



# AGENDA

## CITY OF MONTE SERENO

TUESDAY, APRIL 1, 2014

REGULAR  
MEETING OF THE  
CITY COUNCIL  
7:00 P.M.

Monte Sereno City Council Chambers – 18041 Saratoga-Los Gatos Road, Monte Sereno, Ca 95030

**\*Staff Recommendation**  
Confirm Quorum

**MEETING CALLED TO ORDER**  
**PLEDGE OF ALLEGIANCE TO THE FLAG**  
**ROLL CALL**  
**ORDERS OF THE DAY**  
**PRESENTATIONS**

- Santa Clara County Fire Department Activity Report - Deputy Chief Justice Info

**ORAL COMMUNICATIONS**

**WRITTEN COMMUNICATIONS**

1. Letter from Omar Billawala Regarding Impervious Coverage Regulations Info

**CONSENT CALENDAR** (It is recommended that all items listed be acted on simultaneously unless separate discussion and/or action is required by a Councilmember or a member of the audience.) Action

2. Approve Minutes of March 18, 2014 City Council Meeting
3. Approve Warrant List
4. Hold Second Reading And Adopt An Ordinance Of The City Council Of The City Of Monte Sereno Amending Title 4, Chapter 4.05, Section 4.05.010 And Repealing Section 4.05.020 Regarding The Registration Of Bicycles
5. Adopt Resolution Of The City Council Of The City Of Monte Sereno Appointing The Engineer And Attorney In Connection With The Rose-Andrews Lighting District
6. Resolution Of The City Council Of The City Of Monte Sereno Describing Improvements And Directing Preparation Of Engineer's Report For Fiscal Year 2014-2015

**PUBLIC HEARINGS**

7. SS-13-18A /GUP-13-03 - 18125 Constitution Avenue Property Owner: Calhoun Action  
The applicant requests approval of a Site Development Permit to construct a new two story house of 5,295 square feet and detached secondary dwelling unit of 940 square feet on a currently vacant lot. The applicant is also requesting a Grading Use Permit to allow approximately 3,960 cubic yards of grading. The application also includes a proposal to remove 13 trees. The Site Development Permit was previously reviewed and recommended for conditional approval by the Site and Architectural Commission at their special meeting of March 19, 2014.

**\* All items on the agenda are subject to action/or change by the City Council**

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk (408) 3547635. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28CFR 35.10235.104 ADA Title II] Z:\CCL\RK\OFF\CITYCOUN\PACKETS\CCAGENDA\2014AGENDAS\04-01-14AGN.doc

**UNFINISHED BUSINESS - None**

**NEW BUSINESS**

- |  |             |
|--|-------------|
| 8. Discuss City Council Term Limits              | Info/Action |
| 9. Discuss City Newsletter Content and Frequency | Info/Action |

**COMMITTEE/COMMISSION REPORTS**

**CITY MANAGER'S REPORT**

**COUNCIL MEMBER COMMENTS**

**ADJOURNMENT** In Memory Of The Late Thomas Inglis Jr.,  
City Manager Of Monte Sereno From 1967-1978

Omar Billawala  
18310 Bicknell Road  
Monte Sereno, CA 95030  
March 17, 2014

City Council  
City of Monte Sereno  
18041 Saratoga-Los Gatos Road  
Monte Sereno, CA 95030

Dear Council Members,

I am writing to ask that you consider modifying Title 10 Chapter 5 Sections 10.05.020(C)10, 10.05.030(C)8, and 10.05.040(C)6.2 of the Monte Sereno Municipal Ordinance to increase the maximum impervious coverage limits to 45% for R1-44 lots, 55% for R1-20 lots, and 65% for R1-8 lots.

Residential lots in Monte Sereno presently fall under three zoning districts, R1-8, R1-20, and R1-44, which require minimum lot sizes of 8,000 square feet, 20,000 square feet, and 43,560 square feet, respectively.

Among the types of development standards imposed on these zoning districts are:

- Front-yard setbacks;
- Side-yard setbacks;
- Rear-yard setbacks;
- Spa, tube and/or swimming pool setbacks;
- Maximum building height;
- Maximum building size;
- Maximum structural coverage; and
- Maximum impervious coverage.

It is this final development standard, maximum impervious coverage, I am asking you to consider increasing. I have included draft proposed revisions to the Monte Sereno Municipal Code in Appendix A below.

