

MINUTES

SARATOGA CITY COUNCIL MEETING APRIL 16, 2008

The City Council of the City of Saratoga met in Closed Session in the Administrative Conference Room at 5:00 p.m.

Conference with Legal Counsel – Anticipated Litigation: Initiation of litigation pursuant to Government Code section 54956.9(c): (1 potential case).

Mayor Waltonsmith reported Council authorized staff to file a claim seeking recovery of administrative charges improperly assessed against the City.

The City Council conducted interviews at 5:30 p.m. for vacancies on the Traffic Safety Commission in the Administrative Conference Room. Mayor Waltonsmith announced the re-appointment of Michael Bustamante and the appointment of Corinne Vita to fill the two openings on the Traffic Safety Commission. Council approved 5 – 0.

The City Council held a Joint Meeting at 6:00 p.m. with the Youth Commission in the Administrative Conference Room.

Mayor Waltonsmith called the Regular City Council meeting to order at 7:00PM and led the Pledge of Allegiance.

ROLL CALL:

PRESENT: Councilmembers Jill Hunter, Aileen Kao, Kathleen King, Vice Mayor Chuck Page, and Mayor Waltonsmith
ABSENT: None
ALSO Dave Anderson, City Manager
PRESENT: Richard Taylor, City Attorney
Ann Sullivan, Acting City Clerk
Mary Furey, Administrative Services Director
John Cherbone, Public Works Director
John Livingstone, Community Development Director

REPORT OF CITY CLERK ON POSTING OF AGENDA

(Pursuant to Gov't. Code 54954.2, the agenda for this meeting was properly posted on April 11, 2008)

COMMUNICATIONS FROM COMMISSIONS & PUBLIC

Youth Commissioner Justin El-Diwany addressed the Council. Justin noted the Youth Commission's goals for the 2008-2009 school year were:

- o Training at Warner Hutton House
- o Dance program improvement

- Show Night at Warner Hutton House; which included students from Middle School
- Concerts – First concert is scheduled for May 2, 2008 at the Community Center
- Attending Lecture Series, which will start on April 29, 2008
- www.Saratogateen.com will soon be up and running on the Website
- Plans to do numerous community events in 2009, including a new event called Film Fest
- Snow trips would again be scheduled for winter 2008
- Noted the four upcoming vacancies on the Youth Commission and invited students to apply

Oral Communications on Non-Agendized Items

No one came forward to speak.

Oral Communications - Council Direction to Staff

None.

ANNOUNCEMENTS

Councilmember Hunter announced the Pet Parade on Saturday, April 19, 2008 from 11:00 to 1:00p.m., noting people could bring any kind of pet they wanted to – including stuffed animals; and Fluffy the Clown would be at the parade as well.

Councilmember King announced the Pancake Breakfast on Sunday, May 4, 2008, which is sponsored by the Saratoga Music Boosters and anyone interested in attending could RSVP to ses.h.ramaswami@comcast.net.

Vice Mayor Page announced the Saratoga Youth Commission is presenting “Little Rec”, a live concert at the Saratoga Community Center at 7:30 p.m. on May 2, 2008.

CEREMONIAL ITEMS

1. COMMENDATION HONORING OUTGOING TRAFFIC SAAFETY COMMISSIONER BRIGITTE BALLINGALL

Mayor Waltonsmith read and presented the Commendation to Brigitte Ballingall.

2. COMMENDATION HONORING OUTGOING HERITAGE PRESERVATION COMMISSIONER BOB LOUDEN

Mayor Waltonsmith read and presented the Commendation to Bob Louden.

3. PROCLAMATION DECLARING APRIL 22, 2008 AS EARTH DAY

Mayor Waltonsmith read and presented the proclamation to Eve Madelyn, Mark, and Monique Jensen from West Valley Green Leaf Committee were present to accept the proclamation.

4. PROCLAMATION RECOGNIZING ROTARY CLUB OF SARATOGA

Mayor Waltonsmith read and presented the proclamation to Ian Geddes who was present to accept the proclamation on behalf of the Rotary Club of Saratoga.

5. PROCLAMATION DECLARING APRIL 2008 AS “NATIONAL VOLUNTEER MONTH”

Mayor Waltonsmith read and presented the proclamation to Stephen T. Quigley and Julie Snyder, representatives from the Volunteer Center of Silicon Valley. Also on stage were volunteers representing the City of Saratoga who had donated many volunteer hours performing various tasks for the City of Saratoga.

