

MINUTES

SARATOGA REGULAR CITY COUNCIL MEETING MARCH 16, 2011

The City Council met in Closed Session in the Administrative Conference Room at 5:00PM.

ANNOUNCEMENT OF CLOSED SESSION

Conference with Labor Negotiators -

Agency designated representatives: Dave Anderson

Employee organizations: Saratoga Managers Organization, Saratoga Employees

Association, Northern California Carpenters Regional Council

MAYOR'S REPORT ON CLOSED SESSION

Mayor Miller noted Council would be returning to Closed Session at the conclusion of the Regular Meeting.

The City Council held a Joint Meeting in the Saunders Room at 5:30 p.m. with members of the School Districts serving the Saratoga community.

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

ABSENT: Manny Cappello

ALSO Dave Anderson, City Manager

PRESENT: Richard Taylor, City Attorney

Ann Sullivan, City Clerk

Barbara Powell, Assistant City Manager

Mary Furey, Administrative Services Director

John Cherbone, Public Works Director

Michael Taylor, Recreation Director

Kate Bear, City Arborist

Cynthia McCormick, Assistant Planner

At this time Mayor Miller stated he would like to call for a moment of silence in recognition of the people of Japan who are enduring much sadness and tragedies as a result of the recent earthquake and tsunami.

Mayor Miller also announced that he is in the process of drafting a letter to the Mayor of Sister City, Muko-Shi, Japan, and that it will be written in both Japanese and English languages.

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 16, 2011 was properly posted on March 11, 2011.

COMMUNICATIONS FROM COMMISSIONS & PUBLIC

Mayor Miller stated the Council met with representatives of the various school districts serving the Saratoga community prior to the Regular meeting. He noted this annual meeting is a great opportunity to speak about points of collaboration and areas of concern regarding various schools serving the Saratoga community. He added the number one concern for the majority of the schools is their budget.

COUNCIL DIRECTION TO STAFF

None

ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS

Ann Waltonsmith addressed the Council regarding Sister City, Muko Shi, Japan. She noted the Saratoga Sister City organization is collecting household items and clothing to send to Japan. In addition, they are also accepting monetary donations and stated anyone wishing to donate money can write a check to Saratoga Sister City, P.O. Box 796, Saratoga, CA 95070. They should also write "Relief Fund" in the "Memo" section on the check.

Ms. Waltonsmith announced Hakone Gardens has scheduled a fundraising vigil on March 24th at 6:30 p.m. She invited people to visit www.hakone.us and click on the Japanese Red Cross link for additional information regarding the Japanese relief efforts.

COUNCIL DIRECTION TO STAFF

Vice Mayor Page asked that staff post the Japanese Relief effort and donation information on the City website.

ANNOUNCEMENTS

Councilmember Hunter announced the Pet Parade event in the Village on April 16th from 10:00 a.m. to 12:00 noon.

Councilmember Lo announced that Montalvo Arts Center is hosting a Saratoga Chamber of Commerce Mixer event on Thursday, March 17th from 5:30 to 7:00 p.m.

Mayor Miller announced the Saratoga Music Boosters is having their annual Jazz Cabaret at Saratoga High School on Saturday, March 19th at 7:00 p.m.

CEREMONIAL ITEMS

- 1. COMMENDATION HONORING OUTGOING HERITAGE PRESERVATION COMMISSIONER HONG TAI**

STAFF RECOMMENDATION:

Read and present commendation.

Commissioner Hong Tai was unable to attend the meeting.

2. COMMENDATION HONORING OUTGOING TRAFFIC SAFETY COMMISSIONER MITCH KANE

STAFF RECOMMENDATION:

Read and present commendation.

Mayor Miller invited Mitch Kane and family members up on stage for presentation of his commendation.

3. COMMENDATION HONORING OUTGOING PLANNING COMMISSIONER LINDA RODGERS

STAFF RECOMMENDATION:

Read and present commendation.

Mayor Miller invited Ms. Rodgers and family members up on stage for the presentation of her commendation.

