

MINUTES

SARATOGA CITY COUNCIL DECEMBER 17, 2008

The City Council of the City of Saratoga met in Closed Session in the Administrative Conference Room at 5:30 p.m.

ANNOUNCEMENT OF CLOSED SESSION

Conference with Legal Counsel – Threatened Litigation – Pursuant to Government Code Section 54956.9(b) (1 Case)

Conference with Legal Counsel – Initiation of Litigation – Pursuant to Government Code Section 54956.9(c) (1 Case)

MAYOR’S REPORT ON CLOSED SESSION

Mayor Page stated there was no reportable information

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

ORAL COMMUNICATIONS

The following person requested to speak at the Joint Meeting with the Saratoga Traffic Safety Commission:

Bob Wallace asked the Council and Traffic Safety Commissioners to look into several concerns he has pertaining to Pierce Road:

- Possible installation of bike paths and pedestrian pathways on Pierce Road
- Traffic calming
- Stop sign at Comer Avenue

Mr. Wallace also stated that he thought the estimated \$200K cost to repair the Comer Retaining Wall could be done at a lower cost.

Mayor Page thanked Mr. Wallace for his input and suggestions.

Mayor Page adjourned the Joint Meeting at 6:58PM.

Mayor Page called the Regular City Council meeting to order at 7:00 p.m.

Members of TROOP 535 were present and led the Pledge of Allegiance.

ROLL CALL

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

ABSENT: Councilmember Susie Nagpal

ALSO Dave Anderson, City Manager
PRESENT: Richard Taylor, City Attorney
Ann Sullivan, City Clerk
Barbara Powell, Assistant City Manager
Mary Furey, Administrative Services Director
John Cherbone, Public Works Director
John Livingstone, Community Development Director
Cynthia McCormick, Assistant Planner

REPORT OF CITY CLERK ON POSTING OF AGENDA

Ann Sullivan, City Clerk, reported that pursuant to Government Code Section 54954.2, the agenda for the meeting of December 17, 2008, was properly posted on December 11, 2008.

ORAL COMMUNICATIONS

Troop 535 Boy Scout Jesse Zhou, addressed the Council regarding the Ewaste Program which is scheduled for January 10th from 9:00 a.m. to 4:00 p.m. at the North Campus. He invited the public to come by during those hours and drop off any unwanted electronic equipment for recycling.

COUNCIL DIRECTION TO STAFF

Council asked staff to include the January 10th Ewaste Program information on the City Website.

COMMUNICATIONS FROM BOARDS AND COMMISSIONS

Traffic Safety Commission Chair Michael Bustamante addressed the Council regarding the 6:00 p.m. Joint Meeting earlier. He noted they discussed traffic trends, Oak Street Task Force Update, the Traffic Safety Commission flowchart, increased enforcement and radar feedback signs. He noted the flowchart is very effective in helping the Commission communicate with members of the community successfully regarding traffic concerns that they may have.

Vice Mayor King asked how many speed monitors the City is currently using.

Public Works Director Cherbone commented that there are four monitors being used currently and that two more monitors will be added shortly.

Chair Bustamante noted that the response from the community has been very positive regarding the use of the speed monitors.

ANNOUNCEMENTS

Vice Mayor King announced that the "Akeena Challenge" (*Saratoga versus Los Gatos*) ends on December 31st and currently the City of Saratoga is only 2 kilowatts lower than the Town of Los Gatos. She noted the City of Saratoga will win the challenge if 3 more kilowatts are installed or ordered. Vice Mayor King stated the winner will receive 10 kilowatts for a City building; which is equivalent to \$75,000.

Councilmember Miller announced that the Redwood Middle School Marching Band has been invited to perform at the Presidential Inaugural Parade in Washington in January and that they are the only middle school in the country to be invited to this event. He noted this is a huge honor to the school and members of the band and that the cost to perform at this event is more than \$200K dollars. He stated Redwood Middle School is accepting donations to help cover the costs and if anyone was interested in donating to this cause they could contact him directly.

