

**MINUTES  
SPECIAL MEETING**

**SARATOGA CITY COUNCIL MEETING  
June 24, 2010**

Mayor King called the Special Study Session to order at 6:00 p.m. and led the Pledge of Allegiance.

**ROLL CALL**

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

**ABSENT:** None

**ALSO**

**PRESENT:** Dave Anderson, City Manager  
Richard Taylor, City Attorney  
Debbie Bretschneider, Deputy City Clerk  
John Livingstone, Community Development Director  
Bob Busse, Initiative Steering Committee  
Marcia Fariss, Initiative Steering Committee  
Jim Foley, Initiative Steering Committee  
Jeff Schwartz, Initiative Steering Committee  
Emma Wyckoff, Initiative Steering Committee

**REPORT OF CITY CLERK ON POSTING OF AGENDA**

Debbie Bretschneider, Deputy City Clerk, reported that pursuant to Government Code Section 54954.2, the agenda for the meeting of June 24, 2010, was properly posted on June 22, 2010.

**COMMUNICATIONS FROM PUBLIC**

**ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS**

None

**AGENDA ITEM:**

1. Proposed Initiative Regarding Second Story Limitations: Consider questions presented regarding effects of the proposed measure and whether to direct staff to prepare a formal report on the effects of the proposed measure pursuant to Elections Code 9212.

**Recommended Action:**

Accept staff report and direct staff accordingly.

City Attorney Richard Taylor presented the staff report. He provided background on the initiative process and explained that Council requested this meeting to find some opportunities for clearer understanding between the Council and the Initiative Steering Committee. He noted that there were several attachments. Attachment 4 was requested during the June 16, 2010 Council Meeting and describes the height limits in each zoning district before and after the Housing Element Implementation Ordinance.

Attachment 5, Housing Element Implementation Ordinance Summary Table from Prior Staff Report was summarized in more detail. This table was in the June 16, 2010 staff report, but a column was added to show changes proposed by the Initiative.

Vice Mayor Hunter asked if the General Plan allows for changes 3 times a year. City Attorney Taylor replied that the State allows changes 4 times a year and in April the City amended the Housing Element. The Council will have the Circulation Element on the agenda later this year. That would count as 2 changes for this calendar year.

Mayor King asked if the Initiative covers residential use. City Attorney Taylor replied that the Initiative covers the entire City of Saratoga and so residential would be limited to 2-story if the Initiative passed. Mayor King questioned whether the Initiative, if passed, would consider a house with a basement to be 3 stories? And if the residence is considered 3 stories, would it be able to be rebuilt if it burned down? City Attorney Taylor said that the residences with 3 stories would be considered a legal non-conforming house. He noted that under the current code the residence could not be rebuilt if 75 % of the building was destroyed.

Mayor King asked if currently churches and schools (quasi-public) are allowed to be 3 stories and would the Initiative change that? Community Development Director (CDD) Livingstone answered that currently churches and schools can be 3 stories with a conditional use permit and going through the Planning Commission process. The Initiative would place a limit of 2 stories on these structures.

The staff report was concluded with the 4 actions the Council could take:

1. No Action.
2. Revise the Housing Element Implementation Ordinance and related actions.
3. Place the initiative on the November ballot as a City-sponsored ballot measure.

4. Develop a separate city-sponsored ballot measure.

### **PRELIMINARY COMMENTS:**

Mayor King asked for preliminary comments.

Jeff Schwartz spoke on behalf of the Initiative Steering Committee. He said that the summary provided by Staff is in their view accurate. He stated that he might have changed some of the emphasis, but the tables are correct. He said that he and four others are here as delegates of the eleven person Steering committee. This meeting is unprecedented in finding common ground between the Steering Committee and the Council. He stated that they appreciate and commend the Council for suggesting this study session. He also stated that they are appreciative of the time staff took to talk to us and going over the changes in the Housing Element. I especially want to commend Richard Taylor, Dave Anderson, John Livingstone, Chris Riordan, and Ann Sullivan for going beyond the call of duty to help.

