

MINUTES

SARATOGA REGULAR CITY COUNCIL MEETING MAY 5, 2010

The City Council held a Joint Meeting with the Youth Commission in the Administrative Conference Room at 6:00 p.m.

ANNOUNCEMENT OF CLOSED SESSION

Conference with Legal Counsel – Existing Litigation: Government Code Section 54956.9
(a): (1 case) City of Saratoga v. PG&E et al., (Santa Clara County Superior Court Case No.1-08-CV-124267)

Conference with Legal Counsel – Initiation of Litigation: Government Code Section 54956.9
(c) (1 case)

MAYOR'S REPORT ON CLOSED SESSION

Vice Mayor Hunter stated there was no reportable information.

Vice Mayor Hunter called the Regular City Council meeting to order at 7:00 p.m. and asked the attending Youth Commissioners to lead the Pledge of Allegiance.

ROLL CALL

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

ABSENT: Susie Nagpal and Mayor Kathleen King, Excused Absences

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
Cynthia McCormick, Assistant Planner
Jana Rinaldi, Code Compliance 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 May 5, 2010 was properly posted on April 29, 2010.

COMMUNICATIONS FROM COMMISSIONS & PUBLIC

Jacob Baker, Chair of the Saratoga Youth Commission, provided a brief report regarding the joint meeting the City Council held with the Youth Commission earlier in the

evening. He noted the Commission's accomplishments for this year and thanked the Council for the opportunity to meet with them.

ORAL COMMUNICATIONS

None

DIRECTION TO STAFF

None

ANNOUNCEMENTS

Councilmember Chuck Page referred to *Comcast California* – a newsletter from Comcast, and noted that Comcast has a scholarship program for students called – “Comcast Leaders and Achievers Scholarship.” He congratulated the two students that received this award; a student from Westmont High School and a student from Saratoga High School.

Councilmember Howard Miller noted that Montalvo Arts Center in Saratoga is having their annual “Mother’s Day Brunch” on Sunday, May 9th starting at 11:30 a.m., and invited interested participants to visit the Montalvo Arts Center website for more information.

Vice Mayor Jill Hunter noted the annual *Saratoga Pet Parade* scheduled for Saturday, May 15th from 11:00 a.m. to 1:00 p.m. in the Village. In addition, she invited everyone to the *Heritage Day* event in the Village on Saturday, June 19th – noting this is a day to celebrate all the historic figures in the Saratoga community.

CEREMONIAL ITEMS

None

SPECIAL PRESENTATIONS

None

CONSENT CALENDAR

1. **CITY COUNCIL BUDGET & CIP STUDY SESSION MINUTES – APRIL 19, 2010**

STAFF RECOMMENDATION:

Approve minutes.

PAGE/MILLER MOVED TO **APPROVE CITY COUNCIL BUDGET & CIP STUDY SESSION MINUTES – APRIL 19, 2010.** MOTION PASSED 3-0-2 WITH MAYOR KING AND COUNCILMEMBER NAGPAL ABSENT.

2. **CITY COUNCIL MEETING MINUTES – APRIL 21, 2010**

STAFF RECOMMENDATION:

Approve minutes.

PAGE/MILLER MOVED TO **APPROVE CITY COUNCIL MEETING MINUTES – APRIL 21, 2010.** MOTION PASSED 3-0-2 WITH MAYOR KING AND COUNCILMEMBER NAGPAL ABSENT.

3. **TREASURER’S REPORT FOR THE MONTH ENDED MARCH 31, 2010**

STAFF RECOMMENDATION:

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

PAGE/MILLER MOVED TO **APPROVE TREASURER’S REPORT FOR THE MONTH ENDED MARCH 20, 2010.** MOTION PASSED 3-0-2 WITH MAYOR KING AND COUNCILMEMBER NAGPAL ABSENT.

4. **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:

April 15, 2010

April 22, 2010

PAGE/MILLER MOVED TO **ACCEPT THE CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: APRIL 15, 2010 AND APRIL 22, 2010.** MOTION PASSED 3-0-2 WITH MAYOR KING AND COUNCILMEMBER NAGPAL ABSENT.

5. **DELEGATION OF AUTHORITY TO THE WEST VALLEY MAYORS AND MANAGERS TO APPOINT A BOARD MEMBER FOR THE SILICON VALLEY REGIONAL INTEROPERABILITY AUTHORITY (SVRIA) JOINT POWERS AUTHORITY (JPA)**

STAFF RECOMMENDATION:

Adopt resolution authorizing the West Valley Mayors and Managers to appoint a SVRIA “Southwest County Agencies” JPA board member.

RESOLUTION NO. 10-024

PAGE/MILLER MOVED TO **ADOPT RESOLUTION AUTHORIZING THE WEST VALLEY MAYORS AND MANAGERS TO APPOINT A SVRIA “SOUTHWEST COUNTY AGENCIES” JPA BOARD MEMBER.** MOTION PASSED 3-0-2 WITH MAYOR KING AND COUNCILMEMBER NAGPAL ABSENT.

