



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 03/19/2024

**DRAFT
Minutes of the Town Council Meeting
Tuesday, March 5, 2024**

The Town Council of the Town of Los Gatos conducted a regular meeting in-person and utilizing teleconferencing means on Tuesday, March 5, 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

Fiona Rose led the Pledge of Allegiance. The audience was invited to participate.

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

1. Approve Minutes of the February 20, 2024 Town Council Meeting.
2. 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 Define 'By Right Approvals' and Amend the Housing Element Overlay Zone (HEOZ), Division 5 of Article VIII, 'Overlay Zones and Historic Preservation,'" to Clarify Regulations Applicable to "By Right" and "Non By Right" Residential Development in the Housing Element Overlay Zone. An Environmental Impact Report (EIR) was Prepared and Certified for the 2040 General Plan Update on June 30, 2022. No further Environmental Analysis is Required. Zoning Code Amendment Application Z-24-001. APPLICANT: Town of Los Gatos. PROJECT PLANNERS: Jocelyn Shoopman and Erin Walters. **ORDINANCE 2353**
3. Adopt a Resolution Modifying the Diversity, Equity, and Inclusion (DEI) Commission Enabling Resolution as Recommended by the DEI Commission and Modify the Town Council Commission Appointment Policy 2-11 for Consistency.
4. Adopt an Ordinance Titled, "An Ordinance of the Town Council of the Town of Los Gatos Designating the Town Council to Hear Appeals from Decisions of the Building Official." **ORDINANCE 2354**
5. Authorize Revenue and Expenditure Budget Adjustments in the Amount of \$5,531 to Recognize Receipt and Expenditure of Pacific Library Partnership Grant Funds.
6. Authorize the Town Manager to Execute a Second Amendment with Forbes Mill, LLC for 75 Church Street.
7. Authorize an Additional \$10,000 from the County of Santa Clara County Grant for Unhoused Los Gatos Residents to Be Used for the Hotel Program.

8. Adopt the Proposed Modification to the Commission Appointment Policy 2-11 as Recommended by the Council Policy Committee. **POLICY 2-11**

Vice Mayor Hudes pulled item #3.

Mayor Badame opened public comment.

No one spoke.

Mayor Badame closed public comment.

MOTION: Motion by Council Member Ristow to approve consent items 1-8, exclusive of item 3. **Seconded by Vice Mayor Hudes.**

VOTE: Motion passed unanimously.

VERBAL COMMUNICATIONS

Ryan Freeburger

- Commented on the need for a Valley Transportation Authority (VTA) light rail station in Los Gatos.

OTHER BUSINESS

9. Discuss and Provide Direction on the Proposed Revisions to the Draft Revised 2023-2031 Housing Element and Next Steps. Location: Town-Wide. General Plan Amendment Application GP-22-003.

Jocelyn Shoopman, Associate Planner, presented the staff report.

Mayor Badame opened public comment.

Jeff Suzuki, Los Gatos Anti-Racism Coalition

- Commented on concerns and spoke in support of affordable housing.

Sylvie Hurat

- Commented on concerns and spoke in support of affordable housing.

Karla Albright

- Commented on concerns and spoke in support of submitting an acceptable Housing Element to the State.

Kristine Kasten

- Commented on the Below Market Price (BMP) Housing program and adding more affordable housing.

Emily Ann Ramos, SV@Home

- Commented on concerns with the recent Housing Element revisions.

Miles Tasker

- Commented on concerns and spoke in support of allowing affordable housing throughout the Town.

Emily Peri

- Commented on concerns and spoke in support of affordable housing throughout the Town.

Gordon Yamate

- Commented on concerns and stated support increased affordable housing throughout the Town.

Alice Miano, Los Gatos Anti Racism Coalition

- Commented on in support of affordable housing and multi-unit dwellings.

Maureen Cappon-Javey

- Commented on concerns and requested Council send the State a compliant Housing Element.

Richard Kananen

- Commented on the proposed language for the exclusion zones.

Chris Wiley

- Commented on the Section 8 housing program.

Autumn Athers

- Commented in support of affordable housing in a variety of neighborhoods and requested the Council send the Housing Element to the State as soon as possible.

Kinsley Lee, Los Gatos Anti Racism Coalition

- Commented in support of permitting affordable housing throughout the Town.

Lynley

- Commented on concerns with Diversity, Equity, and Inclusion (DEI) efforts.

Mayor Badame closed public comment.

Council discussed the item.

SUBJECT: Draft Minutes of the Town Council Meeting of March 5, 2024

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MOTION: Motion by Council Member Moore to amend the existing language in Program J to strike the language that reads “The modification of the Zoning Code to facilitate small multi-unit housing will occur in a variety of areas throughout the Town, but in no event in any of the following areas or locations, Very High Fire Hazard Severity Zones, historic districts, adjacent to homes in our historic inventory (currently pre-1941 homes), hillside residential zones, within 500 feet of an evacuation route, or farther than one half mile of a transit stop” and replace that language with “The modification of the Zoning Code to facilitate the development of small multi-unit housing will occur in a variety of neighborhoods throughout the Town except for in the Very High Fire Hazard Severity Zones and hillside residential zones.”

