

**MINUTES OF THE TOWN COUNCIL/PARKING AUTHORITY  
MAY 7, 2012**

The Town Council of the Town of Los Gatos conducted a Regular Meeting on Monday, May 7, 2012 at 7:00 P.M.

**MEETING CALLED TO ORDER - 7:00 P.M.**

**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**

Sam Ross, Van Meter Elementary School, led the Pledge of Allegiance. The audience was invited to participate.

**PRESENTATIONS**

Mayor Steve Rice presented commendations to the following:

Andale Mexican Restaurant, Downtown Business Recognition  
Catherine Politopoulos, Art Curator

**CLOSED SESSION REPORT**

1. PUBLIC EMPLOYEE ANNUAL PERFORMANCE EVALUATION [Government Code Section 54957(b)(1)] Title: Town Manager CONFERENCE WITH LABOR NEGOTIATOR (Government Code Section 54957.6) Agency Negotiator: Rumi Portillo, Human Resources Director. Unrepresented Employee: Town Manager
2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8) Properties: 4 New York Avenue, APN: 529-27-024 Negotiating parties: Town of Los Gatos (Negotiator: Greg Larson, Town Manager) Los Gatos-Saratoga Union High School District, A Place for Teens/CASA, Los Gatos Youth Park. Under negotiation: Price and terms of potential sale or payment of lease
3. CONFERENCE WITH LEGAL COUNCIL / EXISTING LITIGATION (Government Code Section 54956.9 [a]) Sara Cole v. Town of Los Gatos, Court of Appeals, Case No. H03544

## **Closed Session Report – Continued**

Judith Propp, Town Attorney

- Commented that Council met in closed session and took no reportable action.

## **COUNCIL/TOWN MANAGER REPORTS**

### **Council Matters**

- Mayor Steve Rice announced Wildfire Preparedness Wildfire Awareness Week is May 6-12, 2012.

### **Manager Matters**

Greg Larson, Town Manager

- Commented that Student Commission applications are due May 9, 2012.
- Commented that on May 11, 2012 the Friends Friday Forum from will host Alyce Parsons.
- Commented that a prescription drug drop-off event will take place on May 12, 2012.
- Commented that a Teen Dating Violence Resources Event will occur on May 17, 2012.

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

Jessica von Borck, Economic Vitality Manager

- Commented the Wine Walk hosted by the Los Gatos Chamber of Commerce is scheduled for Saturday, May 19, 2012 at 1:30 p.m.

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

1. Approve Council minutes of April 16, 2012
2. Adopt resolution setting date for consideration of reorganization of an uninhabited area designated as La Rinconada No. 5, approximately .73 acres located at 14795 La Rinconada (APN 409-32-001); File #AN12-001
3. Hazardous Vegetation Abatement (Brush)
  - a. Adopt resolution declaring hazardous vegetation (brush) a public nuisance and providing for abatement
  - b. Set June 4, 2012 as a Public Hearing to hear protests on this annual program

