

MINUTES

SARATOGA CITY COUNCIL

NOVEMBER 7, 2007

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

ANNOUNCEMENT OF CLOSED SESSION ITEMS

Conference with Legal Counsel – Threatened Litigation: Significant exposure to litigation pursuant to Government Code section 54956.9(b): (2 potential cases)

The City Council held a Joint meeting at 6:15 p.m. with the Heritage Preservation Commission in the Administrative Conference Room.

The City Council discussed the orchard maintenance contract and unanimously agreed that the new contract must contain a section clearly defining a community educational program, which would be held in the Heritage Orchard.

The Commission presented the Council a proposal of a sign, which would define and recognize the Heritage Orchard. The Commission explained that the sign would be located in conjunction with the existing Saratoga Library sign located on the corner of Saratoga and Fruitvale Avenue.

City Council directed the Heritage Preservation Commission to present the sign proposal to the Library Commission.

Mayor Kao thanked the Commission for their presentation.

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, Recreation Director
Kate Bear, City Arborist

REPORT OF CITY CLERK ON POSTING OF AGENDA FOR NOVEMBER 7, 2007

Cathleen Boyer, City Clerk, reported that pursuant to Government Code Section 54954.2, the agenda for the meeting of November 7, 2007, was properly posted on November 1, 2007.

ORAL COMMUNICATIONS

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

Citizen Ray informed the Council about the skateboard park initiative in the Town of Los Gatos. Citizen Ray also stated that the citizens might try to get another initiative qualified to get soccer fields at Vasona Park.

Bill Breck noted that he lived in a historic house along Highway 9. Mr. Breck expressed his concern about the widening of Highway 9 in order to make the bike path on the other side wider. Mr. Breck requested that staff look into the proposed width of the path.

Chris Kachulis requested that the Council appropriate funds towards the Ombudsman Program.

Kathleen Casey Cokely stated that the calendar on the city's website is not accurate. Ms. Cokely requested that all adhoc committees meeting be listed on the web.

Janice Gamper requested that the Council support a bike helmet day. Ms. Gamper expressed her disappointment in the Council for not finding funds for her project.

Paul Hernandez applauded the City's efforts in going green and requested that the packet be posted on the internet.

Cameron Colson noted that he is a member of the Green Leaf Committee. Mr. Colson noted that he hopes that the City will begin the greening process about the use of chemicals and zero waste options. Mr. Colson announced the next Green Leaf Committee meeting would be held on November 29th at the Town of Los Gatos City Hall. Mr. Colson noted the Green Leaf Committee website is www.westvalleygreenleaf.com.

COUNCIL DIRECTION TO STAFF

In response to Ms. Gamper's comments, Vice Mayor Walton Smith noted that the Sheriff's Office stated that they would see what they could do to find some funding for a helmet program.

Councilmember King requested information from the Sheriff's Office in regards to children riding bicycles without helmets.

In response to Councilmember King's request, Councilmember Hunter suggested contacting the various school districts.

Vice Mayor Waltonsmith suggested that the City/School Adhoc Committee inquire about this issue.

Dave Anderson, City Manager, noted that he would be meeting with Lane Weiss and would discuss this issue with him.

In response to Mr. Hernandez's comments, Councilmember Page noted that the packets are posted on the City's website.

In response to Ms. Cokley's comments, City Manager Anderson stated that the City is considering doing a separate calendar of events in addition to the City's calendar.

In response to Mr. Kachulis request, Recreation Director Taylor stated that he would follow up with him.

COMMUNICATIONS FROM BOARDS AND COMMISSIONS

Steve Kellond noted that he was the Vice Chair of the Heritage Preservation Commission. Vice Chair Kellond stated that the Commission met with the Council prior to the meeting and discussed the orchard contract and the proposed Heritage Orchard sign project.

ANNOUNCEMENTS

Vice Mayor Waltonsmith announced that the next Green Leaf meeting would be held on November 29, 2007.

Councilmember Page announced that the annual clean up program began in Saratoga. Councilmember Page pointed out that residents would be receiving a notice approximately two weeks prior to their scheduled pick up date.

Councilmember King stated that if you shop in the Village this week the merchants would donate a percentage of sales to the Saratoga Education Foundation.

Councilmember Hunter announced that 11 Village business owners would be receiving the "Golden Broom Award".

Barbra Powell, Assistant City Manager, introduced the City's new Administrative Analyst II, Crystal Morrow.

