

**MINUTES  
WEDNESDAY, APRIL 17, 2013**

**SARATOGA SPECIAL CITY COUNCIL MEETING**

The City Council adjourned to Closed Session at 5:30 p.m. in the Administrative Conference Room at City Hall at 13777 Fruitvale Avenue. At 6:00 p.m., the Council held a joint meeting with the Montalvo Arts Center.

**SARATOGA REGULAR CITY COUNCIL MEETING**

Mayor Hunter called the meeting to order at 7:00 p.m. and led the pledge of allegiance. She then observed a moment of silence to recognize the victims of the Boston Marathon bombing and the passing of Willys Peck.

**ROLL CALL**

PRESENT Council Members Chuck Page, Manny Cappello, Vice Mayor  
Emily Lo, Mayor Jill Hunter  
ABSENT: Council Member Howard Miller  
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  
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 April 11, 2013.

**REPORT FROM CLOSED SESSION**

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

**COMMUNICATIONS FROM COMMISSIONS & PUBLIC**

**Oral Communications on Non-Agendized Items**

Alice Fenton shared information about the Model Business Competition. Additional information is available online at [http://startupcup.com/silicon\\_valley/](http://startupcup.com/silicon_valley/).

Jacqueline Nguyen spoke about Silicon Valley FACES/Victim Witness Assistance Program and thanked the Mayor for providing a proclamation recognizing National Crime Victims' Rights Week.

## **Oral Communications - Council Direction to Staff**

None

## **Communications from Boards and Commissions**

Montalvo Arts Center Executive Director Angela McConnell provided an overview of the Joint Meeting between the City Council and Montalvo Arts. She also shared information about upcoming activities and programs at Montalvo, including summer concerts, camps for children, and the artist residency program.

## **Council Direction to Staff**

None

## **ANNOUNCEMENTS**

Council Member Lo announced the Saratoga Rotary Art Show on May 5, 2013 from 9:00 a.m. to 5:00 p.m. at West Valley College. The event will feature hundreds of world renowned artists, wine tasting, food, entertainment and more.

City Manager Dave Anderson noted that parking for the event is free.

Mayor Hunter shared that the City will be celebrating Arbor Day on April 24, 2013 at 3:00 p.m. at Saratoga Library. The event will include planting of an oak, display of participants in the Arbor Day poster contest, light refreshments, and more. Mayor Hunter also announced that the Saratoga Pet Parade will be held on April 27, 2013 in Saratoga Village from 10:00 a.m. to noon.

## **CEREMONIAL ITEMS**

1. Appointment of Heritage Preservation Commissioner  
**Recommended action:**
  1. Adopt the resolution appointing Larry Schuck to the Heritage Preservation Commission; and
  2. Direct the City Clerk to administer the Oath of Office.

### **RESOLUTION NO. 13-017**

LO/PAGE MOVED TO **ADOPT THE RESOLUTION APPOINTING LARRY SCHUCK TO THE HERITAGE PRESERVATION COMMISSION AND DIRECTED THE CITY CLERK TO ADMINISTER THE OATH OF OFFICE.**  
MOTION PASSED. AYES: PAGE, CAPPELLO, LO, HUNTER. NOES: NONE.  
ABSENT: MILLER. ABSTAIN: NONE.

City Clerk Crystal Bothelio administered the Oath of Office to Larry Schuck.

2. Volunteer Appreciation Proclamations  
**Recommended action:**  
Present proclamation declaring April 24, 2013 as Volunteer Appreciation Day to representatives of West Valley Community Services and present proclamation

declaring April 21-27, 2013 as National Volunteer Week to City of Saratoga volunteers.

Mayor Hunter read and presented the proclamations.

### **SPECIAL PRESENTATIONS**

None

### **CONSENT CALENDAR**

3. City Council Meeting Minutes

**Recommended action:**

Approve City Council minutes for the following meetings the City Council Study Session on March 26, 2013 and the Special and Regular City Council Meeting on April 3, 2013.

