

**MINUTES
WEDNESDAY, APRIL 3, 2013**

SARATOGA SPECIAL CITY COUNCIL MEETING

The City Council conducted interviews for the Heritage Preservation Commission at 5:00 p.m. in the Administrative Conference Room at City Hall at 13777 Fruitvale Avenue. At 5:15 p.m., the Council adjourned to Closed Session. At 6:00 p.m., the City Council held a joint meeting with the Santa Clara County Sheriff's Office.

SARATOGA REGULAR CITY COUNCIL MEETING

Mayor Hunter called the meeting to order at 7:04 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
Christopher Riordan, Senior Planner
Michael Fossati, Planner

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 March 28, 2013.

REPORT FROM CLOSED SESSION

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

COMMUNICATIONS FROM COMMISSIONS & PUBLIC

Oral Communications on Non-Agendized Items

Lon Saavedra, Executive Director of the Hakone Foundation, addressed the Council and thanked the City for planning to repair a collapsed retaining wall blocking a portion of the Hakone Gardens driveway.

Vicky Teng addressed the Council about the use of infrared and ultraviolet lasers in residential areas and audible dog and pest repellents.

Oral Communications - Council Direction to Staff

City Manager Dave Anderson indicated that he would ask the Sheriff's Office to contact Vicky Teng.

Communications from Boards and Commissions

Captain Kenneth Binder with the Santa Clara County Sheriff's Office provided a summary of the City Council's joint meeting with the Sheriff's Office and introduced Lieutenant Neil Valenzuela.

Council Direction to Staff

None

ANNOUNCEMENTS

The City Council recognized Mayor Hunter for being selected as Woman of the Year.

CEREMONIAL ITEMS

1. Commendation for Outgoing Planning Commissioner David Reis

Recommended action:

Read and present commendation for Planning Commissioner David Reis.

Mayor Hunter read and presented the commendation to David Reis.

2. Appointment of Planning Commissioners

Recommended action:

1. Adopt the resolution appointing two members to the Planning Commission; and
2. Direct the City Clerk to administer the Oaths of Office.

RESOLUTION NO. 13-013

MILLER/PAGE MOVED TO **1. ADOPT THE RESOLUTION APPOINTING TWO MEMBERS TO THE PLANNING COMMISSION; AND 2. DIRECT THE CITY CLERK TO ADMINISTER THE OATHS OF OFFICE.** MOTION PASSED. AYES: PAGE, CAPPELLO, MILLER, LO, HUNTER. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

City Clerk Crystal Bothelio administered the Oath of Office to Tina Walia and Dorothea Smullen.

SPECIAL PRESENTATIONS

None

CONSENT CALENDAR

3. City Council Meeting Minutes

Recommended action:

Approve minutes for the Special and Regular City Council Meeting on March 20, 2013.

PAGE/CAPPELLO MOVED TO **APPROVE MINUTES FOR THE SPECIAL AND REGULAR CITY COUNCIL MEETING ON MARCH 20, 2013**. MOTION PASSED. AYES: PAGE, CAPPELLO, MILLER, LO, HUNTER. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

4. Review of Accounts Payable Check Registers

Recommended action:

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

3/19/2013

3/26/2013

PAGE/CAPPELLO MOVED TO **ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES 3/19/2013 AND 3/26/2013**. MOTION PASSED. AYES: PAGE, CAPPELLO, MILLER, LO, HUNTER. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

5. Treasurer's Report for the Month Ended February 28, 2013

Recommended action:

Review and accept the Treasurer's Report for the month ended February 28, 2013.

PAGE/CAPPELLO MOVED TO **ACCEPT THE TREASURER'S REPORT FOR THE MONTH ENDED FEBRUARY 28, 2013**. MOTION PASSED. AYES: PAGE, CAPPELLO, MILLER, LO, HUNTER. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

6. ABAG POWER Pipeline Capacity Regulations

Recommended action:

Authorize the Mayor to sign and send the attached letter to the CPUC stating the City of Saratoga's objections to force ABAG POWER to take and pay for pipeline capacity acquired by PG&E.

Council Member Page removed this item from the Consent Calendar to request additional information.

Finance & Administrative Services Director Mary Furey addressed Council questions.

The Council invited Tamon Norimoto from Pacific Gas and Electric (PG&E) to speak.

Mayor Hunter invited public comment on the item.

The following person spoke:

Trish Cypher

No one else requested to speak.

