



## **TOWN OF LOS GATOS COUNCIL AGENDA REPORT**

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### **Minutes of the Town Council Meeting Tuesday, December 19, 2023**

The Town Council of the Town of Los Gatos conducted a regular meeting in-person and utilizing teleconferencing means on Tuesday, December 19, 2023, at 7:00 p.m.

#### **MEETING CALLED TO ORDER AT 7:04 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**

Vice Mayor Hudes led the Pledge of Allegiance. The audience was invited to participate.

#### **CLOSED SESSION REPORT**

Gabrielle Whelan, Town Attorney, stated the Town Council met in closed session pursuant to Government Code Section 54956.9 and there is no reportable action.

#### **COUNCIL/TOWN MANAGER REPORTS**

##### **Council Matters**

- Council Member Ristow stated she met with residents on several issues including the Housing Element, pedestrian safety, Town Government, Shannon Road, Community Center plans, and Community Garden; and attended the Community Garden public meeting, participated in the interview and selection of the poet laureate, Leigh High School Winter Production of "Clue," Finance Commission meeting, St. Luke's Christmas Feast, Hannukah on Main Street, Assembly Select Committee on Mental Health, Cities Association Holiday Party, and Wreaths Across America.
- Council Member Moore stated he completed an emergency medical responder class at San Jose City College and encouraged all to take a CPR, first aid, and AED class; gave a presentation on Housing to the West San Jose-Almaden Kiwanis Club; held his Council Member Community Coffee at Purple Onion; volunteered with Street Dog coalition; and attended a West Valley Sanitation District Authority meeting.
- Council Member Rennie stated he attended a Valley Transportation Authority (VTA) Board meeting; Chaired the VTA Policy Advisory Committee meeting; attended the 21<sup>st</sup> Century Holiday Club event, Finance Commission meeting, Silicon Valley Clean Energy Authority (SVCEA) End-of-the-Year Event, a SVCEA Board meeting, and a SVCEA Risk Oversight Committee meeting.

Council Matters – continued

- Vice Mayor Hudes stated he met with the Executive Committee of Older Adults Thrive Foundation; participated in the Town Commission interviews; observed the Finance Commission meeting; met with the Chair of Finance Commission, developers and real estate brokers regarding upcoming developments; attended the Assembly Select Committee on Mental Health; and met with Lynn Avenue and Pinehurst neighborhood residents.
- Vice Mayor Badame stated she met with Rob Stump to discuss wildfire safety; attended an introductory meeting with the Town Executive Team; and provided a Commendation to the Los Gatos Kiwanis Club of Los Gatos for its 100<sup>th</sup> anniversary.

**Manager Matters**

- Announced Town Offices are closed beginning Friday and will reopen on January 2.
- Announced the Library will be closed December 22-25 and December 29 through January 1.
- Wished everyone safe and happy holidays on behalf of the Town.

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

1. Approve Minutes of the December 5, 2023 Town Council Meeting.
2. Approve Minutes of the December 6, 2023, Town Council Special Meeting Regarding Commission Interviews.
3. Approve Minutes of the December 12, 2023 Town Council Special Meeting.
4. Authorize the Town Manager to Execute a Fourth Amendment to a Consultant Agreement for Executive Recruitment Services with Teri Black & Company, LLC for an Additional Amount of \$35,000 with a Total Amount Not to Exceed \$205,500 and Authorize an Expenditure Budget Adjustment from Available General Fund Capital/Special Projects Reserve.
5. Add One Limited Term, Full-Time Equivalent Human Resources Administrative Analyst and Approve a Budget Adjustment of \$103,370 from the Available Special/Capital Projects Reserve.
6. Appoint William Ward Butler to the Honorary Position of Town Poet Laureate to Serve a Three-Year Term Beginning in January of 2024.
7. Authorize Revenue and Expenditure Budget Adjustments in the Amount of \$50,000 to Recognize County of Santa Clara Grant Receipt for Case Management for Unhoused Los Gatos Residents.
8. Authorize the Town Manager to Execute a Second Amendment with HdL Companies for Business License Operations Management Services for Up to \$70,000 Annually Through December 31, 2025 with the Total Contract Not to Exceed \$233,000, and Discontinue the Business License Late Fee Penalty Waiver in the 2024 Calendar Year.
9. Receive the Monthly Financial and Investment Report for October 2023.
10. Receive an Annual Report Regarding the Independent Police Auditor Function.
11. Adopt Council Committee Appointments Effective January 1, 2024.

