



MEETING DATE: 8/21/06
ITEM NO: 13
ADDENDUM

COUNCIL AGENDA REPORT

DATE: August 18, 2006
TO: MAYOR AND TOWN COUNCIL
FROM: DEBRA J. FIGONE, TOWN MANAGER

A handwritten signature in black ink, appearing to read "Debra J. Figone".

SUBJECT: CONSIDER AN APPEAL OF A PLANNING COMMISSION DECISION REGARDING MODIFICATIONS OR REVOCATION OF CONDITIONAL USE PERMIT U-94-44 (GOGUEN'S LAST CALL) FOR THE OPERATION OF A BAR ON PROPERTY ZONED C-2. APN: 529-07-046. PROPERTY LOCATION: 408 N. SANTA CRUZ AVENUE. PROPERTY OWNER: LOS GATOS SHOPPING CENTER, LLC. APPELLANT: CYNTHIA GOGUEN.

REMARK:

The attached information was received after the staff report was completed.

Attachments:

- 1.-12. Previously Submitted
- 13. Fax from Kent G. Washburn dated August 18, 2006 (1 page).

Distribution:

Cynthia Goguen, 408 N. Santa Cruz Ave., Los Gatos, CA 95030
Jim Zanardi, 16401 S. Kennedy Rd, Los Gatos, CA 95030
Kent Washburn, 123 Jewell Street, Santa Cruz, CA 95060
William Conners, P.O. Box 1521, Pebble Beach, CA 93953
Norman Matteoni, Matteoni, O'Laughlin & Hechtman, 848 The Alameda, San Jose, CA 95126

A handwritten signature in black ink, appearing to read "Pamela Jacobs".

PREPARED BY: PAMELA JACOBS
ASSISTANT TOWN MANAGER

Reviewed by: _____ Assistant Town Manager OK Town Attorney
_____ Clerk Administrator _____ Finance _____ Community Development

KENT G. WASHBURN
ATTORNEY AT LAW

VOICE: (831) 458-9777
FAX: (831) 459-6127

123 JEWELL ST.
SANTA CRUZ, CALIFORNIA 95060

FAX MEMORANDUM

Date: 8/18/06
Number of Pages: 1
To: Mr. Orry Korb
Re: The Last Call

Message: This confirms and expands upon my conversation with you this morning. You asked if my client and I believe she is entitled to and is requesting a continuance. I said "Yes."

The first reason for the request is that we did not receive the staff report until yesterday evening, after I had faxed my letter of August 17, 2006 to the Town offices. Therefore I was in effect replying to an accusation I had to guess at but never had seen. I note that the staff report is dated August 15, which makes me wonder why I did not see it until the evening of the 17th.

The second reason for the request is that we still have not been given access to the police report information we need to prove that the police and planning departments are not telling the Council the truth about what the reports show, either a) about the Last Call and the actual volume of calls it generates, or b) the comparative analysis of Last Call calls and other Los Gatos bar calls.

We are *not* asking for the continuance because of late mailing of notice by the Town. My client got the certified mail notice in a timely way and simply failed to see that staff had filled in the blank with the actual date. It was our mistake.

We are sensitive to the fact that the public has been invited to speak to the issue. Perhaps the fairest way to proceed would be to allow members of the public who are there to speak and continue the matter open to a date certain.

What date certain? A date that gives us a fair chance to obtain and analyze the police reports.