

**MINUTES  
WEDNESDAY, FEBRUARY 5, 2014  
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 City Council conducted a Joint Meeting with the Santa Clara County Fire Department.

**SARATOGA CITY COUNCIL REGULAR MEETING**

Mayor Lo called the 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  
Kate Bear, City Arborist  
Cynthia McCormick, Planner  
Michael Fossati, Planner

**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 January 30, 2014.

**REPORT FROM CLOSED SESSION**

Mayor Lo announced that there was nothing to report.

**COMMUNICATIONS FROM COMMISSIONS & PUBLIC**

**Oral Communications on Non-Agendized Items**

Santa Clara County Fire Department Deputy Chief Steven Prziborowski provided an overview of the Joint Meeting with the City Council and introduced Dana Reed, Director of Emergency Management for the Santa Clara County Fire Department.

Diane Tuley-Brown spoke about an overabundance of signage in the City and encouraged the City to support Wildwood Market.

Trish Cypher raised concerns about Plan Bay Area, Senate Bill 1, Senate Bill 33, and regional government.

**Oral Communications - Council Direction to Staff**

None

**Communications from Boards and Commissions**

None

**Council Direction to Staff**

None

**ANNOUNCEMENTS**

Council Member Hunter announced the Saratoga Village Development Council Saint Patrick's Day Event on Saturday, March 15, 2014 from 3:00 p.m. to 5:00 p.m. in Saratoga Village.

Vice Mayor Miller shared that the City's Recreation Department will be offering recreation camps during spring break. Additional information about the camps can be found in the City of Saratoga Recreation Activity Guide or on the City website at [www.saratoga.ca.us/recreation](http://www.saratoga.ca.us/recreation).

Council Member Page made an announcement about the Sister City Open House in March.

Mayor Lo noted that the City is conducting recruitments for two Commissions – the Library Commission and Planning Commission. Additional information is on the City website at [www.saratoga.ca.us/comvac](http://www.saratoga.ca.us/comvac). Mayor Lo also shared that there is a Saratoga Lunar New Year Celebration on February 9, 2014 from 2:00 p.m. to 4:00 p.m. at Argonaut Elementary.

Council Member Hunter added that City Manager Dave Anderson has announced his retirement for July 2014 and the City is beginning the recruitment process to find a new City Manager.

**CEREMONIAL ITEMS**

None

**SPECIAL PRESENTATIONS**

None

**CONSENT CALENDAR**

1. City Council Meeting Minutes

**Recommended action:**

Approve City Council minutes for the Special and Regular City Council Meeting on January 15, 2014.

Council Member Page removed this item from the Consent Calendar to request that the City Clerk correct a misspelling in the minutes.

Mayor Lo invited public comment on the item.

No one requested to speak.

PAGE/CAPPELLO MOVED TO **APPROVE THE CORRECTED CITY COUNCIL MINUTES FOR THE SPECIAL AND REGULAR CITY COUNCIL MEETING ON JANUARY 15, 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:

1/14/2014 Period 7

1/21/2014 Period 7

1/28/2014 Period 7

MILLER/PAGE MOVED TO **ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 1/14/2014 PERIOD 7, 1/21/2014 PERIOD 7, AND 1/28/2014 PERIOD 7.** MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

3. Treasurer's Report for the Month Ended December 31, 2013

**Recommended action:**

Review and accept the Treasurer's Report for the month ended December 31, 2013.

MILLER/PAGE MOVED TO **ACCEPT THE TREASURER'S REPORT FOR THE MONTH ENDED DECEMBER 31, 2013.** MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

4. Amendment to Resolution 13-082 Appointment Members to the Traffic Safety Commission and Heritage Preservation Commission

**Recommended action:**

Adopt the attached resolution amending Resolution 13-082, appointing members to the Traffic Safety Commission and Heritage Preservation Commission.

**RESOLUTION NO. 14-003**

MILLER/PAGE MOVED TO **ADOPT THE RESOLUTION AMENDING RESOLUTION 13-082, APPOINTING MEMBERS TO THE TRAFFIC SAFETY COMMISSION AND HERITAGE PRESERVATION COMMISSION.** MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

5. Approval of Sports User Agreements - 2014

**Recommended action:**

Approve Sport User Agreements with American Youth Soccer Organization, Saratoga Little League, Quito Little League, De Anza Youth Soccer League, West Valley Lacrosse Club, West Valley Youth Soccer League, CISL (Adult Soccer League), and Saratoga Pony League for the use of Saratoga City parks and Prospect High School for organized sport use, and authorize the City Manager to execute the same.

