

MINUTES

SARATOGA REGULAR CITY COUNCIL MEETING JUNE 16, 2010

Mayor King called the Regular City Council meeting to order at 7:00 p.m. and lead the Pledge of Allegiance.

ROLL CALL

PRESENT: Councilmembers Manny Cappello, Chuck Page, Howard Miller,
Vice Mayor Jill Hunter and Mayor Kathleen King

ABSENT: None

ALSO PRESENT: Dave Anderson, City Manager
Richard Taylor, City Attorney
Ann Sullivan, City Clerk
Barbara Powell, Assistant City Manager
Mary Furey, Administrative Services Director
John Cherbone, Public Works Director
John Livingstone, Community Development Director
Debbie Bretschneider, Executive Assistant to City Manager

REPORT OF CITY CLERK ON POSTING OF AGENDA

City Clerk Ann Sullivan reported that pursuant to Government Code Section 54954.2, the agenda for the meeting of June 16, 2010 was properly posted on June 10, 2010.

COMMUNICATIONS FROM BOARDS AND COMMISSIONS

None

COUNCIL DIRECTION TO STAFF

None

ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS

Cheriel Jensen addressed the Council noting that she spent two hours in the community earlier in the day seeking signatures for the Initiative petition and that nine out of ten people were willing to sign it.

Jenny Young Taylor spoke about heritage trees, the old oak tree on Shadow Oaks Way, and the tree removal process.

COUNCIL DIRECTION TO STAFF

None

ANNOUNCEMENTS

Vice Mayor Hunter invited everyone to attend the Heritage Day event on Saturday, June 19th from 10 a.m. to 6 p.m. She noted there would be 35 “heritage costumed” Saratogans at Blaney Plaza and from there they would proceed into the Village to talk with people about the history of their characters; adding a band playing music from the Fifties would be in the Bank of America parking lot from 3PM to 5PM.

Councilmember Page noted Charlie Wedemeyer, a long time coach at Los Gatos/Saratoga High School, died recently and a celebration of life service is scheduled at 11:00 a.m. on June 19th at the HP Pavilion in San Jose.

Mayor King noted the Chamber of Commerce is holding a Changing of Officer’s event at 6PM on Thursday, June 17th at Florentines Restaurant in the Village.

CEREMONIAL ITEMS

1. CEREMONIAL OATH OF OFFICE FOR NEWLY APPOINTED COUNCILMEMBER MANNY CAPPELLO

STAFF RECOMMENDATION:

Direct the City Clerk to administer a ceremonial Oath of Office to newly appointed Councilmember Manny Cappello.

City Clerk Ann Sullivan administered a ceremonial Oath of Office to newly appointed Councilmember Manny Cappello. Family members of Councilmember Cappello joined him on the Dais for the ceremony.

2. COMMENDATION HONORING DAVID ZARRIN

STAFF RECOMMENDATION:

Read and present commendation.

Mayor King read and presented the commendation to Eagle Scout David Zarrin. David’s parents joined him on the Dais for the presentation.

3. COMMENDATION HONORING MATT TORRENS

STAFF RECOMMENDATION:

Read and present commendation.

Mayor King read and presented the commendation to Saratoga High School teacher Matt Torrens. Family members, friends, and students from Saratoga High School joined Mr. Torrens on the Dais for the presentation.

SPECIAL PRESENTATIONS

None

CONSENT CALENDAR

4. CITY COUNCIL STUDY SESSION MINUTES – MAY 24, 2010

STAFF RECOMMENDATION:

Approve minutes.

HUNTER/MILLER MOVED TO **APPROVE CITY COUNCIL STUDY SESSION MINUTES – MAY 24, 2010.** MOTION PASSED 5-0-0.

5. CITY COUNCIL REGULAR MEETING MINUTES – JUNE 2, 2010

STAFF RECOMMENDATION:

Approve minutes.

Councilmember Page removed this item for one clerical correction.

PAGE/MILLER MOVED TO **APPROVE CITY COUNCIL REGULAR MEETING MINUTES – JUNE 2, 2010 AS AMENDED.** MOTION PASSED 5-0-0.

