

**MINUTES OF THE TOWN COUNCIL/PARKING
AUTHORITY/REDEVELOPMENT AGENCY
JANUARY 22, 2008**

The Town Council of the Town of Los Gatos conducted a Regular Meeting on Tuesday, January 22, 2008 at 6:00 P.M.

STATE OF THE TOWN - 6:00 P.M.

Mayor Barbara Spector

- Gave the State of the Town Address at 6:00 p.m. in the Town Council Chambers. The community was invited to attend.
- Commented on Town key projects and issues for 2008 which include environmental initiatives, the General Plan Update, projected budget issues and plans for the new police station and library buildings.

TOWN COUNCIL/PARKING AUTHORITY/REDEVELOPMENT AGENCY

MEETING CALLED TO ORDER - 7:00 P.M.

ROLL CALL

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

Absent: None.

PLEDGE OF ALLEGIANCE - LED BY FUTURE LEADER

Melody Rehbar, 8th grade student at Rolling Hills Middle 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 Organizations: Police Officers' Association

Ms. Sloan, Legal Counsel appearing for **Orry Korb**, stated that direction was given and no action was taken.

PRESENTATIONS

Commendations for Outgoing Board/Commission/Committee Members

Jim Sugai, Parks Commissioner and **Teri Hope**, Arts Selection Panel were presented with commendations for their service to the Town of Los Gatos.

Mr. Sugai

- Commented about his experience on the Parks Commission.

Ms. Hope

- Commented on her experience on the Arts Selection Panel.

Mayor Barbara Spector

Acknowledged the following commissioners who where unable to attend the presentation to receive their commendations.

- **Louise Kirkbride** - Parks Commission
- **Erin Green** - Rent Advisory Committee
- **Salvadore Leonardis** - Building Board of Appeals
- **Barry Waitte** - Community Services Commission
- **Curtis Campbell** - Community Services Commission

TOWN COUNCIL

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

1. Ratify payroll for the month of December, 2007.
2. Ratify accounts payable for December, 2007.
3. Treasurer's Report
 - a. Accept Treasurer's Report of November, 2007.
 - b. Accept report explaining the composition of the Treasurer's Fund Balance for the month ending November 30, 2007.
4. PPW Job No. 04-60 - Balzer Field Restroom Remodel and Expansion Adopt resolution accepting work of Santa Clara Valley Corporation and authorizing the Town Manager to execute Certificate of Acceptance and Notice of Completion for recording by the Clerk Administrator. RESOLUTION 2008-001

Consent Items – Continued

5. **Adopt a resolution ordering the vacation of a portion of excess public right-of-way on Augustine Avenue north of Frank Avenue and retain a public service easement over the area. RESOLUTION 2008-002**
6. **Adopt resolution making determinations and approving the reorganization of territory designated East La Chiquita No. 1, containing approximately .65 acre located at 16357 East La Chiquita Avenue (APN 532-04-035). File #AN07-145. RESOLUTION 2008-003**
7. **Adopt resolution making determinations and approving the reorganization of territory designated Blackberry Hill Road No. 5, containing approximately 1.98 acres located at 15401 and 17689 Blackberry Hill Road (APN 532-25-009 and 010). File #AN07-146. RESOLUTION 2008-004**
8. **Adopt resolution making determinations and approving the reorganization of territory designated Kennedy Road No. 16, containing approximately .52 acre located at 16683 Kennedy Road (APN 532-08-057). RESOLUTION 2008-005**
9. **Adopt resolution setting date for consideration of reorganization of uninhabited area designated Stephenie Lane No. 3, approximately .33 acre located at 16010 Stephanie Lane (APN 523-25-031). File #AN07-144. RESOLUTION 2008-006**
10. **15881 Linda Avenue and 15950 Stephenie Lane (Owners: Jennifer Den Daas and Dan Blue. Applicant: Linda Court Partners).**
 - a. **Adopt resolution of the Town Council of the Town of Los Gatos making findings regarding approval of a request to change the zone from R-1:8 to R-1:8 PD and to demolish a single family residence. RESOLUTION 2008-007**
 - b. **Adopt ordinance to change the zone from R-1:8 to R-1:8:PD for a seven lot subdivision, for a lot line adjustment between two parcels zoned R-1:8 and approval to demolish a single family. ORDINANCE 2157**

Consent Items – Continued

REDEVELOPMENT AGENCY

11. Ratify accounts payable for December, 2007.

TOWN COUNCIL/REDEVELOPMENT AGENCY

12. Approve Council/Agency minutes of December 17, 2007.
13. Authorize the Council's Ad Hoc Library Committee to participate in the interviews for selection of architect(s) for the new library project.

