MINUTES OF THE TOWN COUNCIL/PARKING AUTHORITY/REDEVELOPMENT AGENCY JUNE 2, 2008

The Town Council of the Town of Los Gatos conducted a Regular Meeting on Monday, June 2, 2008 at 7:00 P.M.

BOARDS/COMMISSION/COMMITTEES INTERVIEWS

- Interviews were held for the Planning Commission vacancy

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

Brian Rice 9th grader from Bellarmine led the Pledge of Allegiance. The audience was invited to participate.

CLOSED SESSION REPORT

PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Government Code Section 54957)
Title: Town Manager

Orry Korb, Town Attorney stated that direction was given and no action was taken.

PRESENTATIONS

Incoming/Outgoing Student Commissioners (end of term commendations)

Mayor Barbara Spector presented commendations to the outgoing student commissioners from the Youth Commission for their commitment to the community.

Community/Business Recognition: A Place for Teens/Safe Rides (Student Volunteers)

Mayor Barbara Spector presented commendations to student volunteers from A Place for Teens and Safe Rides for their commitment to the community.

TOWN COUNCIL

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

1. **Ratify youth and student commissioner appointments as recommended by the Ad Hoc Council Subcommittee.**

2. **Adopt resolution appointing Todd Capurso, Director of Parks and Public Works, as representative to the Santa Clara Valley Transportation Authority Advisory Committee (TAC), effective June 16, 2008. RESOLUTIONS 2008-059**

3. **Adopt resolution adopting three near-term policy recommendations from the Santa Clara County Cities Association Green Building Collaborative. RESOLUTIONS 2008-060**

4. **PPW Job No. A08-004 - Traffic Engineering Consultant Services Adopt resolution authorizing the Town Manager to execute a professional consultant services agreement with TJKM Transportation Consultants for a two year period to perform traffic engineering consultant services in the Town of Los Gatos on an on-call basis. RESOLUTION 2008-061**

5. **PPW Job No. A08-005 - Geology and Geotechnical Peer Review Consultant Services**
   Adopt resolution authorizing the Town Manager to execute a professional consultant services agreement with Geomatrix Consultants, Incorporated for a two year period to perform geology and geotechnical peer review for private development projects. RESOLUTION 2008-062

6. **PPW Job No. A08-011 - Signal and Street Light Maintenance**
   Adopt resolution authorizing the Town Manager to execute a contract agreement for a period of 2 years with Republic Intelligent Transportation Services, Inc. to provide signal and street light maintenance services in the Town of Los Gatos. RESOLUTION 2008-063

7. **Adopt resolution authorizing the Town Manager to execute an amendment to the contract agreement with Landscape Management Services to extend the contract for one more year to perform landscape maintenance services for six landscape and lighting districts in the Town of Los Gatos. RESOLUTION 2008-064**

8. **Adopt resolution authorizing the Town Manager to execute a Cost Share Agreement in the amount of $85,000 between the Town of Los Gatos and the City of Campbell for a Joint Street Resurfacing Project. RESOLUTION 2008-065**

9. **Adopt resolution approving final map for Tract No. 9969 - the Highlands of Los Gatos, accepting the dedications, and authorizing the Town Manager to execute the contract for public improvements. RESOLUTION 2008-058**

Consent Items – Continued

10. **PPW Job No. 07-09 (b) Equipment Purchase - FY 2007-08 CDBG Funded ADA Improvement Project 421-821-2102 Adopt resolution authorizing the Town Manager to execute an equipment agreement with Orchard City Lock and Safe, Inc. for the purchase of (6) ADA automatic door openers to be installed on (6) single wood doors at the Civic Center complex in the amount of $33,133.08. RESOLUTION 2008-066**

11. **Adopt resolution approving the final map for Tract No. 9996 - 15344 National Avenue, accepting the dedications, and authorizing the Town Manager to execute the contract for public improvements. RESOLUTION 2008-067**

12. **Adopt resolution requesting the County of Santa Clara Board of Supervisors consolidate a General Municipal Election with the Statewide General Election to be held on November 4, 2008 pursuant to Section 10403 of the Elections Code and authorizing other related actions. RESOLUTION 2008-068**

