

**MINUTES OF THE TOWN COUNCIL/PARKING
AUTHORITY/REDEVELOPMENT AGENCY
MARCH 19, 2007**

The Town Council of the Town of Los Gatos conducted a Regular Meeting on Monday, March 19, 2007 at 7:00 P.M.

TOWN COUNCIL/PARKING AUTHORITY/ REDEVELOPMENT AGENCY

MEETING CALLED TO ORDER

ROLL CALL

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

Absent: None.

PLEDGE OF ALLEGIANCE - LED BY FUTURE LEADER

Brittany Coletti, Los Gatos-Monte Sereno Police Explorer, and Los Gatos High School Senior led the Pledge of Allegiance. The Audience was invited to participate.

CLOSED SESSION REPORT

None this evening.

PRESENTATION

Government Finance Officers Association Distinguished Budget Presentation Award for Fiscal Year 2005/06.

Mayor Joe Pirzynski presented **Steve Conway**, Director of Finance with the Distinguished Budget Presentation Award. **Mr. Conway** accepted the award on behalf of the Town, and thanked staff for all their work in preparing the budget.

TOWN COUNCIL

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

1. Ratify payroll for the month of February 2007
2. Ratify accounts payable for the month of February 2007
3. Accept Treasurer's Report for January and February 2007
4. Adopt resolution approving an application to modify a Conditional Use Permit (I Gatti's) to allow the service of full liquor on property zoned C-2. APN 529-28-037. Conditional Use Permit U-06-005. Property location: 25 E. Main Street. Property owner: Hoo Gee Hom. Applicant: I Gatti Italian Bistro, Inc. RESOLUTION 2007-027
5. Adopt resolution granting an appeal of a Planning Commission decision denying a request to approve exterior modifications to a commercial building and to modify an existing conditional use permit to allow expansion of an existing restaurant (Vittoria) and a change in alcohol service on property zoned C-2. APN 510-44-033, 034, and 035. Conditional Use Permit U-07-09. Architecture and Site Application S-07-12. Property location: 23-27 N. Santa Cruz Avenue. Property owner/applicant/appellant: Santa Cruz Real, LLC. RESOLUTION 2007-028
6. Adopt resolution granting an appeal of a decision of the Planning Commission denying an application for a two lot subdivision on property zoned HR-2 ½ and remanding said application to the Planning Commission APN 527-11-005. Subdivision Application M-06-4. Negative Declaration ND-06-4. Property location: 15500 Francis Oaks Way. Property owner/applicant/appellant: Mike and Ann Moffat. RESOLUTION 2007-029

TOWN COUNCIL/REDEVELOPMENT AGENCY

7. Approve Council/Agency minutes of March 5, 2007
8. Accept the 2005/06 Comprehensive Annual Financial Report (CAFR) and Management Letter

REDEVELOPMENT AGENCY

9. Ratify accounts payable for the month of February 2007

Mr. Davis pulled Consent Items #6 and #7.

Mayor Pirzynski stated that Consent Items will be heard following Other Business this evening.

Motion: **Motion** by **Council Member Steve Glickman** to approve Consent Items #1-5, #8 and #9.
 Seconded by **Vice Mayor Barbara Spector**.

VOTE: Motion passed unanimously.

VERBAL COMMUNICATIONS

Mr. Harwin

- Commented regarding the lack of consistency with the slope density formula in the Hillside Standards and Guidelines and Town Code relating to subdivisions.
- Commented regarding excluding private right-of-ways and easements in the proposed plan for Francis Oaks.
- Would like to see clarification between the Hillside Standards and Guidelines and Town Code relating to the 30% breakpoint, setbacks and the slope density formula.

Mr. Weissman

- Commented regarding the lack of verbatim transcripts from the December 13, 2007 Planning Commission meeting.
- Commented regarding the interpretation of the slope density formula relating to the Francis Oaks Project.
- Commented that he felt that most of the Planning Commissioners were concerned about the setbacks, 30% breakpoint, easements, and slope density formula.

Verbal Communication – Continued

Mr. Harvey

- Commented regarding code compliance issues concerning traffic in the area of Stratford School.
- Would like to see the Conditional Use Permit relating to the traffic issues be enforced by the Town.
- Submitted a petition on behalf of the neighbors from Howes Drive, Barbara Drive, and Thomas Drive asking that Stratford School comply with their Conditional Use Permit relating to the traffic issues.