AMENDMENT: to add back in historic districts and include the language in the Desk Item from March 5 which includes the language “including 30 of these units as being affordable.” **Seconded by Council Member Ristow.**

SUBSTITUTE MOTION: Motion by Vice Mayor Hudes to adopt the proposed revisions in the Desk Item regarding Program J and to complete our work on the Housing Element by initiating the seven-day review period on March 7 and then resubmitting to HCD on March 18th. **Seconded by Mayor Badame.**

The maker of the motion clarified that the motion included staff’s recommended language for the quantified objective for Program J in the March 5 Desk Item.

SUBSTITUTE VOTE: Motion fails 2-3. Council Members Ristow, Rennie, and Moore opposed.

Council discussed the Housing Element item further.

MOTION VOTE: Motion passed 3-2. Vice Mayor Hudes and Mayor Badame opposed.

Mayor Badame called a recess at 8:55 p.m.

The Council reconvened at 9:04 p.m.

Council continued discussion on the Housing Element item .

MOTION: Motion by Council Member Rennie to start the seven-day review period and submit with the changes made. **Seconded by Council Member Ristow.**

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

Mayor Badame stated Item #13 will be heard next.

PUBLIC HEARINGS

13. Consider the Adoption of a Resolution Denying an Appeal of a Planning Commission Decision that Approved the Demolition of an Existing Single-Family Residence and Construction of a New Single-Family Residence with Reduced Setbacks on a NonConforming Property Zoned R-1D. Located at 212 Thurston Street. APN 410-15-039. This Project is Categorically Exempt Pursuant to the California Environmental Quality Act (CEQA) Guidelines, Section 15303(a): New Construction or Conversion of Small Structures. PROPERTY OWNER/APPLICANT: Meleah Guillardo. PROJECT PLANNER: Maria Chavarin.
- RESOLUTION 2024-011**

Maria Chavarin, Associate Planner, presented the staff report.

Mayor Badame opened public comment.

Eric, Appellant

- Provided opening comments and spoke in opposition of the project.

Meleah Guillardo, Applicant and Chris Spaulding, Architect

- Provided opening comments and spoke in support of the project.

Marta Iglesias-Xamani

- Commented on concerns with the project.

Bill Hopps

- Commented in opposition of the project and stated various concerns.

Carolyn

- Commented on concerns with the project.

Meleah Guillardo, Applicant

- Provided closing comments.

Eric, Appellant

- Provided closing comments.

Mayor Badame closed public comment.

Council Member Rennie, Council Member Ristow and Vice Mayor Hudes disclosed they viewed the property.

Council discussed the item.

MOTION: Motion by Council Member Rennie to adopt the resolution in Attachment 7 which denies an appeal of a Planning Commission decision to approve the demolition of an existing single-family residence and construction of a new single-family residence with reduced setbacks on a nonconforming property zoned R-1D. Located at 212 Thurston Street. **Seconded by Council Member Ristow.**

VOTE: Motion passed 4-1. Mayor Badame voted no.

OTHER BUSINESS

10. Review Input on the Interim Community Center and Authorize the Town Manager to Issue a Request for Proposals for Potential Service Providers.

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

Mayor Badame opened public comment.

Elenor Yick, Community Health and Senior Services Commission (CHSSC) Chair

- Commented on the Community Health and Senior Services Commission recommendation.

Tom Picraux, CHSSC Commissioner

- Commented on the CHSSC recommendation and stated concerns with the proposed process.

Mayor Badame closed public comment.

Council discussed the item.

MOTION: Motion by Vice Mayor Hudes to use the funds to create a space for hybrid zoom meeting with modern equipment, a space with shared desks to be used by local service providers, and consultant and designer work expenses should be kept to a minimum and all additional funds should be conserved for developing a future community center; in parallel, authorize the Town Manager to issue a Request for Interest (RFI) for service providers with the basis that is provided by the CHSSC with the addition of staff as well as volunteers to the CHSSC recommendation.

AMENDMENT: funds be applied to create a space for hybrid zoom meeting with modern equipment, and a space with shared desks to be used by local service providers, but that design for that space would not be completed until the Town has the requirements from service providers through the RFI process, and consultant and designer work expenses should be kept to a minimum. All remaining funds after creating these spaces should be conserved for community center development.

Seconded by Council Member Rennie.

VOTE: Motion passed unanimously.

Vice Mayor Hudes clarified the intention was to direct towards staff's recommendation for the RFI process.

11. Parking Program (CIP No. 813-0242):

- a. Authorize an Expenditure Budget Decrease Adjustment of Previously Allocated Funds in Program 5101 (PPW Administration) from \$200,000 to \$168,955;
- b. Authorize a Budget Transfer of \$168,955 from the Previously Allocated Funds from Program 5101 (PPW Administration) to the Parking Program Implementation Project (CIP No. 411-813-0242); and
- c. Authorize the Town Manager to Execute an Agreement with Dixon Resources Unlimited for Parking Program Management in the Amount of \$168,955.

