

MINUTES

SARATOGA REGULAR CITY COUNCIL MEETING APRIL 6, 2011

The City Council met in Closed Session in the Administrative Conference Room at 4:30 PM.

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 Administrative Conference Room at 6:00 p.m. with members of the Saratoga Area Senior Coordinating Council (SASCC).

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 PRESENT: Dave Anderson, City Manager
Richard Taylor, City Attorney
Ann Sullivan, City Clerk
Barbara Powell, Assistant City Manager
Mary Furey, Administrative Services Director
John Cherbone, Public Works Director
Chris Riordan, Interim Community Development Director
Adam Henig, Recreation Supervisor

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 April 6, 2011, was properly posted on March 31, 2011.

COMMUNICATIONS FROM COMMISSIONS & PUBLIC

Susan Huff, Executive Director of the Saratoga Area Senior Coordinating Council (SASCC) provided a brief report on the joint meeting the SASCC Board had with the Council prior to the 7:00 p.m. Council meeting. In addition, she thanked the Council for their continued support of the programs offered by SASCC.

COUNCIL DIRECTION TO STAFF

None

ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS

Dory Albert addressed the Council regarding cell tower construction in the community and asked Council to create a wireless ordinance.

Peter Mara addressed the Council noting the Saratoga Sister City organization received \$8,655 in donations and it has already been sent to Sister City Muko Shi to assist the victims of the tragic earthquake and tsunami in Japan.

Debra Cummins addressed the Council regarding the community outreach efforts by the Saratoga Chamber of Commerce. Volunteers for the Chamber are now delivering “Welcome Packages” to new Saratoga residents.

Diane Noeske addressed the Council regarding a group of small business owners in the Village that are interested in establishing a farmers market (*Saratoga Village Marketplace*) in the Village. She noted the group will be applying for a business permit shortly and requested a waiver of the application fees associated with the Conditional Use Permit.

Vicki Seelig, president of the Saratoga Chamber of Commerce, thanked the Mayor and Council Members for attending the Persian New Year. She noted additional upcoming Chamber events and invited the Council and staff to these events. In addition, she asked the Council to consider waiving the application fees for the Conditional Use Permit (CUP) for the Saratoga Village Marketplace.

Scott Anderson, president-elect of the Saratoga Chamber of Commerce, spoke in support of the Saratoga Village Marketplace and asked Council to consider waiving the application fees for the CUP.

Michael Shadman spoke in support of the Saratoga Village Marketplace and asked Council to consider waiving the application fees for the CUP.

COUNCIL DIRECTION TO STAFF

Vice Mayor Page requested staff to agendize the Saratoga Village Marketplace CUP fee reimbursement for discussion at a future Council meeting. Councilmember Cappello seconded the request.

ANNOUNCEMENTS

Vice Mayor Page noted the Santa Clara Valley Water District would be implementing a water rate increase shortly. In addition, he noted the Water District has scheduled public meetings on April 12th, April 19th and April 26th regarding the proposed water rate increase and encouraged people to attend any of the scheduled meetings.

Councilmember Hunter noted the annual Pet Parade on Saturday, April 16th at 11:00 a.m.

Mayor Miller noted the many special programs that are available for children through the Saratoga Recreation Department and encouraged people to sign up for these programs. In addition, he noted the Saratoga Youth Commission is facilitating a *Teen Inspiration Lecture Series* and invited everyone to hear Evan Lo, former mayor and councilmember for the City of Campbell, speak on Thursday, April 7th at the Saratoga Civic Theater.

CEREMONIAL ITEMS

1. COMMENDATION HONORING THE MOUNTAIN WINERY

STAFF RECOMMENDATION:

Read and present commendation.

Mayor Miller invited board members of the Mountain Winery up on stage to receive the commendation.

2. COMMENDATION HONORING OUTGOING HERITAGE PRESERVATION COMMISSIONER HONG TAI

STAFF RECOMMENDATION:

Read and present commendation.

Mayor Miller invited Hong Tai and family members up on stage to receive the commendation.

SPECIAL PRESENTATIONS

None

CONSENT CALENDAR

3. CITY COUNCIL REGULAR MEETING MINUTES –MARCH 16, 2011

STAFF RECOMMENDATION:

Approve minutes.

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

4. 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:

March 11, 2011

March 17, 2011

March 25, 2011

PAGE/HUNTER MOVED TO **ACCEPT THE CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: MARCH 11, 2011, MARCH 17, 2011, AND MARCH 25, 2011.** MOTION PASSED 5-0-0.

5. REQUEST FOR WAIVER OF CITY FEES RELATED TO 4TH OF JULY EVENT

STAFF RECOMMENDATION:

Waive City-related fees for July 4, 2011 event; reimburse Recreation Department \$80.00 and reimburse Community Development Department \$100.00 out of Community Events – General account.

