

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

**November 16, 1998/Minutes**

**TOWN COUNCIL**

The Town Council/Parking Authority/Redevelopment Agency of the Town of Los Gatos met in the Council Chambers of the Town Hall, 110 East Main Street, at 7:35 p.m., Monday, November 16, 1998, in **joint regular session**.

**ROLL CALL**

Present: Randy Attaway, Joanne Benjamin, Steven Blanton,  
Jan Hutchins, and Mayor/Chairman Linda Lubeck.  
Absent: None.

**PLEDGE OF ALLEGIANCE**

Given by all in attendance.

**CLOSED SESSION**

Town Attorney, Orry Korb, announced that Council had met in Closed Session this evening pursuant to Government Code Section 54956.9(a), (Conference with Legal Counsel - Existing Litigation) regarding Malcolm McNelly, et al. vs Town of Los Gatos, Santa Clara County Superior Court, Case #729007. No reportable action was taken.

Pursuant to Government Code Section 54956.9(a), (Conference with Legal Counsel - Existing Litigation) regarding John Evans, et al. vs David Breidenthal, et al., Santa Clara County Superior Court, Case #773849. No reportable action was taken.

**APPOINTMENT OF MAYOR/JAN HUTCHINS**

Mayor Lubeck announced that this was the time for Council to appoint this year's mayor. Mrs. Lubeck nominated Jan Hutchins as the next mayor, seconded by Mrs. Benjamin and carried unanimously.

**APPOINTMENT OF VICE-MAYOR/STEVE BLANTON**

Mayor Hutchins noted that it was now time for Council to appoint this year's Vice-Mayor. Mr. Hutchins nominated Steve Blanton as the next vice-mayor, seconded by Mrs. Benjamin and carried unanimously.

**COMMUNITY SERVICES COMMISSION/APPOINTMENT**

Mayor Hutchins announced that one application was received from Sarah McAleer for one opening on the Community Services Commission for a student representative. Voting was held and Ms McAleer was appointed to a term ending October 1, 1999.

**PRESENTATIONS/INTERNATIONAL CITY/COUNTY MANAGEMENT ASSOC (00.20)**

Mayor Hutchins made a presentation from the International City/County Management Association to our Assistant Town Manager, James W. Piper, to recognize his twenty-five years of public service. Mr. Piper thanked the Mayor and noted his appreciation of having been able to work with Town Manager, David Knapp, for many years.

**SCHEDULE OF PUBLIC HEARINGS (01.01)**

Informational report regarding currently scheduled public hearings was received and filed.

**PLANNING COMMISSION/PLANNING DEPARTMENT MONTHLY STATUS REPORT (02.47)**

Informational report from the Planning Commission/Planning Department regarding monthly status was received and filed.

**RATIFICATION OF PAYROLL/OCTOBER-NOVEMBER 1998 (03.V)**

**Motion by Mr. Blanton**, seconded by Mrs. Benjamin, that Council ratify the check registers for the payroll of October 18 through November 1, 1998 paid on November 6, 1998, in the amount of \$361,617.70. Carried unanimously.

**ACCOUNTS PAYABLE/RATIFICATION/OCTOBER-NOVEMBER 1998 (04.V)**

**Motion by Mr. Blanton**, seconded by Mrs. Benjamin, that Council ratify the accompanying check registers for accounts payable invoices paid on October 30 and November 6, 1998 in the amount of \$347,940.73. Carried unanimously.

**TREASURER'S REPORT/SEPTEMBER 1998 (05.V)**

Treasurer's report for the month ended September 30, 1998 was received and filed.

**MINUTES OF OCTOBER 10, 1998 STUDY SESSION (06A.V)**

**Motion by Mr. Blanton**, seconded by Mrs. Benjamin, that Council approve the Minutes of the Parking Feasibility Study Session on October 10, 1998 as submitted. Carried unanimously.

**MINUTES OF NOVEMBER 2, 1998 (06B.V)**

**Motion by Mr. Blanton**, seconded by Mrs. Benjamin, that Council approve the Minutes of November 2, 1998 as submitted. Carried unanimously.

