

TOWN OF LOS GATOS, CALIFORNIA
TOWN COUNCIL/PARKING AUTHORITY
JOINT REDEVELOPMENT AGENCY

June 5, 2006/MINUTES

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

TIME	ITEM	ACTION ON ITEM
7:03 PM	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, June 5, 2006, in a joint regular session .
7:03 PM	ROLL CALL	Present: Steve Glickman, Joe Pirzynski, Barbara Spector, Mike Wasserman, and Mayor/Chairman Diane McNutt. Absent: None
7:03 PM	PLEDGE OF ALLEGIANCE	The incoming and outgoing members of the Town of Los Gatos Youth Commission led the pledge of allegiance. The audience was invited to participate.
7:07 PM	CLOSED SESSION	None.
7:08 PM	PRESENTATION	Commendations <ul style="list-style-type: none"> • Ben Lopes, Santa Clara County Fire Department Mr. Pirzynski presented Mr. Lopes with a commendation for his many contributions to the Town and the Santa Clara County Fire department. • Janusz Liberkowski, American Inventor Winner Mrs. Spector presented Mr. Liberkowski with a commendation for his achievement in designing the ultimate baby car seat and winning the title of American Inventor.

	<p>PRESENTATION Continued</p>	<ul style="list-style-type: none"> • Outgoing Youth Commissioners <ul style="list-style-type: none"> • David Frazer • Lissa Zimmer • Jason Risoen • Katherine Stuart • Forest Gallien • Jacqueline Kemp • Sherine Rahimi • Katie Saunders <p>Mr. Wasserman presented the outgoing Youth Commissioners with commendations for their volunteer time on the commission and many projects they worked on for the community and youth.</p>
<p>7:24 PM</p>	<p>CONSENT ITEMS #1-12</p> <p>ITEM # 8 and #12C WAS PULLED BY A MEMBER OF THE PUBLIC AND HEARD FOLLOWING OTHER BUSINESS</p>	<p><u>TOWN COUNCIL</u></p> <ol style="list-style-type: none"> 1. Accept schedule of public hearings.(1-28) 2. <u>General Municipal Election</u> (2-3) Adopt resolution of the Town of Los Gatos. RESOLUTION 2006-057 <ol style="list-style-type: none"> a. Appointing the Clerk Administrator as the Town's Election Official and ordering and calling a General Municipal Election to be held in the Town of Los Gatos on November 7, 2006. b. Requesting Santa Clara County Board of Supervisors to authorize Registrar of voters to provide election services. c. Requesting consolidation of general state election with Los Gatos municipal election and specifying certain procedures for the consolidated election. d. Determine to levy low cost candidates' statements. e. Requiring payment of candidates' filing fees; and providing for giving notice of election for the purpose of electing three Council Members. 3. <u>Los Gatos Youth Commission.</u> (3-12) Ratify appointments of members and alternates to the Los Gatos Youth Commission as recommended by the Ad Hoc Council Sub-Committee. 4. Approve action items from April 22, 2006 Council/Commission Retreat issue matrix. (4-12)

	<p style="text-align: center;">CONSENT ITEMS #1-12</p> <p style="text-align: center;">Continued</p>	<p>5. Approve Storm Water Management Budget, and authorize the West Valley Sanitation District to collect program related fees on behalf of the Town. (5-41)</p> <p>6. Adopt resolution authorizing the Town Manager to execute the "Agency Agreement for Countywide AB939 Implementation Fee" and the "Agency Agreement for Countywide Household Hazardous Waste Collection Program". RESOLUTION 2006-058 (6-40)</p> <p>7. <u>Project No. 05-02 – FY 2005-06 Curb, Gutter, and Sidewalk Repair and Replacement</u> (7-24) Adopt resolution accepting work of JJR Construction, Incorporated and authorizing the Town Manager to execute Certificate of Acceptance and Notice of Completion for recording by the Clerk Administrator. RESOLUTION 2006-059</p> <p>9. <u>Project No. 06-22 – Civic Center Building Leak Repairs and Waterproofing</u> (9-24) Adopt resolution approving plans and specifications for the Civic Center Building Repairs and Waterproofing and authorizing staff to advertise the project for bids. RESOLUTION 2006-061</p> <p>10. <u>Project 06-30 – Tree Pruning and Removal</u> (10-33) a. Adopt resolution declaring Trugreen Land Care to be the lowest responsible bidder on the project and awarding a tree pruning and removal contract in the amount of \$30,950. RESOLUTION 2006-062 b. Authorize staff to issue change orders to the construction contract up to an amount of \$10,000.</p> <p><u>TOWN COUNCIL/REDEVELOPMENT</u></p> <p>11. <u>Approve Council/Agency Minutes of</u> a. Special Meeting of April 22, 2006 b. May 1, 2006</p> <p>Motion by Mr. Glickman to approve Consent Items #1-#7, and #9-11. Seconded by Mr. Wasserman</p>
<p>7:30 PM</p>	<p>MAYOR CALLED THE QUESTION</p>	<p>Carried unanimously.</p>

