

**TOWN OF LOS GATOS CALIFORNIA**  
**COUNCIL/PARKING AUTHORITY AGENDA**

**TOWN COUNCIL**

The Town Council and the Parking Authority met in a joint meeting in the Council Chambers of the Town Hall at 7:45 p.m., in regular session.

**ROLL CALL**

PRESENT: Terrence J. Daily, Thomas J. Ferrito, Brent N. Ventura and Mayor Joanne Benjamin.

ABSENT: Eric D. Carlson.

**PLEDGE OF ALLEGIANCE**

Given by all in attendance.

**CLOSED SESSION REPORT**

The Town attorney, Mary Jo Levinger, stated personnel and labor relation matters were discussed during the Closed Session.

**BID AWARD PROJECT 308**

Mr. Daily moved to award the bid to Happy Builders & Design in the amount of \$68,513.51; authorize the Mayor to sign the contract on behalf of the Town; and approve a supplemental appropriation of \$70,000.00 from the General Fund appropriation Reserve. Mr. Ventura seconded. Carried unanimously.

**WRITTEN COMMUNICATIONS (referral /file)**

a. Letter was received from Rebecca Dawson regarding painting of a mural on an exterior wall of the Town Library. Mr. Daily moved to refer this to the Cultural Commission, Planning Commission, and Library Board for a recommendation and report at the May 6, 1985, Council meeting. Mr. Ventura seconded. Carried unanimously. Mr. Daily also requested pictures.

b. A letter was received from Muriel Williamson regarding the proposed cul-de-sac on Lyndon Avenue. Mr. Daily moved this be considered with the public hearing concerning the vacation of Lyndon Avenue. Mr. Ventura seconded. Carried unanimously.

**SCHEDULE OF PUBLIC HEARINGS**

Council informational report.

**PARKING COMMISSION ACTIVITY REPORT**

Council informational report.

## **COUNTY REFERRALS**

Mr. Daily moved to accept staff recommendation of the following with the request that no processing or approving of applications, especially in the hillside, until the Council gets sufficient information to provide the Council comments:

2462-38-41-85P Mt. Umunhum Road McQueen Use  
Permit Radio Tower Withhold any opinion until accurate and verifiable  
information regarding the tower's visibility is submitted for review.

2465-34-51-85DR 14930 DiDuca Way  
McEnroe/B&VthoroughfareTrailer & Barn Sales Design Review Horse Barn  
No comment until the application is completed.thoroughfare 2466-30-52-85SP  
16788 Littlefield Moss Specialthoroughfarepermit Granny Unit  
Request clarification of the status of the property in regards to the Secondary  
Unit and the -cs zone. Mr. Ventura seconded. Carried  
unanimously.thoroughfarethoroughfare

## **DOWNTOWN CROSSWALKS**

**PEDESTRIAN SAFETY PROGRAM**thoroughfareMr. Daily moved to approve  
program to improve safety of downtown crosswalk including deletion of the  
southerly of downtown crosswalks including deletion of the southerly crosswalk  
across N. Santa Cruz Avenue at Elm Street; approve a supplemental  
appropriation of \$800.00 from the General Fund Appropriated Reserve for  
additional pedestrian crossing signs and materials; and direct staff to request Cal  
Trans to repaint the N. Santa Cruz Avenue and University Avenue crosswalks  
crossing Route 9 on a twice a year basis. Mr. Ventura seconded. Carried  
unanimously.thoroughfarethoroughfare

## **FLOOD CONTROL ZONE ADVISORY**

**COMMITTEE** thoroughfareMr. Daily moved to designate Ronald J. Zapf as the  
representative of the Town to the Committee, and Gary Wolfinger as his  
alternate. Mr. Ventura seconded. Carried  
unanimously.thoroughfarethoroughfare

## **CREATE POSITION OF PARKING**

**MANAGER**thoroughfareMr. Daily moved Council adopt Resolution No. 1985-53  
entitled, A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS  
GATOS APPROVING AN AMENDMENT TO THE TOWN'S CLASSIFICATION  
PLAN. Mr. Ventura seconded. Carried unanimously. This resolution amends  
the Position Classification Plan creating the position of Parking  
Manager.thoroughfarethoroughfare

## **PARKING PROHIBITION UNIVERSITY AVENUE LIMITED PARKING BENTLEY AVENUE**

Mr. Daily moved to adopt Resolution No. 1985-54 entitled, PARKING  
PROHIBITION - UNIVERSITY AVENUE 15 MINUTE TIME LIMIT PARKING  
BENTLEY AVENUE. Mr. Ventura seconded. Carried unanimously. This  
resolution eliminates one parking space on east side of University Avenue north

of Bentley Avenue; and converts one unlimited parking space on the north side of Bentley Avenue east of University Avenue to 15 minute parking.

