

MINUTES

SARATOGA REGULAR CITY COUNCIL MEETING JULY 6, 2011

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

ANNOUNCEMENT OF CLOSED SESSION

Conference with Legal Counsel - Anticipated Litigation –
Significant Exposure to Litigation (Government Code Section 54956(b): 1 case.

Conference with Legal Counsel - City-Designated Labor Negotiators Pursuant to
Government Code Section 54957.6

The City Council held a Joint Meeting in the Administrative Conference Room at 6:00 p.m. with members of the Saratoga Planning Commission.

Mayor Miller called the Regular City Council meeting to order at 7:05 p.m. and led 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
Mary Furey, Administrative Services Director
John Cherbone, Public Works Director
Chris Riordan, Interim Community Development Director
Michael Taylor, Recreation and Facilities Director
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 July 6, 2011, was properly posted on July 1, 2011.

REPORT FROM CLOSED SESSION

Mayor Miller announced there was no reportable information from Closed Session.

COMMUNICATIONS FROM COMMISSIONS & PUBLIC

Mayor Miller noted the Council held a Joint meeting with members of the Planning Commission at 6:00 p.m. and they discussed the Commission's priorities and 2011 work plan.

Doug Robertson, Chair of the Planning Commission, noted the Commission recently held their annual retreat and came up with a list of items that the Commission felt needed to be discussed with the Council. He added they were pleased to have an opportunity to discuss these items, including what other cities are doing regarding cell phone towers, green point check list, training for new commissioners, and creating a more concise commission staff report. They also talked about updating the sign ordinance.

COUNCIL DIRECTION TO STAFF

None

ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS

Janice Gamper thanked the Council for everything they do for the community and for addressing all concerns that she has voiced over the past years.

Marty Goldberg addressed the Council regarding his concern about the house remodel occurring next door to his property.

Debra Cummins, representative of the Chamber of Commerce, addressed the Council noting the "soft opening" of the new Farmers Market earlier in the day in the Village. She added the "grand opening" is scheduled for next Wednesday and the Farmers Market will be open every Wednesday from 2:30 to 6:30 in the Village. She added, the next Chamber Mixer will be held at Wildwood Park on Thursday evening – July 7th.

COUNCIL DIRECTION TO STAFF

None

ANNOUNCEMENTS

Councilmember Hunter noted the "*Saratoga Swings*" event will be held on July 16th from 6:30 p.m. to 8:30 p.m.

The *Bollywood Dance* event is August 20th from 6:00 p.m. to 9:00 p.m. on Big Basin Way.

Vice Mayor Page announced the *American Cancer Society 2011 Relay for Life* event will be at 10:00 a.m. on July 23rd at St. Andrews Field. He added this is a twenty-four hour event ending at 10:00 a.m. on the 24th.

The *Wildwoodstock* event is on July 16. This is a fund-raising event for the Susan G. Komen Cure for Cancer and will be held at Wildwood Park in Saratoga.

Councilmember Lo noted the *Saratoga Classic Car Show* event will be held in the Village on July 24th from 10:00 a.m. to 6:00 p.m.

Mayor Miller invited interested participants to check out the fun recreational activities and camps listed in the current Saratoga Recreation Guide. The second Wednesday library workshop “Playing with Clay” is next Wednesday at 3:30 p.m. at the Saratoga Library.

CEREMONIAL ITEMS

1. COMMENDATION RECOGNIZING WILDWOODSTOCK

STAFF RECOMMENDATION:

Read and present commendation.

Mayor Miller invited Nickie Thomson, family members and friends up on stage and Vice Mayor Chuck Page read the commendation and presented it to Ms. Thomson.

2. PROCLAMATION RECOGNIZING MONTH OF AUGUST 2011 - “WORLD BREASTFEEDING AWARENESS MONTH”

STAFF RECOMMENDATION:

Read and present proclamation.

Mayor Miller invited Wendy Wright up on stage and Councilmembers Hunter and Lo read and presented the commendation to Ms. Wright.

SPECIAL PRESENTATIONS

None

CONSENT CALENDAR

3. CITY COUNCIL REGULAR MEETING MINUTES – JUNE 15, 2011

STAFF RECOMMENDATION:

Approve minutes.

PAGE/CAPPELLO MOVED TO **APPROVE CITY COUNCIL REGULAR MEETING MINUTES – JUNE 15, 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:

June 9, 2011

June 16, 2011

June 23, 2011

PAGE/CAPPELLO MOVED TO **ACCEPT THE CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: JUNE 9, 2011; JUNE 16, 2011; AND JUNE 23, 2011.** MOTION PASSED 5-0-0.

