

**MINUTES
SARATOGA CITY COUNCIL RETREAT
HAKONE GARDENS
JANUARY 30, 2009**

Mayor Chuck Page called the meeting to order at 8:30 a.m.

ROLL CALL

PRESENT: Mayor Chuck Page, Vice Mayor Kathleen King,
Councilmembers Susie Nagpal, Jill Hunter, Howard Miller

ABSENT: None

ALSO

PRESENT: Dave Anderson, City Manager
Barbara Powell, Assistant City Manager
Richard Taylor, City Attorney
Ann Sullivan, City Clerk
Crystal Morrow, Administrative Analyst II
Mary Furey, Administrative Services Director
John Cherbone, Director of Public Works
John Livingstone, Community Development Director
Michael Taylor, Recreation Director
Chris Riordan, Senior Planner

REPORT OF CITY CLERK ON POSTING OF AGENDA FOR JANUARY 30, 2009

Ann Sullivan, City Clerk, reported that pursuant to Government Code Section 54954.2, the agenda for the meeting of January 30, 2009 was properly posted on January 26, 2009.

ORAL COMMUNICATIONS

No one requested to speak.

1. MIXED USE IN COMMERCIAL AREA OVERLAY

Senior Planner Christopher Riordan, presented the staff report.

The current Mixed Use Overlay in the City's Commercial Areas restricts dwelling units to rentals of not more than 1,250 square feet. According to the City's Housing Element Consultant, the rental requirements can be eliminated, but the housing requirements for affordability overall, city-wide would still need to be met. Options for backfilling affordable units from the mixed use overlay would be:

- Inclusionary housing
- In-lieu fees
- Increasing the density from maximum 20 units (current) to minimum 20 units

- Increasing the Density Bonus

Public Input:

Kip Knight and Jeff Wyatt both spoke about their current homes and the fact that given the overlay in their district, if their homes were destroyed, they would be restricted to rebuilding a maximum of 1,250 square foot rental unit as a replacement dwelling.

Discussion:

Rental/Square Footage Requirement:

Councilmember Hunter

- Remove rental requirement

Vice Mayor King

- Option to have rental or owner-occupied housing in commercial areas
- Preserve senior housing

Councilmember Miller

- Remove rental requirement

Councilmember Nagpal

- Don't be specific on rental or owner-occupied, just indicate "housing"
- Size should be flexible

Mayor Page

- No rental requirement
- Be flexible
- Promote senior housing

CH2 District:

Councilmember Hunter

- Keep flexibility in the CH2 District – okay with commercial, food-related, and professional

Vice Mayor King

- The CH2 will not be a viable commercial district – change it to residential

Councilmember Miller

- Retain commercial designation in CH2

Councilmember Nagpal

- Retain commercial designation in CH2

Mayor Page

- Modify CH2 – allow more housing and commercial uses

Non-conforming Use Ordinance:

Councilmember Hunter

- Fix Non-conforming Use Ordinance
- Analyze results

Vice Mayor King

- Fix Non-conforming Use Ordinance

Councilmember Miller

- Fix Non-conforming Use Ordinance

Councilmember Nagpal

- Fix Non-conforming Use Ordinance

Mayor Page

- Fix Non-conforming Use Ordinance

Inclusionary Housing:

Councilmember Hunter

- Look at inclusionary housing

Vice Mayor King

- Seek expert advice on the best way to meet the fair share housing numbers

Councilmember Miller

- Look at inclusionary housing

Councilmember Nagpal

- Look at inclusionary housing

Mayor Page

- Look at inclusionary housing

Density:

Councilmember Hunter

- Look at density increase

Vice Mayor King

- Add a minimum required density

Councilmember Miller

- State density bonus – keep current;
- Discuss minimum/maximum density

Mayor Page

- Discuss minimum/maximum Density

Second Units:

Councilmember Hunter

- Improve second unit code to increase more units

Vice Mayor King

- Improve second unit code to increase more units

Councilmember Miller

- Improve second unit code to increase more units

Councilmember Nagpal

- Improve second unit code to increase more units

Mayor Page

- Continue to support second units

Zone change at Odd Fellows:

Consensus to change the zoning at Odd Fellows.

