

**MINUTES OF THE TOWN COUNCIL/SUCCESSOR AGENCY MEETING
NOVEMBER 5, 2012**

The Town Council of the Town of Los Gatos conducted a Town Council/Successor Agency Meeting on Monday, November 5, 2012.

BUSINESS 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

Caitlin Huang, Fisher Middle School

PRESENTATIONS

Ms. Ryba

- Presented an overview of the services offered by El Camino Hospital.

CLOSED SESSION REPORT

There was no closed session for this meeting.

COUNCIL/TOWN MANAGER REPORTS

Council Matters

- Mayor Rice stated he and the Town Manager met with a delegation from Japan to discuss a sister city relationship, and he described the delegation's gift to the Town.
- Requested that the Los Gatos Theater's architecture and site application be placed on the Town Council's December 3, 2012 agenda.

Manager Matters

Greg Larson, Town Manager

- Commented on the successful grand opening of the Creekside Sports Park.
- Commented that Town staff, CERT volunteers, and Red Cross officials participated in the Santa Clara County Great Shake Out exercise for emergency preparedness at the Jewish Community Center.

Council Questions

- Clarified with staff that the Sports Park is not available for private events.

Did You Know??

Mazarin Vakharia, Clerk Administrator

- Commented on various voter registration statistics and provided general information for the November 6, 2012 election.

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

1. Approve Council minutes of:
 - a. October 15, 2012
 - b. October 22, 2012 Special Meeting
2. Adopt a resolution approving an updated agreement between the Town of Los Gatos and the Town Manager with no net change to the total received compensation, and authorizing the Mayor to sign the updated agreement
3. Approve extended maintenance agreement and contract with Tiburon, Inc., for computer aided dispatch (CAD), Records Management System (RMS), Automated Reporting System (ARS) and Mobile Data Systems (MDS)
4. Authorize the Town Manager to execute an agreement with Coast Counties Peterbuilt for the purchase of a catch basin sewer cleaner in an amount not to exceed \$319,909
5. Property Location: 137 Bersano Lane. APN 424-29-054. Property Owner: Barbara Christmann
 - a. Adopt a resolution approving a purchase and sale agreement for the purchase of an Affordable Housing unit subject to an existing Below Market Price First Right of Refusal option; and
 - b. Authorizing the Town Manager to negotiate and execute all agreement documents necessary and appropriate to effectuate the preservation of the Affordable Housing unit

MOTION: **Motion by Council Member Joe Pirzynski to approve Consent Items #1-5.**
 Seconded by Vice Mayor Barbara Spector

VOTE: **Motion passed unanimously.**

VERBAL COMMUNICATIONS (Three-minute time limit)

Mr. Guardino

- Invited participation in the annual Applied Materials Silicon Valley Turkey Trot, which will take place on November 22, 2012.

PUBLIC HEARINGS

6. Adopt resolution authorizing the continued use of Supplemental Local Law Enforcement Services Funds (SLESF) to provide funding for two (2) full-time Police officers assigned as motorcycle traffic officers

Chief Seaman presented the staff report.

Council Questions

- Questioned the status of future funding for this item.

Chief Seaman

- Commented that future funding is not guaranteed and will depend on the state budget.

Opened and closed the public hearing

MOTION: **Motion by Council Member Joe Pirzynski** to adopt a resolution authorizing the continued use of Supplemental Local Law Enforcement Services Funds (SLESF) to provide funding for two (2) full-time Police officers assigned as motorcycle traffic officers.
Seconded by Vice Mayor Barbara Spector

VOTE: **Motion passed unanimously**

7. Zoning Code Amendment Application A-12-002. Project Location: 114 Royce Street. Property Owner/Applicant: Hallway Partners LLC. Consider a request to amend Town Code Section 29.60.320 regarding permitted uses in the C-2

Vice Mayor Barbara Spector recused herself because of the proximity of her home to the proposed project.

Marni Moseley presented the staff report.

Opened the public hearing

Mr. Bamburg

- Expressed support for the proposed project.

Item #7 – Continued

Closed the public hearing

Mazarin Vakharia, Clerk Administrator, read the title of the proposed ordinance.

