

## **MINUTES**

### **SARATOGA REGULAR CITY COUNCIL MEETING MAY 18, 2011**

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

The City Council held a Joint Meeting in the Administrative Conference Room at 6:00 p.m. with members of the Parks and Recreation Commission and Pedestrian, Equestrian, and Bicycle Trails Advisory Committee (PEBTAC).

Mayor Miller called the Regular City Council meeting to order at 7:00 p.m. and asked Boy Scouts from Troop 535 that were present, to lead the Pledge of Allegiance.

#### **ROLL CALL**

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

**ABSENT:** Emily Lo

**ALSO PRESENT:** Dave Anderson, City Manager  
Richard Taylor, City Attorney  
Ann Sullivan, City Clerk  
Mary Furey, Administrative Services Director  
Michael Taylor, Recreation and Facilities Director  
John Cherbone, Public Works Director  
Chris Riordan, Interim Community Development Director

#### **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 May 18, 2011, was properly posted on May 12, 2011.

#### **MAYOR'S REPORT ON CLOSED SESSION**

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

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

Denise Goldberg, member of the Parks and Recreation Commission, provided a brief report on the Joint Meeting held with the City Council at 6:00 p.m.

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

None

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

Kim Firm, Director of the Santa Clara County 211 program, thanked the Council for their continued support of the 211 program. In addition, she provided an informational synopsis of the 211 program, an outreach program of United Way in Silicon Valley.

Marty Goldberg addressed the Council regarding a house remodel that is in progress at 12369 Saraglen Drive.

Denise Goldberg addressed the Council regarding a house remodel that is in progress at 12369 Saraglen Drive.

## **COUNCIL DIRECTION TO STAFF**

Council directed staff to:

- Review the application submitted for a remodel project at 12369 Saraglen Drive to see if all administrative procedures and processes were correctly followed.
- Conduct a technical review to determine if there was a procedural or administrative error made in the issuance of the remodel permit.
- Direct the building inspector to insure that the proposed remodel construction is in accordance with the plans that were approved.
- Results of permit review to be completed by late Friday of the current week, if possible, or early the following week.

Vice Mayor Page also suggested that Planning Department staff consider future remodel permit applications to see if they fit in the neighborhood.

Councilmember Hunter also suggested that consideration be given to surrounding properties of the approved permitted application property.

## **ANNOUNCEMENTS**

Councilmember Hunter noted that the Saratoga Senior Center's Italian dinner is on Friday evening, May 20<sup>th</sup>. In addition, Councilmember Hunter noted the Heritage Day event is scheduled for 12:00 noon to 3:00 p.m. on Saturday, May 21<sup>st</sup>, and on Sunday, May 22<sup>nd</sup> is the community band concert.

Councilmember Cappello noted the Wine Stroll, sponsored by the Chamber of Commerce, is on Saturday, May 21<sup>st</sup> from 3:00 p.m. until 6:00 p.m.

Mayor Miller noted that the Petanque Court dedication is on Saturday, May 21<sup>st</sup>, at 10:00 a.m. at Azule Park. In addition, he noted the Saratoga Recreation Department has a large number of summer camps available for youth as well as programs for adults.

**CEREMONIAL ITEMS**

1. PROCLAMATION HONORING “NATIONAL FOSTER CARE – MONTH OF MAY 2011”

**STAFF RECOMMENDATION:**

Read and present proclamation.

Foster parent Lisa Traxler was present to receive the proclamation recognizing “National Foster Care – Month of May 2011”.

**SPECIAL PRESENTATIONS**

None

**CONSENT CALENDAR**

2. CITY COUNCIL REGULAR MEETING MINUTES – MAY 4, 2011

**STAFF RECOMMENDATION:**

Approve minutes.

Councilmember Cappello removed this item for one correction.

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

3. REVIEW OF ACCOUNTS PAYABLE REGISTERS

**STAFF RECOMMENDATION:**

That the City Council review and accept the Check Registers for the following Accounts Payable payment cycles:  
April 28, 2011  
May 6, 2011

PAGE/CAPPELLO MOVED TO **ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: APRIL 28, 2011 AND MAY 6, 2011.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER LO ABSENT.

4. AMENDMENTS TO SECTIONS 7-20.220, 14-70.080, 16-17.160 AND VARIOUS SECTIONS OF CHAPTER 15 (ZONING REGULATIONS) OF THE CITY CODE

**STAFF RECOMMENDATION:**

Waive the second reading and adopt the proposed ordinance.

**ORDINANCE NO. 284**

PAGE/CAPPELLO MOVED TO **WAIVE THE SECOND READING AND ADOPT THE PROPOSED ORDINANCE.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER LO ABSENT.

5. REVIEW OF FINAL COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG) JOINT EXERCISE OF POWERS AGREEMENT AND COOPERATION AGREEMENT (JPA).

**STAFF RECOMMENDATION:**

Approve CDBG Joint Exercise of Powers Agreement and Cooperation Agreement (JPA).