## History

When Monte Sereno was incorporated in 1957 impervious coverage was not regulated. It was first addressed in 1985 and then modified in 1989. The percentages shown in the table below do not reflect additional deductions that have been imposed on lots based on slope and on lots which significantly exceed the minimum lot size for that particular zone.

**Monte Sereno Impervious Coverage Historical Limits**

Zone	1957	1985	1989	Proposed
R1-8	100%	40%	30%	45%
R1-20	100%	50%	40%	55%
R1-44	100%	60%	60%	65%

## Santa Clara County Survey

I tried to understand how Monte Sereno's ordinance compares with other cities in Santa Clara County by checking their municipal ordinance impervious coverage limits for a one-acre lot and came up with the following table:

**Santa Clara County One-Acre Lot Impervious Coverage Historical Limits**

Jurisdiction	Maximum Impervious Coverage*
(Unincorporated )	100%
Campbell	40%
Cupertino	45%
Gilroy	100%
Los Altos (& Hills)	34%
Los Gatos	100%
Milpitas	100%
Morgan Hill	100%
Mountain View	100%
Palo Alto	30%
San Jose	100%
Santa Clara	100%
Saratoga	35%
Sunnyvale	40%

\*These amounts are the maximum amount allowed for a one-acre lot subject to certain restrictions on front yards (some require 40% to 50% landscaping in the front yard), lot slope, and procedural requirements.

## Reasoning

### *Balance of Interests Weighs in Favor of Increasing Impervious Coverage Limits*

Property owners should be able to do what they want to with their own property within reason. When living in a community it is important that community interests be given a high priority.

But when the improvements provide little to no visual impact to the community (such as impervious surfaces)—particularly when they are in a property owner's backyard—the balance clearly weighs in favor of allowing the property owner to do as she wishes.

***Allow Residents to Build Their Dreams***

People often come to Monte Sereno after having worked for most of their life to be able to afford a home in a spectacular area and want to improve their property to suite their wishes. By increasing the impervious coverage limits you will allow more people to realize their dreams.

***Harmonious With Other County Jurisdictions***

Considering the restrictions throughout the Santa Clara Valley, increasing the impervious coverage limits as I am suggesting is reasonable and not out-of-line with what other nearby cities require.

***Easy Way to Create More Law Abiding Residents***

Through honest mistake or devious machinations, a visual inspection using readily available aerial maps, such as Google provides, indicates that there are many properties within the City which are out of compliance with the current impervious coverage limits. The playing field can be leveled among residents in one of two ways: (1) enforce the current limits by citing properties which clearly are out-of-compliance with those limits or (2) relax the limits so as to encompass many of the out-of-compliance properties. Given the choice, I believe that the second path which is much less confrontational is the preferred one.

***Fairness with Adjoining Properties***

The City is surrounded on approximately 90% of its borders by the Town of Los Gatos or unincorporated county land. The current zoning for those jurisdictions allows up to 100% impervious coverage. Increasing Monte Sereno's impervious coverage limits would move the City a little closer to the surrounding areas. From a rough count it appears that more than 20% of the approximately 1,220 lots in the City either border or are across the street from a Los Gatos or unincorporated address. Increasing the impervious coverage limits would decrease the land use discrepancy with our Los Gatos and county neighbors and would help address a concern that county residents might have about eventually being annexed into Monte Sereno.

I appreciate your time and consideration. Thank you.

A handwritten signature in black ink, appearing to read "Omar Billawala". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

Omar Billawala

## APPENDIX A -- Proposed Ordinance Revisions

### Title 10 Chapter 5: 10.05.020 "R-1-44" Residential District

- (C)10. Maximum impervious coverage. The maximum impervious coverage allowed on a parcel of property (expressed in a percentage of the area of the parcel or lot), is as follows:
- a. Single-story building — ~~thirty-fourty-five~~ percent (~~30%45%~~).
  - b. Two (2) story building — ~~thirty-fourty-five~~ percent (~~30%45%~~).
  - c. Notwithstanding subsections (10)(a) and (b) above, the allowed impervious coverage shall be decreased by two percent (2%) for each twenty-one thousand seven hundred eighty (21,780) square feet by which the area of a parcel of property or lot exceeds the minimum lot area required in this residential zoning district; provided, however, the percentage shall not be reduced below twelve percent (12%) or thirty thousand (30,000) square feet, whichever is less. Impervious coverage shall be decreased by two percent (2%) for each five percent (5%) of slope that the parcel exceeds a ten percent (10%) average slope.

