

DRAFT

**TOWN OF LOS GATOS
CALIFORNIA**

August 15, 2005/MINUTES

Los Gatos Civic Center

110 E. Main Street

Los Gatos, CA 95030

Council/Agency Meeting

Date: 09/06/2005

Item# 13

TIME	ITEM	ACTION ON ITEM
7:00 PM	TOWN COUNCIL	The Town Council/Parking Authority/Redevelopment Agency of the Town of Los Gatos met in the Council Chambers of the Town of Hall, 110 East Main Street, at 7:00 PM, August 15, 2005, in a joint regular session.
7:01 PM	ROLL CALL	Present: Steve Glickman, Diane McNutt, Joe Pirzynski, Barbara Spector, and Mayor/Chairman Mike Wasserman Absent: None
7:02 PM	PLEDGE OF ALLEGIANCE	The audience was invited to participate in the Pledge of Allegiance.
7:03 PM	CLOSED SESSION	<p>CONFERENCE WITH REAL PROPERTY NEGOTIATOR <u>(Government Code Section 54956.8)</u></p> <p>Property: Town of Los Gatos Wastewater System Assets</p> <p>Negotiating Parties: Town of Los Gatos (Negotiator: Orry Korb, Town Attorney) West Valley Sanitation District (Negotiator: Robert Reid, General Manager)</p> <p>Under Negotiation: Price and terms of payment.</p> <p>Mr. Korb stated that no action was taken.</p>

7:04 PM	COMMENDATIONS	<p>Commendation</p> <p>Mayor Wasserman presented commendations to:</p> <ul style="list-style-type: none">• Megan Riley, Parks Commission, Student Member• Sam Richards, Parks Commission, Student Member <p>Megan Riley was present to accept her commendation for the services and time she has given to the Parks Commission.</p>
7:06 PM	<p>CONSENT ITEMS #1-14</p> <p>ITEM # 12 and #14 PULLED</p>	<p><u>TOWN COUNCIL</u></p> <ol style="list-style-type: none">1. <u>Ratify payroll for months of:</u> (1-V)<ol style="list-style-type: none">a. June 2005b. July 20052. <u>Ratify accounts payable for months of:</u> (2-V)<ol style="list-style-type: none">a. June 2005b. July 20053. Accept Treasurer's Report for fourth quarter 2004/05 (April-June) (3-2)4. <u>Appoint Student Commissioners</u> (4-12)<ol style="list-style-type: none">a. Accept Parks Commission recommendation to appoint Emily Machado and Paige White as Parks Commission: Student Member.b. Accept Community Services Commission recommendation to appoint Leila Vaez-Iravani and Elanah Entin as Community Service Commission: Student Members.5. Approve response to Santa Clara County Civil Grand Jury Final Report – Tasers – Training and Tracking. (5-28)6. Adopt resolution accepting Investment Policy dated August 9, 2005. RESOLUTION 2005-86 (6-2)7. Adopt resolution authorizing Town Manager to execute agreement with Public Dialogue Consortium to provide facilitation/communication consultant services not to exceed \$20,000. RESOLUTION 2005-87 (7-29)8. Adopt resolution authorizing the Town Manager to execute a memorandum of understanding between the Town of Los Gatos and the City of San Jose as administrator of the San Jose Silicon Valley Workforce investment Board. RESOLUTION 2005-88 (8-29)

