



**MONTE SERENO CITY COUNCIL  
MINUTES**

**January 5, 2010**

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**REGULAR MEETING CALLED TO ORDER**

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

**PLEDGE OF ALLIEGIENCE**

**ROLL CALL**

Present: Council Members Anstandig, Garner, Malloy, Wright, and Mayor Perry  
Absent: None  
Staff Present: City Manager Loventhal, City Attorney Powell, and City Clerk Chelemengos

**ORDERS OF THE DAY**

No changes

**PRESENTATION**

- Presentation of Plaque of Appreciation to Past Mayor A. Curtis Wright

Mayor Perry presented former Mayor Curtis Wright with a plaque in appreciation of his service as Mayor during 2009.

- Proclamation of Appreciation to Joe Mastropolo

Mayor Perry spoke in appreciation of Mr. Mastropolo's past service on the Site and Architecture Commission. He stated that a Proclamation has been prepared and would be delivered to Mr. Mastropolo.

- Police Department Year to Date Report

Police Chief Seaman clarified that the report covered three-quarters of the year. He distributed an updated police report and spoke with regard to criminal activity in Monte Sereno, calls for service, response times, traffic enforcement and citations, the vacation check program and the new resident welcome packet. Chief Seaman also answered questions from the Council and introduced Traffic Officer Stanley who patrols Monte Sereno.

Officer Stanley reported on traffic enforcement within the City.

Mayor Perry invited the public to comment.

Jeanne Rojabzadeh, Los Gatos, expressed concerned about traffic on Daves Avenue causing difficulty in pulling out of her driveway due to the high speeds at which the vehicles travel. Ms. Rojabzadeh stated that she had noticed a decrease in the number of patrol cars and also answered questions from the Council.

Susan Von Felton, Daves Avenue School Principal, stated that she feels patrol around the school has increased and that the Police have an also immediate response time to their calls. She expressed appreciation and satisfaction with the police service.

Ted Lascola, resident, expressed concerned with the “S” curve on Daves Avenue and the frequent “cutting of the curve” and potential safety issues. He suggested that measures be taken to prevent traffic from deviating from the marked traffic lanes.

There was no one else from the public wishing to comment.

Council Member Anstandig commended the police department on its vacation check program. He inquired about the tracking of service hours within the City, the possible use of a GPS system to assist with patrol car tracking and the use of passive cameras and their effect on crime. Council Member Anstandig also noted that consideration of Phase II improvements on Highway 9 would begin soon and any suggestions or observations the police department had would be helpful and appreciated.

Chief Seaman explained that there is technology available for tracking the location of police cars, but that the department currently does not have that type of equipment. The Chief also spoke with regard to the benefits passive cameras would bring to investigations of crime.

Council Member Malloy inquired about the GPS and thanked Office Stanley for patrolling the school. She stated that she was glad to see the recent increase in traffic enforcement along Highway 9.

Mayor Perry thanked the police for their report and service. He stated that safety on Highway 9 is a priority and encouraged the police department to issue citations. Mayor Perry stated that he feels that high visibility of the police is effective in deterring crime and excessive speed, but that the receipt of a citation has a more lasting impact.

Chief Seaman suggested that the City consider signage along Highway 9 that would convey the City’s low tolerance for excessive speed within the City.

Mayor Perry asked for clarification with regard to location of traffic offenses and the place of citation. Mayor Perry also stated that he would like to see the Police Department pursue the technology that would enable police car location to be tracked.

Police Chief Seaman clarified that citations indicate the location of the offense and not the location at which the vehicle was stopped by the traffic officer.

Council Member Garner commended the Police Chief for his work. She stated that she feels the police department is visible to the citizens and very responsive. She stated that she was impressed with the number of calls for service. Council Member Garner inquired about the accidents on Highway 9 and suggested that the Police, in future reports, include their determination as to the cause of the accident.

Council Member Wright inquired if the Town of Los Gatos was considering cameras or tracking GPS systems for the patrol cars.

Police Chief Seaman reported that at this time the Town was only considering the auto license plate readers.

He concluded his report by stating that the Police Department is always approachable with any concerns and/or service satisfaction issues.

### **ORAL COMMUNICATIONS**

Ray Davis, Los Gatos, reported on the recent installation of new sidewalk near Fisher Middle School, spoke with regard to the dust samples taken near the cement plant located in the City of Cupertino, and expressed concern with the traffic and pollution impacts the proposed Safeway remodel might have on the community.

Mayor Perry stated that he has a been instructed by the City Attorney to recuse himself from consideration of the next matter due a potential conflict of interest based on financial interests. Mayor Perry left the Council Chambers and Vice Mayor Malloy chaired the discussion.

### **WRITTEN COMMUNICATIONS**

1. Letter from Daves Avenue Elementary School

Vice Mayor Malloy introduced the matter.

