

**MINUTES  
WEDNESDAY, JUNE 5, 2013**

**SARATOGA SPECIAL CITY COUNCIL MEETING**

The City Council adjourned to Closed Session at 5:00 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 Saratoga Traffic Safety Commission.

**SARATOGA REGULAR CITY COUNCIL MEETING**

Mayor Hunter called the meeting to order at 7:00 p.m. and Boy Scout Troop 566 led the Pledge of Allegiance.

**ROLL CALL**

PRESENT Mayor Jill Hunter, Vice Mayor Emily Lo, Councilmembers  
Howard Miller, Manny Cappello, and Chuck Page

ABSENT: None

ALSO PRESENT: Dave Anderson, City Manager  
Richard Taylor, City Attorney  
Debbie Bretschneider, Deputy 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  
Monica LaBossiere, Human Resources Manager  
Chris Riordan, Senior Planner  
Michael Fossati, Planner  
Adam Henig, Recreation Supervisor  
Bridget Eddings, Recreation Coordinator

**REPORT ON POSTING OF AGENDA**

Deputy City Clerk Debbie Bretschneider reported that pursuant to Gov't. Code 54954.2, the agenda for this meeting was properly posted on May 31, 2013.

**REPORT FROM CLOSED SESSION**

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

**COMMUNICATIONS FROM COMMISSIONS & PUBLIC**

### **Oral Communications on Non-Agendized Items**

Trish Cypher thanked KSAR for filming the meeting. As a Board member, she appreciates all they do. She also spoke about Plan Bay Area and urged people to get involved. She directed residents to contact Restore Saratoga for more information.

Lorna Sumaraga and Vy Hoong from the Santa Clara County Public Health Department asked the City Council to pass a resolution to encourage the U. S. Food and Drug Administration to regulate and restrict menthol and flavored tobacco products. They provided the City Council with documents about this issue.

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

Council Member Page requested the Council agendize the tobacco regulation resolution. Council Member Miller seconded.

### **Communications from Boards and Commissions**

Traffic Safety Commission Vice Chair Nancy Kirk provided an overview of the Joint Meeting between the City Council and the Traffic Safety Commission. She shared that speeding is still the biggest concern among Saratoga residents. She also shared that one of the Traffic Safety Commissions accomplishments is the crosswalk improvement on Cox Avenue and announced there is a Grand Opening ceremony on June 6, 2013 at 3:00 p.m.

### **Council Direction to Staff**

None

### **ANNOUNCEMENTS**

Mayor Hunter shared that on June 22, 2013 the Saratoga Village Development Council will be hosting Sidewalk Affair in the Saratoga Village. Many businesses are participating and there will be music and face painting.

Vice Mayor Lo wanted to thank everyone who participated in the June 1-2, 2013 Relay for Life in Saratoga. This has become an annual community event and this year, the event raised \$53,000 for the American Cancer Society.

Council Member Miller suggested that everyone should look in the Saratoga Recreation Activity Guide for ideas for summer camps for children. He also mentioned that a 5 minute video on the Quarry hike is available for viewing on the City's website and on YouTube at [http://www.youtube.com/watch?v=VZUN6LIZvS8&feature=em-upload\\_owner](http://www.youtube.com/watch?v=VZUN6LIZvS8&feature=em-upload_owner).

Council Member Page reported that the ABAG General Assembly will be receiving a report on Plan Bay Area.

## **CEREMONIAL ITEMS**

1. Commendation for Tom Moran

**Recommended action:**

Read and present commendation for Tom Moran.

Mayor Hunter read and presented the proclamation.

2. Commendations for Outgoing Youth Commissioners

**Recommended action:**

Read and present commendations.

Mayor Hunter presented commendations to Mercedes Chien, Kaitlin Finch, Ruchi Pandya, Sierra Smith, and Sarah Tang.

Commissioners presented Staff Liaison Adam Henig a picture of the Youth Commissioners and thanked him for his work with the Commission.

3. Appointment of Youth Commissioners and Oath of Office

**Recommended action:**

Adopt the attached resolution appointing 5 members to the Saratoga Youth Commission and direct the City Clerk to administer the Oath of Office.

