



TOWN OF LOS GATOS COUNCIL AGENDA REPORT

Minutes of the Town Council Meeting Tuesday, June 4, 2024

The Town Council of the Town of Los Gatos conducted a regular meeting in-person and utilizing teleconferencing means on Tuesday, June 4, 2024, at 7:00 p.m.

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

ROLL CALL

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

Absent: None

PLEDGE OF ALLEGIANCE

Vikram Devaru led the Pledge of Allegiance. The audience was invited to participate.

PRESENTATIONS

Youth Commissioners gave a presentation on the work of the Youth Commission, announced Salt and Straw as the Youth Friendly Business of the Year and Juice Co. as the Green Youth Friendly Business of the Year.

Mayor Badame presented commendations to outgoing Youth Commissioners.

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

1. Approve Minutes for the May 20, 2024 Closed Session Town Council Meeting.
2. Approve Minutes for the May 21, 2024 Town Council Meeting.
3. Approve Town Council Meeting Schedule for Fiscal Year 2024/2025.
4. Ratify the Town Council Selection Committee's Recommended Youth Commissioner Appointments.
5. Authorize the Town Manager to Execute a First Amendment to the Agreement for Consultant Services with The KPA Group to Increase the Compensation for Construction Administration for the Civic Center Improvements (CIP 821-2117) in an Amount of \$36,835 for a Total Contract Amount of \$132,835.
6. Adopt a Resolution to Adopt a List of Projects for Fiscal Year 2024/25 Funded by the State Senate Bill 1, the Road Repair and Accountability Act of 2017. **RESOLUTION 2024-027**
7. Authorize the Town Manager to Execute a Five-Year Agreement for Services with Air Systems Inc. for Heating Ventilation and Air Conditioning (HVAC) Preventative Maintenance and Repair Services Including a Contingency for Unforeseen Repairs for a Total Agreement Amount of \$521,600.

8. 2024 Annual Street Repair and Resurfacing Project (CIP No. 811-9901):
 - a. Award and Authorize the Town Manager to Execute a Contract with O'Grady Paving in an Amount Not to Exceed \$3,274,430;
 - b. Authorize the Town Manager to Execute Change Orders in an Amount Not to Exceed Ten Percent (10%) of the Contract Award Amount (\$327,443);
 - c. Authorize the Town Manager to Execute a Contract with BSK for Project Materials Testing in an Amount Not to Exceed \$48,356; and
 - d. Approve the Project Construction Plans with Addenda as Required by Government Code 830.6 – Design Immunity.
9. Adopt a Resolution Establishing the Fiscal Year 2024/25 Gann Appropriation Limit for the Town of Los Gatos. **RESOLUTION 2024-028**
10. Authorize the Town Manager to Execute an Agreement with Los Gatos-Monte Sereno Safe Routes to School to Provide Education and Encouragement Programs and Crossing Guard Services for an Amount Not to Exceed \$70,190.
11. Adopt a Resolution Calling for the General Municipal Election to be Held on November 5, 2024 for the Election of Two Town Council Members to be Held in the Town of Los Gatos, Requesting the Consolidation of Election with the Statewide General Election, Requesting the Santa Clara County Board of Supervisors Render Specified Services to the Town Related to the Conduct of the General Municipal Election, Adopting Regulations for Candidates for Elective Office Pertaining to Filing Fees and Candidate Statements, and Providing for the Process in the Event of a Tie Vote. **RESOLUTION 2024-029**
12. Authorize the Town Manager to Execute a First Amendment to an Agreement for Services with JLP Building Maintenance LLC for Janitorial Services to Extend the Term through September 30, 2024 and Increase the Compensation by \$66,551 for a Total Amount Not to Exceed \$1,115,603.
13. Authorize the Town Manager to Execute a First Amendment to the Construction Agreement with Tucker Construction Inc. to Increase the Compensation by \$13,538 for a Total Agreement Amount Not to Exceed \$287,977 for the Adult Recreation Center Americans with Disabilities Act (ADA) Compliant Public Restroom Project (CIP 821-2601).
14. 2024 Annual Curb, Gutter, and Sidewalk Maintenance Project (CIP No. 813-9921):
 - a. Award and Authorize the Town Manager to Execute an Agreement for Consultant Services with Ninyo & Moore for Materials Testing in an Amount Not to Exceed \$18,555; and
 - b. Authorize an Expenditure Budget Transfer in an Amount of \$18,555 from the Annual Street Repair and Resurfacing Project (CIP No. 811-9901) to the Annual Curb, Gutter, and Sidewalk Maintenance Project (CIP No. 813-9921).
15. Authorize the Town Manager to Execute an Amendment to the Software Support Agreement with Sun Ridge Systems to Incorporate Crossroads Collision and E-Citation Add-On Modules for the Remaining Term of the Original Agreement with the Total Agreement Not to Exceed \$260,000.
16. Authorize the Town Manager to Execute a Transitional Agreement for Animal Services with Silicon Valley Animal Control Authority (SVACA) and Execute a Revised Joint Exercise of Powers Agreement for SVACA as a Participating Member Agency.