7:30 PM	INTRODUCTIONS	<p>New Youth Commission Members and Alternates.</p> <p><u>Recommended Members:</u></p> <p>Zach Hershberger Nicky Robinson Bronwyn Stone Peter Hadar Stanford Stickney Olivia Colliver Jordan Kahler Liz Mellema Reeta Banerjee Ashley Yuki</p> <p><u>Recommended Alternates:</u></p> <p>Kelsey Hall Lindsay Trone Susan Kahng Jason Louie Rachel Carson</p> <p>Mayor McNutt introduced the incoming Youth Commissioners and alternates and welcomed them to the commission.</p>
7:35 PM	OPEN VERBAL COMMUNICATION	<p>Mr. Davis</p> <ul style="list-style-type: none"> • Commented regarding the lack of sidewalks located along Blossom Hill Road between Roberts Road and University Avenue. • Commented regarding the American Apparel appeal.
7:38 PM	CLOSED VERBAL COMMUNICATION	
7:38 PM	<p>PUBLIC HEARINGS ITEM #13</p> <p>91, 101 and 109 WEST MAIN STREET</p>	<p>ITEM #13 (13-9) Consider a request to modify a Conditional Use to change the hours of operation, allow special events, deli, off-site beer and wine sales, and wine tasting on property zoned C-2. Conditional Use Permit U-06-12. APN: 529-01-025. Property location: 91, 101, and 109 W. Main Street. Property owner: Sue Farwell. Applicant Teri Hope.</p> <p>Staff report made by Bud Lortz.</p>

<p>7:40 PM</p>	<p>PUBLIC HEARINGS ITEM #13</p> <p>91, 101 and 109 WEST MAIN STREET</p> <p>COUNCIL COMMENT</p>	<ul style="list-style-type: none"> • Questioned the use of an expiration date as part of the Conditional Use Permit. • Questioned if an annual report could be brought back to Council relating to the terms of the Conditional Use Permit. • Questioned if and when a fee would be required if expiration dates and reports were to be included as part of the Conditional Use Permit. • Questioned if beer and wine service for this application would come under the use of the Town's Alcohol Policy.
<p>7:45 PM</p>	<p>OPEN PUBLIC HEARING</p>	<p>Teri Hope, Applicant</p> <ul style="list-style-type: none"> • Commented on keeping pace with the economy. • Would like to consolidate all the existing Conditional Use Permits for her business to fall under one Conditional Use Permit and bring them up to date. • Commented that her customers would like to see the added services and products in her business. • Commented on the events that go on at her business. • Commented on coffee houses in Europe which offer some of the same services as proposed in the application before Council tonight. <p>Fawn Skyles, co-applicant</p> <ul style="list-style-type: none"> • Commented on serving and selling wine from the local wineries. • Commented on her background in specialty groceries and wine knowledge. <p>Ms. Lindsay</p> <ul style="list-style-type: none"> • Commented that the local wineries support the proposed application. <p>Ms. Hansen</p> <ul style="list-style-type: none"> • Commented on supporting the proposed application. <p>Mr. O'Brien</p> <ul style="list-style-type: none"> • Commented on supporting the proposed application. <p>Mr. Ashton</p> <ul style="list-style-type: none"> • Commented on supporting the proposed application.

	<p>ITEM #13 Continued</p> <p>91, 101 and 109 WEST MAIN STREET</p> <p>PUBLIC HEARING</p>	<p>Mr. Farwell</p> <ul style="list-style-type: none"> • Commented on supporting the proposed application. • Commented against the expiration on a Conditional Use Permit. <p>Mr. Jenkins</p> <ul style="list-style-type: none"> • Commented on supporting the proposed application. <p>Mr. Williams</p> <ul style="list-style-type: none"> • Commented on supporting the proposed application. • Supports the 21 and under events at the Coffee Roasting Company. <p>Teri Hope, Applicant</p> <ul style="list-style-type: none"> • Asked that Council consider her application request. <p>Council Comments</p> <ul style="list-style-type: none"> • Questioned the number of events per year for individuals under 21. • Questioned adding an expiration date to the Conditional Use Permit.
<p>8:12 PM</p>	<p>CLOSE PUBLIC HEARING</p>	
<p>8:12 PM</p>	<p>COUNCIL DISCUSSION</p>	<ul style="list-style-type: none"> • Asked for staff suggestions on how to condition the approval to be pro active. • Commented on the difficulty of bringing a Conditional Use Permit up for review. • Commented on the use of the Town's Code Enforcement Officer to help with any violation of a Conditional Use Permit. <p>Motion by Mr. Wasserman to approve the conditions, findings, and include the contents of the June 1, 2006 letter from Teri Hope which was included in the staff report. Seconded by Mr. Glickman</p>
<p>8:22 PM</p>	<p>MAYOR CALLED THE QUESTION</p>	<p>Carried unanimously.</p>

