

## MINUTES

### SARATOGA CITY COUNCIL

MAY 3, 2006

The City Council of the City of Saratoga held a Joint Meeting with the Saratoga Chamber of Commerce in the Administrative Conference Room, 13777 Fruitvale Avenue, at 5:30 p.m. The following Councilmembers were present: Kathleen King, Nick Streit, and Ann Waltonsmith. Vice Mayor Kao arrived at 5:55 p.m. Mayor Norm Kline was absent.

Members of the Executive Committee and the Board of Directors were present for tonight's meeting.

President Elect Vance Nelson reported that the Board is committed to rebuilding the Chamber and their relationship with the City. In an effort to save money, Mr. Nelson stated that the Board has elected not to hire a new Executive Director. Mr. Nelson reported on the upcoming plans for *Celebrate Saratoga*. Mr. Nelson also reported that the Chamber is reaching out to other Chambers in the County.

President Chris Oakes reassured the Council that the Chamber was customer service driven and trying to be active in the community by attending the SVDC meetings and entering Saratoga's 50<sup>th</sup> Anniversary parade. Ms. Oakes also stated that a teen section is being added to this year's *Celebrate Saratoga* event. In addition, Ms. Oakes stated that the Board has also decided to re-establish the "Business of the Year" and the "Volunteer of the Year" programs.

President Oaks requested that Council remove item #5 from tonight's agenda until the Chamber has had more time to discuss issues.

Consensus of the Council to remove item #5 from tonight's agenda.

Councilmember Waltonsmith thanked the Chamber Board for attending tonight's Joint meeting.

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

### **ANNOUNCEMENT OF CLOSED SESSION ITEMS**

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

Agency designated representatives: City Manager Dave Anderson

Employee organization: SMO

CONFERENCE WITH LEGAL COUNSEL – Threatened Litigation: Significant exposure to litigation pursuant to Government Code section 54956.9(b): (1 potential case)

Vice Mayor Kao reported that Council directed staff to amend code sections 9-15.065 & 15-20.100 in order to clarify and make them more enforceable.

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

### **ROLL CALL**

PRESENT: Councilmembers Kathleen King, Nick Streit, Ann Waltonsmith,  
Vice Mayor Aileen Kao  
ABSENT: Mayor Norman Kline  
ALSO Dave Anderson, City Manager  
PRESENT: Jonathan Wittwer, 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 MAY 3, 2006**

Cathleen Boyer, City Clerk, reported that pursuant to Government Code Section 54954.2, the agenda for the meeting of May 3, 2006, was properly posted on April 28, 2006.

### **ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS**

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

Citizen Ray commented on the ongoing issues in the Town of Los Gatos regarding the possible violation of the Town's Code of Conduct by Councilmember Glickman.

Marilyn Marchetti announced that on May 17, 2006 the Saratoga Village Business Council would be sponsoring "Living History" from 5 to 7 p.m. Ms. Marchetti reported on the events that would take place that evening in the Village.

Denise Goldberg spoke about Kevin Moran Park and the "Redline version of Plan 1A". Ms. Goldberg stated that the redline version was the last plan worked on by the task force that had any level of agreement. Mrs. Goldberg stated that the redline plan protected the Heritage Oak tree #69 and the larger Coast Redwoods #182. She also noted specific agreements that included the accommodation of truck access, the safety modification to Saratoga Trail, segment 18, and the agreement of the proposed field size. Mrs. Goldberg noted that the plan that was presented at the March 15<sup>th</sup> City Council meeting was not the redline plan and requested that Council look at the red line version of Plan 1A which incorporated all agreements made by the task force.

Gene Zambetti noted that he is a property and business owner in the Village. Mr. Zambetti spoke about the CH2 zoning area in the Village. Mr. Zambetti stated that there are several vacant buildings in the Village and the City should try to find ways to increase the foot traffic in the Village.

Allen Nazari noted that he is a property owner in the Village and that the downstairs of his building has been vacant for over one year. Mr. Nazari stated that his office is upstairs, which he has outgrown, and requested that the City grant him a 5-year temporary use permit to occupy the downstairs unit.

