



**MONTE SERENO CITY COUNCIL  
MINUTES**

**September 1, 2009**

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**REGULAR MEETING CALLED TO ORDER**

At 7:35 p.m., Mayor Wright called the meeting to order.

**PLEDGE OF ALLIEGIENCE**

**ROLL CALL**

Present: Council Members Anstandig, Garner, Malloy, Perry, and Mayor Wright

Absent: None

Staff Present: City Manager Loventhal, City Attorney Powell, and City Clerk Chelemengos

**ORDERS OF THE DAY**

City Manager Loventhal announced that information on financial matters relative to the potential annexation of County pockets would be given during the City Manager's Report at the end of the meeting. He also reported that the matter of annexation would be considered at the September 15, 2009 City Council meeting and that notices had been sent to all properties located within Monte Sereno Urban pockets #1, #2, and #3, all properties within 300 feet of the urban pockets and all properties within the City limits of Monte Sereno.

**ORAL COMMUNICATIONS**

Ray Davis, Los Gatos, spoke with regard to a cement plant in Cupertino. He urged the Council and the community to consider the health issues and the air quality issue created by the operation of the plant. Mr. Davis also spoke with regard to the recent recall effort and encouraged the proponents to sponsor a candidate for the upcoming 2010 City Council election.

**WRITTEN COMMUNICATIONS**

None

Mayor Wright stated that a member of the public had requested that Consent Calendar Item #3 be removed to allow for public comment.

## **CONSENT CALENDAR**

1. Approve Minutes of August 18, 2009 City Council Meeting
2. Approve Warrant List in the amount of \$118,725.66

Council Member Perry moved to approve the Items #1 and #2 of the Consent Calendar. The motion was seconded by Council Member Malloy and the motion passed with a 5-0 vote, with the exception of the minutes, which passed with a 4-0-1 vote. Council Member Garner abstained from voting on the minutes.

3. Authorize City Manager To Execute Contract For Professional Services For The Civic Facility Improvement Project – Phase II – Site Analysis and Cost Modeling

Bob McDonald, resident, stated that he thought there should be more community participation and more research into the matter. He questioned the need for improvements and the source of funding.

Mrs. McDonald, resident, stated that she had attended a meeting on the matter of the Civic Facility Improvements and has unanswered questions with regard to the funding of the project. She requested that the results of the resident survey be made public. Mrs. McDonald stated that the proposal is unclear.

Mayor Wright explained that the contract before the Council for approval is for the purpose of the gathering information on the possible Civic Facility remodel or reconstruction and also to gather information on the projected cost and funding options. He stated that this phase of the process should answer many, if not all, of the questions raised.

City Manager Loventhal spoke with regard to the past meeting and workshops held on the possibility of improving the City Hall site. He stated that the results of the survey, as well as the first and second reports on the matter, are available to the public.

Council Member Perry stated that he appreciated the public input and reiterated that this phase of the process is to gather information on possibilities and costs. He further stated that at this point no decision has been made with regard to remodeling or rebuilding City Hall and that the Council is merely trying to plan for the future by gathering information now.

Council Member Garner echoed Council Member Perry's comments and thanked the public for its input.

Ruth Alexander, resident, stated that she had attended the October meeting in which the matter was discussed. She stated that she feels that the residents should be able to vote on whether or not to build a new City Hall.

Council Member Perry moved to authorize the City Manager to execute the contract to conduct Phase II - Site Analysis and Cost Modeling – for the Civic Facility Improvement Project. The motion was seconded by Council Member Anstandig and the motion passed with a 5-0 vote.

## **PUBLIC HEARINGS**

### 4. Introduction and First Reading of an Ordinance Eliminating Use Permit Requirements for Accessory Structures

City Manager Loventhal provided a report on the matter and answered questions from the Council.

At 8:05 p.m. the Public Hearing was opened. Since there was no one wishing to speak, the Public Hearing was closed.

Discussion commenced.

Council Member Malloy spoke in support of the proposed ordinance.

Council Member Perry inquired if there was any limit on the number of accessory structures that could be placed on a property.

City Manager Loventhal explained that there is no limit on the number of accessory structures a property owner may build on a property, but that the Code does regulate structural and impervious coverage which would in turn limit the amount of square footage that could be covered by structures and impervious surface.

Council Member Anstandig expressed concern with an excessive number of accessory structures being placed on one property as well as problems arising from the siting or location in which an accessory structure might be placed.

Council Member Malloy recalled instances where small, insignificant structures were required to go through the process to obtain Use Permit.

Mayor Wright asked if certain structures (such as children's play houses or swing sets) could be excepted from the Use Permit requirement.

City Attorney Powell stated that certain structures could be exempted from the Use Permit process and that she would look to see if this is done in other jurisdictions and how it is accomplished

There was consensus of the Council to continue the matter to a future meeting to allow time for the staff to further research the matter and address the concern raised by the Council.

