

## MINUTES

### SARATOGA CITY COUNCIL FEBRUARY 18, 2009

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 Susie Nagpal, Howard Miller, Jill Hunter, Vice Mayor Kathleen King, 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  
John Cherbone, Public Works Director  
Chris Riordan, Senior Planner  
Cindy McCormick, Assistant Planner  
Crystal Morrow, Administrative Analyst

#### **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 February 18, 2009, was properly posted on February 13, 2009.

#### ORAL COMMUNICATIONS

No one chose to speak at this time.

#### COMMUNICATIONS FROM BOARDS AND COMMISSIONS

Prior to the Regular Meeting representatives from the Santa Clara County Sheriff's Office and the Santa Clara County Fire Department met at 6:00 p.m. in a Joint meeting with the City Council.

Chief Ken Waldvogel, Santa Clara County Fire Department, provided a brief report regarding the joint meeting held prior to the Regular Meeting. Chief Waldvogel thanked the Council for the opportunity to meet with them. He noted the City of Saratoga is served by two fire agencies – Saratoga Fire District and Santa Clara County Fire Department. He stated that in July of 2008 Saratoga Fire District employees officially became employees of the Santa Clara Fire Department when they signed a mutually agreed upon contract; noting that it was a very smooth transition and the service level has continued to be a top priority, including response times, public education efforts within the city, and high quality equipment apparatus in the City. Chief Waldvogel stated he continues to look forward to many years of cooperative working relationships with the City and community.

Sheriff Laurie Smith and Captain Calderone, representatives from the Santa Clara County Sheriff's Office, also thanked the Council for the opportunity to meet with them. Captain Calderone noted they spoke about the concerns regarding the recent crimes and burglaries in the community, budgets, and trends. Captain Calderone wanted to reassure members of the community that they are doing their very best to resolve the crimes and burglaries that have been occurring. In addition, he noted they are providing additional resources to help address these concerns and they will continue to support and provide the very best professional service in the community. Captain Calderone also thanked Council and staff for all their support.

### **DIRECTION TO STAFF**

Vice Mayor King acknowledged the Sheriff and Captain for their excellent service and noted that the City of Saratoga pays one third of the cost for police protection compared to what the Town of Los Gatos pays with similar sized populations.

### **ANNOUNCEMENTS**

Vice Mayor King reminded Captain Calderone of the significant award the Sheriff's Office will be receiving and asked if he would comment on that. Captain Calderone noted that the City of Saratoga would be receiving an award for the enforcement efforts made not only by the Sheriff's Department, but also by City staff in enforcing and preventing the use of tobacco by juveniles in the Saratoga community. In addition, he noted that the City of Saratoga is being recognized as one of the top cities in this effort.

Vice Mayor King noted the annual Mustard Faire will be held on March 1<sup>st</sup> from 10 AM to 4 PM at City Hall.

Mayor Page announced the annual Pancake breakfast, sponsored by the Saratoga Senior Center, will also be held on March 1<sup>st</sup>.

### **CEREMONIAL ITEMS**

#### **1. APPOINTMENT OF PLANNING COMMISSIONER AND OATH OF OFFICE**

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

Adopt the attached resolution appointing one member to the Planning Commission and direct the City Clerk to administer the Oath of Office.

City Clerk Ann Sullivan administered the Oath of Office to Mary Lynne Bernald.

##### **RESOLUTION NO. 09-010**

**KING/NAGPAL MOVED TO ADOPT THE RESOLUTION APPOINTING ONE MEMBER TO THE PLANNING COMMISSION AND DIRECTED THE CITY CLERK TO ADMINISTER THE OATH OF OFFICE.**

MOTION PASSED 5-0-0.

### **SPECIAL PRESENTATIONS**

2. **PRESENTATION ON COMMUNITIES OF FAITH**

**STAFF RECOMMENDATION:**

Accept presentation on the Communities of Faith service activities.

Scott Wheelwright, representative from Jesus Christ of Latter Day Saints, provided the presentation, along with the assistance from Reverend Eric Swenson, representative from West Hope Presbyterian Church and Bishop Kharon, representative from Jesus Christ of Latter Day Saints, addressed the Council regarding “Saratoga Serves”, a service coordinated by the Saratoga Ministerial Association and the Communities of Faith in Saratoga. Mr. Wheelwright noted their goal is to serve the people in the community and to make this an annual event, whereby, each community of faith will sponsor a service project – serving many and many serving each. He noted that all Communities of Faith have a banner that says “Saratoga Serves” and that this banner will be displayed at the various Communities of Faith sites in the community.

