

**MINUTES OF THE TOWN COUNCIL/PARKING
AUTHORITY/REDEVELOPMENT AGENCY
FEBRUARY 2, 2009**

The Town Council of the Town of Los Gatos conducted a Special Meeting on Monday, February 2, 2009 at 5:00 p.m. to conduct Board, Commission, and Committee interviews.

BOARDS/COMMISSION/COMMITTEES INTERVIEWS

- Planning Commission (1 vacancy, 7 applicants)
- General Plan Committee (1 vacancy, 5 applicants)
- Community Services Commission (2 vacancies, 4 applicants)
- Historic Preservation Committee (1 vacancy, 2 applicants)

Michelle Thiebaud, applicant for the Community Services Commission, was unable to attend the interviews.

Mayor Mike Wasserman postponed the appointments to the Community Services Commission until the meeting of February 17, 2009.

Ms. Thiebaud will be interviewed prior to the February 17, 2009 Town Council meeting.

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/COMMENDATION - Los Gatos Kiwanis

Mayor Mike Wasserman introduced the **Los Gatos Kiwanis Club** and invited them to sing prior to the Pledge of Allegiance.

The Los Gatos Kiwanis Club sang "God Bless America" and led the Pledge of Allegiance. The audience was invited to participate.

Mayor Mike Wasserman presented a commendation to the **Kiwanis** for their contributions to the community.

"STATE OF THE TOWN ADDRESS"

Mayor Mike Wasserman gave the "State of the Town" address which included comments on "where we were," "where we are now" and "where we are going."

PRESENTATION

Medal of Valor - Officers Bryan Paul and Joe Romeo

Chief Scott Seaman presented the Medal of Valor to **Brian Paul** and **Joe Romeo** for going beyond the call of duty in rescuing residents whose car had rolled down a steep hill.

Mayor Mike Wasserman called for a brief recess at 7:40 p. m. Meeting resumed at 7:46 p. m.

TOWN COUNCIL

COUNCIL/TOWN MANAGER REPORTS

COUNCIL MATTERS

Council Member Barbara Spector

- Thanked Hobie's restaurant for using environmental material for their takeout products.

Council Member Steve Rice

- Questioned why Eucalyptus trees are listed as a protected species under our tree ordinance.
- Requested agreement from one other Council member to have the ordinance reviewed and agendized for a future Council meeting.
- **Mayor Mike Wasserman** agreed and requested that the item be agendized for a future meeting.

MANAGER MATTERS

There were no manager matters reported at this meeting.

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

1. **Accept Treasurer's Reports for November and December 2008.**
2. **Approve Council minutes of January 27, 2009.**
3. **Adopt resolution amending agreement between the Town of Los Gatos and the Town Manager and authorizing the Mayor to sign the amendment. RESOLUTION 2009-008**

Consent Items – Continued

4. **Adopt resolution authorizing the Town Manager to execute an agreement with the City of Campbell to provide court liaison services for the Town of Los Gatos/Monte Sereno Police Department and to authorize the Town Manager to execute future amendments to the agreement. RESOLUTION 2009-009**
5. **Adopt resolution authorizing the Town Manager to negotiate and execute agreements to revise the employee dental plan and change providers for the life, accident and disability insurance plans. RESOLUTION 2009-010**
6. **Proposition 1B Local Streets and Roads Funds Application for FY 2008-09**
 - a. **Adopt a resolution authorizing application for Proposition 1B Local Streets and Roads Funds for FY 2008/09. RESOLUTION 2009-011**
 - b. **Upon confirmation of State approval, authorize budget adjustment for FY 2008/09 - 2012/13 Capital Improvement Program to appropriate Proposition 1B Funds to the Curb, Gutter, and Sidewalk Replacement Account 411-813-9921.**
7. **Adopt ordinance 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. ORDINANCE**

TOWN COUNCIL/REDEVELOPMENT AGENCY

8. **Approve Council/Agency minutes of January 20, 2009.**

Mr. Davis pulled Consent Items #1, #3, #6.

Mayor Mike Wasserman stated that the Pulled Consent Items would be heard after Other Business.

MOTION: **Motion by Council Member Steve Rice to approve Consent Items #2, #4, #5, #7 and #8.
Seconded by Council Member Barbara Spector.**

VOTE: **Motion passed unanimously.**

VERBAL COMMUNICATIONS

Mr. Davis

- Stated that he did not agree with Mayor's Comments during the January 20, 2009 Council meeting regarding the \$6 million sale of the Vasona property to Santa Clara County.
- Commented that the Mayor should not have commented on the subject and that he violated the Brown Act.

Ms. Stone

- Commented that Round Up pesticide was sprayed along Los Gatos Creek Trail.
- Suggested that the Town use a non-toxic measure in lieu of pesticides.

Closed Verbal Communication

Todd Capurso, Director of Parks and Public Works

- Commented that the Town does apply pre and post emergents in compliance with the State regulations in undeveloped or minimally developed areas.
- Commented that the Town will continue to research alternative uses for certain areas.

Mr. Korb, Town Attorney

Commented that **Mayor Mike Wasserman** did not violate the Brown Act and that he is entitled to comment under Verbal Communications.

