

MINUTES

SARATOGA CITY COUNCIL

DECEMBER 7, 2005

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

Conference With Legal Counsel – Existing Litigation: Jones v. Saratoga et al. Santa Clara County Sup. Court No. 1-03-CV-010545.

MAYOR'S REPORT ON CLOSED SESSION

Mayor Kline reported there was Council discussion but no action was taken.

Mayor Kline called the Regular City Council meeting to order at 7:00 p.m. and requested that Matthew Stark lead the Pledge of Allegiance.

ROLL CALL

PRESENT: Councilmembers Kathleen King, Ann Waltonsmith,
Vice Mayor Aileen Kao, Mayor Norman Kline
ABSENT: Councilmember Nick Streit
ALSO Dave Anderson, City Manager
PRESENT: 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 DECEMBER 7, 2005

Cathleen Boyer, City Clerk, reported that pursuant to Government Code Section 54954.2, the agenda for the meeting of December 7, 2005, was properly posted on December 2, 2005.

ORAL COMMUNICATIONS

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

Jill Hunter announced that the Village merchants would stay open until 7:00 p.m. on Thursday evenings.

Citizen Ray thanked the City Council for the wonderful display of democracy at the reorganization meeting held on December 6, 2005.

COUNCIL DIRECTION TO STAFF

None

COMMUNICATIONS FROM BOARDS AND COMMISSIONS

None

ANNOUNCEMENTS

None

CEREMONIAL ITEMS

None

SPECIAL PRESENTATIONS

None

CONSENT CALENDAR

1A. REVIEW OF CHECK REGISTER

STAFF RECOMMENDATION:

Approve check register.

WALTONSMITH/KAO MOVED TO **APPROVE CHECK REGISTER.**
MOTION PASSED 4-0-1 WITH STREIT ABSENT.

**1B. 2006 HAZARDOUS VEGETATION PROGRAM COMMENCEMENT
RESOLUTION**

STAFF RECOMMENDATION:

Adopt resolution.

RESOLUTION: 05-078

Councilmember King requested that item 1B be removed from the Consent Calendar.

Councilmember King asked if the County will be sending out three notices to the property owners on the list.

City Clerk Boyer responded yes, three notices will be sent out.

KING/WALTONSMITH MOVED TO ADOPT RESOLUTION DECLARING HAZARDOUS VEGETATION GROWING ON CERTAIN DESCRIBED PROPERTY TO BE A PUBLIC NUISANCE AND SETTING A PUBLIC HEARING. MOTION PASSED 4-0-1 WITH STREIT ABSENT.

- 1C. **INDEPENDENT CONTRACTOR AGREEMENT FOR FOCUSED GENERAL PLAN UPDATE WITH DEBORAH UNGO-MCCORMICK CONSULTING**

STAFF RECOMMENDATION:

Authorize City Manager to execute agreement.

WALTONSMITH/KAO MOVED TO APPROVE INDEPENDENT CONTRACTOR AGREEMENT FOR FOCUSED GENERAL PLAN UPDATE WITH DEBORAH UNGO-MCCORMICK CONSULTING. MOTION PASSED 4-0-1 WITH STREIT ABSENT.

- 1D. **SANTA CLARA VALLEY WATER RESOURCES PROTECTION COLLABORATIVE**

STAFF RECOMMENDATION:

Adopt resolution.

RESOLUTION: 05-074

WALTONSMITH/KAO MOVED TO ADOPT RESOLUTION SUPPORTING THE DEVELOPMENT OF THE GUIDELINES AND STANDARDS FOR LAND USES NEAR STREAMS AND THE 2005-06 IMPLEMENTATION PROGRAM OF THE SANTA CLARA VALLEY WATER RESOURCES PROTECTION COLLABORATIVE. MOTION PASSED 4-0-1 WITH STREIT ABSENT.

- 1E. **APPROVE BUDGET RESOLUTION FOR NOTICING EXPENDITURE**

STAFF RECOMMENDATION:

Adopt budget resolution.

RESOLUTION: 05-079

WALTONSMITH/KAO MOVED TO ADOPT RESOLUTION AMENDING THE BUDGET FOR FY 05-06 TO TRANSFER FUNDS TO PAY FOR PUBLIC NOTICING SERVICES. MOTION PASSED 4-0-1 WITH STREIT ABSENT.

