

## MINUTES

### SARATOGA REGULAR CITY COUNCIL MEETING MARCH 3, 2010

The City Council of the City of Saratoga held interviews for vacancies on the Planning Commission, Heritage Preservation Commission and the Traffic Safety Commission from 5:15 to 6:30 p.m. in the Administrative Conference Room.

The City Council held a Joint Meeting with the Parks and Recreation Commission in the Administrative Conference Room from 6:30 to 6:55 p.m.

Mayor King called the Regular City Council meeting to order at 7:00 p.m. and invited students from St. Andrews School to lead the Pledge of Allegiance.

#### **ROLL CALL**

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

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  
Crystal Morrow, Administrative Analyst II  
Cynthia McCormick, Assistant 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 March 3, 2010 was properly posted on February 26, 2010.

[Mayor King moved Communications from Boards and Commissions up next and then Special Presentations.]

#### **ORAL COMMUNICATIONS**

Citizen Ray addressed the Council regarding Highway 9 safety and the re-striping between Saratoga and Los Gatos. He also commented on the Cupertino Cement Plant and noted citizens could visit [www.channel7.com](http://www.channel7.com) to view the recent television coverage by Channel 7 – search word is *Lehigh*.

#### **DIRECTION TO STAFF**

None

## **COMMUNICATIONS FROM BOARDS AND COMMISSIONS**

Denise Goldberg, Chair of the Parks and Recreation Commission, provided a brief report on the Joint Meeting with City Council prior to the Regular Meeting. She noted the Commission has a number of exciting plans for the City and they are looking forward to working with the Council to implement these plans. She noted the Commission has three main goals: encourage Saratogans to become involved in the City parks and recreation system by visiting parks they haven't been to; raise awareness to nature in Saratoga; and work with the community to make Saratoga a "healthy" city.

### **DIRECTION TO STAFF**

None

### **ANNOUNCEMENTS**

Councilmember Miller reminded everyone about the exciting programs that are listed in the Saratoga Recreation Guide. He noted the Stroke Faire from 2PM to 4PM at Good Samaritan Hospital on March 4 and a Financial Planning Association class at the Saratoga Library on "Strategies for Sustainable Living and Retirement" on March 11<sup>th</sup> from 1:00 to 2:30PM.

Vice Mayor Hunter reminded the community of the Mustard Faire on Sunday, March 7 at 10AM; the St. Paddy's Day party on March 13<sup>th</sup> from 3PM to 5PM in the Village; and the Persian Faire in the Village on March 16<sup>th</sup>.

Mayor King – invited everyone to the 8AM SASCC Pancake Breakfast at the Senior Center on March 7 – followed by the Mustard Faire, which starts at 10AM. Mayor King also noted that there will be seven vacancies on the Youth Commission in June and invited interested applicants to submit an application to the City Clerk by 5PM on May 3.

### **CEREMONIAL ITEMS**

None

### **SPECIAL PRESENTATIONS**

#### **1. "UNITY IN COMMUNITY" PRESENTATION**

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

Listen to short presentation by Kelly Green, Principal of Redwood Middle School.

Kelly Green, Principal of Redwood Middle School, along with two students, gave a short presentation on the meaning and purpose of the "Unity in Community" program that all Redwood Middle School students are involved in.

### **CONSENT CALENDAR**

#### **2. CITY COUNCIL MEETING MINUTES – FEBRUARY 17, 2010**

**STAFF RECOMMENDATION:**

Approve Minutes.

PAGE/MILLER MOVED TO **APPROVE CITY COUNCIL MEETING MINUTES – FEBRUARY 17, 2010.** MOTION PASSED 4-0-1 WITH NAGPAL ABSTAINING.

3. **CITY COUNCIL MEETING MINUTES – MARCH 16, 2005**

**STAFF RECOMMENDATION:**

Approve minutes.

Kathleen Casey removed this item for comment.

Councilmember Page made one correction.

MILLER/PAGE MOVED TO **APPROVE CITY COUNCIL MEETING MINUTES – MARCH 16, 2005 AS AMENDED.** MOTION PASSED 4-0-1 WITH NAGPAL ABSTAINING.

4. **TREASURER’S REPORT FOR THE MONTH ENDED JANUARY 31, 2010**

**STAFF RECOMMENDATION:**

Review and accept the Treasurer’s Report for the month ended January 31, 2010.

PAGE/MILLER MOVED TO **APPROVE TREASURER’S REPORT FOR THE MONTH ENDED JANUARY 31, 2010.** MOTION PASSED 4-0-1 WITH NAGPAL ABSTAINING.

5. **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:

February 11, 2010

February 18, 2010

PAGE/MILLER MOVED TO **ACCEPT CHECK REGISTERS FOR ACCOUNTS PAYABLE PAYMENT CYCLES: FEBRUARY 11, 2010 AND FEBRUARY 18, 2010.** MOTION PASSED 4-0-1 WITH NAGPAL ABSTAINING.

6. **PROSPECT ROAD MEDIAN NO. 11 – NOTICE OF COMPLETION**

**STAFF RECOMMENDATION:**

Move to accept the Prospect Road Median No. 11 project as complete and authorize the City Manager to sign the Notice of Completion for the construction contract.