6. 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:
May 27, 2010
June 03, 2010

HUNTER/MILLER MOVED TO **ACCEPT THE CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: MAY 27, 2010 AND JUNE 03, 2010.** MOTION PASSED 5-0-0.

7. RESOLUTION AMENDING COUNCIL AGENCY AND ADHOC COMMITTEE LIAISON ASSIGNMENTS

STAFF RECOMMENDATION:

Adopt resolution amending Resolution 10-008 appointing Council representatives to Committees, Agencies and Ad hoc Committees.

Vice Mayor Hunter removed this item for clerical corrections.

RESOLUTION NO. 10-038

HUNTER/MILLER MOVED TO **APPROVE RESOLUTION AMENDING RESOLUTION 10-008 APPOINTING COUNCIL REPRESENTATIVES TO COMMITTEES, AGENCIES, AND ADHOC COMMITTEES AS AMENDED.** MOTION PASSED 5-0-0.

8. **LASERFICHE SCANNING SERVICES– AWARD OF CONTRACT**

STAFF RECOMMENDATION:

Move to award a contract to Peelle Technologies in the amount of \$135,876 and authorize the City Manager to execute the same.

HUNTER/MILLER MOVED TO **AWARD A CONTRACT TO PEELLE TECHNOLOGIES IN THE AMOUNT OF \$135,876 AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE SAME.** MOTION PASSED 5-0-0.

9. **SARATOGA AVE AND FRUITVALE AVE OVERLAY AND REHABILITATION PROJECT ESPL-5332(015) – AWARD OF CONSTRUCTION CONTRACT.**

STAFF RECOMMENDATION:

1. Move to declare G. Bortolotto & Company, Inc. of San Carlos to be the lowest responsible bidder on the project.
2. Move to award a construction contract to G. Bortolotto & Company, Inc. in the amount of \$143,439.39.
3. Move to authorize staff to execute change orders to the contract up to \$25,000.

Councilmember Miller removed this item for clarification.

MILLER/PAGE MOVED TO **1) DECLARE G. BORTOLOTTO & COMPANY, INC. OF SAN CARLOS TO BE THE LOWEST RESPONSIBLE BIDDER ON THE PROJECT; 2) AWARD A CONSTRUCTION CONTRACT TO G. BORTOLOTTO & COMPANY INC. IN THE AMOUNT OF \$143,439.39; AND 3) TO AUTHORIZE STAFF TO EXECUTE CHANGE ORDERS TO THE CONTRACT UP TO \$25,000.** MOTION PASSED 5-0-0.

10. **REQUEST FOR WAIVER OF CITY FEES RELATED TO JULY 4, 2010**

STAFF RECOMMENDATION:

Accept report and direct staff accordingly.

HUNTER/MILLER MOVED TO **WAIVE THE \$600 BANNER FEE AND THE \$100 SPECIAL EVENT FEE FOR THE JULY 4, 2010 FOURTH OF JULY EVENT.** MOTION PASSED 5-0-0.

11. **EXTENSION OF EXISTING TRAFFIC SIGNAL MAINTENANCE CONTRACT WITH REPUBLIC ITS FOR TWO YEARS**

STAFF RECOMMENDATION:

Extend the existing contract with Republic ITS for monthly maintenance and on-call repair of Saratoga traffic signals for two additional years.

Councilmember Miller removed this item for clarification.

MILLER/PAGE MOVED TO **EXTEND THE EXISTING CONTRACT WITH REPUBLIC ITS FOR MONTHLY MAINTENANCE AND ON-CALL REPAIR OF SARATOGA TRAFFIC SIGNALS FOR TWO ADDITIONAL YEARS.**
MOTION PASSED 5-0-0.

PUBLIC HEARINGS

None

OLD BUSINESS

12. TRANSCRIPT OF SASCC FUNDING REQUEST AT MAY 19, 2010 COUNCIL MEETING

STAFF RECOMMENDATION:

Accept report, review attached transcript, and approve attached minutes for the May 19, 2010 Regular City Council Meeting as originally submitted on the June 2, 2010 Council Meeting Agenda.

Mayor King invited public comment.

No one requested to speak on this item.

