

**MINUTES OF THE TOWN COUNCIL/PARKING  
AUTHORITY/REDEVELOPMENT AGENCY  
MAY 7, 2007**

The Town Council of the Town of Los Gatos conducted a Regular Meeting on Monday, May 7, 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**

**Christy Sutherland** 8th grader from Hillbrook School led the Pledge of Allegiance. The Audience was invited to participate.

**CLOSED SESSION REPORT**

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

(Government Code Section 54956.9[a])

Naymark et al. vs San Jose et al.

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

**BOARDS/COMMISSION/COMMITTEES APPOINTMENTS**

Personnel Board (2 vacancies, 2 applicants) Rent Advisory Committee (1 vacancy, 1 applicant)

Appointments were made to the following Boards/Commissions:

Personnel Board

- **Robert Fabela**
- **MarLyn Rasmussen**

Rent Advisory Committee

- **Pam Allison**

Council requested that the Clerk Administrator re-advertise the vacant positions on the Arts Commission and the Transportation and Parking Commission.

## PRESENTATIONS

### Commendations

National Public Works Week May 20-26, 2007.

**Mayor Joe Pirzynski** presented **Kevin Rohani** with a commendation to his department in honor of Public Works Service week.

**Mayor Joe Pirzynski** presented a commendation to **Mayor David Baxter** from the City of Monte Sereno in honor of Monte Sereno's 50th anniversary.

**Mayor Baxter** thanked the Town and invited the community to attend their celebrations. He suggested visiting the Monte Sereno website for more information.

### Presentations.

**Mayor Joe Pirzynski** presented the Government Finance Officers Association Distinguished Budget Award for Fiscal Year 2006/07 to **Steve Conway**, Director of Finance.

## TOWN COUNCIL

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

1. Ratify payroll for the month of March 2007.
2. Ratify accounts payable for the month of March 2007.
3. Adopt resolution granting an appeal of a Planning Commission decision to deny an application to construct a new single-family residence on property zoned R-1:20. APN 529-31-041. Architecture and Site Application S-07-21. Property location: Reservoir Road (Lot 3). Property owner: Mark Von Kaenel & Dianna Robinson  
Applicant/appellant: Tony Jeans, T.H.I.S. Design.

Consent Items #1–9 Continued

4. **Adopt resolution approving a request to modify an existing CUP for a restaurant (Viva Primavera) with alcohol service to expand the hours of operation, modify the outdoor patio dining area, expand to an adjacent tenant space (formerly High Tech Burrito), expand to full liquor for Viva A Go-Go and allow service of alcohol in the outdoor seating area for Viva A Go-Go, and expand approved entertainment on property zoned C-1. APN 523-01-012 and 013. Conditional Use Permit U-07-006. Property location: 15960 and 15970 Los Gatos Boulevard. Property owner: Colg, LP. Applicant: Viva Primavera, LLC.**
5. **Adopt resolution making determinations and approving the reorganization of territory designated as Robie Lane No. 4," approximately 1.72 acres located at 16310, 16322, 16334 and 16346 Robie Lane (APN's: 532-06-031, 030, 029 and 028).**
6. **Hazardous Vegetation Abatement (Brush)**
  - a. **Adopt resolution declaring hazardous vegetation (brush) a public nuisance and providing for their abatement.**
  - b. **Set June 18, 2007 as a public hearing to hear protest on this on this annual program.**
7. **Approve the Fiscal Year 2007-08 Storm Water Management budget and authorize the West Valley Sanitation District to collect program related fees on behalf of the Town**

**REDEVELOPMENT AGENCY**

8. **Ratify accounts payable for the month of March 2007**

**TOWN COUNCIL/REDEVELOPMENT AGENCY**

9. **Approve Council/Agency minutes of April 16, 2007**

Consent Items #1-9 Continued

**Mr. Davis** pulled Consent Items #3 and #9.

**Mayor Joe Pirzynski** stated that Consent Items #3 and #9 would be heard after Other Business this evening.

**MOTION:**                    **Motion by Council Member Steve Glickman** to adopt  
Consent Items #1-9.  
Seconded by **Council Member Mike Wasserman**.

**VOTE:**                    Consent Items #1, 2, and #5-8 passed unanimously.  
Consent Item #4 passed 4/1. **Council Member Spector**  
voting no.

## **VERBAL COMMUNICATIONS**

**Mr. Davis**

- Commented regarding saving the mountain above Town.
- Commented regarding **Council Member McNutt's** statement during a previous Council meeting relating to estate homes.

Closed Verbal Communication

## **PUBLIC HEARINGS**

### **10. Operating and Capital Budgets**

#### **a. Consider the Town of Los Gatos Proposed Operating and Capital Budget for Fiscal Year 2007-2008.**

Overview of Budget made by **Debra Figone**, Town Manager.  
Staff Report made by **Steve Conway**, Director of Finance.