### Title 10 Chapter 5: 10.05.030 "R-1-20" Residential District

- (C)8. Maximum impervious coverage. The maximum impervious coverage allowed on a parcel of property (expressed in a percentage of the area of the parcel or lot), is as follows:
- a. Single-story building — ~~Forty-fifty-five~~ percent (~~40%50%~~).
  - b. Two-story building — ~~Forty-fifty-five~~ percent (~~40%50%~~).
  - c. The maximum impervious coverage shall be decreased by two percent (2%) for each six thousand (6,000) square feet by which the area of a parcel of property or lot exceeds the minimum lot area required in this residential zoning district; provided, however, in no event shall the impervious coverage on any parcel of property exceed twenty thousand (20,000) square feet. Impervious coverage shall be decreased by two percent (2%) for each five percent (5%) of slope that the parcel exceeds a ten percent (10%) average slope.

### Title 10 Chapter 5: 10.05.040 "R-1-8" Residential District

- (C)6.2 Maximum impervious coverage. The maximum impervious coverage allowed on a parcel of property (expressed in a percentage of the area of the parcel or lot), is as follows:
- a. Single-story Building — ~~Sixty-sixty-five~~ percent (~~60%65%~~).
  - b. Two-story Building — ~~Sixty-sixty-five~~ percent (~~60%65%~~).
  - c. The maximum impervious coverage shall be decreased by four percent (4%) for each two thousand (2,000) square feet by which the area of a parcel of property or lot exceeds twelve thousand (12,000) square feet. Provided, however, in no event shall the impervious coverage on any parcel of property exceed twenty thousand (20,000) square feet. Impervious coverage shall be decreased by two percent (2%) for each five percent (5%) of the slope that the parcel exceeds a ten percent (10%) average slope.



**MONTE SERENO CITY COUNCIL  
MEETING MINUTES**

**MARCH 18, 2014**

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**REGULAR MEETING CALLED TO ORDER**

At 7:00 p.m., Mayor Craig called the meeting to order.

**PLEDGE OF ALLIEGIANCE**

**ROLL CALL**

Present: Council Members Allan, Anstandig, Huff, Rogers and Mayor Craig  
Absent: None  
Staff Present: City Manager Loventhal, City Attorney Powell, Associate Planner Ventura and City Clerk Chelemengos

**ORDERS OF THE DAY**

There were no changes made.

**PRESENTATIONS**

- Presentation By Marc Landgraf Chair of Yes for Open Space Committee

Marc Landgraf provided information on the Mid Peninsula Regional Open Space District and discussed the parcel tax scheduled to be placed on the upcoming ballot. Mr. Landgraf requested the Council's support for the parcel tax and answered questions from the Council.

**ORAL COMMUNICATIONS**

None

**WRITTEN COMMUNICATIONS**

None

## **CONSENT CALENDAR**

1. Approve Minutes Of March 4, 2014 City Council Meeting
2. Approve Warrant List in the amount of \$84,408.64
3. Approve Monthly Treasurer's Report Of Month Of February 2014
4. Approve Monthly Financial Report For Month Of February 2014

Council Member Allan moved to approve the Consent Calendar. The motion was seconded by Council Member Rogers and the motion passed (5-0) with the following roll call vote:

Ayes:	Council Members Allan, Anstandig Huff, Rogers and Mayor Craig
Noes:	None
Absent:	None
Abstain:	None

## **PUBLIC HEARINGS - None**

## **UNFINISHED BUSINESS**

5. Consider Adoption Of Resolution In Support Of The Midpeninsula Regional Open Space District Bond Measure For Public Access, Open Space Preservation And Habitat Restoration

City Manager Loventhal reported that this matter was tied to the presentation given earlier on the agenda.

Council Member Allan moved to direct staff to prepare an appropriate document conveying the City Council's support Of The Midpeninsula Regional Open Space District Bond Measure For Public Access, Open Space Preservation And Habitat Restoration. The motion was seconded by Council Member Rogers.

City Attorney Powell answered questions from the Council.

Council Member Huff stated that he could not support the motion because of the potential of additional property taxes.

Mayor Craig invited public comment on the matter. There was no one wishing to speak.

The (above) motion passed (4-1) with the following roll call vote:

Ayes: Council Members Allan, Anstandig, Rogers and Mayor Craig  
Noes: Council Member Huff  
Absent: None  
Abstain: None

6. Consider Citizen Appointments (5) To The Monte Sereno Long Term Vision Ad Hoc Committee

City Manager Loventhal provided a report on the matter to the Council.

Mayor Craig invited the applicants to introduce themselves.