Council Member Page removed this item from the Consent Calendar to suggest that language on facility clean up requirements be consolidated.

Public Works Director John Cherbone addressed Council questions.

Mayor Lo invited public comment on the item.

No one requested to speak.

HUNTER/PAGE MOVED TO **APPROVE SPORT USER AGREEMENTS WITH AMERICAN YOUTH SOCCER ORGANIZATION, SARATOGA LITTLE LEAGUE, QUITO LITTLE LEAGUE, DE ANZA YOUTH SOCCER LEAGUE, WEST VALLEY LACROSSE CLUB, WEST VALLEY YOUTH SOCCER LEAGUE, CISL (ADULT SOCCER LEAGUE), AND SARATOGA PONY LEAGUE FOR THE USE OF SARATOGA CITY PARKS AND PROSPECT HIGH SCHOOL FOR ORGANIZED SPORT USE, AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE SAME.** MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

6. Zoning Amendment for Single Room Occupancy Buildings (SRO) - Second Reading

**Recommended action:**

Waive the second reading and adopt the proposed ordinance.

This item was removed from the Consent Calendar for public comment.

Mayor Lo invited public comment on the item.

The following person spoke:

Trish Cypher

No one else requested to speak.

**ORDINANCE NO. 313**

PAGE/MILLER MOVED TO WAIVE THE SECOND READING AND ADOPT THE PROPOSED ORDINANCE. MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

**PUBLIC HEARINGS**

7. Appeal of the Planning Commission's Approval of a Proposed Mixed-Use Project at 12250 Saratoga-Sunnyvale Road

**Recommended action:**

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

Community Development Department Planner Michael Fossati presented the staff report on this item.

Mayor Lo invited the applicant, Yorke Lee, to give opening remarks.

Yorke Lee addressed the City Council.

Mayor Lo invited the appellants, Bill Benevento, Jack Mallory, and Charles Ye, to give opening remarks.

Bill Benevento, Jack Mallory, and Charles Ye addressed the City Council.

Mayor Lo invited public comment on the item.

The following people requested to speak:

Sue Mallory spoke in favor of upholding the appeal.

Elaine Chan spoke in favor of upholding the appeal.

Trish Cypher spoke in favor of upholding the appeal.

Marcia Fariss spoke in favor of upholding the appeal.

Yue Lin spoke in favor of denying the appeal.

Li Sun spoke in favor of denying the appeal.

Jeff Walker spoke in favor of upholding the appeal.

Cheriel Jensen spoke in favor of upholding the appeal.

Jeff Schwartz spoke in favor of upholding the appeal.

Mayor Lo closed the public comment period. She then invited the applicant, Yorke Lee, to present his closing remarks.

Barton Hechtman spoke on behalf of Yorke Lee.

Mayor Lo invited the appellants to provide closing remarks.

Bill Benevento, Jack Mallory, and Charles Ye presented their closing statements.

Mayor Lo then closed the public hearing and opened Council discussion.

**PAGE/MILLER MOVED TO CONTINUE THE PUBLIC HEARING TO THE MARCH 5, 2014 CITY COUNCIL MEETING; DIRECTED STAFF TO WORK WITH THE APPLICANT TO PREPARE AN ALTERNATIVE PLAN TO BE PRESENTED AT THE MARCH 5, 2014 MEETING THAT REMOVES THE REARMOST UNIT IN THE PLAN OR REDUCES IT TO 1 STORY; AND RECOMMENDED THAT THE APPLICANT SEEK INPUT FROM NEARBY RESIDENTS ON THE ALTERNATIVE PLAN. MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.**

At 9:09 p.m., Mayor Lo announced that the City Council would be taking a short break.

Mayor Lo reconvened the meeting at 9:19 p.m.

### **OLD BUSINESS**

None

### **NEW BUSINESS**

8. Hearing Date of Planning Commission Appeal for 13580 Saratoga Vista Avenue

**Recommended action:**

Provide direction on the hearing date of the Planning Commission appeal for 13580 Saratoga Vista Avenue.

Mayor Lo recused herself from the item due to a potential conflict of interest and requested that Vice Mayor Miller preside over the meeting.

City Clerk Crystal Bothelio presented the staff report on this item.

Vice Mayor Miller invited public comment on the item.

The following people requested to speak:

Matthew Harrigan

No one else requested to speak.

