

**MINUTES  
FEBRUARY 6, 2013**

**SARATOGA SPECIAL CITY COUNCIL MEETING**

The Saratoga City Council called a joint meeting with the Saratoga Ministerial Association 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 6:59 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  
John Cherbone, Public Works Director  
Mary Furey, Finance and Administrative Services Director  
James Lindsay, Community Development Director  
Michael Taylor, Recreation and Facilities Director

**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 31, 2013.

**REPORT FROM CLOSED SESSION**

Mayor Hunter announced that there was nothing to report from Closed Session.

**COMMUNICATIONS FROM COMMISSIONS & PUBLIC**

**Oral Communications on Non-Agendized Items**

None

**Oral Communications - Council Direction to Staff**

None

**Communications from Boards and Commissions**

Kevin Cole, with the Saratoga Church of Latter Day Saints, provided an overview of the City Council's Joint Meeting with the Saratoga Ministerial Association.

**Council Direction to Staff**

None

## ANNOUNCEMENTS

Council Member Miller made an announcement about available class offerings listed in the Saratoga Winter Recreation Activity Guide. Classes for all ages and interests are still open.

Council Member Cappello announced that the Saratoga Area Senior Coordinating Council (SASCC) will be hosting “A Night in Tuscany” on March 8, 2013 from 6:00 p.m. to 9:00 p.m. The event will feature an Italian dinner and music by Jerry Saucedo. More information is available on the SASCC website at [www.sascc.org/](http://www.sascc.org/).

Council Member Lo shared that Silicon Valley Reads 2013 started on January 30 and runs until April. This year, the theme of Silicon Valley Reads is “Invisible Wounds of War.” A series of activities based on the theme, including lectures, films, panel discussions, and more will be taking place at Santa Clara County Libraries during Silicon Valley Reads. For more information, visit <http://siliconvalleyreads.org>.

Mayor Hunter invited everyone to post their love notes in Village storefronts in celebration of Valentine’s Day. She also shared that the Saratoga Village Development Council’s Pet Parade and St. Paddy’s Day Party are coming up. She then announced the City is accepting applications for the Heritage Preservation Commission with applications due February 26, 2013, the Planning Commission with applications due March 12, 2013, and the application deadline for the Community Event Grant program is March 6, 2013.

## CEREMONIAL ITEMS

None

## SPECIAL PRESENTATIONS

None

## CONSENT CALENDAR

1. City Council Meeting Minutes

**Recommended action:**

Approve City Council minutes for the Special and Regular Meeting on January 16, 2013.

MILLER/PAGE MOVED TO **APPROVE CITY COUNCIL MINUTES FOR THE SPECIAL AND REGULAR MEETING ON JANUARY 16, 2013.**

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

2. Review of Accounts Payable Check Registers

**Recommended action:**

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

1/15/2013

1/22/2013

1/29/2013

MILLER/PAGE MOVED TO **REVIEW AND ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 1/15/2013, 1/22/2013, AND 1/29/2013.** MOTION PASSED. AYES: PAGE, CAPPELLO, MILLER, LO, HUNTER. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

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

**Recommended action:**

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

MILLER/PAGE MOVED TO **REVIEW AND ACCEPT THE TREASURER'S REPORT FOR THE MONTH ENDED DECEMBER 31, 2012.** MOTION PASSED. AYES: PAGE, CAPPELLO, MILLER, LO, HUNTER. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

4. Miscellaneous Plan Employer Side Fund Elimination

**Recommended action:**

Review report and authorize a lump-sum payment to the California Public Employees Retirement System (CalPERS) for the remaining balance due on the City's Miscellaneous Plan Employer Side Fund.

Resolution No. 13-004

MILLER/PAGE MOVED TO **AUTHORIZE A LUMP-SUM PAYMENT TO THE CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM (CALPERS) FOR THE REMAINING BALANCE DUE ON THE CITY'S MISCELLANEOUS PLAN EMPLOYER SIDE FUND.** MOTION PASSED. AYES: PAGE, CAPPELLO, MILLER, LO, HUNTER. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

5. Approval of Sport User Agreements - 2013

**Recommended action:**

Approve Sport User Agreements with American Youth Soccer Organization, Saratoga Little League, Quito Little League, De Anza Youth Soccer League, West Valley Lacrosse Club, West Valley Youth Soccer League, Saratoga Pony League, and Los Altos-Mt. View Pony League for the use of Saratoga City parks and Prospect High School for organized sport use, and authorize the City Manager to execute the same.