Joe Mastropolo, applicant, introduced himself and reported that he had served previously on City commissions and that he was particularly interested in serving on the Long Term Vision Committee not only because he plans to stay in Monte Sereno for many years, but also because he does long range planning and strategizing as a profession.

Council Member Rogers moved to appoint all five applicants, Jeffrey Balfus, Jim Barth, Omar Billawala, Joe Mastropolo and Vidya (Rangasayee) Narayan to serve on the Monte Sereno Long Term Vision Ad Hoc Committee. The motion was seconded by Council Member Allan and the motion passed (5-0) with the following roll call vote:

Ayes: Council Members Allan, Anstandig Huff, Rogers and Mayor Craig  
Noes: None  
Absent: None  
Abstain: None

7. Consider Appointment Of Citizen (1) To The Monte Sereno Site And Architectural Commission

City Manager Loventhal provided a staff report on the matter.

Narayan Balasubramanian, applicant, provided information on himself and stated that he would like to be involved in his community and serve on the Site and Architectural Commission to help maintain the character and beauty of Monte Sereno.

Council Member Allan moved to appoint Narayan Balasubramanian to serve on the Monte Sereno Site and Architectural Commission. The motion was seconded by Council Member Anstandig and the motion passed (5-0) with the following roll call vote:

Ayes:	Council Members Allan, Anstandig Huff, Rogers and Mayor Craig
Noes:	None
Absent:	None
Abstain:	None

## **NEW BUSINESS**

### 6. Consider Annual (2013) Housing Progress Report

Associate Planner Ventura provided a report to the Council and answered questions from the Council.

At 7:23 p.m. Mayor Rogers opened the floor for public comment.

Todd Williams, attorney for Russ Stanley, noted a letter sent that evening expressing concern for the data in the annual report. He stated that the City has not met its obligation to the State's Housing and Community Development Department and that recent Council actions have made development of multifamily housing infeasible. He stated that the City would face future adverse legal consequences. He also called into question the method used by the City to determine affordability.

Russ Stanley, resident, stated that the City continues to defy the State's mandate, and that of the seven units included in the annual housing report, only one is applicable. He claimed that the City had falsified reports to the State and encouraged the City Council to act responsibly and to look into his concerns regarding the report and amend it accordingly.

Chuck Kappan thanked the Council for their work on the issue and continuing along lines of their actions relative to multi-family zoning and addressing affordable housing.

There was no one else wishing to speak.

Council Member Anstandig inquired of the due date for the report.

Staff responded that the report is due to be filed with the State by April 1, 2014.

Council Member Anstandig suggested that staff take the remaining two weeks to review the report and verify its accuracy in light of Mr. Stanley's concerns and should modification be needed, the amended report be brought back to the Council.

City Attorney Powell answered questions from the Council and reassured the Council that staff had diligently worked on the report (including reviewing how other jurisdictions calculate affordability). She stated she is confident that the data contain within is accurate and up to date.

Mayor Craig stated that with Monte Sereno being as small as it is, calculation of housing should be straight forward and not too complicated. He stated that he is confident that the report is accurate and that there is no reason not to file with the State. He concluded by saying that if inaccuracies are identified, then the City can file an amended the report if necessary.

Council Member Allan moved that the City Council accept the report and directed the staff to proceed with the required filing of the report. The motion was seconded by Council Member Huff and the motion passed (5-0) with the following roll call vote:

Ayes:	Council Members Allan, Anstandig Huff, Rogers and Mayor Craig
Noes:	None
Absent:	None
Abstain:	None

Council Member Anstandig moved that staff be directed to review the report, prior to April 1 and before filing the report with the State, review the concerns raised and, if after review, there are issues or corrections that those modification be made and the report be brought back before the City Council at a special meeting. The motion was seconded by Council Member Rogers and the motion passed (5-0) with the following roll call vote:

Ayes:	Council Members Allan, Anstandig Huff, Rogers and Mayor Craig
Noes:	None
Absent:	None
Abstain:	None

7. Consider Appointment Of Council Members (2) To A Housing Element Ad Hoc Committee

City Manager Loventhal provided a report on the matter to the Council.

Council Members Anstandig and Huff volunteered to serve on the Housing Element Ad Hoc Committee.

