

## MINUTES

### SARATOGA CITY COUNCIL MEETING

APRIL 2, 2008

The City Council held a Joint Meeting at 6:00PM with the Saratoga Library Commission and the Saratoga Friends of the Library.

Vice Mayor Page 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,  
ABSENT: Mayor Ann Waltonsmith  
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 II  
Chris Riordan, Senior Planner

#### **REPORT OF CITY CLERK ON POSTING OF AGENDA**

Ann Sullivan, Acting City Clerk, reported that pursuant to Government Code Section 54954.2, the agenda for the meeting of April 2, 2008 was properly posted on March 28, 2008.

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

Saratoga Library Commission and Friends of the Saratoga Library met in a Special Meeting. Representative Sue Barrera of Friends of the Saratoga Library and Roxanne Nilan, Chair of Library Commission addressed Council and gave a report on the Special Meeting held prior to the Regular Meeting. They expressed concerns about the condition of the library in the areas of lighting, sun-damaged wooden siding, HVAC system, and roofing. They also discussed working jointly with the City, Saratoga Library and the County Library system to prepare for the long term use of the Capital Improvement Fund and possibly using solar technology and more energy efficient HVAC systems when those issues need to be addressed, noting that a long term strategy would prepare them to better use these limited funds and will alert city and county staff to upcoming maintenance issues.

They also expressed concerns about the challenge they face in keeping the library open seven days a week while facing financial limitations; and noted they will work with all agencies, public and private, in order to keep the library open seven days a week.

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

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

Katy Dickinson invited the Council and the community to a Middle Eastern dinner benefit/auction on April 13, 2008 at 5:30 at St. Andrews Church.

Laura Biche also addressed the Council on the April 13<sup>th</sup> Middle Eastern dinner benefit/auction and encouraged everyone to attend.

Citizen Ray commented about the safety of the new bicycle lane on Highway 9 being lower than the road pavement.

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

Councilmember King asked Public Works Director John Cherbone if the current condition of the bike lanes would remain approximately 4 to 6 inches lower than the road.

Director Cherbone stated the bike lanes are not completed; the curbs would be installed next and that additional paving on the bike lanes would be completed in approximately two weeks; which will bring the pavement level with the rest of the street.

### **ANNOUNCEMENTS**

Vice Mayor Page noted the huge paper savings due to the paperless process for Council meetings. Page also announced the upcoming Chamber of Commerce sponsored event – Business Expo at West Valley College on Thursday, April 3, 2008, from 4:00 to 7:00PM.; he also mentioned the commission openings on the Library Commission, Youth Commission and the Traffic Safety Commission and invited all those interested to apply. Page also noted the West Valley Collection and Recycling Annual Clean Up Day will start July 21, 2008 and go through September 26, 2008; residents will receive a notice in the mail two weeks before their street is scheduled for the pickup.

Councilmember Hunter announced the upcoming Pet Parade in the Village on April 19, 2008 at 11:00a.m.

City Manager Dave Anderson also noted the paperless council meetings saved on copy machine operating costs as well as staff time copying the council meeting agenda packets; which is estimated at 4-8 hours every two weeks.

### **CEREMONIAL ITEMS**

1. **PROCLAMATION RECOGNIZING APRIL 2008 AS MONTH OF THE YOUNG CHILD**

Vice Mayor Page invited Saratoga Librarian Barbara Williams and the children in the audience to come up on stage. Vice Mayor Page asked the children to read the Proclamation and presented the Proclamation to Librarian Barbara Williams.

2. **PROCLAMATION RECOGNIZING APRIL 15, 2008 AS ARBOR DAY IN THE CITY OF SARATOGA AND RECEIPT OF TREE CITY USA AWARD**

Vice Mayor Page read and presented the Proclamation to John Melvin, representative from the California Department of Forestry and Fire Protection.

John Melvin then presented the Tree City USA Award to the City of Saratoga. Vice Mayor Page accepted the award.

Councilmember Hunter noted the City of Saratoga was having an Arbor Day tree planting celebration on April 15, 2008 at El Quito Park at 1:00PM.