13. **Adopt resolution establishing the Fiscal Year 2008/09 GANN appropriation limit for the Town of Los Gatos. RESOLUTION 2008-069**

TOWN COUNCIL/REDEVELOPMENT AGENCY

14. **Approve Town Council Meeting Schedule for 2008-2009 Fiscal Year.**

15. **Approve Council/Agency minutes of May 19, 2008.**

Consent Items – Continued

16. **Adopt resolutions approving the Town and Redevelopment Agency's Fiscal Year 2008/09 Operating Budget, Capital Improvement Program for Fiscal Year 2008/09-2012/13, carry-forward appropriations, and other approved adjustments and minor corrections. RESOLUTION 2008-070**

17. **Job No. 411-821-2401 and 911-821-2401 Fiscal Year 2007-08 Police Operations Building**
Adopt resolution approving plans and specifications for the Police Operations Building at 15900 Los Gatos Boulevard and authorize staff to initiate the bid process. RESOLUTION 2008-071

Mr. Davis pulled Consent Item #16.
Mayor Barbara Spector stated that Consent Item #16 would be heard after Other Business.

MOTION: **Motion** by **Council Member Pirzynski** to adopt Consent Items #1-15 and #17.
Seconded by **Council Member Glickman**

VOTE: **Carried unanimously.**

Mayor Barbara Spector introduced the incoming Youth Commissioners, Parks Student Commissioners, and Community Service Student Commissioners.

VERBAL COMMUNICATIONS

Mr. Makechuck

- Commented about **Mr. Goslin's** tragic accident and extended the family's thanks for the community's support.
- Thanked the Los Gatos-Monte Sereno Police Department for the support to the family during the incident.

Mr. Arzie

- Commented about a letter sent to the Town Manager requesting that the Town purchase the parking lot behind the Cogshell Mansion at 115 N. Santa Cruz Avenue and suggested that the Town utilize the lot for downtown parking.
- Requested that the Town retain the funds in the Designated Parking Reserve for future parking needs.

Mr. Davis

- Commented about the hazards of parking along Blossom Hill Road in front of Baggerly Field.
- Suggested that the Town build a parking lot at the Baggerly Field entrance with funds from the Designated Parking Reserve.

Mr. Leonardis

- Requested that everyone vote in the election and support Measure E.

Closed Verbal Communications

PUBLIC HEARINGS

18. **Landscape and Lighting Assessment Districts No. 1 & 2.**

    a. **Adopt resolution confirming the diagram and assessment, and levying and authorizing collection of assessments for Landscape and Lighting District No. 1 - Blackwell Drive Benefit Zone. RESOLUTION 2008-072**

    b. **Adopt resolution confirming the diagram and assessments, and levying and authorizing collection of assessments for Landscape and Lighting District No. 1 - Kennedy Meadows Benefit Zone. RESOLUTION 2008-073**

    c. **Adopt resolution confirming the diagram and assessment, and levying and authorizing collection of assessments for Landscaping and Lighting District No. 1 - Santa Rosa Heights Benefit Zone. RESOLUTION 2008-074**

    d. **Adopt resolution confirming the diagram and assessments, and levying and authorizing collection of assessments for Landscape and Lighting District No.1 - Vasona Heights Benefit Zone. RESOLUTION 2008-075**

    e. **Adopt resolution confirming the diagram and assessments, and levying and authorizing collection of assessments for Landscape and Lighting District No. 1 - Hillbrook Drive Benefit Zone. RESOLUTION 2008-076**

    f. **Adopt resolution confirming the diagram and assessments, and levying and authorizing collection of assessments for Landscape and Lighting District No. 2 - Gemini Court Benefit Zone. RESOLUTION 2008-077**

Open/Closed Public Hearing

MOTION:	**Motion** by **Council Member Joe Pirzynski** to adopt the Landscape and Lighting Districts 1 & 2 and to include the adoption of Resolutions a through f. **Seconded** by **Vice Mayor Mike Wasserman**
VOTE:	**Carried unanimously.**

Public Hearing Item #19

19. Consider an appeal of a Planning Commission decision denying a request to demolish a single family residence built prior to 1941 and a 3,250 square-foot office building, merge two existing parcels and construct a new 15,510 square-foot office building on property zoned O. No significant environmental impacts have been identified as a result of this project, and a Mitigated Negative Declaration has been made. Architecture and Site Applications S-07-34, Subdivision Application M-07-13. APN 424-27-011 and 051. Property location: 15720 and 15736 Winchester Boulevard. Property owner: Martin Dermer. Applicant: John Lien.