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.

MOTION: Motion by Council Member Rennie to authorize an expenditure budget decrease adjustment of previously allocated funds in program 5101 (PPW Administration) from \$200,000 to \$168,955; authorize a budget transfer of \$168,955 from the previously allocated funds from program 5101 (PPW Administration) to the Parking Program Implementation Project (CIP No. 411-813-0242); and authorize the Town Manager to execute an agreement with Dixon Resources Unlimited for parking program management in the amount of \$168,955 (Attachment 1). **Seconded by Council Member Ristow.**

VOTE: Motion passed unanimously.

12. Provide Direction Regarding the Development of a Labor Negotiations Policy Similar to the City of Menlo Park as Recommended by the Finance Commission.

Laurel Prevetti, Town Manager, presented the staff report and introduced Lisa Charbonneau, the Town's labor counsel.

Mayor Badame opened public comment.

No one spoke.

Mayor Badame closed public comment.

Council discussed the item.

MOTION: Motion by Vice Mayor Hudes to direct staff to prepare a similar policy and return to the Town Council, and that the Council should provide specific direction to staff with respect to the parameters that it would like to see in a Los Gatos policy and ensure the ideas are consistent with current law. **Seconded by Council Member Moore.**

VOTE: Motion passed unanimously.

Council Member Ristow stated she will be recused from Item #14 due to her residence being within 1,000 feet of the subject property and left the Council Chambers.

14. Authorize the Town Manager to Send a Letter to Tait Firehouse, LLC to Terminate the Lease for 4 Tait Avenue.

Laurel Prevetti, Town Manager, presented the staff report.

Mayor Badame opened public comment.

Wayne Heimsoth, Los Gatos Veteran's Memorial Support Foundation Board Member
- Commented in support of terminating the lease and requested use of the building for the Veterans Memorial and Support Foundation.

Mayor Badame closed public comment.

Council discussed the item.

MOTION: Motion by Council Member Moore to authorize the Town Manager to send a letter to Tait Firehouse, LLC to terminate the lease for 4 Tait Avenue. **Seconded by Vice Mayor Hudes.**

VOTE: Motion passed 4-0-1. Council Member Ristow recused.

Council Member Ristow returned to the Council Chambers.

Pulled Consent Item

3. Adopt a Resolution Modifying the Diversity, Equity, and Inclusion (DEI) Commission Enabling Resolution as Recommended by the DEI Commission and Modify the Town Council Commission Appointment Policy 2-11 for Consistency.

Laurel Prevetti, Town Manager, 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 Rennie to not accept the change at this time and if there is trouble filling the seat to bring this item back to Council. **Seconded by Mayor Badame.**

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

COUNCIL/TOWN MANAGER REPORTS

Council Matters

- Council Member Ristow stated she attended a grocery distribution by Live Oak Senior Nutrition and Service Center; participated in a Council Policy Committee meeting; attended meetings with the Chamber of Commerce; attended a Rinconada Water Treatment Plant Reliability Improvement Project public outreach meeting and plant tour, the Joint Venture Silicon Valley State of the Valley address, and the Los Gatos-Monte Sereno Police Foundation Ball.
- Council Moore stated he met with Rod Diridon with several Council Members from other jurisdictions; toured the Jewish Family Service's new facilities; met with a leader from CERT, New Museum Los Gatos NUMU, and the President-Elect of the Chamber of Commerce; spoke to a San Jose State University class about careers in government; met with Democracy Tent; announced he will hold a Council Member community coffee, and his new professional job with Assemblymember Gail Pelerin as a Senior District Representative.

MOTION: Motion by Mayor Badame to continue the meeting until 12:10 a.m. **Seconded by Council Member Rennie.**

VOTE: Motion passed unanimously.

- Council Member Rennie stated he met with Tom Picraux; and tried to virtually attend the Joint Venture Silicon Valley State of the Valley address.
- Vice Mayor Hudes stated he participated in a tour of the Morgan Hill Community Center, and a CHSSC meeting; met with neighbors of the Pinehurst Community Garden project; toured the Avenidas Senior Center in Palo Alto; tried to virtually attend the Joint Venture Silicon Valley State of the Valley address; participated in an event at Live Oak Senior Nutrition and Service Center for their lunch program; and attended the Los Gatos-Monte Sereno Police Foundation Ball.

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- Mayor Badame stated she participated in monthly West Valley Mayors' and Managers' Meeting, and attended the Los Gatos-Monte Sereno Police Foundation Ball.

Town Manager Matters

-None.

CLOSED SESSION REPORT

Gabriele Whelan, Town Attorney, stated the Town Council met in closed session to discuss labor negotiations pursuant to Government Code section 54957.6 and there is no reportable action.

ADJOURNMENT

The meeting adjourned at 11:58 p.m.

Respectfully Submitted:

Jenna De Long, Deputy Town Clerk