Mr. Wheelwright provided Council with a flyer depicting various types of service projects, a description of the project, the date and time and who is providing the service and invited everyone to visit their website at [www.SaratogaServes.org](http://www.SaratogaServes.org).

**CONSENT CALENDAR**

3. **REVIEW OF ACCOUNTS PAYABLE REGISTERS**

**STAFF RECOMMENDATION:**

That the City Council accepts the Check Registers for Accounts Payable cycles:  
January 27, 2009  
January 29, 2009  
February 05, 2009

**KING/NAGPAL MOVED TO ACCEPT THE CHECK REGISTERS FOR ACCOUNTS PAYABLE CYCLES: JANUARY 27, 2009, JANUARY 29, 2009 AND FEBRUARY 5, 2009. MOTION PASSED 5-0-0.**

4. **TREASURER’S REPORT FOR THE MONTH ENDED DECEMBER 31, 2008**

**STAFF RECOMMENDATION:**

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

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

5. **REVIEW AND ACCEPT THE FY 2007/08 COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR)**

**STAFF RECOMMENDATION:**

Review and accept the FY 2007/08 Comprehensive Annual Financial Report (CAFR)

**6. ADOPTION OF THE ORDINANCE AMENDING THE REGULATIONS RELATED TO FENCES, WALLS, AND HEDGES**

**STAFF RECOMMENDATION:**

Staff recommends the City Council waive the Second Reading and adopt the Ordinance amending the Regulations Related to Fences, Walls, and Hedges.

Councilmember Hunter removed this item for clarification. Ms. Hunter stated that after the Fence Ordinance Public Hearing discussion at the February 4, 2008 Council meeting she had concerns regarding the 6,000 square foot enclosure of property in the hillsides and up to 15% enclosure for larger properties, thereby possibly creating 8 foot fence enclosures around properties. Ms. Hunter asked for clarification on this issue.

Senior Planner Chris Riordan stated that the 6,000 square foot enclosure is applicable to a lot that is 40,000 square feet. He also noted that during Planning Commission meetings and Council Study Sessions, members of the public and Planning Commission felt that lots that are larger than 40,000 square feet should be allowed to have more fencing and agreed that up to 15% of the property could be enclosed.

Councilmember Hunter voiced concerns regarding the restricted movement of wildlife if 8 foot fences are constructed throughout the hillsides as well as potential changes to the “look” of Saratoga.

Mr. Riordan concurred that the amount of fencing in the hillsides could increase on the larger lots that are currently limited to 4,000 square feet of fence enclosure – will now be allowed to have 6,000 square feet of fence enclosure or 15% square feet of the lot; however, people are not required to fence their lots – this is an option that they would have if they chose to fence their lots.

City Manager Dave Anderson noted that there are two fencing issues – an interior compound fence that a homeowner could have for their back yard that would be subject to the 15% or 6,000 square feet and the perimeter fencing which would be subject to the 3 foot fence limitation.

Councilmember Hunter noted that at the last meeting she did question the height of fences that would now allow a 2 foot lattice on top of a six foot fence, as well as the increased amount of fencing that will be allowed.

Councilmember Hunter stated that she does not support the new fence ordinance and would be voting no.

Mayor Page asked Councilmember Hunter for clarification on the reason why she was not supporting the amendments to the fence ordinance – the 15% property enclosure or the allowable 8 foot high fence.

Councilmember Hunter noted that she was aware of the 4,000 square foot fence enclosure going to 6,000 square feet; however she has reservations about allowing property owners in the hillside to fence in 15% of their property with 8 foot fences.

**ORDINANCE NO. 263**

KING/NAGPAL MOVED TO ADOPT THE ORDINANCE AMENDING THE REGULATIONS RELATED TO FENCES, WALLS, AND HEDGES. MOTION PASSED 4-1-0 WITH COUNCILMEMBER HUNTER OPPOSING.

**7. AGREEMENTS TO RELOCATE THE EQUESTRIAN AND PEDESTRIAN TRAIL**

**STAFF RECOMMENDATION:**

Approve the two Agreements to Relocate the Equestrian and Pedestrian Trail with Parker Ranch Homeowners Association and Saratoga Country Club, respectively. Authorize the City Manager to execute the same.

