of Housing and Community Development in response to the Town's recent submittal which was distributed as a Desk Item with item 11 of this meeting.
- Announced the Draft Housing Element is scheduled for discussion before the Council on December 19, 2023, at 7:00 p.m.

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

1. Approve Minutes of the November 21, 2023 Closed Session Town Council Meeting.
2. Approve Minutes of the November 21, 2023 Town Council Meeting.
3. Adopt a Resolution Declaring Certain Hazardous Vegetation Growing in the Town of Los Gatos to be a Public Nuisance, Describing Properties Where Such Nuisance Exists, and Setting a Public Hearing Date of January 16, 2024 to Consider Objections to the Proposed Abatement of Hazardous Vegetation for Properties Listed on the 2024 Weed Abatement Program Commencement Report and Order the Abatement. **RESOLUTION 2023-066**
4. Authorize the Town Manager to Execute the Fourth Amendment to the Consulting Services Agreement with ActiveWayz Engineering Extending the Term to December 31, 2024 for the Shannon Road Pedestrian and Bikeways Improvement Project (CIP No. 813- 0218).
5. Parking Program Implementation-Wayfinding Signage (CIP No. 813-0242):
 - a. Approve the Plans and Specifications; and
 - b. Authorize Advertising the Project for Bid.
6. Receive Fiscal Year (FY) 2022/23 Status Report on Receipt and Use of Development Impact Fees.
7. Adopt the Emergency Procurement Policy as Recommended by the Policy Committee. **POLICY 4-10**
8. Receive Report on Remote Participation at Town Commissions, Boards, and Committees with Discussion Points Identified by the Council Policy Committee.

Mayor Ristow opened public comment.

No one spoke.

Mayor Ristow closed public comment.

Consent Items - continued

MOTION: Motion by Vice Mayor Badame to approve consent items 1-8. Seconded by Council Member Moore.

VOTE: Motion passed unanimously.

VERBAL COMMUNICATIONS

Joseph Enz

- Commented on the unhoused and gave positive remarks about the Police Department.

Lynley Hogan

- Provided positive remarks.

Lee Quintana

- Commented on the Draft Housing Element review letter.

OTHER BUSINESS

9. Approve an Amendment to the Employment Agreement Between the Town of Los Gatos and the Town Manager and Authorize Salary and Benefits Budget Adjustments in the Amount of \$15,682 from Available General Fund Capital/Special Projects Reserve.

Katy Nomura, Acting Human Resources Director and Assistant Town Manager, presented the staff report.

Mayor Ristow opened public comment.

Jak Van Nada

- Commented on concerns.

Mayor Ristow closed public comment.

MOTION: Motion by Council Member Rennie to approve an amendment to the Employment Agreement in attachment one of the staff report, between the Town of Los Gatos and the Town Manager and authorize a salary and benefits budget adjustment in the amount of \$15,682 from the available General Fund Capital/Special Projects Reserve. Seconded by Council Member Moore.

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

10. Approve an Amendment to the Employment Agreement Between the Town of Los Gatos and the Town Attorney and Authorize Salary and Benefits Budget Adjustments in the Amount of \$5,897 from Available General Fund Capital/Special Projects Reserve.

Other Business Item #10 – continued

Katy Nomura, Acting Human Resources Director and Assistant Town Manager, presented the staff report.

Mayor Ristow opened public comment.

No one spoke.

Mayor Ristow closed public comment.

MOTION: Motion by Vice Mayor Badame to approve an amendment to the Employment Agreement in attachment one of the staff report, between the Town of Los Gatos and the Town Attorney and authorize a salary and benefits budget adjustment in the amount of \$5,897 from the available General Fund Capital/Special Projects Reserve.
Seconded by Council Member Hudes.

VOTE: Motion passed unanimously.

Mayor Ristow stated she is recused from item 11 due to the proximity of her residence, stated the Vice Mayor will preside in her absence, and left the Council Chambers.

PUBLIC HEARINGS

11. Approve a Recommendation of the Planning Commission to Introduce an Ordinance Titled “An Ordinance of the Town Council of the Town of Los Gatos to Apply the Housing Element Overlay Zone (HEOZ) to Provide for Increases to the Allowable Density, Height, Floor Area Ratio, and Lot Coverage for Residential Development on the Following Site: 101 South Santa Cruz Avenue.” An Environmental Impact Report was Prepared and Certified for the 2040 General Plan Update on June 30, 2022, which Included the Proposed Zoning Code Amendments. No further Environmental Analysis is Required. Zoning Code Amendment Application Z-23-003. Applicant: Town of Los Gatos.

