



TOWN OF LOS GATOS COUNCIL AGENDA REPORT

Minutes of the Town Council Meeting Tuesday, February 20, 2024

The Town Council of the Town of Los Gatos conducted a regular meeting in-person and utilizing teleconferencing means on Tuesday, February 20, 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, Council Member Rob Moore, Council Member Rob Rennie, Council Member Maria Ristow.

Absent: None

PLEDGE OF ALLEGIANCE

Korwin Johnson 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 last week to discuss real property negotiations pursuant to Government Code Section 54956.8 and stated the Town Council unanimously voted to authorize staff to terminate a master lease for the property located at 4 Tait Ave.

COUNCIL/TOWN MANAGER REPORTS

Council Matters

- Vice Mayor Hudes stated he participated in a Foundation for Older Adults to Thrive meeting, a Silicon Valley Regional Interoperability Authority meeting, Cities Association Selection Committee meeting, Cities Association Board meeting, an Emergency Radio Communications Planning Session; participated in the Los Gatos Foundation for Older Adults to Thrive Board meetings, a Finance Commission meeting; and attended a Community Health and Senior Services (CHSSC) special meeting.
- Council Member Rennie stated he met with Los Gatos-Saratoga Recreation Center Executive Director Nancy Rollett; attended the Silicon Valley Clean Energy Authority (SVCEA) CEO and Board meetings; and attended a Finance Commission meeting.
- Council Member Moore stated he met with many people including Chair Yamate of the Diversity, Equity, and Inclusion (DEI) Commission, with Campbell Council Member Sergio Lopez, San Jose Spotlight and Los Gatos Weekly Times/Mercury News reporters; spoke with CADRE (Collaborating Agencies' Disaster Relief Effort); hosted his Council Member Happy Hour and Community Coffee; attended the Los Gatos Anti-Racism Coalition Book Club; judged the Los Gatos Lions Club speech contest; chaired the West Valley Sanitation District Board meeting; and observed a Finance Commission meeting.

- Council Member Ristow stated she attended the Valley Transportation Authority (VTA) Policy Advisory Committee (PAC) meeting, and a Cities Association Board meeting; met with Nancy Rollett to discuss the Los Gatos-Saratoga Recreation Center; and attended the Live Oak Nutrition and Service Center's Lunar New Year Celebration, the State of the City Address for Cupertino, and a celebration of life for former Monte Sereno Mayor Jack Lucas.
- Mayor Badame stated she met with the CEO of Jewish Family Services, and with residents of the proposed Community Garden neighborhood; observed a Finance Commission meeting; met with the Chair of the Finance Commission; attended the Lunar New Year Celebration at Live Oak Senior Nutrition and Service Center; and performed a ribbon cutting at Breaking Dawn Brunch.

Manager Matters

- Announced the Community Police Academy applications are due on February 26, 2024, and more information can be found on the Police Department webpage.
- Announced a mid-cycle Board, Commission, and Committee recruitment is open and stated applications are due on March 4, 2024, at 4:00 p.m. and more information can be found on the Town Clerk webpage.
- Announced the Planning Commission will consider a draft Temporary Sign Ordinance on February 28, 2024, and invited the public to attend the meeting.

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

1. Approve Minutes of the February 6, 2024 Closed Session Town Council Meeting.
2. Approve Minutes of the February 6, 2024 Town Council Meeting.
3. Approve Minutes of the February 13, 2024 Closed Session Town Council Meeting.
4. Approve Minutes of the February 13, 2024 Special Town Council Meeting.
5. Receive the Monthly Financial and Investment Report for December 2023.
6. Approve the Report Entitled "Vegetation Management Plan for the Town of Los Gatos, Santa Clara County, California" Dated June 2021.
7. Parking Program Implementation-Wayfinding and Signage (CIP No. 813-0242):
 - a. Reject All Bids Opened on January 19, 2024, and
 - b. Authorize Town Manager to Re-bid the Project.
8. Consider Approval of On-Call Consultants List for Engineering and Design Support Services.
9. Approve the Following Action for the Highway 17 Bicycle and Pedestrian Overcrossing (Project No. 818-0803):
 - a. Authorize the Town Manager to Execute a First Amendment to the Agreement for Consultant Services with BKF Engineers Inc. for Construction Phase Grant Writing Services, increasing the amount by \$48,735 for a Total Agreement Not to Exceed \$3,048,735.
10. Adopt a Resolution to Designate the Town's Agents By Title to Obtain Federal and/or State Financial Assistance Through the California Governor's Office of Emergency Services (Cal OES). **RESOLUTION 2024-008**

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 Council Member Moore.

VOTE: Motion passed unanimously.

