

**MINUTES
SARATOGA CITY COUNCIL
MARCH 7, 2007**

The City Council of the City of Saratoga met in Open Session in the Administrative Conference Room at 6:00 p.m. to interview applicants for the Library Commission and the Planning Commission.

The City Council held a Joint Session with the Saratoga Ministerial Association in the Administrative Conference Room, 13777 Fruitvale Avenue, at 6:00 p.m. Ministerial Association.

Mayor Kao thanked the Ministerial Association for attending tonight's joint meeting.

ANNOUNCEMENT OF CLOSED SESSION ITEMS

Conference With Legal Counsel - Existing Litigation (1 case) (Government Code section 54956.9(a)):

Suto v. Saratoga et al. (Santa Clara County Superior Court Case No.107CV078657)

MAYOR'S REPORT ON CLOSED SESSION

Mayor Kao had no reportable information.

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 Jill Hunter, Kathleen King, Chuck Page,
Vice Mayor Ann Waltonsmith Mayor Aileen Kao,

ABSENT: None

ALSO Dave Anderson, City Manager

PRESENT: Richard Taylor, City Attorney
Cathleen Boyer, City Clerk
Mary Furey, Administrative Services Director
John Livingstone, Community Development Director
John Cherbone, Public Works Director

REPORT OF CITY CLERK ON POSTING OF AGENDA FOR MARCH 7, 2007

Cathleen Boyer, City Clerk, reported that pursuant to Government Code Section 54954.2, the agenda for the meeting of March 7, 2007, was properly posted on March 2, 2007.

ORAL COMMUNICATIONS

The following people requested to speak:

Paul Nelson noted that he was the General Manager for West Valley Collection & Recycling (WVC&R), the JPA's new garbage hauler. Mr. Nelson noted that there have been a few glitches and they are diligently trying to solve them. Mr. Nelson stated that

they are trying their best to be as responsive as possible to complaints. Mr. Nelson pointed out that they have added several more phone lines and extended the customer service hours.

George Bunyard announced SASCC annual St. Patrick's Day dinner. Mr. Bunyard stated that the dinner would be held from 6:00 p.m. – 9:00 p.m.

Citizen Ray discussed the Highway 9 Safety Improvement Project.

Marilyn Marchetti announced that this year's American Cancer Society Relay for Life was on June 23-24, 2007 at Redwood Middle School.

Cary Matsuoka noted that he was the Superintendent for the Saratoga-Los Gatos High School District. Mr. Matsuoka stated that he was present tonight to discuss the recent pool controversy at Saratoga High School. Mr. Matsuoka discussed the City's monetary contribution to the pool construction and the accumulated credit from the District to the Saratoga Recreation Department. Mr. Matsuoka pointed out the City is not running the aquatic program, DACA is the sponsor.

Rick WaltonSmith noted the he is a participant in the adult swim program at Saratoga High School. Mr. WaltonSmith pointed out that when the District had financial concerns regarding the pool the City and private citizens donated money to the project. Mr. WaltonSmith stated that the program has been cut back - four sessions down to two sessions per week. Mr. WaltonSmith stated that in January 2007 the Board sent a letter to DACA that the noon time swim session was cut. Mr. WaltonSmith asked the City Council contact the District's Board and ask them to reinstate the noon time swim program at Saratoga High School.

Mary Lund requested that the City Council help reinstate the noon time swim program at Saratoga High School.

Lisa Fischer-Colbrie noted that she has been swimming at Saratoga High School at noon for the past six years. Ms. Fischer-Colbrie stated that the District's decision was made with no discussion. Ms. Fischer-Colbrie requested that the Council help begin a dialogue and reopen this issue.

Star Davis noted that she has been in the noon program for three years. Ms. Davis noted that if security is an issue, she is willing to get fingerprinted.

Scott Wheelwright invited everyone to join his church in a service project assembling hygiene kits for disaster victims on March 17th at the Latter Day Saints on Allendale Avenue. Mr. Wheelwright noted that he is also a noon time swimmer and is upset that the program has been cut.

Paula Whetstone that she also uses the pool at Saratoga High School and is disappointed that the program has been cut.

