

**MINUTES OF THE TOWN COUNCIL/PARKING AUTHORITY  
STUDY SESSION  
JUNE 4, 2012**

The Town Council of the Town of Los Gatos conducted a Study Session and Town Council Meeting on Monday, June 4, 2012.

**STUDY SESSION CALLED TO ORDER – 5:15 P.M.**

**Sustainability Plan Study Session**

- Jennifer Savage, Associate Planner, presented the staff report.
- Joanna Jensen from The Planning Center DCE presented a Summary of Measure Reductions and Implementation.

**Council Discussion**

The Town Council reviewed the refined list of Sustainability Plan Measures and provided feedback to staff and consultants for the completion of the Sustainability Plan.

**REGULAR MEETING CALLED TO ORDER - 7:00 PM**

**ROLL CALL**

Present: Mayor Steve Rice, Vice Mayor Barbara Spector, Council Member Steven Leonardis, Council Member Diane McNutt, and Council Member Joe Pirzynski.

Absent: None

**PLEDGE OF ALLEGIANCE**

Max Saunders, from Blossom Hill Elementary School, led the Pledge of Allegiance. The audience was invited to participate.

**PRESENTATIONS**

Benjamin Baranovsky, Youth Commission Chair, presented the 2012 Youth Friendly Business of the Year award to Los Gatos Meats.

## **Presentations - Continued**

Mayor Steve Rice presented commendations to the following outgoing student commissioners:

Adam Gramling  
Hirsch Goswamy  
Kiara Stickney  
Killian Jackson

## **CLOSED SESSION REPORT**

There was no closed session for this meeting.

## **COUNCIL/TOWN MANAGER REPORTS**

### **Council Matters**

### **Manager Matters**

Greg Larson, Town Manager

- Introduced Sgt. Lane Davis from the Los Gatos-Monte Sereno Police Department who is rotating through the Executive Team
- Commented that Los Gatos High School graduation is occurring on June 8<sup>th</sup> and Town Hall will be closed early on Friday to ease traffic congestion.
- Commented that the Friends of the Los Gatos Library are providing treats for the students who attend the study hall in the library.
- Commented that the Jubilee Celebration will take place on August 10, 2012 and the Town is looking for volunteers to host parties in various parks.

### **Did You Know??**

Jessica von Borck, Economic Vitality Manager

- Commented that various summer activities are available for all age groups, including Music in the Park, Fourth of July Celebration, Jazz on the Plazz, and Fiesta des Artes.

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

1. Approve Council Minutes of
  - a. May 14, 2012 Council Study Session
  - b. May 21, 2012 Regular Council Meeting
2. Approve Town Council Meeting Schedule for FY 2012/13
3. Student Commissioner Appointments
  - Mayor Rice asked the incoming student commissioners in the audience to stand and be recognized.
4. Adopt resolution establishing the FY 2012/13 GANN Appropriations Limit for the Town of Los Gatos.
5. Adopt resolutions approving the Town of Los Gatos Fiscal Year 2012/13 Operating Budget and FY 2012/13 - FY 2017/18 Capital Improvement Program (CIP), carry forward appropriations, and other approved adjustments and minor corrections
  - Item 5 was pulled from the consent agenda.
6. Adopt a resolution approving a fund balance policy for the General Fund and delegating authority to the Town Manager to "assign" ending fund balances in accordance with Governmental Accounting Standards Board Statement No. 54
7. Adopt resolution authorizing the transfer of Community Development Block Grant Funds and Housing Conservation Program Loans, and related budget adjustments
8. Request to separate the AHOZ review process for a portion of the former courthouse property from the remaining AHOZ Properties.
  - Item 8 was pulled from the consent agenda.
9. Belwood Gateway Permanent Installation of Traffic Calming Devices. Accept report on the permanent installation of traffic calming devices for Belwood Gateway neighborhood.
10. PPW Job No. 10-19 University Avenue Resurfacing (Shelburne Way to Vasona Dam) Approve plans and specifications for the University Avenue Resurfacing (Shelburne Way to Vasona Dam) project and authorize staff to advertise the project for bid.
11. PPW Job. No. 11-16 FY 2011/12 Street Repair & Resurfacing Project 811-9901. Reject the bids for FY 2011/12 Street Repair and Resurfacing Project and authorize staff to rebid the project.

