

MINUTES

SARATOGA CITY COUNCIL MEETING OCTOBER 21, 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 – Anticipated Litigation: Significant exposure to litigation pursuant to Government Code Section 54956.9 (b) (1 potential case)

CONFERENCE –INSTRUCTION TO REAL PROPERTY NEGOTIATOR (Gov't Code Section 54956.8): Wildwood Way
Agency Negotiator: 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 Heritage Preservation Commission and the Historical Foundation 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 lead the Pledge of Allegiance.

ROLL CALL

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

ABSENT: Susie Nagpal – Excused Absence

ALSO PRESENT: Dave Anderson, City Manager
Richard Taylor, City Attorney
Ann Sullivan, City Clerk
Mary Furey, Finance Director
John Livingstone, Community Development Director
John Cherbone, Public Works Director
Chris Riordian, Senior Planner
Leo Salindong, IT 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 October 21, 2009, was properly posted on October 15, 2009.

ORAL COMMUNICATIONS

The following people requested to speak:

Citizen Ray stated strong winds caused a large oak tree to fall on Farwell Avenue in Saratoga during the recent storm. He also noted the cement plant in Cupertino dispenses 1 million tons of plant dust into the air and has been causing air pollution in the area for many years and each time it is running. He noted the public has expressed a strong interest in this issue.

[Councilmember Hunter noted the Oak that fell on Farwell Avenue was listed as one of the top 20 trees year in Saratoga and was honored by the Council two years ago as such.]

DIRECTION TO STAFF

None

COMMUNICATIONS FROM BOARDS AND COMMISSIONS

Peter Marra, Chair of the Heritage Preservation Commission, addressed the Council regarding the Joint Meeting held prior to the Regular meeting this evening. He provided a report on the conclusion of the awarding of the special plaques commemorating historical places in the community. In addition, he provided a progress report regarding the evaluation of more than a hundred resources that are designated as historic sites.

Bob Himel, President of the Saratoga Historical Foundation, provided a brief summary of their meeting earlier with Council, noting they manage the Historical Museum in Saratoga Village along with the McWilliams House. He stated they provide a series of programs that are historically oriented towards Saratoga and invited everyone to visit their website at www.saratogahistory.com for more information on their programs.

DIRECTION TO STAFF

None

ANNOUNCEMENTS

Councilmember Hunter reported the annual Witchy-Walk-About event will be held on Saturday, October 31 from 2 to 4 p.m.

Vice Mayor King reported the North Campus Grand Opening is Friday, October 23 at 3:30 p.m. and the naming opportunity for the North Campus ends on the 23rd as well.

Mayor Page reported the annual Turkey Trot Race will be held on the morning of Thanksgiving Day in San Jose. He noted this is a fund raiser for three local organizations- housing, health care and food. He invited people to visit their website at www.svturkeytrot.com for more information or to register for the race.

CEREMONIAL ITEMS

1. PROCLAMATION RECOGNIZING OCTOBER 18-24, 2009 AS TEEN READ WEEK

STAFF RECOMMENDATION:

Acknowledge proclamation.

Mayor Page read and presented the proclamation to Teen Librarian Lisa Pirlot and her Teen Advisory Board.

2. PROCLAMATION FOR CERT FIRST RESPONDERS – RUSS SWEENEY AND DOUG MCNEIL

STAFF RECOMMENDATION:

Present commendations.

Mayor Page read and presented the proclamation to Saratoga resident Russ Sweeney and Los Gatos resident Doug McNeil.

3. PROCLAMATION FOR “END POLIO NOW DAY” – OCTOBER 23, 2009

STAFF RECOMMENDATION:

Present commendation.

Mayor Page read and presented the proclamation to Paul Conrado, President of the Saratoga Rotary Club.

Due to the large number of people in the audience for Agenda Item 12 – Adopt a Facility Use Policy for the North Campus, Mayor Page asked for Council concurrence to move that item up first for discussion and to move the Consent Calendar and the Public Hearing to the end of the agenda.

Mayor Page and Council concurred to move to agenda item 12 as the next item of business and to move the Consent Calendar and the Public Hearing to the end of the agenda.

