



**TOWN OF LOS GATOS  
COUNCIL AGENDA REPORT**

MEETING DATE: 08/02/2022

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**Minutes of the Town Council Meeting  
June 21, 2022**

The Town Council of the Town of Los Gatos conducted a regular meeting utilizing teleconference 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.) and Town of Los Gatos Resolution 2021-044 on Tuesday, June 21, 2022 at 7:00 p.m.

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

**ROLL CALL**

Present: Mayor Rob Rennie, Vice Mayor Maria Ristow, Council Member Mary Badame, Council Member Matthew Hudes, Council Member Marico Sayoc (all participating remotely).

Absent: None

**PRESENTATIONS**

- i. Rob Stephenson, Safe Routes to School (SR2S) President, presented its annual report.

**COUNCIL/TOWN MANAGER REPORTS**

**Council Matters**

- Council Member Sayoc stated she attended the Cities Association General Membership meeting with Council Member Hudes, a meeting of Valley Water and Calcities, and the Housing Element Advisory Board (HEAB) meeting with Vice Mayor Ristow.
- Council Member Badame stated she attended the West Valley Sanitation District Authority (WVSDA) Board meeting as an alternate, Finance Commission (FC) meeting as an observer, and corresponded with residents.
- Council Member Hudes announced Council Member Sayoc was recognized for her leadership at the Cities Association meeting, stated he attended the Finance Commission, and the Association of Bay Area Governments (ABAG) General Assembly meeting, and the Summer Promenade.
- Vice Mayor Ristow stated she attended the HEAB and the Green Streets for Sustainable Communities meetings, the Summer Promenade, and met with residents.
- Mayor Rennie stated he attended the Silicon Valley Clean Energy Authority (SVCEA) Board and special Board training meetings; Bay Area Air Quality Management District (BAAQMD) Board, Legislative, Legislative Ad Hoc Committee, and Stationary Source Committee; Finance Commission meetings; and a Valley Transportation Authority (VTA) Board meeting as an alternate; League of Cities Cannabis Roundtable Webinar; Silicon Valley Leadership Group Sustainability Summit; Silicon Valley Bike Coalition Bike event; and met with a Tesla representative.

**Manager Matters**

- Announced free COVID testing will be held at the Adult Recreation Center (ARC) on Thursday, June 23<sup>rd</sup>.
- Announced Symphony in the Park will be held on July 4<sup>th</sup> at Oak Meadow Park.
- Announced we are launching a Community Police Academy on August 25<sup>th</sup> and spaces are limited; more information can be found on our Police website.

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

1. Approve the Draft Minutes of the Town Council Special Meeting on June 7, 2022 Commissioner Interviews.
2. Approve Draft Minutes of the June 7, 2022 Town Council Meeting.
3. Adopt a Resolution Reaffirming Resolution 2021-044 Regarding Brown Act Compliance and Teleconferencing and Making Findings Pursuant to Government Code Section 54953, as Amended by Assembly Bill 361, During the COVID -19 Pandemic. **RESOLUTION 2022-037**
4. Receive Fiscal Year 2020/21 Federal Single Audit Report and Corrective Action Plan.
5. Authorize the Town Manager to Execute a Three-Year Agreement with Microsoft to Purchase Software Licensing Through Dell Technologies in an Amount Not to Exceed \$250,000.
6. Authorize the Town Manager to Execute an Agreement for Consultant Services with Monarch Consulting to Provide Services as Arborist Consultant to the Town.
7. Authorize the Town Manager to Execute an Agreement for Consultant Services with Walter Levison to Provide Services as Arborist Consultant to the Town.
8. Authorize the Town Manager to Execute an Agreement for Consultant Services with Larry Cannon, Cannon Design Group to Provide Services as Architectural Consultant to the Town.
9. Authorize the Town Manager to Submit Applications in the One Bay Area Grant Program.
10. Authorize the Town Manager to Execute a Five-Year Agreement for Services with Brightview Landscape Services, Inc. for Landscape Maintenance Services in an Amount of \$167,402 Annually, Plus an Additional Five Percent (\$8,370) for Unforeseen Services for a Total Annual Amount Not to Exceed \$175,772, and a Total Agreement Base Amount Valued at \$878,860 Prior to Any Increase Adjustments Made for Consumer Price Index (CPI).
11. Accept the Complete Streets and Transportation Commission's Recommendation to Not Proceed with a Pilot Program with Any Electric Scooter Providers.
12. Approve an Amendment to the Classification Plan to Create a Flexibly Staffed Police Records Specialist Job Series.
13. Authorize the Following Actions Related to the Cal OES Pass Through Grant Subaward:
  - a. Accept a California Governor's Office of Emergency Services (Cal OES) Pass Through Grant Subaward in the Amount of \$7,000,000 for Public Safety and Emergency Resiliency;
  - b. Authorize a Revenue and Expenditure Budget Adjustment in the Amount of \$7,000,000 to Receive and Disburse the Subaward; and

