

MINUTES

SARATOGA CITY COUNCIL APRIL 15, 2009

Mayor Page called the Regular City Council meeting to order at 7:00 p.m. and invited two Boy Scouts that were present to join him on the Dias and lead the Pledge of Allegiance.

ROLL CALL

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

ABSENT: None

ALSO PRESENT: Dave Anderson, City Manager
Richard Taylor, City Attorney
Ann Sullivan, City Clerk
John Cherbone, Public Works Director
Chris Riordan, Senior Planner
Brad Lind, Building Official
Cindy McCormick, Assistant Planner
Michael Fossati, Associate Planner
Brad Lind, Building Official
Kate Bear, City Arborist

REPORT OF CITY CLERK ON POSTING OF AGENDA

Ann Sullivan, City Clerk, reported that pursuant to Government Code 54954.2, the agenda for the meeting of April 15, 2009 was properly posted on April 10, 2009.

ORAL COMMUNICATIONS

James Gardner, General Manager of Brookside Club of Saratoga announced the Club would be celebrating their 50th Anniversary this year and invited everyone to join them at an Open House on Sunday May 3rd from 11:00 to 4:00.

DIRECTION TO STAFF

None

COMMUNICATIONS FROM BOARDS AND COMMISSIONS

The Saratoga Youth Commission attended a Joint Meeting with the City Council in the Administrative Conference Room at 6PM, prior to the Regular Council meeting. Commissioners Justin El-Diwany and Kaitlin Finch provided a short summary of that meeting. They noted the Commission talked about a number of topics including past

events such as a training they attended in September 2008, the Invisible Children's Dance, a concert in February 2009 and meetings with Parks & Recreation Commission where they discussed ways in which the two Commissions could work collaboratively for the good of the community. They also spoke about upcoming events – a May 9th concert at the Joan Pisani Community Center and a Film Festival on May 15th at the Warner Hutton House. They noted the commissioners will soon be attending a Youth Commission Retreat to discuss their goals for the next year.

DIRECTION TO STAFF

None

ANNOUNCEMENTS

Vice Mayor King announced several events occurring on May 3rd: Pancake Breakfast at Saratoga High, the Rotary Art Show and the 50th Anniversary Event at the Saratoga Brookside Club.

Councilmember Hunter reminded everyone of the Wine & Wisteria event at Hakone Gardens on Sunday, April 19th from 4:00 – 7:00p.m.

Councilmember Miller invited everyone to the National Arbor Day event in Beauchamp's Park on April 24th at 3:30p.m.

Mayor Page announced a number of vacancies on Saratoga Commissions: Library – 2 vacancies, Parks & Recreation – 1 vacancy, and the application deadline is April 22nd. He also noted there are 9 vacancies on the Youth Commission and the application is May 14th.

CEREMONIAL ITEMS

1. PROCLAMATION RECOGNIZING APRIL 24, 2009 AS ARBOR DAY IN THE CITY OF SARATOGA

STAFF RECOMMENDATION:

Acknowledge proclamation declaring April 24, 2009 as Arbor Day in the City of Saratoga.

Mayor Page invited City Arborist Kate Bear and Councilmember Jill Hunter to receive the commendation.

2. PLAQUES FOR DESIGNATED LOCAL LANDMARKS

STAFF RECOMMENDATION:

Receive presentation from the Heritage Preservation Commission (HPC) and present five (5) Landmark and one (1) National Register of Historic Places plaques to recipients.

Peter Mara, Chair of Heritage Preservation Commission, provided the presentation. He thanked the Council, Heritage Preservation Commissioners and staff for their efforts in making this presentation possible. Mr. Mara noted there would be five sites receiving the Landmark Recognition Plaque: Almond Hill, Casa de Tesoro, Saratoga

Foothill Club, Heritage Orchard, and Warner Hutton House; and the Warner Hutton House property would be receiving the National Register Plaque. He also noted that in 2007 the Village Library on Oak Street was added to the National Register and they received their landmark plaque in 2008.

Mr. Mara, along with the assistance of Commissioners Rita McCarthy and Hong Tai, presented the plaques.

SPECIAL PRESENTATIONS

None

CONSENT CALENDAR

3. **CITY COUNCIL MINUTES – APRIL 1, 2009**

Recommended action:

Approve minutes.