SPECIAL PRESENTATIONS

None.

CONSENT CALENDAR

6. CITY COUNCIL MINUTES – SEPTEMBER 19, 2007

STAFF RECOMMENDATION

Approve minutes.

City Manager Dave Anderson removed this item for discussion.

PAGE/KING MOVED TO **APPROVE CITY COUNCIL MINUTES – SEPTEMBER 19, 2007.** MOTION PASSED 5-0.

7. REVIEW OF ACCOUNTS PAYABLE REGISTERS

STAFF RECOMMENDATION:

That the City Council accepts the Check Registers for the following Accounts Payable cycles:
March 27, 2008
April 3, 2008

PAGE/KING MOVED TO **ACCEPT CHECK REGISTERS FOR MARCH 27, 2008 AND APRIL 3, 2008.** MOTION PASSED 5-0.

8. COUNCIL AGENCY/ADHOC REASSIGNMENT

STAFF RECOMMENDATION:

Adopt a resolution amending Resolution 07-076 appointing Council representatives to Committees, Agencies and Ad hoc Committees.

RESOLUTION 08-023

PAGE/KING MOVED TO **ADOPT A RESOLUTION AMENDING RESOLUTION 07-076 APPOINTING COUNCIL REPRESENTATIVES TO**

COMMITTEES, AGENCIES AND ADHOC COMMITTEES. MOTION PASSED 5-0.

9. SARATOGA SPEED ZONE STUDY

STAFF RECOMMENDATION:

Adopt resolution and accept the 2008 Speed Zone Survey prepared by Fehr & Peers

Councilmember King removed this item to recuse herself from discussion due to a conflict of interest and left the Council Chambers.

Councilmember Kao removed this item for discussion. Councilmember Kao asked Public Works Director John Cherbone to clarify the year 2006 as noted on the Speed Zone Survey. Director Cherbone noted the year 2008 is just part of the title of the Speed Zone Report and that year 2006 is the year in which the majority of the data was collected. Director Cherbone also noted that the data that was collected will be good until 2011.

RESOLUTION 08-024

KAO/PAGE MOVED TO **ADOPT RESOLUTION AND ACCEPT THE SPEED ZONE SURVEY PREPARED BY FEHR & PEERS.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER KING RECUSED.

10. SARATOGA-SUNNYVALE ROAD REHABILITATION & OVERLAY PROJECT (FEDERAL PROJECT STPL-5332-008) –NOTICE OF COMPLETION

STAFF RECOMMENDATION:

Move to accept the Saratoga-Sunnyvale Road Rehabilitation & Overlay Project as complete and authorize staff to record the Notice of Completion for the construction contract.

PAGE/KING MOVED TO **ACCEPT THE SARATOGA-SUNNYVALE ROAD REHABILITATION & OVERLAY PROJECT AS COMPLETE AND AUTHORIZE STAFF TO RECORD THE NOTICE OF COMPLETION FOR THE CONSTRUCTION CONTRACT.** MOTION PASSED 5-0.

11. PROPOSITION 1B-LOCAL STREETS AND ROADS IMPROVEMENT

STAFF RECOMMENDATION:

Move to accept the Proposition 1B-Local Streets and Roads Improvement Street List and authorize staff to submit the list to the State Department of Finance for final approval.

PAGE/KING MOVED TO **ACCEPT THE PROPOSITION 1B-LOCAL STREETS AND ROADS IMPROVEMENT STREET LIST AND AUTHORIZE STAFF TO SUBMIT THE LIST TO THE STATE DEPARTMENT OF FINANCE FOR FINAL APPROVAL.** MOTION PASSED 5-0.

**12. LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT LLA-1;
PRELIMINARY APPROVAL OF ENGINEER'S REPORT AND ADOPTION
OF RESOLUTION OF INTENTION FOR FY 08-09.**

STAFF RECOMMENDATION:

1. Move to adopt the Resolution granting preliminary approval of the Engineer's Report for FY 08-09.
2. Move to adopt the Resolution of Intention

RESOLUTION 08-025

PAGE/KING MOVED TO **ADOPT THE RESOLUTION GRANTING
PRELIMINARY APPROVAL OF THE ENGINEER'S REPORT FOR FY 08-
09.** MOTION PASSED 5-0.

