



TOWN OF LOS GATOS COUNCIL AGENDA REPORT

Minutes of the Town Council Meeting Tuesday, January 16, 2024

The Town Council of the Town of Los Gatos conducted a regular meeting in-person and utilizing teleconferencing means on Tuesday, January 16, 2024, at 7:00 p.m.

MEETING CALLED TO ORDER AT 7:02 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

Council Member Rennie led the Pledge of Allegiance. The audience was invited to participate.

PRESENTATIONS

Mayor Badame presented commendations to outgoing commissioners.

CLOSED SESSION REPORT

Gabrielle Whelan, Town Attorney, stated the Town Council met in closed session to discuss two items of potential litigation pursuant to Government Code Section 54956.9e(1) and to discuss real property negotiations pursuant to Government Code Section 54956.8 and stated there was no reportable action.

COUNCIL/TOWN MANAGER REPORTS

Council Matters

- Vice Mayor Hudes stated he participated in the Foundation for Older Adults to Thrive Initiatives and Publicity Committee meeting, and two Foundation for Older Adults to Thrive Executive Committee meetings; met with a resident regarding Senate Bill 9; participated in a Finance Commission meeting; toured the Los Altos Community Center; participated in a Foundation for Older Adults to Thrive meeting; attended a screening of *Eating Our Way to Extinction* put on by Plant Based Advocates; attended a Diversity, Equity, and Inclusion Commission Meeting; met with Tyler Taylor of Successful Aging Solutions & Community Consulting (SASCC); and looked at property located at 124 Garden Hill Road.
- Council Member Rennie stated he met with a Housing Element Advisory Board (HEAB) member; attended a Silicon Valley Clean Energy Authority (SVCEA) Ad Hoc CEO Advisory Committee meeting; met with the auditors for Valley Transportation Authority (VTA) as the Chair of Policy Advisory Committee; had a one-on-one with the outgoing SVCEA CEO; attended a Finance Commission meeting; met with staff members of SVCEA; attended a SVCEA Board meeting; met with the Chair of Historic Preservation Committee (HPC).

- Council Member Moore stated he attended the St. Luke's Food Pantry; toured the Los Altos Community Center; attended a screening of *Eating Our Way to Extinction* put on by Plant Based Advocates; hosted his community coffee; met with architects, developers and residents; attended the Heart-to-Heart Conference; attended a West Valley Sanitation District Authority (WVSDA) meeting; stated he will host an informal happy hour.
- Council Member Ristow stated she met with two members of the HEAB; met with people interested in applying for Town Commissions, architect Jay Plett and his client, and residents to discuss several issues; observed the January Finance Commission meeting; attended the St. Vincent de Paul monthly meeting; stated she is looking forward to upcoming HEAB meeting and representing Los Gatos on the VTA Policy Advisory Committee.
- Mayor Badame stated she participated in a meeting with Los Gatos Leaders at Hotel Los Gatos; attended a meeting of the Finance Commission as an observer, Town Boards, Commissions and Committees orientations, ribbon cutting of Hotel Los Gatos, and the Leadership Los Gatos Community Connections session.

Manager Matters

- Announced a mid-cycle Board, Commission, and Committee recruitment will open soon; stated there are two opening for the Finance Commission, one opening for the Diversity, Equity, Inclusion, Commission for a Los Gatos business owner/resident seat, and other opportunities will be available; and stated interviews are tentatively scheduled for March 19, 2024, at 5:00 p.m. and more information can be found on the Town Clerk webpage.

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

1. Approve Town Council Closed Session Minutes of December 19, 2023.
2. Approve Town Council Study Session Minutes of December 19, 2023.
3. Approve Council Meeting Minutes of December 19, 2023.
4. Adopt a Resolution to Extend the Term of the Housing Element Advisory Board.