Council Comments

- Questioned routes relating to the Conditional Use Permit.
- Questioned obligations relating to public roads and the Conditional Use Permit.
- Requested staff to look into the issue relating to the traffic and the Conditional Use Permit.

Mr. Tsuda

- Commented that staff has been working with the school to promote the desired routes listed in the Conditional Use Permit.

Mr. Davis

- Commended the Council and the staff for their strong affirmation relating to the discussions of the General Plan at the Council Retreat.
- Commented regarding the Town's reserves.

Ms. Adams

- Commented regarding the traffic issues at Stratford School.
- Commented that the school has been working with staff regarding recommendations.

Closed Verbal Communication

PUBLIC HEARINGS

10. Adoption of a resolution continuing certain department fees, rates and charges, and amending certain fees, rates and charges for Fiscal Year 2007/08 RESOLUTION 2007-026

Staff report made by **Steve Conway**, Director of Finance.

Council Comment

- Commented regarding the Turf Impact fee.
- Questioned if the Peddler/Solicitor fee would apply to Boy Scouts and Girl Scouts or any non-profit.
- Clarification regarding the Plaza Use fee relating to Jazz in the Plazz.
- Clarification regarding the Plaza Use fee for non-profits.
- Clarification which parks were subject to the Turf Impact fee.
- Clarification regarding the identification cards associated with the Peddler/Solicitor fee.
- Questioned if non-profits would be able to receive an identification card.
- Clarification regarding phasing the Plaza Use fee over a period of time.

Open/Close Public Hearing

Council Discussion

- Concerns regarding the Plaza Use fees when the Town partners with associations to hold events which benefit the community.
- Questioned capping the fee associated with solar installation.
- Commented that the Town currently has 534 fees and only 11 fees have been amended.
- Suggested considering a phasing plan to implement the Plaza Use fee.
- Suggested considering a waiver for organizations who are providing an event for a community benefit, and suggested that the Community Services Commission could review the waivers.
- Questioned determination of how organizations would qualify for a waiver.
- Commented on offering applications for cash grants to supplement payment of Plaza Use fee.
- Commented that the Jazz in the Plazz has stated that they will be able to absorb the Plaza Use fee.
- Questioned if the Plaza Use fee pertains to Oak Meadow Park use.

Public Hearings Continued Item #10

Mr. Conway

- Clarified that the Town Plaza can only be used by non-profits.
- Recommended that if Council preferred a reduction to cost, the best way to implement the reduction would be to reduce the hourly rate.
- Commented that the Solar Installation fee was reduced in half during last year's budget process.

Mr. Korb

- Clarified the Town's history of cost recovery and fees.
- Clarified that reducing a fee should be done for all applicants.
- Commented regarding the Solar Installation fee.
- Commented regarding the concerns relating to the Plaza Use fee.

MOTION: **Motion by Council Member Diane McNutt** to adopt a resolution continuing certain department fees, rates and charges, and amending certain fees, rates and charges for Fiscal Year 2007/08.
 Seconded by Mayor Joe Pirzynski.

Council Discussion

- Questioned if grant applications were available for groups subject to the Plaza Use fee.
- Commented that grant funds are available through the Arts Commission.

VOTE: Motion passed unanimously.

OTHER BUSINESS

11. Roberts Road Bridge Project

- a. Review progress report on the Roberts Road Bridge Project
- b. Authorize staff to re-open the bridge during the project design phase
- c. Authorize staff to begin the design consultant selection process based on CalTrans guidelines

Staff report made by **Kevin Rohani**, Interim Director of Parks and Public Works.

Other Business Continued – Item #11

Council Comments

- Clarification regarding the guarantee for the design and construction grants.
- Questioned if staff will continue monitoring the deterioration of the bridge.
- Questioned the appropriate time to do repairs to Roberts Road.
- Clarification regarding the cost of a structure to prohibit large trucks.

Open Public Comment

Ms. Babalis

- Thanked staff for the communication and meetings held with the neighbors.
- Commented that she feels that the bridge has been deemed safe to re-open.
- Commented that the neighbors of Ohlone Court are in favor of re-opening the bridge.