**SPECIAL PRESENTATIONS**

3. **PRESENTATION – AMERICAN CANCER SOCIETY COLON CANCER FREE ZONE**

American Cancer Society representatives Jim Smaha and Sid Faulkner made the presentation.

4. **PRESENTATION - VALLEY TRANSPORTATION AUTHORITY (VTA) – REGIONAL APPROACH**

VTA representative Scott Haywood made the presentation. Mr. Haywood explained that the board is represented by various city groupings comprised of cities in different areas of the County. Mr. Haywood explained that the VTA Board was interested in determining the best process in working with the city groupings and recommended the city groupings eliminate the concept of the annual rotation of the city grouping representatives and to appoint a representative that would serve on the Board longer than two years, as has been the practice at the West Valley Mayors and Managers group. Mr. Haywood also recommended the West Valley consider including Los Altos Hills, currently in the North County Grouping, to join the West Valley Mayors and Managers group. This would result in a new City Grouping that would include Sunnyvale, Santa Clara and Milpitas.

Mr. Haywood noted the item would be going before the VTA Board in May and encouraged input regarding this issue.

Council discussed the issue and recommended that the Westside Mayor and Managers group remain as it is without the addition of the City of Los Altos Hills. They further commented that Los Altos Hills is not contiguous to any city now in the West Valley Mayors and Managers group. Scott Haywood told the Council he would forward their recommendation to the appropriate VTA representative.

Vice Mayor Page asked Council Members if they would be in agreement to move Item 16 from NEW BUSINESS up next on the Agenda as Mr. Rod Diridon, Jr., City Clerk for the City of Santa Clara was present on his own personal time to give a synopsis of the

Code of Ethics and Values adopted by the City of Santa Clara. Vice Mayor Page noted Mr. Diridon was prepared to provide answers to questions Council may have regarding the proposed Code of Ethics for the City of Saratoga.

Council members concurred and moved Item 16 from **NEW BUSINESS** forward.

## **NEW BUSINESS**

### **16. CODE OF ETHICS**

#### **STAFF RECOMMENDATION:**

Review report and direct staff accordingly.

Acting City Clerk Ann Sullivan presented staff report and introduced Santa Clara City Clerk Rod Diridon.

City of Santa Clara City Clerk Rod Diridon provided handouts to Council and explained the dynamics of how and why the City of Santa Clara established their Code of Ethics and Values policy.

Council discussion took place.

Vice Mayor Page invited public comment.

Seeing none, Vice Mayor Page closed the public comment.

#### **STAFF RECOMMENDATION:**

Councilmembers Page, King and Kao recommended scheduling a study session for further discussion. Councilmember Hunter stated she was not in favor of scheduling a study session. Mayor Waltonsmith was absent.

Vice Mayor Page declared a break at 8:50 p.m.

Vice Mayor Page reconvened the meeting at 8:55 p.m.

## **CONSENT CALENDAR**

### **5. CITY COUNCIL MINUTES - MARCH 19, 2008**

#### **STAFF RECOMMENDATION:**

Approve minutes.

KING/KAO MOVED TO **APPROVE CITY COUNCIL MINUTES OF MARCH 19, 2008.** MOTION PASSED 4 – 0 – 1. MAYOR WALTONSMITH ABSENT.

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

#### **STAFF RECOMMENDATION:**

That the City Council accepts the Check Registers for the following Accounts

Payable cycles:

March 13, 2008

March 20, 2008

KING/KAO MOVED TO **ACCEPT CHECK REGISTERS MARCH 13, 2008 AND MARCH 20, 2008.** MOTION PASSED 4 – 0 – 1. MAYOR WALTONSMITH ABSENT.

**7. TREASURER’S REPORT FOR THE MONTH ENDED NOVEMBER 30, 2007**

**STAFF RECOMMENDATION:**

That the City Council accepts the Treasurer's Report for the Month Ended November 30, 2007.

KING/KAO MOVED TO **ACCEPT THE TREASURER’S REPORT FOR THE MONTH ENDED NOVEMBER 30, 2007.** MOTION PASSED 4 – 0 – 1. MAYOR WALTONSMITH ABSENT.

