

MINUTES

SARATOGA REGULAR CITY COUNCIL MEETING MAY 4, 2011

The City Council met in Closed Session in the Administrative Conference Room at 5:00PM.

MAYOR'S REPORT ON CLOSED SESSION

Mayor Miller noted Council would be returning to Closed Session at the conclusion of the Regular Meeting.

The City Council held a Joint Meeting in the Administrative Conference Room at 6:00 p.m. with members of the Saratoga Youth Commission.

Mayor Miller 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, Emily Lo, Jill Hunter,
Vice Mayor Chuck Page, and Mayor Howard Miller

ABSENT: None

ALSO PRESENT: Dave Anderson, City Manager
Richard Taylor, City Attorney
Ann Sullivan, City Clerk
Mary Furey, Administrative Services Director
Michael Taylor, Recreation and Facilities Director
John Cherbone, Public Works Director
Chris Riordan, Interim Community Development Director

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 May 4, 2011, was properly posted on April 28, 2011.

COMMUNICATIONS FROM COMMISSIONS & PUBLIC

Kia Fariba, Youth Commission Chair, provided a brief synopsis of the Joint Meeting held with the Council at 6:00 p.m. He noted the commissioners are actively involved in the "ODFL" (One Dollar for Life) project; a project where the commissioners are raising money for schools in Nicaragua. In addition, he noted the commissioners are planning a fund raising concert to help the needy on Friday, May 13, 2011.

COUNCIL DIRECTION TO STAFF

None

ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS

Saied Rafatj addressed the Council regarding his residential remodel and his concerns about the amount of the tree bonds.

COUNCIL DIRECTION TO STAFF

Council directed staff to meet with Mr. Rafatj regarding his concerns and to look at surrounding communities regarding their tree protection bonding requirements.

ANNOUNCEMENTS

Councilmember Hunter noted the City will be holding a plaque dedication ceremony in memory of Councilmember Susie Nagpal on Thursday, May 12th. The event will be held in *Susie's Garden* at 2:00 p.m. at City Hall. In addition, she noted the Heritage Day event will be held at 12:00 noon in the Village on Saturday, May 21st.

Councilmember Lo noted that on behalf of the Saratoga City Council she was pleased to accept a "Move It Campaign" commendation from the Santa Clara County Board of Supervisors.

Councilmember Cappello noted the annual "Wine Stroll", sponsored by the Saratoga Chamber of Commerce, would be held on May 21st at 3:00 p.m. in the Village.

CEREMONIAL ITEMS

1. COMMENDATION HONORING CHRISTA MCAULIFFE SCHOOL FOR THEIR RECYCLING PROGRAM

STAFF RECOMMENDATION:

Read and present commendation.

Principal Louise Ostrov, students, and staff from Christa McAuliffe Elementary School, joined Mayor Miller on stage to receive the commendation.

2. COMMENDATION HONORING PROSPECT HIGH SCHOOL'S MOCK TRIAL TEAM

STAFF RECOMMENDATION:

Read and present proclamation.

Principal Diane Burbank, students and staff from Prospect High School, joined Mayor Miller on stage to receive the commendation.

3. PROCLAMATION DECLARING SUNDAY, MAY 1 THROUGH SUNDAY, MAY 8, 2011 AS “DAYS OF REMEMBRANCE”

STAFF RECOMMENDATION:

Read and present proclamation.

Mayor Miller invited Rabbi Daniel Pressman and everyone in the audience to join him on stage to receive the proclamation.

4. PROCLAMATION DECLARING MAY 1 – MAY 7, 2011 AS “WILDFIRE AWARENESS WEEK”

STAFF RECOMMENDATION:

Read and present proclamation.

Mayor Miller invited Don Jarvis, Deputy Chief of the Santa Clara County Fire Department, to join him on stage to receive the proclamation.

SPECIAL PRESENTATIONS

None

CONSENT CALENDAR

5. CITY COUNCIL REGULAR MEETING MINUTES –APRIL 20, 2011

STAFF RECOMMENDATION:

Approve minutes.

PAGE/CAPPELLO MOVED TO **APPROVE THE CITY COUNCIL REGULAR MEETING MINUTES – APRIL 20, 2011.** MOTION PASSED 5-0-0.

6. TREASURER’S REPORT FOR THE MONTH ENDED MARCH 31, 2011

STAFF RECOMMENDATION:

Review and accept the Treasurer’s Report for the month ended March 31, 2011.