Council Member Miller stated that a lot of politics is based on misinformation and mistrust and that undermines democracy. His theory is that if we could all get together and talk about what we wanted done for the city, we could come to mutual agreement. He thanked everyone for coming to the meeting.

### **PUBLIC COMMENT**

Jackie Welch stated that Big Basin Way has been the main street of Saratoga for over 100 years. She would not like Big Basin turned into high density condos. She does think Big Basin needs more retail.

Cecilia Desmond stated that she is a real estate agent and many of the Saratoga Oaks residences would be considered 3 stories. Banks will not loan to houses that are non-conforming. And it would be difficult to get insurance, if the measure, as written, were to pass.

Dwight Nickerson was concerned how the Initiative would affect current residences. His Saratoga Court townhome would be considered 3 stories on the creek side. What if the building burned down?

Paul Conrado, a resident of 20 years, stated that he is a builder, not a developer. He stated that it would be tragic to put restrictions on hillside homes. He was bothered that the Village might not change. He was disturbed by the cost to the City of the Initiative.

Sarah Okuno said that her family finds the village to be inhospitable to regular people. She stated that she was against the Initiative. She thinks we have made the Village unfriendly to developers.

David Rossi asked what does downtown Saratoga need? His development of downtown was put on hold for environmental reasons, he did not ask for changes in the Code. He does not think the village works in its current configuration. People should do studies about what the Village needs.

Michael Shadman stated that the CH-1 and CH-2 limitations are already set. The 26 foot height limit makes it very difficult to have a 3-story, but a 35 feet limit should have 3 stories. Every site would have different requirements and the Planning Commission should decide. The Initiative will drive more businesses out of downtown.

Peggy Kimball noted that it does make a difference if the buildings are 2 or 3-story. She wants to keep downtown pretty. She thinks we should have buses to bring people downtown.

Mahnaz Khazen states that she has properties downtown in the Village and that she is not representing the Chamber of Commerce when she speaks. She loves the charm of Saratoga. She disagrees with the Initiative. New rules should allow the City to be more welcome. She says the Planning Commission should be allowed to make decisions. She also discussed the high vacancy rate in Saratoga.

Councilmember Page asked Mahnaz if rental rates are high in the Village. Mahnaz replied that the current asking price is as low as \$.90 a square foot. In comparison, Campbell is \$3.25 a square foot and the vacancy rate is lower. She said that Saratoga just doesn't have the foot traffic to support businesses.

Trish Cypher thinks the initiative process is a blessing. We should let the whole city decide by voting on it. She wants Saratoga to stay as it is.

Scott Eschen, small-time developer, says that he won't develop in Saratoga, because it's too difficult. He suggests looking at how other cities that want to preserve their charm handle development. He says that Los Altos has economic vitality without losing their charm. They created a Downtown Development Committee.

Doug Robertson, Planning Commission member, stated that he was not there representing the Planning Commission. He believes that 35 feet limit and with 3 stories would still keep the charm of the City. He is not happy with the status quo in the Village. The Village needs more foot traffic. We shouldn't tie the hands of the City to bring revitalization. Some of these problems can be resolved with good architecture. Suggests that those who want to decide what's best for the Village be part of a Visioning committee.

Susan Karlak says that there is nothing charming about the traffic already in Saratoga. She thinks 3 stories of condo's in Quito Village would create enormous traffic.

James Imhata, a CH-1 and CH-2 property owner, states that this argument is over 9 feet. This Initiative would create an undue burden on the City for election costs. He asks that everyone please come together and resolve this issue.

