

## MINUTES

### SARATOGA CITY COUNCIL

MARCH 19, 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, Acting City Clerk  
Barbara Powell, Assistant City Manager  
Mary Furey, Administrative Services Director  
John Livingstone, Community Development Director  
John Cherbone, Public Works Director  
Michael Taylor, Recreation Director  
Crystal Morrow, Administrative Analyst  
Shweta Bhatt, Associate Planner

#### **REPORT OF CITY CLERK ON POSTING OF AGENDA FOR MARCH 19, 2008**

Ann Sullivan, Acting City Clerk, reported that pursuant to Government Code Section 54954.2, the agenda for the meeting of March 19, 2008, was properly posted on March 14, 2008.

#### **COMMUNICATIONS FROM COMMISSIONS & PUBLIC**

Joyce Hlava, Chair of Planning Commission addressed the Council on the Joint Meeting held prior to the Regular Meeting. The main topic of the Joint Meeting was the work schedule for the Planning Commission for 2008/2009. Chair Hlava noted that because their work schedule was already so full that they didn't think they could add any more to it. Chair Hlava noted the Planning Commission would be quite busy doing the Housing Element of the General Plan; and Council agreed.

They also discussed issues Councilmember Kathleen King raised regarding planning. Members of the Planning Commission agreed to schedule a study session to address those planning issues.

#### **ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS**

*Any member of the public will be allowed to address the City Council for up to three (3) minutes on matters not on this agenda. The law generally prohibits the council from discussing or taking action on such items. However, the Council may instruct staff accordingly regarding Oral Communications under Council Direction to Staff.*

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

Jim Stallman member of the Trails Sub-Committee to the Parks and Recreation Commission updated the Council on the status of the Trail Conservation Project in the Parker Ranch neighborhood. Mr. Stallman also noted working on the Trail Project was a good way for students 14 to 18 years of age to achieve community service hours that may be required by schools. Mr. Stallman noted students must fill out volunteer forms that are made available at the trail project site or they can download the forms from the City's website.

Citizen Ray commented on the removal of the dead/damaged pines on Highway 9; and commented on the fact that the bicycle path is now open and has new signage.

Diane Drewke clarified her concerns regarding compliance with the Public Records Act and with uniform Code Enforcement.

Priscilla Ho reported on an incident in which she was confronted by a sexual predator. She provided advice that she had received from the Sheriff's Office about how best to respond to such an incident; yell, run into a nearby store, call 911.

### **ORAL COMMUNICATIONS – COUNCIL DIRECTION TO STAFF**

*Instruction to Staff regarding actions on current Oral Communications.*

Councilmember Kathleen King requested staff call Fred Andrade to inform him the pines have been removed.

### **COMMUNICATIONS FROM BOARDS AND COMMISSIONS**

None

### **COUNCIL DIRECTION TO STAFF**

*Instruction to Staff regarding actions on current Communications from Boards & Commissions.*

### **ANNOUNCEMENTS**

Vice Mayor Chuck Page – stated he had some comments regarding garbage and recycling diversion rates – based on the amount of recycling. Each year an analysis is done on the diversion of waste from landfills and for the first time in recent history, the four cities that are in the West Valley Sanitation District (Campbell, Los Gatos, Monte Sereno and Saratoga) were all above 50%; which is a state requirement under AB939. Page noted that Saratoga came in with a landfill diversion rate of 68%.

Page also noted the Chamber of Commerce is having a Business Expo on April 3<sup>rd</sup> from 4:00 to 7:00pm at West Valley College.

Mayor Ann Walton Smith noted Councilmembers are attempting to go as paperless as possible at council meetings.

## **CEREMONIAL ITEMS**

### **1. PROCLAMATIONS RECOGNIZING THE HOUSE FAMILY FOUNDATION AND THE SARATOGA-MONTE SERENO COMMUNITY FOUNDATION FOR THEIR SUPPORT OF THE NORTH CAMPUS**

Mayor Waltonsmith read and presented the proclamation to Dave House representing the House Family Foundation. Mayor Waltonsmith also read and presented the proclamation to Tracey Infantino representing the Saratoga-Monte Sereno Community Foundation.

