

**MINUTES OF THE TOWN COUNCIL/PARKING AUTHORITY
APRIL 16, 2012**

The Town Council of the Town of Los Gatos conducted a Regular Meeting on Tuesday,
April 16, 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

Chandler Cook, Hillbrook School, led the Pledge of Allegiance. The audience was invited to participate.

PRESENTATIONS

Arbor Day Proclamation

Mayor Steve Rice presented the proclamation to Robert Rennie, Parks Commission Chair, and Rob Moulden, Town Arborist.

Commendations

Mayor Steve Rice presented a commendation to representatives from the following organizations.

Downtown Business Recognition - Federal Realty Investment Trust

United Methodist Church Lighting for Literacy Youth Group

CLOSED SESSION REPORT

There was no closed session for this meeting.

COUNCIL/TOWN MANAGER REPORTS

Council Matters

- Mayor Steve Rice announced the next "Meet the Mayor" session on April 28, 2012 from 2 to 4 p.m.

Manager Matters

Greg Larson, Town Manager

- Commented that CERT classes will begin on April 26, 2012.
- Commented that the Town will host a Green Symposium on April 30, 2012 from 9-11 a.m. in the library.
- Commented that Youth Commission applications are being accepted until May 9th.
- Commented that tickets are on sale for the Los Gatos Wine Walk on May 19, 2012.

Did You Know??

Christy Wolter, Parks and Facilities Superintendent

- Commented on Keep Los Gatos beautiful events.

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

1. Approve Council minutes of April 2, 2012.
2. Landscape and Lighting Assessment Districts No. 1 & 2 Adopt resolution describing improvements and directing preparation of Town Engineer's Report for Fiscal year 2012/13.
3. Transportation Development ACT (TDA) - Article 3 Funding Allocation For FY 2012/13. Adopt resolution authorizing the Town Manager to apply for Transportation Development Act (TDA) Article 3 Funding Allocation for FY 2012/13 from the Metropolitan Transportation Commission.
4. 15928 Union Avenue Improvement
 - a. Adopt a resolution approving the amended contract for the improvement of 15928 Union Avenue and modification to condition number 47 of the approved application M-08-13, Architecture and Site Applications S-08-30, S-09-33 and S-09-34
 - b. Authorize the Town Manager to execute an amended contract for the improvement of 15928 Union - Agreement Number 10-216 and project conditions approval for Subdivision Application M-08-13, Architecture and Site Applications S-08-30, S-09-33 and S-09-34
 - Mr. Mangano pulled Item #4 from the Consent Agenda.

5. Tract No. 9969 Highlands of Los Gatos. Adopt resolution approving the request to rename Tract No. 9969 Highlands Drive and Highlands Court to Santella Drive and Santella Court
6. Short Road Permanent Installation of Traffic Calming Devices. Accept report on the permanent installation of traffic calming devices for Short Road neighborhood

Mr. Larson

- Clarified two administrative changes for Consent Items #2 and #4.

MOTION: **Motion by Council Member Steven Leonardis** to approve
Consent Item #1-6, exclusive of Item #4.
Seconded by Council Member Joe Pirzynski

VOTE: **Motion passed unanimously.**

VERBAL COMMUNICATIONS

There were no verbal communications for this meeting.

PUBLIC HEARINGS

7. Adopt resolution approving the Comprehensive Fee Schedule FY 2012/13, to continue certain department fees, rates and charges, and increase certain fees, rates and charges for FY 2012/2013

Jenny Haruyama, Finance/Budget Manager, presented the staff report.

Opened and Closed the Public Hearing.

MOTION: **Motion by Council Member Joe Pirzynski** to adopt a resolution
approving the Comprehensive Fee Schedule FY 2012/13, to
continue certain department fees, rates and charges, and increase
certain fees, rates and charges for FY 2012/2013.
Seconded by Council Member Steven Leonardis

VOTE: **Motion passed unanimously.**

Pulled Consent Item #4

4. 15928 Union Avenue Improvement

- a. Adopt a resolution approving the amended contract for the improvement of 15928 Union Avenue and modification to condition number 47 of the approved application M-08-13, Architecture and Site Applications S-08-30, S-09-33 and S-09-34
- b. Authorize the Town Manager to execute an amended contract for the improvement of 15928 Union - Agreement Number 10-216 and project conditions approval for Subdivision Application M-08-13, Architecture and Site Applications S-08-30, S-09-33 and S-09-34

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

Mr. Mangano

- Expressed concern about the proposed resolution and contract amendment.

Council Discussion

- Questioned whether the December 2012 end date is included in the staff report.
- Questioned what would happen if the improvements are not made by the December 21, 2012 date.
- Commented whether the Town would complete the improvements with the bond money and whether the project would return to the Council.

Mr. Capurso

- Clarified that the date is located in the original contract and is not reflected in the staff report because there is no change.
- Clarified that the Council would have the opportunity to approve the contract and the plans and specifications if the improvements are not complete and if the Town decided to complete them on its own.

Judith Propp, Town Attorney

- Clarified that Exhibit A could be modified to include the December 21, 2012 end date.

Mr. Rohani

- Commented that the Town is holding \$130,000 in bonds until the project is complete and could use the bond money to complete the work, if the work is not completed as specified in the contract.

Mr. Buesing

- Expressed concern about the proposed contract amendment.

Pulled Consent Item #4 - Continued

Mr. Jeans

- Expressed support for the proposed contract amendment.

Mr. Larson

- Commented that Council could direct that any extension to the contract would have to be approved by Council, instead of by staff.

Council Discussion

- Questioned the normal procedure for who approves extending a contract.

Mr. Capurso

- Commented that the curbs, gutters, and sidewalks would need to be delivered in an appropriate condition, regardless of when the improvements are made.

Closed the Public Hearing

Ms. Propp

- Commented that a third term stating that all improvements must be completed by December 21, 2012 and a fourth term stating that the Council, not the staff, has the discretion to extend the contract could be added to the proposed amendment.

MOTION:

Motion by Council Member Joe Pirzynski to adopt the resolution with the December 21, 2012 end date for all public improvements to be complete and to include the language in the agreement regarding the unforeseen circumstances that may occur and to authorize the Town Manager to execute the amended contract.

Seconded by Council Member Diane McNutt

The following discussion occurred prior to the vote:

- Questioned whether staff could provide Council with updates on whether all the public improvements have been made by December 21, 2012 because this is a sensitive project that has gone on for many years.

Mr. Larson

- Clarified that staff would provide Council with the requested update.

Pulled Consent Item #4 - Continued

AMENDED MOTION: **Motion by Council Member Joe Pirzynski** to adopt the resolution with the December 21, 2012 end date for all public improvements to be complete and to include the language in the agreement regarding the unforeseen circumstances that may occur and to authorize the Town Manager to execute the amended contract; staff would provide Council with an update as to the status of public improvements on or before December 21, 2012.

Seconded by Council Member Steven Leonardis

VOTE: **Motion passed unanimously.**

OTHER BUSINESS

There was no other business for this meeting.

ADJOURNMENT

The meeting adjourned at 7:53 p.m.

Attest:

/s/Mazarin A. Vakharia
Clerk Administrator