5. PROPERTY TAX LEVY FOR DEBT SERVICE PAYMENTS ON THE LIBRARY GENERAL OBLIGATION BONDS

STAFF RECOMMENDATION:

The City Council adopt the attached resolution which sets the FY 2011/12 property tax levy rate for the Library General Obligation Bond at \$.0088 per \$100 of Assessed Valuation to provide for the 2012 debt service assessments.

Mayor Miller removed this item for comment.

RESOLUTION NO. 11 – 047

PAGE/HUNTER MOVED TO **ADOPT THE RESOLUTION WHICH SETS THE FY 2011/12 PROPERTY TAX LEVY RATE FOR THE LIBRARY GENERAL OBLIGATION BOND AT \$.0088 PER \$100 OF ASSESSED VALUATION TO PROVIDE FOR THE 2012 DEBT SERVICE ASSESSMENTS.** MOTION PASSED 5-0-0.

6. AMENDMENT OF AGREEMENT WITH KSAR

STAFF RECOMMENDATION:

City staff is recommending that the Council approve the Second Amendment to Community Access Cable Television Services Agreement.

PAGE/CAPPELLO MOVED TO **APPROVE THE SECOND AMENDMENT TO COMMUNITY ACCESS CABLE TELEVISION SERVICES AGREEMENT.** MOTION PASSED 5-0-0.

7. ZONING ORDINANCE AMENDMENT TO PROHIBIT MEDICAL MARIJUANA DISPENSARIES

STAFF RECOMMENDATION:

Waive the second reading and adopt the proposed ordinance.

Councilmember Cappello removed this item for comment and clarification.

ORDINANCE NO. 286

CAPPELLO/LO MOVED TO **WAIVE THE SECOND READING AND ADOPT THE PROPOSED ORDINANCE PROHIBITING MEDICAL MARIJUANA DISPENSARIES.** MOTION PASSED 5-0-0.

8. **HAKONE GARDENS WELL AND PUMPING SYSTEM – NOTICE OF COMPLETION**

STAFF RECOMMENDATION:

Move to accept the Hakone Gardens well and pumping system project as complete and authorize the City Manager to sign the Notice of Completion for the construction contract.

PAGE/CAPPELLO MOVED TO **ACCEPT THE HAKONE GARDENS WELL AND PUMPING SYSTEM PROJECT AS COMPLETE AND AUTHORIZE THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION FOR THE CONSTRUCTION CONTRACT.** MOTION PASSED 5-0-0.

9. ONE YEAR EXTENSION TO ANNUAL MAINTENANCE SERVICE CONTRACT – LANDSCAPE MAINTENANCE SERVICES (GACHINA LANDSCAPE SERVICES)

STAFF RECOMMENDATION:

Approve a one year extension to the existing service contract with Gachina Landscape Services for scheduled maintenance of various City landscaped areas in the amount of \$75,756 and authorize the City Manager to execute the same.

PAGE/CAPPELLO MOVED TO **APPROVE A ONE YEAR EXTENSION TO THE EXISTING SERVICE CONTRACT WITH GACHINA LANDSCAPE SERVICES FOR SCHEDULED MAINTENANCE OF VARIOUS CITY LANDSCAPED AREAS IN THE AMOUNT OF \$75,756 AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE SAME.** MOTION PASSED 5-0-0.

10. ONE YEAR EXTENSION TO ANNUAL MAINTENANCE SERVICE CONTRACT – LANDSCAPE MAINTENANCE SERVICES (LORAL LANDSCAPE, INC.)

STAFF RECOMMENDATION:

Approve a one year extension to the existing service contract with Loral Landscape, Inc for scheduled maintenance of various City landscaped areas in the amount of \$52,320 and authorize the City Manager to execute the same.

PAGE/CAPPELLO MOVED TO **APPROVE A ONE YEAR EXTENSION TO THE EXISTING SERVICE CONTRACT WITH LORAL LANDSCAPE, INC FOR SCHEDULED MAINTENANCE OF VARIOUS CITY LANDSCAPED AREAS IN THE AMOUNT OF \$52,320 AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE SAME.** MOTION PASSED 5-0-0.

11. CITY MANAGER VOLUNTARY BENEFITS WAIVER

STAFF RECOMMENDATION:

Adopt resolution and authorize the Mayor to sign an agreement documenting the City Manager's offer to voluntarily waive certain benefits specified in his employment agreement.