## **UNFINISHED BUSINESS**

### 5. Discuss Regulations of Legal Non-Conforming Structures

City Manager Loventhal provided information on the matter and explained how the Code regulates legal non-conforming structures. He also discussed how the Code utilizes the assessed value of a structure when determining what percentage of the non-conforming structure can be rebuilt.

Mayor Wright inquired about amortization of non-conforming structures.

City Manager Loventhal explained that amortization would allow non-conforming structures to exist for a certain amount of time to allow for the investment to be used over an acceptable period of time.

Council Member Garner expressed concern with health and safety issues relative to the City allowing reconstruction of legal non-conforming structures.

City Manager Loventhal clarified that reconstruction of any legal non-conforming structure would need to meet current Building Codes or any Code relative to health and safety issues.

Council Member Malloy stated that she supports the City allowing a legal non-conforming structure to be rebuilt if the structure is destroyed by something outside the property owners' control.

Council Member Perry stated that with regard to the owner's decision to demolish a non-conforming structure, he feels that the City should allow for the structure's reconstruction, but that the City should have a strict guideline that would dictate the reconstruction within a certain time period.

Council Member Anstandig pointed out that the discussion on this matter might take some time and that there are members of the public in attendance for other matters on the agenda.

Council Member Anstandig moved that the matter be continued to the end of the agenda. The motion was seconded by Council Member Malloy and the motion passed with a 5-0 vote.

#### 5. Letter from Via Sereno Residents Regarding On Street Parking

City Manager Loventhal provided background information on the parking issue on Via Sereno and reported that this was a matter brought to the City by a Via Sereno resident. City Manager Loventhal also discussed various parking restrictions the Council could consider for the street.

Vivian Lewis, resident, stated that she had no problem with implementation of a parking district as long as the residents are allowed to obtain enough parking permits to accommodate households that have several vehicles. She stated that she also could accept parking restrictions at certain times of the day or certain days. She reported difficulties with mail delivery because of mailboxes being blocked by vehicles.

Gloria Bordeaux-Pacholec, resident, spoke in favor of restricting overnight parking the night before garbage pick up days. Ms Bordeaux-Pacholec also reported on parking problems created by nearby festivals and events.

Philip Gadd, resident, concurred with Ms. Lewis comments with regard to a parking district and the number of allowed parking permits per household. He stressed the importance of an ample number of parking permits for households with several cars.

Adesh Kumar, resident, spoke with regard to vehicle impeding mail delivery and garbage pick up. He also reported occasions where his gardener and pool service person could not park in front of his house. He pointed out the letter from several of the residents in favor of some type of parking regulation on Via Sereno. He noted that residents voiced opposition to signage. Mr. Kumar spoke in favor of no overnight parking the night before garbage pick up days.

Bryan Mekechuk, Via Sereno, complimented the City staff on the cooperation he had received with regard to his construction project. Mr. Mekechuk stated that he would like to see restrictions on parking at the corner of Via Sereno and Winchester Blvd. He stated that he would go along with whatever parking restrictions are determined to be appropriate, but that he would prefer not to have signs on Via Sereno.

City Attorney Powell announced that any parking restrictions implemented on the street would require signage as determined by the Streets and Highway code.

Council Member Perry stated that he has experience with parking districts and does not favor parking districts. He warned the residents that with parking districts there are associated costs for the parking permits. He stated that many areas have issues relative to parking and it sometimes is a matter of working with the neighbors and accepting that parking on some days may be problematic. Council Member Perry stated that with regard to restricting parking on Winchester Blvd., that the Town of Los Gatos has jurisdiction over that portion of Winchester and that all the City could do would be to send a letter to the Town requesting that consideration be given to restricting parking at the corner of Via Sereno and Winchester Blvd. for safety reasons.

Council Member Garner stated that she is not in favor of regulating parking in Monte Sereno. She stated that once the Council starts regulating one street that many more requests for parking regulations may be presented to the City. She stated that there seems to be parking problems due to one or two of the residents who may not know they are creating a problem. She urged the neighbors to discuss the matter with each other to see if the parking issue can be resolved.

Council Member Malloy stated that she visited the street and spoke with some of the neighbors who indicated that they favored some type of parking restrictions.

Council Member Anstandig agreed that there are some parking problems on the street, but that he was not in favor of a parking district. He inquired about placement of a temporary sign prohibiting festival or special event parking. He spoke with regard to the difficulty his street has with regard to parking and maintaining access to the garbage trucks. He stated that he is not inclined to restrict on street parking and feels that the residents should be allowed to park on the street when they need to.

Bryan Mekechuk, resident, stated that he did not have an issue with the temporary, occasional festival parking.

Vivian Lewis, resident, stated that she feels there is very little that can be done about festival parking. Ms. Lewis noted that there have been several construction projects on the street and that some of the parking problems are due to the extra cars from those people working on the various construction sites.

