

MINUTES

SARATOGA SPECIAL CITY COUNCIL MEETING OCTOBER 3, 2012

The City Council adjourned to Closed Session at 5:30 p.m. and then conducted Parks and Recreation Commission Interviews at 5:45 p.m. The City Council called the Joint Meeting with the Saratoga –Monte Sereno Community Foundation to order at 6:00 p.m. in the Administrative Conference Room at City Hall at 13777 Fruitvale Avenue.

SARATOGA REGULAR CITY COUNCIL MEETING OCTOBER 3, 2012

Mayor Page called the meeting to order at 7:01 p.m. and led the Pledge of Allegiance.

ROLL CALL

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

ABSENT: None

ALSO PRESENT: Dave Anderson, City Manager
Richard Taylor, City Attorney
Crystal Bothelio, City Clerk
John Cherbone, Public Works Director
Mary Furey, Finance and Administrative Services Director
James Lindsay, Community Development Director
Michael Taylor, Recreation and Facilities Director
Mainini Cabute, Administrative Analyst II
Cynthia McCormick, Planner
Iveta Harvancik, Senior Civil Engineer

REPORT OF CITY CLERK ON POSTING OF AGENDA

City Clerk Crystal Bothelio reported that pursuant to Gov't. Code 54954.2, the agenda for this meeting was properly posted on September 27, 2012.

REPORT FROM CLOSED SESSION

Mayor Page announced that there was nothing to report from Closed Session.

COMMUNICATIONS FROM COMMISSIONS & PUBLIC

Oral Communications on Non-Agendized Items

Yurik Muradyan addressed the City Council regarding his plot in the City's Community Garden and a conflict with other gardeners.

Oral Communications - Council Direction to Staff

None

Communications from Boards and Commissions

Terrier Creamer, President of the Saratoga – Monte Sereno Community Foundation, provided a summary of the City Council’s Joint Meeting with the Foundation, including projects that the Foundation has supported recently. Information about the Saratoga – Monte Sereno Community Foundation is available online at smscf.org.

The Council thanked Terrie and the Foundation for their service to the community.

Council Direction to Staff

None

ANNOUNCEMENTS

Council Member Cappello shared that the Saratoga Chamber of Commerce is co-hosting a Quad Mixer of Chamber of Commerce organizations from Saratoga, Los Gatos, and Scotts Valley at West Valley College on October 4, 2012 at 5:30 p.m. Residents and members of the business community are invited to attend.

Council Member Miller announced that there are a number of City Recreation classes for all ages and interests that are still open, such as Oil Painting for Youth and Zumba with Laura. Information is available in the City’s Recreation Activity Guide or online at www.saratoga.ca.us/recreation.

Council Member Lo noted that California residents who are eligible to vote may register to vote online at www.registertovote.ca.gov.

Vice Mayor Hunter announced that Saratoga Village Development Council will be holding Witchy Walk-A-Bout on October 27, 2012 from 2:00 to 5:00 p.m. in Downtown Saratoga. The event will include trick-or-treating at Village businesses. More information is available at <http://saratogavillage.info/>.

Mayor Page shared that the City is recruiting for the Parks and Recreation Commission. Applications are due November 27, 2012 and are available on the City’s website at www.saratoga.ca.us/comvac or at City Hall.

CEREMONIAL ITEMS

1. Commendations for Outgoing City Commissioners

Recommended action:

Read and present commendations.

Mayor Page presented a commendation to Helen Lemmon, outgoing Library Commissioner.

2. Appointment of City Commissioners

Recommended action:

1. Adopt the resolution appointing one member to the Parks and Recreation Commission and one member to the Library Commission; and
2. Direct the City Clerk to administer the Oaths of Office.

RESOLUTION NO. 12-054

HUNTER/MILLER MOVED TO:

- 1. ADOPT THE RESOLUTION APPOINTING ONE MEMBER TO THE PARKS AND RECREATION COMMISSION AND ONE MEMBER TO THE LIBRARY COMMISSION; AND**
2. DIRECT THE CITY CLERK TO ADMINISTER THE OATHS OF OFFICE.
MOTION PASSED 5-0-0.