4. APPOINTMENT OF PLANNING, HERITAGE PRESERVATION, TRAFFIC SAFETY, AND LIBRARY COMMISSIONERS AND OATHS OF OFFICE

STAFF RECOMMENDATION:

Adopt the attached resolution appointing two (2) members to the Planning Commission, one (1) member to the Heritage Preservation Commission, four (4) members to the Traffic Safety Commission, and one (1) member to the Library Commission, and direct the City Clerk to administer the Oaths of Office.

RESOLUTION NO. 11 – 012

HUNTER/PAGE MOVED TO **ADOPT THE ATTACHED RESOLUTION APPOINTING TWO (2) MEMBERS TO THE PLANNING COMMISSION, ONE (1) MEMBER TO THE HERITAGE PRESERVATION COMMISSION, FOUR (4) MEMBERS TO THE TRAFFIC SAFETY COMMISSION, AND ONE (1) MEMBER TO THE LIBRARY COMMISSION, AND DIRECT THE CITY CLERK TO ADMINISTER THE OATHS OF OFFICE.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER CAPPELLO ABSENT.

City Clerk Ann Sullivan administered the Oath of Office to the newly appointed commissioners.

SPECIAL PRESENTATIONS

None

CONSENT CALENDAR

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

STAFF RECOMMENDATION:

Approve minutes.

PAGE/HUNTER MOVED TO **APPROVE CITY COUNCIL REGULAR MEETING MINUTES – MARCH 2, 2011.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER CAPPELLO ABSENT.

6. REVIEW OF ACCOUNTS PAYABLE CHECK REGISTERS

STAFF RECOMMENDATION:

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

February 28, 2011

March 3, 2011

PAGE/HUNTER MOVED TO **ACCEPT THE CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE CYCLES: FEBRUARY 28, 2011 AND MARCH 3, 2011.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER CAPPELLO ABSENT.

7. TREASURER’S REPORT FOR THE MONTH ENDED FEBRUARY 28, 2011

STAFF RECOMMENDATION:

Review and accept the Treasurer’s Report for the month ended February 28, 2011.

PAGE/HUNTER MOVED TO **ACCEPT THE TREASURER’S REPORT FOR THE MONTH ENDED FEBRUARY 28, 2011.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER CAPPELLO ABSENT.

8. APPROVAL OF AGENCY AGREEMENT FOR COUNTYWIDE AB 939 IMPLEMENTATION FEE

STAFF RECOMMENDATION:

Accept report, and authorize the City Manager to approve the Agency Agreement with the County of Santa Clara for the Countywide AB939 Implementation Fee.

PAGE/HUNTER MOVED TO **AUTHORIZE THE CITY MANAGER TO APPROVE THE AGENCY AGREEMENT WITH THE COUNTY OF SANTA CLARA FOR THE COUNTYWIDE AB939 IMPLEMENTATION FEE.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER CAPPELLO ABSENT.

PUBLIC HEARINGS

9. PUBLIC HEARING ON RESOLUTION ORDERING THE ABATEMENT OF A PUBLIC NUISANCE BY REMOVAL OF HAZARDOUS VEGETATION (WEEDS)

STAFF RECOMMENDATION:

Open public hearing; listen to public testimony; and close public hearing. Consider any objections to proposed Order for Abatement of Hazardous Vegetation and sustain or overrule any objections as to specific properties. Adopt proposed Resolution Ordering Abatement (Attachment A) as to properties listed (with modification(s) if any objections are sustained).

City Clerk Ann Sullivan presented the staff report.

Mayor Miller opened the Public Hearing and invited public comment.

No one requested to speak on this item.

Mayor Miller closed the Public Hearing.

RESOLUTION NO. 11 – 013

PAGE/HUNTER MOVED TO **ADOPT PROPOSED RESOLUTION ORDERING ABATEMENT (ATTACHMENT A) AS TO PROPERTIES LISTED (WITH MODIFICATION(S) IF ANY OBJECTIONS ARE SUSTAINED).** MOTION PASSED 4-0-1 WITH COUNCILMEMBER CAPPELLO ABSENT.