Councilmember Hunter removed this item for clarification.

HUNTER/PAGE MOVED TO **ACCEPT THE TREASURER’S REPORT FOR THE MONTH ENDED MARCH 31, 2011.** MOTION PASSED 5-0-0.

7. 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:

April 14, 2011

April 22, 2011

PAGE/CAPPELLO MOVED TO **ACCEPT THE CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: APRIL 14, 2011 AND APRIL 22, 2011.** MOTION PASSED 5-0-0.

8. REVISION OF ORDINANCE 11.05 REGULATING USE OF ALCOHOL IN CITY PARKS

STAFF RECOMMENDATION:

Staff recommends the Council adopt the Ordinance revising article 11.05 in the Municipal Code regulating the use of alcohol in City parks.

City Attorney Richard Taylor removed this item for clarification.

ORDINANCE NO. 283

PAGE/CAPPELLO MOVED TO **WAIVE THE FIRST READING AND ADOPT THE ORDINANCE REVISING ARTICLE 11.05 IN THE MUNICIPAL CODE REGULATING THE USE OF ALCOHOL IN CITY PARKS.** MOTION PASSED 5-0-0.

9. AZULE PARK PETANQUE COURT – NOTICE OF COMPLETION

STAFF RECOMMENDATION:

Move to accept the Azule Park Petanque Court project as complete and authorize the City Manager to sign the Notice of Completion for the construction contract.

PAGE/CAPPELLO MOVED TO **ACCEPT THE AZULE PARK PETANQUE COURT PROJECT AS COMPLETE AND AUTHORIZE THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION FOR THE CONSTRUCTION CONTRACT.** MOTION PASSED 5-0-0.

10. MONTE VISTA STORM DRAIN PUMPING SYSTEM – NOTICE OF COMPLETION

STAFF RECOMMENDATION:

Move to accept the Monte Vista storm drain pumping system project as complete and authorize the City Manager to sign the Notice of Completion for the construction contract.

PAGE/CAPPELLO MOVED TO **ACCEPT THE MONTE VISTA STORM DRAIN PUMPING SYSTEM PROJECT AS COMPLETE AND AUTHORIZE THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION FOR THE CONSTRUCTION CONTRACT.** MOTION PASSED 5-0-0.

PUBLIC HEARINGS

11. APPEAL APCC11-0001 – APPEAL OF A DESIGN REVIEW APPROVAL BY THE PLANNING COMMISSION (DESIGN REVIEW APPLICATION PDR10-015) TO CONSTRUCT A NEW 23’-6” TALL ONE-STORY SINGLE-FAMILY RESIDENCE AT 15395 PEPPER LANE

STAFF RECOMMENDATION:

Staff recommends the City Council deny the appeal, thus approving the proposed new 23’-6” tall one-story single-family residence.

City Attorney Richard Taylor explained the public hearing process.

Interim Community Development Director Chris Riordan presented the staff report.

Appellant Laurence Mitchell addressed the Council for ten minutes regarding his opening statements.

Chris Spaulding, Architect for Applicant Jayam Ram, addressed the Council for ten minutes regarding his opening statements.

Doug Robertson, Chair of the Saratoga Planning Commission, was present to answer questions presented by the Council.

Mayor Miller opened the Public Hearing for comment.

The following person/s requested to speak on this item.

Nicholas French spoke in support of the applicant.

No one else requested to speak on this item.

Mayor Miller closed the public hearing for comment.

Appellant Laurence Mitchell re-addressed the Council for five minutes in his closing statements.

Applicant Jayam Ram addressed the Council for five minutes in his closing statements.

Council discussion took place with a focus on a recommendation by the Council for both the applicant and the appellant to reach a “compromise” so that Council could make the finding to approve the application.

Mayor Miller declared a recess at 9:25 p.m.

Mayor Miller reconvened the regular meeting at 9:35 p.m.

Applicant’s architect, Chris Spaulding, suggested the following changes to the proposed project in order to reach a compromise:

- Move the rear of the structure three (3) feet forward (towards the street), which will require the removal of one Magnolia tree if the garage location is affected by the 3 foot relocation of the house, thereby reducing the front setback.
- Lowering the plate height at the rear roof line of the house (bedroom wing) by one foot.
- Applicant will redesign living room and front porch at the front of the house so that the area would be a rectangular shape rather than octagonal shape, resulting in a compression of house size, front to back, with a 50 foot 1 inch front setback and a 53 foot rear setback.
- The peak of the roof on the rear of the house (bedroom wing) would be lowered 6 inches.
- Staff to review the proposed redesign plans and determine final approval.

