



**TOWN OF LOS GATOS
TOWN COUNCIL
FEBRUARY 02, 2016
110 EAST MAIN STREET
COUNCIL CHAMBERS (DOWNSTAIRS)
LOS GATOS, CA**

*Barbara Spector, Mayor
Marico Sayoc, Vice Mayor
Marcia Jensen, Council Member
Steven Leonardis, Council Member
Rob Rennie Council Member*

PARTICIPATION IN THE PUBLIC PROCESS

The Town of Los Gatos strongly encourages your active participation in the public process, which is the cornerstone of democracy. If you wish to speak to an item on the agenda, please complete a “speaker’s card” located on the back of the chamber benches and return it to the Clerk Administrator. If you wish to speak to an item NOT on the agenda, you may do so during the “verbal communications” period. The time allocated to speakers may change to better facilitate the Town Council meeting

The purpose of the Town Council meeting is to conduct the business of the community in an effective and efficient manner. This is done by following meeting guidelines set forth in State law and in the Town Code. Conduct which is considered disruptive during Town Council meetings include, but is not limited to:

- Addressing the Town Council without first being recognized;
- Interrupting speakers, Town Council, and Town staff;
- Continuing to speak after the allotted time has expired;
- Failing to relinquish the podium when directed to do so; and
- Repetitiously addressing the same subject

For the benefit of the community, the Town of Los Gatos asks that you follow the Town’s meeting guidelines while attending Town Council meetings and treat everyone with respect and dignity.

***Town Council Meetings Broadcast Live on KCAT, Channel 15
1st and 3rd Tuesdays at 7:00 p.m.***

***Rebroadcast of Town Council Meetings
2nd and 4th Mondays at 7:00 p.m.***

Live & Archived Council Meetings can be viewed by going to:

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THIS MEETING, PLEASE CONTACT THE CLERK DEPARTMENT AT (408) 354-6834. NOTIFICATION 48 HOURS BEFORE THE MEETING WILL ENABLE THE TOWN TO MAKE REASONABLE ARRANGEMENTS TO ENSURE ACCESSIBILITY TO THIS MEETING [28 CFR §35.102-35.104]

**TOWN OF LOS GATOS
TOWN COUNCIL
FEBRUARY 02, 2016**

7:00:00 PM

TOWN MEETING CALLED TO ORDER - 7:00 PM

ROLL CALL

PLEDGE OF ALLEGIANCE

• Stella Farwell, St. Mary's Elementary School

CLOSED SESSION REPORT

COUNCIL/TOWN MANAGER REPORTS

- Council Matters*
- Manager Matters*

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

(Before the Town Council acts on the consent agenda, any member of the public or Town Council may request that any item be removed from the consent agenda. At the Mayor's discretion, items removed from the consent calendar may be considered either before or after the Public Hearings portion of the agenda)

1.1. APPROVE COUNCIL MINUTES OF JANUARY 19, 2016

[Staff Report - Minutes](#)

1.2. AUTHORIZE THE TOWN MANAGER TO EXECUTE A CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION ACCEPTING THE WORK OF CASEY CONSTRUCTION, INC. AND AUTHORIZE RECORDING BY THE CLERK ADMINISTRATOR FOR PPW JOB NO. 15-816-0412 FRANK AVENUE STORM DRAIN IMPROVEMENT PROJECT.

[Staff Report - Frank Avenue](#)

[Attachment 1 - Certificate of Acceptance and Notice of Completion](#)

[Addendum - Frank Avenue](#)

1.3. AUTHORIZE THE TOWN MANAGER TO EXECUTE A CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION ACCEPTING THE WORK OF GRANITEROCK COMPANY AND AUTHORIZE RECORDING BY THE CLERK ADMINISTRATOR FOR PPW JOB NO. 14-815-9930 RETAINING WALL REPAIRS-JACKSON STREET PROJECT.

