

DRAFT

**TOWN OF LOS GATOS
CALIFORNIA
TOWN COUNCIL/PARKING AUTHORITY
JOINT REDEVELOPMENT AGENCY
January 17, 2006/MINUTES**

Los Gatos Civic Center
110 E. Main Street
Los Gatos, CA 95030

Council/Agency Meeting
Date: 02/06/2006

Item# 7

TIME	ITEM	ACTION ON ITEM
	TOWN COUNCIL	The Town Council/Parking Authority/Redevelopment Agency of the Town of Los Gatos met in the Council Chambers of the Town of Hall, 110 East Main Street, at 7:00 PM, January 17, 2006, in a joint regular session .
7:00 PM	ROLL CALL	Present: Steve Glickman, Joe Pirzynski, Barbara Spector, Mike Wasserman, and Mayor/Chairman Diane McNutt. Absent: None
7:01 PM	PLEDGE OF ALLEGIANCE	Jack, Daisy and Will Fordyce, St. Mary's School , led the pledge of allegiance. The audience was invited to participate.
7:02 PM	CLOSED SESSION	PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957) Title: Town Manager Mr. Korb stated that direction was given and no action was taken.
7:03 PM	MEMORIAL	Presented by Ms. Spector , remembering Joan Schreiner , former Town Treasurer, author, and active community member.
7:06 PM	COMMENDATIONS	Commendations <ul style="list-style-type: none">• Arts Commission – Elke Groves, Teri Hope, Marcia Tjader.• Art Selection Panel – Carrie Brunner.• Building Board of Appeals – Edward Meserve.• Community Services – Barry Bakken, Kimberly Smith (Student).• General Plan – Mark Sgarlato.• Planning Commission – Michael Burke. Mayor McNutt presented commendations to these commissioners for volunteering their time to the community.

7:13 PM

**CONSENT ITEMS
#1-15**

**ITEM #1,9, and 10
WERE PULLED
AND HEARD
AFTER OTHER
BUSINESS**

TOWN COUNCIL

2. Ratify payroll for the month of December, 2005. (2-V)
3. Ratify accounts payable for December, 2005. (3-V)
4. Approve Council Study Session minutes of December 19, 2005. (4-V)
5. Accept donation of up to two drinking fountains from the Rotary Club of Los Gatos for placement in two Los Gatos parks. (5-33)
6. Proposed Financial/Human Resources Software Information System Upgrade (6-42)
 - a. Authorize Town Manager to negotiate and enter into an agreement with Sungard Pentamation to upgrade the Town's Financial/Human Resources Software Information System.
 - b. Authorize budget adjustment for the Sungard Pentamation upgrade project in the amount of \$400,000 from available set aside funds in the Town's Management Information System (MIS) Services Fund.
7. Adopt a resolution authorizing Disadvantaged Business Enterprise (DBE) participation for use on Department of Transportation funded projects for Fiscal Year 2005-06. (7-23)
RESOLUTION 2006- 001
8. Adopt resolution authorizing the Town Manager to sign the second amendment to the agreement providing for implementation of the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP). (8-40) **RESOLUTION 2006-002**
11. Award of Contract for Project 04—64 – Installation of equipment for the Chiller/cooling Tower Replacement Improvements. (11-15)
 - a. Adopt resolution declaring Therma Corporation to be the lowest responsible bidder on the project and awarding a construction contract in the amount of \$311,123.00. **RESOLUTION 2006-005**
 - b. Authorize staff to issue change orders to the construction contract up to an amount of \$30,000.
 - c. Authorize budget adjustment in the amount of \$152,647 from Building Maintenance Fund Balance 695-36000 to account 6695-84553.