The Council continued to discuss the project, reviewed the issues raised by the appellant, and after a joint verbal agreement between the applicant and the appellant, Council recommended approval of the project with modifications.

RESOLUTION NO. 11 – 031

PAGE/CAPPELLO MOVED TO **APPROVE THE PROJECT WITH THE FOLLOWING MODIFICATIONS:**

1. **REAR OF THE HOUSE WILL BE MOVED FORWARD THREE (3) FEET TOWARDS THE STREET.**
2. **LOWER THE PLATE HEIGHT BY ONE FOOT AT THE REAR ROOF LINE OF THE HOUSE (BEDROOM WING).**
3. **PEAK OF THE ROOF ON THE REAR OF THE HOUSE (BEDROOM WING) WOULD BE LOWERED 6 INCHES.**
4. **GARAGE TO REMAIN IN ITS PRESENT LOCATION IF POSSIBLE; IF GARAGE HAS TO BE SHIFTED FORWARD DUE TO HOUSE BEING MOVED FORWARD THREE (3) FEET, THEREBY CAUSING THE REMOVAL OF A MAGNOLIA TREE, WAIVE REPLACEMENT TREE PLANTING REQUIREMENT.**
5. **APPLICANT AND APPELLANT TO WORK TOGETHER REGARDING LOCATION AND PLANT MATERIAL OF FENCE LINE SCREENING TREES (VEGETATION PLAN); IF MUTUAL AGREEMENT CANNOT BE REACHED, STAFF WILL MAKE FINAL DETERMINATION.**
6. **IF HEDGING MATERIAL IS USED AS SCREENING MATERIAL ON FENCE LINE, APPLICANT WILL, IN LIEU OF PLANTING 6 TREES AT FENCE LINE, CONTRIBUTE THE MONETARY VALUE OF THE PROPOSED SIX (6) TREES TO THE TREE FUND – MINUS THE COST OF THE HEDGING MATERIAL.**
7. **FINAL DETERMINATION OF PROPOSED MODIFICATIONS TO BE MADE BY CITY STAFF (NOT THE PLANNING COMMISSION).**
8. **APPELLANT LAURENCE MITCHELL IS TO BE PROVIDED WITH A COPY OF FINALIZED PLANS PRIOR TO BUILDING PERMIT SUBMITTAL.**

MOTION PASSED 5-0-0.

At this point Mayor Miller recommended that Council move to Item 13. Banner Policy Options. Council concurred with Mayor Miller's recommendation.

12. AMENDMENTS TO SECTIONS 7-20.220, 14-70.080, 16-17.160 AND VARIOUS SECTIONS OF CHAPTER 15 (ZONING REGULATIONS) OF THE CITY CODE

STAFF RECOMMENDATION:

Approve the attached ordinance adopting various clean up amendments to Sections 7-20.220 (concerning horses), 14-70.080 (concerning voluntary mergers), 16-17.160 (concerning driveways) and various sections of Chapter 15 of the City Code (Zoning Regulations) of the Saratoga City Code.

Interim Community Director Chris Riordan presented the staff report.

Mayor Miller opened the public hearing for comment.

PAGE/CAPPELLO MOVED TO **WAIVE THE FIRST READING AND APPROVE THE ORDINANCE ADOPTING VARIOUS CLEAN UP AMENDMENTS TO SECTIONS 7-20.220 (CONCERNING HORSES), 14-70.080 (CONCERNING VOLUNTARY MERGERS), 16-17.160 (CONCERNING DRIVEWAYS) AND VARIOUS SECTIONS OF CHAPTER 15 OF THE CITY CODE (ZONING REGULATIONS) OF THE SARATOGA CITY CODE.** MOTION PASSED 5-0-0.

OLD BUSINESS

None

NEW BUSINESS

13. BANNER POLICY OPTIONS

STAFF RECOMMENDATION:

Review report and provide direction to staff regarding a banner policy/program.

Recreation Director Michael Taylor presented the staff report.

Mayor Miller invited public comment.

The following person requested to speak on this item:

Vicki Seelig, President of Saratoga Chamber of Commerce, requested to speak on this item.

No one else requested to speak on this item.

Mayor Miller closed the public comment period.