COUNCIL DIRECTION:

- Consensus to have the Housing Consultant include the above directions in the Housing Element.

2. CONDITIONAL USE PERMIT (CUP) REVIEW

Community Development Director John Livingstone presented the staff report.

Public Input:

Jeff Wyatt, Emily Lo, and Marilyn Marchetti, representatives from the Chamber of Commerce spoke about providing an exception to enable the Chamber to be located with a frontage along Big Basin Way.

Issues related to CUPs

- Cost of CUPs
- Approval Time
- Uncertainty of Approval

Discussion:

Vice Mayor King

- What would be the effects on personal service use on Big Basin with a change to the CUP process?

- Food uses do better in bad times. More choices attract more people.
- Perhaps we could change the food-related (restaurants & markets) CUP to an over-the-counter permit:
- Would that satisfy residents?
- Would this support franchises?
- Prefers not to increase the number of nail salons.
- Chain stores could be done right (correctly) with Design Review.

Councilmember Hunter

- Are Tattoo Parlors considered “personal service”?
- The costs of building restaurants could discourage their inception.
- Is there reduction in building permit activity? Will there be less revenue coming in?
- Restaurants are hurting.
- We need a market in the Village.
- Would support:
 - Elimination of some CUP fees.
 - Over-the-counter review with adequate knowledge of Saratoga values.
- If we lessen the CUP-related fees, we need to know what kind of permitted uses we want.

Councilmember Nagpal

- What are the commercial vacancy rates?
- Does the current CUP process discourage applicants?
- There is a need to structure the CUP process to obtain a greater mix of uses.
- Is there a consensus on administrative review of CUPs?

Director Livingstone

- Uses currently requiring a CUP include ice cream shops and wine tasting. The CUP process pertains to:
 - Allowing permitted uses.
 - Providing for a review by the Planning Commission for uses that require a Conditional Use Permit.
- Restaurants do well – we need more mix of uses.

Councilmember Miller

- We have to send a message that Saratoga welcomes business.
- We could change the list of permitted uses
- We could change the review process to make it easier, cheaper & quicker

Mayor Page

- Favors relaxing CUP process for restaurants (restaurants contribute to downtown vitality)
- Supports the Chamber location in the Village – it acts as a visitors’ center.
- A market in the Village isn’t viable – too expensive to operate a market (it’s a business with only 1% profit margin.) It’s the kind of business that would ask for subsidies to come into the Village area.
- Suggests staff bring a list of possible permitted uses to the Council (work with the chamber to develop the list).
- Create a task force to create a new CUP review process.

COUNCIL DIRECTION:

- Make CUPs less expensive
- Increase the certainty for CUP applications
- Reduce the time involved in CUP review
 - Discuss additional specifics at the City Council meeting on February 4, 2009

3. COMMUNITY OUTREACH

Discussion:

Councilmember Hunter

- More visibility is better.
- Supports outreach. Suggested some venues: Historical Foundation, SVDC, the Village Gardeners, and the Heritage Tree Society.
- Supports speaking to HOAs, being easy to contact, providing a home number on the City's website.

Councilmember Nagpal

- Agrees with importance of community outreach, especially beyond the immediate "circle" is a great idea.
- Favors liaison and mentorship about building relationships with other elected officials and agencies outside Saratoga.
- Favors organized outreach such as Council coffee meetings.

Councilmember Miller

- "Structured" outreach could be beneficial so that the public knows where to meet up with the Council.
- The website could be used to inform the public, particularly using "push e-mail".
- Can we use blogs?
- Supports building relationships with other elected officials and agencies and being more personally proactive.

