

**MINUTES OF THE TOWN COUNCIL/PARKING
AUTHORITY/REDEVELOPMENT AGENCY
NOVEMBER 3, 2008**

The Town Council of the Town of Los Gatos conducted a Regular Meeting on Monday, November 3, 2008 at 7:00 P.M.

TOWN COUNCIL/PARKING AUTHORITY/REDEVELOPMENT AGENCY

MEETING CALLED TO ORDER

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

Summer Vance, Sidney Santich, and Emily Clark Tek Trek Science Camp attendees led the Pledge of Allegiance. The audience was invited to participate.

CLOSED SESSION REPORT

There is no Closed Session scheduled for this meeting.

Mr. Korb, Town Attorney stated that there was no Closed Session.

TOWN COUNCIL

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

1. Accept Treasurer's report for August and September, 2008
2. 15300 Kennedy Road adopt resolution to serve a notice of non-renewal on a .33 acre portion of land under a Williamson Act contract with the Town. Property Location: 15300 Kennedy Road. File #WA-08-001 APN 537-15-023. Property owners/applicants: Frederick and Maud Hulley. RESOLUTION 2008-118

Consent Items – Continued

3. **Adopt resolution authorizing the Town Manager to negotiate and execute an agreement with Peelle Technologies for services to provide a Town Wide Document Imaging and Management System. RESOLUTION 2008-119**
4. **Adopt resolution setting date for consideration of reorganization of an uninhabited area designated as Englewood Avenue No. 7, approximately 67 acres located at 16551 Englewood Avenue (APN: 532-07-021) File # AN08-04. RESOLUTION 2008-120**
5. **Adopt a resolution adopting revised Below Market Price Housing Program Guidelines and rescinding Resolution 2005-117. RESOLUTION 2008-121**
6. **Adopt resolution denying appeal and upholding Planning Commission decision approving a request to demolish a single family residence and to construct a new residence on property zoned R-1:8. APN 409-15-021 Architecture and Site Application S-07-188. Property location: 14329 Mulberry Drive. Property owner/applicant: Hallmark Community Services. Appellant: Dennis Chambers. RESOLUTION 2008-122**

TOWN COUNCIL/REDEVELOPMENT AGENCY

7. **Approve Council/Agency minutes of October 20, 2008.**
8. **PPW Job No. 07-22 - Police Operations Building Facility Project 821-2401 Adopt resolution approving plans and specifications for the Police Operations Building Facility Project and authorize staff to advertise the project for bid. RESOLUTION 2008-123**

Consent Items – Continued

Mr. Davis pulled Consent Items #7 and 8.

Mayor Barbara Spector stated that the pulled Consent Items would be heard after Other Business.

MOTION: **Motion by Council Member Diane McNutt** to approve Consent Items #1-6.
 Seconded by Council Member Steve Glickman.

VOTE: **Motion passed unanimously.**

VERBAL COMMUNICATIONS

Mr. Knowles

- Commented against a mailer that was sent to Town residents by **Steve Glickman**.
- Commented on his own volunteer time given to community projects and encouraged the community to get involved with volunteer projects in Town.

Mr. Davis

- Commended **Mayor Barbara Spector** for her great job as Mayor in 2008.
- Commended **Michael Kane** for a great job on the Planning Commission.
- Commented that **Mr. De Santis** has moved forward with bull dozers on his property.

Mr. Silva

- Commented about volunteering in the community and encouraged the community to get involved in volunteering.

Mr. Spilsbury

- Commented about volunteering in the community and suggested that the community get involved with volunteering.

Ms. Padivani

- Commented on volunteering her time with the Community Foundation and Jazz in the Plazz.
- Suggested that the community get involved in volunteering with projects in Town.

Verbal Communications - Continued

Ms. Smith

- Commented on giving back to the community and is surprised to see her picture in the mailer that **Steve Glickman** sent out to various residents.

Mr. Leonardis

- Commented on his volunteer time and encouraged the community to volunteer.

Ms. Little

- Commented on her volunteer time and the joy of giving back to the community.
- Suggested that the community get involved with volunteer opportunities in Town.

Ms. Murphy

- Commented on her volunteer time and encouraged the community to get involved with volunteering in Town.

