

MINUTES

WEDNESDAY, DECEMBER 18, 2013 SARATOGA CITY COUNCIL SPECIAL MEETING

At 5:30 p.m., the City Council held a workplace safety training in the Administrative Conference Room at City Hall at 13777 Fruitvale Avenue. At 6:00 p.m., the City Council held a Joint Meeting with the Hakone Foundation Board of Directors.

SARATOGA CITY COUNCIL REGULAR MEETING

Council Member Lo called the meeting to order at 7:00 p.m. and led the pledge of allegiance.

ROLL CALL

PRESENT Mayor Emily Lo, Vice Mayor Howard Miller, Council Members
Manny Cappello, Chuck Page, 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
Mainini Cabute, Management Analyst II
Michael Fossati, Planner
Rob Balbuena, Information Technology Technician
Leo Salindong, Information Technology Administrator

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 December 13, 2013.

REPORT FROM CLOSED SESSION

None

COMMUNICATIONS FROM COMMISSIONS & PUBLIC

Oral Communications on Non-Agendized Items

Lon Saavedra, Hakone Foundation Chief Executive Officer, provided an overview of the City Council's Joint Meeting with the Hakone Foundation. He shared that the driveway repairs at Hakone are complete, introduced a new Board Member Yuki – Haruyuki Hashimoto, and announced upcoming events at Hakone.

Trish Cypher addressed the City Council about Senate Bill 1. She provided a copy of a Declaration in Opposition to Senate Bill 1 to the Council. She also spoke about the Planning Commission recommendation on single room occupancy.

Oral Communications - Council Direction to Staff

None

Communications from Boards and Commissions

None

Council Direction to Staff

None

ANNOUNCEMENTS

Council Member Hunter wished Betty Peck a happy birthday.

Vice Mayor Miller announced that there will be a e-recycling event hosted by Boy Scout Troop 535 on January 11, 2014 from 9:00 a.m. to 3:00 p.m. at Saratoga Prospect Center.

Mayor Lo presented the Red Tape to Red Carpet Certificate of Achievement to Community Development Director James Lindsay. She shared that the award recognizes the City's efforts to vitalize business in the Village.

CEREMONIAL ITEMS

1. Commendation for Heritage Preservation Commissioner Peter Marra

Recommended action:

Read and present commendation to Peter Marra.

Mayor Lo read and presented the proclamation to Peter Marra.

Heritage Preservation Commission Chair Paula Cappello and Vice Chair Alexandra Nugent spoke about Peter's contributions to the Heritage Preservation Commission.

Following presentation of the proclamation, Mayor Lo presented a Key to the City to former Mayor Hunter for her service to the City of Saratoga.

2. Appointment of Commissioners and Oath of Office

Recommended action:

Adopt the attached resolution appointing Corinne Vita and Mitch Kane to the Traffic Safety Commission, as well as appointing Larry Schuck and Annette Stransky to the Heritage Preservation Commission; and direct the City Clerk to administer the Oath of Office.

RESOLUTION NO. 13-082

PAGE/MILLER MOVED TO **ADOPT THE ATTACHED RESOLUTION APPOINTING CORINNE VITA AND MITCH KANE TO THE TRAFFIC SAFETY COMMISSION, AS WELL AS APPOINTING LARRY SCHUCK AND ANNETTE STRANSKY TO THE HERITAGE PRESERVATION COMMISSION; AND DIRECT THE CITY CLERK TO ADMINISTER THE OATH OF OFFICE.** MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

City Clerk Crystal Bothelio administered the Oath of Office to Corinne Vita and Annette Stransky.

SPECIAL PRESENTATIONS

None

CONSENT CALENDAR

3. City Council Meeting Minutes

Recommended action:

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

PAGE/MILLER MOVED TO **APPROVE CITY COUNCIL MINUTES FOR THE SPECIAL, REORGANIZATION, AND REGULAR CITY COUNCIL MEETING ON DECEMBER 4, 2013.** MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. 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:

12/3/2013 Period 6

12/10/2013 Period 6

PAGE/MILLER MOVED TO **ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 12/3/2013 PERIOD 6; AND 12/10/2013 PERIOD 6.** MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

5. Treasurer's Report for the Month Ended November 30, 2013

Recommended action:

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

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

6. Highway 9 Safety Improvement Project Phase II – Notice of Completion

Recommended action:

Move to accept the Highway 9 Safety Improvement Project Phase II as complete and authorize the City Manager to sign the Notice of Completion for the construction contract.

