

MINUTES

SARATOGA REGULAR CITY COUNCIL MEETING FEBRUARY 2, 2011

The City Council held a Joint Meeting with the Planning Commission in the Administrative Conference Room at 6:00 p.m.

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,
Vice Mayor Chuck Page and Mayor Howard Miller

ABSENT: Councilmember Jill Hunter

ALSO PRESENT: Dave Anderson, City Manager
Richard Taylor, City Attorney
Ann Sullivan, City Clerk
Mary Furey, Administrative Services Director
Chris Riordan, Interim Community Development Director
John Cherbone, Public Works Director
Michael Taylor, Recreation Director
Crystal Morrow, Administrative Assistant 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 February 2, 2011, was properly posted on January 29, 2011.

COMMUNICATIONS FROM COMMISSIONS & PUBLIC

Planning Commission Chair Mary-Lynne Bernald provided a brief summary of the 6:00 p.m. joint meeting with the City Council. She noted Council provided the commission with direction regarding the commission's work plan for 2011, adding that many of the items for their work plan were discussed at the January 28, 2011 Council Retreat including: the sign ordinance, the medical marijuana ban which is due by July 2011, miscellaneous zoning updates including setback changes, project signs for large development projects, possible heritage tree information, and 2010 carry forward items that were separated from Measure Q when it was written for the November 2010 Ballot Measure. They also discussed some of the more difficult projects the commission is currently addressing and were reminded by the Council to follow the process and obtain public input through advertised public hearings. They also discussed variances and were instructed by the Council to make findings based on the explanations provided by staff and legal counsel.

Ms. Bernald noted that sometimes variances are not able to be granted due to overriding stipulations in the municipal code, general plan, and previous City Measures. She concluded by noting the commission is looking forward to having another joint meeting with the Council in the next several months and invited all residents to participate in the planning commission meetings and provide their input.

COUNCIL DIRECTION TO STAFF

Mayor Miller clarified that Council excluded the set-back item when this was discussed at the January 28, 2011 Council Retreat. He also noted staff will schedule a second joint meeting with Council and the Planning Commission for later on this year.

Vice Mayor Page thanked the commission for all their hard work and the excellent job they do.

Councilmember Lo thanked the commission for their hard work and their efforts for the coming year.

Councilmember Cappello thanked the commission and noted he is confident the commission will do an excellent job addressing the many difficult issues they will be discussing this year.

ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS

No one requested to speak.

COUNCIL DIRECTION TO STAFF

None

ANNOUNCEMENTS

Vice Mayor Page stated the Santa Clara Valley Water District waste treatment plant is scheduled for 2.2 billion dollar renovation over the next 30 years. He invited interested citizens to visit the water treatment plant and go on one of their scheduled tours.

Councilmember Lo noted there is a new gift shop in the Village – *The Obsession Box*. There will be a ribbon cutting ceremony at 5:15 p.m. on Thursday, February 3rd, followed by reception/mixer at the Saratoga Chamber of Commerce office.

Mayor Miller announced the Saratoga Winter/Spring Activity Guide is available to the public and noted a couple of free workshops on the second Wednesdays per month – three workshops for Latin dancing and the other a free workshop on golf tips. He added there is a great cooking class beginning Thursday, February 3rd.

In addition, he announced there are vacancies on the Planning Commission, Traffic Safety Commission, Heritage Preservation Commission, and the Library Commission, and noted the application deadline is 5:00 p.m. on February 25, 2011.

He concluded by stating the Cupertino based Lehigh Quarry Cement Plant is in the process of expanding and extending their permit and operations. He noted there is a very important public hearing regarding this permit application on Tuesday, February 8th at 1:30 p.m. – 70 W Hedding Street in the Santa Clara County Board of Supervisors Office.

CEREMONIAL ITEMS

None

SPECIAL PRESENTATIONS

1. PRESENTATION FROM THE SARATOGA MINISTERIAL ASSOCIATION

STAFF RECOMMENDATION:

Listen to a short presentation by members of the Saratoga Ministerial Association regarding the Association’s goals for the Saratoga community and the Saratoga Serves community project.

