

## MINUTES

### SARATOGA CITY COUNCIL MEETING OCTOBER 7, 2009

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 – Initiation of Litigation: Government Code Section 54956.9 (c) (2 potential cases)

Singer vs. Saratoga et al (Santa Clara County Superior Court Case No. 1-08-CV-113570)

CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Gov't Code Section 54956.8): (1 case)

Property: APN No. 503-48-014 and 517-32-001

Agency Negotiators: Dave Anderson, City Manager and John Cherbone, Public Works Director

#### **MAYOR'S REPORT ON CLOSED SESSION**

Mayor Page stated there was no reportable information

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

Mayor Page called the Regular City Council meeting to order at 7:00 p.m. and asked Carl Guardino, President and CEO of the Silicon Valley Leadership Group and his daughter, Jessica, to 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  
Barbara Powell, Assistant City Manager  
John Cherbone, Public Works Director  
Chris Riordan, Senior 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 October 7, 2009, was properly posted on October 1, 2009.

### **ORAL COMMUNICATIONS**

The following people requested to speak:

Citizen Ray noted there was a dead tree on Highway 9 and Wescott Drive. In addition, he commented on the pollution caused by the Cupertino Cement Plant.

Barry Ford spoke about the construction area on Highway 9 and Three Oaks Way.

Carl Guardino, President and CEO of the Silicon Valley Leadership Group, invited council and staff to the 5<sup>th</sup> Annual Silicon Valley Turkey Trot on November 26<sup>th</sup>.

Chris Landis, Marketing Manager at Akeena Solar in Los Gatos, addressed the Council regarding the Mayor's CUP Community Challenge.

Tom Moran, KSAR representative, noted that since action minutes have been approved as the minute format for Council and Planning Commission meetings and that the video tapes of these meetings would be the accurate record of said meetings, he felt it was important to inform the community of the detailed recording process and stated there are five separate DVD recordings occurring simultaneously in order to capture the proceedings of the meetings.

### **DIRECTION TO STAFF**

Mayor Page asked Public Works Director John Cherbone to address the concern voiced earlier by Mr. Ford regarding the construction area at Highway 9 and Three Oaks.

Director Cherbone noted that at the September 16, 2009 Council meeting, Council adopted specific areas (zones) of the city to incorporate into the Landscape and Lighting Area Districts (LLA) in order to beautify neighborhoods that were in need of landscape improvements. He added that this specific area along Highway 9 is controlled by the state and the city doesn't have a lot of influence in those areas. He noted the first meeting regarding these zones is scheduled for October 27<sup>th</sup> and members of the Public Works department will be present to address concerns voiced by residents regarding areas that are currently not included in the LLA program.

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

Mitch Kane, Chair of the Traffic Safety Commission, provided an overview of the Joint Meeting with Council earlier in the evening. He noted the Commission, along with the traffic engineer reviews traffic issues brought to them by residents and makes recommendations to address those traffic issues. Mr. Kane stated the number of current traffic issues has declined by 50% since last year and noted that most of the issues pertain to speeding and navigation issues throughout the community neighborhoods.

### **DIRECTION TO STAFF**

None

## **ANNOUNCEMENTS**

Councilmember Miller noted the holiday season is coming up quickly and children will be out of school during the holiday break. He suggested people check out the Saratoga Recreation Activity Guide for classes to enroll their children in during the breaks from school.

Councilmember Nagpal announced the Sister City Celebration is scheduled for the weekend of November 6<sup>th</sup> and invited residents to participate in this historic event. She also asked Council members to contact Peter Mara, Sister City Chair, and let him know which event they will be participating in as there are numerous events scheduled.

Councilmember Hunter stated that after the meeting of September 16<sup>th</sup> regarding the Landscape and Lighting District, four specific residents looked at the Landscape and Lighting area that she was assigned to and did an excellent job at cleaning up the landscape. In addition, she announced the Witchy-Walk-a-Bout on Saturday October 31<sup>st</sup> from 2 to 4 p.m. and invited everyone to attend.

Mayor Page announced that as directed by the State – San Jose Water Company’s mandatory lawn watering rules became effective on August 12, 2009 and reminded people of the lawn watering rules: odd number house addresses can only water lawns on odd number days and even house number addresses can only water lawns on even number days.

## **CEREMONIAL ITEMS**

None

## **SPECIAL PRESENTATIONS**

None

## **CONSENT CALENDAR**

### **1. CITY COUNCIL MEETING MINUTES - SEPTEMBER 16, 2009**

#### **STAFF RECOMMENDATION:**

Approve Minutes

MILLER/KING MOVED TO **APPROVE CITY COUNCIL MEETING MINUTES – SEPTEMBER 16, 2009.** MOTION PASSED 5-0-0.