1F. **SMART PERMIT STANDARDIZED PERMIT APPLICATION**

STAFF RECOMMENDATION:

Adopt SMART Permit Standardized Permit Application.

Councilmember King requested that item 1F be removed from the Consent Calendar.

Councilmember King thanked Mayor Kline for encouraging staff to streamline City processes.

Brad Lind, Builder Official, noted that eventually the entire County would be using the same permit system.

KING/WALTONSMITH MOVED TO **ADOPT SMART PERMIT STANDARDIZED PERMIT APPLICATION.** MOTION PASSED 4-0-1 WITH STREIT ABSENT.

1G. **ANNEXATION OF AN APPROXIMATELY 0.034 ACRE PORTION OF LAND WHICH FRONTS ONTO BAINTER AVENUE – APN 510-06-006 (COMMONLY KNOWN AS 19330 SARATOGA-LOS GATOS ROAD)**

STAFF RECOMMENDATION:

Adopt resolution.

RESOLUTION: 05-076

WALTONSMITH/KAO MOVED TO **ADOPT RESOLUTION APPROVING AN ANNEXATION TO THE CITY OF CERTAIN UNINCORPORATED TERRITORY COMMONLY KNOWN AS BAINTER AVENUE 2005-02-LANDS OF SPITS, PORTION OF APN: 510-06-006.** MOTION PASSED 4-0-1 WITH STREIT ABSENT.

1H. **AGREEMENT REGARDING RELOCATION OF CITY’S EMERGENCY OPERATIONS CENTER TO SARATOGA FIRE STATION AND ASSOCIATED COST REIMBURSEMENT TO THE DISTRICT**

STAFF RECOMMENDATION:

Approve agreement and authorize City Manager to execute the same.

WALTONSMITH/KAO MOVED TO **AGREEMENT REGARDING RELOCATION OF CITY’S EMERGENCY OPERATIONS CENTER TO SARATOGA FIRE STATION AND ASSOCIATED COST REIMBURSEMENT TO THE DISTRICT.** MOTION PASSED 4-0-1 WITH STREIT ABSENT.

PUBLIC HEARINGS

2. **CAPITAL IMPROVEMENT PLAN (CIP) FY 2005-2006 –
CONTINUATION OF PUBLIC HEARING AND ENVIRONMENTAL
IMPACT ASSESSMENT**

STAFF RECOMMENDATION:

1. Receive Report, conduct public hearing, and provide direction to staff.
2. Adopt Environmental Impact Assessment for new CIP project.
3. Adopt resolution amending the FY 05-06 Budget reflecting Council direction from the October 5th, October 18th, and November 2nd City Council meetings.

RESOLUTION: 05-073

John Cherbone, Public Works Director, presented staff report.

Mayor Kline opened the public hearing and invited public comments.

Seeing none, Mayor Kline closed the public hearing.

WALTONSMITH/KING MOVED TO **ADOPT THE FISCAL YEAR 2005-2006 UPDATE TO THE CAPITAL IMPROVEMENT PLAN.** MOTION PASSED 4-0-1 WITH STREIT ABSENT.

3. **TENTATIVE CANCELLATION OF LAND CONSERVATION
(WILLIAMSON ACT) CONTRACT FOR 20865 WARDELL ROAD
COMPRISED OF FOUR LOTS TOTALING 7.7 ACRES, AS REQUESTED
BY THE PROPERTY OWNERS, HALL FAMILY TRUST AND TOM LIM**

STAFF RECOMMENDATION:

1. Adopts a Negative Declaration.
2. Certifies to the County Auditor the amount of the cancellation fee.
3. Makes the required findings and grants a Certificate of Tentative Cancellation Approval, subject to conditions.

RESOLUTION: 05-075

Lata Vasudevan, Associate Planner, presented staff report.

Mayor Kline opened the public hearing and invited public comments.

The following person requested to speak on this item:

Bart Heckman noted that he represented the property owners. Mr. Heckmen commended Planner Vasudevan and City Attorney Taylor for their diligence and effectiveness during the process. Mr. Heckman noted that he supported staff's recommendation.