Chantal Clifford noted that the program through DACA is very affordable compared to private clubs. Ms. Clifford pointed out that everyone who is in the program knows one another and everyone is willing to get fingerprinted.

Ruth Finalli stated that she supported the noon time swim program at Saratoga High School.

Lucia Salecic noted that although she lives in Los Gatos she is a participant in the noon swim program at Saratoga High School. Ms. Salecic stated that she hopes the Council can help the situation.

COUNCIL DIRECTION TO STAFF

Vice Mayor Waltonsmith suggested that the Council City/School AdHoc Committee work with the District and requested that this item be agendaized at a future meeting.

Councilmember Hunter concurred with Vice Mayor Waltonsmith.

COMMUNICATIONS FROM BOARDS AND COMMISSIONS

Rabbi Daniel Pressman noted that he represented the Saratoga Ministerial Association. Rabbi Pressman noted that prior to the meeting the City Council held a joint meeting with the Ministerial Association. Rabbi Pressman noted that the Association has been meeting for the past 11 years. Rabbi Pressman noted that the Association tries to build community and discuss common problems and concerns

COUNCIL DIRECTION TO STAFF

Councilmember Hunter thanked the Ministerial Association for spearheading the City's 50th Anniversary "Block Party" event.

ANNOUNCEMENTS

John Livingstone, Community Development Director, introduced the City's new Senior Planner, Chris Riordan.

Vice Mayor Waltonsmith announced that the Historic Foundation needs volunteers to help with the Wylis Peck historic project. Vice Mayor Waltonsmith stated that the Foundation also needs free storage space for all of the documents that need to be sorted.

CEREMONIAL ITEMS

- 1A. **PROCLAMATION DECLARING THE WEEK OF MARCH 18-26, 2007 AS "JADE RIBBON WEEK" IN THE CITY OF SARATOGA**

STAFF RECOMMENDATION:

Present proclamation.

Mayor Kao read the proclamation and presented it to Catherine Chiu, Saratoga resident and representative to the Youth Council of the Asian Liver Center at Stanford University.

- 1B. **PROCLAMATION DECLARING THE MONTH OF MARCH AS "COLON CANCER AWARENESS MONTH" AND DECLARING THE CITY OF SARATOGA A "COLON CANCER FREE ZONE"**

STAFF RECOMMENDATION:

Present proclamation.

Mayor Kao read the proclamation and presented it to Saratoga residents Sid Faulkner and Jim Smaha.

1C. **PROCLAMATION DECLARING THE WEEK OF MARCH 12-17, 2007 AS “SCIENCE FAIR WEEK”**

STAFF RECOMMENDATION:

Present proclamation.

Mayor Kao read the proclamation and presented it to Bob Kucher, Saratoga High School Science teacher.

SPECIAL PRESENTATIONS

None

CONSENT CALENDAR

2A. **CHECK REGISTER FOR FEBRUARY 20, 2007**

STAFF RECOMMENDATION:

Accept check register.

WALTONSMITH/KING MOVED TO **ACCEPT CHECK REGISTER FROM FEBRUARY 20, 2007.** MOTION PASSED 5-0.

2B. **ANNUAL PUBLISHING OF THE STATE CONTROLLER REPORT**

STAFF RECOMMENDATION:

Accept report.

WALTONSMITH/KING MOVED TO **ACCEPT STATE CONTROLLERS REPORT.** MOTION PASSED 5-0.

2C. **PURCHASING ORDINANCE UPDATE**

STAFF RECOMMENDATION:

Adopt ordinance.

ORDINANCE: 251

WALTONSMITH/KING MOVED TO **AN ORDINANCE AMENDING THE SARATOGA CITY CODE CONCERNING THE CITY PURCHASING SYSTEM.** MOTION PASSED 5-0.

2D. **LANDSCAPING & LIGHTING ASSESSMENT DISTRICT LLA-1;
RESOLUTION INITIATING RENEWAL OF THE DISTRICT FOR FY
2007/2008**

STAFF RECOMMENDATION:

1. Adopt resolution describing improvements and directing preparation of the Engineer's report.
2. Adopt resolution appointing the Attorney's for the District.

