

MINUTES

SARATOGA REGULAR CITY COUNCIL MEETING DECEMBER 16, 2009

The City Council of the City of Saratoga held a Special Meeting with members of the Planning Commission in the Administrative Conference Room at 6:00 p.m.

Mayor King called the Regular City Council meeting to order at 7:00 p.m. and asked former Saratoga Mayor, Nick Streit, who was present, to lead the Pledge of Allegiance.

ROLL CALL

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

ABSENT: Councilmember Susie Nagpal (Excused Absence)

ALSO Dave Anderson, City Manager

PRESENT: Richard Taylor, City Attorney
Ann Sullivan, City Clerk
Barbara Powell, Assistant City Manager
John Cherbone, Public Works Director
John Livingstone, Community Development Director
Michael Fossati, Assistant Planner
Crystal Morrow, Administrative Analyst II
Jana Rinaldi, Code Enforcement Specialist

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 December 16, 2009, was properly posted on December 10, 2009.

ORAL COMMUNICATIONS

None

COMMUNICATIONS FROM BOARDS AND COMMISSIONS

The Planning Commission met with the City Council in a Special Meeting prior to the Regular Meeting to review comments from the State regarding the City of Saratoga's Housing Element update.

DIRECTION TO STAFF:

Council directed staff to allow emergency shelters as a permitted use in all commercial zones.

ANNOUNCEMENTS

Councilmember Miller stated the Saratoga Winter Activity Guide was available and invited the public to check out the holiday winter programs that are available during the

holidays. In addition, he noted the Boy Scouts have scheduled an E-Waste Recycling event on January 9th from 9AM to 9PM at Saratoga Prospect Center.

Councilmember Page noted the City of Saratoga, combined with the City of Campbell, was offering a class for children ages 10 to 13 on how to manage money, write checks and handle a credit card.

Councilmember Hunter noted the Senior Center would be hosting an event on Friday evening from 6:30p.m.to 8:30p.m.

CEREMONIAL ITEMS

None

SPECIAL PRESENTATIONS

1. VIDEO PRESENTATION ON “SARATOGA LIVE”

STAFF RECOMMENDATION:

Listen to and view a short video presentation from Patrick and Sally O’Hearn.

Councilmember Page introduced Patrick and Sally O’Hearn. The O’Hearn’s provided a short presentation on “Saratoga Live” – a media website for Saratoga.

CONSENT CALENDAR

2. CITY COUNCIL REORGANIZATION MINUTES – DECEMBER 1, 2009

STAFF RECOMMENDATION:

Approve minutes.

PAGE/HUNTER MOVED TO **APPROVE CITY COUNCIL REORGANIZATION MINUTES – DECEMBER 1, 2009.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

3. TREASURER’S REPORT FOR THE MONTH ENDED NOVEMBER 30, 2009

STAFF RECOMMENDATION:

Review and accept the Treasurer’s Report for the month ended November 30, 2009.

PAGE/HUNTER MOVED TO **ACCEPT THE TREASURER’S REPORT FOR THE MONTH ENDED NOVEMBER 30, 2009.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

4. REVIEW OF ACCOUNTS PAYABLE CHECK REGISTERS.

STAFF RECOMMENDATION:

That the City Council accepts the Check Registers for the following Accounts Payable cycles:

November 25, 2009

December 04, 2009

PAGE/HUNTER MOVED TO **ACCEPT THE CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE CYCLES: NOVEMBER 25, 2009 AND DECEMBER 04, 2009.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

5. **RESOLUTION ADOPTING COUNCIL AGENCY ASSIGNMENTS AND ADHOC COMMITTEE APPOINTMENTS**

STAFF RECOMMEDATION:

Adopt resolution.

Mayor King removed this item for clarification regarding the council representatives on the Hakone Foundation Board. She stated Vice Mayor Hunter should be the primary representative and Mayor King should be the alternate; and Mayor King should be the representative on the Executive Committee. In addition, she noted the alternate representative for the Santa Clara County Cities Association Selection Committee, should be Councilmember Miller.

RESOLUTION NO. 09-066

KING/MILLER MOVED TO **ADOPT THE RESOLUTION FOR COUNCIL AGENCY ASSIGNMENTS AND ADHOC COMMITTEE APPOINTMENTS AS AMENDED WITH THE ABOVE CORRECTIONS.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

6. **FY 2008/09 COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR).**

STAFF RECOMMEDATION:

Review and accept the FY 2008/09 Comprehensive Annual Financial Report (CAFR)

Councilmember Miller removed this item to thank staff for an excellent job in preparing the report.

