

## MINUTES

### SARATOGA REGULAR CITY COUNCIL MEETING MARCH 2, 2011

The City Council held a Joint Meeting with members of the Santa Clara County Sheriff's Office and Santa Clara County Fire Department 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.

#### **REPORT FROM CLOSED SESSION**

Mayor Miller noted there was nothing to report.

#### **ROLL CALL**

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

ABSENT: None

ALSO PRESENT: Dave Anderson, City Manager  
Richard Taylor, City Attorney  
Ann Sullivan, City Clerk  
Mary Furey, Administrative Services Director  
John Cherbone, Public Works Director  
Michael Taylor, Recreation Director  
Iveta Harvancik, Senior Engineer  
Cynthia McCormick, Assistant Planner  
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 March 2, 2011 was properly posted on February 25, 2011.

#### **COMMUNICATIONS FROM COMMISSIONS & PUBLIC**

Carl Neusel, Captain of the Westside Substation for the Santa Clara County Sheriff's Office and Ken Kehmna, Training Division Deputy Chief for the Santa Clara County Fire Department provided a brief synopsis of their 6:00 p.m. Joint Meeting with the City Council.

#### **COUNCIL DIRECTION TO STAFF**

None

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

Michaela Miller, representative of *Silicon Valley FACES* addressed the Council regarding an upcoming event called “Community Voices”. She noted that on April 5, 2011, from 7:00 p.m. to 9:00 p.m., *Silicon Valley FACES* will join with Asian-Americans for a public community dinner and dialogue at the Jewish Community Center. She noted there will also be community speakers on hand to share stories about immigration. For more information people can visit [www.asianamericanvoices.org/](http://www.asianamericanvoices.org/)

## **COUNCIL DIRECTION TO STAFF**

None

## **ANNOUNCEMENTS**

Councilmember Hunter invited everyone to the annual *Mustard Faire* event from 10:00 a.m. to 4:00 p.m. on Sunday, March 6<sup>th</sup> and to the annual St. Paddy’s Party on March 12<sup>th</sup> from 3:00 p.m. to 5:00 p.m. in the Saratoga Village.

Councilmember Lo invited everyone to the *Year of the Rabbit* celebration at Hakone Gardens on March 5<sup>th</sup> from 12:00 noon to 4:00 p.m. In addition she noted West Valley College (WVC) will be presenting a musical gala event on the evening of April 23<sup>rd</sup>. For ticket information people can go to [www.westvalleycollege.eventbrite.com](http://www.westvalleycollege.eventbrite.com)

Councilmember Cappello noted two upcoming Chamber of Commerce events: the *Persian New Year* event at 4:30 p.m. on March 15<sup>th</sup> at Blaney Plaza in the Village. The second event is the *Chamber Business Mixer* on March 17<sup>th</sup> at Villa Montalvo from 5:30 p.m. to 7:00 p.m.

Vice Mayor Page noted that CalTrain is experiencing serious financial difficulties and as a result, service going north up the Peninsula to San Francisco may see a large reduction in service. He added there are three agencies that have agreed to fund this transportation service: Valley Transit Authority, SamTrans, and San Francisco Muni. SamTrans, the San Mateo Transportation Agency, has decided not to fund their portion of the shared funding this year. He asked everyone that is concerned about the proposed reduction in CalTrain service to the northern communities to contact the San Mateo Board of Supervisors and voice their concerns.

Mayor Miller noted that AARP helps low and middle income tax payers in the Saratoga community with their tax return and E-filings. This service will be available every Thursday from 9:30 a.m. to 1:30 p.m. in the Senior Center between now and the April 15<sup>th</sup> tax deadline.

## **CEREMONIAL ITEMS**

None

## **SPECIAL PRESENTATIONS**

None

## **CONSENT CALENDAR**

1. CITY COUNCIL RETREAT MINUTES – JANUARY 28, 2011

**STAFF RECOMMENDATION:**

Approve minutes.

Councilmember Lo removed this item for clarification.

Councilmember Hunter removed this item for clarification.

HUNTER/LO MOVED TO **APPROVE THE CITY COUNCIL RETREAT MINUTES – JANUARY 28, 2011, AS AMENDED.** MOTION PASSED 5-0-0.

2. CITY COUNCIL REGULAR MEETING MINUTES – FEBRUARY 16, 2011

**STAFF RECOMMENDATION:**

Approve minutes.

Councilmember Hunter removed this item for clarification.

HUNTER/PAGE MOVED TO **APPROVE CITY COUNCIL REGULAR MEETING MINUTES – FEBRUARY 16, 2011, AS AMENDED.** MOTION PASSED 5-0-0.

