

**MINUTES
WEDNESDAY, MAY 1, 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 City Council held a Joint Meeting with the Youth Commission.

SARATOGA REGULAR CITY COUNCIL MEETING

Mayor Hunter called the meeting to order at 7:01 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
Cynthia McCormick, Planner
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 April 25, 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

Nancy Sallan spoke about traffic concerns in front of the Oak Creek of Saratoga complex on Saratoga-Sunnyvale Road and suggested installation of a traffic signal.

Oral Communications - Council Direction to Staff

Mayor Hunter advised Nancy to raise her issue before the Traffic Safety Commission.

City Manager Dave Anderson offered to provide Nancy with information about how to refer this matter to the Traffic Safety Commission, which reviews and analyzes traffic safety issues raised by community members.

Communications from Boards and Commissions

Youth Commissioners Sierra Smith, Shefali Vijay, and Youth Commission Chair Kaitlin Finch provided an overview of the Youth Commission's Joint Meeting with the City Council.

Council Direction to Staff

None

ANNOUNCEMENTS

Council Member Page announced that the West Valley Sanitation District will hold a public hearing on May 8, 2013 to consider a rate increase. Additionally, OneBayArea will be hosting a meeting on Plan Bay Area for elected officials.

City Manager Dave Anderson added that staff will be bringing forward a comment letter on Plan Bay Area for Council consideration at the May 15, 2013 Council Meeting, with approval from the Mayor.

Council Member Cappello shared that the Saratoga Rotary Art Show will be on May 5, 2013 at West Valley College. The event will include pieces by some of the best artists in the area, as well as food, entertainment, activities for children and more.

Council Member Page noted that prior to the Art Show, there will be a pancake breakfast at Saratoga High School.

Council Member Lo asked the public to save the date for the Saratoga Library 10th Anniversary event on May 18, 2013 from noon to 4:00 p.m.

Council Member Miller announced a celebration for the opening of the Fredericksburg Drive access to Joe's Trail on May 2, 2013 at 3:00 p.m. On May 18, 2013, the City will be hosting Let's Walk Saratoga at the Quarry property. The guided hike of the quarry property will start at 9:30 a.m.

CEREMONIAL ITEMS

1. Foster Care Appreciation Month

Recommended action:

Read and present proclamation declaring May 2013 as Foster Care Appreciation Month.

Mayor Hunter read and presented the proclamation declaring May 2013 as Foster Care Appreciation Month.

2. Asian American and Pacific Islanders Heritage Month

Recommended action:

Read and present proclamation declaring May 2013 as Asian American and Pacific Islanders Heritage Month.

Mayor Hunter and Vice Mayor Lo read and presented the Asian Heritage and Pacific Islanders Heritage Month proclamation.

SPECIAL PRESENTATIONS

3. Potential Changes to Garbage and Recycling Contract and Services

Recommended action:

Receive presentation from West Valley Collection & Recycling (WVC&R) on potential changes to the West Valley Solid Waste Management Authority contract with WVC&R.

Council Member Miller introduced the presentation and shared that a community meeting on the potential contract and service changes that may result from an extension of the WVC&R contract will be held on May 29, 2013 at 7:00 p.m. in the Joan Pisani Community Center. Residential and commercial customers from Saratoga, Campbell, Los Gatos, and Monte Sereno are invited to attend the meeting.

Weslie McConkey, outreach manager for WVC&R, provided the presentation.

CONSENT CALENDAR

4. City Council Meeting Minutes

Recommended action:

Approve City Council minutes for the Special and Regular City Council Meeting on April 17, 2013.

MILLER/PAGE MOVED TO **APPROVE CITY COUNCIL MINUTES FOR THE SPECIAL AND REGULAR CITY COUNCIL MEETING ON APRIL 17, 2013**. 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:

4/16/2013

4/23/2013

MILLER/PAGE MOVED TO **ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 4/16/2013 AND 4/23/2013**. MOTION PASSED. AYES: PAGE, CAPPELLO, MILLER, LO, HUNTER. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

6. Treasurer's Report for the Month Ended March 31, 2013

Recommended action:

Review and accept the Treasurer's Report for the month ended March 31, 2013.