	<p>CONSENT ITEMS #1-15 Continued</p> <p>ITEM #1,9 and 10 WERE PULLED AND HEARD AFTER OTHER BUSINESS</p>	<p>12. <u>Mountain Laurel Lane (Tract No. 9505 – Shannon Valley Ranch) – Easement Abandonment and Dedication.</u> (13-25)</p> <p>a. Adopt resolution ordering the summary vacation of a portion of excess public service easement and trail easement at 290 Mountain Laurel Lane (Lot). RESOLUTION 2006- 006</p> <p>b. Accept dedication of public service and trail easement at 290 Mountain Laurel Lane (Lot 5).</p> <p>c. Accept dedication of trail easement at 290 Mountain Laurel Lane (Lot5).</p> <p>d. Accept dedication of public service easement and trail easement at 299 Mountain Laurel Lane (Lot 6).</p> <p>e. Accept dedication of public service and trail easement at the end of Mountain Laurel Lane (Lot 14).</p> <p>f. Adopt resolution granting an easement to include a gas line in the existing private water line easement in parcel C of Tract No. 9505. RESOLUTION 2006-007</p> <p><u>REDEVELOPMENT AGENCY</u></p> <p>13. Ratify accounts payable for December, 2005. (13-V)</p> <p><u>TOWN COUNCIL/REDEVELOPMENT AGENCY</u></p> <p>14. Approve Council/Agency minutes of December 19, 2005. (14-V)</p> <p>15. Accept the 2004/05 Comprehensive Financial Report (CAFR) and Management Letter. (15-9)</p> <p>Motion by Mr. Glickman to approve Consent Items #2-8, and #11-15. Seconded by Mr. Wasserman</p>
7:14 PM	MAYOR CALLED THE QUESTION	Carried unanimously.
7:15 PM	VERBAL COMMUNICATION	<p>Mr. Davis</p> <ul style="list-style-type: none"> • Complimented his barber • Commented on the lack of sidewalk on Blossom Hill Road <p>Marian Cosgrove</p> <ul style="list-style-type: none"> • Commented regarding FPPC Form 700 • Commented regarding gift she is returning
7:19 PM	CLOSED VERBAL COMMUNICATION	

<p>7:20 PM</p>	<p>PUBLIC HEARINGS</p> <p>ITEM #16</p> <p>APPEAL AMERICAN APPAREL</p>	<p>ITEM #16 Consider an appeal of Planning Commission decision denying a formula retail store (American Apparel) on property zoned C-2. Conditional Use Permit U-06-006. APN: 510-44-034. Property Location: 25 N. Santa Cruz Avenue. Property Owner: Santa Cruz Real, LLC. Applicant/Appellant: Tacee Webb</p> <p>Staff report made by Bud Lortz.</p>
<p>7:28 PM</p>	<p>COUNCIL DISCUSSION</p>	<ul style="list-style-type: none"> • Asked for clarification on the number of existing formula stores that have gone through the approval process
<p>7:30 PM</p>	<p>PUBLIC HEARING</p>	<p>Tacee Webb, Applicant/Appellant</p> <ul style="list-style-type: none"> • American Apparel is a diverse retailer • Enables local citizens to purchase American-made, sweatshop-free clothing • Environmentally responsible company • High quality products, employment opportunities, wide variety of goods and services • Contributes revenues from sales tax; increases sales tax from neighboring stores • Increase diversity of shopping • Supports local community events and arts • Has proactive recycling programs and sustainable harvested cotton products • Is a destination retailer • Will adapt look and feel of store to be in keeping with the look and feel of Town
<p>7:42 PM</p>	<p>COUNCIL COMMENT</p>	<ul style="list-style-type: none"> • Request for clarification on sales tax figures presented by applicant/appellant • Commented regarding variations in vacancy rates at different times of year • Commented regarding intensity of formula retail within two block area south of Grays Lane • Questioned image of existing American Apparel stores

