

MINUTES

SARATOGA CITY COUNCIL MEETING APRIL 7, 2010

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

MAYOR'S REPORT ON CLOSED SESSION

Mayor King stated there was no reportable information

The City Council held a Joint Meeting with representatives from the Mountain Winery in the Administrative Conference Room from 6:00 to 6:55 p.m.

Mayor King called the Regular City Council meeting to order at 7:00 p.m. and asked citizen Laurel Perusa to lead the Pledge of Allegiance.

Richard Taylor addressed the Council at this time noting that Councilmember Chuck Page was attending this evening's Council meeting from Palm Desert, California, via teleconference. According to the Rules and Procedures of the Brown Act, Section 54953, the agenda for this meeting has been posted at the location where Councilmember Page is participating from. City Attorney Taylor asked Councilmember Page if he could hear the proceedings of the meeting thus far, if the agenda has been posted, if Councilmember Page is located in a reasonable place for the public to attend, and if there is anyone from the public that would like to speak. Councilmember Page responded affirmatively to all the questions and noted there was no one from the public there that would like to speak.

ROLL CALL

PRESENT: Councilmembers Chuck Page – Telecommuting from Palm Desert, CA, Howard Miller, Vice Mayor Jill Hunter, Mayor Kathleen King. Councilmember Nagpal arrived at 7:15 p.m.

ABSENT: None

ALSO Dave Anderson, City Manager

PRESENT: Richard Taylor, City Attorney
Ann Sullivan, City Clerk
Mary Furey, Administrative Services Director
John Cherbone, Public Works Director
John Livingstone, Community Development Director
Chris Riordan, Senior Planner
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 April 7, 2010 was properly posted on April 1, 2010.

At this time, Mayor King noted she would like to move to COMMUNICATIONS FROM BOARDS AND COMMISSIONS and asked Council if they would be in agreement with this recommendation.

Council concurred and representatives from the Mountain Winery addressed the Council. [*Please refer to COMMUNICATIONS FROM BOARDS AND COMMISSIONS below for this report.*]

ORAL COMMUNICATIONS

The following people requested to speak:

Janice Gamper addressed the Council regarding the deer sign on Chester Avenue and stated she would like the deer sign moved towards Allendale Avenue. In addition, she inquired about the 20 MPH blinking sign that she understood would be placed on Chester Avenue.

Kathleen Casey addressed the Council regarding an application to demolish a house on Quito Road. She also stated there should be a General Election ballot item regarding public input for what happens in Saratoga Village.

DIRECTION TO STAFF

Vice Mayor Hunter suggested that staff re-schedule the portable speed sign for Chester Avenue soon.

Council directed Public Works Director John Cherbone to communicate with speaker Janice Gamper regarding her concerns on Chester Avenue.

COMMUNICATIONS FROM BOARDS AND COMMISSIONS

Dave House, Owner and Managing Partner of the Mountain Winery and Joan LeMahieu, General Manager, noted the Mountain Winery will be starting their 53rd Concert Season. The concert schedule will be released on April 12th and will begin accepting ticket orders on April 26th for this concert season. Mr. House noted May will be the first anniversary of the completion of the facility remodel.

Joan LeMahieu commented about the very successful car-pooling policy and noted more than 23% of their attendees participated in the car-pooling option. This option provided benefits to the participants, such as near-by parking with VIP entry into the facility, a special reception, wine tasting coupons, and eligibility for raffles that include signed CD's from Mountain Winery performing artists. This year they will offer a \$5.00 discount on their parking fee for car-pooling patrons as well. She added people can also visit their website at www.TheMountainWinery.com to find out more about event planning at their facility.

DIRECTION TO STAFF

None

At this point Mayor King noted they would now move to ORAL COMMUNICATIONS.
[Please refer to ORAL COMMUNICATIONS above for communications from the public on non-agendized items.]

ANNOUNCEMENTS

Vice Mayor Hunter noted the Saratoga Village Development Council is sponsoring the Wine and Wisteria event on Sunday, April 11th from 5:00 to 7:30PM in the Village. She also stated the funds raised from last year's Wine and Wisteria event paid for the wooden Village entrance sign that will soon be installed at Blaney Plaza. She noted the funds raised at this year's event will be used to purchase additional bronze plaques for historical buildings in the Village and for upcoming events in the Village.

