



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/16/2024

**DRAFT
Minutes of the Town Council Meeting
Tuesday, April 2, 2024**

The Town Council of the Town of Los Gatos conducted a regular meeting in-person and utilizing teleconferencing means on Tuesday, April 2, 2024, at 7:00 p.m.

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

ROLL CALL

Present: Mayor Mary Badame, Vice Mayor Matthew Hudes, Council Member Rob Moore, Council Member Rob Rennie, Council Member Maria Ristow.

Absent: None

PLEDGE OF ALLEGIANCE

Council Member Ristow led the Pledge of Allegiance. The audience was invited to participate.

PRESENTATIONS

- i. The Los Gatos Foundation for Older Adults to Thrive gave a presentation on the status of its work.
- ii. Mayor Badame issued a Poetry Month Proclamation and Town Poet Laureate William Ward Butler read one of his poems.

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

1. Approve Minutes of the March 15, 2024 Special Town Council Meeting.
2. Approve Minutes of the March 19, 2024 Closed Session Town Council Meeting.
3. Approve Minutes of the March 19, 2024 Special Town Council Meeting - Commissioner Interviews.
4. Approve Minutes of the March 19, 2024 Town Council Meeting.
5. Approve Minutes of the March 26, 2024 Closed Session Town Council Meeting.
6. Authorize the Town Manager to Execute an Agreement with Peckham & McKenney for Town Manager Recruitment Services in an Amount not to Exceed \$32,000.
7. Adopt an Ordinance Titled "An Ordinance of the Town Council of the Town of Los Gatos Amending the Zoning from C-1 (Neighborhood Commercial) to RD (Residential Duplex) for Properties Located at 15025, 15026, 15039, 15040, 15053, 15054, 15066, 15067, 15080, and 15081 Downing Oak Court." APNs 523-41-024, -033, -025, -032, -026, -031, -030, -027, -029, and -028. Exempt pursuant to CEQA Guidelines 15061 (b)(3): Review for Exemption. Zoning Amendment Application Z-24-002. Applicant: Town of Los Gatos. Project Planner: Sean Mullin. **ORDINANCE 2357**

8. 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 Appeals from the Decision by the Planning Director, Appeals from the Decision of the Historic Preservation Committee, Assignment of Duties to the Planning Director, Assignment of Duties to the Planning Commission, Powers and Duties of Planning Commission, Powers and Duties of the Planning Director, and Powers and Duties of the Historic Preservation Committee” and Adopt a Resolution Titled “Resolution of the Town Council of the Town of Los Gatos Amending the Enabling Resolution of the Historic Preservation Committee and Rescinding Resolution 2021-043.” The Proposed Amendments to the Town Code are Not Considered a Project Under Section 15378 of the California Environmental Quality Act. Town Code Amendment Application A-24-001. Applicant: Town of Los Gatos. Project Planner: Sean Mullin. **ORDINANCE 2355**
9. Adopt an Ordinance Titled, “An Ordinance of the Town Council of the Town Los Gatos Amending Chapter 1 Article III, ‘Administrative Citations,’ Chapter 11, ‘Garbage, Refuse, and Weeds,’ and Chapter 16, ‘Noise’ of the Town Code.” **ORDINANCE 2356**
10. Modify the Town of Los Gatos Donation Opportunities FY 2023/24 List of Town Needs, Accept the Donation of Automated External Defibrillators and Outdoor SaveStation® Cabinets from the Kyle J. Taylor Foundation, and Authorize the Town Manager to Sign the Acknowledgement Form Provided by the Donor.
11. Approve a Novation Replacing Columbia Telecommunications Corporation with Imperial County Office of Education for the State Negotiated Contract for the Library’s Corporation for Educational Network Initiatives in California Broadband Connection and Servicing.
12. Authorize Revenue and Expenditure Budget Adjustments in the Amount of \$65,000 to Recognize Receipt of State Homeland Security Grant Program (SHSGP) funds and Authorize the Town Manager to Execute the Required Agreement and Grant Documents to Receive Reimbursement Funds in Accordance with SHSGP Requirements.
13. Authorize the Town Manager to Execute a Third Amendment with HdL Companies for Business License Consulting and Reviewing Services to Review Draft Procedures for the Apportionment of Business License Taxes with Netflix Inc. Not to Exceed \$40,000 with a Total Contract Not to Exceed \$273,000.
14. Chavan & Associates Agreement:
 - a. Authorize the Town Manager to Execute a First Amendment with Chavan & Associates, LLP. for Auditing Services Adding Transportation Development Act Audit Services and Increasing the Compensation by \$15,500 for a Total Agreement Not to Exceed \$132,500; and
 - b. Authorize an Expenditure Budget Adjustment in the Amount of \$10,500 from the Available General Fund Capital/Special Projects Reserve.
15. Authorize the Town Manager to Execute a Certificate of Acceptance and Notice of Completion for the Fiscal Year 2022/23 Annual Street Repair and Resurfacing Project (CIP No. 811-9901), Completed by Pavement Coatings, and Authorize the Town Clerk to File for Recordation.

