

**MINUTES  
WEDNESDAY, JUNE 19, 2013**

**SARATOGA SPECIAL CITY COUNCIL MEETING**

The City Council held interviews for the Traffic Safety Commission at 4:55 p.m. in the Administrative Conference Room at City Hall at 13777 Fruitvale Avenue. At 5:30 p.m., the Council held a Joint Meeting with Saratoga Neighborhood and Homeowners' Associations in the Saunders Room of the Saratoga Senior Center at 19655 Allendale Avenue.

**SARATOGA REGULAR CITY COUNCIL MEETING**

Mayor Hunter called the meeting to order at 7:03 pm and invited Boy Scout Troop 581 to lead the Pledge of Allegiance.

**ROLL CALL**

PRESENT Mayor Jill Hunter, Vice Mayor Emily Lo, Council Members  
Howard Miller, Manny Cappello, Chuck Page

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  
Adam Henig, Recreation Supervisor  
Michael Fossati, 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 June 14, 2013.

**COMMUNICATIONS FROM COMMISSIONS & PUBLIC**

**Oral Communications on Non-Agendized Items**

Trish Cypher spoke about Plan Bay Area and encouraged the Council to place discussion on Plan Bay Area on a future agenda. She also complimented the City Council for placing the resolution in support of Federal Drug Administration regulation of menthol cigarettes and flavored tobacco products.

Jeff Schwartz spoke about decorum and Council behavior at City Council Meetings.

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

None

## **Communications from Boards and Commissions**

Mayor Hunter provided an overview on the Joint Meeting with the Saratoga Neighborhood and Homeowners' Associations.

## **Council Direction to Staff**

None

## **ANNOUNCEMENTS**

Council Member Miller shared information about recreation programs, including a variety of summer camps, available through the City of Saratoga and encouraged residents to check the Saratoga Recreation Guide for additional information. He also announced Saratoga at the Movies, an outdoor summer movie series held by the City and Parks and Recreation Commission. The first movie will be shown on June 21, 2013 at El Quito Park.

Mayor Hunter shared that the Saratoga History Museum will be holding a reception on June 23, 2013 from 1:00 p.m. to 3:00 p.m. on the exhibit on "Betty and Willys Peck: The Heart of Saratoga." The event is open to the public. Additionally, the Sidewalk Affair will be held in the Village on June 22, 2013.

## **CEREMONIAL ITEMS**

1. Commendation for Michael Wayne Bitner

**Recommended action:**

Read and present commendation for Michael Wayne Bitner.

Mayor Hunter read and presented the proclamation to Michael Wayne Bitner.

## **SPECIAL PRESENTATIONS**

2. Affordable Housing Impact Fee Presentation

**Recommended action:**

Receive presentation

Community Development Director James Lindsay made the presentation on affordable housing impact fees to the City Council.

Council Member Page indicated that he would like staff to roughly estimate what the outcome of an affordable housing impact fee would be in Saratoga.

Council Member Miller added that he would also like staff to return with estimates on the outcome of an affordable housing impact fee, including a long-term estimate of 10-years and accounting for future housing growth potential.

City Manager Dave Anderson confirmed that staff could prepare estimates and return to Council in the fall.

### **CONSENT CALENDAR**

3. City Council Meeting Minutes

**Recommended action:**

Approve City Council minutes for the Special and Regular City Council Meeting on June 5, 2013.

PAGE/LO MOVED TO **APPROVE CITY COUNCIL MINUTES FOR THE SPECIAL AND REGULAR CITY COUNCIL MEETING ON JUNE 5, 2013.**

MOTION PASSED. AYES: HUNTER, LO, MILLER, CAPPELLO, PAGE. 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:

6/4/2013

6/11/2013

PAGE/LO MOVED TO **ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 6/4/2013 AND 6/11/2013.**

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

5. Orchard Well Pump Replacement – Fiscal Year 2012/13 Budget Adjustment

**Recommended action:**

Approve Resolution adjusting Fiscal Year 2012/13 budget to fund replacement of Orchard well pump.

### **RESOLUTION NO. 13-040**

PAGE/LO MOVED TO **APPROVE RESOLUTION ADJUSTING FISCAL YEAR 2012/13 BUDGET TO FUND REPLACEMENT OF ORCHARD WELL PUMP.**

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

6. New AFIS/Cal-ID MOU Reflecting Move of AFIS/Cal-ID Fingerprint Identification System from the City of San Jose to the County

**Recommended action:**

Approve the attached Memorandum of Understanding reflecting the transition of the AFIS/Cal-ID Program from the City of San Jose to the County of Santa Clara and authorize the City Manager to execute the agreement.

