

**MINUTES
WEDNESDAY, SEPTEMBER 18, 2013**

SARATOGA SPECIAL CITY COUNCIL MEETING

The City Council held Closed Session at 5:30 p.m. in the Administrative Conference Room at City Hall at 13777 Fruitvale Avenue. At 5:45 p.m., the Council conducted interviews for the Traffic Safety Commission. At 6:00 p.m., the Council called to order the Joint Meeting with the West Valley College, including the College President, West Valley-Mission Community College District Board of Trustees, and West Valley-Mission Community College District Chancellor.

SARATOGA REGULAR CITY COUNCIL MEETING

Mayor Hunter called the meeting to order at 7:02 p.m. and led the Pledge of Allegiance.

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
Christopher Riordan, Senior Planner
Brian Babcock, Administrative Analyst I
Debbie Bretschneider, Deputy City Clerk

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 September 12, 2013.

REPORT FROM CLOSED SESSION

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

COMMUNICATIONS FROM COMMISSIONS & PUBLIC

Oral Communications on Non-Agendized Items

None

Oral Communications - Council Direction to Staff

None

Communications from Boards and Commissions

Brad Davis, President of West Valley College, provided an overview of the Council's Joint Meeting with the West Valley College Board of Trustees. He also noted the great partnership between West Valley College and the City of Saratoga.

The Council thanked Brad Davis and the College for being such great partners in the community.

Council Direction to Staff

None

ANNOUNCEMENTS

Mayor Hunter announced that the City is accepting applications for the Heritage Preservation Commission. Applications are due November 21, 2013. The City is also accepting applications for the Parks and Recreation Commission with applications due October 8, 2013 and the Library Commission with applications due October 29, 2013. She then announced that Heritage Day will be on September 28, 2013 from noon to 4:00 p.m. in the Village. The event will feature 25 to 30 people dressed as historical figures from Saratoga's past. The event is free and open to the public and a great way to learn about Saratoga history.

CEREMONIAL ITEMS

1. Appointment of Library Commissioner and Oath of Office

Recommended action:

Adopt the attached resolution appointing Linda Baxter to the Library Commission as the City of Monte Sereno representative and direct the City Clerk to administer the Oath of Office.

RESOLUTION NO. 13-062

MILLER/CAPPELLO MOVED TO ADOPT THE ATTACHED RESOLUTION APPOINTING LINDA BAXTER TO THE LIBRARY COMMISSION AS THE CITY OF MONTE SERENO REPRESENTATIVE. MOTION PASSED. AYES: HUNTER, LO, MILLER, CAPPELLO. NOES: NONE. ABSENT: PAGE. ABSTAIN: NONE.

2. Proclamations for 2013 Synopsys Silicon Valley Science and Technology Championship Participants from Saratoga

Recommended action:

Present proclamations to Saratoga students who participated in the Synopsys Silicon Valley Science and Technology Championship in 2013.

Mayor Hunter presented the proclamations to the participants from the City of Saratoga in the 2013 Synopsys Silicon Valley Science and Technology Championship.

SPECIAL PRESENTATIONS

None

CONSENT CALENDAR

3. City Council Meeting Minutes

Recommended action:

Approve City Council minutes for the Special and Regular City Council Meeting on September 4, 2013.

MILLER/CAPPELLO MOVED TO **APPROVE CITY COUNCIL MINUTES FOR THE SPECIAL AND REGULAR CITY COUNCIL MEETING ON SEPTEMBER 4, 2013.** MOTION PASSED. AYES: HUNTER, LO, MILLER, CAPPELLO. NOES: NONE. ABSENT: PAGE.

4. Review of Accounts Payable Check Registers

Recommended action:

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

9/3/2013 Period 3

9/10/2013 Period 3

MILLER/CAPPELLO MOVED TO **ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 9/3/2013 PERIOD 3; AND 9/10/2013 PERIOD 3.** MOTION PASSED. AYES: HUNTER, LO, MILLER, CAPPELLO. NOES: NONE. ABSENT: PAGE.

