

MINUTES

SARATOGA CITY COUNCIL

MARCH 5, 2008

Mayor Waltonsmith 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, Aileen Kao, Kathleen King,
Vice Mayor Chuck Page, Mayor Ann Waltonsmith

ABSENT: None

ALSO Dave Anderson, City Manager

PRESENT: Richard Taylor, City Attorney
Ann Sullivan, Deputy 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 MARCH 5, 2008

Ann Sullivan, Deputy City Clerk, reported that pursuant to Government Code Section 54954.2, the agenda for the meeting of March 5, 2008, was properly posted on February 29, 2008.

COMMUNICATIONS FROM COMMISSIONS & PUBLIC

Vance Nelson, President of Chamber of Commerce, addressed the Council on the Joint Meeting held prior to the Regular Meeting. Mr. Nelson stated the Chamber's goal is to continue to make a positive economic impact on Saratoga by filling the stores with customers. He noted two major events; the first is a Business Expo that will occur on April 3, 2008 at the West Valley College Dining Hall from 4:00 to 7:00P.M., and the second is Taste of Saratoga on September 20, 2008, and stated the Chamber will continue its monthly Mixers.

Norm Koepernik, commissioner on Heritage Preservation Commission, noted that the Mustard Faire on February 10, 2008, was a huge success with 2700 people attending; and they are already working on next year's event.

ORAL COMMUNICATIONS

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

Lee Song spoke on Human Rights Torch Relay and their endeavor to protect human rights in China.

Citizen Ray had positive comments regarding public safety in Saratoga. He also commented positively on the new bicycle lane that is open going towards Big Basin..

Laura Watkins spoke on the garbage contract renewal and asked Council to consider reinstating the service of picking up recyclable items that do not fit in the recycle can such as cardboard, plastic, peanuts, etc., to the contract when it comes up for renewal.

Marty Goldberg commended the Council on bringing back the Parks and Recreation Commission.

Marilyn Marchetti spoke on behalf of the Saratoga Village Council and invited everyone to the March 15th St. Patrick's Day celebration in the Village from 3:00 to 5:00PM.

Denise Goldberg, Chair of the Trails Committee, spoke on the completion of the trail conservation project on Saturday in which they restored land that had been damaged and planted new plants. Commended staff members on a great job in assisting the committee and invited members of the council and audience to participate in the March 15th Parker Ranch hillside restoration.

Zhang, along with translation assistance from Hong, spoke in support of the Falun Gong practitioners in China.

Elaine Clabeaux stated how much she and her husband enjoyed last year's Fourth of July celebration and recommended the City take on this important day of celebration and asked Council to agendaize this event for further discussion.

COUNCIL DIRECTION TO STAFF

Council Member King responded to Mr. Song's comments regarding the Human Rights Torch Relay asked Mr. Song to send a copy of his presentation and scheduled events to the Saratoga Chamber of Commerce and the city clerk.

Kathleen King concurred with speaker Elaine Clabeaux that the Fourth of July event is an important event and asked the Mayor to agendaize this item.

Vice Mayor Page noted that he thinks he already has an interested organization that will take over the Fourth of July event from Jack Mallory.

Vice Mayor Page also addressed speaker Laura Watkins regarding the garbage recycling issue; many people have gone to a smaller cart and a larger cart for their recyclables as a solution to the extra recyclables.

ANNOUNCEMENTS

Councilmember Hunter noted that on Sunday, March 9, 2008 from 4:00 to 7:00PM the Fashion Show will be at the Foothill Club. All of Saratoga Village is celebrating this event and everyone is welcome to attend and all the proceeds go to the Village.

Mayor WaltonSmith noted the Hakone Foundation is having a meeting on Designing of new Visitors Center on March 18 from 10:00 to 12:00 at the Cultural Exchange Center. Also, to volunteer for the Trails Committee you can call 868-1274 – Iveta Harvancik at the City to get more information on volunteer information.

Mayor Waltonsmith also noted that the Greenleaf Citizens Committee meets once a month and the next meeting will be on March 20th at 7:00PM.at Los Gatos Neighborhood Center The speaker is Bob Caldwell on renewable energy.

On St. Patrick's Day, March 17, 2008 from 11:00 to 1:00 there will be a Green Building Tour of the Silicon Valley Leadership Group of green buildings in the area. There will be a tour and lunch.