Councilmember Jill Hunter noted that the Community Foundation also donated \$4,500 towards the banners that were placed in the Village.

### **2. APPOINTMENT OF HERITAGE PRESERVATION COMMISSION AND OATH OF OFFICE**

#### **STAFF RECOMMENDATION:**

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

#### **RESOLUTION: 08-015**

KAO/PAGE MOVED TO APPROVE **APPOINTMENT OF JAMES SORDEN TO THE HERITAGE PRESERVATION COMMISSION.**

MOTION PASSED 5-0.

Ann Sullivan, Acting City Clerk, administered the Oath of Office to James Sorden.

## **SPECIAL PRESENTATIONS**

None

## **CONSENT CALENDAR**

*The Consent Calendar contains routine items of business. Items in this section will be acted in one motion, unless removed by the Mayor or a Council member. Any member of the public may speak to an item on the Consent Calendar at this time, or request the Mayor remove an item from the Consent Calendar for discussion. Public Speakers are limited to three (3) minutes.*

### **3. CITY COUNCIL MINUTES – MARCH 5, 2008**

#### **STAFF RECOMMENDATION:**

Approve minutes.

Vice Mayor Page removed this item for discussion. Councilmember Page explained he had provided the Acting City Clerk with a typo in the minutes.

PAGE/KAO MOVED TO **APPROVE CITY COUNCIL MINUTES OF MARCH 5, 2008 AS AMENDED.** MOTION PASSED 5 - 0

#### **4. REVIEW OF ACCOUNTS PAYABLE REGISTERS**

##### **STAFF RECOMMENDATION:**

That the City Council accepts the Check Registers for the following Accounts Payable cycles:  
February 28, 2008  
March 6, 2008

**KING/PAGE MOVED TO ACCEPT CHECK REGISTERS FOR FEBRUARY 28, 2008 AND MARCH 6, 2008. MOTION PASSED 5 -0**

#### **5. AUTHORIZATION TO PURCHASE TWO CHEVROLET SILVERADOS AND TWO CHEVROLET COLORADOS IN THE AMOUNT OF \$84,250 AND DECLARATION OF SURPLUS PROPERTIES AND AUTHORIZATION OF DISPOSAL**

##### **STAFF RECOMMENDATION:**

1. Move to authorize the purchase of two 2008 Chevrolet Silverados (one 1500 Model and one 3500 Model) and two 2008 Chevrolet Colorados from Courtesy Chevrolet (Morgan Hill) in the amount of \$84,250

2. Move to declare the following vehicles as surplus and authorize their disposal

- 1992 GMC 3500 1-ton--vehicle # 81
- 1995 GMC Sonoma--vehicle # 84
- 1996 GMC Sonoma--vehicle # 91

Councilmember Hunter removed this item for discussion. Item approved after discussion about availability/feasibility/desirability of purchasing hybrids.

**HUNTER/KING MOVED TO AUTHORIZE THE PURCHASE OF TWO 2008 CHEVROLET SILVERADOS (ONE 1500 MODEL AND ONE 3500 MODEL) AND TWO 2008 CHEVROLET COLORADOS FROM COURTESY CHEVROLET (MORGAN HILL) IN THE AMOUNT OF \$84,250. MOTION PASSED 5 – 0.**

#### **6. CITY OF SARATOGA PERSONNEL RULES AND POLICIES – PART II OF II**

##### **STAFF RECOMMENDATION:**

Adopt the resolution approving the City of Saratoga Personnel Rules and Policies – Part II of II.