	<p>CONSENT ITEMS #1-14 Continued</p>	<p>9. Adopt resolution in support of the guidelines and standards and the 2005-2006 Implementation Program of the Water resources Protection Collaborative for the planning and permit regulation for the protection of water resources within the Santa Clara Valley Water District. RESOLUTION 2005-89 (9-40)</p> <p>10. Adopt resolution granting an appeal of the decision of the Planning Commission to approve a request to construct a second story addition to a single family residence on property zoned RM: 5-12. APN 529-18-014. Property location: 16942 Mitchell Avenue. Property owner/applicant/appellant: Doug Braga. RESOLUTION 2005-90 (10-15)</p> <p>11. Adopt resolution denying a request to modify a Conditional Use Permit to expand an existing restaurant, add additional seats and for an alternating use of parking on property zoned C-2. Property location: 42/44/Elm Street. Property owner: Michael T Cobler. Applicant: Nicholas A. Difu. RESOLUTION 2005-91 (11-15)</p> <p><u>REDEVELOPMENT AGENCY</u></p> <p>13. <u>Ratify accounts payable for months of:</u> (13-V) a. June 2005 b. July 2005</p> <p>Motion by Mr. Glickman to approve Consent Items #1-11 and #13. Seconded by Mr. Pirzynski.</p>
7:09 PM	MAYOR CALLED THE QUESTION	<p>Consent Items #1-9, #11 and #13: Carried unanimously. Consent Item #10: 3/2 Mrs. Spector and Mr. Pirzynski voting no.</p>
7:11 PM	OPEN VERBAL COMMUNICATION	<p>Mr. Schiendler</p> <ul style="list-style-type: none"> • Commented that he felt his name was misused in the local paper noting a lawsuit between the City of Monte Sereno and his neighbor. He commented that he has no involvement with the lawsuit, and can not understand why his name is found in the police files. • Commented on law enforcement code of ethics.

	VERBAL COMMUNICATION Continued	<p>Mr. Davis</p> <ul style="list-style-type: none"> • Commented on "fast tracking" relating to the Building Department in San Francisco. • Commented on the land use process for the Town of Los Gatos. He stated that the public should be more involved with the land use process. <p>Mr. Pirzynski commented and clarified that the Development Review Committee operates well with staff, Council and volunteers and stated that Mr. Davis's remarks are unfounded.</p>
7:21 PM	CLOSE VERBAL COMMUNICATION	
7:22 PM	PUBLIC HEARINGS ITEM # 15 AMEND TOWN CODE FORMULA RETAIL BUSINESS	<p><u>TOWN COUNCIL</u> <u>ITEM # 15</u> (15-37)</p> <p>Introduction of an ordinance amending the Town Code Section 29.10.020 regarding the definition of formula retail business. It has been determined that this project could not have a significant impact on the environment, therefore, the project is not subject to the California Environmental Quality Act (Section 15061 (b)(3)). Zoning Code Amendment A-05-02. Applicant: Town of Los Gatos.</p> <p>Staff report made by Bud Lortz.</p>
	COUNCIL COMMENT	None.
7:26 PM	OPEN/CLOSE PUBLIC HEARING	
	DIRECT CLERK ADMINISTRATOR TO READ THE TITLE	Mr. Wasserman directed the Clerk Administrator to read the title of the ordinance.
	COUNCIL DISCUSSION	Motion by Mrs. McNutt to wave the reading of the ordinance. Seconded by Mrs. Spector.
	MAYOR CALLED THE QUESTION	Carried unanimously.

	<p>ITEM #15 Continued</p> <p>COUNCIL DISCUSSION</p>	<p>Motion by Mrs. McNutt to accept the Planning Commission minutes regarding the zoning code amendment. Seconded by Mr. Pirzynski.</p>
	<p>MAYOR CALLED THE QUESTION</p>	<p>Carried unanimously.</p>
	<p>COUNCIL DISCUSSION Continued</p>	<p>Motion by Mrs. McNutt to introduce the ordinance to approve the amendments to section 29.10.020 regarding the definition of Formula Retail Business. Seconded by Mr. Glickman.</p>
	<p>MAYOR CALLED THE QUESTION</p>	<p>Carried unanimously.</p>
7:28 PM	<p>ITEM # 16</p> <p>AMEND TOWN CODE TO ADOPT NATIONAL ELECTRICAL CODE</p>	<p><u>ITEM # 16</u> (16-37)</p> <p>Introduction of ordinance amending Chapter 6 of the Town of Los Gatos Municipal Code, adopting the 2002 National Electrical Code with 2004 California amendments deleting outdated amendments and adopting minor corrections. Applicant: Town of Los Gatos.</p> <p>Staff report made by Bud Lortz.</p>
	<p>COUNCIL COMMENT</p>	<p>None.</p>
	<p>OPEN/CLOSE PUBLIC HEARING</p>	
	<p>DIRECT CLERK ADMINSTRATOR TO READ THE TITLE</p>	<p>Mr. Wasserman directed the Clerk Administrator to read the title of the ordinance.</p>
	<p>COUNCIL DISCUSSION</p>	<p>Motion by Mr. Pirzynski to wave the reading. Seconded by Mrs. Spector.</p>
	<p>MAYOR CALLED THE QUESTION</p>	<p>Carried Unanimously.</p>