Ms. Lamborn

- Commented on supporting the closure of the bridge until a new bridge has been constructed.
- Commented regarding pedestrian safety if the bridge is to be re-opened.

Ms. Burr

- Commented on supporting the closure of the bridge until the new structure has been built.
- Commented regarding a structure to ban large truck use on the bridge.

Mr. Murray

- Commented regarding a structure to ban large truck use on the bridge.
- Suggested a weight limit sign at the corner of Blossom Hill Road and Roberts Road to alert large trucks of the restriction before they turn onto Roberts Road.
- Commented regarding the traffic during the Fantasy of Lights.

Mr. Davis

- Commented regarding a peer review done in 2004 declaring the bridge a hazard.

Mr. Vieth

- Commented regarding the traffic issues relating to the closure of the bridge.
- Commented on supporting the re-opening of the bridge.

Other Business Continued – Item #11 - Public Comment

Ms. Gavin

- Questioned the reason for the bridge closure.
- Questioned the safety of the bridge.
- Commented regarding neighborhood involvement relating to design of the bridge.

Mr. Rohani

- Clarified the decisions for closing the bridge.
- Clarified that there would be upcoming meetings regarding the next phases of the bridge project.

Closed Public Comments

Council Discussion

- Commended staff for all the work done relating to the bridge.
- Requested height restrictions and signage for large trucks on the bridge.

MOTION: Motion by Council Member Mike Wasserman to:

- Authorize staff to re-open the bridge during the project design phase.
- To look into the possibility of safety railing along the bridge.
- Monitor pedestrian safety along the bridge, and to include height restrictions and signage for large trucks.

Seconded by Council Member Steve Glickman.

VOTE: Motion passed unanimously.

MOTION: Motion by Vice Mayor Barbara Spector to authorize staff to begin the design consultant selection process based on CalTrans guidelines.

Seconded by Council Member Steve Glickman.

VOTE: Motion passed unanimously.

Pulled Consent Items #6 and #7

Consent Item #6

Adopt resolution granting an appeal of a decision of the Planning Commission denying an application for a two lot subdivision on property zoned HR-2 ½ and remanding said application to the Planning Commission APN 527-11-005. Subdivision Application M-06-4. Negative Declaration ND-06-4. Property location: 15500 Francis Oaks Way. Property owner/applicant/appellant: Mike and Ann Moffat
RESOLUTION 2007-029

Mr. Davis

- Commented regarding due process relating to the Francis Oak project.
- Commented that he feels that there is a discrepancy between the resolution before Council tonight and the motion relating to the Francis Oaks project.

Mr. Korb

- Clarified the contents of the resolution relating to remanding the appeal for the Francis Oaks project.

Mr. McLaughlin

- Commented that he feels there is a discrepancy between the resolution and the motion relating to the Francis Oaks project.
- Requested that the item be continued to allow more public dialog.

Mr. Weissman

- Commented regarding a buildable site on the Francis Oaks property.
- Commented that he feels there was a lack of information presented to Council at the public hearing relating to the project.
- Suggested consideration to listen to concerns relating to public and private easements.

Mr. Moffat

- Commented that the new designs and plans have been submitted through the Community Development Department.
- Clarification regarding the 2.5 acreage stated in the Conditional Use Permit.

Closed Public Comment

Pulled Consent Items Continued – Item #6

MOTION: **Motion** by **Council Member Steve Glickman** adopt resolution granting an appeal of a decision of the Planning Commission denying an application for a two lot subdivision on property zoned HR-2 ½ and remanding said application to the Planning Commission APN 527-11-005. Subdivision Application M-06-4. Negative Declaration ND-06-4. Property location: 15500 Francis Oaks Way. Property owner/applicant/appellant: Mike and Ann Moffat.

Seconded by **Council Member Diane McNutt**.

Council Discussion.

- Clarified that there was new information presented to Council at the public hearing relating to the Francis Oaks project.
- Commented that the resolution is accurate with the new plans submitted to Council at the public hearing.
- Clarified that remanding the project back to Planning Commission does not guarantee an approval or denial.
- Commented regarding the process for remanding an appeal.
- Clarified that part of the resolution states that the lot size should not be smaller than 2.5 acres.
- Commented that the remand does not guarantee the size of the lot or home.