##### **RESOLUTION: 08-017**

**KING/PAGE MOVED TO ADOPT RESOLUTION APPROVING THE CITY OF SARATOGA PERSONNEL RULES AND POLICIES – PART II OF II. MOTION PASSED 5 – 0.**

#### **7. 2006 PAVEMENT MAINTENANCE PROGRAM – NOTICE OF COMPLETION**

**STAFF RECOMMENDATION:**

Move to accept the 2006 Pavement Maintenance Program as complete and authorize staff to record the Notice of Completion for the construction contract

KING/PAGE MOVED TO **ACCEPT THE 2006 PAVEMENT MAINTENANCE PROGRAM AS COMPLETE AND AUTHORIZE STAFF TO RECORD THE NOTICE OF COMPLETION FOR THE CONSTRUCTION CONTRACT.**  
MOTION PASSED 5 – 0.

**8. RESOLUTION SUPPORTING EXTENDED PRODUCER RESPONSIBILITY**

**STAFF RECOMMENDATION:**

Adopt resolution supporting Extended Producer Responsibility.

**RESOLUTION: 08-020**

KING/PAGE MOVED TO **ADOPT RESOLUTION SUPPORTING EXTENDED PRODUCER RESPONSIBILITY.** MOTION PASSED 5 – 0.

**9. AMENDMENT TO THE INDEPENDENT CONTRACTOR AGREEMENT FOR METROPOLITAN PLANNING GROUP – FY 07/08**

**STAFF RECOMMENDATION:**

Authorize the City Manager to execute the agreement to increase by \$18,000 the contract amount with Metropolitan Planning Group (MPG) for planning and development services.

Councilmember Kao removed this item for discussion. Item approved after clarification about why the amendment was needed (additional hours of service had been required of MPG during the year due to staff vacancies; additional funds were needed to provide ongoing services through the end of the Fiscal Year).

KAO/KING MOVED TO **AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT TO INCREASE BY \$18,000 THE CONTRACT AMOUNT WITH METROPOLITAN PLANNING GROUP FOR PLANNING AND DEVELOPMENT SERVICES.** MOTION PASSED 5 – 0.

**10. RESOLUTION CONCERNING GREEN BUILDING POLICIES**

**STAFF RECOMMENDATION:**

Adopt the attached resolution:

1. Formally recognizing Leadership in Energy and Environmental Design (LEED) and Build It Green's GreenPoint Rated systems as official City of Saratoga green building reference documents for informational and educational purposes;
2. Directing the City's Community Development Department to provide LEED and/or GreenPoint Rated system checklists to building permit applicants, and to require the completion and submittal of the appropriate checklist (based upon project type and scope) as part of the planning application. The LEED and/or GreenPoint Rated checklist is for informational purposes only and will not be utilized by the Planning Commission in support of its findings; and

3. Establishing a standard of LEED Silver certification or better for all City-owned new construction and renovation projects over five thousand (5,000) square feet.

**RESOLUTION: 08-019**

KING/PAGE **MOVED TO ADOPT RESOLUTION**

**(1.)FORMALLY RECOGNIZING LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN (LEED) AND BUILD IT GREEN'S GREENPOINT RATED SYSTEMS AS OFFICIAL CITY OF SARATOGA GREEN BUILDING REFERENCE DOCUMENTS FOR INFORMATIONAL AND EDUCATIONAL PURPOSES;**

**(2.) DIRECTING THE CITY'S COMMUNITY DEVELOPMENT DEPARTMENT TO PROVIDE LEED AND/OR GREENPOINT RATED SYSTEM CHECKLISTS TO BUILDING PERMIT APPLICANTS, AND TO REQUIRE THE COMPLETION AND SUBMITTAL OF THE APPROPRIATE CHECKLIST (BASED UPON PROJECT TYPE AND SCOPE) AS PART OF THE PLANNING APPLICATION. THE LEED AND/OR GREENPOINT RATED CHECKLIST IS FOR INFORMATIONAL PURPOSES ONLY AND WILL NOT BE UTILIZED BY THE PLANNING COMMISSION IN SUPPORT OF ITS FINDINGS; AND**

**(3.) ESTABLISHING A STANDARD OF LEED SILVER CERTIFICATION OR BETTER FOR ALL CITY-OWNED NEW CONSTRUCTION AND RENOVATION PROJECTS OVER FIVE THOUSAND (5,000) SQUARE FEET. MOTION PASSED 5 – 0.**

**11. COUNCIL CONTINGENCY FUNDS**

**STAFF RECOMMENDATION:**

Approve budget adjustment to appropriate additional Council Contingency funding and adopt Resolution of the City Council of the City of Saratoga amending the annual budget for fiscal year 2007/08 to provide additional council contingency funding.