Councilmember Cappello removed this item for comment and clarification.

Councilmember Cappello noted this type of report should be on the Old or New Business section of the agenda for Council discussion.

CAPPELLO/PAGE MOVED TO **WAIVE CITY-RELATED FEES FOR JULY 4, 2011 EVENT; REIMBURSE RECREATION DEPARTMENT \$80.00 AND REIMBURSE COMMUNITY DEVELOPMENT DEPARTMENT \$100.00 OUT OF COMMUNITY EVENTS – GENERAL ACCOUNT.** MOTION PASSED 5-0-0.

6. LANDSCAPING & LIGHTING ASSESSMENT DISTRICT LLA-1; RESOLUTION DESCRIBING IMPROVEMENTS AND DIRECTING PREPARATION OF ENGINEER'S REPORT FOR ANNEXATION OF A NEW ZONE (WESTBROOK - ZONE 34) TO THE CITY OF SARATOGA LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT, LLA-1.

STAFF RECOMMENDATION:

Move to adopt the Resolution describing improvements and directing preparation of the Engineer's Report.

Councilmember Lo removed this item for clarification.

RESOLUTION NO. 11 – 017

LO/CAPPELLO MOVED TO **ADOPT THE RESOLUTION DESCRIBING IMPROVEMENTS AND DIRECTING PREPARATION OF THE ENGINEER'S REPORT.** MOTION PASSED 5-0-0.

7. RECEIPT OF PARK-IN-LIEU FUNDS – BUDGET AMENDMENT

STAFF RECOMMENDATION:

Adopt Budget Resolution

Councilmember Cappello removed this item for clarification.

RESOLUTION NO. 11 – 018

CAPPELLO/PAGE MOVED TO **ADOPT BUDGET RESOLUTION FOR RECEIPT OF PARK-IN-LIEU FUNDS – BUDGET AMENDMENT.** MOTION PASSED 5-0-0.

PUBLIC HEARINGS

None

OLD BUSINESS

None

NEW BUSINESS

8. ASSOCIATION OF BAY AREA GOVERNMENTS AGREEMENT FOR LOCAL AGENCY PARTICIPATION IN THE GRANT-FUNDED BAY AREA-WIDE TRASH CAPTURE DEMONSTRATION PROJECT

STAFF RECOMMENDATION:

Approve the agreement with the Association of Bay Area Governments (ABAG), which will provide trash capture equipment for installation in existing storm drains to comply with the San Francisco Bay Municipal Regional Stormwater Permit, and authorize the City Manager to execute the agreement. The Agreement was provided at the Council meeting and was sent separately in electronic format.

Public Works Director John Cherbone presented the staff report.

Mayor Miller invited public comment.

No one requested to speak on this item.

Mayor Miller closed the public comment.

RESOLUTION NO 11 -019

PAGE/CAPPELLO MOVED TO **APPROVE THE AGREEMENT WITH THE ASSOCIATION OF BAY AREA GOVERNMENTS (ABAG), WHICH WILL PROVIDE TRASH CAPTURE EQUIPMENT FOR INSTALLATION IN EXISTING STORM DRAINS TO COMPLY WITH THE SAN FRANCISCO BAY MUNICIPAL REGIONAL STORMWATER PERMIT, AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT. THE AGREEMENT WAS PROVIDED AT THE COUNCIL MEETING AND WAS SENT SEPARATELY IN ELECTRONIC FORMAT.** MOTION PASSED 5-0-0.

9. AMENDMENT TO RESOLUTION 542-2: TERMS OF OFFICE AND MEETINGS OF THE YOUTH COMMISSION

STAFF RECOMMENDATION:

Review report and adopt an Amendment to Resolution 542-2 to:

1. Confirm the number of Youth Commissioners at eleven (11) members, removing the requirement that three Commissioners be adults;
2. Provide that regular meetings be held monthly during the school year; and
3. Replace a reference to Roberts Rules of Order with a reference to the City's rules of parliamentary procedure.

Recreation Supervisor Adam Henig presented the staff report.

Mayor Miller invited public comment.

No one requested to speak on this item.

Mayor Miller closed the public comment.

COUNCIL DISCUSSION:

Council discussed the options and requirements for a candidate to serve on the Youth Commission and decided that in addition to the above staff recommendations, the following additions should be implemented:

- After two (2) absences per nine month school year meeting schedule, commissioner will no longer be eligible to serve on the commission.
- Limit term to one (1) two-year term.

