

## **MINUTES**

### **WEDNESDAY, NOVEMBER 6, 2013 SARATOGA CITY COUNCIL SPECIAL MEETING**

At 5:30 p.m., the City Council conducted interviews for the Library Commission in the Administrative Conference Room at City Hall at 13777 Fruitvale Avenue. At 6:00 p.m., the Council held a Joint Meeting with State Senator Jim Beall Jr., State Assembly Member Paul Fong, and Santa Clara County Supervisor Joe Simitian.

### **SARATOGA CITY COUNCIL REGULAR 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 (excused)  
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  
Michael Taylor, Recreation and Facilities Director  
Kate Bear, City Arborist  
Macedonio Nunez, Public Works Engineer  
Debbie Bretschneider, Deputy City Clerk  
Patrick Tsai, City Manager's Office Intern

#### **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 November 1, 2013.

#### **REPORT FROM CLOSED SESSION**

None

#### **COMMUNICATIONS FROM COMMISSIONS & PUBLIC**

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

State Senator Jim Beall, Jr. shared an overview of the Joint Meeting with the City Council. He noted that he has been working on Tax Equity Allocation legislation. Additionally, he invited the public to meet with him on Friday, November 15, 2013 from 8:30 a.m. to 10:00 a.m. at Big Basin Café at 14471 Big Basin Way in Saratoga.

State Assembly Member Paul Fong also spoke about the Joint Meeting. He thanked the City of Saratoga and Saratoga Area Coordinating Council for co-hosting the Senior Scam Stopper event at the senior center earlier in the year. He also spoke about legislation he wrote that is intended to increase government transparency, which was passed this year.

Santa Clara County Supervisor Joe Simitian commented on his history with the City and expressed his appreciation for the partnership between the City and County. He also announced that he has been holding Sidewalk Office Hours throughout Supervisory District 5, including a visit to the Saturday farmers market in Saratoga at West Valley College. He invited the public to attend his Sidewalk Office Hours to share their interests and concerns with him.

Trish Cypher addressed the City Council and raised concerns about large regional governmental associations and organizations in the Bay Area.

**Oral Communications - Council Direction to Staff**

None

**Communications from Boards and Commissions**

None

**Council Direction to Staff**

None

**ANNOUNCEMENTS**

Council Member Miller announced that the City's Recreation Activity Guide was mailed to residents the week of November 4, 2013. The guide lists a variety of programs and classes for all ages and interests.

Council Member Lo announced a pilot program at Saratoga Library called Virtual Lawyers in the Library. On November 18 from 5:00 p.m. to 6:30 p.m. and December 16 from 5:00 p.m. to 7:00 p.m., members of the public can meet virtually with an attorney for a free 20-minute consultation. The public can make an appointment and find out more online at <http://www.probonoproject.org/virtual-clinics/>.

Council Member Miller also announced the Silicon Valley Turkey Trot on Thanksgiving morning. He encouraged residents to participate in this fun event, which benefits Second Harvest Food Bank, Housing Trust Silicon Valley, and Healthier Kids Foundation Santa Clara County. The public can register online at <http://svturkeytrot.com/>.

Mayor Hunter announced that the annual Tree Lighting and Wine Stroll will be held the day after Thanksgiving in Saratoga Village. The tree lighting ceremony will take place at 5:30 p.m. at Blaney Plaza. Visit [http://www.saratogachamber.org/dickens\\_holiday.htm](http://www.saratogachamber.org/dickens_holiday.htm) for additional information.

**CEREMONIAL ITEMS**

1. Commendations for Outgoing Parks and Recreation Commissioners  
**Recommended action:**  
Read and present commendations for Vita Bruno and Thomas Soukup.

Mayor Hunter presented proclamations to Vita Bruno and Thomas Soukup for their service on the Parks and Recreation Commission.

2. Appointment of Parks and Recreation Commissioners and Oath of Office

**Recommended action:**

Adopt the attached resolution appointing Ping Li and Rick Pearce to the Parks and Recreation Commission and direct the City Clerk to administer the Oath of Office.