Council Member Allan moved to appoint Council Members Anstandig and Huff to serve on the Housing Element Ad Hoc Committee. The motion was seconded by Council Member Rogers and the motion passed (5-0) with the following roll call vote:

Ayes:	Council Members Allan, Anstandig, Huff, Rogers and Mayor Craig
Noes:	None
Abstain:	None

8. Introduce And Hold First Reading Of An Ordinance Of The City Council Of The City Of Monte Sereno Amending Title 4, Chapter 4.05, Section 4.05.010 And Repealing Section 4.05.020 Regarding The Registration Of Bicycles

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

Council Member Allan moved to waive further reading of the ordinance and introduce the ordinance as read by title only. The motion was seconded by Council Member Huff and the motion passed (5-0) with the following roll call vote:

Ayes:	Council Members Allan, Anstandig, Huff, Rogers and Mayor Craig
Noes:	None
Abstain:	None

#### **COMMITTEE/COMMISSION REPORTS**

The Council Member reported on the activities of their assigned Commissions/Committees.

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

City Manager Loventhal reported on various administrative matters.

#### **COUNCIL MEMBER COMMENTS**

Council Member Huff stated that he would like information on the City of San Jose and the City of Campbell's Below Market Rate housing programs.

Mayor Craig announced that the Youth Commission would be hosting an ice cream social prior to the May 6<sup>th</sup> City Council meeting.

**ADJOURNMENT**

At 8:06 p.m., Mayor Craig adjourned the meeting to Tuesday, April 1, 2014 to be held in the City Council Chambers located at 18041 Saratoga-Los Gatos Road, Monte Sereno, California.

\_\_\_\_\_  
Burton Craig, Mayor

ATTEST:

\_\_\_\_\_  
Andrea M. Chelemengos, City Clerk



**CITY OF MONTE SERENO**  
**REGISTER OF ACCOUNTS PAYABLE**

AS OF THIS DATE:  
 April 1, 2014

CHECK NO.		FOR	AMOUNT	ACCOUNT
14904-14920		March 2014 payroll	92,607.51	
14921	Calif. Building Officials	Annual membership	215.00	01-745
14922	PG&E	Office utility	248.11	01-705
14923	Deborah Ellis	Arborists services rendered	582.75	01-855
14924	CSG Consultants, Inc	Engineering/Inspection/Code enforcement	10,117.00	VAR
14925	Goldfarb & Lipman Attorneys	Litigation services rendered	1,506.25	01-427
14926	GRANICUS	50% Up front costs	2,300.00	01-811
14927	AT&T	Long distance phone service	88.22	01-720
14928	McKenna Landscape	Grounds maintenance/ Storm drain services	9,300.00	VAR
14929	PG&E	Street lighting service	575.40	VAR
14930*	Verizon	Post Office phone services	55.40	06-580
14931	Frankies Awards	Badge and name plate	45.29	01-505
14932	Verizon	Local phone service	293.04	
		<b>TOTAL April 1, 2014 warrants</b>	<b>\$25,326.46</b>	
		<b>Vouchered as due March 2014 Payroll</b>	<b>\$92,607.51</b>	
		<b>GRAND TOTAL</b>	<b>\$117,933.97</b>	

I, SUE L'HEUREUX, FINANCE OFFICER DO HEREBY CERTIFY THAT THE PROCEEDING ACCOUNTS HAVE BEEN CHECKED AND FOUND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF

*Sue L'Heureux*  
 \_\_\_\_\_  
 SUE L'HEUREUX, FINANCE OFFICER

\* Reimbursable expense

**ORDINANCE NO. NS-193**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTE SERENO  
AMENDING TITLE 4, CHAPTER 4.05, SECTION 4.05.010 AND REPEALING  
SECTION 4.05.020 REGARDING THE REGISTRATION OF BICYCLES**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTE SERENO  
AS FOLLOWS:**

**Section 1.** Section 4.05.010 of Title 4, Chapter 4.05 is hereby amended to read as follows:

**"4.05.010 Properly Equipped Bicycle.**

It shall be unlawful for any person to operate or use a bicycle propelled wholly or in part by muscular power within the City of Monte Sereno unless said bicycle is equipped as provided herein."

**Section 2.** Section 4.05.020 of Title 4, Chapter 4.05 is hereby repealed and deleted in its entirety.

**Section 3. CEQA Compliance.** The City Council finds and determines that the enactment of this Ordinance is exempt from the California Environmental Quality Act ("CEQA" Cal.Pub.Res.Code Section 21000 et seq.) or the State CEQA Guidelines (Cal.Code of Regs. Title 14, Section 15000 et seq.) in accordance with Guidelines Section 15061(b)(3). Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

**Section 4. Effective Date. Posting.** This Ordinance shall be in full force and effect thirty (30) days from and after its passage and shall be posted within the City of Monte Sereno in three (3) public places.

