



**MONTE SERENO CITY COUNCIL
MINUTES**

November 3, 2009

REGULAR MEETING CALLED TO ORDER

At 7:31 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

No changes to the agenda were made.

ORAL COMMUNICATIONS

Barry Ford, resident, spoke with regard to city codes and litigation.

Ray Davis, Los Gatos, stated that he felt there should be sidewalks on both sides of Daves Avenue near the school.

WRITTEN COMMUNICATIONS

1. Letter from Barry Ford

Barry Ford, resident, stated that he had been reviewing the budget and inquired about various expenses. Mr. Ford also stated that in comparison to other nearby jurisdictions the City of Monte Sereno had a larger budget per capita.

City Manager Loventhal stated that according to recent comparisons of other local jurisdictions' Budgets, the City of Monte Sereno actually has the lowest budget figures per capita. Mr. Loventhal distributed a document recently used at a presentation by the West Valley City's annual report to the California League of Women Voters meeting supporting his statement.

Mayor Wright removed Item #4 from the Consent Calendar.

CONSENT CALENDAR

2. Approve Minutes of October 20, 2009 City Council Meeting
3. Approve Warrant List in the amount of \$104,107.82
5. Adopt Proclamation for Sig Sanchez At Large Director Santa Clara Valley Water District

Council Member Perry moved to approve the Consent Calendar. The motion was seconded by Council Member Garner and the motion passed with a 5-0 vote.

4. Authorize Mayor to Execute Letter To The California Energy Commission Regarding Home Energy Audit Program Funding

Mayor Wright spoke with regard to the proposed letter and explained that the opinions expressed in the letter are supported by the League of Women Voters.

Council Member Perry moved that the City Council authorize the Mayor to execute the letter. The motion was seconded by Mayor Wright and the motion passed with a 5-0 vote.

PUBLIC HEARINGS - None

UNFINISHED BUSINESS

6. Consider A Resolution Approving The Form Of And Authorizing The Execution And Delivery Of A Purchase And Sale Agreement And Related Documents With Respect To The Sale Of The Seller's Proposition 1A Receivable From The State; And Directing And Authorizing Certain Other Actions In Connection Therewith

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

Discussion commenced.

Council Member Anstandig spoke in favor of the City selling the receivable.

Council Member Garner expressed concern with the State's ability to repay the funds in the future and spoke in support of selling the receivable.

Council Member Malloy concurred with the comments of Council Member Anstandig and Garner and spoke in support of selling the receivable.

Mayor Wright stated that the City had budgeted for the State borrowed money and that the City is not in need of immediate repayment. He spoke of the added costs of the program to the State and the taxpayers and spoke against the City taking action to sell the receivable.

Discussion commenced.

Council Member Perry stated that he was in support of the City opting to join the program to receive repayment instead of waiting the three years for the State to repay the money. He expressed concern with the state of the State in three years and the possibility of not receiving repayment at that time. He also stated that in joining with the other jurisdictions that have requested inclusion in the program for immediate payment would serve as a sign of solidarity among the cities and hopefully send a message to the State.

Council Member Perry moved that the City Council adopt the resolution approving the form of and authorizing the execution and delivery of a purchase and sale agreement and related documents with respect to the sale of the seller's Proposition 1A receivable from the state; and directing and authorizing certain other actions in connection therewith. The motion was seconded by Council Member Anstandig and the motion passed with a 4-1 vote. Mayor Wright voted No.

7. Discuss Civic Center Master Plan Public Outreach Process

City Manager Loventhal spoke with regard to the civic center master plan.

Discussion commenced with regard to the timing and the purpose of gathering public input at this time.

Council Member Malloy moved that the City Council set a public workshop, (along with a Special meeting of the City Council) so that all Council Member could be in attendance, for Thursday, January 28, 2010 at 7:00 p.m. The motion was seconded by Mayor Wright and the motion passed with a 5-0 vote.

NEW BUSINESS

8. Discuss the Updated Model Water Efficient Landscape Ordinance

City Manager provided a staff report on the matter. He explained that the State mandated water efficient regulations would go into effect whether or not the City adopted the ordinance. He stated that the Council may want to develop its own water efficient landscape ordinance tailored for Monte Sereno that also meets the State water conservation measures.

Discussion commenced with regard to the proposed water ordinance including its complexity and enforcement requirements.

Sylvia Moore, resident, urged the Council to keep the regulations simple.

Linda Perham, resident, inquired if the ordinance materials were available on the City's website.

City Manager Loventhal stated the materials were available on the website.

Following further discussion, there was Council consensus to continue the matter to a future meeting to allow staff time to research what other cities are doing in response to the State mandate.

9. Discuss Cultural Commission Duties and Responsibilities

City Manager Loventhal provided a staff report on the matter to the Council. He reported on the difficulties of complying with the Brown Act regulation and how it may hinder productivity of the Commission.

Mayor Wright noted that several nearby jurisdictions had encountered the same issues and disbanded the various Commissions and have implemented ad hoc committees when there is a specific need.

Council Member Malloy spoke as the liaison to the Cultural Commission and concurred with the City Manager's report. She stated that she thinks that assembling a pool of volunteers and calling on them on a per event basis would be more productive and would foster a lighter atmosphere when it comes to trying to plan certain community outings and events. Council Member Malloy also answered questions from the Council.

Following discussion, there was Council consensus to direct staff to begin the appropriate process to eliminate the formal designation of the Cultural Commission and create a volunteer group of residents wanting to participate in serving the City.

COMMITTEE/COMMISSION REPORTS

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

COUNCIL MEMBER COMMENTS

Council Member Malloy commented on Mr. Mekechuk's recent "green" house open house. She stated it was quite impressive and urged the Council Members to visit the house.

Mayor Wright commented on the recent ribbon cutting for the new police building.

CITY MANAGER'S REPORT

City Manager reported on various administrative matters.

ADJOURNMENT

At 10:00 p.m., Mayor Wright adjourned the to 7:30 p.m., Tuesday, November 17, 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