



**TOWN OF LOS GATOS
COUNCIL MEETING AGENDA
JUNE 06, 2023
110 EAST MAIN STREET AND TELECONFERENCE
TOWN COUNCIL CHAMBERS
LOS GATOS, CA
7:00 PM**

PARTICIPATION IN THE PUBLIC PROCESS

*Maria Ristow, Mayor
Mary Badame Vice Mayor
Matthew Hudes, Council Member
Rob Moore, Council Member
Rob Rennie, Council Member*

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 on page 2 of this agenda. If you wish to speak to an item NOT on the agenda, you may do so during the “Verbal Communications” period, by following the participation instructions 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 Tuesdays 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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IMPORTANT NOTICE

This is a hybrid meeting and will be held in-person at the Town Council Chambers at 110 E. Main Street and virtually through the Zoom webinar application (log-in information provided below). Members of the public may provide public comments for agenda items in-person or virtually through the Zoom webinar by following the instructions listed below. The live stream of the meeting may be viewed on television and/or online at www.LosGatosCA.gov/TownYouTube.

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/87922005778?pwd=RnNadElXWEVQd290dDJJVzEwaEw3Zz09>
Passcode: 771495 You can also type in X in the “Join a Meeting” page on the Zoom website at <https://zoom.us/join>.
 - 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.
- **Join by telephone:** Join by Telephone: Dial: USA 877 336 1839 US Toll-free or 636 651 0008 US Toll. Conference code: 686100
 - If you are participating by calling in, press #2 on your telephone keypad to raise your hand.
- **In-Person:** If you wish to speak during the meeting, please complete a “speaker’s card” located on the back of the chamber benches and return it to the Town Clerk. If you wish to speak to an item on the agenda, please list the item number. If you wish to speak on an item NOT on the agenda, please list the subject and you may speak during the “Verbal Communications” period. The time allocated to speakers may change to better facilitate the Town Council meeting.

When called to speak, you may 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 wish to speak to an item or items on the Consent Calendar, please state which item number(s) you are commenting on at the beginning of your time.

If you are unable to participate in real-time, you may email to Clerk@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.

MEETING CALL TO ORDER

ROLL CALL

APPROVE REMOTE PARTICIPATION *(This item is listed on the agenda in the event there is an emergency circumstance requiring a Council member to participate remotely under AB 2449 (Government Code 54953)).*

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 Meeting without first being recognized;
- Interrupting speakers, Town Council Meeting, 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 Section 403.

PLEDGE OF ALLEGIANCE

PRESENTATIONS

- i. Outgoing Youth Commissioner Commendations
- ii. Youth Friendly Business of the Year
- iii. Youth Friendly Green Business of the Year

CLOSED SESSION REPORT

COUNCIL / MANAGER MATTERS

CONSENT ITEMS *(Items appearing on the Consent Items are considered routine Town business and may be approved by one motion. Any member of the Council may request to have an item removed from the Consent Items for comment and action. Members of the public may provide input on any or multiple Consent Item(s) when the Mayor asks for public comments on the Consent Items. If you wish to comment, please follow the Participation Instructions contained on Page 2 of this agenda. If an item is removed, the Mayor has the sole discretion to determine when the item will be heard.)*

1. Approve the Draft Minutes of the May 16, 2023, Town Council Meeting.
2. Ratify the Town Council Selection Committee's Recommended Youth Commissioner Appointments.
3. Approve Town Council Meeting Schedule for the 2023/2024 Fiscal Year.

4. Authorize the Town Manager to Execute a First Amendment to a Consultant Services Agreement with AMS Electric LLC (dba Prime Electric LLC) for a Design-Build Project to Install a Battery Storage System at the Library (CIP 821-2502) to Extend the Term and Time of Performance through June 30, 2024.
5. Authorize the Town Manager to Execute a First Amendment to the Agreement with Pacific Water Art for Fountain Maintenance and Repair Services, Extending the Term to June 30, 2024, and to Add to the Compensation \$46,495 for a Total Agreement Amount Not to Exceed \$253,505.
6. Authorize the Town Manager to Execute a Third Amendment to the Agreement for Services with St. Francis Electric, Inc. for Traffic Signal and Streetlight Maintenance and Underground Service Alert Locating Services to Include:
 - a. An Increase to the Contract Amount for Fiscal Year 2022/23 in the Amount of \$53,381, for a Fiscal Year Amount of \$238,381 and a Total Agreement Amount Not to Exceed \$953,948; and
 - b. An Expenditure Budget Adjustment in the Amount of \$53,381 from Available Capital/Special Project Reserve.
7. Authorize the Town Manager to Execute a Revised Use Agreement with West Valley Red Hawks Lacrosse Club.
8. Authorize the Town Manager to Accept the Holiday Light Displays as Donations to the Town From the Los Gatos Chamber of Commerce.
9. Authorize the Town Manager to Execute a First Amendment to the Agreement for Consultant Services with Kier and Wright Civil Engineers and Surveyors, Inc. to Provide Services as the "Acting Town Surveyor" for Various Land Development Mapping Services, Extending the Term to June 30, 2024.
10. Authorize the Town Manager to Execute a Grant Agreement with KCAT for "The Producers" 55+ Volunteer Program for \$100,000 and Authorize an Expenditure Budget Adjustment of \$100,000 from the Available General Fund in the Council Priorities-Economic Recovery Reserve.

