



TOWN OF LOS GATOS COUNCIL AGENDA REPORT

Minutes of the Town Council Meeting Tuesday, November 21, 2023

The Town Council of the Town of Los Gatos conducted a regular meeting in person and utilizing teleconferencing means on Tuesday, November 21, 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

Alexa Musser and Ellie White of the Los Gatos High School Field Hockey Team led the Pledge of Allegiance. The audience was invited to participate.

PRESENTATIONS

Tylor Taylor presented an update on the work of the Successful Aging Solutions & Community Consulting (SASCC) and its partners.

Council asked questions of the presenter.

CLOSED SESSION

Gabrielle Whelan, Town Attorney, stated the Town Council met in closed session to discuss labor negotiations for the groups listed on the Special Meeting agenda and there is no reportable action.

COUNCIL/TOWN MANAGER REPORTS

Council Matters

- Vice Mayor Badame stated she attended a ribbon cutting for the grand re-opening of the Safeway store on North Santa Cruz Avenue and the Los Gatos-Saratoga Recreation annual 55+ Thanksgiving luncheon; and corresponded with residents regarding the Housing Element.
- Council Member Hudes stated he met with residents at Alberto Way to discuss pending development in the area, members of the Community Center Committee of the Older Adults Thrive Foundation, and a real estate developer and a real estate agent regarding financing affordable housing; attended a meeting of the Initiatives and Publicity Committee of the Older Adults Thrive Foundation; and met with the Older Adults Thrive leadership team and board, and Tylor Taylor of SASCC.

- Council Member Moore wished everyone a happy early Thanksgiving; stated he attended the California Democratic Party Convention; held his Council Member community coffee; visited Centerpiece a new small business; and attended the grand opening of the West Valley Visual Arts Building, a heart screening in Campbell, and a West Valley Sanitation District Authority Board meeting.
- Council Member Rennie stated he attended a Silicon Valley Clean Energy Board meeting and announced the new CEO; chaired the Valley Transportation Authority (VTA) Policy Advisory Committee (PAC) meeting; attended the Cities Association Board meeting; and met with Saratoga Council Member Tina Walia.
- Mayor Ristow stated she attended the Fisher Middle School event honoring Veterans, the Los Gatos-Saratoga Recreation annual 55+ Thanksgiving luncheon, the St. Luke's Thanksgiving luncheon for the unhoused residents, a meeting of the Fisher Middle School Builder's Cub, a West Valley Service Providers meeting, and the Los Gatos Interfaith Thanksgiving service; and toured Netflix with the Town's building team.

Manager Matters

- Announced the Board, Commission, and Committee recruitment has been extended to Monday, November 27, at 4:00 p.m.
- Announced the Planning Commission will hold a special meeting to discuss the Housing Element on November 29.
- Announced the Winter Celebration will be held from 5-7 p.m. at Town Plaza Park on December 1.

VERBAL COMMUNICATIONS

Joseph Enz

- Commented on keeping the Los Gatos Creek clean.

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

1. Approve the Closed Session Council Meeting Minutes of November 1, 2023.
2. Approve Minutes of the November 7, 2023 Town Council Meeting.
3. Approve the Closed Session Council Meeting Minutes of November 14, 2023.
4. Adopt an Ordinance Titled "An Ordinance of the Town Council of the Town of Los Gatos Amending Chapter 29 'Zoning Regulations,' of the Town Code Regarding Accessory Dwelling Units and Correcting Outdated References in Town Code Sections Pertaining to Termination of Nonconforming Use Status, Requirements for a Two-Unit Development Under Senate Bill 9 (SB 9), and Civil Penalties." The Environmental Impacts of the Proposed Amendments to the Town Code were Analyzed in the Environmental Impact Report for the 2040 General Plan. Additionally, the Proposed Amendments are Exempt Pursuant to CEQA, Section 15061(b)(3). Town Code Amendment Application A-23-002. Project Location: Town Wide. Applicant: Town of Los Gatos. **ORDINANCE 2351**
5. Adopt an Ordinance Titled "An Ordinance of the Town Council of the Town of Los Gatos Amending Town Code Section 19.20.010, 'Parks and Recreation – Created' and Section

26.10.070, 'Trees and Shrubs – Appeals' to Update Reference to Parks Commission to Parks and Sustainability Commission." **ORDINANCE 2346**

