



TOWN OF LOS GATOS COUNCIL AGENDA REPORT

Minutes of the Town Council Meeting Tuesday, April 18, 2023

The Town Council of the Town of Los Gatos conducted a regular meeting in-person and utilizing teleconferencing means on Tuesday, April 18, 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 (participated remotely under the Brown Act), Council Member Rob Moore (participated remotely under the Brown Act), Council Member Rob Rennie.

Absent: None

PLEDGE OF ALLEGIANCE

Fisher Math Team led the Pledge of Allegiance. The audience was invited to participate.

CLOSED SESSION REPORT

Gabrielle Whelan, Town Attorney, stated Council met in Closed Session on April 11, 2023 to discuss the items duly noted on the closed session agenda and there was no reportable action.

COUNCIL/TOWN MANAGER REPORTS

Council Matters

- Vice Mayor Badame stated she attended two Democracy Tent meetings, the Conceptual Development Advisory Committee (CDAC) meeting, and the Finance Commission meeting as an observer.
- Council Member Rennie stated he attended the Local Agency Formation Commission (LAFCO) meeting as a Santa Clara County Fire Safe Council board member and the Silicon Valley Clean Energy Authority Board meeting; chaired the Valley Transportation Authority (VTA) Policy Advisory Committee meeting; and attended the Cities Association Board meeting, Cities Association Legislative Action Committee meeting as an alternate, and the Finance Commission meeting.
- Council Member Moore stated he was awarded the Ally of the Year by Bay Area Municipal Elections Committee (BAMEC), attended a West Valley Muslim Association Ramadan Iftar celebration, the West Valley Sanitation District (WVSD) meeting, was interviewed by the Los Gatos High School Paper with Mayor Ristow, met with Senator Josh Becker, together with the Mayor met with District 9 Councilmember Pam Foley, and attended a Democracy Tent meeting.
- Council Member Hudes stated he had no meetings to report.

Council Matters – continued

- Mayor Ristow stated in addition the meetings and events already stated, she attended a press conference regarding distracted driving month, met with District 9 Councilmember Pam Foley with Council Member Moore, attended a Valley Water Commission meeting, commented on the upcoming Valley Water Board Budget Work Study Session, and attended a CDAC meeting and a Finance Commission meeting.

Manager Matters

- Announced a community workshop regarding the Town Equity, Diversity, and Inclusion Plan will be held via Zoom this Thursday on 6:00 p.m. and asked the individuals interested in attending to RSVP to Manager@losgatosca.gov.
- Announced Spring into Green will be held on April 23, 2023, at Town Plaza Park at 10 a.m. to 1:00 p.m. and invited all to attend.
- Announced a community workshop regarding Military Equipment will be held at 3:00 p.m. on April 26, 2023 in the Library Technology Room.
- Announced National Library Week is next week and invited all to attend a craft activity on April 25 at 4:30 p.m. to celebrate.
- Announced the Planning Commission will hear proposed Town Code changes to improve economic vitality and streamline the permitting process and amendments to the Story Pole Policy on April 26 during the regular meeting.
- Announced the Adult Board and Commission recruitment is underway and applications are due May 26 at 4:00 p.m. to the Clerk's Office.
- Announced the Youth Commission recruitment is also underway and applications are due April 28 at 4:00 p.m. and more information can be found at Clerk Department webpage.

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

1. Approve the Draft Minutes of the April 3, 2023 Closed Session Town Council Meeting.
2. Approve the Draft Minutes of the April 4, 2023 Town Council Meeting.
3. Approve Draft Minutes of the April 11, 2023 Closed Session Town Council Meeting.
4. Adopt a Resolution Describing Improvements and Directing the Preparation of the Town Engineer's Report for Fiscal Year 2023/24 for Landscape and Lighting Assessment Districts No. 1 and 2. **RESOLUTION 2023-014**
5. Adopt an Ordinance of the Town Council of the Town of Los Gatos, Amending Planned Development Ordinance 2172 Relative to the Maximum Residence Size Allowed on Lot 14 and the Maximum Average Residence Size Allowed in the Shannon Valley Ranch Subdivision and Repealing Ordinance 2172 for the Shannon Valley Ranch Subdivision at Shannon and Hicks Roads (Shannon Oaks and Mountain Laurel Lanes) on Property Zoned HR-5:PD. APN: 567-24-023. This Request for Modification of a Planned Development Ordinance is not Considered a Project Under the California Environmental Quality Act. Planned Development Ordinance Application PD-22-001. Location: 300 Mountain Laurel Lane. PROPERTY OWNER: Bright Smile Dental Office Defined Benefit Plan. APPLICANT: Kunling Wu, Trustee. **ORDINANCE 2338**