On March 17, 2008 at 6:30PM – Immanuel Lutheran Church on Saratoga Avenue, the Historical Foundation is having a public lecture on “Lives of the Ohlone Indians” along with a potluck.

CEREMONIAL ITEMS

1. PROCLAMATION DECLARING THE WEEK OF MARCH 10-14, 2008 AS ‘SCIENCE FAIR WEEK’

Mayor Waltonsmith read the proclamation; no one present to receive proclamation.

SPECIAL PRESENTATIONS

None

CONSENT CALENDAR

2. CITY COUNCIL MINUTES - FEBRUARY 20, 2008

STAFF RECOMMENDATION:

Approve minutes.

PAGE/KING MOVED TO **APPROVE CITY COUNCIL MINUTES OF FEBRUARY 20, 2008.** MOTION PASSED 5-0.

3. CITY COUNCIL MINUTES - FEBRUARY 26, 2008

STAFF RECOMMENDATION:

Approve minutes.

PAGE/KING MOVED TO **APPROVE CITY COUNCIL MINUTES OF FEBRUARY 26, 2008.** MOTION PASSED 5-0.

4. REVIEW OF ACCOUNTS PAYABLE REGISTERS

STAFF RECOMMENDATION:

Accepts the Check Registers for the following
Accounts Payable cycles: February 14, 2008, February 20, 2008

PAGE/KING MOVED TO **ACCEPT CHECK REGISTERS FOR FEBRUARY 14, 2008 AND FEBRUARY 20, 2008.** MOTION PASSED 5-0.

5. MOTOR VEHICLE (MV) RESOLUTION AUTHORIZING INSTALLATION OF A STOP SIGN

STAFF RECOMMENDATION:

Move to adopt Motor Vehicle Resolution authorizing the installation of a stop sign on Hill Avenue at the intersection of Bonnie Brae Lane

PAGE/KING MOVED TO **ADOPT MOTOR VEHICLE RESOLUTION AUTHORIZING THE INSTALLATION OF A STOP SIGN ON HILL AVENUE AT THE INTERSECTION OF BONNIE BRAE LANE. MOTION PASSED 5-0**

RESOLUTION: MV – 273

6. LANDSCAPING & LIGHTING ASSESSMENT DISTRICT LLA-1; RESOLUTIONS INITIATING RENEWAL OF THE DISTRICT FOR FY 08-09

STAFF RECOMMENDATION:

1. Move to adopt the Resolution describing improvements and directing preparation of the Engineer's Report.
2. Move to adopt the Resolution appointing the Attorney's for the District.

**RESOLUTION(S): - 08-010
- 08-014**

PAGE/KING MOVED TO **ADOPT RESOLUTION DESCRIBING IMPROVEMENTS AND DIRECTING PREPARATION OF ENGINEER'S REPORT. MOVE TO ADOPT THE RESOLUTION APPOINTING THE ATTORNEY'S FOR THE DISTRICT. MOTION PASSED 5-0**

7. PROPOSED REORGANIZATION IN PUBLIC WORKS DEPARTMENT AND CHANGES TO STAFF CLASSIFICATIONS

STAFF RECOMMENDATION:

Accept report and approve the proposed classification changes indicated on the attached list.

PAGE/KING MOVED TO **ACCEPT REPORT AND APPROVE PROPOSED CLASSIFICATION CHANGES INDICATED ON ATTACHED LIST. MOTION PASSED 5-0**

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

STAFF RECOMMENDATION:

Place the previously continued Notice of Intent to Record Notice of Violation regarding a Parcel Map (Recorder's No. 18995051 - Foster) on the consent agenda and continue the item to September 3, 2008.

PAGE/KING MOVED TO **PLACE THE PREVIOUSLY CONTINUED NOTICE OF INTENT TO RECORD NOTICE OF VIOLATION REGARDING A PARCEL MAP (RECORDER'S NO. 18995051 – FOSTER) ON CONSENT AGENDA AND CONTINUE THE ITEM TO SEPTEMBER 3, 2008. MOTION PASSED 5-0**

PUBLIC HEARINGS

9. **APCC08-0001. APPEAL OF THE DESIGN REVIEW APPROVAL GRANTED BY THE PLANNING COMMISSION FOR APPLICATION NO. 07-029: 13921 RIVER RANCH CIRCLE. THE PROJECT INVOLVES DEMOLITION OF THE EXISTING SINGLE-STORY RESIDENCE AND CONSTRUCTION OF A NEW, 4,355 SQUARE FOOT TWO-STORY RESIDENCE.**

STAFF RECOMMENDATION:

Deny the appeal, thus affirming the Planning Commission Design Review Approval issued on January 23, 2008.

