

**MINUTES
SARATOGA CITY COUNCIL**

JUNE 6, 2007

The City Council of the City of Saratoga met in Closed Session in the Administrative Conference Room at 4:30 p.m.

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION (Subdivision (a) of Section 54956.9)

Name of case: Christiano v. City of Saratoga. Santa Clara County Superior Court 106CV-072297.

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION (Subdivision (a) of Section 54956.9)

Name of case: Giberson v. City of Saratoga (real parties Byrd, Oak Creek Partners LLC and Maston) Santa Clara County Superior Court 106CV-072297.

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

Agency designated representatives: Barbara Powell, Assistant City Manager, and Monica LaBossiere, Human Resources 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 and Monica LaBossiere, Human Resources Manager

Employee organization: Millmen & Industrial Carpenters Local 262

The City Council conducted interviews at 5:45 p.m. for one vacancy on the Youth Commission in the Administrative Conference Room.

The City Council held a Joint meeting at 6:00 p.m. with the Saratoga Planning Commission in the Administrative Conference Room.

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

REPORT OF CITY CLERK ON POSTING OF AGENDA FOR JUNE 6, 2007

Cathleen Boyer, City Clerk, reported that pursuant to Government Code Section 54954.2, the agenda for the meeting of June, 2007, was properly posted on May 31, 2007.

ORAL COMMUNICATIONS

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

Ajay Narain asked why the City has no policies that benefit the environment. Mr. Narian asked why the City has no recycle cans along Big Basin Way. Mr. Narain requested that the City start a citizen advisory committee to focus on environmental issues.

Referring to the resolution Council adopted on May 2, 2007 to adopt the Guidelines and Standards for Land Use Near Streams of the Water Resources Protection Collaborative for the Protection of Water Resources, Meg Giberson requested that the Council reconsider their decision and make it an ordinance. Mrs. Giberson stated that the Council should not wait a year to review the Guidelines.

Cheriel Jensen suggested using weed whackers instead of pesticides.

Arvin Engelson noted that he represented the Saratoga Clergy Association. Mr. Engelson addressed the Council in regards to neighborhood block parties. Mr. Engelson explained that due to the success of the block parties that were held during the City's 50th Anniversary celebration, the Association has decided to sponsor annual block party events throughout the City of Saratoga sometime between Memorial Day to Labor Day. Mr. Engelson stated that the Association is not requesting a monetary contribution from the City only that the City support their efforts and allow them to promote the event.

COUNCIL DIRECTION TO STAFF

In regards to the request from the Saratoga Clergy Association, Vice Mayor Waltonsmith asked that this item be agendized for discussion.

Councilmember King supported Vice Mayor Waltonsmith's request.

COMMUNICATIONS FROM BOARDS AND COMMISSIONS

Joyce Hlava stated that she was the Chair of the Saratoga Planning Commission. Chair Hlava noted that the Planning Commission met prior to the regular meeting with the City Council and discussed "Greening".

ANNOUNCEMENTS

Councilmember Hunter announced the Village Sidewalk Sale on June 15th, 16th, & 17th.

CEREMONIAL ITEMS

1A. COMMENDATION HONORING THE BUTTER PADDLE ON ITS 40TH ANNIVERSARY

STAFF RECOMMENDATION:

Present commendations.

Mayor Kao read the proclamation and presented it to representatives from the Butter Paddle.

1B. COMMENDATION HONORING CROSS CULTURAL COMMUNITY CENTER

STAFF RECOMMENDATION:

Present commendation.

Mayor Kao read the commendation and presented it representatives form the Cross Cultural Community.

1C. APPOINTMENT OF YOUTH COMMISSION MEMBERS AND OATH OF OFFICE

STAFF RECOMMENDATION:

Adopt resolution of appointment and administer Oath of Office.

