

MINUTES

SARATOGA REGULAR CITY COUNCIL MEETING MARCH 17, 2010

The City Council of the City of Saratoga met in Closed Session in the Administrative Conference Room at 5:45PM.

ANNOUNCEMENT OF CLOSED SESSION

Conference with Legal Counsel – Existing Litigation (1 case): Government Code Section 54956.9

City of Saratoga v. Pacific Gas and Electric Company, et al. (Santa Clara County Superior Court Case No. 1-08-CV-124267)

MAYOR’S REPORT ON CLOSED SESSION

Mayor King stated there was no reportable information.

The City Council held a Joint Meeting with the members of the Santa Clara County Sheriff’s Office and the Santa Clara County Fire Department in the Administrative Conference Room 6:00 p.m.

Mayor King called the Regular City Council meeting to order at 7:00 p.m. and lead 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 Dave Anderson, City Manager

PRESENT: Richard Taylor, City Attorney
Ann Sullivan, City Clerk
Barbara Powell, Assistant City Manager
Mary Furey, Administrative Services Director
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 17, 2010 was properly posted on March 12, 2010.

ORAL COMMUNICATIONS

Clinton Brownley, a PhD student majoring in Public Administration and Policy stated he is currently working on policy projects for the Santa Clara County Cities Association and

added he has recently been appointed to three County-wide citizen advisory committees – Santa Clara County VTA Citizens Advisory Committee, 2000 Measure A Watch Dog Committee, Santa Clara County Housing and Community Development Advisory Committee, and is currently serving as the District Representative on the Water District’s Environmental Advisory Committee. He added that as a representative on these committees, it is his intent to visit the cities that he represents, share information that he has gleaned from these advisory committees, and ask for input from Council and the community.

Kim Firm addressed the Council regarding 2-1-1 services in Santa Clara County and thanked the Council for supporting 2-1-1 by providing annual funds for this service.

Kathleen Casey addressed the Council regarding several items: General Plan Update on the housing element, parking concerns, Historical District in the Village, and commission interviews.

Emily Lo and Manaz Khazen, Chamber of Commerce representatives, thanked everyone for the success of the recent Persian New Year’s celebration and noted this event was completely funded by private donations totaling \$6,300. They thanked the Council for supporting and attending this event.

DIRECTION TO STAFF

Mayor King suggested the Chamber consider giving a presentation at a future Council meeting explaining the meaning of the Persian celebration so that people could be better informed of the cultural experience.

Councilmember Page suggested the City create a “To Do” list for event planners when the City issues permits for events, informing the event planners of what they can do to help make the event successful – such as lining up a team of people to help clean up after the event.

COMMUNICATIONS FROM COMMISSIONS & PUBLIC

Chief Waldvogel, Fire Chief for the Santa Clara County Fire Department and Saratoga the Fire District, reported that they provided the Council with an overview of the 2009 Annual Report and an overview of their upcoming and re-accreditation process, which includes the development of their strategic plan for the next five years. He added the accreditation process is a management tool that identifies about 280 competencies that a fire department should be able to provide and stated there are only about 130 fire departments in the world that are accredited. He noted there are only four in California and only one in the Bay Area – which is the Santa Clara County Fire Department. They discussed the department’s general run statistics within the City limits from the two fire stations that are within the City and also some of the facilities of County fire stations that are on the border of the City of Saratoga. He stated they conduct annual customer surveys and received responses from approximately 600 customers for 2009 indicating an 89 to 90% approval rating from citizens for their services. He noted they also talked about the public education programs, including the CERT program, that is available to the citizens in Saratoga.

Captain Calderone, Division Commander for the West Valley Sub-station for the Santa Clara County Sheriff's Office, introduced John Hirokawa, Undersheriff from the Sheriff's Office. He addressed the Council regarding crime statistics and trends in Saratoga and noted deputies have made a significant number of arrests involving residential burglaries in Saratoga and check forgeries in various banks in Saratoga. He added that even though the number of calls to his department have increased, the deputies continue to make every effort to meet the goals they have set for the City of Saratoga regarding response time to Priority I, II, and III calls and noted they have exceeded the time frame to respond to these calls in all three categories. He added the detectives continue to work on the cases presented to them and have arrested 95 individuals in relation to property crimes this year, exceeding last year's arrests, and of those 95 individuals that were arrested, 35 were directly related to Saratoga cases. He added 57 to 61 of those cases that involved property crimes in Saratoga were resolved. Captain Calderone concluded by stating citizens can receive weekly crime statistics and arrest updates from the West Valley Sub-station by visiting the City of Saratoga website at www.saratoga.ca.us, and added citizens can sign up for weekly email notifications as well.

