

**MINUTES OF THE TOWN COUNCIL/PARKING
AUTHORITY/REDEVELOPMENT AGENCY
APRIL 2, 2007**

The Town Council of the Town of Los Gatos conducted a Regular Meeting on Monday, April 2, 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

Shea O’Gorman, Rylee Comeau, Addie Filuk, Stephanie Anderson, Ashleigh Dimphlmeir, Kyra Knauer, Sierra Barsten, Kira Barsten, Kelly Mahoney, representing Girl Scout Troop 176, led the Pledge of Allegiance. The audience was invited to participate.

CLOSED SESSION REPORT

None this evening.

PRESENTATIONS

George Kennedy (Community Recognition)

Mayor Joe Pirzynski presented **Mr. Kennedy** with a community recognition for 35 years of public service to the community as a District Attorney for Santa Clara County.

Mr. Kennedy thanked the Council and community for all their support.

Kurt Lemons, Transportation and Parking Commissioner

Mayor Joe Pirzynski presented **Mr. Lemons** with a commendation for his many years of volunteer time to the Town’s Parking Commission, the Transportation and Parking Commission, and the community as a whole.

Presentations – Continued

Green Business - Recycling and Waste Reduction Commission of Santa Clara County - Town of Los Gatos Certification.

Mayor Joe Pirzynski made a presentation regarding the Green Business certification received from Santa Clara County.

Keep Los Gatos Beautiful Month.

Mayor Joe Pirzynski announced April as the Keep Los Gatos Beautiful month.

- Commented on the activities which will be taking place in Town during that month.
- Requested that the community do their part to keep Los Gatos beautiful.

TOWN COUNCIL

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

1. **2007 Town Council Retreat - Approve meeting minutes from the March 9 and 10, 2007 Town Council Retreat.**
2. **Project (410-0340) - PPW Job No. 03-40 - Various Trails, Pathways And Parks Asphalt Surface Improvements (0720,0721, 0723, and 2251).
RESOLUTION 2007-020**
 - a. **Adopt resolution declaring Duran and Venables, Inc. to be the lowest responsible bidder on the project and awarding a construction contract in the amount of \$151,405.50.**
 - b. **Authorize staff to execute future change orders to the construction contract as necessary up to an amount of \$15,000.**

Consent Items – Continued

3. **Storm Drain Improvement Projects Report. RESOLUTION 2007-031**
 - a. **Johnson Avenue Storm Drain Project (0727)**
 - (1) **Authorize budget adjustment of \$75,000 from the Storm Drain Basin Fund (461) to New Project (0727)**
 - (2) **Authorize budget expenditures up to \$75,000 for Project (0727)**
 - (3) **Adopt resolution authorizing staff to go out to bid for PPW Job No. 07-03**
 - b. **Main Street Storm Drain Project (0726)**
 - (1) **Authorize budget adjustment of \$40,000 from the Storm Drain Basin Fund (461) to Project (0726)**
 - (2) **Authorize budget expenditures up to \$40,000 for Project (0726)**
 - c. **Wedgewood Storm Drain Project (0521)**
 - (1) **Authorize budget adjustment of \$75,000 from the Storm Drain Basin Fund (463) to Project (0521) increasing Project (0521) budget to \$275,000**
 - (2) **Authorize budget expenditures up to \$275,000 for Project (463-0521)**
4. **Project (0608) - PPW Job No. 04-60 Balzer Field Restroom Remodel and Expansion. RESOLUTION 2007-032**
 - a. **Adopt resolution declaring Santa Clara Valley Corporation to be the lowest responsible bidder on the project and awarding a construction contract in the amount of \$139,752**
 - b. **Authorize staff to execute future change orders to the construction contract as necessary up to an amount of \$10,000**
 - c. **Authorize budget adjustment of \$212,398 from reserve for capital projects to this project (0608) increasing the project budget to \$176,398**
 - d. **Authorize budget expenditures up to \$176,398 for this project (0608)**

Consent Items - Continued

5. **Project 410-0601 (PPW Job No. 05-09) College Avenue Walkway Repair and Resurfacing. Adopt resolution accepting work of Duran and Venables, Inc. and authorizing the Town Manager to execute Certificate of Acceptance and Notice of Completion for recording by the Clerk Administrator. RESOLUTION 2007-033**
6. **Landscape and Lighting Assessment Districts No. 1 & 2 Adopt resolution describing improvements and directing preparation of Engineer's Report for Fiscal Year 2007-2008. RESOLUTION 2007-034**

TOWN COUNCIL/REDEVELOPMENT AGENCY

7. **Approve Council/Agency minutes of March 19, 2007**

Mr. Davis pulled Consent Item #1 and #7.

