

**MINUTES
WEDNESDAY, SEPTEMBER 2, 2015
SARATOGA CITY COUNCIL SPECIAL MEETING**

At 5:00 p.m., the Saratoga City Council called the Special Meeting to order in the Administrative Conference Room at Saratoga City Hall at 13777 Fruitvale Avenue and adjourned to Closed Session. At 6:40 p.m., the City Council called to order a study session on Fair Political Practice Commission rules.

SARATOGA CITY COUNCIL REGULAR MEETING

Mayor Miller called the Regular Meeting to order at 7:04 p.m. and led the Pledge of Allegiance.

ROLL CALL

PRESENT: Mayor Howard Miller, Vice Mayor Manny Cappello, Council Members Emily Lo, Mary-Lynne Bernald, Rishi Kumar

ABSENT: None

ALSO PRESENT: James Lindsay, City Manager
Richard Taylor, City Attorney
Debbie Bretschneider, Acting City Clerk
Mary Furey, Finance & Administrative Services Director
Brian Babcock, Administrative Analyst
Michael Fossati, Planner II
Kirk Heinrichs, Senior Project Manager

REPORT OF CITY CLERK ON POSTING OF AGENDA

Acting City Clerk Debbie Bretschneider reported that the agenda for this meeting was properly posted on August 27, 2015.

REPORT FROM CLOSED SESSION

Mayor Miller announced that the City Council held a Closed Session prior to the Regular Meeting and had nothing to report.

COMMUNICATIONS FROM COMMISSIONS & PUBLIC

Oral Communications on Non-Agendized Items

Tom Moran, KSAR President addressed the Council and stated that KSAR had been videoing and archiving council meetings for many years. KSAR has recently updated the equipment used to video the council meetings. He then introduced David Lee, station manager, who presented more details about the update which will be HD compatible and now have 5 cameras recording the meetings.

Hima Yalamati addressed the Council about recent increase in burglaries in the City of Saratoga and requested more police patrolling.

Charles Thompson addressed the Council about increased air noise over the City of Saratoga and requested that the City of Saratoga approve a resolution to the Federal Aviation Administration (FAA), similar to the one the County Board of Supervisors recently approved.

Oral Communications - Council Direction to Staff

Mayor Miller had tips for residents on the increase in crime:

1. Someone knocking on the front door for a long time—call 911 or Sheriff non-emergency phone number.
2. Suspicious cars –call 911 or Sheriff.
3. Neighborhood watch programs –there are videos on how to set these up.
 - a. Council Member Kumar suggested more interactive between neighbors. There is a 3 minute video on YouTube and the City’s website about opening a neighborhood watch.
4. Sheriff Deputies like to attend block parties.
5. Vice Mayor Cappello suggested watching out for unpermitted solicitors Call 911 and sheriff will check on permits of solicitor.

Communications from Boards and Commissions

None

Council Direction to Staff

None

ANNOUNCEMENTS

Council Member Kumar announced that the free classes for community held at Joan Pisani Community Center will be closed this weekend for the Labor Day holiday, but they will be coming back next week. Also announced the Saratoga Technical Day for September 12 between 10 a.m. and 3 p.m., find more information at: tinyurl.com/siliconvalleytechday. Also on September 20 is a documentary screening of *Cowspiracy* with a free vegetarian lunch from 12 p.m.-3 p.m. tinyurl.com/SaratogaScreening. Both events are being held at the Joan Pisani Community Center.

Council Member Bernald announced that the 2nd annual Blues & Brews held by the Chamber of Commerce is being held at Wildwood Park on Saturday, September 5 from 3 p.m.-7 p.m.

Council Member Lo announced that on September 27 will be the Mid-Autumn Festival at the Saratoga History Museum. This is a free event from 1:30 -4:00 p.m. and will have a presentation on the building of the transcontinental railroad by Chinese immigrants. Also on September 27 from 5:00-9:30 p.m. is the Hakone Centennial Gala dinner in the Hakone Gardens. Tickets are \$200 and \$125 of that is tax-deductible.

Mayor Miller reminded everyone that the City is still looking for Library and Parks & Recreation commissioners and the deadline for applications is September 9. Also the Heritage Preservation Commission, which does inventories of historical houses and trees, and the Traffic Safety

Commission will have also vacancies and you can apply until November 23. He also announced the Saratoga Quarry Park Grand Opening will be on October 31, 2015 at 10:30 a.m.

CEREMONIAL ITEMS

None

SPECIAL PRESENTATIONS

None

CONSENT CALENDAR

1. City Council Meeting Minutes

Recommended action:

Approve the City Council minutes for the Special and Regular City Council Meeting on August 19, 2015.

