

MINUTES

SARATOGA REGULAR CITY COUNCIL MEETING APRIL 20, 2011

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

MAYOR'S REPORT ON CLOSED SESSION

Mayor Miller noted there was nothing to report from Closed Session.

The City Council held a Joint Meeting in the Administrative Conference Room at 6:00 p.m. with Villa Montalvo Arts Center board members.

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 Dave Anderson, City Manager

PRESENT: Richard Taylor, City Attorney
Ann Sullivan, City Clerk
Barbara Powell, Assistant City Manager
Mary Furey, Administrative Services Director
Michael Taylor, Recreation and Facilities Director
John Cherbone, Public Works Director
Chris Riordan, Interim Community Development Director
Cynthia McCormick, Assistant Planner
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 April 20, 2011, was properly posted on April 14, 2011.

COMMUNICATIONS FROM COMMISSIONS & PUBLIC

Angela McConnell, Executive Director for Montalvo Arts Center, provided a brief report on the joint meeting held with the City Council at 6:00 p.m. She noted they will be celebrating Montalvo's 100th year anniversary in 2012. They are planning to do a 100-year old oral history project and invited people to share their stories of events that occurred during the past 100 years, including a story on the "Weddings of the Century".

COUNCIL DIRECTION TO STAFF

None

ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS

Denise Goldberg thanked Mayor Miller for his participation in helping to plant 1,000 daffodils in the form of a river at Kevin Moran Park.

COUNCIL DIRECTION TO STAFF

None

ANNOUNCEMENTS

Councilmember Hunter announced the annual Arbor Day festivities on Friday, April 22nd at 3:30 p.m. at Foothill Park in Saratoga. She also announced the annual Heritage Day event on May 21st at Blaney Plaza. The Parks and Recreation Commission hosted the Audubon Society recently. The Commission has placed bird houses in many of the City's parks.

Councilmember Cappello announced that the Saratoga Chamber of Commerce would be hosting a "Wine Stroll" on May 21st from 3:00 p.m. to 6:00 p.m.

Councilmember Lo announced the "Get Healthy" program at the Saratoga Library at 12:00 noon on April 28th.

CEREMONIAL ITEMS

1. PROCLAMATION RECOGNIZING APRIL 22, 2011 AS ARBOR DAY IN THE CITY OF SARATOGA

STAFF RECOMMENDATION:

Read and present the proclamation declaring April 22, 2011 as Arbor Day in the City of Saratoga.

Mayor Miller invited Rhonda Berry, President of "Our City Forest" and Mark Johnson, Chair of the Parks and Recreation Commission, up on the Dais to receive the proclamation.

2. SARATOGAN READERSHIP DRAWING

STAFF RECOMMENDATION:

Randomly draw the name of one person who responded to the Saratogan readership poll and announce the winner.

Administrative Analyst II Crystal Morrow presented the staff report.

Ms. Morrow noted that this evening they would be randomly drawing the name of one person who responded to the *Saratogan* readership poll.

Mayor Miller proceeded with the drawing and the lucky name drawn was Chris Burich. Mr. Burich will receive a \$50 gift certificate to a Saratoga business of his choice.

SPECIAL PRESENTATIONS

None

CONSENT CALENDAR

3. CITY COUNCIL REGULAR MEETING MINUTES –APRIL 6, 2011

STAFF RECOMMENDATION:

Approve minutes.

Councilmember Lo removed this item for one correction.

LO/HUNTER MOVED TO **APPROVE CITY COUNCIL REGULAR MEETING MINUTES –APRIL 6, 2011, AS AMENDED.** 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 31, 2011

April 8, 2011

PAGE/CAPPELLO MOVED TO **ACCEPT THE CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: MARCH 31, 2011 AND APRIL 8, 2011.** MOTION PASSED 5-0-0.

5. BUDGET AMENDMENT FOR ABAG PLAN INVOICES

STAFF RECOMMENDATION:

Staff recommends the Council approve the Budget Resolution.

RESOLUTION NO. 11 – 021

PAGE/CAPPELLO MOVED TO **APPROVE THE BUDGET RESOLUTION FOR THE BUDGET AMENDMENT FOR ABAG PLAN INVOICES.** MOTION PASSED 5-0-0.

