

**TOWN OF LOS GATOS
CALIFORNIA
TOWN COUNCIL/PARKING AUTHORITY
JOINT REDEVELOPMENT AGENCY
November 22, 1999/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 22, 1999, in **joint regular session**.

ROLL CALL

Present: Randy Attaway, Steve Blanton, Linda Lubeck,
Joe Pirzynski, and Mayor/Chairman Jan Hutchins.
Absent: None

PLEDGE OF ALLEGIANCE

Given by all in attendance.

CLOSED SESSION

Town Attorney, Orry Korb, announced that Council had met in Closed Session prior to this evening's meeting pursuant to Government Code Section 54956.8, regarding Real Property Negotiations concerning 14 property sites along N. Santa Cruz Ave and a part of Parking Lot 2. Negotiating Parties are David W. Knapp, Town Manager and owners or designated representatives of the properties under consideration and addressing the price and terms of payment. Council gave direction to town staff. No final action was taken.

Pursuant to Government Code Section 54956.9(a), Council met to discuss Existing Litigation and conference with Legal Counsel. Town of Los Gatos, et al. vs. AT&T, et al. Council gave direction to town attorney. No final action was taken.

COMMUNITY SERVICES COMMISSION/APPOINTMENTS (00.20)

Mayor Hutchins announced that two applications had been received from Lauren Manley and Bryan Klofas for two student member vacancies on the Community Services Commission. Ms Manley was absent. Voting was held and Mr. Klofas was appointed to a term ending 9/30/00.

ARTS SELECTION PANEL/APPOINTMENTS (XX.20)

Mayor Hutchins announced that three applications had been received from Audrey Armstrong, George Bianchi and Michael Manley for three vacancies on the Arts Selection Panel. Mr. Manley was absent. Voting was held and Ms Armstrong and Mr. Bianchi were appointed to terms ending 9/30/00.

APPOINTMENT OF MAYOR/STEVE BLANTON

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

APPOINTMENT OF VICE-MAYOR/JOE PIRZYNSKI

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

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 regarding activity of Planning Commission and Department was received and filed.

RATIFICATION OF PAYROLL/OCTOBER-NOVEMBER 1999 (03.V)

Motion by Mr. Hutchins, seconded by Mrs. Lubeck, that Council ratify the check registers for the payroll of October 17 through October 30, 1999, paid on November 5, 1999, in the amount of \$382,048.71. Carried unanimously.

ACCOUNTS PAYABLE/RATIFICATION/OCTOBER-NOVEMBER 1999 (04.V)

Motion by Mr. Hutchins, seconded by Mrs. Lubeck, that Council ratify the accompanying check registers for accounts payable invoices paid on October 29, November 5, and November 12, 1999, in the amount of \$1,069,004.45. Carried unanimously.

TREASURER'S REPORT (05.V)

Informational report submitted by the Treasurer to the Council for the month ended September 30, 1999, was received and filed.

MINUTES OF NOVEMBER 1, 1999 (06.V)

Motion by Mr. Hutchins, seconded by Mrs. Lubeck, that Council approve the Minutes of November 1, 1999 Town Council/Redevelopment Agency Meeting as submitted. Carried unanimously.

AMICUS BRIEF/ZELIG VS COUNTY OF LOS ANGELES (07.01)

Motion by Mr. Hutchins, seconded by Mrs. Lubeck, that Council authorize the Town Attorney to join the Town of Los Gatos in the amicus curiae brief in the case of Zelig vs County of Los Angeles, California Supreme Court Case S0181791. Carried by a vote of 4 ayes. Mr. Hutchins voted no.

AMICUS BRIEF/SACRAMENTO COUNTY FIRE PROTECTION DISTRICT VS. SACRAMENTO COUNTY ASSESSMENT APPEALS BOARD II, ET AL. (08.01)

Motion by Mr. Hutchins, seconded by Mrs. Lubeck, that Council authorize the Town Attorney to join the Town of Los Gatos in the amicus curiae letter requesting Supreme Court review in Sacramento County Fire Protection District vs. Sacramento County Assessment Appeals Board, II, et al. Court of Appeal Case #3 Civil C026451, at no cost to the Town. Carried unanimously.

