



**MONTE SERENO CITY COUNCIL
MINUTES**

October 6, 2009

REGULAR MEETING CALLED TO ORDER

At 7:30 p.m., Mayor Wright called the meeting to order.

PLEDGE OF ALLIEGIENCE

ROLL CALL

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

Absent: Council Members Anstandig

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

ORDERS OF THE DAY

None

ORAL OMMUNICATIONS

Ray Davis, Los Gatos, spoke with regard to the cement plant located in Cupertino and expressed concern with pollution produced by the plant and emitted into the area.

Nancy Hobbs, spoke with regard to flood control activities and answered questions from the Council.

WRITTEN COMMUNICATIONS

None

Consent Calendar Items # 3 and 4 were pulled from the Consent Calendar.

City Manager Loventhal explained that Item # 4, Approve Cooperative Agreement for Highway 9 Improvements – Phase II, would be placed on a future agenda.

CONSENT CALENDAR

1. Approve Minutes of September 15, 2009 City Council Meeting
2. Approve Warrant List in the amount of \$135,853.81

Council Member Perry moved to approve Consent Calendar Items 1 and 2. The motion was seconded by Council Member Garner and the motion passed with a 4-0 vote.

3. Adopt Resolution Establishing Parking Regulations For Saratoga-Los Gatos Road

Council Member Perry explained that the matter of parking had been placed on the agenda for safety reasons. He noted the recent increase of parking along the street and inquired about enforcement of the no parking zone.

City Manager Loventhal addressed Council Member Perry's question and answered other questions from the Council.

Council Member Perry moved to adopt the proposed resolution. The motion was seconded by Council Member Garner and the motion passed with a 4-0 vote.

PUBLIC HEARINGS - None

UNFINISHED BUSINESS

5. Consider Youth Commission Appointment

Jessica McNeil introduced herself to the Council. The Council thanked Miss McNeil for attending.

Council Member Garner appointed Jessica Mc Neil to the 2009/2010 Youth Commission.

6. Update Regarding Proposition 1A Securitization Program.

City Manager Loventhal provided a staff report on the matter and answered questions from the Council. City Manager Loventhal stated that there is no need for the Council to take action at this time and that the matter would come back before the Council at a future meeting for action.

No action was taken.

7. Hold First Reading And Introduction Of An Ordinance Of The City Council Of The City Of Monte Sereno Amending Title 6, Chapter 6.09, Section 6.09.050 Of The Monte Sereno Municipal Code By Amending The Requirements For The Removal Of Rubbish Receptacles

City Manager Loventhal provided a staff report on the matter and answered questions from the Council. Mayor Wright asked if there were any members of the public that wanted to speak on the item.

Council Member Garner is not in favor of passing an ordinance on this matter. She pointed out that she thought it unfortunate for the City to have to regulate the matter since it seems that there are minimal problems with receptacles left on the street.

Council Member Malloy stated that she believes the problem to be of significance and spoke with regard to the safety hazards presented by receptacles in the right of way. She stated that without some type of ordinance the City can not take action to require the receptacle to be moved out of the right of way in a timely manner.

Council Member Perry agreed with Malloy and also spoke with regard to the safety hazards created for bicyclist and pedestrians. With regard to the proposed ordinance, Council Member Perry suggested that further clarification be added by inserting the word "midnight" after 12:00 in the sentence addressing when receptacles could be placed out by the curb.

Mayor Wright spoke in favor of the proposed ordinance.

Council Member Garner inquired about the enforcement process

City Attorney Powell provided information on the enforcement process.

A member of the public asked to address the Council. Mayor Wright explained that the time for public comment had passed and that the Council had already begun its deliberations.

Following discussion, Council Member Perry moved to waive further reading of the ordinance and introduce the ordinance as read by title only. Council Member Malloy seconded the motion and the motion passed with a 3-1 vote. Council Member Garner voted No.

NEW BUSINESS

8. Discuss Senior/Recreation Services

City Manager Loventhal introduced the matter and stated that staff is seeking direction from the Council on the matter.

Mayor Wright stated that currently the City does not participate in any recreation or senior service and merely directs its citizens to nearby communities that offer such services. He stated that the matter is before the Council for consideration of whether the City might want to actively participate or partnership with any existing recreation program so as to have more say in program offerings, keep the status quo, or investigate the possibility of the City implementing its own recreation/senior services program. Mayor Wright cautioned the council that he would need to speak in generalities as to not create a conflict of interest since his spouse is employed by a recreation department of a nearby jurisdiction.

Council Member Garner stated that she would like the Council to investigate the matter and have more information to consider such as the number of residents who use other jurisdictions' recreation programs, how

many residents would be served by Monte Sereno taking a more active role in recreation services, what type of services/programs would be best utilized by the citizens and what might the costs be to the city. Council Member Garner suggested the City survey the residents to see if there is a need and an interest. Council Member Malloy and Council Member Perry both indicated an interest in directing the City Manager to gather additional information on the possibilities of the City either implementing its own program or partnering with a nearby jurisdiction for senior and recreation services.

There was consensus to direct the City Manager to further explore the matter.

9. Discuss Monte Sereno City Council Entry for Los Gatos Holiday Parade - December 5, 2009

There was consensus that the Council will participate in the upcoming parade and the Council Member Perry will make arrangements for use of the vehicle.

COMMITTEE/COMMISSION REPORTS

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

COUNCIL MEMBER COMMENTS

Mayor Wright noted the addition of this section to the agenda to allow Council Members an opportunity to comment or report on matters that are not on the agenda.

Council Member Malloy and Mayor Wright reported on various activities.

CITY MANAGER'S REPORT

City Manager Loventhal reported on various administrative matters.

At 8:50 p.m. Mayor Wright announced the subject of the Closed Session and recessed the meeting into Closed Session.

CLOSED SESSION

- Government Code Section 54954.5 Public Employee Performance Evaluation of City Manager

RECONVENE TO OPEN SESSION

At 9:23 p.m. the meeting was reconvened to open session.

REPORT ON ACTION TAKEN DURING CLOSED SESSION

It was reported that no action was taken.

ADJOURNMENT

At 9:23 p.m., Mayor Wright adjourned the meeting.

At 9:24 p.m., Mayor Wright reconvened the meeting to allow members of the public an opportunity to comment.

No members of the public chose to comment.

At 9:25 p.m. Mayor Wright adjourned the meeting to 7:30 p.m., Tuesday, October 20, 2009 to be held in the City Council Chambers located at 18041 Saratoga-Los Gatos Road, Monte Sereno, and California.

A. Curtis Wright, Mayor

ATTEST:

Andrea M. Chelemengos, City Clerk