Mayor King noted Health Trust would be holding an Aids Fund Raising event at the Plumed Horse on April 29th and some of the funds raised at this event would go towards fighting Aids. She also noted she would be forwarding an email to fellow Councilmembers regarding a Chinese event in the Fremont/Milpitas area on Sunday, April 11th and hoped some of her fellow councilmembers could attend this event.

Councilmember Miller reminded everyone to check out the Saratoga Recreation Guide and sign up for fun and interesting classes.

CEREMONIAL ITEMS

1. COMMENDATION HONORING THE SARATOGA HIGH SCHOOL MECHANICAL SCIENCE AND ENGINEERING TEAM

STAFF RECOMMENDATION:

Read and present commendation.

Councilmember Howard Miller read and presented the commendation to 14 members of the Mechanical Science and Engineering Team from Saratoga High School.

2. COMMENDATION HONORING THE SARATOGA VILLAGE GARDENERS

STAFF RECOMMENDATION:

Read and present commendation.

Vice Mayor Jill Hunter read and presented the commendation to 17 members of the Saratoga Village Gardeners.

3. COMMENDATION HONORING OUTGOING HERITAGE PRESERVATION COMMISSIONER RITA MCCARTY

STAFF RECOMMENDATION:

Read and present commendation.

Vice Mayor Jill Hunter read and presented the commendation to Rita McCarty.

4. COMMENDATION HONORING OUTGOING HERITAGE PRESERVATION COMMISSIONER NORMAN KOEPERNIK

STAFF RECOMMENDATION:

Read and present commendation.

Vice Mayor Jill Hunter read and presented the commendation to Norman Koepernik.

Councilmember Page was disconnected from his teleconference call at 7:43 p.m. and was again teleconferencing in at 7:46 p.m.

SPECIAL PRESENTATIONS

None

CONSENT CALENDAR

5. CITY COUNCIL MEETING MINUTES – MARCH 17, 2010

STAFF RECOMMENDATION:

Approve minutes.

HUNTER/NAGPAL MOVED TO **APPROVE CITY COUNCIL MEETING MINUTES – MARCH 17, 2010.** MOTION PASSED 5-0-0.

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:

March 11, 2010

March 18, 2010

March 26, 2010

Kathleen Casey requested to speak on this item.

PAGE/NAGPAL MOVED TO **ACCEPT THE CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: MARCH 11, 2010, MARCH 18, 2010, AND MARCH 26, 2010.** MOTION PASSED 5-0-0.

7. SILICON VALLEY REGIONAL INTEROPERABILITY PROJECT JOINT POWERS AUTHORITY AGREEMENT

STAFF RECOMMENDATION:

Adopt a Resolution authorizing the City Manager to sign the Joint Powers Agreement to become a member of the Silicon Valley Regional Interoperability Authority (SVRIA) and to sign the Amendment to the Second Amended Joint Funding Agreement (JFA) to allow the JFA and its assets to transition to the Silicon Valley Regional Interoperability Authority JPA.

RESOLUTION NO. 10-016

HUNTER /NAGPAL MOVED TO ADOPT A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN THE JOINT POWERS AGREEMENT TO BECOME A MEMBER OF THE SILICON VALLEY REGIONAL INTEROPERABILITY AUTHORITY (SVRIA) AND TO SIGN THE AMENDMENT TO THE SECOND AMENDED JOINT FUNDING AGREEMENT (JFA) TO ALLOW THE JFA AND ITS ASSETS TO TRANSITION TO THE SILICON VALLEY REGIONAL INTEROPERABILITY AUTHORITY JPA. MOTION PASSED 5-0-0.

8. JOE'S TRAIL AT SARATOGA DE ANZA PROJECT – AWARD OF CONSTRUCTION CONTRACT.

STAFF RECOMMENDATION:

1. Move to declare Guerra Construction Group of Santa Clara to be the lowest responsible bidder on the project.
2. Move to award a construction contract to Guerra Construction Group in the amount of \$844,014.88
3. Move to authorize staff to execute change orders to the contract up to \$250,000.

