

MINUTES

SARATOGA CITY COUNCIL OCTOBER 1, 2008

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

ANNOUNCEMENT OF CLOSED SESSION

Conference With Legal Counsel – Existing Litigation (1 case) Government Code section 54956.9(a)) Christiano v. Saratoga et al., and Potential Litigation (1 case) Title: City Attorney

MAYOR'S REPORT ON CLOSED SESSION

Mayor Waltonsmith announced there was no reportable information.

Mayor Waltonsmith called the Regular City Council meeting to order at 7:00 p.m. and lead the Pledge of Allegiance.

ROLL CALL

PRESENT: Councilmembers Aileen Kao, Jill Hunter, Kathleen King, Vice Mayor Chuck Page, Mayor Ann Waltonsmith

ABSENT: None

ALSO PRESENT: Dave Anderson, City Manager
Richard Taylor, City Attorney
Ann Sullivan, Acting City Clerk
Mary Furey, Administrative Services Director
John Cherbone, Public Works Director
Michael Taylor, Recreation Director
Crystal Morrow, Administrative Analyst II
Leo Salindong, IT Analyst

REPORT OF CITY CLERK ON POSTING OF AGENDA FOR OCTOBER 1, 2008.

Ann Sullivan, Acting City Clerk, reported that Pursuant to Gov't. Code 54954.2, the agenda for this meeting was properly posted on September 26, 2008.

ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS

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

Glenda Rossie addressed the Council regarding the neglect of the median landscaping along Fruitvale Avenue. She commented on the trees that were removed along the median as a result of the construction for the new entrance to the college; noted two of

the small trees had died and asked if the dead trees would be replaced. She also noted that many of the streets in Saratoga have been newly landscaped and asked why Fruitvale Avenue hasn't received the same. She also asked why the Heritage Orchard oak tree is being removed and given to WVC.

Jack Mallory addressed the Council regarding the annual Fourth of July festivities and the efforts to find a leader to organize the event. In addition, he spoke about the enforcement of City ordinances.

Janice Gamper addressed the Council regarding the new island in the middle of Saratoga and Fruitvale Avenue and the confusion it has created for drivers approaching the island. She also noted the new directional construction on Allendale Avenue across from WVC, stating it appears to be too far into the road and that it should be moved back more.

COUNCIL DIRECTION TO STAFF

Vice Mayor Page asked that Code Compliance Officer Jana Rinaldi contact Jack Mallory regarding the possibility of code violations and to provide a report in the weekly newsletter.

Mayor Waltonsmith asked Public Works Director John Cherbone to step forward and address the concerns raised by Ms. Rossie regarding the dead trees along Fruitvale Avenue.

Director Cherbone stated the trees were not dead based on evaluation reports from the city arborist. He also noted the City has already purchased two new trees to replace the two trees in question and noted the two trees that will be removed will not be discarded; they will be nursed back to health at the Public Works Corporation Yard over the winter and then replanted in the Fruitvale Avenue median.

Director Cherbone also addressed the concern regarding the median landscaping along Fruitvale Avenue. He noted that as part of the WVC Master Plan Improvement project, all medians fronting the college would be landscaped – including irrigation, curbs and gutters and that only one median, not included in this Master Plan, would be left to address.

City Manager Dave Anderson stated that when WVC put forth their last bond issue four years ago, they were asked by the City to address these issues and to include the restoration of the medians in their Master Plan Improvement project.

Mayor Waltonsmith asked Director Cherbone to address the concerns raised by Ms. Gamper regarding the island in the middle of Saratoga and Fruitvale Avenue.

Director Cherbone noted staff would call Ms. Gamper to get the exact location of the island she was referring to.

COMMUNICATIONS FROM COMMISSIONS & PUBLIC

Dr. Phil Hartley, West Valley College (WVC) President, addressed the Council by thanking them for the opportunity to meet with them in a Joint meeting prior to the Regular meeting. He then introduced John Hendrickson – the new Chancellor for WVC. He noted Mr. Hendrickson assumed the position effective August 1, 2008. Mr.

Hendrickson thanked the Council for the invitation to meet with them and that he looked forward to many more productive meetings in the future.

Dr. Hartley introduced members of the WVC Board of Trustees – Jack Lucas, Joy Atkins, Chris Stampolis and Adam Black. Dr. Hartley announced the construction work to the new entrance of WVC should be completed by the end of November and invited members of the Council and community to come by the college and take a tour of the various construction sites on campus.

ANNOUNCEMENTS

Vice Mayor Page announced the renaming ceremony for the Joan Pisani Community Center on Sunday, October 5, 2008 at 2:00PM.

Councilmember King inquired about the Fourth of July concerns voiced by Jack Mallory; Mayor Waltonsmith noted they are actively looking for a new leader for the event.

Councilmember King also announced the Akeena solar energy contest between the Town of Los Gatos and the City of Saratoga and that at the end of the contest (end of November) the winner will receive the equivalence of \$75,000 in solar energy for their town/city buildings.