Councilmember Hunter thanked all the people who donated money to decorate the windows of empty shops in the Village and noted how festive the decorated windows looked for the holiday season.

Mayor Page announced that one of eight POP Warner football teams in the areas was invited to play in the championship tournament in Florida and that the Division II Junior Midget football team won the tournament.

Vice Mayor King added that this team also received the team sportsmanship award.

Councilmember Hunter inquired if there was something the city could do to recognize the achievement of Redwood Middle Schools' band when they return.

Mayor Page concurred that the City would recognize the school and members of the band for their achievement.

CEREMONIAL ITEMS

None

SPECIAL PRESENTATIONS

None

CONSENT CALENDAR

1. CITY COUNCIL MINUTES - DECEMBER 2, 2008

STAFF RECOMMENDATION:

Approve minutes.

KING/HUNTER MOVED TO **APPROVE CITY COUNCIL MINUTES – DECEMBER 2, 2008.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

2. MINUTES – COUNCIL REORGANIZATION MEETING - DECEMBER 2, 2008

STAFF RECOMMENDATION:

Approve minutes.

Vice Mayor King removed this item for discussion.

Vice Mayor King noted the minutes should reflect that Councilmember Page also voted “Aye” when asked by the City Clerk if all members of the Council were in favor of Councilmember Chuck Page for the Office of the Mayor; therefore, the MOTION PASSED 5-0-0.

In addition, Vice Mayor King noted the minutes should reflect that Councilmember King also voted “Aye” when asked by Mayor Page if all members of the Council were in favor of Councilmember Kathleen King for the Office of the Vice Mayor; therefore, the MOTION PASSED 5-0-0.

KING/HUNTER MOVED TO **APPROVE MINUTES – COUNCIL REORGANIZATION MEETING AS AMENDED – DECEMBER 2, 2008.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

3. CITY COUNCIL MINUTES – DECEMBER 3, 2008

STAFF RECOMMENDATION:

Approve minutes.

KING/HUNTER MOVED TO **APPROVE CITY COUNCIL MINUTES – DECEMBER 3, 2008.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

4. TREASURER’S REPORT FOR THE MONTH ENDED SEPTEMBER 30, 2008

STAFF RECOMMENDATION:

The City Council review and accept the Treasurer’s Report for the month ended September 30, 2008.

KING/HUNTER MOVED TO **ACCEPT THE TREASURER’S REPORT FOR THE MONTH ENDED SEPTEMBER 30, 2008.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

5. REVIEW OF ACCOUNTS PAYABLE CHECK REGISTERS

STAFF RECOMMENDATION:

That the City Council review and accept the Check Registers for the following Accounts Payable payment cycles:

November 26, 2008

December 04, 2008

KING/HUNTER MOVED TO **ACCEPT THE CHECK REGISTERS FOR ACCOUNTS PAYABLE CYCLES: NOVEMBER 26, 2008 AND DECEMBER 4, 2008.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

6. FINAL ACCEPTANCE OF PUBLIC IMPROVEMENTS WITHIN SUBDIVISION SD-00-006 – 15202 QUITO ROAD

STAF RECOMMENDATION:

1. Move to grant final acceptance of the public improvements within Subdivision SD-00-006.
2. Move to adopt the resolution rescinding the previously rejected Offers of Dedications and accepting dedication of streets or portions of streets within Subdivision SD-00-006 into the City's publicly maintained street system.

