

## **MINUTES**

### **WEDNESDAY, NOVEMBER 20, 2013 SARATOGA CITY COUNCIL SPECIAL MEETING**

At 5:30 p.m., the City Council held a Closed Session in the Administrative Conference Room at City Hall at 13777 Fruitvale Avenue. At 6:00 p.m., the Council held a Joint Meeting with the Saratoga Sister City Group.

### **SARATOGA CITY COUNCIL REGULAR MEETING**

Mayor Hunter called the Regular Meeting to order at 7:02 p.m. and led 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

#### **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 15, 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**

Nai Hsueh, Chair of the Santa Clara Valley Board of Directors, addressed the City Council about recent interactions between the Water District and residents near Calabazas Creek regarding survey work near the creek. She offered to meet with Council Members individually to update them on the issue.

Trish Cypher distributed copies of her paper, "Democracy, Plan Bay Area and Sustainable Development," to the Council. She pointed out sections of the paper that she thought might be of interest to the Council.

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

None

## **Communications from Boards and Commissions**

Peter Marra, Louise Webb, and Michael Story provided an overview of the City Council's Joint Meeting with the Saratoga Sister City Group. They described the group's history, some of its activities, and upcoming events.

## **Council Direction to Staff**

None

## **ANNOUNCEMENTS**

Council Member Page shared results of a recent study on the health benefits of eating nuts. He also congratulated students and sports teams from Prospect High School that made it to the Central Coast Section (CCS) Championship Tournaments and State Championships.

Council Member Cappello announced that the Saratoga Ministerial Association's annual Thanksgiving Day service will take place at Immanuel Lutheran Church at 10:00 a.m.

Mayor Hunter noted that the annual Holiday Tree Lighting and Wine Stroll will be held on November 29, 2013 at 5:00 p.m. in Saratoga Village. The event will include a variety of activities, including the ceremonial tree lighting at 5:30 pm. in Blaney Plaza.

## **CEREMONIAL ITEMS**

1. Appointment of Library Commissioner and Oath of Office

### **Recommended action:**

Adopt the attached resolution appointing Lauren Marty to the Library Commission and direct the City Clerk to administer the Oath of Office.

### **RESOLUTION NO. 13-074**

PAGE/MILLER MOVED TO **ADOPT THE ATTACHED RESOLUTION APPOINTING LAUREN MARTY TO THE LIBRARY COMMISSION AND DIRECT THE CITY CLERK TO ADMINISTER THE OATH OF OFFICE.**

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

City Clerk Crystal Bothelio administered the oath of office to Lauren Marty.

2. Commendation for Former Saratoga Library Community Librarian Gayathri Kanth

### **Recommended action:**

Read and present commendation recognizing former Saratoga Library Community Librarian Gayathri Kanth.

Mayor Hunter read and presented the commendation to Gayathri Kanth.

## **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 November 6, 2013.

PAGE/MILLER MOVED TO **APPROVE CITY COUNCIL MINUTES FOR THE SPECIAL AND REGULAR CITY COUNCIL MEETING ON NOVEMBER 6, 2013**. MOTION PASSED. AYES: HUNTER, LO, MILLER, CAPPELLO, PAGE. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

4. Review of Accounts Payable Check Registers

**Recommended action:**

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

11/5/2013 Period 5

11/13/2013 Period 5

PAGE/MILLER MOVED TO **ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 11/5/2013 PERIOD 5 AND 11/13/2013 PERIOD 5**. MOTION PASSED. AYES: HUNTER, LO, MILLER, CAPPELLO, PAGE. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

5. Development Impact Fee Report

**Recommended action:**

Review and accept the annual AB1600 Development Impact Fee report for the year ended June 30, 2013.

PAGE/MILLER MOVED TO **ACCEPT THE ANNUAL AB1600 DEVELOPMENT IMPACT FEE REPORT FOR THE YEAR ENDED JUNE 30, 2013**. MOTION PASSED. AYES: HUNTER, LO, MILLER, CAPPELLO, PAGE. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

6. Ordinance Amending City Code 15-50.040 (Tree Regulations – Street Trees)

**Recommended action:**

Waive the second reading and adopt the ordinance modifying Article 15-50.040 of the City Code.

Council Member Page removed this item from the Consent Calendar to recuse himself as he lives on one of the streets identified as an arterial road in the ordinance.

**ORDINANCE NO. 308**

CAPPELLO/MILLER MOVED TO WAIVE THE SECOND READING AND ADOPT THE ORDINANCE MODIFYING ARTICLE 15-50.040 OF THE CITY CODE. MOTION PASSED. AYES: HUNTER, LO, MILLER, CAPPELLO. NOES: NONE. ABSTAIN: PAGE. ABSENT: NONE.

## PUBLIC HEARINGS

### 7. Ordinance Amending Commission Meeting Attendance Requirements

**Recommended action:**

Conduct a public hearing; introduce and waive the first reading of the attached ordinance amending Commission meeting attendance requirements in the City Code; and direct staff to place the ordinance on the consent calendar for adoption at the next regular City Council meeting.