Mayor Badame opened public comment.

No one spoke.

Mayor Badame closed public comment.

MOTION: Motion by Council Member Ristow to approve consent items 1-16. Seconded by Council Member Moore.

VOTE: Motion passed unanimously by roll call vote.

VERBAL COMMUNICATIONS

Amy Despars

- Commented concerns regarding proposed development projects.

Gil Mesa

- Commented on concerns regarding the building height of proposed development projects.

Deborah Weinstein and Sonya Tappan, Los Gatos Education Foundation

- Announced Sonya will be taking over the role of Executive Director and thanked the Council for their support.

David Lawler

- Inquired about postcard notice mailing.

Joe Enz, Friends of the Los Gatos Creek

- Commented on creek clean-up.

Rob Stump

- Requested the Town Council work with the Los Gatos Lodge property developer and school district to create a second point of access to the Los Gatos High School property.

Lee Fagot

- Stated support of Rob Stump's comments and provided positive remarks on the Youth Commission's work.

Rich Stephens

- Commented concerns regarding proposed development projects.

Lucinda Van Bruggen

- Inquired about signage for development projects and commented on concerns regarding proposed development projects.

Pat Kearns, WRATES

- Commented on concerns with San Jose Water Company and requested the Town work with the California Public Utilities Commission (CPUC) to ensure utilities are held accountable.

Tony Alarcon

- Commented concerns regarding proposed development projects.

Conrad Van Bruggen

- Commented on height concerns regarding proposed development projects.

Franz Zach

- Commented concerns regarding proposed development projects.

Audry Warmuth

- Commented concerns regarding proposed development projects.

Ellie Stearn

- Commented on height concerns of proposed development projects.

Lynley Hogan

- Read religious text and commented on concerns.

Brent Ventura

- Commented on concerns with proposed development projects.

PUBLIC HEARINGS

17. Consider a Recommendation of the Planning Commission to Adopt a Resolution Adopting the Draft Revised 2023-2031 Housing Element. An Environmental Analysis Based on the Previously Certified 2040 General Plan Final Environmental Impact Report has been Prepared for the Draft Revised 2023-2031 Housing Element. The Housing Element is Within the Scope of the Previously Approved 2040 General Plan, and the Program EIR for the General Plan Adequately Describes the Impacts of the Housing Element for Purposes of CEQA. Location: Townwide. Applicant: Town of Los Gatos. General Plan Amendment Application GP-24-001. **RESOLUTION 2024-030**

Jocelyn Shoopman, Senior Planner, presented the staff report.

Council asked preliminary questions.

Mayor Badame opened public comment.

Tony Alarcon

- Commented on RHNA (Regional Housing Needs Allocation) numbers and upzoning concerns.

Rich Stephens

- Commented on concerns with increased housing in hillside areas and a streamlined process for approval of Accessory Dwelling Units (ADUs).

Amy Despars

- Commented on concerns with the number of units proposed for approval.