PAGE/MILLER MOVED TO **ACCEPT THE HIGHWAY 9 SAFETY IMPROVEMENT PROJECT PHASE II AS COMPLETE AND AUTHORIZE THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION FOR THE CONSTRUCTION CONTRACT.** MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

7. 2014 Hazardous Vegetation Program Commencement Resolution

Recommended action:

Approve resolution declaring hazardous vegetation (weeds) as a public nuisance and setting a public hearing on January 15, 2014 to consider objections to the Abatement List.

RESOLUTION NO. 13-083

PAGE/MILLER MOVED TO **APPROVE RESOLUTION DECLARING HAZARDOUS VEGETATION (WEEDS) AS A PUBLIC NUISANCE AND SETTING A PUBLIC HEARING ON JANUARY 15, 2014 TO CONSIDER OBJECTIONS TO THE ABATEMENT LIST.** MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

8. FY 2013 – 2014 CDBG County/City Contract and CDBG Update

Recommended action:

Adopt a Resolution authorizing the City Manager to execute a \$175,038.33 contract with Santa Clara County for the FY 2013-2014 CDBG Program.

RESOLUTION NO. 13-084

PAGE/MILLER MOVED TO **ADOPT A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A \$175,038.33 CONTRACT WITH SANTA CLARA COUNTY FOR THE FY 2013-2014 CDBG PROGRAM.** MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

9. Award of Multi-Function Peripherals Lease Agreement

Recommended action:

Review report and authorize City Manager to enter into a five-year lease agreement for the City's fleet of Multi-Function Peripherals.

City Manager Dave Anderson requested that this item be removed from the Consent Calendar for a staff presentation.

Rob Balbuena, Information Technology Technician in the Finance and Administrative Service Department, presented the staff report.

Mayor Lo requested public comment on the item.

No one requested to speak.

PAGE/MILLER MOVED TO **AUTHORIZE CITY MANAGER TO ENTER INTO A FIVE-YEAR LEASE AGREEMENT FOR THE CITY'S FLEET OF MULTI-FUNCTION PERIPHERALS.** MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

10. 2013 Saratoga Speed Zone Study

Recommended action:

Adopt resolution and accept the 2013 Speed Zone Study prepared by Fehr & Peers.

Vice Mayor Miller removed this item from the Consent Calendar to request additional information about the Speed Zone Study.

Public Works Director John Cherbone addressed the City Council and invited Santa Clara County Sheriff's Office Captain Kenneth Binder and Fehr & Peers Traffic Engineer Franziska Church to answer Council questions.

Captain Kenneth Binder and Traffic Engineer Franziska Church answered Council questions regarding the Speed Zone Study.

Mayor Lo invited public comment on the item.

No one requested to speak.

Vice Mayor Miller requested that discussion of increased traffic enforcement and traffic calming be held at the Council Retreat, including: 1) potential budget increases to the Sheriff's Office contract to allow for increased enforcement; and 2) development of action plans with input from the Traffic Safety Commission to address speeding on roads and roadway segments where speed is especially problematic. Plans may include physical improvements intended to calm traffic and/or increased enforcement.

Council Member Hunter and Cappello agreed it would be a good topic for the Council Retreat.

Council Member Cappello suggested that the Retreat item also include discussion on areas where collisions have increased or where there is a high rate of collisions, such as on Saratoga Avenue.

