

## MINUTES

### SARATOGA REGULAR CITY COUNCIL MEETING JANUARY 20, 2010

The City Council of the City of Saratoga met in Closed Session in the Administrative Conference Room at 5:30PM.

#### **ANNOUNCEMENT OF CLOSED SESSION**

Conference with Legal Counsel – Existing Litigation: Pursuant to Government Code Section 54956.9 (b) (1 potential case) Castro vs. City of Saratoga

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

Mayor King stated there was no reportable information.

The City Council of the City of Saratoga held a Special Meeting with the Saratoga Chamber of Commerce 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 led the Pledge of Allegiance.

#### **ROLL CALL**

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

ABSENT: Susie Nagpal, Excused Absence

ALSO PRESENT: Dave Anderson, City Manager  
Richard Taylor, City Attorney  
Ann Sullivan, City Clerk  
Barbara Powell, Assistant City Manager  
John Cherbone, Public Works Director  
John Livingstone, Community Development Director  
Michael Taylor, Recreation Department Director  
Nina Walker, Facilities Coordinator

#### **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 January 20, 2010 was properly posted on January 15, 2010.

Mayor King asked for consensus to have the Joint Meeting report by the Chamber of Commerce President, Emily Lo at this time. [Council agreed]

#### **ORAL COMMUNICATIONS**

Bill Dougherty addressed the Council regarding the recent decision on Herriman Avenue and asked Council to revisit this issue and consider adopting Option 3.

Citizen Ray addressed the Council regarding the Cupertino Cement Plant and the letter to the Air Quality Board. He noted the dust sample tests indicated there is arsenic in the dust particles that are being released into the air.

Councilmember Page asked who performed the study and inquired about the results, adding he would like a copy.

Citizen Ray stated he would provide Councilmember Page with a copy of the test results.

Ernest Brookfield asked the Council to review the Traffic Safety Commission's recent decision to install a crosswalk on Kirkbrook Drive and Kirkmont Avenue near Blue Hills Elementary School.

Ronald Hills addressed the Council regarding artificial turf as impervious coverage and its impact on Saratoga Building Permit 09-0344 and asked that Council revisit the use of artificial turf coverage.

Barton Hechtman addressed the Council regarding a Residential Hillside Conservation (RHC) parcel designation on specific property and asked that council consider this zoning issue for discussion at the January 29, 2010 council retreat.

Carl Dcosta addressed the Council regarding the recent decision on Herriman Avenue and asked Council to revisit this issue and consider adopting Option 3.

Susan Cox addressed the Council regarding the recent decision on Herriman Avenue and asked Council to revisit this issue and consider adopting Option 3.

Marilyn Foust addressed the Council regarding the recent decision on Herriman Avenue and asked Council to revisit this issue and consider adopting Option 3.

### **DIRECTION TO STAFF**

Councilmember Page recommended staff include the RHC zoning issue on the Council Retreat agenda.

City Manager Dave Anderson noted this item is scheduled for discussion on the retreat agenda.

Councilmember Page asked if staff that was present could provide some information regarding the Kirkmont crosswalk issue.

Public Works Director John Cherbone was present and noted the Commission considers each issue on a case-by-case basis. He added staff conducts traffic studies, however, they usually don't notify nearby residents when they are doing street work or striping; if it is a safety issue they do conduct traffic studies and usually don't notify nearby residents. Director Cherbone noted this particular traffic study involved a two day study in order to acquire specific data.

**DIRECTION TO STAFF:** Staff should notify affected neighbors of future crosswalk installation decisions in order to provide adequate opportunity for public input.

Councilmember Miller inquired about the request to address Impervious Coverage at the upcoming council retreat.

City Manager Dave Anderson noted this topic is scheduled for discussion at the Council retreat and would be part of the work plan prioritization process.

Vice Mayor Hunter voiced concerns about the Herriman Avenue issue and asked to have this item brought back for discussion. This request received no second from a Councilmember.

Councilmember Page noted the Herriman Avenue issue has been discussed for more than a year and wasn't sure if reopening it would solve the problem. He noted there are two upcoming vacancies on the Traffic Safety Commission, adding that could be a good way to become involved in traffic calming issues.

Councilmember Miller suggested upgrading the rubber traffic poles on Herriman with some metal material, which would discourage drivers from driving into the poles. He also commented on the traffic speed on Herriman Avenue and asked if a traffic study was scheduled for it.

Director Cherbone noted he would have to look into the feasibility of upgrading the traffic poles with metal and he added there is a traffic calming plan scheduled for Herriman Avenue.