RESOLUTION: 08 - 012

John Livingstone, Director of Community Development Department, presented staff report.

Mayor Waltonsmith opened the public hearing and invited comments.

The following people requested to speak on this item:

Appellants Michael and Jamie VanDeven reside at 13930 River Ranch Circle – stated their opposition to the proposed design review.

Tom Murphy , co-appellant – opposes Design Review;
Walter Shaw, co-appellant – opposes Design Review;
Walt Hall, co-appellant – opposes Design Review.
Omid Shakeri supports proposed Design Review.
Chinng-Yen Ho, co-appellant – does not support Design Review.
Margaret Smith – does not support Design Review.

Applicant Masud Maesumi addressed the Council stating he has worked very hard for the last two years designing his house and working with the neighbors. Mr. Maesumi also said it would not be feasible for him to come back with another design.

Mayor Waltonsmith closed the public hearing.

PAGE/KAO MOTIONED TO **GRANT APPEAL AND SEND BACK TO PLANNING COMMISSION TO ADDRESS THREE ITEMS: WINDOW ON APPELLANT'S SIDE OF PROPERTY OPEN FROM TOP; ADDRESS ISSUE OF BULKINESS FROM THE LEFT, THE RIGHT, AND THE REAR BY LOOKING AT MINIMIZING THE SIZE OF THE HOME.** MOTION PASSED 3 – 2 WITH WALTONSMITH AND KING OPPOSING.

Councilmember King asked for clarification on what the Planning Commission is directed to do.

City Attorney Richard Taylor stated the MOTION was clear on what the Council wants the Commission to do and that is to focus on the three things; window, bulk on left, right and rear; and to look at minimizing size of house.

Mayor Waltonsmith declared a 5 minute break at 9:10 p.m.

Mayor Waltonsmith reconvened the meeting at 9:18 p.m.

10. APPROVAL OF THE KEVIN MORAN PARK CONCEPTUAL PLAN, MITIGATED NEGATIVE DECLARATION, AND PLAN IMPLEMENTATION INCLUDING AUTHORIZATION OF CONTRACT FOR FINAL CONSTRUCTION DRAWINGS

STAFF RECOMMENDATION:

1. Adopt a resolution approving the Kevin Moran Park Conceptual Plan, mitigated negative declaration, and plan implementation program.
2. Authorize staff to enter a contract with MPA Design to prepare final plans and construction drawings for a cost not to exceed \$68,000.

RESOLUTION: 08 - 013

City Manager Dave Anderson presented an overview of what the Kevin Moran Park Task Force did to reach the point of a proposed Design Review. City Manager Dave Anderson noted that the Task Force asked Council to follow certain guidelines; which are: 1) project be fully funded and the dollars committed; 2) project not be divided into phases; 3) project is to follow arborist's recommendations; 4) the environmental phase of the project goes through the normal process; 5) that the fields are practice only; 6) that a maximum of two users groups have permits at one time and each permitted user get a use permit for a Saturday practice through the normal park rental process at a maximum of three times a year; 7) and that the City will create a screened area to the basketball court and the sound wall for storage of practice goals for the user groups.

John Cherbone, Director of Public Works Department, presented staff report. At the conclusion of the staff report presentation, Director Cherbone introduced Adam Weinstein from LSA, environmentalist for the City, to answer any questions Council may have regarding the environmental report.

Attorney Richard Taylor pointed out the specifics of the Resolution: 1) history; 2) environmental review; 3) accepting environmental review and directing staff to proceed with implementing the project. Attorney Richard Taylor also stated that if the Conceptual Plan is approved the Resolution wording should be re-worded to say that at no point in time would there ever be more than three teams practicing during authorized hours. In addition, the fence height, which is 6 feet in the Conceptual Plan, be 6 feet with an additional 2 foot lattice work in order to provide more privacy. Attorney Taylor also noted that once you adopt the Resolution, Council separately direct staff to bring back an amendment to the City Code that would put the use restrictions for the city park into the City Code.