Consent Item #10 was pulled by **Mr. Crites**.

Council Member Steve Glickman requested clarification about the remodel of the Balzer Park Restroom.

MOTION: Motion by **Council Member Steve Glickman** to approve Consent Items #1-9 and Items #11-13.
Seconded by **Council Member Joe Pirzynski**.

VOTE: Motion passed unanimously.

VERBAL COMMUNICATIONS

Due to the amount of speakers under Verbal Communications, **Mayor Barbara Spector** requested that the public speaking time be limited to 2 minutes.

Mr. Silva

- Commented that he would like to see a skate park funded by private funds.
- Commented about his public right to have a political sign on his property and was very disturbed to find it had been taken.

Mr. Davis

- Commented against the copies of ballot petitions given out by the Clerk Department.
- Commented that the No on Measure D Committee is misleading the public.

Verbal Communications - Continued

Mr. Carroll

- Questioned the status of the 13.5 acres at Vasona Park.
- Commented that he would like to see a public discussion about the Town owned property at Vasona Park.
- Asked when the parks and recreation inventory would be brought back to Council for discussion.

Mr. Byron

- Commented that there is mis-representation on both sides of the Measure D issues.
- Commented that the Town should support the kids in the community.

Mr. Konrad

- Commented that the Los Gatos youth chose a concrete park over the Town-offered modular skate park, and the Skate Park Committee said that they would raise the funds for a concrete park.
- Commented that the Town is a kid friendly community.
- Commented against Measure D.

Ms. Deloumi

- Commented that the skate park Committee has raised \$300,000 for the skate park.
- Commented that she has skate park estimates that show a cost of \$50.00 per square foot to construct the park.
- Commented that Sunnyvale maintains its park for \$12,000 a year.

Ms. O'Harer

- Commented on the increased costs for programs and services (including maintenance for the proposed skate park) which could negatively impact the community.

Ms. Nelson

- Commented that the community is a kid friendly Town.
- Commented against a skate park with Town funds.
- Suggested to vote no on Measure D.

Verbal Communications – Continued

Mr. Calderwood

- Commented that a majority of funding for skate parks comes from public funds.
- Commented that he feels that the skate park would be a great asset to the community.

Ms. Veazie

- Commented that the skate park would not raise taxes.
- Commented that the annual \$50,000 operating is capped.
- Commented that under California State Law the Town would not be liable for accidents.

Mr. Dubois

- Commented that the unfinished Calle Marguerita Project located at Wedgewood Avenue and Pollard is a health hazard.
- Commented about the need for a crosswalk at Pollard Avenue and Abbott Drive.
- Commented that the sidewalk is addressed as part of the 2008 Capital Improvement Project and requested that it remain a project for this year.

Mr. Larson, Town Manager

- Clarified that the Community Development Department has been working on the abandoned construction project.
- Commented that the project has gone through multiple property ownership changes and the Town will work with the Town Attorney's Office to step up enforcement efforts within the next two months.
- Commented that the crosswalk at Pollard Avenue and Abbott Drive is included in the CIP and the Town will try and re-engage the City of Campbell about their joint partnership to proceed with the installation of a crosswalk at that location.

Mr. Di Napoli

- Commented that vandalism of property due to Measure D has no place in the community.
- Commented that he found No on Measure D signs at the bottom of Los Gatos Creek.
- Commented that over 100 No on Measure D signs were missing.
- Commented that the No on Measure D Committee has communicated with its members not to touch Yes on Measure D signs and he requests that the Skate Park Committee do the same.

Verbal Communications – Continued

Mr. Silva

- Commented about the mishaps at the Gilroy skate park.
- Commented that in order to keep it safe for all sports, the design should include a bike park.
- Commented that the park needs to be accessible to emergency personnel.

Mr. Knowles

- Commented against Measure D because he believes it will be costly to the community.
- Expressed concerns about losing a free parking lot in the downtown area.
- Commented that Measure D will take away Town services that benefit the community.

Ms. Currie

- Commented on the No on Measure D website and encouraged the community to visit www.downonmeasured.org to review issues relating to the measure.
- Commented that kids were shooting a BB gun at No on Measure D signs.

Closed Verbal Communications.

