

**MINUTES OF THE TOWN COUNCIL/PARKING  
AUTHORITY/REDEVELOPMENT AGENCY  
JANUARY 20, 2009**

The Town Council of the Town of Los Gatos conducted a Regular Meeting on Tuesday, January 20, 2009 at 7:00 P.M.

**TOWN COUNCIL/PARKING AUTHORITY/REDEVELOPMENT AGENCY**

**MEETING CALLED TO ORDER**

**ROLL CALL**

**Present:** Mayor Mike Wasserman, Vice Mayor Diane McNutt,  
Council Member Joe Pirzynski, Council Member Steve Rice,  
Council Member Barbara Spector

**Absent:** None.

**PLEDGE OF ALLEGIANCE**

The Los Gatos High School Football Team and Butch Cattalico led the Pledge of Allegiance. The audience was invited to participate.

Mr. Cattalico thanked the Town for the recognition and the team for their time, sacrifice, and effort which resulted in another great season.

**CLOSED SESSION REPORT**

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

**(Government Code Section 54957)**

**Title: Town Manager**

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

**CONFERENCE WITH LABOR NEGOTIATOR**

**(Government Code Section 54957.6)**

**Agency Negotiator: Rumi Portillo, Human Resources Director**

**Unrepresented Employee: Town Manager**

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

## **PRESENTATIONS**

### **Proclamation**

American Red Cross - National Blood Donor Month

**Mayor Mike Wasserman** proclaimed the month of January, 2009 as National Blood Donor Month.

**Ms. Kassel** and **Ms. Rohner** accepted the proclamation on behalf of the American Red Cross.

## **COUNCIL/TOWN MANAGER REPORTS**

### **Council Matters**

There were no Council Matters for this meeting.

### **Manager Matters**

#### **Mr. Larson**

- Commented that Los Gatos Community Hospital has announced that they will be closing the hospital on April 10, 2009.
- Commented that staff has been meeting with all parties to ensure sufficient communication to the community about resources available during the transition, and to minimize the length of the closure.

## **TOWN COUNCIL**

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

1. Ratify payroll for the month of December 2008
2. Ratify accounts payable for December 2008
3. Accept staff report on evaluation of Town Code Ordinance 2155 and regulatory permit process regarding the regulation of massage therapy establishments and massage therapy practitioners.
4. Adopt resolution approving a request to modifying an existing Conditional Use Permit to allow the service of beer and wine with meals (Aldo's Deli) on Property Zoned C-1 and to approve outdoor seating( two seats); APN 529-07-094. Conditional Use Permit: U-08-15; Property Location: 440 N. Santa Cruz Avenue (Aldo's Deli) Property Owner: Los Gatos Shopping Center LLC; Applicant: Barbara Lonsbury. RESOLUTION 2009-001

Consent Items – Continued

5. **Adopt resolution amending Town Council Agenda Format and Rules. RESOLUTION 2009-002**
6. **Adopt resolution amending the agreement between the Town of Los Gatos and the Town Attorney and authorizing the Mayor to sign the amendment. RESOLUTION 2009-003**
7. **Adopt resolution authorizing the Town Manager to execute an agreement with the County Of Santa Clara relating to the goals and objectives of The DNA Fingerprint, Unsolved Crime And Innocence Protection Act (Prop 69). RESOLUTION 2009-004**
8. **Project A09-16 - Tree Pruning and Removal**
  - a. **Adopt resolution declaring Trugreen Landcare to be the lowest responsible bidder on the project and awarding a tree pruning and removal contract in the amount of \$44,440.05. RESOLUTION 2009-005**
  - b. **Authorize staff to issue change orders to the agreement up to an amount of \$35,000 Award FY 08/09 Tree Pruning Contract.**

**REDEVELOPMENT AGENCY**

9. **Ratify accounts payable for December 2008**

**TOWN COUNCIL/REDEVELOPMENT AGENCY**

10. **Approve Council/Agency minutes of December 15, 2008.**

**MOTION:**                   **Motion by Council Member Joe Pirzynski to approve Consent Items #1-10.  
Seconded by Council Member Steve Rice.**

**VOTE:**                   **Motion passed unanimously.**

## **VERBAL COMMUNICATIONS**

### **Mr. Davis**

- Commented that \$6 million was not enough money for the 13.5 acres at Vasona Park which the Town sold to Santa Clara County.
- Commented that Santa Clara County could afford more than \$6 million.

### **Ms. Fern**

- Commented that she is the director of the 211 program provided by the United Way of Silicon Valley.
- Commented about basic needs met by the 211 call center.
- Thanked the Town for its continued partnership and referrals to the 211 program.

## **Closed Verbal Communications**

### **Mayor Mike Wasserman**

- Commented that the property value of the Town owned property at Vasona Park was assessed numerous times by professional appraisers and that Council determined that the cost was appropriate.
- Commented that the funds from the sale of the property have been set aside for future park uses.

**Mayor Mike Wasserman** stated that Item #11 would be heard after Item #13.

## **TOWN COUNCIL - PUBLIC HEARINGS**

- 12. 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 2009-006**

## **Open/Close 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 Council Member Barbara Spector.**

**VOTE:**                    **Motion passed unanimously.**

## **Public Hearings – Continued**

- 13. Consider a request for approval of a Planned Development amendment to allow accessory structures. APN 567-24-010 through 023. Property location: Shannon Valley Ranch (Shannon Oaks Lane and Mountain Laurel Lane). Property owner/applicant: Kevin C. Thompson & GHC Shannon Valley Ranch. File# PD-08-003.**

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

### **Council Comments**

- Requested clarification on which paragraphs would be amended as part of the Planned Development.
- Questioned how the Development Review process will be done.