## **DISCUSSION BETWEEN COUNCIL AND STEERING COMMITTEE**

Councilmember Page asked what would the Initiative change about the Quito area and what height building could go there. CDD Livingstone stated that the area is the C-N commercial district and the 20 foot height limit and 2-story would not change as a result of the Initiative. Page asked what the code is for the nearby professional zone between Saratoga Avenue and the bank. Livingstone stated that the code is 30 feet and 2-story and this would be the same, with or without the initiative. The Abrams area across the street is P-N and is 30 feet and 2-story which represents no change.

Steering Committee member Schwartz stated that the Steering Committee was interested in what change happened in mixed-use areas with the change in the Implementation Ordinance. They are against the Village having a change in mixed-use. The perception is that on an individual project the height requirement could be changed quickly and without public discussion. The public perception is that the Council could put in whatever development they wanted. With an initiative, present and future Councils could not change things quickly.

Councilmember Page asked what the process for a zoning ordinance amendment is. Attorney Taylor replied that by State law, the Council can't vote on a zoning ordinance without a recommendation from the Planning Commission. The Planning Commission has to have a published public hearing before the ordinance goes to the Council. And then the Council holds a public hearing, plus a second reading before the ordinance passes. There are 2 published newspaper notices –one for each public hearing and the City puts it on website, which is not required by law. If a specific property was being changed, notices go out to all property owners within 500 feet of the property.

There was discussion on whether residents were noticed about the proposed Quito development. Some thought the proposal was for 3-stories mixed-use when the developer had meetings with residents. Staff stated that an application was never submitted to the city and that they never received a finished set of plans. They would have noticed the residents after CDD had a set of plans.

Mr. Schwartz asked if the group could talk specifics and come to an agreement.

Mayor King called for a break at 7:53 pm.

Mayor King called the session back to order at 8:10 pm.

Mr. Schwartz asked that everyone come to an agreement on the method for change and then get into specifics. He mentioned the staff report with the 4 actions the Council could take:

1. No Action.
2. Revise the Housing Element Implementation Ordinance and related actions.
3. Place the initiative on the November ballot as a City-sponsored ballot measure.

4. Develop a separate city-sponsored ballot measure.

Councilmember Miller asked if some items could be settled with ordinances. And other items on a ballot issue.

The Initiative Steering Committee stated that a special election in March 2011, costing \$560,000 is not desirable. They had always aimed at a November election. They do not want just an ordinance because it can be changed too readily by other future Councils. Initiative is harder to change and provides a level of protection to residents.

The Steering Committee would like the Council to consider placing their own ballot measure on the November election. The wording of the ballot measure does not have to be the same as the Initiative.

Mayor King asked the Steering Committee if the ballot measure would need to include residential property. This affects property values of every homeowner in Saratoga. Did they need the ballot measure to include residential?

The Steering Committee said they didn't want to make current houses to be legal non-conforming. The Committee agreed to take out:

1. Residential
2. Quasi-public
3. Public

The Steering Committee asked for these 5 items to be on the ballot measure:

1. 2 Story limit.
2. 26 foot height limit on mixed-use.
3. Restore wording that in mixed-use buildings, 50% or greater would be retail.
4. In mixed-use buildings, there can be maximum 20 units/acre of residential, except in RHD district.
5. Go back to what it used to say about shared parking and mixed use.

The Council and Steering Committee went through each of these issues to find common ground.

#4. Attorney Taylor stated that in the General Plan, high-density housing has to happen somewhere in the City. The area of Lawrence Expressway and Prospect Road (C-N [RHD]) was to be the high-density area for the State to approve the Housing Element.

It would be easy to change with a General Plan amendment to no more than 20 housing units per acre in Saratoga, except for the C-N (RHD) district.

The Steering Committee agreed to this change and the Mayor removed #4 from the list.

#3. CDD Livingstone stated that the code before April's Housing Element was passed was a 50% retail in mixed-use buildings. Very specific findings on a project would allow the Planning Commission to change the 50%.