[Staff Report - Jackson Street](#)

[Attachment 1 - Certificate of Acceptance and Notice of Completion](#)

1.4. AUTHORIZE THE TOWN MANGER TO EXECUTE A THREE YEAR AGREEMENT FOR SERVICES WITH LOS GATOS MUSIC AND ARTS TO PROVIDE OPERATION OF THE JAZZ ON THE PLAZZ SUMMER CONCERT SERIES THROUGH SEPTEMBER 2018.

[Staff Report - Jazz on the Plazz](#)

[Attachment 1 - Agreement for the Operation of the Jazz on the Plazz Summer Concert Series Exhibit A to Attachment 1](#)

1.5. MUSIC IN THE PARK

- A. AUTHORIZE THE TOWN MANGER TO EXECUTE A TWO YEAR AGREEMENT FOR SERVICES WITH LOS GATOS COMMUNITY CONCERTS TO PROVIDE OPERATION OF THE MUSIC IN THE PARK SUMMER CONCERT SERIES THROUGH SEPTEMBER 3, 2017.
- B. AUTHORIZE EXPENDITURE AND REVENUE BUDGET ADJUSTMENTS IN THE AMOUNT OF \$6,000 FOR THE ANNUAL REIMBURSEMENT TO LOS GATOS COMMUNITY CONCERTS. THIS WILL BE FUNDED FROM THE MUSIC IN THE PARK DEFERRED REVENUE BALANCE OF APPROXIMATELY \$6,400.

[Staff Report - Music in the Park](#)

[Attachment 1 - Agreement for the Funding and Administration of the Music in the Park Program](#)

[Exhibit A & B to Attachment 1](#)

- 1.6. AUTHORIZE THE TOWN MANAGER TO NEGOTIATE A USE AGREEMENT WITH CALIFORNIA FARMERS' MARKETS ASSOCIATION TO PROVIDE OPERATION OF THE LOS GATOS DOWNTOWN FARMERS' MARKET FROM MARCH 21, 2016 THROUGH DECEMBER 31, 2018 WITH TWO, THREE YEAR OPTIONS TO EXTEND THE TERM.

[Staff Report - Farmers Market](#)

[Attachment 1 - Use Agreement](#)

[Attachment 2 - Letter from South Bay Farmers' Markets](#)

[Attachment 3 - RFP Scoring Summary](#)

[Attachment 4 - Public Comment received through 11:00 a.m., Thursday, January 28, 2016.](#)

VERBAL COMMUNICATIONS *(Members of the public may address the Town Council on any matter that is not listed on the agenda. Unless additional time is authorized by the Town Council, remarks shall be limited to three minutes.)*

2. PUBLIC HEARINGS *(Applicants/Appellants and their representatives may be allotted up to a total of ten minutes maximum for opening statements. Members of the public may be allotted up to three minutes to comment on any public hearing item. Applicants/Appellants and their representatives may be allotted up to a total of five minutes maximum for closing statements. Items requested/recommended for continuance are subject to Council's consent at the meeting.)*

2.1. COMMUNITY CHOICE ENERGY

- A. CONDUCT A PUBLIC HEARING FOR AN INTRODUCTION AND FIRST READING OF ORDINANCE 2250 (SUMMARIZED) TO AUTHORIZE THE IMPLEMENTATION OF A COMMUNITY CHOICE AGGREGATION (CCA) PROGRAM.
- B. ADOPT A RESOLUTION TO APPROVE THE JOINT POWERS AUTHORITY (JPA) AGREEMENT (ATTACHMENT 2) ESTABLISHING AND AUTHORIZING PARTICIPATION IN THE SILICON VALLEY CLEAN ENERGY AUTHORITY.
- C. AUTHORIZE THE TOWN MANAGER TO REMIT UP TO \$150,000 TO THE SILICON VALLEY CLEAN ENERGY AUTHORITY TO SUPPORT THE INITIAL COSTS OF THE AUTHORITY.
- D. APPROVE THE APPROPRIATION OF \$150,000 FROM FISCAL YEAR 2014/15 YEAR END SAVINGS TO SUPPORT FUNDING THE INITIAL COSTS OF THE JPA.
- E. APPOINT A COUNCIL MEMBER AS THE TOWN REPRESENTATIVE TO THE JPA AND AN ALTERNATE REPRESENTATIVE.

