



**MONTE SERENO CITY COUNCIL  
MINUTES**

**November 17, 2009**

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**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 Anstandig, Garner, Perry, and Mayor Wright

Absent: Council Member Malloy

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

**ORDERS OF THE DAY**

Mayor Wright moved that the Police Department Year to Date Report, Item # 1 - Letter from Daves Avenue Elementary School and Item #9 - Introduce And Hold First Reading Of Ordinance Of The City Council Of The City Of Monte Sereno Repealing Monte Sereno Municipal Code Chapter 12.02 Establishing The Monte Sereno Cultural Commission be removed from the agenda and directed staff to place the matters on a future meeting agenda. The motion was seconded by Council Member Perry and the motion passed with a 4-0 vote.

**PRESENTATIONS**

- Police Department Year to Date Report – Continued to future meeting
- Fire Department Year to Date Report

Carol Miller, Santa Clara County Fire, reported on the performance of the Fire Department over the last quarter. She spoke with regard to the customer satisfaction survey results, response times, and the station and equipment. Ms. Miller also answered questions from the Council.

**ORAL COMMUNICATIONS**

Doug McNeil, resident, spoke with regard to an outline submitted to and approved by Arcadia Publishing for a book on the history of Monte Sereno. He reported that the draft is due in May and requested assistance from those who have information regarding Monte Sereno's past.

Burton Craig, resident and member of the City's Cultural Commission, announced that the Cultural Commission would be decorating City Hall for the holidays on Saturday, November 21 between the hours of 9

a.m. and 3 p.m. He also announced that the lighting ceremony would take place on Tuesday, December 1 at 6:30 p.m.

Suzanne Jackson, resident and member of the City 's Cultural Commission, spoke in opposition to any action to eliminate the city's Cultural Commission and requested information on what lead to certain comments contained in the November 17, 2009 staff report and subsequent Council consideration of eliminating the Commission. Ms. Jackson spoke of arguments opposing to the elimination of the Commission.

Council Member Garner requested that Ms. Jackson submit her position in writing should the matter be considered at a future meeting.

Ray Davis, Los Gatos, spoke with regard to a nearby cement plant and pollution of the air. He distributed a letter sent by the City of Saratoga expressing concern to the Bay Area Air Quality Management Board and urged the City of Monte Sereno to send a similar letter.

#### **WRITTEN COMMUNICATIONS**

1. Letter from Daves Avenue Elementary School – Continued to a future meeting.

#### **CONSENT CALENDAR**

2. Approve Minutes of November 3, 2009 City Council Meeting
3. Approve Warrant List in the amount of \$ 62,575.62
4. Approve Monthly Treasurer's Report of Month of October, 2009
5. Approve Monthly Financial Report for Month of October, 2009
6. Accept as Complete Work Performed under the Daves Avenue Overlay Project, ESPL – 5339 (001)
7. Authorize Mayor To Execute And Forward Letter Of Support To The County Of Santa Clara Public Health Department For Grant Application To The Centers For Disease Control And Prevention In Response To American Recovery And Reinvestment Act Of 2009: Communities Putting Prevention To Work (CPPW) Requesting Funding For Tobacco Prevention Programs
8. Authorize Mayor To Execute And Forward Letter Of Support To The County Of Santa Clara Public Health Department For Grant Application To The Centers For Disease Control And Prevention In Response To American Recovery And Reinvestment Act Of 2009: Communities Putting Prevention To Work (CPPW) Requesting Funding For Nutrition Programs, Improved Physical Activity, And Obesity Prevention.

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

#### **PUBLIC HEARINGS - None**

## **UNFINISHED BUSINESS**

9. Introduce And Hold First Reading Of Ordinance Of The City Council Of The City Of Monte Sereno Repealing Monte Sereno Municipal Code Chapter 12.02 Establishing The Monte Sereno Cultural Commission.

This matter was continued under Orders of the Day.

10. Discuss Site Development Permit Approval And Tree Removal Process

City Manager Loventhal provided a staff report on the matter and discussed the criteria used by the Site and Architecture Commission when considering tree removals that are submitted in conjunction with development plans. He recommended that the findings be revised as outlined in the staff report.

Council Member Anstandig spoke in favor of reflecting the tree preservation findings (10.15.080) in its entirety in the Site Development Permit findings.

Following discussion, there was Council consensus to direct staff to bring the matter back before the City Council with recommendation of revised findings as outlined in the staff report and discussed by Council.