3. REVIEW OF ACCOUNTS PAYABLE CHECK REGISTER

**STAFF RECOMMENDATION:**

That the City Council review and accept the check registers for the following Accounts Payable payment cycles:

February 20, 2011

February 17, 2011

Councilmember Miller removed this item for clarification and correction on the agenda regarding the February 20, 2011 payment cycle date.

MILLER/PAGE MOVED TO **ACCEPT THE CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: FEBRUARY 20, 10, 2011 AND FEBRUARY 17, 2011 AS AMENDED ON AGENDA.** MOTION PASSED 5-0-0.

4. TREASURER’S REPORT FOR THE MONTH ENDED JANUARY 31, 2011

**STAFF RECOMMENDATION:**

Review and accept the Treasurer’s Report for the month ended January 31, 2011.

PAGE/CAPPELLO MOVED TO ACCEPT THE TREASURER'S REPORT FOR THE MONTH ENDED JANUARY 31, 2011. MOTION PASSED 5-0-0.

5. LETTERS OF SUPPORT FOR WEST VALLEY COLLEGE CLEAN SAFE CREEKS GRANT APPLICATIONS

**STAFF RECOMMENDATION:**

Accept report and determine whether or not to approve attached letters of support for West Valley College's applications for Santa Clara Valley Water District Clean Safe Creeks grant funding.

Councilmember Cappello removed this item for correction in the letter of support regarding the "trial" system and noted it should be "trail" system.

CAPPELLO/PAGE MOVED TO APPROVE ATTACHED LETTERS OF SUPPORT AS AMENDED FOR WEST VALLEY COLLEGE'S APPLICATIONS FOR SANTA CLARA VALLEY WATER DISTRICT CLEAN SAFE CREEKS GRANT FUNDING. MOTION PASSED 5-0-0.

6. LETTER OF SUPPORT FOR CHILDREN'S HERITAGE TRAIL, FARM, AND GARDEN CLEAN SAFE CREEKS GRANT APPLICATION

**STAFF RECOMMENDATION:**

Accept report and determine whether or not to approve attached letter of support for the Children's Heritage Trail, Farm, and Garden's application for Santa Clara Valley Water District Clean Safe Creeks grant funding.

Councilmember Cappello removed this item for correction in the letter of support and noted it should be "by" rather than "my" in the second paragraph.

Crystal Morrow, Administrative Analyst II, addressed the Council and noted that after the posting of the agenda and packet staff was asked to include additional language to the letter of support regarding the grant application.

Kathryn Matthewson removed this item for comment and provided handouts to the Council and staff.

Anna Rainville removed this item for comment and read a poem.

CAPPELLO/PAGE MOVED TO APPROVE ATTACHED LETTER OF SUPPORT AS AMENDED FOR THE CHILDREN'S HERITAGE TRAIL, FARM, AND GARDEN'S APPLICATION FOR SANTA CLARA VALLEY WATER DISTRICT CLEAN SAFE CREEKS GRANT FUNDING. MOTION PASSED 5-0-0.

7. SANTA CLARA VALLEY WATER DISTRICT CLEAN SAFE CREEKS GRANT PROGRAM APPLICATIONS

**STAFF RECOMMENDATION:**

Accept report and determine whether or not to approve attached resolutions authorizing the City to submit applications for Santa Clara Valley Water District Clean Safe Creeks grant programs.

**RESOLUTION NO. 11 – 006**

**RESOLUTION NO. 11 – 007**

PAGE/CAPPELLO MOVED TO **APPROVE RESOLUTIONS AUTHORIZING THE CITY TO SUBMIT APPLICATIONS FOR SANTA CLARA VALLEY WATER DISTRICT CLEAN SAFE CREEKS GRANT PROGRAMS.** MOTION PASSED 5-0-0.

8. CALTRANS STATE ROUTE 9 SAFETY IMPROVEMENT PROJECT - FINAL SECTION 4(F) DE MINIMIS FINDING

**STAFF RECOMMENDATION:**

1. Approve the State's use of a small strip of City property (4,792 square feet) at Hakone Gardens to accommodate roadway safety improvements on Highway 9.
2. Approve final De Minimis Finding for roadway safety improvements located on Highway 9 adjacent to Hakone Gardens and authorize the City Manager to sign a concurrence letter for the same.

Vice Mayor Page removed this item for comment and clarification.

Nick Saleh, CalTrans engineer, addressed the Council and provided additional information and clarification regarding this item.

