

## MINUTES

### SARATOGA REGULAR CITY COUNCIL MEETING SEPTEMBER 15, 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 - REAL PROPERTY NEGOTIATION (Gov't Code Section 54956.8):  
[APN 503-24-016] Agency Negotiator: Dave Anderson, City Manager.

CONFERENCE - REAL PROPERTY NEGOTIATION (Gov't Code Section 54956.8):  
[APN 389-29-007] Agency Negotiator: Dave Anderson, City Manager.

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

Mayor King stated there was no reportable information from the Closed Session.

The City Council held a Joint Meeting with Assemblymember Jim Beall 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. and stated this evening's meeting would be dedicated to the memory of Public Works Director John Cherbone's mother, who passed away on September 9, 2010.

Mayor King asked Jim Beall to lead the Pledge of Allegiance.

#### **ROLL CALL**

PRESENT: Councilmembers Manny Cappello, Howard Miller, Vice Mayor  
Jill Hunter and Mayor Kathleen King

ABSENT: Chuck Page

ALSO Dave Anderson, City Manager

PRESENT: Richard Taylor, City Attorney  
Ann Sullivan, City Clerk  
Barbara Powell, Assistant City Manager  
Iveta Harvancik, Acting 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 54954.2, the agenda for the meeting of September 15, 2010 was properly posted on September 10, 2010.

## **COMMUNICATIONS FROM BOARDS AND COMMISSIONS**

Council met with Assemblymember Jim Beall in a Joint Meeting at 6:00 p.m. prior to the Regular meeting. Mr. Beall provided a short synopsis of his meeting with the City Council. Mr. Beall spoke about the Tax Equity Allocation (TEA) funds, noting that Saratoga is one of only four cities in the State of California that receives less than 7 percent of the property tax collected in the City. He added he is working on a Legislative solution that would help increase the collected property taxes to be equal to all the other cities in the State.

Mayor King thanked Assembly member Beall for all that he has done for the City of Saratoga while he was a member of the Santa Clara County Board of Supervisors and now as the community's elected Assembly member.

## **COUNCIL DIRECTION TO STAFF**

None

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

Linda Rodgers, Saratoga resident, and member of the El Camino Hospital Foundation Board, provided the Council with an update on the newly opened El Camino Hospital in Los Gatos. She noted the hospital recently opened the Rehabilitation Center on Dardanelli Lane located near the main hospital. She invited the Council and the public to an open house reception at the Center on Wednesday, September 22, 2010 from 5:30 to 7:30 p.m.

Emily Lo addressed the Council regarding the Chamber-sponsored two day Art and Wine Festival on September 25 and 26, 2010 from 10:00 a.m. to 6:00 p.m. and invited everyone to participate in the festivities.

## **COUNCIL DIRECTION TO STAFF**

None

## **ANNOUNCEMENTS**

Councilmember Cappello invited everyone to participate in the "Stride for Susie Nagpal" 5 or 10K walk/run fund raiser event on Sunday, September 19, 2010. The event starts at 8:00 a.m. with a celebration from 10:00 to 11:00 a.m. in downtown Saratoga. All monies raised will go towards cancer research.

Councilmember Miller noted that due to a prior commitment he would be leaving early this evening.

Vice Mayor Hunter noted the Saratoga Historic Foundation is having their annual fundraiser dinner at the Garrod Ranch on September 19, 2010 at 4:00 p.m. She noted there will be a fantastic silent auction and all proceeds will go to the Historic Museum.

**CEREMONIAL ITEMS**

**1. RECOGNITION OF MOVE-IT SARATOGA PARTICIPANTS**

**STAFF RECOMMENDATION:**

Recognize MOVE-IT Saratoga participants and present them with certificates of completion.

**SPECIAL PRESENTATIONS**

None

**CONSENT CALENDAR**

**2. 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:  
July 15, 2010; July 23, 2010; August 5, 2010; August 13, 2010; August 16, 2010; August 19, 2010; August 31, 2010 and September 1, 2010

**MILLER/HUNTER MOVED TO ACCEPT THE CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: JULY 15, 2010; JULY 23, 2010; AUGUST 5, 2010; AUGUST 13, 2010; AUGUST 16, 2010; AUGUST 19, 2010; AUGUST 31, 2010 AND SEPTEMBER 1, 2010.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER PAGE ABSENT.

**3. TREASURER'S REPORT FOR THE MONTH ENDED JUNE 30, 2010**

**STAFF RECOMMENDATION:**

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

**MILLER/HUNTER MOVED TO ACCEPT THE TREASURER'S REPORT FOR THE MONTH ENDED JUNE 30, 2010.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER PAGE ABSENT.

**4. ADOPT RESOLUTION AMENDING THE CITY OF SARATOGA'S CONFLICT OF INTEREST CODE.**

**STAFF RECOMMENDATION:**

Accept report and adopt attached Resolution.

**RESOLUTION NO. 10-055**

**MILLER/HUNTER MOVED TO ADOPT RESOLUTION AMENDING THE CITY OF SARATOGA'S CONFLICT OF INTEREST CODE.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER PAGE ABSENT.

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

**STAFF RECOMMENDATION:**

Staff recommends the Council waive the Second Reading and adopt the Ordinance amending the Zoning Regulations related to Smoking in City of Saratoga Parks.

**ORDINANCE NO. 280**

MILLER/HUNTER MOVED **TO WAIVE THE SECOND READING AND ADOPT THE ORDINANCE AMENDING THE ZONING REGULATIONS RELATED TO SMOKING IN CITY OF SARATOGA PARKS.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER PAGE ABSENT.

**6. FY 2010 – 2011 CDBG COUNTY/CITY CONTRACT**

**STAFF RECOMMENDATION:**

Adopt a Resolution authorizing the City Manager to execute a \$485,874.22 contract with Santa Clara County for the FY 2010-2011 CDBG Program.