PAGE/CAPPELLO MOVED TO **DENY THE STAFF RECOMMENDATION TO AUTHORIZE THE MAYOR TO SIGN AND SEND A LETTER TO THE CPUC STATING THE CITY OF SARATOGA'S OBJECTIONS TO FORCE ABAG POWER TO TAKE AND PAY FOR PIPELINE CAPACITY ACQUIRED BY PG&E.** MOTION PASSED. AYES: PAGE, CAPPELLO, MILLER, LO, HUNTER. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

7. Resolution Amending Council Agency and Ad Hoc Assignments

Recommended action:

Approve resolution amending Resolution 12-067 appointing Council representatives to agencies and ad hoc committees for the year 2013.

Council Member Page removed this item from the Consent Calendar to seek additional information about the amendment to the Council Agency and Ad Hoc Assignments.

Mayor Hunter invited public comment on the item.

No one requested to speak.

RESOLUTION NO. 13-014

PAGE/MILLER MOVED TO **APPROVE RESOLUTION AMENDING RESOLUTION 12-067 APPOINTING COUNCIL REPRESENTATIVES TO AGENCIES AND AD HOC COMMITTEES FOR THE YEAR 2013.** MOTION PASSED. AYES: PAGE, CAPPELLO, MILLER, LO, HUNTER. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

8. Quarry Property Master Plan Project Consultant Selection

Recommended action:

1. Select the Planning Center/DC&E as the consultant for Quarry Property Master Plan Development Project.
2. Authorize City Manager to enter into a Professional Service Agreement with The Planning Center/DC&E in the amount of \$249,631.

Council Member Miller removed this item from the Consent Calendar to request that staff provide an overview of the master plan project.

Public Works Director John Cherbone gave the Council a report on the item.

Mayor Hunter invited public comment on the item.

The following person spoke:

Trish Cypher

No one else requested to speak.

MILLER/PAGE MOVED TO **1. SELECT THE PLANNING CENTER/DC&E AS THE CONSULTANT FOR QUARRY PROPERTY MASTER PLAN DEVELOPMENT PROJECT; AND 2. AUTHORIZE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICE AGREEMENT WITH THE PLANNING CENTER/DC&E IN THE AMOUNT OF \$249,631.** MOTION PASSED. AYES: PAGE, CAPPELLO, MILLER, LO, HUNTER. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

PUBLIC HEARINGS

9. Zoning Ordinance Amendment (1) Allowing Businesses to Sell Beer and Wine as a Permitted Use Under Certain Conditions; (2) Creating a New Definition for Alcoholic Beverage; and (3) Modifying the Definition of Retail Establishment and Market
Recommended action:
Conduct a public hearing, introduce and waive the first reading of the ordinance, and direct staff to place the ordinance on the consent calendar for adoption at the next regular meeting of the City Council.

Michael Fossati, Planner in the Community Development Department, presented the staff report.

Planning Commissioner Tina Walia provided additional information about the Commission's recommendation.

Community Development Director James Lindsay addressed questions from the City Council.

Mayor Hunter invited public comment on the item.

No one requested to speak.

PAGE/CAPPELLO MOVED TO **CONTINUE THE PUBLIC HEARING TO APRIL 17, 2013 AND DIRECTED STAFF TO RETURN WITH AN AMENDED ORDINANCE THAT ALLOWS RETAIL SALE OF BEER AND WINE AS A PERMITTED USE WHEN NO MORE THAN 40% OF THE FLOOR AREA DEDICATED TO FOOD OR BEVERAGE SALES IS USED FOR BEER AND WINE SALES AND NO MORE THAN 2,000 SQUARE FEET OR 25% OF THE TOTAL FLOOR IS DEDICATED TO FOOD AND BEVERAGE SALES FOR OFF-SITE HUMAN CONSUMPTION.** MOTION PASSED. AYES: PAGE, CAPPELLO, MILLER, LO. NOES: HUNTER. ABSENT: NONE. ABSTAIN: NONE.

10. Annexation of Approximately 223 Acres of Certain Unincorporated Islands; an Amendment to the General Plan Land Use Map Changing the Land Use Designation of the Quarry Property to Open Space-Outdoor Recreation; and Adoption of an Ordinance Applying the AP/OS Overlay Zoning to the Property Located at 22101 Mount Eden Road

Recommended action:

1. Adopt the attached resolution amending Resolution No. 12-050 to add two additional unincorporated islands within the City's Urban Service Area which include the 68-acre Congress Springs Quarry Property and a 0.28 acre parcel located in the vicinity of 22100 Mount Eden Road to the list of properties to be annexed;
2. Adopt the attached resolution approving annexation of properties located within the City's Urban Service Area which include an Amendment to the General Plan Land Use Map to modify the Land Use Designation of the Congress Springs Quarry Property from Hillside Open Space to Open Space-Outdoor Recreation; and
3. Introduce and waive the first reading of the ordinance applying AP/OS Overlay Zoning and direct staff to place the ordinance on the consent calendar for adoption at the next regular meeting of the City Council.