Councilmember Miller noted that Council will be meeting with SASCC in a Joint Meeting on July 21, 2010 and requests that SASCC provide Council with their plan for economic viability in the future.

MILLER/PAGE MOVED TO **APPROVE MINUTES FOR THE MAY 19, 2010 REGULAR CITY COUNCIL MEETING AS ORIGINALLY SUBMITTED ON THE JUNE 2, 2010 COUNCIL MEETING AGENDA.** MOTION PASSED 5-0-0.

NEW BUSINESS

13. REPORT ON EFFECTS OF PROPOSED INITIATIVE REGARDING SECOND STORY LIMITATION IN SARATOGA

STAFF RECOMMENDATION:

Direct Staff Accordingly.

John Livingstone presented the staff report.

Council discussed the effects of the proposed Initiative regarding second story limitation in Saratoga.

Mayor King invited public comment.

The following people requested to speak on this item and spoke in support of the two-story limitation and felt the City should either adopt the Initiative or place the Initiative on the November ballot and let the Citizens vote on the issue:

Stan Bogosian
Jenni Young Taylor read a letter on behalf of Katie Alexander and the Peck family in support of the Initiative
Nancy Jamello
Jeff Schwartz
John Kimball
Paul Hernandez
Peggy Kimball
Marcia Fariss
Nancy Kirk

No one else requested to speak at this time.

Mayor King asked Council to state whether or not they supported requesting a 9212 Report.

Councilmembers Cappello, Page, Miller, and Mayor King supported the 9212 Report in order to receive answers to questions regarding the Initiative.

Vice Mayor Hunter was not in support of the 9212 Report and stated that she prefers reagentizing the height limitations and three-story issue for further discussion at a future Council meeting.

Councilmembers were asked if they supported the 9212 Report.

Councilmembers Cappello, Page, Miller and Mayor King supported the 9212 Report.

Vice Mayor Hunter did not support the 9212 Report.

Mayor King invited Council members to voice any questions they would like addressed at the Study Session.

QUESTIONS FROM COUNCIL TO BE CONSIDERED FOR THE 9212 REPORT:

Councilmember Page:

- What elements of the housing element that Council approved could be removed and allow Council to vote on again, and still meet State requirements?
- How would a two-story height limit affect meeting the housing element requirement numbers?
- He would like the summary table defining heights to be defined in a different way, such as: type of zoning; commercial areas listed and defined by that zone including boundaries; (such as a map) and an extra column added depicting what the Initiative would do.

Councilmember Miller:

- He would like to see the table that was in the March 10, 2010 staff report included in the 9212 Report and another column added depicting the effects of the Initiative.

- What are the specific changes we could make to the existing Housing Element and still meet State Housing Element requirements?
- What is the cost factor for a November ballot measure versus a Special Election measure?
- Does Initiative amend commercial district only?

Comments:

- Would like a Study Session to discuss this issue thoroughly.

Vice Mayor Hunter:

Comments:

- We have questions that need to be addressed and issues that need clarification.
- Supports having a Study Session.

Councilmember Cappello:

- Would like map reflecting current ordinance changes; changes made as part of the new Housing Element requirements, and those changes that would be made as a result of the Initiative.

Comments:

- Supports Study Session.

Mayor King:

- Would like original ordinance verbiage pertaining to the three-story language “*facing the creek and/or*” addressed in the 9212 Report.
- With regard to the issuance of permits, what are the specific limits the Initiative supports for a remodel, such as a kitchen?
- How does the Initiative affect existing three-story structures?

Comments:

- Likes the idea of a Study Session; however, prefers that the meeting be broadcast live so people can watch the proceedings from home.
- Would like input from public regarding questions for the 9212 Report.

Council concurred that a Study Session should be scheduled and the focus of the Study Session should be on what the adopted ordinance allows and what the Initiative would change. In addition, Council asked that the Initiative proponents identify who would participate in the Study Session discussion.

Council also agreed to solicit relevant questions to be addressed at the Study Session from the Initiative participants that were present at this evening’s Council meeting.