Adesh Kumar, resident, stated that he has no issue with festival parking, but is concerned with additional parking that might be generated by the new commercial buildings in the immediate area.

Mayor Wright stated that the Council would like to assist the neighbors, but that it seems there is no clear consensus of the neighbors with regard to the parking problem or an acceptable solution. Mayor Wright suggested that the neighbors gather outside the Council Chambers to discuss what an acceptable solution might be and then come back into the meeting to further discuss the agreed upon solution of the neighbors with the Council.

The matter was continued to later in the meeting.

Mayor Wright recused himself from consideration of the next matter due to a potential conflict of interest stemming from his ownership of property on Grandview Avenue. Mayor Wright left the Council Chambers.

6. Adopt Resolution Establishing No Parking Zone on Grandview Avenue

City Manager Loventhal reported that the residents of Grandview had requested that the City consider, for safety reasons, a No Parking Zone on a portion of Grandview. He provided a report on the matter and answered questions from the council.

Discussion commenced.

Vice Mayor Perry suggested a pedestrian or bicycle lane be painted on the pavement along the portion of Grandview close to the Highway 9 intersection. He expressed concern with vehicles coming off the Highway on to Grandview at fast speeds and the presence of pedestrian or bicyclist.

City Manager Loventhal explained that a striping plan would need to be considered and recommended by the City Engineer. He stated that there are several matters that would need to be taken into consideration when developing an effective striping pattern.

Council Member Garner spoke in support of the no parking zone.

Council Member Anstandig also spoke in support of the no parking zone and suggested that signage be installed to warn drivers of bicyclist and pedestrians.

Council Member Malloy spoke in support of the no parking zone and agreed with Vice Mayor Perry's suggestion of additional striping along the side of the road.

Council Member Anstandig inquired about the protocol for installation of speed bumps.

City Manager spoke with regard to speed bumps

Vice Mayor Perry stated that he would like to wait on the implementation of the no parking zone until a striping plan can be brought to the Council.

Council Member Garner expressed concerned with delaying the matter to allow time for a striping plan to be developed. She noted the existence of a safety situation and urged the Council to move ahead on the matter.

Discussion commenced.

Vice Mayor Perry suggested that the issue of the striping be left to the City Manager to accomplish as soon as possible.

There was Council consensus to leave the matter of the striping with the City Manager and the City Engineer.

Council Member Garner moved to adopt the resolution establishing No Parking Zone on Grandview Avenue and to direct the City Manager to work with the City Engineer to develop a striping plan that would designate a pedestrian zone at the corner of Grandview Avenue and Highway 9. The motion was seconded by Council Member Malloy and the motion passed with a 4-0 vote.

Mayor Wright returned to the dais.

Mayor Wright reopened discussion on agenda Item # 5.

Council Member Anstandig agreed with Council Member Perry with regard to having an established time period during which a property owner would be allowed to rebuild a non conforming structure that was voluntarily destroyed.

Discussion commenced with regard to an appropriate time frame for reconstruction of voluntarily destroyed non-conforming structures.

Council Member Malloy suggested a one year time frame.

Council Member Garner spoke in support of allowing, within a prescribed time frame, the reconstruction of voluntarily destroyed non-conforming structures. She suggested anywhere from 6 months to 2 years.

Council Member Anstandig suggested the time frame be six months.

Mayor Wright stated that he could not support changes to the Code that would allow for the rebuilding of legal non-conforming structures that were voluntarily destroyed.

There was a 4-1 consensus of the Council to allow, within a prescribed time frame, the reconstruction of voluntarily destroyed legal non-conforming structures.

Staff was directed to draft an Ordinance reflecting the consensus of the Council and to bring the matter back for consideration at a later date.

## **COMMITTEE/COMMISSION REPORTS**

The Council Members reported on their various committees/commissions as assigned.

## **CITY MANAGER'S REPORT**

City Manager Loventhal reported on various administrative matters and reported on the formula used on projected revenue associated with the potential annexation.

Mayor Wright reopened discussion on agenda Item # 6.

### **6. Letter from Via Sereno Residents Regarding On Street Parking**

Phillip Gadd, resident, reported that the neighbors had agreed to a neighborhood meeting to discuss the parking issues and to try to work toward a resolution.

Adesh Kumar, resident, urged the Council to place the matter of Via Sereno parking on a future agenda. He stated that not all of the neighbors may want to attend the neighborhood meeting and that the matter may need to be addressed by the City Council.

## **ADJOURNMENT**

At 10:30 p.m., Mayor Wright adjourned the meeting to 7:30 p.m., Tuesday, September 15, 2009 to be held in the City Council Chambers located at 18041 Saratoga-Los Gatos Road, Monte Sereno, and California.

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A. Curtis Wright, Mayor

ATTEST:

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Andrea M. Chelemengos, City Clerk