Kathleen Casey removed this item for comment.

MILLER/NAGPAL MOVED **TO ACCEPT THE PROSPECT ROAD MEDIAN NO. 11 PROJECT AS COMPLETE AND AUTHORIZE THE CITY**

**MANAGER TO SIGN THE NOTICE OF COMPLETION FOR THE CONSTRUCTION CONTRACT.** MOTION PASSED 5-0-0.

**7. JOINT USE AGREEMENTS WITH SANTA CLARA VALLEY WATER DISTRICT FOR JOE'S TRAIL**

**STAFF RECOMMENDATION:**

Authorize the City Manager to execute Joint Use Agreements with Santa Clara Valley Water District for Joe's Trail.

PAGE/MILLER MOVED TO **AUTHORIZE THE CITY MANAGER TO EXECUTE THE JOINT USE AGREEMENTS WITH SANTA CLARA VALLEY WATER DISTRICT FOR JOE'S TRAIL.** MOTION PASSED 4-0-1 WITH NAGPAL ABSTAINING.

**8. LANDSCAPING & LIGHTING ASSESSMENT DISTRICT LLA-1; RESOLUTIONS INITIATING RENEWAL OF THE DISTRICT FOR FY 10-11**

**STAFF RECOMMENDATION:**

1. Move to adopt the Resolution describing improvements and directing preparation of the Engineer's Report.
2. Move to adopt the Resolution appointing the Attorneys for the District.

**RESOLUTION NO. 10 – 009**

**RESOLUTION NO. 10 – 010**

PAGE/MILLER MOVED TO: **1)ADOPT THE RESOLUTION DESCRIBING IMPROVEMENTS AND DIRECTING PREPARATION OF THE ENGINEER'S REPORT; 2) ADOPT RESOLUTION APPOINTING THE ATTORNEYS FOR THE DISTRICT.** MOTION PASSED 4-0-1 WITH NAGPAL ABSTAINING.

[Mayor King asked if Council would agree to addressing Agenda Item 13 at this time. Council concurred.]

**PUBLIC HEARINGS**

**9. FY 2010/11 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND COMMUNITY GRANT FUNDING APPLICATIONS**

**STAFF RECOMMENDATION:**

1. Conduct the Public Hearing and accept public testimony presentations from applicants.
2. Review recommendations for streamlining the County CDBG program.
3. Continue the Public Hearing to March 17th to finalize grant allocations and approve a transfer of \$13,964 in previously allocated CDBG funds.

Cynthia McCormick, Assistant Planner, presented the staff report.

Mayor King opened the Public Hearing.

The following people spoke in support:

Barbara Merrill for Saratoga Adult Care Center  
Rose Steele for Shady Shakespeare  
Charles Cummins, Jr. for Long Term Care Ombudsman Program  
Naomi Nakano Matsumoto & Sujatha Venkatraman for West Valley Community Services  
Tom Moran for KSAR  
Susan Huff for SASCC  
Joan Giampaolo for Wildlife Center of Silicon Valley

Kathleen Casey thanked the Council for providing funding to help people in need and noted her concerns regarding any CDBG funding going towards administrative costs for the agencies that receive funding.

No one else requested to speak on this item.

Mayor King closed the public comment.

PAGE/MILLER MOVED TO **CONTINUE THE PUBLIC HEARING TO MARCH 17, 2010 FOR; 1) STAFF TO PROVIDE COUNCIL WITH THE ALLOCATION CHART AND; 2) TO FINALIZE GRANT ALLOCATIONS; AND 3) NOTIFY AGENCIES PREVIOUSLY GRANTED FUNDING.**  
MOTION PASSED 5-0-0.

NAGPAL/MILLER MOVED TO **APPROVE A TRANSFER OF \$13,964 IN PREVIOUSLY ALLOCATED CDBG FUNDS.** MOTION PASSED 5-0-0.

Mayor King declared a break at 9PM.

Mayor King reconvened the meeting at 9:12PM.

## **OLD BUSINESS**

### **10. GOOGLE FIBER FOR COMMUNITIES REQUEST FOR INFORMATION**

#### **STAFF RECOMMENDATION:**

Accept report and direct staff accordingly.

Crystal Morrow, Administrative Analyst II, presented the staff report.

#### **COUNCIL CONSENSUS:**

The Town of Los Gatos has indicated they may be engaging a consultant to assist with their Google Fiber Request for Information application and that a joint application between Los Gatos, Saratoga and Monte Sereno may be possible. Council directed staff to proceed with a joint application with Los Gatos, on the condition that the consultant will be available to assist Saratoga staff in completing the application.

**11. RESOLUTION AUTHORIZING ABAG TO ACCEPT STATE ENERGY PROGRAM FUNDS ON BEHALF OF THE CITY OF SARATOGA**

**STAFF RECOMMENDATION:**

**Recommended action:**

Accept report and approve the attached resolution authorizing the Association of Bay Area Governments (ABAG) to accept State Energy Program (SEP) funds on behalf of the City for a residential energy efficiency audit and retrofit program.

