

## MINUTES

### SARATOGA CITY COUNCIL DECEMBER 3, 2008

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

#### **ROLL CALL**

PRESENT: Councilmembers Susie Nagpal, Howard Miller, Jill Hunter, Vice Mayor Kathleen King, and Mayor Chuck Page

ABSENT: None

ALSO Dave Anderson, City Manager

PRESENT: Richard Taylor, City Attorney  
Ann Sullivan, City Clerk  
Barbara Powell, Assistant City Manager  
Mary Furey, Administrative Services Director  
Crystal Morrow, Administrative Analyst II

#### **REPORT OF CITY CLERK ON POSTING OF AGENDA FOR DECEMBER 2, 2008**

Ann Sullivan, City Clerk, reported that pursuant to Government Code Section 54954.2, the agenda for the meeting of December 3, 2008, was properly posted on November 26, 2008.

#### **ORAL COMMUNICATIONS**

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

Citizen Ray addressed the Council regarding the final costs of Phase I of the Highway 9 safety project.

David Lawrence addressed the Council regarding the coalition to save the Saratoga Village Post Office. He noted they have found property on Big Basin Way to relocate the Village Post Office and are working with Anna Eshoo, State of California Congresswoman, and United States Senator Diane Feinstein to save the Saratoga Village Post Office.

#### **COUNCIL DIRECTION TO STAFF**

Vice Mayor King asked Mr. Lawrence to provide his email address so that anyone that is interested in contacting him regarding the preservation of the Village Post Office could do so.

Mr. Lawrence provided his email address, which is [burniswright@aol.com](mailto:burniswright@aol.com)

Councilmember Hunter noted there is a lot of concern regarding the closure of this post office and asked if the Council could write a letter in support of preserving the Village Post Office.

Mayor Page noted the Council could write a letter and stated he already had a letter from Congresswoman Eshoo and a copy of a letter she had sent to the Post Office District Manager regarding the concerns of the proposed closure of the Village Post Office.

City Attorney Richard Taylor stated the Mayor could, at his prerogative, send a letter; however, the Council could not direct him to do so.

Mayor Page noted he would contact Mr. Lawrence regarding this issue.

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

None

### **ANNOUNCEMENTS**

None

### **CEREMONIAL ITEMS**

#### **1. COMMENDATION HONORING JOY ATKINS – BOARD MEMBER OF THE WEST VALLEY-MISSION COMMUNITY COLLEGE DISTRICT**

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

Present commendation.

Sally Atkins, Joy Atkins' daughter, was present to receive the commendation.

Mayor Chuck Page presented the commendation.

Jack Lucas, Board of Trustees member, and John Hendrickson, Chancellor of West Valley-Mission Community College District, also presented Sally Atkins with a commendation from the College.

### **SPECIAL PRESENTATIONS**

None

### **CONSENT CALENDAR**

#### **2. CITY COUNCIL MINUTES – NOVEMBER 19, 2008**

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

Approve minutes.

Councilmember Miller, Vice Mayor King, and Councilmember Hunter removed this item for clarification.

Councilmember Miller stated the cost of the Comer Debris Wall was \$200K – not \$2 million.

Vice Mayor King stated that Council did accept the staff report “as is” for *Item 13 – Heritage Orchard Preservation – Current Status and Additional Options*; however, Council did not direct staff to agendize the perpetuity of the Heritage Orchard with a resolution at the next Council meeting. In addition, she noted that the minutes didn’t reflect that Vice Mayor Page requested to agendize the perpetuity of the Heritage Orchard with a resolution at the next Council meeting on December 3, 2008, which was seconded by Councilmember Hunter.

Mayor Page noted the minutes did reflect his request to agendize the perpetuity of the Heritage Orchard with a resolution at the next Council meeting – on the **CITY COUNCIL ITEMS’** Agenda Item – towards the end of the Council meeting agenda.

City Clerk Ann Sullivan also confirmed that the minutes did reflect Vice Mayor Page’s request to agendize the perpetuity of the Heritage Orchard with a resolution at the next Council meeting, which was December 3, 2008.

Councilmember Hunter asked the City Clerk earlier to add an additional comment she had made regarding the Heritage Orchard Preservation item and that is: In addition, she would not support a vote by the people to determine the future of the Heritage Orchard.

**KING/NAGPAL MOVED TO ADOPT CITY COUNCIL MINUTES OF NOVEMBER 19, 2008 AS AMENDED.** MOTION PASSED 5-0-0.

**3. TREASURER’S REPORT FOR THE MONTH ENDED AUGUST 31, 2008**

**STAFF RECOMMENDATION:**

The City Council review and accept the Treasurer's Report for the month ended August 31, 2008.