City Attorney Richard Taylor noted that the report that is prepared by staff for the Study Session would not be the final 9212 Report and the earliest the final 9212 Report could be completed would be after the Study Session. Staff would prepare a draft report highlighting issues that would form the basis of the Study Session and then prepare a revised report after the Study Session.

Mayor King declared a break at 8:55PM.

Mayor King reconvened the meeting at 9:10PM.

Mayor King invited the audience to provide questions they would like addressed at the Study Session.

QUESTIONS FROM THE PUBLIC FOR DISCUSSION AT STUDY SESSION:

Citizen Craig: Did Council's compliance with the change for less than moderate income housing cause changes to other aspects of the local height ordinance and how can those unrelated height changes be undone?

Kathleen Casey: Were these findings public documents; who proposed change in the three-story height limit; what are the permanent effects on the community; and what are the total costs?

Jim Foley: The proponents of the Initiative prepared a comparison table noting the current ordinance language and the Initiative's proposed changes. Staff should visit their website at www.restoresaratoga.com to see the comparison table.

Councilmember Miller noted that the focus of the proposed Study Session should be on the adopted ordinance regarding two or three story height limitations, its impact, and what the proposed Initiative would do and/or change. He also suggested staff look at the table Mr. Foley referred to, along with the table created by staff in the March 10, 2010 staff report and use this data as the genesis for the study session.

Council concurred to conduct a live broadcast Study Session in the Civic Theater on Thursday, June 24, 2010 at 6PM with five (5) proponents of the Initiative. Council also agreed to allow members of the public to submit questions for the Study Session by sending an email to the City Clerk no later than 5:00 p.m. on Friday, June 18, 2010. Staff would provide answers to submitted questions at the June 24th study session.

MILLER/PAGE MOVED TO: 1) SCHEDULE A STUDY SESSION ON JUNE 24, 2010 AT 6PM TO DISCUSS PROPOSED INITIATIVE REGARDING SECOND STORY LIMITATIONS; 2) PREPARE A DRAFT 9212 REPORT; 3) CITY STAFF TO PRESENT INFORMATION IN RESPONSE TO SUBMITTED QUESTIONS PRESENTED THIS EVENING AND QUESTIONS SUBMITTED TO STAFF VIA EMAIL FROM MEMBERS OF THE COMMUNITY BY 5:00PM ON FRIDAY, JUNE 18, 2010; 4) COUNCIL TO PROVIDE DIRECTION REGARDING THE 9212 REPORT; 5) THE PARTICIPANTS IN THE STUDY SESSION WILL BE THE FIVE COUNCILMEMBERS, FIVE MEMBERS OF THE INITIATIVE STEERING COMMITTEE, PLANNING STAFF, CITY ATTORNEY, CITY MANAGER AND CITY CLERK; AND 6) MEMBERS OF THE PUBLIC WOULD BE INVITED TO SIT IN THE AUDIENCE AND WOULD BE PROVIDED AN OPPORTUNITY TO ADDRESS THE PARTICIPANTS OF THE STUDY SESSION.

Vice Mayor Hunter asked for a friendly amendment to the motion stating she would support this motion, however, she was not in support of a 9212 Report.

Councilmember Miller accepted Vice Mayor Hunter's friendly amendment and rephrased the motion.

MILLER/PAGE MOVED **THAT COUNCIL IS CONTINUING THEIR DISCUSSION TO DETERMINE WHETHER COUNCIL WANTS TO HAVE A 9212 REPORT AND IN ORDER TO INFORM THAT DISCUSSION, COUNCIL INTENDS TO: 1) SCHEDULE A STUDY SESSION ON JUNE 24, 2010 AT 6PM TO DISCUSS PROPOSED INITIATIVE REGARDING SECOND STORY LIMITATIONS; 2) CITY STAFF TO PRESENT INFORMATION IN RESPONSE TO SUBMITTED QUESTIONS PRESENTED THIS EVENING AND QUESTIONS SUBMITTED TO STAFF VIA EMAIL FROM MEMBERS OF THE COMMUNITY BY 5:00PM ON FRIDAY, JUNE 18, 2010; 3) THE PARTICIPANTS IN THE STUDY SESSION WILL BE THE FIVE COUNCILMEMBERS, FIVE MEMBERS OF THE INITIATIVE STEERING COMMITTEE, PLANNING STAFF, CITY ATTORNEY, CITY MANAGER AND CITY CLERK; 4) MEMBERS OF THE PUBLIC WOULD BE INVITED TO SIT IN THE AUDIENCE AND WOULD BE PROVIDED AN OPPORTUNITY TO ADDRESS THE STUDY SESSION; AND 5) AT THE END OF THIS MEETING COUNCIL WOULD PROVIDE DIRECTION AS TO FURTHER CONSIDERATION OF THE 9212 REPORT.** MOTION PASSED 5-0-0.