### **RESOLUTION NO. 13-032**

MILLER/PAGE MOVED TO **ADOPT THE RESOLUTION APPOINTING 5 MEMBERS TO THE SARATOGA YOUTH COMMISSION AND DIRECT THE DEPUTY CITY CLERK TO ADMINISTER THE OATH OF OFFICE.** MOTION PASSED. AYES: PAGE, CAPPELLO, MILLER, LO, HUNTER. NOES: NONE. ABSTAIN: NONE.

Deputy City Clerk Debbie Bretschneider administered the Oath of Office to Maya Gupta, Allison Lin, Mihir Pandya, Summer Smith, and Jeremy Wang.

## **SPECIAL PRESENTATIONS**

None

## **CONSENT CALENDAR**

4. City Council Meeting Minutes

**Recommended action:**

Approve City Council minutes for the Special and Regular City Council Meeting on May 15, 2013.

CAPPELLO/PAGE MOVED TO **APPROVE CITY COUNCIL MINUTES FOR THE SPECIAL AND REGULAR CITY COUNCIL MEETING ON MAY 15, 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:

5/14/2013

5/21/2013

5/23/2013

5/28/2013

CAPPELLO/PAGE MOVED TO **REVIEW AND ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 5/14/2013, 5/21/2013, 5/23/2013, AND 5/28/2013.** MOTION PASSED. AYES: PAGE, CAPPELLO, MILLER, LO, HUNTER. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

6. Treasurer's Report for the Month Ended April 30, 2013

**Recommended action:**

Review and accept the Treasurer's Report for the month ended April 30, 2013.

CAPPELLO/PAGE MOVED TO **REVIEW AND ACCEPT THE TREASURER'S REPORT FOR THE MONTH ENDED APRIL 30, 2013.** MOTION PASSED. AYES: PAGE, CAPPELLO, MILLER, LO, HUNTER. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

7. Contract Renewal for Geotechnical Consulting Services

**Recommended action:**

Approve a three-year contract with Cotton, Shires, and Associates, Inc. for Geotechnical Engineering Services and authorize City Manager to execute the same.

Vice Mayor Lo removed this item from the Consent Calendar to request additional information.

Public Works Director John Cherbone addressed Council questions.

LO/HUNTER MOVED TO **APPROVE A THREE-YEAR CONTRACT WITH COTTON, SHIRES, AND ASSOCIATES, INC. FOR GEOTECHNICAL ENGINEERING SERVICES AND AUTHORIZE CITY MANAGER TO EXECUTE THE SAME.** MOTION PASSED. AYES: PAGE, CAPPELLO, MILLER, LO, HUNTER. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

8. Contract Renewal for Municipal Traffic Engineering

**Recommended action:**

Approve a three-year contract with Fehr & Peers Associates, Inc. for on-call Traffic Engineering Services and authorize City Manager to execute the same.

CAPPELLO/PAGE MOVED TO **APPROVE A THREE-YEAR CONTRACT WITH FEHR & PEERS ASSOCIATES, INC. FOR ON-CALL TRAFFIC ENGINEERING SERVICES AND AUTHORIZE CITY MANAGER TO EXECUTE THE SAME.**

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

9. Amended Annexation Resolutions for the Congress Spring Quarry Property and Certain Unincorporated Islands

**Recommended action:**

Adopt the amended resolutions approving annexation of properties located within the City's Urban Service Area.

Council Member Miller removed this item from the Consent Calendar to speak about the annexations and the Quarry Property.

**RESOLUTIONS NO. 13-033, 13-034, 13-035**

MILLER/CAPPELLO MOVED TO **ADOPT THE AMENDED RESOLUTIONS APPROVING ANNEXATION OF PROPERTIES LOCATED WITHIN THE CITY'S URBAN SERVICE AREA.** MOTION PASSED. AYES: PAGE, CAPPELLO, MILLER, LO, HUNTER. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

10. Council Resolution to Amend Memorandum of Understanding between the City and the "UNION" (Northern California Carpenters Regional Council, Carpenters Forty Six Counties Conference Board and Their Affiliated Local Unions)

**Recommended action:**

Amend Memorandum of Understanding (July 1, 2011 to June 30, 2015) between the City and the "UNION" (Northern California Carpenters Regional Council, Carpenters Forty Six Counties Conference Board and Their Affiliated Local Unions) by adopting the Side Letter Agreement (Exhibit A).

