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**MINUTES OF THE TOWN COUNCIL/PARKING  
AUTHORITY/REDEVELOPMENT AGENCY  
APRIL 6, 2009**

The Town Council of the Town of Los Gatos conducted a Regular Meeting on Monday, April 6, 2009 at 7:00 P.M.

**MEETING CALLED TO ORDER**

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

**ROLL CALL**

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

**Absent:** None.

**Mayor Mike Wasserman** honored the passing of a lifetime Los Gatan and long time Los Gatos Lion, **Reed Graham**.

**PLEDGE OF ALLEGIANCE/COMMENDATION**

The **Los Gatos Rotary Club** led the Pledge of Allegiance. The audience was invited to participate.

**Mayor Mike Wasserman** presented a commendation to the **Rotary Club** for their dedication and community service to the Town.

**Ms. Cilker-Smith**, Los Gatos Rotary President  
Thanked the Town for the commendation and encouraged the community to volunteer.

## PRESENTATIONS

### Proclamations

#### Keep Los Gatos Beautiful Month

**Mayor Mike Wasserman** proclaimed the month of April as Keep Los Gatos Beautiful Month.

**Regina Falkner**, Director of Community Services

- Accepted the proclamation on behalf of the Town and encouraged the community to visit the Town's website for more information on Keeping Los Gatos Beautiful month.

#### Arbor Day

**Mayor Mike Wasserman** proclaimed April 24, 2009 as Arbor Day in the Town of Los Gatos.

**Todd Capurso**, Director of Parks and Public Works

- Accepted the proclamation on behalf of the Town and invited the community to attend the tree planting ceremony on April 24, 2009 at La Rinconada Park.

### Presentation

#### Government Finance Officers Association - Distinguished Budget

#### Presentation Award

**Mayor Mike Wasserman** presented the Town with the Government Finance Officers Association - Distinguished Budget Presentation Award.

**Steve Conway**, Director of Finance

- Accepted the award on behalf of the Town of Los Gatos and thanked Town staff for all their work on the budget.

## CLOSED SESSION REPORT

### CONFERENCE WITH REAL PROPERTY NEGOTIATOR

(Government Code Section 54956.8)

Property: APN 527-25-005 - Mulberry School APN 527-34-075 - Union School District APN 421-14-070 - Union School District APN 419-35-082 - Union School District APN 424-18-035 - San Jose Water Company Santa Clara Valley Water District Parcels Caltrans Parcels APN 510-44-069 - Main Street/Housing/Parking

Negotiator: Greg Larson, Town Manager

Under Negotiation: Price and terms

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

## **COUNCIL/TOWN MANAGER REPORTS**

### **Council Matters**

#### **Council Member Joe Pirzynski**

- Commented about the earthquake in Italy and asked if there was Council interest to request a report from staff on the current status of the CERT program.
- **Consensus** was given to direct staff to bring forward a status report on the CERT program.

#### **Mr. Larson, Town Manager**

- Commented that a review of the Emergency Operations Plan is scheduled for the April 20, 2009 Town Council meeting and that a CERT program status report may be brought forward on that agenda.

### **Manager Matters**

#### **Mr. Larson**

- Commented that the Town mailed an information postcard to all residents and businesses to announce the closure of the Community Hospital. The postcard also provided information for alternate locations during the closure.
- Commented that the Parks and Public Works Department will be covering signage to reflect the closure at locations surrounding the Community Hospital.
- Commented that the Los Gatos-Monte Sereno Police Chief received a letter from the California Commission of Peace Officers Standards and Training (POST) awarding the department with the 2009 Robert Preston Institute of Criminal Investigation, Investigative Award for the "Achilli's Murder for Hire" investigation.

## **TOWN COUNCIL**

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

1. **Approve March 7, 2009 Council Retreat Minutes.**
2. **PPW Job. No. 09-01 - HVAC System Renovation Project 411-821-2103.**
  - a. **Adopt resolution declaring Therma Corporation to be the lowest responsible bidder on the project and award a construction contract in the amount of \$358,029. RESOLUTION 2009-024**
  - b. **Authorize staff to execute future change orders to the contract as necessary up to an amount of \$18,000.**

