

MINUTES

SARATOGA CITY COUNCIL JUNE 17, 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 PRESENT: Dave Anderson, City Manager
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

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 June 17, 2009, was properly posted on June 11, 2009.

ORAL COMMUNICATIONS

Citizen Ray addressed the Council regarding his concerns about the air pollution caused by the Lehigh Southwest Cement Plant in Cupertino.

DIRECTION TO STAFF

Councilmember Hunter thanked Citizen Ray for bringing this to Council's attention.

Mayor Page noted he has been in contact with the cement plant community relations staff regarding the environmental concerns. He added that they are working with the County Air Quality Board regarding their permit, which expires in March 2010.

COMMUNICATIONS FROM BOARDS AND COMMISSIONS

Mayor Page noted Council and staff met with various representatives from the Home Owners Association in a Joint Meeting at 5:30PM.

DIRECTION TO STAFF

None

ANNOUNCEMENTS

Councilmember Hunter invited everyone to celebrate Father’s Day in the Village on June 20th and 21st where a special event called “Sidewalk Affaire” would be featuring antique cars, bands, and the unveiling of the City’s commemorative plaques.

Vice Mayor King noted the grand re-opening of Kevin Moran Park on July 17 at 4:00PM.

Mayor Page noted the kindergarten students from Argonaut School participated in a community service project this year and that he recently had the opportunity to meet them, answer their questions, and he thanked them for their interest in the community.

In addition, Mayor Page stated he was invited to participate in the annual “Mayor’s Cup Challenge” Soap Box Derby in Mountain View recently and received a trophy for winning all the races he participated in. He added the trophy will be on display at City Hall until next year’s annual event.

CEREMONIAL ITEMS

None

SPECIAL PRESENTATIONS

None

CONSENT CALENDAR

1. CITY COUNCIL MINUTES – JUNE 3, 2009

STAFF RECOMMENDATION:

Approve minutes.

Mayor Page removed this item for a minor correction.

KING/NAGPAL MOVED TO **APPROVE CITY COUNCIL MINUTES – JUNE 3, 2009.** MOTION PASSED 5-0-0.

2. CIP STUDY SESSION MINUTES – JUNE 2, 2009

STAFF RECOMMENDATION:

Approve minutes.

HUNTER/MILLER MOVED TO **APPROVE CIP STUDY SESSION MINUTES – JUNE 2, 2009.** MOTION PASSED 5-0-0.

3. SARATOGA VILLAGE REDEVELOPMENT STUDY SESSION MINUTES – MAY 28, 2009

STAFF RECOMMENDATION:

Approve minutes.

Mayor Page and Vice Mayor King removed this item for a minor correction.

KING/NAGPAL MOVED TO **APPROVE SARATOGA VILLAGE REDEVELOPMENT STUDY SESSION MINUTES – MAY 28, 2009.** MOTION PASSED 5-0-0.

4. **CITY COUNCIL MINUTES – MAY 20, 2009**

STAFF RECOMMENDATION:

Approve minutes.

HUNTER/MILLER MOVED TO **APPROVE CITY COUNCIL MINUTES – MAY 20, 2009.** MOTION PASSED 5-0-0.

5. **BUDGET STUDY SESSION MINUTES – MAY 11, 2009**

STAFF RECOMMENDATION:

Approve minutes.

Mayor Page removed this item for a minor correction.

KING/NAGPAL MOVED TO **APPROVE BUDGET STUDY SESSION MINUTES – MAY 11, 2009.** MOTION PASSED 5-0-0.

6. **CUP STUDY SESSION MINUTES – MAY 5, 2009**

STAFF RECOMMENDATION:

Approve minutes.

HUNTER/MILLER MOVED TO **APPROVE CUP STUDY SESSION MINUTES – MAY 5, 2009.** MOTION PASSED 5-0-0.

7. **CITY COUNCIL MINUTES – OCTOBER 18, 2006**

STAFF RECOMMENDATION:

Approve minutes.

Mayor Page removed this item for a minor correction.

KING/NAGPAL MOVED TO **APPROVE CITY COUNCIL MINUTES – OCTOBER 18, 2006.** MOTION PASSED 5-0-0.