Jeff Wyatt stated that he is a property owner in the Village and that the downstairs unit of his property was a yoga studio and has been vacant since it closed. Mr. Wyatt noted that he has been approached to lease the space for professional/office use. Mr. Wyatt also stated that he has approached the City to change the use permit, but was told it probably would not change.

Jill Hunter announced that on Saturday, May 6, 2006 at 10am, the Heritage Tree Society would be holding a special tour at the Madronia Cemetery led by local Arborist Barry Coats.

### **COUNCIL DIRECTION TO STAFF**

None.

### **COMMUNICATIONS FROM BOARDS AND COMMISSIONS**

Vance Nelson stated that he was the President Elect for the Saratoga Chamber of Commerce, located at 14485 Big Basin Way. Mr. Nelson thanked the Council for the joint meeting prior to the regular meeting. Mr. Nelson stated that one of the top priorities of the new Board was to rebuild the Chamber. Mr. Nelson announced the *Celebrate Saratoga* would be held on September 16<sup>th</sup>. Mr. Nelson stated that the new Chamber map and directory should be released in the next couple of months.

### **ANNOUNCEMENTS**

Councilmember King noted that the annual Rotary Art Show was on May 7, 2006 at West Valley College. In addition, Councilmember King noted the Music Booster Club would be holding a pancake breakfast on May 7<sup>th</sup> at the Saratoga High School.

### **CEREMONIAL ITEMS**

None

### **SPECIAL PRESENTATIONS**

None

### **CONSENT CALENDAR**

#### **1A. CITY COUNCIL MINUTES APRIL 17, 2006**

#### **STAFF RECOMMENDATION:**

Approve minutes.

WALTONSMITH/STREIT MOVED TO **APPROVE COUNCIL MINUTES FROM APRIL 17, 2006.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER KLINE ABSENT.

1B. **CHECK REGISTER**

**STAFF RECOMMENDATION:**

Accept register.

WALTONSMITH/STREIT MOVED TO **ACCEPT CHECK REGISTER.**  
MOTION PASSED 4-0-1 WITH COUNCILMEMBER KLINE ABSENT.

1C. **RESOLUTION DECLARING HAZARDOUS VEGETATION GROWING ON CERTAIN PROPERTY TO BE A PUBLIC NUISANCE AND SETTING A PUBLIC HEARING**

**STAFF RECOMMENDATION:**

Adopt resolution.

**RESOLUTION: 06-038**

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

1D. **DECLARATION OF SURPLUS AND AUTHORIZATION OF THE SALE OF THE CNG (COMPRESSED NATURAL GAS) TUBE TRAILER**

**STAFF RECOMMENDATION:**

Move to declare the CNG tube trailer as surplus and authorize the sale of the same in the amount of \$13,500.

WALTONSMITH/STREIT MOVED TO **DECLARE THE CNG TUBE TRAILER AS SURPLUS AND AUTHORIZE THE SALE OF THE SAME IN THE AMOUNT OF \$13,500.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER KLINE ABSENT.

1E. **REQUEST FOR CITY SPONSORSHIP FOR SARATOGA RELAY FOR LIFE “BANNER OF HOPE”**

**STAFF RECOMMENDATION:**

Adopt resolution.

Magda Jisrawi, Community Development Manager/Relay for Life, requested that this item be removed from the Consent Calendar for discussion.

Ms. Jisrawi requested that the City Council contribute \$500 towards the banner “Wall of Hope” to be displayed in Washington D.C.

**RESOLUTION: 06-039**

KING/WALTONSMITH MOVED TO **ADOPT BUDGET RESOLUTION APPROPRIATING MONEY TO CO-SPONSOR THE WALL OF HOPE**

**BANNER**. MOTION PASSED 4-0-1 WITH COUNCILMEMBER KLINE ABSENT.

1F. **MONTE SERENO RESIDENT STATUS FOR USE OF SARATOGA PARKS**

**STAFF RECOMMENDATION:**

Accept report and direct staff to amend the fee schedule to allow Monte Sereno residents to rent Saratoga parks at resident rates.

Councilmember King requested that this item be removed from the Consent Calendar for discussion.