Saratoga Ministerial Association representative from Church of Jesus Christ Latter Day Saints Scott Erskine provided a brief presentation on the association’s community service program called *Saratoga Serves*. He noted many of the past community services the association has done include: cleaning up parks, painting, blood drives, food drives, and humanitarian projects. In 2010 one of the congregations facilitated a food drive resulting in the collection of 18 tons of canned goods for the Second Harvest Food Bank, which was the largest they had ever received. He added they are going to try and surpass that amount this year. Some of the projects for this year include: food drives, rotating shelter, Heritage Park Orchard and library path cleanup, and a Mission in Action Day.

He concluded by noting that anyone who is interested in getting involved or for more information on this program should visit their website at www.saratogaserves.org. The community service projects will be on-going during the month of March.

CONSENT CALENDAR

2. CITY COUNCIL REGULAR MEETING MINUTES – JANUARY 5, 2011

STAFF RECOMMENDATION:

Approve minutes.

Councilmember Lo removed this item for one correction.

LO/PAGE MOVED TO **APPROVE CITY COUNCIL REGULAR MEETING MINUTES – JANUARY 5, 2011 AS AMENDED.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER HUNTER ABSENT.

3. Review of Accounts Payable Check Registers

STAFF RECOMMENDATION:

REVIEW AND ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES:

December 22, 2010

January 6, 2011

January 13, 2011

PAGE/CAPPELLO MOVED TO ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: DECEMBER 22, 2010, JANUARY 6, 2011, AND JANUARY 13, 2011. MOTION PASSED 4-0-1 WITH COUNCILMEMBER HUNTER ABSENT.

4. FY 2010/11 MID-YEAR BUDGET STATUS REPORT AND BUDGET ADJUSTMENT RESOLUTION

STAFF RECOMMENDATION:

Review FY 2010/11 budget status report and proposed budget adjustments, and adopt resolution approving the City's FY 2010/11 Operating Budget amendments.

RESOLUTION NO. 11 – 002

PAGE/CAPPELLO MOVED TO ADOPT RESOLUTION APPROVING THE CITY'S FY 2010/11 OPERATING BUDGET AMENDMENTS. MOTION PASSED 4-0-1 WITH COUNCILMEMBER HUNTER ABSENT.

5. SARATOGA LIBRARY BOOK RETURN OVERHANG PROJECT – ACCEPT CANCELLATION OF CONTRACT WITH PREMIER WEST INTERIORS AND AWARD CONSTRUCTION CONTRACT TO CRW INDUSTRIES

STAFF RECOMMENDATION:

Review report and

1. Move to accept the withdrawal of Premier West Interiors from the construction project, rescinding the action of the November 17, 2010 meeting.
2. Move to declare CRW Industries (CRW) of Santa Cruz to be the lowest responsible bidder on the project.
3. Move to accept bid and authorize the City Manager to enter into a construction contract to CRW Industries (CRW) in the amount of \$49,786.
4. Move to authorize staff to execute change orders to the contract up to \$4,980.

Councilmember Cappello removed this item for clarification.

CAPPELLO/PAGE MOVED TO 1. ACCEPT THE WITHDRAWAL OF PREMIER WEST INTERIORS FROM THE CONSTRUCTION PROJECT, RESCINDING THE ACTION OF THE NOVEMBER 17, 2010 MEETING.
2. MOVE TO DECLARE CRW INDUSTRIES (CRW) OF SANTA CRUZ TO BE THE LOWEST RESPONSIBLE BIDDER ON THE PROJECT.
3. MOVE TO ACCEPT BID AND AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONSTRUCTION CONTRACT TO CRW INDUSTRIES (CRW) IN THE AMOUNT OF \$49,786.
4. MOVE TO AUTHORIZE STAFF TO EXECUTE CHANGE ORDERS TO THE CONTRACT UP TO \$4,980. MOTION PASSED 4-0-1 WITH COUNCILMEMBER HUNTER ABSENT.