**RESOLUTION NO. 11 – 031 A**

PAGE/CAPPELLO MOVED TO **APPROVE CDBG JOINT EXERCISE OF POWERS AGREEMENT AND COOPERATION AGREEMENT (JPA).** MOTION PASSED 4-0-1 WITH COUNCILMEMBER LO ABSENT.

6. CONTRACT RENEWAL FOR ENVIRONMENTAL AND PLANNING CONSULTING SERVICES

**STAFF RECOMMENDATION:**

Approve a two-year contract renewal with LSA Associates and Metropolitan Planning Group for environmental and planning contract services and authorize the City Manager to execute the same.

PAGE/CAPPELLO MOVED TO **APPROVE A TWO-YEAR CONTRACT RENEWAL WITH LSA ASSOCIATES AND METROPOLITAN PLANNING GROUP FOR ENVIRONMENTAL AND PLANNING CONTRACT SERVICES AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE SAME.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER LO ABSENT.

7. EXTENSION OF JOINT USE AGREEMENT WITH LOS GATOS – SARATOGA UNION HIGH SCHOOL DISTRICT

**STAFF RECOMMENDATION:**

Accept report and authorize City Manager to sign and execute the Agreement for Cooperative Program Planning and Use of Facilities with Los Gatos-Saratoga Joint Union High School District.

Councilmember Hunter removed this item for clarification regarding the original agreement allowing public use of the swimming pool in the Aquatic Center at Saratoga High School during open hours.

Recreation and Facilities Director Michael Taylor was present to provide clarity to Councilmember Hunter's questions.

**DIRECTION TO STAFF:**

Council directed staff to research the original agreement allowing public use of the Aquatic Center at the Saratoga High School during open hours.

HUNTER/PAGE MOVED TO **AUTHORIZE THE CITY MANAGER TO SIGN AND EXECUTE THE AGREEMENT FOR COOPERATIVE PROGRAM PLANNING AND USE OF FACILITIES WITH LOS GATOS-SARATOGA JOINT UNION HIGH SCHOOL DISTRICT.** MOTION PASSED 3-1-1 WITH COUNCILMEMBER HUNTER OPPOSING AND COUNCILMEMBER LO ABSENT.

8. SEVERANCE LANGUAGE SIDE LETTER AGREEMENT WITH SARATOGA MANAGEMENT ORGANIZATION

**STAFF RECOMMENDATION:**

Accept severance language side letter agreement with Saratoga Management Organization.

PAGE/CAPPELLO MOVED TO **ACCEPT SEVERANCE LANGUAGE SIDE LETTER AGREEMENT WITH SARATOGA MANAGEMENT ORGANIZATION.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER LO ABSENT.

9. SARATOGA AVENUE AND FRUITVALE AVENUE OVERLAY AND REHABILITATION PROJECT ESPL-5332(015) – NOTICE OF COMPLETION.

**STAFF RECOMMENDATION:**

Move to accept the Saratoga Avenue and Fruitvale Avenue Overlay and Rehabilitation Project ESPL-5332(015) as complete and authorize staff to record the Notice of Completion for the construction contract.

PAGE/CAPPELLO MOVED TO **ACCEPT THE SARATOGA AVENUE AND FRUITVALE AVENUE OVERLAY AND REHABILITATION PROJECT ESPL-5332(015) AS COMPLETE AND AUTHORIZE STAFF TO RECORD THE NOTICE OF COMPLETION FOR THE CONSTRUCTION CONTRACT.** MOTION PASSED 4-0-1 WITH COUNCILMEMBER LO ABSENT.

10. TRANSPORTATION DEVELOPMENT ACT (TDA) ARTICLE 3 APPLICATION FOR THE SARATOGA AVENUE WALKWAY PROJECT.

**STAFF RECOMMENDATION:**

Adopt resolution supporting the Metropolitan Transportation Commission's Transportation Development Act Article 3 Pedestrian/Bicycle Grant Application for the Saratoga Avenue Walkway Project.

**RESOLUTION NO. 11 – 032**

PAGE/CAPPELLO MOVED TO ADOPT RESOLUTION SUPPORTING THE METROPOLITAN TRANSPORTATION COMMISSION'S TRANSPORTATION DEVELOPMENT ACT ARTICLE 3 PEDESTRIAN/BICYCLE GRANT APPLICATION FOR THE SARATOGA AVENUE WALKWAY PROJECT. MOTION PASSED 4-0-1 WITH COUNCILMEMBER LO ABSENT.

**PUBLIC HEARINGS**

11. FY 2011/12 PROPOSED OPERATING AND CAPITAL BUDGET PUBLIC HEARING

**STAFF RECOMMENDATION:**

Conduct a public hearing on the proposed FY 2011/12 Operating & Capital Budget, and provide direction to staff for budget adoption on June 1, 2011.

Administrative Services Director Mary Furey presented the staff report.

At 8:15 p.m. Mayor Miller declared a 5 minutes recess.

At 8:25 p.m. Mayor Miller reconvened the Regular meeting.