Mayor Joe Pirzynski Commented that the Pulled Consent Items would be heard after Other Business this evening.

MOTION: Motion by **Vice Mayor Barbara Spector** to approve Consent Items #2-6.
Seconded by **Council Member Steve Glickman**.

VOTE: Motion passed unanimously.

VERBAL COMMUNICATIONS

Mr. Davis

- Commented regarding an article in the Mercury News relating to the hazardous protozoa in fountains.
- Commented that he felt that there should be signs prohibiting diapers in the Town Plaza fountain.
- Commented regarding his concerns relating to monster homes in Los Gatos.

Mayor Pirzynski

- Commented that the Town Plaza fountain water was tested and approved by the Santa Clara County Health Department.

Ms. Figone

- Commented that the water is frequently tested and monitored.

Verbal Communication – Continued

Mr. Greene

- Commented regarding his concerns relating to a possible environmental health hazard from a septic tank which he feels may be a potential link to cancer in the Placer Oaks neighborhood.
- Requested that Council agendaize the issue for discussion at a Council meeting.

Mrs. Greene

- Commented on a possible health hazard in the Placer Oaks neighborhood relating to possible contamination from a septic tank.

Closed Verbal Communication

PUBLIC HEARINGS

8. **Consider a request for approval of a Planned Development Ordinance to construct a new residence, pool, tennis court and accessory structures on property zoned HR-22. No significant environmental impacts have been identified as a result of this project and a Mitigated Negative Declaration has been recommended. Planned Development Application PD-06-03. Negative Declaration ND-07-04. APNS 537-29-007 & 008. Property location: Kennedy Road @ Forrester Road. Property owner: Acorn Trust Applicant: Rob DeSantis (continued from 2/5/07)**

Staff report made by **Bud Lortz**, Director of Community Development.

Council Comment

- Questioned the details relating to the grading plan and potential solutions.
- Questioned which decisions would be made during the Architecture & Site process.
- Clarified that 1/3 of the cellar will be used for mechanical equipment and not living space.
- Questioned the guidelines relating to the Development Review process.
- Clarification regarding the constraints relating to approval of the Planned Development.
- Commented that the Planned Development limits building in the future.
- Questioned if a Condition of Approval could address the grading issue.
- Commented regarding the motion passed at the prior Town Council meeting relating to the reduction in grading and off haul.
- Questioned if there is a specific plan for use of the fill remaining on the property.

Public Hearing Item #8 Council Comments – Continued

- Questioned if a possible location for the fill is down hill from the tennis courts.
- Questioned if the location of the fill would be established as part of the Architecture and Site Plan.
- Questioned the Least Restricted Development Area (LRDA) and the placement of the motor court, cabana and tennis courts on a 30% grade.
- Questioned if staff is working on the reduction of the encroachment of the residential structures.
- Questioned if the tennis courts, cabana, and motor court could be adjusted to conform to the LRDA encroachments.
- Commented on minimizing the amount of grading that is encroaching into the slopes.
- Questioned the specific impacts of the tennis courts relating to the LRDA.
- Questioned whether raising the home would increase the height above grade.
- Questioned regarding the placement of a tennis court on a more level area of the lot.
- Commented regarding the Hillside Standards and their purpose relating to the proposed project.
- Questioned the best practices relating to the formula of the LRDA.

Open Public Hearing

Mr. DeSantis, Applicant

- Commented regarding the proposed plans which have been designed to meet his family's needs, respect his neighbors, and restore the hillsides.
- Commented regarding the proposed project relating to the Hillside Standards and Guidelines.
- Commented regarding hillside restoration on his property.
- Commented regarding some of the larger homes in Los Gatos.