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

Council Comments

- The Mayor and Council disclosed that they met with the applicant and toured the building site.

Open Public Hearing

Mr. Dermer (Martin), Applicant

- Commented about additional landscape to the front of the proposed building.
- Commented on the design of the building and that the project does not require any variances.
- Commented on homes in the neighborhood that are taller than the proposed building.
- Commented that the building fits the architecture of the Town.

Mr. Dermer (Joe)

- Commented that, in retrospect, the story poles should have been erected prior to the Planning Commission meeting.
- Commented that the parking for the proposed project is located at the rear of the building.

Mr. Gemignani
- Commented on supporting the proposed project.

Mr. Brandt
- Commented on supporting the proposed project.

Mr. Makechuck
- Commented that the applicant is not listening to the feedback from the neighbors and feels that the project does not fit with the surroundings.

Mr. Wiley
- Commented on supporting the proposed project and that the building is an asset to Winchester Boulevard.

Mr. Batanides
- Commented on supporting the proposed project and that the proposed building acts as a gateway for the area.

Mr. Zelaya
- Commented that he does not support the project and that the mass of the proposed building should be reduced.

Mr. Simon
- Commented against the proposed project and suggested that the design of the project be broken up to fit the residential look of the neighborhood.

Ms. Pozas
- Commented on supporting the proposed project.

Mr. Karski
- Commented against the proposed project and suggested breaking up the mass of the proposed project to fit in with the residential look of the neighborhood.

Public Hearing Item #19 – Continued

Mr. Kilkenny

- Commented on supporting the proposed project and that the architecture is appealing.

Mr. Virk

- Commented on supporting the proposed project and that the project complements the Town.

Mr. Schivo

- Commented on supporting the proposed project.

Mr. Wong

- Commented supporting the proposed project.

Ms. Mains

- Commented on supporting the proposed project.

Mr. Nelson

- Commented on supporting the proposed project and that the proposed building is a benefit to the location.

Mr. Bella

- Commented on supporting the proposed project and that the building would be an asset to the neighborhood.

Mr. Ransom

- Commented on supporting the proposed project.

Ms. Cunningham

- Commented on supporting the proposed project.

Mr. Cunningham

- Commented on supporting the proposed project and that the project is an improvement to the area.
- Commented that the underground parking is a plus for the project.

Mr. Robson
- Commented on supporting the proposed project.

Mr. Baker
- Commented on supporting the proposed project and that the project enhances the neighborhood.

Mr. McLaren
- Commented against the proposed project.
- Commented that the proposed project impacts the neighborhood and suggested that the applicant reduce the mass of the building.

Mr. Fishback
- Commented on supporting the proposed project.

Mr. Zanardi
- Commented on supporting the proposed project.

Mr. Anoosheh
- Commented on supporting the proposed project.

Ms. Bonh
- Commented on supporting the proposed project and that the project is an improvement to the site.

Mr. Bonh
- Commented on supporting the proposed project.

Mr. Williams
- Commented on supporting the proposed project and that it does not block the views from Winchester Boulevard or Daves Avenue.

Public Hearing Item #19 – Continued

Mr. Morris
- Commented on supporting the proposed project.

Ms. Lamborn
- Commented on supporting the proposed project.
- Commented that the building located on University Avenue and Highway 9 was also designed by **Mr. Lein** and is a wonderful asset to the neighborhood.

Mr. Marchbank
- Commented against the proposed project and that the project will impact the neighborhood.

Ms. Lindecker (Laura)
- Commented against the proposed project and that the building is out of scale with the neighborhood.
- Commented that the property values around the neighborhood will decrease.

