

## MINUTES

### SARATOGA REGULAR CITY COUNCIL MEETING NOVEMBER 17, 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 – (2 cases) Government Code Section 54956.9(a)

Fox v. City of Saratoga et al. (Santa Clara County Superior Court Case No. 1-09CV-154579)

Blum v. City of Saratoga et al. (Santa Clara County Superior Court Case No.1-10-CV-167113)

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

Mayor King stated there was no reportable information.

The City Council held a Joint Meeting with members of the Hakone Foundation in the Administrative Conference Room at 6:00 p.m.

#### **PLEDGE OF ALLEGIANCE**

Mayor King called the Regular City Council meeting to order at 7:00 p.m. and asked Angela Ann McConnell, Executive Director of Montalvo Arts Center, to 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 PRESENT: Dave Anderson, City Manager  
Richard Taylor, City Attorney  
Jonathan Wittwer, Assistant City Attorney  
Ann Sullivan, City Clerk  
Barbara Powell, Assistant City Manager  
John Livingstone, Community Development Director  
John Cherbone, Public Works Director  
Michael Fossati, 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 November 17, 2010 was properly posted on November 10, 2010.

## **COMMUNICATIONS FROM BOARDS AND COMMISSIONS**

Lon Saavedra, Executive Director and CEO of Hakone Gardens, provided a brief report on the Joint Meeting held with the City Council at 6:00 p.m. He noted there are several big events scheduled in 2011 including: the Chinese Lunar New Year on March 6, 2011; the annual Matsuri Festival on May 15; the Grand Tea Ceremony; the Divali Festival; and the third Annual Autumn Opera, which is held the first weekend after Labor Day.

Kia Fariba, Chair of the Saratoga Youth Commission, addressed the Council regarding the civic engagement activities the Youth Commissioners are involved in. He noted their goal for 2010/2011 was to build strong roots with other commissions, including working with the Saratoga Parks and Recreation Commission and the Monte Sereno Youth Commission. Some of the events they are working on include: the annual Arbor Day event; One Dollar for Life Foundation; and the creation of the Teen Friendly Business Award. The commission is also working with business owners in the Village to help create a more teen friendly downtown environment by offering special incentives to bring teens into their shops. The Commission would like to present the first "business award" to a Village shop in early January or February. The award would be passed from one teen friendly business to the next each month.

### **DIRECTION TO STAFF**

None

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

Dr. Stutzman addressed the Council regarding his support of Measure Q.

Trish Cypher also spoke about Measure Q and her support of the Measure.

Cheriel Jensen addressed the Council regarding the Smart Meters and the potential negative health effects on people.

Glen Crown addressed the Council regarding Recreational Vehicle (RV) parking on Vanderbilt Drive and other residential streets for extended periods of time and the use of the RV as a residence. He asked Code Enforcement to monitor RV's and other vehicles that are parked on streets for extended periods of time. In addition, he asked the City to monitor speeding vehicles on Vanderbilt Drive.

### **DIRECTION TO STAFF:**

Councilmember Page asked staff to work with Mr. Crown regarding RV's and other vehicles parked on streets for extended periods of time and to work with the Santa Clara County Sheriff's Office regarding speeding in residential areas.

## **ANNOUNCEMENTS**

Councilmember Miller reminded everyone to check the latest edition of the Saratoga Recreation Guide for great children's activities, such as the Camp Winter Wonderland Program. In addition, he noted the Annual Tree Lighting Ceremony would be held at Blaney Plaza from 5:30 p.m. to 6:00 p.m. on Friday, November 26, 2010, followed by the Village Open House from 6:00 p.m. to 9:00 p.m.

Mayor King added that there would be something new at the Annual Tree Lighting ceremony this year. She stated every child that was planning to attend the event should print their name on a small card and include a sentence highlighting something nice that they would do for someone during the holiday season. There would be a random drawing and the child with the winning card will be the one to light the holiday tree.

## **CEREMONIAL ITEMS**

### **1. APPOINTMENT OF RINA SHAH TO THE HERITAGE PRESERVATION COMMISSION AND OATH OF OFFICE**

#### **STAFF RECOMMENDATION:**

Adopt the attached resolution appointing one (1) new member to the Heritage Preservation Commission and direct the City Clerk to administer the Oath of Office.