BOARDS/COMMISSION/COMMITTEES APPOINTMENTS

Planning Commission (1 vacancy, 7 applicants)

- **Charles Ereksen** was appointed to the Planning Commission.

General Plan Committee (1 vacancy, 5 applicants)

- **Chuck Sloan** was appointed to the General Plan Committee.

Community Services Commission (2 vacancies, 4 applicants)

- Appointments will be made at the February 17, 2009 Town Council Meeting.

Historic Preservation Committee (1 vacancy, 2 applicants)

- **John Almash** was appointed to the Historic Preservation Committee.

OTHER BUSINESS

9. Introduce an ordinance establishing Wild Land-Urban Interface Fire Area.

Staff report made by **Anthony Ghiossi**, Senior Building Inspector.

Council Comments

- Questioned the definition of new structures.
- Questioned if objects and vegetation would need to be removed from the perimeter of a structure.
- Questioned if the defensible space requirement would include grading the hillside.
- Questioned if it is a conflict of interest to vote on the ordinance if a Council member or members live within the Urban Interface Fireland area.

Mr. Ghiossi

- Clarified that there is a 30 to 70 foot defensible space requirement.
- Commented that the requirement speaks to clearing debris not grading the hillside.

Mr. Larson

- Clarified that the application of the ordinance does not negate the existence of the grading ordinance and other land use requirements.

Council Member Steve Rice, Vice Mayor Diane McNutt and Mayor Mike Wasserman stated that they own property in the high risk area.

Mr. Korb

- Commented that all three Council members would probably fall under the "general context" meaning that the impact of this decision on each Council member would be no different than the public generally, but since there is no analysis to determine the number of households affected by the ordinance it would be best to draw straws to determine which Council member will remain seated for a majority vote.

Mayor Mike Wasserman and Council Member Steve Rice drew the short straws and recused themselves from this item.

Vice Mayor Diane McNutt chaired the meeting

Open Public Comments

Mr. Davis

- Commented about fire on the ridges, mountains and hillsides.
- Commented that the residents of Orinda formed their own fire district.

Other Business Item #9 – Continued

Closed Public Comments

Mayor Mike Wasserman directed **Jackie Rose**, Clerk Administrator, to read the title of the ordinance.

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

VOTE: **Motion passed unanimously.**

MOTION: **Motion by Council Member Joe Pirzynski** to introduce the ordinance to effectuate the Town Code amendment and instruct the Clerk Administrator to publish a summary and notice no more than five days prior to adoption.
 Seconded by Council Member Barbara Spector.

VOTE: **Motion passed unanimously.**

10. Review, affirm and provide direction to staff on Los Gatos Boulevard Plan.

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

Open Public Comments

Mr. Dare

- Commented on the development of Los Gatos Boulevard.
- Suggested that buildings be designed with a setback from the road.
- Commented on his preference for mixed use including housing for the Los Gatos Boulevard Plan.
- Suggested considering the ability to have some community-serving retail, neighborhood-serving retail, and some larger types of uses along Los Gatos Boulevard.
- Commented that he would like to have clarity on setbacks in the Los Gatos Boulevard Plan.
- Commented that the 15-foot setback should not be required for the side of Los Gatos Boulevard with views of the hills.

Other Business Item #10 – Continued

Council Comments

- Questioned the current setback requirement for the Los Gatos Boulevard Plan.
- Questioned if Mr. Dare has a plan to demolish the Ford dealership located at Los Gatos Boulevard and Carlton Avenue
- Questioned if they are planning to do any grading at the site.
- Requested clarification about mixed use under the current zoning regulations.
- Questioned if community and neighborhood-serving retail would be possible under the current Los Gatos Boulevard Plan.

Mr. Lortz

- Clarified that the current setback requirement for Los Gatos Boulevard is 15 feet.
- Commented that mixed use would be possible under a Planned Development application or Conditional Use Permit.
- Commented that all auto dealership replacement projects would require a Planned Development application.

Mr. Davis

- Commented that zoning is a privilege and that developers should have no property rights.
- Commented that a good example of a design on Los Gatos Boulevard is the new building at Lark Avenue and Los Gatos Boulevard.
- Commented that the direction should come from the community when designing the Los Gatos Boulevard plan.

Mr. Larson, Town Manager

- Commended **Mr. Lortz** on his years of leadership, service to the Town of Los Gatos, including the original drafting of the Los Gatos Boulevard Plan and the re-analysis of the plan.
- Commented that **Mr. Dare** is a significant property owner on the Boulevard and that staff believes that the proposed recommendations will address some of the issues raised by **Mr. Dare**.
- Commented that staff's recommended action is to re-affirm the Los Gatos Boulevard Plan and to let staff come back to Council with specific recommendations in all five areas stated in the staff report.

Closed Public Comments

Other Business Item #10 – Continued

Council Discussion

- Commented that the Los Gatos Boulevard would never become a Stevens Creek Boulevard or the El Camino.
- Commented that the Town is at a crucial point in its history, and the vision of the Los Gatos Boulevard plan should not be abandoned.
- Would like to see staff come back to Council with the projected possibilities for the streetscape, a focus on lane variations, and pedestrian friendly walkways.