16. Reschedule to April 16, 2024, the Consideration of the Adoption of a Resolution Modifying the Height Pole and Netting Policy for Additions and New Construction. The Proposed Modifications to Town Policy are Not Considered a Project Under the California Environmental Quality Act. Project Location: Town Wide. Applicant: Town of Los Gatos.

Mayor Badame opened public comment.

No one spoke.

Mayor Badame closed public comment.

MOTION: Motion by Council Member Ristow to approve consent items 1-16. Seconded by Council Member Moore.

VOTE: Motion passed unanimously.

VERBAL COMMUNICATIONS

Joesph Enz

- Commented on the status of the unhoused individuals and thanked Town Manager Prevetti for her service.

John Shepardson

- Commented on the Union School district's sale of the Mirassou Elementary School open space, stated concerns, and requested Council protect the open space.

OTHER BUSINESS

17. Receive a Report on the Transportation Impact Fee and Provide Direction.

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

Mayor Badame opened public comment.

No one spoke.

Mayor Badame closed public comment.

Council discussed the item and had a consensus that additional analysis to explore several options and return to Town Council with the results.

MOTION: Motion by Vice Mayor Hudes to continue this item with the Council's verbal comments that were made as input to staff and ask that in the follow-up to this, Council be presented with no more than three options with a staff recommendation. Seconded by Mayor Badame.

VOTE: Motion passed unanimously.

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18. Discuss Potential Next Steps with Regard to the Referendum of Land Use and Community Design Elements of 2040 General Plan and Provide Direction to Staff.

Gabreille Whelan, Town Attorney, presented the staff report.

Mayor Badame opened public comment.

No one spoke.

Mayor Badame closed public comment.

Council discussed the item.

MOTION: Motion by Council Member Ristow to rescind the 2040 Community Design and Land Use Elements. **Seconded by Council Member Rennie.**

SUBSTITUTE MOTION: Motion by Vice Mayor Hudes to continue this item until May 21, which is four days after [the Town is] due to receive comments from HCD. **Seconded by Mayor Badame.**

SUBSTITUTE VOTE: Motion failed 2-3. Council Members Moore, Rennie, and Ristow voted no.

VOTE: Motion passed 3-2. Vice Mayor Hudes and Mayor Badame voted no.

MOTION: Motion by Council Member Rennie to bring this discussion back after the Housing Element is certified. **Seconded by Council Member Moore.**

VOTE: Motion passed unanimously.

Mayor Badame recessed the meeting at 9:01 p.m.

Mayor Badame reconvened the meeting at 9:10 p.m.

PUBLIC HEARINGS

19. Adopt a Resolution Approving the Comprehensive Fee Schedule for Fiscal Year 2024/25 to Continue Certain Department Fees, Rates, and Charges, and Amending Certain Fees, Rates, and Charges for Fiscal Year 2024/25. **RESOLUTION 2024-013**

Gitta Ungvari, Finance Director, presented the staff report.

Mayor Badame opened public comment.

No one spoke.

Mayor Badame closed public comment.

Council discussed the item.

MOTION: Motion by Vice Mayor Hudes to adopt the resolution approving the Comprehensive Fee Schedule for Fiscal Year 24/25 contained in Attachment 1. **Seconded by Council Member Moore.**

VOTE: Motion passed unanimously.

20. Introduce an Ordinance Titled, "An Ordinance of the Town Council of the Town of Los Gatos Amending Chapter 29, 'Zoning Regulations,' Article I, 'In General,' Division 3 'Signs,' of the Town Code Regarding Sign Regulations" as Recommended by the Planning Commission. The proposed amendments to the Town Code are not a project subject to CEQA [CEQA Guidelines Section 15061(b)(3)]. Town Code Amendment Application A-24-002. Project Location: Town Wide. Applicant: Town of Los Gatos.

Gabreille Whelan, Town Attorney, presented the staff report.

Mayor Badame opened public comment.

No one spoke.

Mayor Badame closed public comment.

Council discussed the item.

MOTION: Motion by Vice Mayor Hudes to adopt the [staff] recommendations with the exception of political signs and direct the Town Attorney to come back with a proposal that more closely matches current political sign policy. **Seconded by Mayor Badame.**

Town Attorney Whelan recommended the ordinance as a whole return to Council.

