

**MINUTES
SARATOGA CITY COUNCIL
APRIL 6, 2005**

The City Council of the City of Saratoga held a Joint Session with the Planning Commission in the Administrative Conference Room, 13777 Fruitvale Avenue, at 5:30 p.m.

The following Planning Commissioners were present: Jill Hunter, Susie Nagpal, Michael Schallop, Mike Uhl, Manny Cappello, Robert Kundtz, Linda Rodgers, and Community Development Director John Livingstone.

Chair Nagpal summarized key items from the last Joint Meeting as follows:

- General support for second story additions that meet design review requirement in changing neighborhoods
- General support of design based reviews vs. parameters such as size and color
- Discussions regarding the formation of a Design Review Board
- Specific guidance that the City Council wants Planning Commissioners to consider during their time of service.
- Design Review Board/Improvements to the Planning Commission

A discussion took place in regards to process improvements.

Chair Nagpal stated that the Planning Commission would like to meet with other cities Planning Commissions.

Mayor King thanked the Planning Commission for attending tonight's Joint Session.

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

ROLL CALL

PRESENT: Councilmembers Aileen Kao, Nick Streit,
Ann Waltonsmith, 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, Community Development Director
John Cherbone, Public Works Director

REPORT OF CITY CLERK ON POSTING OF AGENDA FOR APRIL 6, 2005

Cathleen Boyer, City Clerk, reported that pursuant to Government Code Section 54954.2, the agenda for the meeting of April 6, 2005 was properly posted on March 31, 2005.

ORAL COMMUNICATIONS

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

Citizen Ray updated the City Council on the Highway 9 Safety Improvement Project. Citizen ray also commented on the "Great Race" that took place over the weekend along Highway 9

COMMUNICATIONS FROM BOARDS AND COMMISSIONS

Susie Nagpal thanked the Council for a productive joint meeting. Chair Nagpal stated that the Planning Commission and Council discussed various issues in regards to zoning, building, and Council/Commission expectations.

COUNCIL DIRECTION TO STAFF

None

ANNOUNCEMENTS

None

CEREMONIAL ITEMS

1A. COMMENDATION HONORING SAMANTHA MICHELLE DAVEY

STAFF RECOMMENDATION:

Present commendation.

Mayor King read the proclamation and presented it to Samantha Davey.

1B. COMMENDATION HONORING THE UNITES STATES MARINE DRUM & BUGLE CORPS

STAFF RECOMMENDATION:

Present commendations.

Mayor King read the proclamation and presented it to Master Sergeant Sean Washington.

1C. **COMMENDATION HONORING LOUI TUCKER**

STAFF RECOMMENDATION:

Present commendation.

Mayor King read the proclamation and presented it to Loui Tucker.

1D. **COMMENDATIONS FOR OUTGOING PLANNING COMMISSION MEMBERS RUCHI ZUTSHI AND MIKE GARAKANI**

STAFF RECOMMENDATION:

Present commendations.

Mayor King read the proclamation and presented it to Mohammad Garakani. Mayor King noted that Ruchi Zutshi was unable to attend tonight's meeting.

Mr. Garakani thanked City staff and fellow Planning Commissioners for their hard work and dedication he has seen while being a member of the Planning Commission.

1E. **PROCLAMATION DECLARING THE MONTH OF APRIL 2005 AS "NATIONAL VOLUNTEER MONTH"**

STAFF RECOMMENDATION:

Present proclamation.

Mayor King read the proclamation and presented it to Sue Fitzpatrick of the Volunteer Center of Silicon Valley.

SPECIAL PRESENTATIONS

2. **PRESENTATION – CAROLYN M. GONOT, CHIEF DEVELOPMENT OFFICER VALLEY TRANSPORTATION AUTHORITY (VTA) – LONG TERM TRANSIT CAPITAL INVESTMENT PROGRAM**

STAFF RECOMMENDATION:

Informational only.

Carolyn M. Gonot, Chief Development Officer/ Valley Transportation Authority (VTA), present report.

Ms. Gonot explained that the VTA's "Long Term Transit Capital Investment Program" outlines a 30-year plan to:

1. Deliver the entire 2000 Measure A Transit Improvement Program
2. Support and maintain VTA's future transit operations
 - Modest bus/light rail service increases
 - New transit services
 - Existing and future capital requirements

Ms. Gonot explained the 2000 Measure A Projects, the development of long-term investment strategy, and Federal and State funding sources.

Vice Mayor Kline thanked VTA for their presentation and noted the document was well prepared. .

Citizen Ray asked if Ms. Gonot if she had any news in regards to the grant application for the Highway 9 Safety Improvement Project.

Ms. Gonot responded that she didn't have any information.

Mayor King thanked Ms. Gonot and the VTA staff for the presentation.

