

**MINUTES  
WEDNESDAY, MAY 15, 2013**

**SARATOGA SPECIAL CITY COUNCIL MEETING**

The City Council adjourned to Closed Session at 5:15 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 Mountain Winery.

**SARATOGA REGULAR CITY COUNCIL MEETING**

Mayor Hunter called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance. She announced that the Council seating arrangement for meeting had been adjusted.

**ROLL CALL**

PRESENT Council Members Manny Cappello, Howard Miller, Vice Mayor  
Emily Lo, Mayor Jill Hunter  
ABSENT: Council Member Chuck Page  
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 May 9, 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**

Trish Cypher thanked Council Member Page for the position he took on the ABAG budget during the General Assembly meeting and provided an overview of several legislative bills.

**Oral Communications - Council Direction to Staff**

None

## **Communications from Boards and Commissions**

Bill Hirshman, one of the Mountain Winery owners, provided an overview of the Joint Meeting with the Mountain Winery, including an announcement about upcoming activities at the Mountain Winery.

## **Council Direction to Staff**

None

## **ANNOUNCEMENTS**

Council Member Miller announced program offerings in the City of Saratoga Recreation Activity guide, including summer programs for children. He also announced that the City will be hosting a guided hike of the quarry property on May 18, 2013 at 9:30 a.m. Additionally, the City is hosting a community meeting on May 29, 2013 at 7:00 p.m. on the garbage and recycling contract.

Vice Mayor Member Lo shared that the Saratoga Library is celebrating its 10<sup>th</sup> anniversary with an event on May 18, 2013 from noon to 4:00 p.m. She also announced that Saratoga Relay for Life will take place on June 1 and 2, 2013. There is still time to register for the event or make a donation. More information is available at [http://relay.acsevents.org/site/TR?fr\\_id=49109&pg=entry](http://relay.acsevents.org/site/TR?fr_id=49109&pg=entry).

Mayor Hunter noted that Hakone is holding the 14<sup>th</sup> Annual Hakone Festival on May 19, 2013 from 11:00 a.m. to 4:00 p.m. Information is available on the Hakone website at [www.hakone.com](http://www.hakone.com). On May 19, 2013, the Saratoga Community Band will also be performing at Wildwood Park. Mayor Hunter also welcomed Boy Scout Troop 566 to the meeting.

## **CEREMONIAL ITEMS**

1. Saratoga-Monte Sereno Community Foundation Commendation

**Recommended action:**

Read and present commendation for the Saratoga-Monte Sereno Community Foundation.

Mayor Hunter read and presented the proclamation for the Saratoga-Monte Sereno Community Foundation.

## **SPECIAL PRESENTATIONS**

None

## **CONSENT CALENDAR**

2. City Council Meeting Minutes

**Recommended action:**

Approve City Council minutes for the Budget Study Session on April 22, 2013 and the Special and Regular City Council Meeting on May 1, 2013.

LO/CAPPELLO MOVED TO APPROVE CITY COUNCIL MINUTES FOR THE BUDGET STUDY SESSION ON APRIL 22, 2013 AND THE SPECIAL AND REGULAR CITY COUNCIL MEETING ON MAY 1, 2013. MOTION PASSED. AYES: CAPPELLO, MILLER, LO, HUNTER. NOES: NONE. ABSENT: PAGE. ABSTAIN: NONE.

3. Review of Accounts Payable Check Registers

**Recommended action:**

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

4/30/2013

5/7/2013

LO/CAPPELLO MOVED TO ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 4/30/2013 AND 5/7/2013. MOTION PASSED. AYES: CAPPELLO, MILLER, LO, HUNTER. NOES: NONE. ABSENT: PAGE. ABSTAIN: NONE.

4. Transportation Development Act (TDA) Article 3 Application for the Saratoga Avenue Walkway Project

**Recommended action:**

Adopt resolution supporting the Metropolitan Transportation Commission's Transportation Development Act Article 3 Pedestrian/Bicycle Grant Application for the Saratoga Avenue Walkway Project.

**RESOLUTION NO. 13-030**

LO/CAPPELLO MOVED TO ADOPT RESOLUTION SUPPORTING THE METROPOLITAN TRANSPORTATION COMMISSION'S TRANSPORTATION DEVELOPMENT ACT ARTICLE 3 PEDESTRIAN/BICYCLE GRANT APPLICATION FOR THE SARATOGA AVENUE WALKWAY PROJECT. MOTION PASSED. AYES: CAPPELLO, MILLER, LO, HUNTER. NOES: NONE. ABSENT: PAGE. ABSTAIN: NONE.

5. Final Map Approval for Five Lots Located at 20400 Hill Avenue

**Recommended action:**

1. Move to adopt Resolution granting final map approval of tentative map application No. SUB 12-0002 for five lots located at 20400 Hill Avenue.