**RESOLUTION NO. 13-070**

MILLER/CAPPELLO MOVED TO **ADOPT THE RESOLUTION APPOINTING PING LI AND RICK PEARCE TO THE PARKS AND RECREATION COMMISSION AND DIRECT THE CITY CLERK TO ADMINISTER THE OATH OF OFFICE.** MOTION PASSED. AYES: HUNTER, LO, MILLER, CAPPELLO. NOES: NONE. ABSENT: PAGE.

City Clerk Crystal Bothelio administered the oath of office to Ping Li and Rick Pearce.

3. Pancreatic Cancer Awareness Month Proclamation

**Recommended action:**

Read and present the proclamation declaring November 2013 as Pancreatic Cancer Awareness Month in the City of Saratoga.

Mayor Hunter presented the proclamation declaring November 2013 as Pancreatic Cancer Awareness Month to representatives of the Pancreatic Cancer Action Network.

**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 October 16, 2013.

Vice Mayor Lo removed this item from the Consent Calendar to seek clarification on a section of the minutes.

LO/MILLER MOVED TO **APPROVE CITY COUNCIL MINUTES FOR THE SPECIAL AND REGULAR CITY COUNCIL MEETING ON OCTOBER 16, 2013.** MOTION PASSED. AYES: HUNTER, LO, MILLER, CAPPELLO. NOES: NONE. ABSENT: PAGE.

5. Review of Accounts Payable Check Registers

**Recommended action:**

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

10/15/2013            Period 4

10/24/2013      Period 4  
10/29/2013      Period 4

CAPPELLO/MILLER MOVED TO **ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 10/15/2013 PERIOD 4; 10/24/2013 PERIOD 4; AND 10/29/2013 PERIOD 4.** MOTION PASSED. AYES: HUNTER, LO, MILLER, CAPPELLO. NOES: NONE. ABSENT: PAGE.

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

**Recommended action:**

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

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

7. Agreement with the Santa Clara County FireSafe Council

**Recommended action:**

Authorize the City Manager to execute an agreement with the Santa Clara County FireSafe Council in the amount of \$25,000 per year through June 30, 2018 to establish a hazardous fuel reduction program in the City of Saratoga.

This item was removed from the Consent Calendar for public comment.

Mayor Hunter invited public comment.

The following person spoke:

Trish Cypher

No one else requested to speak.

MILLER/LO MOVED TO **AUTHORIZE THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE SANTA CLARA COUNTY FIRESAFE COUNCIL IN THE AMOUNT OF \$25,000 PER YEAR THROUGH JUNE 30, 2018 TO ESTABLISH A HAZARDOUS FUEL REDUCTION PROGRAM IN THE CITY OF SARATOGA.** MOTION PASSED. AYES: HUNTER, LO, MILLER, CAPPELLO. NOES: NONE. ABSENT: PAGE.

8. Memorandum of Understanding for Use of Saratoga Federated Church Storage Area for Emergency Operations Center Supplies

**Recommended action:**

Authorize the City Manager to sign the Memorandum of Understanding (MOU) between the City of Saratoga and the Saratoga Federated Church for use of the exterior church storage area for storing Emergency Operations Center supplies and materials.

CAPPELLO/MILLER MOVED TO **AUTHORIZE THE CITY MANAGER TO SIGN THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF SARATOGA AND THE SARATOGA FEDERATED CHURCH**

**FOR USE OF THE EXTERIOR CHURCH STORAGE AREA FOR STORING EMERGENCY OPERATIONS CENTER SUPPLIES AND MATERIALS.**

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

**PUBLIC HEARINGS**

9. Quito Road Bridges Replacement Project Public Review

**Recommended action:**

Accept public testimony regarding the Quito Road Bridges Replacement Project and direct staff to review and refine the project design based on further public outreach and consultation.

