

**TOWN OF LOS GATOS  
CALIFORNIA  
TOWN COUNCIL/PARKING AUTHORITY  
JOINT REDEVELOPMENT AGENCY  
September 7, 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 7:30 p.m., Tuesday, September 7, 1999, in **joint regular session**.

**ROLL CALL**

Present: Randy Attaway (Arrived at the meeting at 10:13 p.m. in time for the continued Council/Agency Closed Session), Steven Blanton, Linda Lubeck, Joe Pirzynski,

and Chairman/Mayor Jan Hutchins.

Absent: None

**PLEDGE OF ALLEGIANCE**

Given by all in attendance.

**CLOSED SESSION**

Mayor Hutchins announced that Closed Session, which was scheduled prior to this evening's meeting, has been continued to after the public meeting is concluded later tonight.

**ARTS COMMISSION/APPOINTMENT/TERRI HOPE (000.20)**

Mayor Hutchins announced that one application had been received from Terri Hope for the one vacancy on the Arts Commission. Voting was held and Ms Hope was appointed to a term expiring July 1, 2002.

**BOARD OF APPEALS/APPOINTMENT (XX.20)**

Mayor Hutchins announced that no applications had been received for the one vacancy on the Board of Appeals. This vacancy will be readvertised.

**HISTORIC PRESERVATION COMMITTEE/APPOINTMENT/CAROLYN KLINGLER (000.20)**

Mayor Hutchins announced that one application had been received from Carolyn Klingler for the one vacancy on the Historic Preservation Committee. Voting was held and Ms Klingler was appointed to term expiring August 1, 2003.

**PARKING COMMISSION/APPOINTMENT/RICHARD ANDERSON (XYY.20)**

Mayor Hutchins announced that one application had been received from Richard Anderson for one vacancy on the Parking Commission. Voting was held and Mr. Anderson was appointed to a term expiring January 1, 2003.

**PERSONNEL BOARD/APPOINTMENTS/ROBERT DELGADO/EDWARD MATCHAK (XYX.20)**

Mayor Hutchins announced that two applications had been received from Robert Delgado and Edward Matchak for two vacancies on the Personnel Board. Voting was held and Mr. Delgado and Mr. Matchak were appointed to terms expiring September 1, 2004.

**PRESENTATIONS FROM THE TOWN TO ITS EMPLOYEES FOR YEARS OF SERVICE (00.44)**

Mayor Hutchins presented Commendations to two Town Employees for their years of service. He thanked Kenneth Berry for his 21 years with the Town and Ronald Dunn for his 25 years of continued service to the Town. Both recipients came forward to receive their commendations.

**SCHEDULE OF PUBLIC HEARINGS (01.01)**

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

**PLANNING COMMISSION/PLANNING DEPARTMENT MONTHLY STATUS REPORT (03.47)**

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

**COUNCIL CALENDAR OF MEETINGS (04.47)**

Informational item presenting future Town Meetings for Council and other Town Boards and Commissions was received and filed.

**RATIFICATION OF PAYROLL/JULY-AUGUST 1999 (05.V)**

**Motion by Mr. Blanton**, seconded by Mr. Pirzynski, that Council ratify the check registers for the payrolls of July 11 through July 24, 1999 paid on July 30, 1999; July 25 through August 7, 1999 paid on August 13, 1999; and August 8

through August 21, 1999 paid on August 27, 1999 in the amount of \$1,177,863.90. Carried by a vote of 4 ayes. Mr. Attaway absent.

#### **ACCOUNTS PAYABLE/RATIFICATION/JULY-AUGUST 1999 (06.V)**

**Motion by Mr. Blanton**, seconded by Mr. Pirzynski, that Council ratify the accompanying check registers for accounts payable invoices paid on July 23, July 30, August 6, August 13, August 20 and August 27, 1999, in the amount of \$1,624,329.33. Carried by a vote of 4 ayes. Mr. Attaway absent.

#### **MINUTES OF AUGUST 2, 1999 (07.V)**

**Motion by Mr. Blanton**, seconded by Mr. Pirzynski, that Council approve the Minutes of August 2, 1999 Town Council/Redevelopment Agency Meeting as submitted. Carried by a vote of 4 ayes. Mr. Attaway absent.