PUBLIC HEARINGS

14. Adopt resolution ordering abatement of hazardous vegetation (weeds). RESOLUTION 2008-009

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

Mr. Kumbre, County Manager for abatement was present to answer questions about the weed abatement project.

Open/Close Public Hearing

MOTION: **Motion by Council Member Steve Glickman** to adopt resolution ordering abatement of hazardous vegetation (weeds).
 Seconded by Vice Mayor Mike Wasserman.

VOTE: **Motion passed unanimously.**

Public Hearings - Continued

15. **Adopt resolution authorizing the continued use of Supplemental Local Law Enforcement Services funds (SLESF) to provide funding for two (2) full-time Police officers assigned as motorcycle traffic officers. RESOLUTION 2008-008**

Staff report made by **Scott Seaman**, Chief of Police

Open/Closed Public Hearing

MOTION: **Motion by Council Member Joe Pirzynski** to adopt resolution authorizing the continued use of Supplemental Local Law Enforcement Services funds (SLESF) to provide funding for two (2) full-time Police officers assigned as motorcycle traffic officers.
Seconded by Vice Mayor Mike Wasserman.

VOTE: **Motion passed unanimously.**

16. **Consider a request for approval and introduction of a Planned Development ordinance to renovate an existing motel (Los Gatos Motor Inn), convert a portion of the hotel to office and to construct new commercial building on property zoned CH. No significant environmental impacts have been identified as a result of this project and a Mitigated Negative Declaration is recommended. APN 529-23-007. Planned Development Application PD-07-01, Negative Declaration ND-07-02. Property location: 55 Los Gatos-Saratoga Road. Property Owner/Applicant: 55 Partners, LLC.**

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

Council Comments

- Questioned the advantage of increasing retail presence at the location.

Ms. Surdin

- Clarified that the community would benefit by providing walkable neighborhood retail alternatives at the site.

Council Comments

- Questioned the recommended setback verses the proposed setback by the applicant.
- Questioned if staff recommends that the center have a name.

Public Hearing Item #16 – Continued

Mr. Lortz

- Commented on the provisions in the Commercial Guidelines that outline the process for naming centers.
- Commented that the site is a gateway to Los Gatos.

Council Comments

- Requested clarification about the height of the proposed sign.
- Questioned the height exposure of a 10 foot sign if it was measured from ground level.
- Questioned if the 9000 square feet includes the setback.
- Questioned if the sign would be seen from the Highway 17 exits.
- Questioned if the Planned Development process would address parking issues.
- Questioned if the red curbing is considered to be a community benefit.
- Commented that a majority of Alberto Way already has red curbs.

Mr. Lortz

- Clarified that the base of the sign would be at grade when seen from eastbound Highway 9.
- Suggested that a lower sign would be more visible when traveling westbound on Highway 9.

Open Public Hearing

Mr. Scott, Applicant

- Commented about redeveloping the site and the height of the proposed sign.
- Would like to see the original sign be grandfathered into the development.
- Commented that relocating the lobby could greatly enhance the egress and ingress.

Council Comments

- Questioned if the applicant is agreeable with the setbacks recommended by staff.

Public Hearing Item #16 – Continued

Mr. Scott

- Commented on viability of proposed retail, signage and accessibility.
- Commented that he believes that they are struggling with the recommended setback.
- Commented that the businesses would have more exposure if the building was closer to Alberto Way.

Council Comments

- Commented that centers that are the most active are those with lower signs that display the name of the center.
- Suggested re-evaluating the identification of tenants and the use of signage.

Mr. Scott

- Commented that signage is advantageous for a retail site.

Council Comments

- Questioned whether a 1,000 square foot reduction would hinder the success of the site.
- Questioned if the retail business would attract patrons from the surrounding area.
- Questioned which type of signage is more important, retail or motel.
- Questioned if the Town could permit temporary signage that could be removed at a later time.
- Questioned the parking layout for the site.

Mr. Schweickert

- Requested that Council approve the proposed project with staff recommendations.
- Commented that the red curbs along Alberto Way are in the wrong place and that there is no parking for residents.
- Commented that the size of the proposed project is too big for the area.

Council Comments

- Questioned the applicant's ideas relating to retail space for the lot.
- Commented on the opportunity for neighbors to walk to the retail stores.
- Questioned if **Mr. Schweickert** has issues about the signage at the location.

Mr. Schweickert

- Commented that he believes that retail would fail since the location is remote.
- Commented that he would not like to see a bright sign at night.

Public Hearing Item #16 – Continued

Mr. Boley

- Commented on supporting the proposed development.
- Commented that the neighboring area would benefit from the retail businesses.