PAGE/LO MOVED TO **APPROVE THE ATTACHED MEMORANDUM OF UNDERSTANDING REFLECTING THE TRANSITION OF THE AFIS/CAL-**

**ID PROGRAM FROM THE CITY OF SAN JOSE TO THE COUNTY OF SANTA CLARA AND AUTHORIZE THE CITY MANAGER TO EXECUTE**

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

7. Memorandum of Agreement – Recycling and Waste Reduction Technical Advisory Committee

**Recommended action:**

Approve the attached resolution and authorize the City Manager to execute the Memorandum of Agreement creating the Santa Clara County Recycling and Waste Reduction Technical Advisory Committee.

**RESOLUTION NO. 13-041**

PAGE/LO MOVED TO **APPROVE THE ATTACHED RESOLUTION AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE MEMORANDUM OF AGREEMENT CREATING THE SANTA CLARA COUNTY RECYCLING AND WASTE REDUCTION TECHNICAL ADVISORY COMMITTEE.** MOTION PASSED. AYES: HUNTER, LO, MILLER, CAPPELLO, PAGE. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

8. Civic Theater / Council Chambers Master Plan Award of Contract

**Recommended action:**

Move to award a contract to Anderson-Brule' Architects, Inc. for a Civic Theater / Council Chambers Master Plan in the amount not to exceed \$60,000 and authorize the City Manager to execute the contract.

Mayor Hunter removed this item from the Consent Calendar to indicate that she would not be voting in favor of this item.

Recreation and Facilities Director Michael Taylor addressed Council questions on the item.

Mayor Hunter invited public comment.

No one requested to speak.

PAGE/CAPPELLO MOVED TO **AWARD A CONTRACT TO ANDERSON-BRULÉ' ARCHITECTS, INC. FOR A CIVIC THEATER / COUNCIL CHAMBERS MASTER PLAN IN THE AMOUNT NOT TO EXCEED \$60,000 AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE CONTRACT.** MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE. NOES: HUNTER. ABSENT: NONE. ABSTAIN: NONE.

9. Adoption of an Ordinance Applying R-1-40,000 Zoning to an Adjusted One Acre Parcel Located at 14001 Chester Avenue and Applying AP/OS Overlay Zoning to the Entire Site

**Recommended action:**

Waive the second reading and adopt the proposed ordinance.

**ORDINANCE NO. 306**

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

10. Resolution in Support of Food and Drug Administration (FDA) Regulation of Menthol in Cigarettes and Flavoring in Other Tobacco Products

**Recommended action:**

Approve the attached resolution in support of FDA regulation of menthol in cigarettes and flavoring in other tobacco products.

Council Member Miller requested that this item be removed from the Consent Calendar.

Mayor Hunter invited public comment on the item.

Vy Hoang with the Tobacco Free Coalition spoke in support of the resolution.

Patsy Cortez with the Tobacco Free Coalition spoke in support of the resolution.

PAGE/MILLER MOVED TO **APPROVE THE ATTACHED RESOLUTION IN SUPPORT OF FDA REGULATION OF MENTHOL IN CIGARETTES AND FLAVORING IN OTHER TOBACCO PRODUCTS.** MOTION PASSED. AYES: HUNTER, LO, MILLER, CAPPELLO, PAGE. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

11. League of California Cities Annual Conference Designated Voter

**Recommended action:**

Designate Council Member Chuck Page as the voting delegate and City Manager Dave Anderson as the City of Saratoga voting delegate alternate at the 2013 League of California Cities Annual Conference.

PAGE/LO MOVED TO **DESIGNATE COUNCIL MEMBER CHUCK PAGE AS THE VOTING DELEGATE AND CITY MANAGER DAVE ANDERSON AS THE CITY OF SARATOGA VOTING DELEGATE ALTERNATE AT THE 2013 LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE.** MOTION PASSED. AYES: HUNTER, LO, MILLER, CAPPELLO, PAGE. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

12. Agreement with the Saratoga Chamber of Commerce

**Recommended action:**

Approve the agreement.

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

**PUBLIC HEARINGS**

13. Appeal of the Planning Commission's Denial of a Proposed Two-Story Building with Medical Offices and Day Care Uses at 12250 Saratoga-Sunnyvale Road

**Recommended action:**

Conduct a public hearing and adopt a resolution upholding or denying the appeal.

Community Development Planner Michael Fossati presented the staff report on the item.

Planning Commission Chair Joyce Hlava addressed the Council and provided an overview of the Planning Commission's decision to deny the proposed two-story building.

Mayor Hunter invited Yorke Lee, the applicant and appellant, to provide his opening remarks.

Les Meu, architect with George Meu Associates, spoke on Yorke Lee's behalf.