Steering Committee stated that they would like to separate large projects from small projects and want the 50% retail on the large projects. They did not want to get into a discussion of the square footage of small and large. It was decided that staff and adhoc committee could take care of these numbers. The intent is for the entire first floor of large projects to retail/professional. The Steering Committee would like the 50% retail in mixed-use to be on the ballot.

#5. No shared parking in mixed-use that includes residential buildings. There was discussion about needing more parking and that large projects need to require no shared parking. Councilmember Page suggested that we require a parking and traffic study before new development. Councilmember Cappello stated that the Planning Commission takes having enough parking very seriously. Attorney Taylor suggested that the parking issue could be broken up like the retail into large and small projects. The Steering Committee asked for a break to speak among themselves.

Mayor King called for a break at 9:14 pm.

Mayor King called the meeting back to order at 9:26 pm.

The Steering committee came back with these decisions that they arrived at. They did not want to make housing non-confirming and so would take residential, quasi-public, and public off the ballot measure. They want new multi-unit housing to only be 2 stories above ground, with the basement/garage issue grandfathered in. They also agreed to exclude the C-N (RHD) District and Odd Fellows (Fellowship Plaza) from any ballot measure. The 20-unit density (#4) could be fixed by General Plan amendment, with more units allowed only in the C-N (RHD) district.

On the parking issue, they agreed that parking should be changed to no shared parking in large developments and that this could be done through ordinance.

Mayor King asked if the 20-unit density and shared parking need to go on the ballot measure. The Steering Committee replied that those two items are off the ballot, but that they need to know that these items are a priority for the Council to fix. Mayor King said that it's a good idea to keep the ballot measure simple. If it's too complicated, then people won't vote.

Steering Committee also stated that they want the 50% retail for large projects (small projects to be exempt) to be on the ballot.

Mr. Schwartz states that the 2-story limit and 26 foot limit for mixed-use are the most important subjects. The 26 foot limit would be a net gain for some districts and a net loss for others.

Councilmember Miller stated that there were changes on the Implementation Ordinance that we were comfortable with. The P/A being 2 stories, the C-N being 20 feet limit, with 2 stories. That leaves us with the CH-1 as the problem, as that could currently be 35 feet. This gives flexibility to developers.

Mr. Schwartz stated that there was no change on the CH-1 being 35 feet for commercial only use. The change in the Housing Implementation Ordinance that made a difference to them was the 35 feet, no story limit for mixed use.

Councilmember Miller said that that he was trying to find out where the two groups had common ground. The Council has made some changes to try to revitalize the village, like changes in fees, and conditional use changes. The change the Council made to the code was to encourage business. It was not our intent to destroy the Village.

Mr. Schwartz replied that we know the Council wanted to help the Village. However, in the last 15 years, 300+ condos have been built near the Village and this hasn't helped the business climate. We don't think 20 more townhouses are going to help. The Village is a wonderful business climate for high-end restaurants. They are there for the beautiful atmosphere of the village. Three stories would hurt the restaurants which are our best businesses. We want to keep the traditional values of Saratoga. When we ask people if they want 3 stories in Saratoga, they all want to sign the petition for the Initiative.

Councilmember Miller stated that we all have the same goal, but how do we get there?

Ms. Fariss said that the residents want to revitalize the Village, but they don't think having 3 stories is the way for that to happen.

Mayor King said that all of us have many times thought we knew what all the voting residents wanted. You don't know until you hold a vote. She had done some calculations on the Buy and Save area and you can't get a parking garage and retail on the bottom floor until you get enough housing on the top floor –you need the 20 units to make it feasible.

Mr. Schwartz replied that the market changes and it's not the city's job to aid developers. He and Chuck have had discussions about very different ideas for the village. He is very excited about Chuck's Visioning project and would like to participate in it.

Vice Mayor Hunter mentioned that Los Gatos has a 2 story limit on its historical section of town.