**RESOLUTION NO. 13-036**

CAPPELLO/PAGE MOVED TO **AMEND MEMORANDUM OF UNDERSTANDING (JULY 1, 2011 TO JUNE 30, 2015) BETWEEN THE CITY AND THE "UNION" (NORTHERN CALIFORNIA CARPENTERS REGIONAL COUNCIL, CARPENTERS FORTY SIX COUNTIES CONFERENCE BOARD AND THEIR AFFILIATED LOCAL UNIONS) BY ADOPTING THE SIDE LETTER**

**AGREEMENT (EXHIBIT A).** MOTION PASSED. AYES: PAGE, CAPPELLO, MILLER, LO, HUNTER. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

11. Fiscal Year 2013/14 Gann Appropriation Limit

**Recommended action:**

Review report and adopt resolution approving the Gann Appropriation Limit for FY 2013/14.

**RESOLUTION NO. 13-037**

CAPPELLO/PAGE MOVED TO **REVIEW REPORT AND ADOPT RESOLUTION APPROVING THE GANN APPROPRIATION LIMIT FOR FY 2013/14.** MOTION PASSED. AYES: PAGE, CAPPELLO, MILLER, LO, HUNTER. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

12. Adoption of Fiscal Year 2013/14 Operating & Capital Budget and the Environmental Impact Assessment for new Capital Improvement Plan projects

**Recommended action:**

- 1. Adopt resolution approving the Proposed FY 2013/14 Operating and Capital Budgets, directing staff to incorporate within the final adopted budget any modifications related to late-breaking changes, minor corrections, carry forward appropriations, refined estimates, grant approvals, claim reimbursements, pass-through appropriations, or additional direction from Council upon adoption of the budget.
- 2. Adopt the attached Environmental Impact Assessment for new projects included in the FY 2013/14 Capital Improvement Plan (CIP) update.

**RESOLUTION NO. 13-038**

CAPPELLO/PAGE MOVED TO **ADOPT RESOLUTION APPROVING THE PROPOSED FY 2013/14 OPERATING AND CAPITAL BUDGETS, DIRECTING STAFF TO INCORPORATE WITHIN THE FINAL ADOPTED BUDGET ANY MODIFICATIONS RELATED TO LATE-BREAKING CHANGES, MINOR CORRECTIONS, CARRY FORWARD APPROPRIATIONS, REFINED ESTIMATES, GRANT APPROVALS, CLAIM REIMBURSEMENTS, PASS-THROUGH APPROPRIATIONS, OR ADDITIONAL DIRECTION FROM COUNCIL UPON ADOPTION OF THE BUDGET AND 2. ADOPT THE ATTACHED ENVIRONMENTAL IMPACT ASSESSMENT FOR NEW PROJECTS INCLUDED IN THE FY 2013/14 CAPITAL IMPROVEMENT PLAN (CIP) UPDATE.** MOTION PASSED. AYES: PAGE, CAPPELLO, MILLER, LO, HUNTER. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

**PUBLIC HEARINGS**

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

**Recommended action:**

Continue the 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.

James Lindsay, Community Development Director, presented the staff report on this item. He noted that written communications received after publication of the agenda packet were passed out to the Council as a desk item.

Mayor Hunter invited public comment on the item.

The following people spoke:

Nancy Jamello spoke in opposition to the Planning Commission recommendation.

Marsha Fariss spoke in opposition to the Planning Commission recommendation.

Ellen Mastman, speaking on behalf of Bob Bussy, spoke in opposition to the Planning Commission recommendation.

Cheriel Jensen spoke in favor of the option in the staff report to remove the allowance for future residential units in the Quito Village shopping center and is opposed to proposed changes in the Gateway area.

Peter Boulton spoke in opposition to the Planning Commission recommendation.

Harry Grover, reading a letter from Jim Foley, spoke in opposition to the Planning Commission recommendation.

Ban Nygaard spoke in opposition to the Planning Commission recommendation.

Charles Butterfield spoke in opposition to the Planning Commission recommendation.

Paul Krug spoke in favor of the option in the staff report to remove the allowance for future residential units in the Quito Village shopping center and is opposed to proposed changes in the Gateway area.

