



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 06/21/2022

**Minutes of the Town Council Meeting
June 7, 2022**

The Town Council of the Town of Los Gatos conducted a regular meeting utilizing teleconference and electronic means consistent with Government Code Section 54953, as Amended by Assembly Bill 361, in response to the state of emergency relating to COVID-19 and enabling teleconferencing accommodations by suspending or waiving specified provisions in the Ralph M. Brown Act (Government Code § 54950 et seq.) and Town of Los Gatos Resolution 2021-044 on Tuesday, June 7, 2022 at 7:00 p.m.

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

ROLL CALL

Present: Mayor Rob Rennie, Vice Mayor Maria Ristow, Council Member Mary Badame, Council Member Matthew Hudes, Council Member Marico Sayoc (all participating remotely).

Absent: None

PRESENTATIONS

- i. Outgoing Youth Commissioner Commendation
- ii. Youth Friendly Business of the Year
- iii. Youth Friendly Green Business of the Year

Mayor Rennie presented Outgoing Youth Commissioner Commendations.

Youth Commissioner Chair Sasha Balasingham presented the Youth Friendly Business of the Year to Los Gatos Meats represented by Carol Chiala Coletti and Jennifer Chiala.

Youth Commissioner Vice Chair Quincy Scott presented the Youth Friendly Green Business of the Year award to Southern Kitchen represented by Sara Williams.

Youth Commissioner Chair Sasha Balasingham and Vice Chair Quincy Scott presented the Commission's highlights of the year.

BOARD, COMMISSION, AND COMMITTEE APPOINTMENTS

The Town Council appointed applicants for the vacant positions on Town Boards, Commission, and Committees.

- **Building Board of Appeals** (1 vacancy, 0 applicants)

Board/Commission/Committee Appointments – continued

- **Community Health and Senior Services Commission** (2 vacancies, 1 applicant)
 - Pradeep Khanal was appointed to an unexpired partial 3-year term.
- **Finance Commission** (1 vacancy, 0 qualified applicants)
- **Historic Preservation Committee** (1 vacancy, 2 applicants)
 - Susan Burnett was appointed to an unexpired partial 2-year term.
 - Alan Feinberg was not appointed.
- **Parks Commission** (2 vacancies, 3 applicants)
 - Craig Gleason was appointed to an unexpired partial 3-year term.
 - Brant Corenson was appointed to an unexpired partial 2-year term.
 - Pradeep Khanal was not appointed.
- **Personnel Board** (1 vacancies, 0 applicants)

CLOSED SESSION REPORT

Mayor Rennie stated Council met as duly noted on the agenda on June 1, 2022, and no action was taken deemed reportable under the Brown Act.

COUNCIL/TOWN MANAGER REPORTS

Council Matters

- Council Member Badame stated she attended the Sounds of Summer event and met with residents on a variety of topics.
- Council Member Sayoc stated she attended the Cal Cities Peninsula Division event to discuss Governor Newsom's CARE Court proposal and the Memorial Day Event at Los Gatos Memorial Park with Council Member Hudes.
- Vice Mayor Ristow stated she attended the Housing Element Advisory Board (HEAB) meeting with Council Member Sayoc, Green Streets for Sustainable Communities meeting, Senior Service Commission meeting, and Parks and Public Works Open House BBQ event; assisted staff and other volunteers with bike and pedestrian counts on Shannon Road and Blossom Hill Road; stated no qualified applicants applied for the Finance Commission and the deadline will be extended to sometime in the fall; and stood in for Mayor Rennie to deliver a congratulatory speech to the 8th grade graduating class at Hillbrook School.
- Council Member Hudes stated he attended the Senior Service Committee and Sub-Committee meetings, Emergency Operations Council (EOC), and Silicon Valley Regional Interoperability Authority (SVRIA) meetings; met with residents and separately with the Chamber of Commerce; and presented a Historic Preservation and Restoration Award to the homeowners on Broadway for restoration of their Victorian home.