Mr. Davis

- Commented about the testimony given at the Planning Commission meetings.
- Questioned why the Chair of the Planning Commission was not present for the Town Council meeting.
- Commented that if this project was approved as submitted, Los Gatos would look like San Jose.

Mr. Scott, Applicant

- Commented that the Environmental Impact Report (EIR) stated that only one view was impacted, prior to the reduction of the building.
- Commented that the building was pushed forward to help the view sheds.
- Commented that the success of the development depends on signage.

Council Comments

- Questioned the height of the signage proposed by staff verses the signage preferred by the developers.
- Questioned if the developer had an alternative solution for parking if the setback was increased from 5 to 10 feet.
- Questioned the recommended setbacks and visibility for the proposed project.

Mr. Scott, Applicant

- Commented that the TJKM study reflected conservative counts for parking.
- Suggested Council re-evaluate the parking requirements as stated in the code since TJKM stated that parking is more than adequate for the site.
- Suggested leaving the current sign, but toning down its presence.

Public Hearing Item #16 – Continued

Council Comments

- Suggested that staff's recommendations are appropriate for the proposed project.
- Commented on the hotel and retail parking use and that the shared parking makes sense.
- Commented that the architecture of the building seen from west bound Highway 9 could use some enhancements.
- Questioned if a compromise could be made relating to setbacks and square footage of the building.
- Commented that the signage should be recognizable and should concentrate more on the motel.
- Commented that the sign should be big enough to attract motel visitors.

Mr. Scott, Applicant

- Clarified that they would prefer to move forward at this point and not delay the project any further.

Closed Public Hearing

Council Discussion

- Clarified Council options for the proposed project.
- Clarified the number of parking spaces that would be reduced if the staff recommended setback was approved.

Mr. Lortz

- Clarified that there may be a reduction of 3 parking spaces with staff's recommended setback.
- Clarified the process and layout for a Planned Development and stated that there may be a loss of 1,000 square feet with the recommended setback.
- Commented that the applicant may be able to gain some of the square footage back through the Architect and Site process.
- Suggested a concept of allowing the pole sign to remain for a period of one year, from the date of occupancy, at which point after one year the sign would be removed and a monument sign is erected.

Council Discussion

- Questioned the calculations related to parking spaces.

Mayor Barabara Spector called for a recess at 8:20 p.m. Meeting resumed at 8:24 p.m.

Public Hearing Item #16 – Continued

Mr. Lortz

- Recommended that in condition #5 relating to setbacks, the front setback shall be at least 10 feet and the building shall be reduced as necessary to meet the setback without reducing the parking below 75 spaces.
- Commented that it would be up to the applicant to build in additional square footage on the east side of the building.

Council Discussion

- Questioned if 75 parking spaces would be the minimum and if 75 spaces would be adequate.
- **Council Member Steve Glickman** made a motion to overrule the Planning Commission recommendation on the grounds of policy and to approve the application with the modifications to include:
Section 2, Number 1, to read construction up to 9,000 square feet.
Section 5.5 - Setbacks, to read “meet the setback requirement without reducing the parking below 75 spaces.”

Ms. Sloan

- Suggested that the motion be tabled to reach Council consensus on the motion language to approve the application and to include signage requirements.

Council Discussion

- Consensus was given regarding motion language and to address the motions in the order listed in the staff report.
- Recommended adding to the motion that the ground signage should not exceed 10 feet in height and may not include the names of more than 3 tenants.
- Requested more information about **Mr. Lortz's** suggestion regarding the one year extension of the existing sign to allow for the activation of the site.

Public Hearing Item #16 – Continued

MOTION: **Motion by Council Member Steve Glickman** to make the Mitigated Negative Declaration as stated in Attachment #4.
Seconded by Council Member Joe Pirzynski.

VOTE: **Motion passed unanimously.**

MOTION: **Motion by Council Member Steve Glickman** to Adopt the Mitigated Monitoring Program as stated in Attachment #2.
Seconded by Vice Mayor Mike Wasserman.

VOTE: **Motion passed unanimously.**

MOTION: **Motion by Council Member Steve Glickman** to make the required findings as stated in Attachment #1 and approve the application subject to the modified conditions included in the Planned Development Ordinance as stated in Attachment #3.

