



# **AGENDA**

**CITY OF MONTE SERENO**

Tuesday, September 2, 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

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## **MEETING CALLED TO ORDER**

## **PLEDGE OF ALLEGIANCE TO THE FLAG**

## **ROLL CALL**

## **ORDERS OF THE DAY**

## **ORAL COMMUNICATIONS**

## **WRITTEN COMMUNICATIONS**

**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.)**

1. Approve Minutes Of August 19, 2014 City Council Meeting
2. Approve Minutes Of August 20, 2014 Special City Council Meeting
3. Approve Warrant List
4. Adopt Proclamation Of The City Council Of The City Of Monte Sereno Proclaiming September 15 - 21, 2014 As National Drive Electric Week

## **PUBLIC HEARINGS**

5. Introduction And First Reading Of An Ordinance Of The City Council Of The City Of Monte Sereno Adding Section 10.06.150 To Chapter 10.06 Of Title 10 Extending The Secondary Dwelling Unit Amnesty Program

## **UNFINISHED BUSINESS**

6. Update From Law Enforcement Ad Hoc Committee
7. Update On City Website Project

## **NEW BUSINESS**

8. Update On Water Use Regulations Of The State Water Resources Control Board And Water Rate Increases By San Jose Water Company

## **COMMITTEE/COMMISSION REPORTS**

## **COUNCIL MEMBER COMMENTS**

## **CITY MANAGER'S REPORT**

## **ADJOURNMENT**

### **\* 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) 354-7635. If requested of the City Clerk, agendas and documents in the agenda packet can be made available in appropriate alternative formats to persons with a disability. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28CFR 35.102-35.104 ADA Title II]



**MONTE SERENO CITY COUNCIL  
MEETING MINUTES**

**AUGUST 19, 2014**

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**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, Management Analyst/Planner Ventura and City Clerk Chelemengos

**PRESENTATION**

- Proclamation to Retiring Monte Sereno Building Official Howard Bell

Council Member Allan moved to adopt the Proclamation of Appreciation for Retiring Monte Sereno Building Official Howard Bell. The motion was seconded by Council Member Rogers and the motion passed with a 5-0 vote.

**ORDERS OF THE DAY**

There were no changes to the orders of the day.

**ORAL COMMUNICATIONS**

Tony Jeans spoke with regard to rules governing basements as they pertain to sloping lots.

**WRITTEN COMMUNICATIONS**

1. Consider Letter From Gladie Rabitz And Sue Anawalt Regarding Los Gatos Teen Center Building

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

Council Member Allan stated that he was uncomfortable discussing the matter as a Council given that the building, and the fate of the building, is not within the Council's jurisdiction. He suggested that perhaps the Council Members, as individuals, may want to support or oppose the matter of the future of the building previously used for youth activities.

Mayor Craig stated that he had placed the matter on the agenda hoping to support the authors of the letter in their effort to convince the Town of Los Gatos to retain the building for youth events and use.

Council Member Allan stated that he preferred not to consider the matter, but that he would participate in discussion if the majority of the Council were inclined to discuss the matter.

City Attorney Powell spoke with regard to the listing of the matter on the agenda and limitations regarding Council action.

Council Member Huff stated that the timing may not be good with regard to getting involved in a matter that is not within the City's jurisdiction. He expressed concerns with the Council's involvement in Los Gatos' affairs and how it may be received by the Town of Los Gatos. He stated that given the ongoing discussion between Monte Sereno and the Town of Los Gatos regarding the cost and payment of certain police investigation fees, any Council involvement may not be well received by the Town of Los Gatos.

Council Member Anstandig agreed that the issue should be pursued individually with the Town and not as a Council. He further stated that he did not think the timing was good for Monte Sereno, as a City, to involve itself in the affairs of the Town of Los Gatos.

Mrs. Anawalt spoke with regard to the building in Los Gatos used as a teen center. She provided background information and discussed the lack of response she and others had received from the Town of Los Gatos with regard to their concern and possible options for use of the building.

Betty Knopf also provided background information on the initial startup of the youth building and programs operated out of the building. She expressed concern that once the building is sold or demolished the youth of the community will not have another opportunity for a youth center.

