

MINUTES
SARATOGA CITY COUNCIL
APRIL 19, 2006

Mayor Kline called the Regular City Council meeting to order at 7:00 p.m. and requested that David Perisco led the Pledge of Allegiance.

ROLL CALL

PRESENT: Councilmembers Kathleen King, Nick Streit, Ann Waltonsmith,
Vice Mayor Aileen Kao, Mayor Norman Kline
ABSENT: None
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
Joan Pisani, Recreation Director

REPORT OF CITY CLERK ON POSTING OF AGENDA FOR APRIL 19, 2006

Cathleen Boyer, City Clerk, reported that pursuant to Government Code Section 54954.2, the agenda for the meeting of February 15, 2006, was properly posted on April 14, 2006.

ORAL COMMUNICATIONS

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

Rita Witmer informed that City Council that the natural vegetation along the railroad tracks on the De Anza Trail has been destroyed. Ms. Witmer asked who was responsible for this action and how will it be remedied. Ms. Witmer requested that the City inform the neighbors next time pesticides are used.

COUNCIL DIRECTION TO STAFF

Responding to Ms. Witmer's comments, Public Works Director John Cherbone explained that the property is owned by PG&E and he would contact Darren Deffner, PG&E's Government Affairs representative tomorrow and follow up with her.

COMMUNICATIONS FROM BOARDS AND COMMISSIONS

None

COUNCIL DIRECTION TO STAFF

None

ANNOUNCEMENTS

Mayor Kline read the following announcement:

Celebrate Earth Day and recycle your home electronics! A free E-Waste Recycle Event will be held on Saturday, April 22, 2006 from 9 a.m.-2 p.m. at Apple, 10500 De Anza Blvd, Cupertino, CA. For more information call the City Clerk at (408) 868-1269.

CEREMONIAL ITEMS

1A COMMENDATION HONORING PARTICIPANTS IN THE SARATOGA CREEK CLEAN UP EVENT

STAFF RECOMMENDATION:

Present commendation.

Mayor Kline read the commendation and presented it the students and parents from Saratoga Elementary School.

1B. PROCLAMATION DECLARING AND SUPPORTING APRIL 28, 2006 “ARBOR DAY” IN THE CITY OF SARATOGA AND HONORING SARATOGA’S HERITAGE TREES

STAFF RECOMMENDATION:

Present proclamation.

Mayor Kline read the proclamation and presented the proclamations to Jill Hunter and several owners of the designated trees.

1C. PROCLAMATION DECLARING APRIL 23RD – APRIL 30TH AS “DAYS OF REMEMBRANCE”

STAFF RECOMMENDATION:

Present proclamation.

Mayor Kline read the proclamation and directed staff to mail it to the National Holocaust Museum.

1D. APPOINTMENT AND OATH OF OFFICE OF NEW MEMBERS TO THE PLANNING COMMISSION AND HERITAGE PRESERVATION COMMISSION

STAFF RECOMMENDATION:

Adopt resolution and administer Oath of Office.

RESOLUTION: 06-034

WALTONSMITH/STREIT MOVED TO **ADOPT RESOLUTION APPOINTING NEW MEMBERS TO THE PLANNING COMMISSION AND THE HERITAGE PRESERVATION COMMISSION.** MOTION PASSED 5-0.

City Clerk Boyer administered the Oath of Office to the two newly appointed Planning Commissioners, Joyce Hlava and Yan Zhoa. City Clerk Boyer noted that the five newly appointed Heritage Preservation Commissioners have been instructed to stop by City Hall and take their Oath of Office.

1E. **PROCLAMATION DECLARING THE MONTH OF APRIL 2006 AS “VOLUNTEER MONTH”**

STAFF RECOMMENDATION:

Present proclamation.

Mayor Kline read the proclamation and presented it to Evan Lau and Donna Butcher representing the Volunteer Center of Silicon Valley.

SPECIAL PRESENTATIONS

None

CONSENT CALENDAR

2A. **APPROVAL OF CHECK REGISTER**

STAFF RECOMMENDATION:

Approve register.