#### **TRACT 7476 ANCIANO VILLAGE**

Mr. Daily moved to adopt Resolution No. 1985-55 entitled, RESOLUTION APPROVING AND ACCEPTING FINAL MAP FOR THE AMENDED TRACT NO. 7476. Mr. Ventura seconded. Carried unanimously.

#### **TRACT 7660 JOHNSON HOLLOW**

Mr. Daily moved to adopt Resolution No. 1985-56 entitled, RESOLUTION APPROVING AND ACCEPTING FINAL MAP OF TRACT NO. 7660; and authorize execution of the contract for public improvements. Mr. Ventura seconded. Carried unanimously.

#### **110 E. MAIN ST. OFFICIAL TOWN OFFICES**

Mr. Daily moved to adopt Ordinance No. 1650 entitled, ORDINANCE OF THE TOWN OF LOS GATOS DESIGNATING 110 EAST MAIN STREET AS THE LOCATION OF ALL TOWN OFFICES. Mr. Ventura seconded. Carried unanimously.

#### **NOISY ANIMALS ORDINANCE**

Mr. Daily moved to adopt Ordinance No. 1651 entitled, AN ORDINANCE AMENDING CHAPTER 11 DELETING REGULATION OF ANIMAL NOISE AND ENACTING SECTION 5-11 RELATING TO NOISY ANIMALS. Mr. Ventura seconded. Carried by a vote of three ayes. Mr. Ventura voted no. Mr. Carlson was absent.

#### **COMPACT CAR PARKING ORDINANCE**

Mr. Daily moved to adopt Ordinance No. 1652 entitled, AN ORDINANCE OF THE TOWN OF LOS GATOS AMENDING THE ZONING ORDINANCE OF THE TOWN OF LOS GATOS RELATING TO REGULATIONS CONCERNING THE LOCATION, NUMBER AND STANDARDS FOR COMPACT CAR PARKING SPACES AND CONCERNING HANDICAPPED SPACES. Mr. Ventura seconded. Carried unanimously.

#### **367 LOS GATOS BLVD. (THRASH HOUSE) HISTORICAL DESIGNATION**

Mr. Daily moved to adopt Ordinance No. 1653 entitled, AN ORDINANCE OF THE TOWN OF LOS GATOS DESIGNATING A STRUCTURE AS HISTORICALLY AND CULTURALLY SIGNIFICANT. Mr. Ventura seconded. Carried unanimously.

### **APRIL 12, 1985 PAYROLL**

Mr. Ventura moved for approval of the April 12, 1985 payroll in the amount of \$119,000.41 plus withholdings in the amount of \$64,941.79. Mr. Ferrito seconded. Carried unanimously.

### **EARTHQUAKE PREPAREDNESS PROJECT GRANT**

Mr. Ventura moved to adopt Resolution No. 1985-57 entitled, A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS AUTHORIZING THE TOWN MANAGER TO EXECUTE A CONTRACT WITH THE BAY AREA REGIONAL EARTHQUAKE PREPAREDNESS PROJECT; and authorize staff time of up to 250 hours as an "in kind" match contribution. Mr. Daily seconded. Carried unanimously.

### **APPEAL 15405 LOS GATOS BOULEVARD (ENCORE)**

Mayor Benjamin stated this was the time and place duly noted for public hearing on the appeal of the Planning Commission's decision on the revocation or modification of a Use and Occupancy Certificate approval previously granted for a beauty salon, and now being operated in violation of that approval. Carol Heath, owner of Encore, requested by letter to continue this to the May 6, 1985 Council meeting. Mr. Daily moved to grant the request and continue this hearing to May 6, 1985. Mr. Ferrito seconded. Carried unanimously.