6. HIGHWAY 9 SAFETY IMPROVEMENT PROJECT, PHASE III

STAFF RECOMMENDATION:

1. Adopt a resolution authorizing the City Manager to execute a Cooperative Agreement between the City of Saratoga, the Town of Los Gatos, and the City of Monte Sereno for the Highway 9 Safety Improvement Project Phase III.
2. Approve an Independent Contractor Agreement with BKF Engineers for preparation of construction documents for the Highway 9 Safety Improvement Project Phase III and authorize the City Manager to execute the same.
3. Approve a Fund Transfer Agreement with Caltrans and authorize the City Manager to execute the same.

City Manager Dave Anderson removed this item for clarification. He noted this evening staff provided Council and the public with a revised copy of the Cooperative Agreement for the Highway 9 Safety Improvement Project, Phase III, and this revised contract is the contract that Council will be voting on this evening. He added the revision is due to the reallocation of the cost of the loop for the bicycle detection device and that all three cities involved, Monte Sereno, Los Gatos, and Saratoga, should share the cost of this bicycle loop detection device, rather than just Monte Sereno. [In the prior contract].

RESOLUTION NO. 11 – 003

PAGE/CAPPELLO MOVED TO **1. ADOPT A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A COOPERATIVE AGREEMENT BETWEEN THE CITY OF SARATOGA, THE TOWN OF LOS GATOS, AND THE CITY OF MONTE SERENO FOR THE HIGHWAY 9 SAFETY IMPROVEMENT PROJECT PHASE III.**

2. APPROVE AN INDEPENDENT CONTRACTOR AGREEMENT WITH BKF ENGINEERS FOR PREPARATION OF CONSTRUCTION DOCUMENTS FOR THE HIGHWAY 9 SAFETY IMPROVEMENT PROJECT PHASE III AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE SAME.

3. APPROVE A FUND TRANSFER AGREEMENT WITH CALTRANS AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE SAME. MOTION PASSED 4-0-1 WITH COUNCILMEMBER HUNTER ABSENT.

PUBLIC HEARINGS

None

OLD BUSINESS

7. SPRING/SUMMER ISSUE OF THE SARATOGAN

STAFF RECOMMENDATION:

Accept report and direct staff accordingly.

Administrative Analyst II Crystal Morrow presented the staff report.

Vice Mayor Page noted residents currently receive the *Saratogan* in the mailing of the Saratoga Recreation Guide. He added residents could also visit the Saratoga website to access the *Saratogan*. He thought it would be nice to know if people read the *Saratogan* and what that percentage would be and suggested adding an article in

the next *Saratogan* issue seeking the readership percentage and recommended residents respond to the readership survey by calling a specific number at City Hall, send an email, or go to the City website to let staff know if they read the *Saratogan*. He also suggested that as an incentive to respond to the readership survey the responders' name would be entered into a random drawing to receive a \$50 gift certificate for a Saratoga establishment.

Mayor Miller invited public comment.

No one requested to speak on this item; however, Mayor Miller invited two high school students in the audience up on the Dais for comment regarding suggested items for the next issue of the *Saratogan*.

Councilmember Cappello recommended seeking input from the residents regarding how they prefer to receive the *Saratogan* – via the City website or via the Saratoga Recreation Guide.

Councilmember Lo suggested acquiring feedback from the residents regarding their preference of receiving the *Saratogan* on line or via the Saratoga Recreation Guide.

City Manager Dave Anderson suggested starting out with the less involved survey by simply responding to the readership percentage survey in the next issue of the *Saratogan* and then expand the survey to include additional questions and recommendations in a later issue. City Manager Anderson also noted he would follow up with the funding issue for the \$50 gift certificate.

COUNCIL CONSENSUS:

- Include the suggested primary and secondary articles as noted in the staff report: Saratoga Serves Month of Service, Joe's Trail, Parks and Recreation Commission Highlight, Building Safety, Ask Jana, Welcome Captain Carl Neusel, Save a Bag, Bring your Own, and Arbor Day.
- Include an article referring readers to the City calendar on the Saratoga website to see upcoming events in Saratoga or to add an upcoming community event to the City calendar.
- Readership Survey – Include an article asking residents to call a specific telephone number, respond via the City website, or send an email to staff letting them know they have read the *Saratogan*, including the readership survey, asking them to leave their name and telephone number to be eligible to be entered in the random drawing for a free \$50 gift certificate to any Saratoga establishment.