Councilmember King noted the City has been trying to build relationships with the surrounding cities. Councilmember King stated that Councilmember Wright from Monte Sereno was present to speak on this item.

Curtis Wright, Councilmember for City of Monte Sereno, stated that the City of Saratoga and the City of Monte Sereno have been involved in several joint projects such as the Community Foundation, Sold Waste JPA, grant for Highway 9, and the recent efforts to restore the TEA. Councilmember Wright stated that on behalf of his fellow Councilmembers he is pleased to allocate the \$80K to the City of Saratoga.

KING/STREIT MOVED TO **DIRECT STAFF TO AMEND THE FEE SCHEDULE TO ALLOW MONTE SERENO RESIDENTS TO RENT SARATOGA PARKS AT RESIDENT RATES**. MOTION PASSED 4-0-1 WITH COUNCILMEMBER KLINE ABSENT.

**PUBLIC HEARINGS**

2. **PROPOSED OPERATING BUDGET FOR FISCAL YEAR 2006-2007**

**STAFF RECOMMENDATION:**

Conduct public hearing; direct staff accordingly.

Michele Braucht, Administrative Services Director, presented staff report.

Director Braucht presented an overview of the budget appropriations and expenditures, revenue sources, the General Fund summary, and special one time revenue and potential uses for the special revenue.

Councilmember Waltonsmith requested that the City support KSAR at \$49,600 stating that they were struggling to operate as a nonprofit.

Councilmember King requested that the Wildlife Center of Silicon Valley be funded.

Vice Mayor Kao opened the Public Hearing.

Marilyn Marchetti addressed the Council and requested that the City work with the Village merchants before hiring a consultant and allocate part of the \$50,000

for Village improvement projects to form a BID or a Village Association.

Gene Zambetti addressed the Council and noted he supported the allocation of \$50,000 to start the process of forming a BID in the Village.

Mahnaz Khazen addressed the Council and stated that the Village needs to be revitalized and a BID is the best solution.

Marci Hayden, Director of City Relations/ Wildlife Center of Silicon Valley, addressed the Council and requested the City continue to support the program and increase the contribution to \$6,212.

Jill Hunter addressed the Council and noted that she was surprised to hear a discussion about a BID in the Village. Mrs. Hunter stated that the money proposed to hire a consultant could be used for a lot of improvements in the Village.

Vice Mayor Kao closed the Public Hearing.

Council continued to discuss the excess budget allocation.

Councilmember Streit suggested that all aspects of the City infrastructure be considered before allocating money to any one group.

Vice Mayor Kao suggested Council scrutinize the budget first before agreeing to allocate funding from the one-time money to the special interest groups.

**COUNCIL DIRECTION TO STAFF:**

Council directed Staff to keep the one-time money in a separate category, keep the budget as is and at Council discretion bring the one-time money funding back to approve the budget and determine where the excess money goes at that time, which will give the Village committee time to develop a Village Beautification proposal.

**OLD BUSINESS**

None

**NEW BUSINESS**

3. **CITY CODE AND OTHER PROVISIONS GOVERNING LICENSED AMATEUR ANTENNAS**

**STAFF RECOMMENDATION:**

Accept report and direct staff accordingly.

Jonathan Wittwer, City Attorney, presented the staff report.

Attorney Wittwer briefly explained that at a special meeting on April 18, 2006 the Council heard complaints from a resident who spoke of a radio antenna that was installed across the street from his property located on Montpere Way. At this time Council directed staff to bring forward a report on this topic and review the

relevant regulations of the surrounding cities. The antenna, which was the subject of the oral communications, was constructed in compliance with a building permit.

In regards to the antenna on Montpere Way, Attorney Wittwer explained that the property owner obtained a building permit and installed the antenna according to the City's regulations in chapter 15-80.080. The City cannot take any action against the antenna at this time.

Attorney Wittwer noted that as far as additional regulations, Federal Law establishes a limited preemption of local agencies from enacting regulations governing amateur radio station facilities, including antennas. City Attorney Wittwer explained the Federal Law and stated that the City's law is consistent with State and Federal law. The current City regulation states that a resident may have one licensed amateur radio antenna up to 65 feet without a use permit and can have two with a use permit. A building permit is required if the antenna is over 30 feet. Staff did check with the surrounding cities of Campbell, Monte Sereno and Los Gatos and they are consistent with our regulation. Assistant City Attorney Wittwer asked that Council clarify direction to Staff.