RESOLUTION 2024-001

5. Authorize the Town Manager to Execute a Six-Year Agreement for Services with New Image Landscape Co. for Landscape Maintenance Services for a Total Agreement Amount Not to Exceed \$846,932 Plus Allowable Increase Adjustments Made for Consumer Price Index (CPI) Beginning in Year 2 of Contract.
6. Rescind Resolution 2023-063 and Adopt a Revised Resolution Making Determinations and Approving the Reorganization of an Uninhabited Area Designated as Los Gatos Boulevard No. 20, Approximately 0.521 Acres on Property Pre-Zoned R-1:8. APN 523-01-001. Annexation Application AN22-001. Project Location: **15810 Los Gatos Boulevard**. Property Owner/Applicant: Jesus Ching and Kathleen Ban. **RESOLUTION 2024-002**
7. Authorize the Town Manager to Execute the Following Agreements with San José Conservation Corps:
 - a. Episodic Support for Winter Storm Response in an Amount Not to Exceed \$15,000 and
 - b. Parks-Related Support Staffing in an Amount Not to Exceed \$87,100.
8. Receive the Monthly Financial and Investment Report for November 2023.

9. Authorize the Town Manager to Negotiate and Execute a Lease Agreement with Candler for LTFJ S Corp for 41 North Santa Cruz Avenue, in Substantially the Form Presented for a 23-Month Initial Term with One Option to Extend for an Additional 24 Months.
10. Authorize the Town Manager to Negotiate and Execute a Fifth Amendment to a Parking Lot Lease with Frontier California Inc. (formerly Verizon), in Substantially the Form Presented, to Extend the Lease for an Additional Five Years in an Amount Not to Exceed \$363,146 Over Those Five Years.

Rob Moore stated he will recuse himself from Item 7 due to San José Conservation Corps being his employer.

Mayor Badame opened public comment.

No one spoke.

Mayor Badame closed public comment.

MOTION: Motion by Council Member Ristow to approve consent items 1-10. Seconded by Vice Mayor Hudes.

VOTE: Motion passed unanimously; Council Member Moore recused from Item 7.

VERBAL COMMUNICATIONS

Chris Wiley

- Requested Council make a symbolic gesture to “bury the hatchet.”

Joseph Enz, Friends of the Los Gatos Creek

- Provided positive comments about the Town’s homeless community.

Marilee Ankaitis

- Commented on concerns with parking in the Olive Zone and on Villa Avenue and the monitoring of the parking permits.

Phillipp Bosshard

- Commented on concerns with parking on Villa Avenue and the Olive Zone.

OTHER BUSINESS

11. Review and Discuss the Proposed Revisions to the Draft Revised 2023-2031 Housing Element. Location: Town-Wide. General Plan Amendment Application GP-22-003.

Erin Walters, Associate Planner, presented the staff report.

Mayor Badame opened public comment.

Chris Bajorek

- Commented on concerns with Housing Element Plan process.

Lee Quintana

- Commented on the California Department of Housing and Community Development's (HCD) concerns with accessibility and mobility and made suggestion for possible rezoning.

Susan Burnett

- Commented on concerns with availability of HCD staff and builders' remedy.

Rich

- Commented on concerns with proposed project building heights, traffic, and infrastructure.

Tony Alarcon

- Commented on providing pre-approved Accessory Dwelling Unit plans, allowing boarding houses on religious sites, and providing communal living.

Mayor Badame closed public comment.

MOTION: Motion by Vice Mayor Hudes to use the Los Altos program 6G wherever possible, adopt the concepts and the language that are in Los Altos program (in Attachment 5). **Seconded by Mayor Badame.**

VOTE: Motion fails 2-3. Council Members Ristow, Rennie, and Moore voted no.

MOTION: Motion by Council Member Moore to bundle the steps to increase housing mobility similar to Los Altos in the Town's Housing Element, and modify program J to change the language from "in all neighborhoods" to "in a variety of neighborhoods." **Seconded by Council Member Ristow.**

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

Recess 9:15 p.m.