<p>7:55 PM</p>	<p>OPEN PUBLIC HEARING</p> <p>ITEM #16 Continued</p> <p>AMERICAN APPAREL</p>	<p>Ms. Whitnee Baker</p> <ul style="list-style-type: none">• Commented in support of American Apparel business practices and quality of clothing <p>Mr. Lemons</p> <ul style="list-style-type: none">• Commented on difficult business climate and competition for leases.• Commented against an increase in formula retail <p>Mr. Carl Kahler</p> <ul style="list-style-type: none">• Commented on difficulty of finding men's wear in Town and in support of American Apparel <p>Mr. Farhadi</p> <ul style="list-style-type: none">• Commented against American Apparel• Commented on the responsibility of Council to preserve downtown for young people• Commented that formula retail stores are for increased capital to corporations and not for the community <p>Ms. Yuki</p> <ul style="list-style-type: none">• Commented on the approval of Talbot's in Old Town• Commented on the concentration of formula stores in Old Town• Commented that American Apparel would provide more variety for youth <p>Mr. Giovannotto, owner of 25 N. Santa Cruz Avenue</p> <ul style="list-style-type: none">• Commented on size of space, length of time of vacancy, lack of interest for occupancy other than from restaurant <p>Mr. Pacheco</p> <ul style="list-style-type: none">• Commented on changes in the last 25 years when he was on the Planning Commission considering approval of a fast food restaurant chain• Commented against an increase in formula retail and on need for balance of retail that serves the public <p>Mr. Caras</p> <ul style="list-style-type: none">• Commented on supporting American Apparel as adding to diversity and the downtown experience• Commented on the lack of certain types of merchandise that are not available in Los Gatos <p>Mr. C.T. Harris</p> <ul style="list-style-type: none">• Commented against American Apparel and that there are enough formula stores in downtown <p>Mr. Gordon Kahler</p> <ul style="list-style-type: none">• Commented in support of American Apparel as a store for the youth of Los Gatos <p>Mr. Daniel Harris</p> <ul style="list-style-type: none">• Commented against American Apparel in the downtown
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ITEM #16
Continued

AMERICAN
APPAREL

Mr. Gascon

- Commented against American Apparel in Los Gatos

Ms. Maureen Baker

- Commented in support of American Apparel and what they say they will do in Los Gatos

Mr. Dawson

- Commented in support of American Apparel as every store is unique and in keeping with the community standards
- Commented on manufacturing processes of other formula retail stores in Town

Mr. Brasier

- Commented on the affordability of American Apparel and that the best location is in the downtown

Mr. Klopp

- Commented that he would carry American Apparel goods if the retailer cannot open in Los Gatos

Ms. Judith Kemp

- Commented in support of American Apparel

Ms. Hope

- Commented against American Apparel in the downtown

Ms. Mellema

- Commented in support of American Apparel to provide affordable clothing for youth

Mr. Arzie

- Commented in support of upholding the Planning Commission decision

Mr. McCandless

- Commented on the difficulty of local businesses being sustainable
- Commented in support of American Apparel with a focus on the mix of tenants rather than size of tenants

Mr. Smart

- Commented on availability of studies to support concern about the increase in formula retail stores in downtown

Mr. Davis

- Commented on the positive appearance and presentation of the youth who presented.
- Commented against an increase in formula retail

Ms. Jacqui Kemp

- Commented on the difficulty she has encountered in working with the Town in creating events for teens due the Conditional Use Permit process and that another approach may work better

	<p>ITEM #16 Continued</p> <p>AMERICAN APPAREL</p>	<p>Tacee Webb, Applicant/Appellant</p> <ul style="list-style-type: none"> • Commented on Formula Retail Policy and Conditional Use Permit process for exceptions • Commented on input from citizens as a statement of need for this store • Commented on a need for a policy change to distinguish among sizes and business models of formula stores • Commented on store in Tempe, Arizona and relationship with landlord and community
<p>9:08 PM</p>	<p>CLOSE PUBLIC HEARING</p>	
<p>9:08 PM</p>	<p>COUNCIL DISCUSSION</p>	<p>Motion by Mr. Pirzynski to uphold Planning Commission's decision and deny approval on CUP U-06-006 Seconded by Ms. Spector</p> <ul style="list-style-type: none"> • Expressed appreciation of the presentations made by the youth and reconfirmed support for the youth of the community • Commented on competition for commercial rental leases • Commented on language of General Plan regarding diversity of goods and services • Commented on density concentration of formula stores in different areas of downtown • Commented on policy decisions based on specific locations and density concentration of formula stores •
<p>9:53 PM</p>	<p>MAYOR CALLED THE QUESTION</p>	<p>Carried 3-1-1, Mr. Glickman dissenting, Mr. Wasserman abstaining.</p>
<p>9:54 PM</p>	<p>MAYOR CALLED FOR A RECESS</p>	<p>Meeting resumed at 10:02 PM</p>
<p>10:02 PM</p>	<p>PUBLIC HEARINGS</p> <p>ITEM #17</p> <p>14880-14890 LOS GATOS BLVD.</p> <p>PUBLIC HEARINGS</p>	<p>ITEM #17 Consider a request to approve an amendment to an approved Planned Development to allow an office building and seven apartments to be condominiums on property zoned CH:PD. APN: 424-10-079. Planned Development Application: PD-06-01. Property Location: 14880-14890 Los Gatos Boulevard. Property Owner/Applicant: Cupertino Development Corporation.</p> <p>Staff report made by Bud Lortz.</p>