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

2B. **TREASURER’S REPORT FOR THE MONTH ENDED FEBRUARY 2006**

STAFF RECOMMENDATION:

Approve report.

KING/WALTONSMITH MOVED TO **ACCEPT TREASURERS REPORT FOR THE MONTH ENDED FEBRUARY 2006.** MOTION PASSED 50-0.

2C. **AGENCY AGREEMENT FOR COUNTYWIDE AB 939 IMPLEMENTATION FEE AND FOR COUNTYWIDE HOUSEHOLD HAZARDOUS WASTE SERVICES**

STAFF RECOMMENDATION:

Approve agreement and authorize the City Manager to execute the same.

KING/WALTONSMITH MOVED TO APPROVE AGENCY AGREEMENT FOR COUNTYWIDE AB 939 IMPLEMENTATION FEE AND FOR COUNTYWIDE HOUSEHOLD HAZARDOUS WASTE SERVICES AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE SAME FOR THE. MOTION PASSED 5-0.

- 2D. **LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT LLA-1; PRELIMINARY APPROVAL OF ENGINEER'S REPORT AND ADOPTION OF RESOLUTION OF INTENTION FOR FY 06-07**

STAFF RECOMMENDATION:

Adopt resolutions.

RESOLUTION: 06-035 & 036

KING/WALTONSMITH MOVED TO ADOPT RESOLUTION APPROVING ENGINEER'S REPORT AND ADOPTION OF RESOLUTION OF INTENTION FOR FY 06-07. MOTION PASSED 5-0.

- 2E. **PROPOSED AMENDMENTS TO EARLY WARNING ALARM SYSTEM ORDINANCE**

STAFF RECOMMENDATION:

1. Request Planning Commission review of proposed amendments; and
2. Direct staff to schedule formal ordinance adoption by the City Council following completion of Planning Commission review.

KING/WALTONSMITH MOVED TO REQUEST PLANNING COMMISSION REVIEW OF PROPOSED AMENDMENTS; AND DIRECT STAFF TO SCHEDULE FORMAL ORDINANCE ADOPTION BY THE CITY COUNCIL FOLLOWING COMPLETION OF PLANNING COMMISSION REVIEW. MOTION PASSED 5-0.

- 2F. **2004 STORMDRAIN REPAIR & UPGRADE PROJECT-NOTICE OF COMPLETION**

STAFF RECOMMENDATION:

Accept notice of completion.

KING/WALTONSMITH MOVED TO ACCEPT NOTICE OF COMPLETION FOR 2004 STORMDRAIN REPAIR AND UPGRADE PROJECT. MOTION PASSED 5-0.

- 2G. **INITIATION OF ANNEXATION OF AN APPROXIMATELY 35-ACRE PARCEL (APN 503-09-003) LOCATED AT 22490 MT. EDEN ROAD**

STAFF RECOMMENDATION:

Adopt Resolution of Initiation of Annexation.

RESOLUTION: 06-037

Councilmember Waltonsmith requested that item 2G be removed from the Consent Calendar.

Councilmember Waltonsmith pointed out that this annexation consists of 35 acres with several trail dedications all around the property. Councilmember Waltonsmith noted that one particular trail actually ends in a county park.

WALTONSMITH/STREIT MOVED TO ADOPT RESOLUTION OF INITIATION OF ANNEXATION FOR 22490 MT. EDEN ROAD. MOTION PASSED 5-0.

PUBLIC HEARINGS

None

OLD BUSINESS

3 SARATOGA GATEWAY IMPROVEMENT PROJECT – DISCUSSION OF MEDIAN COLUMNS

STAFF RECOMMENDATION:

Accept report and direct staff accordingly.

John Cherbone, Public Works Director, presented staff report.