#### **ANNUAL REPORT/FY 1998-1999 (08.05)**

**Motion by Mr. Blanton**, seconded by Mr. Pirzynski, that Council accept and file Annual Report for Fiscal Year 1998-1999. Carried by a vote of 4 ayes. Mr. Attaway absent.

#### **SCORCHER T-A/B.F.GOODRICH TIRES/RESOLUTION 1999-127 (09.09)**

**Motion by Mr. Blanton**, seconded by Mr. Pirzynski, that Council adopt Resolution 1999-127 entitled, **RESOLUTION OF THE TOWN OF LOS GATOS OPPOSING THE MARKETING OF A NEW LINE OF TIRES BY B.F. GOODRICH TIRES CALLED THE "SCORCHER T/A."** Carried by a vote of 4 ayes. Mr. Attaway absent.

#### **LIBRARY YOUTH SERVICES AND TECHNOLOGY GRANT (10.44)**

**Motion by Mr. Blanton**, seconded by Mr. Pirzynski, to authorize the Town Manager to accept Library Services and Technology Act (LSTA) Grant of \$10,000 for Youth Services Materials. Carried by a vote of 4 ayes. Mr. Attaway absent.

#### **LOS GATOS CREEK TRAIL/PRJ 9926/RESOLUTION 1999-128 (11.35)**

**Motion by Mr. Blanton**, seconded by Mr. Pirzynski, that Council adopt Resolution 1999-128 entitled, **RESOLUTION OF THE TOWN OF LOS GATOS ACCEPTING WORK OF RE-NEW SEALERS, INC. PROJECT 9926 - LOS GATOS CREEK TRAIL RENOVATION AND AUTHORIZING THE TOWN MANAGER TO EXECUTE CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION FOR RECORDING BY TOWN CLERK.** Carried by a vote of 4 ayes. Mr. Attaway absent.

**PLAZA PARK LIGHTING/PRJ 9930/RESOLUTIONS 1999-129** (12.35)

**Motion by Mr. Blanton**, seconded by Mr. Pirzynski, that Council adopt Resolution 1999-129 entitled, **RESOLUTION OF THE TOWN OF LOS GATOS ACCEPTING WORK OF GIACALONE ELECTRICAL SERVICES, INC. - PROJECT 9930 - PARK LIGHTING AND AUTHORIZING THE TOWN MANAGER TO EXECUTE CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION FOR RECORDING BY THE TOWN CLERK.** Carried by a vote of 4 ayes. Mr. Attaway absent.

**MECHANICAL-ELECTRICAL FACILITIES UPGRADES/RESOLUTION 1999-130**

(13.28)

**Motion by Mr. Blanton**, seconded by Mr. Pirzynski, that Council adopt Resolution 1999-130 entitled, **RESOLUTION OF THE TOWN OF LOS GATOS AUTHORIZING THE TOWN MANAGER TO ENTER INTO AN AGREEMENT FOR \$58,304 WITH D.Y.M.E., INC. TO PROVIDE PROJECT 9939 MECHANICAL AND ELECTRICAL UPGRADES OF TOWN FACILITIES.**

Carried by a vote of 4 ayes. Mr. Attaway absent.

**HAZARDOUS VEGETATION (WEEDS) ABATEMENT/RESOLUTION 1999-131**

(15.28)

**Motion by Mr. Blanton**, seconded by Mr. Pirzynski, that Council adopt Resolution 1999-131 entitled, **RESOLUTION OF THE TOWN OF LOS GATOS AUTHORIZING THE TOWN MANAGER TO EXECUTE FIFTH AMENDMENT TO AGREEMENT WITH THE SANTA CLARA COUNTY FIRE MARSHAL INCREASING FEES FOR THE ABATEMENT OF HAZARDOUS VEGETATION (WEEDS).** Carried by a vote of 4 ayes. Mr. Attaway absent.

**AMICUS BRIEF/KATHLEEN R. VS. CITY OF LIVERMORE** (16.01)

**Motion by Mr. Blanton**, seconded by Mr. Pirzynski, to authorize the Town Attorney to join the Town of Los Gatos in the Amicus Curiae Brief in Kathleen R. vs. City of Livermore, Court of Appeal, First District, Division 4. Carried by a vote of 4 ayes. Mr. Attaway absent.

