

MINUTES

SARATOGA REGULAR CITY COUNCIL MEETING DECEMBER 15, 2010

The City Council met in Closed Session in the Administrative Conference Room, 13777 Fruitvale Avenue at 6:30 p.m.

ANNOUNCEMENT OF CLOSED SESSION

CONFERENCE – ANTICIPATED LITIGATION – Significant exposure to litigation pursuant to Government Code Section 54956.9 (b) (1 potential case)

MAYOR'S REPORT ON CLOSED SESSION

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

Mayor Miller called the Regular City Council meeting to order at 7:00 p.m. and asked members of Cub Scout Pack 508 to lead the Pledge of Allegiance.

ROLL CALL

PRESENT: Councilmembers Manny Cappello, Jill Hunter, Emily Lo, Vice Mayor Chuck Page, and Mayor Howard Miller

ABSENT: None

ALSO PRESENT: Dave Anderson, City Manager
Richard Taylor, City Attorney
Ann Sullivan, City Clerk
Barbara Powell, Assistant City Manager
John Livingstone, Community Development Director
Michael Taylor, Facilities and Recreation Director
Mary Furey, Administrative/Finance Director
Brad Lind, Building Official
Crystal Morrow, Administrative Analyst II

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 15, 2010 was properly posted on December 9, 2010.

COMMUNICATIONS FROM BOARDS AND COMMISSIONS

None

COUNCIL DIRECTION TO STAFF

None

ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS

Norm Koepernik addressed the Council regarding the 2011 Mustard Faire event, which will be held on March 6, 2011, and asked Council to agendize this item for discussion on the next scheduled Council meeting.

Karlina Ott presented the City with a check from the AYSO for \$16,642.00 to cover the annual cost for the use of the soccer fields by the AYSO Soccer organization. In addition, she thanked individual staff members that work with AYSO organizers for their continued support and assistance throughout the year.

COUNCIL DIRECTION TO STAFF

None

ANNOUNCEMENTS

Councilmember Emily Lo noted it wasn't too late to send a letter to Santa Claus and that residents had until 5:00 p.m. on Friday, December 17th to drop the letters in the box labeled "Santa's Mail" at the Saratoga Post Office.

Vice Mayor Chuck Page congratulated the Saratoga High School Girls Tennis Team for capturing the Northern California championship title. He also reminded everyone that the storm season is here and if residents are in need of sandbags, they could pick them up at the Saratoga Corporation Yard. He also invited residents to volunteer to fill sandbags as a volunteer project so the sand bags are readily available when needed.

Mayor Howard Miller noted there are upcoming vacancies on the Planning Commission, Heritage Preservation Commission, Library Commission, and the Traffic Safety Commission. He invited interested residents to pick up an application from the City Clerk's office and submit it by 5:00 p.m. on February 25, 2011. In addition, he reminded everyone to check out the Saratoga Recreation Guide. He noted there are a few vacancies left for interested students to register for the "Camp Winter Wonderland" program that is available during the upcoming winter break.

Councilmember Jill Hunter provided an update on the "Twenty by 2015" Tree Planting Program. She noted that on January 1, 2010, the Council pledged to plant 400 trees during 2010; a total of 792 trees have been planted in the Saratoga community for the year 2010.

CEREMONIAL ITEMS

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

STAFF RECOMMENDATION:

Read and present commendation.

Vice Mayor Page read and presented the commendation to Rebecca Elliot. Ms. Elliot was joined by her husband for the presentation.

2. **COMMENDATION FOR SARATOGA CUB SCOUT PACK 508**

STAFF RECOMMENDATION:

Read and present commendation.

Mayor Miller read and presented the commendation to members of Cub Scout Pack 508. The Pack was joined by several Cub Scout leaders for the presentation.

3. **COMMENDATION FOR CAPTAIN TERRY CALDERONE – SANTA CLARA COUNTY SHERIFF’S OFFICE – WESTSIDE STATION**

STAFF RECOMMENDATION:

Read and present commendation.