MILLER/PAGE MOVED TO APPROVE SPORT USER AGREEMENTS WITH AMERICAN YOUTH SOCCER ORGANIZATION, SARATOGA LITTLE LEAGUE, QUITO LITTLE LEAGUE, DE ANZA YOUTH SOCCER LEAGUE, WEST VALLEY LACROSSE CLUB, WEST VALLEY YOUTH SOCCER LEAGUE, SARATOGA PONY LEAGUE, AND LOS ALTOS-MT. VIEW PONY LEAGUE FOR THE USE OF SARATOGA CITY PARKS AND PROSPECT HIGH SCHOOL FOR ORGANIZED SPORT USE, AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE SAME. MOTION PASSED. AYES: PAGE, CAPPELLO, MILLER, LO, HUNTER. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

6. Agreement for Stream Bank Erosion and Storm Drain Outfall Repair along Calabazas Creek

**Recommended action:**

Approve the Cooperative Agreement between the City of Saratoga and the Santa Clara Valley Water District for Stream Bank Erosion and Storm Drain Outfall Repair along Calabazas Creek downstream of Wardell Road and authorize the City Manager to execute the same.

MILLER/PAGE MOVED TO APPROVE THE COOPERATIVE AGREEMENT BETWEEN THE CITY OF SARATOGA AND THE SANTA CLARA VALLEY WATER DISTRICT FOR STREAM BANK EROSION AND STORM DRAIN OUTFALL REPAIR ALONG CALABAZAS CREEK DOWNSTREAM OF WARDELL ROAD AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE SAME. MOTION PASSED. AYES: PAGE, CAPPELLO, MILLER, LO, HUNTER. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

7. Renewal of Heritage Orchard Maintenance Contract

**Recommended action:**

Approve a five-year service contract with Matthew Novakovich for landscape maintenance of the Heritage Orchard in the amount of \$98,320 per year and authorize City Manager to execute the same.

MILLER/PAGE MOVED TO APPROVE A FIVE-YEAR SERVICE CONTRACT WITH MATTHEW NOVAKOVICH FOR LANDSCAPE MAINTENANCE OF THE HERITAGE ORCHARD IN THE AMOUNT OF \$98,320 PER YEAR AND AUTHORIZE CITY MANAGER TO EXECUTE THE SAME. MOTION PASSED. AYES: PAGE, CAPPELLO, MILLER, LO, HUNTER. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

8. Amendment to Contract for Ground Movement Potential Mapping

**Recommended action:**

Approve an amendment to an existing contract with Cotton, Shires and Associates, Inc. for additional mapping work in the amount of \$17,000.

MILLER/PAGE MOVED TO APPROVE AN AMENDMENT TO AN EXISTING CONTRACT WITH COTTON, SHIRES AND ASSOCIATES, INC. FOR ADDITIONAL MAPPING WORK IN THE AMOUNT OF \$17,000. MOTION PASSED. AYES: PAGE, CAPPELLO, MILLER, LO, HUNTER. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

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

**Recommended action:**

Waive the second reading and adopt the ordinance amending the City Code to define market and establish when a market can be permitted or conditional use.

**ORDINANCE NO. 302**

MILLER/PAGE MOVED TO **WAIVE THE SECOND READING AND ADOPT THE ORDINANCE AMENDING THE CITY CODE TO DEFINE MARKET AND ESTABLISH WHEN A MARKET CAN BE PERMITTED OR CONDITIONAL USE.** MOTION PASSED. AYES: PAGE, CAPPELLO, MILLER, LO, HUNTER. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

**PUBLIC HEARINGS**

None

**OLD BUSINESS**

10. Approval of Village Streetscape Improvements Phase 2

**Recommended action:**

Approve design elements connected to the Village Streetscape Improvements Project – Phase 2.

Public Works Director John Cherbone presented the staff report on the item.

Mayor Hunter invited public comment on the item.

No one requested to speak.

LO/PAGE MOVED TO **APPROVE DESIGN ELEMENTS CONNECTED TO THE VILLAGE STREETScape IMPROVEMENTS PROJECT – PHASE 2.**

Council Member Miller requested a friendly amendment to the motion. He asked that the motion include direction to staff to consider removal and replacement of the three liquid amber trees next to Blaney Plaza if the trees are expected to cause damage to the sidewalk or other improvements implemented as part of Village Streetscape Improvements Project – Phase 2. He added that replacement trees should be sizable.