**STREET SWEEPING STUDY (07.28)**

**Motion by Mr. Blanton**, seconded by Mrs. Benjamin, that Council authorize carry forward of \$6,280.00 from non point source originally budgeted in 1997-98 to Fiscal Year 1998-99 for a street sweeping study. Carried unanimously.

**PROJECT 9515/TRAFFIC SIGNAL CONTROLLER UPGRADES**

**FEDERAL PROJECT CML 5067(002)/BUDGET CARRY FORWARD (08.35)**

**Motion by Mr. Blanton**, seconded by Mrs. Benjamin, that Council authorize carry forward of program budget (4480-85346) for \$65,420.00 for traffic signal controller upgrades project. Carried unanimously.

**PROJECT 9933/LA RINCONADA PARK PLAYGROUND/RESOLUTION 1998-182 (09.35)**

**Motion by Mr. Blanton**, seconded by Mrs. Benjamin, that Council adopt Resolution 1998-182 entitled, **RESOLUTION OF THE TOWN OF LOS GATOS APPROVING PLANS AND SPECIFICATIONS ON FILE IN THE TOWN CLERK'S OFFICE FOR PROJECT 9933 - LA RINCONADA PARK PLAYGROUND RENOVATION**, and authorize carry forward of \$85,000 to account 4475-85718 and establish Project 9933. Carried unanimously.

**PROJECT 9806/OAKHILL PLAYGROUND RENOVATION/RESOLUTION 1998-183 (10.35)**

**Motion by Mr. Blanton**, seconded by Mrs. Benjamin, that Council adopt Resolution 1998-183 entitled, **RESOLUTION OF THE TOWN OF LOS GATOS AUTHORIZING THE TOWN MANAGER TO DECREASE ACCOUNT 4475-86716 PROJECT 9806 - OAKHILL PLAYGROUND RENOVATION AND INCREASE ACCOUNT 4475-85717 TO REPLACE THE AIRPLANE RIDER AT HOWES PARK PLAYGROUND**. Carried unanimously.

**FIRST QUARTER FISCAL REPORT 1998-99/RESOLUTION 1998-184 (11.06)**

Motion by **Mr. Blanton**, seconded by Mrs. Benjamin, that Council adopt Resolution 1998-184 entitled, **RESOLUTION OF THE TOWN OF LOS GATOS AMENDING THE POSITION AND CLASSIFICATION PLAN TO CHANGE THE COMPENSATION FOR THE POLICE TRAINEE POSITION, AMENDING THE PLAN CONCERNING THE COMPENSATION OF THE ACCOUNT TECHNICIAN POSITION, AND DELETING CERTAIN CLASSIFICATIONS WHICH ARE NO LONGER USED FROM THE TEMPORARY RANGE/STEP TABLE.** Carried unanimously.

**VERBAL COMMUNICATIONS**

**Speed on University Avenue:**

**Janice Benjamin**, 211 Alexander, Indian Store at Old Town, spoke of the speed of cars on University and requested placement of traffic speed signs of ten miles per hour between Main Street and Royce. **Shirley Henderson**, the Antiquarium, asked that County Transit be notified to have their buses slow down on the corner of Main and University for the safety of the pedestrians in the crosswalks.

**HEARINGS**

**JOINT TOWN COUNCIL AND REDEVELOPMENT AGENCY PUBLIC HEARING**

**HABITAT FOR HUMANITY/SURPLUS LAND/22 CHARLES ST/RESOLUTION 1998-185 (12.09)**

Mayor and Chairman Hutchins stated that this was the time and place duly noted for public hearing to consider working with Habitat for Humanity and recording land (APN 529-22-028) donated to the Town by the California Department of Highway at \$5,183.64; adopting resolution declaring parcel (APN 529-22-028) as surplus Town land; referring dedication request to Planning Commission for consideration in accordance with Government Code Section 65402 et.seq; approving land sale (APN 529-22-028) to Silicon Valley Habitat for Humanity and authorize related budget adjustments; authorizing grant not to exceed \$310,000 to Silicon Valley Habitat for Humanity from Redevelopment Agency Housing Set Aside (4440-72118); and directing staff to prepare documents for Council and Agency approval.