CAPPELLO/BERNALD MOVED TO **APPROVE THE CITY COUNCIL MINUTES FOR THE SPECIAL AND REGULAR CITY COUNCIL MEETING ON AUGUST 19, 2015.** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. 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: 8/18/2015: Period 2; 8/25/2015: Period 2

CAPPELLO/BERNALD MOVED TO **REVIEW AND ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 8/18/2015: PERIOD 2; 8/25/2015: PERIOD 2.** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

3. Adoption of Rules of Procedure for Administrative Appeal Hearings Before the Hearing Officer

Recommended action:

Approve the attached resolution adopting Rules of Procedure for Administrative Appeal Hearings Before the Hearing Officer.

RESOLUTION NO. 15-052

CAPPELLO/BERNALD MOVED TO **APPROVE THE ATTACHED RESOLUTION ADOPTING RULES OF PROCEDURE FOR ADMINISTRATIVE APPEAL HEARINGS BEFORE THE HEARING OFFICER.** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

4. Budget Adjustment Resolution – Santa Clara County Public Health Department Grant

Recommended action:

Approve budget adjustment resolution.

RESOLUTION NO. 15-053

CAPPELLO/BERNALD MOVED TO **APPROVE BUDGET ADJUSTMENT RESOLUTION.** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

5. Second Reading of Ordinance Amending Tree Regulations (Article 15-50 of the Zoning Code)

Recommended action:

Waive the second reading and adopt the attached ordinance to revise the Tree Regulations ordinance (Article 15-50).

Mayor Miller removed this item from the Consent Calendar to emphasize that starting Oct. 5 it will be much easier and free to have a dead tree removed from your property with your documentation.

ORDINANCE NO. 331

CAPPELLO/BERNALD MOVED TO **WAIVE THE SECOND READING AND ADOPT THE ATTACHED ORDINANCE TO REVISE THE TREE REGULATIONS ORDINANCE (ARTICLE 15-50).** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

PUBLIC HEARINGS

6. Appeal of Design Review and Variance applications for a new two-story residence at 21794 Heber Way.

Recommended action:

Conduct a public hearing and adopt a resolution denying the appeal.

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

Bradley Matteoni of Matteoni, O’Laughlin, & Hechtman, represented the applicant and provided opening remarks. Applicant Rounda Sheng also spoke.

Mayor Miller invited public comment on the item.

The following people requested to speak:

- Han Lin spoke in support to the staff recommendation to deny the appeal.
- Annie Lim spoke in support to the staff recommendation to deny the appeal.
- Nancy Kundtl spoke in support to the staff recommendation to deny the appeal.
- Joyce Hlava, Planning Commissioner, spoke in opposition to the staff recommendation to deny the appeal.
- Darius Novaghi spoke in opposition to the staff recommendation to deny the appeal.
- Leonard Almalech, Planning Commission Chair, spoke on the Planning Commission findings on this project.

Steve Sheng and Bradley Matteoni provided closing remarks on behalf of the applicant.

Mayor Miller closed the public hearing for this item and asked for Council discussion.

Vice Mayor Cappello stated that he was able to make all the findings on the variances and design review that are listed in the Planning Commission staff report for these applications. The rest of the Council concurred with his remarks.

CAPPELLO/BERNALD MOVED TO HAVE STAFF CREATE A NEW RESOLUTION TO APPROVE THE APPEAL OF THE PLANNING COMMISSION DECISION, WITH THREE CONDITIONS OF APPROVAL TO INCLUDE: PROTECTIVE MEASURES FOR TREES AND SHRUBS, LANDSCAPING PLAN FOR FRONT OF HOUSE TO BE STARTED AS SOON AS PRACTICAL, AND WRAPPING STONE ON FRONT OF HOUSE.

There was a motion to continue this item until after the staff has time to create the resolution.

CAPPELLO/BERNALD MOVED TO CONTINUE THIS ITEM UNTIL LATER IN THE MEETING. MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

At 10:43 p.m., this item was bought back to Council with a resolution including the conditions of approval.

RESOLUTION 15-054

CAPPELLO/LO MOVED TO ADOPT A RESOLUTION GRANTING APPEAL AS TO VARIANCES (VAR 11-001) AND DESIGN REVIEW (PDR 11-0003) ON 21794 HEBER WAY, ALLOWING MAYOR TO ACCEPT TYPOGRAPHICAL CHANGES TO THE RESOLUTION. MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

NEW BUSINESS

Item 7 was heard after Items 8 and 9.