CONSENT CALENDAR

3A. APPROVAL OF CITY COUNCIL MINUTES – MARCH 2, 2005

STAFF RECOMMENDATION:

Approve minutes.

WALTONSMITH/KAO MOVED TO **APPROVE CITY COUNCIL MINUTES OF MARCH 2, 2005**. MOTION PASSED 5-0.

3B. REVIEW OF CHECK REGISTER

STAFF RECOMMENDATION:

Approve check register.

WALTONSMITH/KAO MOVED TO **APPROVE CHECK REGISTER**. MOTION PASSED 5-0.

3C. 2ND READING & ADOPTION ORDINANCE AMENDING PROCEDURES FOR HIRING AND REMOVING DEPARTMENT DIRECTORS

STAFF RECOMMENDATION:

Adopt ordinance.

ORDINANCE: 234

WALTONSMITH/KAO MOVED TO **ADOPT ORDINANCE AMENDING PROCEDURES FOR HIRING AND REMOVING DEPARTMENT DIRECTORS**. MOTION PASSED 5-0.

3D. REQUEST TO FILL FOUR VACANT POSITIONS

STAFF RECOMMENDATION:

Designate the positions as “essential” and authorize the City Manager to fill them.

WALTONSMITH/KAO MOVED TO **DESIGNATE THE FOUR VACANT POSITIONS AS “ESSENTIAL” AND AUTHORIZE THE CITY MANAGER TO FILL THEM**. MOTION PASSED 5-0.

3E. **AGREEMENT WITH REGIONAL GOVERNMENT SERVICES
AUTHORITY FOR INTERIM HUMAN RESOURCES ANALYST
SERVICES**

STAFF RECOMMENDATION:

Authorize the City Manager to execute agreement.

Councilmember Streit requested that this item be removed from the Consent Calendar.

Councilmember Streit stated that he feels the rate listed in the contract is too high and asked if there were any other alternatives.

Assistant City Manager Tinfow responded that this was the only person available in the Bay Area available to fill this temporary position on such short notice. Assistant City Manager Tinfow explained that this has 15 years of personnel experience.

Councilmember Streit asked if we needed a full time person.

Assistant City Manager Tinfow responded yes and explained that there were four recruitments and upcoming Union negotiations.

KLINE/WALTONSMITH MOVED TO AUTHORIZE THE CITY MANAGER TO EXECUTE AGREEMENT WITH REGIONAL GOVERNMENT SERVICES AUTHORITY FOR INTERIM HUMAN RESOURCES ANALYST SERVICES. MOTION PASSED 3-2 WITH KAO AND STREIT OPPOSING.

3F. **AMEND INDEPENDENT CONTRACTOR AGREEMENT FOR
CONTRACT PLANNER AND AUTHORIZATION TO TRANSFER FUNDS**

STAFF RECOMMENDATION:

Authorize City Manager to execute amended agreement and adopt budget resolution.

RESOLUTION: 05-020

WALTONSMITH/KAO MOVED TO AMEND INDEPENDENT CONTRACTOR AGREEMENT WITH DEBORH UNGO-MCCORMICK, CONTRACT PLANNER, AND ADOPT BUDGET RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS. MOTION PASSED 5-0.

3G. **REVIEW AND APPROVAL OF THE RESOLUTION OF CITY COUNCIL DECIDING THE APPEAL OF JAMES AND KATHLEEN CHRISTENSEN INVOLVING CONSTRUCTION OF AN UNENCLOSED ACCESSORY STRUCTURE ON A PROPERTY LOCATED ON THE ROSSI PROPERTY AT 14111 PALOMINO WAY**

STAFF RECOMMENDATION:

Adopt resolution.

RESOLUTION: 05-018

WALTONSMITH/KAO MOVED TO **ADOPT RESOLUTION IN REGARD TO THE PROPERTY LOCATED AT 14111 PALOMINO WAY.** MOTION PASSED 5-0

3H **SARATOGA AREA SENIOR COORDINATING COUNCIL (SASCC) OPERATING GUIDELINES FOR USE OF CITY FACILITIES AGREEMENT**

STAFF RECOMMENDATION:

Authorize City Manager to execute agreement.

Councilmember Streit requested that this item be removed from the Consent Calendar.

Councilmember Streit explained recent cuts the City has had to make due to budget shortfalls and the expectations of the Recreation Department to be “full cost recovery”. Councilmember Streit stated that the proposed agreement gives rental capacity to an outside agency. Councilmember Streit stated that allowing SASCC to have 54 days of “free rent” is too much. Councilmember Streit stated that he wasn’t in favor of this contract and requested this item be sent back to staff.

