

## **MINUTES**

### **SARATOGA REGULAR CITY COUNCIL MEETING SEPTEMBER 7, 2011**

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

#### **ANNOUNCEMENT OF CLOSED SESSION**

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

Public Employee Performance Evaluation (Government Code Section 54957)  
Title: City Manager

Mayor Miller called the Regular City Council meeting to order at 7:00 p.m. Members of Saratoga Boy Scout Troop Number 535 and Saratoga ..... Girl Scouts were present to provide a United States Flag ceremony and Mayor Miller asked them to lead the Pledge of Allegiance.

The City Council held a joint meeting with the West Valley College Board of Trustees at 6:00 p.m. in the Administrative Conference Room.

#### **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  
John Cherbone, Public Works Director  
Chris Riordan, Interim Community Development Director  
Michael Taylor, Recreation and Facilities Director  
Crystal Morrow, Administrative Analyst II  
Cynthia McCormick, Planner

#### **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 September 7, 2011, was properly posted on September 1, 2011.

At this time Mayor Miller announced that this evening's Regular Council meeting is a dedication to the Remembrance of 9/11 and its tenth anniversary. He announced there would be an enhanced Flag Ceremony/Pledge of Allegiance conducted by local boy and girl scouts.

Following the Pledge of Allegiance the boy and girl scouts sang "America the Beautiful" accompanied by guitarist Tina Liddie. Mayor Miller invited the attending CERT representatives and representatives from the Santa Clara County Sheriff's Department and the Santa Clara County Fire Department up on stage to be recognized and thanked as first responders in the community. He then asked for a moment of silence to reflect on what happened on 9/11.

### **REPORT FROM CLOSED SESSION**

Mayor Miller announced there was no reportable information from Closed Session held at 5:00 p.m.

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

Dr. Lorie Gaskin, President of West Valley College (WVC), provided a brief report of the Joint Meeting the WVC Board of Trustees had with the Council prior to the Regular Meeting this evening. She spoke about the exemplary classes and career programs they offer to the community. In addition, she thanked the Council for the positive working relationship they have and the opportunity to meet with the Council.

### **COUNCIL DIRECTION TO STAFF**

None

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

Suran De Silva addressed the Council regarding his current house remodel and the fire code updates required by the State of California. He noted he received a letter from a state senator indicating the City has the authority to decide to what extent the state fire code requirements would be applied in Saratoga.

Casey Beyer, Silicon Valley Leadership Group, addressed the Council regarding the annual Applied Materials Silicon Valley Turkey Trot 2011 event scheduled on Thanksgiving Day, November 24, 2011. He invited Council and everyone else that is interested to register and participate in the 5K or 10K run.

Jeff Rangel, Silicon Valley Leadership Group, also addressed the Council regarding the November 24, 2011 Turkey Trot run.

Jessica Garcia-Kohl, Silicon Valley Leadership Group, also addressed the Council on the November 24, 2011 Turkey Trot run.

Johnna Borello, representative of the Bay Area Farmers Market Association, addressed the Council regarding the proposed Prospect High School Farmers Market and asked the Council to consider waiving the Conditional Use Permit (CUP) fees.

### **COUNCIL DIRECTION TO STAFF**

Mayor Miller asked Mr. De Silva to forward the letter from the state senator to him and noted he would get back to Mr. De Silva.

Council Member Cappello stated he would like to agendize the Prospect High School Farmers Market item. Mayor Miller and Vice Mayor Page concurred and asked to agendize it on the next council agenda.

### **ANNOUNCEMENTS**

Council Member Cappello announced the “Stride for Susie” 5K Run event at Saratoga High School on September 25, 2011. He added this is a fund raiser for lung cancer research and invited everyone to participate.

Council Member Lo invited everyone to attend the free Wildwood Movie Night on Saturday, September 10, 2011 at 7:30 p.m. The movie “Up”, which is put on by the Saratoga/Monte Sereno Community Foundation, will be shown at Wildwood Park.

### **CEREMONIAL ITEMS**

#### 1. RECOVERY MONTH PROCLAMATION

##### **STAFF RECOMMENDATION:**

Read and present the proclamation declaring September 2011 as Recovery Month in the City of Saratoga.

Mayor Miller read and presented the proclamation to Gabrielle Antolovich, Executive Director of Voices United.

#### 2. SARATOGAN READERSHIP DRAWING

##### **STAFF RECOMMENDATION:**

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

Mayor Miller and Vice Mayor Page conducted the drawing. Jerry Perusa’s name was drawn as the winner of a \$50 gift certificate to be used at a Saratoga business.