The following people from the audience spoke to this issue:

**Wynell Waldo**, President of the Board of Directors of Silicon Valley Habitat for Humanity a division of Habitat for Humanity International represented in 65 countries and close to building its 100,000th house, explained the program, financing and construction of the homes.

**Alastair and Peggy Dallas**, Community Services Commissioner, and General Plan Task Force member, presented plans showing a possible design for the project and spoke of other possibilities.

**Susan Mueller**, 135 Charles St, asked that Los Gatos residents or employees be given first opportunity to apply for this home.

**Tim Coughlin**, 320 Bella Vista, asked for details on how the home would fit on this lot and requested the opportunity to inspect the plans and make suggestions or comments. He asked what would happen to the parcel is the plans were not approve?

**Staff response to question:** The actions on this item will become null if the process does not result in an approved home, except for the reimbursement of the Architecture and Site fees from the grant to the Habitat.

**Julie Bruno**, Bella Vista, asked how the unit would be kept from becoming a rental and asked if consideration of improving the lot for a small neighborhood park had been considered.

**CONTINUED JOINT HEARING**

**HABITAT FOR HUMANITY/SURPLUS LAND/CHARLES ST/RESOLUTION 1998-185/CONT.**

**Speakers continued:**

**Wynell Waldo**, noted that this unit is only for owner occupation and it will revert to Habitat if it is used otherwise. A covered carport is suggested so that a garage will not be used for living space.

**Anna Watkins**, Wheller, expressed her enthusiasm for this project in her neighborhood.

**Knowlton Shore**, 247 Los Gatos Boulevard, asked for very careful consideration of the intensive traffic on Bella Vista and Charles in the morning for school arrival and afternoon when school is dismissed.

No one else from the audience addressed this issue.

**Motion by Mr. Blanton**, seconded by Mrs. Benjamin, that Council and Agency close the public hearing. Carried unanimously.

**Motion by Mr. Attaway**, seconded by Mrs. Benjamin, that Council record land (APN 529-22-028) donated to the Town by the California Department of Highways at \$5,183.64. Carried unanimously.

**Motion by Mr. Attaway**, seconded by Mrs. Benjamin, that Council adopt Resolution 1998-185 entitled, **RESOLUTION OF THE TOWN OF LOS GATOS DECLARING 22 CHARLES STREET (APN 529-22-028) AS SURPLUS TOWN OWNED LAND.** Carried unanimously.

**Motion by Mr. Attaway**, seconded by Mrs. Benjamin, that Council refer dedication request to Planning Commission for consideration in accordance with Government Code Section 65402 et. seq. Carried unanimously.

**Motion by Mr. Attaway**, seconded by Mrs. Benjamin, that Council approve the land sale of APN 529-22-028 to Silicon Valley Habitat for Humanity and authorize related budget adjustments. Carried unanimously.

**Motion by Mr. Attaway**, seconded by Mrs. Benjamin, that the Agency authorize grant, not to exceed \$310,000 to Silicon Valley Habitat for Humanity from Redevelopment Agency Housing Set Aside (4440-72118). Carried unanimously.

**Motion by Mr. Attaway**, seconded by Mrs. Benjamin, that the Council and Agency direct staff to prepare documents for Council and Agency approval; and that employees and residents of the Town be given first priority in the opportunity to participate in this program as the requirements are specified in the Town's BMP stipulations. Carried unanimously.