Council Member Miller requested that items 9 and 13 be taken together. The Council concurred.

Public Works Director John Cherbone presented the staff report.

Mayor Hunter invited public comment on the item.

The following people requested to speak:

Scott Robinson indicated support for the project with input and involvement from residents near the project.

James Dillon indicated support for the project with input and involvement from residents near the project.

Petra Jakobskruger indicated support for the project with input and involvement from residents near the project.

Kathy Dolan indicated support for the project with input and involvement from residents near the project.

Ron Hills indicated support for the project with input and involvement from residents near the project.

Steve Sfarzo indicated support for the project with input and involvement from residents near the project

Maria Hinz requested additional information about the project.

Trish Cypher raised concerns about the mitigation plans for the project and construction costs

Gary Gold indicated a neutral position on the project and requested additional communications to the residents near the project and continued community involvement in the project.

James R. requested increased communications to residents near the project and citizen participation in the project design.

Dan Banerje requested increased communication to residents near the project.

Jean Hardwicke requested that she be included in notifications on the project.

Paul requested additional information about the bridge design.

Carole Shebanek raised concerns about traffic detours and safety for pedestrians on the detour routes.

Diana Anderson commented that she was concerned that the two bridges would have a similar design to the one at Quito Road and Bicknell Road.

Ronda Ross noted some areas of concern regarding the project plans.

No one else requested to speak.

MILLER/LO MOVED TO: **1) AUTHORIZE THE CITY MANAGER TO EXECUTE A CONTRACT FOR CONSULTING SERVICES WITH THE MARK THOMAS & COMPANY FOR DESIGN FOR THE QUITO ROAD BRIDGE REPLACEMENT PROJECT FOR THE AMOUNT OF \$322,462; AND 2) AUTHORIZE THE STAFF TO EXECUTE CHANGE ORDERS TO THE DESIGN CONTRACT UP TO \$75,000 TO ADDRESS IDEAS AND CONCERNS SUBMITTED BY THE PUBLIC DURING THE COURSE OF THE DESIGN PROCESS.** MOTION PASSED. AYES: HUNTER, LO, MILLER, CAPPELLO. NOES: NONE. ABSENT: PAGE.

MILLER/CAPPELLO MOVED TO **DIRECT STAFF TO REFINE THE PROJECT DESIGN BASED ON FURTHER PUBLIC OUTREACH AND CONSULTATION; DEFINE AND IMPROVE THE PUBLIC INPUT PROCESS FOR THE QUITO ROAD BRIDGES PROJECT; ESTABLISH A MITIGATION PLAN IN THE DESIGN PHASE OF THE PROJECT; PROACTIVELY OUTREACH TO PROPERTY OWNERS THAT THE CITY WILL NEED TO ACQUIRE PROPERTY FROM FOR THE PROJECT; ESTABLISH CLEAR GOALS FOR THE CONSTRUCTION OF THE PROJECT AND FOR POST CONSTRUCTION, INCLUDING CONSTRUCTION DETOUR ROUTE MITIGATION, NOISE AND DIRT REDUCTION, AND SAFETY EFFORTS; AND ENGAGE THE CITY'S TRAFFIC ENGINEER AND THE TRAFFIC SAFETY COMMISSION IN THE PROJECT.** MOTION PASSED. AYES: HUNTER, LO, MILLER, CAPPELLO. NOES: NONE. ABSENT: PAGE.

10. Adoption of Tree Risk Management Policy and Amendment of Zoning Code 15-50.040

**Recommended action:**

1. Conduct a public hearing.
2. Introduce and waive the first reading of the attached ordinance amending Section 15-50.040 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.
3. Adopt the Tree Risk Management Policy.

Public Works Director John Cherbone and City Arborist Kate Bear presented the staff report.

Mayor Hunter invited public comment on the item.

No one requested to speak.