Some time in the future, Vice Mayor Kline stated that he would like to see senior services integrated into the Recreation Department. Referring to the proposed four-year contract, Vice Mayor Kline stated that he would prefer a year-to-year contract.

Director Pisani noted that a year-to-year contract would be fine.

Genie Dee, Executive Director/SASCC, requested that the Council approve the contract at least for one year, which would give them time to look for more space.

Vice Mayor Kline stated that he would support the contract until June 30, 2006.

WALTONSMITH/KAO MOVED TO **AUTHORIZE CITY MANAGER TO EXECUTE AGREEMENT WITH SARATOGA AREA SENIOR COORDINATING COUNCIL (SASCC) OPERATING GUIDELINES FOR USE OF CITY FACILITIES EXPIRING ON JUNE 30, 2006.** MOTION PASSED 4-1 WITH STREIT OPPOSING. 5-0

3I. **CITY OF SARATOGA USE OF REDWOOD MIDDLE SCHOOL AGREEMENT**

STAFF RECOMMENDATION:

Authorize City Manager to execute agreement.

WALTONSMITH/KAO MOVED TO AUTHORIZE CITY MANAGER TO EXECUTE USE AGREEMENT WITH REDWOOD MIDDLE SCHOOL.
MOTION PASSED 5-0.

3J. **2004 STORMDRAIN REPAIR AND UPGRADE PROJECT - CHANGE OF PROJECT SCOPE**

STAFF RECOMMENDATION:

Approve proposed changes to the scope the Project and adopt budget resolution.

RESOLUTION: 05-

Councilmember Streit and Vice Mayor Kline both requested that this item be removed from the Consent Calendar.

Vice Mayor Kline stated that he would recuse himself from discussing this item because he lived within 500 feet of the project. Vice Mayor Kline stepped down from the dais.

Councilmember Streit stated that he would support this item if the Library project were removed from the scope.

WALTONSMITH/KAO MOVED TO APPROVE PROPOSED CHANGES TO THE SCOPE THE 2004 STORMDRAIN REPAIR AND UPGRADE PROJECT AND ADOPT BUDGET RESOLUTION. MOTION PASSED 4-0-1 WITH KLINE ABSTAINING.

PUBLIC HEARINGS

None

OLD BUSINESS

4. **RESPONSE TO ISSUES RAISED BY MITCHELL CUTLER DURING ORAL COMMUNICATIONS AT THE MARCH 2, 2005 CITY COUNCIL MEETING**

STAFF RECOMMENDATION:

Review report and direct staff accordingly.

Richard Taylor, City Attorney, presented staff report.

City Attorney Taylor explained that

NEW BUSINESS

5. **CONFIRMATION OF JOHN LIVINGSTONE’S APPOINTMENT AS COMMUNITY DEVELOPMENT DIRECTOR**

STAFF RECOMMENDATION:

Adopt resolution.

RESOLUTION: 05-021

Lorie Tinfow, Assistant City Manager, presented staff report.

WALTONSMITH/KAO MOVED TO **ADOPT RESOLUTION CONFIRMATION OF JOHN LIVINGSTONE’S APPOINTMENT AS COMMUNITY DEVELOPMENT DIRECTOR.** MOTION PASSED 5-0.

6. **COOPERATIVE AGREEMENT WITH CITY OF MONTE SERENO FOR JOINT PAVING WORK**

STAFF RECOMMENDATION:

Authorize City Manager to execute agreement and adopt budget resolution.

RESOLUTION: 05-019

John Cherbone, Public Works Director, presented staff report.

WALTONSMITH/KAO MOVED TO **AUTHORIZE CITY MANAGER TO EXECUTE COOPERATIVE AGREEMENT WITH CITY OF MONTE SERENO FOR JOINT PAVING WORK AND ADOPT BUDGET RESOLUTION.** MOTION PASSED 5-0.

ADHOC & AGENCY ASSIGNMENT REPORTS

None

CITY COUNCIL ITEMS

None

OTHER

None

CITY MANAGER’S REPORT

None

ADJOURNMENT

There being no further business Mayor King adjourned to Closed Session at 9:20 p.m.

**CLOSED SESSION – ADMINISTRATIVE CONFERENCE ROOM, 13777
FRUITVALE AVENUE**

ANNOUNCEMENT OF CLOSED SESSION ITEMS

Conference With Legal Counsel – Threatened Litigation: Significant exposure to litigation pursuant to Government Code section 54956.9(b): (1 potential case)

Conference With Legal Counsel – Existing Litigation:

(Government Code section 54956.9(a))

Name of case: Hinz v. City of Saratoga v (Santa Clara County Superior Court
Case No. 105CV034746)

ADJOURNMENT

There being no further business Mayor King adjourned Closed Session at 9:45 p.m.

Respectfully submitted,

Cathleen Boyer, CMC
City Clerk