

**MINUTES
SARATOGA CITY COUNCIL
MARCH 21, 2007**

The City Council of the City of Saratoga met in Closed Session in the Administrative Conference Room at 5:30 p.m.

ANNOUNCEMENT OF CLOSED SESSION ITEMS

Conference With Labor Negotiators (Gov't Code 54957.6):

Agency designated representatives: Barbra Powell, Assistant City Manager,
Monica LaBossiere, and Human Resource Manager.

Employee organization: SEA

Conference With Labor Negotiators (Gov't Code 54957.6):

Agency designated representative: Dave Anderson, City Manager

Employee organization: SMO

Conference With Labor Negotiators (Gov't Code 54957.6):

Agency designated representative: Barbara Powell, Assistant City Manager

Employee organization: Millman & Industrial Carpenters Local 262

Conference With Legal Counsel – Initiation of Litigation Gov't Code section 54956.9(c):
(2 potential cases).

The City Council of the City of Saratoga met in Open Session in the Administrative Conference Room at 6:30 p.m. to discuss City Council ListServe participation.

MAYOR'S REPORT ON CLOSED SESSION

Mayor Kao stated that there was 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
Michael Taylor, Interim Recreation Director

REPORT OF CITY CLERK ON POSTING OF AGENDA FOR MARCH 21, 2007

Cathleen Boyer, City Clerk, reported that pursuant to Government Code Section 54954.2, the agenda for the meeting of March 21, 2007, was properly posted on March 16, 2007.

ORAL COMMUNICATIONS

The following people requested to speak:

Cynthia Chang noted that she was representing the Los Gatos-Saratoga Joint Union High School District. Mrs. Chang read a letter from the Board indicating that the noon time swim program sponsored by DACA would no longer be available at the Saratoga High School campus.

Robert Zager noted that he supported the Board's decision.

Rick WaltonsSmith provided three proposals in an effort to keep the noon time swim program at Saratoga High School.

Citizen Ray provided an update on the Highway Safety Improvement Project.

COUNCIL DIRECTION TO STAFF

In regards to the swim program at Saratoga High School, Vice Mayor WaltonsSmith requested that this item be agendaized for discussion.

Mayor Kao noted that she would support Vice Mayor WaltonsSmith's request.

ANNOUNCEMENTS

Barbara Powell, Assistant City Manager introduced Michael Taylor, the City's new Interim Recreation Director.

Vice Mayor WaltonsSmith announced two free E-Waste events. The first sponsored by Apple on April 21, 2007. The second is on April 28, 2007 sponsored by the West Valley Clean Water Program.

Councilmember Hunter announced that on March 24th at 10:00 a.m. there would be a Heritage Tree Walk at Madronia Cemetery.

Councilmember Page noted that if anyone had any problems or questions regarding WVC&R to please contact City staff.

CEREMONIAL ITEMS

1A. APPOINTMENT OF LIBRARY COMMISSION AND PLANNING COMMISSION MEMBERS AND OATH OF OFFICE

STAFF RECOMMENDATION:

Adopt resolution of appointment and administer Oath of Office.

RESOLUTION: 07-014

WALTONSMITH/PAGE MOVED TO **ADOPT RESOLUTION APPOINTING ONE MEMBER TO THE LIBRARY COMMISSION AND ONE MEMBER TO THE PLANNING COMMISSION.** MOTION PASSED 5-0.

1B. COMMENDATION HONORING THE WORLD JOURNAL

STAFF RECOMMENDATION:

Present commendation.

Mayor Kao read the commendation and presented it to a representative from the World Journal.

SPECIAL PRESENTATIONS

None

CONSENT CALENDAR

2A. CHECK REGISTER FOR FEBRUARY 6, 2007

STAFF RECOMMENDATION:

Accept check register

WALTONSMITH/PAGE MOVED TO **ACCEPT CHECK REGISTER FROM FEBRUARY 6 2007.** MOTION PASSED 5-0.

2B. TREASURER'S REPORT FOR THE MONTH ENDED JANUARY 2007

STAFF RECOMMENDATION:

Accept report.

WALTONSMITH/PAGE MOVED TO **ACCEPT TREASURER'S REPORT FOR THE MONTH ENDED JANUARY 2007.** MOTION PASSES 5-0.

2C. RESOLUTION AMENDING COUNCIL AGENCY AND ADHOC COMMITTEE LIAISON ASSIGNMENTS

STAFF RECOMMENDATION:

Adopt resolution.