#### **RESOLUTION NO. 13-071**

MILLER/CAPPELLO MOVED TO: **1. CONDUCT A PUBLIC HEARING; 2. INTRODUCE AND WAIVE THE FIRST READING OF THE ATTACHED ORDINANCE AMENDING SECTION 15-50.040 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; AND 3. ADOPT THE TREE RISK MANAGEMENT POLICY.** MOTION PASSED. AYES: HUNTER, LO, MILLER, CAPPELLO. NOES: NONE. ABSENT: PAGE.

#### **OLD BUSINESS**

11. Renewal of Facility Use Agreement with Saratoga Area Senior Coordinating Council  
**Recommended action:**

Accept report and adopt a Resolution authorizing the City Manager to execute the Agreement for Use of Facilities with the Saratoga Area Senior Coordinating Council.

Recreation and Facilities Director Michael Taylor presented the staff report.

Mayor Hunter invited public comment on the item.

Lisa Huening, SASCC President, spoke.

No one else requested to speak.

#### **RESOLUTION NO. 13-072**

CAPPELLO/MILLER MOVED TO **ADOPT A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT FOR USE OF FACILITIES WITH THE SARATOGA AREA SENIOR COORDINATING COUNCIL.** MOTION PASSED. AYES: HUNTER, LO, MILLER, CAPPELLO. NOES: NONE. ABSENT: PAGE.

12. Reassignment of Previously Allocated Funds for McWilliams House Improvements  
**Recommended action:**

Accept report and move to approve the reassignment of previously allocated CIP funds for the McWilliams House Improvements.

Recreation and Facilities Director Michael Taylor presented the staff report.

Mayor Hunter invited Annette Stranksy, President of the Saratoga Historical Foundation Board of Directors, to address the Council.

Annette Stranksy, President of the Saratoga Historical Foundation Board of Directors, spoke about the reassignment of previously allocated CIP funds for McWilliams House improvements.

MILLER/CAPPELLO MOVED TO **APPROVE THE REASSIGNMENT OF PREVIOUSLY ALLOCATED CIP FUNDS FOR THE MCWILLIAMS HOUSE IMPROVEMENTS FOR UP TO ONE YEAR.** MOTION PASSED. AYES: HUNTER, LO, MILLER, CAPPELLO. NOES: NONE. ABSENT: PAGE.

**NEW BUSINESS**

13. Quito Road Bridges – Award of Design Contract

**Recommended action:**

1. Authorize the City Manager to execute a contract for consulting services with the Mark Thomas & Company for design for the Quito Road Bridge Replacement Project for the amount of \$322,462.
2. Move to authorize the staff to execute change orders to the design contract up to \$75,000 to address ideas and concerns submitted by the public during the course of the design process.

The City Council heard Item 13: Quito Road Bridges – Award of Design Contract with Item 9: Quito Road Bridges Replacement Project Public Review.

14. Proposed Water Supply Improvements Assessment District

**Recommended action:**

Consider and provide direction to staff regarding the proposal from the Arrowhead Cooperative Company, Inc. to establish an assessment district to construct water supply improvements to serve 39 homes and upon completion transfer those improvements to the San Jose Water Company.

City Attorney Richard Taylor presented the staff report.

Paul Hansen of the Arrowhead Cooperative Company made a brief presentation to the City Council.

Mayor Hunter invited public comment on the item.

The following person spoke:

Rick Pearce

No one else requested to speak.

LO/MILLER MOVED TO **DIRECT STAFF TO WORK WITH THE ARROWHEAD COOPERATIVE COMPANY, INC. TO ESTABLISH AN ASSESSMENT DISTRICT TO CONSTRUCT WATER SUPPLY IMPROVEMENTS TO SERVE 39 HOMES AND UPON COMPLETION TRANSFER THOSE IMPROVEMENTS TO THE SAN JOSE WATER COMPANY.** MOTION PASSED. AYES: HUNTER, LO, MILLER, CAPPELLO. NOES: NONE. ABSENT: PAGE.