Lieutenant Don Morrissey, Santa Clara County Sheriff's Office, was present to provide a report on the public safety service provided by the Sheriff's Office. He noted there would be no negative affects regarding public safety service to the community as a result of budgetary cutbacks.

Mayor Miller opened the public hearing for comment.

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

Kathleen King addressed the Council regarding this item.

No one else requested to speak on this item.

Mayor Miller closed the public hearing comment.

**DIRECTION TO STAFF:**

Council directed staff to make minor clerical corrections to the proposed budget.

PAGE/HUNTER MOVED THAT STAFF BRING THIS ITEM BACK FOR COUNCIL ADOPTION AT THE JUNE 1, 2011 COUNCIL MEETING. MOTION PASSED 4-0-1 WITH COUNCILMEMBER LO ABSENT.

**OLD BUSINESS**

None

## **NEW BUSINESS**

### 12. CONSIDERATION OF A POSITION REGARDING REDISTRICTING

#### **STAFF RECOMMENDATION:**

That the City Council discuss and provide direction to Vice Mayor Chuck Page, who will be testifying on behalf of the City at a local hearing and to provide input to the County and/or State Redistricting Commission/s.

City Clerk Ann Sullivan presented the staff report.

Mayor Miller invited public comment.

Jim Griffith, Vice Mayor of the City of Sunnyvale, addressed the Council regarding this item.

Kathleen King addressed the Council regarding this item.

No one else requested to speak on this item.

Mayor Miller closed the public comment period.

#### **COUNCIL CONCENSUS:**

Council concurred that Vice Mayor Chuck Page would attend the redistricting meeting on Thursday, May 19, 2011, and would testify on behalf of the City regarding the City of Saratoga's redistricting principles. In addition, Vice Mayor Page would hand deliver a letter signed by the Mayor, to the chair of the Citizen's Redistricting Commission defining the supervisorial district for Saratoga.

The following priorities to be considered when defining the supervisorial district for Saratoga are:

- Saratoga and the hillside area to the West and South to the County border must be included in the same supervisorial district.
- The West Valley cities of Saratoga, Monte Sereno, Cupertino, Los Gatos and Campbell are a community of interest.
- The five West Valley cities, Los Altos and Los Altos Hills share the following concerns that make us a unique community of interest:
  - Fire Safety, especially related to hillside fire dangers
  - Public Safety (utilization of the County Sheriff for our community policing)
  - Transit corridors – Highway 85 bisects most of our cities
  - Development – our cities have minimal room to expand; all development is infill
  - Transit interests are similar – no major commercial or industrial areas, but similar needs for commuters and service workers

## **ADHOC & AGENCY ASSIGNMENT REPORTS**

Mayor Howard Miller – reported:

*Santa Clara County Cities Association* – met and he noted the Legislative Action Committee met first. He added there was discussion regarding a comprehensive report on retirement issues that many cities are experiencing.

*SCC Cities Association Selection Committee* – met and the group received a presentation by a representative of the Santa Clara County 211 Program.

*Valley Transportation Authority PAC* – met and they discussed the electrification of CalTrans. They also discussed the express lanes that are scheduled for Santa Clara County.

Vice Mayor Chuck Page – reported:

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

Councilmember Jill Hunter – reported:

*Historical Foundation* – continues to work on their portable building.

*KSAR Community Access TV Board* – attended the last meeting and noted KSAR is working KCAT to do a “News at Noon” program with some Los Gatos High School students regarding news in Los Gatos. In addition, they are working to include Saratoga news into the program as well.

*SASCC* – going through process of getting someone younger to lead group

*West Valley Flood Control & Watershed Advisory Committee* – Vice Mayor Page attended the last meeting. Vice Mayor Page noted they discussed board guidelines for projects.

Councilmember Emily Lo – absent

Councilmember Manny Cappello – reported:

*Chamber of Commerce* – attended the last meeting and noted the Chamber is working with staff in the Planning Department regarding updates to the City’s sign ordinance. The Chamber is scheduling a workshop with merchants on June 23<sup>rd</sup> at the Odd Fellows Lodge.

*Santa Clara County Emergency Council* – he attended the last meeting and noted he volunteered to work with council members from Mountain View and Sunnyvale to formulate best practices regarding emergency preparedness activities for each of the cities.

## **CITY COUNCIL ITEMS**

Councilmember Hunter expressed her condolences to the family of Scott Peterson who recently passed away. Mr. Peterson was a dedicated volunteer at KSAR as well as for other community programs. She added the memorial service is scheduled at 11:00 a.m. on Friday, May 20<sup>th</sup> at Sacred Heart Church.

## **CITY MANAGER’S REPORT**

None

**ADJOURNMENT**

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

PAGE/CAPPELLO MOVED TO **ADJOURN THE REGULAR MEETING AT 10:35PM**. MOTION PASSED 4-0-1 WITH COUNCILMEMBER LO ABSENT.

Respectfully submitted,

Ann Sullivan, CMC  
City Clerk