RESOLUTION: 07-013

WALTONSMITH/PAGE MOVED TO **ADOPT RESOLUTION AMENDING COUNCIL AGENCY AND ADHOC COMMITTEE LIAISON ASSIGNMENTS.** MOTION PASSED 5-0.

2D. APPROVAL OF EXTENDING EXPIRED TWO PLANNING COMMISSIONERS AND TWO TRAFFIC SAFETY COMMISSIONERS TERMS TO MAY 1, 2007

STAFF RECOMMENDATION:

Approve term extensions.

WALTONSMITH/PAGE MOVE TO **APPROVE EXTENDING EXPIRED TERMS OF TWO PLANNING COMMISSIONERS AND TWO TRAFFIC SAFETY COMMISSIONERS TERMS TO MAY 1, 2007.** MOTION PASSED 5-0.

2E. **AGREEMENT FOR MAINTENANCE OF HERITAGE ORCHARD**

STAFF RECOMMENDATION:

Accept report approving the agreement with Matthew Novakovich for maintenance of the City's Heritage Orchard.

Vice Mayor Waltonsmith requested hat this item be removed from the Consent Calendar.

Council discussion in regards to making the Orchard more "people friendly" and discussed additional events, educational programs, and projects that would like to do in the Heritage Orchard.

KING/PAGE MOVED TO **APPROVE THE AMENDED AGREEMENT WITH MATTHEW NOVAKOVICH FOR MAINTENANCE OF THE CITY'S HERITAGE ORCHARD.** MOTION PASSED 5-0.

2F. **HAKONE GARDENS ADA FACILITIES UPGRADE PROJECT – NOTICE OF COMPLETION**

STAFF RECOMMENDATION:

Accept Notice of Completion.

WALTONSMITH/PAGE MOVED TO **ACCEPT NOTICE OF COMPLETION FOR THE HAKONE GARDENS ADA FACILITIES UPGRADE PROJECT.** MOTION PASSED 5-0.

2G. **QUITO ROAD BRIDGE REPLACEMENTS NEW COOPERATIVE AGREEMENT**

STAFF RECOMMENDATION:

Authorize the City Manager to execute a new cooperative agreement with the Town of Los Gatos and the Santa Clara Water District for the Quito Road Bridge Replacements.

Staff requested that this item be removed from the agenda and continued at a later date.

Consensus of the City Council to continue this item to the next meeting.

2H. **SARATOGA-SUNNYVALE ROAD REHABILITATION & OVERLAY PHASE 2 PROJECT (FEDERAL PROJECT STPL-5332-088) - FEDERAL FY 06-07 STP GRANT- EXTEND EXISTING CONTRACT WITH TOP GRADE CONSTRUCTION, INC**

STAFF RECOMMENDATION:

Move to extend the existing Contract with Top Grade Construction, Inc to complete Saratoga-Sunnyvale Road Rehabilitation & Overlay Phase 2 Project in the amount of \$570,000; Move to authorize additional work in the amount of \$40,000; Adopt Budget Resolution.

WALTONSMITH/PAGE MOVE TO EXTEND THE EXISTING CONTRACT WITH TOP GRADE CONSTRUCTION, INC TO COMPLETE SARATOGA-SUNNYVALE ROAD REHABILITATION & OVERLAY PHASE 2 PROJECT IN THE AMOUNT OF \$570,000; MOVE TO AUTHORIZE ADDITIONAL WORK IN THE AMOUNT OF \$40,000; ADOPT BUDGET RESOLUTION. MOTION PASSED 5-0.

PUBLIC HEARINGS

3. **FY 2007-08 COMMUNITY DEVELOPMENT BLOCK GRANTS (CDBG)**

STAFF RECOMMENDATION:

Conduct public hearing; adopt resolution authoring staff to submit funding allocations to the Santa Clara County for CDBG proposals totaling \$138,090.

RESOLUTION: 07-015

Susanne Thomas, Associate Planner, presented staff report.

Mayor Kao opened the public hearing and invited public comments.

The following people requested to speak on this item:

Kim Forum noted that she represented the Cupertino Community Services. Ms. Forum requested that the Council support their request for FY 07-8 CDBG funding.

Barbara Powell noted that she represented SASCC. Ms. Powell noted that the Adult Care Program provides a vital service to the community. Ms. Powell requested that the Council support SASCC requests for FY 07-08 CDBG funding.

Mayor Kao closed the public hearing.

City Council discussion regarding the distribution of funds.

