

**MINUTES
SARATOGA CITY COUNCIL
JANUARY 19, 2005**

The City Council of the City of Saratoga held a Joint Session with the Saratoga Senior Coordinating Council (SASCC) in the Administrative Conference Room, 13777 Fruitvale Avenue, at 6:00 p.m.

The following SASCC Board members were present: President John Feemster, Ron Duffin, Ethel James, Dave Duffy, Masami Ishikawa, David Meeker, Barbara Mendenhall, Aki Okuno, Helen Riley, Susy Siegler, Gloria Watson, and Frances Wasserman.

President Feemster briefly highlighted the following information regarding SASCC:

- Mission statement
- Services provided
- Senior Center problems
- SASCC History
- SASCC Operations
- Demographics
- Growth Limitations
- SASCC Endowment
- Space Needs

Mayor King thanked the SASCC Board for attending tonight's Joint Session.

The City Council met in Closed Session in the Administrative Conference Room, 13777 Fruitvale Avenue, at 6:30 p.m.

Mayor King called the Regular City Council meeting to order at 7:00 p.m. and lead the Pledge of Allegiance.

Mayor King noted that this meeting was dedicated in memory of Tammy Chen. Mayor King noted that Tammy passed away this past weekend.

Conference With Labor Negotiators (Gov't Code 54957.6):

Agency designated representatives: Lorie Tinfow, Assistant City Manager
Employee organization: Non SEA Members

ROLL CALL

PRESENT: Councilmembers Aileen Kao, Nick Streit,
Ann Waltons-Smith, Vice Mayor Norman Kline,
Mayor Kathleen King

ABSENT: None

ALSO Dave Anderson, City Manager

PRESENT: Lorie Tinfow, Assistant City Manager
Richard Taylor, City Attorney
Cathleen Boyer, City Clerk
Michele Braucht, Administrative Services Director
John Livingstone, Interim Community Development Director
John Cherbone, Public Works Director
Thomas Scott, Facilities Supervisor

REPORT OF CITY CLERK ON POSTING OF AGENDA FOR JANUARY 19, 2005

Cathleen Boyer, City Clerk, reported that pursuant to Government Code Section 54954.2, the agenda for the meeting of January 19, 2005 was properly posted on January 14, 2004.

ORAL COMMUNICATIONS

The following people requested to speak at tonight's meeting:

Citizen Ray updated the City Council on the Highway 9 Safety Improvement Project and noted that the VTA approved the grant application submitted by the City of Monte Sereno and the City of Saratoga.

COMMUNICATIONS FROM COMMISSIONS

John Feemster, President of SASCC, noted that the earlier this evening the Board meet with the City Council. President Feemster highlighted the accomplishments and future goals of SASCC.

COUNCIL DIRECTION TO STAFF

None

ANNOUNCEMENTS

None

CEREMONIAL ITEMS

1. **APPOINTMENT AND OATH OF OFFICE FOR THE LIBRARY COMMISSIONERS**

STAFF RECOMMENDATION:

Adopt resolution and administer Oath of Office.

RESOLUTION: 05-002

WALTONSMITH/KLINE MOVED TO **ADOPT RESOLUTION APPOINTING CHIOU AND STINE TO THE LIBRARY COMMISSION.**
MOTION PASSED 5-0.

City Clerk Boyer administered the Oath of Office to Alice Chiou and Bonnie Stone.

SPECIAL PRESENTATIONS

2. **PRESENTATION BY SANTA CLARA VALLEY WATER DISTRICT**

STAFF RECOMMENDATION:

Informational only.

Greg Zlotnick, Santa Clara County Water District Board member, presented a status report on the completed projects in Saratoga including the sediment removal project around the Comer Debris Basin.

Mr. Zlotnick announced that the deadline for 2005 grant opportunities for Measure B monies was March 30, 2005.

Mr. Zlotnick explained that the Water District's funding was also hit by the Governor's take-a-ways. The District lost \$51 million dollars in property taxes with the last 18 months.

Bob Wallace noted that he feels the sediment removal project was a waste of money. Mr. Wallace stated that after a few more days of rain the sediment level would be at the exact spot as it was before the project.