<p>8:22 PM</p>	<p>PUBLIC HEARINGS ITEM #14</p> <p>17101 HICKS ROAD</p>	<p>ITEM #14</p> <p>Consider a request for approval to an approved Planned Development to modify the grading for lots 6 through 11 (287, 289, 291, 293, 297 & 299 Mountain Laurel Lane) on property zoned HR-5:PD. APNS: 537-18-001, 567-23-042 and 567-24-008. Planned Development Application PD-06-04. Project address: 17101 Hicks Road. Property owner/applicant: GHC Shannon Valley Ranch, LLC</p> <p>Staff report made by Bud Lortz.</p>
<p>8:29 PM</p>	<p>COUNCIL COMMENT</p>	<ul style="list-style-type: none"> • Questioned the Planning Commission's issues relating to the Hillside Standards and Guidelines. • Questioned the scope of interpretation by the Planning Commission. • Clarification regarding the scope of grading and the artificial slopes in the proposed grading plan. • Questioned the grading process if done by the individual property owners. • Clarification on the use of the area beyond the proposed retaining walls.
<p>8:35 PM</p>	<p>OPEN PUBLIC HEARING</p>	<p>Mr. Patrick Costanzo Jr., Greenbriar Homes</p> <ul style="list-style-type: none"> • Commented that the grading is not a natural grade, but occurred during site preparation. • Suggested placing a deed restriction on each property to not allow any other retaining wall on the property. • Commented on the consistency and uniformity of the proposed retaining walls. • Commented on the proper drainage for each proposed retaining wall. • Commented regarding lot 6 and the double wall issue. Commented that the materials used on the walls match the homes. <p>Council Comments</p> <ul style="list-style-type: none"> • Clarification regarding the drainage required for the proposed retaining walls. • Clarification regarding grating of the artificial slope. <p>Mr. Davis</p> <ul style="list-style-type: none"> • Commented regarding the detail for proper drainage with the retaining walls. • Commented regarding the materials used for the retaining walls.

	<p>PUBLIC HEARINGS ITEM #14 Continued</p> <p>17101 HICKS ROAD</p> <p>PUBLIC HEARING</p>	<p>Mr. Patrick Costanzo Jr., Greenbriar Homes</p> <ul style="list-style-type: none"> • Commented that Greenbriar Homes has committed to stucco as the material for the proposed retaining walls. • Commented on the types of drainage and retaining walls proposed for the project. • Commented on the benefits if the retaining walls were all uniform and conformed to the guidelines. • Asked for no more restrictions regarding the landscaping, and to let the homeowners fall under the Hillside Guidelines for future grating applications to their property. <p>Council Comments</p> <ul style="list-style-type: none"> • Questioned the landscaping required along the hillside • Commented regarding the desire to prevent manicured foliage along the hillside. • Clarification on comments to amend Planned Development to say that the landscaping should be natural. • Questioned the reasons for a change in the approval of the original Planned Development.
<p>8:50 PM</p>	<p>CLOSE PUBLIC HEARING</p>	
<p>8:50 PM</p>	<p>COUNCIL DISCUSSION</p>	<ul style="list-style-type: none"> • Questioned the "no more grading" as stated in the condition amending the Planned Development Ordinance. • Commented on concerns with future homeowners grading the slope behind the proposed retaining walls. • Commented that the retaining wall request violates the Hillside Standards and Guidelines. • Commented on the Planning Commission's dialogue relating to the proposed retaining wall project. • Commented that this is a minor adjustment to the Hillside Standards and Guidelines that would have a benefit.
<p>9:12 PM</p>		<p>Direct Clerk Administrator to Read the Title of the ordinance.</p>

