

**MINUTES**  
**WEDNESDAY, MARCH 19, 2014**  
**SARATOGA CITY COUNCIL SPECIAL MEETING**

At 5:05 p.m., the City Council conducted interviews for the Planning 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 the Traffic Safety Commission.

**SARATOGA CITY COUNCIL REGULAR MEETING**

Mayor Lo called the meeting to order at 7:02 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  
Brian Babcock, Administrative Analyst I

**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 March 13, 2014.

**REPORT FROM CLOSED SESSION**

None

**COMMUNICATIONS FROM COMMISSIONS & PUBLIC**

**Oral Communications on Non-Agendized Items**

Mike Story spoke about the Saratoga Sister City Open House on March 29, 2014 from 1:00 p.m. to 4:00 p.m. at Saratoga Prospect Center.

Nancy Kirk spoke about the Blossom Festival on March 22, 2014 from 10:00 a.m. to 4:00 p.m. at the Heritage Orchard.

Manisha Kanekar showed a video on banning single-use plastic bags.

Anita Parsons urged the Council to ban single-use plastic bags.

Nikhil Aji urged the Council to ban single-use plastic bags.

Sujata Aji encouraged the Council to consider banning Styrofoam products.

Kunal Kanekar requested that the Council adopt a ban on plastic bags.

Rajesh Aji asked the City Council to ban plastic bags and Styrofoam.

Fiona O'Dwyer-Vaillant requested that the Council ban single-use plastic bags and polystyrene.

Mike Story encouraged the Council to consider a ban of plastic bags.

Trish Cypher recommended voluntary efforts to reduce use of plastic bags, requested greater public participation on housing element workshops, and spoke about the level of analysis in staff reports.

Jeff Schwartz spoke in favor of a ban on single-use plastic bags. He also stated he believed Vice Mayor Miller and Council Member Page violated law during oral communications at the March 5, 2014 Council Meeting, shared he felt it was necessary for the Council Members to hold each other accountable and to behave in a respectful manner, and expressed his opinion that the section of the speaker card that refers to the speaker's position on an item is illegal.

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

Council Member Hunter requested that discussion on ordinances banning single-use plastic bags and polystyrene be scheduled for a future meeting.

Council Member Page supported the request and asked that the report include cost analysis on ordinances that ban single-use plastic bags and polystyrene.

Vice Mayor Miller requested that the City Attorney review the speaker slip to ensure it complies with law.

#### **Communications from Boards and Commissions**

Traffic Safety Commission Chair Tim Harris provided an overview of the City Council's Joint Meeting with the Traffic Safety Commission and shared information about the Traffic Safety Commission's mission and recent efforts.

#### **Council Direction to Staff**

None

#### **ANNOUNCEMENTS**

Vice Mayor Miller shared that he, along with Parks and Recreation Commissioner Ping Li, will be guiding two hikes at the Quarry Park on April 5, 2014 at 9:30 a.m. and on May 3, 2014 at 9:30 a.m. The hikes will begin at the entrance to the property at Highway 9 off Toll Gate Road and will include a moderate 1.5 mile hike and an option for a more strenuous 2.5 mile hike.

Council Member Hunter shared that the Pet Parade will be April 26, 2014 starting at 10:00 a.m. in the Village. Community Development Director James Lindsay will be one of the judges.

Council Member Cappello announced that the Recreation Department will be hosting an open house on March 29, 2014 from 11:00 a.m. to 2:00 p.m. The event will include free classes, refreshments, and an opportunity to learn more about programs and services offered by the Recreation Department.

Council Member Page shared that PG&E sent notices that it will be changing residential rates and residents may see a change in their electrical or gas bills. He also announced that the City was awarded a Distinguished Budgeting Award from the Government Finance Officers Association.

Mayor Lo noted that the City is accepting applications for the Parks and Recreation Commission as well as the Youth Commission. Applications for the Parks and Recreation Commission are due March 25 and applications for the Youth Commission are due May 6. Additionally, Mayor Lo invited the public to participate in an online survey to assist the City with the recruitment for the new City Manager. The survey is on the City's website at [www.saratoga.ca.us](http://www.saratoga.ca.us) and the deadline to participate is May 2, 2014.

### **CEREMONIAL ITEMS**

1. Commendation for Laurel Perusa

**Recommended action:**

Read and present commendation for Laurel Perusa.

Mayor Lo presented Laurel Perusa with a commendation.

2. Appointment of Commissioners and Oath of Office

**Recommended action:**

Adopt the attached resolution appointing Robert Gulino to the Saratoga Library Commission and direct the City Clerk to administer the Oath of Office.