**DIRECTION TO STAFF:**

Staff should work with the Traffic Safety Commission, Traffic Consultant, and Traffic Engineer regarding some widening of the curve and striping on Herriman Avenue now and address the speed issue later in the year.

**COMMUNICATIONS FROM BOARDS AND COMMISSIONS**

Emily Lo, President of Saratoga Chamber Commerce reported the role of the Chamber is to serve local businesses and the community and they are hoping to build a network of support between the businesses and the community. She noted they are extending their service to all commercial districts in Saratoga, including Quito Center, which will host the pumpkin decoration contest during the week of Halloween. She noted some of the upcoming events for 2010 – such as the first Annual Saratoga Classic Car Show scheduled in July and the Taste of Saratoga event, which will be a two-day event in collaboration with the California Artists Association. She added the Chamber is committed to providing a quarterly report to the City Council regarding services they've done for the community during the past quarter. She concluded by saying they are in the final stage of their audit and will deliver an official statement and response to the City regarding the audit.

Councilmember Miller inquired about the Crab Feed.

Ms. Lo stated the Crab Feed is scheduled for February 20<sup>th</sup> at Sacred Heart Church; tickets are \$40 for adults and are available at the Chamber of Commerce or on line. She added Councilmember Page would be the emcee for the live auction.

Councilmember Page suggested the Chamber look into a new company in the Saratoga Village called “Double Knot” to assist them with their ticket sales, adding they specialize in ticket sales for non-profits.

### **DIRECTION TO STAFF**

None

Mayor King asked for consensus to move to the Ceremonial Items at this time. [Council agreed.]

### **ANNOUNCEMENTS**

Councilmember Page noted there is a Santa Clara County Valley Water District redistricting process that is occurring. This redistricting would provide for four directors to be elected to the Board in 2010 and three would be eligible for re-election in 2011; he encouraged people to consider these positions on the Water Board.

Councilmember Miller noted the latest edition of the Saratoga Recreation Guide for the winter and spring session is out and that there are numerous classes that are available; he invited citizens to sign up for some fun classes.

Vice Mayor Hunter congratulated the Recreation & Facilities Department on the 2009 Award of Excellence they recently received from the California Parks and Recreation Society. She also commented on the Saratoga Website and the email feature for notification of specific meetings and topics in the City.

Mayor King noted there are a number of vacancies on several city commissions and invited people to apply, adding that the deadline to apply is February 18, 2010. She also commented about the recent storm updates noted on the City’s website.

City Manager Dave Anderson noted the Website reflects updates on the recent storm activity in the community and that residents could go to the Maintenance Yard to acquire sand bags, if needed.

Vice Mayor Hunter also asked if staff could advertise commission openings to the Homeowners’ Associations.

### **CEREMONIAL ITEMS**

#### **1. COMMENDATION HONORING THE SARATOGA HIGH SCHOOL BAND**

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

Read and present commendation.

Councilmember Miller invited the band members that were present and their band directors on stage to receive the commendation. Prior to presenting the commendation to the band members and band directors, he asked for a moment of silence in honor of a former band member that had just recently passed away un-expectedly.

2. **PROCLAMATION DECLARING THE MONTH OF JANUARY 2010 AS  
“NATIONAL BLOOD DONOR MONTH”**

**STAFF RECOMMENDATION:**

Read and present proclamation.

Mayor King invited Mona Helmhold, American Red Cross Donor Recruitment Account Manager, up on stage to receive the proclamation and asked Ms. Helmhold to provide a synopsis of the blood donation program.

**SPECIAL PRESENTATIONS**

3. **PRESENTATION ON LEAGUE OF CALIFORNIA CITIES (LCC) –  
PENINSULA DIVISION**

**STAFF RECOMMENDATION:**

Listen to a short presentation by Joe Pirzynski, Vice Mayor of Town of Los Gatos, on the LCC and its goals for 2010.

Joe Pirzynski, Vice Mayor of Town of Los Gatos, provided a short presentation on the main goals of the League of California Cities (LCC) and the many benefits local municipalities receive from the LCC and the Divisions.

4. **PRESENTATION ON BILL OF RIGHTS FOR CHILDREN & YOUTH AND  
ADOPTION OF RESOLUTION ADOPTING BILL OF RIGHTS FOR  
CHILDREN AND YOUTH**

**STAFF RECOMMENDATION:**

Listen to short presentation on the Bill of Rights for Children and Youth; authorize the Mayor to sign the Bill of Rights for Children & Youth, and adopt Bill of Rights Resolution.