Crystal Morrow, Administrative Analyst II, presented the staff report.

**RESOLUTION NO. 10 – 011**

NAGPAL/PAGE MOVED TO **APPROVE THE RESOLUTION AUTHORIZING THE ASSOCIATION OF BAY AREA GOVERNMENTS (ABAG) TO ACCEPT STATE ENERGY PROGRAM (SEP) FUNDS ON BEHALF OF THE CITY FOR A RESIDENTIAL ENERGY EFFICIENCY AUDIT AND RETROFIT PROGRAM.** MOTION PASSED 5-0-0.

**NEW BUSINESS**

**12. PROCESS FOR ALLOCATION OF COMMUNITY EVENTS FUND**

**STAFF RECOMMENDATION:**

Accept report and select a process for allocating community event funds.

Crystal Morrow, Administrative Analyst II, presented the staff report.

Mayor King invited public comment.

Kathleen Casey requested to speak on this item noting the traditional Saratoga events should be given funding priority.

No one else requested to speak on this item.

Mayor King closed the public comment.

**COUNCIL DIRECTION:**

- Bring item back as a Consent Calendar item at the next City Council meeting;
- Consider funding for these events during normal Fiscal Year Budgeting process
- Specify funding amount for traditional City events; applicants to complete application
- Allocate \$5,000 for non-traditional events; applicants complete application
- Advertise via City website

**13. REVIEW OF SITE COVERAGE REQUIREMENTS AND IMPERVIOUS SURFACE DEFINITION**

**STAFF RECOMMENDATION:**

Direct staff regarding the preferred approach to revising site coverage requirements and impervious surface definition among one or more of the following options which are discussed later in more detail:

1. Create an exception process that would allow the Planning Commission to approve variations from the site coverage standards upon making specific findings (similar to the process for grading standards).
2. Change the definition of “impervious surface” to exclude specified types of surfaces such as artificial turf, gravel, or driveways. As a variation on this option the Code could exclude specific types of surfaces in specific zoning districts, such as the current exclusion for driveways in the Agricultural district.
3. Seek to address the goals of the site coverage requirements with a different approach such as a landscape ordinance.

Cynthia McCormick, Assistant Planner, presented the staff report.

Mayor King invited public comment.

Ron Hills addressed the Council regarding artificial turf, gravel, and tree bark, which are currently deemed impervious under the City’s site coverage standards, and stated he is concerned about Option 1.

No one else requested to speak on this item.

Mayor King closed the public comment.

**COUNCIL DIRECTION:**

Option Preference:

Council preferred Option 1 – Creating an exception process that would allow the Planning Commission to approve variations from the site coverage standards upon making specific findings (similar to the process for grading standards).

Inclusion/Exclusion of Driveway Issue:

Mayor King, Councilmembers Page and Nagpal preferred having the word “driveway” removed from the site coverage requirements.

Vice Mayor Hunter and Councilmember Miller preferred to have the Planning Commission resolve the “driveway” issue.

Definition of Pervious and Impervious Direction:

Council concurred not to pursue revising the definitions of impervious due to the environmental review cost and staff time involved, and suggested that it be considered at a later date as Phase II.

**ADHOC & AGENCY ASSIGNMENT REPORTS**

Mayor Kathleen King – reported:

*County HCD Policy Committee* – attended the last meeting and noted that \$1.3 million is allocated by the County for housing.

*West Valley Mayors and Managers Association (WVMMA)* – met and spoke about single-use bags and the Recycling Committee is hoping that the member cities will all support a resolution banning the use of single-use bags once the environmental impact study is completed by the City of San Jose; and the annual WVMMA dinner is next Thursday evening and invited Council and City Manager Anderson to attend.

Vice Mayor Jill Hunter – reported:

*Hakone Foundation Board* – attended Hakone’s Year of the Tiger event and noted it was a beautiful event.

Councilmember Howard Miller – reported:

*Council Finance Committee* – met and SASCC continues to have financial concerns.

Councilmember Susie Nagpal – reported:

*Village Adhoc* – met to consider approval of an additional canopy application.

Councilmember Chuck Page – reported:

*Saratoga Ministerial Association* – will be moving forward with the *Saratoga Serves* program.

*West Valley Sanitation District* – is looking for a new attorney due to a retirement.

*VTA PAC* – The City Council will have to vote soon on the method of how small cities acquire seats on the Board.

### **CITY COUNCIL ITEMS**

Councilmember Page noted he would like to agendize a resolution sponsored by the League of California Cities to keep local revenues local rather than the state taking local funds. Councilmembers Miller and Nagpal were in agreement.

### **CITY MANAGER’S REPORT**

None

### **ADJOURNMENT**

MILLER/PAGE MOVED TO **ADJOURN THE REGULAR MEETING AT 10:15PM.**  
MOTION PASSED 5-0-0.

Council proceeded to the Administrative Conference Room for a Special Meeting following the adjournment of the Regular Meeting.

Respectfully submitted,

Ann Sullivan, CMC  
City Clerk