City Clerk Crystal Bothelio administered the Oath of Office to Parks and Recreation Commissioner Terence Ward and Library Commissioner Steven Schlosser.

SPECIAL PRESENTATIONS

3. Presentation on Saratoga High School Marching Band

Recommended action:

Accept the Saratoga High School Marching Band's report on being selected for the Macy's Thanksgiving Day Parade.

Council Member Miller explained that Saratoga High School's Marching Band has been selected to march in the Macy's Thanksgiving Day Parade. The Band is raising donations to help get the Band to the parade. To donate, visit <http://www.saratogamusic.org/>.

CONSENT CALENDAR

4. City Council Meeting Minutes

Recommended action:

Approve City Council minutes for the Special Meeting and the Regular Meeting on September 19, 2012.

MILLER/CAPPELLO MOVED TO **APPROVE CITY COUNCIL MINUTES FOR THE SPECIAL MEETING AND THE REGULAR MEETING ON SEPTEMBER 19, 2012.** MOTION PASSED 5-0-0.

5. Review of Accounts Payable Check Registers

Recommended action:

Review and accept check registers for the following accounts payable payment cycles:

9/18/2012

9/25/2012

MILLER/CAPPELLO MOVED TO **ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES:**

9/18/2012

9/25/2012

MOTION PASSED 5-0-0.

6. Ordinance Amending City Code 11-05 and 11-10 (Standards and Procedures for City Park Use)

Recommended action:

Waive the second reading and adopt the ordinance modifying Articles 11-05 and 11-10 of the City Code and updating City park standards and procedures for use.

ORDINANCE NO. 300

MILLER/CAPPELLO MOVED TO **WAIVE THE SECOND READING AND ADOPT THE ORDINANCE MODIFYING ARTICLES 11-05 AND 11-10 OF THE CITY CODE AND UPDATING CITY PARK STANDARDS AND PROCEDURES FOR USE.** MOTION PASSED 5-0-0.

7. Historic Landmark Designation for 19161 Cox Avenue (386-47-039)

Recommended action:

Waive the second reading and adopt the proposed ordinance.

ORDINANCE NO. 301

MILLER/CAPPELLO MOVED TO **WAIVE THE SECOND READING AND ADOPT THE PROPOSED ORDINANCE.** MOTION PASSED 5-0-0.

8. Highway 9 Safety Improvement Project Phase II – Award of Construction Contract

Recommended action:

1. Move to reject bid protest submitted by Operating Engineer's Union
2. Move to declare GradeTech Inc. of San Ramon to be the lowest responsible bidder on the project.
3. Move to award a construction contract to GradeTech Inc. in the amount of \$887,690.00.
4. Move to authorize staff to execute change orders to the contract up to \$88,000.

Vice Mayor Hunter requested that this item be removed from the Consent Calendar to request additional information.

Mayor Page invited public comments on the item.

The following people requested to speak:

Al Sousa spoke and requested that the Council uphold the bid protest submitted by the Operating Engineer's Union.

Michael Pickens spoke and asked the Council to uphold the bid protest submitted by the Operating Engineer's Union.

Bruce Noel spoke in favor of upholding the bid protest submitted by the Operating Engineer's Union.

No one else requested to speak.

Public Works Director John Cherbone answered Council questions.

CAPPELLO/LO MOVED TO:

1. REJECT BID PROTEST SUBMITTED BY OPERATING ENGINEER'S UNION;

2. DECLARE GRADETECH INC. OF SAN RAMON TO BE THE LOWEST RESPONSIBLE BIDDER ON THE PROJECT;

3. AWARD A CONSTRUCTION CONTRACT TO GRADETECH INC. IN THE AMOUNT OF \$887,690.00; AND

4. AUTHORIZE STAFF TO EXECUTE CHANGE ORDERS TO THE CONTRACT UP TO \$88,000.

MOTION PASSED 5-0-0.

9. FY 2012 – 2013 CDBG County/City Contract and CDBG Update

Recommended action:

Adopt a Resolution authorizing the City Manager to execute a \$149,088.22 contract with Santa Clara County for the FY 2012-2013 CDBG Program and approve a transfer request of \$12,597.22 from project #SA11-42 (Hakone Gardens Lower House Doors) to project #SA-13-41 (Access to Public Facilities).