Dana Bunnett, Executive Director for Kids in Common, provided a short presentation on the Bill of Rights for Children and Youth and noted that Saratoga is the first city in the county to consider adopting the resolution supporting the Bill of Rights for Children and Youth.

**RESOLUTION NO. 10-001**

PAGE/MILLER MOVED TO **AUTHORIZE THE MAYOR TO SIGN THE BILL OF RIGHTS FOR CHILDREN & YOUTH, AND ADOPT BILLOF RIGHTS RESOLUTION.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

At this point Mayor King announced the next item would be Council Announcements and asked for consensus to go to Agenda Item 16 after Council Announcements.  
[Council agreed.]

**CONSENT CALENDAR**

5. **CITY COUNCIL MINUTES – DECEMBER 2, 2009**

**STAFF RECOMMENDATION:**

Approve Minutes.

MILLER/PAGE MOVED TO **APPROVE CITY COUNCIL MINUTES – DECEMBER 2, 2009.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

6. **CITY COUNCIL SPECIAL MEETING MINUTES (HOUSING ELEMENT) – DECEMBER 16, 2009**

**STAFF RECOMMENDATION:**

Approve Minutes.

Councilmember Miller removed this item for comment. He thanked the citizens for their input every step of the way and the Community Development for their efforts.

Kathleen Casey removed this item for discussion. She stated she would like to see the Housing Element correspondence from the State on the City website. In addition, she asked to have the cost for completing the Housing Element requirements made public.

**DIRECTION TO STAFF:**

Add Housing Element correspondence to City Website.

MILLER/HUNTER MOVED TO **APPROVE CITY COUNCIL SPECIAL MEETING MINUTES (HOUSING ELEMENT) DECEMBER 16, 2009.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

7. **CITY COUNCIL MEETING MINUTES – DECEMBER 16, 2009**

**STAFF RECOMMENDATION:**

Approve minutes.

Kathleen Casey removed this item for comment.

MILLER/PAGE MOVED TO **APPROVE CITY COUNCIL MEETING MINUTES –DECEMBER 16, 2009.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

8. **REVIEW OF ACCOUNTS PAYABLE CHECK REGISTERS**

**STAFF RECOMMENDATION:**

That the City Council review and accept the Check Registers for the following Accounts Payable payment cycles:

December 10, 2009

December 17, 2009

January 7, 2010

MILLER/PAGE MOVED TO ACCEPT THE CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: DECEMBER 10, 2009, DECEMBER 17, 2009, JANUARY 7, 2010. MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSET.

9. **MOTOR VEHICLE (MV) RESOLUTIONS RESTRICTING PARKING ON DAGMAR DRIVE**

**STAFF RECOMMENDATION:**

Move to adopt MV Resolutions restricting parking on a section of Dagmar Drive.

Councilmember Miller removed this item for comment. He thanked the Traffic Safety Commission for restricting parking at the Dagmar and Saratoga Avenue intersection and noted this should be considered for a CIP project at some time.

**MV RESOLUTION NO. 287**

**MV RESOLUTION NO. 288**

MILLER/PAGE MOVED TO ADOPT MV RESOLUTIONS RESTRICTING PARKING ON A SECTION OF DAGMAR DRIVE. MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

10. **RESOLUTION AMENDING THE CITY COUNCIL NORMS OF OPERATION IMPLEMENTING THE MAYORAL ROTATION POLICY FOR THE SARATOGA CITY COUNCIL**

**STAFF RECOMMENDATION:**

Adopt the Resolution amending the City Council Norms of Operation Implementing the Mayoral Rotation Policy for the Saratoga City Council.

Vice Mayor Hunter removed this item for discussion.

Vice Mayor Hunter noted that since 1956, the council rotation has been a tradition, however, it has not been part of the Norms of Operation and this policy would make Saratoga one of the few cities that rely on “vote count”. In addition, she inquired about the policy regarding a three candidate race for city council vacancies and the policy if there were no opponents for those three vacancies.

City Attorney Richard Taylor noted the draft policy states that if there were an equal number of votes, which would be the case if there were no votes, then seniority is determined by a coin toss administered by the City Clerk.

Vice Mayor Hunter expressed other concerns and noted that one council member was missing and unable to vote on this item.

Kathleen Casey removed this item for comment.

Ms. Casey stated she does not support the Council rotation policy and that it should remain as it is.

**RESOLUTION NO 10-002**

PAGE/KING MOVED TO ADOPT RESOLUTION AMENDING THE CITY COUNCIL NORMS OF OPERATION IMPLEMENTING THE MAYORAL ROTATION POLICY FOR THE SARATOGA CITY COUNCIL. MOTION PASSED 3-1-1 WITH VICE MAYOR HUNTER OPPOSING AND COUNCILMEMBER NAGPAL ABSENT.