Vice Mayor Hudes withdrew the motion.

MOTION: Motion by Vice Mayor Hudes to continue this item with a modification [to political signs] and consider it at a future date. **Seconded by Mayor Badame.**

VOTE: Motion passed 4-1. Council Member Ristow voted no.

OTHER BUSINESS

21. Discuss the Code of Conduct Policy Sections V. and XI. Pertaining to Councilmember Communications.

Gabreille Whelan, Town Attorney, presented the staff report.

Mayor Badame opened public comment.

No one spoke.

Mayor Badame closed public comment.

Council discussed the item.

MOTION: Motion by Vice Mayor Hudes to adopt item 1, option 3 (language listed for in the PowerPoint presentation for Section V. Subsection C. of the Code of Conduct, which states “provide that, in Mayor’s absence or unavailability, Vice Mayor is responsible”), and item 2 (language listed for in the PowerPoint presentation for Section V. Subsection C. of the Code of Conduct, listed in the PowerPoint presentation which states “clarify that the Mayor’s communication with the Town Council will conform with the Brown Act”). **Seconded by Council Member Ristow.**

Council Member Hudes withdrew the motion.

MOTION: Motion by Vice Mayor Hudes to adopt item 2 (language listed for in the PowerPoint presentation for Section V. Subsection C. of the Code of Conduct, listed in the PowerPoint presentation which states “clarify that the Mayor’s communication with the Town Council will conform with the Brown Act”), and change the wording under Vice Mayor, Subsection A. to “In the Mayor’s absence, the Vice Mayor shall perform the duties of the Mayor,” striking the word “formal.” **Seconded by Council Member Ristow.**

VOTE: Motion passed unanimously.

MOTION: Motion by Vice Mayor Hudes to add item 1 about the Brown Act [as listed in the PowerPoint presentation for Section XI. of the Code of Conduct (add ‘where not prohibited by the Brown Act’ to sentence referencing Mayor’s communication with Town Councilmembers)] and directed the Town Attorney to work on item 2 & 3 [(2) explain the difference between a policy matter pending before the Town Council and a future quasi-adjudicatory project; and (3) separate out discussion of quasi-adjudicatory decisions and address participation in community meetings] to make changes to separate policy from quasi-adjudicatory; adopt item 4 (change references

to “full” Town Council to a “majority” of the Town Council); add item 5 “No Councilmember shall communicate in a manner that appears to come from the Town or Town staff or the Town Council.” Move forward with item 6 (provide examples of how to indicate to the press that a Councilmember is speaking on his or her own behalf and not on behalf of the Council); and change the last sentence of Section XI to such statements are permissible if clearly characterized as personal opinion or policy change objectives including those made on behalf of another elected official, or on behalf of a public or state agency or political subdivision, rather than the opinion of the majority of the Town Council. **Seconded by Council Member Ristow.**

VOTE: Motion passed unanimously.

COUNCIL/TOWN MANAGER REPORTS

Council Matters

- Council Member Ristow stated she participated in the Council Policy Committee; attended the annual update for the Lehigh Cement Plant and Quarry closing, and the Kiwanis Club 100th Anniversary Gala.
- Council Member Moore stated he will hold his Council Member Happy Hour and Community Coffee; met with business owners to discuss SB 330 applications; and commented on the Chamber of Commerce’s “You Belong in Los Gatos” street pole banner contest.
- Vice Mayor Badame stated she participated in a Democracy Tent meeting; met with Don Capobres regarding N40 Phase II; attended the Policy Committee as an observer, Mayor and Managers meeting, and the Kiwanis Club 100th Anniversary Gala.
- Council Member Rennie stated he had nothing of significance to report.
- Vice Mayor Hudes stated he met with Los Gatos Foundation for Older Adults to Thrive; participated in the Policy Committee; met with the Community Center Committee of the Foundation; listened a portion of Silicon Valley Regional Interoperability Authority meeting and a portion of the Community Health and Senior Services Commission (CHSSC) meeting; participated in the Kiwanis Club 100th Anniversary Gala and the Sourcewise Advisory Committee meeting.

Manager Matters

- Announced the Youth Commission recruitment is open. Applications are due on May 1 and all information is on the website.
- Spring into Green will be held on April 21, at 10 a.m. in Town Plaza Park and invited all to attend.

CLOSED SESSION REPORT

Gabrielle Whelan, Town Attorney, stated the Town Council met in closed session pursuant to Government Code §54956.9 to discuss anticipated litigation and stated there was no reportable action.

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ADJOURNMENT

The meeting adjourned at 11:08 p.m.

Respectfully Submitted:

Jenna De Long, Deputy Town Clerk