Councilmember Hunter asked for concurrence to allow citizen Marilyn Marchetti to give the presentation regarding Item 13 – Village Entrance Sign at this time as she was not feeling well and would be leaving the meeting.

Council concurred to allow Ms. Marchetti to give her presentation regarding Item 13 prior to Item 12.

Marilyn Marchetti, member of the Saratoga Village Development Council, addressed the Council regarding the design of the proposed Village Entrance Sign.

CONSENT CALENDAR

Council returned to the CONSENT CALENDAR at 10:30PM

4. **CITY COUNCIL MEETING MINUTES – OCTOBER 7, 2009**

STAFF RECOMMENDATION:

Approve minutes.

Mayor Page removed this item for one small correction.

PAGE/KING MOVED TO **APPROVE CITY COUNCIL MEETING MINUTES – OCTOBER 7, 2009.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

5. **REVIEW OF ACCOUNTS PAYABLE REGISTERS**

STAFF RECOMMENDATION:

That the City Council accepts the Check Registers for Accounts Payable cycles:
October 01, 2009
October 08, 2009

KING/MILLER MOVED TO **ACCEPT THE CHECK REGISTERS FOR ACCOUNTS PAYABLE CYCLES OCTOBER 01, 2009 AND OCTOBER 08, 2009.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

6. **TREASURER’S REPORT FOR THE MONTH ENDED AUGUST 31, 2009**

STAFF RECOMMENDATION:

Review and accept the Treasurer’s Report for the month ended August 31, 2009.

KING/MILLER MOVED TO **ACCEPT THE TREASURER’S REPORT FOR THE MONTH ENDED AUGUST 31, 2009.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

7. **IT SUPPORT CONTRACT RENEWAL WITH ZAG TECHNICAL SERVICES**

STAFF RECOMMENDATION:

Accept report and approve renewal contract with ZAG Technical Services.

Councilmember Miller removed this item for clarification.

KING/HUNTER MOVED TO **APPROVE RENEWAL CONTRACT WITH ZAG TECHNICAL SERVICES.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

8. **MOTOR VEHICLE (MV) RESOLUTION AUTHORIZING NO PARKING**

STAFF RECOMMENDATION:

Move to adopt the Motor Vehicle Resolution authorizing No Parking on Bankmill Road

MV RESOLUTION NO. 284

KING/MILLER MOVED TO **ADOPT THE MOTOR VEHICLE RESOLUTION AUTHORIZING NO PARKING ON BANKMILL ROAD.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

Council moved to Item 13 after approving Consent Calendar.

PUBLIC HEARINGS

9. PUBLIC HEARING AMENDING FEE SCHEDULE (RESOLUTION 09-019) TO INCLUDE KEVIN MORAN PARK

STAFF RECOMMENDATION:

Conduct public hearing to review recommendations for proposed fee changes for Kevin Moran Park, provide direction, and approve a resolution amending the City's Fee Schedule effective for Fiscal Year 2009/10.

Interim Director Claudia Cauthorn presented the staff report.

Mayor Page opened the public comment period.

No one requested to speak on this item.

Mayor Page closed the public comment period.

RESOLUTION NO. 09-055

HUNTER/KING MOVED TO **APPROVE RESOLUTION AMENDING THE CITY'S FEE SCHEDULE EFFECTIVE FOR FISCAL YEAR 2009/10.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

OLD BUSINESS

None

NEW BUSINESS

10. PROPOSITION 1A SECURITIZATION PROGRAM

STAFF RECOMMENDATION:

Review Prop 1A Securitization program option, adopt resolution, and approve purchase and sale agreement to participate in the securitization program. Administrative Services Director Mary Furey presented the staff report.

Mayor Page opened the public comment period.

No one requested to speak on this item.

Mayor Page closed the public comment.

RESOLUTION NO. 09-053

KING/HUNTER MOVED TO **ACCEPT PROPOSITION 1A, ADOPT RESOLUTION AND APPROVE PURCHASE AND SALE AGREEMENT TO PARTICIPATE IN THE SECURITIZATION PROGRAM.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

11. INITIATION OF ANNEXATION OF AN APPROXIMATELY 39,640 (GROSS) SQUARE FOOT PARCEL (APN 503-13-138) LOCATED AT 22215 MOUNT EDEN ROAD.