Lawrence Ives noted that he has owned his property located at 20937 Comer Drove for the past 11 years. Mr. Ives stated that the District has confirmed that there is no reason to remove the bridge.

Mayor King thanked Mr. Zlotnick for the update.

CONSENT CALENDAR

3A. APPROVAL OF CITY COUNCIL MINUTES –DECEMBER 15, 2004

STAFF RECOMMENDATION:

Approve minutes.

KLINE/STREIT MOVED TO **APPROVE MINUTES OF JANUARY 5, 2005.** MOTION PASSED 5-0.

3B. REVIEW OF CHECK REGISTER

STAFF RECOMMENDATION:

Approve check register.

KLINE/STREIT MOVED TO **APPROVE CHECK REGISTER.** MOTION PASSED 5-0.

3C. TREASURER'S REPORT FOR THE MONTH ENDED DECEMBER 31, 2004

STAFF RECOMMENDATION:

Accept report.

KLINE/STREIT MOVED TO **ACCEPT TREASURER'S REPORT.** MOTION PASSED 5-0.

PUBLIC HEARINGS

4. RESOLUTION ORDERING THE ABATEMENT OF A PUBLIC NUISANCE BY REMOVAL OF HAZARDOUS VEGETATION

STAFF RECOMMENDATION:

Conduct public hearing and adopt resolution.

RESOLUTION: 05-003

Cathleen Boyer, City Clerk, presented staff report.

City Clerk Boyer noted that the attached resolution represented the second step in Saratoga's Hazardous Vegetation Abatement Program administered by the Office of the Agricultural Commissioner.

City Clerk Boyer explained that the Commissioner has sent owners of the parcels requiring weed abatement two notices informing them that the weeds must be abated, either by the owners or by the County. The notice also informed them that they may present objections at tonight's public hearing.

City Clerk Boyer pointed out that Debbie Carver, Program Coordinator/Office of the Agricultural Commissioner, was present this evening to answer any questions Councilmembers may have on this topic.

KLINE/WALTONSMITH MOVED TO ADOPT RESOLUTION ORDERING THE ABATEMENT OF A PUBLIC NUISANCE BY REMOVAL OF HAZARDOUS VEGETATION. MOTION PASSED 5-0.

OLD BUSINESS

5. RESOLUTION OF SUPPORT FOR RELOCATING THE FARMERS' MARKET TO WEST VALLEY COLLEGE

STAFF RECOMMENDATION:

Adopt resolution.

RESOLUTION: 05-005

Dave Anderson, City Manager, presented staff report.

City Manager Anderson explained that an appeal hearing for the use permit for Farmers' Market operations at Saratoga High School was held on December 1, 2004. At that hearing the school district stated that they would not be renewing the lease with the market, which expires on May 18, 2005. The reasons for the non-renewal are the progressive intensification of use at the high school site and subsequent neighborhood complaints, and the spring opening of the Performing Arts Center near the current location of the market. At the meeting, West Valley College was mentioned as one of the only locations in Saratoga with sufficient space for the market and adequate parking.

City Manager Anderson noted that as a follow-up to the public hearing, the City Council directed staff to contact West Valley College to inform them of the loss of lease by the market at the high school site and the referral to the college. The City Manager contacted the President of West Valley College, Phil Hartley, who said that the market had already made an initial contact. Subsequently, a proposal was submitted by the California Farmers' Markets Association to the college for the use of the West Valley College as the site of a relocated Saratoga Farmers' Market.

City Manager Anderson noted that in his response letter, President Hartley stated that the college would seriously consider the proposal. He also stated that "The elements of this consideration will include input from the City of Saratoga, response from the community in general and our immediate neighbors in specific, consideration by our Board of Trustees and routine cost/logistical issues (not necessarily in that order)."

City Manager Anderson stated that this agenda item is intended to provide the City Council with a vehicle to express its support for relocation of the Saratoga Farmers' Market to West Valley College. It will also provide feedback to the College Board of Trustees that they can use in their deliberations on the agreement with the California Farmer's Markets Association.

City Manager Anderson pointed out that seeking to be a good neighbor on issues that might have a neighborhood impact, the college has mailed out a survey to the 40 closest neighbors to solicit their opinions regarding relocating the Farmers Market to the college.