RESOLUTION NO. 11 – 048

PAGE/CAPPELLO MOVED TO ADOPT RESOLUTION AND AUTHORIZE THE MAYOR TO SIGN AN AGREEMENT DOCUMENTING THE CITY MANAGER'S OFFER TO VOLUNTARILY WAIVE CERTAIN BENEFITS SPECIFIED IN HIS EMPLOYMENT AGREEMENT. MOTION PASSED 5-0-0.

12. UNREPRESENTED REGULAR EMPLOYEE (HUMAN RESOURCES MANAGER)

STAFF RECOMMENDATION:

Adopt resolution and authorize the Mayor to sign the voluntary compensation and benefits waiver agreement signed by the Human Resources Manager.

RESOLUTION NO. 11 – 049

PAGE/CAPPELLO MOVED TO ADOPT RESOLUTION AND AUTHORIZE THE MAYOR TO SIGN THE VOLUNTARY COMPENSATION AND BENEFITS WAIVER AGREEMENT SIGNED BY THE HUMAN RESOURCES MANAGER. MOTION PASSED 5-0-0.

13. SMO (SARATOGA MANAGEMENT ORGANIZATION) SIDE LETTERS OF AGREEMENT FOR REDUCTIONS

STAFF RECOMMENDATION:

Adopt resolution referencing the three Side Letters of Agreement with SMO agreeing to both short-term and long-term reductions in compensation and/or benefits currently provided to the SMO-represented employees.

RESOLUTION NO. 11 –050

PAGE/CAPPELLO MOVED TO ADOPT RESOLUTION REFERENCING THE THREE SIDE LETTERS OF AGREEMENT WITH SMO AGREEING TO BOTH SHORT-TERM AND LONG-TERM REDUCTIONS IN COMPENSATION AND/OR BENEFITS CURRENTLY PROVIDED TO THE SMO-REPRESENTED EMPLOYEES. MOTION PASSED 5-0-0.

PUBLIC HEARINGS

14. CONFIRMATION OF REPORT AND ASSESSMENT OF 2011 WEED/BRUSH ABATEMENT PROGRAM

STAFF RECOMMENDATION:

Open public hearing, close public hearing, and adopt resolution confirming report and assessment of hazardous vegetation abatement charges.

City Clerk Ann Sullivan 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.

RESOLUTION NO. 11 – 051

PAGE/CAPPELLO MOVED TO ADOPT RESOLUTION CONFIRMING REPORT AND ASSESSMENT OF HAZARDOUS VEGETATION ABATEMENT CHARGES. MOTION PASSED 5-0-0.

15. AUTHORIZATION TO SUBMIT FUNDING PROPOSAL TO THE STATE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR 2008 DISASTER RECOVERY INITIATIVE FUNDING

STAFF RECOMMENDATION:

Open public hearing; listen to public testimony; close public hearing; and adopt resolution authorizing submittal of an application for funding and the execution of a grant agreement and any amendments thereto from the 2008 Disaster Recovery Initiative (DRI) allocation of the State CDBG Program.

Administrative Analyst II Crystal Morrow 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.

RESOLUTION NO. 11 – 052

PAGE/CAPPELLO MOVED TO ADOPT RESOLUTION AUTHORIZING SUBMITTAL OF AN APPLICATION FOR FUNDING AND THE EXECUTION OF A GRANT AGREEMENT AND ANY AMENDMENTS THERETO FROM THE 2008 DISASTER RECOVERY INITIATIVE (DRI) ALLOCATION OF THE STATE CDBG PROGRAM. MOTION PASSED 5-0-0.

16. ORDINANCE TO AMEND THE CITY FIRE CODE TO EXEMPT FROM AUTOMATIC SPRINKLER SYSTEM REQUIREMENTS PARKING STRUCTURES MADE FROM NON-COMBUSTIBLE MATERIALS THAT ARE AT LEAST 20 FEET FROM THE NEAREST BUILDING AND MEET CERTAIN OTHER REQUIREMENTS.

STAFF RECOMMENDATION:

Introduce and waive the first reading of the attached ordinance to amend the City Fire Code to exempt from automatic sprinkler system requirements parking structures made from non-combustible materials that are at least 20 feet from the nearest building and meet certain other requirements. Direct staff to place the ordinance on the consent calendar for approval at the next meeting of the City Council.

City Attorney Richard 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/LO MOVED TO WAIVE THE FIRST READING OF THE ATTACHED ORDINANCE TO AMEND THE CITY FIRE CODE TO EXEMPT FROM AUTOMATIC SPRINKLER SYSTEM REQUIREMENTS PARKING STRUCTURES MADE FROM NON-COMBUSTIBLE MATERIALS THAT ARE AT LEAST 20 FEET FROM THE NEAREST BUILDING AND MEET CERTAIN OTHER REQUIREMENTS. DIRECT STAFF TO PLACE THE ORDINANCE ON THE CONSENT CALENDAR FOR APPROVAL AT THE NEXT MEETING OF THE CITY COUNCIL. MOTION PASSED 5-0-0.

