

## MINUTES

### SARATOGA REGULAR CITY COUNCIL MEETING OCTOBER 19, 2011

The City Council met in Closed Session at 6:00 p.m. in the Administrative Conference Room

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

Conference with Labor Negotiators – (Government Code Section 54957.6)

- A. Employee Organizations: Saratoga Management Association, Saratoga Employees Association, and/or the Northern California Carpenters Regional Council, Carpenters Forty Six Counties Conference Board.

Agency Designated Representatives: Deanna Mouser, Monica LaBossiere, Dave Anderson

- B. Unrepresented Employee: City Manager

Agency Designated Representatives: Catherine Engberg, Deanna Mouser

Mayor Miller called the Regular City Council meeting to order at 7:00 p.m. and asked students from Saratoga Elementary School to lead the Pledge of Allegiance.

#### **ROLL CALL**

PRESENT: Council Members Manny Cappello, Emily Lo, Jill Hunter, Vice Mayor Chuck Page, and Mayor Howard Miller

ABSENT: None

ALSO Dave Anderson, City Manager

PRESENT: Catherine Engberg, Acting City Attorney  
Ann Sullivan, City Clerk  
John Cherbone, Public Works Director  
Michael Taylor, Recreation and Facilities Director  
Chris Riordan, Interim Community Development Director  
Kimberly Thomas, MTEP Exchange Participant

#### **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 October 19, 2011 was properly posted on October 13, 2011.

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

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

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

Kia Fariba, Chair of Saratoga Youth Commission, addressed the Council regarding the status of the Commission. He noted the Commission is actively involved in the Teen

Friendly Business Award, whereby Saratoga businesses offer specials and discounts to Saratoga youth during a specific month which will encourage youth to attend the different Saratoga establishments. The Commission is also focusing on social media such as Facebook and email accounts. In addition, they are implementing a second monthly meeting that is more informal and attendance is not required. The meeting is held on the fourth Tuesday of each month and is another way for the commissioners to stay in touch with one another.

### **COUNCIL DIRECTION TO STAFF**

Council thanked Commissioner Kia Fariba for providing the status report of the Youth Commission.

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

Vatsam Kasturi addressed the council regarding the city's permit process and permit fees that are required for remodeling his home. In addition, he spoke of his concerns regarding the various school districts serving the Saratoga community.

Cathleen Casey addressed the Council regarding the recent appointment of the new Community Development Director.

### **COUNCIL DIRECTION TO STAFF**

Councilmember Hunter suggested that Mr. Kasturi contact the Santa Clara County Office of Education regarding the various school districts serving the community.

### **ANNOUNCEMENTS**

Councilmember Hunter noted the following:

The Senior Center will be hosting a Health Faire on Friday, October 21, 2011, from 3:30 p.m. to 7:00 p.m.

The Santa Clara Valley Water District will be celebrating the completion of the first of nine flood protection projects in the Flood Protection Plan at 10:00 a.m. on Monday, October 24, 2011. The ceremony will be held at Saratoga-Sunnyvale Road and Calabazas Creek.

The Witchy Walk-A-bout will be held in the Village on October 29, 2011, from 1:00 p.m. to 4:00 p.m.

Council Member Lo noted the CERT Disaster Drill will be held at 7:45 a.m. on Saturday, October 22, 2011, at the Community Center. She added they are in need of volunteers to role play as victims.

Mayor Miller noted that on Friday, October 21, 2011, a representative from *Energy Update California* will be giving a presentation on how homeowners can remodel or upgrade their homes to be more energy efficient. The event will be held at the Joan Pisani Community Center at 7:00 p.m. and is open to the public.

**CEREMONIAL ITEMS**

None

**SPECIAL PRESENTATIONS**

None

**CONSENT CALENDAR**

1. **CITY COUNCIL SPECIAL MEETING MINUTES – SEPTEMBER 15, 2011**

**STAFF RECOMMENDATION:**

Approve minutes.