Ms. Lindecker (Diane)
- Commented against the proposed project and stated that the property value of the homes in the neighborhood will decrease.

Ms. Eppigia
- Commented on supporting the proposed project.
- Commented that the improvements to the location will increase property values of the homes in the neighborhood.

Ms. Anderson
- Commented on supporting the proposed project.

Ms. Lackovic
- Commented that the proposed project is an improvement to the neighborhood, but the size of the building blocks her view.
- Suggested reducing the size of the building.

Ms. Karski

- Commented against the proposed project and that the proposed project does not blend with the neighborhood.

Mr. Hawks

- Commented against the proposed project.
- Commented on the size of the project and the increase of traffic to the neighborhood.

Mr. Fils

- Commented on supporting the proposed project and that the project fits the neighborhood and the Town.

Ms. Riching

- Commented against the proposed project.

Mr. Miller

- Commented on supporting the proposed project.

Mr. Dermer (Joe), Applicant

- Commented that most neighbors will not have a view of the existing project.
- Commented that Winchester Boulevard is one of the gateways into Los Gatos.
- Commented that parts of Winchester Boulevard are not zoned residential.

Council Comments

- Questioned how the applicant came up with the total square footage of the building.

Public Hearing Item #19 – Continued

Mr. Dermer (Martin)

- Clarified the way they calculate square footage relative to the cost to the developer.
- Commented that the front of the building would have the same appearance if the square footage was decreased.
- Offered the community benefit to upgrade the existing wiring to underground wires or sidewalk improvements for the area.
- Explained the mitigation of the view shed.

Mr. Dermer (Joe)

- Commented that the street light and trees are in the view shed.

Mr. Lortz

- Commented that the cost of undergrounding wires is very expensive and staff would not be able to give an estimated cost until consulting with PG & E
- Commented that the sidewalk repairs as a community benefit could be done for approximately $25,000.

Closed Public Hearing

Council Discussion

- Commented that Winchester Boulevard is a large thoroughfare to Los Gatos.
- Commented that when driving down Daves Avenue, the story poles did not come into view until three houses from Winchester Boulevard.
- Commented that Winchester Boulevard serves as a buffer between Monte Sereno and the Town.
- Commented that the building will affect the image of Los Gatos when coming down Winchester Boulevard.

Note:

- The first motion was made by **Vice Mayor Mike Wasserman** and seconded by **Council Member Steve Glickman**.
  Council Member Glickman retracted his second to the motion due to the fact that the motion reflects that the Planning Commission did not error.

Public Hearing Item #19 – Continued

MOTION: **Motion** by **Vice Mayor** Wasserman to grant appeal of a Planning Commission decision denying a request to demolish a single family residence built prior to 1941 and a 3,250 square-foot office building, merge two existing parcels and construct a new 15,510 square-foot office building on property zoned O. No significant environmental impacts have been identified as a result of this project, and a Mitigated Negative Declaration has been made. Architecture and Site Applications S-07-34, Subdivision Application M-07-13. APN 424-27-011 and 051. Property location: 15720 and 15736 Winchester Boulevard. Property owner: Martin Dermer. Applicant: John Lien and to include:

- The findings that reflect that new information was submitted to the Council during the appeal process that was not readily available for submission to the Commission and that the new information has a minimal effect on the application.
- That the community benefit include $50,000 to go towards the construction and improvement of sidewalks along Winchester Boulevard.

Seconded by **Council Member Joe Pirzynski**

Council Discussion

- Commented that the building color should be less intrusive.
- Commented that the community benefit for underground wiring may be of some benefit to the community.

Public Hearing Item #19 – Continued

Council Discussion

- Commented on the surrounding neighborhood and how well the proposed building fits the site.
- Commented that the changes to the project are not that minimal.
- Suggested to make the finding that the Planning Commission erred.
- Commented that **Mr. Lien** was also the architect of the University Avenue and Highway 9 building and commented that the building is an improvement to the corner.
- Commented that the Planning Commission did not err.
- Commented that the building is too large for the neighborhood.
- Commented that there was new information and that the Planning Commission did not err.
- Commented that the proposed project is a good project and enhances the neighborhood.

