

Submitted by *Ray Davis* Page 2 of 6  
TOWN COUNCIL  
MEETING  
DEPUTY TOWN CLERK  
DATE 5/2/05

5. SS-04-49B/U-04-06 – Address: 17710 Vineland Avenue - Haven/Moreno

Applicant is requesting a Site Development Permit to construct a detached garage of approximately 800 sf. and a Use Permit to allow more than one accessory structure. The Use Permit and the Site Development Permit were considered by the Site and Architecture Committee and recommended for approval.

City Manager Loventhal presented a staff report to the Council and answered questions regarding the project.

Mayor Wright opened the Public Hearing at 8:49 p.m. Since there was no one wishing to speak, the Public Hearing was closed.

Following brief discussion, Councilmember Brodsky moved to approve the application. Councilmember Garner seconded the motion and the motion carried with a 5-0 vote.

## NEW BUSINESS

6. Adopt City Council Goals for 2005

City Manager Loventhal read the following proposed goals for 2005:

- Review ordinances for adequacy and revise as necessary
- Continue community outreach
  - Continue to improve customer service
- Continue to explore safety, beautification and traffic calming measures for City Streets
- Continue to explore public safety and security improvements throughout the City
- Improve relationships with neighboring West Valley cities/towns/districts
  - Land Use Committee

Councilmember Nesbet moved that the City Council adopt the goals as read by City Manager Loventhal. Councilmember Garner seconded the motion.

Mayor Wright recognized Ray Davis who indicated that he wanted to comment on the matter.

Ray Davis stated that he was disappointed that the Council did not specify implementation of safety improvements along Highway 9 as a goal. He stated that the highway is a separate issue and should not be categorized with the City streets. He suggested that Highway 9 safety improvements be added to the Council goals.

Mayor Wright reported that Highway 9 was specifically discussed and included in the City Goals.

The motion passed with a 5-0 vote.

## NEW BUSINESS

7. Discuss Ordinance of the City Council of the City of Monte Sereno Amending Title 12, Chapter 12.01 Of The Monte Sereno Municipal Code Entitled Historic Preservation

City Manager Loventhal introduced the matter and explained the objectives of the ordinance. He stated that any proposed ordinance would only require compliance with the Secretary of Interior Standards. He referred to a copy of the Standards included with his staff report. He explained that the issues before the Council are whether to assign the duties of the defunct Heritage Preservation Commission to the Cultural Commission and whether or not to eliminate the voluntary participation portion of the existing ordinance. He explained that any action by the City Council to amend the ordinance would not change the status of individual properties. If the City were to consider changing the status of any property, the property owner would receive a notice and have an opportunity to speak at a Public Hearing. City Manager Loventhal also explained the notification criteria used for this process.

City Manager Loventhal answered questions from the Council.

Discussion commenced.

Mayor Wright opened the Public Hearing opened at 8:27 p.m.

Hiroka Nakatani, Austin Way, spoke in opposition to changing the ordinance to eliminate its voluntary aspect.

Greg Galanos, Withey Road, stated that his property is on the City's Historical Inventory and he had requested to remove his property from the Heritage Preservation Inventory. Mr. Galanos spoke in favor of retaining the owner consent aspect of the ordinance.

Mr. Fromm, Vineland, spoke in favor of leaving the ordinance as it is currently.

Lana Malloy, Saratoga-Los Gatos Road, stated that she was proud to have her property on the City's Heritage Inventory. She cited past case law that allowed cities to preserve their character by regulating historic resources. She stated that the City has already lost a number of historical homes that were unprotected because of the voluntary aspect of the ordinance. She urged the City Council to take a stand and figure out how to preserve the City.

Dick Brown, Austin Way, is fearful of the proposed changes and stated that there seems to be confusion of what properties are on list and what properties are not on list.

Desmond Johnson stated that he is generally opposed to the proposed changes. Mr. Johnson pointed out that the proposed changes to the ordinance could be burdensome to some homeowners.

Susan Anawalt stated that in general Heritage Preservation is important, but in order for Historic Preservation to work a community must be in favor of it.

Joanne Peth, Saratoga-Los Gatos Road, stated that her property is on the City's Historical Inventory. She stated that she would like to see something put in place that would save the few historical houses left in the City.

Howard Anawalt cautioned against the Council requiring owners to bear the expense of preservation of private residences. He pointed out that many of the historically notable homes have either been demolished or significantly altered and that at the time the Council did nothing to try to intervene to save the houses.

Lyle Older, Withey Road, spoke in opposition to the proposed change to the ordinance and criticized the City for the short notice of the matter.

