

**MINUTES
SARATOGA CITY COUNCIL
OCTOBER 19, 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: Susie Nagpal, Manny Cappello, Linda Rodgers, and Community Development Director John Livingstone.

Mayor King noted that there was a member from the public who requested to address the City Council and Planning Commission.

Paul Fontenot suggested some ideas on how the City should approach new cell site antenna applications. Mr. Fontenot noted that Saratoga is currently exposed because it lacks formal guidance or an established ordinance for wireless facilities.

Mayor King thanked Mr. Fontenot for his comments.

Chair Nagpal summarized key items from the Planning Commission retreat that was held on October 12, 2005.

Discussion between the Planning Commission and the City Council took place in regards to:

- Request to increase the Planning Commission's participation in the future of the Saratoga Village
- Cell Site Conditional Use Permits
- Trails

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 requested Assistant City Manager Lorie Tinfow lead the Pledge of Allegiance.

Mayor King noted that tonight was Assistant City Manager Tinfow Lorie's last meeting with the City of Saratoga. Mayor King announced that Assistant City Manager Tinfow accepted a position with the City of Pleasanton. Mayor King presented Assistant City Manager Tinfow with flowers.

Assistant City Manager Tinfow thanked the Council for the last 4 1/2 years of employment.

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
Joan Pisani, Recreation Director

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

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

ORAL COMMUNICATIONS

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

Mary Jeanen Fenn reported that the Heritage Orchard was recently irrigated and a pesticide application was implemented. Mrs. Fenn noted that not only was mud tracked throughout the Library but also the pesticide – white powder. Mrs. Fenn stated that not only was it on the carpet but airborne.

Citizen Ray reported a dangerous situation in the Town of Los Gatos near Fischer Junior High School. Citizen Ray stated that he was disappointed in Saratoga that his suggestion of widening Highway 9 was not discussed at the CIP study session.

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 the Village, cell sites, and trails.

COUNCIL DIRECTION TO STAFF

Councilmember Waltonsmith requested a report back to Council in regards to Mrs. Fenn's comments.

City Manager Anderson noted that Director Cherbone would contact Mr. Novakovich.

ANNOUNCEMENTS

None

CEREMONIAL ITEMS

1. **PROCLAMATION SUPPORTING OCTOBER 16-22, 2005 AS THE YWCA OF SILICON VALLEY “WEEK WITHOUT VIOLENCE”**

STAFF RECOMMENDATION:

Present proclamation.

Mayor King read the proclamation and presented it Mary Diridon from the YWCA/Counseling Services.

Ms. Diridon thanked the Council for the proclamation and briefly highlighted a few YWCA’s programs.

SPECIAL PRESENTATIONS

None

CONSENT CALENDAR

- 2A. **CITY COUNCIL MINUTES - SEPTEMBER 7, 2005**

STAFF RECOMMENDATION:

Approve minutes

WALTONSMITH/STREIT MOVED TO **APPROVE MINUTES OF SEPTEMBER 7, 2005**. MOTION PASSED 5-0.

- 2B **REVIEW OF CHECK REGISTER**

STAFF RECOMMENDATION:

Approve check register.

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

- 2C. **TREASURER’S REPORT FOR THE MONTH ENDED SEPTEMBER 2005**

STAFF RECOMMENDATION:

Accept report.

WALTONSMITH/STREIT MOVED TO **ACCEPT TREASURER’S REPORT FOR MONTH ENDED SEPTEMBER 2005**. MOTION PASSED 5-0.

2D. **MEMORANDUM OF UNDERSTANDING WITH MILLMAN & INDUSTRIAL CARPENTERS LOCAL 262**

STAFF RECOMMENDATION:

Adopt resolution approving the MOU; authorize the City Manager to execute MOU.

RESOLUTION: 05-064

WALTONSMITH/STREIT MOVED TO **ADOPT RESOLUTION APPROVING THE MOU; AUTHORIZE THE CITY MANAGER TO EXECUTE MOU.** MOTION PASSED 5-0.

2E. **HAYMEADOW DRIVE SUBDRAIN IMPROVEMENTS - AWARD OF CONSTRUCTION CONTRACT**

STAFF RECOMMENDATION:

Approve contract.

