

MINUTES

SARATOGA CITY COUNCIL MEETING

JULY 18, 2007

The City Council of the City of Saratoga met in Closed Session, Administrative Conference Room, 13777 Fruitvale Avenue at 5:00 p.m.

ANNOUNCEMENT OF CLOSED SESSION ITEMS

Conference with Legal Counsel - Initiation of litigation (Gov't Code section 54956.9(c):
(3 potential cases)

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

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
Barbara Powell, Assistant City Manager
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 JULY 18, 2007

Cathleen Boyer, City Clerk, reported that pursuant to Government Code Section 54954.2, the agenda for the meeting of July 18, 2007, was properly posted on July 12, 2007.

ORAL COMMUNICATIONS

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

Warren Lampshire requested that the City recognize Joan Pisani for her 33 years of service to the City. Mr. Lampshire suggested that the Community Center be named after Mrs. Pisani.

ANNOUNCEMENTS

Councilmember Hunter noted that on Saturday, July 28, 2007 Saratoga Swings would take place from 5-7 p.m.

CEREMONIAL ITEMS

1. CERTIFICATE OF APPRECIATION FOR JACK MALLORY

STAFF RECOMMENDATION:

Present certificate of appreciation.

Mayor Kao read the proclamation and presented it to Mr. Jack Mallory.

2. COMMENDATION HONORING OUTGOING HERITAGE PRESERVATION COMMISSIONER

STAFF RECOMMENDATION:

Present commendation.

Mayor Kao read the commendation and presented it to Beth Wyman.

3. PROCLAMATION DECLARING THE WEEK OF JULY 22-28, 2007 AS "ARCHITECTURE WEEK"

STAFF RECOMMENDATION:

Present proclamation.

Mayor Kao read the proclamation and presented it to representatives from the Santa Clara Chapter of the American Institute of Architects.

SPECIAL PRESENTATIONS

None

CONSENT CALENDAR

4. CITY COUNCIL MINUTES

STAFF RECOMMENDATION:

Approve minutes as submitted for the May 16, 2007 City Council meeting.

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

WALTONSMITH/HUNTER MOVED TO **APPROVE CITY COUNCIL MINUTES OF MAY 16, 2007 AS AMENDED.** MOTION PASSED 5-0.

5. **REVIEW OF ACCOUNTS PAYABLE AND PAYROLL CHECK REGISTERS**
STAFF RECOMMENDATION:

Accepts the Check Registers for:
Accounts Payable - June 13, 20 and 27, 2007
Payroll - June 21, July 5, 2007

WALTONSMITH/PAGE MOVED TO **ACCEPT CHECK REGISTERS FOR JUNE 13, 20 & 27, 2007 AND PAYROLL FROM JUNE 21 & JULY 5, 2007.** MOTION PASSED 5-0.

6. **TREASURERS REPORT FOR THE MONTH ENDED MAY, 2007**

STAFF RECOMMENDATION:

Accept the monthly Treasurer's Report

WALTONSMITH/PAGE MOVED TO **ACCEPT MONTHLY TREASURER'S REPORT.** MOTION PASSED 5-0.

7. **ESTABLISH ANNUAL PROPERTY TAX LEVY FOR LIBRARY GO BOND DEBT SERVICE**

STAFF RECOMMENDATION:

Adopt resolution, which sets the FY 2007/08 property tax levy rate for the Library General Obligation Bonds at \$.01130 per \$100 of Assessed Valuation.

RESOLUTION: 07-057

WALTONSMITH/PAGE MOVED TO **ADOPT RESOLUTION WHICH SETS THE FY 2007/08 PROPERTY TAX LEVY RATE FOR THE LIBRARY GENERAL OBLIGATION BONDS AT \$.01130 PER \$100 OF ASSESSED VALUATION.** MOTION PASSED 5-0.

8. **CONGRESS SPRINGS PARK SAFETY FENCE IMPROVEMENTS - APPROPRIATION OF FUNDS**

STAFF RECOMMENDATION:

Approve Budget Resolution appropriating funds for Congress Springs Park Safety Fence Improvements.