### **RESOLUTION NO. 14-015**

PAGE/HUNTER MOVED TO **ADOPT THE ATTACHED RESOLUTION APPOINTING ROBERT GULINO TO THE SARATOGA LIBRARY 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 Robert Gulino.

### **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 March 5, 2014.

PAGE/MILLER MOVED TO **APPROVE CITY COUNCIL MINUTES FOR THE SPECIAL AND REGULAR CITY COUNCIL MEETING ON MARCH 5, 2014.** 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:

3/4/2014 Period 9

3/11/2014 Period 9

PAGE/MILLER MOVED TO **ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 3/4/2014 PERIOD 9; AND 3/11/2014 PERIOD 9.** MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

5. Award of Contract for Hearing Officer Services

**Recommended action:**

Authorize the City Manager to execute an agreement with Moscone Emblidge Sater & Otis LLP for hearing officer services to be performed by Rachel J. Sater.

PAGE/MILLER MOVED TO **AUTHORIZE THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH MOSCONE EMBLIDGE SATER & OTIS LLP FOR HEARING OFFICER SERVICES TO BE PERFORMED BY RACHEL J. SATER.** MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

6. Joe's Trail at Saratoga De Anza Project – Notice of Completion

**Recommended action:**

Move to accept Joe's Trail at Saratoga De Anza Project as complete and authorize staff to record the Notice of Completion for the construction contract.

PAGE/MILLER MOVED TO **ACCEPT JOE'S TRAIL AT SARATOGA DE ANZA PROJECT AS COMPLETE AND AUTHORIZE STAFF TO RECORD THE NOTICE OF COMPLETION FOR THE CONSTRUCTION CONTRACT.** MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

7. Joe's Trail at Saratoga De Anza – Approval Final Payment and Budget Resolution  
**Recommended action:**  
1. Approve Budget Resolution in the amount of \$33,997  
2. Authorize increase in construction contingency to Guerra Construction Group of Santa Clara in the amount of \$58,520.

**RESOLUTION NO. 14-016**

PAGE/MILLER MOVED TO: **APPROVE BUDGET RESOLUTION IN THE AMOUNT OF \$33,997; AND AUTHORIZE INCREASE IN CONSTRUCTION CONTINGENCY TO GUERRA CONSTRUCTION GROUP OF SANTA CLARA IN THE AMOUNT OF \$58,520.** MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

**PUBLIC HEARINGS**

8. Noise Ordinance Update  
**Recommended action:**  
1. Conduct a public hearing.  
2. Introduce and waive the first reading of the attached ordinance to amend various City Code Articles related to noise control and direct staff to place the ordinance on the consent calendar for adoption at the next regular meeting of the City Council.

Community Development Director James Lindsay presented the staff report.

Mayor Lo invited public comment on the item.

The following people requested to speak:

Suzanne Frontz spoke in support of the noise ordinance.

Kathy Fitzsimmons requested no changes outdoor music regulations.

Trish Cypher discussed inconsistencies she perceived in the noise ordinance.

No one else requested to speak.

PAGE/CAPPELLO MOVED TO **INTRODUCE AND WAIVE THE FIRST READING OF THE ATTACHED ORDINANCE TO AMEND VARIOUS CITY CODE ARTICLES RELATED TO NOISE CONTROL; DIRECT STAFF TO PLACE THE ORDINANCE ON THE CONSENT CALENDAR FOR ADOPTION AT THE NEXT REGULAR MEETING OF THE CITY COUNCIL; AND DIRECT STAFF TO INCLUDE INFORMATION ABOUT HOURS OF OPERATION AND NOISE REGULATIONS FOR HEAVY GARDEN EQUIPMENT ON TREE REMOVAL PERMITS.** MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

Mayor Lo invited Donna Poppenhagen, who requested to speak on Item 6: Joe's Trail at Saratoga De Anza – Notice of Completion.

Donna Poppenhagen addressed the City Council about opening access to Joe's Trail at Saratoga DeAnza at Fredericksburg and Titus.

9. Public Hearing on Resolution Ordering Abatement of a Public Nuisance by Removal of Hazardous Vegetation (Weeds)

**Recommended action:**

Open the public hearing, listen to public testimony, and close public hearing. Consider any objections to the proposed Order for Abatement of Hazardous Vegetation and sustain or overrule any objections as to specific properties. Adopt the resolution ordering abatement as to specified properties (with modifications if any objections are sustained).

City Clerk Crystal Bothelio presented the staff report.

Mayor Lo invited public comment on the item.

No one requested to speak.