#### **RESOLUTION NO. 10-064**

PAGE/MILLER MOVED TO **APPROVE THE RESOLUTION APPOINTING ONE (1) NEW MEMBER (RINA SHAH) TO THE HERITAGE PRESERVATION COMMISSION AND DIRECT THE CITY CLERK TO ADMINISTER THE OATH OF OFFICE.** MOTION PASSED 5-0-0.

### **2. PROCLAMATION DECLARING THE MONTH OF NOVEMBER – PANCREATIC CANCER AWARENESS MONTH**

#### **STAFF RECOMMENDATION:**

Present proclamation.

Mayor King read and presented the proclamation to Diane Borrison and Nancy Lohr.

### **3. COMMENDATION FOR MONTALVO ARTS CENTER**

#### **STAFF RECOMMENDATION:**

Present commendation.

Mayor King read and presented the commendation to Angela Ann McConnell, Executive Director of Montalvo Arts Center and Kathie Maxfield, Board Chair of Montalvo Arts Center.

4. COMMENDATION FOR MARIANNE SWAN – SARATOGA COMMUNITY PRESCHOOL

**STAFF RECOMMENDATION:**

Present commendation.

Mayor King read and presented the commendation to Marianne Swan and her family.

5. COMMENDATION FOR RICK RATRA –SARATOGA 76 GAS STATION

**STAFF RECOMMENDATION:**

Present commendation.

Mayor King read and presented the commendation to Rick Ratra and his family.

6. COMMENDATION FOR PAUL AND LEA ANN HERNANDEZ – SARATOGA OAKS LODGE

**STAFF RECOMMENDATION:**

Present commendation.

Mayor King read and presented the commendation to Paul and Lea Ann Hernandez and members of their family.

**SPECIAL PRESENTATIONS**

None

**CONSENT CALENDAR**

7. CITY COUNCIL REGULAR MEETING MINUTES – NOVEMBER 3, 2010

**STAFF RECOMMENDATION:**

Approve minutes.

PAGE/MILLER MOVED TO **APPROVE THE CITY COUNCIL REGULAR MEETING MINUTES – NOVEMBER 3, 2010.** MOTION PASSED 5-0-0.

8. REVIEW OF ACCOUNTS PAYABLE CHECK REGISTER

**STAFF RECOMMENDATION:**

That the City Council review and accept the check register for the following Accounts Payable cycle:  
October 28, 2010

PAGE/MILLER MOVED TO **ACCEPT THE ACCOUNTS PAYABLE CHECK REGISTER FOR ACCOUNTS PAYABLE CYCLE – OCTOBER 28, 2010.** MOTION PASSED 5-0-0.

9. FY 2009/10 COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR)

**STAFF RECOMMENDATION:**

Review and accept the FY 2009/10 Comprehensive Annual Financial Report (CAFR)

Councilmember Miller removed this item for clarification.

Councilmember Miller explained what the CAFR was and thanked the Finance Department staff for doing an outstanding job managing the City's finances.

MILLER/PAGE MOVED TO **ACCEPT THE FY 2009/10 COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR).** MOTION PASSED 5-0-0.

10. SARATOGA LIBRARY BOOK RETURN OVERHANG PROJECT – AWARD OF CONTRACT TO PREMIER WEST INTERIORS

**STAFF RECOMMENDATION:**

Review report and

1. Move to declare Premier West Interiors (PWI) of San Jose to be the lowest responsible bidder on the project.
2. Move to accept bid and authorize the City Manager to enter into a construction contract with Premier West Interiors (PWI) in the amount of \$41,799.
3. Move to authorize staff to execute change orders to the contract up to \$4,180.

PAGE/MILLER MOVED TO: **1) DECLARE PREMIER WEST INTERIORS (PWI) OF SAN JOSE TO BE THE LOWEST RESPONSIBLE BIDDER ON THE PROJECT; 2) ACCEPT BID AND AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONSTRUCTION CONTRACT WITH PREMIER WEST INTERIORS (PWI) IN THE AMOUNT OF \$41,799; AND 3) AUTHORIZE STAFF TO EXECUTE CHANGE ORDERS TO THE CONTRACT UP TO \$4,180.** MOTION PASSED 5-0-0.