RESOLUTION NO. 13-085

MILLER/CAPPELLO MOVED TO **ADOPT RESOLUTION AND ACCEPT THE 2013 SPEED ZONE STUDY PREPARED BY FEHR & PEERS.** MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

PUBLIC HEARINGS

11. Approval of a General Plan and Zoning Amendment to Allow the City to Correct General Plan and Zoning Designations on the Existing General Plan and Zoning Map

Recommended action:

Adopt the resolution and ordinance approving the correction of the General Plan and Zoning Map Designations for APN 503-82-006 & APN 517-08-048.

Vice Mayor Miller recused himself, because his home is within 500 feet of one of the properties included in the proposed General Plan and Zoning Amendment.

Michael Fossati, Planner in the Community Development Department, presented the staff report.

Mayor Lo invited public comment.

No one requested to speak.

RESOLUTION NO. 13-086

PAGE/HUNTER MOVED TO: 1) ADOPT THE RESOLUTION APPROVING CORRECTIONS TO THE GENERAL PLAN LAND USE MAP; 2) INTRODUCE THE ORDINANCE AMENDING THE ZONING MAP; AND 3) DIRECT STAFF TO PLACE THE ORDINANCE ON THE AGENDA OF THE NEXT REGULAR CITY COUNCIL MEETING FOR ADOPTION. MOTION PASSED. AYES: LO, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: MILLER. ABSENT: NONE.

OLD BUSINESS

12. Amendment to Lease Agreement with Hakone Foundation

Recommended action:

Approve amendment to lease agreement with Hakone Foundation providing for matching funds of \$250,000 towards the cost of design, engineering, and environmental review of the Hakone Gardens Master Plan and retreat center and tea room with excess funds available for construction.

City Attorney Richard Taylor presented the staff report.

Mayor Lo invited public comment on the item.

The following people requested to speak:

Peggy Lynne

Dorothy Marian

Valerie Richardson

No one else spoke.

PAGE/MILLER MOVED TO APPROVE AMENDMENT TO LEASE AGREEMENT WITH HAKONE FOUNDATION PROVIDING FOR MATCHING FUNDS OF \$250,000 TOWARDS THE COST OF DESIGN, ENGINEERING, AND ENVIRONMENTAL REVIEW OF THE HAKONE GARDENS MASTER PLAN AND RETREAT CENTER AND TEA ROOM WITH EXCESS FUNDS AVAILABLE FOR CONSTRUCTION.

Council Member Page requested an amendment to the motion to request that staff work with the Hakone Board of Directors to develop noise mitigation measures with input from park neighbors.

Vice Mayor Miller accepted the amendment.

PAGE/MILLER MOVED TO APPROVE AMENDMENT TO LEASE AGREEMENT WITH HAKONE FOUNDATION PROVIDING FOR MATCHING FUNDS OF \$250,000 TOWARDS THE COST OF DESIGN, ENGINEERING, AND ENVIRONMENTAL REVIEW OF THE HAKONE GARDENS MASTER PLAN AND RETREAT CENTER AND TEA ROOM WITH EXCESS FUNDS AVAILABLE FOR CONSTRUCTION; AND DIRECT STAFF TO WORK WITH THE HAKONE FOUNDATION BOARD OF DIRECTORS AND PARK NEIGHBORS TO MITIGATE NOISE. MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

13. Civic Theater / Council Chambers Five Year Improvement Plan

Recommended action:

Accept report and provide direction to staff for a five-year improvement plan for the Saratoga Civic Theater / Council Chambers.

Recreation and Facilities Director Michael Taylor presented the staff report.

Mayor Lo invited public comment on the item.

The following person spoke:

John Wegner, South Bay Musical Theater Board Member

No one else requested to speak.

CAPPELLO/PAGE MOVED TO NOMINATE LARGER IMPROVEMENT PROJECTS, INCLUDING BATHROOM IMPROVEMENTS, RELOCATION OF THE CONTROL BOOTH, AND MODIFICATIONS TO THE STAGE OR SEATING AREA TO ACCOMMODATE AN ORCHESTRA PIT, FOR THE CAPITAL IMPROVEMENT PLAN; AND INCLUDE SMALLER IMPROVEMENTS, SUCH AS THE PROJECTOR SCREEN IMPROVEMENTS AND METAL OVERHANG, IN THE ANNUAL MAINTENANCE IMPROVEMENTS. MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

14. Resolution Adopting Council Agency and Ad Hoc Committee Appointments

Recommended action:

Approve resolution adopting 2014 Council agency and ad hoc committee appointments.