MILLER/PAGE MOVED TO **ACCEPT THE FY 2008/09 COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR).** MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

7. **ELECTRICAL, GAS AND TELEPHONE SERVICE CONSTRUCTION FOR FRIENDSHIP HALL, SARATOGA PROSPECT CENTER – NOTICE OF COMPLETION**

STAFF RECOMMEDATION:

Move to accept the Electrical, Gas and Telephone Service Construction Project as complete and authorize staff to record the Notice of Completion.

PAGE/HUNTER MOVED TO **ACCEPT THE ELECTRICAL, GAS AND TELEPHONE SERVICE CONSTRUCTION PROJECT AS COMPLETE AND**

AUTHORIZE STAFF TO RECORD THE NOTICE OF COMPLETION.
MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

8. OFFER TO DEDICATE TRAIL EASEMENT

STAFF RECOMMEDATION:

1. Approve Offer to Dedicate Trail Easement on the property located at 22000 Via Regina (APN 503-69-025 old, 503-69-040 new).
2. Adopt Resolution Accepting Offer to Dedicate Trail Easement.

RESOLUTION NO. 09-067

PAGE/HUNTER MOVED TO **1) APPROVE OFFER TO DEDICATE TRAIL EASEMENT ON THE PROPERTY LOCATED AT 22000 VIA REGINA (APN 503-69-025 OLD, 503-69-040 NEW). 2) ADOPT RESOLUTION ACCEPTING OFFER TO DEDICATE TRAIL EASEMENT.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

9. HERITAGE RESOURCE INVENTORY UPDATE

STAFF RECOMMEDATION:

Direct Staff Accordingly

Vice Mayor Hunter removed this item for discussion.

She inquired how people go about getting historic homes listed on the Heritage Resource Inventory list.

Peter Marra, Chair for Heritage Preservation Commission (HPC), stated people could contact the HPC to begin the process. He added the HPC would add this resource list to the City's website so citizens could access the various links, which would also assist them in determining if their properties meet the criteria to be placed on the historic resource list.

Michael Fossati, HPC staff liaison, noted people could contact him via the City's website regarding the process for deeming homes as historic.

HUNTER/MILLER MOVED TO **ACCEPT THE HERITAGE RESOURCE INVENTORY LIST AS PRESENTED.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

10. 2010 HAZARDOUS VEGETATION PROGRAM COMMENCEMENT RESOLUTION

STAFF RECOMMEDATION:

Adopt Resolution Declaring Hazardous Vegetation (Weeds) as Public Nuisance and Setting Public Hearing.

RESOLUTION NO. 09-068

PAGE/HUNTER MOVED TO **ADOPT RESOLUTION DECLARING HAZARDOUS VEGETATION (WEEDS) AS PUBLIC NUISANCE AND SETTING PUBLIC HEARING.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

11. HISTORICAL PARK LANDSCAPE PROJECT – DONATION OF FUNDS FROM THE SARATOGA HISTORICAL FOUNDATION

STAFF RECOMMEDATION:

1. Accept funds in the amount of \$26,000 from the Saratoga Historical Foundation for the Historical Park Landscape Project.
2. Approve Budget Resolution.

Vice Mayor Hunter removed this item to acknowledge the significance of the Historical Park and to thank the Historical Foundation for the \$26,000 donation for the landscape project.

Bob Himel, President of the Saratoga Historical Foundation was present and thanked the City of Saratoga for the opportunity to work on the Historical Park. He also thanked the members of the Horticultural Society for providing the donation to the Historical Foundation.

RESOLUTION NO. 09-069

HUNTER/PAGE MOVED TO **1) ACCEPT THE DONATED FUNDS IN THE AMOUNT OF \$26,000 FROM THE SARATOGA HISTORICAL FOUNDATION FOR THE HISTORICAL PARK LANDSCAPE PROJECT; 2) APPROVE BUDGET RESOLUTION.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

12. DEVELOPMENT IMPACT FEE REPORT

STAFF RECOMMEDATION:

Review and accept report on the status of FY 2008/09 Development Impact Fees

PAGE/HUNTER MOVED TO **ACCEPT REPORT ON THE STATUS OF FY 2008/09 DEVELOPMENT IMPACT FEES.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

