

MINUTES

SARATOGA CITY COUNCIL

AUGUST 1, 2007

The City Council of the City of Saratoga met in Closed Session, Administrative Conference Room, 13777 Fruitvale Avenue at 5:30 p.m.

ANNOUNCEMENT OF CLOSED SESSION ITEMS

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: Northern California Carpenters Regional Council, Carpenters Forty Six Northern California Counties Conference Board and Their Affiliated Locals

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)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Gov't Code 54957)

Title: City Manager

PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Gov't Code 54957)

Title: City Attorney

The City Council held a Joint meeting at 6:00 p.m. with the Saratoga Chamber of Commerce 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 7:05 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 AUGUST 1, 2007

Cathleen Boyer, City Clerk, reported that pursuant to Government Code Section 54954.2, the agenda for the meeting of August 1, 2007, was properly posted on July 26, 2007.

ORAL COMMUNICATIONS

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

Andrea Boscoe-McGhee explained that over the past couple of Saturdays she has been walking along Saratoga-Sunnyvale Road picking up garbage. Ms. Boscoe-McGhee noted that she picked up several cups from Starbucks. Ms. Boscoe-McGhee stated that the City should form a committee to adopt the City and clean it up. Ms. Boscoe-McGhee noted that she created a plan called "Keep Saratoga Clean".

Ms. Boscoe-McGhee read a letter her daughter Chole McGhee asking the Council to help her clean up Saratoga.

COUNCIL DIRECTION TO STAFF

In regards to Ms. Boscoe-McGhee's comments, Councilmember King asked that this item be agendized. Councilmember King stated that she is always getting calls from residents who want to volunteer.

Councilmember Hunter noted that she agrees with Ms. Boscoe-McGhee's comments, she is constantly picking up trash in the Village.

COMMUNICATIONS FROM BOARDS AND COMMISSIONS

J.R. Ellis stated that he was the treasurer of the Saratoga Chamber of Commerce. Mr. Ellis noted that prior to this meeting the Chamber Board met with the City Council. Mr. Ellis stated that they are increasing membership about one to two new members per week. Mr. Ellis announced that the 19th Annual Celebrate Saratoga would be held on September 15, 2007.

ANNOUNCEMENTS

Vice Mayor Waltonsmith announced that on August 9th at 10:00 a.m. at City Hall the Sister City student exchange program would be holding a reception for the students visiting Saratoga from Muko, Japan.

Vice Mayor Waltonsmith announced that on September 27th at 6:00 p.m. in the Saratoga Community Center's Multi Purpose Room the first Green LEAF meeting would take

place. This group is a tri-city venture, which includes, the cities of Monte Sereno and Saratoga and the Town of Los Gatos. This group will discuss how our citizens can help themselves in finding ways to live a more environmentally sensitive lifestyle.

Councilmember Page noted that most people might notice that on your tax bill there is a line item charge for the West Valley Sanitation District. Councilmember Page explained that recently the District has performed some renovations on the sewer lines on Springer Avenue, McDole Street, and Aspesi Drive.

CEREMONIAL ITEMS

1. COMMENDATION HONORING LISA MARIE BURLEY

STAFF RECOMMENDATION:

Present commendation.

Mayor Kao read the proclamation and presented it to Ms. Burley.

SPECIAL PRESENTATIONS

2. UPDATE ON THE WEST VALLEY COLLEGE CONSTRUCTION PROJECTS

STAFF RECOMMENDATION:

Informational only.

Board Trustees Jack Lucas and Don Cordero and President Phil Hartley provided the City Council an overview of the construction projects at West Valley College.

CONSENT CALENDAR

3. REVIEW OF ACCOUNTS PAYABLE AND PAYROLL CHECK REGISTERS

STAFF RECOMMENDATION:

Accepts the Check Registers for:

Accounts Payable: July 11, 2007 and July 18, 2007

Payroll: July 19, 2007

WALTONSMITH/PAGE MOVED TO **ACCEPT THE CHECK REGISTERS FOR ACCOUNTS PAYABLE JULY 11, 2007 AND JULY 18, 2007 AND PAYROLL JULY 19, 2007.** MOTION PASSED 5-0.

4. SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUNDS (SLESF)

STAFF RECOMMENDATION:

Adopt resolution authorizing the continued use of the Citizen Options for Public Safety (COPS) program's Supplemental Law Enforcement Services Fund (SLESF) grant as a source of funds for additional public safety services.

RESOLUTION: 07- 056

WALTONSMITH/PAGE MOVED TO ADOPT RESOLUTION AUTHORIZING THE CONTINUED USE OF THE SLESF FUNDS. MOTION PASSED 5-0.

5. LICENSE AGREEMENT WITH SARATOGA SISTER CITY FOR STORAGE SHED AT NORTH CAMPUS

STAFF RECOMMENDATION:

Accept report and adopt the resolution approving the License Agreement with the Saratoga Sister City.