### **Mr. Lortz**

- Clarified that the wording in condition #9 refers to accessory structures as stated in the Desk Item.
- Clarified the Development Review Committee's process for reviewing applications.

## **Open Public Hearing**

### **Mr. Thompson**

- Commented about the prior amendments to the Planned Development at Shannon Valley Ranch.
- Would like to see the ordinance amended to allow accessory structures on the lots.

### **Mr. Stanley, Developer**

- Commented that they are not looking to overturn the Planned Development, but to clearly address the consistency for the entire development.

### **Mr. Davis**

- Commented about the gist of the prior public hearings relating to the development of Shannon Valley Ranch.
- Commented that the discussions were to keep the structures to a minimum at that location.
- Commented that there is a need to regulate accessory structures.
- Commented that he agrees with the Planning Commission's recommendations.

## **Closed Public Hearing**

## Public Hearing Item #13 – Continued

### **Council Discussion**

- Commented that the direction of prior public hearings for Shannon Valley Ranch was to create "best practices" for development in the Shannon Valley area.
- Commented that the components of accessory structures were not addressed in the Planned Development.
- Commented that the proposed application is in keeping with the current Planned Development.
- Commented that the Hillside Standards and Guidelines are designed to protect the hillsides and are appropriate for this planned development amendment.

### **MOTION:**

**Motion by Council Member Joe Pirzynski** to uphold the Planning Commission's recommendation and approve Planned Development Application PD-08-03 and to include:

- Amendment to condition #9 which reads:  
Accessory Structures. Accessory structures are allowed provided they are in compliance with the Hillside Development Standards & Guidelines, and shall be reviewed and processed in accordance with those standards and guidelines.
- Make the required findings (Attachment 1) and approve the application subject to the conditions included in the Planned Development Ordinance (Attachment2)

**Seconded by Vice Mayor Diane McNutt.**

### **Council Discussion**

- Commented that the Hillside Standards and Guidelines have specific limitations on what can be built and the hillsides are well protected by the language in the guidelines.
- Questioned if grading permits would be required for any of the other lots.
- Questioned the number of accessory structures permitted per lot.

### **Mr. Lortz**

- Clarified that the grading ordinance is a complex document.
- Commented that a majority of the lots are built out and would only be allowed one more structure.

### **VOTE:**

**Motion passed unanimously.**

Public Hearings – Continued

Direct **Jackie Rose**, Clerk Administrator to read the title of the ordinance.

**MOTION:**           **Motion by Council Member Joe Pirzynski to move to waive the reading of the ordinance.  
Seconded by Council Member Diane McNutt**

**VOTE:**           **Motion passed unanimously.**

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

**VOTE:**           **Motion passed unanimously.**

**PUBLIC HEARINGS**

- 11. Hazardous Vegetation - Weeds Adopt resolution ordering abatement of hazardous vegetation (weeds). RESOLUTION 2009-007**

**Open/Close Public Hearing**

**MOTION:**           **Motion by Vice Mayor Diane McNutt to adopt resolution ordering abatement of hazardous vegetation (weeds).  
Seconded by Council Member Joe Pirzynski.**

**VOTE:**           **Motion passed unanimously.**

## **OTHER BUSINESS**

### **14. New Los Gatos Library Project.**

- a. Review final conceptual design for new library
- b. Authorize Town Manager to negotiate and execute agreement with Noll & Tam Architects in an amount not to exceed \$1,766,735.00 for schematic design through construction administration services for the new Los Gatos Library.

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

**Noll and Tam Architects** presented a power point presentation on the final conceptual design.

#### **Council Comments**

- Questioned the side view lines between the service floor and teen center.
- Questioned if there is a public restroom located on the first floor other than in the children's area.
- Commented that it would be an improvement to have restrooms near the periodical area.
- Expressed concerns about closing out the views of Pageant Ground.
- Commented that the west elevation has few windows.
- Requested clarification on the size of the restrooms in the children's area.

#### **Mr. Noll**

- Commented that they could refine the plans to include a second restroom located near the periodicals.
- Commented that the windows on the west elevation are very large.

#### **Open Public Comments**

##### **Mr. Davis**

- Commented that the architects have not mentioned re-designing lights for the parking lots.
- Commented that public safety should be a concern.
- Commented that the new Library should be warm and inviting.
- Questioned if the proposed conceptual design steps into the hillside.
- Questioned if the proposed design has outdoor seating.

#### **Closed Public Comments**



Public Hearing Item #14 – Continued

**Council Discussion**

- Thanked the friends of the Library for their continued support to help fund the new library.

**MOTION:**

**Motion by Council Member Joe Pirzynski** to adopt the new Los Gatos Library Project as follows:

- a. Review final conceptual design for new library
- b. Authorize Town Manager to negotiate and execute agreement with Noll & Tam Architects in an amount not to exceed \$1,766,735.00 for schematic design through construction administration services for the new Los Gatos Library.

**Seconded by Council Member Barbara Spector.**

**VOTE:**

**Motion passed unanimously.**

**ADJOURNMENT**

Attest:

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Jackie D. Rose, Clerk Administrator