



**TOWN OF LOS GATOS  
COUNCIL AGENDA REPORT**

MEETING DATE: 06/06/2023

ITEM NO: 1

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**DRAFT  
Minutes of the Town Council Meeting  
Tuesday, May 16, 2023**

The Town Council of the Town of Los Gatos conducted a regular meeting in person and utilizing teleconferencing means on Tuesday, May 16, 2023, at 7:00 p.m.

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

**ROLL CALL**

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

Absent: None

**PLEDGE OF ALLEGIANCE**

Team members from the Silicon Valley Basketball Club led the Pledge of Allegiance. The audience was invited to participate.

**PRESENTATIONS**

Mayor Ristow presented proclamations for Historic Preservation Month and Affordable Housing Month. Community Development Director Joel Paulson accepted the proclamations.

Executive Director for West Valley Community Services, Sujatha Venkatraman, gave a services update presentation.

**COUNCIL/TOWN MANAGER REPORTS**

**Council Matters**

- Council Member Hudes stated he met with senior veterans regarding the Veterans Memorial, Friends of Los Gatos Seniors Foundation representatives, an individual from the tech community regarding economic innovation in the Town; participated in the Kiwanis Turnaround Scholarship Awards Luncheon Event and the Community Emergency Response Team (CERT) Earthquake Drill; observed the Finance Commission Meeting; participated in the General Plan Committee, the Cities Association Selection Committee meeting and the League of Cal Cities Legislative Action Committee meeting; and met with the president of the Police Officer's Association (POA).
- Council Member Rennie stated he participated in the CERT Earthquake Drill; attended a Valley Transportation (VTA) Board of Directors meeting, the VTA Policy Advisory Committee meeting, the Finance Commission meeting, the West Valley Sanitation District Authority Board meeting, the Silicon Valley Clean Energy Authority (SVCEA) Board meeting, the Cities Association Board meeting; and met with Mark Robson regarding a proposed development at Surrey Farms.

- Council Member Moore stated he attended the Kiwanis Turnaround Scholarship Awards Luncheon Event and Fisher Middle School Poetry Reading with Mayor Ristow; held a community coffee meeting; attended the Special Olympics of Northern California fundraiser at Campo di Bocce; participated in the CERT Earthquake Drill; met with the Police Officers Association (POA) President, the Executive Director of the West Valley Muslim Association, staff from Assembly Member Gail Pellerin's Office, and Sally Lieber (represents Los Gatos on the State Board of Equalization); observed the Finance Commission meeting; and participated in the General Plan Committee meeting.
- Vice Mayor Badame stated she interviewed applicants for the Youth Commission; attended the West Valley Clean Water Authority Board meeting, the West Valley Solid Waste Management Authority Board meeting; met with the applicant for the proposed development in the Surrey Farms neighborhood; observed the Finance Commission; met with the Board of Directors for the Los Gatos Veterans and Support Foundation and the POA President; and attended the opening day ceremony for Los Gatos Little League.
- Mayor Ristow stated she attended several events already mentioned; stated May is Bike Month and Bike to Wherever Day is Saturday, May 20; announced the next Monday with the Mayor event; attended the Finance Commission meeting, the West Valley Service Providers meeting, and the all Town Employee quarterly meeting; helped teach fifth-grade bike skills; met with the POA President and a Daisy Troop; attended Fischer Middle School STEAM Showcase and Open House; and met with Shannon Road residents.

### **Manager Matters**

- Announced Big Truck Day will be held from 10:00 a.m. to Noon on Saturday, May 20.
- Announced the Adult Board and Commission recruitment is underway, and applications are due May 26 at 4:00 p.m. to the Clerk's Office.
- Announced Assistant Town Manager Katy Nomura will start on June 5, 2023.

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

1. Approve the Draft Minutes of the May 2, 2023 Town Council Meeting.
2. Receive the Monthly Financial and Investment Report (March 2023).
3. Receive FY 2021/22 Federal Single Audit Report.
4. Authorize the Town Manager to Execute a Use Agreement with Los Gatos United Soccer Club.
5. Adopt a Resolution to Adopt a List of Projects for Fiscal Year 2023/24 Funded by the State Senate Bill 1, the Road Repair and Accountability Act of 2017. **RESOLUTION 2023-028**
6. Adopt a Resolution to Extend the Term of the Housing Element Advisory Board. **RESOLUTION 2023-029**
7. Ratify a First Amendment to the Axon Body Worn Camera Agreement for an Increase of \$15,095 and Authorize the Town Manager to Execute a Second Amendment for Additional Storage for an increase of \$10,000 for a Total Agreement Not-to-Exceed Amount of \$275,630.

