

## MINUTES

### SARATOGA REGULAR CITY COUNCIL MEETING JUNE 2, 2010

The City Council met in Closed Session in the Administrative Conference Room, 13777 Fruitvale Avenue, at 5:30 p.m.

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

Conference with Legal Counsel – Real Property Negotiation (Gov't. Code Section 54956.8):  
Wildwood Way  
Agency Negotiator: Dave Anderson, City Manager and John Cherbone, Public Works Director

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

Mayor King stated there was no reportable information on Closed Session.

The City Council held a Joint Meeting with Montalvo Arts and Board members 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. in memory of Saratoga resident, Abby Jane Sobrato, and lead the Pledge of Allegiance.

#### **ROLL CALL**

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

ABSENT: Vacant

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

#### **REPORT OF CITY CLERK ON POSTING OF AGENDA**

City Clerk Ann Sullivan reported that pursuant to Government Code Section 54954.2, the agenda for the meeting of June 2, 2010 was properly posted on May 27, 2010.

At this time Mayor King introduced Michael Higgins, Music Director at St. Andrews Episcopal School. Mr. Higgins then introduced the *St. Andrews Concert Choir and Jazz Pop Ensemble*. Eleven members of both groups sang "The National Anthem".

## **COMMUNICATIONS FROM COMMISSIONS & PUBLIC**

Angela McConnell, Villa Montalvo Executive Director, provided a report from the Joint Meeting held at 6 p.m. this evening. She noted Montalvo is about accessibility and relevance in their programming and high artistic quality in everything they do. She added they will be celebrating their centennial in 2012 and looks forward to working with the city and the community to help celebrate this milestone. She stated Montalvo has volunteer opportunities for middle and high school students that are looking to fulfill community service hours; and the summer concert season starts Wednesday, June 9<sup>th</sup>. Ms. McConnell concluded her report by inviting everyone to visit their website at [www.montaloarts.org](http://www.montaloarts.org) for more information.

## **ORAL COMMUNICATIONS**

Citizen Kathleen Casey addressed the Council regarding the US Post Office that once existed in the Village. She also commented on citizen's right to vote and reminded people to vote.

## **DIRECTION TO STAFF**

None

## **ANNOUNCEMENTS**

Vice Mayor Hunter noted that the first ever Saratoga Heritage Day will be held on June 19, 2010, starting at 10AM. There will be 40 characters dressed up in costumes depicting Saratoga's history walking throughout the Village and at 11AM all the characters will be introduced at Blaney Plaza. There will be games at the Historic Museum and other fun festivities. In addition, there will be a character representing Saratoga's first mayor, Burton Brazil, as well as the first female mayor, Linda Callon, (herself), and the first female councilmember, Peggy Corr, (herself) will be attending.

Mayor King noted the Chamber of Commerce is sponsoring a car show on July 24<sup>th</sup> from 10AM to 5PM; and the Chamber of Commerce will have the installation of new officers at a dinner event at Florentines Restaurant on June 17, 2010, from 6 p.m. to 8 p.m.

Councilmember Miller talked about the many camps that are available to kids of all ages through the Recreation Department and invited everyone to check out the Saratoga Recreational Guide or visit the Saratoga website at [www.saratoga.ca.us](http://www.saratoga.ca.us)

Councilmember Page extended his best wishes to all the graduating students from the various schools serving Saratoga.

## **CEREMONIAL ITEMS**

### **1. COMMENDATIONS HONORING FIVE OUTGOING YOUTH COMMISSIONERS**

#### **STAFF RECOMMENDATION:**

Present commendations.

Mayor King read and presented a commendation to Tara Fatemi, Jacob Baker, and Natalie Tkalcevic for their service to the community.

Commissioners Samantha Rao and Elena Rees were absent.

**2. APPOINTMENT OF EIGHT YOUTH COMMISSIONERS AND OATH OF OFFICE**

**STAFF RECOMMENDATION:**

Adopt the attached resolution appointing eight (8) members to the Youth Commission and direct the City Clerk to administer the Oath of Office.

**RESOLUTION NO. 10-027**

City Clerk Ann Sullivan administered the Oath of Office to Sierra Smith, Somya Khare, Anu Sreedhaara, Vikas Nookala, Jane Chang, and Mercedes Chien.

Aditya Dev, Kia Faria, and Kaitlin Finch were absent.