RESOLUTION NO 11 -020

PAGE/CAPPELLO MOVED TO **ADOPT AN AMENDMENT TO RESOLUTION 542-2 TO: 1.) CONFIRM THE NUMBER OF YOUTH COMMISSIONERS AT ELEVEN (11) MEMBERS, REMOVING THE REQUIREMENT THAT THREE COMMISSIONERS BE ADULTS; 2.) PROVIDE THAT REGULAR MEETINGS BE HELD MONTHLY DURING THE SCHOOL YEAR; 3.) REPLACE A REFERENCE TO ROBERTS RULES OF ORDER WITH A REFERENCE TO THE CITY'S RULES OF PARLIAMENTARY PROCEDURE; AND TO INCLUDE THE FOLLOWING ADDITIONS: 4.) NO MORE THAN TWO (2) ABSENCES IN A NINE (9) MONTH MEETING SCHOOL YEAR; AND 5.) NO CONSECUTIVE TERMS.**
MOTION PASSED 5-0-0.

10. REQUEST FOR WAIVER OF CITY-RELATED FEES FOR ANNUAL SARATOGA COMMUNITY BAND CONCERT

STAFF RECOMMENDATION:

Accept report and directly staff accordingly.

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.

Vice Mayor Page recommended staff refrain from using the words “waiver of fees” on future staff reports of this nature and suggested using the term “reimbursement of special event fees”.

HUNTER/PAGE MOVED TO SUPPORT THE WAIVER OF CITY-RELATED FEES FOR ANNUAL SARATOGA COMMUNITY BAND CONCERT OUT OF COMMUNITY EVENTS – GENERAL ACCOUNT MOTION PASSED 5-0-0.

ADHOC & AGENCY ASSIGNMENT REPORTS

Mayor Howard Miller – reported:

Council Finance Committee – he, along with Vice Mayor Page, attended the meeting earlier on this date and noted they discussed the SASCC budget and the improvements SASCC board members have made to reach a balanced budget. He also noted plans are well under way for refinancing the library bond at a lower interest rate.

Vice Mayor Chuck Page – reported:

Hakone Foundation Board – he noted there has been an order from the Japanese officials stating no Japanese officials can attend any celebratory events for the next month. He added the Hakone Board may have to consider cancelling the April 19th event at Hakone Gardens.

Santa Clara Valley Water District Commission – he attended the meeting today and as noted earlier this evening ground water rates will be increasing. The members also received an update on district engagement in the Bay Delta Conservation Plan. In addition, he has a VTA Board meeting on Thursday and noted that there has been a tentative financial agreement regarding Caltrain.

Councilmember Jill Hunter – had nothing to report as the majority of her agency meetings are scheduled next week.

Councilmember Emily Lo – reported:

She attended a Santa Clara County Housing and Community Development meeting on March 17th and noted that a vote was taken by the Advisory Committee recommending CDBG grant allocations by the County Board of Supervisors.

Councilmember Manny Cappello – reported:

He attended the Sister City meeting last evening and thanked everyone that donated to the Sister City Organization to support the earthquake relief efforts in Japan. He added the Sister City Student Exchange Program is currently on hold due to the travel restrictions to Japan that has been put in place by the United States government.

CITY COUNCIL ITEMS

Councilmember Hunter inquired about the status of where and how the banner can be hung since the removal of the Italian stone pine tree at Blaney Plaza.

Mayor Miller directed staff to agendize discussion of the banner location options at a future Council meeting.

Mayor Miller commented on the requests by members of the Chamber of Commerce to waive the application fees for the Saratoga Village Marketplace and noted the Chamber needs to meet with the Community Development Department regarding the CUP program and added members of the Chamber of Commerce will need to report back to the City Council regarding their plans – including the type of farmers market and the location.

CITY MANAGER’S REPORT

Dave Anderson noted he would be meeting with Santa Clara County city managers on Friday, April 7th regarding proposed changes to the CDBG JPA (Joint Powers Agreement). He concluded by noting the County would like feedback from the cities in the County regarding these proposed changes by April 21st.

Mayor Miller asked staff to include an update of the Friday meeting in the weekly Council newsletter.

City Attorney Richard Taylor noted Assistant City Attorney Jonathan Wittwer will be attending the April 20th Council meeting.

ADJOURNMENT

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

PAGE/CAPPELLO MOVED TO **ADJOURN THE REGULAR COUNCIL MEETING AT 9:30P.M AND TO RELOCATE TO THE ADMINISTRATIVE CONFERENCE ROOM TO CONTINUE CLOSED SESSION DISCUSSION.**
MOTION PASSED 5-0-0.

MAYOR’S REPORT ON CLOSED SESSION

Mayor Miller announced there was nothing to report.

Respectfully submitted,

Ann Sullivan, CMC
City Clerk