	<p>ITEM #17 (continued)</p> <p>14880-14890 LOS GATOS BLVD</p>	
8:45 PM	<p>OPEN PUBLIC HEARING</p> <p>ITEM #17</p> <p>14880-14890 LOS GATOS BLVD.</p>	<p>Cupertino Development, represented by Roger Griffin of Paragon Design, Applicant</p> <ul style="list-style-type: none"> • Commented on soft commercial and apartment rental market • Commented on demand for medical suite ownership • Proposed conversion of seven apartments on site to condos with no increase in building size or square footage • Homes available at affordable levels • BMP unit to have applicability for teacher ownership
8:54 PM	COUNCIL COMMENT	None
9:02 PM	PUBLIC HEARING	<p>Mr. Miller</p> <ul style="list-style-type: none"> • Expressed appreciation for teacher housing benefit
10:10 PM	CLOSE PUBLIC HEARING	Direct Clerk Administrator to read the title of the ordinance
10:10 PM	COUNCIL DISCUSSION	<p>Motion by Mr. Pirzynski to waive the reading of the ordinance</p> <p>Seconded by Mr. Glickman</p>
9:25 PM	MAYOR CALLED THE QUESTION	Carried Unanimously.
9:25 PM		<p>Motion by Mr. Pirzynski to introduce ordinance</p> <p>Second by Mr. Glickman</p>
12:12 PM	MAYOR CALLED THE QUESTION	Carried unanimously

10:12 PM	PUBLIC HEARINGS ITEM #18 ARNERICH ROAD NO. 1	ITEM #18 Consider protests concerning the reorganization of inhabited territory to the Town of Los Gatos known as Arnerich Road No. 1 Staff report made by John Curtis .
10:15 PM	COUNCIL COMMENT	<ul style="list-style-type: none"> • Clarification that all residents have petitioned for annexation.
10:16 PM	OPEN PUBLIC HEARING	<p>Mr. Kokinos</p> <ul style="list-style-type: none"> • Commented on concerns about the impact of the annexation on his property outside the annexation area. <p>Mr. Barth</p> <ul style="list-style-type: none"> • Commented on value of being part of Los Gatos
10:23 PM	CLOSE PUBLIC HEARING	
10:23 PM	COUNCIL DISCUSSION	<ul style="list-style-type: none"> • Requested clarification on process • Clarified that this meeting was to consider protests, verbal and written and that there would be no action tonight • Resolution will be presented at February 6, 2006 Council meeting
10:26 PM	PUBLIC HEARINGS ITEM # 19 HAZARDOUS VEGETATION (WEEDS)	ITEM #19 Adopt resolution ordering abatement of hazardous vegetation (weeds). RESOLUTION 2006-008 Staff report made by John Curtis .
10:29 PM	COUNCIL COMMENT	<ul style="list-style-type: none"> • Questioned ability to modify deadline to allow for dryer soil
10:31 PM	OPEN/CLOSE PUBLIC HEARING	<p>Mary Keith Osborn</p> <ul style="list-style-type: none"> • Asked that her native grass garden be removed from the weed abatement list
10:35 PM	COUNCIL DISCUSSION	Motion by Mr. Glickman to adopt resolution. Seconded by Mr. Wasserman
10::35 PM	MAYOR CALLED THE QUESTION	Carried Unanimously.

