

**MINUTES  
WEDNESDAY, OCTOBER 2, 2013**

**SARATOGA SPECIAL CITY COUNCIL MEETING**

The City Council held 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 Council called to order the Joint Meeting with representatives of Saratoga schools.

**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 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  
Kate Bear, City Arborist  
Macedonio Nunez, Public Works Department Engineer

**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 26, 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**

Kathleen King announced the Silicon Valley Turkey Trot on Thanksgiving Day in downtown San Jose. The event includes a 5K and 10K and benefits Second Harvest Food Bank, Housing Trust Silicon Valley, and Healthier Kids Foundation Santa Clara County. For more information and to register, visit <http://svturkeytrot.com/>.

Trish Cypher provided the Council with an update on Senate Bill 1 and Senate Bill 792. She also spoke about the Association of Bay Area Governments and its ability to advocate for or against legislation.

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

None

## **Communications from Boards and Commissions**

Cynthia Chang, Board Member of the Los Gatos Saratoga Union School District, provided an overview of the Council's Joint Meeting with representatives of Saratoga schools and also invited the public to a Rotary International fundraising concert on Saturday, October 5, 2013 at the Heritage Theater in Campbell.

## **Council Direction to Staff**

None

## **ANNOUNCEMENTS**

Council Member Lo announced the Quad-Chamber mixer on October 3, 2013 at Los Gatos Lodge from 5:30 p.m. to 7:00 p.m.

Mayor Hunter announced Witchy Walk-A-Bout on October 26, 2013 from 2:00 p.m. to 4:00 p.m. in Saratoga Village. More information is available online at <http://saratogavillage.info/>.

## **CEREMONIAL ITEMS**

1. Commendation for Saratoga Union School District Superintendent Lane Weiss  
**Recommended action:**  
Read and present commendation recognizing Saratoga Union School District Superintendent Lane Weiss.

Mayor Hunter read and presented the commendation to Saratoga Union School District Superintendent Lane Weiss.

## **SPECIAL PRESENTATIONS**

None

## **CONSENT CALENDAR**

2. City Council Meeting Minutes  
**Recommended action:**  
Approve City Council minutes for the Study Session on September 9, 2013 and the Special and Regular City Council Meeting on September 18, 2013.

CAPPELLO/PAGE MOVED TO **APPROVE CITY COUNCIL MINUTES FOR THE STUDY SESSION ON SEPTEMBER 9, 2013 AND THE SPECIAL AND REGULAR CITY COUNCIL MEETING ON SEPTEMBER 18, 2013.** MOTION PASSED. AYES: HUNTER, LO, MILLER, CAPPELLO, PAGE. NOES: NONE. ABSENT: NONE.

3. Review of Accounts Payable Check Registers

**Recommended action:**

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

9/17/2013 Period 3

CAPPELLO/PAGE MOVED TO **ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 9/17/2013 PERIOD 3.** MOTION PASSED. AYES: HUNTER, LO, MILLER, CAPPELLO, PAGE. NOES: NONE. ABSENT: NONE.

4. Annual City Code Update

**Recommended action:**

Waive the second reading and adopt the proposed ordinance.

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

Community Development Director James Lindsay addressed Council questions.

Mayor Hunter invited public comment on the item.

No one requested to speak.

**ORDINANCE NO. 307**

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

5. Declaration of Surplus Vehicles and Authorization of their Disposal

**Recommended action:**

1. Move to declare the following vehicles as surplus and authorize their disposal

- Vehicle # 101, 2002 Ford F-150 CNG Truck (Compressed Natural Gas)
- Vehicle #99, 2002 Ford F-150 CNG Truck ( Compressed Natural Gas)

CAPPELLO/PAGE MOVED TO **DECLARE THE FOLLOWING VEHICLES AS SURPLUS AND AUTHORIZE THEIR DISPOSAL: VEHICLE # 101, 2002 FORD F-150 CNG TRUCK (COMPRESSED NATURAL GAS); AND VEHICLE #99, 2002 FORD F-150 CNG TRUCK ( COMPRESSED NATURAL GAS).** MOTION PASSED. AYES: HUNTER, LO, MILLER, CAPPELLO, PAGE. NOES: NONE. ABSENT: NONE.

6. Cox Avenue Pedestrian Crossing Project– Notice of Completion

**Recommended action:**

Move to accept the Cox Avenue Pedestrian Crossing Project as complete and authorize staff to record the Notice of Completion for the construction contract.

CAPPELLO/PAGE MOVED TO **ACCEPT THE COX AVENUE PEDESTRIAN CROSSING PROJECT AS COMPLETE AND AUTHORIZE STAFF TO RECORD THE NOTICE OF COMPLETION FOR THE CONSTRUCTION**

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

7. 2013 Pavement Management Program and Proposition 1B State Grant – Award of Construction Contract

**Recommended action:**

1. Move to declare G. Bortolotto & Co. Inc. to be the lowest responsible bidder on the project.
2. Move to award a construction contract to G. Bortolotto & Co. Inc. in the amount of \$625,205.53
3. Move to authorize staff to execute change orders to the contract up to \$62,500.