**AMICUS BRIEF/HEADLANDS RESERVE VS. CITY OF DANA POINT** (17.01)

**Motion by Mr. Blanton**, seconded by Mr. Pirzynski, to authorize the Town Attorney to join the Town of Los Gatos in the Amicus Curiae Brief in Headlands Reserve LLP vs. City of Dana Point, Court of Appeal, Fourth District, Division 3; Case # 4th Civil G024366. Carried by a vote of 4 ayes. Mr. Attaway absent.

## **AMICUS BRIEF/EAST BAY ASIAN LOCAL VS. STATE OF CALIFORNIA (18.01)**

**Motion by Mr. Blanton**, seconded by Mr. Pirzynski, to authorize the Town Attorney to join the Town of Los Gatos in the Amicus Curiae Brief in East Bay Asian Local Development Corporation, Et Al. vs. State of California, California Supreme Court; Case # S077396. Carried by a vote of 4 ayes. Mr. Attaway absent.

## **BLOSSOM HILL ROAD 615/PLACER OAKS/ZONE CHANGE/RESOLUTION 1999-132 (19.09)**

**Motion by Mr. Blanton**, seconded by Mr. Pirzynski, that Council adopt Resolution 1999-132 entitled, **RESOLUTION OF THE TOWN OF LOS GATOS REMANDING A GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE DESIGNATION FROM LOW DENSITY RESIDENTIAL TO MEDIUM FAMILY RESIDENTIAL, AND A PLANNED DEVELOPMENT TO CHANGE THE ZONING DESIGNATION FROM R-1:8 AND RM:5-12 TO RM:5-12:PD TO CONSTRUCT 56 APARTMENTS UNITS.** Carried by a vote of 4 ayes. Mr. Attaway absent.

## **VERBAL COMMUNICATIONS**

### **North 40 Weekly Article:**

**Shirley Hendersen**, 98 W. Main, Antequarium, thanked Linda Lubeck for her article concerning the North 40 section of Los Gatos Boulevard and for her explanation of the planning and thought that has gone into establishing a plan for that area.

**Larry Arzie**, 18000 Overlook Road, also noted the excellent article and asked that a specific plan for the North 40 be adopted soon.

### **Wildlife Center of Silicon Valley:**

**Freddy Howell**, Wild Bird Center, 792 Blossom Hill Road, asked that Council reconsider its prior action concerning funding for the Wildlife Center and place this subject on the next agenda for further consideration. **Council Consensus** to place this issue on the September 20, 1999 agenda.

## **HEARINGS**

## **LOS GATOS-SARATOGA ROAD 275/CHEVRON/APPEAL (21.09)**

Consider an appeal of the Planning Commission's decision denying an Architecture and Site approval and a 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 requires setbacks on property zoned C-2. Project Application PRJ-99-034. Variance Application V-99-002. Negative Declaration ND-99-004. Property Location: 275 Los Gatos- Saratoga Road. Property Owner: Eugene and Dorothy Mulvany. Applicant: Timothy Bowen, RHL Design Group, Inc. (Chevron).

No one from the audience addressed this issue.

**Motion by Mrs. Lubeck**, seconded by Mr. Pirzynski, to continue this item to November 1, 1999 per the applicant's request. Carried by a vote of 4 ayes. Mr. Attaway absent.

#### **BLOSSOM HILL ROAD 14734/SKY LANE 14725/PLANNED DEVELOPMENT/HEARING (22.09)**

Consider a request to modify a Planned Development zoned HR-1:PD to allow a Lot Line Adjustment and Rezoning of approximately 3,000 square feet of open space from HR-1:PD to HR-5 to retain an existing single family residence encroaching into the designated open space. An Environmental Impact Report was previously prepared for this project. Development Application DEV-99-003. Development Application DEV-99-004. Lot Line Application M-99-004. Property Location: 14734 Blossom Hill Road/14725 Sky Lane. Property Owner: SummerHill Blossom Ltd./Edward & Grace Nino Trust. Applicant: SummerHill Homes/Edward & Grace Nino Trust.

