



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 03/19/2024

ITEM NO: 9

DESK ITEM

DATE: March 19, 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:

Attachment 3 contains public comment received between 11:00 a.m. Monday, March 18, and 11:01 a.m. Tuesday, March 19, 2024.

Attachment Previously Received with the Staff Report:

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

Attachment Received with the Previous Addendum:

2. Public Comment

Attachment Received with this Desk Item:

3. Additional Public Comment

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

From: Phil Koen [Redacted]
Sent: Monday, March 18, 2024 2:47 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: RE: Agenda item #9

[EXTERNAL SENDER]

Hello Gabrielle,

Thank you for your email. Your response states that privileged information has been received and provided to the Town Council. Thank you for clearing that up.

I am wondering however, why is it accurate to state "staff is gathering information regarding the methodology used and will schedule this topic for future discussion" if in fact a determination about the methodology has been reached which the Staff now believes the resolution should be suspended? The statement appears to be misleading by downplaying the significance of the privileged information and the decision to suspend. How often do resolutions get suspended based on subsequent information being received? I would think not very often.

Access to information concerning the conduct of the people's business is fundamental and necessary right of every person. I would encourage the Staff to fully disclose the information that has been received. It is difficult to understand why public disclosure is inappropriate.

Thank you,

Phil Koen

From: Gabrielle Whelan <GWhelan@losgatosca.gov>
Sent: Monday, March 18, 2024 12:38 PM
To: Phil Koen [Redacted]
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: RE: Agenda item #9



External (gwhelan@losgatosca.gov)



Hello, Mr. Koen. Attorney-client privileged information on this topic has been provided to the Town Council. Staff anticipates sharing public information at a future Town Council meeting.



Gabrielle Whelan • Town Attorney

Town Attorney's Office • 110 E Main Street, Los Gatos, CA 95030

Desk: 408.354.6818 • gwhelan@losgatosca.gov

www.losgatosca.gov • <https://www.facebook.com/losgatosca>

From: Phil Koen [Redacted]

Sent: Friday, March 15, 2024 4:46 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