WALTONSMITH/STREIT MOVED TO **APPROVE CONTRACT FOR HAYMEADOW DRIVE SUBDRAIN IMPROVEMENTS.** MOTION PASSED 5-0.

2F. **MOTOR VEHICLE (MV) RESOLUTION PROHIBITING PARKING ON HERRIMAN AVENUE**

STAFF RECOMMENDATION:

Adopt resolution.

RESOLUTION: MV-245

WALTONSMITH/STREIT MOVED TO **ADOPT RESOLUTION PROHIBITING PARKING ON HERRIMAN DRIVE.** MOTION PASSED 5-0.

2G. **MOTOR VEHICLE (MV) RESOLUTION PROHIBITING PARKING ON UPPER HILL DRIVE**

STAFF RECOMMENDATION:

Adopt resolution.

RESOLUTION: MV-246

WALTONSMITH/STREIT MOVED TO **ADOPT RESOLUTION PROHIBITING PARKING ON HERRIMAN DRIVE.** MOTION PASSED 5-0.

PUBLIC HEARINGS

3. APPLICATION 06-080 FOR MILLS ACT AGREEMENT – 14051 SARATOGA-SUNNYVALE ROAD

STAFF RECOMMENDATION:

Open public hearing, introduce and waive the first reading; direct staff to place the ordinance on the consent calendar for the next meeting; adopt resolution; direct City Manager to enter into a Mills Act Agreement.

RESOLUTION: 05-066

Shweta Bhatt, Assistant Planner, presented staff report.

Planner Bhatt highlighted that background of the Mills Act Program stating that in March 2005 Council approved a resolution establishing the City's participation in the program. Planner Bhatt noted that by Council policy only three Mills Act contract could be approved in a single year. Planner Bhatt noted that in 1995 this property was designated as a landmark by ordinance HP-22.

Planner Bhatt discussed the property located at 14051 Saratoga-Sunnyvale Road. Planner Bhatt noted that the on September 13, 2005 the Heritage Preservation Commission reviewed the property and recommended the property for Mills Act consideration.

Mayor King opened the public hearing.

Teri Dahlbeck noted that she was the owner of the property and urged the Council to approve the Mills Act Agreement for her house.

Mayor King closed the public hearing.

KLIN/STREIT MOVED TO INTRODUCE AND WAIVE THE FIRST READING; DIRECT STAFF TO PLACE THE ORDINANCE ON THE CONSENT CALENDAR FOR THE NEXT MEETING; ADOPT RESOLUTION; DIRECT CITY MANAGER TO ENTER INTO A MILLS ACT AGREEMENT. MOTION PASSED 5-0.

4. APPLICATION 06-092 FOR LANDMARK STATUS AND MILLS ACT AGREEMENT – 14288 CHESTER AVENUE

STAFF RECOMMENDATION:

Open public hearing, introduce and waive the first reading of ordinance; direct staff to place the ordinance on the consent calendar for the next meeting; adopt resolution; direct City Manager to enter into a Mills Act Agreement.

RESOLUTION: 05-065

Shweta Bhatt, Assistant Planner, presented staff report.

Planner Bhatt stated that the property located at 14288 Chester Avenue is known as Casa de Tesora. In order to apply for the Mills Act Program a structure must be a City of Saratoga Historic Landmark.

Planner Bhatt noted that the on September 13, 2005 Heritage Preservation Commission reviewed the property and recommended the property for Mills Act consideration.

Mayor King opened the public hearing.

Susie Nagpal noted that she was the owner of the property and urged the Council to approve the Mills Act Agreement for her house.

Mayor King closed the public hearing.

WALTONSMITH/KLINE MOVED TO INTRODUCE AND WAIVE THE FIRST READING OF ORDINANCE; DIRECT STAFF TO PLACE THE ORDINANCE ON THE CONSENT CALENDAR FOR THE NEXT MEETING; ADOPT RESOLUTION; DIRECT CITY MANAGER TO ENTER INTO A MILLS ACT AGREEMENT. MOTION PASSED 5-0.

