

**MINUTES
JANUARY 16, 2013**

SARATOGA SPECIAL CITY COUNCIL MEETING

The Saratoga City Council called a Joint Meeting with the Saratoga Heritage Preservation Commission and Saratoga Historical Foundation to order at 6:00 p.m. in the Administrative Conference Room at City Hall at 13777 Fruitvale Avenue.

SARATOGA REGULAR CITY COUNCIL MEETING

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

ROLL CALL

PRESENT Council Members Chuck Page, Manny Cappello, Howard Miller,
Vice Mayor Emily Lo, Mayor Jill Hunter

ABSENT: None

ALSO PRESENT: Dave Anderson, City Manager
Richard Taylor, City Attorney
Crystal Bothelio, City Clerk
Mary Furey, Finance and Administrative Services Director
James Lindsay, Community Development Director
Kate Bear, City Arborist
Mainini Cabute, Administrative Analyst II

REPORT OF CITY CLERK ON POSTING OF AGENDA

City Clerk Crystal Bothelio reported that pursuant to Gov't. Code 54954.2, the agenda for this meeting was properly posted on January 11, 2013.

COMMUNICATIONS FROM COMMISSIONS & PUBLIC

Oral Communications on Non-Agendized Items

Paul Hernandez spoke about a traffic concern in the Village near Blaney Plaza on Wednesday afternoons when the Village Marketplace occurs.

Maureen Jones addressed the Council about fluoridation of local water supplies and encouraged the City Council to lobby the Santa Clara Valley Water District, State Legislators, and San Jose Water regarding water fluoridation.

Santa Clara Valley Water District Board Member Nai Hsueh provided an update on recent Santa Clara Valley Water District activity.

Oral Communications - Council Direction to Staff

None

Communications from Boards and Commissions

Paula Cappello, Heritage Preservation Commissioner, provided an overview of the Council's Joint Meeting with the Heritage Preservation Commission, including plans to increase public outreach and education efforts.

Mayor Hunter shared that Warren Heid had resigned from the Heritage Preservation Commission and advised the members of the Commission that the City would be conducting a recruitment to fill the vacant position on the Commission.

Annette Stranksy with the Saratoga Historical Foundation thanked the City Council for holding a Joint Meeting with the Heritage Preservation Commission and Saratoga Historical Foundation then shared information about upcoming Saratoga Historical Foundation events. Information about these events is available online at www.saratogahistory.com.

ANNOUNCEMENTS

Council Member Page shared that he would like the City Council Joint Meetings with the Hakone Foundation to include the Saratoga Sister City group, as the two organizations share common interests.

Vice Mayor Lo announced the upcoming Community Emergency Response Team (CERT) academy for West Valley residents starting January 29, 2013 in Campbell.

Mayor Hunter shared information about Saratoga Love Notes in the Village.

CEREMONIAL ITEMS

1. Commendation Honoring the Saratoga Historical Museum

Recommended action:

Present commendation to Saratoga Historical Museum and Linda Hagelin, Education Program Director for the Museum.

Mayor Hunter read and presented the commendation to Saratoga Historical Museum and Linda Hagelin, Education Program Director for the Museum.

2. Commendation Proclaiming January 2013 as National Blood Donor Month

Recommended action:

Present commendation to representative of American Red Cross declaring January 2013 as National Blood Donor Month in the City of Saratoga.

Mayor Hunter read and presented the proclamation to a representative of the American Red Cross.

SPECIAL PRESENTATIONS

3. Presentation on State Route 85 Express Lane Project

Recommended action:

Receive presentation from Santa Clara Valley Transportation Authority (VTA) representatives on the State Route 85 Express Lane Project.

Scott Haywood from VTA gave a presentation to the City Council on the State Route 85 Express Lane Project.

Mayor Hunter invited public comment on the item.

No one requested to speak.

CONSENT CALENDAR

4. City Council Meeting Minutes

Recommended action:

Approve City Council minutes for the Regular Meeting on December 19, 2012.

PAGE/MILLER MOVED TO **APPROVE CITY COUNCIL MINUTES FOR THE REGULAR MEETING ON DECEMBER 19, 2012.** MOTION PASSED.

AYES: PAGE, CAPPELLO, MILLER, LO, HUNTER. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

5. Review of Accounts Payable Check Registers

Recommended action:

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

12/18/2012

1/9/2013

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

12/18/2012 AND 1/9/2013. MOTION PASSED. AYES: PAGE, CAPPELLO, MILLER, LO, HUNTER. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

6. Resolution Authorizing Final Disposition of Certain City Records

Recommended action:

Adopt resolution authorizing final disposition of certain city records.

RESOLUTION NO. 13-001

PAGE/MILLER MOVED TO **ADOPT RESOLUTION AUTHORIZING FINAL DISPOSITION OF CERTAIN CITY RECORDS.** MOTION PASSED. AYES:

PAGE, CAPPELLO, MILLER, LO, HUNTER. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

7. Resolution Authorizing the Filing of a Grant Application to Inventory City Maintained Trees at Hakone Gardens

Recommended action:

Adopt the resolution authorizing the City of Saratoga to file a grant application with Cal Fire to inventory the City maintained trees at Hakone Gardens.

