

**MINUTES
WEDNESDAY, JUNE 4, 2014
SARATOGA CITY COUNCIL SPECIAL MEETING**

At 6:00 p.m., the Saratoga City Council held a Joint Meeting with representatives of Montalvo Arts in the Administrative Conference Room at 13777 Fruitvale Avenue.

SARATOGA CITY COUNCIL REGULAR MEETING

Mayor Lo called the Regular Meeting to order at 7:01 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
Adam Henig, Recreation Supervisor
Iveta Harvancik, Senior 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 May 30, 2014.

REPORT FROM CLOSED SESSION

Mayor Lo announced that there was no Closed Session and therefore nothing to report.

Mayor Lo then dedicated the meeting to all immigrants in the City of Saratoga on the 25th anniversary of her own move to the United States.

COMMUNICATIONS FROM COMMISSIONS & PUBLIC

Oral Communications on Non-Agendized Items

Kelly Hudson, Deputy Director of Montalvo Arts, provided an overview of the Council's Joint Meeting with Montalvo Arts. She shared information about the Montalvo residency program, the summer concert season, Carriage House Concert series, summer camps, and Arts on the Grounds program.

Jim Stallman addressed the City Council regarding the State Route 85 Express Lanes Project and expressed an interest in maintaining access to the carpool/express lane in Saratoga.

Trish Cypher raised concerns about regional government and the Bay Delta Conservation Plan. She also spoke about the State Route 85 Express Lanes project and expressed reservations about toll lanes and pricing programs.

Cheriel Jensen spoke about the State Route 85 Express Lanes Program and stated she would like to maintain access to the carpool/express lane in Saratoga. She also raised concerns about Vector Control ground fogging.

Janice Gamper complimented the City Council on the appearance of streets in Saratoga.

Joe Long, Saratoga Fire Protection District Commissioner, shared that the Santa Clara County Local Agency Formation Commission (LAFCO) voted to drop the proposed consolidation of the Saratoga Fire Protection District with the Santa Clara County Fire Protection District.

Oral Communications - Council Direction to Staff

Council Member Hunter stated she agreed with concerns raised about loss of access to the carpool/express lane in Saratoga. She also said she agreed with the concerns regarding ground fogging and use of pesticides in Saratoga.

Vice Mayor Miller noted the location of access points to the State Route 85 carpool/express lane near Saratoga, according to the proposed plans for the State Route 85 Express Lanes project. He shared he was concerned about access going northbound on 85.

Communications from Boards and Commissions

None

Council Direction to Staff

None

ANNOUNCEMENTS

Vice Mayor Miller announced summer camps and classes available through the City of Saratoga Recreation Department. There are camps and classes for all ages and interests. Information is available in the Recreation Activity Guide or on the City's website

Council Member Cappello shared that SASCC is holding a fundraising dinner, "A Night in Tuscany," on Saturday, June 7 at 6:00 p.m. Tickets are \$60 each and proceeds go to services for seniors in the community.

CEREMONIAL ITEMS

None

SPECIAL PRESENTATIONS

None

CONSENT CALENDAR

1. City Council Meeting Minutes

Recommended action:

Approve City Council minutes for the Special City Council Meeting on May 13, 2014 and Special City Council Meeting and Regular City Council Meeting on May 21, 2014.

CAPPELLO/PAGE MOVED TO **APPROVE CITY COUNCIL MINUTES FOR THE SPECIAL CITY COUNCIL MEETING ON MAY 13, 2014 AND SPECIAL CITY COUNCIL MEETING AND REGULAR CITY COUNCIL MEETING ON MAY 21, 2014.** MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

2. Review of Accounts Payable Check Registers

Recommended action:

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

5/20/2014 Period 11

5/27/2014 Period 11

CAPPELLO/PAGE MOVED TO **ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 5/20/2014 PERIOD 11; AND 5/27/2014 PERIOD 11.** MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

3. Treasurer's Report for the Month Ended April 30, 2014

Recommended action:

Review and accept the Treasurer's Report for the month ended April 30, 2014.

CAPPELLO/PAGE MOVED TO **ACCEPT THE TREASURER'S REPORT FOR THE MONTH ENDED APRIL 30, 2014.** MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

4. Fiscal Year 2014/15 Gann Appropriation Limit

Recommended action:

Review report and adopt resolution approving the Gann Appropriation Limit for FY 2014/15.