Yorke Lee spoke and concluded opening remarks on his proposed project and appeal of the Planning Commission decision.

Council Member Cappello asked Steve Hough, the traffic engineer hired by Yorke Lee, to provide additional information about the analysis that he performed.

Steve Hough, traffic consultant with MPH Traffic Consulting, addressed the City Council.

Katy Cole with Fehr and Peers, the City of Saratoga's traffic consultant, spoke about the peer review of the traffic study conducted by Steve Hough.

Mayor Hunter invited public comments on the item.

The following people requested to speak:

Marcia Fariss spoke in favor of denying the appeal.

Trish Cypher spoke in favor of denying the appeal.

Jeff Walker spoke in favor of denying the appeal.

Planning Commission Vice Chair Mary Lynne Bernald spoke about the Planning Commission's decision on the project and urged the Council to send the project back to the Planning Commission if the Council upholds the appeal.

Jeff Schwartz spoke in favor of denying the appeal.

Gay Pang spoke in favor of denying the appeal and shared a traffic impact analysis that he prepared based on the proposed project.

Jim Foley of Restore Saratoga spoke in favor of denying the appeal.

Ben Nygaard spoke in favor of denying the appeal.

Stan Bogosian spoke in favor of denying the appeal.

Peg Towns spoke in favor of denying the appeal.

Joe Marvin spoke in favor of denying the appeal.

Awinash Sinha spoke in favor of denying the appeal.

Li Sun spoke in favor of upholding the appeal.

Jack Mallory spoke in favor of denying the appeal.

Larry West spoke in favor of denying the appeal.

Planning Commission Tina Walia spoke about the Planning Commissions decision and encouraged the City Council to send the project back to the Planning Commission for further review and analysis if the appeal is upheld.

Council Member Miller asked Gay Pang to return to the podium to answer questions from the Council.

Gay Pang addressed the Council and provided additional information about the methodology for his traffic analysis.

Council Member Cappello requested additional information from Steve Hough.

Steve Hough addressed the Council.

Council Member Miller invited Katy Cole to the podium and asked additional questions about peer review standards.

Katy Cole addressed the Council.

Community Development Director James Lindsay also addressed the Council to answer questions about the proposed project and appeal.

City Attorney Richard Taylor responded to Council questions on the appeal process.

Mayor Hunter invited the appellant and applicant to make closing remarks.

Yorke Lee made his closing remarks.

Mayor Hunter closed the public hearing.

PAGE/MILLER MOVED TO **CONTINUE THE PUBLIC HEARING TO THE REGULAR MEETING ON AUGUST 21, 2013 AND HOLD A JOINT STUDY SESSION WITH THE PLANNING COMMISSION PRIOR TO THE AUGUST 21 MEETING TO REVIEW THE PROPOSED DAY CARE USE AND APPARENT BULK AND HEIGHT ISSUES WITH THE BUILDING DESIGN.** MOTION PASSED. AYES: HUNTER, LO, MILLER, CAPPELLO, PAGE. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

At this time, the City Council took a short break.

14. Resolution Ordering Abatement of a Public Nuisance by Removal of Hazardous Vegetation (Brush)

**Recommended action:**

1. Open public hearing, listen to public testimony, and close public hearing; and
2. Adopt resolution overruling objections and ordering hazardous vegetation abatement (brush).

City Clerk Crystal Bothelio presented the staff report on the item.

Senior Deputy Fire Marshall Ryan Rucker with the Santa Clara County Fire Department addressed Council questions regarding the brush abatement program.

Mayor Hunter invited public comment on the item.

No one requested to speak.

**RESOLUTION NO. 13-044**

PAGE/LO MOVED TO **OPEN THE PUBLIC HEARING, LISTEN TO PUBLIC TESTIMONY, AND CLOSE PUBLIC HEARING; AND ADOPT RESOLUTION OVERRULING OBJECTIONS AND ORDERING HAZARDOUS VEGETATION ABATEMENT (BRUSH).** MOTION PASSED. AYES: HUNTER, LO, MILLER, CAPPELLO, PAGE. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

15. Landscaping & Lighting Assessment District LLA-1 - Public Hearing for Proposition 218 Protest Election for the Annexation a New Zone (Hill Avenue) 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 on the item.

Mayor Hunter invited public comment on the item.

The following person spoke:

Ben Nygaard

No one else requested to speak.

**RESOLUTION NO. 13-045**

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

**OLD BUSINESS**

None

## NEW BUSINESS

### 16. Heritage Tree Inventory

**Recommended action:**

Adopt a resolution establishing the City's Heritage Tree Inventory.

Cynthia McCormick, Planner in the Community Development Department, presented the staff report.