RESOLUTION NO. 13-002

PAGE/MILLER MOVED TO **ADOPT THE RESOLUTION AUTHORIZING THE CITY OF SARATOGA TO FILE A GRANT APPLICATION WITH CAL FIRE TO INVENTORY THE CITY MAINTAINED TREES AT HAKONE GARDENS.** MOTION PASSED. AYES: PAGE, CAPPELLO, MILLER, LO, HUNTER. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

PUBLIC HEARING

8. ZOA12-0011 – City Initiated Amendments to Article 15-06 (Market Definition) and Section 15-19.020(b)(2) of the City Code

Recommended action:

Conduct a public hearing. Introduce and waive the first reading of the ordinance adding Section 15-06.441 (market definition) and modifying Section 15-19.020(b)(2) (removing the word delicatessens).

Community Development Director James Lindsay presented the staff report.

Mayor Hunter invited Planning Commission Chair Tina Walia to speak.

Planning Commission Chair Tina Walia spoke about the Planning Commission's recommendation.

Mayor Hunter invited public comments on the item. The following person spoke:

Art Brewer

No one else requested to speak on this item.

PAGE/CAPPELLO MOVED TO **INTRODUCE AND WAIVE THE FIRST READING OF THE ORDINANCE ADDING SECTION 15-06.441 (MARKET DEFINITION), CLASSIFYING MARKETS AS PERMITTED USES WHEN FOOD AND DRINK SALES TAKE UP LESS THAN OR EQUAL TO 25% OF TOTAL FLOOR AREA AND LESS THAN 2,000 SQUARE FEET, AND CLASSIFYING MARKETS AS CONDITIONAL USES WHEN FOOD AND DRINK SALES TAKE UP MORE THAN 25% OF TOTAL FLOOR AREA OR MORE THAN 2,000 SQUARE FEET.** MOTION PASSED. AYES: PAGE, CAPPELLO, MILLER, LO, HUNTER. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

9. 2013 Hazardous Vegetation Program Resolution Declaring Abatement of Public Nuisance

Recommended action:

Conduct public hearing and adopt resolution.

City Clerk Crystal Bothelio presented the staff report.

Moe Kumre, Weed Abatement Coordinator with Santa Clara County, answered Council questions about the weed abatement program.

Mayor Hunter invited public comment on the item.

No one requested to speak.

RESOLUTION NO. 13-003

MILLER/PAGE MOVED TO **CONDUCT PUBLIC HEARING AND ADOPT RESOLUTION**. MOTION PASSED. AYES: PAGE, CAPPELLO, MILLER, LO, HUNTER. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

OLD BUSINESS

None

NEW BUSINESS

10. Receive Direction on Changes to the Tree Regulations to Facilitate the Removal of Dead and Fallen Trees

Recommended action:

Direct staff to include changes to Section 15-50 (Tree Regulations) in the package of 2013 City Code updates to create a no-fee permit process for dead and fallen trees and eliminate the need for notification for removal of such trees.

City Arborist Kate Bear presented the staff report.

Mayor Hunter invited public comment on the item. The following people requested to speak:

Art Brewer

Frank Dutro

No one else requested to speak.

Miller/Page moved to direct staff to return to Council with a revision to Section 15-50 (Tree Regulations) of the City Code containing the following changes:

- Eliminate fees, permit requirements, and noticing requirements for removal of fallen trees; and
- Refund tree removal permit fees for trees that are confirmed to be dead by the City Arborist following inspection.

Vice Mayor Lo requested a friendly amendment to the motion and asked that permits be required for removal of fallen trees.

Council Member Miller and Page accepted the friendly amendment.

MILLER/PAGE MOVED TO **DIRECT STAFF TO RETURN TO COUNCIL WITH A REVISION TO SECTION 15-50 (TREE REGULATIONS) OF THE CITY CODE CONTAINING THE FOLLOWING CHANGES:**

- **ELIMINATE FEES AND NOTICING REQUIREMENTS FOR REMOVAL OF FALLEN TREES; AND**

- **REFUND TREE REMOVAL PERMIT FEES FOR TREES THAT ARE CONFIRMED TO BE DEAD BY THE CITY ARBORIST FOLLOWING INSPECTION.**

MOTION PASSED. AYES: PAGE, CAPPELLO, MILLER, LO, HUNTER. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

11. Spring 2013 Issue of The Saratogan

Recommended action:

Accept report and direct staff accordingly.

Mainini Cabute, Administrative Analyst II in the City Manager's Office, presented the staff report.

Vice Mayor Lo suggested that the next issue of the Saratogan include photos of heritage structures in the City and some information about the Mills Act.

Mayor Hunter proposed including photos of properties that have recently been declared as heritage properties or that have been approved by the Council for a Mills Act agreement in the next issue.