15. Approval of Updated City of Saratoga Records Retention Schedule

**Recommended action:**

Adopt resolution approving the updated records retention schedule.

Patrick Tsai, City Manager's Office Intern, presented the staff report.

Mayor Hunter invited public comment on the item.

No one requested to speak.

### **RESOLUTION NO. 13-073**

**MILLER/LO MOVED TO ADOPT RESOLUTION APPROVING THE UPDATED RECORDS RETENTION SCHEDULE, INCLUDING THE INCREASED RETENTION PERIOD FOR PETITIONS AND BRIDGES AND OVERPASS REPORTS AS SHOWN IN THE DESK ITEM PRESENTED BY STAFF.** MOTION PASSED. AYES: HUNTER, LO, MILLER, CAPPELLO. NOES: NONE. ABSENT: PAGE.

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

#### Mayor Jill Hunter

*City School Ad Hoc* – Mayor Hunter shared she attended an event at Saratoga School. During the event, she expressed her gratitude for the respectful behavior of Saratoga Schoolchildren in the Village. She also commented upon Eagle Scout Court of Honor events that she has been attending.

*West Valley Mayors and Managers Association* – the last meeting was held at Bell Tower Bistro and the group discussed partnerships with schools and Youth Commissions.

#### Vice Mayor Emily Lo

*Library Joint Powers Authority* – the Authority accepted a 10-year maintenance and improvement plan for the libraries in the district. Additionally, the new administration building – now referred to as the Service and Support Center – is nearly complete. An Open House is scheduled for December 6, 2013 from 3:00 p.m. to 5:00 p.m.

*Santa Clara Valley Water District Commission* – at the last meeting, it was announced that the flood control and watershed advisory committees would be combined with the Water District Commission starting in 2014. Additionally, new government organizations, such as the Midpeninsula Regional Open Space District, will be invited to participate in the Commission. Ad hoc committees will be formed to work on a variety of subject matters.

#### Council Member Howard Miller

*City School Ad Hoc* – Council Member Miller shared that he attended a meeting with Campbell Union School District Board Members to discuss how the City and School District could work together more closely.

*Council Finance Committee* – the City is nearing the end of its annual audit with the City's new auditor.

*Saratoga Ministerial Association* – during the last meeting, the Thanksgiving Day service was discussed. Council Member Cappello will be participating in the service.

*Valley Transportation Authority PAC* – the November meeting was canceled.

*West Valley Solid Waste Management Joint Powers Authority* – the Board will be meeting on November 7, 2013. The agenda includes evaluation of the Executive Director and Authority Attorney.

Council Member Manny Cappello

*Destination Saratoga Liaison* – the group is working on the Village dinner event scheduled for June 22, 2014. The event will be limited to 300 attendees. Additionally, the public relations consultants have been doing a nice job getting placements in various magazines and attracting reporters to write stories on Saratoga.

*SASCC* – Council Member Cappello provided an update on the SASCC health and wellness fair held at West Valley College. He also shared that SASCC will be holding its winter dance on January 25, 2014, the Italian Dinner is scheduled for June 7, 2014, and the Board is planning a senior symposium in February 2014 in partnership with Congresswoman Anna Eshoo.

Council Member Chuck Page

No report

**CITY COUNCIL ITEMS**

None

**CITY MANAGER'S REPORT**

City Manager Dave Anderson spoke about the West Valley Mayors and Managers meeting and shared that Recreation and Facilities Director Michael Taylor attended the meeting to share his experiences engaging schools. City Manager Dave Anderson also announced that he would be out of the office November 7, 2013 to November 11, 2013. Michael Taylor will be acting City Manager.

**ADJOURNMENT**

CAPPELLO/MILLER MOVED TO **ADJOURN THE MEETING AT 10:40 P.M.**  
MOTION PASSED. AYES: HUNTER, LO, MILLER, CAPPELLO. NOES: NONE.  
ABSENT: PAGE.

Minutes respectfully submitted:

Crystal Bothelio, City Clerk