

MINUTES

**SARATOGA REGULAR CITY COUNCIL MEETING
DECEMBER 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)

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

Public Employee Discipline/Dismissal/Release: (Government Code Section 54957)

MAYOR'S REPORT ON CLOSED SESSION

Mayor Miller stated there was no reportable information from the Closed Session held prior to the Regular Council meeting.

PLEDGE OF ALLEGIANCE

Mayor Miller 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, Emily Lo, Jill Hunter,
Vice Mayor Chuck Page, and Mayor Howard Miller

ABSENT: None

ALSO Dave Anderson, City Manager

PRESENT: Richard Taylor, City Attorney
Ann Sullivan, City Clerk
John Livingstone, Community Development Director
John Cherbone, Public Works Director
Michael Taylor, Recreation Department Director
Brad Lind, Building Official

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 December 1, 2010 was properly posted on November 23, 2010.

ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS

Dr. Stutzman addressed the Council regarding Measure Q that was on the November 2, 2010 election ballot.

Trish Cypher addressed the Council regarding Measure Q that was on the November 2, 2010 election ballot.

Marcia Fariss addressed the Council regarding Measure Q that was on the November 2, 2010 election ballot.

COUNCIL DIRECTION TO STAFF

None

COMMUNICATIONS FROM COMMISSIONS & PUBLIC

None

COUNCIL DIRECTION TO STAFF

None

ANNOUNCEMENTS

Mayor Howard Miller noted there are opportunities for people to register their children in the Winter Wonderland program through the Saratoga Recreation Guide and invited everyone to pick up a copy of the Guide. In addition, he invited everyone to join him at 9:00 a.m. at Kevin Moran Park on Saturday, December 4th to help plant Daffodils.

Councilmember Jill Hunter noted there are many shops in the Village for people to shop in and invited everyone to visit the Village during the holiday season.

CEREMONIAL ITEMS

1. COMMENDATION FOR REBECCA ELLIOT – REGIONAL PUBLIC AFFAIRS MANAGER FOR LEAGUE OF CALIFORNIA CITIES

STAFF RECOMMENDATION:

Present commendation.

Mayor Miller noted Rebecca Elliot was unable to attend the Council meeting this evening due to illness and the commendation will be presented to her during the December 15, 2010 Council meeting.

2. COMMENDATION FOR THE ALAMEDA FAMILY – ALAMEDA FAMILY FUNERAL & CREMATION

STAFF RECOMMENDATION:

Present commendation.

Mayor Miller read and presented the commendation to members of the Alameda family.

SPECIAL PRESENTATIONS

None

CONSENT CALENDAR

3. 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:

November 10, 2010

November 18, 2010

PAGE/CAPPELLO MOVED TO **ACCEPT THE CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: NOVEMBER 10, 2010 AND NOVEMBER 18, 2010.** MOTION PASSED 5-0-0.

4. TREASURER'S REPORT FOR THE MONTH ENDED OCTOBER 31, 2010

STAFF RECOMMENDATION:

Review and accept the Treasurer's Report for the month ended October 31, 2010.

PAGE/CAPPELLO MOVED TO **ACCEPT THE TREASURER'S REPORT FOR THE MONTH ENDED OCTOBER 31, 2010.** MOTION PASSED 5-0-0.

5. TAX EQUITY ALLOCATION (TEA) COST SHARING AGREEMENT

STAFF RECOMMENDATION:

Approve cost sharing formula with the City of Cupertino for TEA legislative expenses, and an appropriation from the Council's Discretionary Fund in the amount of \$6,825 for the period covering November 15, 2010 to June 30, 2011.

PAGE/CAPPELLO MOVED TO **APPROVE COST SHARING FORMULA WITH THE CITY OF CUPERTINO FOR TEA LEGISLATIVE EXPENSES, AND AN APPROPRIATION FROM THE COUNCIL'S DISCRETIONARY FUND IN THE AMOUNT OF \$6,825 FOR THE PERIOD COVERING NOVEMBER 15, 2010 TO JUNE 30, 2011.** MOTION PASSED 5-0-0.