13. HIGHWAY 9 SAFETY IMPROVEMENT PROJECT, PHASE II - COOPERATIVE AGREEMENT AND DESIGN CONTRACT APPROVAL
STAFF RECOMMEDATION:

1. Adopt a resolution authorizing the City Manager to execute a Cooperative Agreement between the City of Saratoga, the Town of Los Gatos, and the City of Monte Sereno for the Highway 9 Safety Improvement Project Phase II.
2. Approve an Independent Contractor Agreement with BKF Engineers for preparation of construction documents for the Highway 9 Safety Improvement Project Phase II and authorize the City Manager to execute the same.
3. Authorize the City Manager to sign a Letter of Understanding with the County of Santa Clara.

RESOLUTION NO. 09-070

PAGE/HUNTER MOVED TO **1) ADOPT RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A COOPERATIVE AGREEMENT BETWEEN THE CITY OF SARATOGA, THE TOWN OF LOS GATOS, AND THE CITY OF MONTE SERENO FOR THE HIGHWAY 9 SAFETY IMPROVEMENT PROJECT PHASE II. 2) APPROVE AN INDEPENDENT CONTRACTOR AGREEMENT WITH BKF ENGINEERS FOR PREPARATION OF CONSTRUCTION DOCUMENTS FOR THE HIGHWAY 9 SAFETY IMPROVEMENT PROJECT PHASE II AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE SAME. 3) AUTHORIZE THE CITY MANAGER TO SIGN A LETTER OF UNDERSTANDING WITH THE COUNTY OF SANTA CLARA.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

14. 2009 LIBRARY HEATING VENTING, AIR CONDITIONING (HVAC) RENOVATION PROJECT – NOTICE OF COMPLETION

STAFF RECOMMEDATION:

Move to accept the 2009 Library HVAC Renovation Project as complete and authorize staff to record the Notice of Completion for the contract.

Councilmember Miller removed this item to thank the staff for completing the HVAC renovation at the Saratoga Library and he invited the public to stop in at the library and sign up for a library card.

MILLER/PAGE MOVED TO **ACCEPT THE 2009 LIBRARY HVAC RENOVATION PROJECT AS COMPLETE AND AUTHORIZE STAFF TO RECORD THE NOTICE OF COMPLETION FOR THE CONTRACT.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

15. RESCIND MOTOR VEHICLE (MV) RESOLUTION NO. MV-190 PROHIBITING PARKING ON A PORTION OF SCULLY AVENUE

STAFF RECOMMEDATION:

Move to rescind the MV Resolution restricting parking on Scully Avenue.

RESOLUTION NO. MV- 285

PAGE/HUNTER MOVED **TO RESCIND THE MV RESOLUTION NO. MV-190 RESTRICTING PARKING ON A PORTION OF SCULLY AVENUE.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

16. MOTOR VEHICLE (MV) RESOLUTION RESTRICTING PARKING ON OLD WOOD ROAD

STAFF RECOMMEDATION:

Move to adopt MV Resolution restricting parking on Old Wood Road.

RESOLUTION NO. MV-286

PAGE/HUNTER MOVED TO **ADOPT MV RESOLUTION RESTRICTING PARKING ON OLD WOOD ROAD.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

PUBLIC HEARINGS

17. PROPOSED ORDINANCE ESTABLISHING THE CITY'S ABILITY TO ISSUE ADMINISTRATIVE CITATIONS FOR VIOLATIONS OF THE SARATOGA CITY CODE.

STAFF RECOMMEDATION:

Conduct a public hearing regarding the attached ordinance establishing an administrative citation procedure, introduce and waive the first reading of the ordinance, and direct staff to place the ordinance on the consent calendar for adoption at the next regularly scheduled meeting of the City Council.

Code Enforcement Specialist Jana Rinaldi presented the staff report.

Mayor King opened the public hearing for comment.

No one was present to speak on this item.

Mayor King closed the public hearing.

PAGE/MILLER MOVED TO **WAIVE THE FIRST READING OF THE ORDINANCE AND DIRECT STAFF TO PLACE THE ORDINANCE ON THE CONSENT CALENDAR FOR ADOPTION AT THE NEXT REGULARLY SCHEDULED MEETING OF THE CITY COUNCIL.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

18. EXTENSION OF URGENCY ORDINANCE FOR MEDICAL MARIJUANA DISPENSARIES

STAFF RECOMMEDATION:

Receive and approve this staff report regarding measures taken thus far to alleviate the condition that led to adoption of the November 18, 2009 urgency ordinance for medical marijuana dispensaries (MMDs) and adopt an ordinance extending for ten months and 15 days the temporary moratorium on the establishment of MMDs.