## Consent Items - continued

4. Hillbrook and Kennedy Meadows Landscape & Lighting Districts' Budget Adjustments. Authorize an expenditure budget adjustment in the amount of \$2,080 for additional work in the Hillbrook Landscape Lighting District and \$14,400 for additional work in the Kennedy Meadows Landscape & Lighting District
5. PPW Job No. 11-02 Hicks Road and Phillips Avenue Storm Drain Culvert Improvements. Approve plans and specifications for the Hicks Road and Phillips Avenue Storm Drain Culvert Improvements project and authorize staff to advertise the project for bids
6. PPW Job. No. 11-06 Oak Meadow Park Picnic Areas #1 & #2 Renovation Project 411-831-4003. Authorize the Town Manager to execute Certificate of Acceptance and Notice of Completion accepting work of Joseph J. Albanese and authorize recording by the Clerk Administrator
7. PPW Job No. 11-13 - Los Gatos Adult Recreation Center Roof Project 411-821-2202. Authorize the Town Manager to execute Certificate of Acceptance and Notice of Completion accepting work of Weatherproofing Associates and authorize recording by the Clerk Administrator
8. PPW Job No. 11-16 FY 2011/12 Street Repair & Resurfacing Project. Approve plans and specifications for the FY 2011/12 Street Repair & Resurfacing project and authorize staff to advertise the project for bids
9. PPW Job No. 11-17 FY 2011/12 Curb, Gutter, & Sidewalk Repair and Replacement Project
  - a. Authorize the Town Manager to execute a construction contract with Bearden Construction, Inc., d.b.a CB Concrete Construction, Inc. in an amount not to exceed \$197, 948.30
  - b. Authorize staff to execute future change orders to the construction contract as necessary in an amount not to exceed \$30,000
10. West Valley Clean Water Program Budget and Program Services Agreement
  - a. Approve the FY 2012/13 West Valley Clean Water Program Budget
  - b. Authorize the Town Manager to execute an agreement between the Town of Los Gatos and the West Valley Sanitation District to collect program related fees on behalf of the Town
  - c. Authorize the Town Manager to enter into a Memorandum of Understanding to allow the West Valley Clean Water Program to provide program services for Town

## **Consent Items - continued**

11. Adoption of a resolution amending the Appendices to the Town/Successor Agency Conflict of Interest Code
12. Authorize the Town Manager to negotiate and execute an agreement to provide an Interim Executive Director for the Los Gatos-Saratoga Department of Community Education and Recreation

## **TOWN COUNCIL AS SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE TOWN OF LOS GATOS**

13. Update and approval of Recognized Obligations
  - a. Second Amended Certified Recognized Obligation Payment Schedule and Administrative Budget for the period January 1, 2012 through June 30, 2012
  - b. Certified Recognized Obligation Payment Schedule and Administrative Budget for the period July 1, 2012 through December 31, 2012

**MOTION:**                **Motion by Council Member Joe Pirzynski** to approve Consent Item #1-13, including the desk items.  
                                 **Seconded by Council Member Steven Leonardis.**

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

## **VERBAL COMMUNICATIONS**

There were no verbal communications for this meeting.

## **PUBLIC HEARINGS**

14. Conditional Use Permit Application U-11-016. Project Location: 640 Blossom Hill Road. Property Owner: Blossom Hill Pavilion LP. Applicant: Harlan Faust/Chipotle Mexican Grill Consider a request to approve Conditional Use Permit U-11-016

Jennifer Savage, Associate Planner, presented the staff report.

## **Item #14 - continued**

### **Council Questions**

- Questioned the location and type of signage that will be part of the project.

### **Ms. Savage**

- Commented that Chipotle will only operate a portion of the former Hollywood Video site, so there will be a smaller sign and staff will work with Chipotle to determine the final type of signage, which will be visible from Blossom Hill Boulevard and Los Gatos Boulevard or both streets.

### **Ms. Kroft**

- Expressed concern about Condition of Approval #9, regarding restricted delivery times of 9 a.m. to 7 p.m., which are during operating hours and would create a burden for staff.

### **Council Discussion**

- Questioned whether the Planning Commission considered delivery time restrictions.
- Commented that there are residential units that will be impacted by delivery trucks.
- Questioned where and when other food establishments in the area receive deliveries.
- Questioned the reason for delivery time restrictions.
- Commented on the constrained parking lot and the impact of delivery trucks on safety and traffic, especially on Blossom Hill Road.

### **Ms. Savage**

- Clarified that the Planning Commission did not consider delivery time restrictions.
- Commented that other establishments also have restricted delivery times.
- Commented that another restriction such as the location and times of delivery could be considered.
- Commented on alternative language for the condition: Delivery shall occur between 12 midnight and 6 a.m. Delivery trucks shall be limited to off-loading within the parking lot and not on Los Gatos Boulevard or Blossom Hill Road.