2. Move to authorize the City Manager to execute the Subdivision Improvement Agreement and the Covenant and Agreement for Stormwater Treatment Measures.

**RESOLUTION NO. 13-031**

LO/CAPPELLO MOVED TO: 1) ADOPT RESOLUTION GRANTING FINAL MAP APPROVAL OF TENTATIVE MAP APPLICATION NO. SUB 12-0002 FOR FIVE LOTS LOCATED AT 20400 HILL AVENUE; AND 2) AUTHORIZE THE CITY MANAGER TO EXECUTE THE SUBDIVISION IMPROVEMENT AGREEMENT AND THE COVENANT AND AGREEMENT FOR STORMWATER TREATMENT MEASURES. MOTION PASSED. AYES: CAPPELLO, MILLER, LO, HUNTER. NOES: NONE. ABSENT: PAGE. ABSTAIN: NONE.

6. Noise Element/Ordinance Update Award of Contract

**Recommended action:**

Move to award a contract to Charles M. Salter Associates in the amount of \$41,710 and authorize the City Manager to execute the contract.

LO/CAPPELLO MOVED TO **AWARD A CONTRACT TO CHARLES M. SALTER ASSOCIATES IN THE AMOUNT OF \$41,710 AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE CONTRACT.** MOTION PASSED. AYES: CAPPELLO, MILLER, LO, HUNTER. NOES: NONE. ABSENT: PAGE. ABSTAIN: NONE.

7. Extension of Use Agreement with City of Saratoga for Saratoga Area Senior Coordinating Council

**Recommended action:**

Accept report and approve extending the existing Agreement for Cooperative Program Planning and Use of Facilities with the Saratoga Area Senior Coordinating Council for an additional six months.

LO/CAPPELLO MOVED TO **ACCEPT REPORT AND APPROVE EXTENDING THE EXISTING AGREEMENT FOR COOPERATIVE PROGRAM PLANNING AND USE OF FACILITIES WITH THE SARATOGA AREA SENIOR COORDINATING COUNCIL FOR AN ADDITIONAL SIX MONTHS.** MOTION PASSED. AYES: CAPPELLO, MILLER, LO, HUNTER. NOES: NONE. ABSENT: PAGE. ABSTAIN: NONE.

8. Authorize the Mayor to Sign a Comment Letter on Plan Bay Area and the Draft Environmental Impact Report

**Recommended action:**

Authorize the Mayor to sign the comment letter and direct staff to submit it to ABAG.

Cheriel Jensen removed this item from the Consent Calendar to express support for the letter.

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

**PUBLIC HEARINGS**

9. Zoning Amendment to Modify Building Heights, Setbacks, and Allowed Uses in the Commercial-Visitor and Commercial-Neighborhood Zoning Districts

**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.

Community Development Director James Lindsay presented the staff report and invited Planning Commission Chair Joyce Hlava to speak.

Planning Commission Chair Joyce Hlava spoke about the Planning Commission's recommendation.

Mayor Hunter invited Planning Commission Vice Chair Mary-Lynne Bernald to speak.

Planning Commission Vice Chair Mary-Lynne Bernald spoke.

Mayor Hunter invited public comment on the item.

The following people spoke:

Jeff Walker spoke in opposition to the Planning Commission recommendation.

Jeffery Schwartz spoke in opposition to the Planning Commission recommendation.

Paul Krug spoke in opposition to the Planning Commission recommendation.

Margaret Towns spoke in opposition to the Planning Commission recommendation.

Anita Nettenstrom spoke in opposition to the Planning Commission recommendation.

Chandran Cheriyan spoke in opposition to the Planning Commission recommendation.

Carol Tuckman spoke in opposition to the Planning Commission recommendation.

Cheriel Jensen spoke in opposition to the Planning Commission recommendation.

Nancy Jamello spoke in opposition to the Planning Commission recommendation.

Marcia Fariss spoke in opposition to the Planning Commission recommendation.

Gary Smith spoke in opposition to the Planning Commission recommendation.

Maria Gong spoke in opposition to the Planning Commission recommendation.

Noelle Tardieu spoke in opposition to the Planning Commission recommendation.

Bu-Chin Wang spoke in opposition to the Planning Commission recommendation.

Jim Foley spoke in opposition to the Planning Commission recommendation.

Douglas Sullivan spoke in opposition to the Planning Commission recommendation.

Sandra Blackford spoke in opposition to the Planning Commission recommendation.

Geoff Bradley spoke in support of the Planning Commission recommendation.

Elaine Chan spoke in opposition to the Planning Commission recommendation.

John Kimball spoke in opposition to the Planning Commission recommendation.

Peggy Kimball spoke in opposition to the Planning Commission recommendation.

Bob Shepherd spoke in support of the Planning Commission recommendation.

Jack Mallory spoke in opposition to the Planning Commission recommendation to increase commercial heights in the CV district, but supported the rest of the Planning Commission recommendation.