Consent Items - continued

12. Annual Comprehensive Financial Report (ACFR):

- a. Receive the Annual Comprehensive Financial Report (ACFR) for the Fiscal Year Ended June 30, 2023, and
- b. Adopt a Resolution Confirming June 30, 2023 Fund Balances in Accordance With Fiscal Year 2022/23 Final Audit and Town Council General Fund Reserve Policy. **RESOLUTION 2023-067**

13. Approve the Following Actions for Americans with Disabilities Act (ADA) Transition Plan (CIP No. 812-0129):

- a. Authorize the Town Manager to Execute a Second Amendment to the Agreement for Consultant Services with Disability Access Consultants, LLC for Additional Services, in an Amount of \$50,000 for a Total Agreement Not to Exceed \$220,000; and
- b. Authorize An Expenditure Budget Transfer in an Amount of \$35,150 from Project #411-813-9921 (Curb, Gutter & Sidewalk Maintenance).

14. Axon Enterprises Agreement:

- a. Authorize the Town Manager to Execute a Five-Year Agreement with Axon Enterprises Incorporated for the Purchase and Maintenance of Axon Officer Safety Plan 10+ Body Worn Cameras (BWC), Tasers, and a Digital Evidence Management System in The Amount Not to Exceed \$800,000; and
- b. Authorize an Expenditure Budget Adjustment in the Amount of \$68,356 from the Available General Fund Capital/Special Projects Reserve.

Mayor Badame opened public comment.

No one spoke.

Mayor Badame closed public comment.

**MOTION: Motion by Council Member Ristow to approve consent items 1-14. Seconded by Council Member Moore.**

**VOTE: Motion passed unanimously.**

**VERBAL COMMUNICATIONS**

Travis Ignacio

- Commented in opposition of the Lynn Avenue Path.

Jay Plett

- Commented on building setbacks and Senate Bill 9.

Karen Rubio

- Did not comment due to microphone issues.

**PUBLIC HEARINGS**

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

Jocelyn Shoopman, Associate Planner, presented the staff report.

Council asked preliminary questions of the Housing Consultant.

Mayor Badame opened public comment.

Richard Kananen

- Commented on Housing Element, supported creating a plan to create the Regional Housing Needs Allocation (RHNA) numbers and preserve the existing small-town character of Los Gatos.

Chris Bajorek

- Commented on concerns with the progress, and requested the Town create a task force to finish the Housing Element.

Angela Di Berardino

- Commented on the cancelled Housing Element Advisory Board (HEAB) meetings, expressed concerns with the progress and the revised RHNA numbers.

Melanie Kemp

- Commented on concerns with communication regarding proposed developments and requested an informational meeting or communication regarding the Housing Element process.

Lee Fagot

- Requested the Council control the calendar regarding adoption of the Housing Element and commented on concerns.

Lisa Harris

- Commented on Land Use Goals and concerns with proposed development projects.

Lee Quintana

- Commented on the certification process and the zoning of specific areas of the Town.

Tony Alarcon

- Commented on legislation passed to allow Accessory Dwelling Units (ADUs) to be sold separately from the primary property and spoke about Mills Act properties.

Public Hearing Item #15 – continued

Ron Meyer

- Commented on concerns with the process.

Rich Dobner

- Commented on the proposed pending developments and concerns with future projects.

Mayor Badame closed public comment.

Council discussed the item.

**MOTION: Motion by Vice Mayor Hudes** to follow a process of the following five steps: first, prioritize comments based on how challenging and impactful they are to address, suggesting three categories of straightforward, moderately complex, and challenging and no precedent, and if the consultant can come up with their own framework that would be fine; second, start with most challenging and impactful first, bring draft Los Gatos Housing Element text to the Council with examples from two to three other similar certified Housing Elements, and obtain public comment in that process and direct staff to address those comments in subsequent meetings; three, review several of these comments with Council on a regular basis at the discretion of the Mayor to schedule those and work to include the presence of the Housing consultant at these meetings; fourth, review with California Department of Housing and Community Development (HCD) as frequently as they will permit and provide written feedback to the Council on what has been covered and what the content of the responses have been in the calls and include the response from HCD; fifth, review the Housing Element with the Housing Element Advisory Board as the center point for community outreach and communications when the draft is complete.  
**Seconded by Council Member Moore.**

**VOTE: Motion passed unanimously.**

**MOTION: Motion by Vice Mayor Hudes** for the Council meet and review the Housing Element prior to submission of the Housing Element to HCD. **Seconded by Council Member Ristow.**

**VOTE: Motion passed unanimously.**

16. Open the Public Hearing for 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 and Continue the Matter to January 16, 2024. 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.