Council Matters – continued

- Mayor Rennie stated he attended Bay Area Air Quality Management District (BAAQMD) Board, West Valley Mayors and Managers (WVM&M), and Silicon Valley Clean Energy Authority (SVCEA) Finance and Admin and Risk Oversight Committee meetings; participated in the SPENGA Ribbon Cutting, Italian Republic 76th Anniversary Celebration, and as a reactor for Russ Hancock's Class Project; and spoke at the Lions Club.

Manager Matters

- Announced a Housing Element Advisory Board meeting on June 16, 2022 via teleconference.
- Announced the Town Council will hold a special meeting on the Draft 2040 General Plan on June 20, 2022, via teleconference.
- Announced the Summer Reading Program will take place June 1 – July 31, 2022.
- Announced the annual Independence Day Celebration will take place at Oak Meadow Park on July 4, 2022.

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

1. Approve the Draft Minutes of the May 17, 2022 Town Council Meeting.
2. Approve Town Council Closed Session Meeting Minutes of June 1, 2022.
3. Adopt a Resolution Reaffirming Resolution 2021-044 Regarding Brown Act Compliance and Teleconferencing and Making Findings Pursuant to Government Code Section 54953, as Amended by Assembly Bill 361, During the COVID -19 Pandemic. **RESOLUTION 2022-032**
4. Ratify the Town Council Selection Committee's Recommended Youth Commissioner Appointments.
5. Adopt a Resolution Calling for the Holding of a General Municipal Election to be Held on November 8, 2022 for the Election of Three Town Council Members, Requesting the Santa Clara County Board of Supervisors Render Specified Services to the Town Related to the Conduct of the General Municipal Election, Adopting Regulations for Candidates for Elective Office Pertaining to Filing Fees and Candidate Statements, and Providing for the Process in the Event of a Tie Vote at the Election to be Held Tuesday, November 8, 2022. **RESOLUTION 2022-033**
6. Approve Town Council Meeting Schedule for 2022/2023 Fiscal Year.
7. Authorize the Town Manager to Execute a New Agreement with the Chamber of Commerce to Extend the Term of the Destination Marketing American Rescue Plan Act Grant.
8. Authorize the Town Manager to Execute an Extension of the LGS Recreation 55+ Senior Services American Rescue Plan Act Grant.
9. Authorize the Town Manager to Execute an Agreement for Services with the Los Gatos Chamber of Commerce to Manage the Town's Visitors Information Center Including a Visit Los Gatos Website, Related Social Media Pages, and Assist with Related Community Vitality Initiatives as Outlined in the Scope of Services in an Amount Not to Exceed \$55,000.
10. Adopt a Resolution Establishing the Fiscal Year 2022/23 Gann Appropriation Limit for the Town of Los Gatos. **RESOLUTION 2022-034**