Kevin Moran Park Task Force members spoke first:

Marty Goldberg acknowledged efforts of city staff and their many hours on this project. With regards to the project Mr. Goldberg stated he wanted to make a few points. 1) The Task Force wholeheartedly accepts the development of the park and the current design proposal. 2) Would like to thank the Council in advance for what he hopes to be a positive vote to move this project on to the next step and for having

allocated the large funding needed for the project despite the challenging economic times over the past few years. 3) The Task Force advocates for the Council to pass the proposed Resolution without modification – in particular Section XII, which includes the fundamental principals, which all Task Force members agreed regarding park use by organized sports and that it be included in the Mitigated Negative Declaration. 4) He supports the proposed Mitigated Negative Declaration as modified by responses to comments.

Peter Pransy in support of the Conceptual Plan and Mitigated Negative Declaration.

Elaine Clabeaux in support of Conceptual Plan and Mitigated Negative Declaration.

Brigitte Ballingall in support of Conceptual Plan and Mitigated Negative Declaration.

Howard Miller stated he was concerned about the access to bathrooms from the playground; and the location of the soccer goal storage area; could be moved down 50 feet to the corner. Suggests improving these issues; but overall is in support of proposed plan.

Debbie Lillo in support of Conceptual Plan and Mitigated Negative Declaration.

Mayor Waltonsmith opened the public hearing and invited comments.

The following people requested to speak on this item:

Cheriel Jensen likes the park as it is and opposes the proposed Conceptual Plan.

Ted Clabeaux in support of Conceptual Plan and Mitigated Negative Declaration as modified by the consultants.

Bob Alley supports proposed plan and Mitigated Negative Declaration; however is concerned about traffic and parking.

John Pleequo is with DeAnza Youth Soccer in support of Conceptual Plan and Mitigated Negative Declaration.

Richard Pearce in support of Conceptual Plan and Mitigated Negative Declaration.

Phillip Costello in support of Conceptual Plan and Mitigated Negative Declaration.

Susan O'Neill in support of Conceptual Plan and Mitigated Negative Declaration and would like the park to have two table groupings with four or five tables each, with the tables within five feet of each other so picnickers of large groups can use them.

Laura Watkins in support of Conceptual Plan and Mitigated Negative Declaration.

Scott Emery in support of Conceptual Plan and Mitigated Negative Declaration and asked for more definition on what a user group is.

John Chen made suggestions regarding type of plants and bark without pesticides be used in the park.

David Mighdol support of Conceptual Plan and Mitigated Negative Declaration.

Mayor Waltonsmith noted that there were about 20 emails submitted by people that were unable to attend the meeting; which were all printed out and distributed to councilmembers just prior to the meeting.

Mayor Waltonsmith closed the public hearing.

Councilmember King stated the many suggestions should be considered but is ready to move forward with the proposed plan.

Councilmember Kao noted that when she joined the Council she learned very quickly what the community appreciates and wants and is ready to move forward with the plan and thanked everyone for their hard work.

Vice Mayor Page thanked everyone that worked so hard to create this plan and is in support of this plan and ready to move forward.

Councilmember Hunter noted that she has always been concerned about saving the trees and the amount of money needed for one project. Councilmember Hunter stated she is happy that everyone is in support of the proposed plan.

Mayor Waltonsmith is happy with the proposed plan and very much in support of moving forward with the park. Mayor Waltonsmith thanked everyone that was involved in the project and for all their hard work. Waltonsmith also noted that this particular project could not be done piece-meal, like many other projects; but needed to be done all at once in order to reach a positive conclusion that was acceptable to everyone.

KING/KAO MOVED TO ADOPT RESOLUTION APPROVING KEVIN MORAN PARK CONCEPTUAL PLAN, AND MITIGATED NEGATIVE DECLARATION, AND PLAN IMPLEMENTATION PROGRAM WITH FOUR ADDITIONS; 1) NO MORE THAN THREE TEAMS AT A TIME; 2) FIND ACCEPTABLE LOCATION FOR SPORTS EQUIPMENT; 3) AND HAVE A PATH GOING FROM PLAYGROUND AREA TO RESTROOM; TWO FOOT LATTICE ADDED TO SIX FOOT FENCE.

MOTION PASSED 5 – 0.

Councilmember Hunter stated for the record that she had originally planned to vote no on the Kevin Moran Park proposed Conceptual Plan due to cost; but decided to vote yes – due to support in audience..