Council Member Miller removed this item from the Consent Calendar to request additional information about the project and explained he felt that the item needed further discussion due to the large dollar value of the contract.

Public Works Director John Cherbone provided additional information about the item.

Mayor Hunter invited public comment on the item.

The following person spoke:

Trish Cypher

No one else requested to speak.

MILLER/PAGE MOVED TO: **DECLARE G. BORTOLOTTO & CO. INC. TO BE THE LOWEST RESPONSIBLE BIDDER ON THE PROJECT; AWARD A CONSTRUCTION CONTRACT TO G. BORTOLOTTO & CO. INC. IN THE AMOUNT OF \$625,205.53; AND AUTHORIZE STAFF TO EXECUTE CHANGE ORDERS TO THE CONTRACT UP TO \$62,500.** MOTION PASSED. AYES: HUNTER, LO, MILLER, CAPPELLO, PAGE. NOES: NONE. ABSENT: NONE.

8. Saratoga Village Pedestrian Enhancements Phase 2 – Award of Construction Contract

**Recommended action:**

1. Approve Budget Resolution.
2. Move to declare Guerra Construction Group of Santa Clara to be the lowest responsible bidder on the project.
3. Move to award a construction contract to Guerra Construction Group in the amount of \$980,559 and authorize the City Manager to execute the same.
4. Move to authorize staff to execute change orders to the contract up to \$77,303.

Council Member Miller removed this item from the Consent Calendar, because he felt it was an item of interest to the public and wanted an overview of the item to be presented during the meeting.

Public Works Director John Cherbone provided an overview of the item.

Mayor Hunter invited public comment on the item.

The following person requested to speak:

Trish Cypher

No one else requested to speak.

#### **RESOLUTION NO. 13-064**

**MILLER/PAGE MOVED TO: APPROVE BUDGET RESOLUTION; DECLARE GUERRA CONSTRUCTION GROUP OF SANTA CLARA TO BE THE LOWEST RESPONSIBLE BIDDER ON THE PROJECT; AWARD A CONSTRUCTION CONTRACT TO GUERRA CONSTRUCTION GROUP IN THE AMOUNT OF \$980,559 AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE SAME; AND AUTHORIZE STAFF TO EXECUTE CHANGE ORDERS TO THE CONTRACT UP TO \$77,303. MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE. NOES: HUNTER. ABSENT: NONE.**

#### **PUBLIC HEARINGS**

None

#### **OLD BUSINESS**

##### 9. Civic Theater / Council Chambers Master Plan Presentation

###### **Recommended action:**

Review and accept the Civic Theater / Council Chambers Master Plan presented by Anderson-Brule' Architects, Inc.

Recreation and Facilities Director Michael Taylor presented the staff report then introduced Pam Anderson-Brule', Kim Masleid, and Rose Steele with Anderson-Brule' Architects, Inc. to present the Civic Theater / Council Chambers Master Plan.

Pam Anderson-Brule', Kim Masleid, and Rose Steele with Anderson-Brule' Architects, Inc. addressed the Council.

Mayor Hunter invited public comment on the item.

The following people spoke:

Ed Hand, President of West Valley Light Opera

John Wegner

No one else requested to speak.

**PAGE/MILLER MOVED TO ACCEPT THE CIVIC THEATER / COUNCIL CHAMBERS MASTER PLAN PRESENTED BY ANDERSON-BRULE' ARCHITECTS, INC. AND DIRECT STAFF TO RETURN AT A FUTURE MEETING WITH A 5 YEAR CIVIC THEATER MASTER PLAN THAT INCLUDES REFINED DESIGNS AND COST ESTIMATES TO IMPLEMENT BATHROOM IMPROVEMENTS, ACCESSIBILITY TO THE CONTROL BOOTH, EXPANSION OF THE ORCHESTRA SPACE, IMPROVEMENTS**

**TO THE TICKET BOOTH, AND ADDITIONAL SEATING.** MOTION PASSED. AYES: HUNTER, LO, MILLER, CAPPELLO, PAGE. NOES: NONE. ABSENT: NONE.

**NEW BUSINESS**

10. Time Limits for Commission Meetings

**Recommended action:**

Provide direction to staff on development of a policy that institutes limits on the length of Commission meetings.

City Clerk Crystal Bothelio presented the staff report.

Mayor Hunter invited public comment on the item.

The following person spoke:

Prospect High School Student

No one else requested to speak.