8. **REVIEW OF ACCOUNTS PAYABLE REGISTERS**

STAFF RECOMMENDATION:

That the City Council accepts the Check Registers for Accounts Payable cycles: May 28, 2009

June 04, 2009

HUNTER/MILLER MOVED TO ACCEPT THE CHECK REGISTERS FOR ACCOUNTS PAYABLE CYCLES: MAY 28, 2009 AND JUNE 04, 2009.
MOTION PASSED 5-0-0.

9. **RESOLUTION AUTHORIZING MAYOR TO APPOINT REPRESENTATIVES TO OUTSIDE AGENCIES/COMMITTEES REPRESENTING THE CITY OF SARATOGA**

STAFF RECOMMENDATION:

Adopt Resolution authorizing Mayor or Mayor's designee to appoint representatives to four (4) Outside Agencies/Committees representing the City of Saratoga

RESOLUTION NO. 09-036

HUNTER/MILLER MOVED TO ADOPT RESOLUTION AUTHORIZING MAYOR OR MAYOR'S DESIGNEE TO APPOINT REPRESENTATIVES TO FOUR (4) OUTSIDE AGENCIES/COMMITTEES REPRESENTING THE CITY OF SARATOGA. MOTION PASSED 5-0-0.

10. **AGREEMENT FOR PROFESSIONAL CITY SURVEYOR SERVICES**

STAFF RECOMMENDATION:

Move to authorize the City Manager to execute an Independent Contractor Agreement between the City of Saratoga and Giuliani and Kull, Inc. for professional City Surveyor services.

HUNTER/MILLER MOVED TO AUTHORIZE THE CITY MANAGER TO EXECUTE AN INDEPENDENT CONTRACTOR AGREEMENT BETWEEN THE CITY OF SARATOGA AND GIULIANI AND KULL, INC. FOR PROFESSIONAL CITY SURVEYOR SERVICES. MOTION PASSED 5-0-0.

11. **CONTRACT RENEWAL FOR GEOTECHNICAL CONSULTING SERVICES**

STAFF RECOMMENDATION:

Approve a two-year contract renewal with Cotton, Shires, and Associates, Inc. for Geotechnical Engineering Services and authorize City Manager to execute the same.

HUNTER/MILLER MOVED TO APPROVE A TWO-YEAR CONTRACT RENEWAL WITH COTTON, SHIRES, AND ASSOCIATES, INC. FOR GEOTECHNICAL ENGINEERING SERVICES AND AUTHORIZE CITY MANAGER TO EXECUTE THE SAME. MOTION PASSED 5-0-0.

12. **CONTRACT RENEWAL FOR MUNICIPAL TRAFFIC ENGINEERING**

STAFF RECOMMENDATION:

Approve a two-year contract renewal with Fehr & Peers Associates, Inc. for on-call Traffic Engineering Services and authorize City Manager to execute the same.

HUNTER/MILLER MOVED TO APPROVE A TWO-YEAR CONTRACT RENEWAL WITH FEHR & PEERS ASSOCIATES, INC. FOR ON-CALL TRAFFIC ENGINEERING SERVICES AND AUTHORIZE CITY MANAGER TO EXECUTE THE SAME. MOTION PASSED 5-0-0.

PUBLIC HEARINGS

None

OLD BUSINESS

13. AWARD OF CONSTRUCTION CONTRACT FOR THE SARATOGA LIBRARY HVAC RENOVATION

STAFF RECOMMENDATION:

1. Move to declare CIM AIR, Inc. to be the lowest responsible bidder on the Saratoga Library HVAC Renovation Project.
2. Move to award a construction contract for Saratoga Library HVAC Renovation Project to CIM AIR, Inc. in the amount of \$194,650 and authorize the City Manager to execute the same. Authorize staff to execute change orders to the construction contract in the amount of \$40,000.

Public Works Director John Cherbone presented the staff report.

Mayor Page invited public comment.

No one requested to speak on this item.

MILLER/KING MOVED TO 1) DECLARE CIM AIR, INC. TO BE THE LOWEST RESPONSIBLE BIDDER ON THE SARATOGA LIBRARY HVAC RENOVATION PROJECT; 2) AWARD A CONSTRUCTION CONTRACT FOR SARATOGA LIBRARY HVAC RENOVATION PROJECT TO CIM AIR, INC. IN THE AMOUNT OF \$194,650 AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE SAME; AUTHORIZE STAFF TO EXECUTE CHANGE ORDERS TO THE CONSTRUCTION CONTRACT IN THE AMOUNT OF \$40,000. MOTION PASSED 5-0-0.