OLD BUSINESS

17. WILDWOOD CINEMA MOVIE NIGHT

STAFF RECOMMENDATION:

Accept report and provide direction on the Park and Recreation Commission's recommendation that the Council pass a resolution allowing Wildwood Park to remain open until 10:00 p.m. on September 10, 2011 for Wildwood Cinema Movie night and allocate \$1800 towards the event.

Administrative Analyst II Crystal Morrow presented the staff report. Ms. Morrow indicated the Saratoga/Monte Sereno Foundation expressed an interest in paying for some of the costs for this event.

Tom Soukup, Chair of Parks and Recreation Commission, was also present to provide answers to questions presented by Council.

Mayor Miller invited public comment.

No one requested to speak on this item.

Mayor Miller closed the public comment.

RESOLUTION NO. 11 - 053

LO/HUNTER MOVED TO ADOPT RESOLUTION ALLOWING WILDWOOD PARK TO REMAIN OPEN UNTIL 10:00 P.M. ON SEPTEMBER 10, 2011 FOR WILDWOOD CINEMA MOVIE NIGHT AND ALLOCATE UP TO \$1800 TOWARDS THE EVENT TO COVER EXPENSES THAT THE SARATOGA/MONTE SERENO FOUNDATION MAY OR MAY NOT COVER. MOTION PASSED 5-0-0.

18. DESIGNATION OF VOTING DELEGATE FOR LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE 2011

STAFF RECOMMENDATION:

Designate a voting delegate and alternate for the League's Annual Conference.

City Clerk Ann Sullivan presented the staff report.

Mayor Miller invited public comment.

Shaian Mohammadi requested to speak on this item.

In addition, Mr. Mohammadi inquired about the Electric Charging Station program in Saratoga and asked where he could find more information regarding this program.

Mr. Mohammadi also commented on Item 7 – Medical Marijuana Dispensaries.

City Manager Dave Anderson noted staff would add information regarding the electric vehicle charging stations to the "What's New" section on the City website.

Council concurred that Vice Mayor Page represent Saratoga as the voting delegate and Councilmember Cappello as the Alternate at the September League of California Cities conference.

Mayor Miller closed the public comment.

HUNTER/PAGE MOVED THAT VICE MAYOR PAGE BE THE DESIGNATED VOTING DELEGATE AND COUNCILMEMBER CAPPELLO BE THE DESIGNATED ALTERNATE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE 2011. MOTION PASSED 5-0-0.

DIRECTION TO STAFF:

Council directed the City Clerk to complete the 2011 Annual Conference Voting Delegate/Alternate Form and mail it to the League of California Cities prior to August 26, 2011.

NEW BUSINESS

19. PREANNEXATION AGREEMENT AND INITIATION OF ANNEXATION FOR 19351 REDBERRY DRIVE (APN 510-25-062)

STAFF RECOMMENDATION:

Approve attached Preannexation Agreement and resolution initiating annexation of 19351 Redberry Drive (APN 510-25-062), an approximately 1.39 (gross) acre parcel contiguous with the limits of the City of Saratoga and within the City's Sphere of Influence and Urban Service Boundaries

City Attorney Richard Taylor presented the staff report.

Mayor Miller invited public comment.

The following people requested to speak on this item:

Wanda Kownacki, neighbor of property owners requesting pre-annexation agreement.

Jim Pfeiffer, neighbor of property owners requesting pre-annexation agreement.

Barton Hechtman, attorney for property owners requesting the 19351 Redberry Drive annexation, Fariba Farahanchi and Nima Mokhls.

No one else requested to speak on this item.

Mayor Miller closed the public comment.

RESOLUTION NO. 11 – 054

PAGE/CAPPELLO MOVED TO **APPROVE PREANNEXATION AGREEMENT AND RESOLUTION INITIATING ANNEXATION OF 19351 REDBERRY DRIVE (APN 510-25-062), AN APPROXIMATELY 1.39 (GROSS) ACRE PARCEL CONTIGUOUS WITH THE LIMITS OF THE CITY OF SARATOGA AND WITHIN THE CITY'S SPHERE OF INFLUENCE AND URBAN SERVICE BOUNDARIES.** MOTION PASSED 5-0-0.

At 8:45 p.m. Mayor Miller invited four Saratoga High School students up on stage for comment.

20. VILLAGE PARKING IMPROVEMENTS

STAFF RECOMMENDATION:

Receive report and provide direction to staff.

