



**MONTE SERENO CITY COUNCIL  
MEETING MINUTES**

**MAY 20, 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**

Council Member Allan moved that the agenda be re-ordered to allow for agenda item # 10 Consider Appointment Of Monte Sereno Representative To The Santa Clara Valley Transportation Authority Bicycle And Pedestrian Advisory Commission – Term Ending June 30, 2016 to be considered immediately following the presentation. 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

**PRESENTATIONS**

Report from Dr. Jeffrey Balfus, Monte Sereno's Representative to the Valley Transportation Authority Bicycle and Pedestrian Advisory Committee.

Dr. Balfus was not present at the time. There was Council consensus to continue with the matters of the day and receive Dr. Balfus' presentation when he arrives.

10. Consider Appointment Of Monte Sereno Representative To The Santa Clara Valley Transportation Authority Bicycle And Pedestrian Advisory Commission – Term Ending June 30, 2016

City Manager Loventhal provided a report tot ghe Council

Barry Chaffin, applicant, introduced himself to the Council and explained his interest in serving on the VTA Bicycle And Pedestrian Advisory Commission.

The Council thanked Mt. Chaffin for his interest.

Council Member Rogers moved to appoint Barry Chaffin as Monte Sereno’s representative to the Santa Clara Valley Transportation Authority Bicycle And Pedestrian Advisory Commission. The motion was seconded by Council Member Huff and the motion passed with a 5-0 vote.

#### **ORAL COMMUNICATIONS**

Greg Larson, Los Gatos Town Manager, reported that a new Chief of Police had been selected to fill the position vacancy upon the upcoming retirement of current Police Chief Scott Seaman. Mr. Larson introduced new Chief of Police Matt Frisby.

Future Chief of Police Matt Frisby provided background information on his service with the Los Gatos Monte Sereno Police Department, discussed the future of police services and stated that he is looking forward to the opportunity to lead the Los Gatos/Monte Sereno Police Department.

Scott Seaman thanked City Council for the opportunity to serve the community and stated that he had enjoyed his employment. He spoke highly of incoming Police Chief Matt Frisby, stressing that he has worked well with and understands the community and that the transition should be seamless.

Heather Harrington distributed a letter and spoke with regard to the R1-8 development standards and urged the Council to consider re-evaluation of the standards; specifically, allowable square footage regulations for main residences in the R1-8 zone.

#### **WRITTEN COMMUNICATIONS**

1. Consider Letter From Bob Moncrief Representing Forest Protection Committee – Loma Prieta Chapter, Sierra Club

Bob Moncrief presented his letter and spoke in opposition to deforestation and clear cutting of forests. He urged the Council to take a position in opposition to the act of clear cutting and adopt a resolution stating the opposition so that it may be presented to the appropriate law makers.

Shelly Gordon, representing the Sierra Club, displayed pictures and spoke with regard to the damage clear cutting causes to the environment. She urged the Council to take formal action opposing deforestation and clear cutting and adopt a resolution declaring their position.

There was Council consensus to place the matter on the next agenda to allow for Council action.

Mayor Craig acknowledged Dr. Balfus' arrival and asked him to proceed with his presentation.

### **PRESENTATIONS**

Report from Dr. Jeffrey Balfus Monte Sereno's Representative to the Valley Transportation Authority Bicycle and Pedestrian Advisory Committee Update.

Dr. Balfus provided an overview of the work of the Committee, including information on the program, its budget and recent projects. He also answered questions from the Council.

The Council Members thanked him for his service and reported that Mr. Chaffin had been appointed earlier in the evening as Dr. Balfus' successor.

### **CONSENT CALENDAR**

1. Approve Minutes of May 6, 2014
2. Approve Treasurer's Report for Month of April, 2014
3. Approve Financial Report for Month of April, 2014
4. Adopt A Resolution Establishing And Fixing The Amount Of Special Real Property Tax Levy For Police Protection Purposes For The Fiscal Year 2014-2015
5. Adopt Resolution Of The City Council Of The City Of Monte Sereno Acting As The Code Reviewing Body For The Conflict Of Interest Code And Approving The Conflict Of Interest Code Of The City Staff For The City Of Monte Sereno

Council Member Rogers moved to approve the Consent Calendar.. 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

## **PUBLIC HEARINGS**

Council Member Anstandig reported that his property is within 300 feet of the subject property and recused himself from consideration of the application. Council Member Anstandig left the Council Chambers.

6. SS-14-07A /V-14-01 – Property Address: 16206 W. Ellenwood Avenue-Property Owner: T-Will/Milz Properties

The applicant requests approval of a Site Development Permit for a remodel and first and second floor addition totaling 662 square feet to an existing single story house. The applicant also requests a Variance to allow a rear yard setback of 20' where a setback of 30' is required. The Site Development Permit was previously reviewed and recommended for approval by the Site and Architectural Commission at their meeting of May 7, 2014.

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

Tank Williams and Mark Milz, applicants, spoke in favor of the application and offered to answer questions from the Council.