Mayor King removed this item for clarification. She raised the issue regarding the Carry-Over (Unused Funds) Projects from Prior Years and recommended Council look at this item to see if they should reconsider how they use this funding or find a way to carry the unused funds forward.

Cynthia McCormick noted the majority of the unused funds are in the ADA Projects and those funds are expected to be spent by the end of this year. With regard to the two SHARP funds, the County recommended the City transfer these funds to the County. Ms McCormick stated Saratoga residents would continue to have access to these funds and the unincorporated areas in Saratoga would also have access to these funds. She added if Council agreed with the County's recommendation to transfer the funds to the County, her recommendation would be that Council authorize the City Manager to send a letter to the Santa Clara County Board of Supervisors authorizing the transfer of funds from the two SHARP programs to the County.

**RESOLUTION NO. 10-056**

KING/HUNTER MOVED TO 1) **ADOPT A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A \$485,874.22 CONTRACT WITH SANTA CLARA COUNTY FOR THE FY 2010-2011 CDBG PROGRAM; AND 2) AUTHORIZE THE CITY MANAGER TO SEND A LETTER TO THE SANTA CLARA COUNTY BOARD OF SUPERVISORS OFFERING THE TRANSFER OF FUNDS FROM THE TWO SHARP PROGRAMS (2004 AND 2005) TO THE COUNTY.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER PAGE ABSENT.

**7. RELEASE OF DEFERRED IMPROVEMENT AGREEMENT**

**STAFF RECOMMENDATION:**

Move to adopt the Resolution of Satisfaction and Release of Deferred Improvement Agreement between the City of Saratoga and Dr. Gregory T. Fox and Sisters of Notre Dame De Namur, California Province, Incorporated.

**RESOLUTION NO. 10-057**

KING/HUNTER MOVED TO ADOPT THE RESOLUTION OF SATISFACTION AND RELEASE OF DEFERRED IMPROVEMENT AGREEMENT BETWEEN THE CITY OF SARATOGA AND DR. GREGORY T. FOX AND SISTERS OF NOTRE DAME DE NAMUR, CALIFORNIA PROVINCE, INCORPORATED. MOTION PASSED 4-0-1 WITH COUNCILMEMBER PAGE ABSENT.

**8. PROPOSITION 116 CERTIFICATION**

**STAFF RECOMMENDATION:**

Move to adopt the Resolution certifying that no additional state funding shall be requested associated with hazardous waste removal as part of construction of the Highway 9 Safety Improvement Project, Phase III.

**RESOLUTION NO. 10-058**

Mayor King removed this item for clarification.

KING/MILLER MOVED TO ADOPT THE RESOLUTION CERTIFYING THAT NO ADDITIONAL STATE FUNDING SHALL BE REQUESTED ASSOCIATED WITH HAZARDOUS WASTE REMOVAL AS PART OF CONSTRUCTION OF THE HIGHWAY 9 SAFETY IMPROVEMENT PROJECT, PHASE III. MOTION PASSED 4-0-1 WITH COUNCILMEMBER PAGE ABSENT.

**PUBLIC HEARINGS**

None

**OLD BUSINESS**

None

**NEW BUSINESS**

None

At 7:25 p.m. Mayor King invited 10 high school students up on stage to be recognized for their high school classroom assignment.

**ADHOC & AGENCY ASSIGNMENT REPORTS**

Mayor Kathleen King – reported:

*Hakone Foundation Executive Committee* – The Smithsonian Institute and Autumn Opera events were a great success. Executive Director Lon Saavedra was present and thanked the Mayor and Council for their support of the Hakone Foundation. He also noted the September Executive Board meeting has been moved to October due to the unavailability of several of the Board members in September.

*SCC Cities Association Selection Committee* – She attended the last meeting and Marty Fenstersheib addressed the group regarding the \$6.9 million dollar tobacco grant the County received. This grant can only be used for creating policies and programs to reduce the use of tobacco. Each city in the County would be allocated funds from this grant to implement no smoking programs and adopt ordinances restricting the use of tobacco.

*West Valley Mayors and Managers Association* – A representative from Santa Clara County will be attending the next scheduled meeting to speak to the group regarding the \$6.9 million anti-tobacco grant the County received and the allocation of funds to cities for implementing no smoking policies in their respective communities.

Vice Mayor Jill Hunter – reported:

*Historical Foundation* – Attended the meeting last week and they discussed the annual fundraiser dinner and silent auction scheduled on September 19, 2010 at 4:00 p.m. at the Garrod Ranch. The Foundation Board members are also making plans for the grand opening of their newly landscaped park on October 3, 2010.

Councilmember Howard Miller – noted that he would provide committee reports at the next Council meeting.

Councilmember Chuck Page – Absent

Councilmember Manny Cappello – reported:

*Chamber of Commerce* – Met last week and they discussed new memberships, the Chamber's financial status, and a possible 2010 Council Candidate Forum to discuss Measure Q.

*Sister City Liaison* – Attended the last meeting and had nothing to report.

## **CITY COUNCIL ITEMS**

None

## **CITY MANAGER'S REPORT**

City Manager Dave Anderson noted he will be on vacation from Thursday, September 16<sup>th</sup> through September 26, 2010 and Barbara Powell will be Acting City Manager during his absence.

## **ADJOURNMENT**

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

**CAPPELLO/HUNTER MOVED TO ADJOURN THE REGULAR MEETING AT 7:35PM.** MOTION PASSED 3-1-1 WITH COUNCILMEMBERS MILLER AND PAGE ABSENT. [*Councilmember Miller left the Dais at 7:30PM.*]

Respectfully submitted,

Ann Sullivan, CMC  
City Clerk