

**MINUTES
WEDNESDAY, MARCH 5, 2014
SARATOGA CITY COUNCIL SPECIAL MEETING**

At 4:45 p.m., the City Council held a Closed Session in the Administrative Conference Room at City Hall at 13777 Fruitvale Avenue. At 5:05 p.m., the City Council conducted interviews for the Library Commission. At 5:30 p.m., the City Council held a Joint Meeting with Destination Saratoga and the Saratoga Chamber of Commerce.

SARATOGA CITY COUNCIL REGULAR MEETING

Mayor Lo called the meeting to order at 7:04 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
Christopher Riordan, Senior Planner
Cynthia McCormick, Planner
Michael Fossati, Planner
Adam Henig, Recreation Supervisor
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 February 27, 2014)

REPORT FROM CLOSED SESSION

Mayor Lo stated that there was nothing to report from Closed Session.

COMMUNICATIONS FROM COMMISSIONS & PUBLIC

Oral Communications on Non-Agendized Items

Jeff Barco spoke about his concerns regarding public outreach and engagement for the State Route 85 Express Lanes project.

Cheriel Jensen spoke about the City of Saratoga comment letter on the State Route 85 Express Lanes Draft Initial Study/Environmental Assessment and voiced support for extending light rail along the State Route 85 corridor.

Mary Robertson spoke about the State Route 85 Express Lanes project, light rail on the 85 corridor, and noise generated by the state route.

Marcia Fariss spoke in opposition to the State Route 85 Express Lanes project and encouraged the City Council to oppose it as well.

Trish Cypher spoke in opposition to the State Route 85 Express Lanes project and raised concerns about the impact of Assembly Bill 32 and Senate Bill 375.

Cupertino City Council Member Barry Chang, representing himself, stated objections to the State Route 85 Express Lanes project and advocated for extending light rail along the 85 corridor. He also encouraged the Council to agendize discussion on State Constitution Amendment #5.

Santa Clara County Sheriff's Office Captain Ken Binder introduced new West Valley Division Lieutenant Jim Cannan.

Mary-Lynne Bernald made an announcement regarding the Blossom Festival on March 22, 2014 from 10:00 a.m. to 4:00 p.m.

Marilyn White invited the City Council and members of the public to the Saratoga Sister City 30th Anniversary Open House on March 29, 2014 from 1:00 p.m. to 4:00 p.m. at Saratoga Prospect Center.

Jeff Schwartz spoke about public outreach conducted on the State Route 85 Express Lanes project, discrepancies in Council attitude towards the project, Saratoga City Council behavior towards elected officials from other jurisdictions, and stated he felt Vice Mayor Miller had a conflict of interest due to his employment with Apple.

City Attorney Richard Taylor stated that the conflict of interest rules are not triggered by Vice Mayor Miller's position with Apple.

Vice Mayor Miller expressed his opinion on the State Route 85 Express Lanes project.

Council Member Page stated his thoughts on the project.

Jeff Schwartz questioned whether the Council could make statements of opinion during oral communications on non-agendized items under the Brown Act.

Peggy Lynne raised questions about how Hakone Gardens is regulated within the City Code.

Mary Robertson requested to speak again on the behavior of Saratoga City Council Members towards elected officials from other jurisdictions.

Oral Communications - Council Direction to Staff

None

Communications from Boards and Commissions

Gary Smith, President of the Saratoga Chamber of Commerce, provided an overview of the City Council Joint Meeting with the Chamber.

Joshua Weeks with Destination Saratoga also commented upon the Joint Meeting, provided the public with information about Destination Saratoga, and spoke about the Village Dinner scheduled for June 1, 2014 on Big Basin Way.

Council Direction to Staff

Council Member Page requested that staff speak with Peggy Lynne about her questions regarding Hakone Gardens.

City Manager Dave Anderson responded that staff would speak with Peggy Lynne.

Vice Mayor Miller requested that discussion on formation of a committee to deal with issues related to State Route 85 be scheduled for a future City Council Meeting.

Council Member Cappello supported the request.

ANNOUNCEMENTS

Council Member Hunter announced the St. Paddy's Day Party in the Village on March 15 from 3:00 p.m. to 5:00 p.m. The event is free and open to the public. She also shared that a heritage tree on the corner of Fruitvale and Farwell is diseased and will be lost soon. She encouraged the public to view the oak before it is gone.

Council Member Page encouraged the public to attend the Saratoga Sister City Open House on March 29, 2014. He noted the event will include light refreshments, a performance by the Saratoga Taiko drummers, and many other interesting activities.

Vice Mayor Miller shared that the Saratoga Library will have tax professionals at the Library on March 7 from 12:00 p.m. to 5:00 p.m. to answer questions about taxes. The event is free. On March 29, the Saratoga Recreation and Facilities Department is having an open house from 11:00 a.m. to 2:00 pm. The event will include demonstrations, a raffle, and information about programs.

