



**MONTE SERENO CITY COUNCIL
MINUTES**

December 1, 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

City Manager Loventhal reported that the applicants for agenda item # 5 - U-09-06 - Loma Serena Homeowners' Open Space At - Via Palomino And Vineland Avenue, had requested a continuance of the matter.

Council Member Perry moved that U-09-06 be continued to a future meeting and directed staff to re-notice the matter. The motion was seconded by Council Member Malloy and the motion passed with a 5-0 vote.

ORAL COMMUNICATIONS

Ray Davis, Los Gatos, spoke with regard to a cement plant located in the City of Cupertino.

Lilian Harman, resident, asked about an upcoming agenda item.

WRITTEN COMMUNICATIONS

None

CONSENT CALENDAR

Council member Garner removed Consent Calendar item 3 from the Consent Calendar

1. Approve Minutes of November 17, 2009 City Council Meeting
2. Approve Warrant List in the amount of \$105,558.56

Council Member Perry moved to approve the Consent Calendar Items 1 and 2. The motion was seconded by Council Member Anstandig 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 Malloy abstained.

3. Adopt Resolution Declaring Noxious And Dangerous Weeds And Rubbish, Refuse And Dirt To Be A Public Nuisance

Council Member Garner inquired about the word “hazardous materials” and stated that the term should be more clearly defined.

City Manager Loventhal and City Attorney Powell explained that the terminology originated from the Fire Department and that staff could work with the Fire Department to clarify the term for the future.

Council Member Garner moved to approve the Resolution Declaring Noxious And Dangerous Weeds And Rubbish, Refuse And Dirt To Be A Public Nuisance. The motion was seconded by Council Member Perry and the motion passed with a 5-0 vote.

PUBLIC HEARINGS

4. GU-09-01 - 15301 Robin Anne Lane - Property Owner: Mehrany
The Applicant Requests Approval Of A Grading Use Permit To Allow A Total Site Grading Of 2,120 Cubic Yards To Accommodate The Construction Of A Pool And Deck. The Applicant Has Previously Completed 974 Cubic Yards Of Permitted Grading.

Associate Planner McGranahan provided a staff report and answered questions from the Council.

Council Member Garner inquired if a geologic/soil stability report had been issued for the project site.

Michael Benison, representing the applicant, explained that grading had occurred had based on the soils engineer’s recommendations. Mr. Benison distributed computer renderings depicting the topography of the existing lot and images of the site as it would appear once the proposed construction is complete. Mr. Benison stated that the site would need to be stabilized and the soil validated in order for the property to support a pool and that the plans submitted to the City address site stability and drainage associated with the proposed construction. He also answered questions from the Council.

Discussion commenced.

Council Member Malloy inquired if the pool had been included on the plans submitted to the Site and Architecture Commission at the time of the review for the construction of the residence.

Associate Planner McGranahan stated that the pool may have been depicted on the original plan as a future project, but the volume of grading for the pool construction has changed.

Council Member Malloy referred to the Residential Design Guidelines where it specifies that proposed construction and construction designs should follow the natural topography of site.

Mr. Benison, project contractor, stated that not more than 125-130 cubic yards of dirt over the grading use permit requirement is intended to be disturbed and that all the proposed grading has to do with stability of the

lot. He stated that if the dirt from the site is found acceptable it would be placed back on the site and used for the construction. However, if the dirt is deemed unstable by the soils engineer the dirt would need to be exported and other fill would need to be brought in for the proposed construction. Based on this uncertainty, he stated, he could not give the City a definite grading quantity figure. He stated that based on the slope of the lot any pool design would need to be engineered.

Council Member Garner inquired about other design options and stated that she would like to see the other options considered.

Mr. Benison, project contractor, stated that other options would be explored after the soils testing and report.

Discussion commenced.

At 8:20 p.m., the Public Hearing was opened.

Anna Mehrany, applicant, provided clarification on the work taken place on the property. She stated that there had been some initial confusion with regard to erosion mitigation measures resulting in a Stop Work Order, but the matter was promptly resolved.

Since there was no one else wishing to speak, the Public Hearing was closed.

Mr. Benison, Project contractor, stated that all components for the project are in place and ready to proceed with project.

Council Member Malloy noted the unusual steepness of the slope and spoke with regard to building and designing with the site's natural topography in mind. She stated that she would like to see a reduction in the grading and consideration of alternative designs.

Council Member Garner expressed concern with what seems to her to be piece meal of the grading. She stated that she has serious concerns about the stability of the slope and would like to see an engineering report before Council action.

Mayor Wright inquired of Site and Architecture Commissioner Allen if the pool had been on the original plan.

Barbara Allen, Site and Architecture Commissioner, recalled the pool being on the plan, but that the Commission was unaware of the grading quantities now being proposed and did not have the authority to approve a Grading Use Permit or allow for grading in excess of 1000 cubic yards.

Council Member Perry stated that he needed more information with regard to the project. He stated that he agreed with the comments of the other Council Members and would like to see a proposal with less grading.

Council Member Anstandig spoke with regard to the findings and the adverse impact on the environment. He stated that he would like to review an engineering report on the project prior to taking action on the application.

Mayor Wright concurred with the comments of the Council Members and spoke in favor of consideration of alternative designs with less grading.

Following brief discussion, Council Member Malloy read the findings and moved to deny the application without prejudice. The motion was seconded by Council Member Perry.

Council Member Perry stated that he would want to see the application return with significantly less grading.

The motion passed with a 5-0 vote.

