

MINUTES

SARATOGA SPECIAL CITY COUNCIL MEETING JULY 18, 2012

The City Council called a Joint Meeting with the Saratoga Chamber of Commerce's Destination Saratoga Committee to order at 6:00 p.m. in the Administrative Conference in the City Manager's Office at 13777 Fruitvale Avenue.

SARATOGA REGULAR CITY COUNCIL MEETING

Mayor Page called the meeting to order at 7:04 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 Morrow, 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
Cynthia McCormick, Community Development Planner
Christopher Riordan, Senior Planner
Macedonio Nunez, Public Works Engineer

REPORT OF CITY CLERK ON POSTING OF AGENDA

City Clerk Crystal Morrow reported that pursuant to Gov't. Code 54954.2, the agenda for this meeting was properly posted on July 13, 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

Kathleen Casey spoke about revitalization and preservation of the Village.

Phyllis Helmudt said she had been threatened with a law suit following her comments at a Planning Commission meeting.

Daniel Honniball presented a check to the Mayor in the amount of \$439 for SASCC from the Odd Fellows.

Oral Communications - Council Direction to Staff

None

Communications from Boards and Commissions

Peggy Wynne Borgman provided an overview of the City Council's Joint Meeting with the Destination Saratoga Committee.

Council Direction to Staff

None

ANNOUNCEMENTS

Council Member Cappello shared that Relay for Life will take place on July 21, 2012 and the Chamber Car Show will be held on July 22, 2012.

Council Member Miller announced that there are still openings in the Recreation Department's summer programs for children.

CEREMONIAL ITEMS

None

SPECIAL PRESENTATIONS

None

CONSENT CALENDAR

1. City Council Meeting Minutes

Recommended action:

Approve City Council minutes for the meeting on June 20, 2012.

MILLER/CAPPELLO MOVED TO **APPROVE CITY COUNCIL MINUTES FOR THE MEETING ON JUNE 20, 2012.** MOTION PASSED 5-0-0.

2. Review of Accounts Payable Check Registers

Recommended action:

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

June 13, 2012

June 20, 2012

June 27, 2012

July 1, 2012 (Period 13)

July 1, 2012 (Period 1)

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

JUNE 13, 2012

JUNE 20, 2012

JUNE 27, 2012

JULY 1, 2012 (PERIOD 13)

JULY 1, 2012 (PERIOD 1)

MOTION PASSED 5-0-0.

3. Treasurer's Report for the Month Ended May 31, 2012

Recommended action:

Review and accept the Treasurer's Report for the month ended May 31, 2012.

MILLER/CAPPELLO MOVED TO **ACCEPT THE TREASURER'S REPORT FOR THE MONTH ENDED MAY 31, 2012.** MOTION PASSED 5-0-0.

4. Citizen Options for Public Safety - Supplemental Law Enforcement Services Funds Grant (COPS)

Recommended action:

Adopt resolution authorizing the continued use of the Citizen Options for Public Safety Program's Supplemental Law Enforcement Services Fund (COPS/SLESF) grant as a source of funds for additional public safety services.

RESOLUTION NO. 12-042

MILLER/CAPPELLO MOVED TO **ADOPT RESOLUTION AUTHORIZING THE CONTINUED USE OF THE CITIZEN OPTIONS FOR PUBLIC SAFETY PROGRAM'S SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND (COPS/SLESF) GRANT AS A SOURCE OF FUNDS FOR ADDITIONAL PUBLIC SAFETY SERVICES.** MOTION PASSED 5-0-0.

5. Property Tax Levy for Debt Service Payments on the Library General Obligation Bonds

Recommended action:

The City Council adopt the attached resolution which sets the property tax levy rate to provide for the Library General Obligation Bond's debt service payment at \$.0080 per \$100 of Assessed Valuation.

RESOLUTION NO. 12-043

MILLER/CAPPELLO MOVED TO **ADOPT THE RESOLUTION WHICH SETS THE PROPERTY TAX LEVY RATE TO PROVIDE FOR THE LIBRARY GENERAL OBLIGATION BOND'S DEBT SERVICE PAYMENT AT \$.0080 PER \$100 OF ASSESSED VALUATION.** MOTION PASSED 5-0-0.

6. Saratoga Book-Go-Round HVAC Project

Recommended action:

Staff recommends that Council accept the report and authorize the City Manager to approve the contract with CIM Air, Inc. to replace the heating, ventilation, and air conditioning (HVAC) system for the BGR premises for \$40,090, and accept the 20% reimbursement from the Friends of the Library.