NEW BUSINESS

None

ADHOC & AGENCY ASSIGNMENT REPORTS

Mayor Howard Miller – reported:

Council Finance Committee – met earlier today and noted the meeting is always open to the public as well as to fellow council members as members of the public. They talked

about future policies the Council could implement or clarify regarding the placement of funds for hillside issues or on-going issues such as funding for sidewalks and streets. This item would go to Council for discussion and for consideration of adoption.

Santa Clara County Cities Association – attended the League’s annual reception for newly elected and reappointed officials and noted the meeting highlighted newly retired Peninsula Division’s Regional Manager Rebecca Elliot.

Valley Transportation Authority PAC – met and noted there is a lot of work to be done regarding SB 375. The March meeting will address upcoming projects including the potential development of the Saratoga Village. They discussed their budget and noted sales tax revenues were down 15% in 2009; however, in 2010 they were up 1%. They also discussed high speed rail noting it has the potential to realign California State Highway 152.

West Valley Mayors and Managers Association – met and members sorted out items for the work plan for 2011.

West Valley Solid Waste Management Joint Powers Association – will meet on Thursday, February 3rd and noted his last official duty as chairman will be to elect the new chairman for 2011.

Vice Mayor Chuck Page – reported:

Hakone Foundation Board – will meet later this month.

Santa Clara Valley Water District Commission – met and they are working on a base plan for 2011.

Saratoga Ministerial Association – met and members talked about the *Saratoga Serves* program.

TEA AdHoc – State Assembly Member Jim Beall has introduced a bill that would allow Saratoga to receive some funds.

West Valley Sanitation District – met recently and they passed an ordinance that will reduce board members’ compensation. The compensation which was originally at \$200 a meeting allowed for an automatic 5% increase per year. The compensation has now been lowered to \$150 a meeting. The District continues to work on a plan to upgrade underground sewers in West Valley cities. There will be a small increase in service rates over the next three or four years.

Councilmember Jill Hunter – absent.

Councilmember Emily Lo – reported:

Library Joint Powers Association – the lease for the current administrative offices will expire at the end of September 2011. The Board is considering the purchase of one of two properties in Campbell for the library head quarters. This item will be on the February 24th agenda.

Councilmember Manny Cappello – reported:

Carlson House Restoration AdHoc – attended the last meeting.

Chamber of Commerce – attended the last meeting.

County HCD Policy Committee – attended the last meeting and committee representatives were presented with a list of the proposed projects that the Committee will be addressing in 2011. Presentations on the various projects will be given during the next two meetings and on March 17, 2011, committee members will vote on the recommended proposed projects.

Electric Vehicle Charging Stations AdHoc – met with Public Works staff on Tuesday, February 1st to discuss the proposed charging station locations in the city. The City

received grant funding for these charging stations. There are 10 charging stations and the bulk of them will be installed in two separate locations in the Village. This item will be presented to the Council at the February 16, 2011 Council meeting.

Santa Clara County Emergency Council – will be meeting on Thursday, February 3rd.

CITY COUNCIL ITEMS

Vice Mayor Page noted the League of California Cities meetings are a great learning experience and recommends that all Council members attend these meetings whenever they have the opportunity.

CITY MANAGER'S REPORT

Nothing

ADJOURNMENT

Mayor Miller noted the Council would be adjourning from the Regular meeting to Closed Session in the Administrative Conference Room.

City Attorney Richard Taylor noted the Mayor's report on the Closed Session would take place after Closed Session in the Administrative Conference Room.

PAGE/CAPPELLO MOVED TO **ADJOURN THE REGULAR MEETING AT 8:30 P.M. AND PROCEED TO THE ADMINISTRATIVE CONFERENCE ROOM FOR CLOSED SESSION.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER HUNTER ABSENT.

ADJOURN TO CLOSED SESSION

ADMINISTRATIVE CONFERENCE ROOM – 13777 FRUITVALE AVENUE

ANNOUNCEMENT OF CLOSED SESSION ITEM/S

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

Respectfully submitted,

Ann Sullivan, CMC
City Clerk