VERBAL COMMUNICATIONS

Patrick Kearns, Water Rate Advocates for Transparency Equity & Sustainability (WRATES)

- Requested Council consider submitting a written comment regarding the Town's experience with a severed water main on Villa Avenue to the California Public Utilities Commission (CPUC) as part of its consideration of the application by San Jose Water.

Lynley,

- Commented on censorship.

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.

Jocelyn Shoopman, Associate Planner, presented the staff report.

Council asked preliminary questions.

Mayor Badame opened public comment.

Iddo Hadar

- Commented on concerns with proposed residential projects.

Lisa Harris

- Commented in support of the proposed language for Programs J and AY made at the previous meeting.

Kerri Dunlay

- Commented on concerns with the State mandates.

Richard Kananen

- Commented on the intent of a motion made at the prior meeting.

Lee Quintana

- Commented on having a full analysis, finding agreeable solutions, and using positive criteria.

Susan Burnett

- Commented on the wording of a previous motion related to Programs AY and J.

Lynley

- Commented on challenging the State housing mandates.

Ron

- Commented on challenging the State housing mandates.

Bill Highstreet

- Commented on State requirements and balancing the needs of the community.

Eric Beckstrom

- Commented on differing viewpoints and speaking with compassion.

Pat Kearns

- Commented on unity and speaking with respect.

Mayor Badame closed public comment.

Council discussed the item.

MOTION: Motion by Vice Mayor Hudes to include the language that HCD included in their letter, to add the words “including the combination of small multi-unit housing, religious institutions, Junior Accessory Dwelling Units (JADU) and SB10” to Program J. **Seconded by Mayor Badame.**

Vice Mayor Hudes clarified the motion is to modify the language listed in the Quantified Objective (bottom of the first page of Attachment 15) starting with the words “Increase the number small multi-unit housing developments.” He stated the intent of the motion was to increase the number of units including a combination of small multi-unit housing, religious institutions, Junior Accessory Dwelling Units (JADU) and SB10. He further clarified the intent is to change the words “small multi-unit housing developments” to “the combination of small multi-unit housing, religious institutions, Junior Accessory Dwelling Units (JADU) and SB10” and the rest of the language would remain with the 50 to 150.

VOTE: Motion passed unanimously.

MOTION: Motion by Vice Mayor Hudes to ask the Town Manager to share any information regarding the Housing Element with the Council that has been provided to HCD or received from HCD whether written or oral with 24 hours of receipt. **Seconded by Mayor Badame.**

VOTE: Motion passed unanimously.

MOTION: Motion by Vice Mayor Hudes to include the Mayor or their Council Member designee in a listening only mode on all discussions with HCD regarding the Housing Element. **Seconded by Mayor Badame.**

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

MOTION: Motion by Council Member Moore to strike the approved language from the previous Council Meeting and replace it with the original language that reads "expand housing in a variety of neighborhoods." **Seconded by Council Member Ristow.**

Council Member Moore clarified his motion is to strike the second paragraph (on the second page of Attachment 15) that starts with the language "modify the zoning code to facilitate..." and replace it with "update the zoning code to facilitate small multi-unit housing in the low to medium residential density designation."

SUBSTITUTE MOTION: Motion by Vice Mayor Hudes to replace the language at the bottom of the gray paragraph (on the second page of Attachment 15) that starts with the words "This zoning will occur in a variety of areas throughout the town..." with the following language: "The modification of the zoning code to facilitate small multi-unit housing will occur in a variety of areas throughout the Town but in no event in any of the following areas or locations: Very High Fire Hazard Severity Zones (VHFHSZ), historic districts, adjacent to homes in our historic inventory (currently pre-1941 homes), hillside residential zones, within 500 feet of an evacuation route or farther than one half mile of a transit stop." **Seconded by Mayor Badame.**

VOTE: Motion passed by a 3-2 vote. Council Members Moore and Ristow voted no.

Council Member Moore withdrew his original motion.

Recess 9:24 p.m.

Reconvene 9:33 p.m.

The Council discussed the Housing Element further.

MOTION: Motion by **Mayor Badame** to continue this item to allow staff the opportunity to evaluate the reviewer's comments and bring it back at the next Council meeting if not sooner. **Seconded** by **Council Member Ristow**.

VOTE: Motion passed unanimously.

PUBLIC HEARINGS

12. Approve a Recommendation of the Planning Commission to Introduce an Ordinance Titled "An Ordinance of the Town Council of the Town of Los Gatos Amending Chapter 29, 'Zoning Regulations,' of the Town Code to Define 'By Right Approvals' and Amend the Housing Element Overlay Zone (HEOZ), Division 5 of Article VIII, 'Overlay Zones and Historic Preservation,'" to Clarify Regulations Applicable to "By Right" and "Non By Right" Residential Development in the Housing Element Overlay Zone. An Environmental Impact Report (EIR) was Prepared and Certified for the 2040 General Plan Update on June 30, 2022. No further Environmental Analysis is Required. Zoning Code Amendment Application Z-24-001. APPLICANT: Town of Los Gatos. PROJECT PLANNERS: Jocelyn Shoopman and Erin Walters.