City Clerk Crystal Bothelio presented the staff report.

Mayor Hunter invited public comments on the item.

The following person requested to speak:

Leonard Almalech, Planning Commissioner

No one else requested to speak.

**CAPPELLO/PAGE MOVED TO INTRODUCE AND WAIVE THE FIRST READING OF THE ATTACHED ORDINANCE AMENDING COMMISSION MEETING ATTENDANCE REQUIREMENTS IN THE CITY CODE; AND DIRECT STAFF TO PLACE THE ORDINANCE ON THE CONSENT CALENDAR FOR ADOPTION AT THE NEXT REGULAR CITY COUNCIL MEETING.** MOTION PASSED. AYES: HUNTER, LO, MILLER, CAPPELLO, PAGE. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

### 8. Adoption of the Various 2013 California Uniform Codes with Local Amendments

**Recommended action:**

- (1) Introduce and waive the first reading of the attached ordinance adopting and amending the referenced codes and direct the City Attorney to read the title of the codes to be adopted;
- (2) Introduce the attached resolution making findings regarding proposed amendments to the referenced codes;
- (3) Call a public hearing for December 4, 2013 to consider adoption of the attached ordinance and resolution; and
- (4) Direct staff to publish notice of the proposed ordinance adoption in accordance with the special requirements for adopting codes by reference.

Community Development Director James Lindsay presented the staff report. He also provided the Council with an amended ordinance and resolution, which was distributed to the Council and members of the public as a desk item.

Community Development Director James Lindsay invited Santa Clara County Deputy Fire Chief John Justice to speak on the item.

Santa Clara County Deputy Fire Chief John Justice addressed the City Council.

Mayor Hunter invited public comment on the item.

No one requested to speak.

MILLER/PAGE MOVED TO: **(1) INTRODUCE AND WAIVE THE FIRST READING OF THE AMENDED ORDINANCE ADOPTING AND AMENDING THE REFERENCED CODES AND DIRECT THE CITY ATTORNEY TO READ THE TITLE OF THE CODES TO BE ADOPTED;(2) INTRODUCE THE AMENDED RESOLUTION MAKING FINDINGS REGARDING PROPOSED AMENDMENTS TO THE REFERENCED CODES; (3) CALL A PUBLIC HEARING FOR DECEMBER 4, 2013 TO CONSIDER ADOPTION OF THE AMENDED ORDINANCE AND RESOLUTION; AND (4) DIRECT STAFF TO PUBLISH NOTICE OF THE PROPOSED ORDINANCE ADOPTION IN ACCORDANCE WITH THE SPECIAL REQUIREMENTS FOR ADOPTING CODES BY REFERENCE.** MOTION PASSED. AYES: HUNTER, LO, MILLER, CAPPELLO, PAGE. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

9. Ordinance Amending Saratoga City Code to Regulate Banners in City Medians

**Recommended action:**

Conduct a public hearing; introduce and waive the first reading of the attached ordinance modifying Sections 15-30.050 and 15-30.060 of Chapter 15 (Zoning) of the Saratoga City Code; and direct staff to place the ordinance on the consent calendar for adoption at the next regular City Council meeting.

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

Mayor Hunter invited public comment on the item.

No one requested to speak.

PAGE/CAPPELLO MOVED TO **INTRODUCE AND WAIVE THE FIRST READING OF THE ATTACHED ORDINANCE MODIFYING SECTIONS 15-30.050 AND 15-30.060 OF CHAPTER 15 (ZONING) OF THE SARATOGA CITY CODE; AND DIRECT STAFF TO PLACE THE ORDINANCE ON THE CONSENT CALENDAR FOR ADOPTION AT THE NEXT REGULAR CITY COUNCIL MEETING.** MOTION PASSED. AYES: HUNTER, LO, MILLER, CAPPELLO, PAGE. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

**OLD BUSINESS**

None

**NEW BUSINESS**

10. Annual Audit Reports

**Recommended action:**

Review and accept the Fiscal Year 2012/13 Comprehensive Annual Financial Report (CAFR), the Fiscal Year 2012/13 Single Audit Report (Federal Grant Awards), the FY 2012/13 Transportation Development Act Report (MTC Grants), the FY 2013/14 Appropriation Limit Report, and the SAS 114 Required Communications Report.

Mary Furey, Finance and Administrative Services Director, presented the staff report then introduced Sheldon Chavan, partner at Chavan & Associates, LLP.

Sheldon Chavan, partner at Chavan & Associates, LLP, addressed the City Council

Mayor Hunter invited public comment on the item.

**MILLER/CAPPELLO MOVED TO ACCEPT THE FISCAL YEAR 2012/13 COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR), THE FISCAL YEAR 2012/13 SINGLE AUDIT REPORT (FEDERAL GRANT AWARDS), THE FY 2012/13 TRANSPORTATION DEVELOPMENT ACT REPORT (MTC GRANTS), THE FY 2013/14 APPROPRIATION LIMIT REPORT, AND THE SAS 114 REQUIRED COMMUNICATIONS REPORT.** MOTION PASSED. AYES: HUNTER, LO, MILLER, CAPPELLO, PAGE. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

11. Spring 2013 Issue of The Saratogan

**Recommended action:**

Accept report and direct staff accordingly.