PAGE/CAPPELLO MOVED TO **1.) APPROVE THE STATE'S USE OF A SMALL STRIP OF CITY PROPERTY (4,792 SQUARE FEET) AT HAKONE GARDENS TO ACCOMMODATE ROADWAY SAFETY IMPROVEMENTS ON HIGHWAY 9; and 2.) APPROVE FINAL DE MINIMIS FINDING FOR ROADWAY SAFETY IMPROVEMENTS LOCATED ON HIGHWAY 9 ADJACENT TO HAKONE GARDENS AND AUTHORIZE THE CITY MANAGER TO SIGN A CONCURRENCE LETTER FOR THE SAME.** MOTION PASSED 5-0-0.

**DIRECTION TO STAFF:**

Council directed staff to notify the Council in advance, via the weekly Council Newsletter, about any documentation from Caltrans that is available for public review.

9. HIGHWAY 9 SAFETY IMPROVEMENT PROJECT – BUDGET ADJUSTMENT

**STAFF RECOMMENDATION:**

Approve budget adjustment.

**RESOLUTION NO. 11 - 008**

PAGE/CAPPELLO MOVED TO APPROVE HIGHWAY 9 SAFETY IMPROVEMENT PROJECT – BUDGET ADJUSTMENT. MOTION PASSED 5-0-0.

10. FINAL MAP APPROVAL FOR TWENTY RESIDENTIAL LOTS LOCATED AT 14234 SARATOGA-SUNNYVALE ROAD. OWNER: SUMMERHILL CREEKSIDE LLC

**STAFF RECOMMENDATION:**

1. Move to adopt Resolution granting final map approval of tentative map application No. 06-017, and consequent applications EXT09-0002 and MOD10-0002 for twenty residential lots located at 14234 Saratoga-Sunnyvale Road.
2. Move to authorize the City Manager to execute the Subdivision Improvement Agreement and the Landscape Maintenance Agreement.

Councilmember Cappello removed this item for clarification regarding whether or not he could vote on this item as a Councilmember since he had previously voted on this item as a Planning Commissioner.

City Attorney Richard Taylor responded that Councilmember Cappello could vote on this item.

City Attorney Taylor also noted staff would like to remove this item for comment. He noted the agreement has been approved by SummerHill,Creekside LLC; however, they have expressed concerns regarding the insurance requirements that would cover pollution on the development site and they have proposed that the City utilize a different approach, whereby the City not require the additional insurance and instead, accept an indemnification from SummerHill Homes.

City Attorney Taylor recommended Council continue this item to the end of the agenda items for further discussion so that Council can make an informed decision.

Council concurred with the recommendation to continue Item 10 to the end of the agenda items.

Mayor Miller moved to Item 13 at this time.

*[Council returned to this item at 8:40 p.m. and continued their discussion.]*

City Attorney Richard Taylor provided additional information regarding the insurance requirements.

Recreation Director Michael Taylor provided additional comments regarding the insurance requirements.

Kevin Ebrahimi, SummerHill Homes Development Manager, was present to answer questions regarding this item.

**RESOLUTION NO. 11 – 011**

CAPPELLO/PAGE MOVED TO: **1.) ADOPT RESOLUTION GRANTING FINAL MAP APPROVAL OF TENTATIVE MAP APPLICATION NO. 06-017, AND CONSEQUENT APPLICATIONS EXT09-0002 AND MOD10-0002 FOR TWENTY RESIDENTIAL LOTS LOCATED AT 14234 SARATOGA-SUNNYVALE ROAD, and 2.) AUTHORIZE THE CITY MANAGER TO EXECUTE THE SUBDIVISION IMPROVEMENT AGREEMENT AND THE LANDSCAPE MAINTENANCE AGREEMENT.** MOTION PASSED 5-0-0.

**DIRECTION TO STAFF:**

Council directed staff to bring this item back to the March 16, 2011 City Council meeting and provide options for Council to approve either the existing pollution liability insurance or indemnification language.

**11. MOTOR VEHICLE (MV) RESOLUTION RESTRICTING PARKING ON PROSPECT ROAD**

**STAFF RECOMMENDATION:**

Move to adopt MV Resolution restricting parking on a portion of Prospect Road

**MV RESOLUTION NO. – 296**

PAGE/CAPPELLO MOVED TO **ADOPT MOTOR VEHICLE (MV) RESOLUTION RESTRICTING PARKING ON A PORTION OF PROSPECT ROAD.** MOTION PASSED 5-0-0.