Public Works Director John Cherbone presented the staff report.

Mayor Miller invited public comment.

The following person requested to speak on this item:

Paul Hernandez

No one else requested to speak on this item.

Mayor Miller closed the public comment.

PAGE /HUNTER MOVED TO DIRECT STAFF TO:

- **CREATE AN OVERALL VILLAGE SIGNAGE PLAN DIRECTING PEOPLE TOWARDS PARKING;**
- **ALLOCATE PUBLIC PARKING SPACES IN PARKING DISTRICT 1 AS NOTED IN THE PLAN FOR VALET PARKING;**
- **REQUIRE VALET PARKING COMPANIES UTILIZE THOSE SPACES IN DISTRICT 1 FIRST;**
- **AS PART OF THE PERMITTING PROCESS, REQUIRE THAT VALET PARKING COMPANIES RECORD HOW MANY CARS THEY ARE PARKING AND IF POSSIBLE, HOW LONG THE CARS ARE PARKED;**
- **REQUIRE VALET PARKING COMPANIES WORK WITH PUBLIC WORKS DIRECTOR CHERBONE REGARDING THE LOCATION OF VALET SIGNAGE;**
- **ANNOUNCE VALET PARKING IS AVAILABLE PUBLICLY WITH SIGNAGE DIRECTING PEOPLE TOWARDS THE PUBLIC VALET SERVICE.**

MOTION PASSED 5-0-0.

21. WILDWOOD PARK ELECTRICAL UPGRADES

STAFF RECOMMENDATION:

Receive report and provide direction to staff regarding electrical upgrades to Wildwood Park.

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.

Council preferred not to commit to allocating funds for this project from the Council Contingency fund at this time and suggested finding other sources to help fund the \$15,000 project.

Vice Mayor Page noted he would reach out to the City of Monte Sereno to see if they would be interested in providing park funds, the Saratoga/Monte Sereno Foundation, and PG & E for a possible grant.

PAGE/CAPPELLO MOVED TO DIRECT STAFF TO:

- **ADD THIS ITEM TO THE CIP LIST;**
- **LOOK FOR FUNDING SOURCES RATHER THAN USING COUNCIL CONTINGENCY FUND;**
- **IF FUNDING BECOMES AVAILABLE BETWEEN NOW AND THE SECOND MEETING IN AUGUST, BRING ITEM BACK TO COUNCIL AT THAT AUGUST MEETING OR THE FIRST MEETING IN SEPTEMBER 2011 FOR ADDITIONAL DISCUSSION AND**

COUNCIL APPROVAL TO COMPLETE THIS PROJECT BY
SUMMER OF 2012.

MOTION PASSED 5-0-0.

ADHOC & AGENCY ASSIGNMENT REPORTS

Mayor Howard Miller – reported:

Council Finance Committee – met earlier today and they discussed the business license audit and the GO Bonds. They also discussed the grant application to update the safety element of the General Plan.

Vice Mayor Chuck Page – reported:

Hakone Foundation Board – the last scheduled meeting was cancelled.

West Valley Sanitation District – will not meet during July and August.

Councilmember Jill Hunter – reported:

Historical Foundation – the refurbishing project has been completed and the facility will reopen in July.

SASCC – their Fiscal Year 2011/12 budget is down about \$25,000 and SASCC has approached Stanford University to have one of their business groups analyze their financial situation. She added the Adult Day Care is a financial concern. The Senior Center is doing well and they are hoping the August 20th Flea Market event will be a success.

Councilmember Emily Lo – reported:

Library Joint Powers Association – Eight hundred and fifty-five \$80 fee cards have been issued to library users that reside outside the Santa Clara County Library District.

Effective July 1, 2011, library users living outside the county library district will be required to purchase these fee cards.

Councilmember Manny Cappello – reported:

Carlson House Restoration AdHoc – he attended an Adhoc meeting at West Valley College and noted it was the final Core Team Phase 1 meeting. The Core Team will be meeting next week to begin discussing Phase II, which focuses on gaining approval for the feasibility study.

CITY COUNCIL ITEMS

Mayor Miller announced the second meeting in July and the first meeting in August has been cancelled for summer recess, however, if the need arises, a special meeting will be scheduled to conduct council business.

CITY MANAGER'S REPORT

City Manager Dave Anderson noted he will be on vacation the last week of July and the first week in August. He added Recreation and Facilities Director Michael Taylor will be Acting City Manager during his absence.

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 10:10 P.M.** MOTION PASSED 5-0-0.

Respectfully submitted,

Ann Sullivan, CMC
City Clerk