Reconvene 9:25 p.m.

Council continued discussion on the proposed revisions to the Draft Revised 2023-2031 Housing Element.

MOTION: Motion by Vice Mayor Hudes to address comment 1b in the Desk Item by following the example of Los Altos Hills, specifically with table 49 and table 50. **Seconded by Council Member Moore.**

VOTE: Motion passed unanimously.

PUBLIC HEARINGS

12. Conduct a Public Hearing for the Town's Transportation Impact Fee Program to:
 - a. Adopt a Resolution to Adopt the Transportation Impact Nexus Study Dated November 2023 (including the Project List – Appendix 1 Which Serves as the Town's Transportation Capital Improvement Plan); **RESOLUTION 2024-003**
 - b. Adopt a Resolution to Update a Transportation Impact Fee to Replace the Town's Existing Traffic Impact Mitigation Fee; **RESOLUTION 2024-004**
 - c. Introduce an Ordinance Titled "An Ordinance of the Town Council of the Town of Los Gatos Amending Town Code Section 15, Article VII 'Traffic Impact Mitigation Fees'"; and
 - d. Adopt a Resolution to Modify Town Council Policy 1-08: "Transportation Impact Policy." **RESOLUTION 2024-005**

Nicolle Burnham, Parks and Public Works Director, presented the staff report.

Mayor Badame opened public comment.

Colin Corbett

- Inquired about the types of infrastructure in place.

Mayor Badame closed public comment.

MOTION: Motion by **Council Member Ristow** to adopt a resolution to adopt the Transportation Impact Nexus Study dated November 2023 (including the Project List – Appendix 1 Which Serves as the Town's Transportation Capital Improvement Plan) (attachment 1); adopt a resolution to update a Transportation Impact Fee to replace the Town's Existing Traffic Impact Mitigation Fee (attachment 2); Introduce an Ordinance Titled "An Ordinance of the Town Council of the Town of Los Gatos Amending Town Code Section 15, Article VII 'Traffic Impact Mitigation Fees'" (attachment 3); and adopt a resolution to modify Town Council Policy 1-08: "Transportation Impact Policy." **Seconded by Council Member Moore.**

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

MOTION: Motion by **Council Member Rennie** to take the remaining agenda items in the following order: 13, 17, 14, 15, 16. **Seconded by Council Member Moore.**

VOTE: Motion passed unanimously.

13. Weed Abatement Public Hearing to Consider Objections to the Proposed Abatement of Hazardous Vegetation (Weeds) for Properties Listed on the 2024 Weed Abatement Program Commencement Report and Order the Abatement.

Meredith Johnston, Administrative Technician for the Parks and Public Works Department, presented the staff report.

Mayor Badame opened public comment.

Colin Corbett

- Objected to the fees due to purchasing the house after the inspection was complete and conforming with the abatement after purchase.

Mayor Badame closed public comment.

MOTION: Motion by Council Member Moore to remove 15970 Quail Hill Road from the abatement list and move forward with the rest of the listed properties. **Seconded by Council Member Rennie.**

VOTE: Motion passed unanimously.

17. Consider an Appeal of a Planning Commission Decision to Deny a Fence Height Exception Request **at 124 Garden Hill Drive** for the Construction of a Six-Foot Tall Fence Located Within the Required Front Yard Setback, Street Side Yard Setback, and Corner Sight Triangle on Property Zoned R-1:8. APN 424-23-084. Fence Height Exception Application FHE-23-005. Categorically Exempt Pursuant to CEQA Guidelines Section 15303: New Construction or Conversion of Small Structures and Section 15301: Existing Facilities. Property Owner: Rushikesh Kulkarni. Applicant/Appellant: Martin Lettunich. Project Planner: Ryan Safty.

Jennifer Armer, Planning Manager, presented the staff report.

Mayor Badame opened public comment.

