



**TOWN OF LOS GATOS
TOWN COUNCIL MEETING
DECEMBER 18, 2018
110 EAST MAIN STREET
LOS GATOS, CA**

*Steve Leonardis, Mayor
Marcia Jensen, Vice Mayor
Rob Rennie, Council Member
Marico Sayoc, Council Member
Barbara Spector, Council Member*

PARTICIPATION IN THE PUBLIC PROCESS

How to participate: The Town of Los Gatos strongly encourages your active participation in the public process, which is the cornerstone of democracy. If you wish to speak to an item on the agenda, please complete a “speaker’s card” located on the back of the chamber benches and return it to the Clerk Administrator. If you wish to speak to an item NOT on the agenda, you may do so during the “Verbal Communications” period. The time allocated to speakers may change to better facilitate the Town Council meeting.

Effective Proceedings: The purpose of the Town Council meeting is to conduct the business of the community in an effective and efficient manner. For the benefit of the community, the Town of Los Gatos asks that you follow the Town’s meeting guidelines while attending Town Council meetings and treat everyone with respect and dignity. This is done by following meeting guidelines set forth in State law and in the Town Code. Disruptive conduct is not tolerated, including but not limited to: addressing the Town Council without first being recognized; interrupting speakers, Town Council or Town staff; continuing to speak after the allotted time has expired; failing to relinquish the podium when directed to do so; and repetitiously addressing the same subject.

Deadlines for Public Comment and Presentations are as follows:

- Persons wishing to make an audio/visual presentation on any agenda item must submit the presentation electronically, either in person or via email, to the Clerk’s Office no later than 3:00 p.m. on the day of the Council meeting.
- Persons wishing to submit written comments to be included in the materials provided to Town Council must provide the comments as follows:
 - For inclusion in the regular packet: by 11:00 a.m. the Thursday before the Council meeting
 - For inclusion in any Addendum: by 11:00 a.m. the Monday before the Council meeting
 - For inclusion in any Desk Item: by 11:00 a.m. on the day of the Council Meeting

Town Council Meetings Broadcast Live on KCAT, Channel 15 (on Comcast) on the 1st and 3rd Tuesdays at 7:00 p.m.

Rebroadcast of Town Council Meetings on the 2nd and 4th Mondays at 7:00 p.m.

Live & Archived Council Meetings can be viewed by going to:

www.losgatosca.gov/Councilvideos

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THIS MEETING, PLEASE CONTACT THE CLERK DEPARTMENT AT (408) 354-6834. NOTIFICATION 48 HOURS BEFORE THE MEETING WILL ENABLE THE TOWN TO MAKE REASONABLE ARRANGEMENTS TO ENSURE ACCESSIBILITY TO THIS MEETING [28 CFR §35.102-35.104]

**TOWN OF LOS GATOS
TOWN COUNCIL MEETING
DECEMBER 18, 2018**

7:00 PM

MEETING CALLED TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

Community Pledge Leader – Chloe Yang, Daves Avenue Elementary.

APPROVE CERTIFICATION OF NOVEMBER 6, 2018 ELECTION

1. Adopt a resolution certifying the November 6, 2018 Los Gatos General Municipal Election and declaring the election results for Measure G and three Council Member seats.

[Staff Report](#)

[Attachment 1 - Draft resolution certifying the November 6, 2018 General Election](#)

[Attachment 2 - Certified Elections Results from the Santa Clara County Registrar of Voters](#)

SWEARING IN OF NEW COUNCIL

PRESENTATIONS

Small Business, Big Applause

CLOSED SESSION REPORT

CONSENT ITEMS (TO BE ACTED UPON BY A SINGLE MOTION) *(Items appearing on the Consent Calendar are considered routine and may be approved by one motion. Any member of the Council or public may request to have an item removed from the Consent Calendar for comment and action. If an item is pulled, the Mayor has the sole discretion to determine when the item will be heard. Unless there are separate discussions and/or actions requested by Council, staff, or a member of the public, it is requested that items under the Consent Calendar be acted on simultaneously.)*