Councilmember Hunter announced the Witchy-Walk-About in the Village on October 25th from 2:00 to 4:00PM.

CEREMONIAL ITEMS

1. PROCLAMATION RECOGNIZING OCTOBER 4 – 11, 2008 AS NO DRUGS DOWN THE DRAIN WEEK

STAFF RECOMMENDATION:

Accept presentation.

Melody Tovar, Deputy Director of the City of San Jose Environmental Services Department, was present to accept the presentation.

SPECIAL PRESENTATIONS

None

CONSENT CALENDAR

2. CITY COUNCIL MINUTES – SEPTEMBER 17, 2008

STAFF RECOMMENDATION:

Approve minutes.

KAO/PAGE MOVED TO **APPROVE CITY COUNCIL MINUTES OF SEPTEMBER 17, 2008.** MOTION PASSED 5-0-0.

3. REVIEW OF ACCOUNTS PAYABLE REGISTERS

STAFF RECOMMENDATION:

That the City Council accepts the Check Registers for Accounts Payable Cycles:
September 11, 2008
September 18, 2008

KAO/PAGE MOVED TO **ACCEPT CHECK REGISTERS FOR ACCOUNTS PAYABLE CYCLES SEPTEMBER 11, 2008 AND SEPTEMBER 18, 2008.**
MOTION PASSED 5-0-0.

4. REVIEW AND ACCEPT REPORT ON FINANCIAL POLICY STATEMENTS

STAFF RECOMMENDATION:

The City Council review and accept the proposed Financial Policy Statements for inclusion in the Annual Operating and Capital Budget document.

KAO/PAGE MOVED TO **ACCEPT THE PROPOSED FINANCIAL POLICY STATEMENTS FOR INCLUSION IN THE ANNUAL OPERATING AND CAPITAL BUDGET DOCUMENT.** MOTION PASSED 5-0-0.

5. RESOLUTION AMENDING THE CITY OF SARATOGA'S CONFLICT OF INTEREST CODE.

STAFF RECOMMENDATION:

Adopt resolution amending the City of Saratoga's Conflict of Interest Code.

RESOLUTION NO. 08-060

KAO/PAGE MOVED TO **ADOPT RESOLUTION AMENDING THE CITY OF SARATOGA'S CONFLICT OF INTEREST CODE.** MOTION PASSED 5-0-0.

PUBLIC HEARINGS

6. CAPITAL IMPROVEMENT PLAN (CIP) F.Y. 08/09 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 08/09 Budget reflecting Council direction from the May 7th, May 21st, June 3rd, and July 19th City Council Study Sessions (Attachment 3)
4. Adopt Resolution amending the Fiscal Year 08/09 Budget connected to the Saratoga-Sunnyvale Road Paving Project.

Public Works Director John Cherbone presented the staff report.

Mayor Waltonsmith opened the public hearing.

The following person spoke on this item:

Chuck Shoppe, representative of the Historical Museum and Historical Foundation, was present to address any questions Council may have regarding their \$10,000 request for the McWilliams House project.

Council reassured Mr. Shoppe that the \$10,000 request was granted and noted in the CIP project list.

Mayor Waltonsmith closed the public hearing.

City Attorney Richard Taylor informed the Council that they were adopting the resolutions that were provided to the Council prior to the start of the meeting and were made available to them on the Dias, as those resolutions were not included in the Council packet that Council received on September 26, 3008.

RESOLUTION NO. 08-061

RESOLUTION NO. 08-062

RESOLUTION NO. 08-063

KING/PAGE MOVED TO ADOPT ENVIRONMENTAL IMPACT ASSESSMENT FOR NEW CIP PROJECTS, ADOPT RESOLUTION AMENDING THE FISCAL YEAR 08/09 BUDGET REFLECTING COUNCIL DIRECTION FROM THE MAY 7, MAY 21, JUNE 3, AND JULY 19 CITY COUNCIL STUDY SESSIONS, AND ADOPT RESOLUTION AMENDING THE FISCAL YEAR 08/09 BUDGET CONNECTED TO THE SARATOGA-SUNNYVALE ROAD PAVING PROJECT AND ADOPT RESOLUTION AMENDING THE FISCAL YEAR 08-09 BUDGET CONNECTED TO THE WEST VALLEY SOCCER FIELD PROJECT. MOTION PASSED 5-0-0.

OLD BUSINESS

7. CITY OF SARATOGA WEBSITE AGREEMENT.

STAFF RECOMMENDATION:

Accept report and direct staff to enter into an agreement with Civica for design and hosting services for the City's website.

Administrative Analyst Crystal Morrow presented the staff report.

Mayor Waltonsmith invited public comment.