Kathleen Casey requested to speak on this item.

Councilmember Miller removed this item for clarification and thanked staff for all their hard work.

MILLER/KING MOVED TO 1) DECLARE GUERRA CONSTRUCTION GROUP OF SANTA CLARA TO BE THE LOWEST RESPONSIBLE BIDDER ON THE PROJECT; 2) MOVE TO AWARD A CONSTRUCTION CONTRACT TO GUERRA CONSTRUCTION GROUP IN THE AMOUNT OF \$844,014.88; 3) TO AUTHORIZE STAFF TO EXECUTE CHANGE ORDERS TO THE CONTRACT UP TO \$250,000. MOTION PASSED 5-0-0.

PUBLIC HEARINGS

9. UPDATE TO THE GENERAL PLAN 2007-2014 HOUSING ELEMENT, CONFORMING AMENDMENTS TO THE LAND USE ELEMENT, A HOUSING ELEMENT IMPLEMENTATION ORDINANCE, AND AMENDMENTS TO THE TEXT OF THE OPEN SPACE AND CONSERVATION ELEMENT AND SAFETY ELEMENT TO INCLUDE FACTUAL INFORMATION REQUIRED BY STATE LAW & NEGATIVE DECLARATION

STAFF RECOMMENDATION:

Staff and the Planning Commission recommends that the City Council open the public hearing, accept public testimony, close the public hearing, and:

- Approve the Resolution to adopt the Initial Study/Negative Declaration.
- Approve the Resolution to adopt the 2007-2014 General Plan Housing Element which includes the following Attachments:
 - Land Use Element/Open Space and Conservation Element Conforming

Amendments

- Amendments to the Saratoga Village Design Guidelines
- Safety Element and Open Space Conservation Element AB 162 Amendments
- Approve the attached Housing Element Implementation Ordinance; waive the First Reading, and direct staff to schedule this item for a Second Reading for adoption on the consent calendar of the April 21, 2010 City Council meeting.

Senior Planner, Chris Riordan, presented the staff report.

Council presented questions regarding two stories, three stories, building height limits, and historical buildings.

At this time, Mayor King asked Council if they would concur with her suggestion to invite two high school students that were present in the Chambers for school assignments, to come up on the Dias prior to opening the Public Hearing.

Council concurred.

Mayor King opened the Public Hearing at 8:23 p.m.

The following people requested to speak on this item:

The following spoke in opposition to the proposed Housing Element:

Bob Busse

David Sorenson

J. J. Salehieh

Kathleen Casey

Marilyn Marchetti

Paula Cappello read a letter from citizen Laurel Perusa

Peggy Kimball

John Kimball

Dianne Tuley-Brown

Jenni Young Taylor

Paul Hernandez

The following people spoke in support of the proposed Housing Element:

Eugene Zambetti

Bob Shepherd

Mayor King closed the Public Hearing at 8:57 p.m. and recessed to a 5 minute break.

Mayor King reconvened the Regular meeting at 9:05 p.m.

RESOLUTION NO. 10-017

NAGPAL/MILLER MOVED TO **APPROVE THE RESOLUTION TO ADOPT THE INITIAL STUDY/NEGATIVE DECLARATION.** MOTION PASSED 4-1-0 WITH HUNTER OPPOSING.

NAGPAL/HUNTER MOVED TO **APPROVE THE RESOLUTION TO ADOPT THE 2007-2014 GENERAL PLAN HOUSING ELEMENT WHICH INCLUDES**

THE FOLLOWING ATTACHMENTS: 1) LAND USE ELEMENT/OPEN SPACE AND CONSERVATION ELEMENT CONFORMING AMENDMENTS; 2) AMENDMENTS TO THE SARATOGA VILLAGE DESIGN GUIDELINES WITH ADDED LANGUAGE STATING “THE PREFERRED STANDARD IS 2-STORY UP TO 35 FEET”; 3) SAFETY ELEMENT AND OPEN SPACE CONSERVATION ELEMENT AB 162 AMENDMENTS. MOTION FAILED 2-3-0 WITH MILLER, PAGE AND KING OPPOSING.