CEREMONIAL ITEMS

None

SPECIAL PRESENTATIONS

None

CONSENT CALENDAR

1. CITY COUNCIL MINUTES

STAFF RECOMMENDATION:

Approve City Council Minutes of October 3, 2007.

WALTONSMITH/PAGE MOVED TO APPROVE CITY COUNCIL MINUTES OF OCTOBER 3, 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: October 10, 2007, October 17, 2007, October 24, 2007.

Kathleen Casey Cokley requested that this item be removed from the Consent Calendar.

Ms. Cokley stated that the check register takes a long time to print at the Saratoga Library.

WALTONSMITH/KING MOVED TO ACCEPT THE CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: OCTOBER 10, 2007, OCTOBER 17, 2007, OCTOBER 24, 2007. MOTION PASSED 5-0.

3. BUSINESS LICENSE TAX COMPLIANCE PROGRAM AGREEMENT

STAFF RECOMMENDATION:

Authorize the City Manager to execute a three-year agreement with MuniServices LLC to provide Tax Compliance Program services.

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

Councilmember King stated that she was not clear on who would do the collecting.

Mary Furey, Administrative Services Director, explained that the contractor would provide the collection.

Referring to page 2, Mayor Kao asked if compliance would only apply to one year.

Director Furey explained that one year was recommended by the Council Finance Committee.

Councilmember Page stated that he was on the Council Finance Committee. Councilmember Page noted that the Committee recommended obtaining the current year tax and future revenue.

PAGE/KING MOVED TO **AUTHORIZE THE CITY MANAGER TO EXECUTE A THREE-YEAR AGREEMENT WITH MUNISERVICES LLC TO PROVIDE TAX COMPLIANCE PROGRAM SERVICES WITH THE OBJECTIVE OF INCLUDING CURRENT AND FUTURE YEAR DATA COLLECTION ONLY.** MOTION PASSED 5-0.

4. **FY 2007-2008 CDBG COUNTY/CITY CONTRACT**

STAFF RECOMMENDATION:

Adopt a Resolution authorizing the City Manager to execute a \$328,710.77 contract with Santa Clara County for the FY 2007-2008 CDBG Program.

RESOLUTION: 07- 073

WALTONSMITH/PAGE MOVED TO **ADOPT A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A \$328,710.77 CONTRACT WITH SANTA CLARA COUNTY FOR THE FY 2007-2008 CDBG PROGRAM.** MOTION PASSED 5-0.

5. **STATUS REPORT ON REINSTATEMENT OF PARKS & RECREATION COMMISSION**

STAFF RECOMMENDATION:

Accept report and direct staff accordingly.

Councilmember Hunter requested that his item be removed from the Consent Calendar.

Councilmember Hunter expressed her desire to have seven members instead of five members on the Parks and Recreation Commission.

Assistant City Manager Powell explained that at the Council Retreat, Council voted to have five members on the Commission.

Kathleen Casey Cokley stated that she recommended that the Commission have seven members so each park would be represented.

KING/WALTONSMITH MOVED TO **ACCEPT REPORT AND DIRECT STAFF TO MOVE FORWARD WITH NEXT STEPS LISTED IN STAFF REPORT.** MOTION PASSED 5-0.

6. **CONSIDERATION OF ESTABLISHMENT OF COUNCIL AD HOC TO RECOMMEND POLICIES CONCERNING NAMING OF CITY-OWNED FACILITIES**

STAFF RECOMMENDATION:

Review report and direct staff accordingly

Kathleen Casey Cokley requested that this item be removed from the Consent Calendar.

Ms. Cokley stated that she does not support naming facilities after people who volunteered.

KING/WALTONSMITH MOVED TO APPOINT VICE MAYOR WALTONSMITH AND COUNCILMEMBER KING TO THE ADHOC TO RECOMMEND POLICIES CONCERNING NAMING OF CITY-OWNED FACILITIES. Motion passed 5-0.

7. CONSIDERATION OF ENDORSEMENT FOR U.S. MAYORS CLIMATE PROTECTION AGREEMENT

STAFF RECOMMENDATION:

Accept report and direct staff accordingly.

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

Vice Mayor Waltonsmith expressed her support for this agreement.

Eve Matelan noted that she was a member of the Green Leaf Committee and stated that she fully supported this agreement.

Kathleen Casey Cokley stated that the City should provide housing to employees who commute.