PAGE/CAPPELLO MOVED TO **RESCHEDULE THE HEARING DATE OF THE PLANNING COMMISSION APPEAL FOR 13580 SARATOGA VISTA AVENUE FOR APRIL 2, 2014.** MOTION PASSED. AYES: MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: LO. ABSENT: NONE.

9. Review of Blaney Plaza Stone Pine

**Recommended action:**

Authorize staff to further assess and monitor the Blaney Plaza Italian Stone Pine for an amount not to exceed \$8,000 to be funded from the City Council's Discretionary Fund.

City Arborist Kate Bear presented the staff report.

Mayor Lo invited public comment on the item.

No one requested to speak.

PAGE/MILLER MOVED TO **AUTHORIZE STAFF TO FURTHER ASSESS AND MONITOR THE BLANEY PLAZA ITALIAN STONE PINE FOR AN AMOUNT NOT TO EXCEED \$8,000 TO BE FUNDED FROM THE CITY'S TREE FUND.** MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

10. Presentation on State Route 85 Express Lane Project

**Recommended action:**

Receive presentation from Santa Clara Valley Transportation Authority (VTA) representatives on the State Route 85 Express Lane Project and provide staff with direction on statements to be included in a comment letter on the project.

Emily Lo invited John Ristow, VTA Chief Congestion Management Agency Officer, to make the presentation.

John Ristow, VTA Chief Congestion Management Agency Officer, made a presentation to the City Council on the State Route 85 Express Lane Project.

Mayor Lo invited public comment on the item.

The following people requested to speak:

Barry Chang spoke in opposition to the State Route 85 Express Lane Project.

Jeff Barco spoke in opposition to the State Route 85 Express Lane Project.

Melanie Guzzo spoke in opposition to the State Route 85 Express Lane Project.

Joyce Hlava spoke in opposition to the State Route 85 Express Lane Project.

Judy Sorensen spoke in opposition to the State Route 85 Express Lane Project.

Richard D'sa spoke in opposition to the State Route 85 Express Lane Project.

Brian Robertson spoke in opposition to the State Route 85 Express Lane Project.

Mary Robertson spoke in opposition to the State Route 85 Express Lane Project.

Jim Stallman spoke in opposition to the State Route 85 Express Lane Project.

Trish Cypher spoke in opposition to the State Route 85 Express Lane Project.

Anoop Tripathi spoke in opposition to the State Route 85 Express Lane Project.

Donna Poppenhagen spoke in opposition to the State Route 85 Express Lane Project.

Martha Clevenger spoke in opposition to the State Route 85 Express Lane Project.

Milton Wheeler spoke in opposition to the State Route 85 Express Lane Project.

Roy Brett spoke in opposition to the State Route 85 Express Lane Project.

Paul Krug spoke in opposition to the State Route 85 Express Lane Project.

Don McIntosh spoke in opposition to the State Route 85 Express Lane Project.

John Chen spoke in opposition to the State Route 85 Express Lane Project.

Uday Kapoor spoke in opposition to the State Route 85 Express Lane Project.

Alex Sakhanyuk spoke in opposition to the State Route 85 Express Lane Project.

Gary Aslanian spoke in opposition to the State Route 85 Express Lane Project.

Cheriel Jensen spoke in opposition to the State Route 85 Express Lane Project.

Ansazi Kausar spoke in opposition to the State Route 85 Express Lane Project.

No one else requested to speak.

**CAPPELLO/PAGE MOVED TO DIRECT STAFF TO WORK WITH THE MAYOR TO GENERATE A COMMENT LETTER FROM THE CITY ON THE STATE ROUTE 85 EXPRESS LANE PROJECT THAT CONVEYS CONCERNS ABOUT THE ADEQUACY OF THE ANALYSIS ON NOISE LEVELS AND TRAFFIC IMPACTS IN THE ENVIRONMENTAL DOCUMENT FOR THE PROJECT; AND THE COUNCIL FURTHER DIRECTED THE CITY ATTORNEY TO REVIEW THE CITY OF SARATOGA AGREEMENTS WITH CALTRANS AND THE SANTA CLARA COUNTY TRAFFIC AUTHORITY TO ASSESS THE STRENGTH OF THE OBLIGATIONS IN THE AGREEMENTS AND ENFORCEABILITY OF THE AGREEMENTS.**

Vice Mayor Miller requested an amendment to the motion to allow the Mayor the discretion to include any information revealed through the City of Cupertino's investigation on the State Route 85 Express Lane Project in the City of Saratoga comment letter.

Council Members Cappello and Page accepted the amendment.

