



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 03/19/2024

ITEM NO: 9

ADDENDUM

DATE: March 18, 2024
TO: Mayor and Town Council
FROM: Gabrielle Whelan, Town Attorney
SUBJECT: Adopt a Resolution Suspending Resolution Nos. 2024-003, 2024-004, and 2024-005 Regarding the Transportation Impact Fee

REMARKS:

Staff is recommending that this item be deferred to the Council meeting of April 2, 2024. A deferral would enable Town Council to consider the requested fee suspension as well as discuss and determine next steps with respect to the Transportation Impact Fee. For the April 2 discussion, staff will have additional analysis of options available to the Town Council. The analysis is underway and not yet completed.

Attachment 2 contains public comment received between 11:01 a.m. Thursday, March 14, and 11:00 a.m. Monday, March 18, 2024.

Attachment Previously Received with the Staff Report:

1. Resolution Suspending Resolution Nos. 2024-003, 2024-004, and 2024-005

Attachment Received with this Addendum:

2. Public Comment

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Finance Director

From: Phil Koen [Redacted]
Sent: Friday, March 15, 2024 4:46:10 PM
To: Gabrielle Whelan <GWhelan@losgatosca.gov>
Cc: Laurel Prevetti <LPrevetti@losgatosca.gov>; Mary Badame <MBadame@losgatosca.gov>; Matthew Hudes <MHudes@losgatosca.gov>; Rob Rennie <RRennie@losgatosca.gov>; Maria Ristow <MRistow@losgatosca.gov>; Rob Moore <RMoore@losgatosca.gov>; Wendy Wood <WWood@losgatosca.gov>; jak vannada [Redacted]; Rick Van Hoesen [Redacted]
Subject: Agenda item #9

[EXTERNAL SENDER]

Hello Gabrielle,

For sake of full disclosure, has the Staff received any reports from third party reviewers regarding whether or not the TIF nexus study complies with the Mitigation Fee Act?

The Staff report suggests the Staff has no new information at this time. Is this accurate? Is the Staff report being fully transparent?

If the nexus study doesn't comply with State Law, is the Town going to demand its money back ?

Thank you,

Phil Koen



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

ITEM NO. 9.

MEETING DATE: 03/19/2024

DATE: March 15, 2024
TO: Mayor and Town Council
FROM: Gabrielle Whelan, Town Attorney
SUBJECT: Adopt a Resolution Suspending Resolution Nos. 2024-003, 2024-004, and 2024-005 Regarding the Transportation Impact Fee

RECOMMENDATION:

Adopt a Resolution suspending Resolution Nos. 2024-003, 2024-004, and 2024-005 regarding the transportation impact fee.

BACKGROUND:

On January 16, 2024, the Town Council adopted an updated transportation impact fee. A question was raised regarding the methodology used in the nexus study in support of the updated fee. Staff is gathering information regarding the methodology used. The Resolutions updating the fee took effect on March 15, 2024.

DISCUSSION:

Staff is obtaining information regarding the methodology used for nexus study and will schedule this topic for future discussion by the Town Council.

CONCLUSION:

Staff recommends that the Town Council suspend Resolution Nos. 2024-003, 2024-004, and 2024-005, pending a future staff report to the Town Council regarding the nexus study. If the January 16th resolutions are suspended, the former traffic impact fee will remain in place.

COORDINATION:

This report was coordinated with the Department of Parks and Public Works.

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Finance Director

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SUBJECT: Resolution Suspending Resolution Nos. 2024-003, 2024-004, and 2024-005
Regarding the Transportation Impact Fee

DATE: March 15, 2024

FISCAL IMPACT:

This action will result in a return to the former traffic impact fee, which is lower.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

Attachment:

1. Resolution Suspending Resolution Nos. 2024-003, 2024-004, and 2024-005

DRAFT RESOLUTION

ITEM NO. 9.

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS SUSPENDING
RESOLUTION NOS. 2024-003, 2024-004, AND 2024-005**

WHEREAS, the Town Council adopted an updated transportation impact fee on January 16, 2024; and

WHEREAS, the Town received a question regarding the methodology used in the nexus study in support of the updated transportation impact fee; and

WHEREAS, pending the collection of information regarding the methodology used in the nexus study, staff recommends suspending Resolution No. 2024-003 Adopting the Nexus Study for the 2023 Update to the Transportation Impact Fee, Resolution No. 2024-004 Updating the Transportation Impact Fee and Amending the 2023-2024 Master Fee Schedule to Include the Updated Fee, and Resolution No. 2024-005 amending the Traffic Impact Policy;

NOW, THEREFORE, BE IT RESOLVED, the Town Council suspends Resolution Nos. 2024-003, 2024-004, 2024-005, pending staff's collection of information regarding the methodology used in the nexus study and a future Town Council discussion of this topic.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 19th day of March, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

ATTEST:

TOWN CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

Attachment 1