Mike Morosin, La Hacienda Road, inquired how the ordinance would impact a commercial property such as the La Hacienda Inn, which is located in the City sphere of influence.

Sylvia Moore inquired about language on page 8 with regard to failure to send notice. She stated that she thought the language to be unfair.

Ray Davis spoke in favor of changing the ordinance to eliminate the voluntary participation.

Fred Hawkes, Palos Verdes Drive, noted that he had served on the City's Heritage Preservation Committee, and suggested that the Council interview older residents for the history on the City's numerous efforts to implement and enforce a Heritage Preservation ordinance.

City Manager Loventhal clarified the proposed changes to the ordinance.

Discussion commenced.

Councilmember Nesbet stated that she would like to see the list of the properties on the City's Heritage Preservation Inventory. She stated that she felt the Council has a responsibility and duty to keep on the Inventory those homes placed on the Inventory by previous Councils. She also stated that she thinks the community should be a part of identifying other elements of the community that should be preserved.

Councilmember Baxter pointed out that there are some neighborhoods and entire streets that possess a certain character that may be worth preserving.

Mayor Wright suggested that the item be continued for further discussion. He inquired if the two issues could be separated so that the duties of the Heritage Preservation Commission be assigned to the Cultural Commission and then the matter of whether or not to eliminate the voluntary aspect of the ordinance be determined at a later date.

City Attorney Powell stated that an ordinance dealing only with the transfer of duties could be brought back at the April 5th meeting for consideration.

Mayor Wright moved that the Council direct staff to bring to the April 5<sup>th</sup> meeting an ordinance transferring the Heritage Preservation duties to the Cultural Commission. Councilmember Nesbet seconded the motion and suggested that the Cultural Commission be given the Heritage Preservation Commission files to review.

Councilmember Nesbet further suggested that the Commission consider not only structures, but also other aspects of the City.

The motion passed with a 5-0 vote.

At 9:45 p.m. Mayor Wright called for a brief recess. The meeting was reconvened at 9:50 p.m.

8. Hold First Reading and Introduction of an Ordinance of the City Council of the City of Monte Sereno Amending Title 9, Chapter 9.07 Regarding Hours For Outside Construction Work And Mechanical Blowers

City Manager Loventhal introduced the matter.

Councilmember Baxter moved to introduce and hold the first reading, as read by title only, of the proposed ordinance. Councilmember Garner seconded the motion and the motion carried with a 5-0 vote.

9. Consider Resolution Of The City Council Of The City Of Monte Sereno Revising The Public Records Retention Schedule

City Attorney Powell introduced the matter and answered questions from the Council. She explained that the only change proposed is to reduce the retention time of the Council meeting audiotapes.

Discussion commenced.

Fred Hawkes, Palos Verdes Drive, pointed out that the minutes are very brief and in some cases may not provide enough detail.

City Manager Loventhal discussed the pros and cons of retaining the tapes for such long period of time.

Councilmember Nesbet inquired about the number of tapes made per year and the City's storage capacity. She stated that she found the older tapes to be helpful from a historical perspective.

Councilmember Brodsky spoke in favor of retaining the tapes for a period of 5 years.

City Manager and City Attorney discussed public records and retention of records.

Councilmember Nesbet spoke in favor of retaining the audiotapes of both the City Council and the Site and Architecture meetings for a period of 5 years

Councilmember Brodsky stated that he felt that a 90-day retention of the Site and Architecture meeting tapes was sufficient.

Discussion commenced.

Councilmember Nesbet moved that the City Council, by resolution, set the Retention Schedule to require 5-year retention of both the City Council meeting tapes and the Site and Architecture meeting tapes. Councilmember Brodsky seconded the motion and the motion carried with a 5-0 vote.

10. Confirm City Picnic Date and Time

City Manager Loventhal requested direction from the Council with regard to a date and time for the annual City picnic.

Discussion commenced. There was consensus to schedule the picnic for June 4.

Councilmember Nesbet stated that she had received comments from residents who preferred having the picnic at City Hall instead of the park.

Further discussion commenced and staff was direct to add to the next agenda an item to appoint an ad hoc planning committee for the June 4<sup>th</sup> City picnic.

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

The Councilmembers reported on their various Commission/Committee activities.

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

City Manager Loventhal reported on various administrative matters.

**ADJOURNMENT**

At 10:30 p.m., Mayor Wright adjourned the meeting in memory of the late Mary Lou Zoglin, former Mountain View Councilmember, to 7:30 p.m. Tuesday, April 5, 2005 to be held in the City Council Chamber located at 18041 Saratoga-Los Gatos Road, Monte Sereno, California.

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A. Curtis Wright, Mayor

ATTEST:

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Andrea M. Chelemengos, City Clerk