Councilmember Page stated that Los Gatos is very different than Saratoga. Because of the major earthquake damage they had, they were able to change many things, making it more conducive for retail businesses to be successful. The council heard from 14 members of the public, 11 of whom spoke of ideas much different than those proposed by the initiative. These 11 people are not part of any organized effort, so for them to show up on short notice and little public information is significant. But the ballot measure needs to be very simple. People liked the 2 story idea, but then people were worried about their basements. It's a good thing we took that out.

Mr. Schwartz stated that if the 2 groups can come to agreement about having a ballot measure included in the upcoming election then the Steering committee would be happy. If people vote it down, then we were wrong. We agree that the ballot measure should be simple.

Mayor King said that some of the public would like to speak. Everyone agreed to hear the public.

### **PUBLIC COMMENT**

David Rossi stated that after listening all evening, it sounds like the initiative is focused on the Buy and Save project. The initiative group is not accurate on what his project would have looked like and it was still a work in progress. His development did have open space and public bathrooms. Saratoga land is expensive and developers need 35 feet.

Mr. Foley asked to speak and wanted Mr. Rossi to know that this was not about just his project. The Steering committee was very worried about the Quito and Abrams areas as well.

Ms. Wyckoff added that the Steering committee was not just from the village. They had members from all over the City.

Paul Hernandez asked the Steering Committee if they were going to drop the petition. How many signatures have you gotten? Do you feel any responsibility to the petition signers?

Mr. Schwartz answered that they don't have a number for who has signed the petition. The heart of the petition is the 26 feet for mixed use and 2 story limit. We recognize there are advantages to the community not going to a special election and the cost related to that. We want to come together with the Council and we don't think we are doing a disservice to the public by doing that.

Paul Hernandez again asked if they would be dropping the petition.

Mr. Schwartz answered that if they could reach an agreement with the Council and talked to the rest of their group, then yes, they would drop the petition process.

Mr. Foley added that there were anomaly's in the petition that could be resolved with the Council's ballot measure. This would be better for the public.

Mayor King added that as long as you leave the basement issue in the vote, you effect everyone's home values.

The Mayor asked if anyone else wanted to speak. No one else came forward.

### **DISCUSSION BETWEEN COUNCIL AND STEERING COMMITTEE**

Mayor King said that she thought the citizens would support the 2-story and 26 feet height in the Quito and C-N areas; but not in the Village and if you tie the two together, then you don't get what the people want in each area. She stated that she did not have a problem with a ballot measure, although she wished the City did not have to pay for it. She asked for comments from the rest of the Council.

Councilmember Page said that the more limits we put on something, the less likely we are to have any project proposed. He said that the members of the Planning Commission were intelligent and were fully capable of making responsible decisions. The architecture of a building makes a big difference. The simpler the wording of the ballot measure the better chance we have of getting an answer from the public.

Mr. Foley stated that you can't revitalize the Village with 20 units of condos. Renovations to the shopping center that contains the old Buy and Save would be a big improvement. Currently no one wants to move in there, because it looks so bad.

Councilmember Cappello stated that he is not fully supportive of the 3 story in the Buy and Save area. The 26 feet and 2 story limits anyone's project and makes our world of possibilities smaller. He worries that we will end up with the same existing center in 10 years. The Planning Commission could have come up with a workable solution. He's seen the Planning Commission ask that projects be redesigned even after they were far along in the process.

Mayor King suggested that everyone come up with their own ideas of what should be on the ballot. What would you personally like to see on the ballot. Mr. Schwartz asked if the Steering Committee could present their idea as a group and this was agreed on.

Mayor King called for a break at 10:20 pm.

Mayor King called the meeting back to order at 10:30 pm.

The Steering Committee expressed their ideas. They agreed that the ballot measure should be kept simple. They would support:

1. 2 story for commercial and mixed-use, with the C-N (RHD) excepted. Residential, Public, and quasi-public would be exempted.
2. 26 feet height throughout the City for all buildings.