DIRECTION TO STAFF

None

ANNOUNCEMENTS

Councilmember Page provided an update on the *Santa Clara County Communities Health on Tobacco Report Card*. He noted the City received a "D+" rating last year and this year we received a "B", noting that the recently adopted Tobacco Ordinance was instrumental in this higher rating. He added that the Sheriff's Office will be conducting undercover tobacco stings, such as monitoring tobacco shops that try to sell tobacco products to minors, and if Saratoga passes that test we will receive an "A".

Councilmember Miller mentioned the many classes that are available in the Recreation Spring Activity Guide and welcomed new registrants.

Vice Mayor Hunter noted the Wine & Wisteria event on Sunday, April 11 from 5 to 7:30 p.m. at Hakone Gardens. All proceeds will go towards the beautification of the Village. Saratoga Historical Museum will hold an Open House on Sunday, March 28, featuring an array of water color paintings of the Village the way it was when it was incorporated and the way it is now.

Mayor King noted West Valley College is having their Persian New Year celebration on Thursday, March 19th at noon and on March 30th they will be hosting the Grand Opening of the Fox Center at the College.

CEREMONIAL ITEMS

- 1. APPOINTMENT OF PLANNING, HERITAGE PRESERVATION, AND TRAFFIC SAFETY COMMISSIONERS AND ADMINISTER OATHS OF OFFICE**

STAFF RECOMMENDATION:

Adopt the attached resolution appointing two (2) members to the Planning Commission, four (4) members to the Heritage Preservation Commission, and two (2) members to the Traffic Safety Commission and direct the City Clerk to administer the Oaths of Office.

RESOLUTION NO. 10-012

MILLER/PAGE MOVED TO **ADOPT THE RESOLUTION APPOINTING TWO (2) MEMBERS TO THE PLANNING COMMISSION, FOUR (4) MEMBERS TO THE HERITAGE PRESERVATION COMMISSION, AND TWO (2) MEMBERS TO THE TRAFFIC SAFETY COMMISSION AND DIRECT THE CITY CLERK TO ADMINISTER THE OATHS OF OFFICE.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

City Clerk Ann Sullivan administered the Oaths of Office.

2. **PROCLAMATION DECLARING THE MONTH OF MARCH 2010 AS “AMERICAN RED CROSS MONTH”**

STAFF RECOMMENDATION:

Read and present proclamation.

No one was present to receive the proclamation.

SPECIAL PRESENTATIONS

3. **SANTA CLARA VALLEY WATER DISTRICT PRESENTATION**

STAFF RECOMMENDATION:

Listen to short presentation by Richard Santos, Chair/Board of Directors, for Santa Clara Valley Water District.

Richard Santos provided a presentation on the ground water charges and the Water District’s commitment to continue to provide safe drinking water, and the redistricting process.

Council thanked Mr. Santos for his presentation.

CONSENT CALENDAR

4. **CITY COUNCIL MEETING MINUTES – MARCH 3, 2010**

STAFF RECOMMENDATION:

Approve minutes.

Councilmember Page removed this item for a minor correction.

Kathleen Casey removed this item for clarification.

PAGE/MILLER MOVED TO **APPROVE THE CITY COUNCIL MEETING MINUTES FOR MARCH 3, 2010 AS AMENDED.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

5. **CITY COUNCIL MEETING MINUTES – DECEMBER 4, 2002**

STAFF RECOMMENDATION:

Approve minutes.

Kathleen Casey removed this item for comment and clarification.

MILLER/PAGE MOVED TO **APPROVE CITY COUNCIL MEETING MINUTES FOR DECEMBER 4, 2002.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

6. **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 25, 2010

March 04, 2010

Kathleen Casey removed this item for clarification.

HUNTER/PAGE MOVED TO **ACCEPT THE CHECK REGISTERS FOR ACCOUNTS PAYABLE PAYMENT CYCLES: FEBRUARY 25, 2010 AND MARCH 04, 2010.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

7. **TREASURER’S REPORT FOR THE MONTH ENDED FEBRUARY 28, 2010**

STAFF RECOMMENDATION:

Review and accept the Treasurer’s Report for the month ended February 28, 2010.