STAFF RECOMMENDATION:

Staff recommends the City Council approve the attached Resolution thereby initiating the annexation of 22215 Mount Eden Road.

Senior Planner Chris Riordan presented the staff report.

Mayor Page invited public comment.

No one requested to speak on this item.

Mayor Page closed the public comment.

RESOLUTION NO. 09-054

KING/MILLER MOVED TO **APPROVE THE ATTACHED RESOLUTION THEREBY INITIATING THE ANNEXATION OF 22215 MOUNT EDEN ROAD.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

Mayor Page asked for Council concurrence to move to Item 9 for the next item of business. Council concurred.

12. ADOPT A FACILITY USE POLICY FOR THE NORTH CAMPUS

STAFF RECOMMENDATION:

Amend the existing building policies to include hours of use for the North Campus site.

Item started at 7:50PM

Interim Recreation Director Claudia Cauthorn presented the staff report.

Mayor Page invited public comment

The following people requested to speak on this item:

Scott Wheelright, member and representative of Latter Day Saints Church, spoke in support of the West Valley Muslim Association (WVMA) and offered their church facility to WVMA for them to hold their Ramadan events in the event North Campus wouldn't work out.

The following speakers addressed the Council in support of 8:00AM to 11:00PM – inclusive of cleanup time; and to grandfather in existing users such as the WVMA,

which could extend the hours for WVM to 11:15 or 11:30 during certain times of the Lunar Calendar:

Isbal Mirza
Anwar Awad spoke on behalf of Dr. Yacoub Elzig
Reshma Hder
Hume Qureshi
Abdul Ghori
Safeer Mohiuddih
Asham Heider
Hasham Hyder
Yacouba Traore
Ahmad Torjama
Imtiaz Quresiti
Sarah Azad
Hera Hyder
Kareem Syed
Kamran Khan
Aladdin Bakri
Muzaffer Haider
Ann Waltonsmith
Peter Marra
Arvin Engelson
Shahid Siddiqui
Razi Mohiuddin
Jack Mallory

The following people addressed the Council asking that the North Campus hours be set at 8:00AM to 9:00PM on weekdays and 8:00Am to 10:00PM on weekends inclusive of cleanup time:

Roger Piazza
Tom Saari
Bill Ford
Denise Goldberg

Patty Woolcock felt 10:00PM was a reasonable time to empty the parking lot; stated she supported grandfathering in WVMA and asked that whatever the usage rules are, they also apply to the Sheriff's deputies.

Graham Mastyn supported having the parking lot emptied by 9:30PM

Mayor Page declared a break at 9:05PM

Mayor Page reconvened the meeting at 9:15PM

Paul Hernandez suggested using the facility for a while and then make a decision regarding the hours of usage.

Mayor Page closed the public comment period.

Council thanked all the members of the audience for the respectful manner in which they presented their opinions.

VOTE ON FACILITY USE OF NORTH CAMPUS:

KING/MILLER MOVED TO ADOPT ALTERNATIVE “F” GRANDFATHERING THE EXISTING USERS OF THE NORTH CAMPUS AT A NORTH CAMPUS LOCATION SPECIFIED BY THE CITY BETWEEN THE HOURS OF 8:00AM AND 11:00PM INCLUSIVE OF “CLEAN UP TIME” ON THE CONDITION THAT THEY LOSE THIS PRIVILEGE IF EITHER (1) THE USE CEASES FOR MORE THAN ONE YEAR, (2) THEY EXCEED THE HOURS OF THEIR CURRENT USE TWO OR MORE TIMES, OR (3) THE CITY COUNCIL CONCLUDES AFTER A NOTICED PUBLIC HEARING THAT FACTS AND CIRCUMSTANCES HAVE CHANGED SUCH THAT ALLOWING THE EXTENDED HOURS OF USE IS NO LONGER IN THE PUBLIC INTEREST. THE TERM “INDOOR USES” ALSO INCLUDES USE OF THE OUTDOOR PARKING AREA BUT ONLY FOR PARKING BY PARTICIPANTS IN THE INDOOR USE. MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

VOTE ON HOURS OF USE:

Vice Mayor King made a motion to accept Alternative “D” regarding hours of use.