7. General Plan Annual Progress Report and HCD Annual Report

Recommended action:

Adopt a resolution accepting the 2014 General Plan Annual Progress Report and direct staff to file the report with the Governor's Office of Planning and Research (OPR) and the Department of Housing and Community Development (HCD).

Senior Project Manager Heinrichs provided report.

Mayor Miller invited public comment on this item.

No one requested to speak.

RESOLUTION 15-055

LO/CAPPELLO MOVED TO **ADOPT A RESOLUTION ACCEPTING THE 2014 GENERAL PLAN ANNUAL PROGRESS REPORT AND DIRECT STAFF TO FILE THE REPORT WITH THE GOVERNOR'S OFFICE OF PLANNING AND RESEARCH (OPR) AND THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD).** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

Item 8 was pulled and was heard after Item 9.

8. Village Specific Plan Update – Phase 1

Recommended action:

Approve the work plan for Phase I of the process to consider updates to the Village Specific Plan

Senior Project Manager Heinrichs provided report.

Mayor Miller invited public comment on this item.

The following people requested to speak:

Jill Hunter, former Mayor and Council Member, requests that the Saratoga Village Development Council be part of the discussion about the Village Visioning.

CAPPELLO/LO MOVED TO **APPROVE THE WORK PLAN FOR PHASE I OF VILLAGE SPECIFIC PLAN, INCLUDING EDUCATION OF RESIDENTS.** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

Item 9 was pulled after Item 6 and was heard before Items 7 and 8.

9. Report on Flavored Tobacco Regulations

Recommended action:

Accept report.

City Manager Lindsay presented the staff report.

Mayor Miller invited public comment on this item.

The following people requested to speak:

-Nicole Coxe, Santa Clara County Public Health department, spoke in opposition to flavored tobacco.

-Helen Kassa spoke in opposition to flavored tobacco.

-Carol Baker, American Cancer Society Volunteer, spoke in opposition to flavored tobacco.

-Janet Ghanem, Breathe California, spoke in opposition to flavored tobacco.

Mayor Miller then asked the Prospect High School students to come on stage and asked them to give their opinion on whether the age to buy tobacco should be raised to 21.

At 9:55 p.m. Mayor Miller called for a short recess.

After Council discussion, Council accepted the report.

10. 2015 League of California Cities Annual Conference Resolutions

Recommended action:

Provide input to the City's voting delegate (Council Member Bernald) and alternate voting delegates (Council Member Lo and Council Member Kumar) on the resolutions to be considered at the 2015 League of California Cities Annual Conference.

Acting City Clerk Bretschneider presented the staff report.

Mayor Miller invited public comment on this item.

No one requested to speak.

Council Member Bernald as voting delegate asked for Council direction on League resolution supporting SB593.

Vice Mayor Cappello responded with support for this bill, that it would help the City of Saratoga.

CITY COUNCIL ASSIGNMENT REPORTS

Mayor Howard Miller

Council Finance Committee –talked about electric car changing station reporting.

Vice Mayor Manny Cappello

Saratoga Area Senior Coordinating Council (SASCC)- had a report on good participation in Adult Care Center, they are at capacity. Also a discussion on the project to remodel the Senior Center. At the next SASCC meeting, there will be a discussion on funding for the remodel. *Attended Sister City* for Council Member Bernald –newsletter coming out in January. Trips planned, including Cuba, trip to Portland to Japanese gardens.

Council Member Emily Lo

Hakone Foundation Board & Executive Committee –announced 100th Centennial Gala \$200 ticket, \$125 is tax deductible

KSAR Community Access TV Board—upgrade improvements in video of CC meetings.

Council Member Mary-Lynne Bernald

No report.

Council Member Rishi Kumar

Santa Clara Valley Water District Commission –went on a drought tour given by this group. Also attended the San Jose Water Co. briefing on drought engagement and exceeding drought savings percentage.

CITY COUNCIL ITEMS

Council Member Bernald proposed a future agenda item for the City Council to support a resolution to the Federal Aviation Administration asking for decrease in airplane noise over Saratoga.

Mayor Miller supported the request and asked for this agenda item to be on the next Council meeting.

Council Member Bernald proposed a future agenda item to bring back to the Council Retreat a discussion on future Tobacco regulations.

Vice Mayor Cappello supported the request.

CITY MANAGER'S REPORT

City Manager Lindsay pointed out the new city seal on dais.

ADJOURNMENT

CAPPELLO/BERNALD MOVED TO **ADJOURN THE MEETING AT 10:57 P.M.** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

Minutes respectfully submitted:

Debbie Bretschneider, Acting City Clerk
City of Saratoga