

MINUTES

SARATOGA REGULAR CITY COUNCIL MEETING JULY 7, 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 – Existing Litigation – Government Code Section 54956.9 (a): (1 Case)

City of Saratoga v. Sumit Dutta and Jaya Dutta, Santa Clara County Superior Court Case No. 1-10-CV-172734

CONFERENCE WITH LEGAL COUNSEL – Anticipated Litigation: Significant exposure to litigation pursuant to Government Code Section 54956.9 (b): (1 potential case)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION – (Government Code Section 54957) Title: City Attorney

MAYOR'S REPORT ON CLOSED SESSION

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

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 Manny Cappello, Chuck Page, Howard Miller,
Vice Mayor Jill Hunter and Mayor Kathleen King

ABSENT: None

ALSO Dave Anderson, City Manager

PRESENT: Richard Taylor, City Attorney
Ann Sullivan, City Clerk
Barbara Powell, Assistant City Manager
Mary Furey, Administrative Services Director
John Livingstone, Community Development Director
Crystal Morrow, Administrative Analyst II

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 July 7, 2010 was properly posted on July 1, 2010.

COMMUNICATIONS FROM BOARDS AND COMMISSIONS

None

COUNCIL DIRECTION TO STAFF

None

ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS

Ann Waltonsmith addressed the Council regarding the California State Park Initiative, which will be on the November 2010 ballot. Ms. Waltonsmith asked Council to consider agendizing and endorsing this Initiative by adopting a resolution of support.

Naomi Nakano, Executive Director for West Valley Community Services, thanked the Council for their continued support and donations.

Michelle Ma, West Valley Community Services representative (WVCS), addressed the Council regarding a WVCS fund raiser – *Taste of Compassion*. WVCS is partnering with restaurants that are interested in participating in this program on a monthly basis, adding that 50% of the proceeds on specified dates will go to WVCS. She invited the Council to participate in the first *Taste of Compassion* event at “Park Place Cupertino” on July 17 and 18th. Ms. Ma invited everyone to visit www.wvcommunityservices.org/taste or call 408-255-8033 for more information or to make reservations.

COUNCIL DIRECTION TO STAFF

Mayor King suggested Ms. Ma include the July 17 and 18th Taste of Compassion date on the City’s Artsopolis Calendar.

Vice Mayor Hunter recommended Council agendize the California State Park Initiative on the next Council meeting agenda. Council concurred.

ANNOUNCEMENTS

Vice Mayor Hunter noted the “Saratoga Swings” event is on July 17, 2010 from 5:30 p.m. to 7:30 in the Bank of America parking lot in the Village.

Councilmember Page noted the annual “Car Show” event is on July 24, 2010 in the Village. In addition, he thanked Captain Terry Calderone, Commander of the Westside Substation of the Santa Clara County Sheriff’s Office, and his deputies for capturing the bicycle bandit that robbed the Comerica Bank in the Village.

Councilmember Cappello reminded everyone of the “Relay for Life” event starting at 10 a.m. July 24 and ending at 10 a.m. on Sunday July 25, 2010, at St. Andrews Church. He noted there are two Saratoga teams that people could sign up for – Taylor and Pisani Team and a team in honor of Susie Nagpal. He added people could visit the American Cancer Society website if they would like to contribute donations or participate in the event.

Councilmember Miller reminded people they could still sign up for summer classes that are available through the Saratoga Recreation Department.

CEREMONIAL ITEMS

1. COMMENDATION HONORING CAPTAIN DON OLSON – SANTA CLARA COUNTY FIRE DEPARTMENT

STAFF RECOMMENDATION:

Read and present commendation.

Mayor King read and presented the commendation to Captain Don Olson. Mrs. Olson, Santa Clara County Fire Department (SCCFD) Chief Ken Waldvogel and members of the SCFD joined Captain Olson on stage for the presentation.

2. COMMENDATION HONORING CAPTAIN BILL MORRISON – SANTA CLARA COUNTY FIRE DEPARTMENT

STAFF RECOMMENDATION:

Read and present commendation.

Mayor King read and presented the commendation to Captain Bill Morrison. Family members, along with SCCFD Chief Ken Waldvogel, joined Captain Morrison on stage for the presentation.

3. COMMENDATION HONORING HAL NETTER – SANTA CLARA COUNTY FIRE DEPARTMENT

STAFF RECOMMENDATION:

Read and present commendation.

Mayor King read and presented the commendation to Fire Inspector Hal Netter. Family members, along with SCCFD Chief Ken Waldvogel, joined Fire Inspector Netter on stage for the presentation.