**3. COMMENDATION HONORING THE SARATOGA HIGH SCHOOL CHESS TEAM**

**STAFF RECOMMENDATION:**

Read and present commendation.

Mayor King read and presented the commendation to five members of the Saratoga High School Chess Team.

**4. COMMENDATION HONORING BOB HOPKINS AND THE “SOCCER FOR KIDS WITH SPECIAL NEEDS” PROGRAM**

**STAFF RECOMMENDATION:**

Read and present commendation.

Mayor King read and presented the commendation to Bob Hopkins.

**SPECIAL PRESENTATIONS**

None

**CONSENT CALENDAR**

**5. CITY COUNCIL MEETING MINUTES – MAY 19, 2010**

**STAFF RECOMMENDATION:**

Approve minutes.

Citizen Kathleen Casey removed this item for comment.

Councilmember Miller removed this item requesting clarification regarding the financial support request from SASCC during Public Comments on Item 10 - FY2011/12 Budget. He noted he would like clarification on how the requested funds would be used; to help SASCC with their operating expenses or to help them match money to rebuild their endowment.

Council questioned how to proceed with the granted funding request if the minute clarification states what was said factually and the interpretation of the use of the money is different.

City Attorney Richard Taylor noted that the minutes would reflect what was actually said regarding the funding request and if Council's intent turns out to be incorrect or different from what was actually said at the meeting, Council should get a written MEMO from SASCC explaining the correct situation and how the matching grant funds would be used.

Recreation Director Michael Taylor addressed the Council noting that it was his recollection that at the time the request was made on May 19, 2010, the requestor eluded to the fact that the requested funds would be used to rebuild the nexus of the endowment; which left him with the impression that it was a matching grant to refinance their endowment. However, when he attended the SASCC Board meeting later that week, he noticed that their Budget Summary reflected that the matching grant funds were included in SASCC's operating budget.

**COUNCIL DIRECTION:**

Council directed the City Clerk to listen to the meeting tape again regarding the SASCC request for funding and to bring back a transcript of the discussion at the next meeting to determine more accurately what was said.

Council noted they will be meeting with SASCC in a Joint Meeting on July 21, 2010, and concurred they will resolve the issue at that time, adding that at the May 19, 2010 Budget Public Hearing, Council directed SASCC to provide Council with a financial plan.

**6. TREASURER'S REPORT FOR THE MONTH ENDED APRIL 30, 2010**

**STAFF RECOMMENDATION:**

Review and accept the Treasurer's Report for the month ended April 30, 2010.

PAGE/MILLER MOVED TO **APPROVE TREASURER'S REPORT FOR THE MONTH ENDED APRIL 30, 2010.** MOTION PASSED 4-0-Vacant.

**7. 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:

May 13, 2010

May 20, 2010

PAGE/MILLER MOVED TO **APPROVE CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES; MAY 13, 2010 AND MAY 20, 2010.** MOTION PASSED 4-0-Vacant.

8. **ADOPTION OF FISCAL YEAR 2010/11 OPERATING & CAPITAL BUDGET AND THE ENVIRONMENTAL IMPACT ASSESSMENT FOR NEW CIP PROJECTS**

**STAFF RECOMMENDATION**

1. Adopt resolution approving the Proposed FY 2010/11 Operating and Capital Budgets, directing staff to incorporate within the final adopted budget any changes related to minor corrections, carryforward appropriations, refined estimates, grant approvals, claim reimbursements, pass-through appropriations, or additional direction from Council upon adoption of the budget.

2. Adopt attached Environmental Impact Assessment for new projects included in the FY 2010/11 CIP update.

Citizen Kathleen Casey removed this item for comment.

Councilmember Page removed this item for clarification noting that the Capital Improvement Plan that Council approved at the May 19, 2010 Budget Hearing, did not include the un-funded project list, adding that these are projects that have already been approved by Council; however, they are un-funded. He stated this list is used by City staff as a blue print to apply for grants and to move forward with the project, rather than coming back to Council for approval at the time of grant submittal.

Councilmember Page stated he would like to make a motion that Council amends the CIP Budget to include the un-funded project list as submitted by staff.