MILLER/CAPPELLO MOVED TO **AUTHORIZE THE CITY MANAGER TO APPROVE THE CONTRACT WITH CIM AIR, INC. TO REPLACE THE HEATING, VENTILATION, AND AIR CONDITIONING (HVAC) SYSTEM FOR THE BGR PREMISES FOR \$40,090, AND ACCEPT THE 20% REIMBURSEMENT FROM THE FRIENDS OF THE LIBRARY.** MOTION PASSED 5-0-0.

7. City of Saratoga Street Rehabilitation Program RSTPL-5332(016) – Notice of Completion

Recommended action:

Move to accept the City of Saratoga Street Rehabilitation Program RSTPL-5332(016) as complete and authorize staff to record the Notice of Completion for the construction contract.

MILLER/CAPPELLO MOVED TO **ACCEPT THE CITY OF SARATOGA STREET REHABILITATION PROGRAM RSTPL-5332(016) AS COMPLETE AND AUTHORIZE STAFF TO RECORD THE NOTICE OF COMPLETION FOR THE CONSTRUCTION CONTRACT.** MOTION PASSED 5-0-0.

8. Notice of Completion—2012 Pavement Management Program

Recommended action:

Move to accept the 2012 Pavement Management Program as complete and authorize staff to record the Notice of Completion for construction contract.

MILLER/CAPPELLO MOVED TO **ACCEPT THE 2012 PAVEMENT MANAGEMENT PROGRAM AS COMPLETE AND AUTHORIZE STAFF TO RECORD THE NOTICE OF COMPLETION FOR CONSTRUCTION CONTRACT.** MOTION PASSED 5-0-0.

9. Second Reading and Adoption of Ordinance No. 292 Amending Zoning Regulations for Tasting Rooms in the Village

Recommended action:

Waive the second reading and adopt the ordinance amending zoning regulations related to tasting rooms in the Village.

ORDINANCE NO. 292

MILLER/CAPPELLO MOVED TO **WAIVE THE SECOND READING AND ADOPT THE ORDINANCE AMENDING ZONING REGULATIONS RELATED TO TASTING ROOMS IN THE VILLAGE.** MOTION PASSED 5-0-0.

10. Council Resolution to Amend the November 2, 2011 Agreement for Employment of City Manager David Anderson (“Anderson”) for FY2012-2013, effective July 1, 2012, and subsequent years to comply with Assembly Bill (AB) 1344 (California Government Code sections 3511.1 and 3511.2) which provides for greater transparency of local agency executives’ contracts

Recommended action:

Approve the terms and conditions contained in said Agreement for Employment which is attached hereto and made a part hereof superseding all prior agreements between Anderson and the City effective July 1, 2012.

RESOLUTION NO. 12-044

MILLER/CAPPELLO MOVED TO **APPROVE THE TERMS AND CONDITIONS CONTAINED IN SAID AGREEMENT FOR EMPLOYMENT**

**WHICH IS ATTACHED HERETO AND MADE A PART HEREOF
SUPERSEDING ALL PRIOR AGREEMENTS BETWEEN ANDERSON AND
THE CITY EFFECTIVE JULY 1, 2012. MOTION PASSED 5-0-0.**

PUBLIC HEARINGS

11. Appeal of a Planning Commission Decision Approving a New Mixed-Use Building and Three Residential Condominiums to be Located at 14651 Big Basin Way

Recommended action:

Uphold the Planning Commission's decision thus approving the project.

At this time, Mayor Page noted the agenda items would be taken out of order. He stated that after items 11 and 12, the next items to be heard would be 16 and 17, followed by 13, 14, and 15.

City Attorney Richard Taylor provided an overview of public hearing procedures for appeals.

Community Development Planner Cynthia McCormick presented the staff report.

Mayor Page invited the appellants, Phyllis Helmudt and Kathleen Casey, to speak.

Phyllis Helmudt, one of the appellants, providing opening remarks.

Kathleen Casey, an appellant, spoke.

Mayor Page invited the applicant to speak.

Tom Sloan spoke on behalf of the applicant.

Jongheen Kang, the applicant, also spoke.

Mayor Page invited public comment on the item.

The following people spoke on the item:

Richard Blish spoke in favor of the appeal.

Jim Pizor spoke in favor of the appeal.

Xiaofeng Gi spoke in opposition to the appeal.

Richard Adoradio read part of a letter from Robert Blanchard in favor of the appeal.