Susan Von Felton, Daves Avenue School Principal, spoke with regard to the request for funding of radios for school and church to be used during times of emergency. She explained that the school is a "CERT" site and that the equipment would be a benefit to the community since it

could be used by an emergency response team if need. She explained that the proposal includes a radios in every classroom, at the personnel work station and radios for the daycare located at the Church across the street from the school. Ms. Von Felton answered questions from the Council.

Council Member Anstandig inquired if Council could take action at this time and also wondered about how the funding request fits into the larger plan of the City for emergency preparedness.

Council Member Garner inquired if other schools in district have radios and how they were purchased. She stated that she would like more information as requested by Council Member Anstandig as to how the requested equipment fits in with the City's overall Emergency Preparedness Plan.

Council Member Wright agreed that the City should have a working emergency plan that includes the school and church. He stated that without that plan he could not support the request. He urged the school to work with the City for inclusion in the formal plan.

Council Member Malloy pointed out that the radios would provide protection for children and be available to the community in the event of a disaster. She stated that the school has always been accommodating to the City and that she could support the request.

Discussion commenced.

City Manager Loventhal stated that the City does have funds available if the Council desires to grant the request. He spoke with regard to the development of a City-wide emergency plan which would serve as documentation of a public purpose for the expenditure.

Council Member Garner suggested exploring cost sharing with Town of Los Gatos since children from both jurisdictions attend the school.

City Manager Loventhal explained that if a disaster occurs during school hours the jurisdiction in which the children attend school have a responsibility to those children during and immediately following a disaster

Council Member Wright agreed with Council Member Garner's comments and would like the equipment and school/church to be a part of a plan which includes the City.

Council Member Anstandig again stated that he would like to see how the City's Emergency Plan coordinates with the requested equipment. He stated that he supports asking the Town of Los Gatos to contribute and he would like to expedite the writing of the City's Emergency Plan. Council Member Anstandig suggested the matter be continued to allow for the development of

the draft Emergency Plan so that there might be clear connection with the requested equipment and its public benefit.

City Attorney Powell stated that ideally the City would want a written agreement from the school which would allow for and outline the use of the requested equipment and school facility in event of an emergency.

There was Council consensus to continue the matter to a future meeting to allow time for the drafting of an agreement with regard to the use of the equipment.

Mayor Perry rejoined the Council.

Council Member Garner moved that Consent Calendar Item # 4 be removed from the Consent Calendar. The motion was seconded by Council Member Anstandig and the motion passed with a 5-0 vote.

#### **CONSENT CALENDAR**

2. Approve Minutes of December 15, 2009 Special Meeting
3. Approve Warrant List in the amount of \$205,317.35

Council Member Wright moved to approve Consent Calendar Items 2 and 3. The motion was seconded by Council Member Anstandig and the motion passed with a 5-0 vote.

4. Approve Highway 9 Cooperative Agreement for Phase II

Council Member Garner inquired about the agreement. City Manager Loventhal provided an explanation.

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

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

#### **UNFINISHED BUSINESS**

5. Consider Rescheduling Civic Center Master Plan Meeting

City Manager Loventhal introduced the matter. There was consensus to direct the City Clerk to work with the Council to establish an acceptable date.

## **NEW BUSINESS**

### **6. Consider Alternatives for the Expenditure Of Funds From The Supplemental Law Enforcement Services Fund**

City Manager Loventhal introduced the matter and answered questions from the Council.

In response to Council Member Wright's inquiry regarding designation of the funds, Chief Seaman stated that the funds had been designated for use toward costs associated with motorcycle officers and that the Town Council had acted on the anticipation of the funds.

Mayor Perry stated that the Council should investigate how the money could be spent to enhance police protection. He suggested that the Council entertain bids from the Los Gatos/Monte Sereno Police Department as well as other law enforcement agencies for the \$100,000. He stated that the bids should be in writing and should be for service above what is already being paid for and agreed to within the existing law enforcement contract.

Council Member Malloy agreed with Mayor Perry's comments.

Council Member Garner stated that she feels that the City has a partnership with the Los Gatos/Monte Sereno police force and feels that the request for bids is in conflict with the relationship. She stated that she would rather ask the Los Gatos/Monte Sereno Police to provide a proposal for consideration.

Mayor Perry stated that without an outside agency bid the City has nothing to compare the proposal to and feels this information is necessary to ensure that the City is getting the best deal for the money.

Council Member Wright stated that he has mixed emotions on the matter and suspects that there may be underlying political issues that call into questions as to whether the Police Department is a joint police force or if the City merely contracts for service. He stated that if the police force is a joint police force then priority should be given to the Los Gatos/Monte Sereno Police Department. If the relationship is contractual only then it might be appropriate to seek outside bids.

Mayor Perry stated that the matter before the Council is whether or not to get bids for the money and does not stem from political events. He stated that his interest is to look for what best serves the community.