**RESOLUTION NO. 10-028**

- PAGE/MILLER MOVED TO **ADOPT THE CANYON VIEW PROJECT IN THE CIP LIST.** MOTION PASSED 3-1-Vacant with Mayor King recusing herself.
- PAGE/MILLER MOVED TO **AMEND THE PROPOSED FY 2010/11 OPERATING AND CAPITAL (CIP) BUDGETS BY ADDING THE UN-FUNDED PROJECT LIST TO THE CIP BUDGET, DIRECT STAFF TO INCORPORATE WITHIN THE FINAL ADOPTED BUDGET ANY CHANGES RELATED TO MINOR CORRECTIONS, CARRYFORWARD APPROPRIATIONS, REFINED ESTIMATES, GRANT APPROVALS, CLAIM REIMBURSEMENTS, PASS-THROUGH APPROPRIATIONS, OR ADDITIONAL DIRECTION FROM COUNCIL UPON ADOPTION OF THE BUDGET.** MOTION PASSED 4-0-Vacant.
- PAGE/HUNTER MOVED TO **ADOPT THE ENVIRONMENTAL IMPACT ASSESSMENT FOR NEW PROJECTS INCLUDED IN THE FY 2010/11 CIP UPDATE.** MOTION PASSED 4-0-Vacant.

9. **FISCAL YEAR 2010/11 GANN APPROPRIATION LIMIT**

**STAFF RECOMMENDATION:**

Adopt resolution approving the Gann Appropriations Limit for FY 2010/11.

Councilmember Miller removed this item for comment.

**RESOLUTION NO. 10-029**

MILLER/PAGE MOVED TO **APPROVE THE GANN APPROPRIATIONS LIMIT FOR FY 2010/11.** MOTION PASSED 4-0-Vacant.

10. **RESOLUTION CALLING THE GENERAL MUNICIPAL ELECTION – NOVEMBER 2, 2010**

**STAFF RECOMMENDATION:**

That City Council adopts the Resolution Calling the General Municipal Election for November 2, 2010.

Citizen Kathleen Casey removed this item for comment.

**RESOLUTION NO. 10-030**

MILLER/PAGE MOVED TO **ADOPT RESOLUTION CALLING THE GENERAL MUNICIPAL ELECTION FOR NOVEMBER 2, 2010.** MOTION PASSED 4-0-Vacant.

Vice Mayor Hunter requested that staff note the 2010 election information on the website.

11. **TRANSPORTATION DEVELOPMENT ACT (TDA) ARTICLE 3 APPLICATION FOR THE SARATOGA AVENUE WALKWAY PROJECT.**

**STAFF RECOMMENDATION:**

Adopt resolution supporting the Metropolitan Transportation Commission's Transportation Development Act Article 3 Pedestrian/Bicycle Grant Application for the Saratoga Avenue Walkway Project.

Citizen Kathleen Casey removed this item for comment.

**RESOLUTION NO. 10-031**

PAGE/HUNTER MOVED TO **ADOPT RESOLUTION SUPPORTING THE METROPOLITAN TRANSPORTATION COMMISSION'S TRANSPORTATION DEVELOPMENT ACT ARTICLE 3 PEDESTRIAN/BICYCLE GRANT APPLICATION FOR THE SARATOGA AVENUE WALKWAY PROJECT.** MOTION PASSED 4-0-Vacant.

## 12. VOIP TELECOMMUNICATION AGREEMENT

### **STAFF RECOMMENDATION:**

1. Accept report and direct staff to enter into an agreement with ZAG Technical Services / 3GC Group to replace the existing PBX telecommunication system with a Voice over Internet Protocol (VoIP) telephone system for the main City Hall buildings, the Joan Pisani Community Center, the Corporation Yard, the Saratoga Area Senior Coordinating Council and the Saratoga Prospect Center.
2. Adopt Budget Resolution to transfer \$55,000 from the IT Equipment Replacement Fund to the CIP Administrative Fund.

Citizen Kathleen Casey removed this item for comment.

### **RESOLUTION NO. 10-032**

PAGE/HUNTER MOVED TO **1) ACCEPT REPORT AND DIRECT STAFF TO ENTER INTO AN AGREEMENT WITH ZAG TECHNICAL SERVICES / 3GC GROUP TO REPLACE THE EXISTING PBX TELECOMMUNICATION SYSTEM WITH A VOICE OVER INTERNET PROTOCOL (VOIP) TELEPHONE SYSTEM FOR THE MAIN CITY HALL BUILDINGS, THE JOAN PISANI COMMUNITY CENTER, THE CORPORATAION YARD, THE SARATOGA AREA SENIOR COORDINATING COUNCIL AND THE SARATOGA PROSPECT CENTER; 2) ADOPT BUDGET RESOLUTION TO TRANSFER \$55,000 FROM THE IT EQUIPMENT REPLACEMENT FUND TO THE CIP ADMINISTRATIVE FUND.** MOTION PASSED 4-0-Vacant.

