

DRAFT

Council Agency Meeting March 20, 2006

Item #

66.

**TOWN OF LOS GATOS, CALIFORNIA
TOWN COUNCIL/PARKING AUTHORITY
JOINT REDEVELOPMENT AGENCY**

March 6, 2006/MINUTES

Los Gatos Civic Center
110 E. Main Street
Los Gatos, CA 95030

TIME	ITEM	ACTION ON ITEM
	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, March 6, 2006, in a joint regular session.
7:00 PM	ROLL CALL	Present: Steve Glickman, Joe Pirzynski, Barbara Spector, Mike Wasserman, and Mayor/Chairman Diane McNutt. Absent: None
7:01 PM	PLEDGE OF ALLEGIANCE	Girl Scout Troop 61 led the pledge of allegiance. The audience was invited to participate.
7:02 PM	CLOSED SESSION	CONFERENCE WITH LEGAL COUNCIL – ANTICIPATED LITIGATION (<u>Government Code Section 54956.9[b]</u>) Threat of litigation regarding Town Council decision denying a Formula Retail Store (American Apparel) Conditional Use Permit No. U-06-006 Mr. Korb reported regarding the Closed session on February 27, 2006 and on March 6, 2006. He stated that direction was given and no action was taken during both meetings.
7:03 PM	PRESENTATION	Mayor McNutt presented Mr. Conway, Director of Finance , with the Government Finance Officers Association Distinguished Budget Presentation Award.

7:03 PM	<p>CONSENT ITEMS #1-8</p> <p>ITEM # 3, #5, #7, and #8 WERE PULLED AND HEARD AFTER OTHER BUSINESS</p>	<p><u>TOWN COUNCIL</u></p> <ol style="list-style-type: none"> 1. Accept schedule of public hearings.(1-28) 2. Accept Treasurer's report for January 2006. (2-2) 4. Adopt resolution supporting a measure to secure Proposition 42 funding for state and local transportation projects. RESOLUTION 2006- 019 (4-41) 6. Adopt resolution authorizing the Town Manager to accept the donation of an oil painting valued at \$5,000 given to the Library by Evelyn Bond in memory of her late husband James Bond. RESOLUTION 2006-021 (6-32) <p>Motion by Mr. Wasserman to approve Consent Items #1, #2, #4, and #6. Seconded by Mrs. Spector.</p>
7:04 PM	MAYOR CALLED THE QUESTION	Carried unanimously.
7:04 PM	OPEN VERBAL COMMUNICATION	<p>Mr. Davis</p> <ul style="list-style-type: none"> • Commented on the funding for sidewalks along Blossom Hill Road between University Avenue and Roberts Road.
7:09 PM	CLOSED VERBAL COMMUNICATION	
7:09 PM	<p>PUBLIC HEARINGS ITEM #9</p> <p>SUPPLEMENTAL LAW ENFORCEMENT SERVICES</p>	<p><u>ITEM #9</u> (9-36)</p> <p>Adopt resolution authorizing the continued use of Supplemental Local Law Enforcement Funds (SLESF) to provide funding for one (1) full time police officer assigned as a motorcycle traffic officer and one (1) full time police officer assigned as a school resource officer. RESOLUTION 2006-023</p> <p>Staff report made by Steve Conway.</p>
7:12 PM	COUNCIL COMMENT	None.
7:12 PM	OPEN/CLOSED PUBLIC HEARING	None.

7:13 PM	PUBLIC HEARINGS ITEM #9 Continued SUPPLEMENTAL LAW ENFORCEMENT SERVICES COUNCIL DISCUSSION	Motion by Mr. Pirzynski to approve the resolution for continued use of Supplemental Law Enforcement Service Funds. Seconded by Mr. Glickman.
7:13 PM	MAYOR CALLED THE QUESTION	Carried unanimously.
7:14 PM	OTHER BUSINESS ITEM #10 2005/06 MID-YEAR BUDGET PERFORMANCE AND STATUS REPORT	ITEM #10 <u>2005/06 Mid-Year Budget Performance and Status Report – Six Months ending December 31, 2005.</u> <ul style="list-style-type: none"> a. Accept 2005/06 Mid-Year Second Quarter Budget Performance Status Report, including FY2006-11 Five-Year Financial Projections. b. Authorize budget adjustments as recommended in the attached Second Quarter Budget Performance Report. Staff report made by Steve Conway .
7:31 PM	COUNCIL COMMENT	<ul style="list-style-type: none"> • Commended staff on an excellent report. • Commented regarding the 5 year budget forecast. • Questioned the reasons for imbalance beginning in 2010. • Clarification regarding budget actions for the next three years. • Clarification in the forecast assumptions used for staffing levels. • Clarification regarding using the Revenue Stabilization Fund as a bridge. • Commented on the need for discussion on strategies for budget balancing in the out years. • Commented on the need for funding for street maintenance.
7:44 PM	OPEN PUBLIC COMMENT	Mr. Davis <ul style="list-style-type: none"> • Question the lack of funding mentioned in the Mid-Year Budget Performance and Status Report for sidewalk replacement on Blossom Hill Road. Mr. Conway clarified that any funding for sidewalk replacement or repairs would come from the Capital Improvement Project Budget which was not a discussion on tonight's agenda.