Director Cherbone presented the background of this project explaining the following:

- Relinquishment of Saratoga-Sunnyvale Road
- Gateway Task For and Master Plan Process
- Revised Corner Entry
- Construction Bid

Director Cherbone described the Gateway columns which consist of 4-4 ½ foot tall columns and 9-8 ½ foot tall columns. Director Cherbone stated that Gateway Task Force liked the idea of stand alone columns without a trellis structure because it would differ from what surrounding communities had in their medians. However, the final design of the columns including height, width, number of columns, and their shape was the project architect's vision of the direction from the Task Force. Director Cherbone noted that there was no formal review of the final column design, which has led to uncertainty of what was approved. Staff's review of the construction plans concentrated on infrastructure details and not the aesthetics design of architectural features such as the columns or the entrance design.

Director Cherbone stated that as the columns were being built City Councilmembers stated that they appeared too massive and as time went by more negative complaints were filed with the City.

Director Cherbone noted that he has identified four options regarding the final determination of the column issue including costs for each option:

- **Option 1** – Finish all 13 columns as stand alone structure. Additional costs: \$5,795
- **Option 2** – Construct a wooden trellis (based on Warren Heid’s design) on top of the 9 large columns and leave the 4 small columns as stand alone structures. Additional costs: \$20,887
- **Option 3** – Remove all 13 columns and install trees and landscaping. Additional costs:\$14,975
- **Option 4** – Construct a wooden trellis (based on Warren Heid’s design) on top of the 9 large columns and remove the 4 small columns. Additional costs: \$19,767

Director Cherbone noted that funding for any one of the options is available in the construction budget for the Saratoga-Sunnyvale Road Gateway Improvement Project. Director Cherbone pointed out that the project is well within budget and has approximately \$110,000 left for contingency items.

Nancy Sallen noted that she appreciates the work that went into this project. Ms. Sallen stated that she saw the artist’s rendition of the proposed trellis and totally supports the design. Ms. Sallen doesn’t support removing the columns. Ms. Sallen supports Option #4.

Judy Heinz noted that she supported the columns stating that you just have to get use to it. Ms. Heinz stated that she is not in favor using tax payer’s dollars to remove the columns. In regards to the comments of removing them due to the Feng Shui, Ms. Heinz stated that the City cannot cater to every ethic group in the community.

Betty Kimball noted that she thinks the small columns should be removed and a trellis should be added to the larger ones.

Steve Lin stated that the bike lanes along the project site are too narrow and very dangerous. Mr. Lin also pointed out that he feels the columns are a safety hazard. Mr. Lin noted he supports removing all of the columns.

Cynthia Cheng noted that she supports options 4 to remove all of the columns, not because of Feng Shui. Mrs. Cheng stated that in her opinion the columns don’t reflex the City’s character.

Nancy Leasia noted that it is fiscally irresponsible to spend more money on this project. Ms. Leasia stated that the City should leave the pillars alone. Ms. Leasia noted that she would support a trellis and stated that if need be put this decision on the June ballot so everyone has an opportunity to voice their opinion on this issue.

Referring to the comments made by Mr. Lin, Mayor Kline asked staff to address his concerns regarding the bike lanes.

Director Cherbone noted that the current bikes lanes are temporary. Director Cherbone stated that the final lanes will be five feet wide and clearly marked once the rain stops.

In regards to the safety concerns, Mayor Kline asked staff to respond.

Director Cherbone noted that the columns are “break away”, meaning if a car hits one they would break apart. If the Council approves adding an arbor they would have to be structurally altered in order to support the added weight.

Councilmember King asked staff to address the suggestion to place this item on the June ballot.

City Clerk Boyer explained that the cut off date to place items on the June 2006 ballot was March 10th and added that it would have cost the City an additional \$100k.

Councilmember King noted that she has thought about this issue for the past months. Councilmember King stated that she was Mayor when the Council approved the design for the Gateway Project and she admits she made a mistake and takes responsibility for her decision. Councilmember King noted that she would vote for Option #3 – removal of all columns and plant trees

Councilmember Waltonsmith noted that the Council has received many email, phone calls and letters regarding this issue. Councilmember Waltonsmith stated she doesn't feel that the pillars welcome people into the community but rather looks like a barrier. Councilmember Waltonsmith stated that the pillars are ugly and supports Option #3.