A discussion took place in regards to the conditional use permit that was adopted by the Council a few weeks ago. Further discussion amongst the Council in regards to new conditions of approval for operations at the College.

City Attorney suggested amending the proposed resolution to include the following statement, "The City Council of the City of Saratoga supports the relocation of the Farmers' Market to West Valley College and looks forward to considering the issues further through the use permit process".

WALTONSMITH/STREIT MOVED TO ADOPT RESOLUTION AS AMENDED IN SUPPORT OF RELOCATING FARMERS' MARKET TO WEST VALLEY COLLEGE. MOTION PASSED 5-0.

NEW BUSINESS

6. SARATOGA GATEWAY PROJECT – AWARD OF BID

STAFF RECOMMENDATION:

1. Move to declare Golden Bay Construction to be the lowest responsible bidder on the project.
2. Move to authorize staff to execute change orders to the contract up to \$125,000;

3. Approve hourly contract proposal with Paul Jensen for dedicated construction/engineering inspection work associated with the Gateway Project, not to exceed \$30,000.
4. Approve change order Design Studios West for construction engineering on an as-needed basis, not to exceed \$10,000.
5. Approve change order authority with existing contract with Gachina Landscape to complete the median restoration work along Saratoga-Sunnyvale Road, not to exceed \$25,000.

John Cherbone, Public Works Director, presented staff report.

Director Cherbone stated that sealed bids for the Saratoga Gateway Project were opened on November 23, 2004. A total of four contractors submitted bids. Golden Bay Construction submitted the lowest bid of \$2,707,622.

Director Cherbone noted that following the bid opening, negotiations were made with the contractor to eliminate certain add alternate items, and modify the scope of work in order to accomplish the project within budget. The resulting proposal from Golden Bay Construction is \$2,222,633.

Director Cherbone described the scope of work and noted that because of the relatively large scope of this project and the consequential need for dedicated supervision, staff was recommending hiring a dedicated Engineering Inspector on an hourly contractual basis.

STREIT/KLINE MOVED TO APPROVE STAFF RECOMMENDATIONS.
MOTION PASSED 5-0.

7. **BUILDING INSPECTOR POSITION VACANCIES**

STAFF RECOMMENDATION:

Council designate at least one Building Inspector position as “essential” and authorize City Manager to fill one vacancy at this time.

Lorie Tinfow, Assistant City Manager, presented staff report.

Assistant City Manager Tinfow pointed out that on Monday, January 3, 2005, Building Inspector Jeff Britton submitted his letter of resignation effective January 21, 2005. Later that week, Building Inspector Jim Southerland submitted a letter of intent to retire effective March 2005. As a result of the two vacancies, staff requests permission to start recruitment activities to fill at least one position with direction on filling the second position to be included in this year’s budget discussions.

STREIT/WALTONSMITH MOVED TO DECLARE ONE BUILDING INSPECTOR’S POSITION “ESSENTIAL” AND AUTHORIZE THE CITY MANAGER TO FILL THE VACANCY. MOTION PASSED 5-0.

8. **CONGRESS SPRINGS PARK VERTICAL BYPASS DRAINAGE PROJECT: INCREASE CHANGE ORDER AUTHORITY FOR ADDITIONAL WORK**

STAFF RECOMMENDATION:

Increase change order authority in the amount of \$78,500; adopt resolution.

RESOLUTION: 05-004

John Cherbone, Public Works Director, presented staff report.

Director Cherbone stated that a contract was awarded to Colony Landscape & Maintenance in August 2004 for the Congress Springs Park Vertical Bypass Drainage Project. This project would vastly improve the playfield drainage at the park, allowing earlier play after a rain event. Surface ponding would also be significantly reduced.

Director Cherbone noted that the original contract amount of field area to be treated was 92,000 square feet. This equated to a unit price of \$0.73 per square foot. A recent donation by the Saratoga AYSO would allow approximately 25,000 square feet in additional field area to be treated.

Director Cherbone noted that the total cost of this work would be \$73,500.