Mayor and Council members presented the commendation to Captain Terry Calderone. Captain Calderone was joined by his wife and two of their five children for the presentation.

At 7:35 p.m. Mayor Miller declared a 20 minute break and invited everyone to join the Council in the theater lobby for a reception in honor of Captain Terry Calderone, who is retiring from the Santa Clara County Sheriff’s Office.

Mayor Miller reconvened the Regular meeting at 7:55 p.m.

SPECIAL PRESENTATIONS

None

CONSENT CALENDAR

4. **CITY COUNCIL REGULAR MEETING MINUTES – NOVEMBER 17, 2010**

STAFF RECOMMENDATION:

Approve minutes.

PAGE/CAPPELLO MOVED TO **APPROVE CITY COUNCIL REGULAR MEETING MINUTES – NOVEMBER 17, 2010.** MOTION PASSED 5-0-0.

5. **CITY COUNCIL REORGANIZATION MEETING MINUTES – NOVEMBER 30, 2010**

STAFF RECOMMENDATION:

Approve minutes.

PAGE/CAPPELLO MOVED TO **APPROVE CITY COUNCIL REORGANIZATION MEETING MINUTES – NOVEMBER 30, 2010.** MOTION PASSED 5-0-0.

6. **CITY COUNCIL REGULAR MEETING MINUTES – DECEMBER 1, 2010**

STAFF RECOMMENDATION:

Approve minutes.

PAGE/CAPPELLO MOVED TO APPROVE CITY COUNCIL REGULAR MEETING MINUTES – DECEMBER 1, 2010. MOTION PASSED 5-0-0.

7. REVIEW OF ACCOUNTS PAYABLE

STAFF RECOMMENDATION:

The the City Council review and accept the check registers for the following accounts payable cycles:

November 24, 2010

December 2, 2010

PAGE/CAPPELLO MOVED TO ACCEPT THE CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE CYCLES: NOVEMBER 24, 2010 AND DECEMBER 2, 2010. MOTION PASSED 5-0-0.

8. RESOLUTION ADOPTING COUNCIL AGENCY ASSIGNMENTS AND ADHOC COMMITTEE APPOINTMENTS

STAFF RECOMMENDATION:

Adopt resolution.

Vice Mayor Page removed this item for discussion.

Vice Mayor Page noted the TEA (Tax Equity Allocation) item is being addressed by the Saratoga Council as well as neighboring cities and recommended the TEA Adhoc be reinstated again as an Adhoc on the Council Agency Assignment list.

Council members agreed to add the TEA Adhoc to the Council Agency and Committee Assignment list.

Councilmember Hunter noted Councilmember Lo expressed an interest in the Carlson House Restoration project and offered to give her assigned position on this Adhoc to Councilmember Lo.

RESOLUTION NO. 10 – 071

PAGE/CAPPELLO MOVED TO ADOPT COUNCIL AGENCY ASSIGNMENTS AND ADHOC COMMITTEE APPOINTMENTS RESOLUTION AS AMENDED WITH THE FOLLOWING CHANGES: 1) INCLUDE THE ADDITION OF THE TEA ADHOC TO BE REPRESENTED BY VICE MAYOR PAGE AND COUNCILMEMBER CAPPELLO, and 2) REMOVE COUNCILMEMBER HUNTER FROM THE CARLSON HOUSE RESTORATION ADHOC AND ADD COUNCILMEMBER LO . MOTION PASSED 5-0-0.

9. 2011 HAZARDOUS VEGETATION PROGRAM COMMENCEMENT RESOLUTION

STAFF RECOMMENDATION:

Adopt Resolution Declaring Hazardous Vegetation (Weeds) as Public Nuisance and Setting Public Hearing.

RESOLUTION NO. 10 – 072

PAGE/CAPPELLO MOVED TO **ADOPT RESOLUTION DECLARING HAZARDOUS VEGETATION (WEEDS) AS PUBLIC NUISANCE AND SETTING PUBLIC HEARING.** MOTION PASSED 5-0-0.