MILLER/PAGE MOVED TO **ACCEPT THE TREASURER'S REPORT FOR THE MONTH ENDED MARCH 31, 2013**. MOTION PASSED. AYES: PAGE, CAPPELLO, MILLER, LO, HUNTER. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

7. Parking District No. 3 Storm Damage Repairs – Budget Adjustment

Recommended action:

Move to approve budget adjustment resolution in the amount of \$45,000.

RESOLUTION NO. 13-023

MILLER/PAGE MOVED TO **APPROVE BUDGET ADJUSTMENT RESOLUTION IN THE AMOUNT OF \$45,000.** MOTION PASSED. AYES: PAGE, CAPPELLO, MILLER, LO, HUNTER. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

8. Hakone Gardens Driveway Repair – Construction Contract Award

Recommended action:

1. Move to declare Hillside Drilling, Inc. of Richmond to be the lowest responsible bidder on the project and award a Construction Contract to this company in the amount of \$209,734.
2. Move to approve Construction Observation Contract with Cotton, Shires and Associates, Inc. in the amount of \$27,967.
3. Move to authorize the City Manager to execute both contracts.
4. Move to authorize staff to execute change orders to the construction contract up to \$42,299.
5. Move to approve Budget Adjustment Resolution.

RESOLUTION NO. 13-024

MILLER/PAGE MOVED TO: **1. DECLARE HILLSIDE DRILLING, INC. OF RICHMOND TO BE THE LOWEST RESPONSIBLE BIDDER ON THE PROJECT AND AWARD A CONSTRUCTION CONTRACT TO THIS COMPANY IN THE AMOUNT OF \$209,734; 2. APPROVE CONSTRUCTION OBSERVATION CONTRACT WITH COTTON, SHIRES AND ASSOCIATES, INC. IN THE AMOUNT OF \$27,967; 3. AUTHORIZE THE CITY MANAGER TO EXECUTE BOTH CONTRACTS; 4. AUTHORIZE STAFF TO EXECUTE CHANGE ORDERS TO THE CONSTRUCTION CONTRACT UP TO \$42,299; AND, 5. APPROVE BUDGET ADJUSTMENT RESOLUTION.** MOTION PASSED. AYES: PAGE, CAPPELLO, MILLER, LO, HUNTER. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

9. Landscaping and Lighting Assessment District LLA-1; Preliminary Approval of Engineer's Report for Annexation of a New Zone (Zone 35 – Hill Avenue) 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 annexation of a new zone (Zone 35 – Hill Avenue) to Landscaping and Lighting Assessment District LLA-1 for FY 13-14; and
2. Move to adopt the Resolution of Intention.

RESOLUTIONS NO. 13-025 & 13-026

MILLER/PAGE MOVED TO: **1. ADOPT THE RESOLUTION GRANTING PRELIMINARY APPROVAL OF THE ENGINEER'S REPORT FOR ANNEXATION OF A NEW ZONE (ZONE 35 – HILL AVENUE) TO LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT LLA-1 FOR FY 13-14; AND 2. ADOPT THE RESOLUTION OF INTENTION.** MOTION PASSED. AYES: PAGE, CAPPELLO, MILLER, LO, HUNTER. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

10. Final Map Approval for Two Lots Located at 14584 Horseshoe Drive

Recommended action:

Move to adopt Resolution granting final map approval of tentative map application No. SUB 11-0002 for two lots located at 14584 Horseshoe Drive.

RESOLUTION NO. 13-027

MILLER/PAGE MOVED TO **MOVE TO ADOPT RESOLUTION GRANTING FINAL MAP APPROVAL OF TENTATIVE MAP APPLICATION NO. SUB 11-0002 FOR TWO LOTS LOCATED AT 14584 HORSESHOE DRIVE.**

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

11. Resolution Extending El Quito Park Hours for Movie Night Events

Recommended action:

Approve a resolution allowing El Quito Park to remain open until 10:00 p.m. on June 21, 2013, July 19, 2013, and August 16, 2013 for the Saratoga Summer Movie Nights 2013 events and authorize the Parks and Recreation Commission to seek funds from the Saratoga Monte Sereno Community Foundation to pay for some of the event costs.

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

Administrative Analyst II Mainini Cabute and Parks and Recreation Commissioner Renee Pacquier addressed Council questions.

Mayor Hunter invited public comment on the item.