RESOLUTION NO. 08-078

KING/HUNTER MOVED TO 1) GRANT FINAL ACCEPTANCE OF THE PUBLIC IMPROVEMENTS WITHIN SUBDIVISION SD-00-006 AND 2) TO ADOPT THE RESOLUTION RESCINDING THE PREVIOUSLY REJECTED OFFERS OF DEDICATIONS AND ACCEPTING DEDICATION OF STREETS OR PORTIONS OF STREETS WITHIN SUBDIVISION SD-00-006 INTO THE CITY'S PUBLICLY MAINTAINED STREET SYSTEM. MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

7. TRAIL EASEMENT RELOCATION AT 13636 DEER TRAIL COURT

STAFF RECOMMENDATION:

Approve proceeding with the trail relocation at 13636 Deer Trail Court

KING/HUNTER MOVED TO APPROVE PROCEEDING WITH THE TRAIL RELOCATION AT 13636 DEER TRAIL COURT. MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

8. JOE'S TRAIL AT SARATOGA DE ANZA PROJECT (PHASE I) – REJECTION OF BIDS

STAFF RECOMMENDATION:

Move to reject all bids for Joe's Trail at Saratoga De Anza Project (Phase 1).

KING/HUNTER MOVED TO REJECT ALL BIDS FOR JOE'S TRAIL AT SARATOGA DE ANZA PROJECT (PHASE I). MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

9. AMENDMENT TO PROFESSIONAL SERVICES CONTRACT WITH CSG CONSULTANTS, INC.

STAFF RECOMMENDATION:

Approve an Amendment to the existing professional services contract with CSG Consultants, Inc. for additional work in the amount of \$16,000 and authorize the City Manager to execute the same.

KING/HUNTER MOVED TO APPROVE AN AMENDMENT TO THE EXISTING PROFESSIONAL SERVICES CONTRACT WITH CSG CONSULTANTS, INC. FOR ADDITIONAL WORK IN THE AMOUNT OF \$16,000 AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE SAME. MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

**10. FINAL MAP APPROVAL FOR THREE OFFICE CONDOMINIUMS
LOCATED AT 19000 COX AVENUE
OWNERS: BOYD/CROWE/ARALDI**

STAFF RECOMMENDATION:

1. Move to adopt Resolution granting final map approval of tentative map application SUB 08-0001 located at 19000 Cox Avenue.

RESOLUTION NO. 08-079

KING/HUNTER MOVED TO **ADOPT RESOLUTION GRANTING FINAL MAP APPROVAL OF TENTATIVE MAP APPLICATION SUB 08-0001 LOCATED AT 19000 COX AVENUE.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

11. POLICY PERTAINING TO ONLINE CALENDAR CONTENT

STAFF RECOMMENDATION:

Accept report and adopt resolution establishing the policy pertaining to the City's online community calendar content.

RESOLUTION NO. 08-080

KING/HUNTER MOVED TO **ACCEPT REPORT AND ADOPT RESOLUTION ESTABLISHING THE POLICY PERTAINING TO THE CITY'S ONLINE COMMUNITY CALENDAR CONTRACT.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

12. REQUEST TO INCREASE THE APPROPRIATION FOR THE WEST VALLEY SOLID WASTE MANAGEMENT JOINT POWERS AUTHORITY

STAFF RECOMMENDATION:

Accept report and adopt budget resolution increasing the appropriation for the West Valley Solid Waste Management Joint Powers Authority (JPA) from \$32,000 to \$48,735.

RESOLUTION NO. 08-081

KING/HUNTER MOVED TO **ACCEPT REPORT AND ADOPT BUDGET RESOLUTION INCREASING THE APPROPRIATION FOR THE WEST VALLEY SOLID WASTE MANAGEMENT JOINT POWERS AUTHORITY (JPA) FROM \$32,000 TO \$48,735.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

13. COUNCIL ASSIGNMENTS & ADHOC COMMITTEE APPOINTMENTS

STAFF RECOMMENDATION:

Adopt resolution for 2009 Council Agency & Adhoc Committee assignments.

Mayor Page removed this item for discussion.

Mayor Page noted that he had received some suggestions from fellow council members after he had made the assignments to the various agencies and committees and that he would like to make the following changes:

County HCD Policy Committee – Susie Nagpal/Primary; Howard Miller/Alternate
Village Ad Hoc – Jill Hunter/Primary; Susie Nagpal/Alternate

Mayor Page noted that he was cognizant of the work load and that he felt it was important to assign council members to agencies and committees where they could provide the greatest contribution.