DIRECTION TO STAFF REGARDING BANNER SITES:

Blaney Plaza –

Council directed staff to exclude Blaney Plaza as a site to display banners at this time and to incorporate the use of a banner policy into the next phase of the Village Design project.

Heritage Orchard Park Corner –

Council prefers no policy and to continue to allow occasional informal basis for banners advertising Library and Orchard events – the annual Mustard Faire and Book Sale events.

Prospect Center –

Establish a banner policy allowing the inclusion of banner poles to display a 3’ by 10’ banner in front of street side street trees near the facility entrance to advertise, on a short term basis, an event that is currently scheduled at the site.

ADDITIONAL DIRECTION TO STAFF REGARDING BANNER POLICY:

Public Works Director, John Cherbone, should provide Council with an update regarding the proposed plans for Blaney Plaza during the next phase of the Village Design project.

ADHOC & AGENCY ASSIGNMENT REPORTS

Mayor Howard Miller – reported:

Council Finance Committee – he and the Vice Mayor attended the meeting prior to the 5:00 p.m. Closed Session meeting this evening and they talked about the production of the long-range forecasts for the City.

West Valley Mayors and Managers Association – he attended the last meeting and the group discussed the resources that each city provides, what is shared, and what can be shared. They also talked about the Santa Clara County Redistricting issue.

West Valley Solid Waste Management Joint Powers Association – met in a special meeting to approve the rearrangement of their meeting schedule. They received an update on the Food Scrap Recycle Program and noted they have found enough commercial sites to make the program viable. The JPA did take a position on the landfill dumping issue and if a jurisdiction can regulate who can bring waste to their local landfill. He noted that as a group, they supported legislation that would prevent local jurisdictions from determining who could or could not bring waste to their landfill.

Vice Mayor Chuck Page – noted he had nothing to report.

Councilmember Jill Hunter – reported:

Historical Foundation – will be attending the meeting next week.

KSAR – will be attending the meeting next week.

West Valley Flood Control & Watershed Advisory Committee – is unable to attend the meeting next week. Vice Mayor Page will attend in her place.

SASCC – is having a Pasta Feed the evening of May 20th.

Councilmember Emily Lo – reported:

Library Joint Powers Association – Santa Clara County Library District JPA has approved an annual library card fee of \$80 for non-residents of the District effective July 1, 2011.

Sister City Liaison – Mayor Kushima was re-elected for the third time to serve as the mayor of Muko-shi, Japan. In addition, the Student Exchange Program will be suspended for one year due to the recent earthquake and tsunami in Japan. The students that applied for this program this year will be offered a spot in next year's program. The news that the Saratoga Sister City Organization collected over \$9,000 for the Japanese disaster relief fund was published twice in the newspaper in Kyoto.

Councilmember Manny Cappello – reported:

Chamber of Commerce - he will be attending the meeting Thursday evening, May 5th.

Santa Clara County Emergency Council – he will be attending the meeting on Thursday, May 5th.

CITY COUNCIL ITEMS

Councilmember Cappello noted the City of Saratoga advocates healthy eating and promotes active life styles. He suggested the Council consider agendizing the adoption of a resolution promoting a more active and healthier Saratoga, in addition to what we currently have. This would give us an opportunity to cite the programs that we have already implemented and bring more awareness to the community.

Mayor Miller and Vice Mayor Page seconded Councilmember Cappello's recommendation to agendize a proclamation declaring the City Of Saratoga as the healthiest city in America, recognize other groups, such as commissions, that have helped with the various healthy life style programs, and include success articles in the Saratogan and Mercury News.

Vice Mayor Page suggested agendizing the "Redistricting" issue to the May 18th meeting.

Mayor Miller seconded Vice Mayor Page's recommendation to agendize the redistricting issue.

CITY MANAGER'S REPORT

None

ADJOURNMENT

There being no additional business Mayor Miller asked for a motion to adjourn the Regular Meeting and to continue the Closed Session discussion in the Administrative Conference Room. Mayor Miller will provide a Closed Session report in the Administrative Conference Room at the conclusion of Closed Session discussion.

PAGE/CAPPELLO MOVED **TO ADJOURN THE REGULAR MEETING AT 11:30 P.M. TO CLOSED SESSION DISCUSSION IN THE ADMINISTRATIVE CONFERENCE ROOM.** MOTION PASSED 5-0-0.

Respectfully submitted,

Ann Sullivan, CMC
City Clerk