Vicki Prosek read part of a letter from Robert Blanchard in favor of the appeal.

Valerie Prosek spoke in favor of the appeal.

Doug Cates spoke in favor of the appeal.

Dave Eshleman spoke in opposition to the appeal.

Minhua Jin spoke in opposition to the appeal.

Kong Wongsonogoro spoke in opposition to the appeal.

Eugene Zambetti spoke in opposition to the appeal.

Paul Hernandez spoke in opposition to the appeal.

Debra Cummins spoke in opposition to the appeal.

Larry Grace spoke in favor of the appeal.

No one else requested to speak on this item.

Mayor Page asked the appellants to give their rebuttal.

Kathleen Casey, one of the appellants, spoke.

Mayor Page invited the applicant to give his rebuttal.

Tom Sloan gave the rebuttal on behalf of the applicant.

Mayor Page closed the Public Hearing.

RESOLUTION NO. 12-045

CAPPELLO/LO MOVED TO **UPHOLD THE PLANNING COMMISSION'S DECISION THUS APPROVING THE PROJECT.** MOTION PASSED 5-0-0.

12. Appeal of a Planning Commission Decision Approving the Subdivision of a 1.02-acre Parcel into Two Lots at 14584 Horseshoe Drive

Recommended action:

Uphold the Planning Commission's decision thus approving the project.

At 9:40 p.m., the Council took a recess and reconvened at 9:48 p.m.

Senior Planner Christopher Riordan presented the staff report.

Mayor Page invited the appellant, John Clark, to speak.

John Clark, the appellant, spoke.

Mayor Page asked the applicant, Kevin Huesby, to speak.

Kevin Huesby, the applicant, gave opening remarks.

Mayor Page invited public comment on the item.

The following people spoke:

Carol Clark Schuster spoke in favor of the appeal.

Laura Clark Ivy spoke in favor of the appeal.

Carol Clark Schuster read a letter on behalf of Dorothy Billner in favor of the appeal.

Mayor Page asked the appellant to give closing remarks.

John Clark, the appellant, made his closing remarks.

Mayor Page asked the applicant to make closing remarks.

The applicant, Kevin Huesby, gave his closing remarks.

Council invited Chuck Anderson, a Hydrologist with Schaaf and Wheeler, to speak.

Council invited Gerry DeYoung, a Civil Engineer with Ruth and Going, to speak.

Mayor Page closed the Public Hearing.

RESOLUTION NO. 12-046

CAPPELLO/HUNTER MOVED TO **UPHOLD THE PLANNING COMMISSION'S DECISION THUS APPROVING THE PROJECT.** MOTION PASSED 5-0-0.

At this time, Mayor Page proceeded to item 16.

13. Confirmation of Report and Assessment of 2012 Weed Abatement Program

Recommended action:

Open public hearing, close public hearing, and adopt resolution confirming report and assessment of hazardous vegetation abatement charges.

Council returned to this item at 1:20 a.m. following discussion on item 17.

City Clerk Crystal Morrow provided the staff report.

Mayor Page invited public comment on the item.

No one requested to speak.

RESOLUTION NO. 12-047

MILLER/CAPPELLO MOVED TO **ADOPT THE RESOLUTION CONFIRMING REPORT AND ASSESSMENT OF HAZARDOUS VEGETATION ABATEMENT CHARGES.** MOTION PASSED 5-0-0.

14. Ordinance Amending Various Section of the City Code, Readopting the Code, and Making Conforming Amendment to Design Guidelines

Recommended action:

1. Conduct a public hearing. 2. Introduce and waive the first reading of the attached ordinance amending various sections of the City Code and readopting the Code and direct staff to place the ordinance on the consent calendar for adoption at the next regular meeting of the City Council. 3. Adopt the attached resolution amending the Gateway and Village Design Guidelines to conform to the City Code.

Item continued to August 15, 2012 City Council Meeting.

15. Zoning Ordinance Establishing Design Review Findings for Wireless Telecommunications Facilities

Recommended action:

Conduct a public hearing. Introduce and waive the first reading of the ordinance adding Article 15-44 (Wireless Telecommunications Facilities) to the City Code, and direct staff to place the ordinance on the consent calendar for adoption at the next regular meeting of the City Council.

Item continued to August 15, 2012 City Council Meeting.

OLD BUSINESS

None

NEW BUSINESS

16. Annual Saratoga Community Event Grant Requests

Recommended action:

Review Saratoga Community Event Grant Program applications and determine allocations for Fiscal Year 2012/13.