Councilmember Miller requested a friendly amendment to that motion allowing staff to request an increased deposit for groups that declare they will be doing “cleanup” between 10:00PM and 11:00PM and that the rental group would forfeit the deposit if the cleanup was not done quietly.

Vice Mayor King accepted the friendly amendment.

KING/MILLER MOVED TO ADOPT ALTERNATIVE “D” ALLOWING (1) USE OF THE NORTH CAMPUS FROM 8:00AM TO 10:00PM DAILY EXCLUSIVE OF “CLEAN UP”, WHICH CAN OCCUR AFTER 10:00PM AND GUESTS MUST LEAVE BY 10:00PM – (MATCHING THE FOOTHILL CLUB REQUIREMENTS); AND (2) ALLOWS STAFF TO REQUEST AN INCREASED DESPOSIT FOR GROUPS DECLARING THAT THEY WILL BE DOING “CLEAN UP” BETWEEN 10:00PM AND 11:00PM AND THE CLEANUP IS NOT DONE QUIETLY. MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

VOTE ON OPEN SPACE LOCATED AT STREET FRONTAGE AREA OF NORTH CAMPUS GROUNDS:

KING/MILLER MOTIONED TO ADOPT EXISTING OUTDOOR PARK USE POLICY TO INCLUDE STREET FRONTAGE OPEN SPACE AREA AT NORTH CAMPUS. MOTION PASSED 4-0-1 WITH NAGPAL ABSENT.

Item concluded at 10:00PM

Due to a significant number of people in the audience for Agenda Item 15 – City Wide Program to plant 2,015 trees in Saratoga by 2015, Mayor Page asked for Council concurrence to move this item up next for discussion. Council concurred.

13. VILLAGE ENTRANCE SIGN

STAFF RECOMMENDATION:

Approve design and installation of Village Entrance Sign

John Cherbone presented the staff report.

Mayor Page opened the public comment period.

The following person requested to speak on this item:

[Marilyn Marchetti, member of the Saratoga Village Development Council, addressed the Council earlier in the evening regarding the design of the proposed Village Entrance Sign.]

Paul Hernandez suggested the Village Entrance Sign be in gold leaf rough hewn letters and added the signage should be integrated into a fence barrier with shrubbery to help provide safety to people in the Blaney Plaza area from traffic on Saratoga Avenue.

No one else requested to speak on this item.

Mayor Page closed the public comment.

DIRECTION TO STAFF:

Continue to work on the final draft and implementation plan of the Village Entrance Sign and bring back to Council on a future agenda as a Consent Item. Council also stated they would like the gold leaf letter coloring on the sign so that it would be consistent with other signage in the community and to photo shop the exact location of the sign into the final photo of where the proposed sign will be placed at Blaney Plaza.

Mayor Page asked for Council concurrence to move to Item 11 for the next item of business. Council concurred.

14. UNDEVELOPED CITY OWNED PROPERTY

STAFF RECOMMENDATION:

Accept report and provide direction to staff.

Public Works Director John Cherbone presented the staff report.

Mayor Page invited public comment.

The following person requested to speak on this item:

Paul Hernandez inquired if the City paid taxes on these parcels of land.

Mayor Page noted the City does not pay taxes on these parcels.

Mayor Page closed the public comment period.

Vice Mayor King noted she requested to have this item agendaized so that Councilmembers were aware of these parcels of land.

Council determined that the current economy was not conducive to selling property at this time and recommended waiting until the economy improved.

Council moved to Item 14 at 11:00PM

15. CITY WIDE PROGRAM TO PLANT 2,015 TREES IN SARATOGA BY THE YEAR 2015

STAFF RECOMMENDATION:

Direct staff accordingly.

