

**MINUTES OF THE TOWN COUNCIL/PARKING
AUTHORITY/REDEVELOPMENT AGENCY
OCTOBER 16, 2006**

The Town Council of the Town of Los Gatos conducted a Regular Meeting on Monday, October 16, 2006 at 7:00 P.M.

TOWN COUNCIL/PARKING AUTHORITY/ REDEVELOPMENT AGENCY

MEETING CALLED TO ORDER

Meeting was called to order by **Mayor Diane McNutt** at 7:00 p.m.

ROLL CALL

Present: Council Member Steve Glickman, Vice Mayor Joe Pirzynski, Council Member Barbara Spector, Council Member Mike Wasserman, and Mayor Diane McNutt.

Absent: None.

PLEDGE OF ALLEGIANCE - LED BY FUTURE LEADER

Shannon DeGrange, Sarah Pearson, Thomas Sgarlato-Campi, Ariela Winkler, Kevin Fagan, Samantha Majek, Shane Ryan, Bryce Beahm, and Naomi Field from Lexington School led the Pledge of Allegiance. The Audience was invited to participate.

CLOSED SESSION REPORT

CONFERENCE WITH LABOR NEGOTIATOR

(Government Code Section 54957.6)

Town Negotiator (Lead): Rumi Portillo, Human Resources Director

Employee Organization: Town Employees' Association (TEA)

Mr. Korb stated that direction was given and no action was taken.

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

(Government Code Section 54957)

Title: Town Manager

Mr. Korb stated that direction was given and no action was taken.

PRESENTATIONS

Community/Business Recognition

Mr. Glickman presented a Community/Business Recognition to **Barry Cinnamon**, Akeena Solar for his dedication to solar power and benefits to the environment and community with his philosophy to produce clean electricity from the sun.

Los Gatos Prepared Public Awareness Presentation on Health Disaster Preparedness

Sergeant Kerry Harris gave an update regarding the Town's Los Gatos Prepared events happening on October 17, 2006.

Sal Murillo, Santa Clara County Public Health Department, made a presentation on Public Awareness and preparedness relating to self efficiency in the event of a health disaster such as the pandemic flu.

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

TOWN COUNCIL

1. Ratify payroll for the month of September 2006
2. Ratify accounts payable for September 2006
3. Accept recommendation from Community Services Commission Chair and Vice-Chair to appoint Pilar Svendsen and Ben Jolitz as Student Community Services Commissioners
4. Adopt ordinance of the Town of Los Gatos approving a zone change from RM:5-12 to RM:5-12:PD for a seven lot residential subdivision and approval to demolish a single family residence and a 3-unit apartment building built prior to 1941. Planned Development Application PD-05-01, Architecture and Site Application S-05-015, Negative Declaration ND-05-03 APN 529-16-021 and 045. Property location: 17005 and 17017 Roberts Road. Property owner: Khurram Iqbal. Applicant: Donna and Louie Leu. ORDINANCE 2152
5. Adopt resolution making determinations and approving the reorganization of territory designated "Topping Way No. 4," approximately 0.633 acres located at 16622 Topping Way (APN: 532-09-021) RESOLUTION 2006-109

Consent Items Continued

6. **PPW Job No. 03-40 - Various Trails, Pathways, and Parks' Asphalt Surface Improvements for Projects 0720, 0721, and Operating Budget 2251. Adopt resolution to reject bids for the various trails, pathways, and park asphalt surface improvement. RESOLUTION 2006-106**
7. **PPW Job No. 05-17 Highway 9 Safety Improvement Project. Adopt resolution authorizing the Town Manager to execute a professional consultant services agreement with BKF Engineers for preparation of construction documents and Caltrans encroachment permit. RESOLUTION 2006-110**

REDEVELOPMENT AGENCY

8. **Ratify accounts payable September 2006**

TOWN COUNCIL/REDEVELOPMENT AGENCY

9. **Approve Council/Agency minutes of October 2, 2006**

MOTION: Motion by **Council Member Steve Glickman** to Approve Consent Items #1-3, #5 and #6, and #8 and #9.
Seconded by Council Member Mike Wasserman.