RESOLUTION: 07-049

Mayor Kao recused herself and left the dais.

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

Councilmember King stated that the City should send AYSO a thank you note because they donated the money for the improvements.

KING/HUNTER MOVED TO ADOPT BUDGET RESOLUTION APPROPRIATING FUNDS FOR CONGRESS SPRINGS PARK SAFETY FENCE IMPROVEMENTS. MOTION PASSED 4-0-1 WITH KAO RECUSING.

9. **BUDGET RESOLUTION APPROVING THE CARRYOVER AND EXPENDITURE OF FY 2006/07 COUNCIL CONTINGENCY FUNDS IN THE AMOUNT OF \$2,500 TO CO-SPONSOR NEIGHBORHOOD BLOCK PARTIES**

STAFF RECOMMENDATION:

Adopt resolution appropriating \$2,500 from the FY 2006/07 Council contingency to co-sponsor neighborhood block parties sponsored by the Saratoga Clergy Association.

RESOLUTION: 07-044

WALTONSMITH/PAGE ADOPT RESOLUTION APPROPRIATING \$2,500 FROM THE FY 2006/07 COUNCIL CONTINGENCY TO CO-SPONSOR NEIGHBORHOOD BLOCK PARTIES SPONSORED BY THE SARATOGA CLERGY ASSOCIATION. MOTION PASSED 5-0.

10. **AGREEMENT WITH SARATOGA CHAMBER OF COMMERCE**

STAFF RECOMMENDATION:

Accept report and adopt the resolution approving the Agreement with the Saratoga Chamber of Commerce.

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

RESOLUTION 07-079

WALTONSMITH/PAGE MOVED TO ADOPT RESOLUTION APPROVING AGREEMENT WITH THE SARATOGA CHAMBER OF COMMERCE. MOTION PASSED 5-0.

11. **BUDGET RESOLUTION APPROVING THE CARRYOVER AND EXPENDITURE OF FY 2006/07 COUNCIL CONTINGENCY FUNDS TO PURCHASE RADAR FEEDBACK SIGNS**

STAFF RECOMMENDATION:

Adopt resolution to carryover and appropriate \$47,000 from the FY 2006/07 Council contingency to purchase radar feedback signs.

RESOLUTION: 07-047

WALTONSMITH/PAGE RESOLUTION TO CARRYOVER AND APPROPRIATE \$47,000 FROM THE FY 2006/07 COUNCIL CONTINGENCY TO PURCHASE RADAR FEEDBACK SIGNS. MOTION PASSED 5-0.

12. POLICY FOR WRITTEN RECORDS OF MEETINGS, DECISIONS AND ACTIONS RELATING TO CONTRACTS OF \$2 MILLION OR MORE

STAFF RECOMMENDATION:

Adopt resolution setting City policy requiring written records of meetings, decisions and actions relating to contracts for goods, services, and property for \$2 million or more.

RESOLUTION: 07-046

WALTONSMITH/PAGE **ADOPT RESOLUTION SETTING CITY POLICY REQUIRING WRITTEN RECORDS OF MEETINGS, DECISIONS AND ACTIONS RELATING TO CONTRACTS FOR GOODS, SERVICES, AND PROPERTY FOR \$2 MILLION OR MORE.** MOTION PASSED 5-0.

13. MOTOR VEHICLE (MV) RESOLUTIONS

STAFF RECOMMENDATION:

1. Move to adopt the new Motor Vehicle Resolution authorizing a “No Parking or Stopping” zone on Marilyn Lane between Marshall Lane and Ravenswood Drive.
2. Move to adopt the Motor Vehicle Resolution authorizing “No Stopping on Lexington”.
3. Move to adopt the Motor Vehicle Resolution authorizing one “Stop” sign on Tamworth.
4. No Parking on Blauer Drive

RESOLUTION: MV-262-264, 265, 266,

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

PUBLIC HEARINGS

14. CONFIRMATION OF REPORT AND ASSESSMENT OF 2007 WEED ABATEMENT PROGRAM & RESOLUTION ORDERING THE ABATEMENT OF A PUBLIC NUISANCE BY REMOVAL OF HAZARDOUS BRUSH

STAFF RECOMMENDATION:

Open public hearing; close public hearing; adopt resolutions.

