

The following additional Special Order of Business items were then observed by the Council and Audience: (1) City's 125th Anniversary, after having been originally incorporated on July 5, 1852; and, (2) Recognition and presentation by the Mayor of a 20 years Service Pin to City Manager Donald R. Von Raesfeld whose service with the City began in July 1957. Mr. Austen D. Warburton, City Historian, addressed the Council and Audience relative to two above-mentioned anniversary events.

Councilman Hansen arrived at the meeting at 7:40 P.M. and took his place at the Council Table.

It was moved by Councilman Texera, seconded by Councilman Stewart, that the Minutes of the City Council for meeting held on June 14, 1977, be accepted, approved and adopted as written. Motion was approved by the Council.

Mr. Felton Valdry, a member of the City Planning Commission, and former Chairman of the Citizens Advisory Committee - Budget Review Subcommittee, addressed the Council re his non-participation in the recent Subcommittee response to the 1977/78 Budget, and requested that the recent Minutes of the Citizens Advisory Committee be clarified to reflect his non-participation in any recent meetings and/or responses from the Budget Review Subcommittee.

This being the time and date previously continued from the May 3, 1977 Council meeting for the hearing on the Variance Appeal (3/25/77), submitted on behalf of the Estate of Mary S. Silva, to the action of the City Planning Commission (Items #8 & 9 - 3/23/77 - Files V.1090 & V.1091) in denying certain lot size, lot width and side yard variances, to permit existing 84.6 foot wide lot located on the west side of Jackson Street, between El Camino Real and Civic Center Drive, to be split into 2 separate lots in order to settle an estate, the Council proceeded to consider this matter. The Director of Planning & Inspection showed location of above property containing single family homes (1560 & 1582 Jackson Street) presently zoned R3-36D. The Council also considered letter (6/30/77), submitted by Attorney Anthony I. Escobar, enclosing copy of Superior Court Case No. 92647, entitled "Order Determining Interest in Estate and Order Instructing Norbert R. Silveira, Executor; and, letter (6/27/77), submitted by Attorney James V. Torre, representing certain heirs, stating that the Silva family desires to partition and retain the property in the family. Attorney Escobar was present at this meeting, and informed Council that the heirs had no objection to rezoning above proposed lot splits to an R-1 zone, and stated that the lot split was necessary to settle above estate, and the jog in the dividing line can be worked out between the heirs. A discussion was held by the Council re above matter. Councilman Mahan expressed concern with the proposed substandard and narrow lot widths. Councilman Stewart inquired whether above-mentioned Superior Court Order could force the City to partition above estate property, and was informed by the City Attorney that above Court order could be used to divide the estate. Councilman Kiely suggested that above lot split be approved subject to limiting the future property use to one story single family dwellings. The City Attorney informed Council that a Covenant Agreement can be prepared placing reasonable terms and restrictions on the use of the property. Councilman Texera made reference to recent efforts of the Council to lower the density in certain portions of the City, and stated that above proposed lot split would accomplish above objective, notwithstanding the substandard-sized lots. It was moved by Councilman Texera, seconded by Councilman Hansen, that the hearing on above matter be closed. Motion was approved by the Council. It was then moved by Councilman Texera, seconded by Councilman Stewart, that the Council overrule the denial actions of the City Planning Commission (Items #8 & 9 - 3/23/77 - Files V.1090 & V.1091); and, on the basis of favorable findings, made by the Council, above Variance request for lot split and reduction in lot size, reduction in lot width and reduction in side yard, be granted and approved, subject to the execution of appropriate Covenant Agreement to be prepared by the City Attorney providing that property owners concerned will not protest the rezoning of above 2 split lots from R3-36D to R1 and that any single family dwellings thereon will only be replaced with dwellings of similar size and character. Motion was approved by the Council with Councilmen Mahan and Street dissenting.



This being the time and date previously set for the hearing on the Variance Appeals (3/25/77), submitted on behalf of the Estate of Mary S. Silva, to the actions of the City Planning Commission (Items #8 & 9 - 3/23/77 - Files V.1090 & V.1091) in denying Variance Applications to reduce required lot size, required lot width and required side yard for certain property located at 1560 and 1582 Jackson Street, the Council proceeded to consider this matter. The Director of Planning and Inspection showed location map and plot plan, and cited the basis for Commission findings and denial. Councilman Texera inquired whether above proposed division of property could be accomplished with a Record of Survey, and was informed by Staff that above total property is zoned R3-36D and is developed with two single family homes, and a split of said property would result in two substandard sized lots. Attorney Anthony I. Escobar, representing the Executor of above-mentioned Estate, addressed the Council re the efforts being made to distribute above property to the heirs concerned, as per terms of the will. Councilman Stewart inquired whether the Probate Judge could split above property without City Council approval, and inquired whether a rezoning application can be initiated by the City to rezone above property from R3-36D to R-1. Attorney Escobar informed Council that he had not discussed any downgrading of zoning with the heirs. Councilman Texera cited the existing housing shortage problem, and commented in favor of splitting above property into two parcels. Attorney James Torre, representing one of the heirs (Mr. & Mrs. Don Murray), informed Council that certain members of above family desired to continue to live in above-mentioned dwellings, and stated that he saw no objection to rezoning above property R-1, but would consult the other heirs relative to their comments thereon. Councilman Texera suggested a continuance to allow above Attorneys to consult with their respective clients. It was moved by Councilman Texera, seconded by Councilman Stewart, that the Council continue the hearing on above-mentioned Variance Appeals to July 5, 1977, at 7 P.M., to permit further study and review by all parties concerned therein. Motion was approved by the Council.

This being the time and date previously set for the first public hearing on the proposed use of General Revenue Sharing Funds for fiscal year 1977/78, the Council proceeded to consider this matter. Council was informed by Staff that Notice of above hearing was published; and, the procedure requiring the holding of two hearings to receive citizen input was explained to the Council, with the final hearing to be heard concurrently with the total Budget for the City. Councilman Hansen made reference to the proposals submitted by the Staff for the use of the \$900,000 to be received by the City for fiscal year 1977/78, and inquired as to the source of funding for the proposed Quadplex Multipurpose facility to be located at the Mission Community College site, and was informed by the City Manager the funding for said project was to be included elsewhere in the total budget. Mr. David Parks (Mauricia Avenue) inquired as to the date of the next public hearing on above matter, and was informed by Staff that the date of said hearing was tentatively set for June 14, 1977 at 7 P.M. It was moved by Councilman Texera, seconded by Councilman Stewart, that the first public hearing on the proposed 1977/78 General Revenue Sharing Fund Budget be closed. Also, the above matter be referred to the Staff for appropriate action. Motion was approved by the Council.

This also being the time and date previously continued from the April 19, 1977 Council meeting for the hearing on the proposed adjustment of City's fees and charges, the Council proceeded to consider this matter. The City Manager summarized the status of above proposal to date, and made reference to letter (3/30/77) previously submitted by the Santa Clara Chamber of Commerce-Board of Directors, recommending that the Council not adopt the proposed fees and charges, and that actual costs incurred by the City be justified. A discussion was held by the Council re above matter. Councilman Texera expressed concern with the proposed \$25 charge for Architectural review. Councilwoman Street commented that she agreed with the recommendations of the Santa Clara Chamber of Commerce, and questioned the justification for increasing certain fees and charges by 100%; and also, inquired re the basis for increasing Electric Department reconnection charges from \$3.50 to \$10. The City Manager distributed copies of summary report setting forth a comparison of local fees and charges versus those in adjacent cities. Councilman Kiely suggested that the