## Consent Items - Continued

**MOTION:**                **Motion by Vice Mayor Barbara Spector** to approve Consent Items #1-11 exclusive of Items #5 and #8.  
                              **Seconded by Council Member Steven Leonardis.**

**VOTE:**                **Motion passed unanimously.**  
                              **Council Member Leonardis abstained from the vote on Item**

## VERBAL COMMUNICATIONS

Mr. Beritzhoff  
Expressed concern about the operations of Hillbrook School.

### Council Questions

- Questioned whether the Hillbrook School issue is on a future Council agenda.

Mr. Larson

- Commented that Hillbrook School submitted a CUP modification application, which Council will consider after the Planning Commission considers it.
- Commented that staff is reviewing the existing CUP and complaints to ensure that the existing CUP is not violated.

## PUBLIC HEARINGS

12. Abatement of Hazardous Vegetation (Brush) Overrule objections and ordering hazardous vegetation abatement (brush)  
    Todd Capurso, Parks and Public Works Director, presented the staff report.

### Open the Public Hearing

Mr. Toombs

- Expressed concerns about the timing and communication of the program.

Mr. Rice

- Expressed concerns about the timing of the program.
- Commented that seed heads need to drop before the grass is cut, which could be from May 15 - June 15 of any year, depending on the weather.

### Council Questions

- Questioned Mr. Rice's opinion as to what is an ideal deadline date for the brush to be cut.

Item #12 – continued

Mr. Capurso and Mr. Larson

- Commented that staff will communicate the speakers' concerns to County Fire.

**MOTION:**                **Motion by Vice Mayor Barbara Spector** overrule any objections received by June 4, 2012 and order Abatement of Hazardous Vegetation (Brush)  
**Seconded by Council Member Joe Pirzynski.**

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

## **PUBLIC HEARINGS**

13. Adopt resolution amending FY 2012/13 comprehensive fee schedule to continue and adjust certain department fees, rates, and charges (Staff recommends continuance to June 18, 2012)

Mr. Larson

- Commented that staff recommends continuance of this item to allow for further noticing of affected parties.

**MOTION:**                **Motion by Council Member Joe Pirzynski** to continue the adoption of a resolution amending FY 2012/13 comprehensive fee schedule to continue and adjust certain department fees, rates, and charges to June 18, 2012.  
**Seconded by Vice Mayor Barbara Spector**

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

14. Zoning Code Amendment A-12-001. Applicant: Town of Los Gatos Introduction of an ordinance amending the zoning code to incorporate the State's Density Bonus Program. It has been determined that this program was considered in the 2020 General Plan EIR and therefore, any potential environmental impacts have been considered and mitigated and no further environmental review is required

Wendie Rooney, Director of Community Development, presented the staff report.

Open the public hearing.

Ms. Quintana

Expressed concern about the proposed ordinance.

Item #14 – continued

Mayor Steve Rice directed Mazarin Vakharia, Clerk Administrator, to read the title of the proposed ordinance.

Closed the public hearing.

#### Council Questions

- Questioned how the proposed ordinance fits with the Town's condominium conversion policy.
- Questioned the ordinance and its relation to overlay zones.
- Commented that the Planning Commission did exemplary work on this issue.

Ms. Rooney

- Commented that overlay zones are not dictated by state law and that the Town through its housing element chose to use overlay zones to meet affordable housing needs.

**MOTION:**                    **Motion by Council Member Joe Pirzynski** to accept the Planning Commission's findings and recommendations in the form of meeting minutes (Attachment 5) and to follow the recommendation of the Planning Commission and adopt the Zoning Code Amendment A-12-001 and Resolution and to make the required findings that the proposed Zoning Code amendments are consistent with the General Plan and its Elements (Attachment 6).  
**Seconded by Vice Mayor Barbara Spector.**

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

**MOTION:**                    **Motion by Council Member Joe Pirzynski** the introduce the ordinance of the Town of Los Gatos effecting the zoning code amendment (Attachment 7) and adopt a resolution implementing the Town's State Density Bonus Guidelines (Attachment 8)  
**Seconded by Vice Mayor Barbara Spector.**

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

#### **Pulled Consent Item #8**

8. Request to separate the AHOZ review process for a portion of the former courthouse property from the remaining AHOZ Properties

Ms. Rooney, Director of Community Development, presented the staff report.

Opened the public hearing

#### Pulled Consent Item #8 - continued

Ms. Quintana

- Expressed concerned about the process and procedure and timing of the project.