City Clerk Crystal Bothelio presented the staff report.

Mayor Lo invited public comment on the item.

No one requested to speak.

RESOLUTION NO. 13-087

PAGE/CAPPELLO MOVED TO **APPROVE RESOLUTION ADOPTING 2014 COUNCIL AGENCY AND AD HOC COMMITTEE APPOINTMENTS.**

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

NEW BUSINESS

15. Authorization to purchase John Deere Utility Tractor and Verticutter

Recommended action:

Authorize the purchase of a John Deere Utility Tractor and Verticutter from Turf & Industrial Equipment of Santa Clara in the amount of \$70,682.06.

Public Works Director John Cherbone presented the staff report.

Mayor Lo invited public comment on the item.

No one requested to speak.

PAGE/CAPPELLO MOVED TO **AUTHORIZE THE PURCHASE OF A JOHN DEERE UTILITY TRACTOR AND VERTICUTTER FROM TURF & INDUSTRIAL EQUIPMENT OF SANTA CLARA IN THE AMOUNT OF**

\$70,682.06. MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

16. Commission Qualifications and Expiring Terms

Recommended action:

Accept the list of Commission qualifications and terms expiring in the 2014 calendar year.

City Clerk Crystal Bothelio presented the staff report.

Mayor Lo invited public comment on the item.

No one requested to speak.

PAGE/CAPPELLO MOVED TO **ACCEPT THE LIST OF COMMISSION QUALIFICATIONS AND TERMS EXPIRING IN THE 2014 CALENDAR**

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

ADHOC & AGENCY ASSIGNMENT REPORTS

Mayor Emily Lo

Library Joint Powers Authority – the County Library is conducting a recruitment for the Saratoga Community Librarian. City Clerk Crystal Bothelio will be part of the interview panel for the recruitment. Council input on the desired qualifications, experience, or traits for the Community Librarian position should be referred to the City Clerk.

Vice Mayor Howard Miller

Vice Mayor Miller stated that he had nothing to report.

Council Member Manny Cappello

Chamber of Commerce – a report on the Tree Lighting and Wine Stroll was given at the last meeting. The wine stroll was very well attended and had more participants than expected. Some of the participating businesses also reported that they had very high sales as a result of the event. The cooperative ad between the Chamber and City promoting local business was also printed in the *Saratoga News* on November 26. The Chamber expected 8 businesses to participate in the ad and a total of 16 businesses ended up participating. The Chamber is pleased with the response to the cooperative ad. Additionally, vendor participation in the Wednesday farmers market has declined due to damage to crops caused by recent cold weather.

Council Member Chuck Page

Association of Bay Area Governments – the fall meeting was canceled.

Santa Clara County Cities Association – the Cities Association annual holiday party was held in December.

Santa Clara County Expressway Plan 2040 Policy Advisory Board – the Board is expected to meet once more in 2015.

West Valley Sanitation District – at the last meeting, there was discussion of the Sanitation District's work on Quito Road and resulting road closures. The Sanitation District is working to make it easier for drivers to find alternate routes.

Council Member Jill Hunter

Historical Foundation – the Foundation is preparing for its meeting with the City Council in January. During the last meeting, the group also discussed the Tree Lighting and Wine Stroll. The Museum had a good turnout for the event.

KSAR Community Access TV Board – during the last meeting, the Board discussed ways to increase membership. Additionally, the Board is making improvements to Saratoga Highlights and developing new programming ideas.

CITY COUNCIL ITEMS

None

CITY MANAGER'S REPORT

None

ADJOURNMENT

CAPPELLO/PAGE MOVED TO **ADJOURN THE MEETING AT 9:42 P.M.**
MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES:
NONE. ABSTAIN: NONE. ABSENT: NONE.

Minutes respectfully submitted:

Crystal Bothelio, City Clerk