10. SECURITY DOOR LOCK PROJECT – AWARD OF CONTRACT WITH STANLEY SECURITY

STAFF RECOMMENDATION:

Review report and

1. Move to declare Stanley Security Solutions, Inc. (Stanley) of Fremont 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 Stanley for phase one of the project in the amount of \$25,190.49.
3. Move to accept bid and authorize the City Manager to enter into a construction contract with Stanley for the optional phase two of the project in the amount of \$32,337.83.
4. Move to authorize staff to execute change orders to the contract up to \$5,500.

Hunter removed this item for clarification.

HUNTER/PAGE MOVED TO:

- 1. DECLARE STANLEY SECURITY SOLUTIONS, INC. (STANLEY) OF FREMONT TO BE THE LOWEST RESPONSIBLE BIDDER ON THE PROJECT.**
- 2. ACCEPT BID AND AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONSTRUCTION CONTRACT WITH STANLEY FOR PHASE ONE OF THE PROJECT IN THE AMOUNT OF \$25,190.49.**
- 3. ACCEPT BID AND AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONSTRUCTION CONTRACT WITH STANLEY FOR THE OPTIONAL PHASE TWO OF THE PROJECT IN THE AMOUNT OF \$32,337.83.**
- 4. MOVE TO AUTHORIZE STAFF TO EXECUTE CHANGE ORDERS TO THE CONTRACT UP TO \$5,500.** MOTION PASSED 5-0-0.

11. RECORDS MANAGEMENT PROGRAM: RESOLUTION AUTHORIZING FINAL DISPOSITION OF CERTAIN CITY RECORDS

STAFF RECOMMENDATION:

Adopt Resolution Authorizing Final Disposition of Certain City Records.

RESOLUTION NO. 10 – 073

PAGE/CAPPELLO MOVED **TO ADOPT RESOLUTION AUTHORIZING FINAL DISPOSITION OF CERTAIN CITY RECORDS.** MOTION PASSED 5-0-0.

12. PARKING VIOLATION PENALTY SURCHARGE

STAFF RECOMMENDATION

Adopt resolution approving a three-dollar increase for parking violations.

RESOLUTION NO. 10 – 074

PAGE/CAPPELLO MOVED TO **ADOPT RESOLUTION APPROVING A THREE-DOLLAR INCREASE FOR PARKING VIOLATIONS.** MOTION PASSED 5-0-0.

13. COMMISSION QUALIFICATIONS AND EXPIRING TERMS

STAFF RECOMMENDATION:

Accept the list of Commission qualifications and terms expiring in the 2011 calendar year.

Councilmember Cappello removed this item for clarification.

Councilmember Cappello noted an error in the staff report regarding the term expiration date for Commissioner Mitch Kane. He noted the term expiration date noted it was 20011 and it should be 2011.

CAPPELLO/PAGE MOVED TO **ACCEPT THE LIST OF COMMISSION QUALIFICATIONS AND TERMS EXPIRING IN THE 2011 CALENDAR YEAR AS AMENDED: TERM EXPIRATION DATE FOR MITCH KANE SHOULD BE 2011.** MOTION PASSED 5-0-0.

PUBLIC HEARINGS

14. PUBLIC HEARING AND ADOPTION 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:

Staff recommends that the City Council:

- (1) Conduct a public hearing concerning the attached ordinance and resolution introduced at the City Council meeting of December 1, 2010;
- (2) Adopt the 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
- (3) Adopt Resolution Adopting Findings of Fact regarding the need to modify the California Building Code due to local conditions.

City Attorney Richard Taylor presented the staff report.

Council thanked staff for all their efforts in preparing the amended 2010 Building Standard Code.

Mayor Miller opened the Public Hearing for comment.

No one requested to speak on this item.

Mayor Miller closed the Public Hearing for comment.