CAPPELLO/PAGE MOVED TO **APPROVE CITY COUNCIL MINUTES FOR THE FOLLOWING MEETINGS THE CITY COUNCIL STUDY SESSION ON MARCH 26, 2013 AND THE SPECIAL AND REGULAR CITY COUNCIL MEETING ON APRIL 3, 2013.** MOTION PASSED. AYES: PAGE, CAPPELLO, LO, HUNTER. NOES: NONE. ABSENT: MILLER. ABSTAIN: NONE.

4. Review of Accounts Payable Check Registers

**Recommended action:**

Review and accept check registers for the following accounts payable payment cycles:  
4/2/2013  
4/9/2013

CAPPELLO/PAGE MOVED TO **REVIEW AND ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 4/2/2013 AND 4/9/2013.** MOTION PASSED. AYES: PAGE, CAPPELLO, LO, HUNTER. NOES: NONE. ABSENT: MILLER. ABSTAIN: NONE.

5. Amendment to Agreement for Countywide Household Hazardous Waste Collection Program

**Recommended action:**

Authorize the City Manager to sign the first amendment to the agreement for Countywide Household Hazardous Waste (HHW) Collection Program with a \$47,049.43 augmentation from City funds for Fiscal Year 2013/14.

CAPPELLO/PAGE MOVED TO **AUTHORIZE THE CITY MANAGER TO SIGN THE FIRST AMENDMENT TO THE AGREEMENT FOR COUNTYWIDE HOUSEHOLD HAZARDOUS WASTE (HHW) COLLECTION PROGRAM WITH A \$47,049.43 AUGMENTATION FROM CITY FUNDS FOR FISCAL YEAR 2013/14.** MOTION PASSED. AYES: PAGE, CAPPELLO, LO, HUNTER. NOES: NONE. ABSENT: MILLER. ABSTAIN: NONE.

6. Second Amendment to an Agreement with CSG Consultants for Building Inspection Services and Community Development Department Budget Adjustment

**Recommended action:**

Authorize the City Manager to execute an amendment to the agreement with CSG Consultants for building inspection services and approve a budget adjustment resolution increasing the Community Development Department budget for consultants by \$30,000 for Fiscal Year 2012/13.

Council Member Page removed this item from the Consent Calendar to request clarification on the reason why contract building inspection services are required.

Community Development Department Director James Lindsay provided additional information on the agreement and purpose of the amendment.

**RESOLUTION NO. 13-018**

PAGE/CAPPELLO MOVED TO **AUTHORIZE THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH CSG CONSULTANTS FOR BUILDING INSPECTION SERVICES AND APPROVE A BUDGET ADJUSTMENT RESOLUTION INCREASING THE COMMUNITY DEVELOPMENT DEPARTMENT BUDGET FOR CONSULTANTS BY \$30,000 FOR FISCAL YEAR 2012/13.** MOTION PASSED. AYES: PAGE, CAPPELLO, LO, HUNTER. NOES: NONE. ABSENT: MILLER. ABSTAIN: NONE.

7. Landscaping and Lighting Assessment District LLA-1; Preliminary Approval of Engineer's Report and Adoption of Resolution of Intention for FY 13-14

**Recommended action:**

1. Move to adopt the Resolution granting preliminary approval of the Engineer's Report for FY 13-14 for renewing the Landscaping and Lighting Assessment District LLA-1.
2. Move to adopt the Resolution of Intention.

**RESOLUTION NO. 13-019 AND 13-020**

Council Member Page removed this item from the Consent Calendar to request additional information about Lighting and Landscaping Assessment Districts.

Public Works Director John Cherbone spoke about Lighting and Landscaping Assessment Districts in the City of Saratoga.

PAGE/CAPPELLO MOVED TO: **1. ADOPT THE RESOLUTION GRANTING PRELIMINARY APPROVAL OF THE ENGINEER'S REPORT FOR FY 13-14 FOR RENEWING THE LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT LLA-1; AND 2. ADOPT THE RESOLUTION OF INTENTION.** MOTION PASSED. AYES: PAGE, CAPPELLO, LO, HUNTER. NOES: NONE. ABSENT: MILLER. ABSTAIN: NONE.