KING/NAGPAL MOVED TO APPROVE THE TWO AGREEMENTS TO RELOCATE THE EQUESTRIAN AND PEDESTRIAN TRAIL WITH PARKER RANCH HOMEOWNERS ASSOCIATION AND SARATOGA COUNTRY CLUB, RESPECTIVELY. AUTHORIZE THE CITY MANAGER TO EXECUTE THE SAME. MOTION PASSED 5-0-0.

**8. LANDSCAPING & LIGHTING ASSESSMENT DISTRICT LLA-1; RESOLUTIONS INITIATING RENEWAL OF THE DISTRICT FOR FY 09-10.**

**STAFF RECOMMENDATION:**

1. Move to adopt the Resolution describing improvements and directing preparation of the Engineer's Report.

2. Move to adopt the Resolution appointing the Attorney's for the District.

**RESOLUTION NO. 09-008**

KING/NAGPAL MOVED TO ADOPT THE RESOLUTION DESCRIBING IMPROVEMENTS AND DIRECTING PREPARATION OF THE ENGINEER'S REPORT. MOTION PASSED 5-0-0.

**RESOLUTION NO. 09-009**

KING/NAGPAL MOVED TO ADOPT THE RESOLUTION APPOINTING THE ATTORNEY'S FOR THE DISTRICT. MOTION PASSED 5-0-0.

**9. AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA) FUNDING FOR THE SARATOGA AVENUE OVERLAY AND REHABILITATION PROJECT.**

**STAFF RECOMMENDATION:**

Adopt resolution supporting the American Recovery and Reinvestment Act of 2009 (ARRA) for the Saratoga Avenue Overlay and Rehabilitation Project.

**RESOLUTION NO. 09-011**

**KING/NAGPAL MOVED TO ADOPT RESOLUTION SUPPORTING THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009(ARRA) FOR THE SARATOGA AVENUE OVERLAY AND REHABILITATION PROJECT. MOTION PASSED 5-0-0.**

**PUBLIC HEARINGS**

**10. FY 2009/10 COMMUNITY DEVELOPMENT BLOCK GRANT AND COMMUNITY GRANT FUNDING APPLICATIONS**

**STAFF RECOMMENDATION:**

1. Conduct the Public Hearing and accept public testimony presentations from applicants.
2. Continue the Public Hearing to March 4th and make a decision regarding allocations.

Mayor Page noted that this evening's public hearing would be to hear public testimony from applicants and then continue this item to the March 4, 2009 Council meeting at which time Council would make a decision regarding the funding allocations.

Cynthia McCormick, Assistant Planner, presented the staff report. She noted the total amount of community grant funding requested for all applications is \$126,231 and that requests from Saratoga Area Senior Coordinating Council (SASCC), West Valley Community Services (WVCS), and Catholic Charities may also be funded with CDBG Public Service funds. In addition, a request from Mid-Peninsula Housing Coalition may also be funded with CDBG Rehabilitation funds. The three applications that are not eligible for CDBG funding include requests for \$13,500 from the Saratoga Foothill Club Historic Landmark Foundation, \$4,617 from the KSAR Saratoga High School Media Arts Mentoring Program, and \$2,500 from the Shady Shakespeare Theater Company for a total of \$20,617. The maximum amount available for community grant funding is \$54,068.

Ms. McCormick noted the three applications that are eligible for CDBG Public Service funding include requests for \$35,000 from SASCC, \$15,164 from WVCS, and \$5,000 from Catholic Charities. The total amount requested for these three applications is \$55,164 and the maximum amount available for CDBG public service funding is \$32,000.

Mayor Page opened the public hearing and invited public testimony regarding funding requests from:

**SASCC – Day Care Center**

Susan Huff, SASCC Director, addressed the Council regarding SASCC's need for funding for the Adult Care Center.

Vice Mayor King asked Ms. Huff for clarification regarding the City of San Jose's response to SASCC's request for CDBG funding since they have approximately the same number of residents in the program as Saratoga residents.

Ms. Huff stated the City of San Jose informed her that the City of Saratoga was not eligible to apply due to a line item on the application regarding "outside city limits".

Vice Mayor King noted there may be a misunderstanding of this and would like to look further into the application requirements. Ms. King also inquired if Saratoga residents that participate in the program receive a fee discount versus the standard fee for non-Saratoga residents – similar to the discount Saratoga residents receive when they participate in the Saratoga Recreation Department classes.