14. VILLAGE VISION

STAFF RECOMMENDATION:

Direct Staff Accordingly.

Community Development Director John Livingstone presented the staff report.

Mayor King invited public comment.

The following person requested to speak on this item:

Kathleen Casey

No one else requested to speak on this item.

PAGE/MILLER MOVED TO **DELAY ENTIRE VILLAGE VISION PROCESS UNTIL AFTER THE INITIATIVE ISSUE HAS BEEN RESOLVED.** MOTION PASSED 5-0-0.

ADHOC & AGENCY ASSIGNMENT REPORTS

Mayor Kathleen King – reported:

Santa Clara County Emergency Council – the next meeting is in August.

West Valley Mayors and Managers Association – meets next Wednesday at West Valley College and the group would be given a tour of the newly remodeled College.

Vice Mayor Jill Hunter – reported

Library Joint Powers Association – she attended the last meeting and noted that a report was provided on how the Library money is spent. She noted that \$3 million dollars is spent by the Joint Powers annually among the seven county libraries; 35% goes towards fiction, which covers a very large category checked out by patrons; 41% towards non-fiction; 3% goes towards media (DVD's Audio Books, etc.); and children's books also cover a large percentage of checked out items. The library budget was passed and did sustain some cutbacks.

Village AdHoc – awarded Saratoga shops *Michael Anthony Salon* and *California Living* a \$5,000 grant for facade improvements.

Councilmember Howard Miller – reported

Santa Clara County Cities Association Board – the Legislative Committee passed two resolutions: AB32-SB375 – Clean Car Regulations and SB1205 – a Natural Disaster Recovery Plan driven by ABAG. A presentation was given on the RHNA (Regional Housing Needs Allocation) process in the sub-regions, an approach that would enable us to handle our moderate and low-income housing requirements as a region, rather than by individual cities. The deadline for establishing this process and determining the RHNA allocations is 2013. A second presentation was given on “One Dollar for Life” – a fund-raising program that allows middle school and high school students to raise one dollar per student. The funds are channeled through to non-governmental organizations in third world countries to build schools. He added that he would like Saratoga's Youth Commission to look at this as a possibility for Saratoga schools. He noted Jim Beall also attended the meeting and stated that on the day Mr. Beall was sworn in to office as Assemblymember, he submitted a bill on that same day and it was signed by the Governor. The bill allows Santa Clara County to offer health insurance to employees of smaller companies that don't have health insurance and is limited to 7,000 people, along with some other restrictions.

Councilmember Chuck Page – reported

West Valley Sanitation District – met and he was unable to attend the meeting. He noted the proposed rate increase was approved by Prop 218 Ballot – effective this next fiscal year, adding the slight increase will be for the next three years only.

Councilmember Manny Cappello had nothing to report at this time.

CITY COUNCIL ITEMS

Vice Mayor Hunter expressed a concern about the City's heritage trees and requested to agendize the discussion of heritage trees to see how the Heritage Preservation Commission could help to improve the City's tree ordinance to include the protection of heritage trees in terms of the tree removal process and how to encourage the planting of new trees.

Councilmember Cappello seconded this request.

CITY MANAGER'S REPORT

None

ADJOURNMENT

There being no additional business, Mayor King asked for a motion to adjourn.

PAGE/MILLER MOVED TO **ADJOURN THE REGULAR MEETING AT 10:20PM.**
MOTION PASSED 5-0-0.

Respectfully submitted,

Ann Sullivan, CMC
City Clerk