



**TOWN OF LOS GATOS  
TOWN COUNCIL MEETING  
DECEMBER 19, 2017  
110 EAST MAIN STREET  
LOS GATOS, CA**

*Rob Rennie, Mayor*

*Steven Leonardis, Vice Mayor*

*Marcia Jensen, 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 2<sup>nd</sup> and 4<sup>th</sup> Mondays at 7:00 p.m.***

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

***[www.losgatosca.gov/Councilvideos](http://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 19, 2017**

**7:00 PM**

**MEETING CALLED TO ORDER**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

Noah Hale, Fisher Middle School

**PRESENTATIONS**

Small Business, Big Applause - Hanna Bistro

Health Initiative Awards

**CLOSED SESSION REPORT**

**COUNCIL/TOWN MANAGER REPORTS**

**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. 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.)*

1. Approve Closed Session Meeting Minutes of December 5, 2017  
[Staff Report](#)
2. Approve Council minutes of December 5, 2017  
[Staff Report](#)
3. Adopt Council Committee Appointments Effective January 1, 2018.  
[Staff Report](#)  
[Attachment 1 - Council Committee Appts 2018](#)
4. Adopt the ordinance amending Town Code Chapter 2, Division 4 – Conflict Of Interest, Section 2.30.615. – Filing of Statements and adding Section 2.30.620. – Relating to Electronic and Paperless Filing of Fair Political Practices Commission Campaign Disclosure Statements  
[Staff Report](#)  
[Attachment 1 - Draft Ordinance](#)

5. Authorize additional compensation for legal services in an amount of \$35,000 for litigation defense services in the Matter of Eden Housing Inc., Summerhill Homes LLC, and Grosvenor USA Limited v. Town of Los Gatos for a total contract not to exceed Amount of \$135,000.  
[Staff Report](#)
6. Authorize the Town Manager to execute an Agreement for Employee Safety Compliance and Training Services Consultant Services with BSI EHS Services and Solutions (West) Inc., in an amount not to exceed \$147,600.  
[Staff Report](#)  
[Attachment 1 - Agreement](#)  
[Attachment 2 - BSI Proposal](#)
7. Approve an Alternative Book Replacement and Fine Forgiveness Program in Lieu of Standard Library Fines for a Temporary Period of One Month  
[Staff Report](#)
8. Accept a California State Library Grant in the amount of \$7,200, and authorize a revenue and expenditure budget adjustment in the amount of \$7,200 to recognize receipt and use of grant funds.  
[Staff Report](#)
9. Annexation - 14915 Shannon Road. Annexation Application AN17-001. Property Owner/Applicant: Ray M. Elam.  
Adopt a resolution to set a date for consideration of reorganization of an uninhabited area designated as Shannon Road No. 27, approximately 28.61 acres on property pre-zoned RC. APN 537-27-047.  
[Staff Report](#)  
[Attachment 1 - Location Map](#)  
[Attachment 2 - Resolution](#)  
[Attachment 2 - Exhibits A and B](#)
10. Authorize the Town Manager to execute a Charging Station Agreement with Tesla, Inc. to provide electric vehicle charging infrastructure and services at the North Parking Lot.  
[Staff Report](#)  
[Attachment 1 - Tesla Supercharger Agreement- Town of Los Gatos Addendum](#)  
[Attachment 2 - amended charging station agreement](#)
11. Authorize the Town Manager to execute a Certificates of Acceptance and Notices of Completion accepting the work of Joseph J. Albanese and American Pavement Systems and authorize recordings by the Clerk Administrator for PPW Job No. 16-811-9901 and 16-811-9903 Annual Street Repair and Resurfacing and Pavement Rehabilitation – Crack Seal Project.  
[Staff Report](#)  
[Attachment 1 - Certificate of Acceptance and Notice of Completion](#)
12. Authorize the Town Manager to execute a Certificate of Acceptance and Notice of Completion accepting the work of G. Bortolotto & Co. and authorize recording by the Clerk Administrator for PPW Job Number 16-817-0707 Pageant Way Parking Lot Reconstruction Project.  
[Staff Report](#)  
[Attachment 1 - Certificate of Acceptance and Notice of Completion Pageant Parking Lot](#)

13. Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2017
  - a. Accept the Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2017; and
  - b. Approve a resolution confirming June 30, 2017 Fund Balances in Accordance with Fiscal Year 2016/17 Final Audit and the Fund Reserve Policy

[Staff Report](#)  
[Attachment 1 - Town of Los Gatos FY 2016-17 CAFR](#)  
[Attachment 2 - Fund Balance Resolution](#)
14. Adopt a resolution for a \$3,388,913 expenditure budget adjustment from available CalPERS/OPEB fund balance to deposit to the IRS Section 115 Pension Trust  

[Staff Report](#)  
[Attachment 1- Fund Balance Resolution](#)

