

MINUTES

SARATOGA CITY COUNCIL

OCTOBER 3, 2007

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

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 Waltonsmyth, Mayor Aileen Kao

ABSENT: None

ALSO Barbara Powell, Assistant 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, Recreation Director

REPORT OF CITY CLERK ON POSTING OF AGENDA FOR OCTOBER 3, 2007

Cathleen Boyer, City Clerk, reported that pursuant to Government Code Section 54954.2, the agenda for the meeting of October 3, 2007, was properly posted on September 28, 2007.

ORAL COMMUNICATIONS

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

John Vanderlind stated that he has lived on Merrybrook Drive in Saratoga since 1974. Mr. Vanderlind stated that he recently heard that Caltrans has been dumping dead animals into an area that feeds into the Saratoga Creek.

COUNCIL DIRECTION TO STAFF

Barbara Powell, Assistant City Manager, explained that she recently met with various agency representatives at the site of the dumping. Assistant City Manager Powell noted that Caltrans intent to clean up all the animals that were dumped in the ravine and perform erosion control. Assistant City Manager Powell stated that new information has been released; the ravine feeds into a tributary that leads to Stevens Creek rather than Saratoga Creek. Assistant City Manager Powell noted that all mitigation would be completed prior to October 15th.

COMMUNICATIONS FROM BOARDS AND COMMISSIONS

Bob Sain noted that he is the Executive Director of Montalvo Arts. Mr. Sain highlighted Montalvo Arts mission and future plans. Mr. Sain stated that they would soon host visiting artists from Iraq. Mr. Sain also noted that Montalvo was listed on the National Register of historic places. Mr. Sain noted the Montalvo would be hosting a free lunch on October 10th to educate people about their programs and future plans.

COUNCIL DIRECTION TO STAFF

None

ANNOUNCEMENTS

Vice Mayor Waltonsmith stated that if anyone wanted to nominate someone to receive an Asian Hero Award to contact Cathleen Boyer, City Clerk.

Councilmember Page announced that the Town of Los Gatos would be hosting a Town Hall meeting on October 19, 2007 featuring Senator Abel Maldonado.

CEREMONIAL ITEMS

1. **PROCLAMATION DECLARING THE WEEK OF OCTOBER 14-20, 2007 AS “TEEN READ WEEK”**

STAFF RECOMMENDATION:

Present proclamation.

Mayor Kao read the proclamation and presented it to Judy Wipking and Saratoga Library teen volunteers.

2. **APPOINTMENT OF HERITAGE PRESERVATION AND TRAFFIC SAFETY COMMISSIONERS AND OATH OF OFFICE**

STAFF RECOMMENDATION:

Adopt the attached resolution appointing one member to the Heritage Preservation Commission and one member to the Traffic Safety Commission and direct the City Clerk to administer the Oath of Office.

RESOLUTION: 07-064

WALTONSMITH/PAGE MOVED TO **ADOPT RESOLUTION APPOINTING HONG TAI TO THE HERITAGE PRESERVATION COMMISSION AND NANCY KIRK TO THE TRAFFIC SAFETY COMMISSION.** MOTION PASSED 5-0.

SPECIAL PRESENTATIONS

None

CONSENT CALENDAR

3. REVIEW OF ACCOUNTS PAYABLE CHECK REGISTERS

STAFF RECOMMENDATION:

Accept the Accounts Payable Check Registers for the following payment cycles:
September 12 and 19, 2007

WALTONSMITH/PAGE MOVED TO **ACCEPT THE ACCOUNTS PAYABLE CHECK REGISTERS FOR THE FOLLOWING PAYMENT CYCLES: SEPTEMBER 12 AND 19, 2007.** MOTION PASSED 5-0.

4. TREASURER'S REPORT

STAFF RECOMMENDATION:

Accept the monthly Treasurer's Report

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

5. ESTABLISHING A TIME AND PLACE FOR REGULAR MEETING FOR THE CITY COUNCIL FINANCE STANDING COMMITTEE

STAFF RECOMMENDATION:

Adopt the attached resolution establishing the time and place for regular meeting for the City Council Standing Finance Committee.