KING/KAO MOVED TO AUTHORIZE STAFF TO ENTER INTO CONTRACT WITH MPA DESIGN TO PREPARE FINAL PLANS AND CONSTRUCTION DRAWINGS FOR A COST NOT TO EXCEED \$68,000. BRING BACK AN ORDINANCE IMPLEMENTING USE RESTRICTIONS IN RESOLUTIONS AND TO DEVELOP PLANS FOR A COMMUNITY CELEBRATION AT AN APPROPRIATE TIME. MOTION PASSED 5 – 0.

OLD BUSINESS

None

NEW BUSINESS

11. REVIEW A PROPOSAL FROM THE BUXTON COMPANY TO PREPARE A RETAIL SITE ASSESSMENT FOR THE CITY TO PROMOTE ECONOMIC DEVELOPMENT

STAFF RECOMMENDATION:

Direct Staff Accordingly.

John Livingstone, Community Development Director, presented staff report.

Discussion took place amongst councilmembers, city manager and CDD Director John Livingstone regarding retail site assessment for the City to promote Economic Development.

Mayor Waltonsmith invited public comment.

The following people requested to speak on this item:

Priscilla Ho asked what would be done with the purchasing data and buying habits of the community once it is acquired since some of the businesses are owned privately, and would some of the costs be borne by a private developer or is that business owner told they need to do the shopping survey to show what the buying needs are of our community.

PAGE/KING MOVED TO **ACCEPT BUXTON COMPANY CONTRACT AND ALLOCATE \$20,000 OUT OF COUNCIL CONTINGENCY TO PREPARE A RETAL SITE ASSESSMENT FOR THE CITY TO PROMOTE ECONOMIC DEVELOPMENT.** MOTION PASSED 4 – 1 WITH HUNTER OPPOSING.

ADHOC & AGENCY ASSIGNMENT REPORTS

Mayor Ann Waltonsmith reported the following information:

Hakone Foundation Executive Committee – Design Meeting on March 18, 2008.

Prospect Road AdHoc - Meets on March 27

Vice Mayor Chuck Page reported the following information:

Councilmember Page had no reportable information.

Councilmember Kathleen King reported the following information:

Peninsula Division, League of California Cities – Discussion took place regarding jails/prisons and the release of 20% of the population; released back into the system.

Prospect Road AdHoc – reported the next meeting is March 27, 2008 and asked if any other councilmember would be interested in this assignment as she would like to spend more time on the TEA issue. Councilmember Hunter accepted assignment. King also suggested the TEA Adhoc be reconstituted. The purpose of the Adhoc is to advocate that the ERAF Shift be the same as other “low/no tax cities” in the state.

Councilmember Jill Hunter reported the following information:

Councilmember Hunter had no reportable information.

Councilmember Aileen Kao reported the following information:

County HCD Policy Committee - March 20, 2008 committee members will vote and reward grants to agencies.

Northern Central Flood Control Zone Advisory Board – Next meeting May 28, 2008

Santa Clara County Cities Association-Joint Economic Development Policy Committee (JEDPC) - Annual dinner scheduled for March 13 and plans to attend.

City School AdHoc – Waiting to hear when next meeting will be scheduled.

CITY COUNCIL ITEMS

Vice Mayor Chuck Page noted the Priest of the Orthodox Church celebrated his 25th year in Saratoga and his 30th year as an Orthodox Priest and sent a nice thank you note to Vice Mayor Page for the award he bestowed upon him.

Mayor Ann Waltonsmith requested staff to conduct a poll of the Council to establish a new time for scheduled Site Visits that will work for all councilmembers.

Mayor Waltonsmith also requested staff make copies of the Bellarmine College Prep Speech Contest letter and provide copies to all councilmembers.

Mayor Waltonsmith also asked for staff/KSAR assistance on the stage monitor.

CITY MANAGER’S REPORT

Nothing to report.

Attorney Richard Taylor informed the Council that if a private organization arranges a meeting of interest to Saratoga, Council Members are allowed to attend a community meeting and are reminded not to speak at said meeting, converse among one another or make decisions regarding the context of said community meeting.

ADJOURNMENT

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

There being no further business Mayor Waltonsmith adjourned the regular meeting at **11:35 P.M.**

Respectfully submitted,

Ann Sullivan, CMC
Deputy City Clerk