LIBRARY RESTROOM UPGRADES/PROJECT 9708/RESOLUTION 1999-172 (09.44)

Motion by Mr. Hutchins, seconded by Mrs. Lubeck, that Council adopt Resolution 1999-172 entitled, **RESOLUTION OF THE TOWN OF LOS GATOS ACCEPTING WORK OF CRW INDUSTRIES, INC. - PROJECT 9708 - AMERICANS WITH DISABILITIES ACT ACCESSIBILITY UPGRADES OF LIBRARY RESTROOMS AND AUTHORIZING THE TOWN MANAGER TO EXECUTE CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION FOR RECORDING BY TOWN CLERK.** Carried unanimously.

URBAN RUNOFF POLLUTION PREVENTION PROGRAM/RESOLUTION 1999-173 (10A.38)

Motion by Mr. Hutchins, seconded by Mrs. Lubeck, that Council adopt Resolution 1999-173 entitled, **RESOLUTION OF THE TOWN OF LOS GATOS AUTHORIZING TOWN MANAGER TO ENTER INTO A MEMORANDUM OF AGREEMENT FOR IMPLEMENTATION OF URBAN RUNOFF PROGRAM UNDER THE MUNICIPAL STORMWATER NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT.** Carried unanimously.

POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT/RESOLUTION 1999-

174 (10B.38)

Motion by Mr. Hutchins, seconded by Mrs. Lubeck, that Council adopt Resolution 1999-174 entitled, **RESOLUTION OF THE TOWN OF LOS GATOS TO REAPPLY FOR REISSUANCE OF OTS MUNICIPAL STORMWATER NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT.** Carried unanimously.

ANNEXATION OF SHANNON ROAD 19/RESOLUTION 1999-175 (11.14)

Motion by Mr. Hutchins, seconded by Mrs. Lubeck, that Council adopt Resolution 1999-175 entitled, **RESOLUTION OF THE TOWN OF LOS GATOS ORDERING THE REORGANIZATION OF CERTAIN UNINHABITED TERRITORY DESIGNATED AS SHANNON ROAD #19 TO THE TOWN OF LOS GATOS.** Carried unanimously.

LOS GATOS-SARATOGA ROAD 275/CHEVRON/RESOLUTION 1999-176 (12.09)

Motion by Mr. Hutchins, seconded by Mrs. Lubeck, that Council adopt Resolution 1999-176 entitled, **RESOLUTION OF THE TOWN OF LOS GATOS DENYING AN APPEAL OF A DECISION OF THE PLANNING COMMISSION DENYING AN ARCHITECTURE AND SITE APPROVAL AND CONDITIONAL USE PERMIT TO DEMOLISH A SERVICE STATION AND CONSTRUCT A 24-HOUR CONVENIENCE MART WITH GAS STATION AND A VARIANCE APPLICATION TO PROJECT INTO THE REQUIRED SETBACKS ON PROPERTY ZONED C-2.** Carried unanimously.

LOMA ST. 16761/WORKSHOP UNIT/FAR REQUIREMENTS/RESOLUTION 1999-177 (13.09)

Motion by Mr. Hutchins, seconded by Mrs. Lubeck, that Council adopt Resolution 1999-177 entitled, **RESOLUTION OF THE TOWN OF LOS GATOS GRANTING AN APPEAL OF A DECISION OF THE PLANNING COMMISSION DENYING AN ARCHITECTURE AND SITE APPLICATION TO EXCEED THE ALLOWED FAR BY PERMITTING AN EXISTING DETACHED STRUCTURE (WORKSHOP/STUDIO) TO REMAIN ON PROPERTY ZONED R-1:8.** Carried unanimously.

CONSOLIDATED ANNEXATION WITH PRIMARY ELECTION/RESOLUTION 1999-178 (14.04)

Motion by Mr. Hutchins, seconded by Mrs. Lubeck, that Council adopt Resolution 1999-178 entitled, **RESOLUTION OF THE TOWN OF LOS GATOS ORDERING AND CALLING FOR THE ANNEXATION CONFIRMATION ELECTIONS TO BE HELD ON MARCH 7, 2000; REQUESTING SANTA**

CLARA COUNTY BOARD OF SUPERVISORS TO AUTHORIZE REGISTRAR OF VOTERS TO PROVIDE ELECTION SERVICES FOR MARCH 7, 2000 PRIMARY ELECTION; REQUESTING CONSOLIDATION OF ELECTIONS AND SPECIFYING CERTAIN PROCEDURES OF THE CONSOLIDATED ELECTION; AND PROVIDING FOR GIVING NOTICE OF ELECTION FOR THE PURPOSE OF ANNEXATION OF THE AREAS KNOWN AS BLOSSOM HILL MANOR #8, BLOSSOM HILL MANOR #7, CAMINO DEL CERRO #10, ROBIE LANE #3 AND MARCHMONT DRIVE #1 TO THE TOWN OF LOS GATOS. Carried unanimously.