RESOLUTION: 07-063

WALTONSMITH/PAGE MOVED TO **ADOPT THE ATTACHED RESOLUTION ESTABLISHING THE TIME AND PLACE FOR REGULAR MEETING FOR THE CITY COUNCIL STANDING FINANCE COMMITTEE.** MOTION PASSED 5-0.

6. SIDE LETTER OF AGREEMENT BETWEEN THE SARATOGA EMPLOYEES ASSOCIATION AND THE CITY OF SARATOGA ADOPTING A NEW GRIEVANCE PROCEDURE

STAFF RECOMMENDATION:

Adopt the resolution approving the Side Letter of Agreement between the Saratoga Employees Association (SEA) and the City of Saratoga Adopting a New Grievance Procedure

RESOLUTION: 07-069

WALTONSMITH/PAGE MOVED TO **ADOPT THE RESOLUTION APPROVING THE SIDE LETTER OF AGREEMENT BETWEEN THE SARATOGA EMPLOYEES ASSOCIATION (SEA) AND THE CITY OF SARATOGA ADOPTING A NEW GRIEVANCE PROCEDURE.** MOTION PASSED 5-0.

7. **ADOPTION OF THE NEWSRACK ORDINANCE**

STAFF RECOMMENDATION:

Waive the second reading and adopt the Newsrack Ordinance.

ORDINANCE: 254

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

Councilmember King pointed out that when reviewing the ordinance she did not read any section discussing the fact that the ordinance would not take effect until the polices and fees were set.

City Attorney Taylor responded that the clause was on page 59 under section 10-40.130 - Compliance Period.

KING/PAGE MOVED TO **ADOPT NEWSRACK ORDINANCE.** MOTION PASSED 5-0.

8. **2006 PAVEMENT MANAGEMENT PROGRAM--NOTICE OF COMPLETION**

STAFF RECOMMENDATION:

Accept the 2006 Pavement Management Program as complete.

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

Councilmember King asked Director Cherbone how much money has the City received in grants for this project.

Director Cherbone responded that the City has received approximately \$2 million this year in grants.

KING/WALTONSMITH MOVED TO **ACCEPT THE 2006 PAVEMENT MANAGEMENT PROGRAM NOTICE OF COMPLETION.** MOTION PASSED 5-0.

9. **OAK PLACE & HIGHWAY 9 PEDESTRIAN SAFETY IMPROVEMENTS PROJECT--NOTICE OF COMPLETION**

STAFF RECOMMENDATION:

Accept the Oak Place & Highway 9 Pedestrian Safety Improvements Project as complete.

WALTONSMITH/PAGE MOVED TO **ACCEPT THE OAK PLACE & HIGHWAY 9 PEDESTRIAN SAFETY IMPROVEMENTS PROJECT NOTICE OF COMPLETION.** MOTION PASSED 5-0.

**10. COMMUNITY DESIGN AND TRANSPORTATION (CDT) PROGRAM
CYCLE FY 08/09 APPLICATION FOR SARATOGA VILLAGE
PEDESTRIAN ENHANCEMENT PROJECT**

STAFF RECOMMENDATION:

Adopt resolution supporting the Community Design and Transportation (CDT) Program FY 08/09 Application for the Saratoga Village Pedestrian Enhancement Project.

RESOLUTION: 07-065

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

Councilmember Page asked if it was the same contractor that has been dumping off Saratoga-Sunnyvale Road.

Director Cherbone responded no.

PAGE/WALTONSMITH MOVED TO **ADOPT RESOLUTION SUPPORTING THE COMMUNITY DESIGN AND TRANSPORTATION (CDT) PROGRAM FY 08/09 APPLICATION FOR THE SARATOGA VILLAGE PEDESTRIAN ENHANCEMENT PROJECT.** MOTION PASSED 5-0.