PAGE/CAPPELLO MOVED **TO APPROVE CITY COUNCIL SPECIAL MEETING MINUTES – SEPTEMBER 15, 2011.** MOTION PASSED 5-0-0.

2. **CITY COUNCIL REGULAR MEETING MINUTES – OCTOBER 5, 2011**

**STAFF RECOMMENDATION:**

Approve minutes.

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

3. **REVIEW OF ACCOUNTS PAYABLE REGISTER**

**STAFF RECOMMENDATION:**

That the City Council review and accept the Check Register for the following Accounts Payable payment cycle:  
October 6, 2011

PAGE/CAPPELLO MOVED **TO ACCEPT THE CHECK REGISTER FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLE: OCTOBER 6, 2011.** MOTION PASSED 5-0-0.

4. **UPDATE OF CITY OF SARATOGA RISK MANAGEMENT POLICY**

**STAFF RECOMMENDATION:**

Staff recommends the Council approve the update to the City of Saratoga Risk Management Policy.

PAGE/CAPPELLO MOVED **TO APPROVE THE UPDATE TO THE CITY OF SARATOGA RISK MANAGEMENT POLICY.** MOTION PASSED 5-0-0.

5. **SARATOGA MONTE SERENO COMMUNITY FOUNDATION  
DONATION FOR WILDWOOD CINEMA MOVIE NIGHT**

**STAFF RECOMMENDATION:**

Accept donation from the Saratoga Monte Sereno Community Foundation and approve the attached budget adjustment resolution.

Mayor Miller removed this item for comment.

**RESOLUTION NO. 11 - 067**

CAPPELLO/PAGE MOVED TO **ACCEPT DONATION FROM THE  
SARATOGA MONTE SERENO COMMUNITY FOUNDATION AND  
APPROVE BUDGET ADJUSTMENT RESOLUTION.** MOTION PASSED 5-0-0.

6. **MOTOR VEHICLE (MV) RESOLUTION RESTRICTING PARKING ON  
RAVENWOOD DRIVE**

**STAFF RECOMMENDATION:**

Move to adopt MV Resolution restricting parking on a portion of Ravenwood Drive.

**MV RESOLUTION NO. MV 300**

PAGE/CAPPELLO MOVED TO **ADOPT MV RESOLUTION RESTRICTING  
PARKING ON A PORTION OF RAVENWOOD DRIVE.** MOTION PASSED 5-0-0.

**PUBLIC HEARINGS**

None

**OLD BUSINESS**

7. **APPROVAL OF VILLAGE FAÇADE IMPROVEMENT PROGRAM  
BUDGET ADJUSTMENT**

**STAFF RECOMMENDATION:**

Accept report and approve a budget adjustment and recommendation for future funding review for the Village Façade Improvement Program.

Kimberly Thomas, member of the MTEP Exchange program, presented the staff report.

Mayor Miller invited public comment.

Cathleen Casey requested to speak on this item.

No one else requested to speak on this item.

Mayor Miller closed the public comment period.

**RESOLUTION NO. 11 - 068**

PAGE/CAPPELLO MOVED TO **APPROVE A BUDGET ADJUSTMENT ALLOCATING \$20,000 TO THE VILLAGE FAÇADE PROGRAM FROM THE COUNCIL DISCRETIONARY FUND UNTILL THE END OF THE 2011/12 FISCAL YEAR.** MOTION PASSED 5-0-0.

**COUNCIL DIRECTION:**

- Make no changes to the guidelines of the Program.
- Fund this Program till the end of the 2011/12 Fiscal Year.
- City Council Village Ad Hoc Committee will review project applications and if project meets necessary requirements and funding is available, project will be approved by Ad Hoc Committee.
- Maximum award issuance \$5,000.
- Review the Program during the Fiscal Year budget cycle as part of the Capital Improvement Project (CIP) to see if Council would like to continue this Program.