Councilmember Hunter stated she served on the Santa Clara County Emergency Council in 2008 and that she has been assigned to this committee for 2009 and noted that it is important for other council members to experience serving on this committee. She also suggested that in the future it would be nice to have the council sit down as a group and discuss the agency/committee assignments, noting that council members should serve on committees that they feel strongly about and that consistency as a representative on specific agencies and committees is important. She noted that she has served on the Santa Clara Valley Water Commission for two years and enjoys going to those meetings.

Mayor Page thanked Councilmember Hunter for her suggestions and asked Councilmember Miller if he would be interested in being the Primary representative on the Santa Clara County Emergency Council and Councilmember Hunter as the Alternate. Councilmember Miller stated he was in agreement with that change. In addition, Mayor Page asked Councilmember Miller if he would be the Alternate on the Santa Clara Valley Water Commission and Councilmember Hunter could remain the Primary. Councilmember Miller was in agreement with this change also.

Vice Mayor King noted that the agency/committee assignment process does work and that she didn't feel additional meetings needed to be scheduled in the future to discuss the assignment process.

Councilmember Hunter thanked Councilmember Miller for agreeing to the changes that were made to the Santa Clara Valley Emergency Council and Water Commission.

RESOLUTION NO. 08-082

MILLER/HUNTER MOVED TO **ADOPT AMENDED RESOLUTION FOR 2009 COUNCIL AGENCY & ADHOC COMMITTEE ASSIGNMENTS.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

PUBLIC HEARINGS

None

OLD BUSINESS

None

NEW BUSINESS

14. DIRECTION REGARDING LIBRARY CAPITAL IMPROVEMENT FUND BUDGET AMENDMENT IN THE AMOUNT UP TO \$300,000 FOR THE REPLACEMENT OF THE SARATOG LIBRARY HVAC SYSTEM

STAFF RECOMMENDATION:

Accept report and provide direction regarding the use of up to \$300,000 of the Library Capital Improvement Fund as requested by the Santa Clara County Library for the repair and/or replacement of the heating ventilation and air conditioning (HVAC) system.

Recreation Department Director Michael Taylor presented the staff report.

Director Taylor noted that in response to ongoing heating and cooling system problems at the Saratoga Library, the County hired a consultant in November of 2008 to review the system. The consultant identified four areas of concern and made six specific recommendations to remedy the problem for an estimated cost of \$239,000; plus an additional \$60,000 for the design of the new HVAC system. Director Taylor noted the funding for this project would come from the Library Capital Improvement Fund and that a Cooperative Agreement could be developed authorizing the County Library to have the work done with City approval.

Mayor Page invited public comment.

The following person was present to speak on this item:

Sam McBane-Mulford, Chair of the Library Commission, addressed the Council. She conveyed the commission's interest in working with the City and the selected engineering consultant to resolve the HVAC heating and cooling issues and recommended Council to move forward to expedite the repair work.

Mayor Page closed the public comment.

Vice Mayor King recommended that Assistant City Manager Barbara Powell be the project manager.

City Manager Dave Anderson agreed that Assistant City Manager Barbara Powell should be the project manager in terms of keeping the project on track and under budget – but not for the technical specifications and issues.

Councilmember Miller noted that it is very important to have the assigned project engineer and a signed contract specifying the project design in place prior to the formal bid process, in order to expedite the project.

Mayor Page concurred with Councilmember Miller and noted that in addition to Council approving the funding to move forward with the project, he would like to authorize the City Manager to be able to sign off on a specified design contract up to \$70,000 in order to expedite the bid process.

City Attorney Richard Taylor noted that Council may want to have a higher degree of legal review with respect to the legal documents pertaining to the project design and contract specifications. Therefore he recommended Council increase the approved funding from the recommended \$300,000 to \$310,000 in order to cover the additional cost of having outside counsel review the design and engineering contract specifications.