PAGE/MILLER MOVED TO **ACCEPT THE TREASURER’S REPORT FOR THE MONTH ENDED FEBRUARY 28, 2010.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

PUBLIC HEARINGS

8. **PUBLIC HEARING ON RESOLUTION ORDERING THE ABATEMENT OF A PUBLIC NUISANCE BY REMOVAL OF HAZARDOUS VEGETATION (WEEDS)**

STAFF RECOMMENDATION:

Open public hearing; listen to public testimony; and close public hearing. Consider any objections to proposed Order for Abatement of Hazardous Vegetation and sustain or overrule any objections as to specific properties. Adopt proposed Resolution Ordering Abatement (Attachment A) as to properties listed (with modification(s) if

any objections are sustained.

City Clerk Ann Sullivan presented the staff report.

Moe Kumre, Coordinator of Weed Abatement for the Santa Clara County Agricultural Department, was present to answer questions from Council.

Mayor King opened the Public Hearing for comment.

No one requested to speak on this item.

Mayor King closed the Public Hearing.

RESOLUTION NO. 10-013

HUNTER/PAGE MOVED TO **ADOPT PROPOSED RESOLUTION ORDERING ABATEMENT AS TO PROPERTIES LISTED (WITH MODIFICATION(S) IF ANY OBJECTIONS ARE SUSTAINED.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

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

STAFF RECOMMENDATION:

Conduct the Public Hearing and make a decision regarding allocations

Cynthia McCormick, Assistant Planner, presented the staff report.

Mayor King opened the Public Hearing for comment.

The following people requested to speak on this item:

Cindy Ruby spoke in support of the Saratoga Foothill Club.

Lon Saavedra spoke in support of Hakone Foundation.

Ann Waltonsmith spoke in support of Hakone Foundation and SASCC.

Brian Kynsh spoke in support of KSAR.

No one else requested to speak on this item.

Mayor King closed the Public Hearing.

The submitted applications for CDBG and Community Grant funding totaled \$83,212 and the total available grant funding was \$53,000.

Council discussed the Community Development Block Grant and Community Grant Funding applications and made the following recommendations for allocation of funding:

RESOLUTION NO. 10 - 014 CDBG FUNDING

Public Service Grant:

- o SASCC Adult Daycare \$26,500.00

CDBG Capital Projects:

- o Hakone Foundation \$44,800.00
- o City of Saratoga \$35,100.00 ADA Accessible Signals – Phase II
- o City of Saratoga \$15,000.00 Administration/Rehabilitation Program
- o CDBG (SHARP) \$13,000.00

CDBG TRANSFERS:

- o \$13,964.00 -Public Works transfer to Historical Museum ADA Ramp Project, including \$4,464.00 from City Hall Automatic Doors ADA Project which cannot be completed due to the current building configuration.
- o \$9,500 transfer from the Accessible Signal Program in order to complete the Historical Museum ADA Ramp Project.

RESOLUTION NO. 10 - 015 COMMUNITY GRANT FUNDING

- o Shady Shakespeare \$ 375.00
 - o Wildlife Center \$ 1,275.00
 - o KSAR \$ 1,312.50
 - o Saratoga Foothill Club \$ 687.50
 - o SASCC Adult Daycare \$ 4,937.50
 - o Catholic Charities \$ 4,000.00
 - o WV Community Services \$13,912.50
- TOTAL \$26,500.00**

MILLER/PAGE MOVED TO ACCEPT THE ALLOCATION OF FUNDING AS AGREED UPON FOR A TOTAL OF \$53,000.00 AND THE GROUPS THAT ARE NOT PART OF THE CDBG PUBLIC SERVICE GRANTS NOT BE REQUIRED TO SUBMIT THE DOCUMENTATION. MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

DIRECTION TO STAFF:

Compose a letter from the Mayor on behalf of the City Council to our County Supervisor requesting the County reconsider their decision to retain the City’s allocation of \$15,000 for CDBG Administrative overhead costs this Fiscal Year and to email the letter to the Mayor for final approval before sending the letter via email to our County Supervisor.

Councilmember Page recommended a friendly amendment to this direction and asked if the Mayor could forward the letter to each Councilmember for their use in composing their own individual letter to be sent to our County Supervisor via email.

Mayor King concurred with the friendly amendment.

HUNTER/MILLER MOVED TO **AUTHORIZE STAFF TO COMPOSE A LETTER FROM THE MAYOR ON BEHALF OF THE CITY COUNCIL TO OUR COUNTY SUPERVISOR REQUESTING RECONSIDERATION OF THE COUNTY'S DECISION TO RETAIN THE CITY OF SARATOGA'S ALLOCATION OF \$15,000 FOR ADMINISTRATIVE OVERHEAD COSTS THIS FISCAL YEAR.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER NAGPAL ABSENT.