**CAPPELLO/PAGE MOVED TO DIRECT STAFF TO WORK WITH THE MAYOR TO GENERATE A COMMENT LETTER FROM THE CITY ON THE STATE ROUTE 85 EXPRESS LANE PROJECT THAT CONVEYS CONCERNS ABOUT THE ADEQUACY OF THE ANALYSIS ON NOISE LEVELS, TRAFFIC IMPACTS, AND, AT THE MAYOR'S DISCRETION, ISSUES REVEALED THROUGH CITY OF CUPERTINO INVESTIGATION ON THE PROJECT; AND THE COUNCIL FURTHER DIRECTED THE CITY ATTORNEY TO REVIEW THE CITY OF SARATOGA AGREEMENTS WITH CALTRANS AND THE SANTA CLARA COUNTY TRAFFIC AUTHORITY TO ASSESS THE STRENGTH OF THE OBLIGATIONS IN THE AGREEMENTS AND ENFORCEABILITY OF THE AGREEMENTS.** MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

## **ADHOC & AGENCY ASSIGNMENT REPORTS**

### Mayor Emily Lo

*Santa Clara County Library District Joint Powers Authority* – the last meeting was held in the new Service and Support Center on Dell Avenue. At the meeting, the 5-year forecast of the District budget was discussed. City Clerk Crystal Bothelio provided an update on the recruitment for the Saratoga Library Community Librarian position.

*West Valley Mayors and Managers Association* – during the last meeting, the group discussed the work plan for the year. This will include selecting a representative to the VTA Board. Additionally, the group discussed water conservation as well as emergency response and preparation plans.

### Vice Mayor Howard Miller

*Council Finance Committee* – during the Finance Committee meeting, items that are scheduled for the Council Retreat were reviewed. This included the new capital improvement plan nomination process, the 5-year forecast, and mid-year budget adjustments.

*Saratoga Ministerial Association* – Vice Mayor Miller attended the Ministerial Association meeting on behalf of Council Member Cappello. The group discussed changes to Saratoga Serves.

*Valley Transportation Authority Policy Advisory Committee (PAC)* – during the last meeting, there was a presentation on the State Route 85 Express Lane Project. The new General Manager was present at the meeting. The PAC also received updates on community meetings that VTA has been conducting on the State Route 85 Express Lane Project, outreach meetings on the BART to San Jose project, and union contract negotiations.

#### Council Member Manny Cappello

*Destination Saratoga* – the group is working on coordination of their event, “A Village Dinner,” scheduled for June 22, 2014. A portion of Big Basin Way will be closed for the event. The event is expected to draw 300 people. Free valet parking will be provided. The Chamber of Commerce will assist with ticket sales.

*Santa Clara County Housing and Community Development (HCD) Council Committee* – the next meeting will be the week of February 10, 2014. The first review of applications for Community Development Block Grant applications is on the agenda.

*Saratoga Area Senior Coordinating Council (SASCC)* – the last board meeting was the week of January 27, 2014. During the meeting, the Board discussed objectives and goals for the Executive Director. Updates on the financials were also presented. The Winter Dance that was held in January was well attended with 80 people present for the event. The group is working on plans for the Italian Dinner scheduled for June at West Valley College.

*Saratoga Chamber of Commerce* – the Chamber held a ribbon cutting for Wildwood Market. It was well attended. The event was also combined with a Chamber Mixer.

#### Council Member Chuck Page

*Santa Clara County Expressway Plan 2040 Policy Advisory Board* – the Board will be meeting on February 6, 2014. The group will discuss proposed changes to Capital Expressway and Lawrence Expressway.

#### Council Member Jill Hunter

*Santa Clara Valley Water District Commission* – during the last meeting, the Commission was informed water levels in Santa Clara County should be fine for the next year. However, the Water District will be asking customers to reduce water consumption.

Mayor Lo invited public comment on Council Agency and Ad Hoc Reports.

The following person requested to speak:

Trish Cypher encouraged the City Council to take action against regional government.

#### **CITY COUNCIL ITEMS**

None

## **CITY MANAGER'S REPORT**

City Manager Dave Anderson said his last day with the City would be July 23, 2014. The City is currently conducting a recruitment to fill the City Manager position.

Mayor Lo added that the City plans to hold a retirement celebration for City Manager Dave Anderson. A date has not yet been set, but the event will likely be held in mid-July.

## **ADJOURNMENT**

PAGE/MILLER MOVED TO **ADJOURN THE MEETING AT 12:13 A.M.** MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

Minutes respectfully submitted:

Crystal Bothelio, City Clerk