	ITEM #16 Continued COUNCIL DISCUSSION	Motion by Mr. Pirzynski to introduce the ordinance to approve the amendments to Town Code Chapter 6 and adopt the 2002 National Electrical Code with California amendments. Seconded by Mr. Glickman.
	MAYOR CALLED THE QUESTION	Carried unanimously.
7:30 PM	OTHER BUSINESS ITEM #17 ALTERNATIVES TO THE STRUCTURE OF THE PLANNING COMMISSION	ITEM #17 (17-37) <ul style="list-style-type: none"> • Consideration of alternatives to the structure of the Planning Commission and provide direction before making next regular appointments to the Commission. Staff report made by Bud Lortz .
	COUNCIL COMMENTS	None.
7:31 PM	OPEN PUBLIC COMMENT	Mr. Davis <ul style="list-style-type: none"> • Commented that he felt that the staff report left out Planning Commission recommendations relating to possible reductions to the size of the Planning Commission and possible reduction to the term limits. Mr. Slutman <ul style="list-style-type: none"> • Commented on the diversity with 7 members and would like to see this remain for the Planning Commission. • Commented on lack of quorum if commission were reduced to 5 members • Commented that he feels, as a former Commissioner, that a larger commission would allow broader representation. • Commented that less is not always best and he would like to see the 4 year term limit remain in order to have continuity and a reasonable learning curve.
7:38 PM	CLOSE PUBLIC COMMENT	

7:38 PM

**ITEM #17
Continued**

**ALTERNATIVES
TO THE
STRUCTURE OF
THE
PLANNING
COMMISSION**

**COUNCIL
DISCUSSION**

- Clarified that Council did ask for feedback from the Planning Commission relating to structural changes, and had listened to the meeting on FTR.
- Commented on concerns relating to the drop in property values in the Town.
- Concerned that the planning process might be perceived as too cumbersome.
- Commented that responsibility lies with the Council and suggested closely monitoring and reviewing the Planning Commission and process.
- Would like to see allocation of funds for more training and development of the Planning Commission members.
- Suggested that the application process for Planning Commission should include completion of the Leadership Los Gatos program, knowledge of the General Plan, Hillside Plan, Commercial Guidelines; and, attendance at several Planning Commission meetings.
- Commented on orientation being provided for perspective Planning Commissioners before applicants are interviewed.
- Suggested that the Council Policy Committee could develop options for training which may increase recruitment and also help the current commissioners.
- Would like to see the commission remain at 7 members and 4 year terms.
- Commented on diversity with a 7 member commission.
- Commented that the best training tool is "on the job experience," and suggested that Council Members and commissioners who have this knowledge should make themselves available to assist and educate new members.
- Commented on the importance of annual reviews and attendance.
- Commented that continued training and materials should be readily available.
- Direct staff to develop a methodology relating to behavioral issues and performance reviews.
- Council would like to have this be a high priority for the Council Policy Committee.
- Cautioned that all Boards, Commissions, and Committees should be treated equally.