8. Landscaping & Lighting Assessment District LLA-1; Resolution Describing Improvements and Directing Preparation of Engineer's Report for Annexation of a New Zone (Hill Avenue Tract 10168 - Zone 35) to the City of Saratoga Landscaping and Lighting Assessment District, LLA-1

**Recommended action:**

Move to adopt the Resolution describing improvements and directing preparation of the Engineer's Report.

**RESOLUTION NO. 13-021**

CAPPELLO/PAGE MOVED TO **MOVE TO ADOPT THE RESOLUTION DESCRIBING IMPROVEMENTS AND DIRECTING PREPARATION OF THE ENGINEER'S REPORT.** MOTION PASSED. AYES: PAGE, CAPPELLO, LO, HUNTER. NOES: NONE. ABSENT: MILLER. ABSTAIN: NONE.

9. An Ordinance Applying AP/OS Overlay Zoning to the Property Located at 22101 Mount Eden Road

**Recommended action:**

Waive the second reading and adopt the proposed ordinance.

**ORDINANCE NO. 304**

CAPPELLO/PAGE MOVED TO **WAIVE THE SECOND READING AND ADOPT THE PROPOSED ORDINANCE.** MOTION PASSED. AYES: PAGE, CAPPELLO, LO, HUNTER. NOES: NONE. ABSENT: MILLER. ABSTAIN: NONE.

**PUBLIC HEARINGS**

10. 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 on the item and noted that an updated copy of the ordinance had been provided to the Council as a desk item. The updated ordinance included minor revisions to make the ordinance clearer.

Mayor Hunter invited public comment on the item.

The following person spoke:

Joyce Hlava, Planning Commission Chair

No one else requested to speak.

PAGE/CAPPELLO MOVED TO INTRODUCE AND WAIVE THE FIRST READING OF THE ORDINANCE, REVISE SECTION 15-19.020(A)(1) OF THE ORDINANCE TO CLARIFY THAT RETAIL ESTABLISHMENTS MAY SELL BEER AND/OR WINE AS A PERMITTED USE IF NO MORE THAN 40% OF THE FLOOR AREA THAT COULD BE DEDICATED TO FOOD AND/OR BEVERAGE SALES IS BEING USED TO SELL BEER AND/OR WINE, AND DIRECT STAFF TO PLACE THE REVISED ORDINANCE ON THE CONSENT CALENDAR FOR ADOPTION AT THE NEXT REGULAR MEETING OF THE CITY COUNCIL. MOTION PASSED. AYES: PAGE, CAPPELLO, LO. NOES: HUNTER. ABSENT: MILLER. ABSTAIN: NONE.

11. Public Hearing Regarding Adoption of a Resolution to Abandon and Sell Unused City Property Located Near Gardiner Park Between 18929 and 18947 Harleigh Drive  
**Recommended action:**

After holding a public hearing and considering public testimony, staff recommends that the City Council adopt a resolution (Attachment A) to abandon and sell unused City Property located near Gardiner Park between 18929 and 18947 Harleigh Drive; directing staff to mail a Request for Bids (Attachment B) to the two adjoining property owners; approving a sale of the Property for no less than the estimated fair market value to the adjacent property owner willing to pay the highest price under terms in the form Purchase and Sale Agreement (Attachment C); authorizing staff to transfer the Property pursuant to the executed Purchase and Sale Agreement; directing the sale proceeds be allocated for park/trail purposes; and directing staff to initiate merger proceedings for the Property and the parcel owned by the buyer to create a single parcel.

City Attorney Richard Taylor presented the staff report.

Mayor Hunter invited public comment on the item.

The following people requested to speak:

Susan Carter

Joan Holland

No one else requested to speak.