Consent Items - continued

6. Authorize the Town Manager to Execute a Notice of Completion and Certificate of Acceptance for the Fiscal Year 2022 Annual Storm Drain Improvements – 62 Ellenwood Avenue Project (CIP No. 816-0420), Completed by Casey Construction, and Authorize the Town Clerk to File for Recordation.
7. Receive the Monthly Financial and Investment Report (February 2023).
8. Authorize a Revenue and Expenditure Budget Adjustment in the amount of \$750,000 from Available American Rescue Plan Act Proceeds to the Roadside Fire Fuel Reduction Project (CIP No. 812-0130).
9. Authorize Revenue and Expenditure Budget Adjustments in the Amount of \$28,000 to Recognize Receipt and Expenditure of Board of State and Community Corrections (BSCC) Officer Wellness and Mental Health Grant Funds.
10. Adopt a Resolution to Set a Date for Consideration of the Reorganization of an Uninhabited Area Designated as Stephenie Lane No. 4, Approximately 0.53 Acres on Property Pre-Zoned R-1:8. APN 523-25-034. Exempt Pursuant to CEQA Guidelines Section 15061(b)(3): Common Sense Exemption. Annexation Application AN22-003. Project Location: 15974 Stephenie Lane. Property Owner/Applicant: Ron and Daphne Watson. **RESOLUTION 2023-015**
11. Annual Street Repair and Resurfacing Project (CIP No. 811-9901):
 - a. Award and Execute a Construction Agreement with Pavement Coating Company in an Amount Not to Exceed \$3,341,090; and
 - b. Authorize Staff to Execute Change Orders in an Amount Not to Exceed Fifteen Percent of the Contract Award Amount.
12. Americans with Disabilities Act (ADA) Restroom at the Adult Recreation Center (CIP No. 821-2601):
 - a. Reject All Bids Received and Opened on March 24, 2023 for the Project; and
 - b. Authorize the Town Manager to Re-Bid the Project with a Revision to a Contractor License Requirement.
13. Approve an Amendment to the Town Employee Association (TEA) Salary Schedule to Establish a New Classification Title and Salary Range for Librarian II and to Amend the Classification Title of Librarian to Librarian I.

Opened public comment.

No one spoke.

Closed public comment.

MOTION: Motion by Vice Mayor Badame to approve consent items 1-13. Seconded by Council Member Rennie.

VOTE: Motion passed unanimously by a roll call vote.

VERBAL COMMUNICATIONS

Jim Zanardi

- Commented on freedom of expression.

Ron Meyer

- Commented on accountability and the Town of Los Gatos policies and procedures.

Lee Quintana

- Commented on the Code of Conduct policy and requested the Town Council agendaize it for a future meeting.

Lynley Hogan

- Stated a verbal complaint against the Mayor.

OTHER BUSINESS

14. Consider the Following Actions for the Shannon Road Pedestrian and Bikeway Improvements Project (CIP No. 813-0218):

- Approve the Plans and Specifications;
- Authorize Advertising the Project for Bid Contingent on Receiving Caltrans Authorization;
- Authorize the Town Manager to Execute the Second Amendment to the Consulting Services Agreement with ActiveWayz Engineering for Additional Engineering Services During Bid, Award, and Construction in an Amount of \$25,238, Resulting in a Total Agreement Amount Not to Exceed \$196,709;
- Authorize an Expenditure Budget Transfer in an Amount of \$133,380 from available Traffic Mitigation Funds;
- Authorize an Expenditure Budget Transfer in an Amount of \$200,000 from Available Funds in Fund 461 CIP #816-0420;
- Authorize an Expenditure Budget Transfer in an Amount of \$60,000 from Available Funds in CIP #813-0221;
- Authorize an Expenditure Budget Transfer in an Amount of \$231,524 from Available Funds in CIP #813-0231; and
- Authorize an Expenditure Budget Transfer in an Amount of \$219,772 from Available Funds in CIP #811-9902.

Nicolle Burnham, Director of Parks and Public Works, presented the staff report.

Opened Public Comment.

Maria Gerst

- Requested the Council not approve a design until the residents have a chance to understand the changes.

