

**MINUTES
SARATOGA CITY COUNCIL MEETING
JUNE 21, 2006**

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

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

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

Agency designated representatives: Barbara Powell, Assistant City Manager
Michele Braucht, Administrative Services Director, Monica LaBossiere, Human Resources Manager.

Employee organization: SEA

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

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: Richard Taylor, City Attorney
Cathleen Boyer, City Clerk
Michele Braucht, Administrative Services Director
Lata Vasudevan, Associate Planner
John Cherbone, Public Works Director

REPORT OF CITY CLERK ON POSTING OF AGENDA FOR JUNE 21, 2006

Cathleen Boyer, City Clerk, reported that pursuant to Government Code Section 54954.2, the agenda for the meeting of June 21, 2006 was properly posted on June 15, 2006

COMMUNICATIONS FROM COMMISSIONS & PUBLIC

Oral Communications on Non-Agendized Items

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

Citizen Ray addressed the Council.

Ray expressed his opinion of the defeat of Measure J and about Highway 9 safety issues.

Denise Goldberg spoke about the suspension of the Parks and Recreation Commission and requested the reinstatement of it.

Phil Nielson, President of Los Gatos-Saratoga High School District, requested that the City Council be part of the recruiting of a new Superintendent. Two open sessions will be held Monday June 26 at Saratoga High School and Wednesday June 28 at Los Gatos High School -- throughout the day at both locations. Two topics will be discussed: the skills and characteristics needed for a new Superintendent; and the challenges for the High School District. Council members can participate via email or by attending one of the two sessions. A selection will be made at the end of August.

Linda Parsley spoke on behalf of her father regarding the City's Hillside Ordinance. She said her father had an issue with a neighbor's fence on Via Regina that they've been trying to resolve since their first complaint was filed in 2002.

Ms. Parsley's father was told by the Code Enforcement Specialist, upon complaint to the City of the non-compliant fence, that this neighbor was not the only one with an out of compliance fence and they would not be singled out. Ms. Parsley went on further to relay the complaints about communication to the City and the lack of attention paid to the issue, including misplacing the initially filed complaint. The neighbor's fence in question is blocking Ms. Parsley's father's access to his easement, and trees are now grown resulting in his inability to participate in a City sewer installation project. Ms. Parsley would like to know how to resolve the issue.

Councilmember Kao asked that Ms. Parsley's notes be left with the Council for review and consideration. Ms. Parsley said she would offer them.

Two Saratoga High School students presented their school project on the history of Saratoga. They wanted to honor Saratoga WWII veterans. They shared two proposals: 1) to combine a WWII Memorial with the existing WWI Memorial; and 2) a stand alone plaque dedicated to WWII veterans.

Councilmembers King requested the students remain until the Council gave direction to staff following the end of Oral Communications.

ORAL COMMUNICATIONS – COUNCIL DIRECTION TO STAFF

Councilmember Waltonsmith noted that the student's request is at a citizen level at this point and asked if there were Saratoga WWII vets who would partner with the students and come up with a proposal. Reporter Jason Sweeney was asked to be a resource for the students.

Councilmember Waltonsmith asked for a Staff report to be prepared and presented to Council regarding the issue raised by Ms. Parsley.

Councilmember Waltonsmith stated that staff needs to continue to look at the feasibility of restoring commissions, including the Parks and Recreation Commission.

COMMUNICATIONS FROM BOARDS AND COMMISSIONS

Councilmembers met with Historic Preservation Commission (HPC) and the Saratoga Historical Foundation.

Norman Koepernik, Chair of the HPC, summarized key points from the 5:30 pm meeting.

- Continue proposals for Heritage Lanes and Oak Street
- Continue Council consideration of a historic overlay for the Village, plaques, etc.
- Build community awareness and involvement in the history of Saratoga
- Events: do more house tours, collaborate with Historic Foundation
- Involve village merchants with events
- Continue Mustard Festival and carry it into a Blossom Festival
- Involve Montalvo, Hakone Gardens, etc.
- Maintain Heritage Orchard; signage and protective fencing

Chuck Schoppe from Saratoga Historical Foundation reported on accomplishments from last year

- With minimal hours of operation – (9 hours; 3days a week), over 900 visitors
- 23 programs were brought to over 2000 people
- Shared “Saratoga Trunk” with 300 Elementary students
- 450 volunteer hours by 90 high school students
- Expanded website, launched in October
- First of 4 planned rotating exhibits; Earthquake exhibit was rated #1

Concerns:

- Would like to develop the Historic Park
- Parking needs
- Critical lack of storage space for artifacts
- Continuing funding issues – would like to be self supporting

On suggestion by Councilmembers King and Waltonsmith, Chuck agreed to collaborate with the Saratoga High School students regarding their proposal for a WWII memorial.