Sandra Blackford stated she liked current conditions in the Gateway area and expressed concerns that proposed problems would increase parking problems.

Dr. Roy Christian spoke in support of the Planning Commission recommendation.

Nancy Kirk, Traffic Safety Commissioner, expressed concerns about safety and an increase in crime.

Susanne Karlak spoke in opposition to the Planning Commission recommendation.

Nancy Sallan spoke in opposition to the Planning Commission recommendation.

Yorke Lee spoke in support of the Planning Commission recommendation.

John Kimble spoke in opposition to the Planning Commission recommendation and stated he wanted Saratoga to maintain its current identify and character.

No one else requested to speak.

Mayor Hunter closed the public comment period.

**CAPPELLO MOVED TO REMOVE THE ALLOWANCE FOR ANY FUTURE RESIDENTIAL UNITS FROM THE QUITO VILLAGE SHOPPING CENTER BY SPLITTING THE CN DISTRICT, INCLUDING DIRECTION TO STAFF TO PREPARE A TEXT AMENDMENT TO SPLIT THE CN DISTRICT INTO TWO SEPARATE DISTRICTS (CN-1 AND CN-2), EXCLUDING MIXED-USE DEVELOPMENTS AS A CONDITIONAL USE IN CN-2; AND (2) PREPARE DOCUMENTS TO REZONE THE PROPERTIES ALONG SARATOGA-SUNNYVALE ROAD AND THE NORTH SIDE OF COX FROM CN TO CN-1 AND REZONE THE PROPERTIES ALONG THE SOUTH SIDE OF COX FROM CN TO CN-2.**

Council Member Cappello withdrew his motion.

**PAGE/MILLER MOVED TO MAKE NO CHANGES TO THE BUILDING HEIGHTS, SETBACKS, AND ALLOWED USES IN THE COMMERCIAL-VISITOR AND COMMERCIAL-NEIGHBORHOOD ZONING DISTRICTS.** MOTION PASSED.  
AYES: PAGE, CAPPELLO, MILLER, LO, HUNTER. NOES: NONE. ABSENT: NONE.  
ABSTAIN: NONE.

The Council thanked the Planning Commission for its efforts in preparing a recommendation on the building heights, setbacks, and allowed uses in the Commercial-Visitor and Commercial-Neighborhood Zoning Districts.

14. Adoption of an Ordinance Applying R-1-40,000 Zoning to an Adjusted 1.09-Acre Parcel Located at 14001 Chester Avenue and Applying AP/OS Overlay Zoning to the Entire 12.86-Acre Site committee (Application ZOA12-0010; APN 397-01-006,007)

**Recommended action:**

Conduct the 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.

Chris Riordan, Senior Planner, presented the staff report.

Mayor Hunter opened the public comment period.

The following people requested to speak:

Ray Hasimoto of HMM Engineers

Dan Gonzales, attorney representing the property owners of 14001 Chester Avenue

No one else requested to speak.

Mayor Hunter closed the public comment period.

**MILLER/PAGE MOVED TO 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. MOTION PASSED. AYES: PAGE, CAPPELLO, MILLER, LO, HUNTER. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.**

15. Landscaping & Lighting Assessment District LLA-1 - Public Hearing, Approval of Engineer's Report, and Confirmation of Assessments for FY 13-14

**Recommended action:**

Move to adopt the Resolution Ordering the Improvements and Confirming the Diagram and Assessments for FY 13-14.

Public Works Director John Cherbone presented the staff report.

Mayor Hunter opened the public comment period.

No one requested to speak.

**RESOLUTION NO. 13-039**

**PAGE/CAPPELLO MOVED TO ADOPT THE RESOLUTION ORDERING THE IMPROVEMENTS AND CONFIRMING THE DIAGRAM AND ASSESSMENTS FOR FY 13-14. MOTION PASSED. AYES: PAGE, CAPPELLO, MILLER, LO, HUNTER. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.**

**OLD BUSINESS**

None

**NEW BUSINESS**

16. Council Direction on the Approval Process for Seating and Dining Areas in the Public Way

**Recommended action:**

Provide direction to staff.

Community Development Director James Lindsay presented the staff report.

Mayor Hunter invited public comment on the item.

No one requested to speak.