Other Business Item #14 – continued

Cheri Finalle

- Commented on concerns with the project and requested the plan be revised to include additional green space.

Helen and Jimmy Sun

- Commented on including additional green space in the proposed plans, stated concerns with excessive buffers.

Andrew Horowitz

- Commented on concerns with the project and funding, and requested the plan include additional greenery.

Mark Bony

- Commented on concerns with the project and requested the project be rescoped to better fit the neighborhood.

Jeff Thompson

- Commented in support of the item.

Ted Moorhead

- Commented on safety concerns and requested additional transparency on the project.

Gillian Verga

- Commented in support of the item.

Bill Elhers

- Commented in support of the item.

Wendy Riggs, Los Gatos-Monte Sereno Safe Routes to School (SR2S)

- Commented in support of the item, requested the removal of the porkchop right turn onto Los Gatos Boulevard.

Ali Miano

- Commented in support of the item.

Maddon Hoh-Choi, student

- Commented in support of the item.

Bill Highstreet

- Commented on concerns of funding and fiscal sustainability.

Other Business Item #14 – continued

Closed Public Comment.

Council discussed the matter.

MOTION: Motion by Council Member Moore to authorize the Town Manager to execute the second amendment to the consulting services agreement with ActiveWayz Engineering for additional engineering services during bid, award, and construction in an amount of \$25,238, resulting in a total agreement amount not to exceed \$196,709; return the Shannon Road Pedestrian and Bikeway improvements project to staff with direction to revise the design to minimize large asphalt buffers, remove parking spaces, add trees wherever possible; organize a community meeting; and prioritize returning this item to Council in as much of a timely manner as possible in order to maintain the grant funding. **AMENDMENT:** to hold the community meeting on-site with the residents. **Seconded by Mayor Ristow.**

VOTE: Motion passed unanimously by a roll call vote.

MOTION: Motion by Mayor Ristow to authorize an Expenditure Budget Transfer in an amount of \$133,380 from available Traffic Mitigation Funds; authorize an Expenditure Budget Transfer in an amount of \$200,000 from available funds in Fund 461 CIP #816-0420; authorize an Expenditure Budget Transfer in an amount of \$60,000 from available funds in CIP #813-0221; authorize an Expenditure Budget Transfer in an amount of \$231,524 from available funds in CIP #813-0231; and authorize an Expenditure Budget Transfer in an amount of \$219,772 from available funds in CIP #811-9902. **Seconded by Council Member Moore.**

VOTE: Motion passed 3-2 by a roll call vote. Council Member Hudes and Vice Mayor Badame voted no.

Recess at 9:35

Reconvene at 9:45 p.m.

15. Provide Direction for the Potential Disposition and Use of Calfhill Court (APN 529-21-034).

Laurel Prevetti, Town Manager, presented the item.

Opened Public Comment.

No one spoke.

Other Business Item #15 – continued

Closed Public Comment.

Council discussed the matter.

MOTION: Motion by Council Member Moore to direct staff to assess at a high level the feasibility of affordable housing at Calhill Court to see if it is possible. **Seconded by Council Member Hudes.**

VOTE: Motion passed 4-1 by a roll call vote. Council Member Rennie voted no.

16. Provide Direction for the Potential Disposition and Use of 224 W. Main Street (APN 510-44-069).

Gabrielle Whelan, Town Attorney, stated that due to two Council Members participating remotely and Mayor Ristow recusing herself based on her proximity to the property, staff recommends the Council make a motion to continue the item to a subsequent meeting and further recommends that Mayor Ristow recuses herself from voting on the motion to continue the item.

MOTION: Motion by Council Member Rennie to reopen the public hearing on item #15. **Seconded by Vice Mayor Badame.**

VOTE: Motion passed unanimously by a roll call vote.

Opened public comment on item #15.

Lee Quintana

- Commented on concerns of the topography of the site and made suggestion for the possible sale of the property.

Closed Public Comment on item #15.

Opened Public Comment on item #16.

Kathryn Hedges

- Commented on possible affordable housing use.

Closed public hearing on item #16.

Other Business Item #16 – continued

MOTION: Motion by Vice Mayor Badame to continue the item to a subsequent date determined by staff. **Seconded by Council Member Rennie.**

VOTE: Motion passed 4-0-1 by a roll call vote. Council Member Ristow recused.

17. Rescission of Planning Commissioner Censure.

Council Member Moore recused himself due to his relationship with the Planning Commissioner and exited the meeting.