**RESOLUTION: 08-011**

Councilmember Kao removed this item for discussion. Item approved after discussion about the need to anticipate ongoing expenditures in the annual budget rather than using council contingency funds to pay for them.

KAO/PAGE MOVED TO **ADOPT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SARATOGA AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2007/08 TO PROVIDE ADDITIONAL COUNCIL CONTINGENCY FUNDING. MOTION PASSED 5 – 0.**

**12. AGREEMENT TO PROVIDE ANNUAL AUDIT SERVICES**

**STAFF RECOMMENDATION:**

Authorize City Manager to enter into an agreement for professional auditing services with Vavrinek, Trine, Day & Co., CPAs

Councilmember Kao removed this item for discussion. Item approved after clarification about why the Auditors' proposal for multi-year services included different amounts from year to year.

**KAO/HUNTER MOVED TO AUTHORIZE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR PROFESSIONAL AUDITING SERVICES WITH VAVRINEK, TRINE, DAY & CO., CPA'S. MOTION PASSED 5 – 0.**

**PUBLIC HEARINGS**

*Applicants/Appellants and their representatives have a total of ten minutes maximum for opening statements. Members of the public may comment on any item for up to three minutes. Applicant/Appellants and their representatives have a total of five minutes maximum for closing statements. Items requested for continuance are subject to Council's approval at the Council meeting.*

**13. FY 2008/09 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING**

**STAFF RECOMMENDATION:**

1. Conduct the Public Hearing.
2. Adopt the attached Resolution (Attachment B) authorizing the Community Development Department to submit funding allocations to Santa Clara County for CDBG proposals totaling \$133,214.

**RESOLUTION: 08-018**

Associate Planner Shweta Bhatt presented the staff report and noted the City had received six applications for CDBG funding three for public service projects and three for non-public service projects. The public service projects are: the Saratoga Area Senior Coordinating Council (SASCC), West Valley Community Services, and Catholic Charities of San Jose. Total amount of money requested is \$54,164, exceeding the amount available by \$21,432 dollars. SASCC requested \$34,000 in support of the Adult Day Care Center; West Valley Community Services requested \$15,164 for food pantry and emergency services; and Catholic Charities of San Jose requested \$5,000 in support of their Long Term Ombudsman Program.

Non-public service projects: City of Saratoga Public Works Department requested \$55,600 funding in support of Disabled Accessible Signal Program; the City of Saratoga Recreation Department requested \$12,943 funding to install a disabled accessible ramp at the Historic Museum; and a request for funding to install disabled accessible seating in the Civic Theater. Funds previously allocated to a storage project unit have since been deemed ineligible and have been recommended to be transferred to fund this project. Total amount to be transferred would be \$6,225.

Mayor WaltonSmith opened the public hearing and invited comments.

The following people requested to speak on this item:

Megan Wadkins representing Catholic Charities spoke in support of funding for the Long Term Ombudsman program.

Naomi Nakano-Matsamoto spoke in support of funding for West Valley Community Services food pantry program.

Kim Ferm spoke in support of West Valley Community Services emergency assistance program.

Victoria Yang stated she works for West Valley Community Services and noted all the great services provided to the community by West Valley Community Services.

Cathy Morris spoke as a recipient of the services provided by West Valley Community Services and noted that because of the services provided to her she was able to get food assistance, which helped her get through a difficult time.

Bradley Enright spoke as a recipient of West Valley Community Services and was very thankful for the services he received.