**8. RESOLUTION AMENDING COUNCIL AGENCY ANAD ADHOC COMMITTEE LIAISON ASSIGNMENTS**

**STAFF RECOMMENDATION:**

Adopt resolution

**RESOLUTION: 08-021**

KING/KAO MOVED TO **ADOPT RESOLUTION AMENDING COUNCIL AGENCY AND ADHOC COMMITTEE LIAISON ASSIGNMENTS.** MOTION PASSED 4 – 0 – 1. MAYOR WALTONSMITH ABSENT.

**9. REQUEST TO CHANGE PARKS AND RECREATION COMMISSION MEETING SCHEDULE**

**STAFF RECOMMENDATION:**

Adopt resolution approving the request to change the meeting schedule of the Parks and Recreation Commission.

**RESOLUTION: 08-022**

KING/KAO MOVED TO **ADOPT RSOLUTION APPROVING THE REQUEST TO CHANGE THE MEETING SCHEDULE OF THE PARKS AND RECREATION COMMISSION.** MOTION PASSED 4 – 0 – 1. MAYOR WALTONSMITH ABSENT.

**10. ESTABLISHMENT OF A COMMUNITY EMERGENCY REPOSEN TEAM (CERT) ADVISORY COMMITTEE**

Councilmember Kao removed this item for discussion. Item approved after discussion about when the next CERT Training class is scheduled. Emergency Services Coordinator Jim Yoke stated the next training is scheduled for April 9, 2008.

**STAFF RECOMMENDATION:**

Establish a CERT Advisory Committee, reporting to the City Manager that will set up Saratoga CERT structure and authority.

KAO/KING MOVED TO **ESTABLISH A COMMUNITY EMERGENCY RESPONSE TEAM (CERT) ADVISORY COMMITTEE REPORTING TO THE CITY MANAGER THAT WILL SET UP SARATOGA CERT STRUCTURE AND AUTHORITY.** MOTION PASSED 4 – 0 – 1. MAYOR WALTONSMITH ABSENT.

**11. AMENDMENT TO ANNUAL MAINTENANCE SERVICE CONTRACT – IRRIGATION REPAIRS**

**STAFF RECOMMENDATION:**

Approve an Amendment to the existing service contract with Hydrotec Irrigation Equipment Service for on call irrigation repair and improvements in the amount of \$46,500 and authorize the City Manager to execute the same.

Councilmember Kao removed this item for discussion. Councilmember Kao asked Public Works Director John Cherbone what the fiscal impact would be.

Public Works Director John Cherbone stated the two-year contract for Maintenance Service – Irrigation Repairs would not have a fiscal impact as the funds were already appropriated and the funds had to be assigned to this contract.

KAO/KING MOVED TO **APPROVE AN AMENDMET TO THE EXISTING SERVICE CONTRACT WITH HYDROTEC IRRIGATION EQUIPMENT SRVICE FOR ON CALL IRRIGATION REPAIR AND IMPROVEMENTS IN THE AMOUNT OF \$46,500 AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE SAME.** MOTION PASSED 4 – 0 – 1. MAYOR WALTONSMITH ABSENT.

**12. EXTENSION OF EXISTING CONSTRUCTION CONTRACT WITH GEORGE BIANCHI CONSTRUCTION, INC. FOR ADDITIONAL RETAINING WALL WORK AT WEST VALLEY COLLEGE**

**STAFF RECOMMENDATION:**

Authorize an increase to the change order authority for an existing construction contract with George Bianchi Construction, Inc. in the amount of \$40,296 for additional retaining wall work at West Valley College.

KING/KAO MOVED TO **AUTHORIZE AN INCREASE TO THE CHANGE ORDER AUTHORITY FOR AN EXISTING CONSTRUCTION CONTRACT WITH GEORGE BIANCHI CONSTRUCTION, INC. IN THE AMOUNT OF \$40,296 FOR ADDITIONAL RETAINING WALL WORK AT WEST VALLEY COLLEGE.** MOTION PASSED 4 – 0 – 1. MAYOR WALTONSMITH ABSENT.

**13. INDEPENDENT CONTRACTOR AGREEMENT WITH RBF CONSULTING (RBF) TO PREPARE AN UPDATE TO THE CITY’S GENERAL PLAN HOUSING ELEMENT.**

**STAFF RECOMMENDATION:**

Authorize the City Manager to execute the agreement with RBF Consulting (RBF) to prepare an update to the City's General Plan Housing Element.