Consent Items - continued

11. Operating and Capital Budgets

- a. Adopt a Resolution Approving the Town of Los Gatos Fiscal Year (FY) 2022/23 Operating Budget and FY 2022/23 – 2026/27 Capital Improvement Program (CIP), New Appropriations, Additional Council Actions on May 17, 2022 and Revisions Related to Salary and Benefit Costs as Presented in the Labor Agreements Agenda Reports on June 7, 2022; American Rescue Plan Act Budget Adjustment, Minor Corrections, and Carry-Forward Appropriations
 - b. Adopt a Resolution Approving Commitment of Fund Balances under GASB 54.
 - c. Approve FY 2021/22 Budget Adjustments:
 - 1) Major Revenue Adjustments to Match Year-End Estimated Revenues as Directed by the Town Council on May 17, 2022; and as Determined from Updated Information
 - i. Property Tax revenue Increase in the Amount of \$582,609,
 - ii. Sales Tax Revenue Increase in the Amount of \$428,828 (\$361,806 in regular Sales Tax and \$67,022 in Measure G Sales Tax)
 - iii. Business License Tax Revenue Increase in the Amount of \$175,000,
 - iv. Transient Occupancy Tax Increases in the Amount of \$75,000, and
 - v. Recognize \$36,308 General Fund Salary Reimbursement for Capital Improvement Staff Work.
 - 2) Expenditure Increases to Reflect Past Actions:
 - i. In the Amount of \$300,000 to expense the \$300,000 available General Fund Pension/OPEB Reserve to the CEPPT Trust.
 - ii. In the Amount of \$36,308 General Fund Salary Reimbursement for Capital Improvement Staff Work.
 - 3) Approve American Rescue Plan Act Budget Adjustments.
12. Adopt a Resolution Approving the Parcel Map for 16940 Roberts Road and Accepting Dedications. **RESOLUTION 2022-035**
13. Adopt a Resolution Approving the Parcel Map for 105 Newell Avenue and Accepting the Public Service Easement Dedication. **RESOLUTION 2022-036**
14. Authorize the Town Manager to Execute a First Amendment to the Consultant Services Agreement with Ninyo and Moore for the On-Call Materials Testing and Special Inspection Services to Increase the Contract Amount by \$100,000, for a Total Contract Amount Not to Exceed \$280,000, and Extend the Contract Term.
15. Authorize the Town Manager to Execute an Agreement for Services with Shaw Industries Inc. for Flooring Replacement at the Adult Recreation Center in an Amount of \$133,920.59 Including a 5% for Unanticipated Services, for a Total Agreement Amount Not to Exceed \$140,616.61.
16. Authorize the Town Manager to Execute a Second Amendment to the Consultant Services Agreement with Dixon Resources Unlimited for the Comprehensive Downtown Parking Study to Extend the Contract Term.

Consent Items - continued

17. Authorize the Town Manager to Execute a First Amendment to the Agreement for Services with Universal Site Services to Extend the Term through August 31, 2022 and Increase Compensation for Fiscal Year 2021/22 by \$500 and Fiscal Year 2022/23 by \$9,511.11 for a Total Amended Amount Not to Exceed \$197,748.11.
18. Authorize the Town Manager to Execute a Fourth Amendment to the Agreement for Services with Brightview Tree Care Services, Inc. to Increase Compensation for Fiscal Year 2021/22 in an Amount of \$30,000 for a Total Annual Amount Not to Exceed \$155,000, for a Total Agreement Amount Not to Exceed \$996,000.
19. Approve a Labor Agreement Between the Town of Los Gatos and the Police Officers' Association and Authorize the Town Manager to Execute the Memorandum of Understanding.
20. Approve a Labor Agreement Between the Town of Los Gatos and the Town Employees' Association and Authorize the Town Manager to Execute the Memorandum of Understanding.
21. Approve a Labor Agreement Between the Town of Los Gatos and the American Federation of State, County, and Municipal Employees and Authorize the Town Manager to Execute the Memorandum of Understanding.
22. Approve Cost of Living Increases for Unrepresented Management, Confidential, and Temporary/Hourly Employees; One-Time Non-PERSable Bonuses for Confidential and Management; and a 5% Market Adjustment for Confidential and Temporary/Hourly Employees.

Council Member Hudes pulled items 7, 9, 11, and 19 - 22.

Opened public comment.

No one spoke.

Closed public comment.

MOTION: Motion by Council Member Badame to approve Consent Items 1 through 6, 8, 10, and 12 through 18. **Seconded** by Vice Mayor Ristow.

VOTE: Motion passed unanimously.

VERBAL COMMUNICATIONS

Joanne Rodgers

- Read an article that stated marijuana causes a rise in violent crime and mental health issues.

Verbal Communications – continued

Susan Burnett

- Continued reading the article that stated marijuana causes a rise in violent crime and mental health issues.

Joe Rodgers

- Continued reading the article that stated marijuana causes a rise in violent crime and mental health issues.

Diana Pleasant

- Shared an interview of a parent detailing the negative experiences of her son's marijuana use.

Lee Fagot

- Commented in opposition of allowing marijuana dispensaries in the Town.

OTHER BUSINESS

23. Consider the Draft Site Inventory as Recommended by the Housing Element Advisory Board (HEAB).

Jocelyn Shoopman, Associate Planner, presented the staff report.

Opened public comment.

