

MINUTES

SARATOGA CITY COUNCIL

OCTOBER 17, 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 Legal Counsel - Significant Exposure to Litigation (54956.9(b) - 1 case

Conference With Legal Counsel - Existing Litigation (1 case) (Government Code section 54956.9(a)):

Giberson v. City of Saratoga, Santa Clara County Superior Court Case No. 1-06-CV-072297

Conference With Legal Counsel - Existing Litigation (1 case) (Government Code section 54956.9(a)):

Giberson v. City of Saratoga, Santa Clara County Superior Court Case No. 1-06-CV-076883.

The City Council held a Joint meeting at 6:00 p.m. with the Los Gatos - Saratoga Union High School District 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
John Cherbone, Public Works Director
Michael Taylor, Recreation Director

REPORT OF CITY CLERK ON POSTING OF AGENDA FOR OCTOBER 17, 2007

Cathleen Boyer, City Clerk, reported that pursuant to Government Code Section 54954.2, the agenda for the meeting of October 17, 2007, was properly posted on October 12, 2007.

ORAL COMMUNICATIONS

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

Renee Davis noted that she lived at 14466 Sobey Road. Mrs. Davis stated that the creek bed that runs through the lot next-door (14478 Sobey Road) to her property is full of growth and debris. Mrs. Davis explained that when it rains the water cannot flow freely through the creek bed, frequently floods their property or pools of water form around her property, and become stagnant. Mrs. Davis stated that she has contacted the City and finally received a letter from Jonathan Wittwer indicating that the City had no jurisdiction over the issue and it was between her and her neighbor. Mrs. Davis stated that in her opinion, after reading the City's municipal code, the City could take action.

Bill Ford suggested using a portion of the money that has been allocated towards the Kevin Moran Park Improvement Project to help renovate the North Campus.

Peter Villarreal stated the he represented the Mid-Peninsula Housing Coalition. Mr. Villarreal spoke in regards to two affordable housing projects located in the City of Campbell, The Palms and Sharmon Palms. Mr. Villarreal stated that Mid-Peninsula would like the City to negotiate and agree to:

1. Restructure the existing terms of the City's promissory notes for Sharmon Palms and The Palms
2. Partner with the City to maintain safe, affordable rental housing in the West Valley region
3. Rehabilitate Sharmon Palms and The Palms to meet Mid-Peninsula standards in continuing their mission statement.

Citizen Ray mentioned a dead tree on Fruitvale Avenue and the ongoing issue in the Town of Los Gatos regarding Vasona Park.

The following people spoke on behalf of the Saratoga National Junior Basketball League:

Tom Alexander

John Schmelzer

Marc Hoffman

Lisa Hudepohl

Jacqueline Hudepohl

Doug Robertson

Elaine Clabeaux requested that the City reinstate the Parks and Recreation Commission.

Denise Goldberg pointed out ten reasons why the Council should reinstate the Parks and Recreation Commission.

Sujatha Bodapati requested that the City Council develop a vision or a plan on how the North Campus should be used. Ms. Bodapati also suggested that the Council form a task force in order to received input from the citizens of Saratoga.

COUNCIL DIRECTION TO STAFF

In regards to Mrs. Davis comments, Vice Mayor Waltonsmith requested additional information about the situation.

Councilmember Page requested that the Mid Peninsula Housing Coalition be addressed in the weekly newsletter.

Councilmember King stated that she would rather see it on a Council meeting agenda.

Councilmember Page concurred with Councilmember King's request.

Councilmember King requested that the City Manager meet with Mrs. Davis.

Consensus of the Council to direct City Manager Anderson to meet with Mrs. Davis.

COMMUNICATIONS FROM BOARDS AND COMMISSIONS

Cary Matsuoka stated that he was the Superintendent of the Los Gatos - Saratoga Union High School District. Superintendent Matsuoka noted that the Board has started to participate in Project Cornerstone and trying hard to find more ways to involve the students in the community.

Cynthia Chang stated that she was the current President of the Los Gatos - Saratoga Union High School District. Mrs. Chang requested that the City post school events on the City's website.

ANNOUNCEMENTS

Councilmember Hunter announced the following events:

Grand Opening ceremony of the McWilliams House - October 20, 2007

Witchi-Walk-About - October 27th from 2-4 p.m.

Councilmember Page announced that WVC&R will begin the City's annual clean up on November 5th and will finish on February 29, 2008. Councilmember Page noted that residents would receive a notice from WVC&R approximately two weeks prior to the scheduled pick up date.

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

None

SPECIAL PRESENTATIONS

None

CONSENT CALENDAR

1. CITY COUNCIL MINUTES

STAFF RECOMMENDATION:

Approve minutes.

PAGE/WALTONSMITH MOVED TO **APPROVE COUNCIL MINUTES FROM SEPTEMBER 5, 2007.** MOTION PASSED 5-0.

2. REVIEW OF ACCOUNTS PAYABLE CHECK REGISTERS

STAFF RECOMMENDATION:

Accept the Check Registers for the following Accounts Payable payment cycles: September 27, 2007, October 3, 2007.