**11. 2009 LIBRARY HEATING VENTILATING, AIR CONDITIONING (HVAC) RENOVATION PROJECT – BUDGET ADJUSTMENT**

**STAFF RECOMMENDATION:**

Accept report and move to approve budget resolution.

**RESOLUTION NO. 10-003**

MILLER/PAGE MOVED TO APPROVE BUDGET ADJUSTMENT RESOLUTION FOR 2009 LIBRARY HEATING VENTILATING, AIR CONDITIONING (HVAC) RENOVATION PROJECT. MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

**12. RECORDS MANAGEMENT PROGRAM: RESOLUTION AUTHORIZING FINAL DISPOSITION OF CERTAIN CITY RECORDS**

**STAFF RECOMMENDATION:**

Adopt Resolution Authorizing Final Disposition of Certain City Records

Kathleen Casey removed this item for comment.

**RESOLUTION NO. 10-004**

MILLER/PAGE MOVED TO ADOPT RESOLUTION AUTHORIZING FINAL DISPOSITION OF CERTAIN CITY RECORDS. MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

**13. ADOPTION OF ORDINANCE ESTABLISHING THE CITY'S ABILITY TO ISSUE ADMINISTRATIVE CITATIONS FOR VIOLATIONS OF THE SARATOGA CITY CODE.**

**STAFF RECOMMENDATION:**

Staff recommends the City Council waive the Second Reading and adopt the Administrative Citation Ordinance.

**ORDINANCE NO. 276**

MILLER/PAGE MOVED TO WAIVE SECOND READING AND ADOPT THE ADMINISTRATIVE CITATION ORDINANCE. MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

**14. APPROVAL OF SPORT USER AGREEMENTS - 2010**

**STAFF RECOMMENDATION:**

Approve Sport User Agreements with American Youth Soccer Organization, Saratoga Little League, Quito Little League, De Anza Youth Soccer League, West Valley Lacrosse Club, West Valley Youth Soccer League, and Saratoga Pony League for the use of Saratoga City parks, West Valley College, and Prospect High School for organized sport use, and authorize the City Manager to execute the same.

MILLER/PAGE MOVED TO **APPROVE SPORT USER AGREEMENTS WITH AMERICAN YOUTH SOCCER ORGANIZATION, SARATOGA LITTLE LEAGUE, QUITO LITTLE LEAGUE, DE ANZA YOUTH SOCCER LEAGUE, WEST VALLEY LACROSSE CLUB, WEST VALLEY YOUTH SOCCER LEAGUE, AND SARATOGA PONY LEAGUE FOR THE USE OF SARATOGA CITY PARKS, WEST VALLEY COLLEGE, AND PROSPECT HIGH SCHOOL FOR ORGANIZED SPORT USE, AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE SAME.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

**15. PROPOSED AMENDMENT TO VALLEY TRANSPORTATION AUTHORITY (VTA) JOINT POWERS AGREEMENT**

**STAFF RECOMMENDATION:**

Approve proposed amendment to VTA Joint Powers Agreement.

Councilmember Page removed this item for comment. He stated we should be proud of how well our West Valley division works. The West Valley division includes Campbell, Cupertino, Los Gatos, Monte Sereno and Saratoga and he noted this group continues to be the model of how all the division groupings should work.

Kathleen Casey removed this item for comment.

PAGE/MILLER MOVED TO **APPROVE PROPOSED AMENDMENT TO VTA JOINT POWERS AGREEMENT.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

**PUBLIC HEARINGS**

**16. RESOLUTION DECLARING A PUBLIC NUISANCE AS TO SPECIFIED PROPERTIES CONTAINING HAZARDOUS VEGETATION (WEEDS)**

**STAFF RECOMMENDATION:**

Conduct public hearing and adopt resolution.

City Clerk Ann Sullivan presented the staff report.

Moe Kumre, representative from the Office of the County Agricultural Commissioner's Office was present to answer questions.

Councilmember Page asked if Council could allow the public to speak on this item later in the meeting since this item was heard out of sequence.

City Attorney Richard Taylor stated the Mayor could open the Public Hearing for comment and continue it to the last item of the meeting to accommodate individuals that may be planning to attend the meeting to comment on this item.

Mayor King opened the Public Hearing for comment.

No one was present to speak on this item.

Mayor King closed the Public Hearing and noted it would be reopened again as the last item on this evening's agenda.