The Steering Committee agrees with the process of a Visioning for the village. The \$50,000 spent to get an answer from the people via an election in November is reasonable. A vote of the whole City on the issue would resolve a lot of trust issues.

Councilmember Miller:

1. Supports putting the measure on the ballot.
2. Supports Visioning for Village.
3. Supports 2 story city-wide limit, all uses in commercial zones and mixed-use, with the exemptions mentioned above.
4. Suggests that in the CH-1, use a set-back for the second story.
5. Not in favor of 26 feet, use underlining zoning already in place. The 26 feet is not good for some areas.

Councilmember Cappello:

1. Supports putting the measure on the ballot.
2. Supports the Visioning for village.

3. Supports 2 story in commercial zones, except for CH-1.
4. Supports 26 feet, except in CH-1.
5. Set-back good idea –Planning Commission has used in the past.
6. Not in favor of 2 story limit in CH-1, thinks that area needs a 3 story, 35 feet.

Councilmember Page:

1. Supports putting the measure on the ballot.
2. Supports Visioning. This process should go forward even with a ballot measure.
3. Supports 2 story limit for mixed-use.
4. No height limit, use what we already have.
5. Not in favor of set-back, good architecture could solve the tunnel problem.

Vice Mayor Hunter said she was having difficulties with this process. And that she has always been concerned with 3 stories and it disturbed her that the people didn't get to vote on it. The beauty of the Village is the hills and the view. The city is spending 1. 2 million dollars this summer to make the Village safer and prettier. She is reticent about the ballot measure.

Mr. Schwartz stated that no one does more for the Village and the City than Jill. The reality is that if we do nothing, we still have the Housing Implementation Ordinance that changed things. If we only make the changes we discussed here by ordinance, it could be changed by a couple of votes in the future. By putting this on the ballot we allow the people to speak. This is our best chance to change this.

Vice Mayor Hunter:

1. Supports putting the measure on the ballot.
2. Supports 2 story with conditions already stated above.
3. Supports 26 feet height limit.

Mayor King:

1. Supports putting the measure on the ballot.
2. Supports Visioning, if the Village is separate from the rest of the City.
3. Supports 2 separate ballot measures
  - a. A ballot measure just about the Village heights and stories. (could be after Visioning process)
  - b. A separate measure for the rest of the City on 2 story, 26 feet, with the exemptions we described.

By having separate measures, we could find out what each neighborhood needed. If the whole City is on ballot measure, she is afraid the Quito voters would overwhelm the Village voters.

Mr. Schwartz said that the Village is not a neighborhood issue, but an entire City issue and everyone should vote on it.

Councilmember Miller asked Mayor King if until the Visioning for the Village happened, she would be in favor of a moratorium on the Village.

Mayor King said she could agree with that.

Mr. Schwartz summarized that the Steering Committee has been clear that they want a 2 story, 26 foot limit. There are 3 people on the Council who support a 2 story limit ballot measure, but 2 out of the 3 don't support 26 feet limit language. One person wants the Village to stay 3 stories and one person wants the Village with a separate vote.

If we went with a 2 story only, but leave off the 26 feet, we would have a majority of the Council and all of our Steering Committee together on what could go on a ballot measure.

Mayor King asked to check with the rest of the Council. She said sometimes ideas change after hearing everyone's opinion.

Councilmember Miller summarized that this measure on the ballot would only be 2 story and that would be the only item covered.

Mr. Schwartz replied that the Steering Committee needed to talk among themselves. If we drop the 26 feet, then 2 story has its own limitations. We need to agree on what would go on the ballot. We need to have the Village included.

Mayor King asked if the 50% retail needs to be on the ballot.

Mr. Foley asked Councilmember Howard if the ballot measure said a maximum of 26 feet height, would he agree to that.

Councilmember Miller replied that no, he thinks that some areas can use over 26 feet. He also wants to keep the C-N at a 20 foot height limit.