Kate Bear, City Arborist, presented the staff report. Ms. Bear noted the Heritage Tree Society of Saratoga has offered to create the data base that would track the planting of new trees and they would post this information on their website. The City website would provide a link to the Heritage Tree Society. She noted the Heritage Tree Society has offered to purchase and install a sign on Saratoga Avenue stating: "Saratoga Proudly a Tree City USA". She added the sign would indicate how many trees have been planted and volunteers have offered to periodically update the sign indicating how many trees have been planted.

Mayor Page invited public comment.

The following people requested to speak on this item:

Cheriel Jensen spoke in support of this project.

Denise Goldberg spoke in support of this project.

Kathy Forte, Director of Gate House Homeowners Association noted residents are excited about this project.

Mayor Page closed the public comment.

Council concurred that this was an interesting project and noted there are a number of issues that would need to be defined and resolved, such as how much staff time this project would require, funding issues, where to plant trees, verification of newly planted trees, and how would the data regarding the number of trees planted be logged and by whom.

Council noted the proposed signage indicating Saratoga was a "Proud Tree City USA" was a good idea and added this also needed additional research.

Council was supportive of this project and suggested the Saratoga/Monte Sereno Community Foundation be contacted to see if they would be interested in partnering with the City and if they would be interested in helping to raise funds or provide a grant. Council also suggested including this proposal in the next Saratoga, which would be the winter edition.

Mayor Page asked for Council concurrence to move to the Consent Calendar for the next item of discussion. Council concurred.

Council moved to the Consent Calendar at 10:30PM.

ADHOC & AGENCY ASSIGNMENT REPORTS

Mayor Chuck Page – reported:

Hakone Foundation Executive Committee – he attended meeting the last meeting; they welcomed back Beverly Harada to the Board of Directors; upcoming events include a 2010 Lunar Celebration for the Year of the Tiger and some interesting artwork related to this event.

Peninsula Division, League of California Cities – voted on a Proposition that will forever limit states ability to take money from local governments. He asked councilmembers to provide their personal email addresses to Rebecca Elliott so they will be included in the email communications regarding this issue.

West Valley Sanitation District – met and they updated some ordinances.

West Valley Mayors and Managers Association – Los Gatos has passed a moratorium on medical marijuana stores.

Vice Mayor Kathleen King – had nothing to report.

Councilmember Jill Hunter – reported:

Historical Foundation – she attended the last meeting and noted three archeologists from CalTrans have been studying significant historical sites along Highway 9. Heritage County Commissioner April Halberstadt has been working with CalTrans to install “historical” signage along Highway 9 depicting the historical sites. In addition, there have been a number of organizations, such as Eucalyptus Magazine, Relocation Magazine, Mercury News and Contra Costa Times that have been featuring Saratoga landmarks.

Library Joint Powers Association – meets next week

Santa Clara County Valley Water District Commission – meets next week.

Councilmember Howard Miller – reported:

Chamber of Commerce – has moved to their new location and they will be scheduling a meeting with the City Manager to discuss their budget.

KSAR – hired summer interns with the CDBG money that the City provided to them earlier in the year. The interns produced a large number of educational videos regarding Saratoga events and he is hoping some of them will attend a future Council meeting and provide a summary of what they accomplished.

Councilmember Susie Nagpal – absent.

CITY COUNCIL ITEMS

Vice Mayor King noted the West Valley Community Services attended the last Rotary meeting and gave a presentation on a newly acquired refrigerated truck that they will be using to collect excess fruits and vegetables from local growers to make available to people needing assistance. They asked if Council could agendaize this on an upcoming meeting so that they could inform the community of this new service they will be providing. Mayor Page seconded this request.

Vice Mayor King also requested staff to provide an update in the next Council Newsletter regarding the status of the ABAG Renewable Energy Program for Homeowners.

Mayor Page noted Council will look at Councilmember Susie Nagpal's outside agency assignments at a later date.

CITY MANAGER'S REPORT

None

ADJOURNMENT

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

KING/MILLER MOVED TO **ADJOURN THE REGULAR MEETING AT 11:30PM.**
MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

Respectfully submitted,

Ann Sullivan, CMC
City Clerk