Mayor King returned to this item at 10:15 p.m. and reopened the Public Hearing. No one was present to speak on this item. Mayor King closed the Public Hearing.

**RESOLUTION NO. 10-005**

PAGE/MOVED TO **APPROVE THE RESOLUTION DECLARING A PUBLIC NUISANCE AS TO SPECIFIED PROPERTIES CONTAINING HAZARDOUS VEGETATION (WEEDS).** MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

Mayor King declared a 5 minute break at 9:35PM.

Mayor King reconvened the Regular Meeting at 9:40PM.

**OLD BUSINESS**

**17. OPTIONS FOR FACILITY RENTAL POLICY FOR NON-PROFIT FUNDRAISERS**

**STAFF RECOMMENDATION:**

Review report and provide direction for the City's facility rental policies and rental fees for non-profit group fundraising use.

Recreation Director Michael Taylor presented the staff report.

Mayor King invited public comment.

No one requested to speak on this item.

**COUNCIL CONSENSUS:**

Council approved a third tier of facility rental fees for non-profit organizations to receive a reduced rental rate for one fundraising activity per fiscal year. Non-profit groups that meet the criteria of being a certified non-profit (501c3 or equivalent), having a participation level of at least 51% Saratoga residents, and holding an open event for the public good may charge an admission fee for one event per fiscal year for the purpose of raising funds for the organization. The reduced fee is 75% of the regular rental rate. Up to \$5,000 of the City Council contingency fund was allocated to reimburse the Recreation and Facilities Department for the lost revenues due to the

additional discount and any leftover funds from the Contingency Fund allocation are to be replaced in the Contingency Fund.

## **NEW BUSINESS**

None

## **ADHOC & AGENCY ASSIGNMENT REPORTS**

Mayor Kathleen King – reported:

*SCC Cities Association – Joint Economic Development Policy Committee (JEDPC)* – Mayor King asked that this agency be removed from this list as it no longer exists.  
*West Valley Mayors and Managers Association* – Meets next week.

Vice Mayor Jill Hunter – reported:

*Historical Foundation* – There are a significant number of speaker series scheduled. Concerns regarding the plants; they feel the \$26,000 that they gave to the City should go towards plants and this issue needs to be resolved. Lots of excitement generated over the new Historical Park.

*Sister City Liaison* – committee members were very pleased with the Muko visit; the members had a nice Christmas party and preparations are under way for a trip to Muko this spring; a guest speaker is scheduled at the Saratoga Library to speak about the history of Samurai.

Councilmember Howard Miller – reported:

*Chamber of Commerce* – the Chamber is busy preparing for a two-day Taste of Saratoga event in September.

*Council Finance Committee* – the last meeting focused on a preview of the Council retreat topics. City staff continues to successfully find ways to curb expenses in order to stay on budget.

*KSAR* – proceeding with equipment for editing stations; applying for potential grant funding from solid waste JPA to develop a “Recycling” video

*Santa Clara County Cities Association Board* – City of Saratoga just became the first city to vote on the Bill of Rights for Youth; City of Gilroy is currently addressing lawsuits pertaining to the Medical Marijuana Dispensary issue; he noted he made the motion to support the City of San Jose moving forward on their investigation of the plastic bag ordinance allowing them to proceed with the environmental impact issue, which will benefit the City of Saratoga.

*West Valley Transportation Authority PAC* – at the last meeting discussion took place on the express road system coming into Bay Area; can use FastPass card.

Councilmember Susie Nagpal – absent

Councilmember Chuck Page – reported:

*Santa Clara Valley Water District Commission* – meets later in the month.

*Saratoga Ministerial Association* – meets next Tuesday.

*West Valley Sanitation District* – did not meet this month; however, he attended a District conference and most of the discussion focused on the water situation in the State.

**CITY COUNCIL ITEMS**

Councilmember Page noted there is a request from a southern California city that is trying to prevent any more medical marijuana dispensaries from going into their city to other cities for a letter and a resolution of support.

Mayor King suggested more research be done on this and suggested a closed session discussion on this item.

City Attorney Richard Taylor stated this item could be scheduled for closed session.

Vice Mayor King noted the League of California Cities is concerned about not receiving many applications from interested candidates for the re-districting reform in California, adding interested candidates cannot have previously served in a political office and they are hoping that more women apply.

**CITY MANAGER'S REPORT**

None

**CITY ATTORNEY'S REPORT**

None

**ADJOURNMENT**

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

MILLER/PAGE MOVED TO **ADJOURN THE REGULAR MEETING AT 10:30PM.**  
MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

Respectfully submitted,

Ann Sullivan, CMC  
City Clerk