OLD BUSINESS

10. FOLLOW-UP ON PROCESS FOR ALLOCATION OF FUNDING FOR COMMUNITY EVENTS

STAFF RECOMMENDATION:

Accept report and direct staff accordingly.

Barbara Powell, Assistant City Manager, presented the staff report.

Mayor King invited public comment.

No one requested to speak on this item.

COUNCIL DIRECTION:

Allocate \$25,000 in the annual budget for Community Events [\$20,000 for direct event funding and \$5,000 to back-fill departments for City expenses (e.g. banner, facility rental, permit fees, staffing, materials/supplies, etc.) with specific amounts allocated for the following annual City Events:

- Citywide Garage Sale \$5,000.00
- Annual Tree Lighting \$3,000.00
- Arbor Day \$ 100.00
- City Ceremonies \$ 500.00

The Finance Committee will be responsible for recommending an application and funding process for all other community events and agenda for Council's consideration at the May 19, 2010 Proposed Budget & CIP Public Hearing.

NEW BUSINESS

11. ADOPTION OF RESOLUTION IN SUPPORT OF THE LOCAL TAXPAYER, PUBLIC SAFETY AND TRANSPORTATION PROTECTION ACT OF 2010

STAFF RECOMMENDATION:

Accept report and adopt attached Resolution.

Barbara Powell, Assistant City Manager, presented the staff report.

Mayor King invited public comment.

No one requested to speak on this item.

Councilmembers Page and Miller expressed their support for adopting a resolution in support of the Local Taxpayer, Public Safety and Transportation Protection Act of 2010.

Mayor King and Vice Mayor Hunter were not in support of adopting a resolution in support of Local Taxpayer, Public Safety and Transportation Protection Act of 2010 at this time.

Vice Mayor Hunter recommended continuing this item to the next Council meeting when Councilmember Nagpal may be present.

PAGE/MILLER MOVED TO CONTINUE THIS ITEM TO THE NEXT COUNCIL MEETING, APRIL 7, 2010, FOR RECONSIDERATION.

ADHOC & AGENCY ASSIGNMENT REPORTS

Mayor Kathleen King – reported:

County HCD Policy Committee – meets Thursday, March 18th.

West Valley Mayors and Managers Association – will meet next Wednesday, March 24th.

Vice Mayor Jill Hunter – reported:

Hakone Foundation Board – attended the last meeting and the 9th Annual Matsuri Festival is scheduled for Sunday, May 17th. The Japanese landscape architects will be arriving in May and will be looking for homes to host them while they are visiting. The Japan Foundation and the Consulate-General of Japan will be loaning the Hakone Foundation photos of the Katsura Exhibit, photographs of Ishimoto Yasuhiro, from March 31 to April 18; and restoration work will be done on the old wall at Hakone Gardens.

Historical Foundation – there is a new exhibit on display and there will be a reception on March 28. The Moffet presentation on March 15th was attended by 110 people; the Heritage Museum will be participating in the June 19th Heritage Day Event; and the Historical Foundation is looking for a new Executive Director.

Library Joint Powers Association – Gayathri Kanth is the new Acting Saratoga Community Librarian for the Saratoga Library and her official start date in Saratoga is April 5th.

Councilmember Howard Miller – reported:

Chamber of Commerce – met and noted the Persian New Year event was very successful.

Highway 9 Adhoc – he will be attending his first meeting at the end of March as the Council representative to this committee.

KSAR – at the last meeting they prepared for the CDBG/Community Grant funding public hearing that was held this evening as well as a Solid Waste Joint Power's Authority grant.

West Valley Solid Waste Joint Powers Authority – noted they will be discussing potential rate increases at the next meeting, which may include a small franchise fee increase.

West Valley Transportation Authority PAC – noted that California will be receiving \$2.5 billion for high speed rail; VTA has received some stimulus funding that will be used to upgrade Hybrid buses; and the VTA budget continues to be a concern.

Councilmember Susie Nagpal - Absent

Councilmember Chuck Page – reported:

Saratoga Ministerial Association – met and the response to the *Saratoga Serves*, a program implemented by the communities of faith in Saratoga coming together in the Spring as volunteers to serve Saratoga, was less than it was a year ago.

West Valley Sanitation District – met and there will be a special meeting to discuss the possibility of a rate increase. The increase would be minimal – in the 5% area for a period of only three years, rather than for five years.

CITY COUNCIL ITEMS

Mayor King noted the County passed a healthy beverage policy for vending as well as standards for purchasing or providing food at County sponsored events or meetings.

CITY MANAGER’S REPORT

None

ADJOURNMENT

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

PAGE/MILLER 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