Mr. Stonesifer

- Commented on his volunteer time to the community and the Arts Commission.
- Commented that **Steve Glickman** was out of line and his views should not represent the Council as a whole.
- Requested that the Council address the issue.

Mr. Arzie

- Commented on the Town's Code of Conduct and that **Steve Glickman** has violated the Town Code.
- Commented that **Steve Glickman** did not clarify that he was speaking as an individual and his actions as a Council Member were out of line.

Verbal Communications - Continued

Ms. Decker

- Commented on her volunteer time to various events in the community.
- Suggested that the community get involved with volunteering in Town.

Mr. Burke

- Commented that **Steve Glickman** was out of line and used photos in his mailer without the consent of the individuals.
- Questioned if the Town could be liable for the mailer and suggested that the Town Attorney look into immediate damage control.

Ms. Hope

- Commended the Town's commissioners and the Council for their hours of service as volunteers in the community.

Ms. Currie

- Commented that the flier was inappropriate and does not set a good example for the youth in the community.
- Questioned why **Steve Glickman** mailed such a piece against many individuals in the community.

Ms. Talesfore

- Commented against the mailer that **Steve Glickman** sent to Town residents.
- Encouraged the community to get involved in volunteering with Town projects.

Closed Verbal Communications

PUBLIC HEARINGS

9. Consider a request for approval to modify the hours of operation for an existing bocce ball facility (Campo di Bocce) on property zoned LM. Conditional Use Permit Application U-08-008 APN: 529-07-096. Property location: 565 University Avenue. Property Owner: Campo di Bocce, Los Gatos LLC Applicant: Campo di Bocce, Los Gatos LLC/Tom Albanese.

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

Council Comments

- Questioned the current hours of alcohol service at the restaurant.
- Commented on the hours of operation during the weekend.
- Requested clarification on the hours of alcohol services during the holidays as listed under Condition #3.
- Questioned if the applicant has solutions to the on-street parking concerns.
- Questioned if the applicant has had any neighborhood meetings.

Open Public Hearing

Mr. Albanese, Applicant

- Commented on the current hours of operation for the restaurant.
- Commented that the complaint hotline is in service and that they have had neighborhood meetings.

NOTE: There was no one from the public to speak on Item #9.

Council Comments

- Questioned if the applicant has held neighborhood meetings to discussed options to decrease the on-street parking concerns.

Public Hearing #9 – Continued

Mr. Albanese

- Commented that they have continued to address on-street parking concerns at their employee meetings.
- Commented on the frequency of the neighborhood meetings.
- Commented that the complaint hotline has worked and that they had addressed a neighborhood complaint and resolved the problem.

Closed Public Hearing

MOTION:

Motion by Council Member Joe Pirzynski to approve the modification the hours of operation for an existing bocce ball facility (Campo di Bocce) on property zoned LM. Conditional Use Permit Application U-08-008 APN: 529-07-096. Property location: 565 University Avenue. Property Owner: Campo di Bocce, Los Gatos LLC Applicant: Campo di Bocce, Los Gatos LLC/Tom Albanese and to approve the CUP application with the required findings in Attachment 1 of the staff report and the Conditions of Approval in Attachment 2 of the staff report and to include the amended conditions in Attachment 2 which include Item #14, neighborhood meeting requirement, Item #15, the complaint hotline, and #16, the year review process.

Seconded by Council Member Steve Glickman.

Council Discussion

- Requested that the **maker of the motion** add the clarification on Condition #3 - that on holidays and on evenings before holidays alcohol service would terminate no later than 11:00 p.m.
- The **maker of the motion** and the **seconder** agreed to the amendment.

Public Hearing Item #9 – Continued

AMENDED MOTION: **Amended Motion by Council Member Joe Pirzynski** to approve the modification of the hours of operation for an existing bocce ball facility (Campo di Bocce) on property zoned LM. Conditional Use Permit Application U-08-008 APN: 529-07-096. Property location: 565 University Avenue. Property Owner: Campo di Bocce, Los Gatos LLC Applicant: Campo di Bocce, Los Gatos LLC/Tom Albanese and to approve the CUP application with the required findings in Attachment 1 of the staff report and the Conditions of Approval in Attachment 2 of the staff report and to include the amended conditions in Attachment 2 which include Item #14, neighborhood meeting requirement, Item #15, the complaint hotline, and #16, the year review process.
Amended motion to include:
Clarification on Condition #3 - that on holidays and on evenings before holidays alcohol service would terminate no later than 11:00 p.m.
Seconded by Council Member Steve Glickman.