Mr. Tersini

- Expressed support for staff's recommendation.

Mr. Johnson

- Commented on the history of Mid-Peninsula Housing and expressed support for the proposed project.

Ms. Bryant

- Expressed support for the proposed project.

Closed the public hearing.

#### Council Discussion

- Commented that there are inherent risks to the developer.
- Commented that there is no implied approval of the project just because this application is being separated.

**MOTION:**                    **Motion by Council Member Joe Pirzynski** to separate the AHOZ review process for a portion of the former courthouse property from the remaining AHOZ Properties.  
                                     **Seconded by Council Member Steven Leonardis.**

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

#### Pulled Consent Item #5

5. Adopt resolutions approving the Town of Los Gatos Fiscal Year 2012/13 Operating Budget and FY 2012/13 - FY 2017/18 Capital Improvement Program (CIP), carry forward appropriations, and other approved adjustments and minor corrections.

#### Council Comments

- Commented that the work on Main Street by the San Jose Water Company is impacting the condition of the street.
- Commented that perhaps Council should move up the slurry seal of Main Street instead of using the money designated to slurry seal parking lots.
- Commented on tree lighting and its funding.

## Pulled Consent Item #8 - continued

Todd Capurso, Parks and Public Works Director

- Commented that the condition of the road would be improved before the end of the project by the San Jose Water Company.
- Commented that the slurry seal on Main Street could be done a year earlier than planned in the CIP

Mr. Larson

- Commented that some businesses have wrapped the trees in front of them with Town's consent and this program may be expanded into planter boxes.
- Commented that the CIP is funded five years in advance from the fund balance and it may be necessary to draw from future CIP budgets if the Council considers this project a priority.

Council Discussion

- Commented that during the Town's Jubilee Year, it is important to celebrate the downtown with lighted trees.
- Commented that a proposal for tree lighting brought to Council in August would be best.

**MOTION:**                    **Motion by Council Member Joe Pirzynski** to adopt resolutions approving the Town of Los Gatos Fiscal Year 2012/13 Operating Budget and FY 2012/13 - FY 2017/18 Capital Improvement Program (CIP), carry forward appropriations, and other approved adjustments and minor corrections.  
**Seconded by Mayor Steve Rice.**

**VOTE:**                    **Motion passed unanimously.** Council Member Steven Leonardis abstained. The other Councilmembers voted aye.

## OTHER BUSINESS

15. Height Pole and Netting Policy Consideration of modification to and implementation of the height pole and netting policy

Wendie Rooney, Director of Community Development, presented the staff report.

Council Questions

- Requested more information on height balloon.
- Questioned whether there have been projects where story poles have not been used.

Item #15 - continued

Ms. Rooney

- Commented that height balloons are helium balloons used to represent the overall height of the building.
- Commented that there were 8 projects in the past where story poles were not used.

Opened the Public Hearing

Mr. Shepardson

- Expressed concern about the current height pole and netting policy.

Closed the Public Hearing

Council Discussion

- Commented that the public needs actual representation of height, especially now that very large projects are being considered.
- Commented that story poles or balloons may not be feasible on a project site, but there are always workable alternatives which provide actual representations of height.

**MOTION:**                    **Motion by Council Member Steven Leonardis to strike the second to last paragraph of the current policy.**  
                                     **Seconded by Vice Mayor Barbara Spector.**

Council Discussion

- Commented that story poles and/or balloons may not always be workable and some alternatives or exceptions may be needed.
- Commented that this issue is important to the community and there should not be staff driven exceptions to the policy.
- Commented that computer simulation technology provides a better representation than balloons, which can be misleading.
- Commented that the community should be allowed to fully vet a proposed project.
- Commented that the system has worked.
- Commented that technology should be part of the process and so should staff's input.
- Commented that the goals are to inform the public that something is going on and to provide an accurate representation of what is going on.

Item #15 - Continued

**AMENDED MOTION:**      **Motion by Council Member Steven Leonardis** to continue the item to a date uncertain for staff to bring forward alternatives to second to last paragraph based on other community's practices.  
**Seconded by Vice Mayor Barbara Spector.**

**VOTE:**                      **Motion passed 4/1.** Council Member Joe Pirzynski voted nay. The other Council Members voted aye.

**ADJOURNMENT**

The meeting adjourned at 9:23 p.m.

Attest:

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/s/Mazarin A. Vakharia  
Clerk Administrator