Council Member Anstandig inquired about the procedure for awarding the funds. He acknowledged that the current police contract is dated and probably needs updating and that there had been concerns in the past with regard to amount of police enforcement. He stated that

if the enforcement concern has been alleviated and there are relationship issues then those need to be addressed. He further stated that if there is dissatisfaction with the service overall, then it may be time for the Council to evaluate the contractual relationship and decide whether or not to stay with the current law enforcement agency.

City Attorney Powell explained the process by which the funds are obtained and distributed.

Council Member Anstandig stated that something should be said for the dedication and loyalty of the Police Department, but the Town of Los Gatos should be reprimanded for lateness of their request for the funds. He stated that the Los Gatos/Monte Sereno Police Department should be given the first opportunity to present a proposal for the funds.

Discussion commenced

Mayor Perry and Council Member Malloy spoke in favor of entertaining bids from other law enforcement agencies.

Council Member Garner said that she could not support obtaining bids from other agencies.

Council Member Malloy moved that the City Council direct staff to entertain bids for traffic enforcement services including the proposed number of hours and an outline of the services that could be provided for \$100,000. The motion was seconded by Mayor Perry.

Council Member Wright expressed concern with piece meal police services. He stated that if the Council is not satisfied with the service then the Council should look at bid for the entire police service contract. He stated that he could not support the motion.

Council Member Anstandig stated that he could not support the motion and that it was not appropriate at this point of time to go to another party for a bid. He spoke in favor of asking the Los Gatos/Monte Sereno Police force to submit a recommendation on how best to use the funds.

The motion failed with a 2-3 vote. Council Members Anstandig, Garner, and Wright voted No.

At 10:40 p.m., Mayor Perry called for a brief recess. At 10:55 p.m. the meeting was called back to order.

Mayor Perry stated that he had spoken with the Police Chief who indicated he would be willing to come before the Council in two weeks with a proposal that would outline the services they could offer for the \$100,000.

Council Member Malloy stated that she would still be interested in a bid for comparison sake.

Following brief discussion there was Council consensus to request that the Police Chief return for the January 19, 2010 meeting with a proposal.

Council Member Wright stated that he feels there are fundamental problems with relationship and suggested it be examined.

7. Consider Scheduling Date for City Goal Setting Meeting

There was consensus to set the date for either January 23 or January 30, 2010. The City Clerk would coordinate the date.

8. Ratify Commission/Committee Assignments for 2010

This matter was continued to later in the meeting so that the Council, as well as the public, could receive the Update on the Housing Element Certification.

**COMMITTEE REPORTS**

9. Report from Nancy Hobbs City Representative to Guadalupe/West Valley Flood Control And Watershed Advisory Committee

Mayor Perry noted the absence of Ms Hobbs and moved to continue the report to a future meeting. The motion was seconded by Council Member Malloy and the motion passed with a 5-0 vote.

**CITY MANAGER'S REPORT**

- Update on Housing Element Certification

City Manager Loventhal distributed letter from the State containing comments regarding suggested modification to the City Draft housing Element.

Russ Stanley, resident, spoke with regard to correspondence between the City and the State pertaining to multi-family housing opportunities.

Discussion commenced

Following discussion, there was Council consensus to continue the matter to the January 19<sup>th</sup> City Council meeting to allow staff to prepare a thorough report and address the comments from the State.

## 9. Ratify Commission/Committee Assignments for 2010

Mayor Perry distributed the Committee/Commission assignment document. There was discussion regarding the assignments.

Council Member Wright asked to stay on the West Valley Sanitation District and noted that he had recently completed training with the anticipation that he would continue to serve on the Board.

Council Member Garner expressed concern with her assignment to serve as liaison to the Youth Commission. She stated that she has a conflicting commitment.

A few changes were made to the originally distributed document. Council Member Garner was replaced by Council Member Anstandig as representative to the Santa Clara Valley Transportation Authority Policy Advisory Committee and Council Member Wright was assigned to serve as the alternate to that Committee. Council Member Wright was removed from the Highway 9 Ad hoc Committee and Council Member Garner was added to the Committee.

Following discussion, Council Member Malloy moved to ratify the Mayor's Committee/Commission appointments as amended above (See attached). The motion was seconded by Council Member Anstandig and the motion passed with a 4-0-1 vote. Council Member Wright abstained.

### **COMMITTEE/COMMISSION REPORTS**

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

### **COUNCIL MEMBER COMMENTS**

There were no comments.

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

City Manager reported on various administrative matters.

**ADJOURNMENT**

At 11:56 p.m., Mayor Perry turned the gavel over to Vice Mayor Malloy who spoke of the late Monte Sereno resident and community volunteer Judy Fields and adjourned the meeting in memory of Ms. Fields to 7:30 p.m., Tuesday, January 19, 2010 to be held in the City Council Chambers located at 18041 Saratoga-Los Gatos Road, Monte Sereno, and California.

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Don Perry, Mayor

ATTEST:

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Andrea M. Chelemengos, City Clerk