RESOLUTION 07-042

KING/WALTONSMITH MOVED TO ADOPT RESOLUTION APPOINTING JACOB BAKER, SAMEER KAUSAR, ELLI REZAIL, KAYVON REZAIL, LAUREN TANG TO THE YOUTH COMMISSION.
MOTION PASSED 5-0.

Cathleen Boyer, City Clerk, administered the Oath of Office to the new commissioners.

SPECIAL PRESENTATIONS

None

CONSENT CALENDAR

2A. CITY COUNCIL MINUTES – APRIL 18, 2007

STAFF RECOMMENDATION:

Approve minutes.

Councilmember Page requested that this item be removed from the Consent Calendar.

Councilmember Page noted that he contact the City Clerk prior to the meeting to make corrections.

PAGE/WALTONSMITH MOVED TO **APPROVE CITY COUNCIL MINUTES OF APRIL 18, 2007**. MOTION PASSED 5-0.

2B. **CHECK REGISTER – MAY 9, 16, 23, & 30, 2007
PAYROLL – MAY 10 & 24, 2007**

STAFF RECOMMENDATION:

Accept check register.

WALTONSMITH/PAGE MOVED TO **ACCEPT CHECK REGISTER FROM MAY 9, 16, 23, & 30, 2007 AND PAYROLL FROM MAY 10 & 24, 2007**. MOTION PASSED 5-0.

2C. **FISCAL YEAR 2007/08 GANN APPROPRIATION LIMIT**

STAFF RECOMMENDATION:

Adopt resolution approving the Gann Appropriations Limit for FY 2007/08.

RESOLUTION: 07-034

WALTONSMITH/PAGE MOVED TO **ADOPT RESOLUTION APPROVING THE GANN APPROPRIATIONS LIMIT FOR FY 2007/08**. MOTION PASSED 5-0.

2D. **RAILROAD CROSSING UPGRADE PROJECT – FUNDING RECLASSIFICATION**

STAFF RECOMMENDATION:

Adopt budget resolution correcting the funding appropriation for the Railroad Crossing Upgrade Project.

RESOLUTION: 07-0

WALTONSMITH/PAGE MOVED TO **ADOPT BUDGET RESOLUTION CORRECTING THE FUNDING APPROPRIATION FOR THE RAILROAD CROSSING UPGRADE PROJECT**. MOTION PASSED 5-0.

2E. **CONTRACT RENEWAL FOR GEOTECHNICAL CONSULTING SERVICES**

STAFF RECOMMENDATION:

Approve a two-year contract with Cotton, Shires, and Associates, Inc. for Geotechnical Engineering Services and authorize City Manager to execute the same.

WALTONSMITH/PAGE MOVED TO APPROVE A TWO-YEAR CONTRACT WITH COTTON, SHIRES, AND ASSOCIATES, INC. FOR GEOTECHNICAL ENGINEERING SERVICES AND AUTHORIZE CITY MANAGER TO EXECUTE THE SAME. MOTION PASSED 5-0.

2F. OFFER TO DEDICATE TRAIL EASEMENT

STAFF RECOMMENDATION:

1. Approve Offer to Dedicate Trail Easements on two properties owned by South Thunder, LLC.
2. Adopt resolution accepting Offer to Dedicate Trail Easement.

RESOLUTION: 07-033

WALTONSMITH/PAGE MOVED TO APPROVE OFFER TO DEDICATE TRAIL EASEMENTS ON TWO PROPERTIES OWNED BY SOUTH THUNDER, LLC. ADOPT RESOLUTION ACCEPTING OFFER TO DEDICATE TRAIL EASEMENT. MOTION PASSED 5-0.

2G. LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT ANNEXATION NO. 1 ZONE NO. 33 (CARNELIAN GLEN) – REVISION OF RESOLUTION OF INTENT

STAFF RECOMMENDATION:

Adopt revised 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 2007/08.

RESOLUTION: 07-030

WALTONSMITH/PAGE MOVED TO ADOPT REVISED 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 2007/08. MOTION PASSED 5-0.