RESOLUTION 08-026

PAGE/KING MOVED TO **ADOPT THE RESOLUTION OF INTENTION.**
MOTION PASSED 5-0.

PUBLIC HEARINGS

**13. AMENDMENT TO SARATOGA CITY CODE TO ADOPT USE
RESTRICTIONS FOR KEVIN MORAN PARK**

STAFF RECOMMENDATION:

Introduce and waive the first reading of the attached ordinance use restrictions for Kevin Moran Park and direct staff to place the matter on the consent calendar at the next City Council meeting.

City Attorney Richard Taylor presented staff report. City Attorney Taylor noted this item is a follow-up to the March 5, 2008 Council meeting approving the Kevin Moran Park Design (KMP) and Use Program. At that meeting Council adopted a Resolution approving the Kevin Moran Park improvements as well as a number of rules regarding park use. Council also requested the Resolution adopted at the March 5, 2008 Council meeting be reflected in the City Code by adopting an Ordinance stating the rules and regulations of the park use.

Vice Mayor Page asked if enforcement of the adopted rules and regulations would be difficult.

City Attorney Taylor stated the City Code states that any violations of the City Code would be considered a misdemeanor and enforcement of the City Code would not be difficult. Taylor also noted the City has a Standard Park Use Agreement and the City can impose penalties for any violation of the Park Use Agreement.

Councilmember Kao asked if the Use Agreement would reflect specific City Code requirements for the use of Kevin Moran Park.

City Attorney Taylor noted all City Agreements state everyone has to comply with City laws and most of the City Code park use requirements are noted in the Agreement.

Councilmember Hunter asked for clarification to foregoing the First Reading of the Use Restrictions for Kevin Moran Park.

Attorney Taylor noted that State law states that in order to introduce an Ordinance it can be read out loud during the hearing; however, State law also allows you to stipulate to its being read by the Council consenting to waive the first reading out loud; that basically it is deemed to be read if Council passes the motion waiving the first reading.

Mayor Waltonsmith opened the Public Hearing to comments.

Howard Miller addressed the Council and noted that the park user groups wanted to build trust with the people in the Kevin Moran Park neighborhood and the community. The user groups also wanted everyone using the park to abide by the same rules and agreed to have a City Ordinance reflect those rules and requirements.

Howard Miller also thanked the Council for getting field use agreements at Prospect High School and West Valley College.

Mayor Waltonsmith closed the Public Hearing comments.

PAGE/KING MOVED TO **INTRODUCE AND WAIVE THE FIRST READING OF THE ORDINANCE USE RESTRICTIONS FOR KEVIN MORAN PARK AND DIRECT STAFF TO PLACE THE MATTER ON THE CONSENT CALENDAR AT THE NEXT CITY COUNCIL MEETING.** MOTION PASSED 5-0.

OLD BUSINESS

14. UPDATE ON ESTABLISHING A VISION FOR THE NORTH CAMPUS

STAFF RECOMMENDATION:

Provide direction to staff.

Recreation Department Director Michael Taylor presented staff report.

Council had discussion regarding the various uses of the North Campus, public opinions and suggestions for the use of the property, quality of some of the buildings, and the cost to renovate the buildings that are in poor condition.

Mayor Waltonsmith invited public comment.

John Kimball addressed the Council and stated other countries visit this country to see how communities develop suburbs. Mr. Kimball also noted he believes Saratoga sets the tone as to developing a quality community and feels the North Campus property completes the “circle” of Saratoga. He feels the North Campus could be used for weddings, receptions, art in the summer, piano teachers giving piano lessons, and DeAnza College using it for programs.

Jack Mallory spoke on this item and believes the North Campus could be used for many purposes and stated it will take time to turn it in to what it can be; and classrooms are a temporary use.

Mayor Waltonsmith closed the public comment.

There was lengthy discussion regarding the cost of building renovations and leasing options.

Councilmember King stated she would like to see this project completed by November of 2008.

City Manager Dave Anderson noted staff could prepare a cost estimate and bring back a Conceptual Plan for approval in a couple weeks.

Councilmember Page noted the funding could come from the unallocated funds in the current CIP budget.

Councilmember Kao requested that there be a line item in the next CIP budget stating where the funding will be coming from regarding the North Campus vision/project in the future.