PAGE/WALTONSMITH MOVED TO **ACCEPT THE CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: SEPTEMBER 27, 2007, OCTOBER 3, 2007.** MOTION PASSED 5-0.

2. APPROVING APPLICATION FOR CALIFORNIA RIVER PARKWAYS GRANT PROGRAM – PROPOSITION 50

STAFF RECOMMENDATION:

Approve Resolution Supporting California River Parkways Grant Application.

RESOLUTION: 07-068

PAGE/WALTONSMITH MOVED TO **ADOPT RESOLUTION SUPPORTING CALIFORNIA RIVER PARKWAYS GRANT APPLICATION.** MOTION PASSED 5-0.

PUBLIC HEARINGS

None

OLD BUSINESS

3. OPTIONS TO REGULATE TRESPASSING ON OPEN SPACE EASEMENTS

STAFF RECOMMENDATION:

Review report regarding options to regulate trespassing on open space easements and provide direction to staff.

Richard Taylor, City Attorney, presented staff report.

Consensus of the City Council to direct City Attorney to draft an ordinance to impound bicycles on the second offense and direct the Sheriff's Office to continue to patrol the area.

NEW BUSINESS

4. CHAMBER OF COMMERCE CELEBRATE SARATOGA 2007

STAFF RECOMMENDATION:

Accept report and provide direction to staff.

Michael Taylor, Recreation Director, presented staff report.

The following people requested to speak on this item:

Vance Nelson noted that he was the Vice President of the Saratoga Chamber of Commerce. Mr. Nelson stated that the Chamber needs to find other ways to raise funds or cut services. Mr. Nelson noted that the Chamber would like to find another event for next year that would benefit everyone.

J.R. Ellis noted that he was on the Chamber Board. Mr. Ellis stated that even though there were a few negative comments, thousands of other people enjoyed the event. Mr. Ellis stated that he feels Celebrate was a success. Mr. Ellis stated that there were some teens drinking, but according to Captain Calderone teen drinking is a nation wide problem.

Councilmember Page noted that the Chamber realizes that it's time for a change.

Councilmember King noted that the City is not big enough to make Celebrate safe for teens. Councilmember King noted that she always felt if a major accident happened at Celebrate it would be time for a change.

Councilmember Hunter noted that Celebrate has gotten out of control. Councilmember Hunter urged the Chamber to sponsor a daytime event so the merchants could stay open.

Vice Mayor Waltonsmith encouraged the Chamber to think outside the box. Vice Mayor Waltonsmith stated that she would like to see an event where the merchants could stay open.

Mayor Kao suggested that the Board look at new ways to celebrate Saratoga.

Mayor Kao thanked Director Taylor for his report.

5. REVIEW OF CITY COUNCIL POLICY CONCERNING CONTINUANCES OF APPEAL HEARINGS

STAFF RECOMMENDATION:

Review the City Council Policy Concerning Continuances of Appeal Hearings and provide direction to staff concerning any proposed revisions.

Richard Taylor, City Attorney, presented staff report.

Consensus to the City Council to direct staff to draft a revised continuance hearing policy to include a deadline of no later than 14 days prior to the date set for hearing to ask for a continuance by either the appellant or applicant.

6. APPOINTMENT TO THE COMPREHENSIVE COUNTY EXPRESSWAY PLANNING STUDY POLICY ADVISORY BOARD (PAB)

STAFF RECOMMENDATION:

Appoint one member and an alternate member to the Policy Advisory Board (PAB) for the Comprehensive County Expressway Planning Study.

Cathleen Boyer, City Clerk, presented staff report.

Consensus of the City Council to appoint Vice Mayor Waltonsmith as the City’s representative to the PAB and Mayor Kao as the alternative.

ADHOC & AGENCY ASSIGNMENT REPORTS

Mayor Kao reported the following information:

West Valley Mayors and Managers Association – met with Mike Honda and discussed funding for Highway 9, emergency preparedness, and “green” polices.

Vice Mayor Waltonsmith reported the following information:

Hakone Foundation – looking for dates to hold first design meeting for teahouse.

KSAR – investigating other television stations in order to look for ways to merge to retain current service levels.

Councilmember Page had no reportable information.

Councilmember King reported the following information:

Santa Clara County Cities Association – presentation on Healthy Aging.

Valley Transportation Authority PAC – discussed membership for next year. Dolly Sandoval of Cupertino may be nominated to serve as Vice Chair.

City School AdHoc – recent discussion regarding Pop Warner and their use of their PA system.

Councilmember Hunter reported the following information:

Historic Foundation – moving ahead with their education program and need new members.

CITY COUNCIL ITEMS

Councilmember Page noted that a member of the SASCC Board asked him how the Brown Act applies to them. Councilmember Page requested that City staff provide the Board with information.

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 10:05 p.m.

Respectfully submitted,

Ann Sullivan, CMC
Acting City Clerk