VOTE: Motion passed unanimously.

Consent Item #4 was pulled by Mayor Diane McNutt.
Consent Item #7 was pulled by a member of the public.

PULLED CONSENT ITEM #4

4. Adopt ordinance of the Town of Los Gatos approving a zone change from RM:5-12 to RM:5-12:PD for a seven lot residential subdivision and approval to demolish a single family residence and a 3-unit apartment building built prior to 1941. Planned Development Application PD-05-01, Architecture and Site Application S-05-015, Negative Declaration ND-05-03 APN 529-16-021 and 045. Property location: 17005 and 17017 Roberts Road. Property owner: Khurram Iqbal. Applicant: Donna and Louie Leu **ORDINANCE 2152**

Mr. Davis

- Commented regarding the Planning Commission's decision relating to 17005 and 17017 Roberts Road.
- Suggested this item be sent back to the Planning Commission for review.

Pulled Consent Items Continued
Consent Item #4

- MOTION:** Motion by **Council Member Steve Glickman** to approve Consent Item #4.
Seconded by **Council Member Mike Wasserman**.
- VOTE:** Passed 3/2. **Vice Mayor Joe Pirzynski** and **Council Member Barbara Spector** voted no

PULLED CONSENT ITEM #7

7. PPW Job No. 05-17 Highway 9 Safety Improvement Project. Adopt resolution authorizing the Town Manager to execute a professional consultant services agreement with BKF Engineers for preparation of construction documents and Caltrans encroachment permit.
RESOLUTION 2006-110

Staff report made by **John Curtis**, director of Parks and Public Works

Debra Figone, Town Manager

- Commented on forming a Council sub-committee with Monte Sereno and Saratoga relating to the Highway 9 Improvement project.
- Suggested bringing Council sub-committee information back to Council at the December 4, 2006 Town Council meeting.

Council Comment

- Clarification regarding the allowance of easements along Highway 9.
- Questioned summarization of cost and design regarding the first phase of the project.

Open Public Comment

Mr. Brodsky, Mayor of Monte Sereno

- Commented on the benefits of the Highway 9 safety project.
- Requested that the Council sub-committee look into the idea of allowances to use drainage areas and easements as part of the project.

Joanne Peth

- Clarification regarding the cost for paving, re-striping and preparation for the project.
- Requested that Cal Trans add funds to maintain portions of Highway 9 which they are currently responsible for maintaining.

Pulled Consent Items Continued
Consent Item #4

Lon Malloy

- Would like to see Cal Trans accept some of the responsibility for the project.

Council Comment

- Clarification relating to responsibilities of contract review from the sub-committee.
- Clarification regarding the use of grant funds relating to phase 1 and phase 2.

Mr. Davis

- Supported the idea of a Council sub-committee.
- Suggested a formal letter from these cities to confirm the need for a Council sub-committee.

Mr. Korb clarified that the contract defines the responsibilities of each city relating to the Highway 9 Safety Project.

MOTION: **Motion by Vice Mayor Joe Pirzynski** to approve project 05-17 - Highway 9 Safety Improvements and the service agreement with BKF Engineers.
 Seconded by Council Member Steve Glickman.

VOTE: Motion passed unanimously.

Mrs. Spector

- Clarification relating to costs associated with forming a Council sub-committee.

Consensus to form Council sub-committee between the Town of Los Gatos, the City of Monte Sereno and the City of Saratoga.

VERBAL COMMUNICATIONS

Mrs. Deloumi

- Commented regarding pinpointing actual costs to build the skate park.
- Questioned if funds are available to move forward with a design.

Mr. Davis

- Commented regarding the lack of sidewalks along Blossom Hill Road between Roberts Road and University Avenue.
- Commented regarding the De Santis project and differences between the General Plan and Town Code relating to the proposed project.