Council Member Allan stated that he understands that the issue has been on-going for two years and that those concerned feel as if their concerns have not been heard or addressed by the Town of Los Gatos and Monte Sereno is now being asked to assist. He stated that he feels it would be ill advised for the City to become involved in the matter and that those who are interested should offer support as individuals.

Council Member Rogers concurred with Council Member Allan's comments.

Council Member Huff stated that he feels that there are many issues and costs involved in maintaining a building for youth activities that all may not be aware of. He agreed that the matter should be supported or opposed on an individual basis. He expressed concern with how Monte Sereno's involvement as a City or City Council may be received by the Town of Los Gatos.

No action was taken.

## CONSENT CALENDAR

2. Approve Minutes Of August 5, 2014 City Council Meeting
3. Approve Warrant List in the amount of \$21,674.60
4. Approve Monthly Treasurer's Report for Month of July, 2014
5. Approve Monthly Financial Report For Month of July, 2014
6. Adopt Resolution Of The Monte Sereno City Council Proclaiming September 2014 As Library Card Sign-Up Month In The City Of Monte Sereno And Celebrating The 100<sup>th</sup> Anniversary Of The Santa Clara County Library District
7. Hold Second Reading And Adopt An Ordinance Of The City Council Of The City Of Monte Sereno Repealing Monte Sereno Municipal Code Chapter 7.02 Regulating Swimming Pool Services

Council Member Anstandig moved to approve the Consent Calendar. The motion was seconded by Council Member Huff and the motion passed (5-0) with the following vote.

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

## PUBLIC HEARINGS

None

## UNFINISHED BUSINESS

8. Consider Youth Commission Appointment

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

Council Member Anstandig moved that the Council appoint Shreya Koushik to the Monte Sereno Youth Commission. The motion was seconded by Council Member Allan and the motion passed with the following 5-0 vote:

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

Abstain: None  
Absent: None

9. Discuss Secondary Dwelling Unit Amnesty Program

Erin Ventura, Management Analyst/Planner, provided a staff report and answered questions from the Council.

Council discussion commenced. There was Council consensus to direct staff to proceed with an extension of the Second Dwelling Unit Amnesty Program.

10. Update on Civic Facility Master Plan

Erin Ventura, Management Analyst/Planner provided an update to the Council.

11. Update on City Picnic

City Manager Loventhal provided a report and answered questions from the Council regarding the upcoming picnic.

**NEW BUSINESS**

12. Consider Mid-Year Report on Construction Process Customer Satisfaction

Erin Ventura, Management Analyst/Planner presented a report and answered questions from the Council.

Tony Jeans, resident, noted that some people do not like to respond negatively or are hesitant to provide negative feedback when the City is involved or if they have an ongoing or upcoming project.

**COMMITTEE/COMMISSION REPORTS**

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

**COUNCIL MEMBER COMMENTS**

**CITY MANAGER'S REPORT**

City Manager Loventhal reported on various administrative matters.

**ADJOURNMENT**

At 8:00 p.m., Mayor Craig adjourned the meeting to 7:00 p.m., Tuesday, September 2, 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

DRAFT



**MONTE SERENO CITY COUNCIL  
MINUTES  
SPECIAL MEETING**

**August 20, 2014**

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**REGULAR MEETING CALLED TO ORDER**

At 8:00 a. m., Mayor Craig called the meeting to order.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**ROLL CALL**

Present: Council Members Alan, Huff (via teleconference), Rogers, and Mayor Craig  
Absent: Council Member Anstandig  
Staff Present: City Manager Loventhal, City Attorney Powell, and City Clerk Chelemengos

**ORDERS OF THE DAY**

There were no changes to the agenda

**ORAL COMMUNICATIONS**

None

**WRITTEN COMMUNICATIONS**

None

**CONSENT CALENDAR**

None

**PUBLIC HEARINGS**

None

**UNFINISHED BUSINESS**

None



Mayor Craig stated that he is conflicted with regard to this matter, since he is an eligible candidate, but he would abstain from voting on the matter and remain seated for purposes of a quorum.

Vice Mayor Huff took over the role of chairing the meeting.