Mr. Landry, Architect

- Commented regarding the clear direction and guidance provided by Council at the previous meeting.
- Commented on the reduction in square footage of the proposed home and the reduction in export of the fill from the property.
- Commented that the home blends with the natural hillsides.
- Commented regarding several options which have been explored relating to the grading plan.
- Commented regarding the reduction of retaining walls on the property.
- Commented regarding the 7% reduction of the footprint of the home.
- Commented that there are no variances required relating to the project. Commented regarding the zero visual impacts relating to the proposed project.

Public Hearing Item #8 – Continued

Council Comments

- Questioned the request for a provision to add an extra storage building on the premises in the future.
- Questioned if consideration was given to placing the tennis courts on the upper slope.

Mr. DeSantis

- Clarified the request for the provision relating to the extra storage building to be considered as part of the proposed project.
- Commented regarding the consideration of a different location for the tennis courts.

Mr. Davis

- Commented that he felt there was a lack of public access to visit the proposed project, and no visible story poles.
- Commented that he felt the comments stated by **Council Member McNutt** regarding the motion to continue the project on February 5, 2007 were not impartial.
- Commented against the project and felt that the project does not fit with the Hillside Standards and Guidelines.

Mr. Davis received his first warning for disrupting the meeting.

Council Member McNutt

- Clarification regarding her statement relating to the motion to continue at the meeting of February 5, 2007.

Staff Comments

- Clarified that the proposed home is below grade so there would be no story poles.

Mr. Horn

- Commented that he is one of the closest neighbors and supports the proposed project.

Mr. Faraone

- Commented on supporting the proposed project.
- Commented regarding encouragement for the restoration of the hillsides.

Public Hearing Item #8 - Continued

Ms. Decker

- Commented regarding the Hillside Standards and Guidelines and requested that Council vote no on the proposed project.
- Commented that estate homes should not be hillside applicants.
- Commented on the future development of the valley and the Town's hillsides.

Ms. Dreger

- Commented regarding a previous approved home that was 6,000 square feet.
- Commented regarding the homes being built on the hillsides between Cupertino and Los Gatos.
- Commented regarding a potential footprint of 20,000 square feet for the proposed project.

Ms. Quintana

- Commented regarding the lack of attention to wildlife impacts in the initial study for the proposed project.
- Commented regarding the lack of addressing grading adequately.
- Commented that this project does not fit the General Plan Guidelines or the Hillside Standards and Guidelines.

Ms. Currie

- Commented on supporting the Hillside Standards and commented that the proposed project does not support these documents.
- Commented that she feels the proposed changes do not cover the issues relating to CEQA.

Mr. Silva

- Commented regarding the precious and special views of the hillsides in Los Gatos.
- Commented regarding the distribution of off haul.
- Commented on supporting the proposed plan for a green home.

Mr. Hancock

- Commented that he is a neighbor and supports the proposed project.

Mr. Morley

- Commented on supporting the project.
- Commented on supporting the restoration of the hillsides relating to the proposed project.

Public Hearing Item #8 – Continued

Mr. Siemens

- Commented that he feels that the project will impact the open space areas.
- Commented regarding the removal of 20,000 cubic feet of fill.
- Commented on the concerns relating to hillside preservation.
- Commented on building homes that fit the hillsides.
- Would like to see policies to prohibit double lots to build large homes.

Council Comments

- Questioned the impacts to Mid Pen Open Space areas.
- Questioned a scenario if the proposed project complied with all the guidelines.

Ms. Dallas

- Commented regarding the intent of the Hillside Standards and Guidelines.
- Commented in supporting the efforts to build good design and commented that the Hillside Standards and Guidelines have room for exceptions.

Mr. Greene

- Commented regarding the off haul and overuse of trucks on the Town's roads.
- Commented that he feels there would be traffic concerns.
- Commented regarding concerns that staff has spent too much time on this project.

Mr. Zubrycky

- Commented regarding his contributions to the growth of the valley.
- Commented that he would rather have one house and a tennis court than two developments on the same property.