Council Member Page agreed that it would be nice to include photos of heritage homes in the newsletter, but raised concerns about advertising the Mills Act program in the City. Council Member Page also recommended including an article on the Sister City Group.

Mayor Hunter suggested including an article on Vince Garrod in the newsletter.

Council Member Cappello proposed an article on residents who participate in Saratoga Area Senior Coordinating Council (SASCC) programs and their recollections of Saratoga history and how the City has changed.

Council Member Miller advised that the newsletter should be focused on City news and information.

Vice Mayor Lo asked that the Saratoga History Museum be included in the newsletter.

Mayor Hunter added that Arbor Day is scheduled for April and will be held at the Saratoga Library. She asked that information about the event be included in the newsletter.

12. 2013 City Council Summer Recess

Recommended action:

Accept report and provide staff with direction regarding the 2013 City Council Summer Recess.

City Clerk Crystal Bothelio provided the staff report on the item.

Mayor Hunter invited public comment on the item.

No one requested to speak.

CAPPELLO/MILLER MOVED TO **CANCEL THE JULY 17, 2013 AND AUGUST 7, 2013 CITY COUNCIL MEETINGS.** MOTION PASSED. AYES: PAGE, CAPPELLO, MILLER, LO, HUNTER. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

ADHOC & AGENCY ASSIGNMENT REPORTS

Mayor Jill Hunter

KSAR Community Access TV Board – during the last KSAR meeting, the Board discussed funds that will be used to purchase new equipment.

West Valley Mayors and Managers Association – the next meeting will be January 17, 2013.

Vice Mayor Emily Lo

Library Joint Powers Authority – the next meeting is scheduled for the week of January 21, 2013.

Santa Clara Valley Water District Commission – there is a meeting of the Commission scheduled for the week of January 21, 2013. Santa Clara Valley Water District Board Member Nai Hsueh was selected as the Chair of the Board of Directors.

Village Ad Hoc – the Village Ad Hoc declined a Village Façade Improvement Program application, because the property was not visible from Big Basin Way.

Council Member Howard Miller

Council Finance Committee – the Finance Committee will be meeting on January 17, 2013.

Valley Transportation Authority PAC – the next meeting is January 17, 2013.

West Valley Solid Waste Management Joint Powers Authority – the Board recently formed two Ad Hoc Committees. One is working on hauler negotiations and the other is overseeing the executive director recruitment. The two Ad Hoc Committees will be reporting on the status of the hauler negotiations and executive director recruitment at the February Authority Meeting.

Council Member Manny Cappello

Chamber of Commerce – the Chamber is launching a young entrepreneur's academy for high school students. The sessions will be held once per week over a period of 30 weeks. The academy is part of program launched nationwide by the U.S. Chamber of Commerce. Students will be asked to develop a business concept and then pitch the proposal to judges. Winners of the competition will then participate in a national competition with the potential to win a college scholarship. The program is expected to launch in November.

TEA Ad Hoc – the Ad Hoc participated in a conference call on January 16, 2013 to discuss a strategy for the year ahead.

Council Member Chuck Page

Santa Clara County Cities Association – Carl Guardino gave a presentation on a new recognition program called, From Red Tape to Red Carpet. The program is intended to recognize local governments that have implemented programs and policies that have strengthened local business climates and created jobs.

Santa Clara County Cities Association Selection Committee – the Selection Committee made several appointments, including Don Gage's appointment to fill the Mayor's seat

on the Cal-ID Board. Appointments were also made to the Interoperability Authority and Council on Aging. Applicants are needed for a position on the Bay Area Air Quality Management District Board of Directors.

Sister City Liaison – the last meeting included some discussion of the relationship between the Sister City group and Hakone Gardens.

West Valley Sanitation District – there was no meeting last week, but there is a meeting scheduled for the week of January 21, 2013.

CITY COUNCIL ITEMS

Council Member Page asked that Mayor Hunter support his interest in becoming the alternate for Joe Pirzynski on the Santa Clara County VTA Board of Directors.

Council Member Page asked to schedule Council discussion on the tree bonding process, including alternatives to tree bonds and practices of other cities, for a future meeting.

Council Member Miller support Council Member Page's request and added that he would like the report to include information about what other cities do, possible options for large developments, and alternatives for small construction and remodel projects that might currently require tree bonds.

Mayor Hunter shared that she joined Mayors Against Illegal Guns and asked if there was interest in scheduling a resolution in support for Senator Feinstein's Assault Weapons Ban.

Council Member Page asked that any commitments or obligations on the part of the City resulting from the Mayor's participation in Mayors Against Illegal Guns be brought before the Council for approval.

CITY MANAGER'S REPORT

None

ADJOURNMENT

MILLER/PAGE MOVED TO **ADJOURN THE MEETING AT 10:32 P.M.** MOTION PASSED. AYES: PAGE, CAPPELLO, MILLER, LO, HUNTER. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

Minutes respectfully submitted:

Crystal Bothelio, City Clerk