



**TOWN OF LOS GATOS  
COUNCIL AGENDA REPORT**

MEETING DATE: 06/15/2021

ITEM NO: 2

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**DRAFT  
Minutes of the Town Council Meeting  
June 1, 2021**

The Town Council of the Town of Los Gatos conducted a regular meeting via Teleconference via COVID-19 Shelter in Place Guidelines on Tuesday, June 1, 2021, at 7:00 p.m.

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

**ROLL CALL**

Present: Mayor Marcia Jensen, Vice Mayor Barbara Spector, Council Member Rob Rennie, Council Member Marico Sayoc.

Absent: None

**PRESENTATIONS**

Mayor Sayoc presented commendations to the outgoing Youth Commissioners.

Youth Commission Chair Ryu presented the Youth Friendly Business of the Year Aware to Posh Bagel. Peter Keo, Owner, thanked the Youth Commission and the Town for their support.

Youth Commission Chair Ryu presented the Youth Friendly Green Business of the Year Award to Trader Joe's. Due to technical difficulties, Lee Stewart, Trader Joe's representative, was unable to speak. Jackie Rose, Community Outreach Coordinator, accepted the award on their behalf.

**COUNCIL/TOWN MANAGER REPORTS**

**Council Matters**

- Vice Mayor Rennie stated he attended the Valley Transportation Authority (VTA) Board of Directors, Bay Area Air Quality Management District (BAAQMD) Legislative Action Committee, BAAQMD Mobile Source Committee, BAAQMD Technology Office Steering Committee, Housing Trust Investor Briefing, Community Health and Senior Services Commission (CHSSC) meetings, and the Los Gatos-Monte Sereno Police Department Swearing-in and Promotion Ceremony.
- Council Member Ristow stated she attended the General Plan Committee (GPC) meeting with Council Member Badame, the Council Policy Committee meeting with Mayor Sayoc; the Los Gatos-Monte Sereno Police Department Promotional and Swearing-in Ceremony with Mayor Sayoc, Vice Mayor Rennie, and Council Member Badame; and she represented the Town Council at the Town sponsored Energizer Station at the Library for the Bike to Anywhere event.

Council Matters – continued

- Council Member Badame stated she attended the Los Gatos-Monte Sereno Police Department Promotional and Swearing-In Ceremony and the GPC meeting.
- Council Member Hudes stated he met with the Town Manager and Police Chief.
- Mayor Sayoc stated in addition to the items mentioned, she attended the West Valley Mayors and Managers meeting with Manager Prevetti, the Cities Association General Membership meeting, and she participated in the Los Gatos Memorial Park Memorial Day Ceremony.

**Manager Matters**

- Announced new public art will be installed at Highway 9 and Alberto Way on June 7, 2021.
- Announced the Town is sponsoring a COVID-19 testing site on June 21 at the Adult Recreation Center (ARC).

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

1. Approve Draft Minutes of the May 18, 2021 Town Council Meeting.
2. Ratify the Town Council Selection Committee’s Recommended Youth Commissioner Appointments.
3. Approve Town Council Meeting Schedule for 2021/2022 Fiscal Year.
4. Operating and Capital Budgets
  - a. Adopt a Resolution Approving the Town of Los Gatos Fiscal Year (FY) 2021/22 Operating Budget and FY 2021/22 – 2025/26 Capital Improvement Program (CIP), New Appropriations, other Council Actions on May 18, 2021, Minor Corrections, and Carry-Forward Appropriations. **RESOLUTION 2021-020**
  - b. Adopt a Resolution Approving Commitment of Fund Balances under GASB 54. **RESOLUTION 2021-021**
  - c. Approve FY 2020/21 Budget Adjustments:
    - a) Major Revenue Adjustments to Match Year-End Estimated Revenues as Directed by the Town Council on May 18, 2021 and as Determined from Updated Information:
      - i. Anticipated American Recovery Plan Act (ARPA) revenue increase in the amount of \$2,884,315,
      - ii. Property Tax revenue Increase in the Amount of \$703,202,
      - iii. Sales Tax Revenue Decrease in the Amount of \$444,400,
      - iv. Measure G District Tax Revenue Decrease in the Amount of 83,369, and
      - v. Business License Tax Revenue Increase in the Amount of \$200,000.
    - b) Expenditure Increases to Reflect Past Actions:
      - i. In the Amount of \$408,807 to Match Actual Transfer to CalPERS from the CEPPT Trust (\$406,988) and from the Town General Fund (\$1,819) for Additional Discretionary Payment Based on the Town Pension and OPEB Trusts Oversight Committee March 30, 2021 Action and