5. Treasurer's Report for the Month Ended July 31, 2013

Recommended action:

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

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

6. Agreement Concerning Joint Use of Campbell Union High School District Property (Prospect High School)

Recommended action:

Approve Joint Use Agreement with Campbell Union High School District for use of District Property and authorize the City Manager to execute the same.

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

Public Works Director John Cherbone addressed Council questions.

LO/CAPPELLO MOVED TO **APPROVE JOINT USE AGREEMENT WITH CAMPBELL UNION HIGH SCHOOL DISTRICT FOR USE OF DISTRICT PROPERTY AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE SAME.** MOTION PASSED. AYES: HUNTER, LO, MILLER, CAPPELLO. NOES: NONE. ABSENT: PAGE.

7. Review the Housing Element Progress Report & Consider Recommendations from the Finance Subcommittee

Recommended action:

Section 65400 of the California Government Code requires the City to file an annual report with the State Department of Housing and Community Development (HCD) addressing the progress made toward implementing the policy actions contained within the current General Plan Housing Element.

MILLER/CAPPELLO MOVED TO **ACCEPT THE HOUSING ELEMENT PROGRESS REPORT & CONSIDER RECOMMENDATIONS FROM THE FINANCE SUBCOMMITTEE.** MOTION PASSED. AYES: HUNTER, LO, MILLER, CAPPELLO. NOES: NONE. ABSENT: PAGE.

PUBLIC HEARINGS

8. Annual City Code Update

Recommended action:

1. Conduct a public hearing.
2. Introduce and waive the first reading of the attached ordinance amending various sections of the City Code and direct staff to place the ordinance on the consent calendar for adoption at the next regular meeting of the City Council.

Christopher Riordan, Senior Planner in the Community Development Department, presented the staff report.

Mayor Hunter invited public comment.

No one requested to speak.

CAPPELLO/MILLER MOVED TO: **1) CONDUCT A PUBLIC HEARING; AND 2) INTRODUCE AND WAIVE THE FIRST READING OF THE ATTACHED ORDINANCE AMENDING VARIOUS SECTIONS OF THE CITY CODE AND DIRECT STAFF TO PLACE THE ORDINANCE ON THE CONSENT CALENDAR FOR ADOPTION AT THE NEXT REGULAR MEETING OF THE CITY COUNCIL WITH THE FOLLOWING CHANGES:**

- **UNDER THE PROPOSED CHANGES TO NONCONFORMING STRUCTURES DESTROYED BY NATURAL DISASTERS SUCH AS FIRE, UPDATE THE ORDINANCE TO READ THAT RECONSTRUCTION OF THE NONCONFORMING STRUCTURE IS ALLOWED WHEN AT LEAST 25% OF THE STRUCTURE REMAINS. IF LESS THAN 25% OF THE STRUCTURE REMAINS, IT IS SUBJECT TO REVIEW BY THE PLANNING COMMISSION.**
- **AMEND THE PROPOSED CHANGE TO SUBTERRANEAN STRUCTURES TO COUNT 50% OF SUBTERRANEAN STRUCTURES TOWARDS ALLOWABLE SITE COVERAGE.**

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

OLD BUSINESS

None

NEW BUSINESS

9. City Median Banner Policy

Recommended action:

Approve the resolution establishing the Median Banner Policy and direct staff to install the infrastructure for banners and bring forward a City Code amendment prohibiting banners and other signs in City medians except in accordance with this policy.

Brian Babcock, Administrative Analyst I in the City Manager's Office, presented the staff report.

Mayor Hunter invited public comment on the item.

The following people requested to speak:

Gary Smith, President of the Saratoga Chamber of Commerce

Aaron, Prospect High School Student

Vanessa, Prospect High School Student

No one else requested to speak.

Council Member Miller said he felt that the section on Permissible Banners in the policy was a little unclear and requested that staff clarify this section of the policy.

City Attorney Richard Taylor suggested clarifying language.