**KING/KAO MOVED TO AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT WITH RBF CONSULTING (RBF) TO PREPARE AN UPDATE TO THE CITY'S GENERAL PLAN HOUSING ELEMENT.**

MOTION PASSED 4 – 0 – 1. MAYOR WALTONSMITH ABSENT.

**PUBLIC HEARINGS**

None

**OLD BUSINESS**

14. Online Citywide Community Calendar

Administrative Analyst Crystal Morrow presented staff report.

**STAFF RECOMMENDATION:**

Accept report and staff's recommendation to continue using the Saratoga Chamber of Commerce online calendar as a community calendar.

After Council discussion, Council directed staff to invite Saratoga Chamber of Commerce, Artsopolis and KSAR to a future Council meeting to present their options for on-line calendaring and noted the city sponsorship option would be handled by City staff.

**NEW BUSINESS**

15. Review the possible formation of an Economic Development Committee

**STAFF RECOMMENDATION:**

Review report and direct staff accordingly.

Community Development Director John Livingstone presented staff report.

There was Council discussion regarding the possible formation and type of committee or adhoc that could be formed.

Vice Mayor Page invited comments from the public.

Ms. Manaz recommended the Council form a committee or commission to address this issue, not an Adhoc.

Kathleen Casey Coakley noted she agreed with Ms. Manaz's suggestion to form a committee to address this issue, not an Adhoc.

After Council discussion, Council directed staff to get references on the Main Street Program and recommended the item be scheduled for further discussion at a Study

Session with the first hour focusing on the acquired data from the Main Street Program and the second hour focusing on what to do from that point; with discussion regarding economic development policy, budget and actions to be taken.

## **ADHOC & AGENCY ASSIGNMENT REPORTS**

Mayor Ann Waltonsmith – Absent.

Vice Mayor Chuck Page

**Chamber of Commerce** – Vice Mayor Page noted the Saratoga Chamber of Commerce is scheduled to meet the following week.

Councilmember Kathleen King

**Santa Clara County Cities Association** – Councilmember King reported other cities are coming together on the LEED program.

**TEA AdHoc** – King noted she had spoken to Chris Forsythe from the Gonsalves Firm regarding the April 9, 2008 meeting and it was recommended that Saratoga have a representative attend this meeting.

Councilmember Jill Hunter – noted she attended the Prospect Median meeting. Hunter had nothing else to report.

Councilmember Aileen Kao

**County HCD Policy Committee** – Councilmember Kao noted she had attended the last meeting and was impressed with the process of how housing fund allocations for projects were allocated.

## **CITY COUNCIL ITEMS**

Councilmember King commented that the Valley Transportation Authority PAC has had a perfect attendance record by the Saratoga representatives. She has a new job and indicated it would be difficult for her to attend these meetings on a monthly basis. She asked if Councilmember Page (who is the VTA PAC Alternate) would be interested in this assignment. Vice Mayor Page indicated he would be happy to be the primary Saratoga representative to PAC. Councilmember King thanked Councilmember Page and noted she would become the alternate representative to the Valley Transportation Authority PAC Committee.

Councilmember King also requested the weekly Agenda Planner reflect the author(s) for each item added to it so that Council and/or staff can refer to the author regarding any questions for a specific agenda item.

Vice Mayor Page requested that the item “**OTHER**” be removed from the Council Meeting Agenda. Council concurred noting Resolution 07-075 adopting Council Policies Rules of Order and Procedure for Council Meetings; which was adopted on June 20, 2007, does not require this category on Council Agendas.

## **CITY MANAGER’S REPORT**

Nothing to report.

**ADJOURNMENT**

**KAO/HUNTER MOVED TO ADJOURN THE REGULAR MEETING. MOTION PASSED 4 – 0 - 1. MAYOR WALTONSMITH ABSENT.**

There being no further business, Vice Mayor Page adjourned the Regular Meeting at 10:15PM.

Respectfully submitted,

Ann Sullivan, CMC  
Acting City Clerk