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

15. PPW Job Number 831-3104 - Bachman Park Rehabilitation Project
  - a. Approve the scope elements for the project.
  - b. Authorize the preparation of plans and specifications in alignment with the scope.
  - c. Authorize a revenue and expenditure budget adjustment of \$214,537 to recognize a grant award from the Urban County Community Development Block Grant Fund to the Public Access Infrastructure Improvement Project (421-821-2102).
  - d. Authorize a transfer in the amount of \$214,537 of grant funds from the Public Access Infrastructure Improvement Project (421-821-2102) to the Bachman Park Rehabilitation Project (411-831-3104).
  - e. Authorize the Town Manager to execute the CDBG agreement with the County of Santa Clara

[Staff Report](#)  
[Attachment 1 - Santa Clara County Community Development Block Grant Town/County Contract](#)
16. Authorize the Town Manager to seek proposals to produce and manage the park summer concert series held on the Los Gatos Civic Center Lawn each June through August  

[Staff Report](#)  
[Attachment 1 - MIP RFP](#)

**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.)*

**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.)*

17. Hillside Development Standards and Guidelines modifications. Project Location: Properties

located within the Hillside Overlay. Applicant: Town of Los Gatos.

Adopt a resolution to amend Chapter II. (Constraints Analysis and Site Selection) of the Hillside Development Standards and Guidelines regarding Visibility Analysis.

(CONTINUED FROM October 17, 2017 and December 5, 2017 - Staff Reports and Attachments can be found on our website under the October 17, 2017 and December 5, 2017 Town Council Agendas)

[Staff Report](#)

[Addendum](#)

[Attachment 15 - Modified Proposed Amendments - Chpt II, Sec B, Constraints Analysis and Site Selection](#)

18. 202 University Avenue - General Plan Amendment Application GP-17-002 and Zone Change Application Z-17-001. Property Owner: Barry and Lisa Cheskin. Applicant: Bess Wiersema. Requesting approval of a General Plan Amendment from Office Professional to Medium Density Residential and a zone change from O:LHP (Office with a Landmark and Historic Preservation Overlay) to R-1D:LHP (Single-Family Residential Downtown with a Landmark and Historic Preservation Overlay). APN: 529-04-001.

[Staff Report](#)

[Attachment 1 - Location maps showing General Plan Land Use](#)

[Attachment 2 - October 25, 2017 PC Staff Report without Exhibits](#)

[Attachment 3 - October 25, 2017 Planning Commission Verbatim Minutes](#)

[Attachment 4 - Letter from applicant](#)

[Attachment 5 - Background Information](#)

[Attachment 6 - Draft Findings](#)

[Attachment 7 - Draft Resolution for General Plan Amendment](#)

[Attachment 7 - Exhibit A - Change of General Plan Map](#)

[Attachment 8 - Draft Ordinance for Zone Change](#)

[Attachment 8 - Exhibit A - Change of Zoning Map](#)

[Attachment 9 - Public Comments Received by 1100, December 14, 2017](#)

[Attachment 10 - Development Plans, Received September 6, 2017](#)

19. 26 Alpine Avenue - Architecture and Site Application S-16-052 and Mitigated Negative Declaration ND-17-001. Applicant: Tom Sloan. Property Owner/Appellant: Toby and Susan Corey. Consider an appeal of Planning Commission decision denying a request to construct a new single-family residence and remove a large protected tree on vacant property zoned R-1:20. APN 529-37-042.

[Staff Report](#)

[Attachment 1 - Jul. 26, 2017 Planning Commission Staff Report and Exhibits 2-15](#)

[Attachment 3 - Jul. 26, 2017 Planning Commission Verbatim Minutes](#)

[Attachment 2 - Jul. 26, 2017 Planning Commission Desk Item and Exhibits 16 - 18](#)

[Attachment 4 - Appeal of Planning Commission decision](#)

[Attachment 5 - Project Information Sheet prepared by PPW](#)

[Attachment 6 - Letter from Applicant received November 13, 2017](#)

[Attachment 7 - Supplemental Arborist Report from Applicant](#)

[Attachment 8 - Draft Resolution to Deny Appeal and Deny Project](#)

[Attachment 9 - Draft Resolution to Grant Appeal and Remand Project](#)

[Attachment 10 - Draft Resolution to Grant Appeal and Approve Project](#)

[Attachment 10 - Exhibit A](#)

[Attachment 10 - Exhibit B](#)

[Attachment 11 - Public Comments received by 1100 am Thursday, December 14, 2017](#)

## **ADJOURN TOWN COUNCIL MEETING AND CALL TO ORDER THE TOWN PENSION AND OPEB TRUSTS OVERSIGHT COMMITTEE**

### **ROLL CALL**

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

1. Accept Council Finance Committee asset allocation recommendation for the Town of Los Gatos IRS Section 115 Pension Trust.

[Staff Report](#)

[Attachment 1 - October 9 2017 Finance Cmte Staff Report](#)

[Attachment 2 - December 4 2017 Finance Cmte Staff Report](#)

**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.***