WALTONSMITH/KING MOVED TO DIRECT THE MAYOR TO SIGN THE ENDORSEMENT FOR U.S. MAYORS CLIMATE PROTECTION AGREEMENT. MOTION PASSED 5-0.

8. RENEWAL OF COMMUNICATIONS SITE LEASE AGREEMENT WITH STC FIVE LLC, BY GLOBAL SIGNAL ACQUISITIONS II LLC (SPRINT SPECTRUM L.P.)

STAFF RECOMMENDATION:

Accept report and adopt the resolution approving the Communications Site Lease Agreement with STC Five LLC by Global Signal Acquisitions II LLC, at Congress Springs Park.

RESOLUTION: 07-071

Kathleen Casey Cokley requested that this item be removed from the Consent Calendar.

Ms. Cokley requested a map of all cell towers/antennas located throughout the City.

WALTONSMITH/PAGE MOVED TO ADOPT THE RESOLUTION APPROVING THE COMMUNICATIONS SITE LEASE AGREEMENT WITH STC FIVE LLC BY GLOBAL SIGNAL ACQUISITIONS II LLC, AT CONGRESS SPRINGS PARK. MOTION PASSED 5-0.

9. **RENEWAL OF LEASE AGREEMENT WITH FRIENDS OF SARATOGA LIBRARIES FOR USE OF THE BOOK-GO-ROUND BUILDING**

STAFF RECOMMENDATION:

Adopt a resolution authorizing the City Manager to enter into a lease agreement with the Friends of the Saratoga Libraries for use of the Book-Go-Round Building.

RESOLUTION: 07-072

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

Councilmember King stated that she felt that this contract should contain a sufficient sinking fund for future repairs.

Council discussion in regards to Councilmember King's concerns.

Kathleen Casey Cokley stated that other groups should be allowed to use the building and suggested incorporating it into the Historic Park.

PAGE/ MOVED TO **ADOPT RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT WITH THE FRIENDS OF THE SARATOGA LIBRARIES FOR USE OF THE BOOK-GO-ROUND BUILDING.** MOTION PASSED 3-2 WITH KAO AND KING OPPOSING.

PUBLIC HEARINGS

10. **APPEAL OF VARIANCE AND DESIGN REVIEW APPLICATION NO. 07-233: 20640 THIRD STREET, WHICH WAS APPROVED BY THE PLANNING COMMISSION ALLOWING CONSTRUCTION OF A NEW 3,798 SQUARE FOOT COMMERCIAL BUILDING**

STAFF RECOMMENDATION:

Deny the appeal, thus affirming the Planning Commission Variance and Design Review Approval issued on September 26, 2007

Mayor Kao opened the public hearing and invited public comments.

Kathleen Casey Cokley noted that she opposes the project.

WALTONSMITH/PAGE MOVED TO **CONTINUE THE HEARING UNTIL NOVEMBER 20, 2007.** MOTION PASSED 5-0.

11. **CAPITAL IMPROVEMENT PLAN (CIP) F.Y. 07/08 UPDATE – PUBLIC HEARING AND ENVIRONMENTAL IMPACT ASSESSMENT**

STAFF RECOMMENDATION:

1. Receive report, conduct Public Hearing, and provide direction to staff.
2. Adopt attached Environmental Impact Assessment for new CIP projects (Attachment 2).

3. Adopt Resolution amending the Fiscal Year 07/08 Budget reflecting Council direction from the September 5th and October 3rd City Council Meetings

(Attachment 3)

4. Adopt final CIP Project list (Attachment 4).

RESOLUTION: 07-070

John Cherbone, Public Works Director, presented staff report.

Brigitte Ballingall noted that she was the Chair of the Traffic Safety Commission. Chair Ballingall stated that the City has worked extensively with the Saratoga Elementary School. Chair Ballingall suggested that the City continue to collaborate with the school for funding and social engineering in terms of looking for alternative solutions. Chair Ballingall stated that she would advocate that the priority be to make it safe to walk on Komina.

Mayor Kao opened the public hearing and invited public comments.

The following people spoke in regards to the Komina Walking Path and the Saratoga Elementary School Driveway and Sidewalk Modifications:

Sarah Okuno noted that this is her second year helping with traffic control. Ms. Okuno stated that Forest Hills Drive would not work for drop-off/pick-up for many structural reasons and additionally the neighbors do not support the use. Ms. Okuno also noted that Komina Avenue is the worst area in terms of traffic and pedestrians. Ms. Okuno suggested a pathway along Komina Avenue.