## 13. SIDE LETTER OF AGREEMENT BETWEEN THE SARATOGA MANAGEMENT ORGANIZATION AND THE CITY OF SARATOGA

### **STAFF RECOMMENDATION:**

Adopt the resolution approving the Side Letter of Agreement between the Saratoga Management Organization (SMO) and the City of Saratoga suspending members' car allowance for fiscal year 2010-2011.

Citizen Kathleen Casey removed this item for comment.

### **RESOLUTION NO. 10-033**

PAGE/HUNTER MOVED TO **ADOPT RESOLUTION APPROVING THE SIDE LETTER OF AGREEMENT BETWEEN THE SARATOGA MANAGEMENT ORGANIZATION (SMO) AND THE CITY OF SARATOGA SUSPENDING MEMBERS' CAR ALLOWANCE FOR FISCAL YEAR 2010-2011.** MOTION PASSED 4-0-Vacant.

## 14. CITY MANAGER VOLUNTARY BENEFITS WAIVER

### **STAFF RECOMMENDATION:**

Authorize the Mayor to sign a letter agreement documenting the City Manager's offer to voluntarily waive certain benefits specified in his employment agreement.

Citizen Kathleen Casey removed this item for comment.

PAGE/HUNTER MOVED TO **AUTHORIZE THE MAYOR TO SIGN A LETTER AGREEMENT DOCUMENTING THE CITY MANAGER'S OFFER TO VOLUNTARILY WAIVE CERTAIN BENEFITS SPECIFIED IN HIS EMPLOYMENT AGREEMENT.** MOTION PASSED 4-0-Vacant.

**PUBLIC HEARINGS**

**15. LANDSCAPING & LIGHTING ASSESSMENT DISTRICT LLA-1 - PUBLIC HEARING, APPROVAL OF ENGINEER'S REPORT, AND CONFIRMATION OF ASSESSMENTS FOR FY 10-11**

**STAFF RECOMMENDATION:**

Move to adopt the Resolution Ordering the Improvements and Confirming the Diagram and Assessments for FY 10-11.

John Cherbone, Public Works Director, presented the staff report.

Mayor King opened the Public Hearing for comment.

Citizen Kathleen Casey requested to speak on this item.

No one else requested to speak on this item.

Mayor King closed the Public Hearing for comment.

**RESOLUTION NO. 10-034**

HUNTER/PAGE MOVED **TO ADOPT THE RESOLUTION ORDERING THE IMPROVEMENTS AND CONFIRMING THE DIAGRAM AND ASSESSMENTS FOR FY 2010/11.** MOTION PASSED 4-0-Vacant.

**16. RESOLUTION ORDERING THE ABATEMENT OF A PUBLIC NUISANCE BY REMOVAL OF HAZARDOUS VEGETATION (Brush)**

**STAFF RECOMMENDATION:**

Open public hearing; listen to public testimony; and close public hearing. Adopt resolution overruling objections and ordering hazardous vegetation abatement (brush).

Ann Sullivan, City Clerk, presented the staff report.

Julie Linney, representative from the Santa Clara County Fire Department, was present to answer questions from Council.

Mayor King opened the public hearing for comment.

The following person requested to speak on this item:

Nancy White addressed the Council regarding specific property that she felt was not in compliance.

No one else requested to speak on this item.

Mayor King closed the Public Hearing for comment.

**RESOLUTION NO. 10-035**

MILLER/PAGE MOVED TO **ADOPT RESOLUTION OVERRULING OBJECTIONS AND ORDERING HAZARDOUS VEGETATION ABATEMENT (BRUSH)**. MOTION PASSED 4-0-Vacant.

**OLD BUSINESS**

None

At this time Mayor King invited four high school students in the audience to come up on the Dias, asked them to introduce themselves and state which school they were from.