VEHICLE PURCHASE/COMPRESSED NATURAL GAS UNITS/GRANT FUNDING
(15.28)

Motion by Mr. Hutchins, seconded by Mrs. Lubeck, that Council authorize acceptance of \$28,000 from the Bay Area Air Quality Management District (BAAQMD) for use towards the purchase of six, dedicated compressed natural gas (CNG) vehicles; and authorize the budget adjustments as outlined in the fiscal impact statement of the report. Carried unanimously.

VERBAL COMMUNICATION

Library Expansion:

Joe Cusick 163 Eastridge, having lived in Los Gatos over 40 years and having used the Library over that time, noted that it was once again time to improve and expand the Library services and facility.

Ed LaVeque 149 Calle Laga, has lived in Los Gatos 45 years and believes it is time to think about Library improvements and the future of the Library. He noted that he was willing to work on the planning for a new library.

David McKay 205 Bacigalupi, asked that Council take steps in supporting the visionary planning of a new library.

Traffic Calming on Englewood:

Gregg Moss 16788 Littlefield Lane, submitted a letter to Council consisting of 15 questions. He asked that these questions be answered by staff so that he can send the Town's answers out in his next neighborhood newsletter.

HEARINGS

MOBILE HOME PARK CONVERSION/WOODLAND AVENUE 484/HEARING
(16.09)

Mayor Blanton stated that this was the time and place duly noted to consider request for approval of a Mobile Home Park Conversion Permit on property

zoned RMH. Development Application DEV-97-007. Property Owners/Applicants: Malcolm and Margaret McNelly. (Continued from 10/18/99)

Motion by Mrs. Lubeck, seconded by Mr. Attaway, to continue this item to January 3, 2000 to allow completion of the mediation process on relocation benefits. Carried unanimously.

UNIVERSITY AVENUE 229/RESIDENTIAL SECOND STORY/SETBACKS/APPEAL

(17.09)

Mayor Blanton stated that this was the time and place duly noted for public hearing to consider an appeal of the decision of the Planning Commission denying a Minor Residential Development application to construct a second story addition and Minor Architecture and Site application to project into the required setbacks on a nonconforming lot zoned R-1D LHP. PRJ-98-107. Property Location: 229 University Avenue. Property Owner/Applicant/Appellant: Gregory Ryan Cronin. (Continued from 11/1/99)

The following people from the audience spoke to this issue:

Ryan Cronin, 229 University, asked for Council approval of his remodel concerning changes in town ordinance associated with demolition permits in historic districts.

Leslie Dill, 110-C N. Santa Cruz, noted the historic elements of the home and the need for demolition of non historic elements.

No one else from the audience addressed this issue.

HEARINGS CONTINUED

UNIVERSITY AVENUE 229/RESIDENTIAL SECOND STORY

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

Motion by Mr. Hutchins, seconded by Mrs. Lubeck, that Council sees merit in this application and remands this item to the Planning Commission for the application to be modified to a variance application and demolition permit, and does not require a special report for this particular addition. A resolution detailing these requirements will return for Council's approval December 6, 1999. Carried unanimously.

FIRE PREVENTION/LOS GATOS TOWN CODE CHAPTER 9/ORDINANCE 2069

(18.46)

Mayor Blanton stated that this was the time and place duly noted for public

hearing to consider adopting ordinance of the Town of Los Gatos adopting a new Chapter 9 of the Town Code regarding fire prevention and protection including provisions from the Uniform Fire Code, 1998 edition.

There was no one in the audience to speak to this item.

Motion by Mr. Pirzynski, seconded by Mr. Hutchins, to close the public hearing. Carried unanimously.

Motion by Mrs. Lubeck, seconded by Mr. Hutchins, that Council adopt Ordinance 2069 entitled, **ORDINANCE OF THE TOWN OF LOS GATOS ADOPTING A NEW CHAPTER 9 OF THE TOWN CODE REGARDING FIRE PREVENTION AND PROTECTION WHICH INCLUDES PROVISIONS FROM THE UNIFORM FIRE CODE, 1998 EDITION.** Carried unanimously.