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

STAFF RECOMMENDATION:

1. Make a decision regarding CDBG recommendations and Community Grant allocations.
2. Approve a transfer of all remaining SHARP funds and outstanding loans in order to meet the timeliness ratio and avoid losing future funding.

Assistant Planner Cynthia McCormick presented the staff report.

Ms. McCormick noted the total available amount for ADA projects was expected to be \$85,697.

The City received two requests for the entire amount – Saratoga Historical Foundation requested \$6,200 and the City of Saratoga Recreation and Facilities Department requested \$79,497.

She added the City received seven applications for Community Service Programs for a total request of \$73,677.85. The Saratoga Area Senior Coordinating Council requested \$34,000; West Valley Community Services requested \$15,164; Santa Clara County

Family Health Foundation requested \$9,288; Shady Shakespeare Theater Company requested \$5,000; Catholic Charities requested \$5,000; KSAR requested \$3,100; and the Wildlife Center of Silicon Valley requested \$2,125.85.

Ms. McCormick added that in addition to deciding how much to allocate to each of the applicants, Council should devise a contingency plan since CDBG funding is subject to change. In addition, she stated Council should make a decision regarding the transfer of all remaining SHARP funds and outstanding loans to the Santa Clara County Housing and Rehabilitation Program in order to meet the required HUD timeliness ratio and avoid losing future funding.

Mayor Miller opened the Public Hearing and invited public comment.

The following people requested to speak on this item:

Tom Moran spoke on behalf of KSAR – Channel 15.

Kathleen King spoke on behalf of Santa Clara County Family Health Foundation (SCFHF) Healthy Kids Program.

Susan Huff spoke on behalf of Saratoga Area Senior Coordinating Council – Adult Day Care (SASCC ADC).

No one else requested to speak on this item.

Mayor Miller closed the Public Hearing.

PAGE/LO MOVED TO **APPROVE A TRANSFER OF \$118,172.77 IN UNUSED SHARP FUNDS, \$26,000 IN UNUSED SHARP ADMINISTRATION FUNDS, AND ANY OUTSTANDING LOANS TO THE UNINCORPORATED HOUSING REHABILITATION PROGRAM.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER CAPPELLO ABSENT.

PAGE/HUNTER MOVED TO **ACCEPT STAFF RECOMMENDATION FOR FUNDING ALLOCATIONS OF \$6,200 TO THE SARATOGA HISTORICAL FOUNDATION FOR ADA RAMP AT THE MUSEUM STORAGE BUILDING AND \$79,497 TO THE CITY OF SARATOGA RECREATION AND FACILITIES DEPARTMENT FOR ADA PUBLIC COUNTERS AND SIGNAGE.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER CAPPELLO ABSENT.

PAGE/LO MOVED TO **ALLOCATE \$31,900 TO SASCC ADULT DAY CARE PROGRAM.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER CAPPELLO ABSENT.

RESOLUTION NO. 11 -014 CDBG FUNDING

Public Service Grant:

- o SASCC Adult Daycare \$31,900.00

CDBG Capital Projects:

- o Saratoga Historical Foundation \$ 6,200.00 ADA Ramp – Museum Storage Bldg.
- o City of Saratoga \$79,497.00 ADA – City of Saratoga Public Counters & Signage

At 8:30PM Mayor Miller declared a 5 minute break.

Mayor Miller reconvened the Regular Meeting at 8:40PM.

Council resumed their discussion regarding the Community Grant allocations.

HUNTER/LO MOVED TO **ACCEPT THE ALLOCATION OF FUNDING AS AGREED UPON FOR A TOTAL OF \$31,900.00.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER CAPPELLO ABSENT.