11. Update On Annual City Council Goals

City Manager Loventhal reported on the status of the 2009 City Council Goals and answered questions from the Council.

Council Member Perry pointed that fifteen of the sixteen City Council goals had been addressed.

Council Member Anstandig concurred that the year had been busy and productive. He stated that it is quite an accomplishment not only to set attainable goals, but also to meet all but one of the goals.

Mayor Wright commented that the only goal not met was to explore the issue of term limits, which may be a matter addressed by ballot.

## **NEW BUSINESS**

Mayor Wright recused himself from consideration of the matter due to his place of residence on the subject street. Mayor Wright left the Council Chambers and Vice Mayor Perry chaired the next portion of the meeting.

8. Consider Adoption of a Resolution Establishing Parking Regulations for A Portion of Viewfield

City Manager provided a staff report on the matter and answered questions from the Council. City Manager Loventhal reported that a number of the residents had signed a petition requesting the Council not adopt the no parking zone and let the neighbors deal with the issue.

Council Member Garner inquired if parking on streets that are perpendicular to Hwy 9 has been determined to be a safety issue. She stated that she is reluctant to place no parking zones on each street if there is not a safety issue and it is only a neighbor request.

Linda Perham, resident, stated that the parking problem originated years ago and the intended no parking zone was never implemented. She stated that the matter is a safety issue and can not be policed by neighbors. She spoke in favor of the proposed no parking zone.

Tom Gurette, resident, expressed opposition to the proposed parking restrictions and urged the Council to not take action.

Don Agnelli, resident, pointed out that parking is prohibited on Highway 9 and that parking is proposed to be prohibited on Viewfield at the corner. He stated that the proposed no parking zone would be problematic for property owners when they need the services of contractors, service people, and delivery people in that there would be no close area for parking. He stated the parking problems are only occasional and temporary. He suggested a smaller no parking zone.

Linda Perham, resident, stated that the parking problem is compounded by contractors and the area has an ongoing parking problem arising from gardeners and delivery truck parking.

Discussion commenced.

Council Member Anstandig expressed concern with the report stating safety concerns and then the Council not taking action to rectify the matter. He stated that he is troubled by what the right solution would be since there seems to be a safety concern, yet the residents of the road are opposed to the proposed no parking zone.

Council Member Garner wondered about the placement of the no parking signs.

Vice Mayor Perry pointed out that the problem is multi-faceted in that not only does something need to be done regarding the parking along the road way, but also to slow traffic exiting off of the Highway onto Viewfield.

City Attorney Powell and City Manager Loventhal explained that the City Engineer recommended a no parking zone of at least 150 feet in length, but stretched the no parking zone to 170 feet so a no parking sign would not be erected in the middle of a property.

Council Member Garner inquired if the City Engineer could look at a shorter no parking zone length.

Vice Mayor Perry stated he was not in favor of the parking option presented by the City Engineer.

Council Member Anstandig stated that the safety concern is an overriding concern and given the neighbors opposition, other alternatives/solutions should be considered. He stated that he would like a legal opinion as to the City's liability in this situation if the no parking zone established is less than the standard. Council Member Anstandig suggested the matter be sent back to the City Engineer for reevaluation and consideration of other alternatives.

Vice Mayor Perry suggests no parking on the east side of the street only and for a shorter distance.

There was Council consensus to send the matter back to the City Engineer for re-evaluation and possible alternative solutions.

Council Member Garner inquired if all building permits require parking plans prior to issuance and, if not, that it might be something the Council may want to consider in the future.

Mayor Wright rejoined the Council.

### **COMMITTEE/COMMISSION REPORTS**

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

### **COUNCIL MEMBER COMMENTS**

Council Member Anstandig commented that discussion between the Cultural Commission and the City Council should take place prior to any further action. He also stated that he would like a discussion item on the Supplemental Law Enforcement Fund placed on a future agenda.

Council Member Garner echoed the comments of Council Member Anstandig with regard to the Cultural Commission. She stated that she does not want to discourage volunteers.

Council Member Perry stated that he felt many issues arose out of poor communication between the City Council and the Cultural Commission.

### **CITY MANAGER'S REPORT**

City Manager Loventhal reported on various administrative matters.

### **ADJOURNMENT**

At 9:24 p.m., Mayor Wright adjourned the meeting in honor of the late Len Monteleone, long time resident of Monte Sereno, to 7:30 p.m., Tuesday, December 1, 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