Council direction to staff:

- Accept staff report.
- Create a line item in current CIP Budget for demolition of the two front buildings.
- Frontal property improvements – including the installation of minimal landscaping – some grass, hedges or fence, and outdoor furniture.
- Move the electrical panel.
- Install new property signage.

Mayor Waltonsmith declared a break at 9:00PM.

Mayor Waltonsmith reconvened at 9:05PM.

NEW BUSINESS

15. CITY SUPPORT OF 2009 MUSTARD FAIRE

STAFF RECOMMENDATION:

Provide direction to staff.

Recreation Department Director Michael Taylor presented staff report.

There was Council discussion regarding how much money the Heritage Preservation Commission (HPC) needs to support this event and other events the HPC does; and the request for staff support for future Mustard Faire events.

Norm Koepernik, Heritage Preservation Commission (HPC) was present to address the Council and answer questions. Mr. Koepernik stated the HPC started the Mustard

Faire as a community event. He noted there were 3,000 people that attended the event in February. Mr. Koepernik noted the event has grown so much and is now asking for additional funding as well as assistance from the Parks and Recreation Commission.

Councilmember Hunter voiced concerns about the HPC discussing plans for a community event such as the Mustard Faire at their monthly meeting, noting the Heritage Preservation Committee was created for heritage preservation.

Commissioner Koepernik stated the Commission does discuss heritage preservation and plans for the annual Mustard Faire.

Mayor Waltonsmith invited public comment.

Jack Mallory addressed the Council and noted that it is essential the Mustard Faire continues as a community event.

Mayor Waltonsmith closed public comment.

After lengthy discussion Council advised the HPC focus on heritage preservation issues, not community events such as the Mustard Faire; and for the HPC staff liaison to take the lead in keeping the HPC meetings focused strictly on heritage preservation issues.

Council also discussed having an outside group or committee take charge of the Mustard Faire event. In addition, Council discussed creating a Special Event line item in the budget that covers the traditional community events such as: Fourth of July celebration, Memorial Day event, Celebrate Saratoga, and the holiday Tree Lighting.

City Manager Dave Anderson commented that the City budget currently does have line items listed in various departments for specific Community events. City Manager Anderson also noted staff could centralize this line item in the budget for community events that the City supports, with a mini budget for each specific event.

PAGE/HUNTER MOVED TO DIRECT STAFF TO:

- **Fund the Mustard Faire event with a \$5,000 line item; which includes in-kind services.**
- **HPC to step aside.**
- **Find an external organization to plan the annual Mustard Faire event.**
- **HPC members can participate in the event planning as individuals – but not as a commissioner during monthly HPC meetings.**
- **Recreation Department staff work on the consolidation of special events funding; bring this information back to Council to incorporate as a line item, such as a Community Building Fund, into the budget.**

MOTION PASSED 5-0.

Councilmember Hunter did request Porta Pottys be made available at the next Mustard Faire event and that the “gun show” be omitted from the event.

16. CITY SUPPORT OF 2008 FOURTH OF JULY CELEBRATION

STAFF RECOMMENDATION:

Provide direction to staff.

Recreation Department Director Michael Taylor presented staff report.

Councilmember King asked if there was a group that was interested in being the event coordinator.

Director Taylor noted the Fourth of July Celebration will be sponsored by the Community Services Committee of the Saratoga Rotary Club, pending approval by their Board.

Vice Mayor Page noted that it will probably be approved by the Rotary Club Board on Friday, April 18, 2008. Vice Mayor Page also noted he would help lead staffing of the event.

Jack Mallory was invited to the podium to provide some answers to questions Council had on this topic.

There was additional Council discussion regarding donations, a band to provide music, donated services, adequate parking, and sufficient volunteers.

Councilmember Kao stated she would like funding for this event to be noted as a line item in the budget.

KAO/ KING MOVED TO ESTABLISH A LINE ITEM IN THE BUDGET TO SUPPORT THE FOURTH OF JULY CELEBRATION INCLUDING IN-KIND SUPPORT, IN THE AMOUNT OF \$4,000. MOTION PASSED 5-0.

17. UPDATE ON THE CITY PROCESS TO ISSUE PERMITS FOR CONSTRUCTION NEAR STREAMS

STAFF RECOMMENDATION:

Direct staff accordingly.

Community Development Director John Livingstone presented staff report.

After some Council discussion, Council directed staff to continue issuing permits for construction near streams following the same rules they currently have in place.