Jennifer Armer, Planning Manager, presented the staff report.

Vice Mayor Badame opened public comment.

Mike Labarbera, 101 North Santa Cruz Avenue Property Owner

- Requested the Council reconsider the floor area ratio and density per acre.

Lee Fagot

- Commented on concerns with the Housing Element process.

Public Hearing Item #11 – continued

Tony Alarcon

- Commented on concerns with the Draft Housing Element and the height of the proposed project on this site.

Stanford Stickney

- Commented on Post Office and would like it to remain at the current location.

Vice Mayor Badame closed public comment.

Council discussed the item.

MOTION: Motion by Council Member Moore to approve the staff recommendation and introduce the ordinance. **Seconded by Council Member Rennie.**

Council further discussed the item.

Council Member Rennie withdrew his second. Motion failed for lack of a second.

No action was taken.

Mayor Ristow re-entered the Council Chambers.

Mayor Ristow called a recess at 8:22 p.m.

Mayor Ristow reconvened the meeting at 8:30 p.m.

OTHER BUSINESS

12. Adopt a Resolution, Based on Planning Commission Recommendations, 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.

Mayor Ristow opened public comment.

Lee Quintana

- Commented on animated visual renderings and inquired who would be responsible for creating renderings.

Lee Fagot

- Commented on creating an image from different perspectives on a site.

Other Business Item #12 – continued

Mayor Ristow closed public comment.

Council discussed the item.

MOTION: Motion by **Council Member Hudes** to adopt the staff recommendation (Item A in the staff report), excluding balloons and include all other language noted in item A; revise the Story Pole Policy to impose video renderings and signage requirements for buildings over 55 feet in height and remove the story pole requirement as stated in the Desk Item. **Seconded by Council Member Moore.**

VOTE: Motion passed unanimously.

MOTION: Motion by **Council Member Hudes** to adopt the staff recommendation (Item B in the staff report which is to require that accurate representations of the height and massing of adjacent existing structures; videos that show the project from the street from a pedestrian level and speed; views of all sides of the proposed structures; and a representation of how the building could affect views of the hills) for specifications for animated visual renderings and to add that the renderings will be performed by a consultant that is approved by staff in a similar manner to other consultants that are used for subject matter expertise with the clarification that the developer will pay for the renderings. **Seconded by Mayor Ristow.**

VOTE: Motion passed unanimously.

MOTION: Motion by **Council Member Moore** to remove the story pole requirement on multifamily and mixed-use projects and require visual renderings and signage requirements or the option to use story poles. **Seconded by Council Member Rennie.**

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

MOTION: Motion by **Vice Mayor Badame** to reject the Planning Commission recommendation (which was to limit the length of installation to no more than 30 days after the first public hearing) and maintain story poles until a decision has been made on the project and the appeal period has ended. **Seconded by Council Member Hudes.**

VOTE: Motion fails 2-3. Mayor Ristow, Council Member Rennie, Council Member Moore voted no.

PAGE 7 OF 7

SUBJECT: Minutes of the Town Council Meeting of December 5, 2023

DATE: December 5, 2023

Other Business Item #12 – continued

MOTION: Motion by Council Member Moore to modify the Story Pole [Policy] to limit the length of installation to no more than 60 days after the first public hearing.

Seconded by Council Member Rennie.

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

MOTION: Motion by Council Member Moore to require QR codes, email contact, and a link to the project on the signage and require that signage be posted within 30 days of initial staff technical review of a pending application for all projects that are publicly noticed. **Seconded by Mayor Ristow.**

VOTE: Motion passed unanimously.

MOTION: Motion by Vice Mayor Badame to reject the Planning Commission recommendation regarding exceptions and maintain the existing process which requires Town Council review. **Seconded by Mayor Ristow.**

VOTE: Motion passed unanimously.

ADJOURNMENT

The meeting adjourned at 10:41 p.m.

Respectfully Submitted:

/s/ Jenna De Long, Deputy Town Clerk