RESOLUTION: 07- 057

WALTONSMITH/PAGE MOVED TO ADOPT RESOLUTION APPROVING THE LICENSE AGREEMENT WITH THE SARATOGA SISTER CITY. MOTION PASSED 5-0.

6. MOTOR VEHICLE (MV) RESOLUTION

STAFF RECOMMENDATION:

Move to adopt the Motor Vehicle Resolution authorizing “No Parking or Stopping” on Sobey Meadows Court.

RESOLUTION: MV-267

WALTONSMITH/PAGE MOVED TO ADOPT MOTOR VEHICLE RESOLUTION AUTHORIZING “NO PARKING OR STOPPING” ON SOBEY MEADOWS ROAD. MOTION PASSED 5-0.

7. INITIAL MITIGATION EFFORTS FOR REMOVAL OF AN ILLEGAL BICYCLE TRAIL IN THE PARKER RANCH SUBDIVISION - APPROPRIATION OF FUNDS

STAFF RECOMMENDATION:

Approve \$5,000 in Council Contingency funds for initial mitigation efforts to remove an illegal bicycle trail in the Parker Ranch Subdivision.

WALTONSMITH/PAGE MOVED TO APPROVE \$5,000 IN COUNCIL CONTINGENCY FUNDS FOR INITIAL MITIGATION EFFORTS TO REMOVE AN ILLEGAL BICYCLE TRAIL IN THE PARKER RANCH SUBDIVISION. MOTION PASSED 5-0.

8. LANDSCAPING & LIGHTING ASSESSMENT DISTRICT LLA-1 ANNEXATION 2007-1, ZONE NO. 33 - APPROVAL OF BUDGET ADJUSTMENT RESOLUTION FOR FY 07-08

STAFF RECOMMENDATION:

Move to adopt the budget adjustment resolution increasing both revenues and expenditures for Landscaping and Lighting Assessment District LLA-1 for the amount of \$3,200.

RESOLUTION: 07-053

WALTONSMITH/PAGE MOVED TO **ADOPT THE BUDGET ADJUSTMENT RESOLUTION INCREASING BOTH REVENUES AND EXPENDITURES FOR LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT LLA-1 FOR THE AMOUNT OF \$3,200.** MOTION PASSED 5-0.

9. MEMORANDUM OF UNDERSTANDING WITH THE NORTHERN CALIFORNIA CARPENTERS REGIONAL COUNCIL, CARPENTERS FORTY SIX NORTHERN CALIFORNIA COUNTIES CONFERENCE BOARD AND THEIR AFFILIATED LOCALS (UNION)

STAFF RECOMMENDATION:

Adopt the resolution approving the Memorandum of Understanding (MOU) between the City and the Memorandum of Understanding with the Northern California Carpenters Regional Council, Carpenters Forty Six Northern California Counties Conference Board and Their Affiliated Locals (Union) for the period July 1, 2007 through September 30, 2011, and authorize the City Manager to execute the MOU.

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

Barbara Powell, Assistant City Manager, asked that this item be tabled and brought back at a subsequent meeting.

KING/PAGE MOVED TO **CONTINUE THIS ITEM TO A FUTURE AGENDA.** MOTION PASSED 5-0.

10. MEMORANDUM OF UNDERSTANDING WITH SARATOGA EMPLOYEES ASSOCIATION

STAFF RECOMMENDATION:

Adopt the resolution approving the Memorandum of Understanding (MOU) between the City and the Saratoga Employees Association (SEA) for the period July 1, 2007 through September 30, 2011, and authorize the City Manager to execute the MOU.

RESOLUTION: 07-054

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

Barbara Powell, Assistant City Manager, explained that staff asked that item 10 be pulled to make one correction in the staff report. Assistant City Manager Powell stated that in the report summary the term of the agreement should be July 1, 2007 – September 30, 2011.

PAGE/WALTONSMITH MOVED TO **ADOPT THE RESOLUTION APPROVING THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY AND THE SARATOGA EMPLOYEES ASSOCIATION (SEA) FOR THE PERIOD JULY 1, 2007 THROUGH SEPTEMBER 30, 2011, AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE MOU.** MOTION PASSED 5-0.

11. MEMORANDUM OF UNDERSTANDING WITH THE SARATOGA MANAGEMENT ASSOCIATION

STAFF RECOMMENDATION:

Adopt the resolution approving the Memorandum of Understanding (MOU) between the City and the Saratoga Management Association (SMO) for the period July 1, 2007 through September 30, 2011, and authorize the City Manager to execute the MOU.

RESOLUTION: 07-055

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

Barbara Powell, Assistant City Manager, explained that staff asked that item 10 be pulled to make one correction in the staff report. Assistant City Manager Powell stated that in the report summary the term of the agreement should be July 1, 2007 – September 30, 2011.