Community Development Director John Livingstone presented the staff report.

Mayor King opened the Public Hearing for comment.

No one requested to speak on this item.

Mayor King closed the public hearing.

ORDINANCE NO. 275A

PAGE/HUNTER MOVED TO APPROVE REPORT REGARDING MEASURES TAKEN THUS FAR TO ALLEVIATE THE CONDITION THAT LED TO ADOPTION OF THE NOVEMBER 18, 2009 URGENCY ORDINANCE FOR MEDICAL MARIJUANA DISPENSARIES (MMD's) AND ADOPT AN ORDINANCE EXTENDING FOR TEN MONTHS AND 15 DAYS THE TEMPORARY MORATORIUM ON THE ESTABLISHMENT OF MMD's. MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

19. **RESOLUTIONS TO JOIN CALIFORNIAFIRST AND AUTHORIZE SACRAMENTO COUNTY TO APPLY FOR AND ACCEPT STATE ENERGY PROGRAM FUNDS ON BEHALF OF THE CITY OF SARATOGA**

STAFF RECOMMEDATION:

Accept report and approve resolutions to join CaliforniaFIRST and authorize Sacramento County to apply for and accept State Energy Program (SEP) funds on behalf of the City of Saratoga.

Administrative Analyst II Crystal Morrow presented the staff report.

Mayor King opened the Public Hearing for comment.

No one requested to speak on this item.

Mayor King closed the Public Hearing.

Councilmember Page stated he thought this was a good program, however, he didn't support authorizing the \$12,500 dollars at this time and that the City should wait to see if the State Energy Program (SEP) funds are awarded.

RESOLUTION NO. 09-071

RESOLUTION NO. 09-072

PAGE/MOVED TO ACCEPT REPORT AND ADOPT RESOLUTIONS TO JOIN CALIFORNIAFIRST AND AUTHORIZE SACRAMENTO COUNTY TO APPLY FOR AND ACCEPT STATE ENERGY PROGRAM (SEP) FUNDS ON BEHALF OF THE CITY OF SARATOGA AND NOT ALLOCATE THE \$12,500 FUNDING AT THIS TIME AND WAIT TO SEE IF THE FUNDS HAVE BEEN AWARDED. MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

OLD BUSINESS

20. **COUNCIL MEMBER TOPICS FOR JANUARY 29, 2010 COUNCIL RETREAT AGENDA**

STAFF RECOMMEDATION:

Accept report and direct staff accordingly.

Mayor King invited public comment and no one was present to speak on this item.

Mayor King closed the public comment.

COUNCIL DIRECTION TO STAFF:

Council directed staff to agendize the following topics on the Council Retreat Agenda:

- Start off the retreat with discussion about all the successes and accomplishments in the City.
- City Budget
- Work Plan for Community Development Department with pervious and impervious coverage
- Promote City and Develop Community Building
- Health and Wellness Programs
 - Non Smoking Regulations
 - Sustainable Environment
 - Vision Statement (as time permits)

21. SANTA CLARA COUNTY CITIES ASSOCIATION POLICY PRIORITIES FOR 2010

STAFF RECOMMEDATION:

Accept report, recommend three to five policy priority proposals for the Santa Clara County Cities Association (SCCCA) 2010 policy priorities, and authorize staff to return suggestions to the SCCCA Board of Directors for their January 14, 2010 meeting.

Assistant City Manager Barbara Powell presented the staff report.

Mayor King invited public comment.

No one requested to speak on this item.

Mayor King closed the public comment.

COUNCIL DIRECTION TO STAFF:

The City Council directed staff to provide the following policy priorities to the Santa Clara County Cities Association (SCCCA) to be considered for the SCCCA Policy Priorities for 2010:

- State Budget Reform
- Ability to represent the entire County regardless of SCCCA Board member's geographic location (South/North County divide)
- Water Issues (conservation & quality)
- Public Sector Pension Reform

NEW BUSINESS

22. AMENDMENT TO LEASE AGREEMENT WITH HAKONE FOUNDATION

STAFF RECOMMEDATION:

Approve amendment to lease agreement with Hakone Foundation providing for matching funds of \$250,000 towards the cost of constructing a visitor and conference center at Hakone Gardens.