Council Members Lo and Page accepted the friendly amendment.

**LO/PAGE MOVED TO APPROVE DESIGN ELEMENTS CONNECTED TO THE VILLAGE STREETScape IMPROVEMENTS PROJECT – PHASE 2 AND DIRECTED STAFF TO REMOVE THE THREE LIQUID AMBER TREES NEXT TO BLANEY PLAZA IF THE CITY ARBORISTS EXPECTS THAT THE TREES WILL CAUSE FUTURE DAMAGE AND REPLACE THE TREES WITH SIZEABLE TREES THAT WILL NOT DAMAGE STREETS OR SIDEWALKS WHILE MAINTAINING THE AMBIANCE OF THE STREET.** MOTION PASSED. AYES: PAGE, CAPPELLO, MILLER, LO, HUNTER. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

**NEW BUSINESS**

11. Provide Direction on the Planning Commission’s Review of Heights Limits in the C-V and C-N Zoning Districts

**Recommended action:**

Provide direction on the scope of review.

Community Development Director James Lindsay provided the staff report on item.

Mayor Hunter invited public comment.

The following people requested to speak:

Trish Cypher spoke in opposition to raising building height and therefore density.

Jeff Schwarz spoke in favor of reducing multi-family building height limits and maintaining commercial building height limits in the C-V and C-N zoning districts.

Yorke Lee spoke in favor of increasing commercial building heights

Nancy Gimmelo spoke in favor of maintaining low building heights.

Lori Ellingboe spoke in favor of maintaining current height standards.

Shahid Siddique spoke in favor of maintaining height limits in the El Quito neighborhood.

No one else requested to speak.

**MILLER/PAGE MOVED TO DIRECT THE PLANNING COMMISSION TO REVIEW BUILDING HEIGHT LIMITS IN THE C-V AND C-N ZONING DISTRICT.**

Council Member Page requested a friendly amendment to the motion that would create continuity between the height limit of multi-family residential buildings and other height limits in C-V and C-N districts.

Council Member Miller accepted the amendment and restated the motion.

MILLER/PAGE MOVED TO DIRECT THE PLANNING COMMISSION TO REVIEW BUILDING HEIGHTS LIMITS IN THE C-V AND C-N ZONING DISTRICT WITH SPECIAL CONSIDERATION GIVEN TO THE UNIQUENESS OF THE ASSOCIATED COMMUNITIES, CONNECTION BETWEEN RESIDENTIAL NEIGHBORHOODS, HOW THE CURRENT HEIGHT LIMITS INCENTIVIZE CERTAIN BUILDING TYPES, AND DIRECTED THE PLANNING COMMISSION TO ONLY CONSIDER BUILDING HEIGHT – NOT DENSITY. MOTION PASSED. AYES: CAPPELLO, MILLER, LO. NOES: PAGE, HUNTER. ABSENT: NONE. ABSTAIN: NONE.

PAGE/MILLER MOVED TO DIRECT THE PLANNING COMMISSION TO REVIEW THE BUILDING HEIGHT LIMITS OF MULTI-FAMILY RESIDENTIAL BUILDINGS IN THE C-V AND C-N ZONING DISTRICTS AND RETURN TO COUNCIL WITH A RECOMMENDATION TO MAKE MULTI-FAMILY RESIDENTIAL BUILDING HEIGHT LIMITS CONSISTENT WITH OTHER HEIGHT LIMITS IN THESE ZONING DISTRICTS. MOTION PASSED. AYES: PAGE, CAPPELLO, MILLER, LO. NOES: HUNTER. ABSENT: NONE. ABSTAIN: NONE.

12. Provide Direction on Appealing the 2014-2022 Regional Housing Need Allocation  
**Recommended action:**  
Authorize the Mayor to sign the appeal request and direct staff to submit it to ABAG.

Community Development Director James Lindsay presented the staff report.

Mayor Hunter invited public comment on the item.

Trish Cypher spoke in favor of submitting the appeal.

Jeff Schwartz spoke in favor of submitting the appeal.

MILLER/PAGE MOVED TO AUTHORIZE THE MAYOR TO SIGN THE APPEAL REQUEST AND DIRECT STAFF TO SUBMIT IT TO ABAG. MOTION PASSED. AYES: PAGE, CAPPELLO, MILLER, LO, HUNTER. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

13. FY 2012/13 Mid-Year Budget Status Report and Budget Adjustment Resolution  
**Recommended action:**  
Review the FY 2012/13 budget status report and proposed budget adjustments, and adopt resolution approving the City's FY 2012/13 mid-year operating budget amendments.