	<p>ITEM #17 Continued</p> <p>ALTERNATIVES TO THE STRUCTURE OF THE PLANNING COMMISSION</p> <p>COUNCIL DISCUSSION</p>	<p>Recommendations:</p> <ul style="list-style-type: none"> Refer to Policy Committee to begin process for some methodology to allow Council to give input to individual Planning Commissioners relating to their behavior and performance, which allows growth and development. Process would be brought back to Council for discussion and final approval. <p>Consensus to keep the Planning Commission at 7 members and a 4 year term limit.</p>
8:05 PM	<p>ITEM #18</p> <p>COUNTY ANNEXATION PROCESS</p>	<p><u>ITEM #18</u></p> <p>Provide direction to staff regarding proceeding with the County island annexation process.</p> <p>Staff report made by Pamela Jacobs.</p>
8:10 PM	<p>COUNCIL COMMENT</p>	<ul style="list-style-type: none"> Commented on involuntary annexations, and would not support the move if neighborhoods did not want to be annexed. Would like to see outreach to these communities for consensus to be annexed. Commented on the County agreement to improve the streets of these County areas, and the need to align building fees and development standards with the Town's fees and standards. Clarification on the August 31, 2005 meeting with the County. Questioned the type of outreach and asked to have any County commitments listed as part of the outreach.
8:15 PM	<p>OPEN PUBLIC COMMENT</p>	<p>Mr. Davis</p> <ul style="list-style-type: none"> Commented on the County's proposal to use Chip Seal to fix the streets verses Cape Seal. Mr. Davis would like to see Cape Seal which he thinks is a better option. <p>Mr. Davis was given his third warning for disrupting the meeting and was asked to leave the Chambers.</p>

	<p>ITEM #18 Continued</p> <p>COUNTY ANNEXATION PROCESS</p> <p>PUBLIC COMMENT</p>	<p>Ms. Gruetzner</p> <ul style="list-style-type: none"> • Commented on the annexation process and recommended to start the process as soon as possible. • Questioned if Blossom Hill Manor could be split into two areas which might then qualify for this new annexation opportunity.
8:24 PM	CLOSE PUBLIC COMMENT	
8:25 PM	COUNCIL DISCUSSION	<ul style="list-style-type: none"> • Clarified that Blossom Hill Manor can not be split, but must be annexed as a whole. • Commented on the Town's Public Works Department working with the County regarding the type of material used to repair the streets. • Commented on being opposed to annexing pockets that are not interested in being annexed. • Commented on the benefits the home owners would enjoy if they annexed into the Town. • Commented on extensive outreach to the residents within the County pockets, and following up with an informal vote or poll to find out if residents would like to be annexed. • Commented on the Blossom Hill Manor annexation process and what can be learned from that experience. • Would like to see County take the lead and initiate an out reach process to inform the County pockets of the benefits to be annexed. • Would like to see a policy decision which would align the County's development standards. • Commented on the short time frame relating to this streamlined annexation process. <p>Consensus was given to wait for the County's affirmation of their willingness to adopt development standards for the unincorporated islands that mirror Los Gatos' development standard. Staff would then proceed with the outreach process.</p>

8:40 PM	ITEM #19 COUNCIL MATTERS	<u>ITEM #19</u> None.
8:41 PM	ITEM #20 MANAGER MATTERS	<u>ITEM #20</u> None.
8:41 PM	CONSENT ITEMS Continued PULLED ITEMS #12 AND #14	<u>ITEM #14</u> <u>TOWN COUNCIL/REDEVELOPMENT</u> 14. Approve Council/Agency minutes of August 1, 2005. (14-V)
	COUNCIL COMMENT	None
	OPEN/CLOSE PUBLIC COMMENT	Mr. Davis was not present to speak to Item #14.
8:42 PM	COUNCIL DISCUSSION	<ul style="list-style-type: none"> • Mr. Pirzynski requested that the minutes of August 1, 2005 be amended to reflect that Mr. Glickman and Mrs. McNutt had requested that the moratorium on the death penalty be agendized at a future meeting. <p>Motion by Mr. Glickman to approve Consent Item #14. Seconded by Mr. Pirzynski.</p>
	MAYOR CALLED THE QUESTION	Carried unanimously.
8:42 PM	CONSENT ITEMS Continued PULLED ITEMS #12 AND #14	Mrs. Spector recused from Item #12 regarding 50 University Avenue due to the fact that she resides within 500 feet of the establishment