MOTION: **Motion Council Member Steve Leonardis** to accept the Planning Commission's findings and recommendations in the form of meeting minutes (Attachment 4); to follow the recommendation of the Planning Commission and adopt the Zoning Code Amendment A-12-002; to make the required finding that the proposed Zoning Code amendments are consistent with the General Plan and its Elements (Attachment 1); and to introduce the ordinance of the Town of Los Gatos effecting the zoning code amendment (Attachment 2).
Seconded by Council Member Joe Pirzynski

VOTE: **Motion passed 4/0. Vice Mayor Spector abstained.**

8. Planned Development Application PD-12-002. Project Location: 626 W. Parr Avenue (AKA 612 W. Parr Avenue) Property Owner: Villa Vasona Ltd. Applicant: Highland Property Development. APN: 406-28-034 Introduction of an ordinance modifying an existing Planned Development Ordinance to remove existing covenants that are no longer valid on property zoned R-1:8: PD

Joel Paulson, Senior Planner, presented the staff report.

Opened and closed the public hearing

Mazarin Vakharia, Clerk Administrator, read the title of the proposed ordinance.

MOTION: **Motion by Council Member Joe Pirzynski** to waive the reading of the proposed ordinance; to make the required finding that the proposed zone change is consistent with the General Plan and its Elements (Attachment 1); and to introduce the ordinance of the Town of Los Gatos to effectuate the zone change modification (Attachment 3).
Seconded by Vice Mayor Barbara Spector

VOTE: **Motion passed unanimously.**

OTHER BUSINESS

9. Veterans Memorial and Support Foundation of Los Gatos requests:

- a. Introduce Foundation to Town Council and the Community
- b. Request authorization to provide a Veterans Memorial at the Civic Center
- c. Request the use of the potential \$20,000 Pageant Grounds Public Art Funding to incorporate public art as part of the Veterans Memorial Design

Mr. Larson presented the staff report.

Ms. Ellen Manzo presented the Veterans Memorial and Support Foundation's ("Foundation") proposal.

Council Questions

- Questioned what it means to "reserve" the lawn and Civic Center deck.
- Commented that the artist recruitment should be broad and artists who submitted proposals to the Library may be interested in this project.
- Commented that the 120-day schedule is very aggressive and should be adjusted.
- Questioned the amount of communication with the Arts and Culture Commission ("ACC") and the Museums.

Ms. Manzo

- Commented that "reserve" means not to allow other groups to plan permanent structures on the lawn and the Civic Center walkway that leads to the memorial on plaza until Council considers the Foundation's proposal.
- Commented that most communication was with the ACC but not with Museums.
- Commented that the Foundation would welcome assistance with artist recruitment.

Mr. Larson

- Commented that staff worked with the Veterans Foundation extensively.
- Commented that staff informed the ACC of the Foundation's work and that the ACC expressed interest in using the surplus Pageant Grounds money to purchase public art
- Commented that the proposed pedestrian bridge is an unfunded concept
- Commented that Los Gatos Music and Arts has plans for erecting a permanent stage in the same place as the temporary one, but no other permanent changes have been suggested for the front lawn.

Opened the public hearing

Item #9 – Continued

Mr. Agg

- Commented that the Museums supports the Veterans Memorial and has offered support for researching veterans.

Mr. Shepardson

- Expressed concern about the location of the veterans memorial and not having too many public events on or near it because the memorial should be “hallowed ground.”

Council Discussion

- Commented that the memorial should be accessible and open but also capture a sense of honor and regard, without it being overly somber and silent.
- Commented that the lawn area is a challenging area for the memorial because there are many recurring events on the lawn.

Closed the public hearing

Mr. Larson

- Commented that staff will provide a list of annually recurring events that happen on front lawn.

Suggestions from Council to the Foundation:

- Commented that the ACC requested use of the \$20,000 from the Pageant Grounds fund, but the Veterans could look for alternative funding sources if that one does not materialize.
- Commented that there should be cooperation between various organizations regarding funding and space use.
- Commented that the deck is hot and stark but presents an opportunity for artists to create something inviting in the space.

MOTION:

Motion by Mayor Steve Rice to authorize the Foundation to develop and submit for Council review and approval two to four proposals for the location and design of a Veterans’ Memorial at the Los Gatos Civic Center, incorporating Pageant Grounds and/or the Civic Center deck, and/or the front lawn and flag poles.
Seconded by Vice Mayor Barbara Spector

VOTE:

Motion passed unanimously.

10. Property Location: 90-160 Albright Way and 14600 Winchester Boulevard
Consider a request for approval of an exception to the Story Pole Policy to allow an alternative to standard story pole installation to illustrate and provide notice of the proposed project. APN's 424-31-053, 054, 063, 424-32-038, 045, 049, 054, 059, 060, 063.