RESOLUTION: 07-011& 012

WALTONSMITH/KING MOVED TO **ADOPT RESOLUTION DESCRIBING IMPROVEMENTS AND DIRECTING PREPARATION OF THE ENGINEER'S REPORT; ADOPT RESOLUTION APPOINTING THE ATTORNEY'S FOR THE DISTRICT.** MOTION PASSED 5-0.

2E. **LANDSCAPING & LIGHTING ASSESSMENT DISTRICT ANNEXATION
NO. 1- ZONE NO. 33 (CARNELIAN GLEN) – PRELIMINARY
APPROVAL OF ENGINEER'S REPORT AND ADOPTION OF
RESOLUTION OF INTENTION FOR FISCAL YEAR 2007/2008**

STAFF RECOMMENDATION:

1. Adopt resolution granting preliminary approval of Engineer's Report for the City of Saratoga Landscaping & Lighting Assessment District LLA-1, Annexation No. 1 (Zone No. 33) for FY 2007/2008
2. Adopt Resolution of Intention to order the levy and collection of assessments for the City of Saratoga Landscaping and Lighting District LLA-1, Annexation No. 1 (Zone No. 33) for FY 2007/2008.

RESOLUTION: 07- 017

HUNTER/WALTONSMITH MOVED TO **ADOPT RESOLUTION GRANTING PRELIMINARY APPROVAL OF ENGINEER'S REPORT FOR THE CITY OF SARATOGA LANDSCAPING & LIGHTING ASSESSMENT DISTRICT LLA-1, ANNEXATION NO. 1 (ZONE NO. 33) FOR FY 2007/2008; ADOPT RESOLUTION OF INTENTION TO ORDER THE LEVY AND COLLECTION OF ASSESSMENTS FOR THE CITY OF SARATOGA LANDSCAPING AND LIGHTING DISTRICT LLA-1, ANNEXATION NO. 1 (ZONE NO. 33) FOR FY 2007/2008.** MOTION PASSED 5-0.

2F. **REQUEST TO CHANGE WEST VALLEY SANITATION DISTRICT
BOUNDARIES**

STAFF RECOMMENDATION:

Approve changes to West Valley Sanitation District Boundaries to include APN's 510-60-005, 510-25-030, 510-23-033, and 510-025-034.

KING/WALTONSMITH MOVED TO APPROVE CHANGES TO WEST VALLEY SANITATION DISTRICT BOUNDARIES TO INCLUDE APN'S 510-60-005, 510-25-030, 510-23-033, AND 510-025-034. MOTION PASSED 5-0.

- 2G. **DONATION OF \$2,000 FROM THE CHARITABLE FOUNDATION OF THE SARATOGA LIONS CLUB FOR PURCHASE OF PLAQUES TO IDENTIFY HISTORIC STRUCTURES IN THE CITY**

STAFF RECOMMENDATION:

Accept donation.

Norman Koepernik, HPC Chair, requested that this item be removed from the Consent Calendar.

Chair Koepernik thanked the Lions Club for their generous donation.

Councilmember King suggested that the Mayor write a thank you letter to the Lions Club.

WALTONSMITH/PAGE MOVED TO DONATION OF \$2,000 FROM THE CHARITABLE FOUNDATION OF THE SARATOGA LIONS CLUB FOR PURCHASE OF PLAQUES TO IDENTIFY HISTORIC STRUCTURES IN THE CITY. MOTION PASSED 5-0.

- 2H. **WEST VALLEY PLAYFIELD VERTICAL BYPASS DRAINAGE PROJECT – AWARD OF CONSTRUCTION CONTRACT**

STAFF RECOMMENDATION:

1. Move to declare Colony Landscape & Maintenance, Inc. to be the lowest responsible bidder on the project.
2. Move to award construction contract to Colony Landscape & Maintenance Inc. in the amount of \$180,000.
3. Move to authorize staff to execute change orders to the contract up to \$15,000.

WALTONSMITH/KING MOVE TO DECLARE COLONY LANDSCAPE & MAINTENANCE, INC. TO BE THE LOWEST RESPONSIBLE BIDDER ON THE PROJECT; MOVE TO AWARD CONSTRUCTION CONTRACT TO COLONY LANDSCAPE & MAINTENANCE INC. IN THE AMOUNT OF \$180,000; MOVE TO AUTHORIZE STAFF TO EXECUTE CHANGE ORDERS TO THE CONTRACT UP TO \$15,000. MOTION PASSED 5-0.