Don Capobres, Grosvenor Americas

- Commented on his letter contained in the Desk Item and the ability for Grosvenor and Eden Housing to deliver the affordability mix shown in the Draft General Plan for the North 40 Phase II.

Closed public comment.

Council discussed the item.

Other Business Item #23 – continued

MOTION: Motion by Council Member Hudes to 1) not exceed the Regional Housing Needs Assessment (RHNA) allocation by more than a 15% buffer but analyze additional sites that could be included if the California Department of Housing and Community Development (HCD) rejects the Housing Element and wait until the Housing Element is accepted or rejected before proposing anything in excess of the RHNA plus 15%; 2) staff to work with the Town Council, Planning Commission, and HEAB to develop a set of principles by which sites are prioritized and selected; 3) utilize projections based on Senate Bill 9 (SB9) per HCD guidance in its Fact Sheet dated March 2022 and any other guidance or experience from other communities; 4) drop the North 40 282 units from Tier 1 or increase the number of units such that it complies with the 30 units per acre density; 5) obtain a vote by the HEAB on recommended sites that meet the principles and criteria with clear link of the sites to the criteria; and 6) bring the work product back to Council including survey results and the balancing act tool with the HEAB recommendations. **Seconded by Council Member Badame.**

VOTE: Motion fails 2/3. Mayor Rennie, Vice Mayor Ristow, and Council Member Sayoc voting no.

MOTION: Motion by Vice Mayor Ristow to approve the Tier 1 sites as presented in the report.

AMENDMENT: Direct staff to project SB9 units. **Seconded by Council Member Sayoc.**

VOTE: Motion passes 3/2; Council Members Hudes and Badame voting no.

Recess 9:07

Reconvene 9:19 p.m.

24. Discuss and Provide Direction on Proposed Electrification Reach Codes for the 2022 Green Building Standards Code.

Robert Gray, Chief Building Official, presented the staff report. Anthony Eulo, Silicon Valley Clean Energy Authority, gave a presentation.

Opened public comment.

Jessie Bristow, Swanson Builders

- Commented on aesthetic and utility access requirements by PG&E.

Rob Stump

- Commented on availability of electric supply.

Other Business Item #24 – continued

Closed public comment.

Council discussed the item.

**MOTION: Motion by Council Member Badame to accept the proposed electrification reach codes for the 2022 Green Building Standards Codes as stated in the staff report.
Seconded by Council Member Hudes.**

VOTE: Motion passes unanimously.

25. Provide Direction Regarding a Potential Land Acknowledgement Regarding Aboriginal Homeland.

Holly Zappala, Management Analyst, presented the staff report.

Opened public comment.

Kylie Clark, Los Gatos Anti-Racism Coalition

- Commented in support of adopting a land acknowledgement.

Craig Gleason

- Commented in support of adopting a land acknowledgement.

Emeric Bisbee

- Commented in support of adopting a land acknowledgement.

Jeffrey Suzuki

- Commented in support of adopting a land acknowledgement.

Ali Miano

- Commented in support of adopting a land acknowledgement.

Rob Moore, Los Gatos Anti-Racism Coalition

- Commented in support of adopting a land acknowledgement.

Closed public comment.

Council discussed the item.

Other Business Item #25 – continued

MOTION: Motion by **Vice Mayor Ristow** to approve staff to move forward with work on a land acknowledgement using the following alternatives from page 3 of the staff report #1 - modify the Town Council Agenda Format and Rules Policy to include a Land Acknowledgement Statement to be read aloud prior to each Town Council and/or Board, Commission, and Committee meeting; #4 - post a Land Acknowledgement Statement on the Town website, including links for more information; #5 - deliver a Land Acknowledgement Statement at Town events such as Spring into Green, Fourth of July, Symphony in the Park, Screen on the Green, Tree Lighting, etc.; and #6 - begin Library programs by reading a Land Acknowledgement Statement.

AMENDMENT: incorporate the ongoing work that NUMU has started. **Seconded by Council Member Sayoc.**

VOTE: Motion fails 2/3. Mayor Rennie, Council Member Hudes, Council Member Badame voting no.