**12. LANDSCAPING & LIGHTING ASSESSMENT DISTRICT LLA-1; RESOLUTIONS INITIATING RENEWAL OF THE DISTRICT FOR FY 11-12.**

**STAFF RECOMMENDATION:**

1. Move to adopt the Resolution describing improvements and directing preparation of the Engineer's Report.
2. Move to adopt the Resolution appointing the Attorneys for the District.

**RESOLUTION NO. 11 - 009**

**RESOLUTION NO. 11 - 010**

PAGE/CAPPELLO MOVED TO **1.) ADOPT THE RESOLUTION DESCRIBING IMPROVEMENTS AND DIRECTING PREPARATION OF THE ENGINEER'S REPORT; and 2.) ADOPT THE RESOLUTION APPOINTING THE ATTORNEYS FOR THE DISTRICT.** MOTION PASSED 5-0-0.

## **PUBLIC HEARINGS**

### 13. FY 2011/12 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND COMMUNITY GRANT FUNDING APPLICATIONS

#### **STAFF RECOMMENDATION:**

1. Conduct the Public Hearing and accept public testimony presentations from applicants.
2. Make a decision regarding CDBG recommendations and Community Grant allocations.
3. Approve a transfer of \$118,172.77 in unused SHARP funds and \$26,000 in unused SHARP administration funds to the Unincorporated Housing Rehabilitation Program.

Assistant Planner Cynthia McCormick presented the staff report.

Mayor Miller opened the public hearing for public comment.

The following people requested to speak on this item:

Ernie Kraule spoke on behalf of the Saratoga Historical Foundation and the ADA ramp.

Barbara Merrill spoke on behalf of the Saratoga Adult Care Center.

Vera Sloan spoke on behalf of Shady Shakespeare.

Tom Moran spoke on behalf of KSAR 15, Saratoga Community Access Cable TV Foundation and the internship program.

Oliva Garcia spoke on behalf of the Long Term Care Ombudsman Program.

Susan Huff spoke on behalf of the Saratoga Adult Care Center.

Jacqueline de Guzman spoke on behalf of the West Valley Community Services.

Laura Watkins spoke on behalf of the Santa Clara County Family Health Foundation – Healthy Kids Program.

Anita Templar spoke on behalf of the Silicon Valley Wildlife Center.

Silicon Valley Wildlife Center representative “Lisa” spoke on behalf of the Silicon Valley Wildlife Center.

No one else requested to speak on this item.

Mayor Miller closed the public hearing comment period.

Mayor Miller noted this concluded the first portion of the CDBG public hearing and stated this item would be continued to the March 16, 2011 City Council meeting for additional discussion and allocation of CDBG funds.

## **OLD BUSINESS**

None

## **NEW BUSINESS**

None

## **ADHOC & AGENCY ASSIGNMENT REPORTS**

Mayor Howard Miller – reported:

*Council Finance Committee* – he attended the last meeting and they discussed the Saratoga Library bond issue.

*Hakone Foundation Executive Committee* – he attended the last meeting and discussion occurred regarding the legal issue pertaining to the verbiage on their signs. The Hakone Master Plan will be submitted to the City within two weeks. Master Gardeners from Japan are planning to visit Hakone Gardens later this year.

Vice Mayor Chuck Page – reported:

*Santa Clara Valley Water District Commission* – will meet again in April.

*West Valley Sanitation District* – he attended the last meeting and had nothing else to report.

[*Vice Mayor Page suggested all Saratoga Council Members write a letter to the San Mateo Board of Supervisors regarding their decision not to provide their share of funding to CalTrain and that he will send the San Mateo Board of Supervisors contact information and CalTrain contact information to each of the council members.*]

Councilmember Jill Hunter – reported:

*KSAR Community Access TV Board* – she attended the last meeting and noted KSAR is doing well.

Councilmember Emily Lo – reported:

*Library Joint Powers Association* – she attended the last meeting and the Association is moving forward with the purchase of a new administrative building.

*Sister City Liaison* – the Sister City organization is now accepting applications for the Sister City student exchange program.

Councilmember Manny Cappello – reported:

*County HCD Policy Committee* – the committee met on February 17<sup>th</sup> and they are seeking grant funding from CDBG and other grant funding opportunities. The next meeting will be in two weeks and the Committee will vote on submitted grant funding requests.

## **CITY COUNCIL ITEMS**

None

**CITY MANAGER'S REPORT**

None

**ADJOURNMENT**

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

PAGE/MILLER MOVED TO **ADJOURN THE REGULAR CITY COUNCIL MEETING AT 10:00 P.M.** MOTION PASSED 5-0-0.

Respectfully submitted,

Ann Sullivan, CMC  
City Clerk