MOTION:

Motion by Council Member Joe Pirzynski to re-affirm the Los Gatos Boulevard Plan and provide direction on the following issues:

- Preservation of specific scenic vista opportunities;
- Provision and maintenance of enhanced public improvements and streetscape;
- Protection of long-term retail, office and other commercial opportunities at key intersections and on large parcels;
- Desirable variations in building heights, massing, setbacks, and parking; and
- Limited mixed use housing opportunities to encourage other Los Gatos Boulevard Plan goals and strategies.

Seconded by Vice Mayor Diane McNutt.

VOTE:

Motion passed unanimously.

Other Business Item #10 – Continued

Council Discussion

Discussion on recommendation #1

- Would like to have vista opportunities along Los Gatos Boulevard and not at specific scenic vista locations.
- Commented that the north side of Los Gatos Boulevard does not offer as much of a view of the hills and should have a potential for greater building heights.
- Would like to see a definition of a scenic vista.
- Questioned if there was discussion about the preservation of existing trees.
- Commented about the loss of views when they built the structure at Blossom Hill Road and Los Gatos Boulevard.
- Would like to take a look at providing preservation of vistas and to allow certain architecture that would complement the vistas along the Boulevard.

Discussion on recommendation #2

- Commented that the streetscape of the Los Gatos Boulevard Plan should be pedestrian friendly.
- Questioned if there are any plans to complete the Los Gatos Boulevard north of Lark Avenue.

Mr. Lortz

- Commented that this would be an excellent opportunity to engage in a discussion with the property owners north of Lark Avenue as part of the Los Gatos Boulevard Plan.

Council Discussion

- Questioned if the Los Gatos Boulevard Plan would include north of Lark Avenue to Shannon Road.
- Would like to see a gateway from Blossom Hill Road down to Samaritan Drive.
- Commented on the different uses with a 4 lane and 6 lane roads along the stretch.
- Questioned if Council could set boundaries for the Los Gatos Boulevard Plan.
- Questioned the idea of forming improvement districts along the Boulevard.
- Questioned how auto dealership use is addressed in the Los Gatos Boulevard Plan.

Other Business Item #10 – Continued

Council Discussion – Continued

- Commented that the current plan goes from 85 at the north to Spencer Avenue to the south.
- Would like to see more clearly defined pedestrian friendly intersections.
- Suggested using the intersection at Los Gatos Boulevard and Blossom Hill Road as a model.

Discussion on Recommendation #3 and #5

- Questioned if a small percentage of housing is acceptable in the plan.
- Commented that the Los Gatos Boulevard growth should fill gaps in retail and mixed use that are not currently provided in the community.
- Would like to see a sales tax leakage study done for the area.
- Commented that the housing element should target areas that would provide housing stock that is needed in Los Gatos.
- Commented on the opportunity to add community-serving retail and restaurants that would complement the downtown area.
- Would like to see long term land use for the Los Gatos Boulevard.
- Questioned the current zoning regulation for the area.
- Commented on the residential components located adjacent to Los Gatos Boulevard.
- Commented that the Los Gatos Boulevard Plan should welcome the neighborhoods.
- Questioned how to create community centers that are welcoming and inviting to the public.

Discussion on Recommendation #4

- Commented that the variation in heights is a plus for Los Gatos Boulevard. Would like to see architecture that is unique, creative and functional.
- Questioned the general height of a one story building. Would like to see staff come back with recommendations on height requirements and current building heights on Los Gatos Boulevard.
- Commented on different parking solutions to create a pedestrian friendly design.

Consensus given to the direction provided by Council for the Los Gatos Boulevard Plan.

PULLED CONSENT ITEMS

1. **Accept Treasurer's Reports for November and December 2008.**
3. **Adopt resolution amending agreement between the Town of Los Gatos and the Town Manager and authorizing the Mayor to sign the amendment. RESOLUTION 2009-008**
6. **Proposition 1B Local Streets and Roads Funds Application for FY 2008-09**
 - a. **Adopt a resolution authorizing application for Proposition 1B Local Streets and Roads Funds for FY 2008/09. RESOLUTION 2009-011**
 - b. **Upon confirmation of State approval, authorize budget adjustment for FY 2008/09 - 2012/13 Capital Improvement Program to appropriate Proposition 1B Funds to the Curb, Gutter, and Sidewalk Replacement Account 411-813-9921.**

Mr. Davis

- Commented about the use of the \$6 million from the sale of the Vasona property.
- Commented that the Treasurer's Report did not mention that the \$6 million from the sale was ear marked for sports uses.
- Commented that the contract for the Town Manager should be part of the public record and not a Consent Item.
- Commended **Mr. Larson** for a job well done.

MOTION: **Motion by Council Member Steve Rice to approve Consent Items #1, #3, and #6.
Seconded by Council Member Joe Pirzynski.**

VOTE: **Motion passed unanimously.**

ADJOURNMENT

Attest:

Jackie D. Rose, Clerk Administrator