Consent Items – Continued

3. **Landscape and Lighting Assessment Districts No. 1 & 2. Adopt resolution describing improvements and directing preparation of Town Engineer's Report for Fiscal Year 2009-2010. RESOLUTION 2009-025**
4. **Adopt resolution authorizing application to LAFCO for West Parr Avenue Town limits boundary realignment. RESOLUTION 2009-026**
5. **State-Legislated Safe Route to Schools, Blossom Hill Road Sidewalk and Bicycle Lane Project Adopt resolution authorizing Town Manager to apply for Grant Funds for State-Legislated Safe Routes to School Program. RESOLUTION 2009-027**
6. **Allocation of Community Grant Funds for Fiscal Year 2009/10**
  - a. **Approve the Community and Arts General Fund Grant Allocations for inclusion in the 2009/10 Operating Budget**
  - b. **Adopt a resolution allocating FY 2009/10 Community Development Block Grant (CDBG) Funds; and RESOLUTION 2009-028**
  - c. **Refer review of any requests for additional Community Grant Funds to the FY 2009/10 Operating Budget Process**
7. **Adopt resolution authorizing the Town Manager to execute the grant agreement by and between the Town of Los Gatos and a Place for Teens and Los Gatos-Saratoga Community Education and Recreation 2009-2012. RESOLUTION 2009-029**
8. **Adopt resolution setting date for consideration of reorganization of an uninhabited area designated as Englewood Avenue No. 8, approximately .17 acres located at 16561 Englewood Avenue (APN: 532-07-022); File #AN09-01. RESOLUTION 2009-030**

**TOWN COUNCIL/REDEVELOPMENT AGENCY**

9. **Approve Council/Agency minutes of March 16, 2009.**
10. **Accept the 2007/08 Comprehensive Annual Financial Report (CAFR) and Management Letter.**

Consent Items – Continued

11. **PPW Job No. 07-22 - Los Gatos/Monte Sereno Police Operations Building Project Project 821-2401 Adopt resolution authorizing Town Manager to execute an amendment to the professional services agreement with Ross Drulis Cusenbery Incorporated to provide construction support services in an additional amount not to exceed \$10,020.00 RESOLUTION 2009-031**
  
12. **PPW Nob No. 07-22 - Los Gatos/Monte Sereno Police Operations Building Project 821-2401.**
  - a. **Adopt resolution declaring Inside Source, Incorporated to be the lowest responsible bidder and award a purchase and installation contract for furniture in the amount of \$93,312.00. RESOLUTION 2009-032**
  
  - b. **Authorize staff to execute future change orders to the contract as necessary up to an amount of \$6,000.00.**

**Council Member Joe Pirzynski** pulled Consent Item #6.

**Mr. Davis** pulled Consent Items #5 and #10.

**Mayor Mike Wasserman** stated that the Pulled Consent Items would be heard after the Public Hearings.

**MOTION:** Motion by **Council Member Barbara Spector** to approve Consent Items #1-4, #7-9, and #11 and #12.  
**Seconded by Council Member Steve Rice.**

**VOTE:** Motion passed unanimously.

**VERBAL COMMUNICATIONS**

**Mr. Davis**

- Commented that he did not agree with **Mayor Mike Wasserman's** comments relating to a colonoscopy which were made during the presentations at the March 16, 2009 Town Council meeting.
- Commended **Ms. Rooney**, Director of Community Development and **Mr. Capurso**, Director of Parks and Public Works for joining the Town staff.
- Commented that the Town is misusing Redevelopment Agency funds to build a new Library and that he will be filing a complaint with the District Attorney's Office.

Verbal Communications – Continued

**Mr. Silva**

- Thanked the Town for cleaning up the trees from Highway 9 to Blossom Hill Road.

**Closed Verbal Communication**

**TOWN COUNCIL**

**PUBLIC HEARINGS**

13. **Consider adoption of a resolution continuing certain department fees, rates and charges, and amending certain fees, rates and charges for Fiscal Year 2009/2010. RESOLUTION 2009-033**

Staff report made by **Steve Conway**, Director of finance.

**Council Comments**

- Requested clarification on the different per hour fees for certain parks.

**Mr. Capurso, Director of Parks and Public Works**

- Clarified that the fees are associated with costs per event for the different parks which include labor associated with clean-up of the picnic areas.

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**Council Comments**

- Expressed concern that the fees are high for events such as children's parties and would like to see the fee remain at \$75.00 per hour for residents.

**Open Public Hearing**

**Mr. Davis**

- Commented that the appeal fees for land use applications are too high and that General Law cities should follow the state regulations.
- Commented that the high fees for land use applications and appeals fees associated with the applications scare homeowner associations from building in Town.

**Closed Public Hearing**

**Council Discussion**

- Questioned if the alarm registration fees are associated with cost recovery.

## Public Hearing Item #13 – Continued

### **Chief Scott Seaman**, Los Gatos-Monte Sereno Police Department

- Clarified that there is a cost recovery associated with officer-time to respond to false alarms.
- Commented that there is also staff time associated with registration and updating alarm information.
- Commented that false alarm and registration demands are a significant drain on police departments and studies show more and more cities are adding fees for registration and charging for false alarms.