**NEW BUSINESS**

17. **INITIATION OF ANNEXATION OF AN APPROXIMATELY 2.68 (GROSS) ACRES PARCEL (APN 503-80-004) LOCATED AT 22480 MOUNT EDEN ROAD. SUBSEQUENT ANNEXATION PROCEEDINGS WILL CONSIDER A PRE-ANNEXATION AGREEMENT, LOT MERGER, WILLIAMSON ACT AGREEMENT, ZONING AMENDMENT (AP-OS OVERLAY), AND A USE PERMIT WITH VARIATION FROM STANDARDS FOR THE OWNER'S ADJACENT 35 ACRE PARCEL.**

**STAFF RECOMMENDATION:**

Approve the attached Resolution thereby initiating annexation proceedings for 22480 Mount Eden Road.

Cynthia McCormick, Assistant Planner, presented the staff report.

Mayor King invited public comment.

No one requested to speak on this item.

**RESOLUTION NO. 10-036**

HUNTER/MILLER MOVED TO **APPROVE THE RESOLUTION INITIATING ANNEXATION PROCEEDINGS FOR 22480 MOUNT EDEN ROAD.** MOTION PASSED 4-0-Vacant.

## **ADHOC & AGENCY ASSIGNMENT REPORTS**

Mayor Kathleen King – reported:

*SCC Cities Association Selection Committee* – will meet next Thursday and noted she is unable to attend the meeting and asked Councilmember Miller if he could attend for her. Councilmember Miller noted he would be able to attend. She noted discussion will occur regarding ABAG and combining city numbers to work as a county. Also, the Cities Association is governed by the Brown Act, noting she attended the last meeting via conference call and had to post the agenda outside her office.

*West Valley Mayors and Managers Association* – she attended the last meeting.

Vice Mayor Jill Hunter – reported:

*Hakone Foundation Board* – she attended the last meeting and noted they have a new membership program underway. She added two gentlemen will be arriving from Japan soon and they will be presented with a merit commendation. She also stated there are two significant events coming up - one on September 2<sup>nd</sup> and the “Night of the Opera” fundraiser event on September 10<sup>th</sup>.

*Historical Foundation* – the Historic Museum is excited about the new plantings and members are hopeful that the Historic Park will be finished by June 19 for an upcoming event.

*Library Joint Powers Association* – she will be attending Thursday’s JPA meeting and noted there is concern that the JPA has cut back on the literacy programs in the County. *SASCC* – she stated the next meeting is on Tuesday, June 8<sup>th</sup>, noting she can only stay for a half hour and hopes the new councilmember will be able to attend the rest of the meeting on her behalf. SASCC has a new multi-cultural board and all are appreciative of the matching grant funds from the City.

Councilmember Howard Miller – reported:

*Council Finance Committee* – he attended the meeting earlier this evening and had nothing to report.

Councilmember Chuck Page – reported:

*Council Finance Committee* – he attended the meeting earlier today and discussed some of the items that were on this evening’s agenda.

*Saratoga Ministerial Association* – he attended the last meeting and noted there were only three members in attendance, as many of the members thought the meeting was cancelled.

## **CITY COUNCIL ITEMS**

Councilmember Miller noted an initiative regarding the Housing Element has been filed with the City Clerk and would like staff to find out what options the City has regarding Election Code 9212, adding he would like this item agendized for the next council meeting.

City Attorney Richard Taylor noted that per Election Code 9212, Council can request a report regarding this filed Initiative and the effects this Initiative would have on the City. He added staff would provide a report on the next scheduled council meeting letting Council know what their options are. He noted he will be preparing a title and summary, which will be given to the presenters of the Initiative.

Mayor King concurred, agendizing this request for the next Council meeting, which is June 16, 2010.

Councilmember Miller noted the Visioning Committee has been working with a consultant regarding the vision of the Village and feels this initiative will affect CH1 (The Village). He voiced his concerns about the Initiative and the Visioning Committee running into a conflict and asked that the visioning process be delayed until after the results of the initiative are known, since the Visioning process for the Village could be mandated by the initiative results.

Mayor King stated that she felt the Visioning Committee, comprised of Councilmembers Miller and Page, could continue with their visioning plan and should provide a report to Council on this plan, if they have one.

Councilmember Howard Miller and Chuck Page said they would therefore request that this item be agendized at the next council meeting.

### **CITY MANAGER'S REPORT**

None

### **ADJOURNMENT**

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

PAGE/MILLER MOVED TO **ADJOURN THE REGULAR MEETING AT 9:05PM.**  
MOTION PASSED 4-0-Vacant.

Respectfully submitted,

Ann Sullivan, CMC  
City Clerk