**PAGE/CAPPELLO MOVED TO DIRECT STAFF TO AGENDIZE A RESOLUTION ESTABLISHING COMMISSION MEETING LENGTH GUIDELINES TO ENSURE OPPORTUNITIES FOR PUBLIC PARTICIPATION IN COMMISSION DECISION MAKING AND MAINTAIN TRANSPARENCY OF COMMISSION BUSINESS BY CALLING ON COMMISSION CHAIRS TO ASSESS ITEMS ON AN AGENDA DURING A MEETING IF THE MEETING RUNS TO 10:00 P.M.; IF THE CHAIR BELIEVES THAT THE MEETING WILL END AFTER MIDNIGHT, THE CHAIR SHOULD REQUEST A MOTION TO CONTINUE ITEMS TO THE NEXT REGULAR MEETING TO PREVENT THE MEETING FROM GOING ON BEYOND 12:00 A.M.** MOTION PASSED. AYES: HUNTER, LO, MILLER, CAPPELLO, PAGE. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

11. Resolution Amending Council Agency and Ad Hoc Assignments

**Recommended action:**

Approve resolution amending Resolution 13-060 and the Council Agency and Ad Hoc Committee Assignments for the year 2013.

City Clerk Crystal Bothelio presented the staff report.

Mayor Hunter invited public comment on the item.

No one requested to speak.

**RESOLUTION NO. 13-065**

**MILLER/CAPPELLO MOVED TO APPROVE THE RESOLUTION AMENDING RESOLUTION 13-060, THE COUNCIL AGENCY AND AD HOC COMMITTEE ASSIGNMENTS FOR THE YEAR 2013, AND APPOINT COUNCIL MEMBER PAGE TO THE SANTA CLARA COUNTY EXPRESSWAY PLAN 2040 POLICY ADVISORY BOARD.** MOTION PASSED.

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

## **ADHOC & AGENCY ASSIGNMENT REPORTS**

### Mayor Jill Hunter

Mayor Hunter announced vacancies on the Parks and Recreation Commission, Library Commission, Traffic Safety Commission, and Heritage Preservation Commission. She also shared that she attended an Assistance League event.

*Chamber of Commerce* – Mayor Hunter has been attending meetings to discuss planning of the annual Tree Lighting.

*Hakone Foundation Board* – Heritage Day and the Foundation fundraising barbeque at Hakone both turned out very well. Additionally, the Foundation is looking forward to new signage that will be installed at the museum.

### Vice Mayor Emily Lo

*Hakone Foundation Board* – during the meeting on September 20, the group discussed new entry signage that will be installed on Big Basin. The design has been approved by the Heritage Preservation Commission and will be going before the Planning Commission. Additionally, Hakone will celebrate its 100-year anniversary in 2015. The Board is going to plan events to celebrate the anniversary.

### Council Member Howard Miller

*West Valley Solid Waste Management Joint Powers Authority* – the contract with West Valley Collection & Recycling is coming to a close and is expected to be approved by the board on October 23, 2013.

### Council Member Manny Cappello

*Destination Saratoga Liaison* – the group held a media tour the weekend of September 28, 2013. Additionally, a writer from the *San Francisco Chronicle* will be in Saratoga the weekend of October 5, 2013.

*SASCC* – the Board is working on the contract with the City and placing final touches. The contract is expected to come before the Council on November 6, 2013 for approval.

### Council Member Chuck Page

*Association of Bay Area Governments* – the September general assembly meeting was canceled.

*Santa Clara County Cities Association* – the Cities Association appointed Jason Baker to the Santa Clara County Emergency Operational Area Council.

*Sister City Liaison* – the group is coordinating a trip to Pasadena that will include a number of activities, including garden and museum visits. Additionally, the group has been planning the anniversary event for next year.

*West Valley Sanitation District* – during the San Jose-Santa Clara Regional Wastewater Facility Treatment Plant Advisory Committee meetings, Council Member Page continues to advocate for obtaining a bond for facility improvements now while interest rates are low. Currently, the City of San Jose plans to obtain a bond in a few years.

## **CITY COUNCIL ITEMS**

Council Member Miller requested a discussion on whether high dollar contract items should be placed on the Consent Calendar. He then said that the matter could be left to the Mayor's discretion.

## **CITY MANAGER'S REPORT**

City Manager Dave Anderson provided an overview of the recent West Valley Mayors and Managers meeting, which included discussion on use of tablets for Council meetings. The Town of Los Gatos is interested in converting to a paperless packet by using iPads. City Manager Dave Anderson then commented on his participation in Heritage Day on September 28, 2013.

## **ADJOURNMENT**

PAGE/CAPPELLO MOVED TO **ADJOURN THE MEETING AT 10:38 P.M.**  
MOTION PASSED. AYES: HUNTER, LO, MILLER, CAPPELLO, PAGE. NOES:  
NONE. ABSENT: NONE. ABSTAIN: NONE.

Minutes respectfully submitted:

Crystal Bothelio, City Clerk