RESOLUTION NO. 14-034

CAPPELLO/PAGE MOVED TO **ADOPT RESOLUTION APPROVING THE GANN APPROPRIATION LIMIT FOR FY 2014/15.** MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

5. Adoption of:

- 1) Fiscal Year 2014/15 Operating & Capital Budget; and

- 2) Environmental Impact Assessment for new Capital Improvement Plan projects

Recommended action:

1. Adopt resolution approving the Proposed FY 2014/15 Operating and Capital Budgets, directing staff to incorporate within the final adopted budget any modifications related to late-breaking changes, minor corrections, carryforward appropriations, refined estimates,

grant approvals, claim reimbursements, pass-through appropriations, or additional direction from Council upon adoption of the budget.

2. Adopt the attached Environmental Impact Assessment for new projects included in the FY 2014/15 Capital Improvement Plan (CIP) update.

Vice Mayor removed this item to comment on the Fiscal Year 2014/15 budget.

Mayor Lo invited public comment on the item .

No one requested to speak.

RESOLUTION NO. 14-035

MILLER/CAPPELLO MOVED TO **ADOPT THE: 1. RESOLUTION APPROVING THE PROPOSED FY 2014/15 OPERATING AND CAPITAL BUDGETS, DIRECTING STAFF TO INCORPORATE WITHIN THE FINAL ADOPTED BUDGET ANY MODIFICATIONS RELATED TO LATE-BREAKING CHANGES, MINOR CORRECTIONS, CARRYFORWARD APPROPRIATIONS, REFINED ESTIMATES, GRANT APPROVALS, CLAIM REIMBURSEMENTS, PASS-THROUGH APPROPRIATIONS, OR ADDITIONAL DIRECTION FROM COUNCIL UPON ADOPTION OF THE BUDGET; AND 2. ENVIRONMENTAL IMPACT ASSESSMENT FOR NEW PROJECTS INCLUDED IN THE FY 2014/15 CAPITAL IMPROVEMENT PLAN (CIP) UPDATE.** MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

6. Resolution Calling for General Municipal Election – November 4, 2014

Recommended action:

Adopt the attached resolution calling for a consolidated, General Municipal Election on November 4, 2014.

Vice Mayor Miller removed this item to note that the City Clerk provided a revised resolution that included minor clerical corrections. The resolution was provided as a desk item.

RESOLUTION NO. 14-036

MILLER/HUNTER MOVED TO **ADOPT THE REVISED RESOLUTION CALLING FOR A CONSOLIDATED, GENERAL MUNICIPAL ELECTION ON NOVEMBER 4, 2014.** MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

7. Renewal of Agreement for City Surveyor Consultant Services

Recommended action:

Approve a three-year contract agreement with Giuliani and Kull, Inc. for City Surveyor Consultant Services and authorize the City Manager to execute the same.

CAPPELLO/PAGE MOVED TO **APPROVE A THREE-YEAR CONTRACT AGREEMENT WITH GIULIANI AND KULL, INC. FOR CITY SURVEYOR CONSULTANT SERVICES AND AUTHORIZE THE CITY MANAGER TO**

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

PUBLIC HEARINGS

8. Landscaping & Lighting Assessment District LLA-1 - Public Hearing for Proposition 218 Protest Election for the Annexation of a New Zone (Allendale) and Confirmation of Assessments for FY 14-15

Recommended action:

Move to adopt the Resolution Ordering the Improvements and Confirming the Diagram and Assessments for FY 14-15.

Public Works Director John Cherbone presented the staff report.

Mayor Lo invited public comment on the item.

The following person requested to speak:

Trish Cypher

No one else requested to speak.

Mayor Lo closed the public hearing and announced that the Council would be conducting a short break to allow the City Clerk to tabulate the ballots.

After a short break, Mayor Lo asked the City Clerk to announce the results of the protest process.

City Clerk Crystal Bothelio announced the tabulation of the votes: 9 opposed to the annexation of a new zone, 21 in support, and 1 invalid.

RESOLUTION NO. 14-037

CAPPELLO/MILLER MOVED TO **ADOPT THE RESOLUTION ORDERING THE IMPROVEMENTS AND CONFIRMING THE DIAGRAM AND ASSESSMENTS FOR FY 14-15.** MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

9. City Code Update Regarding City Manager and Personnel System

Recommended action:

Conduct a public hearing and then introduce and waive the first reading of the attached ordinance amending City Code provisions concerning the City Manager (Article 2-20) and the Personnel System (Article 2-40) and direct staff to place the ordinance on the consent calendar for adoption at the next regular meeting of the City Council.

City Attorney Richard Taylor presented the staff report.

Mayor Lo invited public comment on the item.

The following person requested to speak:

Trish Cypher

No one else requested to speak.