VOTE: Motion passed unanimously.

Consent Item # 7

Approve Council/Agency minutes of March 5, 2007

Mr. Davis

- Commented that he feels his comments under verbal communications in the minutes of the March 5, 2007 meeting did not reflect what he stated relating to the DeSantis project.
- Commented regarding the trucks, construction, and the cut and fill relating to the DeSantis project.
- Commented on not supporting this project.

MOTION: **Motion** by **Council Member Diane McNutt** to approve Consent Item #7.

Seconded by **Council Member Mike Wasserman**.

VOTE: Motion passed unanimously.

Other Business - Continued

12. 2006/07 Mid-Year Budget Performance and Status Report - Six Months Ending December 31, 2006

- a. Accept 2006/07 mid-year Second Quarter Budget Performance Status Report, including Fiscal Year 2007-12 Five-Year Financial Projections**
- b. Authorize budget adjustments as recommended in the Second Quarter Budget Performance Report.**

Staff report made by **Steve Conway**, Director of Finance.

Council Comments

- Clarification regarding the 11% property tax revenue increases in the General Fund.
- Suggested looking into the cost to assume funding for the Teen Center.
- Commented regarding evaluating the funding issues relating to the Teen Center.
- Commented regarding the roles of the board members and the activities at the Teen Center.

Ms. Figone

- Suggested that the recreation department evaluate the costs and where the gaps are in terms of the funding for the Teen Center.
- Questioned if Council would be interested in a report relating to the evaluation results.
- Commented that the Town would be available to advise the Teen Center Board if they needed any support in terms of restructuring opportunities, and helping them to convene with key members of the community to provide structure to the board for fundraising.

Council Comments

- Questioned a timeframe for a report to come back to Council relating to the Teen Center Funding opportunities.

Open/Close Public Comment

Other Business Continued – Item #12

MOTION: **Motion by Council Member Steve Glickman** to accept 2006/07 mid-year Second Quarter Budget Performance Status Report, including Fiscal Year 2007-12 Five-Year Financial Projections.
Seconded by Vice Mayor Barbara Spector.

VOTE: Motion passed unanimously.

MOTION: **Motion by Council Member Mike Wasserman** Authorize budget adjustments as recommended in the Second Quarter Budget Performance Report.
Seconded by Council Member Steve Glickman.

VOTE: Motion passed unanimously.

COUNCIL/TOWN MANAGER REPORTS

13. Council Matters

Mayor Joe Pirzynski

- Commented that the cities and towns of Santa Clara County have been challenged by the Silicon Valley Leadership Group to find new ways commute to and from work.
- Commented on the Cool Commutes program which is supporting the challenge to find new ways to commute to work.
- Invited the community to participate in the Cool Commute program.

Mr. Glickman

- Commented regarding the community bus as an option to support the Cool Commute program.
- Commented regarding "action only" minutes, and suggested looking into enhancing the minutes to include more verbage.

Mr. Wasserman

- Commented that he would like to see more of the pro's and con's added to the minutes.
- Agreed to agendize the issue.

Ms. Spector

- Commented that the "action only" minutes are a policy decision and any changes would require review of the policy.

14. Manager Matters

Report on status of the due diligence process for the purchase of the Verizon property located at 15900 Los Gatos Boulevard

Staff report made by **Debra Figone**, Town Manager.

Ms. Figone

- Commented regarding the opportunity to look into the option of purchasing the Verizon building for the possible police department re-location.
- Commented that Verizon has accepted an offer by the Town for \$3.2 million.
- Commented that the Town has 60 days to do due diligence regarding the property.
- Commented that a decision has not been made to purchase the property.
- Commented on holding a neighborhood meeting to receive feedback from the neighbors regarding the purchase of the property for Police/Town use.
- Commented that all decisions would be made in open session and approved by Council.

Public Comments

Mr. Davis

- Commented regarding the unique opportunity for the Town.
- Commented regarding the estimated costs in the Civic Center/Master Plan to build a new police department.

Council Discussion

- Consensus to move forward with the due diligence process for the purchase of the Verizon property located at 15900 Los Gatos Boulevard.

ADJOURNMENT

Attest:

Jackie D. Rose, Clerk Administrator