

MINUTES

SARATOGA SPECIAL CITY COUNCIL MEETING SEPTEMBER 5, 2012

The City Council called a Joint Meeting with the Saratoga Parks and Recreation Commission and Saratoga Pedestrian, Equestrian, and Bicycle Trails Advisory Committee (PEBTAC) to order at 6:00 p.m. in the Administrative Conference Room at City Hall at 13777 Fruitvale Avenue.

SARATOGA REGULAR CITY COUNCIL MEETING SEPTEMBER 5, 2012

Vice Mayor Hunter called the regular meeting to order at 7:03 p.m. and led the Pledge of Allegiance.

NOTICE OF TELECONFERENCE LOCATION

Vice Mayor Hunter announced that Mayor Page would be participating in the meeting by phone from San Diego, California.

City Clerk Crystal Morrow asked Mayor Page to respond to a series of questions to confirm that he could hear the proceedings of the meeting, had a copy of the agenda, posted the agenda at the teleconference location, and was in a location reasonably accessible to the public. Mayor Page also noted that there were no members of the public present at his teleconference location and no one requested to speak from the teleconference location.

City Clerk Crystal Morrow confirmed that the members of the Council present in the Civic Theater could hear Mayor Page. All Council Members present indicated they were able to hear Mayor Page clearly.

City Clerk Crystal Morrow asked if any member of the Council had any reason to believe, based on voice recognition, if the person representing himself to be Mayor Page was not truly so. No Council Member expressed doubt that Mayor Page was the person participating by teleconference with the Council Members at the meeting.

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
James Lindsay, Community Development Director
Michael Taylor, Recreation and Facilities Director
Debbie Bretschneider, Deputy City Clerk/Executive Assistant
Ann Xu, Finance and Administrative Services Accountant II
Cassie Birkett, Recreation and Facilities Office Specialist II

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 August 30, 2012)

COMMUNICATIONS FROM COMMISSIONS & PUBLIC

Oral Communications on Non-Agendized Items

None

Oral Communications - Council Direction to Staff

None

Communications from Boards and Commissions

Parks and Recreation Commission Chair Vita Bruno reported on the Joint Meeting between the City Council and the Parks and Recreation Commission and PEBTAC. She also announced that the next Let's Walk Saratoga event will be October 20, 2012 at Fremont Older Open Space Preserve.

Council Member Cappello thanked the Parks and Recreation Commission for its efforts and coordination of Let's Walk Saratoga.

Jim Stallman spoke on behalf of the PEBTAC and shared upcoming projects that the PEBTAC will be working on.

Council Direction to Staff

None

ANNOUNCEMENTS

Council Member Miller shared that there are recreational programs for all ages offered by the City, including a youth class called "Get on the Mike" and an adult hula-hoop class. Information on classes is available in the City's Recreation Activity Guide or online at www.saratoga.ca.us.

Council Member Cappello announced that Hakone Gardens will be hosting Autumn Opera in the Gardens on Friday, September 7, 2012. The event will feature wine tasting, a buffet dinner, and an opera performance of Don Quixote. Council Member Cappello also shared that the Chamber will be holding Celebrate Saratoga on September 16 in Saratoga Village.

Council Member Lo noted that Wildwood Cinema Movie Night will be September 9, 2012 in Wildwood Park and the City will be holding a ribbon cutting for the Saratoga Library solar installation and electric vehicle charging stations on September 12, 2012 at 4:00 p.m.

Vice Mayor Hunter announced that Heritage Day will be September 29, 2012 in the Village from noon to 3:00 p.m.

CEREMONIAL ITEMS

None

SPECIAL PRESENTATIONS

None

CONSENT CALENDAR

1. City Council Meeting Minutes

Recommended action:

Approve City Council minutes for the Special Meeting and the Regular Meeting on August 15, 2012.

Council Member Lo removed this item from the Consent Calendar to ask that the word “approved” be changed to “discussed” in her Ad Hoc and Agency Assignment report on the Library Joint Powers Authority.

LO/MILLER MOVED TO **APPROVE THE CITY COUNCIL MINUTES FOR THE SPECIAL MEETING AND THE REGULAR MEETING ON AUGUST 15, 2012 WITH THE CHANGE TO COUNCIL MEMBER LO’S REPORT ON THE LIBRARY JOINT POWERS AUTHORITY.** 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:

8/7/2012 - Period 13
8/7/2012 - Period 1
8/14/2012 - Period 13
8/14/2012 - Period 1
8/21/2012 - Period 13
8/21/2012 - Period 1
8/28/2012 - Period 1

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

8/7/2012 - PERIOD 13

8/7/2012 - PERIOD 1

8/14/2012 - PERIOD 13

8/14/2012 - PERIOD 1

8/21/2012 - PERIOD 13

8/21/2012 - PERIOD 1

8/28/2012 - PERIOD 1

MOTION PASSED 5-0-0.