#### **HEARINGS CONTINUED**

#### **BLOSSOM HILL ROAD 14734/SKY LANE 14725/CONT.**

No one from the audience addressed this issue.

**Motion by Mrs. Lubeck**, seconded by Mr. Pirzynski, to close the public hearing. Carried by a vote of 4 ayes. Mr. Attaway absent.

**Mr. Hutchins made the following findings:** that this project is consistent with the previously adopted EIR, Statement of Overriding Considerations, and the Mitigation Monitoring Plan previously prepared for the project, because there is no significant change to the development, it just changes the lot line slightly; and that the Zone Change is consistent with the General Plan and Hillside Specific Plan, because there's no physical change other than the existing fence and the

project maintains existing structures. Carried by a vote of 4 ayes. Mr. Attaway absent.

The Town Clerk read the Title to the Proposed Ordinance.

**Motion by Mr. Pirzynski**, seconded by Mrs. Lubeck, to waive the reading of the Proposed Ordinance. Carried by a vote of 4 ayes. Mr. Attaway absent.

**Motion by Mr. Hutchins**, seconded by Mrs. Lubeck, that Council introduce Proposed Ordinance entitled, **ORDINANCE OF THE TOWN OF LOS GATOS AMENDING THE BOUNDARIES AND PERFORMANCE STANDARDS OF ORDINANCE 2047, EFFECTING A ZONE CHANGE FROM RC TO HR-1:PD AT 14734 BLOSSOM HILL ROAD; AND REZONING OF APPROXIMATELY 3,000 SQUARE FEET FROM HR-1:PD TO HR-5 AT 14725 SKY LANE.**

Carried by a vote of 4 ayes. Mr. Attaway absent.

#### **LAW ENFORCEMENT SERVICES FUNDS (SLESF)/RESOLUTION 1999-133 (23.09)**

Consider request to use supplemental law enforcement services funds (SLESF) granted to the town to provide continued funding for one (1) police officer to remain assigned to the Santa Clara County specialized enforcement team; and consider adoption of resolution authorizing the use of supplemental local law enforcement funds (SLESF) to continue funding one (1) full-time police officer assigned to the Santa Clara County Specialized Enforcement Team (SCCSET).

No one from the audience addressed this issue.

**Motion by Mrs. Lubeck**, seconded by Mr. Pirzynski, to close the public hearing. Carried by a vote of 4 ayes. Mr. Attaway absent.

**Motion by Mrs. Lubeck**, seconded by Mr. Pirzynski, that Council adopt Resolution 1999-133 entitled, **RESOLUTION OF THE TOWN OF LOS GATOS AUTHORIZING THE EXPENDITURE OF FUNDS FROM THE SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND FOR THE CONTINUATION OF FUNDING OF ONE POLICE OFFICER ASSIGNED TO THE SANTA CLARA COUNTY SPECIALIZED ENFORCEMENT TEAM.** Carried by a vote of 4 ayes. Mr. Attaway absent.

#### **HEARINGS CONTINUED**

## **GLEN RIDGE AVENUE 133/RESIDENTIAL REMODEL/APPEAL (20.09)**

Mayor Hutchins stated that this was the time and place duly noted for public hearing to consider appeal of the decision of the Planning Commission denying a request for Architecture and Site approval to exceed the FAR for a pre-1941 single family residence on property zoned R-1:8. Project Application PRJ-98-250. Property Location: 133 Glen Ridge Avenue. Property Owner\Applicant\Appellant: Larry J. and Karin Willard. (Continued from 7/6/99 and 8/2/99.)

No one from the audience spoke to this issue.

**Motion by Mr. Blanton**, seconded by Mr. Pirzynski, to close the public hearing. Carried by a vote of 4 ayes. Mr. Attaway absent.

**Motion by Mr. Pirzynski**, seconded by Mr. Blanton, to uphold the Planning Commission's decision and deny the application to exceed the FAR for PRJ-98-250 at 133 Glen Ridge Avenue. Carried by a vote of 4 ayes. Mr. Attaway absent.

## **COUNTY REFERRALS (02.47)**

**Marc Whyte**, 16376 Camellia Terrace, spoke to Council about his project and asked Council to take the time to review his concerns and consider approval of a variance.