Finance and Administrative Services Director Mary Furey presented the staff report.

Mayor Hunter invited public comment on the item.

No one requested to speak.

**RESOLUTION NO. 13-005**

MILLER/PAGE MOVED TO **ADOPT RESOLUTION APPROVING THE CITY'S FY 2012/13 MID-YEAR OPERATING BUDGET AMENDMENTS, EXCLUDING FUNDING FOR THE CIVIC THEATER MASTER PLAN.** MOTION PASSED. AYES: PAGE, CAPPELLO, MILLER, LO, HUNTER. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

**RESOLUTION NO. 13-006**

MILLER/PAGE MOVED TO **ADOPT RESOLUTION AMENDING THE CITY'S FY 2012/13 BUDGET TO INCLUDE \$60,000 FOR THE CIVIC THEATER MASTER PLAN IN THE CAPITAL BUDGET.** MOTION PASSED. AYES: PAGE, CAPPELLO, MILLER, LO. NOES: HUNTER. ABSENT: NONE. ABSTAIN: NONE.

**ADHOC & AGENCY ASSIGNMENT REPORTS**

Mayor Jill Hunter

*Historical Foundation* – the Historical Foundation discussed the Mustard Faire at the last meeting. The event is scheduled for March 24, 2013.

*Village Ad Hoc* – the Ad Hoc met and denied an application for a Village Façade Improvement Program grant, because the building is not visible from Big Basin Way.

*West Valley Mayors and Managers Association* – during the last meeting, the group received a presentation by VTA on the Highway 85 express lane project. The group also received an update on the status of plastic bag bans.

Vice Mayor Emily Lo

*Library Joint Powers Authority* – during the last meeting, the Board approved a technology and replacement plan. The project will include a variety of improvements, including provisions to support an increase in e-books and enhancement of the checkout system.

*Santa Clara Valley Water District Commission* – the last meeting was canceled due to lack of a quorum.

Council Member Howard Miller

*Valley Transportation Authority PAC* – due to the lack of a quorum, the last meeting was informational only. During the meeting, the PAC received an update on the budget, ridership trends, and electrification of CalTrain.

*West Valley Solid Waste Management Joint Powers Authority*- the next meeting of the Authority will be February 25, 2013. The Board is expected to receive an update on the recruitment for an Executive Director and negotiations with the hauler to negotiate a new contract or renew the existing contract.

*LAFCO* – Council Member Miller and Council Member Page attended a LAFCO hearing on the expansion of the City's Urban Service Area. Several staff members also attended the hearing. The City of Saratoga was well represented.

Council Member Manny Cappello

*Chamber of Commerce* – the Destination Saratoga committee may be hiring a new public relations firm in the future. There are currently 14 Destination Saratoga members. The Chamber is continuing to develop its Youth Academy and will be working with West Valley College as part of the academy.

*County HCD Policy Committee* – the Committee will be making recommendations on allocation of CDBG public service funds to the Board of Supervisors at its next meeting.  
*Santa Clara County Emergency Council* – the next meeting is February 7, 2013.

Council Member Chuck Page

*TEA Ad Hoc* – interviews of 2 lobbyist firms are scheduled for February 7, 2013 in Sacramento. Representatives from the participating cities will be conducting the interviews.

*West Valley Sanitation District* – at the last meeting, the Board discussed rate changes that may be implemented as a result of the improvements to the San Jose Santa Clara Water Pollution Control Plant.

*LAFCO* – Council Member Page attended the LAFCO hearing on the expansion of the City’s Urban Service Area. The LAFCO Board approved the changes to the Urban Service Area, which will now include the Quarry property.

**CITY COUNCIL ITEMS**

None

**CITY MANAGER’S REPORT**

City Manager Dave Anderson shared he would be out of the office until February 13, 2013 and announced that Community Development Director James Lindsay would be acting City Manager in his absence.

**ADJOURNMENT**

PAGE/CAPPELLO **MOVED TO ADJOURN THE MEETING AT 10:13 P.M.**  
MOTION PASSED. AYES: PAGE, CAPPELLO, MILLER, LO, HUNTER. NOES:  
NONE. ABSENT: NONE. ABSTAIN: NONE.

Minutes respectfully submitted:

Crystal Bothelio, City Clerk