**NEW BUSINESS**

8. **REIMBURSEMENT FOR HISTORIC COMPLIANCE REVIEW AND BUILDING PERMIT APPLICATION FEES FOR THE SARATOGA HISTORICAL FOUNDATION TO REMODEL AN EXISTING STORAGE SHED INTO A HISTORIC SCHOOL HOUSE**

**STAFF RECOMMENDATION:**

Consider the reimbursement of Historic Compliance Review and Building Permit application fees for the Saratoga Historical Foundation (SHF) to remodel an existing storage shed into a historic themed one-room school house.

Michael Fossati, Planner, presented the staff report.

Mayor Miller invited public comment.

Ernie Kraule, representing Saratoga Historical Foundation, addressed the Council and encouraged Council to waive the remodel fees.

No one else requested to speak on this item.

Mayor Miller closed the public comment period.

PAGE/HUNTER MOVED TO **ALLOCATE \$331.20 FROM THE COUNCIL DISCRETIONARY FUND TO BE USED FOR REIMBURSEMENT OF HISTORIC COMPLIANCE REVIEW AND BUILDING PERMIT APPLICATION FEES FOR THE SARATOGA HISTORICAL FOUNDATION (SHF) TO REMODEL AN EXISTING STORAGE SHED INTO A HISTORIC THEMED ONE-ROOM SCHOOL HOUSE.** MOTION PASSED 5-0-0.

At this time 8:10 p.m. Mayor Miller invited the high school students that were in the audience for government class assignment up on the Dais.

9. **CITY OF SARATOGA STREET REHABILITATION PROGRAM RSTPL-5332(016) – AWARD OF CONSTRUCTION CONTRACT**  
**STAFF RECOMMENDATION:**

1. Move to declare C.F. Archibald Paving, Inc. of Redwood City to be the lowest responsible bidder on the project.
2. Move to award a construction contract to C.F. Archibald Paving, Inc. in the amount of \$1,020,589.70
3. Move to authorize staff to execute change orders to the contract up to \$100,000.

Public Works Director, John Cherbone, presented the staff report.

Mayor Miller recused himself from discussion of this item due to a conflict of interest noting his residence is located within 500 feet of one of the streets proposed for repaving and left the Dais.

Council Member Lo also recused herself from discussion of this item due to a conflict of interest noting her residence is within 500 feet of one of the streets proposed for repaving and left the Dais.

Due to the recused absence of Mayor Miller, Vice Mayor Page facilitated the discussion of this item.

Vice Mayor Page invited public comment.

Cathleen Casey requested to speak on this item.

Janice Gamper requested to speak on this item.

No one else requested to speak on this item.

Vice Mayor Page closed the public comment period.

CAPPELLO/HUNTER MOVED TO:

**1. DECLARE C.F. ARCHIBALD PAVING, INC. OF REDWOOD CITY TO BE THE LOWEST RESPONSIBLE BIDDER ON THE PROJECT.**

**2. AWARD A CONSTRUCTION CONTRACT TO C.F. ARCHIBALD PAVING, INC. IN THE AMOUNT OF \$1,020,589.70**

**3. AUTHORIZE STAFF TO EXECUTE CHANGE ORDERS TO THE CONTRACT UP TO \$100,000.**

MOTION PASSED 3-0-2 WITH MAYOR MILLER AND COUNCILMEMBER LO RECUSED.

Mayor Miller and Councilmember Lo returned to the Dais.

**ADHOC & AGENCY ASSIGNMENT REPORTS**

Mayor Howard Miller – reported:

*Hakone Foundation Executive Committee* – on October 7, 2011, the Japanese Consul General presented a Commendation Award to Hakone Gardens commending them for their role in promoting “friendship and mutual understanding between the people of Japan and the citizens of the United States”.

*Valley Transportation Authority PAC* – met and confirmed that expressway lanes are planned for Santa Clara County in the next few months. Restriping will occur in the area of Highways 237/880 Interchange along with the installation of expressway equipment. The expressway lane should be completed by March 2012. Public hearings are currently being held regarding the Highway 85 expressway lane project, which is scheduled for completion in 2013.