Vice Mayor King

- Important to have meetings in the North Campus area.
- Outreach to neighborhoods where Council members don't live.
- If holding meetings at the North Campus or other neighborhood locations, it would be nice to provide residents with the option to submit questions about the meetings via the web.
- Outreach outside Saratoga to other elected officials.
- Assign each Council member to develop relationships with other elected officials and other agencies.
- Mentor new Council members in creating relationships with other elected officials.
- Favors weekend meeting times and structured outreach so Council can contact groups they don't normally reach. Coffee/restaurant meetings and go to locations both in and outside the Village.
- Meeting times could also be uploaded to Artsopolis. Would staff be available for outreach meetings?

Mayor Page

- Could use Facebook.
- Conduct outreach to the Homeowners' Associations (HOAs). Create partnerships with other agencies.
- Rotate locations – can do various days and times.
- Suggests outreach to HOAs.
- Supports sharing outreach strategies – what works and doesn't?

City Attorney Taylor

- A Council member may blog as long as it is clear that the Council is not using the blog(s) or a networking site(s) to discuss City business.

City Manager Anderson

- Staff can add scheduled meetings to the website. "Meet Your Council" at date, time, location.
- The City Council would need to decide on the level of staff involvement.

The following people requested to speak on this item:

Emily Lo: Noted Council booths at public events with information about the City would be valuable.

Marilyn Marchetti: Information could be provided about groups with an interest in sustainability in the City.

Vance Nelson: The City of Campbell does this type of outreach and provides information about programs and more.

COUNCIL DIRECTION:

- Each Council member will take these ideas into account in their own interactions with the community.

4. SUSTAINABLE (ENVIRONMENT) DEVELOPMENT & PROGRAMS – (taken out of order on the agenda)

The informational materials provided to the Council concern three areas of sustainability:

- Economy
- Society
- Environment

The City has been undertaking a number of sustainability improvements that can be easily implemented and are relatively inexpensive. These can be considered "low hanging fruit". If the Council desires to undertake additional improvements to City buildings and facilities, these would likely be more costly.

Discussion:

Councilmember Hunter

- Interest in potential to obtain LEED points for historical designation and for diversion of demolition debris.
- Are there federal grants available for sustainability improvements to buildings over 50 years old?
- Desires discussion about other means to be sustainable, such as:
 - Use of gray water systems
 - Banning polystyrene containers
 - Holding an Anti-litter Day

Councilmember Nagpal

- Inquired about the status of the City's Baseline Greenhouse Gas (GHG) Inventory for the community.
- Perhaps have green/sustainable materials display in the Community Development Department lobby
- Research available tax credits, such as for environmentally-friendly building demolition
- Are there grants available for sustainability projects that are ready to go?
- Educate the community
- Provide information about materials that can be recycled
- On the safety side, provide more community connectivity to schools, parks, homes via enhancing walking/biking opportunities. Perhaps also pursue the potential of having donated bikes that can be used by the community.

Assistant City Manager Powell

- The City is currently completing the GHG Inventory for City operations, made some previous progress on the community-wide inventory, but needs to go back and complete it based upon current standards established by the Air Resources Board

Vice Mayor King

- Wants to provide feedback to the County's Recycling and Waste Reduction Commission about the single use, carryout bag issue.
- Saratoga should take the lead on eliminating single-use, carryout bags
- Check with PG&E to find out whether residents can pay an additional fee and have the proceeds go to the City for sustainability projects
- Suggestion for the Chamber: Hold a Saturday symposium for residents with information/company representatives about dual pane windows, tankless water heaters, etc.
- Apply for award regarding holding paperless meetings
- Not in support of the Corporation Yard solar installation
- Is concerned that City efforts might not be viable approach to promote walking/biking

Assistant City Manager Powell & Mayor Page provided an overview of the single use, carryout bag issue to attendees.