4. PROCLAMATION RECOGNIZING JULY 2010 AS PARKS AND RECREATION MONTH IN SARATOGA

STAFF RECOMMENDATION:

Read and present the proclamation declaring July 2010 as Parks and Recreation month in Saratoga.

Mayor King read and presented the commendation to Parks and Recreation Commissioner Thomas Soukup.

SPECIAL PRESENTATIONS

None

CONSENT CALENDAR

5. CITY COUNCIL / HOA JOINT MEETING MINUTES – JUNE 16, 2010

STAFF RECOMMENDATION:

Approve minutes.

PAGE/MILLER MOVED TO **APPROVE CITY COUNCIL / HOA JOINT MEETING MINUTES – JUNE 16, 2010.** MOTION PASSED 5-0-0.

6. CITY COUNCIL MEETING MINUTES – JUNE 16, 2010

STAFF RECOMMENDATION:

Approve minutes.

PAGE/MILLER MOVED TO **APPROVE CITY COUNCIL MEETING MINUTES – JUNE 16, 2010.** MOTION PASSED 5-0-0.

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:

June 10, 2010

June 17, 2010

June 24, 2010

PAGE/MILLER MOVED TO **APPROVE CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: JUNE 10, 2010, JUNE 17, 2010, AND JUNE 24, 2010.** MOTION PASSED 5-0-0.

8. TREASURER’S REPORT FOR THE MONTH ENDED MAY 31, 2010

STAFF RECOMMENDATION:

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

PAGE/MILLER MOVED TO **APPROVE TREASURER’S REPORT FOR THE MONTH ENDED MAY 31, 2010.** MOTION PASSED 5-0-0.

9. CITIZEN OPTIONS FOR PUBLIC SAFETY - SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUNDS GRANT (COPS/SLESF)

STAFF RECOMMENDATION:

Adopt resolution authorizing the continued use of the Citizen Options for Public Safety Program’s Supplemental Law Enforcement Services Fund (COPS/SLESF) grant as a source of funds for additional public safety services.

RESOLUTION NO. 10-039

PAGE/MILLER MOVED TO **ADOPT RESOLUTION AUTHORIZING THE CONTINUED USE OF THE CITIZEN OPTIONS FOR PUBLIC SAFETY PROGRAM'S SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND (COPS/SLESE) GRANT AS A SOURCE OF FUNDS FOR ADDITIONAL PUBLIC SAFETY SERVICES.** MOTION PASSED 5-0-0.

10. PROPERTY TAX LEVY FOR DEBT SERVICE PAYMENTS ON THE LIBRARY GENERAL OBLIGATION BONDS

STAFF RECOMMENDATION:

The City Council adopt the attached resolution which sets the FY 2010/11 property tax levy rate for the Library General Obligation Bonds at \$.0094 per \$100 of Assessed Valuation to provide for the Library Bond's debt service requirements over the fiscal year.

RESOLUTION NO. 10-040

PAGE/MILLER MOVED TO **ADOPT RESOLUTION WHICH SETS THE FY 2010/11 PROPERTY TAX LEVY RATE FOR THE LIBRARY GENERAL OBLIGATION BONDS AT \$.0094 PER \$100 OF ASSESSED VALUATION TO PROVIDE FOR THE LIBRARY BOND'S DEBT SERVICE REQUIREMENTS OVER THE FISCAL YEAR.** MOTION PASSED 5-0-0.

11. EXTENSION OF CONTRACT FOR STREET SWEEPING SERVICES

STAFF RECOMMENDATION:

Extend current Street Sweeping Contract with Universal Sweeping Services for one year from July 1, 2010 to June 30, 2011 in the amount of \$100,000.

Vice Mayor Hunter removed this item for comment and clarification.

HUNTER/PAGE MOVED TO **EXTEND CURRENT STREET SWEEPING CONTRACT WITH UNIVERSAL SWEEPING SERVICES FOR ONE YEAR FROM JULY 1, 2010 TO JUNE 30, 2011 IN THE AMOUNT OF \$100,000.** MOTION PASSED 5-0-0.

12. ANNUAL APPROVAL OF THE CITY'S INVESTMENT POLICY

STAFF RECOMMENDATION:

That the City Council review and approve the Investment Policy for Fiscal Year 2010/11.

Councilmember Miller removed this item for comment.

MILLER/PAGE MOVED **TO APPROVE THE INVESTMENT POLICY FOR FISCAL YEAR 2010/11.** MOTION PASSED 5-0-0.