ANNOUNCEMENTS

Councilmember Waltonsmith noted that the Saratoga Museum has a display commemorating 50 years of Saratoga Rotary. The City of Saratoga’s 50th anniversary is coming up in September and flyers will be posted.

Councilmember King mentioned Relay for Life being held at Redwood Middle School, Saturday June 24, 10am until Sunday 10am. She also mentioned that there is a 4th of July celebration at Azule Park, starting at 10:30am.

CEREMONIAL ITEMS

1. **PROCLAMATION DECLARING Month of JULY, 2006 AS “PARKS AND RECREATION MONTH”**

STAFF RECOMMENDATION:

Present proclamation.

Vice Mayor Kao read the proclamation and presented it to Kim Saxton-Heinrichs.

SPECIAL PRESENTATIONS

None

CONSENT CALENDAR

2A. CITY COUNCIL MINUTES – MAY 17, 2006

STAFF RECOMMENDATION:

Approve minutes.

KING/STREIT MOVED TO **APPROVE MINUTES OF MAY 17, 2006.**
MOTION PASSED 4-0-1 WITH KLINE ABSENT.

2B. CHECK REGISTER

STAFF RECOMMENDATION:

Accept register.

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

2C. TREASURER’S REPORT FOR THE MONTH ENDED APRIL 2006

STAFF RECOMMENDATION:

Accept report.

KING/STREIT MOVED TO **ACCEPT TREASURERS REPORT FOR THE
MONTH ENDED APRIL 2006.** MOTION PASSED 4-0-1 WITH KLINE
ABSENT.

**2D. ANNUAL APPROVAL OF THE CITY’S INVESTMENT POLICY FOR
FISCAL YEAR 2006-07**

STAFF RECOMMENDATION:

Approve Investment Policy for FY 06-07.

KING/STREIT MOVED TO **APPROVE INVESTMENT POLICY FOR FY
06-07.** MOTION PASSED 4-0-1 WITH KLINE ABSENT.

**2E. APPLICATION 06-235 – ZONING TEXT AMENDMENT PERTAINING
TO THE STATEWIDE DENSITY BONUS LAW (APPLICATION TO ALL
ZONING DESIGNATIONS WHERE MULTI-FAMILY RESIDENTIAL
USES ARE EITHER PERMITTED OR CONDITIONAL USES)**

STAFF RECOMMENDATION:

Grant the second reading, adopt the Ordinance approving the Zoning Text
Amendment pertaining to the Statewide Density Bonus Law.

ORDINANCE: 241

KING/STREIT MOVED TO **GRANT THE SECOND READING, ADOPT**

THE ORDINANCE APPROVING THE ZONING TEXT AMENDMENT PERTAINING TO THE STATEWIDE DENSITY BONUS LAW. MOTION PASSED 4-0-1 WITH KLINE ABSENT.

2F. 2006 PAVEMENT MANAGEMENT PROGRAM – REJECTION OF BIDS

STAFF RECOMMENDATION:

1. Move to reject all bids for 2006 Pavement Management Program
2. Direct staff to increase scope of work and re-bid project
3. Accept polymer-modified black aggregate slurry as the specified material for this project.

KING/STREIT MOVED TO **REJECT ALL BIDS FOR 2006 PAVEMENT MANAGEMENT PROGRAM; DIRECT STAFF TO INCREASE SCOPE OF WORK AND RE-BID PROJECT; ACCEPT POLYMER-MODIFIED BLACK AGGREGATE SLURRY AS THE SPECIFIED MATERIAL FOR THIS PROJECT.** MOTION PASSED 4-0-1 WITH KLINE ABSENT.

2G. INDEPENDENT CONTRACTOR AGREEMENT FOR DENISE KASPER FY 06-07

STAFF RECOMMENDATION:

Authorize the City Manager to execute the agreement with Denise Kasper for public noticing services.

KING/STREIT MOVED TO **AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT WITH DENISE KASPER FOR PUBLIC NOTICING SERVICES.** MOTION PASSED 4-0-1 WITH KLINE ABSENT.

2H. INDEPENDENT CONTRACTOR AGREEMENT FOR DEBORAH UNGO-MCCORMICK FY 06-07

STAFF RECOMMENDATION:

Authorize the City Manager to execute the agreement with Deborah Ungo-McCormick for planning and development services.

KING/STREIT MOVED TO **AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT WITH DEBORAH UNGO-MCCORMICK FOR PLANNING AND DEVELOPMENT SERVICES.** MOTION PASSED 4-0-1 WITH KLINE ABSENT.

2I. FACILITIES USE AGREEMENT BETWEEN THE CITY OF SARATOGA AND THE SARATOGA AREA SENIOR COORDINATING COUNCIL (SASCC)

STAFF RECOMMENDATION:

Accept report and adopt resolution authorizing the Mayor to execute Facilities Use Agreement.