**Debra Figone**, Town Manager

- Commented regarding a funding request from the United Way for \$5,000 to fund the 211 phone number for health and human services programs.
- Recommended funding of \$2,500 this year, with United Way providing the Town with additional information during the next Fiscal Year grant process.
- Commented regarding the inventory of senior and youth support as part of the General Plan update process. Suggested that staff will include the inventory of work as part of the work plan to be considered by Council in the fall.
- Commented regarding allocating funds in the amount of \$12,000 to A Place for Teens.

## Public Hearing #10 - Continued

### Council Comment

- Clarification regarding the timeframe for the youth and senior services inventory.

### Mr. Conway

- Commented regarding the five-year forecast, and the 2010/2011 possible short fall.
- Commented regarding the generally status quo budget for Fiscal Year 2007/08.
- Commented regarding the continuing vulnerabilities relating to local revenue and Governor's budget impacts.
- Commented regarding the Town's cash balances, and limited discretionary reserves.

### Council Comments

- Questioned the projections relating to property tax revenues and if the Finance Department has tools available to determine pre-proposition 13 parcels.
- Clarification regarding the Town's reserves.
- Questioned if there are state mandated guidelines for funding reserve amount requirements by a city.
- Questioned if the Town has plans for more affordable housing.
- Clarification regarding the benefits relating to the Redevelopment Agency funds.
- Questioned if the interest earned on the Town's reserves accrue to the General Fund.

### Ms. Figone

- Stated that RDA reserves can only be used for current RDA debt service and low and moderate housing.
- Commented that the Town still has bonding capacity in the RDA for future projects that must be bonded by 2011.
- Clarification regarding the interest in the reserve account from the sale of the sewer system.
- Clarification regarding the committed RDA funds.

## Public Hearing #10 – Continued

### **Mr. Conway**

- Clarified that the funds can be used only to pay Redevelopment funding debt.
- Clarified that the interest earned on reserve funds accrues to the General Fund.

### Council Comments

- Commented regarding the RDA project area funds which are restricted to paying debt.
- Commented regarding diversifying the Town's revenues.

### **Police Department**

#### **Scott Seaman, Chief of Police**

- Commented regarding staffing assignments within his department.
- Commented on adding funding to the budget to hire ahead to fill upcoming vacant positions.
- Commented regarding the reduction of a Parking Control position and the addition of a Community Services Officer position.
- Commented regarding in-car videos and the taser training program.
- Commented on continuing the Los Gatos Prepared program.
- Commented regarding the school resource officer position.

### Council Comments

- Questioned the capacities of the patrol officers given the vacant positions.
- Clarification regarding the programs relating to working with the youth in the community.
- Commented regarding concerns relating to the School Resource Officer position.
- Would like to see more funding allocated to hiring patrol officers.
- Clarification regarding the juvenile justice system and the Town's policies relating to youth diversion programs.
- Questioned if the drop in parking revenues is related to the decrease in parking control positions.

### **Chief Seaman**

- Commented regarding exploring shared expenses with the schools to fund resource officer services.

## Public hearing #10 - Continued

### **Debra Figone**, Town Manager

- Suggested that staff monitor service levels in patrol and report to Council at the first quarter budget review in the fall.

### **Parks and Public Works**

#### **Kevin Rohani**, Director of Parks and Public Works

- Commented on updating the grading ordinance.
- Commented regarding re-classification of an engineer position.
- Commented regarding the increase in staff hours to implement the Geographic Information Systems program.
- Commented on the proposed funding to increase sidewalk cleaning services in the downtown.
- Commented regarding funding for a temporary maintenance worker to increase garbage pick-up in the downtown area on the weekends.
- Commented regarding targeting resources for community clean-up and planting projects.
- Commented regarding the facility maintenance program and proposal to re-classify a maintenance worker position to a facilities coordinator.

#### Council Comments

- Questioned the timeframe for the update of the Town's grading ordinance.
- Questioned if funding levels are sufficient for public works services.
- Questioned regarding salary increases verses the amount of employees.
- Questioned if there is sufficient funding for the street maintenance program.
- Clarification regarding the sidewalk, curb and gutter program.

### **Library**

#### Presentation made by **Peggy Conway**, Director of Library

- Commented regarding maintaining the current operating schedule.
- Commented regarding the 24 hour service on the website.
- Commented regarding children's programs.
- Commented regarding funding for the self check system.
- Commented regarding future technology relating to the Library.

#### Council Comments

- Questioned feasibility of adding a coffee shop to the Library.
- Clarification regarding the proposed self-check system for the Library.

## Public Hearing #10 – Continued

### Community Services

Presentation made by **Regina Falkner**, Director of Community Services.

- Commented regarding the solid waste funding program.
- Commented regarding position changes, consolidating duties into one position.
- Commented regarding community grant programs.
- Commented regarding the \$12,000 increase to A Place for Teens.
- Commented regarding restoring the grant for the Photo Guild.

### Council Comments

- Clarification regarding the changes to the Music in the Park budget.
- Clarification regarding senior and youth oriented programs.
- Questioned per capita funding available for the below market housing program.
- Clarification regarding the funding requested by United Way.
- Suggested granting the \$5,000 to United Way for this year and revisiting the grant based on evaluation.
- Questioned if the United Way 211 program is ready to provide services.
- Commented that the United Way is a new program and would like to wait and see their progress before granting the total request this year.
- Council majority to follow staff recommendation to allocate \$2,500 to the United Way program this year.