Mr. Stotler

- Commented regarding sight sensitivity issues relating to the proposed project.
- Commented regarding design guidelines of the proposed project.
- Commented that he feels this is a responsible development.
- Commented that the Planned Development process is a smart idea and protects the lot from ever being subdivided.

Public Hearing Item #8 – Continued

Ms. Greene

- Commented on her concerns relating to the off haul of dirt to other locations.
- Commented regarding staying within the Hillside Standards and Guidelines.

Mr. DeSantis

- Commented on following the Town's process and direction relating to the project and design of the home.
- Commented on following the conditions of approval for the project.
- Commented regarding the environmental impacts of the proposed project verses a subdivided two home project.
- Commented regarding the fact that the proposed project is considered a green plan.
- Commented regarding the support of hillside restoration.

Closed Public Hearing

Council Discussion

- Questioned comments from the public that the assessments and CEQA requirements had not been met.

Mr. Korb

- Commented regarding the CEQA project description not addressing all grading.
- Commented that the total grading is approximately 25,000 cubic yards verses 10, 000 cubic yards as described in the initial study.
- Suggested continuing the application to a later date to amend the CEQA documentation.

Public Hearing Item #8 Council Discussion – Continued

MOTION: Motion by **Vice Mayor Barbara Spector** to continue the public hearing and to:

- Re-notice public hearing when the documents are complete and a date is determined.
- Request the environmental consultant to determine if the environmental documents need to be amended.
- Request the consultants determine if an Environmental Impact Report is needed.
- Request the consultant to evaluate the amount and safety of the fill.
- Request the consultant to evaluate and determine the safety of the off hauls.
- Request the consultant to determine the safety and location of any on-site fill.

Seconded by Council Member Mike Wasserman.

Council Discussion

- Questioned if the work relating to Council concerns be continued prior to the new public hearing date.
- Commented on resolving the location of the on-site fill.
- Commented regarding the importance of preserving the hillsides in Los Gatos.
- Commented regarding the importance of the land use closure.
- Questioned if the applicant could minimize the amount of grading and to comply with the LRDA.
- Commented regarding the project as a green design.
- Commented that **Mr. DeSantis** has complied with all the requests and direction from Council at the prior public hearing.
- Commented on suggestions to reduce the off haul.
- Suggested that staff work with the applicant to achieve the direction requested by Council.

VOTE: Motion passed unanimously.

Mayor Pirzynski called for a break at 9:40 p.m. Meeting resumed at 9:45 p.m.

OTHER BUSINESS

9. Consider Allocation of Community Grant Funds for Fiscal Year 2007/08. RESOLUTION 2007-035
 - a. Refer allocation of Fiscal Year 2007/08 General Fund Grants to the Fiscal Year 2007/08 Operating Budget
 - b. Adopt resolution allocating Fiscal Year 2007/08 Community Development Block Grant (CDBG) Funds.

Staff report made by **Regina Falkner**, Director of Community Services.

Open Public Comment

Ms. Matsumoto

- Thanked staff and Council for the partnership to help the less fortunate in the community.

Closed Public Comment

Council Discussion

- Commented regarding the grant funding for A Place for Teens.
- Commented that A Place for Teens is an important asset to the community.
- Suggested that the Town look into supporting the ongoing needs for the Place for Teens if their fiscal challenges are not met.
- Commented that the Town should view A Place for Teens as significant and should be prepared to support it in whatever way required.
- Commented that A Place for Teen serves approximately 1500 kids a week.

Ms. Figone

- Commented regarding discussions with program staff about funding options and strengthening the board.

Other Business Item #9 – Continued

- MOTION:** **Motion by Council Member Mike Wasserman** to approve Allocation of Community Grant Funds for Fiscal Year 2007/08 to:
- Refer allocation of Fiscal Year 2007/08 General Fund Grants to the Fiscal Year 2007/08 Operating Budget.
 - Adopt resolution allocating Fiscal Year 2007/08 Community Development Block Grant (CDBG) Funds.
 - Raise the allocated funds for A Place for Teens from \$10,840 dollars to \$12,000 dollars.