Councilmember Streit stated that he takes responsibility for approving the original design and noting that in 2001 he was on the Gateway Task Force. Councilmember Streit stated the project received one-time money from CalTran and the Task Force waned to make a statement. Councilmember Streit stated that he was not in favor of removing the columns – he supports Option #4. Councilmember Streit stated that a trellis should be added and if four is a bad number then remove one of the small columns.

Vice Mayor Kao noted that there was a lot of public input on this project and the Arts Commisison also participated on its design. Vice Mayor Kao noted that she concurred with Councilmember Streit but added that all four of the small columns be removed.

Mayor Kline stated that an enormous amount of time went into this project but not a lot of discussion was about the columns. Mayor Kline stated that he spoke to Stan Bogosian and he thought he approved a trellis. Mayor Kline noted that that a trellis wouldn't be practical because it would hang over the street. Mayor Kline indicated that he doesn't think the columns represent the City. Mayor Kline noted that he supports Option #3 – removal of all columns and plant trees.

WALTONSMITH/KING MOVED TO **SUPPORT OPTION #3.** MOTION PASSED 3-2 WITH KAO AND STREIT OPPOSING.

NEW BUSINESS

4. **REQUEST TO INSTALL SIGNAGE IDENTIFYING THE PROPERTY LOCATED AT 19848 PROSPECT ROAD AS THE NORTH CAMPUS**

STAFF RECOMMENDATION:

Accept report and direct staff accordingly.

John Cherbone, Public Works Director, presented staff report.

Director Cherbone explained that a citizen requested that a temporary sign be placed at the North Campus for identification purposes.

Katie Alexander requested that a temporary sign be placed at the North Campus in order for citizen to identify it.

STREIT/KAO MOVED TO **SUPPORT A TEMPORARY SIGN TO BE PLACED AT 19848 PROSPECT ROAD “NORTH CAMPUS”.** MOTION PASSED 5-0.

ADHOC & AGENCY ASSIGNMENT REPORTS

Mayor Norman Kline had no reportable information.

Vice Mayor Aileen Kao reported the following information:

County Cities Association Legislative Task Force – adopted a resolution to support AB117 and discussed the Joint Collaborative.

SASCC – starting a new lunch program.

Councilmember Nick Streit reported the following information:

West Valley Sanitation District – recently signed a \$7 million dollar agreement to sell one million gallons of daily capacity to the City of Milpitas. All proceeds will go back into infrastructure.

Councilmember Ann WaltonSmith reported the following information:

Saratoga Historic Foundation – current 1906 Earthquake exhibit

Councilmember Kathleen King reported

Peninsula Division, League of California Cities – Bocce Ball tournament is on Thursday April 20, 2006.

Village AdHoc – AdHoc has formed into three separate subcommittees: 1) BID & Village Association, 2) Village Guidelines, and 3) Beautification items.

CITY COUNCIL ITEMS

Councilmember King requested that the Council schedule a joint meeting with the Kevin Moran Task Force before the design returns to Council in May.

Councilmember Waltonsmith noted that she supported Councilmember King's request.

CITY MANAGER'S REPORT

None

ADJOURNED TO CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATORS (Gov't Code 54957.6):

Agency designated representatives: Assistant City Manager Barbara Powell,
Administrative Services Director Michelle Braucht, and Human Resource
Manager Monica LaBossiere.
Employee organization: SEA

CONFERENCE WITH LABOR NEGOTIATORS (Gov't Code 54957.6):

Agency designated representatives: City Manager Dave Anderson
Employee organization: SMO

CONFERENCE WITH LEGAL COUNSEL – Initiation of litigation (Gov't Code section 54956.9(c): (1 potential case).

ADJOURNMENT

There being no further business Mayor Kline adjourned the meeting at 10:00 p.m.

Respectfully submitted,

Cathleen Boyer, CMC
City Clerk