Jeff Barco noted that the neighborhood has been working on the traffic problems for the past 10-15 years. Mr. Barco noted that over the last couple of years the following have happened:

1. Eliminated the drop-off on the corner
2. Widened Oak Street 18 inches
3. Teachers and Parents volunteer for traffic control
4. Sheriff's Office agreed to provide more frequent patrols
5. Speed bump was installed on Komina

Mr. Barco noted that Ms. Okuno's suggestion in regards to a path along Komina Avenue is brilliant, but would not work because the street is too narrow. Mr. Barco suggested moving the School's chain link fence back five feet and installing a walking path.

David Lemire lives one block away from school and walks his kids to school every day. Mr. Lemire stated that a solution needs to be found the area is very dangerous. Mr. Lemire stated that more enforcement needs to be implemented. Mr. Lemire stated that although there are a lot of parent volunteers but some parents completely ignore them and do what they want.

Laura Menard stated that she also volunteers to control traffic. Ms. Menard stated that a lot of the parents are kindergarten parents who want to walk their students to school using Komina Avenue. Ms. Menard stated that she doesn't think that the chain link fence could be moved because there is HVAC equipment currently behind the fence. Ms. Menard pointed out that on Oak Street by the entrance of the parking lot there is no sidewalk on the other side of the street in front of the apartment

building. Ms. Menard noted that it's hard to control the parents when there are no sidewalks. Ms. Menard stated that she would like to see the Forest Hills Drive route developed.

Dory Albert pointed out that part of the problem between 8:10-8:20 a.m. approximately 500 cars coming into the school area along with all the other students who are walking. Ms. Albert noted that Saratoga Elementary only has one drop-off area. Ms. Albert suggested installing a "no right hand turn between 8-9 am" sign on Komina Avenue. Ms. Albert stated that she would like to see the Forest Hills Drive route developed.

Ann Veis lives on Komina Avenue and has a student at Saratoga Elementary School. Ms. Veis asked the following questions in regards to the proposed sidewalk along Komina Avenue:

- Would it effect the parking?
- How would the school traffic flow be affected?
- Would the 12 mature trees on Oak Street be preserved?
- 5ft wide path seems excessive?

Michael Oliver noted that he lives on Komina Avenue. Mr. Oliver stated that he concurred with a lot of what has already been said. Mr. Oliver stated that a more comprehensive solution needs to be looked at in regards to Aloha, Oak Street, and Komina Avenue. Mr. Oliver stated that a solution needs to be found to take the pressure of the areas that are too congested. Mr. Oliver also noted hat he agrees with the Council that more conversation needs to take place with the neighbors. Mr. Oliver stated that more notice be given to the neighbors around school when these types of issues are being discussed.

Vice Mayor Waltonsmith explained the CIP process to Mr. Oliver.

Marty Goldberg noted that the neighborhood around Blue Hills School experienced the same types of problems.

PAGE/WALTONSMITH MOVED TO ADOPT ENVIRONMENTAL IMPACT ASSESSMENT FOR NEW CIP PROJECTS; ADOPT RESOLUTION AMENDING THE FISCAL YEAR 07/08 BUDGET REFLECTING COUNCIL DIRECTION FROM THE SEPTEMBER 5TH AND OCTOBER 3RD CITY COUNCIL MEETING; ADOPT FINAL CIP PROJECT LIST. MOTION PASSED 5-0.

Councilmember Hunter noted for the record that she did not support the funding for the Kevin Moran Park Project.

Mayor Kao declared a break at 10:10 p.m.

Mayor Kao reconvened the meeting at 10:20 p.m.

OLD BUSINESS

12. NEWSRACK ENCASUREMENT DESIGN, AND FEE SCHEDULE AMENDMENT TO IMPLEMENT THE ADOPTED NEWSRACK ORDINANCE

STAFF RECOMMENDATION:

Staff recommends the Council provide direction on the following:

- Newsrack Encasement Design.
- Amendment to the Fee Schedule to support the cost of the permit program, enforcement, and maintenance of the encasements.

John Cherbone, Public Works Director, presented staff report.

Paul Hernandez suggested that the City should ask what the merchants and property owners prefer. Mr. Hernandez stated that some of the racks near the curbs are a hazard to people getting out of their cars. Mr. Hernandez stated that he supports racks against the buildings.