6. Consider Adoption Of Resolution Of The City Council Of The City Of Monte Sereno Authorizing The City to Join the California Communities CaliforniaFIRST Program
City Manager Loventhal provided a report on the matter and answered questions from the Council.
7. Consider Adoption Of Resolution Of The City Council Of The City Of Monte Sereno Authorizing For The Collaborative Lead Agency Bidder Sacramento County To Apply For And Receive Funding On Behalf Of The City Of Monte Sereno

Council Member Perry inquired about the process to later opting out of the program if the anticipated funding is not received.

Discussion commenced.

Mayor Wright opened the Public Hearing for Agenda Items 6 & 7 at 8:50 p.m.

Lilian Harman, resident, inquired about the program and if participation is required.

City Manager Loventhal provided clarification of program and answered Ms. Harman's questions.

Russ Stanley, resident, inquired about the division of the grant money among the cities in the county.

Since no one else was wishing to speak, Mayor Wright closed the Public Hearing at 8:50 p.m.

Mayor Wright expressed support for the program.

Council Member Perry inquired if the Council could place contingencies on the adoption of the resolutions in the event the grant is not awarded.

City Attorney Powell explained that contingencies placed on the adoption of the resolution may be problematic and suggested that the Council make a separate motion giving staff direction reflective of the Council's position with regard to opting out should the grant not be awarded.

Council Member Perry moved that the City Council adopt the Resolution Authorizing The City to Join the California Communities CaliforniaFIRST Program. The motion was seconded by Mayor Wright. The motion passed with a 5-0 vote.

Council Member Perry moved that the City Council direct the City Manager to bring to the next available City Council meeting a resolution opting out of the program should the grant funds be unavailable or not awarded. The motion was seconded by Mayor Wright and the motion passed with a 5-0 vote.

Council Member Perry moved that the City Council adopt Resolution Authorizing For The Collaborative Lead Agency Bidder Sacramento County To Apply For And Receive Funding On Behalf Of The City Of Monte Sereno. The motion was seconded by Mayor Wright and passed with a 5-0 vote.

UNFINISHED BUSINESS

8. Update on General Plan Housing Element

Associate McGranahan provided a staff report on the housing element update and answered questions from the Council.

Discussion commenced.

At 9:18 p.m. the Mayor invited public comments.

Russ Stanley, resident, spoke with regard to correspondence between the City and the State pertaining to multi-family housing opportunities. He stated that he was unaware that his County property located along Saratoga-Los Gatos Road lay within the area identified by the City as an area where potential multi-family residential may be considered. He stated that he is interested in developing the property and would like to have guidance from the City Council and open forum to discuss acceptable development of his property.

City Attorney Powell explained that the City is not proposing to change the zoning in any area at this time, only identify some properties for evaluation. She stated that with the current zoning, the only development option for Mr. Stanley's property would be single family residential on one-acre lots. She stated that the City is not looking to make drastic changes and is mainly interested in certification of the Housing Element with as little change in the City as needed.

Council Member Perry stated that he would like to see something different on certain properties that would benefit the City in its pursuit of Housing Element certification.

City Council Member Anstandig stated that he feels that if the City makes a representation to the State for evaluation of certain property, the City should follow through.

City Manager Loventhal reported that the City has until June 2011 to conduct the evaluation.

There was City Council consensus to consider agenda Item 10 next.

NEW BUSINESS

10. Consider Site and Architecture Commission Appointments – 2 seats

City Manager Loventhal introduced the matter.

Site and Architecture Commission applicants Barbara Allan, Lon Allen, Eric Wade and Geri Actor introduced themselves to the City Council and provided information on them.

The City Council Members thanked the applicants for applying and stated that they were all well qualified. The Council explained that only two people would be nominated and encouraged the two that are not nominated to pursue other volunteer opportunities in the City.

City Manager Loventhal explained the voting system and requested the Council to vote for the candidates ranking their first nomination and second nomination.

City Manager Loventhal collected the written ballots and announced that Barbara Allan had received five first choice nominations and that Lon Allen had received four second choice nominations.

Council Member Perry moved that Barbara Allen and Lon Allen be nominated to the Site and Architecture Commission to serve terms ending January 1, 2012. The motion was seconded by Council Member Malloy and the motion passed with a 5-0 vote.

9. Update on Senior/Recreation Services

City Manager Loventhal reported other jurisdictions are now negotiating with regard to Senior/Recreation Services and have requested that the City of Monte Sereno defer any discussion with their agencies until after their negotiations about an opportunity for formation of a joint power collaborative.

COUNCIL REORGANIZATION

City Attorney spoke with regard to the process.

- Remarks by Outgoing Mayor

Mayor Wright thanked Council Members for their support and noted the year's accomplishments.

- Election of Mayor and Vice Mayor

Mayor Wright nominated Council Member Perry as Mayor for 2010. The motion was seconded by Council Member Malloy and the motion passed with a 5-0 vote.

Mayor –Elect Perry nominated Council Member Malloy to serve as Vice Mayor. The motion was seconded by Mayor Wright and the motion passed with a 5-0 vote.

COMMITTEE/COMMISSION REPORTS

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

COUNCIL MEMBER COMMENTS

The Council Members discussed the upcoming Holiday Parade and the Santa Clara County Cities Association Holiday party.

CITY MANAGER'S REPORT

City Manager reported on various administrative matters.

ADJOURNMENT

At 10:05 p.m., Mayor Wright adjourned the to 7:30 p.m., Tuesday, December 15, 2009 to be held in the City Council Chambers located at 18041 Saratoga-Los Gatos Road, Monte Sereno, and California.

Don Perry, Mayor

ATTEST:

Andrea M. Chelemengos, City Clerk