[Staff Report - Community Choice Energy](#)

[Attachment 1 - Ordianance 2250 authorizing the adoption of a Community Choice Energy Program](#)

[Attachment 2 - Resolution to approve the Joint Powers Authority \(JPA\) Agreement](#)
[Attachment 3 - December 15, 2015 Council Report on Community Choice Energy](#)
[Attachment 4 - Draft Silicon Valley Community Choice Energy Technical Study](#)
[Addendum Attachment 5 - Communication received from 1101 am Thursday January 28 2016 through 1101 am Monday February 1 2016](#)

2.2. MEDICAL MARIJUANA CULTIVATION AND DELIVERY:

A. ADOPT AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS AMENDING LOS GATOS MUNICIPAL CODE TITLE 18, SECTION 14.120 PROHIBITING THE ESTABLISHMENT OF MEDICAL MARIJUANA DISPENSARIES, TO FURTHER PROHIBIT MARIJUANA CULTIVATION AND DELIVERIES

B. ADOPT AN URGENCY ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS AMENDING LOS GATOS MUNICIPAL CODE TITLE 18, SECTION 14.120 PROHIBITING THE ESTABLISHMENT OF MEDICAL MARIJUANA DISPENSARIES, TO FURTHER PROHIBIT MARIJUANA CULTIVATION AND DELIVERIES

[Staff Report - Medical Marijuana](#)

[Attachment 1 - Ordinance](#)

[Attachment 2 - Urgency Ordinance](#)

2.3. TOWN CODE AMENDMENT A-15-004. FORMULA RETAIL DEFINITION. INTRODUCE AN ORDINANCE ADOPTING AMENDMENTS TO SECTION 29.10.020 OF CHAPTER 29 (ZONING REGULATIONS - DEFINITIONS) OF THE TOWN CODE TO REVISE THE DEFINITION OF A FORMULA RETAIL BUSINESS.

[Staff Report - Formula Retail](#)

[Attachment 1 - Verbatim minutes from the January 13, 2016 Planning Commission Meeting](#)

[Attachment 2 - Planning Commission Staff Report prepared for the January 13, 2016 meeting, including Exhibit 1](#)

[Attachment 3 - Letter from McCarthy Ranch presented to the Planning Commissioners at the January 13, 2016 meeting](#)

[Attachment 4 - Draft Ordinance](#)

3. OTHER BUSINESS *(Up to three minutes may be allotted to each speaker on any of the following items.)*

3.1. ENDORSE THE DRAFT PREFERRED ALLOCATION OF 2016 TRANSPORTATION SALES TAX MEASURE FUNDS WITH DISCRETION FOR THE MAYOR AND TOWN MANAGER TO ADVOCATE THE TOWN'S POSITION AND REFINE THE DRAFT ALLOCATION IN COORDINATION WITH NINE WEST AND NORTH VALLEY CITIES.

[Staff Report - TransportationFinal](#)

[Attachment 1 - Draft Preferred Allocation of 2016 Transportation Sales Tax Measure Funds](#)

[Attachment 2 - Guiding Principles of the North and West Valley Cities](#)

[Attachment 3a - Correspondence with VTA from the North and West Valley Cities](#)

[Attachment 3b - Correspondence with VTA from the North and West Valley Cities](#)

[Addendum - Transportation](#)

3.2. HILLSIDE DEVELOPMENT STANDARDS AND GUIDELINES MODIFICATIONS.

APPLICANT: TOWN OF LOS GATOS

ADOPT A RESOLUTION TO AMEND CHAPTER II. (CONSTRAINTS ANALYSIS AND SITE SELECTION) AND CHAPTER V. (ARCHITECTURAL DESIGN) OF THE HILLSIDE DEVELOPMENT STANDARDS AND GUIDELINES.