Mr. Harwin

- Commented that some of his questions were excluded at the October 3, 2006 Public Forum with the candidates for the November, 2006 Election held by the League of Women Voters.

Elisabeth Ross

- Commented regarding the need for a skate park in Los Gatos.
- Requested Council support with community and committee efforts relating to funding of the skate park.

Mr. Deloumi

- Requested a temporary skate park at Miles Avenue.

Mr. Thrall

- Questioned reserves of the Town and requested the Town to proceed with the design.

Pamela Jacobs, Assistant Town Manager gave an update on costs, time frames, and design efforts regarding the proposed skate park.

Council Comment

- Requested an update regarding the use of funds for design and planning.
- Clarification regarding the cost for the project, and asked if this project could be done in phases.
- Commented regarding the time line for the skate park project.
- Commented regarding the fund raising efforts by the Skate Park Committee and commitments from the public.
- Commented regarding the Town's commitment, and the commitment made by the City of Monte Sereno.
- Commented regarding the value of the property on Miles Avenue, and suggested that the Town does have money to fund the skate park.

Verbal Communication Continued

Mrs. Figone

- Clarified the funds associated with the Town's reserves.
- Commented regarding the funding the Town has dedicated to the project.
- Commented on the funds raised to help construction of the skate park.

Closed Verbal Communication

PUBLIC HEARINGS

10. **Requesting approval to allow wine tasting and retail wine sale on property zoned C-2. Conditional Use Permit U-07-2. Property Address: 45 W. Main Street. APN 529-01-026. Property owner: Jay Conover and Joella Wanamaker. Applicant: Clos La Chance Wines, Inc & Fleming Jenkins LLC**

Staff report made by **Randy Tsuda**, Assistant Director of Community Development.

Open Public Hearing

Greg and Peggy Jenkins

- Commented on their wine business and the tasting room.

Rick Toyota, Manager of the Clos la Chance facility Winery.

- Commented regarding consideration of special events, internal events, and private events at their business.
- Commented that the main part of their business is specialty retail.
- Commented regarding the strict limitations in place by the ABC for their business.

Bill Murphy, Owner of Clos la Chance Winery

- Commented regarding their family business, letters supporting the business, and asked for Council consideration for the Conditional Use Permit.

Public Hearing Continued
Item # 10

Council Comment

- Questioned if the Conditional Use Permit considers staff training as a special event.
- Clarification on number of events they were requesting per month.
- Clarification regarding special events verses private events.
- Clarification regarding the limitations relating to the private events or presentations.
- Questioned private events permitted under the Conditional Use Permit for the Coffee Roasting Company.
- Clarification regarding the impact of the private events.
- Questioned the amount of people who would attend these private events.
- Commented regarding applicants request for additional special events and private events.
- Commented that this request should be reviewed by Planning Commission or staff.

Open Public Comment

Mr. Davis

- Commented on supporting the request for a Conditional Use Permit.

Mr. Toyota

- Apologized for asking for consideration to modify the Conditional Use Permit relating to private events.
- Requested that Council consider Conditional Use application as proposed.
- Commented that wine tasting combined with his establishment would be a positive addition to the community.

MOTION: **Motion by Council Member Barbara Spector** to approve request to allow wine tasting and retail wine sale on property zoned C-2. Conditional Use Permit U-07-2. Property Address: 45 W. Main Street.

Seconded by Council Member Steve Glickman.

VOTE: Motion passed unanimously.

Mrs. Spector requested to agendize a discussion regarding a policy to address saturation of wine tasting establishments. She requested this to be added to the Council retreat agenda.

Mr. Wasserman and **Mr. Pirzynski** agreed.

Public Hearings Continued

11. **Consider an appeal of a Planning Commission decision denying modification of an approved Architecture & Site application relating to grading and landscape improvements on property zoned HR-2½. APN 537-24-013 Architecture and Site Application S-06-066 Property location: 15350 Suview Drive. Property owner/applicant/appellant: Charles Hackett**

Mrs. Spector recused from this item due to her relationship with the Hackett family.