6. **AMENDMENT TO PROFESSIONAL SERVICES CONTRACT WITH MARK THOMAS & COMPANY, INC.**

STAFF RECOMMENDATION:

Approve an Amendment to the existing professional services contract with Mark Thomas & Company, Inc for design work in the amount of \$27,556 and authorize the City Manager to execute the same.

PAGE/MILLER MOVED TO **APPROVE AN AMENDMENT TO THE EXISTING PROFESSIONAL SERVICES CONTRACT WITH MARK THOMAS & COMPANY, INC. FOR DESIGN WORK IN THE AMOUNT OF \$27,556 AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE SAME.** MOTION PASSED 3-0-2 WITH MAYOR KING AND COUNCILMEMBER NAGPAL ABSENT.

7. **MOTOR VEHICLE (MV) RESOLUTION RESTRICTING PARKING ON PROSPECT ROAD**

STAFF RECOMMENDATION:

Move to adopt MV Resolution restricting parking on a section of Prospect Road.

Miller removed this item for clarification noting the parking restriction on a section of Prospect Road was for traffic safety.

MV RESOLUTION NO. 291

PAGE/MILLER MOVED TO **ADOPT MV RESOLUTION RESTRICTING PARKING ON A SECTION OF PROSPECT ROAD.** MOTION PASSED 3-0-2 WITH MAYOR KING AND COUNCILMEMBER NAGPAL ABSENT.

8. **MOTOR VEHICLE (MV) RESOLUTIONS RESTRICTING PARKING ON DOLPHIN DRIVE AND PORTOS DRIVE**

STAFF RECOMMENDATION:

1. Move to adopt MV Resolutions restricting parking on a section of Dolphin Drive.
2. Move to adopt MV Resolutions restricting parking on a section of Portos Drive.

Councilmember Miller removed this item for clarification noting parking restrictions on sections of Dolphin Drive and Portos Drive were for traffic safety reasons.

MV RESOLUTION NO. 289

MV RESOLUTION NO. 290

PAGE/MILLER MOVED TO 1.) **ADOPT MV RESOLUTIONS RESTRICTING PARKING ON A SECTION OF DOLPHIN DRIVE; AND 2) RESTRICTING PARKING ON A SECTION OF PORTOS DRIVE.** MOTION PASSED 3-0-2 WITH MAYOR KING AND COUNCILMEMBER NAGPAL ABSENT.

PUBLIC HEARINGS

9. AMENDMENT TO CITY CODE ARTICLE 4-55 MASSAGE ESTABLISHMENTS AND MASSAGE PRACTITIONERS.

STAFF RECOMMENDATION:

Conduct a public hearing regarding the State mandated update of the Massage Establishments and Massage Practitioners (City Code Article 4-55). 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.

Jana Rinaldi, Code Compliance Specialist, presented the staff report noting the Ordinance amendment is necessary in order to comply with State law.

Vice Mayor Hunter opened the public hearing for comment.

No one requested to speak on this item.

Vice Mayor Hunter closed the public hearing for comment.

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 3-0-2 WITH MAYOR KING AND COUNCILMEMBER NAGPAL ABSENT.

10. AMENDMENT TO CITY CODE ARTICLE 15-47 WATER EFFICIENT LANDSCAPES

STAFF RECOMMENDATION:

Conduct a public hearing regarding the State mandated update of the Water Efficient Landscape Ordinance (City Code Article 15-47). 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.

Cynthia McCormick, Assistant Planner, presented the staff report.

Vice Mayor Hunter opened the public hearing for comment.

No one requested to speak on this item.

Vice Mayor Hunter closed the public hearing for comment.

MILLER/PAGE 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 3-0-2 WITH MAYOR KING AND COUNCILMEMBER NAGPAL ABSENT.

11. HEARING TO CONSIDER ADOPTION OF A RESOLUTION OF NECESSITY (EMINENT DOMAIN) FOR ACQUISITION OF AN ADDITIONAL EASEMENT IN PACIFIC GAS & ELECTRIC RIGHT OF WAY FOR JOE’S TRAIL AT SARATOGA DE ANZA.

STAFF RECOMMENDATION:

Adopt a Resolution of Necessity making the appropriate findings and authorizing an amendment to the complaint in eminent domain proceedings for Joe’s Trail at Saratoga De Anza (the “Project”) to acquire an Additional Easement necessary for the Project.

