

## MINUTES

### SARATOGA CITY COUNCIL MEETING MAY 2, 2007

The City Council of the City of Saratoga cancelled the Closed Session due to request by Legal Council.

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

#### **ROLL CALL:**

PRESENT: Councilmembers Jill Hunter, Kathleen King, Chuck Page, Vice Mayor Ann Waltonsmith and Mayor Aileen Kao

ABSENT: None

ALSO

PRESENT: Dave Anderson, City Manager  
Richard Taylor, City Attorney  
Cathleen Boyer, City Clerk  
Barbara Powell, Assistant City Manager  
John Livingstone, Community Development Director  
John Cherbone, Public Works Director

#### **REPORT OF CITY CLERK ON POSTING OF AGENDA**

(Pursuant to Gov't. Code 54954.2, the agenda for this meeting was properly posted on April 27, 2007)

#### **COMMUNICATIONS FROM COMMISSIONS & PUBLIC**

None

#### **Oral Communications on Non-Agendized Items**

Two Saratoga residents addressed the Council voicing a concern over the increase in rates from the new garbage collection service to selected residences.

Citizen Ray addressed the Council regarding the bicycle accident along Highway 9 at Austin Way. He also presented a concept to combine financial resources with Monte Sereno and Los Gatos to support a skate park.

Debbie Hanks, representing Saratoga Little League and AYSO, addressed the Council thanking them for supporting the AYSO fundraiser and requested support for a new fundraiser for shade covers for the park.

Marilyn White, advisor for the Memorial Day celebration, and Cindy Ruby, president of the Foothill Club, addressed the Council. Ms. Ruby requested that the fee for hanging the Saratoga Memorial Banner be waived. Ms. White announced the Memorial Day celebration agenda for Monday, May 28, which begins at 10am at the Plaza Arch and concludes at Madronia Cemetery.

**Oral Communications - Council Direction to Staff**

Councilmember King commented about the garbage rate increase and suggested it become an agenda item for a future Council meeting. Ms. King also suggested the Traffic Safety Commission review the Hwy. 9 bicycle accident and requested the banner request be agendaized.

Vice Mayor Walton Smith suggested that the skate park concept be discussed when the Vice Mayors meet Friday, May 9th.

**Communications from Boards and Commissions**

Bill Hershman, from the Mountain Winery, addressed the Council with a report outlining improvements planned for the site. The renovation will take place over two years. He also announced that 2008 marks the 50<sup>th</sup> anniversary for concerts at the winery.

**Council Direction to Staff**

None

**ANNOUNCEMENTS**

Councilmember Page announced that the billing cycle for the new garbage service is for a three month period. He also announced that battery recycling will be starting at the City Offices. Residential recycling garbage bins from the previous service will be picked up by week's end.

Councilmember King announced the Saratoga Art Rotary Show at West Valley College on Sunday, May 6th.

Councilmember Hunter announced the Pet Parade on May 19<sup>th</sup> from 10-12.

Mayor Kao announced a Pancake Breakfast on Sunday, May 6<sup>th</sup> from 8:00 -12:30 at Saratoga High School.

**CEREMONIAL ITEMS**

- 1A. **COMMENDATION HONORING SACRED HEART CATHOLIC SCHOOL'S TEAM IN THE "ODYSSEY OF THE MIND" WORLD COMPETITION**

**STAFF RECOMMENDATION**

Present commendation.

Mayor Kao presented commendation to a group of six Sacred Heart students representing the Odyssey of the Mind team.

- 1B. **APPOINTMENT OF PLANNING COMMISSION AND TRAFFIC SAFETY COMMISSION MEMBERS AND OATH OF OFFICE**

**STAFF RECOMMENDATION**

Adopt resolution of appointment and administer Oath of Office.