11. LISA MARIE COURT SUMMARY VACATION

**STAFF RECOMMENDATION:**

Adopt Resolution of Summary Vacation of Portions of Lisa Marie Court.

**RESOLUTION NO. 10-065**

PAGE/MILLER MOVED TO **ADOPT RESOLUTION OF SUMMARY VACATION OF PORTIONS OF LISA MARIE COURT.** MOTION PASSED 5-0-0.

12. ADOPTION OF THE GENERAL PLAN'S CIRCULATION AND SCENIC HIGHWAY ELEMENT AND CONFORMING AMENDMENT TO THE OPEN SPACE AND CONSERVATION ELEMENT TRAILS MAP.

**STAFF RECOMMENDATION:**

Approve the Resolution to adopt the revised General Plan's Circulation and Scenic Highway Element (Circulation Element) including a conforming amendment to the Open Space and Conservation Element (Open Space Element).

Dave Anderson, City Manager, removed this item for clarification.

Michael Fossati, Assistant Planner, addressed the Council noting that Saratoga resident, Mr. William Brooks, sent a letter to staff regarding clarification of a specific trail segment on the Open Space and Conservation Element Trails Map. Mr. Brooks noted that he believes the specific trail segment is an “existing trail” and not a proposed trail. Mr. Fossati added that staff will confirm if the specific trail in question is an existing trail rather than a proposed trail. If staff determines that it is an existing trail, staff will bring this item back for Council approval to amend the Existing and Proposed Trails Map at a future Council meeting.

*[The letter from Mr. Brooks and map depicting the existing and proposed trails will be included in the historic record of this meeting agenda packet.]*

**RESOLUTION NO. 10-066**

PAGE/MILLER MOVED TO APPROVE THE RESOLUTION TO ADOPT THE REVISED GENERAL PLAN’S CIRCULATION AND SCENIC HIGHWAY ELEMENT (CIRCULATION ELEMENT) INCLUDING A CONFORMING AMENDMENT TO THE OPEN SPACE AND CONSERVATION ELEMENT (OPEN SPACE ELEMENT). MOTION PASSED 5-0-0.

13. FINAL ANNEXATION OF AN APPROXIMATELY 33,253 (GROSS) SQUARE FOOT PARCEL (APN 503-13-138) LOCATED AT 22215 MOUNT EDEN ROAD INCLUDING THE ADJACENT RIGHT-OF-WAY PORTION OF MOUNT EDEN ROAD.

**STAFF RECOMMENDATION:**

Approve final annexation of an approximate 28,331 square foot parcel known as APN 503-13-138 (Lands of Keenan) located at 22215 Mount Eden Road including the approximate 4,922 square feet, 107 foot long adjacent right-of-way portion of Mount Eden Road by adopting the attached Resolution.

**RESOLUTION NO. 10-067**

PAGE/MILLER MOVED TO APPROVE FINAL ANNEXATION OF AN APPROXIMATE 28,331 SQUARE FOOT PARCEL KNOWN AS APN 503-13-138 (LANDS OF KEENAN) LOCATED AT 22215 MOUNT EDEN ROAD INCLUDING THE APPROXIMATE 4,922 SQUARE FEET, 107 FOOT LONG ADJACENT RIGHT-OF-WAY PORTION OF MOUNT EDEN ROAD BY ADOPTING THE ATTACHED RESOLUTION. MOTION PASSED 5-0-0.

**PUBLIC HEARINGS**

14. ANNEX10-0002 – APPLICATION FOR INITIATION OF ANNEXATION PROCEEDINGS BY GARROD TRUST

**STAFF RECOMMENDATION:**

Staff recommends the City Council adopt the Resolution Initiating Annexation (Attachment 1) and refer the proposed annexation and preparation of a Pre-Annexation Agreement and all related land use approvals to the Planning

Commission for a public hearing and consideration of recommendations and return to the City Council for final decision as to the Pre-Annexation Agreement, Addition of AP/OS Overlay Zoning, Development Agreement, new Combined Williamson Act Contract, Use Permit and CEQA Compliance.

Jonathan Wittwer, Assistant City Attorney, presented the staff report.