### **VACATION LYNDON AVENUE**

Mayor Benjamin stated this was the time and place duly published for public hearing to consider the request to vacate excess portion of a public thoroughfare located at the north end of Lyndon Avenue near Bean Avenue (St. Mary's Parish). Richard Zlatunich, representing St. Mary's Parish, stated the proposed plan does follow the mandate of the General Plan and Downtown Specific Plan. The specific benefits to the Town will be 1) Closure will reduce traffic into the residential area. 2) Limiting traffic and commercial intrusion is consistent with the goals and policies of the circulation element of both the General Plan and Downtown Specific Plan. 3) This project will upgrade the fire protection system with new underground pipelines and hydrants. 4) Elimination of mid block pedestrian crossing. 5) Children will be able to circulate from school playing field to school area without crossing street. 6) Children drop-off and pick-up will be able to be done without crossing a public street. 7) Elimination of some of the parking on surrounding residential streets onto the private parking areas. George Hague, Traffic Engineer for the project, explained the traffic study and traffic impact on the surrounding streets. George Tobin, 246 W. Main Street,

spoke in opposition to the street vacation stating, there is no adequate jurisdiction to pass on the vacation because the Town has not met the requirements of CEQA in that there is no basis to make a determination the street is unnecessary for present or prospective use. Discussion was held if the Council had adequate grounds to support the recommended action for street vacation. The Town Attorney stated Council would have to determine from testimony received the particularities with regards to the closure of the street. In particular, Council needs to address the items relating to traffic circulation, whether adjacent streets can handle the traffic; safety measures raised by testimony. Ted Shebs, 225 Saratoga Avenue, felt there was no benefit to the vacation. Sandy Moisenco, representing the Los Gatos Parent Nursery School, was not opposed to the vacation as long as there was adequate parking. Joan Doyle, Principal of St. Mary's; Lillette Chavez; Jane Lucid; Mrs. McNeil; Al Block; Kay Cifelli; Duino Giordano, and others spoke in support of the Vacation. No one else wished to speak on this issue. Mr. Ventura moved the hearing be closed. Mr. Ferrito seconded. Carried unanimously. Mr. Daily moved to approve a resolution ordering the vacation of the excess public street right-of-way including the negative declaration and the following findings:

1. There is a public right-of-way called Victory Lane that would allow travel in a north south direction between Main Street and Bean Avenue without having to utilize either Tait Avenue or Santa Cruz Avenue.
2. Built into the use permit process is a six month review. If there are problems with the cul-de-sac, changes can be made on site.
3. The land was originally donated to the Town by the Church. There is no reason for assessing fees to grant the same land back to the Church for its use.
4. Deleting the crossing at mid street Lyndon Avenue and at Lyndon/Bean Avenues will make the area safer and provides a basis to proceed with the resolution.
5. The General Plan and Downtown Specific Plan states Council will be willing to take extraordinary measures to protect residential streets for residential purposes and, the vacation is consistent with both the General Plan and Downtown Specific Plan.
6. The Church is participating in Parking District #1.
7. There will be safety for the dancers at the dance studio along with the school children.

Mr. Ventura seconded. Carried unanimously. The Town Attorney to prepare a resolution for Council consideration at the meeting of May 6, 1985. The concerns of the Parent Nursery School will be taken up at the Parking Commission meeting.

### **APPEAL "SNACK SHOP" 666 N. SANTA CRUZ AVENUE**

Mayor Benjamin stated this was the time and place duly noted for public hearing to consider the appeal of Planning Commission's denial to convert the salesroom of an existing service station into a "snack shop" on property in the LM zone. (Property location is 666 N. Santa Cruz Avenue). Conditional Use Permit Application U-70-7A. Tom Bardet, representative of Mobil Oil, spoke in support of the "snack shop" and the reasons for the change in use. No one else wished to speak on this issue. Mr. Ferrito moved the public hearing be closed. Mr. Daily seconded. Carried unanimously. Mr. Ferrito stated he could not find where the Planning Commission erred. The "snack shop" represents a change which is a departure from the plans which was the basis of the original use permit approval in 1970. Mr. Ventura added his concern of the increased litter that would be generated. Mr. Daily stated the Planning Commission minutes reflect the merits of the situation. Mr. Ferrito moved to deny the appeal and affirm the Planning Commission's decision. Mr. Ventura seconded. Carried unanimously. Mayor Benjamin supported the motion for the reasons given above. The Town attorney to draft a resolution for consideration at the meeting of May 6, 1985.