Modifications include:

- Section 2 - Condition #1, to read construction up to 9000 square feet for the commercial building.
- Section 5, Condition #5 - The second sentence shall read, the front setback shall be at least 10 feet, and the third sentence shall read, the building shall be reduced as necessary to meet the setback requirement without reducing the parking below 75 spaces.
- Condition #14 to add an additional sentence to read as an option the existing pole sign is allowed to remain for up to one year from occupancy. After one year the pole sign shall be removed and the ground signage should not exceed 10 feet in height and may include the names of not more than 3 tenants.

Seconded by Council Member Joe Pirzynski.

VOTE: **Motion passed unanimously.**

Public Hearing Item #16 - Continued

Mayor Barbara Spector directed **Jackie Rose**, Clerk Administrator to read the title of the ordinance.

MOTION: **Motion by Council Member Steve Glickman** to waive the reading of the ordinance.
 Seconded by Council Member Joe Pirzynski.

VOTE: **Motion passed unanimously.**

MOTION: **Motion by Council Member Steve Glickman** to introduce the ordinance to effectuate Planned Development PD-07-01.
 Seconded by Council Member Joe Pirzynski.

Mayor Barbara Spector

- Noted for the record that in reading 200 plus pages of transcript from the Planning Commission meeting, she believes that the Planning Commission felt as though they needed consensus or agreement from the applicant, or that they should deny the applicant and send the applicant to the Town Council.
- Commented that the Planning Commission could have taken action as the Town Council did to approve the project with conditions.

VOTE: **Motion passed unanimously.**

OTHER BUSINESS

None

PULLED CONSENT ITEM #10

10. 15881 Linda Avenue and 15950 Stephenie Lane (Owners: Jennifer Den Daas and Dan Blue. Applicant: Linda Court Partners).

a. Adopt resolution of the Town Council of the Town of Los Gatos making findings regarding approval of a request to change the zone from R-1:8 to R-1:8 PD and to demolish a single family residence. RESOLUTION 2008-007

b. Adopt ordinance to change the zone from R-1:8 to R-1:8:PD for a seven lot subdivision, for a lot line adjustment between two parcels zoned R-1:8 and approval to demolish a single family. ORDINANCE 2157

Pulled Consent Item #10 - Continued

Open Public Comment

Mr. Crites

- Urged the Council to delay the approval of the ordinance until more environmental studies could be done.
- Commented on his beliefs of inconsistency with the proposed project.
- Commented that the project does not comply with the Town guidelines.

Mr. Davis

- Suggested that the Mayor file a "motion for reconsideration" for the proposed project.
- Stated that he believes that the infill policy was ignored by staff.
- Commented that the proposed homes do not blend with the neighborhood.
- Stated that he feels that the Town should have adopted a riparian policy prior to the development.

Closed Public Comment

Mayor Barbara Spector

- Requested clarification on the reconsideration process.

Ms. Sloan

- Clarified that the Council did not have a valid motion for reconsideration.
- Commented that only a Council Member can make a motion to reconsider, not a member of the public.
- Commented that if Council approves a motion to reconsider then the public hearing would need to be re-opened.

MOTION:

Motion by Council Member Joe Pirzynski to adopt resolution of the Town Council of the Town of Los Gatos making findings regarding approval of a request to change the zone from R-1:8 to R-1:8 PD and to demolish a single family residence, and to adopt ordinance to change the zone from R-1:8 to R-1:8:PD for a seven lot subdivision, for a lot line adjustment between two parcels zoned R-1:8 and approval to demolish a single family.

Seconded by Council Member Steve Glickman.

Pulled Consent Item #10 - Continued

Council Discussion

- Commented that there was no new information presented to Council this evening.
- Commented that **Mr. Crites** made points that were resolved during the previous public hearings.

VOTE: **Motion passed 4/1. Mayor Barbara Spector voted no.**

COUNCIL/TOWN MANAGER REPORTS

17. Council Matters

Mayor Barbara Spector and the Town Council presented **Pamela Jacobs**, Assistant Town Manager, with flowers in appreciation for a job well done as Interim Town Manager.

Ms. Jacobs thanked Council for the opportunity to serve as Interim Town Manager.

Greg Larson, Town Manager presented **Ms. Jacobs** with a gift from the Town Executive Team for her leadership as Interim Town Manager.

18. Manager Matters

Greg Larson, Town Manager

- Commented about Measure D and conduct which is not respectful within the community.
- Commented that staff will work to address compliance issues relating to signage in the public right-of-way and to increase enforcement regarding the theft of any signs from private property.

ADJOURNMENT

Attest:

Jackie D. Rose, Clerk Administrator