Mayor Kline closed the public hearing.

KING/KAO MOVED TO ADOPT A NEGATIVE DECLARATION, CERTIFIES TO THE COUNTY AUDITOR THE AMOUNT OF THE CANCELLATION FEE, MAKES THE REQUIRED FINDINGS AND GRANTS A CERTIFICATE OF TENTATIVE CANCELLATION APPROVAL, SUBJECT TO CONDITIONS. MOTION PASSED 4-0-1 WITH STREIT ABSENT.

4. **APPLICATION 06-002 FOR GENERAL PLAN AMENDMENT AND REZONING IN CONJUNCTION WITH A PROPOSED LOT LINE ADJUSTMENT – 13425 FRUITVALE AVENUE (REDWOOD MIDDLE SCHOOL), 13998 AND 14000 SHADOW OAKS WAY**

STAFF RECOMMENDATION:

1. Approve the attached resolution redesignating a 16,719 square feet portion of property at 13425 Fruitvale Avenue as Residential Low Density (RLD)
2. Approve the attached Ordinance rezoning the same 16,719 square foot portion of property at 13425 Fruitvale Avenue as R-1-20,000.

Lata Vasudevan, Associate Planner, presented staff report.

Mayor Kline opened the public hearing and invited public comments.

Seeing none, Mayor Kline closed the public hearing.

KAO/KING MOVED TO APPROVE THE ATTACHED RESOLUTION REDESIGNATING A 16,719 SQUARE FEET PORTION OF PROPERTY AT 13425 FRUITVALE AVENUE AS RESIDENTIAL LOW DENSITY (RLD) AND APPROVE THE ATTACHED ORDINANCE REZONING THE SAME 16,719 SQUARE FOOT PORTION OF PROPERTY AT 13425 FRUITVALE AVENUE AS R-1-20,000. MOTION PASSED 4-0-1 WITH STREIT ABSENT.

OLD BUSINESS

None

NEW BUSINESS

5. **REQUEST FOR COUNCIL AGENCY ASSIGNMENTS AND COMMISSION LIAISON PREFERENCES**

STAFF RECOMMENDATION:

Informational only.

Cathleen Boyer, City Clerk, presented staff report.

City Clerk Boyer explained that each year in conjunction with the Council reorganization the City Council makes new outside agency and AdHoc Committee assignments.

City Clerk Boyer requested that Council review the attached information and submit assignment preferences to the Mayor by 5 p.m., December 14, 2005. The resolution of the final assignments will be brought back for Council consideration on December 21, 2005.

6. **REQUEST FOR CITY COUNCIL RETREAT TOPICS**

STAFF RECOMMENDATION:

Informational only.

Mayor Kline noted that topic requests for the City Council retreat, which is scheduled for February 10, 2006, were due to him by December 15, 2005.

ADHOC & AGENCY ASSIGNMENT REPORTS

Mayor Kline reported that following information:

Kevin Moran Park AdHoc – there was a chance that the next two meetings would be combined into one meeting.

Vice Mayor Kao had no reportable information.

Councilmember Waltonsmith reported that following information:

Saratoga Historic Foundation – recently held a rummage sale and made raised over \$2,000.

Councilmember King reported the following information:

Hakone Foundation Liaison – premiere of “Memoirs of a Geisha” – December 15, 2006 call Hakone Gardens for tickets.

Councilmember Waltonsmith reported that following information:

Saratoga Historic Foundation – recently held a rummage sale and made raised over \$2,000.

CITY COUNCIL ITEMS

Councilmember King reported that she recently attended the League of California Cities Annual reception at the City of Mountain View City Hall. Councilmember King noted that Assembly member Gene Mullin and Pat Dando were honored.

Councilmember Waltonsmith noted that the Historic Foundation have been discussing school programs with Lane Weiss, Saratoga Union School District’s Superintendent.

OTHER

None

CITY MANAGER’S REPORT

None

ADJOURNMENT

There being no further business Mayor Kline adjourned the meeting 8:00 p.m.

Respectfully submitted,

Cathleen Boyer, CMC
City Clerk