HUNTER/NAGPAL MOVED TO **APPROVE CITY COUNCIL MINUTES – APRIL 1, 2009.** MOTION PASSED 5-0-0.

4. **CITY COUNCIL MINUTES – APRIL 5, 2006**

STAFF RECOMMENDATION:

Approve minutes.

HUNTER/NAGPAL MOVED TO **APPROVE CITY COUNCIL MINUTES – APRIL 5, 2006.** MOTION PASSED 5-0-0.

5. **MINUTES – MARCH 31, 2009 HOUSING ELEMENT STUDY SESSION**

STAFF RECOMMENDATION:

Approve minutes.

HUNTER/NAGPAL MOVED TO **APPROVE MARCH 31, 2009 HOUSING ELEMENT STUDY SESSION MINUTES –.** MOTION PASSED 5-0-0.

6. **REVIEW OF ACCOUNTS PAYABLE REGISTERS**

STAFF RECOMMENDATION:

That the City Council accepts the Check Registers for Accounts Payable cycles:
March 26, 2009
April 02, 2009

HUNTER/NAGPAL MOVED TO **ACCEPT CHECK REGISTERS FOR ACCOUNTS PAYABLE CYCLES: MARCH 26, 2009 AND APRIL 02, 2009.** MOTION PASSED 5-0-0.

7. **ADOPT ORDINANCE (1) MODIFYING A STATE MAP IDENTIFYING THE AREAS IN THE CITY CONSIDERED TO BE VERY HIGH FIRE HAZARD SEVERITY ZONES AND ADOPTING IT AS THE CITY'S WILDLAND-URBAN INTERFACE FIRE AREA MAP; (2) UPDATING SECTIONS OF**

THE CITY'S MUNICIPAL CODE WHICH REFERENCE THE CITY'S CURRENT HAZARDOUS FIRE AREA MAP TO ENSURE THEY REFERENCE THE NEW WILDLAND-URBAN INTERFACE FIRE AREA MAP; AND (3) ADOPTING REVISIONS TO ARTICLE 16-60 ("EARLY WARNING FIRE ALARM SYSTEM") OF THE CITY CODE SPECIFYING ENFORCEMENT PROCEDURES FOR VIOLATIONS OF THAT ARTICLE

STAFF RECOMMENDATION:

Waive the Second Reading and adopt the Ordinance.

ORDINANCE NO. 265

HUNTER/NAGPAL MOVED TO WAIVE SECOND READING AND ADOPT ORDINANCE (1) MODIFYING A STATE MAP IDENTIFYING THE AREAS IN THE CITY CONSIDERED TO BE VERY HIGH FIRE HAZARD SEVERITY ZONES AND ADOPTING IT AS THE CITY'S WILDLAND-URBAN INTERFACE FIRE AREA MAP; (2) UPDATING SECTIONS OF THE CITY'S MUNICIPAL CODE WHICH REFERENCE THE CITY'S CURRENT HAZARDOUS FIRE AREA MAP TO ENSURE THEY REFERENCE THE NEW WILDLAND-URBAN INTERFACE FIRE AREA MAP; AND (3) ADOPTING REVISIONS TO ARTICLE 16-60 ("EARLY WARNING FIRE ALARM SYSTEM") OF THE CITY CODE SPECIFYING ENFORCEMENT PROCEDURES FOR VIOLATIONS OF THAT ARTICLE.
MOTION PASSED 5-0-0.

8. **ADOPTION OF AN ORDINANCE AMENDING THE CITY OF SARATOGA MUNICIPAL CODE TO INCLUDE A COMPILATION OF EXISTING LOCAL LAWS THAT PROMOTE SUSTAINABILITY THROUGH THE REDUCTION OF GREENHOUSE GAS EMISSIONS**

STAFF RECOMMENDATION:

Waive the second reading of the proposed ordinance amending the City of Saratoga Municipal Code to include a compilation of existing local laws that promote sustainability through the reduction of greenhouse gas emissions.

ORDINANCE NO. 266

HUNTER/NAGPAL MOVED TO WAIVE THE SECOND READING OF THE PROPOSED ORDINANCE AMENDING THE CITY OF SARATOGA MUNICIPAL CODE TO INCLUDE A COMPILATION OF EXISTING LOCAL LAWS THAT PROMOTE SUSTAINABILITY THROUGH THE REDUCTION OF GREENHOUSE GAS EMISSIONS. MOTION PASSED 5-0-0.

