



**TOWN OF LOS GATOS
SPECIAL MEETING OF THE TOWN COUNCIL: CLOSED
SESSION AGENDA
JUNE 30, 2022
TELECONFERENCE**

Rob Rennie, Mayor

Maria Ristow, Vice Mayor

Mary Badame, Council Member

Matthew Hudes, Council Member

Marico Sayoc, 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 follow the participation instructions contained on page 2 of this agenda. 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 2nd and 4th Mondays at 7:00 p.m.
Live & Archived Council Meetings can be viewed by going to:
www.LosGatosCA.gov/TownYouTube***

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]

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6:15 PM

IMPORTANT NOTICE

This meeting is being conducted utilizing teleconferencing and electronic means consistent with Government Code Section 54953, as Amended by Assembly Bill 361, in response to the state of emergency relating to COVID-19 and enabling teleconferencing accommodations by suspending or waiving specified provisions in the Ralph M. Brown Act (Government Code § 54950 et seq.). Consistent with AB 361 and Town of Los Gatos Resolution 2021-044, this meeting will not be physically open to the public and the Council will be teleconferencing from remote locations. Members of the public can only participate in the meeting by joining the Zoom webinar (log in information provided below).

PARTICIPATION

To provide oral comments in real-time during the meeting:

- **Zoom webinar.** Join from a PC, Mac, iPad, iPhone or Android device. Please click this URL to join: <https://losgatosca.gov.zoom.us/j/83662437612?pwd=cFhMZkpMS0FpMTBLVklqMCszdTdKUT09>. Passcode: 424065. You can also type in 836 6243 7612 in the “Join a Meeting” page on the Zoom website at <https://zoom.us/join>.
- **Join by telephone.** Dial: USA 877 336 1829 US Toll-free or 636-651-0002 US Toll. Conference code: 986172

When the Mayor announces the item for which you wish to speak, click the “raise hand” feature in Zoom. If you are participating by phone on the Zoom app, press *9 on your telephone keypad to raise your hand. If you are participating by calling in, press #2 on your telephone keypad to raise your hand.

When called to speak, you will be asked to provide your full name and your town/city of residence. This identifying information is optional and not a requirement for participation. Please limit your comments to three (3) minutes, or such other time as the Mayor may decide, consistent with the time limit for speakers at a Council meeting.

If you are unable to participate in real-time, you may email to PublicComment@losgatosca.gov the subject line “Public Comment Item #__” (insert the item number relevant to your comment) or “Verbal Communications – Non-Agenda Item.” Comments received by 11:00 a.m. the day of the meeting will be reviewed and distributed before the meeting. All comments received will become part of the record.

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RULES OF DECORUM AND CIVILITY

To conduct the business of the community in an effective and efficient manner, please follow the meeting guidelines set forth in the Town Code and State law.

The Town does not tolerate disruptive conduct, which includes but is 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 microphone when directed to do so;
- repetitiously addressing the same subject.

Town Policy does not allow speakers to cede their commenting time to another speaker. Disruption of the meeting may result in a violation of Penal Code 403.

REMOTE LOCATION PARTICIPANTS *The following Council Members are listed to permit them to appear electronically or telephonically at the Town Council meeting: MAYOR ROB RENNIE, VICE MAYOR MARIA RISTOW, COUNCIL MEMBER MARY BADAME, COUNCIL MEMBER MATTHEW HUDES, and COUNCIL MEMBER MARICO SAYOC. All votes during the teleconferencing session will be conducted by roll call vote.*

MEETING CALL TO ORDER

ROLL CALL

VERBAL COMMUNICATIONS *(Members of the public may address the Town Council on the Closed Session items consistent with the participation instructions contained on page 2 of this agenda. Unless additional time is authorized by the Mayor, remarks shall be limited to three minutes.)*

THE TOWN WILL MOVE TO CLOSED SESSION ON THE FOLLOWING ITEM:

1. Conference with Legal Counsel - Anticipated Litigation
(Government Code§ 54956.9(d)(2): Significant exposure to litigation against the Town: one case. (A copy of the correspondence received is attached.)

ADJOURNMENT

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.

From: Francois, Matthew
Sent: Friday, June 24, 2022 10:24 AM
To: Attorney <Attorney@losgatosca.gov>
Subject: Los Gatos: 2040 General Plan

EXTERNAL SENDER

Dear Ms. Whelan:

As you know, our firm represents Los Gatos Community Alliance (LGCA). For several months now, we have submitted letters to the Town Staff, Planning Commission, and Town Council outlining the myriad legal inadequacies with the EIR prepared for the Town's General Plan Update. Chief among those deficiencies is that the EIR did not study the impacts associated with the General Plan Update's significant upzoning in almost every land use category. We also pointed out there was no need for such upzoning to meet the Town's RHNA number and also that such upzoning would generally prohibit the Town from denying or reducing the density of a project that complied with the proposed new higher density limits under the Housing Accountability Act.

In our June 17, 2022 letter to the Town Council, we listed a series of reasonable changes to the General Plan Update that the Town Council could make to address LGCA's concerns and to ensure that the impacts of the plan it adopts have been studied in the accompanying EIR. We understand that the Council continued its discussion of the General Plan Update to next week. We're still hopeful that the Town Council will seriously and thoughtfully consider, and ultimately embrace, LGCA's requested changes. But, since that has not been the reception from the Town to LGCA's comments thus far, LGCA authorized us to prepare a draft Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief. A copy of the draft Petition and Complaint is attached hereto.

It is also important to note that after the draft General Plan Update was released in June 2021, there was public concern over the massive density changes proposed. LGCA commissioned EMC to conduct a public poll regarding the General Plan Update. The results were clear and convincing. The overwhelming majority of Town residents do not support the proposed General Plan Update. Specifically, 60 percent of Los Gatos voters indicate that they would vote to reject this plan if it were to be put on a future ballot. See summary of polling results attached.

We hope that this information is helpful to you as you advise the Town Council on their options for decision-making on the General Plan Update. LGCA continues to encourage the Town Council to take land use planning actions that are supported by the law and reflect the desires and wishes of Town residents.

Thank you for your consideration of LGCA's views on this matter. Please do not hesitate to contact me with any questions regarding this correspondence.

Sincerely yours,
Matt Francois

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