6. Authorize the Town Manager to Execute an Agreement for Consultant Services with CSG Consultants, Inc. for Building Inspection Services for the North-40 Phase 1 and North-40 Junction Development.
7. Adopt an Ordinance Titled "An Ordinance of the Town Council of the Town of Los Gatos Amending Chapter 29, 'Zoning Regulations,' of the Town Code to Replace the Affordable Housing Overlay Zone Division 5 of Article VIII, 'Overlay Zones and Historic Preservation,' With the Housing Element Overlay Zone As Division 5 of Article VIII, 'Overlay Zones and Historic Preservation.'" 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 and Town Code Amendments. No further Environmental Analysis is Required. Zoning Code Amendment Application Z-23-002. Applicant: Town of Los Gatos. Project Planners: Jocelyn Shoopman and Erin Walters. **ORDINANCE 2347**
8. Adopt an Ordinance Titled "An Ordinance of the Town of Los Gatos Amending the Zoning Code from R-1:8 (Single-Family Residential) to R-M (Multiple-Family Residential) for a Caltrans Right-of-Way Property Located Adjacent to 14685 Oka Road; and 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 Sites Included in the Sites Inventory Analysis of the 2023-2031 Housing Element: APN's 424-06-116, 424-07-116, 424-08-029, 424-08-058, 424-08-059, 424-08-060, 424-08-074, and 532-07-085; 620 and 14000 Blossom Hill Road; 16210, 16240, 16245, 16250, 16260, 16270, and 16392 Burton Road; Cal Trans Right-of-Way Adjacent to 14685 Oka Road; 110 and 206 Knowles Drive; 445 Leigh Avenue; 440 Los Gatos Almaden Road; 16603 Lark Avenue; 14823, 14831, 14849, 14859, 14917, 14925, 15795, 16151, 16203, and 16492 Los Gatos Boulevard; 165 Los Gatos Saratoga Road; and 14800 and 14840 Oka Road." 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 and Zoning Code Amendments. No further Environmental Analysis is Required. Zoning Code Amendment Application Z-23-003 and General Plan Amendment Application GP-23-003. Applicant: Town of Los Gatos. **ORDINANCE 2348**
9. Adopt 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 Sites Included in the Site Inventory Analysis of the 2023-2031 Housing Element: 401 through 409 Alberto Way, 50 Los Gatos-Saratoga Road, 529-24-001, and 529-24-003." 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. **ORDINANCE 2349**
10. Adopt 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 Sites Included in the Sites Inventory Analysis of the 2023-2031 Housing Element: 15300, 15349, 15367, 15405, 15425, 15480, and 15500 Los Gatos Boulevard.” 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. **ORDINANCE 2350**

11. Approve Modifications as Recommended by the Council Policy Committee to Town Council Policy 2-11: Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum. **POLICY 2-11**
12. Approve Modifications to Town Council Policy 2-01: Agenda Format and Rules. **POLICY 2-01**
13. Consider the Following Actions for the Procurement and Implementation of the OpenGov Procurement Suite for Contract Management and Maintenance:
 - a. Authorize an Expenditure Budget Transfer in an Amount of \$3,000 from project #411-811-0008 (Shannon Road Repair);
 - b. Authorize an Expenditure Budget Transfer in an Amount of \$1,000 from project #411-813-0218 (Shannon Road Pedestrian and Bike Improvements);
 - c. Authorize an Expenditure Budget Transfer in an Amount of \$5,500 from project #411-813-9921 (Curb, Gutter, and Sidewalk Maintenance);
 - d. Authorize an Expenditure Budget Transfer in an Amount of \$10,700 from project #411-811-9901 (Street Repair and Resurfacing);
 - e. Authorize an Expenditure Budget Transfer in an Amount of \$500 from project #411-821-2309 (Termite Abatement at Water Tower);
 - f. Authorize an Expenditure Budget Transfer in an Amount of \$500 from project #411-831-4605 (Parks Playground Fibar);
 - g. Authorize an Expenditure Budget Transfer in an Amount of \$3,000 from project #411-812-0130 (Annual Roadside Fire Fuel Reduction); and
 - h. Authorize an Expenditure Budget Transfer in an Amount of \$3,000 from project #411-832-4508 (Annual Vegetation Management Town-Wide).
14. Receive the Monthly Financial and Investment Report for September 2023.

Mayor Ristow opened public comment.

No one spoke.

Mayor Ristow closed public comment.

MOTION: Motion by Council Member Badame to approve items 1-6 and 11-14. Seconded by Council Member Hudes.

VOTE: Motion passed unanimously.