Joel Paulson, Senior Planner, presented the staff report.

Council Questions

- Questioned when the story poles are required to go up and why is consideration of story poles happening at this stage

Mr. Larson

- Commented that the developer is concerned with having one set of rules and then having rules change

Mr. Shenk, Applicant

- Commented that the project is now all office and the maximum height of the building is 65 feet total.

Council Questions

- Questioned whether the 65 foot height is the actual maximum height and whether any building feature will protrude above the 65 foot maximum height.
- Questioned whether the footprints of buildings would shift.
- Questioned whether a video simulation would be prepared.
- Questioned the reasoning behind the days and hours the cherry pickers and netting would be present.

Mr. Shenk

- Clarified that 65 feet is the maximum height, inclusive of all building features.
- Clarified there is no plan to change building footprints, except possibly for the parking structure.
- Commented that physical representation of height is important and that the proposed dates and times for having the cherry pickers present are driven by vendors who must monitor the equipment.

Mr. Miller

- Commented that story poles are important but they have limitations, so Council should consider other options.

Item #10 – Continued

Mr. Van Nada

- Commented that there is no need to grant an exception to the story pole policy at this time.
- Commented that multiple techniques to achieve a full simulation should be used because story poles on a project of this size will not work.

Council Questions

- Questioned Mr. Van Nada on whether story poles with netting provide a perception of the mass and requested suggestions for how to show mass.

Ms. Fok

- Commented on the need for expanded times for story poles to be up so that there is adequate notice to the community.

Ms. Quintana

- Commented that mass of the building is not shown with the use of cherry pickers.

Mr. Shepardson

- Commented that there should be more notice of the proposed buildings with multiple techniques to represent height and mass.

Closed the public hearing

Council Discussion

- Questioned whether the use of story poles as part of an evaluation of the aesthetics for the Environmental Impact Report (EIR) is standard practice.
- Questioned the timing of the future public hearings for the project.
- Questioned whether there are additional methods to demonstrate the mass and height of the proposed project.
- Questioned where the Winchester renderings should be placed so they are more readily viewable.
- Questioned why this exception is being considered now when revised story pole policy is coming to Council shortly.
- Commented that the most informative procedure would be to put up 65 foot balloons and create photo simulations based on the relationship of the balloons with the other buildings.
- Commented that the Council is charged with considering an exception to the current story pole policy.
- Commented that the use of cherry pickers, netting, signage, and photo simulations will be adequate to provide appropriate public notice.

Item #10 – Continued

Mr. Paulson

- Commented that it is not standard practice to use story poles as part of an EIR evaluation.
- Commented that when the draft EIR is available, there will be a 45 day comment period and then Planning Commission will make a recommendation to Council.
- Commented that more cherry pickers could string portions of netting to show walls, but existing streets and buildings are limitations.

Mr. Larson

- Commented that physical on-site representation and photo simulations combined will work best to show height and mass.
- Commented that signage can be moved south so that it is less made for visible.
- Commented that revised story pole policy will most likely come to Council in January

Council Discussion

- Expressed support for the use of cherry pickers, beams and netting during hours in the morning, afternoon, and evening, with specific times depending on sunrise and sunset, with installation about 3-4 weeks before Planning Commission and Town Council hearings.
- Commented that sign on Winchester Boulevard should be moved south for increased visibility.
- Commented that video simulations are not necessarily helpful because they may not accurately portray the proposed project.

MOTION:

Motion by Council Member Joe Pirzynski to approve an exception to the story pole policy to allow the use of a cherry picker proposal as the applicant brought before, inclusive of all the discussion including but not limited to the extension of hours including Saturdays, the timing of the installation three to four weeks prior to the Planning Commission and Town Council hearings, and exploration of photo and video simulation.
Seconded by Vice Mayor Barbara Spector

VOTE:

Motion passed 4/1. Council Member Leonardis voted no.

Item #10 – Continued

The following discussion occurred prior to the vote:

Council Questions

- Questioned the number of cherry pickers to be erected if the proposed exception were granted.

Mr. Larson

- Commented that six cherry pickers (one for the parking lot and the others for the buildings) would be erected as proposed by the developer, unless Council expressed a different preference.

ADJOURNMENT

The meeting adjourned at 9:30 p.m.

Attest:

/s/Mazarin A. Vakharia
Clerk Administrator