Ms. Huff responded that the fees paid are based only on the participant's income.

Mayor Page noted Vice Mayor King's question was of interest and asked Ms. Huff if she would consider looking into a discounted rate for residents of Saratoga.

Ms. Huff stated she would.

Councilmember Miller asked Ms. Huff if they were looking at other funding sources.

Ms. Huff stated they have submitted applications to the City of Campbell and Silicon Valley Community Foundation.

Councilmember Hunter asked Ms. Huff if there were any Saratoga residents participating in the City of San Jose's program.

Ms. Huff stated she was not sure and if there were, they would probably be in the Alzheimer's care facility for patients in the advanced stages of the illness.

The following people spoke on behalf of the funding request for SASCC – Day Care Center:

Barbara Merrill  
Suzy Siegylere  
Cindy Teerlink  
Ken Hardy  
Alan King

**KSAR**

Tom Moran, Chair of Saratoga's Community Access Television Foundation addressed the Council regarding KSAR funding requests.

The following person spoke on behalf of the funding request for KSAR:  
Jason Friend

**Shady Shakespeare Theatre Company**

Dinna Myers, Managing Director, addressed the Council regarding funding requests for Shady Shakespeare Theatre Company.

**West Valley Community Services (WVCS)**

Jody Palleti addressed the Council regarding her personal need for the services provided by WVCS.

Naomi Nakano-Matsumoto, Executive Director of WVCS addressed the Council regarding their funding request. She stated that since the economic down turn their business has increased and the number of clients served in Saratoga has doubled for Food Pantry services as well as for Case Management services.

### **Saratoga Foothill Club**

Cindy Ruby, Chair of Saratoga Foothill Club and Historic Landmark Foundation, addressed the Council regarding the funding request.

Joyce Hlava addressed the Council regarding the various groups that use the Foothill Club and the need for ADA compliant entrances and restrooms.

### **Mid-Peninsula Housing Coalition**

Peter Villareal addressed the Council regarding their funding request to install speed humps in a driveway at the Saratoga Court Senior Apartments property on Cox Avenue as well as repaving the driveway.

Vice Mayor King inquired as to how many Saratogans are on the waiting list for housing at the Sharmon Palms property in Campbell, which has received CDBG funding from Saratoga.

Mr. Villareal stated he was not sure; however he could find out and provide that information to Assistant Planner Cynthia McCormick.

Vice Mayor King stated she would like to know what percentage of the people on the waiting list are Saratogans.

In addition, Vice Mayor King asked if they received a portion of the requested \$50,000 funding would they still complete the entire project by providing the remaining funding from some other source.

Mr. Villareal stated yes, they would still complete the entire project.

Councilmember Miller asked for clarification regarding the property owners' desire to provide safety improvements – to install speed humps on the driveway going to the back of the property and to repave the entire driveway.

Mr. Villareal stated yes – repaving the entire driveway and installing speed humps.

Councilmember Miller asked if they weren't able to fund the entire project, the safety improvement issue could be addressed by just installing the speed humps.

Mr. Villareal responded that he would think repaving the driveway would be part of the same project to install speed humps in the driveway.

Mayor Page commented that if the City was scheduled to do some street repaving in the area of that specific location, the property owner may be interested in working with the contractor to repave the driveway in question and asked Mr. Villareal if that is something they would be interested in.

Mr. Villareal replied yes, they would.

### **Catholic Charities**

Father Jim Thomas from St. Andrews addressed the Council regarding their funding request. He noted they are the only agency that is allowed to visit nursing homes and nursing facilities, look at their records and perform case studies of the care of people in their facility. In addition, he noted the Adult Protective Services works outside the institutions and the Ombudsman work inside the institutions.

There being no one else present to speak on this item, Mayor Page invited Assistant Planner McCormick to address the Council regarding preparations for the continued hearing on March 4, 2009.

Ms. McCormick stated she has been going through the applications, filling in the objective evaluation criteria and will provide that material to the Council in a table format.

Vice Mayor King inquired about the numbers on one of the tables in the staff report reflecting the number of Saratogans served by Mid-Peninsula Housing Coalition. She thought the number reflected was too high and raised a question regarding their previous address before they moved to Saratoga.

Ms. McCormick noted that since the apartment complex was located in Saratoga, she considered the occupants to be Saratoga residents. However, she understands Ms. Kings' concern regarding where they were residing before they moved to Saratoga.