Gabrielle Whelan, Town Attorney, presented the item.

Opened Public Comment.

Michelle Lee

- Commented in support of Kylie Clark and rescinding the censure.

Ali Miano, Los Gatos Anti-Racism Coalition

- Commented in support of Kylie Clark and rescinding the censure.

Max Mautner

- Commented in support of the item.

James Dunlay

- Commented on concerns with Kylie Clark's letter to HCD.

Kerri Dunlay

- Commented on concerns with Kylie Clark's actions.

Joe Rodgers

- Commented on concerns and requested an independent attorney review this item.

Kathryn Hedges, Showing Up For Racial Justice

- Commented on concerns with the censure.

Karen Rubio, Plant Based Advocates and Los Gatos Anti-Racism Coalition

- Commented in support of Kylie Clark and rescinding the censure.

Maddon Hoh-Choi, student

- Commented in support of Kylie Clark and rescinding the censure.

Other Business Item #17 – continued

Shilpi Agarwal, ACLU of Northern California

- Commented in support of the item and explained why the ACLU reached out to Commissioner Clark after learning of the censure.

Ron Meyer

- Commented on concerns with the letter Kylie Clark sent to HCD.

Karen Delaney

- Commented on concerns with emails sent by the Vice Mayor regarding the letter sent by Kylie Clark to the HCD.

Seema Patel

- Commented in support of rescinding the censure of Kylie Clark.

Evan Adams

- Commented on freedom of speech and stated support for rescinding the censure.

Karen Tkach Tuzman

- Commented on historical events and stated support of rescinding the censure of Kylie Clark.

Elly Hudson

- Commented on freedom of speech and stated support of rescinding the censure of Kylie Clark.

Brian Bernasconi

- Commented in support of Kylie Clark and rescinding the censure.

Lee Quintana

- Commented in support rescinding the censure and requested an apology to Kylie Clark.

K T

- Commented in support rescinding the censure and requested an apology to Kylie Clark.

Kim Clark

- Commented in support of rescinding the censure of Kylie Clark.

Tamela Fish

- Commented in support of rescinding the censure of Kylie Clark.

Other Business Item #17 – continued

Jeff Suzuki, Anti-Racism Coalition

- Commented in support Kylie Clark and rescinding the censure.

Quinn Morgan

- Commented in support of rescinding the censure of Kylie Clark.

Nika Sabouri

- Commented in support Kylie Clark’s freedom of speech.

Alexander Melendez

- Commented in support of rescinding the censure and requested an apology to Commissioner Clark.

Elizabeth Conlan

- Commented in support of the item.

Andrew Siegler, Showing Up for Racial Justice

- Commented in support of rescinding the censure and requested an apology to Commissioner Clark.

Kinsely Lee, Los Gatos Anti-Racism Coalition

- Commented in support of rescinding the censure of Kylie Clark.

Jane

- Commented on concerns with the letter Kylie Clark sent to HCD.

Kylie Clark

- Commented on her experience and requested Council rescind the censure.

Closed Public Comment.

Council discussed the matter.

MOTION: Motion by Vice Mayor Badame to extend the meeting to 12:30 a.m. Seconded by Mayor Ristow.

VOTE: Motion passed 4-0-1 by a roll call vote. Council Member Moore recused.

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SUBJECT: Minutes of the Town Council Meeting of April 18, 2023

DATE: April 18, 2023

Other Business Item #17 – continued

MOTION: Motion by Vice Mayor Badame to extend the meeting to 12:40 a.m. **Seconded** by Mayor Ristow. *(Motion was made during discussion of motion below.)*

VOTE: Motion passed 4-0-1 by a roll call vote. Council Member Moore recused.

MOTION: Motion by Council Member Rennie to rescind the censure of Commissioner Clark.

AMENDMENT: to investigate Ms. Clark for potential conflict of interest and bias to the same standard to which all Council Members and appointees are held to, conducted by independent outside Counsel and provided to the Town Council for further consideration, if appropriate; and staff will investigate all other Planning Commission Members for conflict of interest starting with the Fair Political Practices Economic Disclosure Form 700s. **Seconded** by Mayor Ristow.

VOTE: Motion passed 3-0-1-1 by a roll call vote. Council Member Moore recused; Vice Mayor Badame abstained.

ADJOURNMENT

The meeting adjourned at 12:25 p.m.

Respectfully Submitted:

/s/ Jenna De Long, Deputy Clerk