**TOWN COUNCIL HEARING**

**UNIVERSITY AVENUE 330/PLANNED DEVELOPMENT/ZONE CHANGE/HEARING (13.09)**

Mayor Hutchins stated that this was the time and place duly noted for public hearing to consider appeal of a Planning Commission decision denying a request for approval of a Planned Development Application to change the zone from RM:5-12 LHP to RM:5-12 PD LHP to demolish an existing pre-1941 single family residence, remodel an existing single family residence,

**UNIVERSITY AVENUE 330/PLANNED DEVELOPMENT/ZONE CHANGE/Continued**

and construct 30 residential units. Development Application DEV-97-005. Negative Declaration Application ND-97-14. No significant environmental impacts have been identified as a result of this project and a Negative Declaration has been recommended. Property location: 330 University Avenue. Property Owner: Estate of Zona Mae Boyer. Applicant: Bill Hirschman/Maxim Investments. Hearing requested by applicant

The following people from the audience spoke to this issue:

**Bill Hirschman**, 1540 Parkmoor Ave, San Jose, asked that the architect be permitted to speak first and then he gave a presentation of the proposed improvements for traffic and parking at the corner of University and Highway 9.

**Ken Milmeyer**, McLarand Vasquez Partners, 695 Town Center Drive, Ste 300, Costa Mesa, gave an overview of the project and explained the plans.

**Ira Spector**, 121 Edelen Ave, spoke against the project due to traffic.

**Richard Minert**, 255 University Ave, spoke of the lack of style and asked that this particular project be denied.

**Ann Maloney**, 117 Edelen, asked for slower traffic and not this project with impact on traffic.

**Maggie Creighton**, 142 Tait, asked for more consideration of the project and more thought on what would fit. She asked Council to think of ways his project could unify the community and mitigate the traffic problem. She asked that the neighborhood look for issues to help this procedure.

**Helen Gillespie**, 130 Edelen, asked that the Planning Commissions decision be upheld, and noting the impacts this neighborhood has been recently subjected to.

**Carolyn Moniz**, 593 Vasona Ave, finds the proposal pleasing and asked that the project be approved.

**Barbara Spector**, 121 Edelen, asked for denial.

**John Krop**, 246 Edelen, spoke of the overburdened traffic system and requested denial.

**Randi Chen**, 118 Edelen, did not approve of the project.

**Dave Williams**, 103 Fairview Plaza, spoke of the need for more affordable housing in Los Gatos and his hope of finding a home of the quality and in the price range that these units would fall.

**Tim Murphy**, 129 Edelen, asked that a Town traffic study be done before any project in this area be considered.

**Stacy Stewart**, 213 Edelen, asked for a different project.

**Bernie Greenfield**, 226 Forrester Road, supported the proposal and from experience knows that the applicant would construct a superior project.

**Sue Farwell**, 121 Laurel Ave, believes it a good project and supported the proposal.

**Geoff Lamb**, 58 Chester, spoke of the Mobile Home Park conversion, the Old Town rehab, the Miles Ave. complex and this proposal and noted the impact these will have on the University and Highway 9 intersection and the impact on the existing small residential neighborhoods adjacent to these proposals.

**Paul Bruno**, 200 Bella Vista, asked what the specific community benefits were and did not think the lane widening on University was sufficient.

**Bill Hirschman**, wrapped up his presentation and answered Council's questions.

No one else from the audience addressed this issue.

**Motion by Mr. Attaway**, seconded by Mr. Blanton, to close the public hearing. Carried unanimously.

**UNIVERSITY AVENUE 330/PLANNED DEVELOPMENT/ZONE CHANGE/Hearing Continued**

**Council Comments:**

Ensure a unique development compatible with the neighborhood  
Promote a grand compromise and consensus  
Come to agreement on design  
Establish the neighborhood compatibility as regards look and feel of design  
Unit 5 does not fit the topography gracefully, units should be designed to take advantage of the topography  
Cut and fill should be eliminated  
Basic safety issue with ingress and egress  
Which neighborhood are we trying to replicate? The apartments or the houses or both?  
What about six victorian apartments with twenty-two smaller units?  
Operational traffic study for the community is a must

**Motion by Mrs. Benjamin**, seconded by Mrs. Lubeck, to return this project to the Planning Commission to discuss all aspects of the project; to establish a meeting with the intent to build consensus between neighborhood, Planning Commission and builder; to look at all of the problems, all of the issues, and have the neighborhood and builder resolve the problems and come to some consensus. This meeting will be a study session properly noticed for the Brown Act.