Mayor Lo shared that the City is currently accepting applications for two City Commissions – the Planning Commission and the Parks and Recreation Commission. Information is available on the City website at www.saratoga.ca.us/comvac.

SPECIAL PRESENTATIONS

1. Special Presentation -Midpeninsula Regional Open Space District

Recommended action:

Receive presentation from Midpeninsula Regional Open Space District Board of Directors on their June 3, 2014 bond measure to enable the district to fulfill major regional open space projects within its tri-county boundaries.

Midpeninsula Regional Open Space District General Manager Steve Abbors and Board Vice President Pete Siemens made a presentation on a bond measure the District will be placing on the June 3, 2014 ballot.

Mayor Lo invited public comment on the item.

The following person requested to speak:

Trish Cypher

No one else requested to speak.

Council Member Page requested that a resolution of support for the bond measure be placed on a future Council agenda.

Council Member Cappello supported the request.

2. Special Presentation – New West Valley Collection & Recycling Agreement

Recommended action:

Receive presentation from West Valley Collection & Recycling (WVC&R) on the new agreement between the West Valley Solid Waste Management Authority contract and WVC&R.

Weslie McConkey, WVC&R Outreach Manager, gave a presentation on the new agreement between WVC&R and the West Valley Solid Waste Management Authority.

Mayor Lo invited public comment on the item.

The following person requested to speak:

Janice Gamper

No one else requested to speak.

CONSENT CALENDAR

3. City Council Meeting Minutes

Recommended action:

Approve City Council minutes for the Special and Regular City Council Meeting on February 19, 2014.

HUNTER/PAGE MOVED TO **APPROVE CITY COUNCIL MINUTES FOR THE SPECIAL AND REGULAR CITY COUNCIL MEETING ON FEBRUARY 19, 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:

2/18/2014 Period 8

2/25/2014 Period 8

HUNTER/PAGE MOVED TO **ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 2/18/2014 PERIOD 8 AND 2/25/2014 PERIOD 8.** MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

5. Treasurer's Report for the Month Ended January 31, 2014

Recommended action:

Review and accept the Treasurer's Report for the month ended January 31, 2014.

HUNTER/PAGE MOVED TO **ACCEPT THE TREASURER'S REPORT FOR THE MONTH ENDED JANUARY 31, 2014.** MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

6. Amendments to Chapter 15 of the City Code Related to Design Review

Recommended action:

Waive the second reading and adopt the proposed ordinance.

Council Member Page removed this item from the Consent Calendar to comment upon it.

ORDINANCE NO. 314

PAGE/MILLER MOVED TO **ADOPT THE PROPOSED ORDINANCE AND DIRECTED STAFF TO AMEND THE NEW ILLUSTRATION ON THE PRIVACY PAGE (PAGE 11) TO DEMONSTRATE THE DIFFERENCE IN FINISH FLOOR HEIGHT OF HOMES THAT ARE ON THE SAME GROUND LEVEL.** MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

7. Amended Annexation Resolutions for the Congress Spring Quarry Property and Certain Unincorporated Islands

Recommended action:

Adopt the attached amended resolutions reaffirming and restating the prior approval of the annexation of certain properties located within the City's Urban Service Area.

Vice Mayor Miller removed this item from the Consent Calendar to comment upon it.

RESOLUTIONS NO. 14-006, 14-007, 14-008

MILLER/PAGE MOVED TO **ADOPT THE ATTACHED AMENDED RESOLUTIONS REAFFIRMING AND RESTATING THE PRIOR APPROVAL OF THE ANNEXATION OF CERTAIN PROPERTIES LOCATED WITHIN THE CITY'S URBAN SERVICE AREA.** MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

8. Quito Road Bridges Project – Budget resolution to appropriate additional \$170,000 in grant funds received from Caltrans

Recommended action:

Authorize the City Manager to execute a Budget Resolution to appropriate the additional \$170,000 in grant funding received from Caltrans for the Quito Road Bridges Project.

Vice Mayor Miller removed this item for comment and to request additional information.

Public Works Director John Cherbone addressed Council questions.

RESOLUTION NO. 14-009

MILLER/CAPPELLO MOVED TO **AUTHORIZE THE CITY MANAGER TO EXECUTE A BUDGET RESOLUTION TO APPROPRIATE THE ADDITIONAL \$170,000 IN GRANT FUNDING RECEIVED FROM CALTRANS FOR THE QUITO ROAD BRIDGES PROJECT.** MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

9. Motor Vehicle (MV) Resolution Restricting Parking on Saratoga Avenue

Recommended action:

Adopt Motor Vehicle Resolution restricting parking on a section of Saratoga Avenue from the northern entrance of Westhope Church traveling 75 feet toward Cox Avenue.