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

OTHER BUSINESS

20. Consider staff report and recommendations regarding community and youth sports facilities and disposition of Town land within Vasona Park.

Staff report made by **Greg Larson**, Town Manager

Council Comments

- Questioned the process for adopting an ordinance to retain the funds from the sale for sports uses.
- Questioned if an ordinance could ever be changed by Council.
- Questioned if additional funds could be leveraged.

Mr. Larson

- Clarified that the Council could change an ordinance by following the multiple steps for amending an ordinance.
- Clarified that the Town could seek matching federal, state, foundation and/or private grants to augment the $6 million provided for a future sports facility.

Public Hearing Item #20 – Continued

Open Public Comments

Ms. Kilough, Parks Director Santa Clara County
- Commented that Vasona Park will continue as a passive use park.
- Recommended that the Town move forward with the recommended actions regarding the sale of the property to the County.

Council Comments
- Questioned why the County is offering to buy the park land from the Town.

Ms. Kilough
- Clarified that the boundaries need to be cleared up.

Ms. Marshall
- Commented against the sale of the Town-owned property at Vasona Park.

Mr. Leonardis
- Questioned if the Town could lease the land to Vasona Park.
- Commented that the land is priceless and should not be sold at this time.

Mr. DiNapoli
- Commented on supporting the sale of the land to the County and designating the funds from the sale for sports uses.

Mr. Davis
- Commented against the sell of the Town-owned property at Vasona Park and stated that $6 million is not enough.

Ms. Rogers
- Commented on supporting the sale of the town-owned property at Vasona Park and using the funds to support a sports facility.

Mr. Eshkar
- Suggested that the Town look into a piece of property above Lexington that he is selling.
- Commented that the property would be a great place for a sports facility.

Public Hearing Item #20 – Continued

Council Comments

- Questioned if Mr. Eshkar could provide Council with information about the property and the sale price.

Mr. Chase

- Commented on supporting the sale of the property and feels that keeping the natural habitat in exchange for money for sports facilities is a good trade.

Ms. Cockrum

- Commented that there is no other land is available in Los Gatos to build soccer fields and that the Town should preserve its assets.

Ms. Rahmil

- Commented that he is opposed to the land being used as sports fields and is in support of the sale of the land.

Mr. Reichwein

- Commented that there are other sports facilities that are available to residents.
- Commented that $6 million dollars is not enough for the land. Stated that he would like to see a skate park built on the land.

Ms. Howell

- Commented on the need to preserve wildlife at Vasona Park.

Mr. Piazza

- Commented on his letter previously sent to Council and that the sale of the land is below fair market value and should not be sold.
- Suggested exploring creative ways to use the Town-owned property at Vasona Park.

Mr. Carroll

- Asked Council to look at what's best for Los Gatos today - cash or land.
- Suggested that the Town should find other land before selling the land located in Vasona Park.
- Commented that he does not support the sale of the property.

Mr. Finkle

- Commented on the positive effect of sports in the community.

Ms. Quintana

- Commented on supporting the sale of the Town-owned property in Vasona Park.
- Commented that it is the beginning of a cohesive strategy of supporting sports in Town.

Mr. Chapman

- Commented against the sale of the Town-owned property at Vasona Park.
- Would like to see the County partner with the Town.

Mr. Perez

- Suggested having clear next steps and a phased solution before the sale of the property to the County.

Mr. Yellich

- Commented against the sale of the Town-owned property at Vasona Park and suggested that Council take more time to look at other options.

Mr. West

- Commented on supporting the sale of the Town-owned property located at Vasona Park.

Public Hearing Item #20 – Continued

Ms. Kawakami

- Commented on supporting the sale of the Town-owned property at Vasona Park.
- Suggested that the County keep the land as open space.

Mr. Pragastis

- Commented against the sale of the Town-owned property at Vasona Park.

Ms. Wright

- Commented on supporting the sale of the Town-owned property at Vasona Park and that the sale is a fair trade.

Mr. Wagner

- Commented that the sale to the County is a good idea, but feels the transaction must happen very quickly.