Nancy Sallan spoke in opposition to the Planning Commission recommendation to increase commercial heights in the CV district, but supported the rest of the Planning Commission recommendation.

Tracy and Justin Fell spoke in opposition to the Planning Commission recommendation.

Marina Huang spoke in opposition to the Planning Commission recommendation.

Bobbi Brendlen spoke in opposition to the Planning Commission recommendation.

Tom Sloan spoke in support of the Planning Commission recommendation.

Paul Hernandez spoke in support of the Planning Commission recommendation.

Harry Grover spoke in opposition to the Planning Commission recommendation.

No one else requested to speak.

**CAPPELLO/MILLER MOVED TO CONTINUE THE PUBLIC HEARING TO THE NEXT REGULAR CITY COUNCIL MEETING AND DIRECTED STAFF TO RETURN WITH ADDITIONAL INFORMATION ABOUT THE FOLLOWING:**

- **OPTIONS TO REMOVE ANY FUTURE RESIDENTIAL UNITS IN THE QUITO VILLAGE SHOPPING CENTER;**
- **PROVIDE INFORMATION ON PERCEIVED HEIGHT OF THE EXISTING AND PROPOSED DEFINITION OF HEIGHT IN THE CV ZONING DISTRICT;**
- **PROVIDE INFORMATION ABOUT DEVELOPMENT AND SQUARE FOOTAGE POTENTIAL FROM HEIGHT LIMIT INCREASES RECOMMENDED BY THE PLANNING COMMISSION; AND**
- **VISUAL EFFECT OF INCREASED FRONT SETBACK OPTIONS.**

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

10. Fiscal Year 2013/14 Proposed Operating & Capital Budget Public Hearing

**Recommended action:**

Conduct a public hearing on the proposed FY 2013/14 Operating & Capital Budget, and provide direction to staff for budget adoption on June 5, 2013.

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

Mayor Hunter invited public comment on the item.

The following person spoke:

Joan Holland

No one else requested to speak.

MILLER/CAPPELLO MOVED TO **DIRECT STAFF TO REVISE THE INFRASTRUCTURE RESERVE POLICY TO INCLUDE AN ALLOCATION OF \$300,000 PER YEAR OF YEAR END NET OPERATIONS EFFECTIVE FISCAL YEAR 2012/13.** MOTION PASSED. AYES: CAPPELLO, MILLER, LO, HUNTER. NOES: NONE. ABSENT: PAGE. ABSTAIN: NONE.

### **OLD BUSINESS**

None

### **NEW BUSINESS**

None

### **ADHOC & AGENCY ASSIGNMENT REPORTS**

#### Mayor Jill Hunter

Mayor Hunter shared she presented a commendation to Austin Holland for earning his Eagle Scout Award. She also congratulated Council Member Cappello and Vice Mayor Lo on completing CERT training. She also shared she gave presentations to both the Odd Fellows and Captains of the Sheriff's Office.

*Hakone Foundation Board* – the Board will be meeting on May 17, 2013.

*Historical Foundation* – the next meeting will be May 16, 2013.

*KSAR Community Access TV Board* – a meeting was held on May 14, 2013 and the Board discussed developing a program that would be offered to children who visit the Saratoga Library on Wednesdays.

#### Vice Mayor Emily Lo

*West Valley Flood Control & Watershed Advisory Committee* – during the last meeting, there was a presentation on a water purification center that is scheduled to open in summer 2013.

#### Council Member Howard Miller

*West Valley Solid Waste Management Joint Powers Authority* – on May 29, 2013, the City is hosting a community meeting on the possible extension of the Authority's contract with West Valley Collection & Recycling. The Authority is also in the process of selecting an Executive Director. A determination will likely happen at the June 2013 meeting.

Council Member Manny Cappello

*Saratoga Chamber of Commerce Contract Review Ad Hoc* – a meeting with the Chamber is scheduled to continue discussions on the contract with the City.

*SASCC* – a subcommittee of SASCC has been reviewing the contract with the City and methodically defining what SASCC is and what services the organization provides.

Council Member Chuck Page

None

**CITY COUNCIL ITEMS**

None

**CITY MANAGER’S REPORT**

City Manager Dave Anderson shared that he and the City Managers of Los Altos Hills and Cupertino gave a presentation to the Captains of the Santa Clara County Sheriff’s Office on May 15, 2013. He also attended the Peace Officers Memorial on May 10, 2013 and the Cities Association Meeting on May 16, 2013.

**ADJOURNMENT**

CAPPELLO/MILLER MOVED TO **ADJOURN THE MEETING AT 10:54 P.M.**  
MOTION PASSED. AYES: CAPPELLO, MILLER, LO, HUNTER. NOES: NONE.  
ABSENT: PAGE. ABSTAIN: NONE.

Minutes respectfully submitted:

Crystal Bothelio, City Clerk