8:43 PM	ITEM #12 Continued 50 UNIVERSITY AVENUE WINE CELLAR	ITEM #12 12. Adopt resolution approving a request to modify a Conditional Use Permit for a restaurant to increase the number of seats and denying a request to increase allowed entertainment. Conditional Use Permit U-03-7. Property location: 50 University Avenue, Suite 180. Property owner: Federal Reality. Applicant Steve Hauck. RESOLUTION 2005-92 (12-15) Staff report made by Bud Lortz .
8:44 PM	COUNCIL COMMENT	<ul style="list-style-type: none">• Clarified reasons for giving the applicant the opportunity to speak.• Clarification on the nature of the process regarding the land use application.• Commented on the number of seats approved aligning with number of seats currently in use.• Clarification from Town Attorney on the process if changes were to be made tonight.
8:53 PM	OPEN PUBLIC COMMENT	Mr. Fields <ul style="list-style-type: none">• Supports the proposed request for the Wine Cellar. Ms. Houston, Attorney, Berlinger, Cohen, <ul style="list-style-type: none">• Requested that the item be brought back on a future agenda and that the applicant be given the opportunity to work with staff.• Reiterated that the applicant has learned and heard the Town's concerns regarding the application, and are willing to work with staff. Mr. Drew <ul style="list-style-type: none">• Supports the proposed request for the Wine Cellar. Ms. Strong, General Manager, California Café <ul style="list-style-type: none">• Supports the proposed request for the Wine Cellar and would like to have the same opportunity for live entertainment at California Café in the future. Mr. Gibson <ul style="list-style-type: none">• Supports the proposed request for the Wine Cellar.

	<p>ITEM #12 Continued</p> <p>50 UNIVERSITY AVENUE</p> <p>WINE CELLAR</p> <p>PUBLIC COMMENT</p>	<p>Mr. Hauck, Applicant</p> <ul style="list-style-type: none"> • Commented on the vision of the Council, and would like to ask for reconsideration and the opportunity to work with staff to come to some agreement. <p>Mr. McIlvain</p> <ul style="list-style-type: none"> • Supports the proposed request for the Wine Cellar. • Suggested developing conditions to meet everyone's needs. • Commented that it is time to develop an Entertainment Policy.
9:09 PM	CLOSE PUBLIC COMMENT	
9:09 PM	COUNCIL DISCUSSION	<ul style="list-style-type: none"> • Mr. Glickman commented on Mr. Hauck's statement, and asked if other Council Members would be willing to reconsider this application. • Mentioned entertainers and instruments which do not require amplification. • Stated that a Conditional Use Permit runs with the land. • Commented that it is time for Council to take a look at an Entertainment Policy. • Commented on creating policies that would emphasize an appropriate mixed use for the downtown area. • Commented on developing a precise policy before granting live entertainment with alcohol in the downtown area. • Council requested staff to move forward with a work plan to look at a policy relating to entertainment and alcohol use in the downtown area. <p>Motion by Mr. Pirzynski to adopt resolution approving a request to modify a Conditional Use Permit for a restaurant to increase the number of seating and denying a request to increase allowed entertainment.</p> <p>Seconded by Mr. Glickman.</p>
9:25 PM	MAYOR CALLED THE QUESTION	4/1 Mrs Spector recused.
9:27 PM	MEETING ADJOURNED	

Submitted by:

Jackie D. Rose, Deputy Clerk

Attest:

MarLyn J. Rasmussen, Clerk Administrator
Secretary to the Redevelopment Agency