2H. RESOLUTION DECLARING HAZARDOUS VEGETATION GROWING ON CERTAIN PROPERTIES TO BE A PUBLIC NUISANCE AND SETTING A PUBLIC HEARING DATE

STAFF RECOMMENDATION:

Adopt resolution.

RESOLUTION: 07-032

WALTONSMITH/PAGE MOVED TO ADOPT RESOLUTION DECLARING HAZARDOUS VEGETATION GROWING ON CERTAIN PROPERTIES TO BE A PUBLIC NUISANCE AND SETTING A PUBLIC HEARING DATE. MOTION PASSED 5-0.

2I. **CONTRACT RENEWAL FOR MUNICIPAL TRAFFIC ENGINEERING**

STAFF RECOMMENDATION:

Approve a two-year contract renewal with Fehr & Peers Associates, Inc. for on-call Traffic Engineering Services and authorize City Manager to execute the same.

WALTONSMITH/PAGE MOVED TO **APPROVE A TWO-YEAR CONTRACT RENEWAL WITH FEHR & PEERS ASSOCIATES, INC. FOR ON-CALL TRAFFIC ENGINEERING SERVICES AND AUTHORIZE CITY MANAGER TO EXECUTE THE SAME.** MOTION PASSED 5-0.

2J. **APPOINTMENT OF BETTY FELDHYM TO SERVE ON THE HOUSING & COMMUNITY DEVELOPMENT CITIZEN ADVISORY COMMITTEE**

STAFF RECOMMENDATION:

Adopt resolution.

RESOLUTION: 07-031

WALTONSMITH/PAGE MOVED TO **ADOPT RESOLUTION OF APPOINTMENT OF BETTY FELDHYM TO SERVE ON THE HOUSING & COMMUNITY DEVELOPMENT CITIZEN ADVISORY COMMITTEE.** MOTION PASSED 5-0.

PUBLIC HEARINGS

3. **APPEAL OF PLANNING COMMISSION DECISION - 14234 SARATOGA-SUNNYVALE ROAD**

APPELLANTS: PAUL CLARKE A & MICHAEL SHADMAN

APPLICANT: JSM ENTERPRISES

STAFF RECOMMENDATION:

Conduct public hearing. No action necessary, appeal withdrawn.

4. **NEGATIVE DECLARATION AND GENERAL PLAN AMENDMENT TO REPLACE THE EXISTING LAND USE, OPEN SPACE AND CONSERVATION ELEMENTS WITH REVISED LAND USE AND OPEN SPACE/CONSERVATION ELEMENTS**

STAFF RECOMMENDATION:

1. Open the public hearing and accept public testimony on the General Plan Amendment and Negative Declaration;
2. Close the hearing and deliberate;
3. Certify the Negative Declaration by resolution (Attachment 1) and Approve the Resolution (Attachment 2) replacing the existing Land Use, Open Space and Conservation Elements of the General Plan with the revised Land Use Element (Attachment 3) and Open Space/Conservation

Element (Attachment 4).

RESOLUTION: 07-019 & 038

Deborah Ungo-McCormick, Contract Planner, presented staff report.

Mayor Kao opened the public hearing and invited public comments.

The following people spoke in regards to this item:

Diane Drewke urged the Council to reject the proposed General Plan.

Virginia King stated that she understands the Council is under the gun to adopt the General Plan, but she feels the proposal is too general.

Denise Goldberg suggested that the Pedestrian, Equestrian, and Bicycle Trails Advisory Committee be responsible of the goals listed on page 22 7 23 of the General Plan.

Alan Giberson suggested that the proposed general Plan needs a boarder and wider public input process. Mr. Giberson suggested more noticing and advertising. Mr. Giberson stated he feels there should be more designated open space and he wants to make sure the air and creeks are kept clean.

Meg Giberson requested more time to study the proposed General Plan.

Cheriel Jensen requested that the City postponed the adoption of the General Plan

Mayor Kao closed the public hearing.