- 2I. **APPROVAL TO PURCHASE IRRIGATION EQUIPMENT FOR CIVIC CENTER LANDSCAPE UPGRADES**

STAFF RECOMMENDATION:

Approve purchase of irrigation equipment from John Deer Landscapes in the amount of \$17,510 for Civic Center landscape upgrades.

WALTONSMITH/KING MOVE TO **APPROVE PURCHASE OF IRRIGATION EQUIPMENT FROM JOHN DEER LANDSCAPES IN THE AMOUNT OF \$17,510 FOR CIVIC CENTER LANDSCAPE UPGRADES.**
MOTION PASSED 5-0.

PUBLIC HEARINGS

None

OLD BUSINESS

3. **REMOVAL OF TREES AT THE CITY'S HISTORIC PARK LOCATED AT 20450 SARATOGA-LOS GATOS ROAD**

STAFF RECOMMENDATION:

Accept report and direct staff accordingly.

John Livingstone, Community Development Director, presented staff report.

The following people requested to speak on this item:

Chuck Schoppe noted that he was the President of the Historic Foundation. President Schoppe pointed out that he understands that tree removals are a very controversial issue in Saratoga and agrees that the issue should not be taken lightly. Mr. Schoppe requested that the City Council reverse their decision and allow the Foundation to remove the redwood trees at the Historic Park and leave the oak tree as is.

Norman Koepernik noted that the Heritage Preservation Commission approved the removal of the redwood trees.

City Council discussion regarding the landscape plans and tree removal request at the Historic Park.

WALTONSMITH/KING MOVED TO **ALLOW THE REMOVAL OF THE TWO REDWOOD TREES AT THE HISTORIC PARK.** MOTION PASSED 4-1 WITH HUNTER OPPOSING.

NEW BUSINESS

4. **REQUEST FOR DIRECTION FROM THE SARATOGA AREA SENIOR COORDINATING COUNCIL (SASCC) CITY COUNCIL ADHOC COMMITTEE**

STAFF RECOMMENDATION:

Accept report and direct AdHoc accordingly.

Dave Anderson, City Manager, presented staff report.

City Council discussion in regards to direction to the SASCC AdHoc Committee:

- Two City Council voting members on Board
- Investigate more effective ways to run program

- Not require them to be full cost recovery
- Encourage more programs for seniors
- Encourage increase in membership

ADHOC & AGENCY ASSIGNMENT REPORTS

Mayor Kao reported the following information:

West Valley Mayors and Managers Association – City of Campbell Interim presented “Green Policy” program.

Vice Mayor Ann Waltonsmith

Hakone Foundation – successful fundraising event in Los Altos Hills.

Councilmember Page had no reportable information.

Councilmember King reported the following information:

County Cities Association Legislative Task Force – appointed Barbara Spector and Kris Wang to the Airport Board.

Valley Transportation Authority PAC – hard to get a 75% quorum in order to get passing votes.

City School AdHoc – continuing to work with West Valley College and Prospect High School on field use.

Prospect Road AdHoc – Pete Constance is not hopeful in regards to funding this project.

Councilmember Hunter pointed out that now that she is the primary representative, instead as the alternate, on the Santa Clara County Valley Water Commission someone needs to be the alternate. Councilmember Hunter also asked Mayor Kao if she would be willing to be the representative on the County HCD Policy Committee.

Councilmember Page volunteered to be the alternate representative on the Santa Clara County Valley Water Commission.

In regards to Councilmember Hunter’s request, Mayor Kao agreed to be the representative on the County HCD Policy Committee.

CITY COUNCIL ITEMS

Councilmember King announced a possible visit from Senator Able Maldonado in the City of Monte Sereno.

OTHER

City Attorney Taylor noted that the agendaized Closed Session item has been cancelled.

CITY MANAGER’S REPORT

None

ADJOURNMENT

There being no further business Mayor Kao adjourned the regular meeting at 9:40 p.m.

Respectfully submitted,

Cathleen Boyer, CMC
City Clerk