9:36 PM	OTHER BUSINESS ITEM #20 WEST VALLEY SOLID WASTE MANAGEMENT	<u>ITEM# 20</u> Informational report on West Valley Solid Waste Management Authority Board process for collection contract procurement. Staff report made by Regina Falkner
10:38 PM	COUNCIL DISCUSSION	<ul style="list-style-type: none"> • 15 year contract for use of same landfill • Green Valley is not in competition for non-response to some detail questions. • Request of Council to review for input to JPA • Recycled items will no longer need to be separated
10:42 PM	CONSENT ITEMS #1-15 Continued PULLED ITEM # 1	<u>ITEM # 1</u> Accept Staff recommendations on County Referrals. (1-37) <ul style="list-style-type: none"> a. Projects outside Urban Service Area: None. b. Projects inside Urban Service Area: 14924 Diduca Way. c. Status of previous applications: None.
10:42 PM	COUNCIL DISCUSSION	Motion by Mr. Glickman to approve Consent Item #1 Seconded by Ms. Spector
10:42 PM	MAYOR CALLED THE QUESTION	Carried unanimously.
10:43 PM	CONSENT ITEMS #1-15 Continued PULLED ITEM # 9	<u>ITEM #9</u> Adopt resolution denying an appeal of the Planning Commission decision approving a second story addition on property zoned R-1:8. APN: 529-15-097. 16750 Farley Road. Architectural & Site Application: S-05-063. Property owner: Glen and Melissa Wagner. Applicant: David Britt. Appellant: William R. Shellooe. (9-15) RESOLUTION 2006-003
10:43 PM	COUNCIL DISCUSSION	Motion by Mr. Glickman to approve Consent Item #9 Seconded by Mr. Wasserman
10:43 PM	MAYOR CALLED THE QUESTION	Carried unanimously.

10:43 PM	<p>CONSENT ITEMS #1-15 Continued</p> <p>PULLED ITEM # 10</p>	<p>ITEM # 10 <u>Shady Lane</u> (10-15)</p> <p>a. Adopt resolution approving a request for approval of a zone change from HR-2 ½ to HR-2 ½ PD to subdivide 66.2 acres into 19 lots. This project may have a significant impact on the environment and an Environmental Impact Report (EIR) has been prepared. Property location: Terminus of Shady Lane, File# PD-04-31 EIR-04-1. Property owner: Highlands of Los Gatos, LLC. Applicant: Sandy Harris. RESOLUTION 2006-004</p> <p>b. Adopt ordinance amending the Town Code effecting a zone change from HR-2 ½ to HR-2 ½ PD for property located at the Terminus of Shady Lane (APNs 527-12-001, 527-09-001 & 004). ORDINANCE 2147</p>
10:43 PM	COUNCIL DISCUSSION	<ul style="list-style-type: none"> • Commented on change in school district from San Jose Union to Los Gatos to eliminate the need for children to cross Blossom Hill Road • Commented that the issue of school district has no bearing on approval of project
10:57 PM	PUBLIC COMMENT	<p>Mr. Harris</p> <ul style="list-style-type: none"> • Has submitted an application with the County School Board to be redistricted into Los Gatos School District • Commented that the decision rests solely with County School Board, and Board seems receptive to request • Expects decision to be made by March 1. Will appeal to the State if necessary • Noted that responsibility for Blossom Hill Road is shared with San Jose
10:58 PM	COUNCIL DISCUSSION	<ul style="list-style-type: none"> • Commented on difficulty of modifying Blossom Hill Road <p>Motion by Mr. Glickman to approve Consent Item #10a and 10b Seconded by Mr. Pirzynski</p>
10:58 PM	MAYOR CALLED THE QUESTION	Motion carried 4-1, Ms Spector dissenting.

11:06 PM	<p>ITEM #21</p> <p>COUNCIL MATTERS</p>	<p><u>ITEM #21</u> Request for Study Session</p> <ul style="list-style-type: none"> • Request of staff for a study session to address issues regarding formula retail that were raised earlier in tonight's meeting • Request for study session to include discussion on commercial rent control • Commented on the need for public input • Commented on need to address intensity of formula retail in the downtown area • Commented on need for conversation not tied to a specific application • Commented on limiting scope of study session • Study Session set for February 21 • Request for Town Attorney to present legal framework
11:17 PM	<p>ITEM #22</p> <p>MANAGER MATTERS</p>	<p><u>ITEM #22</u> None.</p>
11:17 PM	<p>MEETING ADJOURNED</p>	

Submitted by:

Attest:

Bobbi Fries, Deputy Clerk

MarLyn J. Rasmussen, Clerk Administrator
Secretary to the Redevelopment Agency