City Attorney Richard Taylor presented staff report.

Mayor King invited public comment.

Lon Saavedra, Executive Director for Hakone Gardens Foundation, addressed the Council regarding the \$250,000 matching funds for constructing a visitor and conference center at Hakone Gardens. In addition, he expressed his appreciation for the excellent relationship between the City and Hakone Gardens and for the City's support.

HUNTER/MILLER MOVED TO ACCEPT AND APPROVE AMENDMENT TO LEASE AGREEMENT WITH HAKONE FOUNDATION, WHICH WOULD EXPIRE AT THE END OF 2013, AND PROVIDING FOR MATCHING FUNDS OF \$250,000 TOWARDS THE COST OF CONSTRUCTING A VISITOR AND CONFERENCE CENTER AT HAKONE GARDENS.
MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

23. CITY COUNCIL MAYORAL ROTATION POLICY

STAFF RECOMMEDATION:

Accept report and direct staff accordingly.

City Clerk Ann Sullivan presented the staff report.

Mayor King invited public comment.

No one requested to speak on this item.

Mayor King closed the public comment.

There was Council discussion and Councilmembers Page and Miller noted the City of Saratoga has traditionally been following a mayoral rotation practice very similar to the City of Del Mar.

Councilmembers Page, Miller and Mayor King supported having a Council Policy in place that determines the annual mayoral rotation such as the policy of the City of Del Mar.

Vice Mayor Hunter did not support creating a mayoral rotation policy.

PAGE/KING MOVED TO DIRECT STAFF TO CREATE A MAYORAL ROTATION COUNCIL POLICY FOR THE COUNCIL POLICIES AND PROCEDURES THAT IS AKIN TO THE CITY OF DEL MAR'S POLICY.
MOTION PASSED 3-1-1 WITH COUNCILMEMBER HUNTER OPPOSING AND COUNCILMEMBER NAGPAL ABSENT.

ADHOC & AGENCY ASSIGNMENT REPORTS

Mayor Kathleen King – reported:

City School Ad-Hoc – Saratoga-Los Gatos Union High School District Superintendent Cary Matsuoka suggested setting up a meeting with the Saratoga Council Members regarding POP Warner, West Valley College and other items.

Vice Mayor Jill Hunter – had nothing to report.

Councilmember Howard Miller – reported:

Chamber of Commerce – he, along with other councilmembers, attended the recent ribbon cutting ceremony.

KSAR – is looking at pursuing another grant for their internship program; they are considering purchasing a new editing station, and building on their relationship with the Junior College Media Arts programs. KSAR is focusing more on educational and community programs.

Council Finance Standing Committee – he attended the last meeting and noted they did some preparation for the upcoming Council Retreat. He added the City has incorporated a financial plan to help get through the areas where there is a revenue shortfall.

He attended first VTA PAC meeting; VTA is heavily funded by sales tax and their numbers are down 27% and 21% in the last two quarters; delaying capital purchases and are not filling vacant positions. He noted the BART extension is showing new signs of life with federal funding and if everything goes well, citizens can board a BART train in Berryessa in 2018.

Councilmember Susie Nagpal – absent.

Councilmember Chuck Page – reported:

Valley Transportation Authority PAC – he participated in his first VTA Board meeting and stated there are numerous budget issues. VTA is looking at ways to maintain a certain level of service even in a down economy.

West Valley Sanitation District – he attended the recent Board meeting and stated they are researching phosphorous-based fertilizer, which would be beneficial to the soil. He added the sanitation plant is in need of remodeling in order to bring it up to more current standards; more updates from the waste treatment plant regarding the needs of our county, which will become one of the largest capital investments in Santa Clara County.

CITY COUNCIL ITEMS

Councilmember Miller noted KSAR would like to do a short presentation at a future Council meeting regarding the accomplishments of the Student Intern Program.

Mayor King noted she would agendaize this item for a February Council meeting.

Councilmember Miller noted he will be unavailable the week after Christmas.

CITY MANAGER'S REPORT

Dave Anderson reported he will be available during the holiday furlough and City Attorney Richard Taylor noted he would also be available.

ADJOURNMENT

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

PAGE/HUNTER MOVED TO **ADJOURN THE REGULAR MEETING AT 9:20PM.**
MOTION PASSED 4-1-0 WITH NAGPAL ABSENT.

Respectfully submitted,

Ann Sullivan, CMC
City Clerk