Council Comment

- Clarification regarding a continuance for the proposed application.
- Commented on sending this application back to the Planning Commission.

Open Public Comment

Mr. Bondonm

- Commented regarding drainage problems at his property if the project was approved.
- Commented regarding water damage to the road from drainage directly coming from the retaining walls.
- Requested that staff review these issues as part of the proposed project.

Mr. Gorovitz

- Does not support the proposed project due to the poor drainage options which he feels would directly affect his property.
- Commented regarding the erosion from poor drainage already affecting his property.
- Commented that there is construction being done on the property.

Staff Comments

- Commented on January 16, 2006 as a date certain for the continuance.
- Commented that staff will be going to the property to confirm that construction is being done in compliance with the current permits that have been issued.

MOTION: **Motion by Vice Mayor Joe Pirzynski** to continue the appeal of a Planning Commission decision denying modification of an approved Architecture & Site application relating to grading and landscape improvements on property at 15350 Suview Drive to January 16, 2006.

Seconded by Council Member Mike Wasserman.

VOTE: Motion passed unanimously.

Mayor McNutt called for a recess. Meeting resumed at 9:40 p.m.

OTHER BUSINESS

None this evening.

COUNCIL/TOWN MANAGER REPORTS

12. Council Matters

- a. **Adopt resolution rescinding Council Code of Conduct Resolution 2004-59 and adopting amended version of the Council Code of Conduct adding recommended enforcement procedures.
RESOLUTION 2006-111**

Open Public Comment

Mr. Davis

- Suggested adding the word "ethics" back into the policy.
- Commented regarding actions related to the Brown Act that should be added to the policy.
- Commented on adding public hearing process phrase to the policy.

Ms. Currie

- Commented on supporting the amended Code of Conduct.

MOTION: **Motion by Council Member Mike Wasserman** adopt resolution rescinding Council Code of Conduct Resolution 2004-59 and adopting amended version of the Council Code of Conduct adding recommended enforcement procedures.
Seconded by Vice Mayor Joe Pirzynski.

VOTE: **Motion passed 4/1. Council Member Steve Glickman** voting no.

Council Member Steve Glickman

- Commented on not supporting the motion for the following reasons:
Subpoena power and consequences for false witnesses.
- Commented that he feels the policy is too political.
- Commented regarding conflict of interest regarding the policy.

Council Matters Continued
Item #12b

b. Consider adoption of a resolution supporting Measure A (The Santa Clara Land Conservation Initiative) RESOLUTION 2006-112

Mr. Charles

- Commented on weighing the merits of Measure A.
- Commented on threatening the farmers in the valley if Measure A passed.
- Commented on effects of finances in California if Measure A were passed.
- Commented on subverting the legislative process.

Mr. Montgomery

- Commented on supporting Measure A.
- Recommended on leaving this measure to the voters.

Mr. Walters

- Commented on supporting Measure A. He feels that that Measure A will help protect the hillsides.

Mr. Davis

- Commented regarding the public interest relating to Measure A.
- Commented regarding subdividing beyond the urban limit line.

Council Discussion

- Clarification regarding the history of the Council taking stances relating to measures.
- Commented that Measure A would help preserve the hillsides.
- Commented on supporting Measure A.

MOTION: Motion by **Vice Mayor Joe Pirzynski** adopt a resolution supporting Measure A (The Santa Clara Land Conservation Initiative).

Seconded by Council Member Barbara Spector.

VOTE: Motion passed 4/1. Council Member Steve Glickman voting no.

Council Member Barbara Spector

- Requested Sustainable Silicon Valley report to be agendized at a Council meeting and not at the retreat.
Vice Mayor Joe Pirzynski agreed.

13. Manager Matters

None this evening.

ADJOURNMENT

- Meeting adjourned in honor of **Charles DeFreitas** who passed away on October 7, 2006. **Mr. DeFreitas** was a Council Member from 1966-1973, and served as Mayor of Los Gatos in 1970.

Attest:

Jackie D. Rose, Clerk Administrator