VOTE: **Motion passed unanimously.**

OTHER BUSINESS

10. **Consider adoption of a resolution adopting the draft Music in the Park Guidelines and Rescinding Resolution 2003-138.**
 RESOLUTION 2008- 124

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

Council Comments

- Requested clarification on the definition of a "signature event" for the Arts Commission.
- Questioned the plan to limit attendance to the Music in the Parks events.
- Requested the clarification on the coordination of logistics for the events.

Other Business Item #10 – Continued

Ms. Falkner

- Clarified that there is a large amount of time spent on the Music in the Park project and the Arts Commission would like to make the Music in the Park their main priority.
- Clarified that the event has reached the capacity of the Civic Center Lawn.
- Commented that limiting the advertising locally to attract Town residents is an option that has been discussed by the Arts Commission.
- Suggested clarification on distinguishing Town staff responsibilities and Arts Commission responsibilities.

Mr. Larson, Town Manager

- Clarified that there were two specific ideas discussed by the Arts Commission relating the "signature event." One idea was to invite artistic groups of all styles and cultural origins to be featured at various Music in the Park concerts. The other was to use excess funds raised by Music in the Park to augment the Arts grant program to support artistic opportunities in the broader community beyond music and performing arts.

Open Public Comments

Mr. Knowles

- Commented on leveraging the Music in the Park to benefit other arts in Town.
- Commented on the diversity of music suggested for the concerts.
- Commented that he is impressed with the resolution and the draft guidelines for Music in the Park.

Council Comments

- Suggested that the Arts Commission may want to form a "Friends of the Music in the Park" group to help with the burden of details and logistics to put on the event.
- Expressed concerns about the wording in the guidelines referring to a "cultural event" and would like to see the policy wording under Section A, Bullet 2, remain in the guidelines.

Mr. Davis

- Expressed concerns about sitting close to the loud speakers and that the excessive noise level may damage children's ears.
- Suggested that the health, safety and welfare of the community comes first and the Town needs to address the issue relating to excessive noise amplified from the speakers.

Closed Public Comments

Other Business Item #10 – Continued

Mr. Larson, Town Manager

- Commented that the issue of the sound system was discussed and suggestions were made to improve the sound system for the 2009 events.
- Commented that the Arts Commission discussed a variety of possible solutions that can be worked on for future events.

MOTION: **Motion by Vice Mayor Mike Wasserman** to adopt a resolution adopting the draft Music in the Park Guidelines and Rescinding Resolution 2003-138.
Seconded by Council Member Joe Pirzynski.

Council Discussion

- Requested that the statement under Section "A", Bullet #2 which states: "Exhibit a variety of styles and a diversity of cultural origins."
- The **Maker of the Motion** and the **seconder** did not agree to the suggestion.

MOTION: **Motion by Council Member Steve Glickman** requesting that the statement under Section "A", Bullet #2 which states: "Exhibit a variety of styles and a diversity of cultural origins."
Motion failed due to lack of second.

Council Discussion

- Commented that the revision of language to the guidelines does not reflect a statement by Council to stand against diversity.
- Commended the Arts Commission and staff for their time and suggestions on the revisions of the Music in the Park Guidelines.

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

Other Business - Continued

11. **Introduce Ordinance of the Town of Los Gatos pursuant to California Government Code Section 36510 delegating authority to appoint the Town Clerk and Town Treasurer and amending the Town Code by repealing sections 1.10.120 and 2.30.035 regarding the elected Town Clerk and Town Treasurer and appointed Clerk Administrator.**

Staff report made by **Orry Korb**, Town Attorney.

Council Comments

- Requested clarification on election responsibilities.
- Questioned if the Town Clerk position should be appointed by Council for purposes of "checks and balances."