RESOLUTION 06-075

Item was removed from Consent Calendar to allow for presentation to Council.

Assistant City Manager Barbara Powell and SASCC Director Genie Dee presented the Facilities Use Agreement between the City of Saratoga and the Saratoga Area Senior Coordinating Council (SASCC)

Councilmember Streit stated that he took issue that the Recreation Department would give up or share facilities with SASCC and questioned Recreation's ability then to meet financial goals that the City Council had previously set forth. He also questioned the financial solvency of SASCC and wanted to know if there was a way to ensure that SASCC could be assured of financial solvency.

Staff member Powell stated in response, that the use of the facilities by SASCC was a historical use and so loss of revenue by Recreation was as it had been and a funding request was not part of the current request.

Councilmember Streit reiterated that someone needs to make sure that there is no negative financial impact to Recreation for them giving up space for SASCC and if so, it should be handled as the Council handled the Teen Center.

Referring to, "Measurable Objectives part II", of the document, Councilmember Streit noted he didn't see any benchmark for financial solvency.

Additionally, Councilmember Streit stated he would like to see requirements for more Saratoga residents using the facilities as opposed to residents from other cities. It was acknowledged that 2/3 of facilities users are now Saratoga residents but it could be better.

City Manager, Dave Anderson, noted that there was sufficient funding in the City budget to cover the 50% after hours rental of the Saunder's room and Staff could provide justification/update on effectiveness at Fiscal Year end.

Councilmember King commented on Mayor Kline's prior concern of efficiency of space that is being used by SASCC. SASCC uses only uses some spaces 1/3 to 1/2 of the time; she was hoping that the proposal could include measurable objectives showing an increase in usage by residents. The document only showed an increase of seniors, not Saratoga residents specifically.

SASCC Director Genie Dee addressed Council by commenting that she has focused on outreach to Saratoga residents, but noted that SASCC did not want to exclude other cities' residents from coming. The space problem, she noted, is really a peak use problem, which occurs during the mornings. She noted that because of the space problem, she hesitates reaching out to more people. She also commented that she has looked at other facilities, churches, etc. to obtain more space for special classes.

Councilmember Waltonsmith suggested that the North Campus might provide some space availability in the future. She reiterated that the expectation by the City Council is that the program grows for Saratoga residents.

Councilmember Streit noted that he could not vote for the agreement as it doesn't document his expectations for increased Saratoga resident usage and does not include an assurance of financial solvency.

After further discussion by all Councilmembers, Richard Taylor, City Attorney,

suggested the following edits to the agreement and resolution:

Agreement:

1. Termination Provision – include, “In the event that SASCC’s net assets fall below \$920,000, SASCC and the City Council will meet to determine if the agreement should be amended or terminated”.
2. Exhibit E; 2.B. Reports – add, “. . .and establishes growth targets for Saratoga and other users for future years”.
3. Part II, E – add, “. . .monthly financial reports provided to City Council liaison including the statement of assets, liabilities and net assets (balance sheet)”.

Resolution:

1. Include verbiage – “Authorizes the Mayor to accept the agreement attached hereto as Exhibit A: “and approves transfer of \$4,000 in Council Contingency to the Facility Rental Fund to offset senior use of Community Center facilities as authorized in the agreement”.

WALTONSMITH/STREIT MOVED TO **ADOPT THE FACILITIES USE AGREEMENT**, as amended.

MOTION PASSED 4-0-1 KLINE ABSENT.

- 2J. **TRANSFER \$16,000 FROM FY 2005-06 COUNCIL CONTINGENCY BUDGET TO FY 2006-07 RECREATION SERVICES FUND TO SUPPLEMENT FACILITY RENTAL INCOME**

STAFF RECOMMENDATION:

Adopt resolution.

RESOLUTION: 06-074

KING/STREIT MOVED TO **ADOPT RESOLUTION TO TRANSFER \$16,000 FROM FY 2005-06 COUNCIL CONTINGENCY BUDGET TO FY 2006-07 RECREATION SERVICES FUND TO SUPPLEMENT FACILITY RENTAL INCOME.** MOTION PASSED 4-0-1 WITH KLINE ABSENT.

- 2K. **SARATOGA MANAGEMENT ORGANIZATION MEMORANDUM OF UNDERSTANDING**

STAFF RECOMMENDATION:

Adopt the resolution approving the Saratoga Management Organization Memorandum of Understanding (MOU) for July 1, 2006 through June 30, 2007, and authorize the City Manager to execute the MOU.

RESOLUTION: 06-101

KING/STREIT MOVED TO **ADOPT THE RESOLUTION APPROVING THE SARATOGA MANAGEMENT ORGANIZATION MEMORANDUM OF UNDERSTANDING FOR JULY 1, 2006 THROUGH JUNE 30, 2007, AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE MOU.**

MOTION PASSED 4-0-1 WITH KLINE ABSENT.