Seconded by Council Member Steve Glickman.

VOTE: Motion passed unanimously.

- 10. Provide direction to proceed with public process to consider the sale of 13-acre Town-owned parcel in Vasona Park to County of Santa Clara for continued use as parkland.**

Staff report made by **Pamela Jacobs**, Assistant Town Manager.

Council Comments

- Commented on not supporting the motion since there is a lack of active recreation facilities in Town.
- Commented that the offer from the County is too low and should be more than \$6,000,000.00.
- Commented that the county plans to keep the parkland for passive use.
- Questioned how the residents of the community feel.

Open Public Comment

Mr. Davis

- Commented that he feels there has been a lack of public comment relating to the potential sale of the land to Santa Clara County.
- Commented regarding the need for soccer fields on the property.
- Commented that he felt there was an inconsistency with the maps used to illustrate the property line.
- Commented regarding the goose droppings which were determined as a possible hazard.

Other Business Item #10 - Public Comment Continued

Mr. Fagot

- Commented on the possibility of swapping for a more suitable parcel of County land which could be used for active sports use.

Mr. Miller

- Commented regarding the use of the property for soccer fields.
- Suggested that a swap of some more suitable property with the county might produce a soccer field location.
- Requested that the sale not impact the holiday activities.

Closed Public Comments

Council Discussion

- Commented regarding the issues relating the use of the property for soccer fields.
- Commented that the agreed price for the sale of the property was very fair.
- Commented regarding the location of the property and that the property is landlocked within the County's property.
- Commented regarding the swap of property with the County for active sports use.
- Commented that the property location is not suitable for soccer fields.
- Commented that the community views Oak Meadow and Vasona as a community park.
- Would like to see the money from the sale of the Town property to be set aside to acquire another piece of property which could be used for active sports fields.
- Would like to see the County's lease expire and then re-evaluate the uses for the property.

MOTION: **Motion by Council Member Diane McNutt** Provide direction to proceed with public process to consider the sale of 13-acre Town-owned parcel in Vasona Park to County of Santa Clara for continued use as parkland.

Seconded by Vice Mayor Barbara Spector.

VOTE: Motion carried 4/1. **Council Member Steve Glickman** voted no.

PULLED CONSENT ITEMS #1 and #7

1. **2007 Town Council Retreat - Approve meeting minutes from the March 9 and 10, 2007 Town Council Retreat.**

7. **Approve Council/Agency minutes of March 19, 2007**

Mr. Davis

- Commented that he felt there was a lack of mention in the Council Retreat minutes relating to the Council support of the current General Plan.
- Commented that he will not be speaking on Consent Item #7.

Council Member Steve Glickman

- Suggested that Council engage in discussion to give direction to staff relating to adopting minutes that include more of the discussions.

MOTION: Motion by **Vice Mayor Barbara Spector** to approve Consent Item #1 with amendment to include:

- Council affirmed the value of the **current** General Plan as useful to their work in setting policy and making decisions. Council also agreed that the **current** General Plan reflects the community's values and is a dynamic document that can **support apparently inconsistent goals.**

- Motion to include approval of Consent Item #7.

Seconded by Council Member Mike Wasserman.

VOTE: Motion passed unanimously.

COUNCIL/TOWN MANAGER REPORTS

11. Council Matters

Council Member Steve Glickman

- Presented an update regarding the disposal of hazardous material.
- Commented that is it being requested that manufacturers should bear some responsibility for taking the hazardous material back.
- Commented on opposing the use of signage to prohibit barbeques in the Town Plaza Park.

Council Matters – Continued

Mayor Joe Pirzynski asked if any other Council Members would like to support **Council Member Steve Glickman** on opposing the signage to prohibit barbeques in Town Plaza.

Mayor Joe Pirzynski concluded that there was no consensus and directed staff to go ahead with the Town Manager's recommendations.

12. Manager Matters

Debra Figone, Town Manager

- Commented that staff will debrief about the issues with the CEQA documents.

ADJOURNMENT

Attest:

Jackie D. Rose, Clerk Administrator