RESOLUTION: 07-048 & 07-050

Mayor Kao opened the public hearing and invited public comments.

Seeing none, Mayor Kao closed the public hearing.

MOVED TO ADOPT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SARATOGA ORDERING ABATEMENT OF A PUBLIC NUISANCE BY REMOVAL OF HAZARDOUS BRUSH. MOTION PASSED 5-0.

15. APPEAL OF USE PERMIT AND DESIGN REVIEW APPLICATION NO. 07-028: 14639 BIG BASIN WAY, WHICH WAS APPROVED BY THE PLANNING COMMISSION ALLOWING CONSTRUCTION OF A MIXED-USE DEVELOPMENT CONSISTING OF TWO RESIDENTIAL APARTMENT UNITS IN ONE BUILDING AT THE REAR OF THE SITE AND A SEPARATE TWO-STORY COMMERCIAL BUILDING AT THE FRONT OF THE SITE

STAFF RECOMMENDATION:

Deny the appeal, thus affirming the Planning Commission Use Permit and Design Review Approval issued on May 23, 2007.

RESOLUTION: 07-052

Heather Bradley, Contract Planner, presented staff report.

Mayor Kao opened the public hearing and invited public comments.

The following people supported this project:

Eugene Zambetti

Thi Zambetti

The following people opposed this project:

C. Holly Davies

Mary Boscoe

Andrea Boscoe- McGhee

Courtney Boscoe

Mayor Kao closed the public hearing.

PAGE/WALTONSMITH MOVED TO **ADOPT RESOLUTION DENYING AN APPEAL; THEREBY AFFIRMING THE PLANNING COMMISSION'S APPROVAL OF USE PERMIT AND DESIGN REVIEW APPLICATION 07-028 ZAMBETTI FAMILY TRUST; 14639 BIG BASIN WAY.** MOTION PASSED 5-0.

16. PETITION FROM OWNERS OF PRIVATE ROAD AT 20865 WARDELL ROAD, REQUESTING APPLICATION OF THE CALIFORNIA VEHICLE CODE TO THE PRIVATE ROAD

STAFF RECOMMENDATION:

Adopt resolution applying the California Vehicle Code to the private road at 20865 Wardell Road.

RESOLUTION: 07-045

Richard Taylor, City Attorney, presented staff report.

Mayor Kao opened the public hearing and invited public comments.

Brett Hechtman noted that he represented the Applicants of the petition. Mr. Hechtman urged the Council to adopt this resolution.

Mayor Kao closed the public hearing.

KING/PAGE MOVED TO ADOPT RESOLUTION APPLYING THE CALIFORNIA VEHICLE CODE TO THE PRIVATE ROAD AT 20865 WARDELL ROAD. MOTION PASSED 5-0.

17. LANDSCAPING & LIGHTING ASSESSMENT DISTRICT LLA-1 ANNEXATION 2007-1 (CARNELIAN GLEN) PUBLIC HEARING, APPROVAL OF ENGINEER'S REPORT, AND CONFIRMATION OF ASSESSMENTS FOR FY 07-08

STAFF RECOMMENDATION:

Move to adopt the Resolution Ordering the Improvements and Confirming the Diagram and Assessments for FY 07-08.

RESOLUTION: 07-051

Iveta Harvancik, Associate Engineer, presented staff report.

Mayor Kao opened the public hearing and invited public comments.

Seeing none, Mayor Kao closed the public hearing.

City Clerk Boyer read the results of the ballots. City Clerk noted that the assessment passed.

WALTONSMITH/PAGE MOVED TO ADOPT THE RESOLUTION ORDERING THE IMPROVEMENTS AND CONFIRMING THE DIAGRAM AND ASSESSMENTS FOR FY 07-08. MOTION PASSED 5-0.

OLD BUSINESS

None

NEW BUSINESS

18. UPPER OLD OAK WAY RELINQUISHMENT

STAFF RECOMMENDATION:

Accept report and provide direction to staff.