RESOLUTION NO. 12-055

MILLER/CAPPELLO MOVED TO **WAIVE THE SECOND READING AND ADOPT THE PROPOSED ORDINANCE.** MOTION PASSED 5-0-0.

PUBLIC HEARINGS

None

OLD BUSINESS

10. Community Center Multi-Purpose Room Hardwood Floor

Recommended action:

Staff recommends that Council accept the report and provide direction to staff.

Recreation and Facilities Director Michael Taylor presented the staff report.

Mayor Page invited public comment on the item.

The following people requested to speak:

Terrie Creamer, Saratoga – Monte Sereno Community Foundation President, requested that the Council fund the project and complete the work this calendar year.

Elaine Roth encouraged the Council to move forward with the project and asked that the work be completed this year.

Nancy Portugal Jamello spoke in favor of funding the project and completing the project this year.

No one else requested to speak.

CAPPELLO/MILLER MOVED TO **SCHEDULE THE PROJECT FOR COMPLETION IN LATE MARCH/EARLY APRIL AND TO BRING A BUDGET ADJUSTMENT TO FUND THE PROJECT TO THE CITY COUNCIL AT THE COUNCIL RETREAT IN JANUARY.** MOTION PASSED 5-0-0.

At 8:52 p.m., Mayor Page invited Santa Clara County Sheriff's Office Captain Ken Binder to speak.

Captain Ken Binder introduced Lieutenant Rick Sung, who was recently assigned to the West Valley Sheriff's Office Division.

Mayor Page then asked students in the audience from Prospect High School government studies classes to introduce themselves on stage. Mayor Page returned to the meeting at 9:03 p.m.

11. City of Saratoga Civic Theater - Council Chambers Master Plan

Recommended action:

Staff recommends that Council accept the report and provide direction to staff.

Recreation and Facilities Director Michael Taylor presented the staff report.

Mayor Page invited public comment on the item.

No one requested to speak.

MILLER/CAPPELLO MOVED TO **DIRECT STAFF TO DEVELOP A MORE DETAILED REPORT, INCLUDING A PROPOSAL FOR A PUBLIC OUTREACH PLAN AND BUDGET ESTIMATES FOR MASTER PLAN AND IMPROVEMENT OPTIONS, TO BE PRESENTED AT THE CITY COUNCIL RETREAT IN JANUARY.** MOTION PASSED 5-0-0.

NEW BUSINESS

12. Group Use Permit Implementation Policy

Recommended action:

Review the draft Group Use Permit Implementation Policy and adopt the resolution establishing the Group Use Permit Implementation Policy.

Mainini Cabute, City Manager's Office Administrative Analyst II, presented the staff report.

Captain Ken Binder with the Santa Clara County Sheriff's Office addressed the Council.

Mayor Page opened the public comment period.

No one requested to speak.

MILLER/LO MOVED TO ADOPT THE RESOLUTION ESTABLISHING THE GROUP USE PERMIT IMPLEMENTATION POLICY WITH THE FOLLOWING AMENDMENTS TO THE POLICY:

- **REWORD “CERTIFICATE OF INSURANCE” REQUIREMENTS FROM “FOR THE TYPICAL OUTDOOR COMMUNITY EVENT RANGING BETWEEN 0 TO 500 PEOPLE, INSURANCE PREMIUM WILL RANGE FROM \$122- \$253” TO “FOR THE TYPICAL OUTDOOR COMMUNITY EVENT UP TO 500 PEOPLE, INSURANCE PREMIUM WILL RANGE FROM \$122- \$253”**
- **AMEND “PARK ATTENDANT” REQUIREMENTS TO STATE THAT A PARK ATTENDANT WILL BE REQUIRED FOR THE FOLLOWING:**
 - o **ACCESS TO PARK UTILITIES**
 - o **VEHICLE ACCESS INTO THE PARK**
 - o **USE OF PARKS AFTER DUSK**
- **REVISE LANGUAGE ON “PARK CLEAN-UP AND DAMAGE DEPOSIT” TO CLARIFY THAT THE DEPOSIT AMOUNT WILL BE BASED UPON ESTIMATED PARK CLEAN-UP COSTS**
- **REVISE “SECURITY” REQUIREMENTS TO INCLUDE THAT 1 SECURITY OFFICER OR OFF-DUTY/RESERVE SHERIFF’S OFFICE DEPUTY MAY BE REQUIRED FOR GROUPS OF 30 OR MORE CONSUMING ALCOHOL IN PARKS AND 2 SECURITY OFFICERS OR OFF-DUTY/RESERVE SHERIFF’S OFFICE DEPUTY MAY BE REQUIRED FOR GROUPS OF 100 OR MORE CONSUMING ALCOHOL IN PARKS TO BE CONSISTENT WITH THE CITY’S FACILITY USE POLICY**
- **UNDER “ADDITIONAL PORTABLE TOILET(S),” CHANGE THE TOILET TO PERSON RATIO FROM 1:50 TO 1:300 PEOPLE IN ACCORDANCE WITH NATIONAL PARK SERVICE STANDARDS**