2L. **STORM WATER SYSTEM PROTECTION INSPECTION SERVICES AGREEMENT BETWEEN SANTA CLARA COUNTY CENTRAL FIRE PROTECTION DISTRICT AND CITY OF SARATOGA, CITY OF CAMPBELL AND TOWN OF LOS GATOS**

STAFF RECOMMENDATION:

Authorize City Manager to execute Inspection Services Agreement between Santa Clara County Central Fire Protection District and City of Saratoga.

KING/STREIT MOVED TO **AUTHORIZE CITY MANAGER TO EXECUTE INSPECTION SERVICES AGREEMENT BETWEEN SANTA CLARA COUNTY CENTRAL FIRE PROTECTION DISTRICT AND CITY OF SARATOGA.** MOTION PASSED 4-0-1 KLINE ABSENT

PUBLIC HEARINGS

3. **APPLICATION #06-043- APPEAL OF DENIAL OF APPLICATION #06-314 (APN 503-75-017) SABELLA (PROPERTY OWNER), 21771 CONGRESS HALL LANE FOR A FENCE EXCEPTION TO ENCLOSE MORE THAN 4,000 SQUARE FEET OF AREA IN THE HILLSIDE RESIDENTIAL DISTRICT**

STAFF RECOMMENDATION:

Applicant withdrew appeal. No action required.

OLD BUSINESS

4. **VILLAGE TASK FORCE OPTIONS**

STAFF RECOMMENDATION:

Accept report and direct staff accordingly.

Councilmember Kao reported to Council that the task force is continuing to work and will report out on the July 19 Council meeting.

NEW BUSINESS

5. **19848 PROSPECT ROAD, “GRACE SUBDIVISION”: RESCISSION OF TENTATIVE SUBDIVISION MAP APPROVAL AND REFERRAL OF GENERAL PLAN AMENDMENT TO PLANNING COMMISSION**

STAFF RECOMMENDATION:

Staff recommends the City Council adopt resolution withdrawing and rescinding Tentative Subdivision Map No. 05-179 and direct the Planning Commission to consider and report to the City Council on a General Plan land use map amendment that would change the designation of the subject property from Medium Density Single Family (M-10) to Public Facilities (PF).

RESOLUTION: 06-102

City Attorney Richard Taylor briefly reviewed the resolution.

WALTONSMITH/KING MOVED TO **RECOMMEND THE CITY COUNCIL ADOPT RESOLUTION WITHDRAWING AND RESCINDING TENTATIVE SUBDIVISION MAP NO. 05-179 AND DIRECT THE PLANNING COMMISSION TO CONSIDER AND REPORT TO THE CITY COUNCIL ON A GENERAL PLAN LAND USE MAP AMENDMENT THAT WOULD CHANGE THE DESIGNATION OF THE SUBJECT PROPERTY FROM MEDIUM DENSITY SINGLE FAMILY (M-10) TO PUBLIC FACILITIES (PF).** MOTION PASSED 4-0-1, MAYOR KLINE ABSENT.

ADHOC & AGENCY ASSIGNMENT REPORTS

Councilmember King –

Joint Economic Development Policy Committee meeting is June 22 and Aileen Kao and Dave Anderson are attending.

Village AdHoc Committee is setting date for another meeting before they are to report out at Council Meeting on July 19.

Councilmember WaltonsSmith –

Sister City Liaison Committee will be having a cultural event/presentation on Saturday, June 24, 11:00am-2:00pm. Muko City in Japan will be coming to Saratoga for the event. Historic Society was discussed previously.

KSAR is ramping up funding and projects. New board members have joined.

Councilmember Streit –

West Valley Solid Waste Authority met with Green Valley Waste Management regarding their fulfillment of the contract until the close in Feb '07. The City Staff representative is Cathleen Boyer. All questions are to be directed to her.

Vice Mayor Aileen Kao-

County Cities Association Legislative Task Force - presentation, on June 8, of pandemic and emergency preparedness. She will leave the package with City Staff for reference.

CITY MANAGER'S REPORT

City Manager Dave Anderson relayed that the memorial service for former Fire Chief Gordon Duncan Will be held June 24 in Elk Grove. More information can be found by contacting the Fire Department. Chief Duncan will be remembered as one who worked to provide a more cohesive and efficient fire department.

CITY COUNCIL ITEMS

Councilmember King stated that the City will be getting a \$170,000 grant for "Safe Routes to School". Iveta Harvancik received special recognition.

ADJOURNMENT

There being no further business Vice Mayor Kao adjourned the meeting to Closed Session to be held in the Administrative Conference Room.

Meeting adjourned at 10:30 p.m.

Respectfully submitted,

Ann Sullivan, CMC
Acting City Clerk