Susan Huff, Director of SASCC, spoke about the services provided by SASCC and the need to improve the quality of life for senior citizens. Ms. Huff went on to explain the need for the requested funding, and noted that SASCC's Adult Care Center currently serves 11 Saratoga residents (35% of the membership).

Chuck Schoppe, President of the Saratoga Historical Foundation spoke on behalf of the requested funding for the disabled accessible ramp to the Historic Museum.

Heather Venable spoke on behalf of West Valley Community Services and the assistance she received from them.

Mayor Waltonsmith closed the public hearing.

After lengthy discussion, the Council decided to:

- Fully fund the “public services” requests from three applicants by using Council Contingency Funds of \$21,432 to pay for the shortfall in CDBG funds.
- Fund the “non-public services” requests – accessible signal program, disabled accessible ramp at Museum with remaining funds to be used as contingency, and fund disabled accessible seating in the Civic Theater from a prior project deemed ineligible for CDBG funding.

**KING/PAGE MOVED TO ADOPT RESOLUTION AUTHORIZING THE COMMUNITY DEVELOPMENT DEPARTMENT TO SUBMIT FUNDING ALLOCTIONS TO SANTA CLARA COUNTY FOR CDBG PROPOSALS TOTALING \$133,214. MOTION PASSED 4 – 1 WITH COUNCILMEMBER KAO OPPOSING.**

**COUNCIL’S DIRECTION TO STAFF:**

**Include the following in the application form for next year:**

- Any matching funds that the agency has obtained (particularly from other neighboring jurisdictions)
- Total number and percentage of Saratogans served by agency’s programs.

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

Mayor Waltonsmith reconvened the meeting at 9:15 p.m.

**14. PUBLIC HEARING AND ADOPTION OF (1) ORDINANCE ADOPTING AND AMENDING THE 2007 EDITIONS OF THE CALIFORNIA BUILDING, PLUMBING, MECHANICAL, ELECTRICAL AND FIRE CODES; ADOPTING A NEW EXCAVATION AND GRADING CODE; ADOPTING A NEW REPAIR AND RECONSTRUCTION CODE AND (2) RESOLUTION REGARDING THE NEED TO MODIFY THE CALIFORNIA BUILDING CODE DUE TO LOCAL CONDITIONS**

**STAFF RECOMMENDATION:**

- (1) Conduct a public hearing concerning the attached ordinance and resolution introduced at the City Council meeting of February 20, 2008;
- (2) Adopt the ordinance Adopting and Amending the 2007 editions of the California Building, Plumbing, Mechanical, Electrical and Fire Codes; adopting a new Excavation and Grading Code; adopting a new Repair and Reconstruction Code;
- (3) Adopt the resolution regarding the need to modify the California Building Code due to local conditions.

**ORDINANCE: 256**

**RESOLUTION: 08-016**

City Attorney Richard Taylor presented the staff report.

Mayor Waltonsmith opened the public hearing and invited comments.

Priscilla Ho asked if the proposed changes to the building code related to a requirement to install sprinklers included garages.

After council discussion Mayor Waltonsmith closed the public hearing.

HUNTER/KING MOVED TO **(1) ADOPT THE ORDINANCE ADOPTING AND AMENDING THE 2007 EDITIONS OF THE CALIFORNIA BUILDING, PLUMBING, MECHANICAL, ELECTRICAL, AND FIRE CODES; ADOPTING A NEW EXCAVATION AND GRADING CODE; ADOPTING A NEW REPAIR AND RECONSTRUCTION CODE.** MOTION PASSED 5 – 0.

HUNTER/KING MOVED TO **(2) ADOPT THE RESOLUTION REGARDING THE NEED TO MODIFY THE CALIFORNIA BUILDING CODE DUE TO LOCAL CONDITIONS.** MOTION PASSED 5 – 0.

**OLD BUSINESS**

None

**NEW BUSINESS**

**15. 2008 SPRING ISSUE OF THE SARATOGAN**

**STAFF RECOMMENDATION:**

Accept report and direct staff accordingly.