6. REQUEST FOR COUNCIL AGENCY ASSIGNMENTS AND ADHOC COMMITTEES FOR 2011

STAFF RECOMMENDATION:

Accept report and provide direction to staff.

Mayor Miller removed this item for clarification.

Miller/Page moved to accept report and provide direction to staff.

Ann Sullivan, City Clerk, reminded Council that the staff report indicated Council should consider including the Carlson House Restoration Project as a new adhoc to the Council Assignment list for 2011.

MILLER/PAGE MOVED TO ACCEPT REPORT AND PROVIDE DIRECTION TO STAFF AS AMENDED TO INCLUDE THE CARLSON HOUSE RESTORATION PROJECT AS A NEW ADHOC TO THE COUNCIL ASSIGNMENT LIST FOR 2011. MOTION PASSED 5-0-0.

7. MONTE VISTA STORM DRAIN PUMPING SYSTEM PROJECT - BUDGET AMENDMENT

STAFF RECOMMENDATION:

Approve Budget Resolution

RESOLUTION NO. 10 –

PAGE/CAPPELLO MOVED TO **APPROVE BUDGET RESOLUTION.**
MOTION PASSED 5-0-0.

PUBLIC HEARINGS

None

OLD BUSINESS

None

NEW BUSINESS

8. INTRODUCTION OF (1) ORDINANCE ADOPTING AND AMENDING 2010 CALIFORNIA BUILDING STANDARDS, RESIDENTIAL BUILDING, ELECTRICAL, MECHANICAL, PLUMBING, FIRE, AND GREEN BUILDING STANDARDS CODES WITH MODIFICATIONS FOR LOCAL CONDITIONS, AND (2) RESOLUTION REGARDING THE NEED TO MODIFY THE CALIFORNIA BUILDING CODE DUE TO LOCAL CONDITIONS.

STAFF RECOMMENDATION:

- (1) Introduce and waive the first reading of the attached ordinance adopting and amending the referenced codes and direct the City Attorney to read the title of the codes to be adopted;
- (2) Introduce the attached resolution making findings regarding proposed amendments to the referenced codes;
- (3) Call a public hearing for December 15, 2010 to consider adoption of the attached ordinance and resolution; and
- (4) Direct staff to publish notice of the proposed ordinance adoption in accordance with the special requirements for adopting codes by reference.

City Attorney Richard Taylor presented the staff report.

Building Official Brad Lind was present to provide additional data regarding the staff report and to answer questions from Council.

Santa Clara County Fire Chief Dirk Mattern was also present to answer questions from Council.

Mayor Miller invited public comment.

No one requested to speak on this item.

Mayor Miller closed the public comment.

Councilmember Cappello requested a matrix on the fire section.

PAGE/CAPPELLO MOVED TO:

(1) INTRODUCE AND WAIVE THE FIRST READING OF THE ATTACHED ORDINANCE ADOPTING AND AMENDING THE REFERENCED CODES AND DIRECT THE CITY ATTORNEY TO READ THE TITLE OF THE CODES TO BE ADOPTED;

(2) INTRODUCE THE ATTACHED RESOLUTION MAKING FINDINGS REGARDING PROPOSED AMENDMENTS TO THE REFERENCED CODES;

(3) CALL A PUBLIC HEARING FOR DECEMBER 15, 2010 TO CONSIDER ADOPTION OF THE ATTACHED ORDINANCE AND RESOLUTION; AND

(4) DIRECT STAFF TO PUBLISH NOTICE OF THE PROPOSED ORDINANCE ADOPTION IN ACCORDANCE WITH THE SPECIAL REQUIREMENTS FOR ADOPTING CODES BY REFERENCE WITH THE FOLLOWING MODIFICATIONS:

- **STAFF TO INCLUDE AN UPDATE OF THE ARTICLES RELATED TO GREEN BUILDING – CHAPTER 16 OF THE MUNICIPAL CODE; AND**
- **INCLUDE IN THE RESOLUTIONA MATRIX OF THE SPECIFIC FIRE CODE CHANGES IN A FORMAT SIMILAR TO OTHER CHANGES.**

CITY ATTORNEY RICHARD TAYLOR'S READING OF THE TITLES INCLUDED:

- **2010 CALIFORNIA BUILDING CODE**
- **2010 CALIFORNIA RESIDENTIAL BUILDING CODE**
- **2010 CALIFORNIA FIRE CODE**
- **2010 CALIFORNIA PLUMBING CODE**
- **2010 CALIFORNIA MECHANICAL CODE**
- **2010 CALIFORNIA ELECTRICAL CODE**
- **2010 CALIFORNIA GREEN BUILDING STARDARDS CODE**

MOTION PASSED 5-0-0.

At 8:20 p.m., Mayor Miller invited the students that were present for high school government class assignment up on stage and asked them to introduce themselves and state if they have smoke detectors and/or carbon monoxide detectors in their homes.

ADHOC & AGENCY ASSIGNMENT REPORTS

Mayor Kathleen King – As of November 30, 2010, Kathleen King was no longer a member of the Council.

Vice Mayor Jill Hunter – reported:

Historical Foundation – the members attended a luncheon at the Mountain Winery on Tuesday and were given a very interesting tour of the Winery by Dave House. There was a Prohibition Exhibit at the Historical Museum on November 21 and on December 12th there will be a presentation on the Flying Tigers at the Saratoga Community Library.

Village Adhoc - She met with Public Works Director John Cherbone and Macedonio Nunez and they discussed the Village Improvement project and discussed the next phase of the Village Beautification project. They also discussed improving signage in the Village and they will meet again Thursday, December 2.

Councilmember Howard Miller – reported:

Santa Clara County Cities Association Board – he will be attending the Annual Holiday Dinner on Thursday, December 2.

West Valley Solid Waste Joint Powers Authority – is having a special meeting on Thursday, December 2; they will raise the commercial rates to cover food waste recycling pilot program that will be starting in January 2011.

[Mayor Miller noted he and his daughter participated in the Silicon Valley Turkey Trot on Thanksgiving Day.]

Councilmember Chuck Page – reported:

Saratoga Ministerial Association – due to travel plans he was unable to attend the last meeting that was held just before the Thanksgiving holiday.

West Valley Sanitation District – will meet next week.

Councilmember Manny Cappello – reported:

SASCC – he attended the last meeting and the Board formalized their Code of Conduct for employees in the center as well as for participants in the program. The Adult Day Care attendance is doing well and is consistent. Members of the Board are preparing for their 2011 meeting with the City Council.

Village Adhoc – attended last week's meeting.

CITY COUNCIL ITEMS

Vice Mayor Page suggested creating an Adhoc to research the verbiage for the Oath of Office for the Mayor and Vice Mayor positions, noting the wording should be modified to be more City specific as opposed to the verbiage of the state mandated oath.

Councilmember Cappello supported this recommendation.

[This adhoc will be included in the Council Committee and Adhoc assignment list for 2011]

Councilmember Hunter commented on the email Council received regarding a future commendation recognizing the Echo Shop for their many years of service in the

community. She noted it was her understanding the Echo Shop would receive a commendation in April 2011 when they will be celebrating their 50th anniversary.

CITY MANAGER'S REPORT

None

ADJOURNMENT

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

PAGE/CAPPELLO MOVED TO **ADJOURN THE REGULAR MEETING AT 8:20 P.M.** MOTION PASSED 5-0-0.

Respectfully submitted,

Ann Sullivan, CMC
City Clerk