Council discussion took place and Councilmember Page inquired if there had been any discussions with the City of Cupertino regarding annexation of this property into the City of Saratoga since one and a half acres of the property are located in Cupertino.

Staff indicated no discussion with the City of Cupertino has taken place thus far.

Mayor King opened the Public Hearing for comment.

The following people requested to speak on this item:

Applicant Jan Garrod addressed the Council regarding the application for initiation of annexation procedures by the Garrod Trust – Cooper-Garrod Winery and Garrod Farms Commercial Equestrian Center.

The following people spoke in favor of the Cooper-Garrod request for annexation:

Nancy Anderson

William (Bill) Brooks

Russell Perry

Ann Kolb

Terrie Creamer

Bill Cooper

Denise Goldberg, Chair of the Pedestrian, Equestrian, and Bicycle Trails Advisory Committee, addressed the Council and noted the Committee fully supported the annexation.

The following person/s spoke against the proposed annexation procedures:

Cheriel Jensen

No one else requested to speak on this item.

Mayor King closed the Public Hearing for comment.

#### **RESOLUTION NO. 10-068**

**PAGE/MILLER MOVED TO ADOPT THE RESOLUTION INITIATING ANNEXATION AND REFER THE PROPOSED ANNEXATION AND PREPARATION OF A PRE-ANNEXATION AGREEMENT AND ALL RELATED LAND USE APPROVALS TO THE PLANNING COMMISSION FOR A PUBLIC HEARING AND CONSIDERATION OF RECOMMENDATIONS AND RETURN TO THE CITY COUNCIL FOR FINAL DECISION AS TO THE PRE-ANNEXATION AGREEMENT,**

**ADDITION OF AP/OS OVERLAY ZONING, DEVELOPMENT AGREEMENT, NEW COMBINED WILLIAMSON ACT CONTRACT, USE PERMIT AND CEQA COMPLIANCE.** MOTION PASSED 5-0-0.

**COUNCIL DIRECTION:**

Council directed staff to discuss the Garrod annexation application with the City of Cupertino regarding the piece of property that is located in Cupertino.

At 8:55 p.m. Mayor King invited the high school and college students on stage and asked them to introduce themselves.

**OLD BUSINESS**

None

**NEW BUSINESS**

15. APPROVAL OF SANTA CLARA COUNTY CITIES ASSOCIATION (SCCCA) BYLAWS

**STAFF RECOMMENDATION:**

Accept report and direct staff accordingly.

Ann Sullivan, City Clerk, presented the staff report.

Mayor King invited public comment.

No one requested to speak on this item.

Mayor King closed the public comment.

MILLER/PAGE MOVED TO **APPROVE THE SANTA CLARA COUNTY CITIES ASSOCIATION (SCCCA) BYLAWS AS AMENDED.** MOTION PASSED 5-0-0.

**ADHOC & AGENCY ASSIGNMENT REPORTS**

Mayor Kathleen King – reported:

*SCC Cities Association Selection Committee* – the Silicon Valley Education Foundation provided a short presentation at the last meeting.

*West Valley Mayors and Managers Association* – she attended the meeting held earlier today and members were given a presentation on electric vehicle charging stations.

Vice Mayor Jill Hunter – reported:

*Hakone Foundation Board* – she attended the last meeting.

*Historical Foundation* – there will be a meeting Sunday afternoon (November 21) and noted there will be a presentation on the “Prohibition”. She thanked everyone that participated in the wreath building project for the Village and noted the wreaths would be

hung throughout the Village on Thursday afternoon. She added there will be a “wreath contest” before Christmas where people will have the opportunity to vote for the best wreath.

Councilmember Howard Miller – reported:

*KSAR* – met and in addition to the grant they received from the City of Saratoga, they are excited about the grant they received from the West Valley Solid Waste JPA to produce recycling and education videos.

[*Mayor King noted that this would be a great opportunity for KSAR to provide the high school board with a quote to video their board meetings.*]

Councilmember Miller agreed and noted he would bring this suggestion up to the KSAR Board.