### **Council Discussion**

- Suggested that there be a fee charged to every false alarm rather than penalizing the residents who register their alarms with the police department.
- Questioned if the fees would be applied to everyone who has an alarm.

### **Chief Scott Seaman**

- Clarified that the fee would be charged for the third false alarm to which officers had to respond.

**MOTION:**                    **Motion by Vice Mayor Diane McNutt** adopt a resolution continuing certain department fees, rates and charges, and amending certain fees, rates and charges for Fiscal Year 2009/2010 as referenced in Attachment 2 of the staff report with the exception to maintain the park use permit fee for residents only at its current rate of \$75.00 per hour.  
**Seconded by Council Member Joe Pirzynski.**

### **Council Discussion**

- Commented that cost recovery should be a set policy across the board and that the analysis done by staff is accurate.
- Commented on supporting staff recommendations.
- Commented on supporting the cost analysis for the non-resident fees and would like to see the resident fee remain at \$75.00.
- Questioned which parks are associated with the park reservation fees.

### **Mr. Capurso**

- Clarified that Oak Meadow is the only park with reservable picnic areas.
- Commented that the fee resolution also allows special use permits for the use of almost any facility.

Public Hearing Item #13 – Continued

**Council Discussion**

- Requested amending the motion to eliminate the \$30.00 alarm registration fee for all residences and to add a fee of \$50.00 for the second false alarm.
- **MOTION:** Motion by **Mayor Mike Wasserman** to amend the main motion to include eliminating the \$30.00 alarm registration fee for all residences and to add a fee of \$50.00 for the second false alarm.

**Seconded by Council Member Steve Rice.**

**VOTE:** Motion carried 4/1. Council Member Joe Pirzynski voted no.

**AMENDED MOTION:**

**Motion by Mayor Mike Wasserman** to adopt a resolution continuing certain department fees, rates and charges, and amending certain fees, rates and charges for Fiscal Year 2009/2010 with two changes:

- Maintain the park use permit fee for "residents only" at its current rate of \$75.00 per hour.
- Eliminate the \$30.00 alarm registration fee for all residences and to add a fee of \$50.00 for the second false alarm.

**Seconded by Council Member Steve Rice.**

**VOTE:** Motion failed 2/3. Mayor Mike Wasserman and Vice Mayor Diane McNutt voted yes.

**MOTION:** Motion by **Council Member Barbara Spector** to adopt a resolution continuing certain department fees, rates and charges, and amending certain fees, rates and charges for Fiscal Year 2009/2010 and to include the change to:

- Eliminate the \$30.00 alarm registration fee for all residences and to add a fee of \$50.00 for the second false alarm.

**Seconded by Council Member Steve Rice.**

**VOTE:** Motion carried 3/2. Vice Mayor Diane McNutt and Council Member Joe Pirzynski voted no.

## Public Hearings - Continued

- 14. Consider adopting resolution initiating the reorganization of the uninhabited territory known as Arnerich Road No. 2 to the Town of Los Gatos, setting the matter for a hearing on May 4, 2009, and directing mailing, posting and publishing of notices of the hearing for property pre-zoned RC and HR-20. Annexation Application AN08-003. APNs: 537-11-009 & 030, 537-17-018, 015, 020, 021, 024, 027 & 032. RESOLUTION 2009-034**

Staff report made by **Jennifer Savage**, Planner

### Open Public Hearing

#### Mr. Kokinos

- Presented a power point presentation against the annexation.
- Commented that the annexation is in direct violation of LAFCO's policies, because it creates an island.
- Commented that he would like staff to consider putting together a response and boundary map and provide that at the next Public Hearing for the proposed annexation.

#### Ms. Pastorino

- Commented on supporting the proposed annexation.
- Commented that she has recently been annexed into the Town and enjoys the services that the Town provides.

#### Ms. Puette

- Commented on supporting the proposed annexation.

#### Mr. Puette

- Commented on supporting the proposed annexation and stated that he would like to enjoy the Town's services.

#### Ms. Perzow

- Commented on supporting the proposed annexation and stated that she would like to enjoy Town services.

#### Mr. Barth

- Commented on supporting the proposed annexation and stated that he would like to enjoy Town services.
- Commented that the proposed annexation does not create an island.

### Closed Public Hearing

Public Hearing Item #14 – Continued

**Council Discussion**

- Requested that the staff report for the next Public Hearing include the issue of peninsula verses island and LAFCO's policies for islands/peninsulas.