City Attorney Richard Taylor advised the Council that the grant application submitted by Montalvo Arts Center due to the organization's business relationship with Council Member Lo.

City Clerk Crystal Morrow presented the staff report.

Mayor Page invited public comment on the item.

The following people requested to speak:

Ashima Shankar

Suman Goel

Debra Cummins

Janet Bhanem

Heather Durham

Robert Himmel

Scott Anderson

Gayathri Kanth

Annette Stranksy

Dianne Priest

No one else requested to speak.

MILLER/HUNTER MOVED TO **ALLOCATE THE FOLLOWING GRANTS FROM THE COMMUNITY EVENT PROGRAM FUND AND FROM THE COUNCIL DISCRETIONARY FUND, IF NEEDED:**

- **CELEBRATE SARATOGA - \$5,000**
- **BOLLYWOOD STREET DANCE - \$1,000**
- **A SALUTE TO PAUL MASSON & THE SARATOGA WINE INDUSTRY - \$650**
- **SARATOGA MUSTARD-BLOSSOM FESTIVAL -\$5,000**
- **LIBRARY - HEART OF THE COMMUNITY - \$2,000**
- **MEMORIAL DAY OBSERVANCE - \$750**
- **WILDWOOD CINEMA MOVIE NIGHT - \$900**
- **SARATOGA COMMUNITY BAND CONCERT IN THE PARK - \$350**
- **FOODIE ON THE RUN - \$1,000**
- **VILLAGE OPEN HOUSE & WINTER WINE STROLL - \$1,000**

MOTION PASSED 5-0-0.

17. Village Streetscape Improvements Phase 2 – Review of Conceptual Design

Recommended action:

Receive report and provide direction to staff regarding the Village Streetscape Conceptual Design Phase 2 plans prepared by Gates and Associates.

Public Works John Cherbone presented the staff report and invited David Gates from Gates and Associates to give a presentation on the Village Streetscape Conceptual Design Phase 2 plans.

David Gates with Gates and Associates gave a presentation on the Village Streetscape Conceptual Design Phase 2 plans.

Mayor Page invited public comment on the item.

The following person spoke:

Paul Hernandez

No one else requested to speak.

MILLER/LO MOVED TO **DIRECT STAFF TO PREPARE MOCK UPS OF THE 2 INFORMATIONAL SIGNAGE OPTIONS FOR COUNCIL TO VIEW AND DECIDE UPON AT A LATER DATE; PREPARE 2 MOCK UPS OF THE ARCHWAY – ONE WITH GRAPE LEAVES AND THE OTHER WITH OAK LEAVES FOR THE COUNCIL TO VIEW AND DECIDE UPON AT A LATER DATE; PROCEED WITH PLANS TO ADD 2 PARKING SPACES AT BLANEY PLAZA; AND USE DISCRETION AND CONSIDER SAFETY WHEN DETERMINING CURB INSTALLATION AT BLANEY PLAZA.**

MOTION PASSED 5-0-0.

At this time, Council considered the order of agenda items.

MILLER/PAGE MOVED TO **CONTINUE ITEMS 14 AND 15 TO THE NEXT REGULAR CITY COUNCIL MEETING.** MOTION PASSED 5-0-0.

Council then returned to item 13 on the agenda.

ADHOC & AGENCY ASSIGNMENT REPORTS

Mayor Chuck Page

Mayor Page indicated he had nothing to report.

Vice Mayor Jill Hunter

Vice Mayor Hunter stated that she had nothing to report.

Council Member Emily Lo

Council Member Lo said she had no reports to share.

Council Member Howard Miller

Council Member Miller had no reports on his Adhoc and Agency assignments.

Council Member Manny Cappello

Chamber of Commerce – The Chamber has been involved in the meetings conducted by the Community Development Department on outdoor music in the Village. The Chamber is also planning to hold a retreat in October to conduct strategic planning. The Chamber also has several upcoming events, including the Car Show on July 22, 2012, a mixer at Hakone Gardens, and the Wednesday MarketPlace.

CITY COUNCIL ITEMS

Mayor Page noted that he would be attending the Institute of Local Government program “Managing Cities in Times of Change” on July 19, 2012.

CITY MANAGER’S REPORT

None

ADJOURNMENT

MILLER/HUNTER MOVED TO **ADJOURN THE MEETING AT 1:27 A.M.**
MOTION PASSED 5-0-0.

Minutes respectfully submitted:

Crystal Morrow, City Clerk