**RISK MANAGEMENT POLICIES AND PROCEDURES/RESOLUTION 1998-186 (14.14)**

**Motion by Mrs. Lubeck**, seconded by Mr. Blanton, that Council adopt Resolution 1998-186 entitled, **RESOLUTION OF THE TOWN OF LOS GATOS ESTABLISHING RISK MANAGEMENT POLICIES AND PROCEDURES**, and including the following amendment to Exhibit A, Section I, First Sentence: "The Town Manager, Town Attorney, Department Heads and/or their designees shall act as the Town's Risk Management Committee." Carried unanimously.

**PLANNING COMMISSION POLICIES AND PROCEDURES/RESOLUTION 1998-187 (15.47)**

Mayor Hutchins stated that this was the time and place duly noted to consider accepting proposed policy prohibiting Planning Commissioners from meeting with applicants and other interested parties outside the public hearing process and adopting resolution approving Planning Commission policies and procedures.

The following people from the audience spoke to this issue:

**Jim Creighton**, 142 Tait Ave, the principle of openness and visibility must be maintained but not at the expense of practicality. Mechanisms should be established by which the Planning Commission can openly and visibly discuss with applicants. Council must structure ways for this openness of communications can occur.

**Richard Stowers**, 17179 Crescent Drive, appreciates the open communications in this community that has been demonstrated historically by the Council and Planning Commission. The Town representatives have consistently shown integrity and dedication and have not imposed any special interests on the community.

**Richard Minert**, 255 University, spoke of the expense of architectural plans and the time involved between client and architect and noted that the additive of a preliminary public study session might prove helpful.

**Bill Hirschman**, 1540 Parkmoor Ave, San Jose, asked that a guide be made for the use of these proposed meetings, that they be used sparingly but when developers feel a need for discussion with the Commission and others affected by the project.

**PLANNING COMMISSION POLICIES AND PROCEDURES/CONT.**

**Speakers continued:**

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**Redevelopment Agency                  Los Gatos, California**

**Maggie Creighton**, 142 Tait Ave, spoke of flushing out issues, submitting alternatives, developing scenarios, choosing options, creating consensus. Establish forums where public and planners get together and problem solve. Always invite the public so meetings represent all interested parties. **Gary Schloh**, has always felt free to discuss with neighbors and commissioners the different aspects of his projects.

No one else from the audience addressed this issue.

**Motion by Mrs. Benjamin**, seconded by Mr. Attaway, that Council accept proposed policy prohibiting Planning Commissioners from meeting with applicants and other interested parties outside the public hearing process. This policy is Option 2 in the staff report with the following correction to the last sentence in Section 4.2, "Study sessions may be used as a means to facilitating informal communication." That sentence will be inserted after the second sentence in Section 4.2 which ends with the word "remand." Carried unanimously.

**Motion by Mr. Attaway**, seconded by Mrs. Lubeck, that Council adopt Resolution 1998-187 entitled, **RESOLUTION OF THE TOWN OF LOS GATOS APPROVING PLANNING COMMISSION POLICIES AND PROCEDURES**, which will include Option 2 in the staff report with the correction noted in the previous motion. Carried unanimously.

**DOWNTOWN OPERATIONAL TRAFFIC STUDY/SCOPE OF WORK (16.40)**

**Motion by Mrs. Lubeck**, seconded by Mr. Attaway, to approve the full scope of work in the staff report for the downtown operational traffic study prepared by Town Traffic Engineer, Mark Wessel. Carried unanimously.

**DOWNTOWN PARKING ISSUES (17.39)**

Mayor Hutchins stated that this was the time and place duly noted to consider Chamber of Commerce volunteer Business Action Plan; Parking Commission short term parking solutions; Valet Parking requests from Lyndon Plaza and Old Town.

The following people from the audience spoke to this issue:

**Rex Morton**, 51 University Ave, asked Council to support the Chamber's proposal and for cooperation between the residential and business neighborhoods.