**Section 5. Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision of such Ordinance and shall not effect the validity of the remaining portions thereof.

This Ordinance was introduced on the 18th day of March, 2014, and passed and adopted on the 1st day of April, 2014, at a duly held meeting of the City Council of the City of Monte Sereno by the following votes:

AYES:  
NOES:  
ABSENT:

Approved: \_\_\_\_\_  
Burton Craig, Mayor

Attest: \_\_\_\_\_  
Andrea Chelemengos, City Clerk

Approved as to Form:

\_\_\_\_\_  
Kirsten M. Powell, City Attorney

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTE SERENO APPOINTING THE ENGINEER AND ATTORNEY IN CONNECTION WITH THE ROSE-ANDREWS LIGHTING DISTRICT**

WHEREAS, the City Council proposes to undertake proceedings pursuant to the Landscaping and Lighting Act of 1972, for the maintenance of public lighting facilities in and along certain streets within the City of Monte Sereno; and

WHEREAS, public interest and general welfare will be served by appointing an engineer and attorney for the preparation of the Engineer's Report and related documents in connection with said proceedings; and

WHEREAS, Mohinder Sharma is the City Engineer and is a competent civil engineer qualified to perform said work; and

WHEREAS, Kirsten Powell is the City Attorney and is a practicing attorney qualified to perform necessary work.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MONTE SERENO as follows:

1. That be, Mohinder Sharma and he is hereby appointed as Engineer of Work, and directed to do and prepare the Engineer's Report in connection with the above-described proceedings.
2. That Kirsten Powell be and she is hereby appointed as Attorney for the District and directed to perform work in conjunction with the above-described proceedings.

REGULARLY passed and adopted this 1<sup>st</sup> day of April, 2014, by the following  
vote:

AYES:

NOES:

ABSENT:

APPROVED:

\_\_\_\_\_  
Burton Craig, Mayor

ATTEST: \_\_\_\_\_  
Andrea M. Chelemengos, City Clerk

**RESOLUTION NO.  
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTE  
SERENO DESCRIBING IMPROVEMENTS AND DIRECTING PREPARATION  
OF ENGINEER'S REPORT FOR FISCAL YEAR 2014-2015**

**ROSE-ANDREWS LIGHTING DISTRICT**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MONTE SERENO as follows:

1. Pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2, Division 15 of the Streets and Highways Code of the State of California, the City Council conducted proceedings for the formation of the Rose-Andrews Lighting District and for the levy and collection of assessments for fiscal year 1980-1981, and did, on June 2, 1980, pursuant to proceedings duly had, adopted its Resolution No. 657, a Resolution Overruling Protests and Ordering the Formation of an Assessment District and the Improvements, as modified, Ordering Reduction of Assessments, and Confirming the Diagram and Assessment.
  
2. The public interest, convenience and necessity require, and it is the intention of the City Council to undertake proceedings for the levy and collection of assessments upon the several lots or parcels of land in said District, for the construction or installation of improvements, including the maintenance or servicing, or both, thereof for the fiscal year 2014-2015
  
3. The improvements to be constructed or installed, including the maintenance or servicing or both, thereof are more particularly described in Exhibit "A", hereby attached and by attached and by reference incorporated herein.
  
4. The costs and expenses of said improvements, including the maintenance or servicing, or both, thereof are to be made chargeable upon said District, the exterior boundaries of which District are the composite and consolidated area as more

particularly shown on a map thereof on file in the Office of the Clerk of the City of Monte Sereno to which reference is hereby made for further particulars. Said map indicates by a boundary line the extent of the territory included in said District and of any zone thereof and shall govern for all details as to the extent of the assessment district.

5. The Engineer of Work of said City be, and he is hereby directed to prepare and file with said Clerk a report, in writing referring to the assessment district by its distinctive designation, specifying the fiscal year to which the report applies, and, with respect to that year, presenting the following:

- (a) Plans and Specifications of the existing improvements and for proposed improvements, if any, to be made within the assessment district or within any zone thereof.
- (b) An estimate of the costs of said improvements, if any, to be made, the costs of maintenance or servicing, or both, thereof and of any existing improvements, together with the incidental expenses in connection therewith.
- (c) A diagram showing the exterior boundaries of the assessment district and of any zones within said district and the lines and dimensions of each lot or parcel of land within the district as such lot or parcel of land is shown on the county Assessor's maps for the fiscal year to which the report applies, each of which lots or parcels of land shall be identified by a distinctive number or letter on said diagram.
- (d) A proposed assessment of the total amount of the estimated costs and expenses of the proposed improvements, including the maintenance or servicing, or both, thereof upon the several lots or parcels of land in said district in proportion to the estimated benefits to be received by such lots or

parcels of land respectively from said improvements, including the maintaining or servicing, or both, thereof and of the expenses incidental thereto.