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

STAFF RECOMMENDATION:

Adopt Resolution Authorizing Final Disposition of Certain City Records

RESOLUTION NO. 11 – 022

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

7. EXTENSION OF EXISTING COMMUNICATIONS SITE LEASE AGREEMENT WITH TOWERCO

STAFF RECOMMENDATION:

Staff recommends the Council approve an extension to the existing communications site lease agreement with TowerCo for an additional five (5) years.

Page removed this item for comment and clarification.

Recreation Facilities Director Michael Taylor provided clarity on this item.

PAGE/CAPPELLO MOVED TO **APPROVE AN EXTENSION TO THE EXISTING COMMUNICATIONS SITE LEASE AGREEMENT WITH TOWERCO FOR AN ADDITIONAL FIVE (5) YEARS.** MOTION PASSED 5-0-0.

8. MOTOR VEHICLE (MV) RESOLUTION REDUCING SPEED ON SOBEY ROAD

STAFF RECOMMENDATION:

Move to adopt MV Resolution reducing speed on a portion of Sobey Road

MV RESOLUTION NO. 297

PAGE/CAPPELLO MOVED TO **ADOPT MV RESOLUTION REDUCING SPEED ON A PORTION OF SOBEY ROAD.** MOTION PASSED 5-0-0.

9. REVIEW OF DRAFT JOINT EXERCISE OF POWERS AGREEMENT AND COOPERATION AGREEMENT TO UNDERTAKE CDBG ACTIVITIES.

STAFF RECOMMENDATION:

Review DRAFT Joint Exercise of Powers Agreement and Cooperation Agreement (JPA) for Community Development Block Grant Program and recommend changes as appropriate.

PAGE/CAPPELLO MOVED TO **APPROVE THE REVISED DRAFT JOINT EXERCISE OF POWERS AGREEMENT AND COOPERATION AGREEMENT (JPA) FOR COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM THAT WAS PROVIDED TO COUNCIL AT THE COUNCIL MEETING.** MOTION PASSED 5-0-0.

10. LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT LLA-1; PRELIMINARY APPROVAL OF ENGINEER'S REPORT AND ADOPTION OF RESOLUTION OF INTENTION FOR FY 11-12

STAFF RECOMMENDATION:

1. Move to adopt the Resolution granting preliminary approval of the Engineer's Report for FY 11- 12 for renewing the Landscaping and Lighting Assessment District LLA-1 as well as Annexation of a New Zone to District LLA-1.
2. Move to adopt the Resolution of Intention.

RESOLUTION NO. 11 – 023

RESOLUTION NO. 11 – 024

PAGE/CAPPELLO MOVED TO 1.) ADOPT THE RESOLUTION GRANTING PRELIMINARY APPROVAL OF THE ENGINEER'S REPORT FOR FY 11-12 FOR RENEWING THE LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT LLA-1 AS WELL AS ANNEXATION OF A NEW ZONE TO DISTRICT LLA-1; and
2.) ADOPT THE RESOLUTION OF INTENTION. MOTION PASSED 5-0-0.

11. RESOLUTION APPROVING APPLICATION FOR STATE OF CALIFORNIA DISASTER RECOVERY INITIATIVE PROGRAM GRANT FUNDS

STAFF RECOMMENDATION:

1. Approve the attached resolution authorizing staff to file an application for grant funding through the State of California Disaster Recovery Initiative (DRI) Program; and
2. Appoint Dave Anderson, City Manager, as the City's Authorized Representative, to execute and submit all documents, including, but not limited to applications, agreements, and payment requests that may be necessary for the completion of the project detailed in the City's grant application

RESOLUTION NO. 11 – 025

PAGE/CAPPELLO MOVED TO 1.) APPROVE THE ATTACHED RESOLUTION AUTHORIZING STAFF TO FILE AN APPLICATION FOR GRANT FUNDING THROUGH THE STATE OF CALIFORNIA DISASTER RECOVERY INITIATIVE (DRI) PROGRAM; and
2.) APPOINT DAVE ANDERSON, CITY MANAGER, AS THE CITY'S AUTHORIZED REPRESENTATIVE, TO EXECUTE AND SUBMIT ALL DOCUMENTS, INCLUDING, BUT NOT LIMITED TO APPLICATIONS, AGREEMENTS, AND PAYMENT REQUESTS THAT MAY BE NECESSARY FOR THE COMPLETION OF THE PROJECT DETAILED IN THE CITY'S GRANT APPLICATION. MOTION PASSED 5-0-0.