8. Adopt a Resolution to Renew an Ordinance Approving a Military Equipment Funding, Acquisition, and Use Policy Pursuant to Assembly Bill 481 and Affirm that Each Type of Military Equipment Identified in the Annual Report Complies with the Standards Set Forth in the Town's Ordinance on this Matter. **RESOLUTION 2023-030**
9. Authorize the Town Manager to Execute a Notice of Completion and Certificate of Acceptance for Specified Improvements Completed by SummerHill N40 LLC for the North 40 Phase 1 Development at Lark Avenue and Los Gatos Boulevard, and Authorize the Town Clerk to Submit for Recordation.
10. Approve a California State Library Negotiated Contract with Columbia Telecommunications Corporation for Continued Service of the Library's Corporation for Education Network Initiatives in California Broadband Connection and Servicing.

Opened public comment.

Lee Fagot

- Commented on concerns with item five regarding the Shannon Road slurry seal and SB1 funding. Also commented on concerns with item nine regarding a pothole on Lark Avenue near Los Gatos Boulevard and would like to see if it could be fixed with the North 40 street improvements.

Closed public comment.

Council Member Hudes asked to pull items 3, 4, 5, and 9.

**MOTION: Motion by Council Member Hudes to approve consent items 1-10, with the exception of items 3, 4, 5, and 9. Seconded by Vice Mayor Badame.**

**VOTE: Motion passed unanimously.**

### **VERBAL COMMUNICATIONS**

Folake Phillips, Executive Director of AWO

- Commented in support of housing affordability and upcoming educational and awareness events.

Tom Picraux

- Commented on the re-opening of the Live Oak Adult Day Services and the opening reception event on June 1 from 4:00 to 6:00 p.m.

Rachael Martines

- Commented on parking issues on Alpine Avenue and East Main Street, possible pay-to-play parking program, and the price of parking permits for businesses in the Olive Zone.

Bev Batson

- Commented on the smoking ordinance, suggested Los Gatos businesses be closed on Sundays, requested tree trimming on Main Street, and inquired about funds for homeless services.

## **PUBLIC HEARINGS**

11. Consider the Recommendations of the Finance Commission and Staff, and Provide Direction on the Town of Los Gatos Proposed Operating and Capital Budget for Fiscal Year (FY) 2023/24 and on the Proposed Capital Improvement Program for FY 2023/24 – FY 2027/28; Including but Not Limited to:
- a. Provide direction to Balance the FY 2023/24 Proposed Budget;
  - b. Provide Direction on the Proposed Operating Budget;
  - c. Provide Direction on the Proposed Capital Budget; and
  - d. Consider the FY 2023/24 List of Potential Donations Consistent with the Town's Donation Policy

Gitta Ungvari, Finance Director, and Nicolle Burnham, Public Works Director, presented the item.

**MOTION: Motion by Council Member Moore** to close Item 11 and reopen Verbal Communications. **Seconded by Mayor Ristow.**

**VOTE: Motion passed by a unanimous vote.**

Opened Verbal Communications.

Emily Ann Ramos, SV@Home

- Commended Town Council on the Affordable Housing Month proclamation and promoted an upcoming event on transit-oriented communities.

Mayor Ristow closed Verbal Communications and reopened Item 11.

Opened Public Comment for Item 11.

Diana Schnabel-Arevalo and Len Connolly

- Commented on the Police Department and requested adequate funding to maintain quality staff.

Peter Hertan, HAM Radio Volunteers

- Commented in support of funding emergency communications and the build-out of Incident Command Posts (ICP).

Diane Chandler, Veterans Memorial and Support Foundation

- Requested financial support to eliminate the construction loan balance of \$270,000 for the Flame of Liberty Memorial.

George Hall, Veterans Memorial and Support Foundation

- Requested funds to support the Veterans Memorial and commented on the Veterans Memorial and Support Foundation services.

Steven Giruyah, Los Gatos Living Magazine

- Commented on the Veterans Memorial and requested financial support.

Dick Scott

- Commented on the Veterans Memorial and requested financial support.

Ron Meyer

- Requested information on funding and expenses for the Diversity, Equity, and Inclusion initiatives and training contained in the budget.

Catherine Somers, Chamber of Commerce

- Commented on the Resource Fair at the Adult Recreation Center, requested American Rescue Plan Act (ARPA) funds for a community center, and requested the funds approved by Council for the visitor and information center and destination marketing come from the General Fund and not from ARPA funds.

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Patrick Dirks, Amateur Radio Emergency Services (ARES)/Radio Amateur Civil Emergency Services (RACES)

- Commented in support of the emergency communications funds for existing and new ICP, expansion of the CERT trailer with additional radio capabilities, and add new digital communication.

Closed Public Comment.

Recess 8:48 p.m.

Reconvene 9:00 p.m.

Council discussed the matter.