Vice Mayor King responded that the table should reflect 5 out of 20 being Saratoga residents.

Councilmember Miller noted that if a person moved into one of the affordable housing complexes in Saratoga and lived there for the past 10 years – wouldn't that make them a Saratoga resident – voting and shopping in Saratoga.

City Manager Dave Anderson noted that staff could assist with Council's decision process by providing them with a blank matrix where they could make notations regarding specific data.

Councilmember Nagpal inquired about the table for Primary Funding Categories and if the net amount is within the available amount, and if there is any flexibility between the categories.

Ms. McCormick replied there is a lot of flexibility in terms of how Council chooses to spend the Community Grant Funding and in terms of the CDBG funding it is limited to those projects that primarily serve low income or ADA projects.

Councilmember Miller asked if the proposed ADA bathroom and building entrance remodel at the Foothill Club could be placed in the Rehabilitation category.

Ms. McCormick stated that she contacted the County regarding this project and they indicated that it would not fall in the Rehabilitation category since it was a private club and doesn't necessarily serve low income beneficiaries.

Councilmember Hunter noted that the County has funding available through the County Historical Society and that the Foothill Club could look into those funds next year, since it is already closed for this year.

**NAGPAL/MILLER MOVED TO CONTINUE THE PUBLIC HEARING TO MARCH 4, 2009 AND MAKE A DECISION REGARDING ALLOCATIONS.**  
MOTION PASSED 5-0-0.

## **11. ORDINANCE REGARDING TERMS FOR CITY COMMISSIONS**

### **STAFF RECOMMENDATION:**

1. Introduce and waive the first reading of the attached ordinance (Attachment A) after opening the public hearing, accepting public testimony, and closing the hearing.
2. Direct staff to place the second reading and adoption of the ordinance on the consent calendar for the next regular Council Meeting.
3. Direct staff to use proposed alternative interim term lengths (as indicated in Attachment B) during future Commission recruitments until Commission terms are fully staggered in 2012.

Administrative Analyst Crystal Morrow presented the staff report. Ms. Morrow noted that the proposed ordinance would allow the Council to appoint Commissioners to terms of more or less than four years for the purpose of implementing Commission term staggering. Terms that are 4 years or longer would be considered a full term (subject to term limits) and terms that are shorter than 4 years would not be considered a full term (not subject to term limits).

Councilmember Hunter inquired if someone was serving on a 3-year term would that person be eligible to run for two additional 4-year terms.

Ms. Morrow stated that would be correct.

Vice Mayor King asked if this policy was similar to council members that were appointed to a term that was less than 4 years, that person would be eligible to serve two additional 4-year terms.

City Attorney Richard Taylor stated that there is no law and that the practice of the city council is to serve two full four-year terms. He noted that former Councilmember Ann Walton Smith was appointed to fill an un-expired term and then was elected to two 4-year terms following her appointment. He stated this is a practice of the city council and he is not aware of any written policy regarding this issue.

Councilmember Nagpal asked if this policy applied to consecutive terms and if someone served for two 4-year terms, took a break for several years, they could run for election to serve for another two 4-year terms.

City Attorney Taylor stated the current City Code for commissions provides that once a person has been off a commission for a year, that person can come back and run again for two 4-year terms.

Councilmember Hunter commented about the purpose for staggering the commission terms and that some commissioners would be serving for 4 years and 9 months and inquired if this would be the policy from now on.

Mayor Page noted that the proposed term staggering was only for this one time in order to bring the commission terms back into proper alignment.

Ms. Morrow stated the commissioner terms would go back to their normal terms in October 2012.

Mayor Page opened the public hearing for comment.

No one was present to speak on this item.

Mayor Page closed the public hearing.

**MILLER/NAGPAL MOVED TO 1) DIRECT STAFF TO PLACE THE SECOND READING AND ADOPTION OF THE ORDINANCE ON THE CONSENT CALENDAR FOR THE NEXT REGULAR COUNCIL MEETING; 2) DIRECT STAFF TO USE PROPOSED ALTERNATIVE INTERIM TERM LENGTHS (AS INDICATED IN ATTACHMENT B) DURING FUTURE COMMISSION RECRUITMENTS UNTIL COMMISSION TERMS ARE FULLY STAGGERED IN 2012.** MOTION PASSED 5-0-0.