Rushikesh Kulkarni, applicant, gave opening comments in support of the appeal.

Rushikesh Kulkarni, applicant, gave closing comments.

Mayor Badame closed public comment.

MOTION: Motion by Council Member Ristow to remand the item back to the Planning Commission, with the findings that the applicant is willing to compromise that would allow for the corner site line to be visible and direct the Planning Commission to determine what should happen with the lower part of the fence and how to accommodate safety concerns. **AMENDMENT:** Add there was no error or abuse of discretion by the Planning Commission, the direction was based on new information that the applicant provided a potential compromise, continue this item to a date certain of February 6, 2024, and direct staff to prepare a resolution to remand the item back to the Planning Commission with findings as previously discussed.

Seconded by Vice Mayor Hudes.

VOTE: Motion passed unanimously.

OTHER BUSINESS

14. Consider the Following Actions:

- a. Receive the Information Provided in the Police Services Report: July – December 2023,
- b. Authorize the Town Manager to Execute an Agreement with Meliora Public Safety Consulting to Conduct an Organizational Assessment and Develop a Data Analysis Toolkit in an Amount Not to Exceed \$80,000, and
- c. Approve an Expenditure Budget Adjustment in the Amount of \$80,000 from the Available General Fund Capital/Special Projects Reserve.

Jamie Field, Police Chief, presented the staff report.

Mayor Badame opened public comment.

MOTION: Motion by Council Member Hudes to continue the meeting to 12:15 a.m. **Seconded by Council Member Ristow.**

VOTE: Motion passed unanimously.

Lee Fagot

- Commended the Los Gatos-Monte Sereno Police Department and commented on concerns with noise levels, electric bicycle safety, and the Governor recommendation on traffic speed enforcement.

Michael Silva

- Commented on safety concerns at the Blossom Hill Road and North Santa Cruz Avenue intersection.

Mayor Badame closed public comment.

MOTION: Motion by Council Member Rennie to receive the information provided in the Police Services Report: July – December 2023, authorize the Town Manager to execute an agreement with Meliora Public Safety Consulting to conduct an organizational assessment and develop a Data Analysis Toolkit in an amount not to exceed \$80,000, and approve an Expenditure Budget Adjustment in the amount of \$80,000 from the available General Fund Capital/Special Projects Reserve. **Seconded** by Council Member Ristow.

VOTE: Motion passed unanimously.

15. Consider Whether the Town Should Retain a Separate Building Board of Appeals and Provide Direction to Staff.

Gabrielle Whelan, Town Attorney, presented the staff report.

Mayor Badame opened public comment.

No one spoke.

Mayor Badame closed public comment.

MOTION: Motion by Council Member Ristow to designate the Town Council to assume the duties of the Building Board of Appeal and disband the existing board. **Seconded** by Council Member Moore.

VOTE: Motion passed unanimously.

MOTION: Motion by Council Member Hudes to extend the meeting until 12:30 p.m. **Seconded** by Council Member Moore.

VOTE: Motion passed unanimously.

16. Provide Direction Regarding Potential Amendments to the Historic Preservation Committee Ordinance and Enabling Resolution.

Gabrielle Whelan, Town Attorney, presented the staff report.

Mayor Badame opened public comment.

No one spoke.

Mayor Badame closed public comment.

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SUBJECT: Minutes of the Town Council Meeting of January 16, 2024

DATE: January 16, 2024

MOTION: Motion by Vice Mayor Hudes to adopt option two in the staff report, without the recusal requirement. [Retain Town Code Section 29.80.255(a) which provides that Planning Commissioners serve on the Historic Preservation Committee, revise Town Code Section 29.80.227 to provide that the Historic Preservation Committee is advisory in nature]. **Seconded by Mayor Badame.**

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

ADJOURNMENT

The meeting adjourned at 12:26 a.m.

Respectfully Submitted:

/s/ Jenna De Long, Deputy Town Clerk