**Motion by Mrs. Lubeck**, seconded by Mr. Pirzynski, that Council continue this item to September 20, 1999 in order to do some research on the proposal:

NUMBER	LOCATION	APPLICANT	REQUEST	
RECOMMENDATION				
7513	16376 Camellia Terrace	Marc Whyte	Variance	Denial
Carried by a vote of 4 ayes. Mr. Attaway absent.				

## **INITIATING ANNEXATION PROCEEDINGS/SETTING PUBLIC HEARINGS**

### **DESIGNATED AREAS TO THE TOWN OF LOS GATOS (14A-B-C-D-E-F-G-H.14)**

Mayor Hutchins stated that this was the time and place duly noted to consider adopting resolutions initiating proceedings and setting public hearing dates for pocket annexations for designated areas to the Town of Los Gatos.

The following people from the audience spoke to this issue:

**Roger Goldthwaite**, 16477 Hilow Road, would like this item dropped from the agenda and no longer considered. Does not want to have the hearings. Wants to maintain his County status. The issue has arisen several times before and been voted down.

**Gunther Greszik**, 15654 Blossom Hill Road, spoke against the proceedings.

**Thomas McGlashen**, 5041 Wilma Way, San Jose, spoke for his mother Irene McGlashen, 15910 Cherry Blossom, against annexation and the continuation of the proceedings.

**Donald Housman**, 16369 Hilow Road, spoke against annexation.

**Donna Geary**, 16341 Hilow Road, spoke concerning the large turn out of voters against annexation during the last election concerning this matter. She noted the great amount of work the County and Town must go through to do this and the work the residents must do to oppose the annexation. She asked that Council discontinue the process.

**Christian Evensen**, 16030 Escobar Ave., spoke against annexation.

#### **INITIATING ANNEXATION PROCEEDINGS CONT.**

##### **Speakers continued:**

**Delores Evensen**, 16030 Escobar Ave., spoke against annexation and noted that this would be a particular hardship on renters in these pockets, giving reasons as to how they would be impacted during these proceedings.

**Don Wheadon**, County representative, gave the County's reasons for initiating these proceedings for annexation at this time. He noted that the pockets would receive more service from the Town because of proximity, and he spoke about cost effectiveness for the County in not having to service pockets which are scattered and difficult to serve.

No one else from the audience addressed this issue.

**Council** discussed the concerns and proceeded to adopt the following resolutions concerning the designated areas to be annexed to the Town of Los Gatos.

#### **BLOSSOM HILL MANOR #8/ANNEXATION/RESOLUTION 1999-134 (14A.14)**

**Motion by Mrs. Lubeck**, seconded by Mr. Pirzynski, that Council adopt Resolution 1999-134 entitled, **RESOLUTION OF THE TOWN OF LOS GATOS INITIATING PROCEEDING FOR THE ANNEXATION OF CERTAIN INHABITED TERRITORY DESIGNATED AS BLOSSOM HILL MANOR #8 TO THE TOWN OF LOS GATOS.** Carried by a vote of 4 ayes. Mr. Attaway absent.

#### **BLOSSOM HILL MANOR #7/ANNEXATION/RESOLUTION 1999-135 (14B.14)**

**Motion by Mrs. Lubeck**, seconded by Mr. Pirzynski, that Council adopt Resolution 1999-135 entitled, **RESOLUTION OF THE TOWN OF LOS GATOS INITIATING PROCEEDING FOR THE ANNEXATION OF CERTAIN INHABITED TERRITORY DESIGNATED AS BLOSSOM HILL MANOR #7 TO**

**THE TOWN OF LOS GATOS.** Carried by a vote of 4 ayes. Mr. Attaway absent.

**CAMINO DEL CERRO #10/ANNEXATION/RESOLUTION 1999-136 (14C.14)**

**Motion by Mrs. Lubeck**, seconded by Mr. Pirzynski, that Council adopt Resolution 1999-136 entitled, **RESOLUTION OF THE TOWN OF LOS GATOS INITIATING PROCEEDING FOR THE ANNEXATION OF CERTAIN INHABITED TERRITORY DESIGNATED AS CAMINO DEL CERRO #10 TO THE TOWN OF LOS GATOS.** Carried by a vote of 4 ayes. Mr. Attaway absent.