No one requested to speak.

RESOLUTION NO. 13-028

CAPPELLO/PAGE MOVED TO **APPROVE A RESOLUTION ALLOWING EL QUITO PARK TO REMAIN OPEN UNTIL 10:00 P.M. ON JUNE 21, 2013, JULY 19, 2013, AND AUGUST 16, 2013 FOR THE SARATOGA SUMMER MOVIE NIGHTS 2013 EVENTS AND AUTHORIZE THE PARKS AND RECREATION COMMISSION TO SEEK FUNDS FROM THE SARATOGA MONTE SERENO COMMUNITY FOUNDATION TO PAY FOR SOME OF THE EVENT COSTS.** MOTION PASSED. AYES: PAGE, CAPPELLO, MILLER, LO, HUNTER. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

12. Second Reading to Amend the Zoning Ordinance Regarding Alcohol Sales in Retail Establishments

Recommended action:

Waive the second reading and adopt the ordinance.

Mayor Hunter removed this item from the Consent Calendar.

Mayor Hunter invited public comment on the item.

No one requested to speak.

ORDINANCE NO. 305

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

PUBLIC HEARINGS

13. Annual Fee Schedule Update

Recommended action:

Council to review recommendations for proposed fee update, provide direction to staff, and approve resolution amending the City's Fee Schedule effective for Fiscal Year 2013/14.

Finance and Administrative Services Director Mary Furey presented the staff report on the Annual Fee Schedule Update.

Council Member Page noted several outdated fees in the Fee Schedule.

City Manager Dave Anderson explained that there are several items in the Fee Schedule that are also part of the Code and have consequently not yet been removed. These outdated fees can be included in the annual Code updates that will be brought forward as part of the Community Development Work Plan at the Council Retreat.

Council Member Miller noted that the updated fees and reimbursements associated with removal of dead and dying trees were not included in the fee schedule.

Mayor Hunter invited public comment on the item.

No one requested to speak.

RESOLUTION NO. 13-029

PAGE/MILLER MOVED TO APPROVE **RESOLUTION AMENDING THE CITY'S FEE SCHEDULE EFFECTIVE FOR FISCAL YEAR 2013/14, INCLUDING FEE CHANGES FOR REMOVAL OF DEAD AND DYING TREES.** MOTION PASSED. AYES: PAGE, CAPPELLO, MILLER, LO, HUNTER. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

OLD BUSINESS

None

NEW BUSINESS

14. 1-Year Review of the Sign Ordinance

Recommended action:

Receive report and provide direction to staff.

Community Development Department Planner Cynthia McCormick presented the staff report.

Mayor Hunter invited public comment on the item.

The following people spoke:

Nancy Sallan

Gary Smith

No one else requested to speak.

PAGE/CAPPELLO MOVED TO **DIRECT THE PLANNING COMMISSION TO REVIEW PERMITTED MATERIALS FOR TEMPORARY SIGNS AND DIRECT STAFF TO INCREASE ENFORCEMENT OF TEMPORARY SIGNAGE, PERFORM DIRECTED ENFORCEMENT ON WEEKENDS, AND CONDUCT ENFORCEMENT OF SIGN REGULATIONS IN THE AREA SURROUNDING A SIGN REPORTED TO THE CITY FOR VIOLATING SIGN REGULATIONS.**

Council Member Page requested an amendment to the motion by removing the direction to the Planning Commission to review permitted materials for temporary signs.

Council Member Cappello accepted the amendment.

PAGE/CAPPELLO MOVED **DIRECT STAFF TO INCREASE ENFORCEMENT OF TEMPORARY SIGNAGE, PERFORM DIRECTED ENFORCEMENT ON WEEKENDS, AND CONDUCT ENFORCEMENT OF SIGN REGULATIONS IN THE AREA SURROUNDING A SIGN REPORTED TO THE CITY FOR VIOLATING SIGN REGULATIONS.**

Council Member Miller requested a second amendment to the motion. He asked that the motion include direction to schedule discussion on the materials for temporary signs no later than the City Council Retreat.

Council Member Page and Cappello accepted the amendment.