RESOLUTION NO. 11 – 015 COMMUNITY GRANT FUNDING

| | |
|-----------------------------|--------------------|
| Catholic Charities | \$ 4,125.00 |
| WV Community Services | \$14,691.00 |
| SASCC Adult Care Center | \$ 1,422.00 |
| Shady Shakespeare | \$ 1,375.00 |
| Wildlife Center | \$ 1,425.00 |
| KSAR | \$ 1,825.00 |
| SC Family Health Foundation | \$ 7,037.00 |
| TOTAL | \$31,900.00 |

COUNCIL CONTINGENCY PLAN:

PAGE/ HUNTER MOVED TO **ALLOW STAFF TO MAKE ADMINISTRIAL ADJUSTMENTS DEPENDING UPON THE EXACT AMOUNT OF MONEY THAT IS APPROVED BY HUD AND BY THE COUNTY IF NECESSARY.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER CAPPELLO ABSENT.

At this time Mayor Miller invited the two San Jose State college students that were in the audience to come up on stage.

OLD BUSINESS

11. SUMMERHILL CREEKSIDE HOMES POLLUTION LEGAL LIABILITY COVERAGE OPTIONS

STAFF RECOMMENDATION:

Staff recommends the Council authorize staff to amend the SummerHill Subdivision Improvement Agreement (SIA) to replace the Pollution Legal Liability (PLL) insurance requirement with alternative terms described in the Staff Report.

City Attorney Richard Taylor presented the staff report. Mr. Taylor noted that Council received a revised Agreement prior to the start of the Regular Meeting and that would be the agreement that Council would be voting on this evening.

Mayor Miller invited public comment.

No one requested to speak on this item.

Mayor Miller closed the public comment.

PAGE/LO MOVED TO **AUTHORIZE STAFF TO AMEND THE NEWLY SUBMITTED SUMMERHILL SUBDIVISION IMPROVEMENT AGREEMENT (SIA) TO REPLACE THE POLLUTION LEGAL LIABILITY (PLL) INSURANCE REQUIREMENT WITH ALTERNATIVE TERMS DESCRIBED IN THE STAFF REPORT.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER CAPPELLO ABSENT.

12. APPROVAL OF AGENCY AGREEMENT FOR THE COUNTYWIDE HOUSEHOLD HAZARDOUS WASTE COLLECTION PROGRAM

STAFF RECOMMENDATION:

Accept report and authorize:

1. The City Manager to approve the Agency Agreement with the County of Santa Clara for the Countywide Household Hazardous Waste (HHW) Collection Program;
2. Staff to increase the funding augmentation for the HHW Program from its current level of \$40,000, to a recommended level of \$50,000 for FY 2011-12.

Assistant City Manager Barbara Powell presented the staff report.

Mayor Miller invited public comment.

No one requested to speak on this item.

Mayor Miller closed the public comment.

PAGE/HUNTER MOVED TO **AUTHORIZE THE CITY MANAGER TO APPROVE THE AGENCY AGREEMENT WITH THE COUNTY OF SANTA CLARA FOR THE COUNTYWIDE HOUSEHOLD HAZARDOUS WASTE (HHW) COLLECTION PROGRAM.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER CAPPELLO ABSENT.

PAGE/HUNTER MOVED TO **AUTHORIZE STAFF TO INCREASE THE FUNDING AUGMENTATION FOR THE HHW PROGRAM FROM ITS CURRENT LEVEL OF \$40,000, TO A RECOMMENDED LEVEL OF \$50,000 FOR FY 2011-12 – FUNDED BY THE ENVIRONMENTAL FUND.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER CAPPELLO ABSENT.

13. REPORT TO COUNCIL ON CRITERIA AND PROCESS FOR ADOPTING HERITAGE TREES

STAFF RECOMMENDATION:

Adopt the attached resolution, thereby creating a process and criteria for the designation of heritage trees in Saratoga.

City Arborist Kate Bear presented the staff report.

Mayor Miller invited public comment.

Paul Hernandez requested to speak on this item.

No one else requested to speak on this item.

Mayor Miller closed the public comment.