Brian Babcock, Administrative Analyst I, in the City Managers Office presented the staff report.

Mayor Hunter invited public comment on the item

No one requested to speak.

Council Member Page suggested including an article that details what residents and contractors can do to get Planning and Building Division approval in the most efficient and timely manner.

Council Member Miller provided an alternative suggestion, stating that the same topic could be framed as the most common reasons projects are delayed and how to avoid delays.

Council Member Lo suggested that hard copies of the newsletter get dropped off at Saratoga Library. She also recommended that the newsletter mention that Saratoga was ranked as the safest city in California.

Council Member Miller supported the suggestion about Saratoga's ranking as safest California city.

Mayor Hunter also recommended placing copies of the newsletter at popular cafes and coffeehouses in Saratoga.

Council Member Cappello added that it would be nice to include information about the Prospect Median project and other noteworthy capital projects.

Council Member Miller suggested that the next issue include an article on the Quito Road Bridges and a list of upcoming capital projects. He said that it would be nice to include a list and some information about upcoming capital projects in each issue of the newsletter.

Mayor Hunter suggested including information about the Village Pedestrian Enhancements Phase 2 project.

Council Member Cappello noted that some residents have difficulty figuring out who they need to speak with at City Hall when they need assistance with certain matters. Consequently, he suggested a thread to help residents determine who they need to speak with for different types of issues or concerns.

## **ADHOC & AGENCY ASSIGNMENT REPORTS**

### Mayor Jill Hunter

Mayor Hunter stated that when the City Council declared November 2013 as Pancreatic Cancer Awareness Month at the November 6, 2013 meeting, she failed to mention that former Recreation & Facilities Director Joan Pisani passed away in 2007 after her battle against pancreatic cancer.

Mayor Hunter also shared that the City is accepting applications for the Traffic Safety Commission and Heritage Preservation Commission until 5:00 pm. on November 21, 2013.

*Chamber of Commerce* – Mayor Hunter said she attended the last meeting on behalf of Council Member Cappello.

*Historical Foundation* – the next meeting is November 21, 2013. Additionally, members of the Historical Foundation attended an excellent training hosted by the Heritage Preservation Commission.

*KSAR Community Access TV Board* – during the last meeting, a potential new member was introduced.

### Vice Mayor Emily Lo

*West Valley Flood Control & Watershed Advisory Committee* – it appears that the flood control and watershed advisory committees will be merged with the Santa Clara Valley Water District Commission. Additionally, the Water District's divestment in fossil fuel companies was discussed.

### Council Member Howard Miller

*Council Finance Committee* – at the next meeting, the Committee will begin looking at its work plan for updating and preparing City finance policies.

*Saratoga Ministerial Association* – the Ministerial Association met on November 20, 2013 to discuss the Thanksgiving Day service.

*West Valley Solid Waste Management Joint Powers Authority* – the Authority Board will be meeting on December 3, 2013 and the new agreement with West Valley Collection & Recycling is expected to go before the Board. During the last meeting, the Board conducted reviews for the Executive Director and Authority Attorney.

### Council Member Manny Cappello

*Destination Saratoga Liaison* – the group continues to work on the outdoor dinner event on Big Basin Way scheduled for June 2014.

*SASCC* – the next meeting is the week of November 25, 2013.

### Council Member Chuck Page

Council Member Page noted that he attended a League of California Cities leadership workshop and consequently missed the last City Council Meeting. During the workshop, the group established strategic goals for the year.

*Santa Clara County Cities Association* – during the last meeting, the group discussed ordinances that require new construction to include charging stations for electric vehicles, Palo Alto’s dark fiber optic system, and affordable housing.

*West Valley Sanitation District* – the District Board continues to deal with issues related to the renovation of the San Jose-Santa Clara Regional Wastewater Facility. Additionally, the San Jose-Santa Clara Regional Wastewater Facility Treatment Plan Advisory Committee discussed the Plant Master Plan EIR at its last meeting.

### **CITY COUNCIL ITEMS**

Council Member Page requested future discussion on bringing forward an ordinance that would require new residential construction to include charging stations for electric vehicles.

Council Member Cappello asked that the Council discuss allocating funds to conduct a feasibility study on moving the John Henry House from its current location.

Mayor Hunter supported the request.

### **CITY MANAGER’S REPORT**

City Manager Dave Anderson stated that he had nothing to report.

### **ADJOURNMENT**

PAGE/MILLER MOVED TO **ADJOURN THE REGULAR MEETING AT 9:19 P.M.**  
MOTION PASSED. AYES: HUNTER, LO, MILLER, CAPPELLO, PAGE. NOES:  
NONE. ABSTAIN: NONE. ABSENT: NONE.