PUBLIC HEARINGS

None

OLD BUSINESS

None

NEW BUSINESS

13. WILDWOOD CINEMA MOVIE NIGHT

STAFF RECOMMENDATION:

Accept report and provide direction on the following items:

1. Parks and Recreation Commission's request that the Council cosponsor Wildwood Cinema Movie Night by waiving City fees, which include park rental, special event permit, and banner fees;
2. Parks and Recreation Commission's request that the Council authorize the Commission to seek partnerships with community organizations, such as the Chamber of Commerce or Saratoga-Monte Sereno Community Foundation, to fund and co-host Wildwood Cinema Movie Night;
3. Parks and Recreation's request to seek donations to cover Wildwood Cinema Movie Night expenses; and
4. Resolution allowing Wildwood Park to stay open until 10:00 p.m. on September 11, 2010.

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

Parks and Recreation Commissioner, Tom Soukup, was present to answer questions presented by Council.

Mayor King invited public comment.

Paul Hernandez requested to speak on this item.

No one else requested to speak on this item.

MILLER/HUNTER MOVED TO 1) COSPONSOR WILDWOOD CINEMA MOVIE NIGHT BY WAIVING CITY FEES, WHICH INCLUDE PARK RENTAL, SPECIAL EVENT PERMIT, AND BANNER FEES FOR A TOTAL OF \$1,300; 2) AUTHORIZE THE COMMISSION TO SEEK PARTNERSHIPS WITH COMMUNITY ORGANIZATIONS, SUCH AS THE CHAMBER OF COMMERCE OR SARATOGA-MONTE SERENO COMMUNITY FOUNDATION, TO FUND AND CO-HOST WILDWOOD CINEMA MOVIE NIGHT; AND 3) ADOPT RESOLUTION ALLOWING WILDWOOD PARK TO STAY OPEN UNTIL 10:00PM ON SEPTEMBER 11, 2010. MOTION PASSED 5-0-0.

Council did not grant approval of the Parks and Recreation Commission seeking donations to cover Wildwood Cinema Movie Night expenses; however, they did encourage the Commission to find a group of independent citizens to help raise funds and to put on the event.

STAFF DIRECTION:

Council recommended the Parks and Recreation Commission work with the Santa Clara County Sheriff's Westside Substation to provide additional security at the event on September 11, 2010.

14. **DISCUSSION OF ISSUES RELATED TO TREES**

STAFF RECOMMENDATION:

1. Provide Staff with direction on Heritage Trees and how they should be considered in the code.
2. Provide Staff with direction on planting 2,015 trees by 2015 and a Community based tree planting partnership.
3. Provide Staff with direction about the appeal process for a tree removal permit application.

John Livingstone, Community Development Director, presented the staff report.

At this time Mayor King invited three Boy Scouts that were in the audience as a requirement of their Troop to advance in rank, to join the Council on stage. The Boy Scouts came up on stage, introduced themselves, and left the stage.

Mayor King invited public comment.

The following people requested to speak on this item:

Jim Stallman
Jenny Young Taylor
Paul Hernandez
Nancy Kirk

No one else requested to speak on this item.

Mayor King declared a break at 9:05PM

Mayor King reconvened the meeting at 9:15PM

MILLER/PAGE MOVED TO 1) FORM AN ADHOC COMMITTEE CONSISTING OF VICE MAYOR JILL HUNTER AND COUNCILMEMBER MANNY CAPPELLO WITH THE STATED PURPOSE OF UNDERSTANDING NEIGHBORING OR SIMILAR CITIES WITHIN CALIFORNIA RULES, CRITERIA, AND PROCESS FOR DECLARING HERITAGE TREES; 2) LOOK AT VARIOUS APPEALS PROCESSES; AND 3) AUTHORIZE STAFF TO PURSUE GRANTS THAT WOULD HELP TO IMPROVE THE TREE FUND. MOTION PASSED 5-0-0.

At this point, Mayor King noted she would like to move Item 16 ahead of Item 15. Council concurred.

15. **PROPOSED APPLICATION FOR GRANT FUNDS THROUGH SANTA CLARA COUNTY'S TOBACCO PREVENTION AND CONTROL PROGRAM**

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.

PAGE/MILLER MOVED TO: **1) DIRECT STAFF TO APPLY FOR A GRANT FROM THE \$6. MILLION TWO-YEAR AMERICAN RECOVERY AND REINVESTMENT ACT FUNDS TO REDUCE ADULT AND YOUTH SMOKING WITH COUNCIL GUIDANCE AND INPUT; 2) INCLUDE SPECIFICATIONS THAT GRANT APPLICATION INCLUDES: CREATION OF A POLICY TO PROHIBIT SMOKING IN PARKS AND OTHER SPECIFIED PUBLIC AREAS; 3) SOCIAL / MEDIA MARKETING; 4) TWO (2) YEARS OF CODE ENFORCEMENT; AND 5) NON-SMOKING EDUCATIONAL OPPORTUNITIES.** MOTION PASSED 5-0-0.