PAGE/WALTONSMITH MOVED TO ADOPT AMENDED RESOLUTIONS AUTHORIZING THE SUBMITTAL OF PROPOSALS FOR FUNDS FROM SANTA CLARA COUNTY UNDER THE FEDERAL HOUSING AND COMMUNITY DEVELOPMENT ACT FOR FISCAL YEAR 2007/2008. MOTION PASSED 5-0.

OLD BUSINESS

None

NEW BUSINESS

4. **AUTHORIZATION TO ISSUE REQUEST FOR CONCEPTUAL PROPOSALS (RFCP) – NORTH CAMPUS**

STAFF RECOMMENDATION:

Accept report and authorize issuance of RFCP for the North Campus.

Barbara Powell, Assistant City Manager, presented staff report.

The following person requested to speak on this item:

Alan Beck noted that he wanted to revitalize the North Campus. Mr. Beck stated that he submitted his first proposal to the City in November 2006. Mr. Beck stated that he may have to look for an alternative site for his school because the City's process is taking too long.

WALTONSMITH/HUNTER MOVED TO **AUTHORIZE ISSUANCE OF RFCP FOR THE NORTH CAMPUS ALLOWING THE REMOVAL OR REPLACEMENT OF THE EDUCATION BUILDING AND SANCTUARY AND INDICATE IN THE RFCP THAT THE ADMINISTRATION BUILDING AND THE FELLOWSHIP HALL MUST BE RETAINED.**
MOTION PASSED 3-2 WITH KING AND PAGE OPPOSING.

Councilmember Page noted for the record he feels that it is a shame that the RFCP will not include the removal or replacement of the Administration and Fellowship Hall. Councilmember Page noted that it will limit ideas.

Councilmember King noted that she supported Councilmember Page's comments.

5. **FISCAL YEAR 2006-2007 MID-YEAR OPERATING AND CAPITAL BUDGET REPORT**

STAFF RECOMMENDATION:

Review proposed budget adjustments, and adopt resolution approving the amendments to the City's FY 2006/07 operating and capital budgets.

RESOLUTION: 07-016

Mary Furey, Administrative Services Director, presented staff report.

Consensus of the City Council to pull the funding for Kevin Moran Park out of the motion and vote on it separately.

WALTONSMITH/KING MOVED TO ADOPT RESOLUTION APPROVING THE AMENDMENTS TO THE CITY'S FY 2006/07 OPERATING AND CAPITAL BUDGETS WITHOUT THE FUNDING FOR THE KEVIN MORAN PARK IMPROVEMENT PROJECT. MOTION PASSED 5-0.

WALTONSMITH/KING MOVED TO APPROVE \$1.1 MILLION DOLLARS TOWARDS THE KEVIN MORAN PARK IMPROVEMENT PROJECT. MOTION PASSED 4-1 WITH HUNTER OPPOSING.

6. **PROPOSED MASTER FEE SCHEDULE UPDATE FOR FY 2007/2008**

STAFF RECOMMENDATION:

Review staff's recommendations for purposed changes to the FY 2007/2008 Master Fee Schedule and provide direction to staff on purposed fee changes.

Mary Furey, Administrative Services Director, presented staff report.

Mayor Kao thanked Director Furey for the report.

ADHOC & AGENCY ASSIGNMENT REPORTS

Mayor Kao had no reportable information.

Vice Mayor Waltonsmith had no reportable information.

Councilmember Page had no reportable information.

Councilmember King reported the following information:

Peninsula Division, League of California Cities – recently attended the annual dinner.

Councilmember King noted that the City Manager of Palo Alto, Frank Benest, gave an interesting presentation on retaining employees.

Prospect Road AdHoc – reiterated the fact that the City of San Jose stated that they have no finding for this project.

Councilmember Hunter reported that following information:

Historic Foundation – presentation on the Village's history.

CITY COUNCIL ITEMS

Councilmember King noted that in light of the recent accidents, she would like to City Council discussion on the crosswalk on Herriman and Lexington.

Councilmember Page suggested that this item be referred to the Traffic Safety Commission's next agenda.

Councilmember King supported Councilmember Page's suggestion.

Vice Mayor Waltonsmith requested an update on the pocket park by Jake's Pizza.

OTHER

None

CITY MANAGER'S REPORT

None

ADJOURNMENT

There being no further business Mayor Kao adjourned the regular meeting at 10:00 p.m. and noted that Council would continue the Closed Session in the Administrative Conference Room.

Respectfully submitted,

Cathleen Boyer, CMC
City Clerk