[Staff Report - Hillside](#)

[Attachment 1 - September 23, 2015 Planning Commission Staff Report \(includes Exhibits 1-4\)](#)
[Attachment 2 - September 23, 2015 Planning Commission Meeting Verbatim Minutes](#)
[Attachment 3 - October 21, 2015 Planning Commission Study Session Report \(includes Exhibit 1\)](#)
[Attachment 4 - October 21, 2015 Planning Commission Study Session Addendum \(includes Exhibit 2\)](#)
[Attachment 5 - October 21, 2015 Planning Commission Study Session Verbatim Minutes](#)
[Attachment 6 -December 2, 2015 Planning Commission Special Meeting Report \(includes Exhibits 5-8\)](#)
[Attachment 7 -December 2, 2015 Planning Commission Special Meeting Desk Item \(includes Exhibit 9\)](#)
[Attachment 8 - December 2, 2015 Planning Commission Special Meeting Verbatim Minutes](#)
[Attachment 9 - Proposed Amendments – Chapter II. Constraints Analysis and Site Selection](#)
[Attachment 10 - Proposed Amendments – Chapter V. Architectural Design](#)
[Attachment 11 - Draft Resolution \(includes Exhibits A and B\)](#)
[Attachment 12 - Public comments received through 11:00 a.m. Thursday, January 28, 2016](#)
[Addendum - Public comment received January 28, 2016 \(13 pages\)](#)

3.3. PPW JOB NO. 15-811-9901 AND 15-811-9903 – FY 2015/16 ANNUAL STREET REPAIR AND RESURFACING PROJECT AND PAVEMENT REHABILITATION - CRACK SEAL 811-9901 AND 811-9903

A. APPROVE THE REVISED PLANS AND SPECIFICATIONS FOR THE ANNUAL STREET REPAIR AND RESURFACING AND PAVEMENT REHABILITATION – CRACK SEAL PROJECT AND AUTHORIZE THE TOWN TO ADVERTISE THE PROJECT FOR BID.

B. AUTHORIZE THE TOWN MANAGER TO AWARD AND EXECUTE A CONSTRUCTION AGREEMENT IN AN AMOUNT NOT TO EXCEED THE AVAILABLE BUDGETED AMOUNT OF \$2,232,782, WHICH INCLUDES A 15 PERCENT CONTINGENCY.

[Staff Report - Annual Street Repair](#)

[Attachment 1 - January 19, 2016 Town Council report](#)

[Attachment 2 - June 2, 2015 Council Meeting: Proposed FY 14-15 Annual Street Repair and Resurfacing and Pavement Rehabilitation-Crack Seal Street List](#)

[Attachment 3 - June 16, 2015 Council Meeting: Revised FY 14-15 Annual Street Repair and Resurfacing and Pavement Rehabilitation-Crack Seal Street List](#)

[Attachment 4 - MTC StreetSaver Program and Types of Street Treatments Discussion](#)

[Attachment 5 - Currently Proposed FY 15-16 Street Resurfacing List](#)

[Addendum - Annual Street Repair and Resurfacing](#)

[Addendum - Attachment 6 - Communication received from 1101 am Thursday January 28 2016 through 1100 am Monday February 1 2016](#)

ADJOURNMENT *(Council policy is to adjourn no later than midnight unless a majority of Council votes for an extension of time)*

Writings related to an item on the Town Council meeting agenda distributed to members of the Council within 72 hours of the meeting are available for public inspection at the front desk of the Los Gatos Town Library, located at 100 Villa Avenue, and are also available for review on the official Town of Los Gatos website. Copies of desk items distributed to members of the Council at the meeting are available for review in the Town Council Chambers

Note: The Town of Los Gatos has adopted the provisions of Code of Civil Procedure §1094.6; litigation challenging a decision of the Town Council must be brought within 90 days after the decision is announced unless a shorter time is required by State or Federal law.