**MOTION: Motion by Vice Mayor Badame to approve the FY 2023/24 List of Potential Donations Consistent with the Town's Donation Policy in Attachment 7 of the staff report. Seconded by Council Member Moore.**

**VOTE: Motion passed by a unanimous vote.**

**MOTION: Motion by Council Member Rennie** to keep the CIP budget as is and add \$35,000 for the ICPs and other equipment in the Emergency Preparedness project.

**AMENDMENT:** Reallocate \$35,000 of American Rescue Plan Act (ARPA) funds from the Lynn Avenue Pathway project to fund the additional \$35,000. **Seconded by Council Member Hudes.**

**VOTE: Motion passed by a unanimous vote.**

**MOTION: Motion by Council Member Hudes** to approve the Finance Commission recommendation to add a vacancy rate of 4.6% to the budget in order to more realistically forecast expected personnel expenses. **AMENDMENT:** Clarifying that staff is authorized to hire up to 152.5 positions for all open positions. **Seconded by Council Member Rennie.**

**VOTE: Motion passed 3-2; Council Member Moore and Mayor Ristow voted no.**

**MOTION: Motion by Council Member Hudes** to have staff provide further information on ERAF from comparable cities and our auditor, approve what is in the budget, and not accept the Finance Commission recommendation at this time. **Seconded by Council Member Rennie.**

**VOTE: Motion passed unanimously.**

**MOTION: Motion by Council Member Hudes** to direct staff to include transparency and the ability to track variants from budget by adjusting schedules C-9, C-10, C-14, and C-26 to show the detail of the salaries and benefits broken out into major categories such as salary, overtime, CalPERS Benefits, all other benefits, and OPEB pay as you go benefits; and that staff shall include this as a separate standalone presentation of the requested information in the budget and redesign the requested table presentation for the FY 2024/25 proposed budget. **Seconded by Mayor Ristow.**

**VOTE: Motion passed unanimously.**

**MOTION: Motion by Council Member Hudes** to direct staff to include a capital outlay budget that forecasts the annual capital outlay for each funded project over the five-year planning horizon on pages B-5 and B-6 of the Capital Improvement Budget, and make best efforts to incorporate percent complete, Capital Projects timeline, and Gantt chart in the CIP in the future. **Seconded by Vice Mayor Badame.**

**VOTE: Motion passed unanimously.**

**MOTION: Motion by Council Member Moore** to provide \$2,500 to all project-based Town Commissions. **Seconded by Council Member Rennie.**

Recess 11:10 p.m.

Reconvene 11:14 p.m.

Pulled Consent Items

3. Receive FY 2021/22 Federal Single Audit Report.

Gitta Ungvari, Finance Director presented the item.

Council discussed the matter.

**MOTION: Motion by Mayor Ristow** to approve Item 3 to receive the FY 2021/22 Federal Single Audit Report. **Seconded by Council Member Rennie.**

**VOTE: Motion passed unanimously.**

4. Authorize the Town Manager to Execute a Use Agreement with Los Gatos United Soccer Club.

Nicolle Burnham, Public Works Director, presented the item.

Council asked questions and discussed the item.

**MOTION: Motion by Council Member Moore** to approve Item 4 to authorize the Town Manager to execute a Use Agreement with Los Gatos United Soccer Club. **Seconded by Council Member Hudes.**

**VOTE: Motion passed unanimously.**

5. Adopt a Resolution to Adopt a List of Projects for Fiscal Year 2023/24 Funded by the State Senate Bill 1, the Road Repair and Accountability Act of 2017. **RESOLUTION 2023-028**

Nicolle Burnham, Public Works Director, presented the item.

Council asked questions and discussed the item.

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SUBJECT: Draft Minutes of the Town Council Meeting of May 16, 2023

DATE: May 16, 2023

**MOTION: Motion by Council Member Moore** to approve Item 5 to adopt a resolution to adopt a list of projects for Fiscal Year 2023/24 funded by State Senate Bill 1, the Road Repair and Accountability Act of 2017. **Seconded by Mayor Ristow.**

**VOTE: Motion passed unanimously.**

9. Authorize the Town Manager to Execute a Notice of Completion and Certificate of Acceptance for Specified Improvements Completed by SummerHill N40 LLC for the North 40 Phase 1 Development at Lark Avenue and Los Gatos Boulevard and Authorize the Town Clerk to Submit for Recordation.

**MOTION: Motion by Mayor Ristow** to approve Item 9. **Seconded by Council Member Rennie.**

Council asked questions and discussed the item.

Mayor Ristow withdrew the motion.

**MOTION: Motion by Council Member Hudes** to continue the item to June 6, 2023. **Seconded by Mayor Ristow.**

**VOTE: Motion passed unanimously.**

## **ADJOURNMENT**

The meeting adjourned at 11:41 p.m.

Respectfully Submitted:

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Jenna De Long, Deputy Clerk