The Town Clerk will publish a summary of the ordinance in the Weekly Times within 15 days of adoption and file copy with State Department of Housing and Community Development.

DOWNTOWN PARKING IMPROVEMENTS/GORDON H. CHONG (19.40)

Mayor Blanton stated that this was the time and place duly noted to consider report and presentation from Gordon H. Chong and Associates on conceptual design for potential Parking Lots 2 and 6.

Presentation by Gordon H. Chong & Assoc. on design options for two structures at Parking Lot 2 and Parking Lot 6.

The following people from the audience spoke to this issue:

Phil Micciche, 220 Alexander Ave, asked that Lot 6 not overlook St. Mary's School.

No one else from the audience addressed this issue.

Council Consensus to place this item on a future agenda for another presentation, discuss funding mechanisms and financial participation of the business community and to hold another study session and hour before hand. Council requested being kept abreast of incoming reports concerning construction as staff is made aware of any new information; also if the borings on both lots present some questionable information, Council requests a second opinion in order to weigh the options and expense of remediation.

LINDA LUBECK/LEFT MEETING/9:15 P.M.

Councilmember Lubeck, having addressed her need to leave the meeting at 9:15 p.m., excused herself.

SENIOR CENTER/FORMATION OF CITIZENS' EVALUATION COMMITTEE (20.20)

Mayor Blanton stated that this was the time and place duly noted to consider Jack Orlove's request that Town Council appoint a commission composed of Town citizens to evaluate the possibility of a dedicated senior center.

The following people from the audience spoke to this issue:

Jack Orlove, 220 Dover Street, presented a discussion on the needs of seniors and the need of Los Gatos to develop a new Senior Center.

Jean Gamble, 198 Broadway, has lived there for fifty years. She spoke of her time in Los Gatos and the improvements that have been made in town by the seniors who have lived and worked in Los Gatos over the years. She asked for Council's consideration and appreciation for these long term residents by planning a new senior recreation center.

Rita Baum, 135 El Pinar, spoke of senior needs in our town and offered her expertise and time to help with a Senior Center and a new Library.

Allistair Dallas, 17681 Foster Road, representing the Community Services Commission, noted that the Neighborhood Center could be made more inviting with some renovations. The new library could also incorporate a senior center within its plans.

Egon Jensen, 182 Lester Lane, noted that the town needed a catalyst for building a new neighborhood center and asked that Council commit itself to this concept.

No one else from the audience addressed this issue.

Motion by Mr. Pirzynski, seconded by Mr. Hutchins, to advertise for and appoint a task force to fulfill the mission of the committee. (Council to establish the parameters of the task force by suggesting some directives as follows: What is the community involvement in establishing and supplying services for the perceived needs of seniors; What exactly does the Town need to do in order to support the findings of the task force; Should a portion of the new Library be considered for a senior center; Could the present Neighborhood Center be rehabilitated to house the programs to meet the identified needs of the seniors; What funding mechanisms are available and obtainable to support the identified

programs; Shall we incorporate an exofficio member from Council to lend support to the task force; Should there be age limits applied to members of the task force.) Report to return to Council by December 6, 1999. Carried by a vote of 4 ayes. Mrs. Lubeck absent.

FIRE TRUCK/OAK MEADOW PARK (21.30)

Mayor Blanton stated that this was the time and place duly noted to consider staff proposal to bring the fire truck at Oak meadow Park to an auto body shop for repairs and painting.

Council Consensus to return this item to Council January 18, 2000 for a further report on various types of estimates on repair and refurbishing, from professional body shops, county work force crews and with community efforts.

TOWN COUNCIL REVIEW/PLANNING COMMISSION DECISIONS WITHOUT APPEAL (22.47)

Mayor Blanton stated that this was the time and place duly noted to consider Town Council review of Planning Commission Decisions without appeal.

Council comments that there be a mechanism identified to allow for a Councilmember to call up a decision of the Planning Commission for review. At least two Councilmembers can request the review to the Town Clerk within 15 days of the decision, and normal noticing and publication would take place.

Council Consensus to return policy to Council for consideration and adoption.

ADJOURNMENT

Motion by Mr. Attaway, seconded by Mr. Pirzynski, to adjourn this evening's meeting at 9:36 p.m. Carried unanimously.

ATTEST:

Marian V. Cosgrove
Town Clerk