**PEACOCK LANE #2/ANNEXATION/RESOLUTION 1999-137 (14D.14)**

**Motion by Mrs. Lubeck**, seconded by Mr. Pirzynski, that Council adopt Resolution 1999-137 entitled, **RESOLUTION OF THE TOWN OF LOS GATOS INITIATING PROCEEDING FOR THE ANNEXATION OF CERTAIN INHABITED TERRITORY DESIGNATED AS PEACOCK LANE #2 TO THE TOWN OF LOS GATOS.** Carried by a vote of 4 ayes. Mr. Attaway absent.

**SHANNON ROAD #20/ANNEXATION/RESOLUTION 1999-138 (14E.14)**

**Motion by Mrs. Lubeck**, seconded by Mr. Pirzynski, that Council adopt Resolution 1999-138 entitled, **RESOLUTION OF THE TOWN OF LOS GATOS INITIATING PROCEEDING FOR THE ANNEXATION OF CERTAIN INHABITED TERRITORY DESIGNATED AS SHANNON ROAD #20 TO THE TOWN OF LOS GATOS.** Carried by a vote of 4 ayes. Mr. Attaway absent.

**INITIATING ANNEXATION PROCEEDINGS CONT.**

**MARCHMONT DRIVE #1/ANNEXATION/RESOLUTION 1999-139 (14F.14)**

**Motion by Mrs. Lubeck**, seconded by Mr. Pirzynski, that Council adopt Resolution 1999-139 entitled, **RESOLUTION OF THE TOWN OF LOS GATOS INITIATING PROCEEDING FOR THE ANNEXATION OF CERTAIN INHABITED TERRITORY DESIGNATED AS MARCHMONT DRIVE #1 TO THE TOWN OF LOS GATOS.** Carried by a vote of 4 ayes. Mr. Attaway absent.

**ROBIE LANE #3/ANNEXATION/RESOLUTION 1999-140 (14G.14)**

**Motion by Mrs. Lubeck**, seconded by Mr. Pirzynski, that Council adopt Resolution 1999-140 entitled, **RESOLUTION OF THE TOWN OF LOS GATOS INITIATING PROCEEDING FOR THE ANNEXATION OF CERTAIN INHABITED TERRITORY DESIGNATED AS ROBIE LANE #3 TO THE TOWN OF LOS GATOS.** Carried by a vote of 4 ayes. Mr. Attaway absent.

**LA RINCONADA #6/ANNEXATION/RESOLUTION 1999-141 (14H.14)**

**Motion by Mrs. Lubeck**, seconded by Mr. Pirzynski, that Council adopt

Resolution 1999-141 entitled, **RESOLUTION OF THE TOWN OF LOS GATOS INITIATING PROCEEDING FOR THE ANNEXATION OF CERTAIN INHABITED TERRITORY DESIGNATED AS LA RINCONADA #6 TO THE TOWN OF LOS GATOS.** Carried by a vote of 4 ayes. Mr. Attaway absent.

#### **PARKING STRUCTURES/LOTS 2 & 13/CONCEPTUAL DESIGNS (24.40)**

**Gordon H. Chong & Partners**, Architects for the project, made presentation to Council. Jeff Adams, and Sam Nunes, associates with the company, presented key information and presented issues for Council's consideration.

**Council Consensus** to accept and file report on schedule of meetings regarding conceptual design of parking structures on Municipal Parking Lots 2 and 13 and to allow the Parking Commission to determine the best date to hold a study session for the public regarding these options. The dates chosen were Saturdays, October 9th or October 16th, 1999.