City Manager Dave Anderson agreed with City Attorney Taylor and stated that the attorney specializing in construction contracts had been very helpful in the past.

RESOLUTION NO. 08-084

PAGE/KING MOVED TO **APPROVE A \$310,000 BUDGET TRANSFER FROM THE SARATOGA LIBRARY CAPITAL IMPROVEMENT FUND BALANCE TO FUND IMPROVEMENTS TO THE HEATING VENTILATION AND AIR CONDITIONING (HVAC) SYSTEM WITH THE ADDITIONAL AUTHORIZATION OF THE CITY MANAGER TO SIGN OFF ON A \$70,000 CONTRACT WITH A FIRM DESIGNATED BY THE SARATOGA LIBRARY FOR THE ENGINEERING DESIGN AND LEGAL REVIEW.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

City Manager Anderson also noted the City would go through the formal bid process and then bring it back to council for the final award of bid for the project.

15. EVALUATION CRITERIA FOR COMMUNITY GRANT & COMMUNITY DEVELOPMENT BLOCK GRANT PUBLIC SERVICES FUNDING

STAFF RECOMMENDATION:

As directed by City Council.

Assistant Planner Cynthia McCormick presented the staff report.

Ms. McCormick noted the CDBG application would be available on the City's website and that the application does require a director's signature on the part of the applicant's agency. She also confirmed that both the Community Grant (CG) program and the Community Development block Grant (CDBG) program would be done simultaneously and that the applications for both programs would be reviewed at a preliminary Public Hearing prior to approval in March.

Council thanked Ms. McCormick for her presentation and directed staff to move forward with the noticing, application process and public hearing schedule.

16. FELLOWSHIP HALL IMPROVEMENT PROJECT – ADDITIONAL WORK

STAFF RECOMMENDATION:

1. Adopt Budget Resolution amending the FY 2008-09 Budget connected to the Fellowship Hall Improvement Project.
2. Approve additional Contract Change Order Authority with CRW in the amount of \$75,174.

Recreation Director Michael Taylor presented the staff report.

RESOLUTION NO. 08-083

KING/MILLER MOVED TO: **1) ADOPT BUDGET RESOLUTION AMENDING THE FY 2008/09 BUDGET CONNECTED TO THE FELLOWSHIP HALL IMPROVEMENT PROJECT; AND 2) TO APPROVE ADDITIONAL CONTRACT CHANGE ORDER AUTHORITY WITH CRW IN THE AMOUNT OF \$75,174.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

ADHOC & AGENCY ASSIGNMENT REPORTS

Mayor Chuck Page – reported:

Chamber of Commerce – met for the end of the year party; however he was unable attend because he was at a VTA PAC meeting.

Valley Transportation Authority PAC – he attended the meeting along with Public Works Director John Cherbone and he commended Director Cherbone for the nice presentation he gave on the City of Saratoga’s “needs” from VTA. He noted they talked about the good working relationship between the cities of Saratoga, Monte Sereno and Los Gatos, and the need for a community bus system. He also noted Dolly Sandavol is the new Chair of VTA.

Vice Mayor Kathleen King – reported:

Santa Clara County Cities Association – she attended the annual holiday dinner in Gilroy.

Councilmember Jill Hunter – reported:

KSAR – she will be attending the meeting at noon on Thursday (tomorrow) and Councilmember Miller will try to attend the meeting as well.

Howard Miller – reported:

He attended the Peb Tac meeting Tuesday evening even though it isn’t part of the council agency/committee assignment list.

CITY COUNCIL ITEMS

None

CITY MANAGER’S REPORT

None

ADJOURNMENT

There being no further business Mayor Page asked for a move to adjourn the Regular Meeting to Closed Session.

KING/HUNTER MOVED TO **ADJOURN THE REGULAR MEETING TO CLOSED SESSION IN THE ADMINISTRATIVE CONFERENCE ROOM AT 8:05 P.M.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

Respectfully submitted,

Ann Sullivan, CMC
City Clerk