

## MINUTES

### SARATOGA REGULAR CITY COUNCIL MEETING SEPTEMBER 1, 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

PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Gov't. Code 54957)

Title: City Manager

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

Mayor King announced that Council was unable to address all the items scheduled for Closed Session during the 5:30 to 6:00PM meeting and Closed Session would be continued in the Administrative Conference Room after the conclusion of the 7:00PM Regular Meeting.

Mayor King called the Regular City Council meeting to order at 7:00PM and led 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  
John Cherbone, Public Works Director  
John Livingstone, Community Development Director  
Michael Fossati, Assistant Planner  
Rina Shah, Planning Technician

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

(Pursuant to Gov't. Code 54954.2, the agenda for this meeting was properly posted on August 27, 2010.

## **COMMUNICATIONS FROM BOARDS AND COMMISSIONS**

Joan Gomersall, Chair of the Heritage Preservation Commission (HPC), provided a short synopsis of their Joint meeting with the City Council prior to the Regular meeting. She noted the HPC completed the Heritage Inventory update, reviewed and provided historical value for nine properties, completed the certification of the Local Government Annual Report that is required by the State Office of Historic Preservation, and provided assistance to City staff on the HPC website design. She added the HPC goals for the upcoming year included applying for a Santa Clara County Historical Heritage Commission grant for the Heritage Orchard Sign, pursuing the preservation of the Carlson House, and completing the form to place the Hakone Gardens on the National Register of Historic places.

Bob Himel, President of Saratoga Historical Foundation, provided a brief synopsis of the Foundation's accomplishments for the current year and plans for the upcoming year. He noted the Foundation is a volunteer organization and is dedicated to preserving and presenting Saratoga's unique history. He added the Foundation would be holding a fund raiser at Garrod Ranch towards the end of September and invited members of the Council to attend the event. He noted people could visit their website at [www.saratogahistory.com](http://www.saratogahistory.com) for more information. Family memberships are \$40 annually and people can apply for memberships on line.

### **COUNCIL DIRECTION TO STAFF**

None

### **ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS**

Denise Goldberg thanked the Council for funding the September 11, 2010 Movie in the Park at Wildwood Park. She noted food and music would be available starting at 5:00PM and the movie "National Treasure" would start at 7:30PM.

### **COUNCIL DIRECTION TO STAFF**

None

### **ANNOUNCEMENTS**

Vice Mayor Jill Hunter noted the Smithsonian's National Institute of the American Indian would be at Hakone Gardens on September 2. In addition, she invited everyone to participate in the Autumn Opera at Hakone on September 10<sup>th</sup> from 6:30 to 9:30PM.

Councilmember Chuck Page announced that the Los Gatos/Saratoga Assistance League would be holding their annual fundraiser at the Saratoga Foothill Club on September 11<sup>th</sup>. In addition, he noted that Sacred Heart is hosting a carnival on the weekend of September 25 and 26<sup>th</sup> at Sacred Heart.

Mayor Kathleen King invited everyone to the Chamber's annual Art & Wine Festival on September 25 and 26 from 10:00AM to 6:00PM on Big Basin Way.

### **CEREMONIAL ITEMS**

#### **1. COMMENDATION HONORING ANURADHA SRIDHAR**

##### **STAFF RECOMMENDATION:**

Read and present commendation.

Mayor King read and presented the commendation to musician Anuradha Sridhar, who was joined on stage by members of her family and friends. Mia, a student of Ms. Sridhar sang an Indian song.

### **SPECIAL PRESENTATIONS**

#### **2. 2010 US CENSUS BUREAU CERTIFICATE OF APPRECIATION**

##### **STAFF RECOMMENDATION:**

Listen to a short presentation by Vince Khanna, US Census 2010 Outreach representative and receive Certificate of Appreciation.

Vince Khanna, representative of the US Census Bureau, addressed the Council regarding the 2010 Census taking and thanked the City and staff for their help in assisting with the census taking. He presented the Council with a Certificate of Appreciation.

### **CONSENT CALENDAR**

#### **3. CITY COUNCIL STUDY SESSION MINUTES – JUNE 24, 2010**

##### **STAFF RECOMMENDATION:**

Approve minutes.

