

To: Los Gatos Town Council, meeting of January 14, 2020
Re: Revising Tree Protection Ordinance enforcement
From: Dave Weissman, 1/9/2020

On April 2, 2019, this Town Council approved an 8-lot subdivision for 16100 Greenridge Terrace. In early September, this 36-acre property was listed on Zillow for \$16M. On October 15th, tree protection violations for 17 protected oak trees, were reported to the Town for trees on Lots 4, 5, and 6. No permits had been obtained and these violations dealt with (1) major branches (> 4" diameter) being removed, (2) greater than 25% of a tree's foliage being trimmed and (3) spikes being used to climb trees. Most trees had more than 1 violation and one tree, #173 on Lot 5, had 2 entire large trunks removed. The obvious aim of this illegal work was to improve the view of the Valley from the proposed house sites. That goal has been achieved, especially for Lot 5.

On November 11th, the Town sent the owner of this property an "Administrative Warning" letter and assessed a fine of \$300 for all of the infractions. Let me repeat that: 17 trees were violated without permits of any kind and for a \$300 fine, the owner may have increased the value of just Lot 5 by \$50,000 to \$100,000. And the \$300 can even be written off as the cost of doing business. Not a bad deal.

I met with staff on January 7th to discuss this situation. Although I believe that there are numerous aspects of the Tree Protection Ordinance that could be utilized to increase the effectiveness of this enforcement action, staff does not agree with that. Hence, I request that in the coming year, the enforcement sections of the Tree Protection Ordinance be revised so that such illegal actions in the future are actually discouraged. The penalty should be appropriate to the violation. Had the owners mutilated another 100 trees, their fine would still be only \$300.

ATTACHMENT 5

From: Phil Koen
Sent: Thursday, January 9, 2020 10:56 AM
To: Laurel Prevetti ; Arn Andrews
Cc: Jak Van Nada
Subject: Trend Report

Hello Laurel,

Happy New Year to you.

I am reaching out because I intend to send an email to the Council sharing my thoughts regarding critical priorities for this coming year. I will be sending them the attached financial schedule.

I wanted to provide this to you in advance so if you are asked by the Council regarding the accuracy of the schedule you will be in a position to respond. All of the information is from the 2019 CAFR which the Council approved this past month. I will be pointing out the steady decrease the Town is experiencing in the surplus of tax based revenues over all governmental expenditures. As you can see for FY 2019 tax based revenues barely exceeded all net governmental expenditures and the Town has experienced a 72% increase in total net expenditures since FY 2015. This is a disturbing trend that was not fully discussed at the time the CAFR was approved. I believe this is important information that the Council should be made fully aware of.

Thank you.

Phil Koen

Trend Analysis of Excess Tax Revenues Over Governmental Expenditures	2015	2016	2017	2018	2019	2019 change from 2015	
						\$	%
Total Governmental Expenditures	34,271	34,417	39,290	41,833	44,236	9,965	29.1%
Less: Program Revenues and Grants	16,485	13,571	12,445	14,236	13,672	(2,813)	-17.1%
Net Total Governmental Expenditures	17,786	20,846	26,845	27,597	30,564	12,778	71.8%
Less: All Tax Revenue	25,412	25,519	28,398	28,565	30,682	5,270	20.7%
Excess Tax Revenue over Expenditures	7,626	4,673	1,553	968	118	(7,508)	-98.5%
Plus:							
Motor Vehicle in Lieu	0	12	14	16	14	14	
Investment Earnings	428	698	192	333	1,809	1,381	
Miscellaneous/Disposal of Assets	813	598	528	622	2,407	1,594	
Net Position	8,867	5,981	2,287	1,939	4,348	(4,519)	