WALTONSMITH/PAGE MOVED TO ADOPT RESOLUTION CERTIFYING A NEGATIVE DECLARATION FOR A GENERAL PLAN AMENDMENT THAT INCLUDES REVISED LAND USE ELEMENT AND A REVISED OPEN SPACE AND CONSERVATION ELEMENT. MOTION PASSED 5-0.

WALTONSMITH/PAGE MOVED TO ADOPT RESOLUTION APPROVING A GENERAL PLAN AMENDMENT THAT REPLACES THE EXISTING LAND USE, OPEN SPACE, AND CONSERVATION ELEMENTS WITH A REVISED LAND USE ELEMENT AND A REVISED OPEN SPACE AND CONSERVATION ELEMENT OF THE GENERAL PLAN. MOTION PASSED 5-0.

5. **ORDINANCE CORRECTION TO SECTION 15-29.010(B) OF THE SARATOGA CITY CODE RELATING TO HEIGHT RESTRICTIONS FOR FENCES AND WALLS IN SETBACK AREAS**

STAFF RECOMMENDATION:

Conduct public hearing, read title of proposed ordinance clarifying the maximum allowable height of fences and walls that are permitted within the front setback area, waive reading of full ordinance, and direct staff to place ordinance on consent calendar for second reading and final adoption.

ORDINANCE: 252

Chris Riordan, Senior Planner, presented staff report.

Mayor Kao opened the public hearing and invited public comments.

Seeing none, Mayor Kao closed the public hearing.

WALTONSMITH/PAGE MOVED TO ADOPT AN ORDINANCE CORRECTION TO SECTION 15-29.010(b) OF THE SARATOGA CITY CODE RELATING TO HEIGHT RESTRICTIONS FOR FENCES AND WALLS IN SETBACK AREAS. MOTION PASSED 5-0.

6. **LANDSCAPING & LIGHTING ASSESSMENT DISTRICT LLA-1 APPROVAL OF ENGINEER'S REPORT AND CONFORMATION OF ASSESSMENTS FOR FY 07-08**

STAFF RECOMMENDATION:

1. Conduct Public Hearing
2. Adopt Resolution Ordering the Improvement and Confirming the Diagram and Assessments for FY 07-08

RESOLUTION: 07-037

John Cherbone, Public Works Director, presented staff report.

Mayor Kao opened the public hearing and invited public comments.

Seeing none, Mayor Kao closed the public hearing.

KING/WALTONSMITH MOVED TO ADOPT RESOLUTION OF PRELIMINARY APPROVAL OF ENGINEER'S REPORT CITY OF SARATOGA LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT LLA-1 FISCAL YEAR 2007-2008. MOTION PASSED 5-0.

7. **FISCAL YEAR 2007-08 PURPOSED OPERATING BUDGET PUBLIC HEARING**

STAFF RECOMMENDATION:

Conduct public hearing on the proposed FY 07/08 operating budget and provide direction to staff for budget adoption on June 20, 2007.

Mary Furey, Administrative Services Director, presented staff report.

Mayor Kao opened the public hearing and invited public comments.

Seeing none, Mayor Kao closed the public hearing.

City Council provided direction to staff for budget adoption at the June 20, 2007 meeting.

OLD BUSINESS

None

NEW BUSINESS

8. DIRECTION REGARDING REQUEST FOR CONCEPTUAL PROPOSALS RECEIVED FOR THE USE OF THE NORTH CAMPUS

STAFF RECOMMENDATION:

Accept report and direct staff accordingly.

Michael Taylor, Interim Recreation Director, presented staff report.

The following people requested to speak in regards to this item:

Alan Beck, Lisa Beck, and Neus Diaz submitted two separate proposals. The first proposal uses the buildings as a childcare facility. The second proposal includes the demolition of both buildings and rebuilding a gymnasium for City use and another building for a childcare center.

Nancy Cann & Lili Li, representing the Waho Montessori, noted that their proposal would use the two buildings for pre-school and after school childcare programs.