**RESOLUTION NO. 14-017**

PAGE/CAPPELLO MOVED TO **ADOPT THE RESOLUTION ORDERING ABATEMENT AS TO SPECIFIED PROPERTIES.** MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

**OLD BUSINESS**

None

**NEW BUSINESS**

10. Allocation of Annual Saratoga Event Grant Program Funds

**Recommended action:**

Review Saratoga Community Event Grant Program applications and determine grant allocations.

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

Mayor Lo invited public comment.

The following people requested to speak.

Susan Huff, Executive Director of SASCC

Lisa Huening, President of SASCC

Part Martell, Saratoga Chamber of Commerce President-Elect

Annette Stransky, President of the Saratoga Historical Foundation

Joyce Hlava, Saratoga Foothill Club

Sarah Okuno

Allison Parham, Saratoga Community Librarian

Jenny Studley, Bay Shore Lyric Opera Co-Founder

No one else requested to speak.

**MILLER/CAPPELLO MOVED TO MAKE THE FOLLOWING COMMUNITY EVENT GRANT ALLOCATIONS:**

<b>EVENT</b>	<b>ALLOCATION</b>
<b>BLOSSOM FESTIVAL</b>	<b>\$4,890.00</b>
<b>LIBRARY - HEART OF THE COMMUNITY</b>	<b>\$3,000.00</b>
<b>MEMORIAL DAY OBSERVANCE</b>	<b>\$1,000.00</b>
<b>MONTALVO ARTS SPLASH</b>	<b>\$3,000.00</b>
<b>OPERA IN THE PARK</b>	<b>\$1,750.00</b>
<b>SARATOGA BOLLYWOOD</b>	<b>\$1,500.00</b>
<b>SARATOGA COMMUNITY BAND</b>	<b>\$600.00</b>
<b>SARATOGA HOLIDAY WINE STROLL</b>	<b>\$4,100.00</b>
<b>SARATOGA JULY 4TH CELEBRATION</b>	<b>\$2,135.00</b>
<b>SASCC HEALTH AND WELLNESS EXPO</b>	<b>\$5,000.00</b>

**AND ALLOCATE A TOTAL OF \$26,975 TO THE COMMUNITY EVENT GRANT PROGRAM FOR FISCAL YEAR 2014/15.**

Vice Mayor Miller withdrew his motion.

**CAPPELLO/HUNTER MOVED TO MAKE THE FOLLOWING COMMUNITY EVENT GRANT ALLOCATIONS:**

<b>BLOSSOM FESTIVAL</b>	<b>\$4,890.00</b>
<b>LIBRARY - HEART OF THE COMMUNITY</b>	<b>\$3,000.00</b>
<b>MEMORIAL DAY OBSERVANCE</b>	<b>\$1,000.00</b>
<b>MONTALVO ARTS SPLASH</b>	<b>\$3,000.00</b>
<b>OPERA IN THE PARK</b>	<b>\$1,750.00</b>
<b>SARATOGA BOLLYWOOD</b>	<b>\$1,500.00</b>
<b>SARATOGA COMMUNITY BAND</b>	<b>\$600.00</b>
<b>SARATOGA HOLIDAY WINE STROLL</b>	<b>\$4,100.00</b>
<b>SARATOGA JULY 4TH CELEBRATION</b>	<b>\$2,135.00</b>
<b>SASCC HEALTH AND WELLNESS EXPO</b>	<b>\$5,000.00</b>

**AND ALLOCATE A TOTAL OF \$26,975 TO THE COMMUNITY EVENT GRANT PROGRAM FOR FISCAL YEAR 2014/15.**

**PAGE MOVED TO FUND THE COMMUNITY EVENT GRANT PROGRAM AT \$20,000 AND ALLOCATE AN ADDITIONAL \$10,000 FOR ROADWORK IN THE CITY.**

There was no second to the motion.

**MILLER/PAGE MOVED TO REVIEW THE PREFERRED GRANT ALLOCATIONS OF EACH COUNCIL MEMBER FOR THE**

**APPLICATIONS AND THEN CONSIDER WHETHER TO ADJUST THE TOTAL FUNDING LEVEL OF THE COMMUNITY EVENT GRANT PROGRAM FOR FISCAL YEAR 2014/15.** MOTION PASSED. AYES: LO, MILLER, PAGE. NOES: CAPPELLO, HUNTER. ABSTAIN: NONE. ABSENT: NONE.