**RESOLUTION 07-026**

WALTONSMITH/PAGE MOVED TO **APPOINT TWO MEMBERS TO THE TRAFFIC SAFETY COMMISSION AND TWO MEMBERS TO THE PLANNING COMMISSION.** Approved 5-0-0

Susie Nagpal was appointed to Planning Commission  
Linda Rogers was appointed to Planning Commission  
Mitch Kane was appointed to Traffic Safety Commission  
Judy Coulter was appointed to Traffic Safety Commission

**SPECIAL PRESENTATIONS**

**2A. PRESENTATION – ANGEL ISLAND FOUNDATION**

**STAFF RECOMMENDATION**

Informational only.

Daphne Kwong, representative of the Angel Island Foundation addressed the Council with a short presentation about the Angel Island Foundation and the history of Angel Island. She noted that the Foundation will be spending \$15 million on restoration projects to be completed in 2008.

**2B. VALLEY TRANSPORTATION AUTHORITY (VTA)**

**STAFF RECOMMENDATION**

Informational only.

Jim Lawson, Government Affairs Manager for the VTA, along with fellow staff members, presented results of a VTA study, the biannual budget and a comprehensive operations analysis. He noted the goals of the VTA are to reduce congestion by increasing ridership and to operate more efficiency. They also announced that while some routes within Saratoga will be eliminated, Community buses at reduced rates within Saratoga and other townships are being considered.

**CONSENT CALENDAR**

**3A. CITY COUNCIL MINUTES – MARCH 21, 2007**

**STAFF RECOMMENDATION**

Approve minutes.

WALTONSMITH/KING MOVED TO **APPROVE MINUTES OF MARCH 21, 2007.** MOTION PASSED 5-0-0

**3B. CHECK REGISTER FOR APRIL 17, 2007**

**STAFF RECOMMENDATION**

Accept check register.

WALTONSMITH/KING MOVED TO **ACCEPT CHECK REGISTER FOR APRIL 17, 2007.** MOTION PASSED 5-0-0.

- 3C. **LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT LLA-1; PRELIMINARY APPROVAL OF ENGINEERS REPORT & ADOPTION OF RESOLUTION OF INTENTION FOR FY 07-08**

**STAFF RECOMMENDATION**

Adopt resolution granting preliminary approval of the Engineer's Report for FY 07-08; adopt Resolution of Intention.

**RESOLUTION 07-025**

**RESOLUTION 07-024**

Councilmember Page requested 3C be pulled for discussion.

Public Works Director, John Cherbone, presented an overview.

PAGE/KING MOVED TO **ADOPT THE RESOLUTION GRANTING PRELIMINARY APPROVAL OF THE ENGINEER'S REPORT FOR FY 07-08 AND ADOPT RESOLUTION OF INTENTION.** MOTION PASSED 5-0-0.

- 3D. **2006 PAVEMENT MANAGEMENT PROGRAM - EXTENSION OF CONSTRUCTION CONTRACT TO RAILROAD CROSSING WORK AND PEDESTRIAN SAFETY WORK**

**STAFF RECOMMENDATION**

Authorize an increase to the change order authority for an existing construction contract with El Camino Paving, Inc. in the amount of \$100,000.

WALTONSMITH/KING MOVED TO **AUTHORIZE AN INCREASE TO THE CHANGE ORDER AUTHORITY FOR AN EXISTING CONSTRUCTION CONTRACT WITH EL CAMINO PAVING, INC. IN THE AMOUNT OF \$100,000.** MOTION PASSED 5-0-0.

- 3E. **ADOPT RESOLUTION INCREASING THE NUMBER OF MEMBERS ON TRAFFIC SAFETY COMMISSION FROM FIVE TO SEVEN MEMBERS**

**STAFF RECOMMENDATION**

Adopt resolution.

**RESOLUTION 07-026**

WALTONSMITH/KING MOVED TO **ADOPT RESOLUTION INCREASING THE NUMBER OF MEMBERS ON TRAFFIC SAFETY COMMISSION FROM FIVE TO SEVEN MEMBERS.** MOTION PASSED 5-0-0.