PAGE/WALTONSMITH MOVED TO **ADOPT THE RESOLUTION APPROVING THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY AND THE SARATOGA MANAGEMENT ASSOCIATION (SMO) FOR THE PERIOD JULY 1, 2007 THROUGH SEPTEMBER 30, 2011, AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE MOU.** MOTION PASSED 5-0.

PUBLIC HEARINGS

None

OLD BUSINESS

12. PROSPECT ROAD MEDIAN IMPROVEMENT PROJECT - AGREEMENT FOR PROFESSIONAL DESIGN SERVICES

STAFF RECOMMENDATION:

1. Move to authorize the City Manager to execute an Independent Contractor Agreement between the City of Saratoga and Callander Associates Landscape Architecture, Inc. for professional design services in the amount of \$28,098 and an additional allocation in the amount of \$2,500 for subsurface investigation.
2. Authorize the Mayor to sign a letter of understating with the City of San Jose regarding the project.

The following person requested to speak on this item:

Fran Colletti asked for Council's support to move forward on this project. Mrs. Colletti stated that in 2001 she collected a lot of signatures supporting this project. Mrs. Colletti stated that she is discouraged on how slow the process is going.

WALTONSMITH/PAGE MOVED TO **DIRECT STAFF TO OBTAIN A LETTER OF UNDERSTANDING FROM THE CITY OF SAN JOSE STATING THAT THEY WILL COOPERATE WITH THE PLAN BEFORE**

THE CITY MANAGER OF SARATOGA CAN APPROVE CONTRACT WITH CALLANDER ASSOCIATES. MOTION PASSED 4-1 WITH HUNTER OPPOSING.

WALTONSMITH/PAGE MOVED TO **AUTHORIZE THE CITY MANAGER TO EXECUTE AN INDEPENDENT CONTRACTOR AGREEMENT BETWEEN THE CITY OF SARATOGA AND CALLANDER ASSOCIATES LANDSCAPE ARCHITECTURE, INC. FOR PROFESSIONAL DESIGN SERVICES IN THE AMOUNT OF \$28,098 AND AN ADDITIONAL ALLOCATION IN THE AMOUNT OF \$2,500 FOR SUBSURFACE INVESTIGATION.** MOTION PASSED 5-0.

NEW BUSINESS

13. DESIGNATION OF VOTING DELEGATE FOR LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE

STAFF RECOMMENDATION:

Designate a voting delegate and alternate for the League's Annual Conference.

WALTONSMITH/KING MOVED TO **APPOINT CHUCK PAGE AS VOTING DELEGATE AND JILL HUNTER AND DAVE ANDERSON AS THE ALTERNATES.** MOTION PASSED 5-0.

ADHOC & AGENCY ASSIGNMENT REPORTS

Mayor Kao reported the following information:

Hakone Foundation – event at Phil Boyce's house on September 15th to celebrate the 83rd anniversary of Madame Butterfly.

West Valley Mayors and Managers Association – discussed the proposed expansion of the Hanson Permanente Cement quarry.

Vice Mayor WaltonSmith reported the following information:

Hakone Foundation – recently held a special meeting for team building.

Councilmember Page reported the following information:

West Valley Solid Waste Joint Powers Association – noted that the next Board meeting would be held on September 21, 2007 at 5:00 pm at the Town of Los Gatos City Council Chambers.

Councilmember King reported the following information:

Peninsula Division, League of California Cities – annual dinner on Thursday, August 2, 2007.

Valley Transportation Authority PAC – filling in for Councilmember Sandoval at the Board meeting. Important item for discussion is SB 286.

City School AdHoc – new schedule at West Valley College for field use.

Councilmember Hunter reported the following information:

Santa Clara County Valley Water Commission – reported that the Board has been discussing potential water conversation efforts with in the next year.

CITY COUNCIL ITEMS

Councilmember King requested a status report on the City's efforts of establishing a household battery drop off site at City Hall.

City Manager Anderson noted that he would include her request in the weekly newsletter.

Councilmember King requested that City staff provide the URL for the Planning Commission's discussion regarding the St. Archangel Michael Church.

Vice Mayor Waltonsmith requested that the City Attorney provide the Council and staff with Brown Act and Public Records Act training in the near future.

City Attorney Taylor responded that he would work with City Manager Anderson to schedule training for City Council and staff.

Referring to an article she saw in the *San Jose Mercury News*, Vice Mayor Waltonsmith asked if the City would be willing to discontinue buying bottled water. Vice Mayor Waltonsmith suggested using carafes of water at the dais instead of bottles.

City Councilmembers agreed to use carafes instead of bottled water.

OTHER

None

CITY MANAGER'S REPORT

City Manager Anderson noted that he would be on vacation from August 4-19, 2007 and Assistant City Manager Powell would be acting City Manager.

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,

Ann Sullivan, CMC
Acting City Clerk