PAGE/CAPPELLO MOVED **DIRECT STAFF TO INCREASE ENFORCEMENT OF TEMPORARY SIGNAGE, PERFORM DIRECTED ENFORCEMENT ON WEEKENDS, CONDUCT ENFORCEMENT OF SIGN REGULATIONS IN THE AREA SURROUNDING A SIGN REPORTED TO THE CITY FOR VIOLATING SIGN REGULATIONS, AND SCHEDULE COUNCIL DISCUSSION ON THE PERMITTED MATERIALS FOR TEMPORARY SIGNS NO LATER THAN THE CITY COUNCIL RETREAT.** MOTION PASSED. AYES: PAGE, CAPPELLO, MILLER, LO, HUNTER. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

15. Status of Plastic Bag and Expanded Polystyrene Restrictions and Bans

Recommended action:

Direct staff accordingly.

City Clerk Crystal Bothelio presented the informational report.

Council invited Kelly Carroll, Program Manager for the West Valley Clean Water Program, to speak.

Kelly Carroll addressed the City Council.

Mayor Hunter invited public comment on the item.

No one requested to speak.

ADHOC & AGENCY ASSIGNMENT REPORTS

Mayor Jill Hunter

Historical Foundation – the Historical Foundation will be producing an exhibit on Willys Peck.

West Valley Mayors and Managers Association – during the last meeting, consolidation of services was discussed.

Vice Mayor Emily Lo

Library Joint Powers Authority – the Board met last week and discussed two major matters, including the budget and parcel tax renewal. The impact of recent annexations on the boundaries of the District will be reviewed.

Council Member Howard Miller

Santa Clara County Cities Association – Council Member Miller attended the Cities Association meeting on behalf of Council Member Page. During the meeting, the group discussed a variety of matters with a State Assembly Member and State Senator.

Santa Clara Valley Water District Commission – Council Member Miller attended the Water District Commission meeting on behalf of Council Member Lo. During the meeting, wholesale rate increases were approved.

Valley Transportation Authority PAC – VTA is currently recruiting for an executive director. During the meeting in April, the PAC received information about the iTeam concept, which would include locating a CalTran team in Santa Clara County.

West Valley Solid Waste Management Joint Powers Authority – there will be a community meeting on service and contract changes that may result from a contract extension on May 29, 2013 at 7:00 p.m. at the Joan Pisani Community Center. The Authority will be holding a meeting on May 2, 2013. Proposals for executive director services will be reviewed during a closed session.

Council Member Manny Cappello

Let's Move City Ad Hoc – the Ad Hoc met with staff to discuss how the 5 Let's Move City goals can be achieved and the City can maintain its status as a Let's Move City.

Saratoga Chamber of Commerce Contract Review Ad Hoc – the Ad Hoc will be meeting with the Chamber on Friday, May 3, 2013.

SASCC – the contract with SASCC and the City is currently under review. The Board will be identifying ways in which it can continue to serve the needs and interests of the senior community.

Council Member Chuck Page

Association of Bay Area Governments – during the General Assembly meeting, the budget was voted upon. Council Member Page voted in opposition of the budget.
West Valley Sanitation District – on May 8, 2013, the District will be holding a public hearing on proposed rate increases. The rates will still be among some of the lowest sanitation district rates in the area.

CITY COUNCIL ITEMS

Mayor Hunter shared that Terrie Creamer of the Saratoga Monte Sereno Community Foundation suggested canceling the Joint Meeting scheduled for June 2013.

The Council agreed to cancel the Joint Meeting this year.

Mayor Hunter asked if the Council about scheduling a Joint Meeting with the City's neighborhood associations.

The Council requested that the Joint Meeting be scheduled for June 19, 2013.

Council Member Page requested that the Council schedule discussion on food truck regulations.

Mayor Hunter added she would like to schedule discussion on food truck regulations.

Mayor Hunter noted that Council Member Page had requested that discussion on outdoor sidewalk dining be scheduled for a future meeting.

City Manager Dave Anderson shared that the item has been scheduled for an upcoming City Council Meeting.

CITY MANAGER'S REPORT

None

ADJOURNMENT

PAGE/MILLER MOVED TO **ADJOURN THE MEETING AT 11:03 P.M.** MOTION PASSED. AYES: PAGE, CAPPELLO, MILLER, LO, HUNTER. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

Minutes respectfully submitted:

Crystal Bothelio, City Clerk