Mr. Korb, Town Attorney

- Clarified the process between an appointed clerk position through the manager verses an appointed clerk position through the Council.
- Commented on the election process and Council's authority to delegate the responsibilities prior to an election.
- Clarified that the Town consolidates its elections with the County of Santa Clara and that the Clerk works hand in hand with the Registrar of Voters during the election process.
- Commented that the County Registrar of Voters gives the Town all necessary materials to ensure that matters are placed on the ballot properly and that candidates have the materials they need.

Mr. Larson, Town Manager

- Commented on the professionalism of the Clerk position.

Open/Close Public Comment

Other Business Item #11 – Continued

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

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

VOTE: **Motion passed unanimously.**

MOTION: **Motion by Council Member Joe Pirzynski** to introduce an ordinance of the Town of Los Gatos pursuant to California Government Code Section 36510 delegating authority to appoint the Town Clerk and Town Treasurer and amending the Town Code by repealing sections 1.10.120 and 2.30.035 regarding the elected Town Clerk and Town Treasurer and appointed Clerk Administrator.
 Seconded by Council Member Steve Glickman.

VOTE: **Motion passed unanimously.**

Mayor Barbara Spector directed **Jackie Rose**, Clerk Administrator to advertise the introduction of the ordinance.

PULLED CONSENT ITEMS

7. Approve Council/Agency minutes of October 20, 2008.

Mr. Davis

- Commended the Clerk Administrator for the great job on the minutes.

MOTION: **Motion by Council Member Diane McNutt** to approve Council/Agency minutes of October 20, 2008.
 Seconded by Vice Mayor Mike Wasserman.

VOTE: **Motion passed unanimously.**

Pulled Consent Items - Continued

8. **PPW Job No. 07-22 - Police Operations Building Facility Project 821-2401 Adopt resolution approving plans and specifications for the Police Operations Building Facility Project and authorize staff to advertise the project for bid. RESOLUTION 2008-123**

Mr. Davis

- Commented about the glare from the lights at the proposed Police Operations Building and suggested that some kind of re-design be done to resolve the glare.
- Commented that neighborhood input may be necessary to resolve issues related to police vehicles coming and going 24 hours a day.

MOTION: **Motion by Vice Mayor Mike Wasserman** to adopt resolution approving plans and specifications for the Police Operations Building Facility Project and authorize staff to advertise the project for bid.
Seconded by Council Member Joe Pirzynski.

Council Comments

- Commented that the Town should spend funds to move the entire Police Department to Los Gatos Boulevard and expand the Library into the current police building.

VOTE: **Motion passed unanimously.**

COUNCIL/TOWN MANAGER REPORTS

12. Council Matters

Mayor Barbara Spector

- Commented about the partnership between the Town and the Red Cross to provide first aid training to the community.
- Commented on the partnership between the Town of Los Gatos and P.G. & E. to join the Climate Smart program.
- Commented that as part of the program P.G. & E. will give the Town \$5,000 for LED lights for the downtown street trees and for the lights across the Main Street Bridge. The funds will be administered by the Community Foundation since they have taken the lead on changing the Town's holiday lights to LED.
- Commended **Orry Korb, Pamela Jacob, and Patsy Garcia** for their years of service with the Town of Los Gatos.

Council Member Joe Pirzynski

- Commented against the brochure that was sent out by **Steve Glickman**.
- Commented that the actions by **Steve Glickman** were not represented by the other Council Members.

Council Member Steve Glickman

- Clarified his opinions about the contents of the mailer.
- Commented that he was not speaking about the volunteers in the Town.
- Commented that the criticism was aimed towards a social club in Town that has weighed in on political matters.
- Commented on recommendations made by County Waste Recycling Committee on the use of plastic bags.

13. Manager Matters

Greg Larson, Town Manager

- Commented on the Town's success of "Second Chance" week.
- Commended a father/daughter team that spent over 3 hours sorting all the good that were dropped off for the drive.
- Commented on the number of Vote by Mail ballots received in the Clerk Department.
- Commended **Pamela Jacobs, Orry Korb, and Patsy Garcia** for their years of service to the Town, with special commendation to Patsy Garcia for 35 years of service to the Town, and a number of Town Managers and Town Councils.

ADJOURNMENT

Attest:

Jackie D. Rose, Clerk Administrator