#### **NEW BUSINESS**

##### **10. Consider Cancellation of November 4, 2014 City Council Election and Appointment of the Nominated Candidates**

City Attorney Powell introduced the matter and provided information to the Council regarding the Council's options.

Council Member Allan stated that he is hesitant to cancel the election and stated that the normal election process would allow the opportunity for a write-in candidate. He stated that he is inclined not to cancel the election.

Vice Mayor Huff agreed with Council Member Allan's comments and position.

Council Member Rogers stated that cancellation of the election would be a cost savings to the City and would be in-line with the Council's previous action where the Council decided not to place a measure on the upcoming ballot because of expense. However, he stated that he would support the holding of the election based on the comments of the other Council Members.

Council Member Allan moved that the Council direct staff to proceed with the November 4, 2014 election. The motion was seconded by Vice Mayor Huff and the motion passed with the following 3-0-1 roll call vote:

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

Mayor Craig resumed chairing the meeting.

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

None

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

None

**ADJOURNMENT**

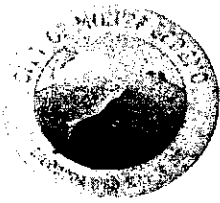
At 8:10 a.m., Mayor Craig adjourned the meeting to 7:00 p.m., Tuesday, September 2, 2014 to be held in the City Council Chambers located at 18041 Saratoga-Los Gatos Road, Monte Sereno, and California.

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

ATTEST:

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

DRAFT



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

AS OF THESE DATES:  
 September 2, 2014

CHECK NO.	TO	FOR	AMOUNT	ACCOUNT NO.
15165-15183		August 2014 payroll	116,259.82	
15184	Silicon Valley Animal Control	2nd quarter FY 2014-15	6,030.00	01-585
15185	Killroy Pest Control	Office pest control	300.00	01-860
15186	VOID			
15187	Goldfarb & Lipman Attorneys	Litigation services	23,836.35	01-427
15188	Voltz Electric	Office repairs	235.00	01-860
15189	PG&E	Office utility	718.68	01-705
15190	Silicon Vly Community News	Public notice of Election	720.00	01-520
15191	Norman Pauls Print Center	2014 Picnic postcard printing	1,089.76	01-505
15192	CSG Consultants, Inc.	Engineering Services	9,460.00	01-765
15193	Alhambra Drinking Water	Service for August	31.59	01-710
15194	AT&T	Long distance phone service	88.30	01-720
15195	PG&E	Street lighting service	561.05	VAR
15196*	Verizon	Post office phone service	50.33	06-580
15197*	Copier Dynamics	Post office supplies	289.00	06-580
15198	VOID			
15199	CSG Consultants, Inc.	Street rehab. Project inspections	12,200.00	12-905
15200	Art Docents of Los Gatos	FY2014-15 contribution	1,000.00	01-550
		TOTAL September 2, 2014 warrants	<b>\$56,610.06</b>	
		Vouchered as due August 2014 payroll	<b>\$116,259.82</b>	
		<b>GRAND TOTAL</b>	<b>\$172,869.88</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, FINANCE OFFICER

\* Reimbursable expense

**PROCLAMATION  
OF THE CITY COUNCIL  
OF THE CITY OF MONTE SERENO  
PROCLAIMING SEPTEMBER 15 – 21, 2014 AS  
NATIONAL DRIVE ELECTRIC WEEK**

**Whereas**, petroleum-fueled vehicles are responsible for over 50% of our local greenhouse gas emissions and are a contributing factor to air pollution and climate change, threatening the health of our citizens and the sustainability of our planet; and

**Whereas**, the imbalance between gasoline resources and worldwide demand is escalating gasoline prices to levels that overburden commerce, hurt economic growth and cause hardship to our citizens; and

**Whereas**, the transportation sector needs support to move toward adoption of clean energy technology, including plug-in electric vehicles, that reduces our dependence on foreign fuels and supports a healthy environment and economy; and

**Whereas**, the City of Monte Sereno is dedicated to being a leader in the use of clean energy, establishing policies and programs that conserve energy, and promote sustainability; and

**Whereas**, September 15-21, 2014 has been designated as National Drive Electric Week throughout the City to educate our citizens about the benefits of plug-in electric vehicles and to promote their adoption;

**Now, therefore**, the City Council of the City of Monte Sereno, does hereby proclaim September 15-21, 2014 as “Drive Electric Week” in the City of Monte Sereno and call upon all residents of this great City to join me in supporting the aims and goals of this worthwhile effort.