Kathleen Casey Cokley stated that she supported the racks in the Village.

**KING/HUNTER MOVED TO PURCHASE ONE FOUR BOX METAL RACK
AND ONE FOUR BOX WOOD RACK USING THE EXISTING FRAME AND
LET THE PEOPLE VOTE WHICH ONE THEY LIKE THE BEST. MOTION
PASSED 4-1 WITH KAO OPPOSING.**

**KING/PAGE MOVED TO ACCEPT STAFF'S RECOMMENDATION
REGARDING FEES. MOTION PASSED 5-0.**

NEW BUSINESS

13. CONTINUATION OF HEARING RE NOTICE OF INTENT TO RECORD NOTICE OF VIOLATION

STAFF RECOMMENDATION:

Staff recommends that the City Council place the Notice of Intent to Record Notice of Violation regarding a Parcel Map (Recorder's No. 18995051 - Foster) on the regular agenda and open the item for comment. After receiving comments (if any) on the item, Staff recommends that the City Council continue the item to March 5, 2008.

Richard Taylor, City Attorney, presented staff report.

**PAGE/KING MOVED TO CONTINUE THE ITEM TO MARCH 5, 2008.
MOTION PASSED 5-0.**

14. REQUIREMENTS FOR TREE PROTECTION SECURITY DEPOSIT FOR COMMUNITY DEVELOPMENT PROJECTS

STAFF RECOMMENDATION:

Accept report and direct staff accordingly.

Kate Bear, City Arborist, presented staff report.

Kathleen Casey Cokley stated that if a person cannot afford to post a bond they probably cannot afford to maintain their property.

Paul Hernandez noted that he owned the Saratoga Oaks Lodge. Mr. Hernandez noted that his oak tree was damaged by the Trafalger project. Mr. Hernandez stated that the bond was only for \$10,000 and his tree was valued over \$100,000.

City Council discussion but no direction to staff was provided.

15. APPROVAL OF BANNERS FOR THE SARATOGA VILLAGE

STAFF RECOMMENDATION:

Accept report, approve the proposed design for Village Banners and direct staff to work with the Saratoga-Monte Sereno Community Foundation and Saratoga Village Development Council (SVDC) to purchase and install the banners.

Barbara Powell, Assistant City Manager, presented staff report.

Kathleen Casey Cokley noted that she supported the banners.

PAGE/WALTONSMITH MOVED TO **APPROVE THE PROPOSED DESIGN FOR VILLAGE BANNERS AND DIRECT STAFF TO WORK WITH THE SARATOGA-MONTE SERENO COMMUNITY FOUNDATION AND SARATOGA VILLAGE.** MOTION PASSED 5-0.

Councilmember King excused herself from the meeting at 12:05 a.m.

16. SARATOGA VILLAGE PARKING UPDATE

STAFF RECOMMENDATION:

Accept report and provide direction to staff regarding Saratoga Village parking.

John Cherbone, Public Works Director, presented staff report.

Kathleen Casey Cokley

Consensus of the City Council to direct staff to:

- Pursue an updated parking study and to determine whether additional parking can be funded with the \$40,000 in-lieu fees
- Evaluate the 15-minute green parking zones in from of the French Tailor and Florentines
- Newsletter article on whether there is funding to conduct a parking study in the Village

ADHOC & AGENCY ASSIGNMENT REPORTS

Mayor Kao reported the following information:

West Valley Mayors and Managers Association – met October 24, 2007 and voted to support Dolly Sandoval to serve an additional year to allow her to run for election for the position of Vice-Chair of the VTA Board of Directors.

Vice Mayor WaltonSmith reported the following information:

SASCC – will be interviewing for their new Managing Director.

Councilmember Page reported the following information:

West Valley Sanitation District – recently had an internal control audit and the review came back unqualified.

West Valley Solid Waste Joint Powers Association – unanimous decision to eliminate the hard to service rate.

Councilmember Hunter reported the following information:

Santa Clara County Valley Water Commission – noted that the Board is very concerned about the possibility of a drought.

CITY COUNCIL ITEMS

Councilmember Hunter requested that the application to be a Tree City USA be agendized.

Vice Mayor WaltonSmith 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 12:30 p.m.

Respectfully submitted,

Cathleen Boyer, CMC
City Clerk