### **SPECIAL PRESENTATIONS**

None

**CONSENT CALENDAR**

3. CITY COUNCIL REGULAR MEETING MINUTES – AUGUST 17, 2011

**STAFF RECOMMENDATION:**

Approve minutes as submitted for the August 17, 2011, City Council Regular Meeting.

PAGE/CAPPELLO MOVED TO APPROVE MINUTES AS SUBMITTED FOR THE AUGUST 17, 2011, CITY COUNCIL REGULAR MEETING. MOTION PASSED 5-0-0.

4. REVIEW OF ACCOUNTS PAYABLE REGISTERS

**STAFF RECOMMENDATION:**

That the City Council review and accept the Check Registers for the following Accounts Payable payment cycles:

August 11, 2011

August 18, 2011

August 25, 2011

PAGE/CAPPELLO MOVED TO ACCEPT THE CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: AUGUST 11, 2011, AUGUST 18, 2011, AND AUGUST 25, 2011. MOTION PASSED 5-0-0.

5. TREASURER’S REPORT FOR THE MONTH ENDED JUNE 30, 2011

**STAFF RECOMMENDATION:**

Review and accept the Treasurer’s Report for the month ended June 30, 2011.

PAGE/CAPPELLO MOVED TO ACCEPT THE TREASURER’S REPORT FOR THE MONTH ENDED JUNE 30, 2011. MOTION PASSED 5-0-0.

6. TREASURER’S REPORT FOR THE MONTH ENDED JULY 31, 2011

**STAFF RECOMMENDATION:**

Review and accept the Treasurer’s Report for the month ended July 31, 2011.

PAGE/CAPPELLO MOVED TO ACCEPT THE TREASURER’S REPORT FOR THE MONTH ENDED JULY 31, 2011. MOTION PASSED 5-0-0.

7. RESOLUTION RENEWING THE SANTA CLARA COUNTY ABANDONED VEHICLE ABATEMENT SERVICE AUTHORITY

**STAFF RECOMMENDATION:**

Adopt the attached resolution authorizing the City of Saratoga to continue its participation in the Santa Clara County Abandoned Vehicle Abatement Service Authority (AVASA) Program.

**RESOLUTION NO. 11 – 060**

PAGE/CAPPELLO MOVED TO ADOPT THE RESOLUTION AUTHORIZING THE CITY OF SARATOGA TO CONTINUE ITS PARTICIPATION IN THE SANTA CLARA COUNTY ABANDONED VEHICLE ABATEMENT SERVICE AUTHORITY (AVASA) PROGRAM. MOTION PASSED 5-0-0.

**PUBLIC HEARINGS**

None

**OLD BUSINESS**

8. 22480 AND 22490 MT. EDEN ROAD (APN 503-09-003 AND 503-80-004)

**STAFF RECOMMENDATION:**

Ratify the April 20, 2011 approval of the Integrated Annexation Package (including all revised implementing documents) related to the properties at 22480 and 22490 Mt. Eden Road (APNs 503-09-003 and 503-80-004) by adopting the attached Resolution and authorizing execution and recordation of the associated revised Integrated Annexation Package documents.

Cynthia McCormick, Planner, presented the staff report.

Mayor Miller invited public comment.

The following person requested to speak on this item.

Virginia Hess, Counsel for the applicant, addressed the Council.

No one else requested to speak on this item.

Mayor Miller closed the public comment.

**RESOLUTION NO. 11 – 061**

PAGE/CAPPELLO MOVED TO RATIFY THE APRIL 20, 2011 APPROVAL OF THE INTEGRATED ANNEXATION PACKAGE (INCLUDING ALL REVISED IMPLEMENTING DOCUMENTS) RELATED TO THE PROPERTIES AT 22480 AND 22490 MT. EDEN ROAD (APNS 503-09-003 AND 503-80-004) BY ADOPTING THE ATTACHED RESOLUTION AND AUTHORIZING EXECUTION AND RECORDATION OF THE ASSOCIATED REVISED INTEGRATED ANNEXATION PACKAGE DOCUMENTS. MOTION PASSED 5-0-0.

## **NEW BUSINESS**

### 9. CONDITIONAL USE PERMIT (CUP) FEE REIMBURSEMENT FOR VINE LIFE GIFTS

#### **STAFF RECOMMENDATION:**

Staff recommends the City Council expend the remaining \$2,300 of the New Business Incentive Program to partially reimburse the Conditional Use Permit fee for Vine Life Gifts.

Chris Riordan, Interim Community Development Director, presented the staff report.

Joann Klenman, one of three owners of the Vine Life business, addressed the Council.

Mayor Miller invited public comment.

The following person requested to speak on this item:

Scott Anderson spoke in support of the Council to partially reimburse the Conditional Use Permit fee.