Senior Planner Christopher Riordan presented the staff report.
Mayor Hunter invited public comment on the item.

No one requested to speak.

RESOLUTIONS NO. 13-015 AND 13-016

MILLER/PAGE MOVED TO **1.ADOPT THE ATTACHED RESOLUTION AMENDING RESOLUTION NO. 12-050 TO ADD TWO ADDITIONAL UNINCORPORATED ISLANDS WITHIN THE CITY'S URBAN SERVICE AREA WHICH INCLUDE THE 68-ACRE CONGRESS SPRINGS QUARRY PROPERTY AND A 0.28 ACRE PARCEL LOCATED IN THE VICINITY OF 22100 MOUNT EDEN ROAD TO THE LIST OF PROPERTIES TO BE ANNEXED; 2.ADOPT THE ATTACHED RESOLUTION APPROVING ANNEXATION OF PROPERTIES LOCATED WITHIN THE CITY'S URBAN SERVICE AREA WHICH INCLUDE AN AMENDMENT TO THE GENERAL PLAN LAND USE MAP TO MODIFY THE LAND USE DESIGNATION OF THE CONGRESS SPRINGS QUARRY PROPERTY FROM HILLSIDE OPEN SPACE TO OPEN SPACE-OUTDOOR RECREATION; AND 3. INTRODUCE AND WAIVE THE FIRST READING OF THE ORDINANCE APPLYING AP/OS OVERLAY ZONING AND DIRECT STAFF TO PLACE THE ORDINANCE ON THE CONSENT CALENDAR FOR ADOPTION AT THE NEXT REGULAR MEETING OF THE CITY COUNCIL.** MOTION PASSED.
AYES: PAGE, CAPPELLO, MILLER, LO, HUNTER. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

OLD BUSINESS

None

NEW BUSINESS

11. Amendments to League of California Cities Bylaws

Recommended action:

Determine position on proposed amendments to League of California Cities bylaws and authorize the Mayor to cast the vote for the City and sign the ballot on the bylaw amendments.

City Clerk Crystal Bothelio presented the staff report.

Mayor Hunter invited public comment on the item.

PAGE/CAPPELLO MOVED TO **SUPPORT FOR THE AMENDMENTS TO THE LEAGUE OF CALIFORNIA CITIES BYLAWS AND AUTHORIZE THE MAYOR TO SIGN THE BALLOT REFLECTING THE CITY'S POSITION ON THE PROPOSED BYLAW CHANGES.** MOTION PASSED. AYES: PAGE, CAPPELLO, MILLER, LO, HUNTER. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

ADHOC & AGENCY ASSIGNMENT REPORTS

Mayor Jill Hunter

Mayor Hunter thanked the Council for recognizing her for being selected as Woman of the Year.

Vice Mayor Emily Lo

Santa Clara Valley Water District Commission – the members of the Commission were recently surveyed. It is the first time that the Commission has been surveyed in this manner. The survey may result in restructuring some of the advisory committees. The next meeting is April 10, 2013 and Council Member Lo will be unable to attend.

Council Member Howard Miller

Council Member Miller stated he had nothing to report.

Council Member Manny Cappello

Council Member Miller shared that he attended the Association of Bay Area Governments (ABAG) meeting to hear the City's Regional Housing Needs Allocation (RHNA) appeal. The City's RHNA appeal was denied.
SASCC – the City's contract with SASCC will be expiring and coming before the Council for renewal soon. The Board will also be holding a strategic planning session in the next couple of weeks.

TEA Ad Hoc – a group of representatives from the City, Cupertino, Monte Sereno, and Los Altos Hills went to Sacramento to voice support for Senate Bill 629 before the State Senate Governance and Finance Committee, which moved the bill forward in the process.

Council Member Chuck Page

Santa Clara County Cities Association – Council Member Page will be unable to attend the next meeting.

Santa Clara County Cities Association Selection Committee – during the last meeting, an appointment was made to the Recycling and Waste Reduction Commission.

West Valley Sanitation District – a notice was sent to district residents informing them of a Prop 218 rate increase. Residents opposed to the increase may send an objection protesting the higher rates.

CITY COUNCIL ITEMS

None

CITY MANAGER’S REPORT

City Manager Dave Anderson provided a brief report on the State Senate Governance and Finance Committee hearing on Senate Bill 629.

ADJOURNMENT

PAGE/MILLER MOVED TO **ADJOURN THE MEETING AT 10:02 P.M.** MOTION PASSED. AYES: PAGE, CAPPELLO, MILLER, LO, HUNTER. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

Minutes respectfully submitted:

Crystal Bothelio, City Clerk