VERBAL COMMUNICATIONS *(Members of the public are welcome to address the Town Council on any matter that is not listed on the agenda. To ensure all agenda items are heard and unless additional time is authorized by the Mayor, this portion of the agenda is limited to 30 minutes and no more than three (3) minutes per speaker. In the event additional speakers were not able to be heard during the initial Verbal Communications portion of the agenda, an additional Verbal Communications will be opened prior to adjournment.)*

OTHER BUSINESS *(Up to three minutes may be allotted to each speaker on any of the following items.)*

11. Authorize the Town Manager to Close the Winchester Boulevard Complete Streets Project (CIP No. 813-0238) and:
 - a. Request that VTA Reallocate Measure B \$1,734,250 Funding;
 - b. Authorize an Expenditure Budget Transfer in an Amount of \$169,000 from Available General Fund Appropriated Reserve (GFAR) Funds in Project No. 813-0238 to Project No. 832-4505 - Los Gatos Creek Trail to Highway 9 Connector Project; and
 - c. Authorize an Expenditure Budget Transfer in an Amount of \$432,926 from Available GFAR Funds in Project No. 813-0238 to Project No. 813-0241 - Kennedy Sidewalk - Los Gatos Boulevard.

12. Approve a Funding Plan for Construction of the Los Gatos Creek Trail to Highway 9 Trailhead Connector Project (CIP No. 832-4505) and take the following actions:
 - a. Authorize the Town Manager to Execute Supplement 2 to the Agreement for One Bay Area Grant Program (OBAG II) Grant Funds for Total Compensation of \$6,193,000 from the Department of Transportation (Caltrans); and
 - b. Authorize Revenue and Expenditure Budget Adjustments in the Amount of \$2,842,000 to Recognize the Receipt and the Spending of the Additional OBAG II Grant; and
 - c. Adopt a Resolution Authorizing Receipt of \$68,884 from the Transportation Development Act Article 3 (TDA3) Funding Program; and
 - d. Authorize Revenue and Expenditure Budget Adjustments in the Amount of \$68,884 to Recognize the Receipt and the Spending of the TDA3 Funding.

PUBLIC HEARINGS *(Members of the public may be allotted up to three minutes to comment on any public hearing item. Items requested/recommended for continuance are subject to Council's consent at the meeting.)*

13. Operating and Capital Budgets
 - a. Adopt a Resolution Approving the Town of Los Gatos Fiscal Year (FY) 2023/24 Operating Budget and FY 2023/24 – 2027/28 Capital Improvement Program (CIP), New Appropriations, Additional Council Actions on May 16, 2023; American Rescue Plan Act Budget Adjustment, Minor Corrections, and Carry-Forward Appropriations.
 - b. Adopt a Resolution Approving Commitment of Fund Balances under GASB 54.
 - c. Approve FY 2022/23 Budget Adjustments:
 1. Major Revenue Adjustments to Match Year-End Estimated Revenues as Directed by the Town Council on May 16, 2023 and as Determined from Updated Information
 - i. Property Tax revenue Increase in the Amount of \$140,000,
 - ii. Educational Realignment Augmentation Fund (ERAF) Revenue Increase in the Amount of \$818,891.60 and Reserve 30% (689,607.60) of the Total Proceeds (\$2,298,691.60) in an ERAF Risk Reserve,
 - iii. Transient Occupancy Tax Increase in the Amount of \$348,547,
 - iv. Interest Revenue Increase in the Amount of \$237,074,
 - v. Sales Tax Revenue Increase in the Amount of \$121,878 (\$124,851 Increase in Regular Sales Tax and \$2,973 Decrease in Measure G Sales Tax),
 - vi. Business License Tax Revenue Decrease in the Amount of \$133,890,
 - vii. Plan Check Pass Through Service Revenue Increase in the Amount of \$125,000,
 - viii. Map Plan Check Pass Through Service Revenue Increase in the Amount of \$120,000,
 - ix. OPEB Trust Withdrawal Revenue Decrease in the Amount of \$902,579 as Current Year End Estimates FY 2022/23 Surplus,
 - x. Recognize \$140,195 General Fund Salary Reimbursement for Capital Improvement Staff Work,
 - xi. Recognize Additional Police Foundation Donation Received in the Amount of \$50,195, and

- xii. Recognize up to \$20,000 General Fund Salary Reimbursement for Enterprise Resource Upgrade Project Staff Work.
- 2. Expenditure Increases:
 - i. In the Amount of \$140,195 for General Fund Salary Reimbursement for Capital Improvement Staff Work,
 - ii. In the Amount of \$125,000 for Plan Checking Pass Through Services,
 - iii. In the Amount of \$100,000 for Map Plan Checking Pass Through Services,
 - iv. In the Amount of \$50,195 to Authorize the Spending the Additional Police Foundation Donation Received,
 - v. In the Amount of \$32,000 to Cover Third Party Business License Administrator Services, and
 - vi. In the Amount of up to \$20,000 General Fund Salary Reimbursement for Enterprise Resource Upgrade Staff Work.
- 3. Approve American Rescue Plan Act (ARPA) Replacement Revenue Tracking Pass Through Revenue and Expenditures Budget Adjustments in the Amount of \$453,465.

OTHER BUSINESS (*Up to three minutes may be allotted to each speaker on any of the following items.*)

- 14. Provide Direction on Terms and Authorize the Town Manager to Execute a Use Agreement with Los Gatos-Saratoga Community Education and Recreation.

ADJOURNMENT (*Council policy is to adjourn no later than midnight unless a majority of Council votes for an extension of time*).

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: In accordance with Code of Civil Procedure §1094.6; litigation challenging a quasi-adjudicatory decision of the Town Council must be brought within 90 days after the decision is final unless a shorter time is required by State or Federal law.