14. PUBLIC RECORDS ACT HANDBOOK

STAFF RECOMMENDATION:

Review and accept the City of Saratoga Public Records Act Handbook.

City Attorney Richard Taylor presented the staff report.

City Attorney Taylor noted staff will conduct two different training programs; the first training will be for the department liaisons who are responsible for coordinating requested material from their respective departments to go through the handbook in detail; and the second training will involve a series of meetings in the fall with all employees from each department to help them better understand the need for

organizing department files, emails and other documents to make them easily accessible for responses to public records requests.

Mayor Page invited public comment.

No one requested to speak on this item.

NAGPAL/HUNTER MOVED TO **ACCEPT THE CITY OF SARATOGA PUBLIC RECORDS ACT HANDBOOK.** MOTION PASSED 5-0-0.

NEW BUSINESS

15. AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA) TIER 2 FUNDING - SARATOGA AVENUE AND FRUITVALE AVENUE OVERLAY AND REHABILITATION PROJECT

STAFF RECOMMENDATION:

Adopt resolution supporting the American Recovery and Reinvestment Act of 2009 (ARRA) for Tier 2 Funding for the Saratoga Avenue and Fruitvale Avenue Overlay and Rehabilitation Project.

Public Works Director John Cherbone presented the staff report.

Director Cherbone noted the City of Saratoga may be the first city in Santa Clara County to use funding from the American Recovery and Reinvestment Act of 2009.

Mayor Page invited public comment.

No one requested to speak on this item.

RESOLUTION NO. 09-037

MILLER/NAGPAL MOVED TO **ADOPT RESOLUTION SUPPORTING THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA) FOR TIE 2 FUNDING FOR THE SARATOGA AVENUE AND FRUITVALE AVENUE OVERLAY AND REHABILITATION PROJECT.** MOTION PASSED 5-0-0.

ADHOC & AGENCY ASSIGNMENT REPORTS

Mayor Chuck Page – reported:

West Valley Sanitation District – attended the last meeting.

Vice Mayor Kathleen King – reported:

SSC Cities Association Executive Board – attended the last meeting and heard a presentation on gangs and how the cities of Mountain View and Sunnyvale, along with other organizations such as law enforcement, are working together to focus on youth and parents; a presentation on 211 and Saratoga was recognized for being the first city to build the cost into their budget; a presentation on the next step of the environmental code

planning; and other cities are looking at our road impact fee to see if they can implement it as well. She also noted some cities are accepting a 10% pay cut in lieu of decreasing staff.

City School Ad-Hoc – met today with representatives from Prospect High School.

Councilmember Jill Hunter – reported:

Historical Foundation – attended their last meeting and they announced Bob Himel as the new president, Annette Stranskey as the new Vice President, and Jane Asher the new Treasurer.

Library Joint Powers Association – attended the last meeting and noted they passed their budget and they expressed concerns about Prop 1A and the possibility of losing funding.

Councilmember Howard Miller – reported:

Chamber of Commerce – attend the last meeting and they are contemplating options for their upcoming relocation; Emily Lo is the new president and Tom Collins is president-elect; the annual Business Person of the Year and Citizen of the Year award is scheduled on Friday, June 19th at the Joan Pisani Community Center.

KSAR – has started their internship program with 10 high school students signed up and ready to do video projects for events in the community.

Councilmember Susie Nagpal – had nothing to report.

CITY COUNCIL ITEMS

Vice Mayor King stated she would like to agendize a Park Bond for discussion to see if Saratoga residents have an interest in passing a park bond. Councilmember Nagpal seconded her request.

Mayor Page asked staff to look at the next phase of Environmental/Green Building, which is making the criteria mandatory; staff should define small projects versus large projects and look at newer technologies that are available.

CITY MANAGER'S REPORT

None

ADJOURNMENT

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

KING/HUNTER MOVED TO **ADJOURN THE REGULAR MEETING AT 7:50PM.**
MOTION PASSED 5-0-0.

Respectfully submitted,

Ann Sullivan, CMC
City Clerk