Dated: September 2, 2014

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Burton Craig, Mayor

*ATTEST:*

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Andrea M Chelemengos, City Clerk

**MEETING DATE**  
September 2, 2014

**REPORT TO MONTE SERENO CITY COUNCIL**  
Secondary Dwelling Unit Amnesty Program

**RECOMMENDATION:**

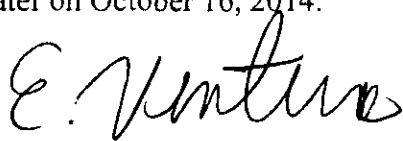
Staff recommends the City Council introduce and hold the first reading, as read by title only, of an ordinance authorizing the City Council to extend the amnesty program for secondary dwelling units and waive further readings. (Attachment A).

**BACKGROUND/DISCUSSION**

At the August 19, 2014 meeting of the City Council staff brought forward a proposal to extend the secondary dwelling unit amnesty program. The program, which allows for the legalization of secondary dwelling units that currently exist in the City illegally, has been in place since August 16, 2013. At the time of this report 5 secondary dwelling units have been legalized.

As directed by the City Council the amnesty program will be implemented from the effective date of the ordinance until December 31, 2015 and will only be available to structures converted illegally prior to July 1, 2014. At the end of that period the City Council can evaluate the program and make a decision about whether or not more time should be allowed for units to be legalized.

If the City Council chooses to hold the first reading at the September 2, 2014 meeting the ordinance could be adopted at the September 16, 2014 meeting and become effective 30 days later on October 16, 2014.



Management Analyst/Planner



Approved By

## ORDINANCE NO. NS-195

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTE SERENO  
ADDING SECTION 10.06.150 TO CHAPTER 10.06 OF TITLE 10 EXTENDING THE  
SECONDARY DWELLING UNIT AMNESTY PROGRAM**

**WHEREAS**, the City of Monte Sereno Housing Element adopted on June 1, 2010, includes as a goal encouraging secondary dwelling units as a way to meet the City's required housing needs; and

**WHEREAS**, establishing a Secondary Dwelling Unit Amnesty Program is intended to a) ensure that existing residential second units are safe and habitable; b) implement the Monte Sereno Housing Element; c) assist in meeting the City's housing needs by increasing the stock of legal and affordable housing; and d) encourage the development and permitting of secondary dwelling units; and

**WHEREAS**, secondary dwelling units have been permitted in the City of Monte Sereno since 1987, when the City Council adopted Ordinance NS-56, allowing accessory dwelling units in residential zoning districts; and

**WHEREAS**, the Secondary Dwelling Unit Amnesty Program will ensure that existing residential second units are safe and habitable by requiring compliance with standards based on tenant health and safety and appropriate for existing structures; and

**WHEREAS**, the City adopted an ordinance creating the Secondary Dwelling Unit Amnesty Program for a period of one year on July 16, 2013; and

**WHEREAS**, the City desires to extend the Secondary Dwelling Unit Amnesty Program; and

**WHEREAS**, the State CEQA Guideline Section 15282(h) statutorily exempts from environmental review the adoption of an ordinance regarding residential second units in single family and multifamily residential zones by a municipality to implement the provisions of State Government Code 65852.2 as set forth in Section 21080.17 of the Public Resources Code, ("CEQA"); and

**WHEREAS**, State Government Code 65852.2 provides for the adoption of an ordinance which encourages the creation of secondary dwelling units in residentially zoned areas, and includes ordinance provisions for the adoption of specific standards for residential second units.

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

**SECTION 1.** Chapter 10.06 of Title 10 is hereby amending by adding Section 10.06.150 to read as follows:

“10.06.150. Secondary Dwelling Unit Amnesty Program

Until December 31, 2015, owners of existing illegal residential second units which were constructed or otherwise in existence prior to July 1, 2014, may apply for a “Secondary Dwelling Unit Amnesty Permit” (“Permit”) subject to such rules and regulations as may be adopted by resolution of the City Council. If approved, the Permit shall convey legal nonconforming status on the secondary dwelling unit pursuant to Chapter 10.07 of the Monte Sereno Municipal Code.”

