



**AGENDA  
REGULAR MEETING  
SARATOGA CITY COUNCIL**

**Wednesday, February 4, 2009**

**REGULAR MEETING – 7:00 P.M. – CIVIC THEATER/COUNCIL CHAMBERS  
AT 13777 FRUITVALE AVENUE**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**REPORT OF CITY CLERK ON POSTING OF AGENDA**

(Pursuant to Gov't. Code 54954.2, the agenda for this meeting was properly posted on January 30, 2009)

**COMMUNICATIONS FROM COMMISSIONS & PUBLIC**

**Oral Communications on Non-Agendized Items**

*Any member of the public will be allowed to address the City Council for up to three (3) minutes on matters not on this agenda. The law generally prohibits the council from discussing or taking action on such items. However, the Council may instruct staff accordingly regarding Oral Communications under Council Direction to Staff.*

**Oral Communications - Council Direction to Staff**

*Instruction to Staff regarding actions on current Oral Communications.*

**Communications from Boards and Commissions**

**Council Direction to Staff**

*Instruction to Staff regarding actions on current Communications from Boards & Commissions.*

**ANNOUNCEMENTS**

**CEREMONIAL ITEMS**

**SPECIAL PRESENTATIONS**

**CONSENT CALENDAR**

*The Consent Calendar contains routine items of business. Items in this section will be acted in one motion, unless removed by the Mayor or a Council member. Any member of the public may speak to an item on the Consent Calendar at this time, or request the Mayor remove an item from the Consent Calendar for discussion. Public Speakers are limited to three (3) minutes.*

1. Minutes – CH-2 Study Session – January 12, 2009  
**Recommended action:**  
Approve minutes.
2. City Council Minutes – January 21, 2009  
**Recommended action:**  
Approve minutes.
3. Review of Accounts Payable Registers  
**Recommended action:**  
That the City Council accepts the Check Registers for Accounts Payable cycles:  
January 15, 2009  
January 22, 2009
4. Annual Concrete Repair and Replacement Program – Award of Construction Contract  
**Recommended action:**
  1. Move to declare Guerra Construction Group to be the lowest responsible bidder on the Annual Concrete Repair and Replacement Program.
  2. Award a construction contract for the Annual Concrete Repair and Replacement Program to Guerra Construction Group in the amount of \$237,465 and authorize the City Manager to execute the same.
  3. Authorize staff to execute change orders to the construction contract in the amount of \$40,000.
  4. Adopt Budget Resolution amending the Fiscal Year 2008-2009 budget.

### **PUBLIC HEARINGS**

*Applicants/Appellants and their representatives have a total of ten minutes maximum for opening statements. Members of the public may comment on any item for up to three minutes. Applicant/Appellants and their representatives have a total of five minutes maximum for closing statements. Items requested for continuance are subject to Council's approval at the Council meeting*

5. Ordinance Amending the Regulations Related to Fences, Walls, and Hedges & Negative Declaration  
**Recommended action:**  
Staff recommends City Council open the public hearing, accept public testimony, close the public hearing, approve the attached ordinance, waive the First Reading and direct staff to schedule this item for a Second Reading for adoption on the consent calendar at the next regularly scheduled City Council meeting.

### **OLD BUSINESS**

None

## **NEW BUSINESS**

6. Review the fees required for Conditional Use Permits (CUP)

**Recommended action:**

Direct Staff Accordingly.

7. Potential 2009 Work Plan Priorities for the Santa Clara County Cities Association

**Recommended action:**

Accept report and recommend potential 2009 work plan priorities for the Santa Clara County Cities Association (SCCCA), and authorize staff to return these suggestions to the SCCCA Board of Directors.

## **ADHOC & AGENCY ASSIGNMENT REPORTS**

### Mayor Chuck Page

Hakone Foundation Executive Committee  
Peninsula Division, League of California Cities  
SSC Cities Association Executive Board  
SCC Cities Association Selection Committee  
Valley Transportation Authority PAC  
West Valley Sanitation District  
West Valley Mayors and Managers Association Council Finance Committee  
City School Ad-Hoc

### Vice Mayor Kathleen King

Hakone Foundation Board  
West Valley Flood Control Zone & Watershed Advisory Committee  
Peninsula Division, League of California Cities  
SSC Cities Association Executive Board  
SCC Cities Association Selection Committee  
SCC Cities Association – Joint Economic Development Policy Committee (JEDPC)  
City School Ad-Hoc  
Valley Transportation Authority PAC  
West Valley Mayors and Managers Association

### Councilmember Jill Hunter

ABAG (Alternate Representative)  
Historical Foundation  
KSAR (Alternate Representative)  
Library Joint Powers Association  
Santa Clara County Valley Water District Commission  
Santa Clara County Emergency Council  
SASCC (Alternate Representative)  
Sister City Liaison  
Village AdHoc