2. Approve Closed Session minutes of December 4, 2018.
[Staff Report](#)
3. Approve Council minutes of December 4, 2018.
[Staff Report](#)
4. Reaffirm the Los Gatos Town Council Code of Conduct Policy 2-04.
[Staff Report](#)
[Attachment 1 - Town Council Code of Conduct Policy 2-04](#)

5. Adopt Council Committee Appointments effective January 1, 2019.
[Staff Report](#)
[Attachment 1 - 2019 Council Committee Appointment Roster](#)

6. Comprehensive Annual Financial Report (CAFR) for the Fiscal Year ended June 30, 2018.
[Staff Report](#)
[Attachment 1 - Draft Comprehensive Annual Financial Report for the Fiscal year Ended June 30, 2018](#)
[Attachment 2 - Fund Balance Resolution Establishing June 30, 2018 Fund Balances](#)
[Attachment 3 - Independent Auditor Presentation to the Council Finance Committee](#)
[Attachment 4 - Public Comment received by 1100 December 13, 2018](#)
[Addendum](#)
[Attachment 5 - Public Comments received between 1101 December 13, 2018 and 1100 December 17, 2018](#)
[Desk Item](#)
[Attachment 6 - Public Comments received between 1101 a.m. December 17, 2018 and 1100 a.m. December 18, 2018](#)

7. PPW Job Number 18-811-9901 Annual Street Repair and Resurfacing Project (Rubber Cape Seal):
 - A. Approve the plans and specifications for the Annual Street Repair and Resurfacing Project (Rubber Cape Seal) and authorize the Town Manager to advertise the project for bid.
 - B. Authorize the Town Manager to award and execute a construction agreement in an amount not to exceed \$859,232, including contingencies.
 - C. Authorize staff to execute potential change orders in an amount not to exceed ten percent of the contract award amount.[Staff Report](#)
[Attachment 1 - Street List for Project 18-811-9901](#)

8. Project 813-0231 - Bicycle and Pedestrian Improvement Project (Blossom Hill Road)
Staff recommends that the Town Council:
 - A. Approve the plans and specifications for the Bicycle and Pedestrian Improvement Project (Blossom Hill Road) and authorize the Town Manager to advertise the project for bid.
 - B. Authorize the Town Manager to award and execute a construction agreement in an amount not to exceed \$550,032, including contingencies.
 - C. Authorize staff to execute potential change orders in an amount not to exceed fifteen percent of the contract award amount.[Staff Report](#)
[Attachment 1 - Plan Exhibit](#)

9. Authorize the Town Manager to:
 - A. Execute a Certificate of Acceptance and Notices of Completion accepting the work of RK Engineering and authorize the recording by the Town Clerk for PPW Job No. 17-831-3104 Bachman Park Rehabilitation Project Pathway Upgrades.
 - B. Execute a Certificate of Acceptance and Notices of Completion accepting the work of General Lighting Services and authorize the recording by the Town Clerk for PPW Job No. 17-831-3104 Bachman Park Rehabilitation Project Lighting Upgrades.[Staff Report](#)
[Attachment 1 - Certificate of Acceptance and Notice of Completion - RK Engineering](#)
[Attachment 2 - Certificate of Acceptance and Notice of Completion - General Lighting Services](#)

10. Authorize the Town Manager to:
 - A. Execute a Certificate of Acceptance and Notice of Completion for the work of Mercoza Engineering and authorize recording by the Town Clerk for PPW Job No. 17-813-9921 Annual Curb, Gutter, and Sidewalk Maintenance (Ramp Upgrades) and PPW Job No. 17-812-0125/26 Crosswalk Improvements Project.
 - B. Execute a Certificate of Acceptance and Notice of Completion for the work of Bear Electrical Solutions, Inc. and authorize recording by the Town Clerk for PPW Job No. 17-812-0125/26 Crosswalk Improvements Project.
 - C. Execute a Certificate of Acceptance and Notice of Completion for the work of St. Francis Electric and authorize recording by the Town Clerk for PPW Job No. 17-812-0125/26 Crosswalk Improvements Project.