Heritage Preservation Commissioner Paula Cappello spoke about the Heritage Tree Inventory.

Mayor Hunter invited public comment on the item.

No one requested to speak.

### **RESOLUTION NO. 13-046**

PAGE/MILLER MOVED TO **ADOPT A RESOLUTION ESTABLISHING THE CITY'S HERITAGE TREE INVENTORY**. MOTION PASSED. AYES: HUNTER, LO, MILLER, CAPPELLO, PAGE. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

### 17. Summer 2013 Issue of The Saratogan

**Recommended action:**

Accept report and direct staff accordingly.

Administrative Analyst II Mainini Cabute presented the staff report.

Council Member Page suggested an article on long-term waste reduction efforts instead of the long-term trash plan. He also suggested that the next issue include articles on issues that were discussed during the Joint Meeting with Saratoga Neighborhood and Homeowners Associations, such as wildlife in Saratoga.

Council Member Lo suggested that the newsletter include safety tips on traffic, thefts on campus, or other school related matters for the start of the school year in the late summer and early fall.

Council Member Page suggested using a service like Constant Contact to distribute the newsletter electronically.

Mayor Hunter suggested an article on former Mayor Don Wolf, who recently passed away.

Council Members Page and Cappello also supported this idea.

Council Members Miller and Page recommended removing the article on summer recreation classes.

Mayor Hunter invited public comment on the item.

No one requested to speak.

## **ADHOC & AGENCY ASSIGNMENT REPORTS**

### Mayor Jill Hunter

Mayor Hunter shared she attended a dinner with Santa Clara County Supervisor Joe Simitian and that he will be at the Farmers Market on Saturday to speak with constituents.

*KSAR Community Access TV Board* – the Board recently met and is working on a number of interesting things.

### Vice Mayor Emily Lo

*Hakone Foundation Board* – the Board had a reception to welcome delegates from the sister garden from Nigata, which is northwest of Tokyo. The Saratoga Sister City delegation plans to visit the sister garden as part of the next trip to Muko, Japan.

### Council Member Howard Miller

*Council Finance Committee* – the City recently received and evaluated proposals for audit services and has narrowed the selection down to 3 firms. Approval of an agreement for audit services is scheduled for the next City Council meeting.

*Valley Transportation Authority PAC* – at the last meeting, CalTrain funding issues in San Mateo County were discussed. Additionally, it was announced that the 237 Express Lane project received the California Transit Award of the Year. Plan Bay Area was also discussed.

*West Valley Solid Waste Management Joint Powers Authority* – the Board is currently in negotiations for executive director services and plans to approve an agreement at the next regular meeting.

### Council Member Manny Cappello

*Chamber of Commerce* – 3 members of the Chamber's Youth Council attended the last meeting. The Chamber hopes to establish several projects that the Youth Council can work on to become more integrated into the business community. The Youth Council recently assisted with the May wine stroll. Council Member Cappello also shared that annual car show will be held on July 21, 2013.

*Saratoga Chamber of Commerce Contract Review Ad Hoc* – Council Member Cappello suggested removing the Ad Hoc from the list of Council assignments now that the contract with the Chamber has been approved. Mayor Hunter concurred.

### Council Member Chuck Page

*Santa Clara County Cities Association* – during the last meeting there were several interesting discussion topics, including potential changes to membership dues.

*West Valley Sanitation District* – Council Member Page shared information about a property that was connected to the West Valley Sanitation District without paying service or connection fees and how the matter was resolved. He also provided an update on the San Jose-Santa Clara Regional Wastewater Treatment Plant Advisory Committee.

## **CITY COUNCIL ITEMS**

Council Member Page requested that discussion on Council meeting decorum be scheduled for a future City Council meeting.

Council Member Miller supported the request.

## **CITY MANAGER’S REPORT**

City Manager Dave Anderson shared that he met with the General Manager of the West Valley Sanitation District. During the meeting, the two discussed the San Jose-Santa Clara Regional Wastewater Treatment Plant. He also provided an update on the Santa Clara County City Manager’s Association, which discussed development of a new Operational Area Council for emergency services. City Manager Dave Anderson also shared that he met with representatives of other West Valley cities and the Santa Clara County Fire Chief on development of a work plan for emergency services.

Mayor Hunter asked the other members of the Council when they would be available for a joint study session with the Planning Commission on the design guidelines.

The Council agreed to meet on September 9, 2013.

## **ADJOURNMENT**

PAGE/MILLER MOVED TO **ADJOURN THE MEETING AT 12:43 A.M.** MOTION PASSED. AYES: HUNTER, LO, MILLER, CAPPELLO, PAGE. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

Minutes respectfully submitted:

Crystal Bothelio, City Clerk