### Councilmember Howard Miller

Chamber of Commerce  
Comprehensive County Expressway Planning Study Policy Advisory Board (PAB)  
Council Finance Committee  
County HCD Advisory Committee

Historical Foundation

KSAR

SCC Cities Association – Joint Economic Development Policy Committee (JEDPC)

Santa Clara County Emergency Council

Santa Clara County Valley Water District Commission

West Valley Flood Control Zone & Watershed Advisory Committee

West Valley Solid Waste Joint Powers Association

Council Finance Committee

Councilmember Susie Nagpal

ABAG

Chamber of Commerce

Comprehensive County Expressway Planning Study Policy Advisory Board (PAB)

County HCD Policy Committee

Library Joint Powers Association

SASCC

Sister City Liaison

Village AdHoc

West Valley Sanitation District

West Valley Solid Waste Joint Powers Association

## **CITY COUNCIL ITEMS**

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

### **ADJOURNMENT**

Council will adjourn the Regular Council Meeting and proceed to the Administrative Conference Room for Closed Session.

### **ANNOUNCEMENT OF CLOSED SESSION ITEMS**

#### **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Initiation of Litigation Pursuant to (Gov't Code Section 54956.9(c): (1 potential case)

#### **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:**

Significant Exposure to Litigation Pursuant to (Gov't Code 54956.9(b) (1 Item)

#### **CONFERENCE WITH REAL PROPERTY NEGOTIATORS –**

Property: (Saratoga Village Parking District No. 1 at 4<sup>th</sup> Street and Wildwood Park)

Agency Negotiators: John Cherbone and Dave Anderson

Negotiating Parties: Kwan M. Lee

Under Negotiation: Price and terms of payment

In accordance with the Ralph M. Brown Act, copies of the staff reports and other materials provided to the City Council by City staff in connection with this agenda are available at the office of the Community Development Department Director at 13777 Fruitvale Avenue, Saratoga, CA 95070. Note that copies of materials distributed to the City Council concurrently with the posting of the agenda are also available on the City Website at [www.saratoga.ca.us](http://www.saratoga.ca.us). Any materials distributed by staff after the posting of the agenda are made available for public review at the office of the City Clerk at the time they are distributed to the City Council.

*In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting, please contact the City Clerk at (408) 868-1269. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting (28 CFR 35.102-35.104 ADA Title II)*

*Certificate of Posting of Agenda:*

*I, Ann Sullivan, City Clerk for the City of Saratoga, declare that the foregoing agenda for the meeting of the City Council of the City of Saratoga was posted on January 30, 2009, at the City of Saratoga, 13777 Fruitvale Ave., Saratoga, CA 95070 and was available for public review at that location. The agenda is also available on the City's website at [www.saratoga.ca.us](http://www.saratoga.ca.us)*

*Signed this 30<sup>th</sup> day of January 2009 at Saratoga, California.*

*Ann Sullivan, CMC  
City Clerk*

**NOTE:** To view current or previous City Council meetings anytime, go to the City Video Archives at [www.saratoga.ca.us](http://www.saratoga.ca.us)



**CITY OF SARATOGA  
CITY COUNCIL MEETING CALENDAR 2009**

- 2/4 Regular Meeting – Joint Meeting with Planning Commission  
2/18 Regular Meeting – Joint Meeting with Sheriff’s Office and County Fire
- 3/4 Regular Meeting – Joint Meeting with School Districts: Saratoga Union Elementary School District; Los Gatos-Saratoga Union High School District; Cupertino School District; Campbell School District Moreland School District; Fremont High School District; Sacred Heart; St. Andrews, and Campbell Union High School District  
3/18 Regular Meeting – Joint Meeting with Supervisor Liz Kniss
- 4/1 Regular Meeting – Joint Meeting with Library Commission and Friends of the Saratoga Libraries  
4/15 Regular Meeting – Joint Meeting with Youth Commission
- 5/6 Regular Meeting – Joint Meeting with Mt. Winery  
5/20 Regular Meeting – Joint Meeting with Montalvo Arts
- 6/3 Regular Meeting – Joint Meeting with Parks and Recreation Commission  
6/17 Regular Meeting – Joint Meeting with HOA Presidents
- 7/1 Regular Meeting –  
7/15 Regular Meeting – Joint Meeting with SASCC
- 8/5 Regular Meeting – Joint Meeting with Saratoga Ministerial Association  
8/19 **SUMMER RECESS – NO COUNCIL MEETING**
- 9/2 Regular Meeting – Joint Meeting with Hakone Foundation  
9/16 Regular Meeting – Joint Meeting with West Valley Board of Trustees
- 10/7 Regular Meeting – Joint Meeting with Traffic Safety Commission  
10/21 Regular Meeting – Joint Meeting with Historical Foundation & Heritage Preservation Comm.
- 11/4 Regular Meeting – Saratoga Village Development Council  
11/18 Regular Meeting -
- 12/1 Council Reorganization  
12/2 Regular Meeting -  
12/16 Regular Meeting -