18. FY 2008/09 PROPOSED USER FEE UPDATE REVIEW

STAFF RECOMMENDATION:

Review staff report on FY 2008/09 User Fee Schedule and provide direction for final fee schedule for Public Hearing scheduled for May 7, 2008.

Administrative Services director Mary Furey presented staff report.

Councilmember King asked if Road Impact fees were included in the proposed User Fee Schedule.

Administrative Services Director Furey stated Road Impact fees were included in the User Fee Schedule.

PAGE/KAO MOVED TO **ACCEPT FEES FOR FISCAL YEAR 2008/09 AS PROPOSED BY STAFF.** MOTION PASSED 5-0.

ADHOC & AGENCY ASSIGNMENT REPORTS

Mayor Ann Waltonsmith -

Association of Bay Area Government (ABAG) – noted ABAG meets in San Francisco on April 24, 2008 and is unable to attend this meeting. Councilmember Kao volunteered to attend the meeting in place of Mayor Waltonsmith.

West Valley Mayors and Mangers Association – noted the next meeting is in two weeks.

TEA AdHoc – noted the next meeting is in two weeks.

Sister City – noted the exchange students are making their final plans for this year's exchange program.

Vice Mayor Chuck Page -

West Valley Sanitation District- met and is looking into their capital equipment.

West Valley Solid Waste Joint Powers Association – noted the next meeting will be in May.

Valley Transportation Authority PAC – noted that Los Altos Hills will be joining the West Valley group; some cities have expressed opposition to the reorganization of this group. VTA Board is also looking at changing their Board structure.

Santa Clara County Cities Association – noted there was a presentation given by the Water District indicating they are also considering changing their Board structure.

Councilmember Kathleen King -

City School AdHoc – noted the City School Adhoc has worked out an agreement with Pop Warner to use the school's public address system and that she will meet with the neighbors to see if they will be comfortable with this arrangement.

TEA Adhoc – noted she was unable to attend last meeting and the City Manager would provide a report on this Adhoc.

City Manager Dave Anderson stated he along with Cupertino Councilmember Gilbert Wong and former Cupertino Mayor Richard Lowenthal, and Tom Collins, Saratoga Chamber of Commerce Legislative Chair, traveled to Sacramento on Wednesday, April 9, 2008 to lobby on behalf of AB 1827. This bill would eliminate the ERAF payments made on TEA increments made possible by AB 117 passed in 2006. City Manager Dave Anderson noted this bill will now be scheduled for the Assembly Appropriations Committee sometime during the next three weeks.

City Manager Dave Anderson also noted the Saratoga Chamber of Commerce has given the City an official statement of support on the TEA issue.

Councilmember Jill Hunter -

Historic Foundation – noted she attended the Historic Foundation meeting and that the Foundation continues to grow.

KSAR – noted KSAR is currently in the process of hiring staff.

Library Joint Powers Association – noted the Library JPA meets in May.

Santa Clara County Valley Water Commission

Village AdHoc – noted the Village Adhoc met the morning of Wednesday, April 16, 2008.

Chamber of Commerce – noted she attended

Councilmember Aileen Kao -

Highway 9 – stated she had attended the Highway 9 meeting earlier on this day and noted funds are available for the bike lane on Austin Way.

Santa Clara County Cities Association – noted the group met on Thursday, April 10, 2008 and appointed representatives to serve on various committees. Councilmember Kao stated she was appointed to serve on the Airport Land Use Committee, and was appointed as the Alternate on the Association of Bay Area Government (ABAG) committee.

Councilmember Kao also agreed to meet with the Finance Committee the following week due to the absence of Mayor Waltonsmith.

CITY COUNCIL ITEMS

Councilmember King:

- Suggested Council give a report at each Council meeting noting the amount of paper saved by conducting the paperless Council meetings.
- Noted staff should evaluate the length of the Council meeting agendas each week and try to shorten them so Council meetings don't go so late into the evening.
- Suggested sending "Thank You" notes to the six representatives that voted on the TEA issue on April 9, 2006.

Mayor Waltonsmith:

- Raised the issue of safety in the Saratoga Post Office parking lot where students from Redwood Middle School are getting picking up by parents in the post office parking lot.

CITY MANAGER'S REPORT

None.

ADJOURNMENT

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

There being no further business, Mayor Waltonsmith adjourned the Regular meeting at 11:25PM.

Respectfully submitted.

Ann Sullivan, CMC
Acting City Clerk