7:47 PM	<p>OTHER BUSINESS ITEM #10 Continued</p> <p>2005/06 MID-YEAR BUDGET PERFORMANCE AND STATUS REPORT</p> <p>CLOSED PUBLIC COMMENT</p>	
7:47 PM	COUNCIL DISCUSSION	<p>Motion by Mr. Pirzynski to:</p> <ul style="list-style-type: none"> • Accept the 2005/06 Mid-Year Budget Performance and Status Report, including FY 2006-11 Five Year Financial Projections. • Authorize budget adjustments as recommended in the attached second quarter budget performance report. <p>Seconded by Mrs. Spector.</p>
7:50 PM	MAYOR CALLED THE QUESTION	Carried unanimously.
7:51 PM	<p>OTHER BUSINESS Continued</p> <p>ITEM #11</p> <p>CONSIDERATION OF RESOLUTION ENCOURAGING AUTOMOBILE DEALERSHIPS AND CHANGE USE OF EXISTING DEALERSHIPS</p>	<p>ITEM #11</p> <p>Consideration of a resolution encouraging the retention of automobile dealerships and establishing requirements to change the use of existing automobile dealership sites.</p> <p>Staff report made by Bud Lortz.</p>
7:57 PM	COUNCIL COMMENT	None.
7:57 PM	OPEN PUBLIC COMMENT	<p>Mr. Hirschman</p> <ul style="list-style-type: none"> • Asked Council to hold off on adopting any resolution until further discussion takes place. • Commented that he felt a lack of public notice for the agenda item.

	<p>OTHER BUSINESS Continued</p> <p>ITEM #11</p> <p>CONSIDERATION OF RESOLUTION ENCOURAGING AUTOMOBILE DEALERSHIPS AND CHANGE USE OF EXISTING DEALERSHIPS</p> <p>PUBLIC COMMENT</p>	<p>Mr. Bruce Swanson</p> <ul style="list-style-type: none">• Suggested that retail could help replace the Town's sales tax revenue at the location.• Commented that manufactures are making the profits in the automobile industry today.• Commented on the high cost of living as a contribution to a loss in revenue for Swanson Ford.• Commented that the resolution is discouraging.• Commented that he felt that the auto dealerships will continue to have hard times in Town.• Commented that displays are a huge part of auto sales. <p>Council Comment</p> <ul style="list-style-type: none">• Clarification on the speaker's opinion regarding sales tax replacement at that location.• Asked Mr. Swanson for his opinion on the future of automobile dealerships in Los Gatos. <p>Mr. Davis</p> <ul style="list-style-type: none">• Commented that the resolution lacked balance relating to neighborhoods which surround the automobile dealerships.• Commented on the expiration of the Land Use Permit for the Auto Mall. <p>Mr. Robert Swanson</p> <ul style="list-style-type: none">• Commented on the changes in the automobile dealership business.• Commented on the new "hot spots" for automobile dealerships.• Suggest looking into retail for the future on Los Gatos Boulevard.• Commented on the 10-mile rule relating to automobile dealerships.• Commented that the resolution is discouraging, and would like continued dialogue with the Town.• Asked for clarification regarding a peer review process. <p>Council Comment</p> <ul style="list-style-type: none">• Asked for comments relating to the resolution and the future of the automobile dealerships in Town.
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	<p>ITEM #11 Continued</p> <p>CONSIDERATION OF RESOLUTION ENCOURAGING AUTOMOBILE DEALERSHIPS AND CHANGE USE OF EXISTING DEALERSHIPS</p> <p>PUBLIC COMMENT</p>	<p>Mr. Stansberry</p> <ul style="list-style-type: none"> • Commented on evolving the retail business on Los Gatos Boulevard. • Commented on looking at the General Plan for guidance regarding revitalization of Los Gatos Boulevard. <p>Mr. Scott</p> <ul style="list-style-type: none"> • Does not support the resolution. • Commented on the decline in sales tax and suggested the Town could find ways to redevelop Los Gatos Boulevard.
8:36 PM	CLOSED PUBLIC COMMENT	
8:36 PM	COUNCIL DISCUSSION	<ul style="list-style-type: none"> • Questioned the revenue differences between sales tax from automobile dealerships and sales tax from retail for the location. • Questioned if studies have been conducted on retail establishments along Los Gatos Boulevard. • Commented on developing a policy or guidelines to give direction relating to business establishments along Los Gatos Boulevard. • Commented on reviewing issues raised by the speakers at tonight's meeting. • Commented on continuing to showcase Los Gatos as a "full service" community. • Questioned the content of the resolution, and requested further discussion and information before making a decision. <p>Motion by Mr. Wasserman to table resolution, and requested staff to bring back more information at a study session on March 20, 2006 or April 3, 2006.</p>
9:04 PM	MAYOR CALLED THE QUESTION	Carried unanimously.