Lee Quintana

- Commented on concerns with Housing Element Programs J and AY and that the Town needs to address the parcels with zoning district and General Plan designation inconsistencies.

David Lawler

- Commented on the letter he submitted and requested the Town fight the State to stop Builders Remedy.

Brent Ventura

- Commented on concerns with the number of housing units proposed for approval.

Mayor Badame closed public comment.

Council discussed the item.

MOTION: Motion by Council Member Moore to adopt a resolution adopting the Draft Revised 2023 Housing Element shown in the agenda [packet material] as Attachment 10.
Seconded by Council Member Ristow.

VOTE: Motion passed 3-2 by roll call vote. Vice Mayor Hudes and Mayor Badame voted no.

Mayor Badame called a recess at 9:51 p.m.

The meeting reconvened at 10:03 p.m.

18. Operating and Capital Budgets:

- a. Adopt a Resolution Approving the Town of Los Gatos Fiscal Year (FY) 2024/25 Operating Budget and FY 2024/25– 2028/29 Capital Improvement Program (CIP), New Appropriations, Additional Council Actions on May 21, 2024; Minor Corrections, and Carry-Forward Appropriations; **RESOLUTION 2024-031**

- b. Adopt a Resolution Approving Commitment of Fund Balances under GASB 54 (Attachment 2); **RESOLUTION 2024-032**
- c. Approve FY 2023/24 Budget Adjustments and Reclassifications as listed in Attachment 3; and
- d. Authorize an Expenditure Budget Adjustment from IRS 115 Restricted Pension Trust to CalPERS up to the Amount Available in the Trust (the Estimated Balance Available is \$2,090,163).

Gitta Ungvari, Finance Director, presented the staff report.

Mayor Badame opened public comment.

No one spoke.

Mayor Badame closed public comment.

MOTION: Motion by Mayor Badame to adopt a resolution approving the Town of Los Gatos Fiscal Year (FY) 2024/25 Operating Budget and FY 2024/25 – 2028/29 Capital Improvement Program (CIP), new appropriations, additional Council actions on May 21, 2024; minor corrections, and Carry-Forward Appropriations as in Attachment 1; adopt a Resolution Approving Commitment of Fund Balances under GASB 54 (Attachment 2); approve FY 2023/24 Budget Adjustments and Reclassifications as listed in Attachment 3; and authorize an expenditure budget adjustment from IRS 115 restricted pension trust to CalPERS up to the amount available in the trust (which the estimated balance is \$2,090,163). **Seconded by Council Member Moore.**

Town Manager Prevetti stated Attachment 3 was revised in the Desk Item with Attachment 5. She also noted that the Oversight Committee did not take action to move money from the pension fund, therefore the recommended action on the expenditure budget adjustment (item d) is not necessary at this time.

SUBSTITUTE MOTION: Motion by Mayor Badame to approve the Resolutions in Attachments 1, 2, and 5 [in the agenda packet and supplemental materials]. **Seconded by Council Member Moore.**

VOTE: Motion passed unanimously by roll call vote.

- 19. Adopt a Resolution Approving the Administrative Fine and Penalty Schedule for Fiscal Year 2024/25 to Continue, Amend, and Add Certain Department Administrative Fines and Penalties for Fiscal Year 2024/25. **RESOLUTION 2024-033**

Gabreille 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 adopt a resolution approving the administrative fine and penalty schedule for Fiscal Year 2024/25 in Attachment 1 with the removal of references to Town Code Sections 15.50.015 and 15.050.020 [15.05.020 as stated in the Desk Item] to continue, amend, and add certain department administrative fines and penalties for fiscal year 2024/25 [Attachment 2]. **Seconded by Council Member Moore.**

VOTE: Motion passed unanimously by roll call vote.

OTHER BUSINESS

20. Adopt a Resolution to Set a Date for Consideration of the Reorganization of an Uninhabited Area Designated as El Gato Lane No. 6, Approximately 0.563 Acres on Property Pre-Zoned R-1:8. APN 523-22-007. Annexation Application AN24-001. Project Location: 15575 El Gato Lane. Property Owners: Sai Kiran Garimella and Renu Sushma Kolli. Applicant: Barzin Keyhankhadiv. **RESOLUTION 2024-034**

Joel Paulson, Community Development Director, presented the staff report.