RESOLUTION NO. 11 - 016

PAGE /HUNTER MOVED **TO ADOPT RESOLUTION CREATING PROCESS AND CRITERIA FOR THE DESIGNATION OF HERITAGE TREES IN SARATOGA WITH ONE MODIFICATION IN ITEM 2. HERITAGE TREE CRITERIA – THAT THE TREE MUST MEET AT LEAST TWO CRITERIA FROM BOTH ‘A’ AND ‘B’.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER CAPPELLO ABSENT.

DIRECTION TO STAFF:

Council directed staff to bring this item back for additional Council discussion in the event that this program is costing significant staff time and dollars. In addition, Council directed staff to create an application form that contains a section for contact information and location of the tree, space for the applicant to state why they should be considered for Heritage status, and a section for the City Arborist to complete, documenting how the tree meets the criteria for Heritage status.

NEW BUSINESS

14. COMMENTS ON PROPOSED CHANGES TO 408 AREA CODE

STAFF RECOMMENDATION:

Accept report and authorize the Mayor to submit comments to the State of California Public Utilities Commission (CPUC) concerning proposed changes to the 408 area code.

Assistant City Manager Barbara Powell presented the staff report.

Mayor Miller invited public comment.

Paul Hernandez requested to speak on this item.

No one else requested to speak on this item.

Mayor Miller closed the public comment.

HUNTER/ LO MOVED TO **AUTHORIZE THE MAYOR TO WRITE A LETTER TO THE CALIFORNIA PUBLIC UTILITIES COMMISSION STATING THE CITY'S PREFERENCE FOR THE "SPLIT" PLAN (ALTERNATIVE #2) WITH AREA B MAINTAINING THE 408 AREA CODE IN THE WEST VALLEY CITIES.** MOTION FAILED 2-2-1 WITH PAGE AND MILLER OPPOSING AND CAPPELLO ABSENT.

ADHOC & AGENCY ASSIGNMENT REPORTS

Mayor Howard Miller – reported:

Santa Clara County Cities Association – met and noted their annual General Meeting is on Thursday, April 14 from 6:00 to 9:00 p.m. in the Sunnyvale Senior Center. All council members are invited to this event.

Valley Transportation Authority PAC – met and there is an on-going effort to fund Caltrain; ridership has increased and they are moving forward with their express lanes.

Vice Mayor Chuck Page – reported:

West Valley Sanitation District – met and they discussed the retirement of the Clerk of the Board. They are also in the process of looking for someone to replace her.

Councilmember Jill Hunter – reported:

Historical Foundation – There will be a speaker at next Monday's meeting and the topic will be on "Sara Winchester" and her life experience in San Jose and the Winchester Mystery House.

Councilmember Emily Lo – reported:

Sister City Liaison – When Mayor Miller completes the letter to Sister City Muko Shi, Japan, Emily will provide a copy of it to the Sister City members.

As the alternate to the Chamber of Commerce she reported the Persian New Year event was held on Tuesday, March 15th. The Chamber Mixer is at Montalvo on Thursday, March 17th from 5:30 to 7:00 p.m. The Chamber will begin delivering "welcome packages" (via volunteers) to new residents starting in April.

Councilmember Manny Cappello – Absent

CITY COUNCIL ITEMS

Councilmember Page announced the annual Peninsula Division dinner is at 6:00 p.m. on March 24th at Michaels Restaurant in Mountain View.

In addition, he stated that several restaurant owners have voiced concerns regarding the lack of parking at the west end of Big Basin and would like Council to consider revisiting parking

alternatives including the cost of City sponsored valet parking and sensor technology. Councilmember Hunter seconded this suggestion as an agenda item for a future Council meeting.

CITY MANAGER'S REPORT

None

ADJOURNMENT

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

PAGE/LO MOVED TO **ADJOURN THE REGULAR COUNCIL MEETING AT 10:50P.M AND TO RELOCATE TO THE ADMINISTRATIVE CONFERENCE ROOM TO CONTINUE CLOSED SESSION DISCUSSION.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER CAPPELLO ABSENT.

MAYOR'S REPORT ON CLOSED SESSION

Mayor Miller stated there was no reportable information.

Respectfully submitted,

Ann Sullivan, CMC
City Clerk