3F. **CITY OF SARATOGA USE AGREEMENT WITH LOS GATOS –  
SARATOGA JOINT UNION HIGH SCHOOL DISTRICT**

**STAFF RECOMMENDATION**

Accept report and authorize City Manager to execute the Agreement for Cooperative Program Planning and Use of Facilities with Los Gatos-Saratoga Joint Union High School District.

Councilmember King pulled 3F for comment.

**KING/PAGE MOVED TO ACCEPT REPORT AND AUTHORIZE CITY  
MANAGER TO EXECUTE THE AGREEMENT FOR COOPERATIVE  
PROGRAM PLANNING AND USE OF FACILITIES WITH LOS GATOS-  
SARATOGA JOINT UNION HIGH SCHOOL DISTRICT.** MOTION  
PASSED 5-0-0.

**PUBLIC HEARINGS**

4. **APPEAL OF DESIGN REVIEW APPLICATION NO. 07-017, WHICH WAS APPROVED BY THE PLANNING COMMISSION ALLOWING CONSTRUCTION OF A NEW TWO-STORY SINGLE-FAMILY RESIDENCE AT 20865 WARDELL ROAD.**

**STAFF RECOMMENDATION**

Conduct public hearing and deny the appeal affirming the Planning Commission Design Review Approval issued on February 28, 2007.

**RESOLUTION 07-023**

Community Development Director, John Livingstone presented the project issues brought up by the appellant; the height of the building, the driveway/road access from the homes in the area to Wardell Road and the size and bulk of the structure.

Director Livingstone noted that the driveway was already approved as a prior project and is not subject to being rescinded. He also commented that the height approval is based on a new standard.

After Council discussion, the Mayor opened the hearing up for public comment.

The Appellant, Matt Christiano, addressed the Council reiterating his concerns about the driveway, and the height and bulk of the proposed house. He presented his viewpoints as well as a petition signed by neighbors in the immediate area.

The Applicant's spokesperson, Bart Hechtman, addressed the Council in favor of denial of appeal.

Matt Christiano addressed the Council with a rebuttal.

Bart Hechtman declined rebuttal.

Mayor Kao closed the public hearing and opened the Council discussion.

After Council discussion, the Mayor closed the Council discussion.

**WALTONSMITH/ KING MOVED TO DENY APPEAL OF DESIGN REVIEW APPLICATION NO. 07-017, APPROVING THE PLANNING COMMISSION'S DECISION ALLOWING CONSTRUCTION OF A NEW TWO-STORY SINGLE FAMILY RESIDENCE AT 20865 WARDELL ROAD.** MOTION PASSED 5-0-0.

Mayor Kao declared a 5 minute break at 9:00pm.

Council reconvened at 9:05pm.

## **OLD BUSINESS**

None

## **NEW BUSINESS**

- 5. CONSIDER INITIATING PREPARATION OF AN ORDINANCE TO PROHIBIT BLIGHTED PROPERTY CONDITIONS AND PROVIDE DIRECTION REGARDING CONSULTATION PROCESS.**

### **STAFF RECOMMENDATION**

Accept report and direct staff accordingly.

Legal Council Taylor presented the staff report.

Mayor Kao invited public comment and the following people addressed the Council in favor of a Blight Ordinance:

Ms. Ruth Coburn  
Dr. David Bench

Mayor Kao closed public comment.

Council directed staff to continue with preparation of Blight Ordinance to be reviewed at a future Council meeting.

- 6. DIRECTION CONCERNING AGREEMENT WITH GLOBAL SIGNAL ACQUISITIONS IV LLC/CROWN CASTLE**

### **STAFF RECOMMENDATION**

Accept report and direct staff accordingly.

Assistant City Manager Barbara Powell presented the staff report.

Mayor Kao invited public comment; seeing none, the Mayor closed public comment.

Council directed staff to negotiate a higher amount for a shorter term.