### **2. REVIEW OF ACCOUNTS PAYABLE CHECK REGISTERS**

#### **STAFF RECOMMENDATION**

That the City Council accepts the Check Registers for the following Accounts

Payable payment cycles:

September 10, 2009

September 17, 2009

September 24, 2009

MILLER/KING MOVED TO **ACCEPT ACCOUNTS PAYABLE CHECK REGISTERS FOR SEPTEMBER 10, 2009, SEPTEMBER 17, 2009 AND SEPTEMBER 24, 2009.** MOTION PASSED 5-0-0.

3. **TREASURER'S REPORT FOR THE MONTH ENDED JULY 31, 2009**

**STAFF RECOMMENDATION:**

The City Council review and accept the Treasurer's Report for the month ended July 31, 2009.

Councilmember Miller removed this item for clarification.

Councilmember Hunter inquired about the designated Koi Pond repair funds and if those funds have been used to date.

Public Works Director Cherbone stated they haven't been used as of yet, however, they will be used in the next couple months.

Councilmember Hunter asked how long those designated funds are held.

Director Cherbone stated five years maximum; however, some projects may take longer depending on the complexity of the project.

MILLER/NAGPAL MOVED TO **APPROVE TREASURER'S REPORT FOR THE MONTH ENDED JULY 31, 2009.** MOTION PASSED 5-0-0.

4. **ADOPTION OF ORDINANCE AMENDING THE ZONING REGULATIONS RELATED TO REGULATIONS FOR TOBACCO RETAILERS**

**STAFF RECOMMENDATION:**

Staff recommends the Council waive the Second Reading and adopt the Ordinance amending the Zoning Regulations related to Regulations for Tobacco Retailers.

MILLER/KING MOVED TO **WAIVE THE SECOND READING AND ADOPT THE ORDINANCE AMENDING THE ZONING REGULATIONS RELATED TO REGULATIONS FOR TOBACCO RETAILERS.** MOTION PASSED 5-0-0.

5. **EXTENSION OF THE CONDITIONAL USE PERMIT (CUP) REIMBURSEMENT FOR THE CHAMBER OF COMMERCE**

**STAFF RECOMMENDATION:**

Approve the extension for an additional six month period ending April 7, 2009.

MILLER/KING MOVED TO **APPROVE THE EXTENSION FOR AN ADDITIONAL SIX MONTH PERIOD ENDING APRIL 7, 2010.** MOTION PASSED 5-0-0.

6. **SARATOGA LIBRARY HEATING, VENTILATING, AIR CONDITIONING (HVAC) SYSTEM RENOVATION – ADDITIONAL WORK**

**STAFF RECOMMENDATION:**

Approve additional Contract Change Order Authority with CIM Air, Inc in the amount of \$35,000.

MILLER/KING MOVED TO **APPROVE ADDITIONAL CONTRACT CHANGE ORDER AUTHORITY WITH CIM AIR, IN THE AMOUNT OF \$35,000.**  
MOTION PASSED 5-0-0.

### **PUBLIC HEARINGS**

None

### **OLD BUSINESS**

None

### **NEW BUSINESS**

#### **7. PECK HERITAGE CHILDREN'S GARDEN AND SARATOGA HERITAGE CREEK TRAIL**

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

Receive report and provide direction to staff.

Public Works Director John Cherbone presented the staff report noting the City is being asked to be the lead in acquiring or entering into a joint use agreement with the Santa Clara Valley Water District (SCVWD) for use of their property and to agree to be the "land holder" of the private parcel if private and/or grant funds can be raised for its purchase.

Mayor Page invited public comment.

The following people spoke on this item:

Anna Rainville addressed the Council noting the Peck family would like to propose a community garden, a heritage creek trail and a farm with grains and orchards on the Peck property, Buckman property adjacent to the Peck property, and the adjoining property owned by the SCVWD.

Kathryn Mathewson provided a slide show presentation in support of the proposed plans.

Vice Mayor King inquired as to how the funds would be raised to purchase the Buckman property next to the Peck property.

Ms. Mathewson noted this could cost 2.5 million and stated the Trust for Public Land is interested in this proposal and would loan the money to secure the Buckman property, however, it would be considered a loan and would have to be repaid.

Vice Mayor King also inquired how much the total project could cost.

Ms. Mathewson stated she was not prepared to give an overall estimate, however, it could be anywhere from 2 to 10 million – depending on the proposed themes and how extensive the themes would be, adding that it would not be a cost to the City.

The following people also spoke in support of the proposed community garden:

Betty Peck

Lisa Christenson

Jack Mallory

Ann WaltonSmith noted she would like Council to give their verbal support of the proposed project, direct staff to work with the SCVWD to work out an agreement regarding the easement and to have the Parks and Recreation Commission and Trails Committee, along with staff, establish the creek trails.

Denise Goldberg, Chair of the Trails Committee, noted the Buckman property combined with the water district property could provide a key connection for the trails system.