**MOTION:**                    **Motion by Council Member Barbara Spector** to adopt resolution initiating the reorganization of the uninhabited territory known as Arnerich Road No. 2 to the Town of Los Gatos, setting the matter for a hearing on May 4, 2009, and directing mailing, posting and publishing of notices of the hearing for property pre-zoned RC and HR-20. Annexation Application AN08-003. APNs: 537-11-009 & 030, 537-17-018, 015, 020, 021, 024, 027 & 032 and request that the staff report for the next Public Hearing include the issue of peninsula verses island and LAFCO's policies for islands/peninsulas.  
**Seconded by Council Member Joe Pirzynski.**

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

**Mayor Mike Wasserman** called for a recess at 8:40 p.m. Meeting resumed at 8:45 p.m.

**PULLED CONSENT ITEMS**

- 6. Allocation of Community Grant Funds for Fiscal Year 2009/10**
  - a. Approve the Community and Arts General Fund Grant Allocations for inclusion in the 2009/10 Operating Budget**
  - b. Adopt a resolution allocating FY 2009/10 Community Development Block Grant (CDBG) Funds; and                    RESOLUTION 2009-028**
  - c. Refer review of any requests for additional Community Grant Funds to the FY 2009/10 Operating Budget Process**

**Council Member Joe Pirzynski**

- Requested clarification on the three recommendations listed in the staff report and desk item.
- Questioned why some of staff recommendations exceed the amounts being requested by the applicants.

Pulled Consent Item #6 – Continued

**Mr. Falkner, Director of Community Services**

- Clarified that the three alternatives in the report were from the Community Services Commission and the Arts Commission.
- Clarified that Alternative 1 was the recommended grant options, Alternative 2 was recommendations with a 4% reduction, and Alternative 3 was recommendations with an 8% reduction.
- Commented that staff recommends alternative 2 which represents a 4% reduction to the grant applications due to reduction in federal CDBG funding.
- Clarified that the applicants were requested to reduce their grant application and that some agencies did not do that.
- Commented that staff recommendations were based on the General Fund dollars that were provided last year to the program and consideration that some of the agencies did not comply with the request to reduce the grant application.

**Council Comments**

- Requested clarification why some agencies show that they requested zero funds and were recommended to receive a grant fund.

**Ms. Falkner**

- Clarified that those agencies receive funding from both the General Fund and Community Development Block Grant funds; their totals are combined under one recommendation.

**Open/Close Public Hearing**

**MOTION:**                    **Motion by Vice Mayor Diane McNutt** to approve the allocation of Community Grant Funds for Fiscal Year 2009/10 using the staff recommendations as stated in the Desk Item.  
**Seconded by Council Member Joe Pirzynski.**

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

**MOTION:**                    **Motion by Mayor Mike Wasserman** to adopt a resolution allocating FY 2009/10 Community Development Block Grant (CDBG) Funds. (Attachment 2 of the staff report)  
**Seconded by Vice Mayor Diane McNutt.**

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

Pulled Consent Items - Continued

**5. State-Legislated Safe Route to Schools, Blossom Hill Road Sidewalk and Bicycle Lane Project Adopt resolution authorizing Town Manager to apply for Grant Funds for State-Legislated Safe Routes to School Program. RESOLUTION 2009-027**

**10. Accept the 2007/08 Comprehensive Annual Financial Report (CAFR) and Management Letter.**

**Mr. Davis**

Consent Item #5

- Commented that the Town has previously received a \$470,000 grant for this project.
- Commented that there is a safety issue along Mitchell Avenue by Fisher School and that he would like to see those grant funds be allocated to sidewalks along Mitchell Avenue first.

Consent Item #10

- Commented about the CAFR report and that the CAFR report should show the amount of money in the Discretionary Fund.
- Commented that the Discretionary Funds are being hidden in a lump sum and that the capital worth of the infrastructure has been added to the report to disguise the Discretionary Fund.
- Questioned the amount of the current Discretionary Fund.

**MOTION: Motion by Council Member Barbara Spector to approve Consent Items #5 and #10.  
Seconded by Council Member Joe Pirzynski.**

**VOTE: Motion passed unanimously.**

**Mr. Larson**

- Commented that the Town is aware of the issues on Mitchell Avenue and that the contract for improvements to that street will be coming to Council on May 4, 2009.
- Commented that the CAFR as presented by the finance director follows all regulations and requirements of the National Accounting Boards that specify how the Town's funds and reserves are to be presented.

**OTHER BUSINESS**

There is no Other Business scheduled for this meeting.

**ADJOURNMENT**

Attest:

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Jackie D. Rose, Clerk Administrator