No one spoke.

Mayor Badame closed public comment.

**MOTION: Motion by Mayor Badame to continue the hearing to January 16, 2024. Seconded by Council Member Moore.**

**VOTE: Motion passed unanimously.**

Recess 9:20 p.m.

Reconvene 9:31 p.m.

17. Consider an Appeal of a Planning Commission Decision to Approve a Lot Line Adjustment Application in Accordance with California Government Code Section 66412(d) for Three Adjoining Lots on Property Zoned R-1:20. Located at 17200 Los Robles Way. APNs 532- 36-075, -076, and -077. Lot Line Adjustment Application M-23-001. Statutorily Exempt from CEQA as a Ministerial Approval in Accordance with Public Resources Code Section Page 5 21080(b)(1) (CEQA Statute) and CEQA Guidelines Section 15268. Application is Only for Ministerial Approval of a Lot Line Adjustment Pursuant to Section 66412(d) of the Subdivision Map Act. Property Owners: Daran Goodsell, Trustee and Mark Von Kaenel. Applicant: Tony Jeans. Appellant: Alison Steer. Project Planner: Ryan Safty. **RESOLUTION 2023-068**

Jennifer Armer, Planning Manager, presented the staff report.

Mayor Badame opened public comment.

Allison Steer, Appellant, made opening comments.

Tony Jeans, Applicant, made opening comments.

Public Hearing Item #15 – continued

No one from the public spoke.

Shannon Jones, Applicant Representative, made closing comments.

Babak Naficy, Appellant Representative, made closing comments.

Mayor Badame closed public comment.

Council discussed the item.

**MOTION: Motion by Council Member Rennie** to deny the appeal and adopt the resolution in Attachment 9 of the Staff Report. **Seconded by Council Member Ristow.**

**VOTE: Motion passed 4-0-1. Vice Mayor Hudes abstained.**

#### **OTHER BUSINESS**

18. Authorize Revenue and Expenditure Budget Adjustments in the Amount of \$125,000 to Recognize Receipt and Expenditure of a County of Santa Clara Grant Received by the Town, and Provide Direction on the Allocation of the Grant for Adult Day Services and/or Case Management in Consideration of the Recommendation from the Community Health and Senior Services Commission.

Katy Nomura, Acting Human Resources Director and Assistant Town Manager, presented the staff report.

Mayor Badame opened public comment.

No one spoke.

Mayor Badame closed public comment.

**MOTION: Motion by Council Member Rennie** to authorize revenue and expenditure budget adjustments in the amount of \$125,000 to recognize the receipt and expenditure of a County of Santa Clara Grant Received by the Town, and accept the Community Health and Senior Services Commission recommendation that the funds be divided to fund at least a 1.0 Full-Time Employee (FTE) for adult day services and to fund contract case management services with the remaining amount with a goal to be as close as possible to a 0.5 FTE for case management, not require a graduate degree for the case manager position, and have the adult day services Request for Proposals (RFP) be issued first. **Seconded by Council Member Ristow.**

**VOTE: Motion passed unanimously.**

19. Review the Revenue Modeling Report Prepared by NBS and Provide Direction on Any Ballot Measures to Consider for Polling.

Katy Nomura, Acting Human Resources Director and Assistant Town Manager, presented the staff report.

Mayor Badame opened public comment.

No one spoke.

Mayor Badame closed public comment.

Council discussed the item.

**MOTION: Motion by Council Member Moore** to authorize consultant to poll for a 1/8 cent sales tax and a commercial parcel tax. **Motion failed for lack of a second.**

**MOTION: Motion by Council Member Hudes** to continue this item to February 20, 2024, and consider it at the same time they look at the five-year forecast, with a document stating what the messaging will be. **Seconded by Mayor Badame.**

**VOTE: Motion passed unanimously.**

## **ADJOURNMENT**

The meeting adjourned at 11:33 p.m.

Respectfully Submitted:

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/s/ Jenna De Long, Deputy Town Clerk