9. **CHANGES IN PREVIOUSLY APPROVED INDEPENDENT CONTRACTOR AGREEMENT WITH LSA ASSOCIATES FOR ENVIRONMENTAL CONSULTANT SERVICES**

STAFF RECOMMENDATION:

Authorize technical changes in the contractual agreement with LSA Associates (LSA) to prepare environmental documents for land development applications with the City of Saratoga (City).

HUNTER/NAGPAL MOVED TO AUTHORIZE TECHNICAL CHANGES IN THE CONTRACTUAL AGREEMENT WITH LSA ASSOCIATES (LSA) TO PREPARE ENVIRONMENTAL DOCUMENTS FOR LAND DEVELOPMENT APPLICATION WITH THE CITY OF SARATOGA. MOTION PASSED 5-0-0.

**10. LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT LLA-1;
PRELIMINARY APPROVAL OF ENGINEER'S REPORT AND ADOPTION
OF RESOLUTION OF INTENTION FOR FY 09-10**

STAFF RECOMMENDATION:

1. Move to adopt the Resolution granting preliminary approval of the Engineer's Report for FY 09-10
2. Move to adopt the Resolution of Intention

RESOLUTION NO. 09-020

RESOLUTION NO. 09-021

HUNTER/NAGPAL MOVED TO 1) ADOPT THE RESOLUTION GRANTING PRELIMINARY APPROVAL OF THE ENGINEER'S REPORT FOR FY 09-10; 2) TO ADOPT THE RESOLUTION OF INTENTION. MOTION PASSED 5-0-0.

PUBLIC HEARINGS

11. LANDMARK DESIGNATION FOR 21000 BIG BASIN WAY (HAKONE GARDENS)

STAFF RECOMMENDATION:

The Heritage Preservation Commission (HPC) recommends the City Council:

- (1) Open the public hearing and accept public testimony on the attached Ordinance to designate the subject property as a Historic Landmark;
- (2) Close the hearing and introduce the attached Ordinance and waive first reading;
- (3) Direct staff to place the second reading and adoption of the Ordinance on the consent calendar for the next regular Council meeting.

Chris Riordan presented the staff report and Lon Saavedra provided the historical back ground regarding Hakone Gardens.

Vice Mayor King asked what the name of the Gardens would be.

Mr. Saavedra stated that it would be Hakone Estate Retreat Gardens and the label would be "Hakone".

Councilmember Miller asked what days of the week Hakone would be open.

Mr. Saavedra noted it would be open every day of the year with the exception of the Christmas Holiday; from 10:00a.m. – 5:00p.m. daily and 11:a.m. to 5:00p.m. on weekends.

Councilmember Hunter asked how many visitors a year.

Mr. Saavedra noted that approximately 50,000 to 60,000 per year.

Mayor Page opened the Public Hearing for public comment.

No one requested to speak on this item.

Mayor Page closed the Public Hearing.

MILLER/NAGPAL MOVED TO DIRECT STAFF TO WAIVE THE SECOND READING AND PLACE THE ORDINANCE ON THE CONSENT CALENDAR FOR ADOPTION ON THE NEXT REGULAR COUNCIL MEETING. Motion passed 5-0-0.

12. **CONSIDER APPROVAL OF A NEGATIVE DECLARATION AND INTRODUCTION OF ORDINANCE TO (1) EXTEND THE WAIVER OF OFF-STREET PARKING REQUIREMENTS IN THE CH1 AND CH2 ZONING DISTRICTS, (2) MAKE VARIOUS CLARIFYING AMENDMENTS TO THE OFF-STREET PARKING AND LOADING FACILITIES ZONING REGULATIONS, AND (3) AMEND ARTICLE 15-90 TO CONFORM PROVISIONS CONCERNING APPEALS OF PLANNING COMMISSION DECISIONS WITH RECENT AMENDMENTS TO SECTION 2-05.030 CONCERNING APPEALS TO THE CITY COUNCIL**

STAFF RECOMMENDATION:

Staff recommends the City Council open the public hearing, accept public testimony, close the public hearing, approve the negative declaration, introduce and waive the first reading of the parking waiver extension and other code amendments, and direct staff to schedule the ordinance for adoption on the consent calendar at the next regularly scheduled City Council meeting.