RESOLUTION NO. 13-063

LO/CAPPELLO MOVED TO APPROVE THE RESOLUTION ESTABLISHING THE MEDIAN BANNER POLICY; AMEND THE PERMISSIBLE BANNERS SECTION OF THE POLICY TO READ "PRIVATE BANNERS PLACED IN CITY MEDIANS MUST ANNOUNCE AN EVENT THAT (1) IS NON-COMMERCIAL; (2) WILL BE HELD IN SARATOGA; (3) IS OPEN TO THE GENERAL PUBLIC AND (4) IS HELD BY EITHER (A) A NON-PROFIT ORGANIZATION; (B) AN INDIVIDUAL OR GROUP WITHOUT CHARGE; OR (C) AN INDIVIDUAL OR GROUP WITH A CHARGE FOR THE PURPOSE OF COST-RECOVERY OR RAISING FUNDS ON BEHALF OF A NON-PROFIT ORGANIZATION. A NON-COMMERCIAL EVENT IS AN EVENT THAT DOES NOT PROMOTE A BUSINESS OR THE SALE OF A GOOD, SERVICE, OR OTHER COMMODITY"; DIRECT STAFF TO INSTALL THE INFRASTRUCTURE FOR BANNERS, TO BE PAID FOR USING COUNCIL DISCRETIONARY FUNDS; BRING FORWARD A CITY CODE AMENDMENT PROHIBITING BANNERS AND OTHER SIGNS IN CITY MEDIANS EXCEPT IN ACCORDANCE WITH THIS POLICY; AND SCHEDULE THE MEDIAN BANNER POLICY TO BE REVIEWED BY THE

CITY COUNCIL IN ONE YEAR. MOTION PASSED. AYES: HUNTER, LO, MILLER, CAPPELLO. NOES: NONE. ABSENT: PAGE.

10. Tree City USA Signs

Recommended action:

Approve design and budget for two new Tree City USA signs.

Public Works Director John Cherbone presented the staff report.

Mayor Hunter invited public comment on the item.

The following people requested to speak:

Aaron, Prospect High School Student

Vanessa, Prospect High School Student

No one else requested to speak.

MILLER/CAPPELLO MOVED TO **APPROVE DESIGN AND BUDGET FOR TWO NEW TREE CITY USA SIGNS WITH THE FOLLOWING CHANGES: 1) MAKE AND INSTALL 4 SIGNS, PLACE SIGNS IN PROMINENT LOCATIONS ON CITY MEDIANS AND RETURN TO COUNCIL WITH SIGN DESIGN AND PLACEMENT OPTIONS.** MOTION PASSED. AYES: HUNTER, LO, MILLER, CAPPELLO. NOES: NONE. ABSENT: PAGE.

ADHOC & AGENCY ASSIGNMENT REPORTS

Mayor Jill Hunter

Mayor Hunter commented that next month, the Council will be holding its joint meeting with Saratoga schools. Consequently, Mayor Hunter said she has been visiting each of the schools to talk to the principals about the meeting and to create a positive exchange on October 2, 2013.

Hakone Foundation Board – the next meeting will be Friday, September 20, 2013.

Historical Foundation – the Board meets again on September 19, 2013. There will be a fundraising barbeque on September 29, 2013 at Hakone Gardens. It should be a beautiful event.

Vice Mayor Emily Lo

West Valley Flood Control & Watershed Advisory Committee – on September 5, the committee participated in a tour of some of the Water District's projects and watershed areas.

Council Member Howard Miller

Valley Transportation Authority PAC – during the last meeting, the PAC received an update on the Executive Director recruitment process. Additionally, the PAC was informed that transit use is now above pre-recession levels. The greatest area of growth is use of the new express buses. Discussion on the express lanes in Santa Clara Valley is also to be scheduled.

Council Member Manny Cappello

Council Member Cappello stated he had nothing to report.

Council Member Chuck Page

Council Member Page was absent and consequently did not provide a report.

CITY COUNCIL ITEMS

None

CITY MANAGER'S REPORT

City Manager Dave Anderson reported that he would be at the Annual League of California Cities Conference with Council Member Page on Thursday and Friday.

ADJOURNMENT

CAPPELLO/MILLER MOVED TO **ADJOURN THE MEETING AT 9:27 P.M.**
MOTION PASSED. AYES: HUNTER, LO, MILLER, CAPPELLO. NOES: NONE.
ABSENT: PAGE.

Minutes respectfully submitted:

Crystal Bothelio, City Clerk