Consent Items – continued

- c. Authorize the Town Manager to Execute Subrecipient Agreements with the Implementing Agencies to Disburse the Cal OES Pass Through Grant Subaward Based on the Original Grant Request.
- 14. Authorize the Town Manager to Execute a Five-Year Agreement with Tyler Technologies to Provide Enterprise Resource Planning (ERP) Software Implementation and Ongoing Support for the Town of Los Gatos for \$1,147,328 plus a 10% contingency for a Total Agreement Amount Not to Exceed \$1,262,061.
- 15. Authorize the Town Manager to Execute a Second Amendment to the Agreement for Audit Services with Badawi and Associates to Increase Compensation by \$5,400 for a Total Contract Amount Not to Exceed \$173,385.
- 16. Operating and Capital Budgets:
  - a. Adopt a Resolution Approving the Town of Los Gatos Fiscal Year (FY) 2022/23 Operating Budget and FY 2022/23 – 2026/27 Capital Improvement Program (CIP), New Appropriations, Additional Council Actions on May 17, 2022 and Revisions Related to Salary and Benefit Costs as Presented in the Labor Agreements Agenda Reports on June 7, 2022; American Rescue Plan Act Budget Adjustment, Minor Corrections, and Carry-Forward Appropriations. **RESOLUTION 2022-038**
  - b. Adopt a Resolution Approving Commitment of Fund Balances under GASB 54. **RESOLUTION 2022-039**
  - c. Approve FY 2021/22 Budget Adjustments:
    - 1) Major Revenue Adjustments to Match Year-End Estimated Revenues as Directed by the Town Council on May 17, 2022; and as Determined from Updated Information
      - i. Property Tax Revenue Increase in the Amount of \$582,609,
      - ii. Sales Tax Revenue Increase in the Amount of \$428,828 (\$361,806 in regular Sales Tax and \$67,022 in Measure G Sales Tax)
      - iii. Business License Tax Revenue Increase in the Amount of \$175,000,
      - iv. Transient Occupancy Tax Increases in the Amount of \$75,000, and
      - v. Recognize \$36,308 General Fund Salary Reimbursement for Capital Improvement Staff Work.
    - 2) Expenditure Increases to Reflect Past Actions:
      - i. In the Amount of \$300,000 to expense the \$300,000 available General Fund Pension/OPEB Reserve to the CEPPT Trust.
      - ii. In the Amount of \$136,308 General Fund Salary Reimbursement for Capital Improvement Staff Work.
    - 3) Approve American Rescue Plan Act Budget Adjustments.
- 17. Receive an Update on the Dittos Lane Affordable Housing Project.

Consent Items – continued

Opened public comment.

Catherine Somers

- Commented on the increase in Transient Occupancy Tax (TOT) and sales tax revenue due to the parklets and destination marketing.

Closed public comment.