## **Item #14 - continued**

**MOTION:**                **Motion by Council Member Steven Leonardis** to approve the Planning Commission's recommendation for Conditional Use Permit Application U-11-016 and to make the required findings (Attachment 1) and to include the restriction that deliveries shall occur between 12 midnight and 6 a.m., with delivery occurring in the parking lots and not on Blossom Hill Road or Los Gatos Boulevard and to include the correction in the desk item.  
**Seconded by Vice Mayor Barbara Spector.**

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

## **OTHER BUSINESS**

15. PPW Job No. 12-01 Pageant Grounds Renovation Project 411-825-2501

- a. Review and provide direction to staff regarding the design of the Pageant Grounds Renovation Project
- b. Direct staff to move forward with the design, bid, and award of the Pageant Grounds Renovation

Todd Capurso, Director of Parks and Public Works, presented the staff report.

### **Council Discussion**

- Questioned whether the presentation or the staff report contains the most current cost estimate.
- Commented on the potential for a pedestrian bridge and a veterans' memorial at Pageant Park.
- Commented on the possible elimination of the trellis and the pedestrian bridge.
- Questioned the size of the Civic Center Plaza and its relation to the size of Pageant Park.
- Commented that the Civic Center Plaza is not used, largely because there is no seating available there.
- Questioned whether the waterfall in Design Alternatives III and IV would be operational for special events.
- Commented on the types of seating that would be available for special events.
- Questioned whether a Water District grant could help with funding the completion of Pageant Park.
- Questioned the range of hardscape treatments and ground cover available, besides stamped concrete.

## **Item #15 - continued**

Mr. Capurso

- Clarified that \$250,000 is the most current cost estimate.
- Clarified that the pedestrian bridge would be evaluated as to whether it is consistent with park use.
- Commented that the waterfall can be turned on for special events, but it would not be operational every day.
- Commented that a higher frequency of use has greater impacts on the turf, especially for events with a large number of seats.
- Commented on the need for a use policy.
- Commented that ADA accessibility is a bigger challenge with natural turf and natural turf also presents drainage issues and sun/shade issues.
- Commented on the variety of hardscape and ground cover treatments available.
- Commented that grants are available for projects involving turf conversions.

Bruce Smith, Capital Projects Manager

- Commented that the Civic Center Plaza is smaller than Pageant Park.

Christy Wolter, Parks and Facilities Superintendent

- Confirmed that there is no current grant funding from the Water District for new projects.

Mr. Knopf

- Questioned the presence of restroom facilities for Pageant Park.

Mr. Capurso

- Commented that there are constraints to building restroom facilities on the site, so the restrooms in the Civic Center and Los Gatos Library would need to be available.

**Closed the Public Hearing.**

## Item #15 - continued

### Council Discussion

- Commented that a main consideration is whether the site should be used as a park or more for special events.
- Commented that the issue of restrooms is significant, especially when there is a special event with a high number of seats.
- Commented that Design Alternatives I and II tend to limit the site to special event usage and that would limit how useful the site is; Alternatives III and IV lend themselves to park-like uses, without specific organized events.
- Commented that placing turf on the site does not preclude use for an occasional special event.
- Commented that Alternative III is preferable, and this should not be an event venue.
- Commented that lawn requires water, which is a big environmental concern, so there should be turf but not as much as presented in Design Alternative III.
- Commented that a pedestrian bridge and waterfall should be included as well as some natural turf and landscaping to remove the hard edges.

**MOTION:**                    **Motion by Council Member Joe Pirzynski** to direct staff to implement Design Alternative III, with appropriate landscape adjustments, to allow the use of hardscape to eliminate the major problems that exist, but to emphasize the lawn area, which would be natural and not artificial turf.  
**Seconded by Vice Mayor Barbara Spector.**

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

### ADJOURNMENT

The meeting adjourned at 8:30 p.m.

Attest:

/s/Mazarin A. Vakharia  
Clerk Administrator