WALTONSMITH/KAO MOVED TO ADOPT RESOLUTION AMENDING THE BUDGET FOR FY2004/2005 TO APPROPRIATE FUNDS TO PAY FOR ADDITIONAL DRAINAGE WORK AT CONGRESS SPRINGS PARK. MOTION PASSED 5-0.

9. **RELEASE OF SECURITIES IN THE AMOUNT OF \$300,000 POSTED FOR UNDERGROUNDING OF EXISTING OVERHEAD UTILITIES ALONG SARATOGA-SUNNYVALE ROAD**

STAFF RECOMMENDATION:

Authorize the Public Works Director to release security totaling the amount of \$300,000 posted by Argonaut Associates, LLC and Saratoga Courtyards, LLC.

John Cherbone, Public Works Director, presented staff report.

Director Cherbone explained the background of this project noting that this was part of the application for expansion and renovation at Argonaut Shopping Center in 1997.

Director Cherbone noted that after discussing the project with a PG & E senior engineer, the recommendation is not to bury the lines along Saratoga Courtyards for the following reasons:

- Two large transition towers would be required - would have a negative impact on the neighborhood
- Exception from Rule 20 would be required for under grounding of high - voltage transmission circuits

- Cost of the two towers would be \$500,000 with an additional \$100,000 for under grounding of 120 linear feet along Saratoga Courtyard frontage.

WALTONSMITH/KAO MOVED TO **AUTHORIZE HE PUBLIC WORKS DIRECTOR TO RELEASE OF SECURITIES IN THE AMOUNT OF \$300,000 POSTED BY ARGONAUT ASSOCIATES, LLC.** MOTION PASSED 5-0.

10. **REPLACEMENT OF CITY COUNCIL DIAS MICROPHONES**

STAFF RECOMMENDATION:

Accept report, select microphone type; adopt resolution.

RESOLUTION: 05-006

Thomas Scott, Facilities Supervisor, presented staff report.

Supervisor Scott explained the problems the City Council have been experiencing with the sound system in the Civic Theater during City Council meetings. Supervisor Thomas pointed out that within the month the City would be going out to bid on a new sound system for the Civic Theater Drama Groups. The funding for this project is from the \$1 per ticket surcharge collected from these same groups. Supervisor Thomas noted that this project would include replacing all of the speakers.

Supervisor Thomas stated that along with the change in speakers in the theater, it has been recommended that the City purchase microphones with longer goosenecks. City Council members would not have to move forward each time they wanted to speak into the microphones.

Supervisor Thomas described the two types of microphones and the costs.

WALTONSMITH/KAO MOVED TO **ADOPT RESOLUTION AMENDING THE 2004-2005 BUDGET FOR AN APPROPRIATION OF FUNDS TO BE ALLOCATED TO BUY 18" GOOSENECK MICROPHONES, WITH ON/OFF SWITCHES, FOR THE COUNCIL DIAS.** MOTION PASSED 5-0.

AGENCY ASSIGNMENTS

Mayor Kathleen King had no reportable information.

Vice Mayor Norman Kline reported the following information:

Library Joint Powers Association – described the two measures (A&B) that would be on the May 2005 ballot.

Councilmember Nick Streit had no reportable information.

Councilmember Aileen Kao reported the following information:

Chamber of Commerce – resignation was submitted by the Executive Director, Kristen Davis

Councilmember Ann Waltonsmith reported the following information:
KSAR Community Access TV Board – Assistant City Manager Lorie Tinfow attended the last Board meeting and provided a budget presentation.

CITY COUNCIL ITEMS

Referring to the grant opportunities mentioned by Mr. Zlotnick earlier this evening, Councilmember Streit requested that staff apply for these grants.

Councilmember Waltonsmith asked if the City responded to the draft Annexation Policy written by the County.

Interim Community Development Director Livingstone noted that he would be attending a meeting at LAFCO on Monday in regards to this policy.

Mayor King announced that the 4th Annual Mustard Walk would be held on February 6, 2005. Mayor King reminded that Council that on January 20, 2005, Supervisor Liz Kniss would be giving her “State of the County” address.

OTHER

None

CITY MANAGER’S REPORT

None

ADJOURNMENT

There being no further business Mayor King adjourned Closed Session at 10:00 p.m.

Respectfully submitted,

Cathleen Boyer, CMC
City Clerk