5. **APPLICATION 05-029 FOR GENERAL PLAN AMENDMENT AND REZONING – 14574 HORSESHOE COURT**

STAFF RECOMMENDATION:

Open public hearing; adopt resolution amending the General Plan; adopt ordinance rezoning the property as R-1-40, 000.

Deborah Ungo-McCormick, Contract Planner, presented staff report.

Planner McCormick highlighted that background of the project located at 14574 Horseshoe Court.

Planner McCormick stated that without the proposed redesignation and rezoning, the rear portion of the site would be regulated by R-1-20,000 zoning district, while the front portion of the site would be regulated by R-1-40,000 zoning district standards. This is not a desirable situation as it leads to confusion regarding which development standards apply, which in some cases can be less or more restrictive in which zoning district.

Planner McCormick stated that the Planning Commission voted unanimously to recommend approval of the proposed amendment and rezoning to the City Council.

Mayor King opened the public hearing.

Mayor King closed the public hearing.

WALTONSMITH/STREIT MOVED TO ADOPT RESOLUTION AMENDING THE GENERAL PLAN; ADOPT ORDINANCE REZONING THE PROPERTY AS R-1-40, 000. MOTION PASSED 5-0.

OLD BUSINESS

6. **SARATOGA LIBRARY PROJECT CONSTRUCTION SUMMARY REPORT**

STAFF RECOMMENDATION:

Accept report and authorize expenditure of an additional \$10,000 for tasks identified in this report.

Lorie Tinfow, Assistant City Manager, presented staff report.

Assistant City Manager Tinfow briefly reported the following:

Total Library Bond Funds

- Voters approved \$15 million dollar bond in March 2000
- Interest accumulated on bond funds \$472,457

Construction Project Budget Status

- Total construction cost \$14,791,056
- Two incomplete tasks -Attorney's fees for August/September/October 2005- \$300
- Installation of two catch basins near the driveway - \$18,000

Library Commission Work List

- Library Commission recommended a list of unfinished work in 2003. The list has been completed at a total cost of \$59,058

Fund Summary

- Remaining balance of \$604,016
- Construction (\$14,791,056), remaining bond funds (\$208,944), earned interest (472,457), Library Commission work list budget (\$59,085), and estimated additional cost (\$18,300)

Use of Remaining Library Funds & Capital Improvements

- Council assigned the responsibility to the Library Commission and staff to prepare a capital improvement plan for the Saratoga Library
- Roof, HVAC, irrigation system, electrical system, exterior signage weathers, automatic door, parking lot – total needed over 30 years \$363,200

Citizen Oversight Committee (COC)

As long as unspent bond funds continue to exist, the COC is required

Request for additional funds

\$10,000-\$6,000 to install a monument sign at the corner of Saratoga Avenue and Fruitvale Avenue, plus \$4,000 for other small miscellaneous tasks

Ruth Gipstein thanked Assistant City Manager Tinfow for all of her hard work for the past 41/2 years. Mrs. Gipstein urged the Council to approved the additional funds for the library sign at the corner of Saratoga Avenue and Fruitvale Avenue.

KLINE/WALTONSMITH MOVED TO **AUTHORIZE EXPENDITURE OF AN ADDITIONAL \$10,000 FOR TASKS IDENTIFIED IN THIS REPORT.**
MOTION PASSED 3-2 WITH KAO AND STREIT OPPOSING.

7 **ACTIVITY SUMMARY OF FAÇADE IMPROVEMENT PROGRAM**

STAFF RECOMMENDATION:

Informational only.

Lorie Tinfow, Assistant City Manager, presented staff report.

Assistant City Manager Tinfow provided a brief background of the Façade Program and noted that \$50,000 was programmed in the capital improvement program to provide a matching grant source of funds for up to \$5,000 per applicant.

Assistant City Manager Tinfow reported that the total awarded was \$43,760.01 for improvements such as new awnings, paint, deck work, gutter upgrades, new signage, door replacement, and flower boxes.

Assistant City Manager Tinfow stated that the program was very successful in improving the appearance of the Village.

Mayor King thanked Assistant City Manager Tinfow for her report.