6. The Office of the Director of Public Works of the City is hereby designated as the office to answer inquiries regarding any protest proceedings to be had herein, and may be contacted during regular office hours at the City Hall, 18041 Saratoga-Los Gatos Road, Monte Sereno, California 95030, or by calling (408) 354-7635.

REGULARLY passed and adopted this 1st day of April, 2014, by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

\_\_\_\_\_  
Burton Craig, Mayor

ATTEST: \_\_\_\_\_  
Andrea M. Chelemengos, City Clerk

## **EXHIBIT "A"**

### **ROSE-ANDREWS LIGHTING DISTRICT**

The construction or installation, including the maintenance or servicing, or both, thereof of the existing public lighting facilities for the lighting of public places, including standards, luminaries, poles, supports, conduits, pipes, wires, conductors, insulators, contacts, switches, capacitors, appliances, attachments and appurtenances, including the cost of repair, removal or replacement of all or any part thereof and the furnishing of electric current or energy.

**MEETING DATE**  
April 1, 2014

**REPORT TO MONTE SERENO CITY COUNCIL**  
Site Development Permit and Grading Use Permit  
18125 Constitution Avenue  
SS-13-18A/GUP-13-03

**RECOMMENDATION:**

Staff recommends the Council take the following actions:

1. Consider the findings necessary to grant a Grading Use Permit (§10.10.010 (C)), and by resolution, approve the Use Permit; and
2. Consider the findings necessary to grant the Site Development Permit (§10.08.050(B)), and by resolution, approve the Site Development Permit with the following conditions:
  - a. The applicant shall submit a Landscape Plan, subject to City approval, prior to issuance of Building Permit; and
  - b. The approved Landscape Plan shall include 15 gallon size Crape Myrtle and flowering Cherry trees; and
  - c. The approved Landscape Plan shall be planted prior to issuance of the final approval of the Building Permit.

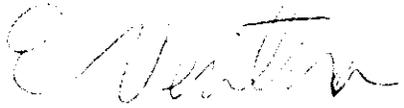
**BACKGROUND/DISCUSSION:**

The applicant requests approval of a Site Development Permit to construct a new two story house of 5,295 square feet and detached secondary dwelling unit of 940 square feet on a currently vacant lot. The proposed project includes approximately 3,960 cubic yards (including a 10% contingency) of grading. The application also includes a proposal to remove 13 trees. The Site Development Permit application was previously reviewed by the Site and Architecture Commission at their March 19, 2014 meeting and recommended to the City Council for conditional approval.

The Commission originally reviewed this application at the February 5, 2014 meeting. At that meeting the application was continued to address concerns regarding visual impacts and neighborhood character. The applicant relocated the house on the site, proposed fewer tree removals, and modified second story design elements. With those changes and with the proposed conditions of approval, the Commission was able to make the required findings.

With the proposed landscape plan conditions, any potential visual impacts are mitigated. The project as proposed is designed in such a way as to protect significant trees on the site. The main house is situated on an existing mostly flat area of the lot. The design, with the proposed modifications, fits in the character of the neighborhood because the homes in the neighborhood are a mix of both one and two story larger homes.

Staff recommends the City Council consider the findings necessary for granting a Grading Use Permit and, by resolution, approve a Grading Use Permit to allow for the grading of 3,960 cubic yards. The proposed project will not impair the integrity and character of the zoning district in which it is located, nor will it be detrimental to public health, safety or general welfare.



Associate Planner



Approved By

**MEETING DATE**  
April 1, 2014

**REPORT TO MONTE SERENO CITY COUNCIL**  
Discuss City Council Term Limits

**RECOMMENDATION:**

Staff recommends that the City Council consider the information and provide direction to staff.

**BACKGROUND/DISCUSSION:**

In their annual goal setting process the City Council included a goal to evaluate the existing City Council term limits.

In the 1998 General November Election, the residents of Monte Sereno passed Measure J (Monte Sereno Term Limits) with 68% of the vote for term limits and 31% against term limits. As directed by the voters, Monte Sereno City Council subsequently approved Ordinance NS-110. This Ordinance is codified in the Monte Sereno Municipal Code in section 2.01.010.