**Kent Cooper**, 718 University Ave, Ste 217, Cooper & Company, spoke in support of the Chamber's proposal and noted that many others had attended in support but had to leave the meeting earlier.

**Maggie Creighton**, 142 Tait, asked for clarity regarding the proposal, such as: Articles in the Weekly to let more people know about it; Where are the people going to park? Where are the designated areas? Why were those areas identified? What was the rationale? How long will these areas be targeted for overflow parking? What are the specifics of the parking structures proposed? Have the impacted neighborhoods been assessed of those specifics? The neighborhoods must be kept abreast of the preparations for long term parking solutions. The Neighborhood Captains and Block Captains need to be better prepared on what is occurring and what the expectations are and they need to discuss this with their neighbors and return this information to the Chamber so that the Chamber can garner the appropriate support from the residential neighborhoods.

**Kurt Lemons**, 54 N. Santa Cruz, addressed the Chamber's parking program and explained how the business owners were instructed to inform their personnel of parking etiquette in the residential neighborhoods.

**DOWNTOWN PARKING ISSUES CONT.**

**Speakers continued:**

**Sherri Lewis**, Executive Director of the Chamber of Commerce, noted that the Town was to mail a cover letter, with the plan attached, and listing the contact people (the block captains of both the residential and business community,) to about 800 people in the residential neighborhoods explaining the proposed neighborhood holiday parking program. She asked for Council's support in the full partnership of the program.

**Bob Peebles**, 207 Edelen Ave, he spoke of lighting the bike trail as an alternative way for people to access the downtown after parking on Miles.

**Janice Benjamin**, 211 Alexander, The Indian Store, asked about establishing a shuttle service to the outlying parking lots.

**Michael Cahen**, California Cafe, 385 Bella Vista, spoke in favor of valet parking in Town.

**Glen Thompson**, 20 S. Santa Cruz, Willow Street Pizza, spoke in favor of valet parking, and suggested different options for trial of this system throughout the Town.

No one else from the audience addressed this issue.

**Council Consensus** for approval of the Chamber of Commerce Volunteer Business Action Plan with the following considerations:

- 1) Captains for the business community go out during this coming week and explain to the neighborhoods what is going on.
- 2) This explanation will occur before the Town sends out a letter.
- 3) This procedure should work for a positive result rather than a reactionary result by sending out a letter first.
- 4) During this time a Chamber member, Council member, and member of staff will work on the wording of the letter so that it carries the correct tone inviting cooperation of all parties.

**Motion by Mrs. Benjamin**, seconded by Mr. Attaway, that valet parking be permitted in Old Town parking lot, or any other private lot in the downtown area. Carried unanimously.

**Motion by Mrs. Benjamin**, seconded by Mr. Blanton, that staff return on December 7, 1998 with a lease agreement which would permit the old bus depot lot to be used with valet parking. Carried unanimously.

**Council Consensus** that due to insurance issues, valet parking on public lots should be held off until the business community, and the Town staff consider the implications of such a program. It can be considered again on December the 7th.

**SUMMERHILL HOMES/FINAL MAP/ENCROACHMENT ISSUE (18.09)**

**Motion by Mrs. Lubeck**, seconded by Mr. Attaway, that Council approve SummerHill Homes' request to approve process for adopting final map while SummerHill Homes eliminates an encroachment on 88 acres (originally estimated to be 85 acres) of open space on Tract 9122 (14734 Blossom Hill Road.) Carried unanimously.

**Council Reports**

Joanne Benjamin reminded Council that on Thursday, December 10, 1998, the Christmas Party at the Hayes Mansion will be held by the Santa Clara County Cities Association. Be sure to put it on your calendars.

Mrs. Benjamin also complimented outgoing Mayor Lubeck for a fine year in office.

**ADJOURNMENT**

Mayor Hutchins adjourned this evening's meeting at 11:44 P.M.

**ATTEST:**  
Clerk

Marian V. Cosgrove, Town