Ms. Myers

- Commented on supporting the sale of the Town-owned property at Vasona Park.
- Concerned that $6 million dollars is not a fair amount.
- Commented that the wildlife can not be protected with sports fields in the park.

Ms. Luehrte

- Requested that consideration be given to the price before selling the land.

Mr. Dermer

- Commented on his support for the sale of the Town-owned property at Vasona Park and feels that the residents of Los Gatos will continue to utilize the park.

Mr. Bawden

- Commented on the $6 million offered by the County to purchase the property.
- Commented against the sale of the land until further evaluation of other possible locations for the Town to purchase.

Public Hearing Item #19 – Continued

Mr. Miller

- Commented on his support of the sale of the property.
- Commented that he feels the offer is more than fair, based on the value of the land as open space.

Mr. Nelson

- Commented against the sale of the Town-owned property at Vasona Park.

Mr. Duffy

- Commented against the sale of the Town-owned property and that the sale is premature.

Public Comment Closed

Council Discussion

- Commented on the calculation of the dollar price paid per acre.
- Commented on leasing the property back to the County.
- Commented that the County sets aside funding for parkland requisitions.
- Commented on the Town's negotiations and the mis-information being reported to the community.
- Commented on the Parks, Trails and Open space Inventory.
- Commented that the estimated costs for the Library project should not be the priority for the use of Town funds.
- Commented on supporting the allocation of funds from the sale of the property for sports facilities.
- Commented that it would take severe grading and loss of trees to make that property usable for sports fields.
- Commented on the negotiations between the Town and the County of Santa Clara.
- Commented on ways to expand the opportunities for sports fields and facilities in the community.
- Commented that the $6 million dollars will offer the youth an opportunity.

MOTION: **Motion** by **Council Member Diane McNutt** to accept the 6 recommendations as stated in the staff report.
Seconded by **Council Member Joe Pirzynski**

Public Hearing Item #20 – Continued

Council Discussion

- Commented on the cost to maintain the Town-owned property at Vasona Park.
- Commented on the County's commitment of acquiring, preserving and maintaining the parkland.
- Commented on the difference between the last offer and this offer.

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

PULLED CONSENT ITEMS

16. Adopt resolutions approving the Town and Redevelopment Agency's Fiscal Year 2008/09 Operating Budget, Capital Improvement Program for Fiscal Year 2008/09-2012/13, carry-forward appropriations, and other approved adjustments and minor corrections.
RESOLUTION 2008-070

Mr. Davis

- Commented that the CIP does not speak to issues he expected to be listed.
- Commented on the Safe Routes to School project.
- Commented on missing sidewalks along Wedgewood Avenue.

Mr. Larson

- Clarified that the Blossom Hill Park area is one of many traffic safety issues that staff is evaluating for expenditure of the funds incorporated in the CIP.
- Commented that the Safe Routes to School and Grading Report are forthcoming from staff in fall 2008.
- Commented that there is a current project in process on Wedgewood Avenue for sidewalk improvements and staff is considering future funding potential for improvements on the "S" curve along Wedgewood Avenue which is not a funded project at this time.

Pulled Consent Item #16 - Continued

MOTION: **Motion** by **Council Member Mike Wasserman** to adopt resolutions approving the Town and Redevelopment Agency's Fiscal Year 2008/09 Operating Budget, Capital Improvement Program for Fiscal Year 2008/09-2012/13, carry-forward appropriations, and other approved adjustments and minor corrections.
Seconded by **Council Member Joe Pirzynski**

VOTE: **Carried unanimously.**

COUNCIL/TOWN MANAGER REPORTS

21. Council Matters

Council Member Steve Glickman

- Commented that he will be recusing himself from the Council item relating to the Bay Tree Condo conversion on Massol Avenue due to the fact that the project is close to his residence.
- Commented that he will be late to the meeting since he is recusing himself for the item.

22. Manager Matters

Greg Larson, Town Manager

- Commented on Police Department bicycles that have been retrofitted to be used by staff for downtown meetings.

ADJOURNMENT

Attest:

_____
Jackie D. Rose, Clerk Administrator