**MOTION: Motion by Council Member Badame to approve consent items 1-17. Seconded by Council Member Hudes.**

**VOTE: Motion passed unanimously.**

### **VERBAL COMMUNICATIONS**

Catherine Somers

- Announced Drum in the Park will take place at Town Plaza Park on July 16<sup>th</sup> from 12:00 - 7:00 p.m.

### **PUBLIC HEARINGS**

18. Conduct Brush Abatement Program Public Hearing to Consider Objections to the Proposed Removal of Brush on Parcels Listed on the 2022 Wildland Urban Interface (WUI) Area Non-Compliant Parcel List and Order Abatement of the Public Nuisance and Potential Fire Hazard Pursuant to the Town of Los Gatos Municipal Code (Chapter 9) Regarding Defensible Space.

Meredith Johnston, Administrative Technician, presented the staff report.

Opened public comment.

Gala Johnson

- Commented in support of the brush abatement program.

Closed public comment.

All properties are in compliance, so no resolution is required to be adopted.

19. Authorize the Following Actions for Landscape and Lighting Assessment Districts No. 1 and 2:

- a. Adopt a Resolution Confirming the Diagram and Assessments and Levying and Authorizing Collection of Assessments for Landscape and Lighting Assessment District No. 1-Blackwell Drive Benefit Zone. **RESOLUTION 2022-040**
- b. Adopt a Resolution Confirming the Diagram and Assessments and Levying and Authorizing Collection of Assessments for Landscape and Lighting Assessment District No. 1-Kennedy Meadows Benefit Zone. **RESOLUTION 2022-041**
- c. Adopt a Resolution Confirming the Diagram and Assessments and Levying and Authorizing Collection of Assessments for Landscape and Lighting Assessment District No. 1-Santa Rosa Heights Benefit Zone. **RESOLUTION 2022-042**
- d. Adopt a Resolution Confirming the Diagram and Assessments and Levying and Authorizing Collection of assessments for Landscape and Lighting Assessment District No. 1-Vasona Heights Benefit Zone. **RESOLUTION 2022-043**
- e. Adopt a Resolution Confirming the Diagram and Assessments and Levying and Authorizing Collection of assessments for Landscape and Lighting Assessment District No. 1-Hillbrook Drive Benefit Zone. **RESOLUTION 2022-044**
- f. Adopt a Resolution Confirming the Diagram and Assessments and Levying and Authorizing Collection of assessments for Landscape and Lighting Assessment District No. 2-Gemini Court Benefit Zone. **RESOLUTION 2022-045**

Meredith Johnston, Administrative Technician, presented the staff report.

Opened public comment.

No one spoke.

Closed public comment.

Council discussed the item.

**MOTION:** Motion by Council Member Badame to adopt the resolutions as contained in Attachments 1-6. **Seconded** by Council Member Sayoc.

**VOTE:** Motion passed unanimously.

#### **OTHER BUSINESS**

20. Approve Senior Services Roadmap Goals as Recommended by the Senior Service Committee.

Tom Picraux, Senior Service Committee Chair, presented the staff report.

Other Business Item #20 – continued

Opened public comment.

Dick Conrad, Community Health and Senior Services Chair

- Commented in support of the item.

Lisanne Kennedy, Los Gatos-Saratoga Recreation 55+ Coordinator

- Thanked the Town and Commission for the support of senior services.

Closed public comment.

Council discussed the item.

**MOTION: Motion by Council Member Badame** to approve Senior Services Roadmap Goals as recommended by the Senior Service Committee. **Seconded by Vice Mayor Ristow.**

**VOTE: Motion passed unanimously.**

21. Receive a Report on the June 16, 2022, Promenade Event and Provide Additional Direction to Staff on Event Format or Other Provisions if Needed.

Laurel Prevetti, Town Manager, presented the staff report.

Opened public comment.

Brian Bernasconi, Chamber of Commerce Board Member

- Commented on how the first promenade went.

Closed public comment.

Council discussed the item and received the report.

22. Receive the Town of Los Gatos Business License Analysis and Ordinance Review, Direct Staff to Continue Research and Public Outreach, and Return to Town Council on August 2, 2022 with Proposed Ballot Measure Language to Modernize and Create a More Equitable Business License Tax Structure.