PAGE/MILLER MOVED TO **APPROVE CITY COUNCIL STUDY SESSION MINUTES – JUNE 24, 2010.** MOTION PASSED 5-0-0.

#### **4. CITY COUNCIL SPECIAL MEETING MINUTES – JULY 19, 2010**

##### **STAFF RECOMMENDATION:**

Approve minutes.

PAGE/MILLER MOVED TO **APPROVE CITY COUNCIL SPECIAL MEETING MINUTES – JULY 19, 2010.** MOTION PASSED 5-0-0.

#### **5. CITY COUNCIL SPECIAL MEETING MINUTES – JULY 21, 2010**

##### **STAFF RECOMMENDATION:**

Approve minutes.

PAGE/MILLER MOVED TO **APPROVE CITY COUNCIL SPECIAL MEETING MINUTES – JULY 21, 2010.** MOTION PASSED 5-0-0.

6. **CITY COUNCIL MEETING MINUTES – JULY 21, 2010**

**STAFF RECOMMENDATION:**

Approve minutes.

PAGE/MILLER MOVED TO **APPROVE CITY COUNCIL MEETING MINUTES – JULY 21, 2010.** MOTION PASSED 5-0-0.

7. **REFUNDING THE 2001 GENERAL OBLIGATION BONDS**

**STAFF RECOMMENDATION:**

Review report and direct staff to issue Request for Qualifications or Request for Proposals (RFQ/RFP) for refunding the 2001 General Obligation (GO) Bonds.

PAGE/MILLER MOVED TO **DIRECT STAFF TO ISSUE REQUEST FOR QUALIFICATIONS OR REQUEST FOR PROPOSALS (RFQ/RFP) FOR REFUNDING THE 2001 GENERAL OBLIGATION (GO) BONDS.** MOTION PASSED 5-0-0.

8. **APPROPRIATION OF MATCHING FUNDS FOR GRANT FUNDED PROJECTS**

**STAFF RECOMMENDATION:**

Approve Budget Resolution for Grant Funded Projects.

**RESOLUTION NO: 10-050**

PAGE/MILLER MOVED TO **APPROVE BUDGET RESOLUTION FOR GRANT FUNDED PROJECTS.** MOTION PASSED 5-0-0.

9. **RESOLUTION AMENDING COUNCIL AGENCY AND ADHOC COMMITTEE LIAISON ASSIGNMENTS**

**STAFF RECOMMENDATION:**

Adopt resolution amending Resolution 10-045 appointing Council representatives to Committees, Agencies and Adhoc Committees.

**RESOLUTION NO: 10-051**

PAGE/MILLER MOVED TO **ADOPT RESOLUTION AMENDING RESOLUTION 10-045 APPOINTING COUNCIL REPRESENTATIVES TO**

**COMMITTEES, AGENCIES AND ADHOC COMMITTEES.** MOTION  
PASSED 5-0-0.

**10. PARKER RANCH UPPER TANK TRAIL EASEMENT RELOCATION ON TWO PROPERTIES**

**STAFF RECOMMENDATION:**

Saratoga Country Club:

1. Accept Offer of Dedication for a Pedestrian and Equestrian Trail Easement on Saratoga Country Club property located at 21990 Prospect Road (APN 366-29-007).
2. Adopt Resolution Accepting Offer of Dedication and Abandonment of the Existing Trail Easement on the same property.

Parker Ranch Open Space:

3. Accept Offer of Dedication for a Pedestrian and Equestrian Trail Easement on the Parker Ranch Open Space (Parcel D of Tract 6528).
4. Adopt Resolution Accepting Offer of Dedication and Abandonment of the Existing Trail Easement on the same property.

Councilmember Manny Cappello recused himself from discussing and voting on this item due to a conflict of interest.

**RESOLUTION NO: 10-052**

Saratoga Country Club

PAGE/MILLER MOVED TO: **1. ACCEPT OFFER OF DEDICATION FOR A PEDESTRIAN AND EQUESTRIAN TRAIL EASEMENT ON SARATOGA COUNTRY CLUB PROPERTY LOCATED AT 21990 PROSPECT ROAD (APN 366-29-007); AND 2. ADOPT RESOLUTION ACCEPTING OFFER OF DEDICATION AND ABANDONMENT OF THE EXISTING TRAIL EASEMENT ON THE SAME PROPERTY.** MOTION PASSED 4-0-1 WITH CAPPELLO ABSTAINING.