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SUBJECT: Minutes of the Town Council Meeting of November 21, 2023

DATE: November 21, 2023

MOTION: Motion by Council Member Hudes to approve item 7. Seconded by Council Member Moore.

VOTE: Motion passed 4-0-1. Vice Mayor Badame abstained.

MOTION: Motion by Council Member Moore to approve item 8. Seconded by Council Member Rennie.

VOTE: Motion passed 3-1-1. Council Member Hudes voted no. Vice Mayor Badame abstained.

MOTION: Motion by Council Member Moore to approve item 9. Seconded by Council Member Rennie.

VOTE: Motion passed 3-1-0-1. Council Member Hudes voted no. Vice Mayor Badame recused.

MOTION: Motion by Council Member Rennie to approve item 10. Seconded by Mayor Ristow.

VOTE: Motion passed 3-0-1-1. Council Member Moore recused. Vice Mayor Badame abstained.

OTHER BUSINESS

15. Receive an Update on the Interim Community Center and Provide Direction.

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

Mayor Ristow opened public comment.

Tom Picraux

- Commented on the logistics of creating a shared space for community service providers and a room equipped to hold hybrid meetings.

Jeffrey Blum

- Commented on concerns with the Community Health and Senior Services Commission's ability to review this item within the timeline, and requested additional clarification and direction.

Nancy Rollett

- Provided clarification on the use of space of the Adult Recreation Center.

Mayor Ristow closed public comment.

Council discussed the item and provided feedback.

Mayor Ristow called a recess at 9:04 p.m.

Reconvened at 9:17 p.m.

16. Complete the Following Actions in Support of the Town's Transportation Impact Fee Program:

- a. Review the Transportation Impact Nexus Study dated November 2023 (including the Town's Transportation Capital Improvement Plan – Appendix 1); and
- b. Set a Public Hearing for January 16, 2024 to Adopt the Nexus Study, Adopt a Resolution to Establish the Updated Transportation Impact Fee, Introduce an Ordinance Amending Article VII of Section 15 of the Town Code, "Traffic Impact Mitigation Fees," and Modify Town Council Policy 1-08, "Transportation Impact Policy."

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

Mayor Ristow opened public comment.

No one spoke.

Mayor Ristow closed public comment.

Council discussed the item.

MOTION: Motion by Vice Mayor Badame to set a public hearing for January 16, 2024 to adopt the Nexus Study, adopt a Resolution to establish the updated Transportation Impact Fee, introduce an ordinance amending Article VII of Section 15 of the Town Code, "Traffic Impact Mitigation Fees," and modify Town Council Policy 1-08, "Transportation Impact Policy." **AMENDMENT:** include a 50% credit for extremely low and very low-income developments in the proposal to be brought forward in January. **Seconded by Council Member Moore.**

VOTE: Motion passed unanimously.

17. Receive a Report on Traffic Management at the Shannon Road Repair (CIP Project No 811-0008) Location (Between Diduca Way and Santa Rosa Drive) and Provide Feedback.

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

Mayor Ristow opened public comment.

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SUBJECT: Minutes of the Town Council Meeting of November 21, 2023

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Bruce

- Commented on concerns with the proposals.

Mayor Ristow closed public comment.

Council discussed the item.

MOTION: Motion by Council Member Moore to move forward with strategy 2 to implement interim repairs of the damaged lane on Shannon Road. **Seconded by Mayor Ristow.**

VOTE: Motion passed unanimously.

18. Discuss and Provide Direction to Potentially Modify Town Policies and Procedures, Including Town Council Policy 2-04, "Town Council Code of Conduct," Town Council Policy 2-05, "Planning Commission Policies and Procedures," Town Council Policy 2-11, "Commission Appointments, Residency, and Attendance Requirements, and Establishing a Quorum," and the Commissioner Handbook. **POLICY 2-11**

Gabrielle Whelan, Town Attorney, presented the staff report.

Mayor Ristow opened public comment.

No one spoke.

Mayor Ristow closed public comment.

Council discussed the item.

MOTION: Motion by Council Member Hudes to continue this item to a time when a written response from the American Civil Liberties Union (ACLU) regarding the withdrawal of their complaint is received or when the statute of limitations expires, whichever comes sooner. **Seconded by Vice Mayor Badame.**

VOTE: Motion passed unanimously.

ADJOURNMENT

The meeting adjourned at 10:38 p.m.

Respectfully Submitted:

/s/ Jenna De Long, Deputy Town Clerk