Mayor King asked the Council if there were 3 that would vote for a measure on the ballot for 2 story mixed use commercial, excluding residential, public, and quasi-public. Councilmembers Miller, Cappello, Page and Vice Mayor Hunter agreed.

Steering Committee asked for a break.

Mayor King called for a break at 11:09 pm.

Mayor King called the meeting back to order at 11:14 pm.

The Steering Committee agrees that they will accept the 50% retail in large projects as an ordinance, rather than a ballot measure to keep the ballot simple. With some reluctance, they will drop the 26 foot limit to be able to bring the 2 story limit to voters.

Councilmember Miller asked to clarify the issues.

1. 2 story City-wide commercial with exemptions already noted for the ballot.
2. 26 foot limit not on ballot.
3. 50% retail on large projects not on ballot.
4. Maximum density clarification in general plan is not on ballot.
5. No shared parking in large projects is not on ballot.

Councilmember Miller also asked if the order of execution would be the ordinances come before or after the ballot.

Mr. Schwartz replied that they would assume in good faith that the Council would move forward to work on the ordinances as soon as possible. On their side, they would stop the Initiative process.

Mayor King suggested that these ordinances have to be a priority for the Council.

Councilmember Miller asked how soon the Council would need to act on the ballot measure.

Attorney Taylor replied that the last day the Council could vote is August 6, 2010. He would recommend that the Council vote on the second meeting in July, which is July 21, 2010.

**MILLER/CAPPELLO MOVED TO PUT 2 STORY LIMIT ON BALLOT, WITH THE EXEMPTIONS OF THE C-N (RHD), RESIDENTIAL, QUASI-PUBLIC, PUBLIC BUILDINGS, AND TO DO THIS BY THE SECOND COUNCIL MEETING IN JULY, AND TO COMPLETE THE ORDINANCES DESCRIBED IN THE MEETING.**  
MOTION PASSED 5-0.

Mayor King questioned whether we really needed to put anything on the ballot. Everyone has agreed on these issues and \$50,000 is a lot to spend from a City with a 15 million general fund budget. Also, do we want to have another public meeting to see if the public wants us to spend this money?

Mr. Schwartz replied that this is less costly than the initiative would be. The 2 story limit is a core value of Saratoga that they want to protect. A vote by the people would stop the divisiveness.

Ms. Fariss said that this is a matter of public trust. We have to take this to the voters.

Mayor King asked if this was enough public input. Do we need to have another meeting to let the public speak?

Councilmember Page stated that there will be another public hearing when this item comes before the Council for a vote. He was also reticent about spending \$50,000, but the City is in good financial condition and this would be money well spent.

Vice Mayor Hunter reminded Council that even if the Initiative goes on the ballot, the City still has to pay \$50,000.

Attorney Taylor recommended that the Council vote to direct staff to bring this item back to them at the second meeting in July. But to add an adhoc of 2 Council members to work with staff.

Mr. Schwartz brought up the idea that 2 Steering Committee members should be on that adhoc as well. Attorney Taylor responded that if the Council appoints that many people, it becomes a committee, with Brown Act requirements. However, the 2 member adhoc can invite other people to their meeting. The Steering Committee agreed to the adhoc. Councilmembers Miller, Page, and Cappello volunteered to be on the adhoc. Mayor King stated that Miller and Page would be on the adhoc. Miller recommended a friendly amendment to the prior motion noting who would be serving on the adhoc.

**MILLER/CAPPELLO MOVED TO CREATE AN ADHOC, COMPRISED OF 2 COUNCILMEMBERS - MILLER AND PAGE. MOTION PASSED 5-0.**

**PAGE/MILLER MOVED TO ADJOURN THE SPECIAL MEETING AT 11:32 PM. MOTION PASSED 5-0.**

Respectfully submitted,

Debbie Bretschneider  
Deputy City Clerk