**RESOLUTION NO: 10-053**

Parker Ranch Open Space

PAGE/MILLER MOVED TO: **3. ACCEPT OFFER OF DEDICATION FOR A PEDESTRIAN AND EQUESTRIAN TRAIL EASEMENT ON THE PARKER RANCH OPEN SPACE (PARCEL D OF TRACT 6528); AND 4. ADOPT RESOLUTION ACCEPTING OFFER OF DEDICATION AND ABANDONMENT OF THE EXISTING TRAIL EASEMENT ON THE SAME PROPERTY.** MOTION PASSED 4-0-1 WITH CAPPELLO ABSTAINING.

**11. COOPERATIVE AGREEMENT WITH SCVWD – CALABAZAS CREEK REPAIR AT PADERO COURT**

**STAFF RECOMMENDATION:**

1. Approve the Cooperative Agreement between the City of Saratoga and the Santa Clara Valley Water District for Stream Bank Erosion and Storm Drain Outfall Repair

along Calabazas Creek at Padero Court and authorize the City Manager to execute the same.

2. Approve attached budget resolution.

**RESOLUTION NO: 10-054**

PAGE/MILLER MOVED TO **1.) APPROVE THE COOPERATIVE AGREEMENT BETWEEN THE CITY OF SARATOGA AND THE SANTA CLARA VALLEY WATER DISTRICT FOR STREAM BANK EROSION AND STORM DRAIN OUTFALL REPAIR ALONG CALABAZAS CREEK AT PADERO COURT AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE SAME; AND 2.) APPROVE ATTACHED BUDGET RESOLUTION.**  
MOTION PASSED 5-0-0.

**PUBLIC HEARINGS**

**12. ZONING ORDINANCE AMENDMENT TO ARTICLE 11-15 TO PROHIBIT SMOKING IN CITY OF SARATOGA PARKS**

**STAFF RECOMMENDATION:**

Conduct a public hearing considering proposed amendment to adopt Article 11-15 of the City Code to prohibit smoking in City parks. Close the public hearing, 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.

Community Development Director John Livingstone presented the staff report.

Mayor King opened the Public Hearing and invited public comment.

The following people requested to speak on this item:

Janet Ghanem, representative of Breathe California, applauded the Council for agendaizing this item and spoke in support of the proposed ordinance. She noted Breathe California has funding available for signage and offered to help provide signage funding for this program.

Lorna Sumaraga, Health Educator with the Santa Clara County (SCC) Public Health Department, spoke in support of the proposed ordinance.

Victoria Bourdon, representative from SCC Public Health Department, spoke in support of the proposed ordinance.

Daniel Garcia, a senior at Fremont High School, spoke in support of the proposed ordinance.

No one else requested to speak on this item.

Mayor King closed the public hearing.

PAGE/MILLER MOVED TO **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.** MOTION PASSED 5-0-0.

**OLD BUSINESS**

**13. EXTENSION OF THE CONDITIONAL USE PERMIT (CUP) REIMBURSEMENT INCENTIVE PROGRAM UP TO JUNE 30, 2011**

**STAFF RECOMMENDATION:**

Direct staff on one of the following:

- 1) End the CUP reimbursement incentive program and allow the three approved businesses to be reimbursed if open by June 30, 2011.
- 2) Extend the reimbursement incentive program to accommodate a fifth business, if open by June 30, 2011.
- 3) Extend the CUP reimbursement incentive program to allow conditional use permit fees to be refunded for an additional sixth business if open by June 30, 2011.

Rina Shah, Planning Technician, presented the staff report.

Mayor King invited public comment.

No one requested to speak on this item.

MILLER/PAGE MOVED TO **EXTEND THE CUP REIMBURSEMENT INCENTIVE PROGRAM TO ALLOW CONDITIONAL USE PERMIT FEES TO BE REFUNDED FOR AN ADDITIONAL SIXTH BUSINESS IF OPENED BY JUNE 30, 2011.** MOTION PASSED 5-0-0.