**Section 2. CEQA Compliance.** The City Council finds and determines that the enactment of this Ordinance is statutorily exempt from environmental review pursuant to the State CEQA Guideline Section 15282(h) as it is the adoption of an ordinance regarding residential secondary dwelling units in single family residential zones by a municipality to implement the provisions of State Government Code 65852.2 as set forth in Section 21080.17 of the Public Resources Code.

**Section 3. 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 4. 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 affect the validity of the remaining portions thereof.

This Ordinance was introduced on the 2<sup>nd</sup> day of September, 2014, and passed and adopted on the 16<sup>th</sup> day of September, 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

**MEETING DATE**

September 2, 2014

Agenda Item #6

**NO PACKET MATERIAL**

6. Update From Law Enforcement Ad Hoc Committee

Oral Report to be given at the meeting



**MEETING DATE**  
September 2, 2014  
Agenda Item #7

**NO PACKET MATERIAL**

7. Update on City Website Project

Oral Report to be given at the meeting

**MEETING DATE**  
September 2, 2014

**REPORT TO MONTE SERENO CITY COUNCIL**

Update on Water Use Regulations of the State Water Resources Control Board and Water Rate Increase by San Jose Water Company

**RECOMMENDATION:**

This report is for informational purposes. No City Council action is necessary.

**BACKGROUND/DISCUSSION:**

Water Use Regulations:

On January 17, 2014, Governor Brown issued an executive order declaring a drought state of emergency. On April 25, 2014, the Governor issued a second executive order to strengthen the State's ability to manage water in drought conditions. The executive order required California residents to refrain from wasting water and directed the State Water Resource Control Board (SWRCB) to adopt emergency regulations. The SWRCB recently enacted regulations to further encourage water conservation. In response to the new regulations, the California Public Utility Commission (CPUC) has ordered its regulated water utilities to begin notifying its customers of the new regulations. San Jose Water Company (SJWC), the water utility serving the City of Monte Sereno, notified the City of the regulations in late August. The regulations prohibit the following:

1. Watering outdoor landscapes in a way that causes "runoff" onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures.
2. Washing a vehicle with a hose without a shut-off nozzle or other device that will immediately stop the flow of water when not in use.
3. Using drinking water to wash driveways and sidewalks.
4. Using drinking water in a fountain or other decorative water feature, except where the water is recirculated.

Fortunately, these rules very much mirror the voluntary drought measures that San Jose Water has already asked of its customers. In addition, the CPUC is also requiring water utilities to coordinate enforcement with the appropriate law enforcement agencies as follows:


"All Class A and B water utilities shall, at a minimum, establish procedures and mechanisms that facilitate employee- and customer-identified violations and the conveyance of this information to the appropriate enforcement officials. These utilities shall track and record reports of violations, actions taken to assist local law enforcement or public agencies, and the results of such actions. This information shall be made available to the Commission upon request."

Violation of any of these four prohibited or restricted water use activities may be punishable by a fine of up to five hundred dollars (\$500) for each day in which the violation occurs. These violations are defined as infractions under Water Code section 1058.5(d) and therefore enforceable by local law enforcement, or public agencies charged with enforcing the use restrictions. SJWC does not have the authority to fine its customers and their approach has and continues to be one of engagement and education.

#### Water Rate Increase

After a long and thorough review process, the CPUC recently issued its final decision on SJWC rate increase for 2013 and 2014. SJWC was granted rate increases of 9.81% for 2013 and 5.12% for 2014. The 2015 rate increase will be determined later this year. Because we are well into 2014, the approved rates will be retroactively applied to 2013 and most of 2014. SJWC has provided a rate case information packet that contains information about the rates and frequently asked questions. This packet will be made available to their customers.

For the average customer using 15 units of water, the average monthly water bill of \$70 will increase by \$7 to \$77 or approximately 23 cents per day starting August 15, 2014. It will increase by another \$8 to \$85 or 27 cents per day on or about September 29, 2014 (including retroactive catch-up).



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City Manager