ORDINANCE NO. 282

RESOLUTION NO. 10 – 075

PAGE/HUNTER MOVED TO:

(1) ADOPT THE 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) ADOPT RESOLUTION ADOPTING FINDINGS OF FACT REGARDING THE NEED TO MODIFY THE CALIFORNIA BUILDING CODE DUE TO LOCAL CONDITIONS. MOTION PASSED 5-0-0.

At 8:15 p.m. Mayor Miller invited the high school students to join the Council on the Dais.

OLD BUSINESS

None

NEW BUSINESS

15. STATUS OF JANUARY 19, 2011 COUNCIL MEETING

STAFF RECOMMENDATION:

Consider cancelling the January 19, 2011, Council meeting to allow newly appointed Mayor, newly elected and newly appointed Council Members to attend the League of California Cities conference.

City Clerk Ann Sullivan presented the staff report.

Mayor Miller invited public comment.

No one requested to speak on this item.

PAGE/CAPPELLO MOVED TO **CANCEL THE JANUARY 19, 2011 COUNCIL MEETING TO ALLOW NEWLY APPOINTED MAYOR, NEWLY ELECTED AND NEWLY APPOINTED COUNCIL MEMBERS TO ATTEND THE LEAGUE OF CALIFORNIA CITIES CONFERENCE.** MOTION PASSED 5-0-0.

ADHOC & AGENCY ASSIGNMENT REPORTS

Mayor Howard Miller – reported:

KSAR – he attended the last meeting and noted the KSAR board has concerns regarding the long term strategic vision for KSAR due to media changes such as, the Internet and on-demand video, versus a televised station. He noted KSAR is also addressing the issue of working collaboratively with the Saratoga High School and West Valley College. The City allowed and approved a franchise fee that will go to KSAR to support public access television; however, the law prohibits KSAR from using the income from that fee to be used for operational expenses. They have a large capital budget and a very small operating budget, which has generated discussion on how to use the capital budget to provide the services that the station needs.

West Valley Solid Waste Management Joint Powers Authority – he attended a special meeting where the board discussed and approved a commercial rate increase to offset commercial food scrap recycling costs. He added they will assess this rate increase for the next 6 months to see if they will expand this program to additional businesses. He noted if there are any businesses in Saratoga that would like to get on this recycling program list they can still do so, which will help forecast the demand for the food scrap recycling program. He added anyone that does have commercial garbage service is already paying an additional small fee for this program.

Vice Mayor Chuck Page – reported:

Council Finance Committee – met today and they discussed the General Obligation Bond. He added this item will be discussed further at the January 5, 2011 Council meeting.

West Valley Sanitation District – he noted they will be losing two of the six board members due to the term expiration of one member and the second member not getting re-elected in the November election; therefore, they will be acquiring two new board members.

Councilmember Jill Hunter – had nothing to report.

Councilmember Manny Cappello – reported:

Councilmember Cappello stated that he, along with City Manager Dave Anderson and two councilmembers from the City of Cupertino attended the TEA (Tax Equity Allocation) meeting in Sacramento on Tuesday. He noted they had a productive meeting with legislative consultants from the Gonsalves firm and legislative members of the Senate and Assembly regarding the TEA issue. He added the TEA issue is on-going and that they plan to continue meeting with legislative representatives regarding the TEA allocations.

Councilmember Emily Lo – had nothing to report at this time.

[2011 Council assignments determined at the December 15, 2010 Council Meeting.]

CITY COUNCIL ITEMS

Mayor Miller stated he would like to agendize the March 6th Mustard Faire event for discussion on the January 5, 2011 Council meeting.

CITY MANAGER'S REPORT

None

ADJOURNMENT

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

PAGE/HUNTER MOVED TO **ADJOURN THE REGULAR COUNCIL MEETING AT 8:30 P.M.** MOTION PASSED 5-0-0.

Respectfully submitted,

Ann Sullivan, CMC
City Clerk