MOTION: Motion by **Council Member Sayoc** to 1) approve a Land Acknowledge Statement with the wording to be determined at a later date with engagement of the tribal parties involved; 2) that the Land Acknowledgement Statement will be used at the start of significant Town Council events and meetings and that those exact meetings will be determined once the language of the Land Acknowledgement Statement has been crafted and comes back to the Town Council; 3) devote resources to creating a Land Acknowledgement Statement; and 4) the Land Acknowledgement Statement will be posted to the Town website, included on written materials, and what will be read aloud will be determined at a later date based on the length of the Land Acknowledgement Statement. **Seconded by Vice Mayor Ristow.**

VOTE: Motion passes unanimously.

26. Discuss and Identify the Town Council's Objectives for the Summer Promenade Event Series and Provide Direction as Necessary for Modifications to the Conditional Letter of Approval.

Laurel Prevetti, Town Manager, presented the staff report.

Opened public comment.

Kylie Clark

- Commented in opposition of the beer garden only alcohol distribution model.

Ginger Rowe, Time Out Clothing

- Commented in opposition of the beer garden only alcohol distribution model.

Other Business Item #26 – continued

Jim Foley, Los Gatos Food & Wine Group, Chamber of Commerce

- Commented in opposition of the beer garden only alcohol distribution model.

Brian Bernasconi

- Commented in opposition of the beer garden only alcohol distribution model.

Randi Chen, Chamber of Commerce

- Commented in opposition of the beer garden only alcohol distribution model.

Rob Moore

- Commented in opposition of the beer garden only alcohol distribution model.

Donna McCurrie

- Commented in opposition of the beer garden only alcohol distribution model.

Catherine Somers, Chamber of Commerce Executive Director

- Commented in opposition of the beer garden only alcohol distribution model.

Closed public comment.

Council discussed the item.

MOTION: Motion by Council Member Sayoc to eliminate beer gardens and required the Chamber to: 1) provide alcohol dispensing points where identification will be checked and wristbands will be issued by paid staff; 2) alcohol will be provided via wristband by paid staff, one alcoholic drink per wristband and no more than one drink will be issued at a time; 3) Chamber staff will monitor the ingresses and egresses; 4) rules of conduct signage to be provided to staff to allow Police Department staff to review for additional suggestions and be displayed prominently during the event; 5) streetside alcohol sales end at 8 p.m. an hour before close of the event; 6) bring the item back to Council on June 21 for debriefing; 7) the Town Manager to provide updates to Council during the month of July; and 8) authorize the Town Manager and Police Chief to take any necessary precautions in the interest of public safety. **Seconded by Vice Mayor Ristow.**

VOTE: Motion passes unanimously.

Pulled Consent Items

19. Approve a Labor Agreement Between the Town of Los Gatos and the Police Officers' Association and Authorize the Town Manager to Execute the Memorandum of Understanding.
20. Approve a Labor Agreement Between the Town of Los Gatos and the Town Employees' Association and Authorize the Town Manager to Execute the Memorandum of Understanding.
21. Approve a Labor Agreement Between the Town of Los Gatos and the American Federation of State, County, and Municipal Employees and Authorize the Town Manager to Execute the Memorandum of Understanding.
22. Approve Cost of Living Increases for Unrepresented Management, Confidential, and Temporary/Hourly Employees; One-Time Non-PERSable Bonuses for Confidential and Management; and a 5% Market Adjustment for Confidential and Temporary/Hourly Employees.

Council Member Hudes requested items 19-22 be considered together.

Arn Andrews, Assistant Town Manager, responded to an inquiry presented in the Desk Item for items 19-22.

Opened public comment.

No one spoke.

Closed public comment.

Council discussed the item.

MOTION: Motion by Council Member Hudes to approve items 19, 20, 21, and 22 as presented in the staff reports. Seconded by Council Member Sayoc.

VOTE: Motion passes unanimously.