MOTION PASSED 5-0-0.

ADHOC & AGENCY ASSIGNMENT REPORTS

Mayor Chuck Page

Mayor Page shared that SacMag did an article on Saratoga and Los Gatos, which featured Hakone Gardens, Montalvo, and several wine tasting venues and restaurants in Saratoga. *Hakone Foundation Board* – during the last meeting, the Board discussed revenues generated through events, the master plan, and the gardeners from Japan that will be visiting in November.

Santa Clara County Cities Association – the next meeting will be the week of October 8, 2012.

Santa Clara County Cities Association Selection Committee – the Selection Committee will be making a decision to appoint someone to the Metropolitan Transportation Commission (MTC) Board at the next meeting.

West Valley Sanitation District – the Sanitation District met recently and the Board is pleased with the new Executive Director.

Vice Mayor Jill Hunter

Historical Foundation – the Historical Foundation is hosting a number of McWilliams House Visits and Museum Tours for local students. Schools from around the Bay Area, including all of the schools in Los Gatos, will be visiting this school year. The Annual Barbeque and Silent Auction will be held on October 14, 2012 at Cooper-Garrod.

KSAR Community Access TV Board – Vice Mayor Hunter reminded the Council that it impacts KSAR when City Council meetings are canceled and thanked KSAR for producing 130 Saratoga Highlights, which are available at www.youtube.com.
SASCC – there will be a Health and Wellness Fair on October 13, 2012 from 10:30 a.m. to 1:30 p.m. There will be health screenings, flu shots, food trucks, health information, and more. The Board is also working on a fundraiser in December to be held at the Saratoga Prospect Center.

Council Member Emily Lo

Council Member Lo reported that she attended a crisis communications workshop hosted by California EMA on September 27, 2012.

Sister City Liaison – the Muko Sister City Delegation will be visiting Saratoga from November 8 - 10, 2012. There will be a dinner to welcome the delegation on November 8, 2012 at 5:00 p.m. at the Saratoga Inn and a reception on November 9 at 10:00 a.m. at the Warner Hutton House.

Council Member Howard Miller

Council Finance Committee – during the Finance Committee meeting on October 3, 2012, the audit, CAFR, and finance policies were discussed. The final budget numbers seem to suggest that the worst of the recession has passed in Saratoga.

Council Member Manny Cappello

Ministerial Association – Council Member Cappello attended the Ministerial Association Meeting on behalf of Council Member Miller. The group discussed plans for the Thanksgiving Day Service, which will be held at Saint Andrews Church this year. Additionally, the group discussed emergency preparedness and the role of the faith-based community during a disaster. The next meeting is December 14, 2012.

CITY COUNCIL ITEMS

Mayor Page requested that discussion on the Community Garden Policy be added to a future City Council Meeting agenda, including options for how the policy can be revised to encourage more participation by Saratoga residents.

Council Member Miller supported this request.

CITY MANAGER'S REPORT

None

ADJOURNMENT

MILLER/CAPPELLO MOVED TO **ADJOURN THE MEETING AT 10:06 P.M.**
MOTION PASSED 5-0-0.

Minutes respectfully submitted:

Crystal Bothelio, City Clerk