9:13 PM	PUBLIC HEARINGS ITEM #14 Continued 17101 HICKS ROAD COUNCIL DISCUSSION	Motion by Mr. Glickman to wave the reading. Seconded by Mr. Wasserman
9:13 PM	MAYOR CALLED THE QUESTION	Carried 4/1 Mrs. Spector voting no.
9:14 PM	COUNCIL DISCUSSION	Motion by Mr. Glickman to introduce the ordinance to effectuate Planned Development PD-06-04 with condition to amend Planned Development as follows: <ul style="list-style-type: none"> • Grading and/or earth disturbance of any kind is prohibited upslope of the retaining walls on Lots 6 through Lots 11 as shown on Exhibit D of the Planned Development Ordinance. Planting of native species is permitted upslope of the retaining walls within the landscape zones unless otherwise approved by the Town. A deed restriction shall be recorded on each lot reciting this condition. This condition shall be effectuated upon construction of the retaining walls. Seconded by Mr. Pirzynski.
9:14 PM	MAYOR CALLED THE QUESTION	Carried 4/1 Mrs. Spector voting no.
9:14 PM	PUBLIC HEARING Continued ITEM #15 LANDSCAPE AND LIGHTING	ITEM #15 <u>Landscape and Lighting Assessment District No. 1 & 2</u> (15-26) <ol style="list-style-type: none"> a. Adopt resolution confirming the diagram and assessments, and levying and authorizing collection of assessments for Landscape and Lighting Assessment District No. 1-Blackwell Drive Benefit Zone. RESOLUTION 2006-064 b. Adopt resolution confirming the diagram and assessments, and levying and authorizing collection of assessments for Landscape and Lighting Assessment District No. 1.Kennedy Meadows Benefit Zone. RESOLUTION 2006-065 c. Adopt resolution confirming the diagram and assessments, and levying and authorizing collection of assessments for Landscape and Lighting Assessment District No. 1-Santa Rosa Heights Benefit Zone. RESOLUTION 2006-066

	<p>PUBLIC HEARING Continued</p> <p>ITEM #15</p> <p>LANDSCAPE AND LIGHTING</p>	<p>d. Adopt resolution confirming the diagram and assessments, and levying and authorizing collection of assessments for Landscape and Lighting Assessment District No. 1-Vasona Heights Benefit Zone. RESOLUTION 2006-067</p> <p>e. Adopt resolution confirming the diagram and assessments, and levying and authorizing collection of assessments for Landscape and Lighting Assessment District No. 1-Hillbrook Drive Benefit Zone. RESOLUTION 2006-068</p> <p>f. Adopt resolution confirming the diagram and assessments, and levying and authorizing collection of assessments for Landscape and Lighting Assessment District No. 2 – Gemini Court Benefit Zone. RESOLUTION 2006-069</p> <p>Staff report made by Kevin Rohani.</p>
9:15 PM	COUNCIL COMMENT	None.
9:15 PM	OPEN/CLOSE PUBLIC HEARING	
9:16 PM	COUNCIL DISCUSSION	Motion by Mr. Glickman to adopt all resolutions indicated in the staff report pertaining to the Landscape and Lighting Assessment District. Seconded by Mr. Pirzynski
9:16 PM	MAYOR CALLED THE QUESTION	Carried unanimously.
9:17 PM	OTHER BUSINESS	None.
9:17 PM	<p>PULLED CONSENT ITEMS #8 and #12C</p>	<p>ITEM #8 <u>Project No. 05-18 – 25 Fiesta Way Annex ADA Improvements</u></p> <p>a. Adopt resolution accepting work of GKI Construction and authorizing the Town Manager to execute Certificate of Acceptance and Notice of Completion for recording by the Clerk Administrator of the Town of Los Gatos. RESOLUTION 2006-060</p> <p>b. Authorize budget adjustment of \$11,200 to project account 400-0615</p> <p>c. Authorize transfer of \$11,200 from Building and Maintenance Fund (6695) to account 400-0615.</p>

	<p>PULLED CONSENT ITEMS #8 and #12C Continued</p>	<p>ITEM #12 Award of Construction Contract for Main Street Resurfacing and Streetscape and Los Gatos Almaden Road Resurfacing (12-24)</p> <ul style="list-style-type: none"> a. Adopt resolution declaring Joseph J. Albanese, Incorporated to be the lowest responsible bidder on the project and awarding a construction contract in the amount of \$1,559,550.00 RESOLUTIONS 2006-063 and 2006-6RD b. Authorize staff to issue change orders to the contract as necessary up to an amount of \$100,000.00. <p>ITEM #12 Continued</p> <ul style="list-style-type: none"> c. Authorize budget adjustments interfund transfers and intra-project transfers as detailed in the financial impact section of this report to be incorporated into the FY 2006/07-11 Capital improvement Plan to be presented for final approval by Town Council/Members of Redevelopment Agency on June 19, 2006. <p>Mr. Davis pulled Consent Items #8 and #12, but was not present to speak.</p> <p>Motion by Mrs. Spector to approve Consent Items #8 and #12. Seconded by Mr. Glickman.</p>
9:17 PM	MAYOR CALLED THE QUESTION	Carried unanimously.
9:18 PM	ITEM #16 COUNCIL MATTERS	ITEM #16 None
9:18 PM	ITEM #17 MANAGER MATTERS	ITEM #17 None.
9:18 PM	MEETING ADJOURNED	

Submitted by:

ATTEST:

Jackie Rose, Deputy Clerk

MarLyn Rasmussen, Clerk Administrator