**KING/NAGPAL MOVED TO ACCEPT THE TREASURER’S REPORT FOR THE MONTH ENDED AUGUST 31, 2008.** MOTION PASSED 5-0-0.

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

**STAFF RECOMMENDATION:**

That the City Council accepts the Check Registers for Accounts Payable cycles: November 13, 2008

November 20, 2008

KING/NAGPAL MOVED TO **ACCEPT THE CHECK REGISTERS FOR ACCOUNTS PAYABLE CYCLES NOVEMBER 13, 2008 AND NOVEMBER 20, 2008.** MOTION PASSED 5-0-0.

**5. REQUEST FOR COUNCIL AGENCY ASSIGNMENTS AND ADHOC COMMITTEES**

**STAFF RECOMMENDATION:**

Informational only.

KING/NAGPAL MOVED TO **ACCEPT THE REQUEST FOR COUNCIL AGENCY ASSIGNMENTS AND ADHOC COMMITTEES.** MOTION PASSED 5-0-0.

**6. RESOLUTION REAFFIRMING PRIOR CITY COUNCIL ACTIONS TO PRESERVE THE HERITAGE ORCHARD**

**STAFF RECOMMENDATION:**

Accept report and adopt Resolution reaffirming prior City Council actions which recognized the Heritage Orchard as a valuable asset to the community that should be preserved.

Assistant City Manager Barbara Powell removed this item for clarification.

Ms. Powell noted that in the staff report for Item 6 on the December 3, 2008 Council agenda – *Resolution Reaffirming Prior City Council Actions to Preserve the Heritage Orchard*, incorrectly states “that at the November 19, 2008 Council meeting, Council directed staff to prepare a resolution for consideration by the incoming City Council to reaffirm prior Council efforts intended to preserve the Heritage Orchard”.

Ms. Powell clarified that Mayor Page (then Vice Mayor Page) had requested, during the **CITY COUNCIL ITEMS** discussion at the end of the Council meeting, to agendize the perpetuity of the Heritage Orchard – as a reaffirmation of the resolution that was adopted in 2000, and Councilmember Hunter seconded the motion.

**RESOLUTION NO. 08-076**

NAGPAL/MILLER MOVED TO **ACCEPT REPORT AND ADOPT RESOLUTION REAFFIRMING PRIOR CITY COUNCIL ACTIONS WHICH RECOGNIZED THE HERITAGE ORCHARD AS A VALUABLE ASSET TO THE COMMUNITY THAT SHOULD BE PRESERVED.** MOTION PASSED 5-0-0.

**PUBLIC HEARINGS**

None

**OLD BUSINESS**

None

## **NEW BUSINESS**

### 7. 2009 Hazardous Vegetation Program Commencement Resolution

#### **STAFF RECOMMENDATION:**

Adopt Resolution Declaring Hazardous Vegetation (Weeds) as Public Nuisance and Setting Public Hearing.

Moe Kumre, representative from Santa Clara County Agriculture Department, was present to provide answers to questions presented by Council.

Councilmember Miller asked if the County has already inspected properties and if property owners that have not experienced this process are going to be charged a fee.

Mr. Kumre stated no, not at this time. He proceeded to explain the weed abatement process. He noted owners of properties that were not in compliance by the April 15<sup>th</sup> deadline to abate, would be sent a Courtesy Notice giving them another 15 days to abate their properties. If they haven't abated by the end of the 15 day courtesy period the County would begin the abatement process and the property owners would be charged the cost of the abatement plus an administrative fee of 150%. If the property owner complies with the abatement within the 15 day courtesy period, they would only be charged the \$298 fee; which is the cost incurred by the County to conduct the inspections, writing work orders and taking pictures of properties.

Councilmember King raised the question about property owners receiving the standard three notices without incurring any fee – as has been done in the past.

City Manager Dave Anderson stated that starting this year, there is a new process wherein the property owner does begin to accrue charges if they haven't abated prior to the initial inspection. He noted that this is a new procedure and that is why this fee is being highlighted in the staff report.

Councilmember Nagpal asked if this is a list of properties that property owners have seen in the past and are familiar with the process.

Mr. Kumre noted that properties that have been placed on the abatement list will remain on the list; however, if the property owner is in compliance for three consecutive years, they would be removed from the list.

Councilmember Miller asked how a property gets added to the list.

Mr. Kumre stated they can be added to the list by a complaint – either from the City, by a neighbor, or by observation when the County is inspecting other properties. The properties on the list can change each year; and if a new property is added to the list, the property owner would receive a letter from the County informing the property owner that they are being added to the program for the following year. They would also then receive the first notice from the County informing them that they have until the April 15<sup>th</sup> deadline to comply with the abatement of their property. If they comply by that date – they would not incur any fee.