Vice Mayor Waltonsmith requested that this item be continues to September.

Consensus of the City Council to continue this item to September.

19. PARKER RANCH BICYCLE TRAIL ABATEMENT OPTIONS

STAFF RECOMMENDATION:

1. Accept report and provide direction to staff.
2. Move to adopt Motor Vehicle Resolution.

RESOLUTION: MV-263

The following people requested to speak on this item:

Anne Sanquini noted that she was a member of the City's Pedestrian, Equestrian, and Bicycle Trails Advisory Committee and does not support using trail funds on an illegal trail. Ms. Sanquini noted that the City needs to take action now.

John Heindel noted that he lives in Parker Ranch and although the trail does not affect his property, he is still very concerned.

Gary Viale noted that he is one of the property owners upon which this trail has been built. Mr. Viale noted his main concern is the liability and the possible danger of fire. Mr. Viale noted that he appreciates the efforts the City is making to try and stop the users but the efforts have not been successful. Mr. Viale noted that the only option is to destroy the trail.

WALTONSMITH/KING MOVED TO ADOPT MOTOR VEHICLE RESOLUTION RESTRICTING PARKING ON PARKER RANCH ROAD.
MOTION PASSED 5-0.

20. CONSIDERATION OF A USE POLICY AND FEE SCHEDULE FOR RESERVED USE OF BLANEY PLAZA

STAFF RECOMMENDATION:

Consider establishing a use policy and fee schedule for reserved use of Blaney Plaza and direct staff accordingly.

Michael Taylor, Interim Recreation Director, presented staff report.

Consensus of the City Council not to establish a fee schedule for reserved use of Blaney Plaza.

21. UPDATE OF THE BLANEY PLAZA BANNER POLICY AND CONSIDERATION OF EXPANDING THE BANNER POLICY TO INCLUDE NORTH CAMPUS

STAFF RECOMMENDATION:

Update the existing Blaney Plaza Banner Policy and consider expanding the banner policy to include North Campus.

Michael Taylor, Interim Recreation Director, presented staff report.

KING/WALTONSMITH MOVED TO ADOPT UPDATED BLANEY PLAZA BANNER POLICY INCLUDING A POLICY TO INCLUDE NORTH CAMPUS AS AMENDED. MOTION PASSED 4-1 WITH HUNTER OPPOSING.

22. MASTER FEE SCHEDULE UPDATE FOR THE NORTH CAMPUS ADMINISTRATION BUILDING

STAFF RECOMMENDATION:

Update the fee schedule for the North Campus Administration Building Main Room rental to \$100 per hour and the Conference Room rental to \$40 per hour.

Michael Taylor, Interim Recreation Director, presented staff report.

WALTONSMITH/PAGE MOVED TO UPDATE THE FEE SCHEDULE FOR THE NORTH CAMPUS ADMINISTRATION BUILDING MAIN ROOM RENTAL TO \$100 PER HOUR AND THE CONFERENCE ROOM RENTAL TO \$40 PER HOUR. MOTION PASSED 5-0.

ADHOC & AGENCY ASSIGNMENT REPORTS

Mayor Kao had no reportable information.

Vice Mayor Waltonsmith reported the following information:

KSAR – recently appointed new Board members.

SASCC – recently hired a Program Coordinator, Theresa Estavillo.

Sister City Liaison – Sister City reception at City Hall on August 9th at 10:00 a.m.

Councilmember Page reported the following information:

West Valley Solid Waste Joint Powers Association – next meeting is scheduled for August 21, 2007.

Councilmember King had no reportable information.

Councilmember Hunter had no reportable information.

CITY COUNCIL ITEMS

In regards to a memorial for Joan Pisani, Vice Mayor Waltonsmith requested that this issue be agendized.

Councilmember Page concurred.

CITY MANAGER'S REPORT

None

ADJOURNMENT

There being no further business Mayor Kao adjourned the regular meeting at 9:30 p.m. and noted that Council would be returning to Closed Session in the Administrative Conference Room.

Respectfully submitted,

By Ann Sullivan, CMC
for Cathleen Boyer, CMC
City Clerk