Mayor Page closed the public comment.

Council expressed their verbal support of the project and directed staff to continue working with the water district regarding their property easement and to determine a cost for the creek trail, including all the details so that Council has a clear understanding of the total creek cost and any legal costs to the City. In addition, Council suggested the Peck family reach out to the Saratoga/Monte Sereno Foundation for their support and assistance to help raise funds for the project.

Mayor Page declared a five minute break at 8:30p.m.

Mayor Page reconvened the meeting at 8:35p.m.

## 8. **PROPOSED COMMUNITY SURVEY**

### **STAFF RECOMMENDATION:**

Accept report and direct staff accordingly.

Assistant City Manager Barbara Powell presented the staff report.

Mayor Page invited public comment.

No one requested to speak on this item.

Mayor Page closed the public comment.

Council discussed the possibility of having a regularly scheduled community survey every three or four years as a proactive approach and to build funding such as \$4,000 into the annual budget so that when surveys are conducted funding would already be available.

Council gave direction to include this item in the Budget Policy Review and to discuss this item at the annual Council Retreat.

Councilmember Hunter was not supportive of funding and conducting a community survey.

## 9. SOLAR & ENERGY EFFICIENCY FINANCING DISTRICTS

### **STAFF RECOMMENDATION:**

Accept report and direct staff accordingly.

Assistant City Manager Barbara Powell presented the staff report.

Mayor Page opened the public comment.

No one requested to speak on this item.

Mayor Page closed the public comment.

Council directed staff to send a Letter of Intent to the County to “opt in” to a turnkey program for funding solar and energy efficiency projects as well as a letter to ABAG; and to join the San Jose efforts to pursue grant funding.

Vice Mayor King also recommended this topic be brought up at the Mayors and Managers meeting.

## **ADHOC & AGENCY ASSIGNMENT REPORTS**

Mayor Chuck Page – reported:

*Peninsula Division, League of California Cities* – will be meeting on October 15<sup>th</sup> in Mountain View and there will be a presentation on Pension Reform.

[*Vice Mayor King announced that Mayor Page was elected to the At Large Position for the League of California Cities Peninsula Division Board of Directors.*]

*SCC Cities Association Selection Committee* – meets Thursday.

*Valley Transportation Authority PAC* – meets Thursday.

*West Valley Mayors and Managers Association* –

[*City Manager Dave Anderson noted the West Valley Mayor and Managers Association appointed Mayor Page to a 2-year term as the West Valley Cities representative on the VTA Board of Directors.*]

Vice Mayor Kathleen King – reported:

*SCC Cities Association Executive Board* – has scheduled the annual holiday dinner on Thursday, December 3rd and hoped all the council members could attend; adding spouses are included. In November the Association will have a presentation by “California Forward”.

Councilmember Jill Hunter – reported:

*Library Joint Powers Association* – that only 45% of Saratoga residents have library cards and she encouraged more people to get library cards and to use their cards and check out books. She stated that of the eight library systems Saratoga receives the lowest amount of library funding due to the the low percentage of library card holders and use of cards.

*Historical Foundation* – the plants that were removed by the Foundation at the Book-Go-Around and the Historic Museum will be replaced with Saratoga horticultural plants after the new sprinkling system has been installed.

Councilmember Howard Miller – reported:

*Council Finance Standing Committee* – they have been discussing several issues: Proposition 1A Securitization item may be agendaized on the next Council agenda; the quarterly financial reports and the current technical issues with the new software regarding the report writing; the aging telephone system; the IT consultant; and the Budget Policy report.

Councilmember Susie Nagpal – reported:

*SASCC* – is in the process of budget discussions regarding a donation and how they can use these funds. [City Manager Dave Anderson added that SASCC has formed an Investment Committee to establish an investment policy and that they are looking for a financial advisor regarding their portfolio.]

*Sister City Liaison* – she attended the meeting on Monday and asked Council to let staff know as soon as possible which of the scheduled Sister City 25<sup>th</sup> Anniversary events they plan to participate in. [Councilmember Hunter noted she will participate in the Saratoga Library event and the tree planting event at the Warner Hutton house and asked staff to provide Council with more information regarding the type of tree to be planted.]

### **CITY COUNCIL ITEMS**

Vice Mayor King stated flu shots are available and that people are encouraged to get their flu shots at participating drug stores. In addition, she requested staff note this information on the City Website along with a link that would go to the County website that would provide additional information on the H1N1 flu.

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

City Manager Dave Anderson asked Council for permission to travel out of state during the Thanksgiving Holiday and was granted permission.

### **ADJOURNMENT**

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

MILLER/NAGPAL MOVED TO **ADJOURN THE REGULAR MEETING AT 10:00PM.** MOTION PASSED 5-0-0.

Respectfully submitted,  
Ann Sullivan, CMC  
City Clerk