Richard Taylor noted that staff is recommending this item be continued to the next scheduled Council meeting – May 19, 2010, so that Pacific Gas & Electric (PG&E) representatives would have sufficient time to visit the site in order to establish accurate verbiage regarding the City of Saratoga’s desire to acquire an additional easement necessary for the Project. The Project requires the City to acquire an easement in PG&E’s right of way for a pedestrian and bike trail extending approximately 1.6 miles in a generally northwest/southeast direction from Saratoga-Sunnyvale Road to Saratoga Avenue in the City of Saratoga (“Joe’s Trail Easement”). On October 3, 2007, the Saratoga City Council approved the Project. On October 2, 2008, the City filed an eminent domain action to acquire the Joe’s Trail Easement (the “Eminent Domain Action”). The City and PG&E are currently in negotiations to settle the Eminent Domain Action and the City would like to provide PG&E sufficient time to make those findings.

Vice Mayor Hunter opened the public hearing for comment.

No one requested to speak on this item.

Vice Mayor Hunter closed the public hearing for comment.

DIRECTION TO STAFF:

Council directed staff to continue this item to the May 19, 2010 City Council meeting.

OLD BUSINESS

None

NEW BUSINESS

12. CITY COUNCIL SUMMER RECESS

STAFF RECOMMENDATION:

Accept report and direct staff accordingly for the City Council summer recess. The Council may choose one of the following options:

1. Cancel the second meeting only in August – August 18, 2010.
2. Cancel both first and second meetings in August – August 4 and 18, 2010.

Ann Sullivan, City Clerk, presented the staff report.

PAGE/MILLER MOVED TO **CANCEL BOTH FIRST AND SECOND MEETINGS IN AUGUST – AUGUST 4 AND AUGUST 18, 2010, WITH THE OPTION THAT COUNCIL MAY CALL AN EMERGENCY MEETING TOWARDS THE END OF AUGUST, IF NECESSARY.** MOTION PASSED 3-0-2 WITH MAYOR KING AND COUNCILMEMBER NAGPAL ABSENT.

At this time, Vice Mayor Hunter invited students from the various schools to come up on the Dias and introduce themselves.

ADHOC & AGENCY ASSIGNMENT REPORTS

Mayor Kathleen King – absent.

Vice Mayor Jill Hunter – reported:

Library Joint Powers Association – she attended the last meeting and noted that as a result of the last library usage survey, they discovered that Saratoga residents use the Library most often on Monday evenings and less often on Wednesday and Thursday evenings. As a result of this survey, an agreement has been reached with library staff to keep the Library open on Monday evenings and closing earlier on Wednesdays and Thursdays. She added that once an individual has a Saratoga library card, you can visit any library in California and check out items. In addition, she noted that there has been an increase in the rental of DVD's for home entertainment and questions were raised regarding whether or not the library should be investing more in DVD's for patrons, versus more library books, since this DVD trend appears to be increasing.

Councilmember Howard Miller – reported:

Council Finance Committee – he attended the Finance Committee meeting earlier in the evening and noted the Finance Department staff is preparing the 2010/11 budget. He added it will be similar to last year's proposed budget, with additional clarity on Council policies. He added staff has implemented numerous budget cost reductions by reducing staffing hours, training, and other expenses in order to present a draft balanced budget for the next fiscal year.

Councilmember Susie Nagpal – absent.

Councilmember Chuck Page – reported:

Council Finance Committee – he attended the Finance Committee meeting earlier in the evening, along with Councilmember Miller, and noted that the Committee members had reviewed a report that showed on-going activity for both expenses and revenues for the nine months ending March 31, 2010, which would represent 75% of the year. He noted that it is difficult to compare "75%" with a matching expense since many of the expenses are on a cyclical basis, rather than a linear basis. He added if anyone had any questions regarding this report, they should contact the Committee members. He thanked the Finance Department staff for their efforts in putting this report together.

[Councilmember Page also provided an update on the VTA Board and the economical status of the VTA, noting they are experiencing difficult times as a result of the current economy. He noted VTA has purchased some Hybrid buses, funded by grant funds, which may provide a 30 to 40% savings in fuel costs.]

CITY COUNCIL ITEMS

None

CITY MANAGER'S REPORT

None

CITY CLERK'S REPORT

City Clerk, Ann Sullivan, noted that she had received an email from the Santa Clara County Cities Association (SCCCA) informing her that the SCCCA had reinstated the Legislative Action Committee this year and was asked to provide the name of the Council representative that would be serving on this Committee. Ms. Sullivan added the first meeting was scheduled for May 13, 2010 at 6:30PM in Sunnyvale – prior to the Board of Directors meeting.

Council concurred that since Mayor Kathleen King would already be present to attend the SCCCA Board of Directors meeting, she should also be the Legislative Action Committee representative from the City of Saratoga.

ADJOURNMENT

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

PAGE/MILLER MOVED TO **ADJOURN THE REGULAR MEETING AT 7:55 PM.**
MOTION PASSED 3-0-2 WITH MAYOR KING AND COUNCILMEMBER NAGPAL
ABSENT.

Respectfully submitted,

Ann Sullivan, CMC
City Clerk