#### **RESOLUTION NO. 13-022**

PAGE/CAPPELLO MOVED TO ADOPT A RESOLUTION TO ABANDON AND SELL UNUSED CITY PROPERTY LOCATED NEAR GARDINER PARK BETWEEN 18929 AND 18947 HARLEIGH DRIVE; DIRECTING STAFF TO MAIL A REQUEST FOR BIDS WITH A BID DEADLINE OF JUNE 21, 2013 TO THE TWO ADJOINING PROPERTY OWNERS; APPROVING A SALE OF THE PROPERTY FOR NO LESS THAN THE ESTIMATED FAIR MARKET VALUE TO THE ADJACENT PROPERTY OWNER WILLING TO PAY THE HIGHEST PRICE UNDER TERMS IN THE FORM PURCHASE AND SALE AGREEMENT; AUTHORIZING STAFF TO TRANSFER THE PROPERTY PURSUANT TO THE EXECUTED PURCHASE AND SALE AGREEMENT; DIRECTING THE SALE

**PROCEEDS BE ALLOCATED FOR PARK/TRAIL PURPOSES; AND DIRECTING STAFF TO INITIATE MERGER PROCEEDINGS FOR THE PROPERTY AND THE PARCEL OWNED BY THE BUYER TO CREATE A SINGLE PARCEL.** MOTION PASSED. AYES: PAGE, CAPPELLO, LO, HUNTER. NOES: NONE. ABSENT: MILLER. ABSTAIN: NONE.

Mayor Hunter invited a member of Boy Scout Troop 6611 to introduce himself to the audience and explain why he was in attendance at the City Council Meeting.

**OLD BUSINESS**

None

**NEW BUSINESS**

None

**ADHOC & AGENCY ASSIGNMENT REPORTS**

Mayor Jill Hunter

*KSAR Community Access TV Board* – the Board is considering options to upgrade equipment and make use of the KSAR facilities at West Valley College more attractive.  
*West Valley Mayors and Managers Association* – Regional Housing Needs Allocations were discussed at the last meeting.

Vice Mayor Emily Lo

*Let's Move City Ad Hoc* – the Ad Hoc will be meeting on April 19, 2013.  
*Library Joint Powers Authority* – the next meeting will be held the week of April 22, 2013. The agenda includes an update on the District's parcel tax.  
*Santa Clara Valley Water District Commission* – Vice Mayor Lo noted she was unable to attend the last meeting, but asked Council Member Miller to attend on her behalf.

Council Member Howard Miller

No report

Council Member Manny Cappello

*Highway 9 Ad Hoc* – Public Works Director John Cherbone met individually with members of the Ad Hoc to discuss changes to the Highway 9 safety improvement plans in the area near Mendelsohn Lane and Highway 9.  
*Let's Move City Ad Hoc* – a meeting is scheduled for April 19, 2013.  
Santa Clara County Emergency Council  
*Saratoga Chamber of Commerce Contract Review Ad Hoc* – a meeting is scheduled for April 19, 2013.

Council Member Chuck Page

*Association of Bay Area Governments* – the General Assembly meeting is April 18, 2013. The work plan and budget will be on the agenda for approval.  
*Santa Clara County Cities Association* – Council Member Page shared he was unable to attend the last meeting and asked Council Member Miller to attend on his behalf.  
*Sister City Liaison* – Council Member Page was unable to attend the meeting held the week of April 8, 2013.

*West Valley Sanitation District* – the District is conducting the noticing required by Proposition 218 to increase rates, which will cover increased costs that are the result of the wastewater treatment plan renovations. Despite the increase, rates for the Sanitation District are still among the lowest.

**CITY COUNCIL ITEMS**

None

**CITY MANAGER’S REPORT**

None

**ADJOURNMENT**

Page/Cappello moved to adjourn the meeting at 8:32 p.m. MOTION PASSED. AYES: PAGE, CAPPELLO, LO, HUNTER. NOES: NONE. ABSENT: MILLER. ABSTAIN: NONE.

Minutes respectfully submitted:

Crystal Bothelio, City Clerk