Mayor Page noted that since this is a new change in the abatement process, he would ask the Saratoga News reporter to write an article regarding the Weed Abatement Program and the new \$298 fee that property owners will incur if they don't meet compliance by the April 15<sup>th</sup> deadline.

Vice Mayor King stated she is not happy with the change and feels that the residents should receive three notices before they incur any fee.

Mayor Page asked if this was a new charge that County Agriculture Department was levying.

Mr. Kumre stated it is a new charge that they are levying; however, it is an old law that has been in effect since 1982 and because of the success of the program, the County is unable to recover any costs by conducting the program – other than what they charge to non-compliant property owners when the County does the abatement. He noted that by implementing this \$298 fee it will help pay for the cost of running the program.

Mr. Kumre noted he would be happy to work with the City Clerk regarding an additional reminder notice in late March.

Mayor Page invited public comment.

Priscilla Ho asked for clarification on what the difference is between native grasses and weeds and how you decide what is a weed.

Mr. Kumre responded that regarding fire protection – there really isn't a native grass that is allowed; and if it is a fire hazard it needs to be within minimum standards. He noted people can call the County to schedule on-site visits or to receive assistance regarding their property and what the property owner needs to do to meet minimum standards.

#### **RESOLUTION NO. 08-077**

**NAGPAL/KING MOVED TO ADOPT RESOLUTION DECLARING HAZARDOUS VEGETATION (WEEDS) AS PUBLIC NUISANCE AND SETTING PUBLIC HEARING.** MOTION PASSED 5-0-0.

#### **8. COMMISSION QUALIFICATIONS AND EXPIRING TERMS**

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

Accept the staff report and list of Commission qualifications and Commissioner terms that will be expiring in the next calendar year.

Administrative Analyst II Crystal Morrow presented the staff report.

Vice Mayor King suggested adding words to the commission application saying that if you are serving as a City commissioner you cannot also serve on an appointed city, state or county commission.

City Attorney Richard Taylor noted that the application form will ask applicants to list the bodies on which they are currently serving.

There was Council discussion regarding commission vacancies and staggering commission terms so that commission terms do not expire at the same time.

Council accepted staff report as is.

## **ADHOC & AGENCY ASSIGNMENT REPORTS**

Vice Mayor Chuck Page – had nothing to report.

Councilmember Kathleen King – reported:

*Peninsula Division, League of California Cities* – recommends the new council members attend the January New Council Member training, which is scheduled for January 21-23, 2009.

*Santa Clara County Cities Association* – holiday dinner is on Thursday evening and there will be a Second Harvest Food Drive that evening and encouraged people to bring canned goods with them.

*City School AdHoc* – Town of Los Gatos Mayor Mike Wasserman will try to implement the Project Cornerstone idea to the teens throughout the Town for 2009; not just focusing on the schools, but on every group that works with teens.

Councilmember Jill Hunter – reported:

*Village AdHoc* – had a meeting with David Gates and the next meeting is February 2, 2009 at 6:30 for Village Economic Development Committee.

## **CITY COUNCIL ITEMS**

Councilmember Hunter asked Mayor Page if their Council adhoc/agency choices were due by the 10<sup>th</sup> of December.

Mayor Page confirmed the Council adhoc/agency list should be given to him by December 10<sup>th</sup>.

Vice Mayor King noted that as a new councilmember there are some adhoc or commissions that you would have a chance to become chair of within 4 to 6 years of service – if you have an interest in serving on a specific adhoc or commission.

In addition, Vice Mayor King asked about the Highway 9 Safety AdHoc and if it was removed from the list – maybe it should be brought back.

City Manager Dave Anderson noted that the adhoc had finished its work providing direction on Phases I and II; that it could be brought back online if funding for Phase III was ever secured.

Mayor Page noted that the Recycling & Waste Water Reduction Commission of SCC was on the list and that no one was assigned to that commission in 2008.

City Manager Dave Anderson stated that staff would research that to determine if it is the Chair of the West Valley Solid Waste Authority or if the Cities Association Selection Committee makes the assignment decision.

Councilmember Hunter asked if there was any possibility of bringing back the Finance Commission noting that members of the public have expressed an interest in viewing the budget a couple times a year.

City Manager Dave Anderson stated the last time this was discussed Council had decided to establish a Council Standing Committee on Finance. In addition, he noted that if you want to discuss it further you may have to agendaize it.

Mayor Page noted that members of the public could view the budget at any time and that her question to bring back the Finance Commission would be looked into.

### **CITY MANAGER'S REPORT**

Nothing

### **ADJOURNMENT**

There being no further business, Mayor Page asked for a motion to adjourn.

KING/NAGPAL MOVED TO **ADJOURN THE REGULAR MEETING AT 8:25 P.M.** MOTION PASSED 5-0-0.

Respectfully submitted,

Ann Sullivan, CMC  
City Clerk