No one else requested to speak on this item.

Mayor Miller closed the public comment period.

PAGE/CAPPELLO MOVED TO **EXPEND THE REMAINING \$2,300 OF THE NEW BUSINESS INCENTIVE PROGRAM TO PARTIALLY REIMBURSE THE CONDITIONAL USE PERMIT FEE FOR VINE LIFE GIFTS AND TO ALLOCATE AN ADDITIONAL \$1,100 FROM COUNCIL CONTINGENCY FUND TO COVER THE ENTIRE FEE.** MOTION PASSED 5-0-0.

Councilmember Cappello noted the ribbon cutting for Vine Life is at 4:00 p.m. on September 15, 2011.

### 10. ALERTSCC NON-EMERGENCY MESSAGING

#### **STAFF RECOMMENDATION:**

Appoint the City Manager as the authorized representative to respond to the Santa Clara County request to opt in or out of AlertSCC non-emergency messaging services and direct the City Manager to opt out of AlertSCC non-emergency messaging.

Crystal Morrow, Administrative Analyst II, presented the staff report.

Mayor Miller invited public comment.

No one requested to speak on this item.

At this time Mayor Miller invited school students from the audience up on stage. He asked each one to introduce themselves and proceeded to ask them questions regarding their awareness and interest in the ALERTSCC program.

Mayor Miller closed the public comment period.

**HUNTER/PAGE MOVED TO APPOINT THE CITY MANAGER AS THE AUTHORIZED REPRESENTATIVE TO RESPOND TO THE SANTA CLARA COUNTY REQUEST TO OPT IN OR OUT OF ALERTSCC NON-EMERGENCY MESSAGING SERVICES AND DIRECT THE CITY MANAGER TO OPT OUT OF ALERTSCC NON-EMERGENCY MESSAGING.** MOTION PASSED 5-0-0.

### **ADHOC & AGENCY ASSIGNMENT REPORTS**

Mayor Howard Miller – reported:

*West Valley Solid Waste Management Joint Powers Association* – recently met and they discussed the ban on disposable bags. They also discussed a proposal for the ban on polystyrene containers and cities are being asked to agendaize this item for discussion. Consensus of the West Valley Mayors and Managers Association (WVMMA) is to wait to agendaize this item until after the County and the City of San Jose’s ban goes into effect to see the results. The WVMMA will then bring this topic up for the SCC Cities Association for additional discussion. If the timing is right the Cities Association would present this to the JPA to create a model ordinance. In addition, he noted they will be doing either an extension, negotiation or put out to bid for a new waste hauler. He added he has asked for presentations on state of the art technology from other haulers and other providers at upcoming meetings so the JPA will know the latest technology and capabilities when the contract comes up in 2014.

Vice Mayor Chuck Page – reported:

*Saratoga Ministerial Association* – met last week and noted many questions were raised regarding signs and the draft sign ordinance in Saratoga. He added Saratoga will host them on October 26<sup>th</sup> at noon for their regular monthly meeting.

\* VTA Board met and one of the main topics of discussion included a Bart “project labor agreement”.

Councilmember Jill Hunter – reported:

*Historical Foundation* –is planning a BBQ at Saratoga Springs in early October.

*SASCC* – met and decided the acronym “SASCC” is confusing to people and to better identify the organization with its customers, they have decided to use a new internal name. Effective at the last Board meeting, SASCC will now be calling themselves the “Saratoga Area Senior Center (SASC)”.

The recent Senior Center Garage sale and Pancake Breakfast event brought in \$2,400.

*West Valley Flood Control & Watershed Advisory Committee* – will be attending the next meeting on Thursday, September 8th.

Councilmember Emily Lo –Nothing to report.

Councilmember Manny Cappello – reported:  
*Carlson House Restoration AdHoc* – attended several meetings recently including Tuesday evening, September 6th and again this evening. Further discussions will occur regarding Phase II and whether or not the program will move forward or not.

### **CITY COUNCIL ITEMS**

Council Member Cappello asked to agendaize the CUP fee waiver request for the proposed Prospect High School Farmers Market.

Mayor Miller noted the proposed January 27<sup>th</sup> date for the 2012 council retreat doesn't work for all Council members and asked the City Clerk to re-poll the Council of their availability for the retreat the last Thursday in January.

### **CITY MANAGER'S REPORT**

None

### **ADJOURNMENT**

PAGE/CAPPELLO MOVED TO **ADJOURN THE REGULAR MEETING AT 9:25PM.** MOTION PASSED 5-0-0.

Respectfully submitted,

Ann Sullivan, CMC  
City Clerk