- ii. In the Amount of \$55,000 to the Chamber of Commerce for Development of Destination Marketing from the Anticipated ARPA Proceeds.
5. Authorize Town Manager to Execute a Two-Year Lease Agreement with Flock Safety Group for the Installation and Maintenance of 15 Stationary Automated License Plate Readers (ALPR) throughout the Town of Los Gatos in the Amount of \$78,750.
6. Authorize the Town Manager to Purchase Microsoft Software Licensing from SoftwareONE in an Amount Not to Exceed \$73,724.17.
7. Approve Increasing Construction Contingency to \$308,000 for the Guardrail Replacement Project (CIP No. 812-0120/Federal No. HSIPL-5067-022) and Authorize Staff to Execute Future Change Orders up to the Approved Amount to Expend the Federal Grant Funds.
8. Approve Temporary Changes to the Community Grant Program to Assist Community Organizations with Post-Pandemic Recovery.
9. Request for Authorization to Enter into a Legal Services Agreement with the Law Firm of Liebert Cassidy Whitmore for Litigation Defense in the Matter of Jonathon Silva v. Town of Los Gatos for a Total Contract Not-To-Exceed Amount of \$50,000.

Council Member Hudes pulled Item #4 for discussion.

**MOTION: Motion by Council Member Badame to approve Consent Items 1 through 3 and 5 through 9. Seconded by Council Member Ristow.**

**VOTE: Motion passed unanimously.**

### **VERBAL COMMUNICATIONS**

Eden Berg

- Requested the Listen, Learn, Change, Grow banners be removed.

Cyndi Sheehan

- Commented in opposition to Critical Race Theory (CRT), Diversity, Equity, and Inclusion (DEI) campaign, and requested the Listen, Learn, Change, Grow banners be removed.

Doug

- Requested the Listen, Learn, Change, Grow banners be removed and the list of books on the Town website be modified.

C. Roy

- Congratulated the new Youth Commissioners and commented in opposition of CRT.

Pat

- Commented in opposition of the Listen, Learn, Change, Grow campaign and CRT.

Verbal Communications – continued

Joseph

- Commented in opposition of the Listen, Learn, Change, Grow campaign and CRT.

Yweislak

- Commented in opposition of the Listen, Learn, Change, Grow campaign and CRT.

Suzanne

- Commented in opposition of the Listen, Learn, Change, Grow campaign and CRT.

Lynley Kerr Hogan

- Commented in opposition of the Listen, Learn, Change, Grow campaign and CRT.

Kaye

- Commented in opposition of the Listen, Learn, Change Grow campaign and CRT.

Quincy Scott

- Commented in support of the Listen, Learn, Change, Grow campaign.

Karen Ole

- Commented in opposition of the Listen, Learn, Change, Grow campaign, CRT, and the COVID-19 vaccine.

**PUBLIC HEARINGS**

10. Brush Abatement Program Public Hearing to Consider Objections to the Proposed Removal of Brush on Parcels Listed on the 2021 Wildland Urban Interface (WUI) Area Non-Compliant Parcel List and Order Abatement of the Public Nuisance and Potential Fire Hazard Pursuant to the Town of Los Gatos Municipal Code (Chapter 9) Regarding Defensible Space.

Stefanie Hockemeyer, Executive Assistant, presented the staff report.

Opened Public Comment.

No one spoke.

Closed Public Comment.

Council discussed the matter.

Public Hearing Item #10 – continued

**MOTION: Motion by Council Member Badame** to order abatement of the public nuisance and potential fire hazard pursuant to the Town of Los Gatos Municipal Code (Chapter 9) regarding defensible space on parcels listed on the 2021 Wildland Urban Interface (WUI) Area Non-Compliant Parcel List on Attachment 4. **Seconded by Council Member Ristow.**

**VOTE: Motion passed unanimously.**

**OTHER BUSINESS**

11. Adopt the Proposed Modifications to the Agenda Format and Rules Policy as Recommended by the Council Policy Committee. **POLICY 2-01**

Shelley Neis, Town Clerk, presented the staff report.

Opened Public Comment.

No one spoke.

Closed Public Comment.

Council discussed the matter.

**MOTION: Motion by Council Member Ristow** to approve the recommended changes to the Consent Calendar. **Seconded by Mayor Sayoc.**

**VOTE: Motion passed 3/2. Council Members Badame and Hudes voting no.**

**MOTION: Motion by Council Member Badame** to approve the recommended changes, with the exception of item D. **Seconded by Vice Mayor Rennie.**

**VOTE: Motion passed 4/1. Council Member Hudes voting no.**

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

Shelley Neis, Town Clerk, presented the staff report.