16. ALTERNATIVE SITES FOR LIVE KSAR BROADCAST OF PUBLIC MEETINGS

STAFF RECOMMENDATION:

Review report and provide direction to staff regarding:

1. Whether live video and audio broadcast of public meetings is a requirement for an alternate meeting location or if a tape delay broadcast is an acceptable option;
2. A preferred alternate location for holding public meetings;
3. Whether staff should seek funding from the KSAR 15 Trust Fund to pay for all or a portion of site improvements associated with an alternate broadcast location.

Barbara Powell, Assistant City Manager, presented the staff report on behalf of Recreation Director Michael Taylor.

David Lee, KSAR Station Manager and Tom Moran, KSAR Board Chair and volunteer for KSAR, were present to provide technical support regarding questions asked by Council.

Mayor King invited public comment.

No one requested to speak on this item.

Vice Mayor Hunter thanked both David Lee for his dedication to KSAR and Tom Moran for his 15 years of volunteer service to help broadcast so many events in the City.

Mayor King noted she would like to see other live broadcasting alternatives for City Council meetings in the future.

There was no direction to Staff on this item.

ADHOC & AGENCY ASSIGNMENT REPORTS

Mayor Kathleen King – Reported:

West Valley Mayors and Managers (WVMM) – met at West Valley College for their last meeting and participated in a tour of the new Fox Technology Center. The July WVMM meeting will be held at the Mountain Winery.

Vice Mayor Jill Hunter – had nothing to report on her Committee/Adhoc assignments. She did note that she had a very productive meeting with Mr. Amit Nagpal regarding the floral garden in Susie Nagpal's memory, which will be located near the intersection of Fruitvale and Allendale Avenue.

Councilmember Howard Miller – Reported:

Council Finance Committee – met at 8AM on Tuesday of this week.

Initiative Adhoc – has had several very productive meetings and noted that as a result of those meetings, an Initiative Ballot Measure will be put forth to the citizens of Saratoga on November 2, 2010. He added the Planning commission will meet jointly with the City Council at 6PM on July 21, which will be broadcast live, and will bring their ballot recommendation to the 7PM City Council Regular meeting. The Council will then vote at that meeting to decide if they want to place the recommended Measure on the November ballot and Council may then decide who will write the Measure pro-statement and rebuttal statement, which would be included in the ballot.

West Valley Transportation Authority PAC –meeting was cancelled.

Councilmember Chuck Page – Reported:

Saratoga Ministerial Association – he was unable to attend the meeting on Tuesday of this week.

Council Finance Committee – met last week.

Initiative ADHOC – has had two very productive meetings resulting in significant positive results. The Council will be participating in a Joint meeting with the Planning Commission on July 21 at 6PM in the Civic Theater to make final Initiative recommendations.

As a member on the VTA Board, Councilmember Page reported that there is a proposed ballot measure whereby each county could impose a \$10 fee on automobile licenses and this money could only be used for transportation costs. Many counties conducted a survey to see the general acceptance of this imposed fee and the response was very positive. He added the VTA Board passed this unanimously and this measure will be on the November 2010 ballot.

Councilmember Manny Cappello – Reported:

SASCC – he attended the last meeting and noted a budget was presented; however, it was not a balanced budget. The proposed budget included reductions in payroll, administrative costs, and increases in revenue areas (including the \$30K matching grant from the City and the expected \$30K in matching donations. He added the budget excluded investment revenue potential. Fund raising activities include: parking lot/garage sale on July 31 and Paper Shredding service.

Sister City Liaison – the Board met Tuesday of this week. Three exchange students will be arriving on August 9th from Muko Shi, Japan. He noted the students, along with their host families, will be participating in various events during their 10 day visit to Saratoga. He extended an invitation to everyone to help welcome the exchange students on August 13th during a formal reception at City Hall.

CITY COUNCIL ITEMS

Mayor Kathleen King stated she would like staff to add the three new Adhoc Committees to the Council Agency Assignment list: Initiative Adhoc, Tree Adhoc, and Susie's Garden Adhoc.

CITY MANAGER'S REPORT

None

ADJOURNMENT

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

KING/PAGE MOVED TO **ADJOURN THE REGULAR MEETING AT 11:25 PM AND TO PROCEED TO THE ADMINISTRATIVE CONFERENCE ROOM TO CONTINUE WITH THE SCHEDULED CLOSED SESSION ITEMS.** MOTION PASSED 5-0-0.

Respectfully submitted,

Ann Sullivan, CMC
City Clerk