Jack Mallory supports leasing out the two front buildings but keeping the other building for public use.

John Kimball suggested that the buildings be use to display art.

Simona Martin noted that she represented the Waldorf School. Ms. Martin stated that their proposal would use the North campus as a small independent high school consisting of approximately 120 students

Cheriel Jensen stated that the City really could use a gymnasium.

WALTONSMITH/KING MOVED TO DIRECT THE BECK'S TO REFINE THEIR PROPOSAL AND HOLD A SUBSEQUENT STUDY SESSION SOMETIME IN JULY AND TAKE FURTHER PUBLIC TESTIMONY.
MOTION PASSED 5-0.

9. RECOMMENDED VILLAGE IMPROVEMENTS AND PROCESS FOR COMMUNITY ENGAGEMENT

STAFF RECOMMENDATION:

Accept report and direct staff accordingly.

John Cherbone, Public Works Director, presented staff report.

Consensus of the City council to approve staff recommendations for Village improvements and community engagement.

10. **WEST VALLEY COLLECTION & RECYCLING (WVC&R)**

STAFF RECOMMENDATION:

Accept report and direct staff accordingly.

Cathleen Boyer, City Clerk, presented staff report.

Councilmember Page reported that the JPA Board's next meeting was scheduled for June 21, 2007 in the Monte Sereno Council Chambers.

Mayor Kao thanked Councilmember Page and City Clerk Boyer for the report.

11. **SARATOGA'S TREE AND BENCH DEDICATION POLICY REVIEW**

STAFF RECOMMENDATION:

1. Accept report and direct staff accordingly.
2. Authorize an increase in the cost of the dedication plaque.

Cathleen Boyer, City Clerk, presented staff report.

KING/PAGE MOVED TO **AUTHORIZE AN INCREASE IN THE COST OF THE DEDICATION PLAQUE FROM \$250 TO \$300 AND AMEND POLICY TO INCLUDE THAT AN APPLICANT MUST PURCHASE A TREE OR BENCH IN ORDER TO PURCHASE THE PLAQUE** . MOTION PASSED 4-1 WITH HUNTER OPPOSING.

12. **COUNCIL MEMBER SPONSORED COMMUNITY EVENTS**

STAFF RECOMMENDATION:

Accept report and direct staff accordingly.

Barbara Powell, Assistant City Manager, presented staff report.

KING/PAGE MOVED TO SUPPORT THAT AN **OFFICIALLY SANCTION AN EVENT OF CONSIDERATION OF SPONSORSHIP IS AT A REGULARLY SCHEDULED CITY COUNCIL MEETING, WITH A MAJORITY OF COUNCIL MEMBERS VOTING AFFIRMATIVELY OR ONE COUNCIL MEMBER AGREEING TO SPONSOR AN EVENT, TOGETHER WITH APPROVAL BY THE MAYOR (OR VICE MAYOR IF THE MAYOR IS SPONSORING THE EVENT)**. MOTION PASSED 4-1 WITH HUNTER OPPOSING.

13. **SANTA CLARA COUNTY CIVIL GRAND JURY REPORT ON NORTH CAMPUS SALE**

STAFF RECOMMENDATION:

Review Grand Jury Report and direct staff accordingly.

Richard Taylor, City Attorney, presented staff report.

Consensus of the City Council to director the city attorney to draft a letter of response to the Grand Jury.

ADHOC & AGENCY ASSIGNMENT REPORTS

City Councilmembers had no reportable information.

CITY COUNCIL ITEMS

Councilmember King requested that the City respond to the “Letter to the Editor” that was in the *Saratoga News* regarding the UPRR.

Councilmember Page announced the July 4th celebration at Azule Park from 10:00 a.m. - 12 noon.

OTHER

None

CITY MANAGER’S REPORT

None

ADJOURNMENT

There being no further business Mayor Kao adjourned the regular meeting at 12:35 p.m.

Respectfully submitted,

Cathleen Boyer, CMC
City Clerk