“A. Term. A person elected to the City Council at a regular election shall hold office for a term of four years from and after the first meeting at which the results of the canvass of the election are declared and the person is sworn into office and continuing until their respective successors qualify.

B. Term Limitation. No person elected to the City Council shall be eligible to serve as a member of the City Council for more than two consecutive four year elective terms. Any person who has served two consecutive four year elective terms shall not serve again until at least two years have elapsed since that person last held office. For purposes of this section, any current member of the City Council at the time this section became effective, shall be deemed to have already served one four year elective term. In addition, any person appointed or elected to the City Council to fill an unexpired term of not more than two years in length shall, thereafter, be eligible to serve two successive four year elective terms upon the expiration of the unexpired term for which that person was appointed or elected. Any partial term of office longer than two years shall be deemed to be a full four-year term.”

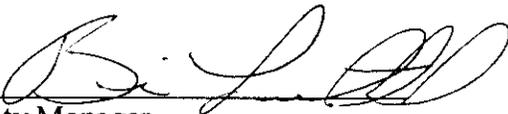
Since the term limits were approved by a majority of the votes cast, the City must again seek voter approval if the City Council desires to modify the current limitations. If the Council desires to proceed, the City would have to include a proposed ballot measure in a future municipal election.

City staff has discussed the ballot measure timing and costs with the Santa Clara County Registrar of Voters. According to the Registrar of Voters, the estimated cost for a ballot measure on the November 2014 election is \$31,497. The estimated cost of the measure would increase depending on the length of arguments and rebuttals for and against the measure. Key dates for measure filings are as follows:

August 8, 2014 – Due date for measure resolutions

August 12, 2014 – Due date for measure arguments

August 19, 2014 – Due date for measure rebuttals and impartial analyses



\_\_\_\_\_  
City Manager

**MEETING DATE**  
April 1, 2014

**REPORT TO MONTE SERENO CITY COUNCIL**  
Discuss City Newsletter Frequency

**RECOMMENDATION:**

Staff recommends that the City Council consider the information and provide direction to staff.

**BACKGROUND/ DISCUSSION:**

The City Council during its annual goal setting process, indicated that they desired to discuss increasing the frequency of the City newsletter. For many years the City has mailed its residents a periodic newsletter. For the past several years the City newsletter has been published quarterly. It is used to disseminate key dates, City functions and issues affecting the community. The cost for each edition of the newsletter (including printing and postage) is about \$4,000, with a total annual cost of \$12,000. The process of developing newsletter content, editing, printing and mailing takes about 3-4 weeks.

The newsletter content tends to highlight key issues that are seasonal, such as fire safety in the summer, flood control in the winter, etc. In addition, the newsletter may focus on a key issue facing the surrounding community at that time. The following list includes the newsletter topics for the past several newsletters.

Winter, 2011: Holiday Identity Theft, Flu Season, Update Your Contact Info (Call for emails), Holiday Safety Tips, Coyote and Mountain Lions

February, 2012: Stroke Happens, Classes for All, Pest Control, Dispose of Your Meds, VTA Advisor Needed, Coffee With the Mayor

Summer, 2012: Stroke Awareness, Emergency Preparedness, West Nile Virus, Lost Your Cell Phone?

Fall, 2012: Changes in Watering the Yard, Garbage Can Ordinance, Bicycle and Pedestrian Safety, Secondary Dwelling Units, Emergency Response Training

Spring, 2013: Invasive Plants, Help Clean Our Creeks, Fire Emergency Evacuation Map, Burglaries On The Rise

Summer, 2013: City Picnic, Save the Date, CERT Classes Now Open, Building in Monte Sereno, Vacation Safety Checks, Amnesty for Secondary Units

Fall, 2013: New Street Signage, Property Taxes, Free Library Cards, Fighting Ant Invasions, Emergency Training, Call for emails

Winter, 2013: Coyote Activity on the Increase, Fun Times at Vasona Park BBQ, Changes to Cal Building Code, Free Holiday House Checks, Call for emails

All newsletters: "Who to call at City Hall"

The City continues to use email, the City website and the local newspaper to disseminate key City communications, with little or no extra cost to the City. The City is also exploring use of social media to target specific geographic areas for neighborhood related issues. These additional efforts allow for quick turn around for the "just in time" sort of issues. However, the City recognizes that some residents do not receive email or social media, and may rely upon the printed newsletter for City news.



City Manager