Assistant Planner Cynthia McCormick presented the staff report.

Mayor Page opened the Public Hearing for comment.

No one requested to speak on this item.

Mayor Page closed the Public Hearing.

RESOLUTION NO. 09-022

KING/NAGPAL MOVED TO DIRECT STAFF TO WAIVE THE SECOND READING AND PLACE THE ORDINANCE ON THE CONSENT CALENDAR FOR ADOPTION ON THE NEXT REGULAR COUNCIL MEETING. Motion passed 5-0-0.

13. **PROPOSED ORDINANCE AMENDING THE CITY CODE TO REPLACE THE REQUIREMENT FOR USE OF ROBERTS RULE OF ORDER WITH A REQUIREMENT ALLOWING THE CITY COUNCIL TO ADOPT RULES OF PROCEDURE BY RESOLUTION AND CLARIFY PROCEDURES FOR ADDRESSING THE CITY COUNCIL AND PROPOSED ORDINANCE TO ADOPT RULES OF PROCEDURE**

STAFF RECOMMENDATION:

- (1) Open the public hearing and consider all testimony received;
- (2) Introduce and waive the first reading of the attached ordinance; and
- (3) Direct staff to place the attached ordinance and resolution on the consent calendar for adoption at the May 6, 2009 City Council meeting.

City Attorney Richard Taylor presented the staff report.

Mayor Page opened the Public Hearing for comment.

No one was present to speak on this item.

Mayor Page closed the Public Hearing.

NAGPAL/MILLER MOVED TO **DIRECT STAFF TO PLACE THE ORDINANCE AND RESOLUTION ON THE CONSENT CALENDAR FOR ADOPTION AT THE MAY 6, 2009 CITY COUNCIL MEETING.** Motion passed 5-0-0.

OLD BUSINESS

14. **DIRECTION REGARDING PEDESTRIAN, EQUESTRIAN, AND BICYCLE TRAILS ADVISORY COMMITTEE RECOMMENDED AMENDMENTS TO THE CIRCULATION AND SCENIC HIGHWAY ELEMENT OF THE CITY OF SARATOGA GENERAL PLAN AND ADOPTION OF RESOLUTION TO ESTABLISH A NO PARKING/STOPPING ZONE ON SARATOGA AVENUE STARTING AT THE NORTHWEST CORNER OF SARATOGA AVENUE AT LAWRENCE EXPRESSWAY AND CONTINUING SOUTH FOR FIVE HUNDRED (500) FEET**

STAFF RECOMMENDATION:

1. Review the joint recommendation of the Pedestrian, Equestrian, and Bicycle Trails Advisory Committee and the City's Traffic Engineers regarding amendments to the City's Circulation and Scenic Highway Element and provide direction to staff.
2. Adopt the attached Motor Vehicle Resolution to establish a no parking/stopping zone on Saratoga Avenue starting at the northwest corner of Saratoga Avenue at Lawrence Expressway and continuing south for five hundred (500) feet.

City Attorney Richard Taylor presented the staff report.

City Engineer Sohrab Rashid was available to answer any questions.

Mayor Page opened the Public Hearing for comment.

The following people spoke in support of removing the Class 3 designation from Big Basin Way, Mount Eden Road and portions of Pierce Road:

Denise Goldberg
Jim Stallman

No one else requested to speak on this item.

Mayor Page closed the Public Comment.

MV RESOLUTION – MV-281

MILLER/NAGPAL MOVED TO **ADOPT THE MOTOR VEHICLE RESOLUTION TO ESTABLISH A NO PARKING/STOPPING ZONE ON SARATOGA AVENUE STARTING AT THE NORTHWEST CORNER OF SARATOGA AVENUE AT LAWRENCE EXPRESSWAY AND CONTINUING SOUTH FOR FIVE HUNDRED (500) FEET.** Motion passed 5-0-0.

In addition, Council directed staff to proceed with the process to incorporate the proposed bicycle map into the circulation element.

NEW BUSINESS

15. RECOMMENDATION TO WITHDRAW FROM THE CAL-ID PROGRAM

STAFF RECOMMENDATION:

Accept presentation by Captain Calderone and Sheriff Laurie Smith to pull funding from the Cal-Id program until such time that funding options are changed to represent actual use by the city.