Mayor Badame opened public comment.

No one spoke.

Mayor Badame closed public comment.

MOTION: Motion by Mayor Badame to adopt a resolution in Attachment 1 to set a date for consideration of the reorganization of an uninhabited area designated as El Gato Lane No. 6, approximately 0.563 acres located at 15575 El Gato Lane. **Seconded by Council Member Ristow.**

VOTE: Motion passed unanimously by roll call vote.

PUBLIC HEARINGS

21. Introduce an Ordinance Amending the Town's Curfew Ordinance. Ordinance Title: "An Ordinance of the Town Council of the Town of Los Gatos Amending Chapter 18, 'Offenses And Miscellaneous Provisions,' Article III, 'Minors,' and Division 2, 'Curfew,' of the Town of Los Gatos Town Code."

Gabreille Whelan, Town Attorney, presented the staff report.

Mayor Badame opened public comment.

Lee Fagot

- Shared his experience on a ride along to see who was violating the curfew law and stated all the youths stopped were from other municipalities.

Mayor Badame closed public comment.

Council discussed the item.

MOTION: Motion by Mayor Badame to introduce an Ordinance in Attachment 2 amending the Town's Curfew Ordinance. **Seconded by Council Member Ristow.**

VOTE: Motion passed unanimously by roll call vote.

COUNCIL/TOWN MANAGER REPORTS

Council Matters

- Council Member Ristow stated she attended CalCities Call to Action Luncheon, Memorial Day Ceremony, Chamber of Commerce Merchant Meeting, Romantiques' 30th Anniversary Celebration, and the Monday Morning Monthly Movie held by the Los Gatos Thrives Foundation.
- Council Moore acknowledged the passing of Drew Gordon; stated he will participate in the Library Summer Reading Challenge; attended the Los Gatos Education Foundation Celebration for Deborah Weinstein, a Los Gatos Disaster Aid Response Team (DART) Team meeting, a League of Cities Peninsula Division meeting, the Daves Avenue Culture Fair, the Africa Day event hosted by AWO, the Silicon Valley at Home "Happy Housers" event, and a Lion's Club date night event; met with students affected by the passing of an individual in an accident on Blossom Hill Road; and met with developers.
- Council Member Rennie stated he attended a Silicon Valley Clean Energy Oversight Committee meeting.
- Vice Mayor Hudes stated he met with the Los Gatos Foundation for Older Adult to Thrives Executive Committee and the Community Center Planning Committee meeting; announced the upcoming Community Center Dreaming meeting and invited all to attend; attended a Community Health and Senior Services Committee (CHSSC) meeting; participated in a meeting with the Los Gatos Foundation for Older Adults to Thrive meeting; and met with developer working on an older adults community called the Meadows.
- Mayor Badame stated she attended a League of Cities Peninsula Division meeting; participated in Mayors and Managers of West Valley monthly meeting, a West Valley Solid Waste Management Authority meeting; participated in the Memorial Day Ceremony; met with Los Gatos-Saratoga Union High School District Superintendent; attended a Monday

Morning Monthly Movie; and participated in the 8th grade promotional ceremony at Hillbrook School.

Town Manager Matters

- Announced Symphony in the Park will be held on July 4, 2024, at Oak Meadow Park starting at 10:30 a.m. and invited all to attend.

CLOSED SESSION REPORT

Gabriele Whelan, Town Attorney, stated the Town Council met in closed session to discuss labor negotiations pursuant to Government Code §54957.6 and conference with legal counsel regarding anticipated litigation pursuant to Government Code §54956.9(e)(3) there was no reportable action for either item.

ADJOURNMENT

The meeting adjourned at 10:47 p.m.

Respectfully Submitted:

/s/ Jenna De Long, Deputy Town Clerk