7. **GUIDELINES AND STANDARDS FOR LAND USE NEAR STREAMS AS RECOMMENDED BY THE SANTA CLARA COUNTY VALLEY WATER RESOURCES PROTECTION COLLABORATIVE**

**STAFF RECOMMENDATION**

Adopt resolution adopting the Guidelines and Standards for Land-Use Near Streams as recommended by the Santa Clara Valley Water Resources Protection Collaborative.

Community Development Director, John Livingstone presented the staff report.

Mayor Kao invited public comment.

Alan and Meg Giberson addressed the Council requesting an Ordinance to protect Saratoga streams rather than the proposed Guideline and Standards.

Mayor Kao closed public comment.

**RESOLUTION 07-028**

**KING/PAGE MOVED TO ADOPT RESOLUTION ADOPTING THE GUIDELINES AND STANDARDS FOR LAND-USE NEAR STREAMS AS RECOMMENDED BY THE SANTA CLARA VALLEY WATER RESOURCES PROTECTION COLLABORATIVE. STAFF IS DIRECTED TO BRING TO COUNCIL AFTER ONE YEAR FROM ADOPTION OF THE RESOLUTION, A REPORT INDICATING THE NUMBER OF PROJECTS SUBJECT TO THE GUIDELINES, EVALUATION OF THE COMPLIANCE WITH THE GUIDELINES AND TO INCLUDE HOW OTHER CITIES DEAL WITH SIMILAR CASES. MOTION PASSED 4-1-0 WITH WALTONSMITH OPPOSING.**

Council direction to staff:

Council requested that staff add this topic to the list of items requiring prioritization.

**ADHOC & AGENCY ASSIGNMENT REPORTS**

Mayor Aileen Kao

West Valley Mayors and Managers Association – focusing on finding a remedy to the VTA routes that were cancelled.

City School AdHoc – met to come up with agreement

Vice Mayor Ann Waltonsmith – nothing to report

Councilmember Chuck Page

Chamber of Commerce – moved monthly meetings to Thursdays.

Santa Clara County Cities Association-Joint Economic Development Policy Committee (JEDPC).

West Valley Sanitation District – under contract for payroll.

West Valley Solid Waste Joint Powers Association – meeting next week to discuss various concerns. Recycling is up due to ease of recycling.

Councilmember Kathleen King

Santa Clara County Cities Association – future meeting planned for City Managers and City Planning Directors. Trail is planned from Guadalupe Creek to the edge of Saratoga Valley Transportation Authority PAC –VTA report  
City School AdHoc – Negotiating with Prospect High School to expand field use to Saturday.  
Prospect Road AdHoc – quotes for medians are underway.

Councilmember Jill Hunter

Library Joint Powers Association – met, discussed support of new bond measure.  
Village AdHoc – Garden plan for historical park underway. An employee from Scott’s Fertilizer is providing supplies for the park project at no cost.

**CITY COUNCIL ITEMS**

Councilmember King:

- Suggested agendaizing a review of the policy for dedicating trees and benches.
- Suggested agendaizing how City events should be handled with invitations, etc.
- Suggested Council form an Ad Hoc regarding the House Family request for a private road.

Councilmember Page:

- Announced that he has been selected as a participant in the League of California Cities Leadership Institute, August 22-24.

**OTHER**

Nothing

**CITY MANAGER’S REPORT**

Dave Anderson reported briefly about the annual Gonsalves Appreciation Day attended by City Manager Anderson, Mayor Kao and several Council members. Various elected State officials spoke on topics relevant to cities.

**ADJOURNMENT**

WALTONSMITH/PAGE **MOVED TO ADJOURN THE REGULAR MEETING.**  
MOTION PASSED 5-0-0.

There being no further business, Mayor Kao adjourned the Regular meeting at 10:30pm.

Respectfully submitted.

Ann Sullivan, CMC  
Acting City Clerk