**11. SARATOGA-SUNNYVALE ROAD REHABILITATION & OVERLAY
PHASE 2 PROJECT (FEDERAL PROJECT STPL-5332-010) – AWARD OF
CONSTRUCTION CONTRACT**

STAFF RECOMMENDATION:

1. Declare G. Bortolotto & Co., Inc. of San Carlos to be the lowest responsible bidder on the project.
2. Award a construction contract to G. Bortolotto & Co., Inc. in the amount of \$555,480.
3. Authorize staff to execute change orders to the contract up to \$44,520.

WALTONSMITH/PAGE MOVED TO **DECLARE G. BORTOLOTTO & CO., INC. OF SAN CARLOS TO BE THE LOWEST RESPONSIBLE BIDDER ON THE PROJECT; AWARD A CONSTRUCTION CONTRACT TO G. BORTOLOTTO & CO., INC. IN THE AMOUNT OF \$555,480; AUTHORIZE STAFF TO EXECUTE CHANGE ORDERS TO THE CONTRACT UP TO \$44,520.** MOTION PASSED 5-0.

**12. WITHDRAWAL OF NOTICE OF NONRENEWAL OF LAND
CONSERVATION CONTRACT**

STAFF RECOMMENDATION:

1. Withdraw the Notice of Nonrenewal of Land Conservation Contract.
2. Authorize the City Clerk to record attached Resolution Withdrawing the Notice of Nonrenewal of Land Conservation Contract.

RESOLUTION: 07-062

City Attorney Taylor requested that this item be removed from the Consent Calendar.

City Attorney Taylor noted that the resolution was revised to amend the description of the property.

WALTONSMITH/KING MOVED TO **ADOPT AMENDED RESOLUTION TO WITHDRAW THE NOTICE OF NONRENEWAL OF LAND CONSERVATION CONTRACT; AUTHORIZE THE CITY CLERK TO RECORD ATTACHED RESOLUTION WITHDRAWING THE NOTICE OF NONRENEWAL OF LAND CONSERVATION CONTRACT.** MOTION PASSED 5-0.

PUBLIC HEARINGS

13. APPROVAL OF THE SARATOGA DE ANZA TRAIL CONCEPTUAL PLAN, MITIGATED NEGATIVE DECLARATION, TRAIL NAME, AND PLAN IMPLEMENTATION

STAFF RECOMMENDATION:

Adopt a resolution approving the Saratoga de Anza Trail Conceptual Plan, mitigated negative declaration, trail name, and plan implementation.

RESOLUTION: 07-066

Mayor Kao recused herself because she lives within 500 feet of the project. Mayor Kao stepped down from the dais and left the Council Chambers.

Richard Taylor, City Attorney, presented staff report.

Vice Mayor Waltonsmith opened the Public Hearing and invited public comments.

The following people requested to speak on this item:

Don Shipman thanked the Council for trying to make Saratoga safe for cyclists.

Bob Wallace noted that he supported the proposed trail.

Denise Goldberg noted that she supported the proposed trail.

Martha Hayden stated that the trail should be left undeveloped.

Sarah O'Hearn stated that the neighbors were not kept informed of the project until they complained to the City. Ms. O'Hearn stated that she feels the trail should be left as is. Ms. O'Hearn noted that she does not support any trees being removed.

Rita Witmer stated that she does not support the proposed trail. Ms. Witmer pointed out that she felt that the letter the City sent out in regards to tonight's meeting was very ambiguous.

Jim Stallman noted that he supported the proposed trail.

Gary Brandenburg noted that he represented 150 homeowners in the Greenbriar Home Owners Association. Mr. Brandenburg stated that the Association has taken polls and the majority of homeowners support the trail.

Lori McPherson stated that the trail would run along the back of her house. Ms. McPherson stated that she feels it is a ridiculous proposal and will bring down the value of her house. Ms. McPherson noted that she is against the project.

Vice Mayor Waltonsmith closed the Public Hearing.

KING/HUNTER MOVED TO ADOPT A RESOLUTION APPROVING THE SARATOGA DE ANZA TRAIL CONCEPTUAL PLAN, MITIGATED NEGATIVE DECLARATION AND APPROVE TRAIL NAME AS JOE'S TRAIL AT SARATOGA DE ANZA, AND PLAN IMPLEMENTATION.
MOTION PASSED 3-1 WITH PAGE OPPOSING.