3. Treasurer’s Report for the Month Ended June 30, 2012

Recommended action:

Review and accept the Treasurer's Report for the month ended June 30, 2012.

CAPPELLO/MILLER MOVED TO **ACCEPT THE TREASURER'S REPORT FOR THE MONTH ENDED JUNE 30, 2012.** MOTION PASSED 5-0-0.

4. Ordinance Amendment ZOA12-0006; Miscellaneous City Code Updates and Code Readoption.

Recommended action:

Waive the second reading and adopt the ordinance amending various sections of the City Code and readopting the Code.

CAPPELLO/MILLER MOVED TO **WAIVE THE SECOND READING AND ADOPT THE ORDINANCE AMENDING VARIOUS SECTIONS OF THE CITY CODE AND READOPTING THE CODE.** MOTION PASSED 5-0-0.

5. Ordinance Amendment ZOA12-0007; Zoning Ordinance Amendment Establishing Design Review Findings for Wireless Telecommunications Facilities.

Recommended action:

Waive the second reading and adopt the ordinance adding Article 15-44 (Wireless Telecommunications Facilities) to the City Code.

CAPPELLO/MILLER MOVED TO **WAIVE THE SECOND READING AND ADOPT THE ORDINANCE ADDING ARTICLE 15-44 (WIRELESS TELECOMMUNICATIONS FACILITIES) TO THE CITY CODE.** MOTION PASSED 5-0-0.

6. Ordinance Amendment ZOA12-0008; Amendments to Article 7-30 (Noise Control) and Section 15-19.050 (C-H District) of the City Code establishing new regulations for outdoor music.

Recommended action:

Waive the second reading and adopt the ordinance amending the City Code to allow outdoor music within the Village.

CAPPELLO/MILLER MOVED TO **WAIVE THE SECOND READING AND ADOPT THE ORDINANCE AMENDING THE CITY CODE TO ALLOW OUTDOOR MUSIC WITHIN THE VILLAGE.** MOTION PASSED 5-0-0.

7. Ordinance Amendment ZOA09-0009 & Garrod Development Agreement; Application of the AP/OS Overlay Zoning over 68 acres in the area of 22600 Mount Eden Road and Adoption of a Development Agreement With the Garrod Trust.

Recommended action:

Waive the second readings and adopt an ordinance applying the AP/OS Overlay Zoning and adopt an ordinance adopting the development agreement with the Garrod Trust. Authorize the Mayor to sign the development agreement on behalf of the City.

CAPPELLO/MILLER MOVED TO **WAIVE THE SECOND READINGS AND ADOPT AN ORDINANCE APPLYING THE AP/OS OVERLAY ZONING AND ADOPT AN ORDINANCE ADOPTING THE DEVELOPMENT AGREEMENT WITH THE GARROD TRUST. AUTHORIZE THE MAYOR**

TO SIGN THE DEVELOPMENT AGREEMENT ON BEHALF OF THE CITY. MOTION PASSED 5-0-0.

8. Resolution Authorizing Final Disposition of Certain City Records

Recommended action:

Adopt resolution authorizing final disposition of certain city records.

Council Member Miller removed this item from the Consent Calendar to note that staff provided the Council and the public with a memo stating that box 47B was pulled from the destruction list and box HR1 was modified in conformance with the Records Retention Schedule.

MILLER/CAPPELLO MOVED TO **ADOPT RESOLUTION AUTHORIZING FINAL DISPOSITION OF CERTAIN CITY RECORDS.** MOTION PASSED 5-0-0.

9. Reimbursement of Conditional Use Permit Fees for Previously Approved Wine Tasting Room in the Village.

Recommended action:

Approve the reimbursement for Martella Vineyards.

Council Member Cappello removed this item from the Consent Calendar and commented that there were duplicate copies of the Martella Vineyards Conditional Use Permit receipt.

CAPPELLO/MILLER MOVED TO **APPROVE THE REIMBURSEMENT FOR MARTELLA VINEYARDS.** MOTION PASSED 5-0-0.

PUBLIC HEARINGS

10. Ordinance Amendment ZOA12-0009; City initiated amendments to Article 15-16 (P-C District).

Recommended action:

Conduct a public hearing. Introduce and waive the first reading of the ordinance modifying Article 15-16 (P-C District).

Community Development Director James Lindsay presented the staff report.

Vice Mayor Hunter invited public comment on the item.

No one requested to speak.

MILLER/CAPPELLO MOVED TO **INTRODUCE AND WAIVE THE FIRST READING OF THE ORDINANCE MODIFYING ARTICLE 15-16 (P-C DISTRICT) WITH THE FOLLOWING CHANGES TO THE ORDINANCE:**

- **STRIKE 15-16.040(B);**
- **REMOVE THE WORDS “FOR HEIGHT AND DENSITY” AND REFERENCES TO 15-16.040(B) FROM 15-16.040(C); AND**
- **REVISE LETTERING OF 15-16.040 AS NEEDED TO ACCOMMODATE REMOVAL OF 15-16.040(B).**

MOTION PASSED 5-0-0.