NEW BUSINESS

8. **ANNEXATION OF AN APPROXIMATELY 5,306 SQUARE FOOT PORTION OF APN 510-06-006 LOCATED AT 19330 SARATOGA-LOS GATOS ROAD. THE GROSS LOT SIZE OF THIS PARCEL IS APPROXIMATELY 3 ACRES THE MAJORITY OF WHICH IS LOCATED IN THE CITY OF SARATOGA**

STAFF RECOMMENDATION:

Staff recommends the City Council approve the attached Resolution of Initiation of Annexation.

Christy Oosterhous, Associate planner, presented staff report.

Planner Oosterhous explained that the applicant's property was located within both the City of Saratoga and the County of Santa Clara. The total lot size is approximately three acres of which 5,306 square feet are in the County. The County is requesting that the small portion of the lot remaining in the County be annexed to the City. The property owner is proposing to annex the portion of County land into the City so that the entire parcel falls under the jurisdiction of the City of Saratoga.

Planner Oosterhous noted that staff has determined that findings can be made to support the Categorical Exemption of the proposed annexation of 5,306 square feet into the City of Saratoga in that the annexation is for less than three single-family

residences in an urbanized area. There is no subdivision potential and the property to be annexed will be part of a conservation easement/open space area that will not be developed.

STREIT/WALTONSMITH MOVED TO ADOPT RESOLUTION OF INITIATION TO ANNEX THE PROPERTY LOCATED AT 19330 SARATOGA-LOS GATOS ROAD. MOTION PASSED 5-0.

9 **CHANGES TO STAFF CLASSIFICATION AND SALARY SURVEY POLICY**

STAFF RECOMMENDATION:

Approve the attached list of staff positions with FTE changes, and establish a new policy on conducting salary surveys and implementing new salary ranges administratively every two years starting in 2005-06.

Lorie Tinfow, Assistant City Manager, presented staff report.

KLIN/WALTONSMITH MOVED TO APPROVE THE ATTACHED LIST OF STAFF POSITIONS WITH FTE CHANGES, AND ESTABLISH A NEW POLICY ON CONDUCTING SALARY SURVEYS AND IMPLEMENTING NEW SALARY RANGES ADMINISTRATIVELY EVERY TWO YEARS STARTING IN 2005-06. MOTION PASSED 5-0.

ADHOC & AGENCY ASSIGNMENT REPORTS

Mayor King reported the following information:

Hakone Foundation Liaison – event on Sunday, October 23, 2005 form 2:00 p.m. – 5:00 p.m.

Santa Clara County Cities Association – Executive Director Gilliam Moran resigned. Cities Association will be recruiting for that position.

West Valley Mayors and Managers Association – upcoming agenda item would be “Joint Field Use”

Vice Mayor Kline reported that following information:

Library Joint Powers Association – JPA Finance Committee recommended funds for wireless access in all Santa Clara County libraries.

Valley Transportation Authority PAC – 2030 Plan is going forward.

Councilmember Streit had nor reportable information.

Councilmember Kao reported that following information:

Kevin Moran Ad Hoc Committee – first meeting was held on October 6, 2005 – the meeting went extremely well. All stakeholders were present. Next meeting is scheduled for October 20, 2005.

Councilmember Ann Waltonsmith reported the following information:

League of California Cities Annual Conference:

- California Recovery Act- Proposition 76
- Keynote Address - Richard Jackson, MD – Building Good Cities, Building Good Health, Saving Lives, Dollars and Our Future”

- Panel discussion “Lessons Learned and Things To Remember When Doing Local Planning /Process For Emergencies”
- Federal Communications Act/Telecommunications Resolution
- Active CA - Making California “The Nation’s Fittest State”

CITY COUNCIL ITEMS

Mayor King asked suggested a study session prior to the November 2, 2005 City Council meeting to discuss Rotary’s 50th Anniversary.

Vice Mayor Kline noted that he would support the Mayor’s request.

OTHER

None

CITY MANAGER’S REPORT

None

ADJOURNMENT

There being no further business Mayor King adjourned the meeting 9:45 p.m.

Respectfully submitted,

Cathleen Boyer, CMC
City Clerk