Council provided input about the format “look”, topic ideas and gave direction to staff for future Saratogan issues.

**16. ADVANCE PLANNING FEES**

**STAFF RECOMMENDATION:**

Direct Staff Accordingly.

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

Item was initially tabled for clarification of financial information. Following Council discussion the item was approved to be included in the fee schedule and brought back to Council for approval.

**17. REVIEW OF ROAD MAINTENANCE FEE STUDY**

**STAFF RECOMMENDATION:**

Accept report and provide direction to staff.

John Cherbone, Director of Public Works presented the staff report.

Mayor Waltonsmith opened the public hearing and invited public comment.

Mayor Waltonsmith closed the public hearing.

Following council discussion the item was approved to be included in the fee schedule and brought back to Council for approval.

**ADHOC & AGENCY ASSIGNMENT REPORTS**

Mayor Ann Waltonsmith – noted the West Valley Mayors and Managers would be meeting next Wednesday.

SASCC – noted the next meeting is Tuesday, March 25.

Hakone Foundation – noted she attended a Special Meeting on Tuesday, which was well attended by the public.

Comprehensive County Expressway Planning Study Advisory Board (PAB) – noted the next meeting is scheduled for May.

Vice Mayor Chuck Page – noted he met with the Chamber of Commerce and stated they are moving forward with plans for *Taste of Saratoga* in September.

West Valley Sanitation District – noted the District met and there is a lot of focus on the Waste Water Treatment Plant; they are starting a new project in Monte Sereno upgrading old sewer lines to new sewer lines and are also upgrading sewer lines in Saratoga.

Councilmember Kathleen King – noted she attended the annual Santa Clara County Cities Association dinner/meeting.

Valley Transportation Authority PAC – noted a recommendation on a potentially new division of cities and voting. King requested staff contact VTA and have a representative attend the April 2, 2008 council meeting and make a presentation regarding VTA’s “regional approach”.

City Schools Adhoc – noted they are trying to schedule a meeting to discuss Pop Warner and the noise issue.

Councilmember King requested changes be made to Council Assignments regarding Prospect Road and TEA Committee. *(This change will be agendized on the April 2, 2008 Council meeting)*

Councilmember Jill Hunter – noted she met with the Historic Foundation and they are continuing to increase their membership and are sending out letters asking people to support their organization.

KSAR – noted she attended the last meeting and they are in the process of interviewing station manager candidates and are deciding whether or not to have an Advisory Committee.

Councilmember Aileen Kao – noted the City School Adhoc would be meeting with the Saratoga High School principal on Friday, March 21, 2008.

Santa Clara County Cities Association –noted she attended the dinner meeting last week and stated the association will be focusing on three items: Greening Policy, Solar Panel Permits, and Affordable Housing.

### **CITY COUNCIL ITEMS**

Councilmember Hunter noted the City would be planting a tree (donated by Rotary) at El Quito Park on April 14, 2008 in recognition of Arbor Day.

Councilmember King requested the City Garage Sale be placed on the Agenda Planner.

### **OTHER**

None

### **CITY MANAGER’S REPORT**

City Manager Dave Anderson reported that he would be on vacation and traveling out of state the following week, and noted Assistant City Manager Barbara Powell would be Acting City Manager during his absence. Anderson also noted the Mayor had approved his vacation request prior to the council meeting.

Anderson also noted the Hakone meeting that took place earlier in the week was a sub-committee of the Board chaired by former Mayor Norm Kline. Anderson reported the Architect, who has been working for Hakone for 30 years, made a presentation on the design of a visitor’s center for Hakone and gave the Committee three alternate locations for the building: Site 1) At the present site of the existing bathroom; 2) Site of the present office building; 3) At top of the parking lot near the bamboo grove. Most everyone agreed the visitor’s center should be located near the bamboo grove.

### **ADJOURNMENT**

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

There being no further business Mayor Walton Smith adjourned the regular meeting at 10:50PM.

Respectfully submitted,

Ann Sullivan, CMC  
Acting City Clerk