Captain Terry Calderone presented the staff report.

Mayor Page invited public comment.

No one requested to speak on this item.

Mayor Page closed the public comment.

KING/NAGPAL MOVED TO **WITHDRAW FROM CAL ID PROGRAM UNTIL SUCH TIME THAT FUNDING OPTIONS ARE CHANGED TO REPRESENT ACTUAL USE BY THE CITY.** Motion passed 5-0-0.

In addition, Council directed staff to write a letter to CAL-ID indicating the City of Saratoga's intent to withdraw from the CAL-ID program at this time.

16. CITY COUNCIL SUMMER SCHEDULE

STAFF RECOMMENDATION:

Accept staff report and direct staff accordingly on the City Council summer schedule. The Council may choose one of following options.

1. Maintain the current summer schedule; with the Council not having a meeting on the third Wednesday in August. (August 19)
2. Schedule the Council recess for the first Wednesday of August (August 5), rather than the third Wednesday of August.
3. Cancel August City Council meetings.

Council discussed concerns regarding special issues that may come up during the Council's recess, such as appeals that involve time lines.

City Attorney Richard Taylor suggested a formal amendment to the City Council meeting schedule.

Mayor Page asked if a Special Meeting could be called if issues arose during the recess period that required Council's attention.

City Manager Dave Anderson noted that Council could call a Special Meeting during that time to address any issues that required Council's attention.

City Attorney Richard Taylor noted that if a council member was out of the area when a Special Meeting was scheduled, he/she could participate in that meeting via teleconference. The location of the councilmember has to be publicly accessible and the councilmember would have to post the teleconference meeting at that specific location.

KING/NAGPAL MOVED TO CANCEL BOTH CITY COUNCIL MEETINGS DURING THE MONTH OF AUGUST. Motion passed 5-0-0.

ADHOC & AGENCY ASSIGNMENT REPORTS

Mayor Chuck Page – reported:

Valley Transportation Authority PAC – he attended the last meeting and the Board approved looking into the disposition of some VTA owned properties in order to produce revenue; looking at cutting some routes; possible layoffs; high-speed rail discussions and impact to cities; and bus transit discussion.

West Valley Sanitation District – he attended the last meeting; discussed rate structure audit; looking at a potential small rate increase of 3% a year over the for next 5 years in order to maintain a fund balance. Final decision will be made in May.

(Reminded everyone of the April 30th Annual Bocce Ball Tournament in Los Gatos and asked council members to consider participating in this event)

Vice Mayor Kathleen King – reported:

City School Ad-Hoc – there are some issues regarding the addition of the all-weather turf at Prospect High School fields.

(Reminded everyone about the Mountain Winery meeting on Thursday evening from 7:00- 9:00p.m.)

Councilmember Jill Hunter – reported:

Historical Foundation – has scheduled Civil War events; raffle event in mid-August.

Library Joint Powers Association – she attended the meeting on Tuesday and Nells Peterson, Poet Laureate of Santa Clara County, was present and read some of his poems.

Councilmember Howard Miller – reported:

Chamber of Commerce – they are actively working on repairing their reputation as a result of recent negative events; preparing for an audit; looking for a new location in the Village; and moving forward with Chamber business.

KSAR – they are in the final stages of adopting a budget; discussion occurred regarding new local programming – *About Saratoga* video. This would probably be on a monthly basis and are seeking local content and programming.

Councilmember Susie Nagpal – reported:

She attended the April 9th Cities Association meeting; Congressman Mike Honda was present and spoke about the Stimulus Program; Dan Carrigg, LCC Chief Lobbyist, was present and spoke about items on the May ballot; and a representative from the Controller's Office was present and addressed the group.

Sister City – she attended the last meeting.

ABAG – will be attending the meeting next week.

CITY COUNCIL ITEMS

Councilmember Nagpal asked to agendize the upcoming 25th Sister City Anniversary.

CITY MANAGER'S REPORT

None

ADJOURNMENT

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

MILLER/HUNTER MOVED TO **ADJOURN THE REGULAR MEETING AT 8:50PM.** MOTION PASSED 5-0-0.

Respectfully submitted,

Ann Sullivan, CMC
City Clerk