- Proposal to levy a 25 cent per bag fee up to \$2.00 total on carryout bags, including plastic and paper (except bags for produce/meats, take away food). Five cents would go to the store and the remainder would go to the jurisdiction and/or to the regulatory agency

Councilmember Miller

- Suggests sustainability approaches that are visible to the public and provide an example to residents
- Desires to separately track City-related sustainability efforts and community-related sustainability efforts
- Solar – install in visible locations
- Possibly incorporate solar hot water in the Library HVAC system
- Potentially adopt the LEED residential checklist instead of or in combination with the GreenPoint Rated residential checklist
- Provide good information to home builders/developers

Mayor Page:

- Supports Saratoga taking the lead on sustainability efforts
- Suggests that Public Works incorporate composting at City Parks and educate the community about the value of composting – could provide compost to residents
- Supports gaining more information on single use, carryout bags

COUNCIL DIRECTION:

- Agendize single use, carryout bag issue to obtain more information.
- Potentially have a speaker come from the Recycling and Waste Reduction Commission.

5. ECONOMY & BUDGET

Mary Furey, Administrative Services Director, provided an overview to the Council about revenue and expenditure trends and anticipated numbers for 2009/10.

COUNCIL DIRECTION:

- Provide additional information about salary and benefit increase percentages compared to percentage increases in revenues over time.
- Provide data about Community Development Department-related revenue activity in comparison with expenditures.

6. PRIORITIZATION & GUIDELINES OF ORDINANCE LIST

Richard Taylor, City Attorney, and John Livingstone, Community Development Director, provided the Council with an overview of Community Development-related ordinances that could potentially be updated.

Director Livingstone noted that in 2008 the Planning Commission had identified three ordinances they felt were priorities:

- Sign
- Non-conforming use
- Fence

In 2008, there were five ordinances that were addressed:

- Blight
- Newsracks
- Party hosting
- Appeals
- Building code changes

Council discussed the following ordinance priorities:

- Sign
- How height is defined
- Noise (possible combination with an update of the General Plan Noise Element)
- Story pole
- Increased neighborhood noticing
- Installing large signs on pending projects (additional noticing about projects)
- Restrict paint reflectivity on hillsides
- Expedited planning process
- Santa Clara Valley Water District stream guidelines (note was made that a proposed State law may address this)
- Carports
- Conditional use permits

Council also discussed the following administrative ordinances and their potential timeframes for completion:

- Non-conforming Use 6 months (with Planning Commission review)
- Heritage Resource 3 months (if no Planning Commission review)
- Toxic Gas 3 months (if no Planning Commission review)
- Massage 3 months (if no Planning Commission review)
- Wireless 6 months (with Planning Commission review)
- Miscellaneous items

Attorney Taylor noted his priority ranking for ordinance updates would be:

- Sign
- Noise
- All administrative ordinances

COUNCIL DIRECTION:

After lengthy discussion, the Council agreed upon the following ordinance update priorities:

- Conditional Use Permits (it was noted this could be administrative, depending upon the process used)
- Administrative ordinances (as they can be completed)
- Sign
- Noise

7. ROSENBERG’S RULES OF ORDER

City Attorney Richard Taylor presented the report.

Under the City's Municipal Code, the City Council is supposed to use Robert's Rules of Order to conduct its meetings. Robert's Rules are quite complicated and not particularly useful for small organizations. As an alternative, Rosenberg's Rules of Order, appear to be more straight forward and less cumbersome. If the Council chooses to adopt Rosenberg's Rules of Order, the Municipal Code would have to be amended.

After lengthy discussion, the Council agreed to "try out" Rosenberg's Rules of Order at one or more Council meetings to determine whether they would provide a better framework for conducting business at Council meetings.

COUNCIL DIRECTION:

- Attorney Taylor to provide an abbreviated list of procedures/action steps under Rosenberg's Rules.
- The Mayor would determine the date of a Council meeting at which the Council would use Rosenberg's Rules. The Council would provide feedback to Attorney Taylor about whether they prefer to retain Robert's Rules or adopt Rosenberg's Rules.

ADJOURNMENT

There being no further business Mayor Page adjourned the meeting at 4:45 p.m. and thanked everyone for coming.

Respectfully submitted,

Ann Sullivan, CMC
City Clerk