9:04 PM	<p>OTHER BUSINESS Continued</p> <p>ITEM #12</p> <p>25 N. SANTA CRUZ AVENUE (AMERICAN APPAREL)</p>	<p>ITEM #12 Adopt resolution upholding Planning Commission decision denying a formula retail store (American Apparel) on property zoned C-2. Conditional Use Permit: U-06-006. APN: 510-44-034. Property Location: 25 N. Santa Cruz Avenue. Property Owner: Santa Cruz Real, LLC. Applicant/Appellant: Tacee Webb (continued from 2/6 and 2/21/06)</p> <p>Staff report made by Bud Lortz.</p>
9:06 PM	<p>OTHER BUSINESS Continued</p> <p>ITEM #12</p> <p>25 N. SANTA CRUZ AVENUE (AMERICAN APPAREL)</p> <p>COUNCIL COMMENT</p>	<p>Mr. Korb recommended continuing Item #12 until April 3, 2006.</p>
9:07 PM	<p>OPEN PUBLIC COMMENT</p>	<p>Mr. Davis</p> <ul style="list-style-type: none"> Commended staff on the decisions made regarding 25 N. Santa Cruz Avenue (American Apparel). Commented regarding a letter from William Ross relating to reconsideration of the application.
9:10 PM	<p>CLOSE PUBLIC COMMENT</p>	
9:10 PM	<p>COUNCIL DISCUSSION</p>	<p>Consensus to continue Item #12 until April 3, 2006.</p>
9:11 PM	<p>CONSENT ITEMS #1-8 Continued</p> <p>PULLED ITEM #5</p>	<p>ITEM #5 3. Adopt resolution supporting the renewal of the Santa Clara County Park Charter. RESOLUTION 2006- 020 (5-33)</p> <p>Mr. Glickman</p> <ul style="list-style-type: none"> Commented County has not responded favorably to Town requests regarding parks.
9:13 PM	<p>COUNCIL DISCUSSION</p>	<p>Motion by Mr. Pirzynski to adopt resolution supporting the renewal of the Santa Clara County Park Charter.</p> <p>Seconded by Mrs. Spector.</p>
9:13 PM	<p>MAYOR CALLED THE QUESTION</p>	<p>4/1 Mr. Gickman voting no.</p>

9:14 PM	<p>CONSENT ITEMS #1-8 Continued</p> <p>PULLED ITEMS #3, #7, and #8</p> <p>CONSENT ITEMS #1-8 Continued</p> <p>PULLED ITEMS #3, #7, and #8</p>	<p>ITEMS #3, #7, #8</p> <p>3. Adopt resolution amending agreement between the Town of Los Gatos and the Town Manager and authorizing the Mayor to sign amendment on behalf of the Town of Los Gatos (3-29) RESOLUTION 2006-018</p> <p>7. <u>Investment advisory services</u> (9-9)</p> <p>a. Adopt resolution authorizing the Town Treasurer and the Town Manager to execute an agreement with MBIA Municipal Investors Service Corporation for investment advisory services with estimated annual fees of approximately \$38,000 to \$40,000 annually depending upon Town portfolio size. RESOLUTION 2006-022</p> <p>b. Authorize Fiscal Year 2005/06 budget adjustment of \$13,500 in the Treasurer's office budget to provide approximately four months of current fiscal year funding for professional advisory services provided to the Town Treasurer under the proposed agreement.</p> <p><u>TOWN COUNCIL/REDEVELOPMENT AGENCY</u></p> <p>8. <u>Approve Council/Agency minutes of:</u></p> <p>a. February 6, 2006.</p> <p>b. February 27, 2006</p> <p>Mr. Davis</p> <ul style="list-style-type: none"> • Commented regarding the Town Managers salary. • Commented against the Investment Advisory Service resolution
9:19 PM	COUNCIL DISCUSSION	<p>Motion by Mr. Glickman to adopt Consent Items #3, #7, and #8. Seconded by Mr. Wasserman.</p>
9:19 PM	MAYOR CALLED THE QUESTION	Carried unanimously.

9:20 PM	ITEM #13 COUNCIL MATTERS	ITEM #13 Council commended Debra Figone for such a fine job and that they are honored to work with her.
9:21 PM	ITEM #14 MANAGER MATTERS	ITEM #14 None.
9:21 PM	MEETING ADJOURNED	

Submitted by:

ATTEST:

Jackie D. Rose, Deputy Clerk

MarLyn Rasmussen, Clerk Administrator