**COUNCIL DIRECTION:**

Council directed staff to develop an administrative process that is less expensive and easier to navigate than the process currently used by the City. Staff was also directed to include a revision to allow outdoor sales on public property as a permitted use in the Village maintaining the requirement to obtain an encroachment permit in the 2013 annual code update. Council also directed staff to develop seating guidelines in the future.

17. Council Direction on the Approval Process for Food Trucks

**Recommended action:**

Provide direction to staff.

Community Development Director James Lindsay presented the staff report.

Mayor Hunter invited public comment on the item.

No one requested to speak.

Council decided to take no action at this time, but emphasized that food trucks operating in the City of Saratoga are required to obtain a valid Saratoga Business License.

**ADHOC & AGENCY ASSIGNMENT REPORTS**

Mayor Jill Hunter

Mayor Hunter announced that there will be a Scam Stoppers presentation at City Hall on July 19 in the Senior center.

*Historical Foundation* – the Board still has the special grants from the City in their financial reports. City Manager Dave Anderson will have a meeting with the Board President on this matter. Also, on June 23, 2013, the Historical Museum will have an event honoring the Pecks. Mayor Hunter cannot attend and asked Vice Mayor Lo to attend.

*West Valley Mayors and Managers Association* – the Mayor asked City Manager Dave Anderson to report on the meeting. City Manager Dave Anderson stated that the meeting was held at Saratoga’s Hakone Gardens and included a report on the Recycling and Waste Reduction Commission as well as a vote on whether to reappoint the SVRIA Director.

Vice Mayor Emily Lo

*Hakone Foundation Board* – Board Member Ann WaltonSmith will be going over the by-laws to improve the governance of the Board.

*Library Joint Powers Authority* – the Library JPA Board decided to place renewal of the parcel tax that funds the Library District on the ballot later this summer during a special election. Currently, the parcel tax is appropriately \$33.66 per house per year. The vote on the parcel tax renewal will be conducted by mail-in ballot, which must be returned to the Registrar of Voters by August 27, 2013. The Friends of the Saratoga Libraries donated \$30,000 towards the ballot measure.

Council Member Howard Miller

*West Valley Solid Waste Management Joint Powers Authority* – there was a public meeting on the extension of the current hauler contract at City Hall on May 29, 2013. Los Gatos will have a second community meeting on June 5, 2013.

Council Member Manny Cappello

*SASCC* – Council Member Cappello shared that he attended the SASCC Board meeting and they discussed the budget. The Campbell newspaper will be printing an article on the Senior Center. Additionally, SASCC will be holding an Open House to other Senior Centers.

Council Member Chuck Page

*Sister City Liaison* – The Sister City group will be having an outreach open house in October at the Prospect Center. Next year is the will be the 30<sup>th</sup> anniversary of Saratoga’s sister city partnership with Muko.

**CITY COUNCIL ITEMS**

Council Member Page asked the other Council Members to look at emails sent from the League of California Cities, which include information about legislative bills being considered at the State level. He encouraged his fellow Council Members to show support for bills that advance local government causes.

Council Member Page also noted that Hakone Gardens’ ranking among Japanese gardens in North America has declined and voiced a need for increased awareness and publicity of Hakone Gardens.

Mayor Hunter asked the other members of the Council when they would like to conduct a site visit for an appeal of a Planning Commission decision, which will be coming before the City Council on June 19, 2013. The Council agreed to conduct a site visit on June 18, 2013 at 8:00 a.m.

Mayor Hunter shared that she is calling the members of Saratoga neighborhood and homeowners associations to invite them to the Joint Meeting with the City Council on June 19. She asked that during the meeting, each member of the Council sit at separate tables.

**CITY MANAGER’S REPORT**

City Manager Anderson reported that he and James Lindsay, Community Development Director, attended the Silicon Valley Leadership Group Regional Economic Summit on Friday, May 31, 2013.

He also announced that the City selected Brian Babcock for the Administrative Analyst I in the City Manager’s Office.

**ADJOURNMENT**

Page/Miller moved to adjourn the meeting at 11:15 p.m. MOTION PASSED. AYES: PAGE, CAPPELLO, MILLER, LO, HUNTER. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

Minutes respectfully submitted:

Debbie Bretschneider, Deputy City Clerk