MILLER/PAGE MOVED TO WAIVE THE FIRST READING OF THE ATTACHED ORDINANCE AMENDING CITY CODE PROVISIONS CONCERNING THE CITY MANAGER (ARTICLE 2-20) AND THE PERSONNEL SYSTEM (ARTICLE 2-40) AND DIRECT STAFF TO PLACE THE ORDINANCE ON THE CONSENT CALENDAR FOR ADOPTION AT THE NEXT REGULAR MEETING OF THE CITY COUNCIL. MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

10. Landscaping & Lighting Assessment District LLA-1 - Public Hearing, Approval of Engineer's Report, and Confirmation of Assessments for FY 14-15

Recommended action:

Move to adopt the Resolution Ordering the Improvements and Confirming the Diagram and Assessments for FY 14-15.

Public Works Director John Cherbone presented the staff report.

Mayor Lo invited public comment.

The following person requested to speak:

Eva Chow

No one else requested to speak.

RESOLUTION NO. 14-038

CAPPELLO/PAGE MOVED TO ADOPT THE RESOLUTION ORDERING THE IMPROVEMENTS AND CONFIRMING THE DIAGRAM AND ASSESSMENTS FOR FY 14-15. MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

OLD BUSINESS

None

NEW BUSINESS

11. Approval of the Quarry Park Master Plan, Initial Study/Mitigated Negative Declaration and Phase One Conceptual Design

Recommended action:

1. Approve Quarry Park Initial Study/Mitigated Negative Declaration
2. Approve Quarry Park Master Plan
3. Authorize staff to initiate Phase One of the Quarry Park Master Plan

Public Works Director John Cherbone presented the staff report and noted that staff provided a desk item with: a summary of written comments received to the Initial Study/Mitigated Negative Declaration; responses to the comments; an updated resolution adopting the Initial

Study/Mitigated Negative Declaration and Quarry Master Plan; and mitigation monitoring and reporting program. Public Works Director John Cherbone then invited Patrick Miller with 2M Associates, Isabelle Minn with PlaceWorks, and Kyle Simpson with PlaceWork to present the proposed Master Plan.

Patrick Miller with 2M Associates, Isabelle Minn with PlaceWorks, and Kyle Simpson with PlaceWorks provided a presentation on the Master Plan.

Mayor Lo invited public comment on the item.

The following people requested to speak:

Lori Burns

Keith Fox

John Kwong

Jim Stallman

No one else requested to speak.

RESOLUTION NO. 14-039

MILLER/PAGE MOVED TO: ADOPT THE REVISED RESOLUTION APPROVING QUARRY PARK INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND THE QUARRY PARK MASTER PLAN; AUTHORIZE STAFF TO INITIATE PHASE ONE OF THE QUARRY PARK MASTER PLAN; AND DIRECT STAFF TO WORK WITH NEIGHBORS IN THE SARATOGA HEIGHTS AREA TO DETERMINE THE OFFICIAL DISPOSITION AND PURPOSE OF THE SARATOGA HEIGHTS OPEN SPACE AREA. MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

Mayor Lo received a request to speak from Janice Gamper. Mayor Lo invited her to speak.

Janice spoke about lighting on Chester Avenue.

ADHOC & AGENCY ASSIGNMENT REPORTS

Mayor Emily Lo

West Valley Mayors and Managers Association – during the last meeting, a prospective transportation measure was discussed. Carl Guardino will present additional information on the proposed measure at the next meeting. Mayor Lo noted that she would not be able to attend the meeting and requested that Vice Mayor Miller attend on her behalf.

Mayor Lo also shared she had a meeting with Congresswoman Anna Eshoo to introduce herself and provide updates on the City of Saratoga.

Vice Mayor Howard Miller

Ministerial Association – Vice Mayor Miller attended the Ministerial Association meeting on behalf of Council Member Cappello. The meeting was the last before the summer recess, as well as the last meeting for Rabbi Danny Pressman. An update was also given on Congregation Beth David's efforts to expand the interior of the synagogue.

Valley Transportation Authority Policy Advisory Committee (PAC) – there is a board meeting on June 5, 2014 at 5:30 p.m. The agenda includes a proposal to remove the second lane from the State Route 85 Express Lane project.

Council Member Manny Cappello

No report

Council Member Chuck Page

No report

Council Member Jill Hunter

No report

CITY COUNCIL ITEMS

Council Member Hunter noted that the Santa Clara Valley Water District West Valley Flood Control & Watershed Advisory Committee no longer exists, though it is listed in the Council Adhoc and Agency Assignments.

CITY MANAGER'S REPORT

No report

ADJOURNMENT

PAGE/CAPPELLO MOVED TO **ADJOURN THE MEETING AT 9:34 P.M.** MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

Minutes respectfully submitted:

Crystal Bothelio, City Clerk