**DIRECTION TO STAFF:**

Place this item on the Council Retreat Agenda for additional discussion and to the Agenda Planner for Council discussion in May or June 2011.

8:20PM: At this time Councilmember Miller invited a Prospect High School student from the audience up on stage for recognition and confirmation of student's attendance as required for a government class assignment.

**NEW BUSINESS**

**14. PROPOSED CITY PARTICIPATION IN A WEST VALLEY COLLEGE STUDY OF THE CARLSON HOUSE**

**STAFF RECOMMENDATION:**

Direct staff accordingly

Michael Fossati, Assistant Planner, presented the staff report.

Paul Conrado, Heritage Preservation Commissioner, was present to answer questions asked by Council. He noted the Saratoga Rotary would like to be a participant in the exploratory study concerning the future of the Carlson House.

Mayor King invited public comment.

No one requested to speak on this item.

**PAGE/MILLER MOVED TO ALLOCATE UP TO \$16K FROM COUNCIL'S DISCRETIONARY FUND TO PARTICIPATE IN AN EXPLORATORY STUDY CONCERNING THE FUTURE OF THE CARLSON HOUSE CONTINGENT ON THE OTHER STAKE HOLDERS COMMITMENT.**  
MOTION PASSED 5-0-0.

**DIRECTION TO STAFF:**

Schedule a site visit for the City Council prior to bringing this item back for additional Council discussion. Invite Paul Conrado to join the Council at the site visit.

**ADHOC & AGENCY ASSIGNMENT REPORTS**

Mayor Kathleen King – reported:

*SCC Cities Association Selection Committee* – Executive Committee met earlier today. She noted the Committee will be reviewing the VTA License Initiative at the next meeting as well as addressing suicide prevention in Palo Alto. She added they are also accepting nominations for three positions on the board that will be available at the end of 2010.

*West Valley Mayors and Managers Association* – She noted members of the Association were very impressed with the Saratoga restaurants that they visited and dined in this year.

Vice Mayor Jill Hunter – reported:

*Tree Adhoc* - She and Councilmember Cappello have been meeting with City Arborist Kate Bear regarding saving Heritage Trees.

Councilmember Howard Miller – reported:

*Council Finance Committee* – met earlier this evening and they discussed Item No. 7 on this evening's agenda – 2001 General Obligation Bonds.

Councilmember Chuck Page – reported:

*West Valley Sanitation District* – that he attended the last meeting. He noted at the next meeting they will be discussing the stipend that the Sanitation Commission receives.

Councilmember Manny Cappello – reported:

*Chamber of Commerce* – is organizing a forum to discuss Measure Q scheduled on September 29.

*Santa Clara County Emergency Council* – The Emergency Council has been doing a significant amount of emergency preparedness between the cities in the County. Citizens can go to [www.alertscc.com](http://www.alertscc.com) for more information on this topic and to sign up for notification of emergencies in the County or in specific cities within the County.

Councilmember Cappello announced that the family of Susie Nagpal is conducting a 5K and 10K run/walk fundraiser in honor of Susie Nagpal on Saturday, September 18, 2010. The monies raised will be donated to the Bonnie J. Addario Lung Cancer Foundation. Interested participants that sign up before the 10<sup>th</sup> of September will be given a free t-shirt.

### **CITY COUNCIL ITEMS**

Councilmember Miller recommended agendaizing for discussion CUP funding and business descriptions at the January 2011 City Council Retreat.

Mayor King noted she would like to schedule the Full Circle Farms representative for a presentation at a future Council meeting.

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

None

### **ADJOURNMENT**

Mayor King announced there was no additional business for the Regular Meeting and stated Council and City Manager Dave Anderson would be proceeding to the Administrative Conference Room immediately after the Regular meeting to continue with scheduled Closed Session items.

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 9:00PM AND PROCEED TO THE ADMINISTRATIVE CONFERENCE ROOM TO CONTINUE DISCUSSION OF CLOSED SESSION ITEMS.** MOTION PASSED 5-0-0.

Respectfully submitted,

Ann Sullivan, CMC  
City Clerk