Arn Andrews, Assistant Town Manager, presented the staff report.

Other Business Item #22 – continued

Opened public comment.

Catherine Somers

- Commented on the concerns of the Chamber Board.

Closed public comment.

Council discussed the item.

**MOTION: Motion by Council Member Sayoc** that staff continue research and public outreach on proposed models 2 and 3 as contained in the staff report, engage the Town Council on the community engagement opportunities, return to Town Council with community feedback and proposed ballot measure wording for both options on August 2<sup>nd</sup>. **Seconded by Vice Mayor Ristow.**

**VOTE: Motion passed unanimously.**

23. Maintain a Ban on Cannabis Businesses in Los Gatos and Consider a Ballot Measure to Tax Cannabis Businesses.

Laurel Prevetti, Town Manager, presented the staff report.

Staff addressed Council questions.

Recess 9:04 p.m.

Reconvene 9:16 p.m.

Opened public comment.

Gayla Johnson

- Commented in support of taxing cannabis business in Town.

Grant Palmer

- Commented in opposition of maintaining a ban on cannabis businesses and in support of the ballot measure.

Joanne Rodgers

- Read the public comment of Phil Koen contained in the Desk Item.

Other Business Item #23 – continued

Joe Rodgers

- Continued reading the public comment of Phil Koen contained in the Desk Item.

Lisa Harris

- Commented in support of maintaining a ban on cannabis businesses.

Diane Pleasant

- Commented in support of maintaining a ban on cannabis businesses and in support of the ballot measure.

Jeff Suzuki

- Commented in opposition of maintaining a ban on cannabis businesses and in support of the ballot measure.

Brian Bernasconi

- Commented in opposition of maintaining a ban on cannabis businesses and in support of the ballot measure.

Donna McCurrie

- Commented in opposition of maintaining a ban on cannabis businesses and in support of the ballot measure.

Kristina Taroni

- Commented in opposition of maintaining a ban on cannabis businesses and in support of the ballot measure.

Lee Fagot

- Commented in support of maintaining a ban on cannabis businesses.

Catherine Somers

- Commented in support of placing a cannabis business tax on the ballot.

Chris Lee, Airfield Supply Company

- Commented on costs covered by cannabis retailers.

Nathan Hill

- Commented on the regulations on cannabis businesses.

Mariko Cooley

- Commented on the regulations on cannabis businesses.



Other Business Item #23 – continued

Phil Barry

- Commented in support of the tax initiative to be placed on the ballot.

Ann Ortmeier

- Commented in support of maintaining a ban on cannabis businesses.

Andrea Romano, Chamber of Commerce Board President

- Commented in support of the ballot measure.

Margaret Smith

- Commented in support of maintaining a ban on cannabis businesses.

Susan Burnett

- Commented in support of maintaining a ban on cannabis businesses.

Sean Kali-Rai, Silicon Valley Cannabis Alliance

- Commented on the availability of cannabis in Los Gatos.

Tom Woods

- Commented in opposition of maintaining a ban on cannabis businesses and in support of the ballot measure.

Closed public comment.

Council discussed the item.

**MOTION: Motion by Council Member Hudes** to prepare a ballot measure as proposed and include a question whether the voters would approve of cannabis operations in Town. **Motion failed for lack of a second.**

**MOTION: Motion by Vice Mayor Ristow** to prepare ballot language options regarding whether to tax cannabis if cannabis sales occur in Town in the future. **Seconded by Council Member Sayoc.**

**VOTE: Motion failed 1/4. Mayor Rennie and Council Members Badame, Hudes, and Sayoc voting no.**

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SUBJECT: Minutes of the Town Council Meeting of June 21, 2022

DATE: June 21, 2022

**ADJOURNMENT**

The meeting adjourned at 11:12 p.m.

Respectfully submitted:

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/s/ Jenna De Long, Deputy Clerk