PUBLIC HEARINGS

12. ANNEXATION PACKAGE REGARDING APPROXIMATELY 37.8 ACRES, LOCATED AT 22480 AND 22490 MT. EDEN ROAD (APN 503-09-003 AND 503-09-004): 1) FINAL ANNEXATION APPROVAL FOR 2.68 ACRE PARCEL (INCLUDING PREANNEXATION AGREEMENT); 2) PARCEL MERGER; 3) WILLIAMSON ACT CONTRACT; 4) AGRICULTURAL PRESERVE-OPEN

SPACE OVERLAY ZONING AMENDMENT; 5) GENERAL PLAN AMENDMENT; 6) CONDITIONAL USE PERMIT AND VARIATION FROM STANDARDS; AND 7) DESIGN REVIEW.

STAFF RECOMMENDATION:

Approve the proposed annexation by adopting the attached Resolution and associated annexation package documents.

Assistant Planner Cynthia McCormick presented the staff report.

Mayor Miller opened the public hearing for comment.

The following person/s requested to speak on this item:

William Brooks, attorney for applicant, spoke in support of the proposed annexation.

No one else requested to speak on this item.

Mayor Miller closed the public hearing for comment.

RESOLUTION NO. 11 - 026

RESOLUTION NO. 11 – 027

RESOLUTION NO. 11 - 028

PAGE/CAPPELLO MOVED TO **APPROVE 1.) THE PROPOSED ANNEXATION OF 2.68 ACRES OWNED BY SOUTH THUNDER AS PART OF AN INTEGRATED ANNEXATION PACKAGE BY ADOPTING THE THREE RESOLUTIONS ATTACHED TO THE STAFF REPORT, IDENTIFIED AS THE ANNEXATION RESOLUTION, THE ZONING AND GENERAL PLAN AMENDMENT RESOLUTION AND THE CONDITIONAL USE PERMIT AND DESIGN REVIEW RESOLUTION; and 2.) APPROVE THE GENERAL PLAN AMENDMENT IN CONCEPT AND DIRECT IT TO BE BUNDLED FOR FINAL ADOPTION WITH THE NEXT CITY-INITIATED GENERAL PLAN AMENDMENT – SUBJECT TO THE SPECIFIC REVISIONS THAT ARE REFERENCED IN THE SUPPLEMENTAL STAFF REPORT– INCLUDING THE CORRECTED APN NUMBERS AND THE LAST MINUTE TECHNICAL CHANGES.**

ROLL CALL VOTE – MOTION PASSED 5-0-0.

13. REVISION OF ORDINANCE REGULATING USE OF ALCOHOL IN CITY PARKS AND FACILITIES

STAFF RECOMMENDATION:

Staff recommends the Council accept the Parks and Recreation Commission recommendations revising sections in the Municipal Code regulating the use of alcohol in City parks and facilities by:

- establishing the number of users constituting a group requiring a permit at twelve (12),

- eliminating the unique time constraints at certain parks, creating a consistent policy, and
- allowing beer and wine, prohibiting all “hard liquor” in the parks.

Recreation and Facilities Director Michael Taylor presented the staff report.

Mayor Miller opened the public hearing for comment.

No one requested to speak on this item.

Mayor Miller closed the public hearing for comment.

PAGE/ HUNTER MOVED TO **ACCEPT PARKS AND RECREATION COMMISSION RECOMMENDATIONS REVISING SECTIONS IN THE MUNICIPAL CODE REGULATING THE USE OF ALCOHOL IN CITY PARKS AND FACILITIES BY:**

- 1.) **ESTABLISHING THE NUMBER OF USERS CONSTITUTING A GROUP REQUIRING A PERMIT AT TWELVE (12),**
- 2.) **ELIMINATING THE UNIQUE TIME CONSTRAINTS AT CERTAIN PARKS, CREATING A CONSISTENT POLICY, and**
- 3.) **ALLOWING BEER AND WINE, PROHIBITING ALL “HARD LIQUOR” IN THE PARKS.** MOTION PASSED 5-0-0.