PAGE/MILLER MOVED TO **MAKE THE FOLLOWING COMMUNITY EVENT GRANT PROGRAM ALLOCATIONS AND FUND THE COMMUNITY EVENT GRANT PROGRAM FOR FISCAL YEAR 2014/15 AT \$21,400:**

<b>BLOSSOM FESTIVAL</b>	<b>\$4,500.00</b>
<b>LIBRARY - HEART OF THE COMMUNITY</b>	<b>\$2,800.00</b>
<b>MEMORIAL DAY OBSERVANCE</b>	<b>\$900.00</b>
<b>MONTALVO ARTS SPLASH</b>	<b>\$2,000.00</b>
<b>OPERA IN THE PARK</b>	<b>\$800.00</b>
<b>SARATOGA BOLLYWOOD</b>	<b>\$1,200.00</b>
<b>SARATOGA COMMUNITY BAND</b>	<b>\$600.00</b>
<b>SARATOGA HOLIDAY WINE STROLL</b>	<b>\$3,100.00</b>
<b>SARATOGA JULY 4TH CELEBRATION</b>	<b>\$1,900.00</b>
<b>SASCC HEALTH AND WELLNESS EXPO</b>	<b>\$3,600.00</b>

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

At 10:05 p.m., Mayor Lo announced that the Council would be taking a brief recess. She reopened the meeting at 10:12 p.m.

11. Destination Saratoga Agreement Review & One Year Extension

**Recommended action:**

Receive report and authorize the City Manager to execute a one-year extension to the agreement.

Community Development Director James Lindsay presented the staff report.

Mayor Lo invited public comment on the item.

The following person requested to speak:

Josh Weeks, Destination Saratoga

No one else requested to speak.

CAPPELLO/PAGE MOVED TO **RECEIVE REPORT AND AUTHORIZE THE CITY MANAGER TO EXECUTE A ONE-YEAR EXTENSION TO THE AGREEMENT.** MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

12. Formation of State Route 85 Committee

**Recommended action:**

Accept report and provide direction to staff on the formation of a State Route 85 committee.

City Clerk Crystal Bothelio presented the staff report.

Mayor Lo invited public comment on the item.

The following people requested to speak:

Mary Robertson

Donna Poppenhagen

Trish Cypher

Cheriel Jensen

Joyce Hlava

No one else requested to speak.

PAGE/HUNTER MOVED TO **AUTHORIZE VICE MAYOR MILLER AND COUNCIL MEMBER PAGE TO SCHEDULE A STUDY SESSION, PREFERABLY ON A SATURDAY, TO DISCUSS COMMUNITY AND COALESCE CONCERNS REGARDING STATE ROUTE 85 AS WELL AS IDENTIFY AND PRIORITIZE POSSIBLE SOLUTIONS TO THESE CONCERNS.** MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

**ADHOC & AGENCY ASSIGNMENT REPORTS**

Mayor Emily Lo

*Cities Association of Santa Clara County* – during the last meeting, the group voted to support Assembly Bill (AB) 1449 and Senate Bill 1262. Support for AB 1477 and House Resolution 29 will be discussed at the next meeting.

Vice Mayor Howard Miller

*Valley Transportation Authority Policy Advisory Committee (PAC)* – during the last meeting, the PAC recommended allocation of a \$300,000 grant for opening up an access point to Joe’s Trail from Guava Court.

Council Member Manny Cappello

*Santa Clara County Housing and Community Development (HCD) Council Committee* – the committee will be holding a retreat soon and one of the items to be discussed is allocation of Regional Housing Needs Assessment numbers.

Council Member Chuck Page

*West Valley Sanitation District* – at the last meeting, a study of the current rates and projections of the Water Treatment Plant improvements costs was presented. The Board

determined that the current rates should support improvements as planned without depleting reserves or requiring additional rate changes.

Council Member Jill Hunter

*Santa Clara Valley Water District Commission* – the Water Commission and Santa Clara Valley Water District West Valley Flood Control & Watershed Advisory Committee have been officially combined.

**CITY COUNCIL ITEMS**

Council Member Page requested that the Council discuss establishing a fee that could be used to pay neighboring cities to assume some of the regional housing needs allocations for Saratoga.

Vice Mayor Miller supported the request to add the item to a future City Council agenda.

**CITY MANAGER’S REPORT**

City Manager Dave Anderson reported that he attended the Silicon Valley Radio Interoperability Board Retreat. During the meeting, the group discussed a new interoperability program. The Santa Clara County City Managers’ Association will review and make a recommendation on options for allocation of cost among the jurisdictions in the County. Additionally, Morgan Hill City Manager Steve Rymer was appointed as Saratoga City Manager Dave Anderson’s replacement on the Board.

**ADJOURNMENT**

PAGE/MILLER MOVED TO **ADJOURN THE MEETING AT 12:12 A.M.** MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

Minutes respectfully submitted:

Crystal Bothelio, City Clerk