At 7:35 p.m., the Public Hearing was opened.

Eric Knistrom expressed concern with the proposed size and height of the structure and privacy impacts to his back yard. He urged the Council to deny the application and to visit his property to evaluate the proposed structure's impact on the privacy of his yard.

Since there was no one else wishing to speak, the Public Hearing was closed at 7:37 p.m.

Discussion commenced.

Following discussion, Council Member Huff made the required findings and moved that the Council approve the Site Development Permit and the Variance application subject to the following conditions:

- The Applicant shall submit a landscape plan which adds additional screening on the southwest boundary and screening on the south boundary which will provide screening for the properties adjacent to these boundaries. Such landscape plan shall be approved by the City Planning Department and installed prior to the final approval of the building permit.

The motion was seconded by Council Member Allan and the motion passed with the following 4-0 vote:

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

Absent: Council Member Anstandig  
Abstain: None

## **UNFINISHED BUSINESS**

### 7. Update On Civic Facility Master Plan Process

City Manager Loventhal provided a staff report on the process and the bid received.

There was Council consensus to direct the City Manager to proceed with evaluation of the bid received and if it has met all the requirements the proposal should be sent the Civic Facilities Master Plan Ad Hoc Committee for review.

### 8. Consider Los Gatos/Monte Sereno Police Department's Request For Overtime Reimbursement Associated With The Kumra Homicide

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

Mayor Craig and Council Member Anstandig reported on the meeting held between Monte Sereno's Law Enforcement Services Ad Hoc Committee and the Town of Los Gatos.

Discussion commenced.

Council Member Allan stated that the issue before the Council is not the quality of service, but the contractual obligations. He stated that he had reviewed the contract and has concluded that the City of Monte Sereno is not obligated to pay any amount above and beyond the term of the contract. He pointed out that the contract was crafted by experienced police and legal personnel that would have the knowledge to know that the probability of a major crime occurring over a thirty year contract period is highly probable. He noted that since the time law enforcement services have been rendered by the Town of Los Gatos, this is the first time a major crime has occurred. He stated he feels that in past years, where no major criminal incident has occurred, the contract arrangement is a lucrative deal for the Town of Los Gatos. He concluded by stating that he could not support payment of extra funds and that he would have a hard time explaining to the constituents of Monte Sereno why funds beyond the contract terms would be provided to the Town of Los Gatos. He stated that it would be inappropriate, and no legal basis exists, for Monte Sereno to pay beyond the contract terms.

Council Member Rogers agreed with Council Member Allan and stated that he could not support payment of additional funds.

Council Member Huff wondered if the police department had run into a deficit with the Monte Sereno homicide case and pondered what the actual year to year police enforcement cost comparison looked like. He said that he would like to offer some small payment, but can not justify such payment based on the terms of the contract.

Council Member Anstandig stated that he initially was inclined to support authorization of additional payment, but after further consideration feels that contractually the City is not obligated to pay additional funds. He also spoke with regard to minimal criminal activity in Monte Sereno in past years and that the parties involved in the drafting of the terms of the contract most likely considered the possible changes of law enforcement needs from year to year. He stated that he is opposed to authorizing additional funds to the Town of Los Gatos for law enforcement services pertaining to the Kumra case.

Mayor Craig stated that he believes the City is bound only to the terms spelled out in the contract and expressed opposition to honoring the request for additional funds. He stated that he would be open to providing additional funding for new police run programs beneficial to the community.

Council Member Anstandig moved that the City Council deny the request from the own of Los Gatos for reimbursement of expenses related to the Kumra case.

Council Member Allan offered an amendment to the motion that states based on honoring the existing terms of the contract, the Council finds that no additional payment is required.

Discussion commenced.

Council Member Allan withdrew his amendment.

The original motion was seconded by Council Member Allan and the motion passed with a 5-0 vote.

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

## **NEW BUSINESS**

11. Consider Appointment Of Council Member As Monte Sereno's Delegate And Alternate To The League Of California Cities Annual Conference – September 3 -5, 2014 Los Angeles

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

Council Member Huff volunteered to be the delegate and Mayor Craig stated that he would serve as the alternate.

Council Member Allan moved that the City Council appoint Council Member Huff to serve as Monte Sereno's Delegate And Mayor Craig serve as Monte Sereno's Alternate To The League Of California Cities Annual Conference September 3 -5, 2014. The motion was seconded by Council Member Anstandig and the motion passed with a 5-0 vote.

### **COMMITTEE/COMMISSION REPORTS**

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

### **COUNCIL MEMBER COMMENTS**

None

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

City Manager Loventhal reported on various administrative matters.

### **ADJOURNMENT**

At 8:40 p.m., Mayor Craig adjourned the meeting to a Special Meeting scheduled for 7:00 p.m., Tuesday, June 10, 2014 to be held in the City Council Chambers located at 18041 Saratoga-Los Gatos Road, Monte Sereno, California.

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Walter Huff, Vice Mayor

ATTEST:

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Andrea M. Chelemengos, City Clerk