11. Operating and Capital Budgets

- a. Adopt a Resolution Approving the Town of Los Gatos Fiscal Year (FY) 2022/23 Operating Budget and FY 2022/23 – 2026/27 Capital Improvement Program (CIP), New Appropriations, Additional Council Actions on May 17, 2022 and Revisions Related to Salary and Benefit Costs as Presented in the Labor Agreements Agenda Reports on June 7, 2022; American Rescue Plan Act Budget Adjustment, Minor Corrections, and Carry-Forward Appropriations
- b. Adopt a Resolution Approving Commitment of Fund Balances under GASB 54.

Pulled Consent Item #11 – continued

c. Approve FY 2021/22 Budget Adjustments:

- 1) Major Revenue Adjustments to Match Year-End Estimated Revenues as Directed by the Town Council on May 17, 2022; and as Determined from Updated Information
 - i. Property Tax revenue Increase in the Amount of \$582,609,
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 - iii. Business License Tax Revenue Increase in the Amount of \$175,000,
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 - v. Recognize \$36,308 General Fund Salary Reimbursement for Capital Improvement Staff Work.
- 2) Expenditure Increases to Reflect Past Actions:
 - i. In the Amount of \$300,000 to expense the \$300,000 available General Fund Pension/OPEB Reserve to the CEPPT Trust.
 - ii. In the Amount of \$36,308 General Fund Salary Reimbursement for Capital Improvement Staff Work.
- 3) Approve American Rescue Plan Act Budget Adjustments.

Opened public comment.

No one spoke.

Closed public comment.

Council discussed the item.

MOTION: Motion by Council Member Hudes to refer the item to the Finance Commission for their input and bring the item back to Council on June 21. **Seconded** by Vice Mayor Ristow.

VOTE: Motion passes unanimously.

7. Authorize the Town Manager to Execute a New Agreement with the Chamber of Commerce to Extend the Term of the Destination Marketing American Rescue Plan Act Grant.
9. Authorize the Town Manager to Execute an Agreement for Services with the Los Gatos Chamber of Commerce to Manage the Town's Visitors Information Center Including a Visit Los Gatos Website, Related Social Media Pages, and Assist with Related Community Vitality Initiatives as Outlined in the Scope of Services in an Amount Not to Exceed \$55,000.

Council Member Hudes requested items 7 and 9 be considered together.

Pulled Consent Items #7 and #9 – continued

Arn Andrews, Assistant Town Manager, provided clarifying information.

Opened public comment.

Catherine Somers, Chamber of Commerce, Executive Director

- Commented in support of allocating additional funds to destination marketing.

Jim Foley, Los Gatos Food & Wine Group

- Commented in support of allocating additional funds to destination marketing.

Donna McCurrie

- Commented in support of allocating additional funds to destination marketing.

Closed public comment.

Council discussed the item.

**MOTION: Motion by Council Member Sayoc to extend the meeting to no later than 12:10 a.m.
Seconded by Council Member Hudes.**

VOTE: Motion passes unanimously.

MOTION: Motion by Council Member Sayoc to authorize the Town Manager to execute an Agreement for Services with the Los Gatos Chamber of Commerce to Manage the Town's Visitors Information Center Including a Visit Los Gatos Website, Related Social Media Pages, and Assist with Related Community Vitality Initiatives as Outlined in the Scope of Services in an Amount Not to Exceed \$55,000, and if there is an additional need for funds that the need be identified and return to Council for consideration. **AMENDMENT: staff to work with the Mayor to bring a potential tourism destination study session with the Town Council, the hotels, and the Chamber at a future date. **Seconded by Council Member Hudes.****

VOTE: Motion passes unanimously.

MOTION: Motion by Council Member Sayoc to Authorize the Town Manager to Execute a New Agreement with the Chamber of Commerce to Extend the Term of the Destination Marketing American Rescue Plan Act Grant. **Seconded by Council Member Hudes.**

VOTE: Motion passes unanimously.

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SUBJECT: Minutes of the Town Council Meeting of June 7, 2022

DATE: June 7, 2022

ADJOURNMENT

The meeting adjourned at 12:02 a.m.

Respectfully submitted:

/s/ Jenna De Long, Deputy Clerk