Opened Public Comment.

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SUBJECT: Draft Minutes of the Town Council Meeting of June 1, 2021

DATE: June 3, 2021

Other Business Item #12 – continued

No one spoke.

Closed Public Comment.

Council discussed the matter.

**MOTION: Motion by Vice Mayor Rennie to remove term limits from the Policy. Seconded by Council Member Badame.**

**VOTE: Motion passed 3/2. Mayor Sayoc and Council Member Ristow voting no.**

**MOTION: Motion by Council Member Hudes to add the wording “notwithstanding, no Council Member shall be prevented from asking appropriate questions” and striking “(of a personal nature)” from the Interview Process section. AMENDMENT: Council may modify the questions provided by the Town Clerk. Seconded by Council Member Badame.**

**VOTE: Motion passed unanimously.**

**MOTION: Motion by Vice Mayor Rennie to adopt all remaining recommended changes as red-lined. Seconded by Council Member Badame.**

**VOTE: Motion passed unanimously.**

Recess at 9:20 p.m.

Reconvened 9:26 p.m.

**Pulled Consent Item #4**

4. Operating and Capital Budgets
  - d. Adopt a Resolution Approving the Town of Los Gatos Fiscal Year (FY) 2021/22 Operating Budget and FY 2021/22 – 2025/26 Capital Improvement Program (CIP), New Appropriations, other Council Actions on May 18, 2021, Minor Corrections, and Carry-Forward Appropriations. **RESOLUTION 2021-020**
  - e. Adopt a Resolution Approving Commitment of Fund Balances under GASB 54. **RESOLUTION 2021-021**

Pulled Consent Item #4 – continued

- f. Approve FY 2020/21 Budget Adjustments:
  - a) Major Revenue Adjustments to Match Year-End Estimated Revenues as Directed by the Town Council on May 18, 2021 and as Determined from Updated Information:
    - vi. Anticipated American Recovery Plan Act (ARPA) revenue increase in the amount of \$2,884,315,
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    - viii. Sales Tax Revenue Decrease in the Amount of \$444,400,
    - ix. Measure G District Tax Revenue Decrease in the Amount of 83,369, and
    - x. Business License Tax Revenue Increase in the Amount of \$200,000.
  - b) Expenditure Increases to Reflect Past Actions:
    - i. In the Amount of \$408,807 to Match Actual Transfer to CalPERS from the CEPPT Trust (\$406,988) and from the Town General Fund (\$1,819) for Additional Discretionary Payment Based on the Town Pension and OPEB Trusts Oversight Committee March 30, 2021 Action and
    - ii. In the Amount of \$55,000 to the Chamber of Commerce for Development of Destination Marketing from the Anticipated ARPA Proceeds.

Laurel Prevetti, Town Manager, presented the staff report.

Opened Public Comment.

Lynley Kerr Hogan

- Commented in opposition of spending money on DEI.

Catherine Somers, Los Gatos Chamber of Commerce Executive Director

- Commented on the use of the AARP Funds being used correctly.

C. Roy

- Commented in opposition of the \$55,000 for a DEI consultant and the license plate reader purchase.

Suzanne

- Commented in opposition to the purchase of the license plate reader.

B. Nice

- Commented in opposition of CRT.

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SUBJECT: Draft Minutes of the Town Council Meeting of June 1, 2021

DATE: June 3, 2021

Pulled Consent Item #4 – continued

**MOTION:** Motion by Council Member Hudes to a) adopt a resolution approving the Fiscal Year (FY) 2020/21 Operating Budget and FY 2021/22 – 2025/26 Capital Improvement Program (CIP), new appropriations, other approved adjustments, other Council actions on May 18, 2021, minor corrections, and carry-forward appropriations; b) adopt a resolution approving commitment of fund balances under GASB 54; c) approve FY 2020/21 Budget Adjustments; d) approve expenditure increases to reflect past actions as outlined in the staff report; e) include language in the resolutions that mirrors the Treasury’s Interim Rule regarding the provision of government services; and f) refer the revenue baseline calculation to the Finance Commission and any recommendations to be reviewed by Council at a later date.  
**Seconded by Council Member Badame.**

**VOTE:** Motion passed unanimously.

#### **ADJOURNMENT**

The meeting adjourned at 10:01

Submitted by:

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Shelley Neis, Town Clerk