## **OLD BUSINESS**

None

## **NEW BUSINESS**

### 12. Proposed Vehicle Impact Fee related to Refuse Vehicles

#### **Recommended action:**

Accept report and direct the City's representative to the West Valley Solid Waste Management Authority (WVJPA) to convey the Council's direction to the WVJPA.

Assistant City Manager Barbara Powell presented the staff report.

Ms. Powell stated that at the February 5, 2009 meeting the West Valley Solid Waste Management Authority (WVJPA) Board considered a proposal to impose a Vehicle Impact Fee on West Valley Collection & Recycling (WVCR) related to road impacts resulting from its operations on surface streets. She noted that a provision for imposition of this fee was included in the franchise agreement with WVCR and to date this fee has not been imposed pending completion of a study of road impacts related to refuse collection activities. The study has been completed and the results indicated that there is approximately \$63,000 per year (in 2007) costs of road impacts related to refuse vehicles.

Ms. Powell noted that in accordance with the Franchise Agreement WVCR (the franchisee) would be able to recoup the cost of the vehicle impact fee by a pass-

through charge to their customers and since the calculated annual cost of road impacts related to refuse vehicle operation in Saratoga is fairly modest, an associated rate increase to recoup the Vehicle Impact Fee would be similarly modest. On a residential 35 gallon cart the increased fee would be approximately 27 cents per month for one year and on the commercial 1.5 cubic yard the projected increase would be approximately \$2.11 per month for one year. In addition, Ms. Powell noted that Council could choose to break this cost up and implement it over a 3-year time frame which would be about 9 cents per month for the residential 35 gallon cart and 70 cents per month for the commercial 1.5 cubic yard.

Ms. Powell also noted that each of the member agencies of the JPA could independently decide to impose this fee increase which would become effective July 1, 2009.

Ms. Powell concluded her staff report by asking Council to provide direction to their JPA representative – Councilmember Miller, to take back to the JPA Board regarding this matter.

Councilmember Miller noted Council could choose to either start out at 27 cents per month increase for one year or stagger it at 9 cents monthly for three years. In addition, he stated that even though this money is collected by the contracted waste hauler, the monies collected will go back to the City and go directly into the road maintenance program. Councilmember Miller also noted that the agreement provides for an increase in fees each year to cover increased costs incurred at the disposal site and cost of living increases.

Councilmember Hunter commented that we have already implemented a road impact fee on construction vehicles and the reason for this proposed increase on the refuse collection is due to the impact the refuse vehicles have on our roads.

City Attorney Richard Taylor clarified that although the word “fee” is being used in this discussion, this is actually a payment that the contractor agreed to make at the time the contract was agreed upon and that the citizens would pay this increase if the City chose to implement it. He specified that this is different from the road impact fees that the City imposes.

Councilmember Miller stated that the impact of the 27 cent monthly increase is minimal with regard to the other increased costs that will be occurring shortly and he supports the 27 cent monthly increase now because the monies collected will immediately go towards the City’s road maintenance program – which the City needs now.

Councilmember Nagpal supported the 27 cent monthly rate increase.

Councilmember Hunter stated she supports the 27 cent monthly rate increase.

Vice Mayor King stated there is some logic in implementing the .027 monthly increase since Council didn’t stagger the fees for other types of road impact vehicles.

Mayor Page noted that it is important to remember that when Council implemented the road impact fee for construction, it was based on a certain amount of permits

issued (which is when this fee is paid) and that fee is lower this year and could be lower next year. He feels this 27 cent monthly fee increase is worth considering and that it was in the contract from the beginning but hadn't been implemented because the study had not been done.

Council's direction to Councilmember Miller, Authority Board representative, is to recommend the implementation of the 27 cent monthly fee increase effective July 1, 2009.

Vice Mayor King asked Councilmember Miller to ask the Executive Director to compile a chart that shows the ranking of the JPA cities in terms of collection rates.

Councilmember Miller also recommended that citizens reduce their amount of trash by switching from a larger cart to the 35 gallon cart if they aren't already using that size and start recycling more.

### **ADHOC & AGENCY ASSIGNMENT REPORTS**

Mayor Chuck Page – reported:

*Hakone Foundation Executive Committee* – the next Board meeting is on February 27<sup>th</sup>.  
*Valley Transportation Authority PAC* – met and they are going through a reassessment process and a re-positioning of the various policy advisory committees as a result of the Hayes Consultant report. They are now doing an assessment of the various real estate areas they own – such as parking lots near a train station – and how they can better utilize this space.