At 8:12 p.m., Vice Mayor Hunter invited Government Studies students from Prospect High School onto the stage and asked the students to introduce themselves.

OLD BUSINESS

None

NEW BUSINESS

11. Reorganization of Recreation Division of the Recreation and Facilities Department

Recommended action:

Staff recommends that Council accept the report and approve the reorganization of the Recreation Division of the Recreation and Facilities Department.

Recreation and Facilities Director Michael Taylor presented the staff report.

Vice Mayor Hunter invited public comment on the item.

No one requested to speak.

LO/MILLER MOVED TO **APPROVE THE REORGANIZATION OF THE RECREATION DIVISION OF THE RECREATION AND FACILITIES DEPARTMENT.** MOTION PASSED 5-0-0.

12. Consider Proposed Response to Santa Clara County Civil Grand Jury Report on Pension and Other Post-Employment Benefits

Recommended action:

Review the attached Grand Jury Report and authorize the Mayor to sign the proposed response attached.

City Attorney Richard Taylor presented the staff report.

The Council invited Human Resources Manager Monica LaBossiere to speak.

Human Resources Manager Monica LaBossiere made a clarification about the data used for the Grand Jury Report on Pension and Other Post-Employment Benefits.

Vice Mayor Hunter invited public comment on the item.

No one requested to speak.

CAPPELLO/MILLER MOVED TO **REPLACE THE WORDS “ADOPTING THE 401(A) PLAN” WITH “ADOPTING OTHER MORE EXPENSIVE PLANS” IN THE CITY RESPONSE TO FINDING 7 AND AUTHORIZE THE MAYOR TO SIGN THE AMENDED RESPONSE ATTACHED TO THE STAFF REPORT WITH.** MOTION PASSED 5-0-0.

13. City Council Regular Meeting Schedule and Council Retreat Date

Recommended action:

Provide direction to staff on cancelation of November 21, 2012 City Council Meeting, cancelation of January 2, 2013 City Council Meeting, and date of the City Council Retreat.

City Clerk Crystal Morrow presented the staff report.

Vice Mayor Hunter invited public comment on the item.

No one requested to speak.

MILLER/CAPPELLO MOVED TO CANCEL THE NOVEMBER 21, 2012 AND JANUARY 2, 2013 CITY COUNCIL MEETINGS AND SCHEDULE THE COUNCIL RETREAT FOR JANUARY 25, 2013. MOTION PASSED 5-0-0.

ADHOC & AGENCY ASSIGNMENT REPORTS

Mayor Chuck Page

West Valley Sanitation District – The law suit with Riverwatch has been settled.

Vice Mayor Jill Hunter

SASCC – SASCC is coordinating a health faire for later this year.

Council Member Emily Lo

Library Joint Powers Authority – During the August meeting, the Library JPA Board voted to reject all bids on the construction of a new administration building. Library staff was directed to rebid the project.

Sister City Liaison – A delegation from Muko, Japan will be visiting the City November 8 – 10, 2012. A welcoming reception will be held on November 9, 2012. More details will be available soon.

Council Member Howard Miller

Council Member Miller announced he had nothing to report.

Council Member Manny Cappello

Chamber of Commerce – Destination Saratoga has several new members, including the Mountain Winery and Saratoga Country Club.

Santa Clara County Emergency Council – a special meeting was scheduled to allocate grant funds that were unclaimed by some of the cities in the county. The remaining funds have been split up evenly among the cities that will be awarded grant monies.

Additionally, there was discussion regarding the policy used to determine allocation of unused grant funds.

CITY COUNCIL ITEMS

Council Member Miller asked to schedule a special presentation by the Saratoga High School Marching Band at a future meeting. The band is raising funds for their trip to the Macy's Thanksgiving Day Parade.

Vice Mayor Hunter and Mayor Page supported Council Member Miller's request.

Mayor Page asked if any member of the Council wanted to withdraw the City Council resolution adopted on June 20, 2012 in support of the Santa Clara Valley Water District Parcel Tax to be voted upon in November 2012.

The members of the Council consented to a future discussion on reconsidering the City Council's position of support for the Santa Clara Valley Water District Safe, Clean Water and Natural Flood Protection Plan parcel tax.

CITY MANAGER'S REPORT

None

ADJOURNMENT

MILLER/CAPPELLO MOVED TO **ADJOURN THE MEETING AT 9:04 P.M.**
MOTION PASSED 5-0-0.

Minutes respectfully submitted:

Crystal Morrow, City Clerk