RESOLUTION NO. 10-018

MILLER/PAGE MOVED TO **APPROVE THE RESOLUTION TO ADOPT THE 2007-2014 GENERAL PLAN HOUSING ELEMENT WHICH INCLUDES THE FOLLOWING ATTACHMENTS: 1) LAND USE ELEMENT/OPEN SPACE AND CONSERVATION ELEMENT CONFORMING AMENDMENTS; 2) AMENDMENTS TO THE SARATOGA VILLAGE DESIGN GUIDELINES; 3) SAFETY ELEMENT AND OPEN SPACE CONSERVATION ELEMENT AB 162 AMENDMENTS.** MOTION PASSED 4-1-0 WITH HUNTER OPPOSING.

PAGE/MILLER MOVED TO **INTRODUCE THE PROPOSED HOUSING ELEMENT IMPLEMENTATION ORDINANCE; WAIVE THE FIRST READING, AND DIRECT STAFF TO SCHEDULE THIS ITEM FOR A SECOND READING FOR ADOPTION ON THE CONSENT CALENDAR AT THE APRIL 21, 2010 CITY COUNCIL MEETING.** MOTION PASSED 5-0-0.

Mayor King called a break at 9:45 p.m.

Councilmember Nagpal thanked everyone and asked to be excused from participating in and discussing the remaining agenda items and left the Dias at 9:45 p.m.

Mayor King reconvened the Regular meeting at 9:52 p.m.

At this time Vice Mayor Hunter noted she would like to clarify her last vote for the record and requested that the minutes reflect this clarification. Vice Mayor Hunter stated she did not intend to vote ‘yes’ on the Staff Recommendation for Item 9: TO APPROVE THE PROPOSED HOUSING ELEMENT IMPLEMENTATION ORDINANCE; WAIVE THE FIRST READING, AND DIRECT STAFF TO SCHEDULE THIS ITEM FOR A SECOND READING FOR ADOPTION ON THE CONSENT CALENDAR AT THE APRIL 21, 2010 CITY COUNCIL MEETING.

10. PROPOSED FEE SCHEDULE UPDATE FOR FY 2010/11

STAFF RECOMMENDATION:

Hold public hearing to review recommendations for proposed fee changes, provide direction, and approve resolution amending the City’s Fee Schedule effective for Fiscal Year 2010/11.

Administrative Services Director Mary Furey presented the staff report.

Councilmember Page inquired about the Conditional Use Permit (CUP) fee for a generator and why the application fee for a resident to place a generator in their back yard is the same as for a design review for a house remodel.

Community Development Director John Livingstone noted this CUP application is processed through the Administrative Review process and the fee is \$3,400.

Councilmember Page stated he felt this fee was excessive and that the fee should be considered along the same guidelines as a fence exception or grading exception and proposed that the generator fee be set at \$1,800.

Mayor King opened the Public Hearing.

No one requested to speak on this item.

Mayor King closed the Public Hearing.

RESOLUTION NO. 10-019

MILLER/HUNTER MOVED TO APPROVE THE RESOLUTION AMENDING THE CITY'S FEE SCHEDULE EFFECTIVE FOR FISCAL YEAR 2010/11 WITH AN AMENDMENT TO REDUCE IN HALF THE GENERATOR FEE FROM \$3,400 TO \$1,700 FOR ONE YEAR AND BRING THIS ITEM BACK FOR RECONSIDERATION AT THE 2011/12 FEE SCHEDULE PUBLIC HEARING.

Councilmember Page asked for a friendly amendment to the motion to set the generator fee at \$1,800 rather than the \$1,700 fee noted in the motion on the table.

MOTION PASSED 4-0-1 WITH NAGPAL ABSENT DURING THIS PORTION OF THE MEETING.

OLD BUSINESS

At this point Mayor King announced that a new item would be added to the meeting regarding FY 2010/11 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING INCREASE.

City Attorney Richard Taylor noted City staff learned on Monday, April 5, 2010, that Saratoga CDBG monies were increased over the estimate given earlier in the year and that the County needs to know before the next Council meeting how the City would like that money allocated. He added that since this item was not included on this evening's agenda, Council would have to determine if this is an Urgency Item by a 4-1 or 4/5 vote by the Council.