*West Valley Solid Waste Joint Powers Authority* – awarded a grant to the KSAR television station. The JPA approved commercial food waste recycling. The recycling hauler was expected to reach out to all the Chamber of Commerces and through those Chamber of Commerces the recycling hauler was suppose to reach out to the key businesses in each of the four cities. Currently none of the grocery stores in our city are signed up; he added that anything we can do to divert waste to the landfill is a positive. He stated all commercial trash bills will increase January 1, 2011 to cover this recycling service, regardless if the commercial business participates in this program or not. They received an update from the City of San Jose regarding the single use plastic bag issue and cities are waiting to see what happens next regarding this issue.

*West Valley Transportation Authority PAC* – Measure B (an additional \$10 license fee per vehicle) passed, which will allow a portion of the vehicle license fee to be directed to road improvements in Saratoga. Proposition 26 may delay this funding. In addition, the PAC funded a \$641 million dollar bond and they began the process to place 90 new hybrid buses to high use routes. They also had some discussion regarding SB375, the Sustainable Communities Act.

Councilmember Chuck Page – reported:

*Saratoga Ministerial Association* – he attended the last meeting and members of the association are preparing for the *Saratoga Serves* annual event the week of March 12- 19, 2011, and he invited everyone to participate in this community event.

*West Valley Sanitation District* – he attended the last meeting and the District’s audit has been completed. He added, due to budget constraints, they removed the clause in the District’s ordinance that provides for an automatic 5% increase per year in stipend payments to members that attend the meetings.

Councilmember Manny Cappello – reported:

*Chamber of Commerce* – he attended the meeting last Thursday and in addition to the Tree Lighting event on November 26<sup>th</sup> there will be a Chamber sponsored “Wine Stroll” this year. People should visit the Saratoga Chamber of Commerce website at: [www.saratogachamber.org](http://www.saratogachamber.org), to purchase a souvenir wine glass for \$30 and on the evening of November 26 they can visit the 15 participating businesses to receive an ounce of wine served in the souvenir wine glass.

*Santa Clara County Emergency Council* – he attended the last meeting and the members were pleased to report that the Alert SCC (Santa Clara County Emergency Alert System) is going very well and they have asked members to remind residents in their respective communities to visit the Alert SCC website at [www.alertscc.com](http://www.alertscc.com) to register for information regarding emergency alert activities in their communities. He added each City will be reporting on emergency activities in their respective community and Jim

Yoke, Emergency Services Coordinator for Saratoga, will be presenting at the next meeting.

### **CITY COUNCIL ITEMS**

Vice Mayor Hunter commented about the letter Council received regarding the Lehigh Cement Factory and asked if the City could send a response letter.

Dave Anderson, City Manager, noted the public hearing that was scheduled for November 23<sup>rd</sup> has been postponed indefinitely due to new information the Santa Clara County Planning Department received. They will analyze this information before rescheduling the public hearing. He added staff would provide Council with an update in the weekly Council Newsletter.

Vice Mayor Hunter also commented about a letter she received from a citizen regarding landscaping and fence concerns in a specific neighborhood on Saratoga/Sunnyvale Boulevard.

Councilmember Page stated he was familiar with the landscape and lighting issue in the specific neighborhood and would follow up with this item.

Mayor King recommended the new Council acknowledge the Alameda family, owners of the Saratoga Alameda Funeral Home, with a commendation recognizing their 40 years of service in the Saratoga community.

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

None

### **ADJOURNMENT**

PAGE/MILLER MOVED TO **ADJOURN THE REGULAR CITY COUNCIL MEETING AT 9:35PM.** MOTION PASSED 5-0-0.

Respectfully submitted.

Ann Sullivan, CMC  
City Clerk

**NOTE:** To view current or previous City Council meetings anytime, go to the City Video Archives at [www.saratoga.ca.us](http://www.saratoga.ca.us)



**CITY OF SARATOGA  
CITY COUNCIL MEETING CALENDAR 2010**

- |              |   |
|--------------|---|
| 10/20        | Regular Meeting – Joint Meeting with Traffic Safety Commission        |
| 11/3         | Regular Meeting – Joint meeting with Saratoga Ministerial Association |
| 11/17        | Regular Meeting - Joint Meeting with Hakone Foundation                |
| <b>11/30</b> | <b>Council Reorganization</b>   |
| 12/1         | Regular Meeting -   |
| 12/15        | Regular Meeting -   |