[Staff Report](#)
[Attachment 1 - Certificate of Acceptance and Notice of Completion - Mercoza Engineering](#)
[Attachment 2 - Certificate of Acceptance and Notice of Completion - Bear Electrical Solutions, Inc](#)
[Attachment 3 - Certificate of Acceptance and Notice of Completion - St. Francis Electric](#)
11. Appoint Michael Haley McCullough to the honorary position of the Town of Los Gatos Poet Laureate for a three-year term beginning in January of 2019.

[Staff Report](#)
[Attachment 1 - Sample of Michael Haley McCullough's poems](#)
12. Adopt a Salary Schedule for Town Council and Management reflecting a Town code amendment to increase Town Council salaries effective January 1, 2019.

[Staff Report](#)
[Attachment 1 - Salary Schedule for Town Council and Management](#)
13. Adopt a Resolution establishing a Sales Tax Oversight Committee.

[Staff Report](#)
[Attachment 1 - Draft Resolution establishing a Sales Tax Oversight Committee](#)
14. Town Code Amendment Application A-17-002. Project Location: Town Wide. Applicant: Town of Los Gatos.
Adopt amendments to Chapter 6 (Building and Building Regulations) and Chapter 29 (Zoning Regulations) of the Town Code regarding fences, hedges, and walls.

[Staff Report](#)
[Attachment 1 - Draft Ordinance](#)

VERBAL COMMUNICATIONS *(Members of the public are welcome to address the Town Council on any matter that is not listed on the agenda. To ensure all agenda items are heard and unless additional time is authorized by the Mayor, this portion of the agenda is limited to 30 minutes and no more than three (3) minutes per speaker. In the event additional speakers were not able to be heard during the initial Verbal Communications portion of the agenda, an additional Verbal Communications will be opened prior to adjournment.)*

OTHER BUSINESS *(Up to three minutes may be allotted to each speaker on any of the following items.)*

15. 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 \$18,103 from estimates available FY 2018/19 operating revenues.

[Staff Report](#)

[Attachment 1 - Amendment to the Employment Agreement – Town Manager](#)

[Attachment 2 - Salary Schedule for Town Council and Management](#)

PUBLIC HEARINGS *(Applicants/Appellants and their representatives may be allotted up to a total of ten minutes maximum for opening statements. Members of the public may be allotted up to three minutes to comment on any public hearing item. Applicants/Appellants and their representatives may be allotted up to a total of five minutes maximum for closing statements. Items requested/recommended for continuance are subject to Council's consent at the meeting.)*

16. Conditional Use Permit Application U-18-008. Project Location: 720 Blossom Hill Road. Property Owner: Rice Family Living Trust. Applicant: Lunardi's Supermarket, Inc. Requesting approval for a modification of an existing Conditional Use Permit (Lunardi's Supermarket) to allow wine and beer tasting on property zoned C-1. APN 523-06-045.

[Staff Report](#)

[Attachment 1 - October 10, 2018 Planning Commission Staff Report](#)

[Attachment 2 - October 10, 2018 Planning Commission Verbatim Minutes](#)

[Attachment 3 - Draft Resolution to Approve the Application](#)

[Attachment 4 - Draft Resolution to Remand the Application to the Planning Commission](#)

[Attachment 5 - Draft Resolution to Deny the Application](#)

OTHER BUSINESS *(Up to three minutes may be allotted to each speaker on any of the following items.)*

17. Discuss municipal finance requirements and specific Town financial information.

[Staff Report](#)

[Attachment 1 - Independent Analysis of the Town's Catastrophic and Budget Stabilization Reserves](#)

[Addendum](#)

[Attachment 2 - Public Comment received before 1100 December 17, 2018](#)

COUNCIL/TOWN MANAGER REPORTS

ADJOURNMENT *(Council policy is to adjourn no later than midnight unless a majority of Council votes for an extension of time)*

Writings related to an item on the Town Council meeting agenda distributed to members of the Council within 72 hours of the meeting are available for public inspection at the front desk of the Los Gatos Town Library, located at 100 Villa Avenue, and are also available for review on the official Town of Los Gatos website. Copies of desk items distributed to members of the Council at the meeting are available for review in the Town Council Chambers

Note: The Town of Los Gatos has adopted the provisions of Code of Civil Procedure §1094.6; litigation challenging a decision of the Town Council must be brought within 90 days after the decision is announced unless a shorter time is required by State or Federal law.