### Community Development

Presentation made by **Bud Lortz**, Director of Community Development

- Commented that the department operates on a cost recovery basis.
- Commented regarding a recommended position change in the budget.
- Commented regarding funding for outsourcing public noticing.

### Council Comments

- Questioned the timeframe for administering online permit processing.
- Questioned the change in the operating expenditures for the department.



## Public Hearing #10 – Continued

### **Legal, Administrative Services, Human Resources, and Town Offices**

Presentation made by **Jenny Haruyama**, Administrative Programs Director.

- Commented that there were no changes to the Town Offices portion of the budget.
- Commented regarding continuing restructuring in administrative areas.
- Commented regarding deletion of positions to fund an analyst to be shared by Town Managers Office and Human Resources.
- Commented regarding relocation of a portion of a position in Management Information Systems Department.

## Open Public Hearing

### **Mr. Davis**

- Commented regarding the poor quality of the screen in the Council Chambers.
- Commented that he feels that there is \$66 million in the reserves.
- Commented regarding the lack of mention about the trails program, and the timing of the sidewalk study.

## Closed Public Hearing

**Mayor Pirzynski** called for a break at 9:25 p.m. Meeting resumed at 9:42 p.m.

## PUBLIC HEARING #10 – Continued

### **b. Consider the Town of Los Gatos Proposed Capital Improvement Program for Fiscal Year 2007- 2012.**

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

- Commented regarding the CIP development process and Council priorities.
- Commented regarding funding sources for capital projects.
- Commented regarding the Planning Commission review of the CIP relating to conformance with the General Plan.
- Commented regarding the investment to the Town's street maintenance programs.
- Commented regarding future funding challenges.

## Public Hearing #10 - Continued

### **Kevin Rohani**, Director of Parks and Public Works

- Commented regarding the Elm Street project and the Almond Grove pilot project.

### Council Comments

- Questioned if priority could be given to the Elm Street improvement project.
- Consensus to accelerate the schedule for the Elm Street project.
- Questioned regarding the timing of the Hillside Streets rehabilitation project and the development projects in the hillsides.
- Questioned if more focus and priority could be given to the Highway 9 Gateway project.
- Commented regarding the University/Highway 9 Gateway as a traffic calming project.
- Commented regarding the timing of funding CIP projects with community benefit assessments.
- Questioned if the Town earns interest on specific accounts such as the traffic mitigation fee collections and community benefit assessment funds.
- Questioned the method for repairs to retaining walls.
- Clarification regarding the evaluation process to determine priorities for retaining wall repairs.

### **Parks Program**

- Commented regarding the fence project for the Los Gatos Creek Trail and Bachman Park irrigation project.

### Council Comments

- Suggested the use of funds from the reserve account to support the skate park.

### **Public Facilities**

- Commented regarding ADA upgrades to the Civic Center and Neighborhood Center.

## Public Hearing #10 – Continued

### Council Comments

- Questioned facility equipment upgrades for the Civic Center.
- Suggested a new screen for the Council Chambers.
- Questioned if less funds should be allocated to the Civic Center Master Plan.
- Commented that a low percentage of residents polled supported paying for the total amount to build out the Civic Center Master Plan.
- Commented that most residents surveyed had no knowledge of the Civic Center Master Plan.
- Commented that the funds are a place holder until Council decides the next steps for the Civic Center Master Plan.
- Commented that a high percentage of residents supported a new library and police facility when asked other questions in the survey.

### Open Public Hearing

#### **Mr. Davis**

- Commented regarding the lack of sidewalks around Fisher School.
- Commented regarding forming a three city partnership with Monte Sereno and Saratoga to fund the skate park.

### Close Public Hearing

### Council Discussion

- Council thanked staff for all their hard work to develop the budget.

### **Pulled Consent Item #3**

#### **Mr. Davis**

- Commented that he felt that the statement in the resolution for Reservoir Road was incorrect regarding the Planning Commission decision and that the motion relating to the Reservoir Road appeal stated that the Planning Commission did not err.
- Commented regarding the Hillside Guidelines and suggested that the project should comply with the Hillside Guidelines and General Plan.

### **Pulled Consent Item #9**

#### **Mr. Davis**

- Commented that he feels that his comments were not reflected correctly in the April 16, 2007 minutes relating to a statement by **Council Member McNutt** from a previous Council meeting.

**MOTION:**                    **Motion by Council Member Steve Glickman to approve Consent Items #3 and #9.**  
                                     **Seconded by Council Member Mike Wasserman.**

**VOTE:**                    Motion passed unanimously.

### **OTHER BUSINESS**

None this evening.

### **COUNCIL/TOWN MANAGER REPORTS**

#### **11. Council Matters**

None this evening.

#### **12. Manager Matters**

None this evening.

### **ADJOURNMENT**

Attest:

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Jackie D. Rose, Clerk Administrator