Erin Walters, Associate Planner, presented the staff report.

Mayor Badame opened public comment.

Lee Quintana

- Commented on adding the definition of "by right" development and asked some clarifying questions.

Mayor Badame closed public comment.

MOTION: Motion by **Council Member Ristow** to approve the recommendation of the Planning Commission to introduce an ordinance titled "An Ordinance of the Town Council of the Town of Los Gatos Amending Chapter 29, 'Zoning Regulations,' of the Town Code to Define 'By Right Approvals' and Amend the Housing Element Overlay Zone (HEOZ), Division 5 of Article VIII, 'Overlay Zones and Historic Preservation,' to clarify regulations applicable to 'By Right' and 'Non By Right' residential development in the Housing Element Overlay Zone" as presented in the Desk Item, Attachment 6. **Seconded** by **Council Member Moore**.

VOTE: Motion passed unanimously.

OTHER BUSINESS

13. Mid-Year Budget Report - July 1 - December 31, 2023:

- a. Receive the FY 2023/24 Mid-Year Budget Report; and
- b. Authorize Budget Adjustments as Recommended in the Mid-Year Budget Report.

Gitta Ungvari, Finance Director, presented the staff report.

Mayor Badame opened public comment.

No one spoke.

Mayor Badame closed public comment.

Council discussed the item.

MOTION: Motion by Mayor Badame to receive the FY 2023/24 Mid-Year Budget Report in Attachment 1 and authorize budget adjustments as recommended in the Mid-Year Budget Report. **Seconded by Council Member Moore.**

VOTE: Motion passed unanimously.

14. Review the Five-Year Forecast (Fiscal Year 2024/25 -FY 2028/29) and the Finance Commission Recommendations, Determine Key Assumptions for the Five- Year Forecast, and Provide Direction for the Preparation of the FY 2024/25 Operating Budget.

Gitta Ungvari, Finance Director, presented the staff report.

Mayor Badame opened public comment.

No one spoke.

Mayor Badame closed public comment.

Council discussed the item.

MOTION: Motion by Vice Mayor Hudes to use the table on the bottom of page 6 of the staff report [Alternative Scenario Selecting 70% of the Excess ERAF, and Secured Property Tax Option C (6.6% growth rate), and Motor Vehicle In-Lieu Fee (VLF) Option C (6.1% growth rate)] as the basis for the five-year operating model. **Seconded by Council Member Moore.**

VOTE: Motion passed unanimously.

15. Provide Direction on Any Ballot Measures to Consider for Polling.

Katy Nomura, 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 direct staff to work with NBS the consultant to poll for a sales tax. **Seconded by Council Member Rennie.**

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

PUBLIC HEARINGS

16. Hear Protests and Adopt a Resolution Making Determinations and Approving the Reorganization of an Uninhabited Area Designated as Blackberry Hill Road No. 06, Approximately 2.1 Acres on Property Pre-Zoned HR-2½. APN 532-25-011. Annexation Application AN23-001. Project Location: 15405 Blackberry Hill Road. Property Owner/Applicant: Maurice Brewster. **RESOLUTION 2024-009**

Joel Paulson, Community Development Director, 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 Rennie to adopt the resolution in Attachment 1 making determinations and approving the reorganization of an uninhabited area designated as Blackberry Hill Road No. 06, Approximately 2.1 Acres on Property Pre-Zoned HR-2½. APN 532-25-011. **Seconded by Vice Mayor Hudes.**

VOTE: Motion passed unanimously.

SUBJECT: Minutes of the Town Council Meeting of February 20, 2024

DATE: February 26, 2024

17. Adopt Resolution Repealing the Building Board of Appeals (BBA) Enabling Resolutions and Introduce “An Ordinance of the Town Council of the Town of Los Gatos Designating the Town Council to Hear Appeals from Decisions of the Building Official.” **RESOLUTION 2024-010**

Gabreille Whelan, Town Attorney, 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 Ristow** to adopt the resolution in Attachment 1 repealing the Building Board of Appeals enabling resolutions and introduce “An Ordinance of the Town Council of the Town of Los Gatos Designating the Town Council to Hear Appeals from Decisions of the Building Official.” **Seconded** by **Council Vice Mayor Hudes**.

VOTE: Motion passed unanimously.

ADJOURNMENT

The meeting adjourned at 11:33 p.m.

Respectfully Submitted:

/s/ Jenna De Long, Deputy Town Clerk