14. CAPITAL IMPROVEMENT PLAN (CIP)

STAFF RECOMMENDATION:

1. Review CIP project priorities reflecting Council direction from the CIP Study Session held on September 5th and provide direction to staff.
2. Open the Public Hearing for the F.Y. 07/08 CIP Update.
3. Continue Public Hearing to the November 7, 2007, City Council Meeting to allow review by the Planning Commission for general plan conformance and environmental approvals.

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.

Consensus of the City Council to allocate \$22,000 from the Hakone Gardens Project, to the North Campus Recreation Facility Matching Fund Program. The allocation will provide the matching program with \$40,000.

PAGE/WALTONSMITH MOVED TO CONTINUE THE CIP PUBLIC HEARING TO NOVEMBER 7, 2007. MOTION PASSED 5-0.

OLD BUSINESS

15. COUNCIL DISCUSSION REGARDING WEST VALLEY SOLID WASTE MANAGEMENT AUTHORITY BOARD CONSIDERATION OF HARD-TO-SERVE RATES EFFECTIVE JULY 1, 2008

STAFF RECOMMENDATION:

Council Discussion Regarding West Valley Solid Waste Management Authority Board Consideration of Hard-To-Serve Rates Effective July 1, 2008 and provide feedback to the City's Authority representative.

Councilmember Page presented a brief overview and history of the hard-to-serve issues. Councilmember Page requested input in regards to eliminating the hard-to-serve rate that applies to some residents in the City of Saratoga.

Don Schwartz noted that he attended the last JPA Board meeting. Mr. Schwartz stated that he feels there should not be a hard-to-serve classification.

Bob Wallace noted that he was never informed that he would be classified hard-to-serve until he received his first bill. Mr. Wallace noted that Green Valley never had a problem with his street.

Vice Mayor Waltonsmith, Councilmember King and Councilmember Hunter all supported the elimination of the hard-to-serve rate and allowing an increase across the board.

Mayor Kao noted that she could not support eliminating the hard-to-serve rate because there are different levels of service and those residents should pay for it.

Councilmember Page thanked his colleagues and noted that he would take their comments back to the JPA Board at the November 1, 2007 meeting.

NEW BUSINESS

None

ADHOC & AGENCY ASSIGNMENT REPORTS

Mayor Kao reported the following information:

Hakone Foundation – on September 21, 2007 a model of a Japanese teahouse was presented to help inspire brainstorming. Received a donation of \$47,000 from a Japanese Corporation.

West Valley Mayors and Managers Association – shared emergency preparedness ideas.

Vice Mayor Waltonsmith reported the following information:

SASCC – passed their annual budget.

Councilmember Page reported the following information:

Friends of the Saratoga Libraries AdHoc – met on October 2, 2007 and discussed their lease agreement and how to create a sinking fund.

Councilmember King reported the following information:

County Cities Association Legislative Task Force – attended the “First Act” presentation. Would like to discuss how to incorporate some of the ideas into the Village.

City School AdHoc – Prospect High School has asked the City for help in designing their new fields. AdHoc also met with Saratoga Little League and Saratoga Pony.

Councilmember Hunter reported the following information:

Historic Foundation – held a BBQ at the Museum and approximately 90 people attended.

Village AdHoc – received a donation of \$4,500 from the Saratoga-Monte Sereno Community Foundation for holiday banners in the Village.

CITY COUNCIL ITEMS

Councilmember King requested a presentation from the County of Santa Clara in regards to their proposed trail from Guadalupe/237 to Saratoga.

Mayor Kao concurred with Councilmember King's request.

Councilmember Hunter requested that the Village Holiday banners be agendized for approval at the October 17, 2007 City Council meeting.

Mayor Kao concurred with Councilmember Hunter's request.

OTHER

None

CITY MANAGER'S REPORT

None

ADJOURNMENT

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

There being no further business Mayor Kao adjourned the regular meeting at 9:45 p.m.

Respectfully submitted,

Cathleen Boyer, CMC
City Clerk