Vice Mayor Kao thanked Attorney Wittwer for his report.

Vice Mayor Kao invited public comment.

Christina Sand addressed the Council to express the vital importance of having ham operators.

Gin Show addressed the Council and noted that he supports the City's current ordinance regulating antennas.

Rob Vance encouraged the City to protect the rights of ham radio operator's interested in using this type of communication.

Vice Mayor Kao closed the public comment.

Council discussion took place regarding the noticing process of neighborhoods for future installations of antennas and discussed ways to educate the residents on the Federal laws that allow antennas.

Community Development Director John Livingstone, described the process and levels of noticing.

**STREIT/WALTONSMITH MOVED TO LEAVE THE CITY'S ANTENNA ORDINANCE AS IS; IMPLEMENT A NOTICING POLICY AS PER THE TREE NOTIFICATION POLICY WITHOUT A WAITING PERIOD, INCLUDE THE FEDERAL AND STATE REGULATIONS FOR EDUCATION AND RESTRICT APPEALS TO STRUCTURAL ONLY.**  
MOTION PASSED 4-0-1 WITH COUNCILMEMBER KLINE ABSENT.

4. **REQUEST TO FORM A COUNCIL AD HOC COMMITTEE TO REVIEW THE TERMS, CONDITIONS, AND MAINTENANCE PRACTICES ASSOCIATED WITH THE CONTRACT FOR ANNUAL MAINTENANCE**

## **OF THE HERITAGE ORCHARD**

### **STAFF RECOMMENDATION:**

Appoint a Council Ad Hoc Committee.

John Cherbone, Public Works Director, presented the staff report.

STREIT/KAO MOVED TO **APPOINT COUNCILMEMBER ANN WALTONSMITH AND COUNCILMEMBER KATHLEEN KING TO THE HERITAGE ORCHARD AD HOC COMMITTEE.** MOTION PASSED 4-0-1 WITH KLINE ABSENT.

### **5. FUNDING AND IN-KIND SUPPORT REQUEST FROM SARATOGA CHAMBER OF COMMERCE**

#### **STAFF RECOMMENDATION:**

Accept report and direct staff accordingly.

WALTONSMITH/STREIT MOVED TO **REMOVE THIS ITEM FROM THE AGENDA AND SCHEDULE IT FOR A FUTURE MEETING.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER KLINE ABSENT.

## **ADHOC & AGENCY ASSIGNMENT REPORTS**

**Mayor Norm Kline** – Absent

**Vice Mayor Aileen Kao** – reported:

County Cities Association Legislative Task Force – met and discussed the county wide tax measure.

SASCC – next meeting is May 15.

SASCC Task Force – reviewed lease agreement.

**Councilmember Nick Streit** – nothing to report.

**Councilmember Ann Waltonsmith** – reported:

Saratoga Historical Foundation – May 15 membership potluck; June 3<sup>rd</sup> and 4<sup>th</sup> Garden Tour; and June 11 Rotary meets.

Sister City Liaison - May 18 Hakone event and representatives from Muko Japan will participate in the Saratoga parade in September. A new sister city in China may be developing.

**Councilmember Kathleen King** – reported:

Village AdHoc – suggested this be agendized for discussion as there are three areas that require prioritization.

TEA – Statement from County that \$1M is allocated to the City, not \$1.4M

## **CITY COUNCIL ITEMS**

Councilmember Kathleen King commented on the Youth Commission article regarding transplants.

Councilmember Waltonsmith commented on the tentative Chinese sister city and suggested that members of the group attend a future meeting and provide Council with additional information when they have it.

Councilmember Waltonsmith requested staff time to generate a Joint Use permit to begin the Saratoga to the Sea trail.

**CITY MANAGER'S REPORT**

None.

**ADJOURNMENT**

There being no further business Vice Mayor Kao adjourned the meeting at 9:30 p.m.

Respectfully submitted,

Ann Sullivan, CMC  
City Clerk