#### **UNIVERSITY 565-573/SANTA CRUZ N 536/CAMPO DI BOCCE/RESOLUTION 1999-142 (25.09)**

Mayor Hutchins stated that this was the time and place duly noted to consider decision of the Planning Commission denying a request to modify an existing use permit concerning the number of inside and outside seats and the hours of operation and approval of a Variance to increase the number of seats permitted by providing off-site parking for property located in the LM zone. Also an appeal of the decision of the Planning Commission denying a request for a Conditional Use Permits for alternate use of parking for Campo di Bocce on properties zoned LM and C-1. Project Application PRJ-97-059 (modification to Conditional Use Permit.) Variance Application V-97-003. Project Applications PRJ-98-248 & PRJ-98-249 (CUP for alternate parking.) Property Owners: Campo di Bocce of Los Gatos, LLC., Green Valley Disposal/Joe Zanardi and OD Technology/Lowell Noble. Applicant: Tom Albanese/Campo di Bocce.

#### **UNIVERSITY 565-573/SANTA CRUZ N 536/CAMPO DI BOCCE/RESOLUTION 1999-142/CONT.**

**Motion by Mrs. Lubeck**, seconded by Mr. Blanton, that Council adopt Resolution 1999-142 entitled, **RESOLUTION OF THE TOWN OF LOS GATOS GRANTING IN PART AN APPEAL OF A PLANNING COMMISSION DECISION TO DENY MODIFICATION OF A CONDITIONAL USE PERMIT CONCERNING OUTSIDE SEATS AND HOURS OF OPERATION AND A VARIANCE TO INCREASE THE NUMBER OF SEATS PERMITTED BY PROVIDING OFF-SITE PARKING OF A PROPERTY LOCATED IN THE LN**

**ZONE; AND GRANTING APPEAL OF DECISION OF THE PLANNING  
COMMISSION DENYING CONDITIONAL USE PERMITS FOR ALTERNATIVE  
USE OF PARKING FOR CAMPO DI BOCCE ON PROPERTIES ZONED LM  
AND C-1.**

Carried by a vote of 4 ayes. Mr. Attaway absent.

**PLANNING COMMISSION/MEETINGS WITH APPLICANTS/PUBLIC HEARINGS**

(26.20)

**Council consensus** to acknowledge that this policy is to control more of the technical items being discussed and to keep the public meetings focused on the overall larger decisions. That Council direct the Town Attorney to prepare a resolution amending the current policy.

**PARKING STRUCTURE FUNDING/PUBLIC OPINION SURVEY REPORT** (27.40)

**Council consensus** to accept and file the Public Opinion Survey report regarding parking garage funding.

**GENERAL PLAN UPDATE/PUBLIC INPUT** (28.47)

**Council consensus** to accept and file the report on ways to obtain public input on the General Plan Update. A grass roots neighborhood meeting is best if the intention is to gather public input and participation. Community wide meetings tend to be too big for full participation.

**RENTAL DISPUTE PROGRAM/RESOLUTION 1999-143/ORDINANCE**

**INTRODUCTION** (29.44)

The Town Clerk read the Title of the Proposed Ordinance.

**Motion by Mrs. Lubeck**, seconded by Mr. Pirzynski, to waive the reading of the Proposed Ordinance. Carried by a vote of 4 ayes. Mr. Attaway absent.

**Motion by Mrs. Lubeck**, seconded by Mr. Pirzynski, that Council introduce Proposed Ordinance entitled, **ORDINANCE OF THE TOWN OF LOS GATOS  
AMENDING THE LOS GATOS TOWN CODE - CHAPTER 14.80, RENTAL  
AND OTHER TENANT/LANDLORD DISPUTES (SECTIONS 14.80.045 -  
14.80.240.)** Carried by a vote of 4 ayes. Mr. Attaway absent.

**Motion by Mrs. Lubeck**, seconded by Mr. Pirzynski, that Council adopt Resolution 1999-143 entitled, **RESOLUTION OF THE TOWN OF LOS GATOS  
ADOPTING REVISED RENTAL DISPUTE RESOLUTION REGULATIONS AND  
RESCINDING RESOLUTION 1998-48, RESOLUTION OF THE TOWN  
COUNCIL OF THE TOWN OF LOS GATOS ADOPTING REVISED RENTAL**

## **DISPUTE RESOLUTION REGULATIONS AND RESCINDING RESOLUTION**

**1989-210.** Carried by a vote of 4 ayes. Mr. Attaway absent.

### **FANTASY OF LIGHTS/ARTS COMMISSION REQUEST (30.20)**

Mayor Hutchins stated that this was the time and place duly noted to consider David Breidenthal's request for the Town to co-sponsor a "Fantasy of Lights" event.