14. 14683 OAK STREET (MISSIONARY SETTLEMENT HOUSE) - MILLS ACT AGREEMENT

STAFF RECOMMENDATION:

- 1) Open the public hearing and accept public testimony on the attached Resolution to enter into a Mills Act Agreement.
- 2) Close the hearing and adopt the attached Resolution and direct the City Manager to enter into a Mills Act Agreement for the property located at 14683 Oak Street.

Assistant Planner Michael Fossati presented the staff report.

Mayor Miller opened the public hearing for comment.

The following person requested to speak on this item.

Marilyn Marchetti spoke in support of this item.

No one else requested to speak on this item.

Mayor Miller closed the public hearing for comment.

RESOLUTION NO. 11 - 030

HUNTER/CAPPELLO MOVED TO **ADOPT THE ATTACHED RESOLUTION AND DIRECT THE CITY MANAGER TO ENTER INTO A MILLS ACT AGREEMENT FOR THE PROPERTY LOCATED AT 14683 OAK STREET.** MOTION PASSED 5-0-0.

15. PROPOSED FEE SCHEDULE UPDATE FOR FY 2011/12

STAFF RECOMMENDATION:

Hold public hearing to review recommendations for proposed fee changes, provide direction, and approve resolution amending the City's Fee Schedule effective for Fiscal Year 2011/12.

Administrative Services Director Mary Furey presented the staff report.

Mayor Miller opened the public hearing for comment.

Marilyn Marchetti requested to speak on this item.

Scott Anderson requested to speak on this item.

No one else requested to speak on this item.

Mayor Miller closed the public hearing for comment.

Council proceeded to discuss several specific line items in the User Fee Schedule, which included: Blaney Plaza Reservation Fee, Tree Removal Fee, Tree Appeal Fee, and the Tennis Court Rental Fee.

Council voted separately on these items – as noted:

BLANEY PLAZA RESERVATION FEE:

PAGE/CAPPELLO MOVED TO **APPROVE A ONE-TIME RESERVATION FEE OF \$25.00 FOR A SARATOGA RESIDENT OR NON-RESIDENT TO RESERVE BLANEY PLAZA EXCLUSIVELY FOR (WITH THE EXCEPTION OF A USE PERMIT RESERVATION):**

1.) FEE IS FOR ONE DAY USE;

2.) NO MORE THAN FIVE (5) RESERVATIONS CAN BE MADE PER MONTH; AND

3.) RESERVATION CAN BE MADE NO MORE THAN TWELVE (12)

MONTHS IN ADVANCE. MOTION PASSED 3-2-0 WITH HUNTER AND LO OPPOSING.

DIRECTION TO STAFF:

Council directed staff to bring this item back next year for review and include data in the staff report regarding the number of reservations made during the 2011/12 fiscal year.

TENNIS COURT RESERVATION FEE:

CAPPELLO/HUNTER MOVED TO **INCORPORATE ALL CITY PARKS THAT HAVE A TENNIS COURT IN THE PROPOSED TENNIS COURT FEE SCHEDULE AS STATED.** MOTION PASSED 5-0-0.

TREE REMOVAL PERMIT FEE AND TREE REMOVAL APPEAL FEE:

PAGE/ CAPPELLO MOVED TO ACCEPT STAFF RECOMMENDATION FOR PROPOSED TREE PERMIT REMOVAL FEE AND TREE REMOVAL APPEAL FEE. MOTION PASSED 4-1-0 WITH HUNTER OPPOSING.

RESOLUTION NO. 11 - 029

CAPPELLO/PAGE MOVED TO ACCEPT RECOMMENDATIONS FOR PROPOSED FEE CHANGES AND APPROVE RESOLUTION AMENDING THE CITY'S FEE SCHEDULE, AS AMENDED, EFFECTIVE FOR FISCAL YEAR 2011/12. MOTION PASSED 5-0-0.

At this time Councilmember Hunter suggested that Council consider moving the Consent Calendar on the agenda to the end of the meeting agenda.

OLD BUSINESS

16. CONSIDERATION TO CANCEL JULY 20, 2011 REGULAR COUNCIL MEETING FOR SUMMER RECESS

STAFF RECOMMENDATION:

Accept report and direct staff accordingly regarding the July 20, 2011 Council meeting.