The following person spoke on this item:

Paul Hernandez addressed the Council regarding the possibility of a website community discussion bulletin board allowing members of the community to express their ideas and where citizens could go back to later on and read the exchange of comments and ideas. He also suggested using web standards rather than Microsoft standards so that everyone could have full browser access to the website.

Mayor Waltonsmith closed public comment.

PAGE/HUNTER MOVED TO **ACCEPT REPORT AND DIRECT STAFF TO ENTER INTO AN AGREEMENT WITH CIVICA FOR DESIGN AND HOSTING SERVICES FOR THE CITY'S WEBSITE.** MOTION PASSED 5-0-0.

NEW BUSINESS

8. **BIG BASIN WAY BANNER – PROMOTE SARATOGA BUSINESSES.**
STAFF RECOMMENDATION:

Accept report and provide direction to staff.

Public Works Director John Cherbone presented the staff report. Director Cherbone noted Vice Mayor Page and Councilmember Hunter (Village AdHoc Committee) asked to agendaize this item for discussion and invited them to present their ideas regarding a business banner in the Village.

There was discussion regarding:

- Types of banners
- Cost involved
- How the banner would be hung across Big Basin Way
 - support poles
 - from building to building
- Encroachment permission from Caltrans to hang banner
- Staff time to change banner messages
- Types of messages permitted on banner – city only or public/personal
- Establish policies/guidelines for City banner

Mayor Waltonsmith invited public comment.

No one was present to speak on this item.

Mayor Waltonsmith closed public comment.

Council expressed an interest in moving forward with additional exploration of a Big Basin Banner and agreed to have the Village Adhoc Committee work with Gates and Associates, the Landscape Architect firm that is doing a study for the Village, and direct them to include a Village banner into their scope of work.

In addition, Council agreed it was important to do something now, before the holiday season, to promote shopping in the Village and directed staff to design a new City banner to hang between the trees at Blaney Plaza during the weeks when Blaney Plaza hasn't been rented; with the final banner wording approved by The Village Adhoc Committee.

HUNTER/PAGE MOVED TO **ALLOCATE \$1500 FROM THE COUNCIL DISCRETIONARY FUND FOR A CITY BANNER PROMOTING THE VILLAGE AND TO BE HUNG AT BLANEY PLAZA WHEN NOT RENTED.** MOTION PASSED 5-0-0.

ADHOC & AGENCY ASSIGNMENT REPORTS

Mayor Ann Waltonsmith – reported:

SASCC – an appeal letter for donations would be mailed soon.

West Valley Mayors and Managers Association – had their monthly meeting last week.

Vice Mayor Chuck Page – reported that he and the City Manager attended the League of California Cities convention in Southern California.

Chamber of Commerce – met prior to “Taste of Saratoga” event.

Hakone Executive Board – meets in October.

West Valley Sanitation District – Councilmember Kao attended last meeting in his place.

Valley Transportation Authority PAC – still discussing governance; all the committees of the VTA are going through a mission exercise establishing their specific missions and they relate to the other committees.

Councilmember Kathleen King – reported:

Santa Clara County Cities Association – Executive Director would be leaving soon and that the recruitment process has been narrowed down to two candidates with a possible replacement occurring soon. King also noted the Cities Association Executive Board is asking that each city pass a resolution in support of:

- Measure A
- Proposition 1
- Supporting San Jose and Palo Alto’s ban of plastic bags

She also noted the Board would be discussing Measure B at the next meeting.

City School AdHoc – she provided staff with an update regarding the POP Warner issue and asked that staff include the report in the weekly newsletter.

TEA AdHoc – Jim Beall has stated that in the present economic circumstances he would not be introducing this legislation next year.

Councilmember Jill Hunter – had nothing to report.

Councilmember Aileen Kao – reported:

Northern Central Flood Control Zone Advisory Board – will meet on November 19, 2008.

Airport Land Use Committee – met last week, however, was unable to attend it due to the League of Women Voter’s forum for Council candidates.

CITY COUNCIL ITEMS

Councilmember King announced John Nolan, Director of Support Services at Campbell Union High School District and liaison between the High School District and the City of Saratoga, is retiring and asked if the City could do a commendation noting his positive contributions to the community.

Councilmember King also voiced her concerns regarding the SVDC list serve emails and if there is a Brown Act violation. She asked that the Mayor meet with the City Attorney regarding this issue. The City Attorney recommended that Council agendaize this item for discussion at a future meeting.

Council concurred to remove TEA from the Council Adhoc and Agency assignment list until such time that it is determined that the TEA legislation might have a reasonable chance for passage.

CITY MANAGER'S REPORT

City Manager Dave Anderson noted there would be an article in the weekly newsletter regarding the League of California's Convention that he, along with Vice Mayor Page, attended last week.

ADJOURNMENT

PAGE/KAO MOVED TO ADJOURN **THE REGULAR MEETING AT 9:30PM.**
MOTION PASSED 5-0-0.

Respectfully submitted,

Ann Sullivan
Acting City Clerk