### **APPEAL 400 BLOSSOM HILL ROAD**

Mayor Benjamin stated this was the time and place duly noted for public hearing to consider the appeal of Planning Commission's denial for approval of plans to construct an additional office building and to waive screen wall requirements on property in the "O" zone. Property location is 400 Blossom Hill Road. Negative Declaration; Architecture and Site Application S-84-15; and Variance Application V-84-1. Bruce F. Allen, representing William Higgins, spoke in support of the appeal stating the Planning Commission did not take into consideration the Barton-Aschman traffic study. It was suggested that there was enough office space in town but there was a need for housing. Based upon that suggestion, another traffic study was made. The study showed that the traffic impact for 48 apartment units was equal to the one office building, and for senior housing half of that problem. Mr. Higgins was never given the opportunity to explore housing with the staff or Commission. Mr. Higgins, owner, requested the opportunity to explore the possibility of senior housing. There was further discussion by Council on the traffic problem. Mr. Ferrito moved to continue the public hearing to May 6, 1985 in order to give the applicant an opportunity to explore alternate uses with staff. Mr. Ventura seconded. Carried unanimously.

### **RECESS**

Mayor Benjamin declared a recess at 10:15 p.m. The meeting reconvened at

10:30 p.m.

### **AMENDMENTS CONDITIONAL USE PERMIT APPLICATION FEES FOR RESTAURANTS**

Mayor Benjamin stated this was the time and place duly noted for public hearing to consider amendments regarding Conditional Use Permit Application fees for restaurants, as adopted by Resolution No. 1985-18, A Resolution of the Town Council Setting A Fee Schedule for Zoning, California Environmental Quality Act and Subdivision Proceedings and for Various Engineering services. Lynn Snyder, Chamber of Commerce Subcommittee member, requested a continuance to May 6, 1985. Mr. Ventura moved to continue the public hearing to May 6, 1985. Mr. Ferrito seconded. Carried unanimously.

### **TOWN PAYMENT OF EXPENSES FOR ELECTED OFFICIALS**

It was consensus of Council to return this item to staff for rewording.

### **ENGLEWOOD AVENUE SPEED BUMPS**

Discussion was held on the existing speed bumps on Englewood Avenue. June From, Bert Nisson, Gene Unger, Renee Preaseau, Peter Sorenson, Kathy Hanchey and others spoke against keeping the speed bumps. Bill France, Rae Schmuck, Maxine Bouchard, Mark Wormley and Mike Reeder were in favor of keeping the speed bumps. Mr. Daily moved to accept staff recommendation and modify the existing 4" high speed bumps to 3" high speed bumps; paint the bumps for better visibility; and return to Council in six months (October 21, 1985) for evaluation. Mr. Ventura seconded. Carried unanimously.

### **CONTINUANCE OF MEETING**

Mayor Benjamin stated it was after midnight. Mr. Ventura moved to continue the meeting. Mr. Daily seconded. Carried unanimously.

### **CAPITAL IMPROVEMENT PROGRAM 1985-86 TO 1990-91**

Mr. Daily moved to adopt the Capital Improvement Program for FY 1985-86 to FY 1990-91. Mr. Ventura seconded. Carried unanimously.

### **FEDERAL DESIGNATION OF ROUTE 17**

Continued to the meeting of May 6, 1985.

### **SHANNON ROAD BICYCLE SAFETY**

Council discussed the installation of a bicycle lane on Shannon Road. It was consensus of Council not to install a bike lane on Shannon Road.

## **CODE ENFORCEMENT QUARTERLY REPORT**

Council informational report.

## **BMP REGULATIONS ZONING AMENDMENT**

Council accepted Planning Commission's report regarding Zoning Ordinance Amendment A-85-5 concerning Below Market Price regulations.

## **CITY OF SAN JOSE REFERRAL**

City of San Jose Referral PDC 85-2-17

Mr. Daily moved to convey to the City of San Jose that Council opposes zone change on the grounds it is surrounded by residential zoning and the implications it will have for an already burdened Los Gatos-Almaden Road in terms of increasing the traffic. Mr. Ferrito seconded. Carried unanimously.

## **BUS LOADING ZONE PLEASANT WAY**

No action taken.

## **ADJOURNMENT**

Mr. Ventura moved the meeting be adjourned at 12:20 a.m. to be continued Monday, April 22, 1985 at 7:30 p.m., in the Council Chambers. Mr. Ferrito seconded. Carried unanimously.

ATTEST:

Rebecca L. Yates  
Sr. Deputy Clerk