City Clerk Ann Sullivan presented the staff report.

Mayor Miller invited public comment.

No one requested to speak on this item.

Mayor Miller closed the public comment period.

HUNTER/ LO MOVED TO CANCEL THE JULY 20, 2011 CITY COUNCIL MEETING. MOTION PASSED 5-0-0.

NEW BUSINESS

17. CONSIDERATION OF A CONDITIONAL USE PERMIT FEE REFUND FOR THE PROPOSED DOWNTOWN FARMERS MARKET

STAFF RECOMMENDATION:

Consider if the Downtown Farmers Market would be eligible for a refund of their Conditional Use Permit application fees

Interim Community Development Director Chris Riordan presented the staff report.

Mayor Miller invited public comment.

The following people requested to speak on this item and spoke in support of the Conditional Use Permit application fee refund:

Vicki Seelig
Diane Noeske
Scott Anderson
Debra Cummins

No one else requested to speak on this item.

Mayor Miller closed the public comment period.

CAPPELLO/PAGE MOVED TO APPROVE CONDITIONAL USE PERMIT (CUP) FEE WAIVER FOR THE VILLAGE FARMERS MARKET AND TO TRANSFER THE FUNDS OUT OF THE CUP REIMBURSEMENT INCENTIVE PROGRAM TO COVER THIS FEE WAIVER. MOTION PASSED 5-0-0.

ADHOC & AGENCY ASSIGNMENT REPORTS

Mayor Howard Miller – had nothing to report.

Vice Mayor Chuck Page – reported:

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

* Vice Mayor Page noted the VTA board will be holding a workshop on Friday, April 22nd.

Councilmember Jill Hunter – reported:

Historical Foundation – she attended the last meeting and noted they currently have interesting exhibits regarding voting rights for women, including women from Saratoga. She added the Historical Foundation will be participating in the annual Heritage Day event scheduled on May 21, 2011.

KSAR Community Access TV Board – she attended last week's meeting and noted KSAR is doing a phenomenal amount of work covering interesting events in Saratoga.

Councilmember Emily Lo – reported:

Association of Bay Area Governments – she attended the ABAG Annual Assembly meeting in Oakland on April 14th and later that day she attended a presentation by ABAG and VTA on sustainable community strategy regarding housing, jobs and transportation.

*Councilmember Lo noted she also attended the joint meeting of the Santa Clara County Cities Association and the West Valley Mayors and Managers Association on April 14th.

Councilmember Manny Cappello – reported:

Chamber of Commerce – met last week and noted the Chamber is in the process of preparing merchants for the sign ordinance study sessions that will be going before the Planning Commission in May 2011. He added the Chamber is preparing to have their

offices open on Saturdays and the Chamber membership has grown to 247 members this year. He noted the annual Classic Car Show event will be held on Sunday, July 24, 2011.

*Councilmember Cappello noted he attended a two-day meeting in Sacramento that was coordinated by the Silicon Valley Advocacy Group. The meeting was attended by numerous CEO's and Executives from Silicon Valley businesses as well as numerous elected officials. The meeting was in response to Governor Jerry Brown's request for businesses and city officials to assist his office in helping to create good jobs in California, particularly in Silicon Valley.

CITY COUNCIL ITEMS

Vice Mayor Page suggested agendaizing Councilmember Hunter's suggestion regarding the consideration to move *CONSENT CALENDAR ITEMS* on the Council meeting agenda to the end of the agenda.

City Attorney Richard Taylor noted the Mayor can recommend Council consideration to move items that have been removed from the Consent Calendar for discussion to the end of the meeting – only if there is no one present to speak on the item/s removed for discussion.

Vice Mayor Page withdrew his suggestion regarding the Consent Calendar.

Mayor Miller recommended agendaizing the extension of the CUP Incentive Program since the current fund will expire June 2011. Vice Mayor Page seconded this request.

CITY MANAGER'S REPORT

None

ADJOURNMENT

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

PAGE/HUNTER MOVED TO **ADJOURN THE REGULAR COUNCIL MEETING AT 10:50PM.** MOTION PASSED 5-0-0.

Respectfully submitted,

Ann Sullivan, CMC
City Clerk