*West Valley Sanitation District* – was unable to attend the last meeting as he was out of town on company business and the alternate was unable to attend as well.

West Valley Mayors and Managers Association Council Finance Committee

Council Finance Standing Committee

City School Ad-Hoc

*Santa Clara County Cities Association Board* – the three items that Saratoga Council prioritized were the highest priority – with the Solar Permitting item being assigned to the West Valley City Managers Association. Water conservation, green building and budgeting was also on the list. They will have a representative from the LCC attend the next meeting and provide a budget presentation. There was discussion on the ABAG housing numbers.

Vice Mayor Kathleen King – reported:

*Hakone Foundation Board* – asked staff to confirm when the board is scheduled to meet.

*West Valley Flood Control Zone & Watershed Advisory Committee* – attended the last meeting and questioned how much this committee is needed since there really hasn't been any flood concerns for some time; they discussed water rationing and how this issue would be addressed with citizens who have already cut back on their water usage and that there should be public meetings to discuss this issue before steps are taken to rationalize water.

*SSC Cities Association Executive Board* – without a director right now and former director, Joanne Benjamin, has stepped in to serve as the temporary director.

Councilmember Jill Hunter – reported:

*Santa Clara County Valley Water District Commission* – water shortage issue has been put aside for the time being due to the accumulated recent rainfall.

Councilmember Howard Miller – reported:

*Chamber of Commerce* – met last week; crab feed took in over four times what they did with the *Taste of Saratoga* event; few tickets were sold through the Senior Center.

*KSAR* – Board meeting; working towards developing a viable budget and operating with a reduced staff.

*Santa Clara County Emergency Council* – our City representative has applied for a small grant that is available and the San Jose airport is expected to be operational with regard to air cargo in and out of the area in the event of a major earthquake; San Francisco and Oakland airports would not be operational with air cargo transportation.

*West Valley Solid Waste Joint Powers Association* – he attended the last meeting and they discussed the refuse vehicle impact fee; the re-useable bag issue, lobbying groups present, and those representatives that were present were asked to note their position on the issue, which he stated that Saratoga’s council is still gathering information and will watch other cities closely regarding their decision on the re-useable bag issue. He noted that some cities have already rejected this issue and asked if staff could attain an unbiased report on how other cities stand on this issue.

*Council Finance Standing Committee* – reviewed the CAFR report today and the City will probably receive an award again this year for their outstanding financial reporting.

Councilmember Susie Nagpal – reported:

*County HCD Policy Committee* – she will be attending the meeting on Thursday.

*Sister City Liaison* – waiting for confirmation on the dates for the 25<sup>th</sup> anniversary event this year.

## **CITY COUNCIL ITEMS**

Vice Mayor King suggested staff include their telephone extension and email address on their staff reports so it would be easier to contact the staff member if council had a question regarding the staff report.

Councilmember Hunter noted that April 24 is Arbor Day and since the City of Saratoga has been recognized as a Tree City USA, Saratoga is required to celebrate this day and noted she would love to see the Arbor Day event scheduled on a Saturday and make it a bigger Saratoga Event. She asked to have Arbor Day agendaized for discussion to make Arbor Day a bigger event.

Councilmember Miller asked for more information regarding the City’s status as Tree City USA and Arbor Day.

Mayor Page stated he would talk with Councilmember Hunter regarding her interest in making Arbor Day a bigger city event.

## **CITY MANAGER’S REPORT**

City Manager Dave Anderson stated he would be taking next Monday off from work as he has relatives visiting from out of the area.

## **ADJOURNMENT**

There being no further business Mayor Page asked for a motion to adjourn the regular council meeting and proceed to the Administrative Conference Room for the scheduled Closed Session.

MILLER/NAGPAL MOVED TO **ADJOURN THE REGULAR MEETING AT 9:50PM AND PROCEED TO THE ADMINISTRATIVE CONFERENCE ROOM FOR CLOSED SESSION.** MOTION PASSED 5-0-0.

**ANNOUNCEMENT OF CLOSED SESSION ITEMS**

Conference with Legal Counsel – Anticipated Litigation: Significant exposure to litigation pursuant to Government Code 54956.9 (b) (1 Item).

Respectfully submitted,

Ann Sullivan, CMC  
City Clerk