The following people from the audience spoke to this issue:

**David Breidenthal**, P.O. Box 514, Los Gatos, spoke of the many service clubs in Los Gatos that have participated in the consideration of this event with the Arts Commission. He noted the Lions, Rotary, Chamber of Commerce, Los Gatos Community Foundation, Recreation Department, Town staff and many others. He noted that the Arts Commission has been working on this project as a means of raising funds for possible projects it has considered. He asked that the Council sponsor the Arts Commission as a co-sponsor in the Fantasy of Lights program which will be held in the County Park this year. The Arts Commission has requested that Council simply endorse the project if the County is willing to provide 10% of the proceeds to the Town.

**Tamara Shear**, County Parks and Recreation Department, spoke of the County resources that have already been committed to this project. She noted that the County did want support from the Town and would be working with local service clubs to help put on the event. These groups would hopefully be reimbursed for their time and efforts by some agreed upon system between the County and the organizations.

**Gloria LeBlanc**, Community Foundation, 240 Montclair Road, explained that the County could not pay the service organizations directly and that a vehicle must be identified by which to reimburse and distribute funds to the Arts Commission and service organizations. Now that the Town is going to have the Festival of Lights held within its boundaries, it seems appropriate for the Town to define a way for some of the proceeds to remain in the community. The County can not pay charities or service organizations, but the County should be able to pay the Town of Los Gatos, who in turn should be able to reimburse its Commission and others.

**Shirley Henderson**, spoke against the use of signs all over Town for this event. No one else from the audience addressed this issue.

**Council consensus** to accept and file request for the Town to co-sponsor a "Fantasy of Lights" event. If a way can be found for the County to contribute funds to the Town for the Arts Commission, the Town will gladly accept them.

**DIAGONAL PARKING/OLD TOWN/UNIVERSITY AVE 50** (31.09.40)

Larry Arzie and Shirley Henderson spoke about the need for Old Town to provide parking areas for loading. They noted that these areas should not have to share with regular customer parking.

**Council consensus** that the loading zones in front of 21-29 University Ave remain loading only until after 4 p.m. on week days when it will become diagonal parking for customers. Weekends will also be all day diagonal parking for customers.

**LEAGUE OF CALIFORNIA CITIES/ANNUAL CONFERENCE/VOTING DELEGATE**

(32.10)

**Council consensus** that Steve Blanton be the voting delegate and Linda Lubeck be the alternate at the League of California Cities Annual Conference to be held on October 10-12, 1999 in San Jose.

**COUNCIL COMMITTEE REPORTS** (33.10)

Joe Pirzynski, reported on Trail and Bikeways Committee. He spoke about the visit to the Hicks-Shannon site to observe the proposed trails. The committee will be meeting again Thursday, September 9, 1999 to consider a recommendation.

**ADJOURNMENT**

Mayor Hutchins adjourned this evening's meeting at 10:13 p.m. to Closed Session. At the conclusion of Closed Session, Attorney Korb will return to the Council Chambers to make the report.

**CLOSED SESSION**

Town Attorney, Orry Korb, announced the Closed Session Report at 11:10 p.m., Tuesday, September 7, 1999.

Mr. Korb noted that Council had met in Closed Session after this evening's regular scheduled council meeting pursuant to Government Code Section 54957, regarding Public Employee Performance Evaluation (Town Attorney and Town Manager), and no action was taken;

Pursuant to Government Code Section 54957.6, Council met to discuss Labor Relations. Town Negotiator (Lead): Gary Rogers, Personnel Manager; Employees, Town Manager and Town Attorney, and no action was taken;

And pursuant to Government Code Section 54956.9(c), regarding Anticipated Litigation, Council Conferenced with Legal Counsel and voted 5-0 to authorize the Town Attorney to conditionally initiate litigation against AT&T and/or TCI regarding potential violation of a Franchise Assumption Agreement between TCI and the Town of Los Gatos.

**ADJOURNMENT**

Attorney Korb adjourned the meeting at 11:13 p.m.

**ATTEST:**

Marian V. Cosgrove  
Town Clerk