MILLER/HUNTER MOVED TO APPROVE ADDING THE URGENCY ITEM – FY 2010/11 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING INCREASE TO THE AGENDA FOR DISCUSSION. MOTION PASSED 4-0-1 WITH NAGPAL ABSENT DURING THIS PORTION OF THE MEETING.

Assistant Planner Cynthia McCormick presented the staff report.

Ms. McCormick noted that the increased amount for non-public service items such as ADA improvements is \$9,166 and that Council could allocate all of the increased funding to Phase III of the ADA Accessible Signals program. She also noted that there was an increased amount of \$2,050 for public services.

PAGE/MILLER MOVED TO 1) APPLY THE \$9,166 NON-PUBLIC SERVICE FUNDING TO ADA PUBLIC WORKS IMPROVEMENTS, SPECIFICALLY FOR PHASE III OF THE ADA ACCESSIBLE SIGNALS PROGRAM; 2) DESIGNATE THE \$2,050 FOR PUBLIC SERVICES TO SASCC – SARATOGA ADULT CARE CENTER; and 3) MOVE \$1,000 FROM SASCC – SARATOGA ADULT CARE CENTER THAT WAS AWARDED AT THE MARCH 17, 2010, CDBG PUBLIC HEARING TO WEST VALLEY COMMUNITY SERVICES. MOTION PASSED 4-0-1 WITH NAGPAL ABSENT DURING THIS PORTION OF THE MEETING.

NEW BUSINESS

None

ADHOC & AGENCY ASSIGNMENT REPORTS

Mayor Kathleen King – reported:

ABAG – noted there is a meeting on April 22 and she will attend this meeting since City Attorney Richard Taylor is unable to attend.

County HCD Policy Committee – has concluded Committee business for this year and has implemented the allocations that were recommended by staff.

SCC Cities Association Selection Committee – meets Thursday, April 6th and asked Councilmember Miller to attend in her place since she is scheduled to attend another event. Councilmember Miller noted he has a Chamber of Commerce meeting at 6PM and would try to make it to this meeting as well.

West Valley Mayors and Managers Association – she attended the last meeting and stated there was a presentation on the Water Treatment Plant. She noted there is a potential candidate that has expressed an interest in serving on the Water Pollution Control Plant Master Plan Community Advisory Group (CAG).

Vice Mayor Jill Hunter – reported:

She attended the Santa Clara Valley Water District meeting for Councilmember Page and noted the District has not raised fees for three years and may have to implement an 8% rate increase next Fiscal Year. They had to lay off 57 of their 756 employees, and have reduced their vehicle fleet – all due to budgetary constraints.

Councilmember Howard Miller – reported:

Council Finance Committee – a Budget/CIP Study Session is scheduled on April 19th. The City received 12 proposals for the Request for Bids (RFP) for a new city phone system.

Highway 9 Adhoc – met on March 31 to discuss Phase II of the Highway 9 Safety Improvement program, which involves 14 separate projects on Highway 9 starting at Big Basin and continuing on to Highway 17 in Los Gatos. Saratoga was awarded the majority of the grant funding, which was \$1.63 million. At that meeting there was

substantial public feedback regarding speeding on Highway 9, which resulted in immediate follow-up by the city managers from each jurisdiction.

Councilmember Susie Nagpal – Excused Absence for this portion of the meeting.

Councilmember Chuck Page – reported:

West Valley Sanitation District – held the first of two public meetings to discuss an increase in rates, which would be about \$1 to \$2 per month, per property, and would be added to the annual property tax bill.

CITY COUNCIL ITEMS

None

CITY MANAGER’S REPORT

None

CITY ATTORNEY’S REPORT

City Attorney Richard Taylor noted he is unable to attend the April 21st Council meeting due to another meeting that he is scheduled to attend and give a presentation. He added Assistant City Attorney Jonathan Wittwer or his associate, Bill Parkin, would be present at the April 21st Council meeting.

ADJOURNMENT

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

PAGE/MILLER MOVED TO **ADJOURN THE REGULAR MEETING AT 10:35PM.**
MOTION PASSED 4-0-1 WITH NAGPAL ABSENT DURING THIS PORTION OF THE MEETING.

Respectfully submitted,

Ann Sullivan, CMC
City Clerk