In addition, VTA has some extra funds on hand as a result of funding all their bonds at a very low interest rate and investing those funds until the project is initiated. He noted there were three items before the Policy Advisory Committee regarding the allocation of this funding surplus. Mayor Miller added that he made the motion to fund “un-funded liabilities” – sales tax, operation stabilization, and employee benefits.

*West Valley Mayors and Managers Association* – noted that Joint Venture Silicon Valley has been working for many years on wireless access throughout Silicon Valley. A representative from Joint Venture met with the members of the Association to discuss the issue of inferior wireless service in some of our cities. He noted there will be a Wireless Communication Initiative/Joint Venture Silicon Valley meeting on November 9, 2011, from 8:30 a.m. to 12:00 noon at the Santa Clara University Leavey School of Business.

Mayor Milled noted that he along with other city staff attended the West Valley College (WVC) Solar Gateway Grand Opening at noon today. He added the 1.1 megawatt solar generating facility doubles the amount of solar power generated in Saratoga and will provide over a quarter of the electricity consumed on the WVC campus when school is in session. Also, WVC officials noted that carbon levels equivalent to what 1,000 mature trees would have removed have been removed from the atmosphere since the implementation of the Solar.

Mayor Miller noted that Saratoga resident Katherine Schuda was recently appointed to the Advisory Council to the Council on Aging. Ms. Schuda is filling the seat vacated by Shan Berry, who served on the Council for Aging for the past three years.

Vice Mayor Chuck Page – reported:

*Saratoga Ministerial Association* – will meet next Wednesday at Saratoga City Hall.

*West Valley Sanitation District* – met and noted Executive Director Bob Reed is planning to retire in 2012. They discussed succession plans and plan to advertise locally to find a replacement for Mr. Reed.

Vice Mayor Paged noted he was asked to be vice chair of the State Environmental Policy Committee for the League of California Cities.

Councilmember Jill Hunter – reported:

*Historical Foundation* – she attended the last meeting and noted the bar-b-cue the Foundation held recently didn’t generate as much revenue as they had hoped. The Foundation is waiting to hear the results of the CDBG grant allocations.

*KSAR Community Access TV Board* – the October meeting was cancelled. KSAR Board continues to recruit for a new member to fill the vacant seat on the Board. The candidate appointed to this seat will also represent the Saratoga High School.

*SASCC* –meets next week.

*West Valley Flood Control & Watershed Advisory Committee* – meets Monday, October 24, 2011.

Councilmember Emily Lo – reported:

*Association of Bay Area Government* – attended the Fall General Assembly ABAG meeting on Thursday, October 13<sup>th</sup> and members listened to a presentation on “Greening our Neighborhoods and Communities for a Sustainable Bay Area”.

*Highway 9 AdHoc* – a public hearing is scheduled on October 24, 2011, at 6:00 p.m. in the Monte Sereno City Hall Council Chambers.

Councilmember Manny Cappello – reported:

*Chamber of Commerce* – he attended the last board meeting and they discussed the Annual Tree Lighting and Village Open House event which is scheduled on November 25<sup>th</sup>, the day after Thanksgiving.

*Santa Clara County Emergency Council* – attended a special meeting that was called to address the allocations of funds from an Emergency Management Performance Grant. In addition, they discussed the funding allocation objectives outlined by FEMA (Federal Emergency Management Agency) and Cal EMA (California Emergency Management Agency). The total grant allocation that Saratoga could receive is \$9,700 and would be a 50/50 match arrangement agreement with the City. Jim Yoke, Emergency Coordinator for the City of Saratoga, will be working closely with the County Emergency Council regarding the grant allocation to the City of Saratoga.

### **CITY COUNCIL ITEMS**

None

### **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 9:00 P.M.** MOTION PASSED 5-0-0.

Respectfully submitted,

Ann Sullivan, CMC  
City Clerk