RESOLUTION MV-304

HUNTER/PAGE MOVED TO **ADOPT MOTOR VEHICLE RESOLUTION RESTRICTING PARKING ON A SECTION OF SARATOGA AVENUE FROM THE NORTHERN ENTRANCE OF WESTHOPE CHURCH TRAVELING 75 FEET TOWARD COX AVENUE.** MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

10. Landscaping & Lighting Assessment District LLA-1; Resolutions initiating renewal of the District for FY 14-15.

Recommended action:

1. Move to adopt the Resolution describing improvements and directing preparation of the Engineer's Report.
2. Move to adopt the Resolution appointing the Attorney's for the District.

RESOLUTION NO. 14-010 & 14-011

HUNTER/PAGE MOVED TO **ADOPT: THE RESOLUTION DESCRIBING IMPROVEMENTS AND DIRECTING PREPARATION OF THE ENGINEER'S REPORT; AND THE RESOLUTION APPOINTING THE ATTORNEY'S FOR THE DISTRICT.** MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

At this 9:03 p.m., Mayor Lo took a short recess in the meeting. The City Council returned to the meeting at 9:11 p.m.

PUBLIC HEARINGS

11. Appeal of the Planning Commission's Approval of a Proposed Mixed-Use Project at 12250 Saratoga-Sunnyvale Road (APPC14-0002) – Continued from 2/05/14 City Council Meeting

Recommended action:

Adopt a resolution denying the appeal and approving the project with the modifications to the project shown on the plans dated February 18, 2014.

Mayor Lo announced that due to changes to the project plans, she would allow the project appellants and applicant to make opening and closing statements so that both parties would have time to present their views on the changes.

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

Mayor Lo invited the appellants to give opening remarks.

Jack Mallory and Charles Ye, the appellants, addressed the City Council.

Mayor Lo then asked the applicant to give opening remarks.

Bart Hechtman spoke on behalf of the applicant, Yorke Lee.

Mayor Lo invited public comment on the item.

The following people requested to speak:

Sue Mallory spoke in support of the appeal.

Cheriel Jensen spoke in support of the appeal.

Trish Cypher spoke without expressing a position on the appeal.

No one else requested to speak.

Mayor Lo invited the applicant to give closing remarks.

The applicant, Yorke Lee, and Bart Hechtman, the applicant's representative, spoke.

Mayor Lo asked the appellants to give closing remarks.

The appellants Jack Mallory and Charles Ye spoke.

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

Vice Mayor Miller requested that the record reflect his dislike of converting the existing commercial space at 12250 Saratoga-Sunnyvale Road to residential, but will support the project because it meets all the findings.

RESOLUTION NO. 14-012

HUNTER/PAGE MOVED TO **ADOPT A RESOLUTION DENYING THE APPEAL AND APPROVING THE PROJECT WITH THE MODIFICATIONS TO THE PROJECT SHOWN ON THE PLANS DATED FEBRUARY 18, 2014.** MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

12. General Plan Noise Element / Noise Ordinance Update

Recommended action:

- 1. Conduct a public hearing.
- 2. Adopt a resolution thereby adopting a Negative Declaration and the General Plan Noise Element.
- 3. 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.

Senior Planner Christopher Riordan presented the staff report.

Mayor Lo invited public comment on the item.

The following people requested to speak:

Cheriel Jensen spoke about roadway noise and measurement of noise.

Peggy Lynne inquired about how new regulations would affect Hakone Gardens.

Paul Hernandez requested changes to outdoor music permitting in the Village.

Keith Miller supported the amendments to the Noise Element and ordinance.

RESOLUTION NO. 14-013

PAGE/CAPPELLO MOVED TO **ADOPT THE RESOLUTION THEREBY ADOPTING A NEGATIVE DECLARATION AND THE GENERAL PLAN NOISE ELEMENT.** MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

PAGE/HUNTER MOVED TO **CONTINUE THE ORDINANCE TO AMEND VARIOUS CITY CODE ARTICLES RELATED TO NOISE CONTROL TO THE NEXT REGULAR MEETING; DIRECTED STAFF TO REMOVE REQUIREMENTS TO RESTRICT OUTDOOR MUSIC BY BLOCKS IN 7-30.090(B)(1); AND DIRECTED STAFF TO PROVIDE OPTIONS IN THE ORDINANCE FOR REDUCING USE OF CHIPPERS ON SUNDAYS WITH AN EXCEPTION FOR EMERGENCIES.** MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

OLD BUSINESS

None

NEW BUSINESS

13. City Council Retreat Meeting Minutes

Recommended action:

Provide guidance on wording on City Council Retreat Agenda Item 5: Capital Improvement Projects candidates and approve City Council minutes for the City Council Retreat on February 7, 2014.

City Clerk Crystal Bothelio presented the staff report.

Mayor Lo invited public comment on the item.

No one requested to speak.

PAGE/MILLER MOVED TO **APPROVE THE MINUTES FOR THE FEBRUARY 7, 2014 CITY COUNCIL RETREAT AS PREPARED BY THE CITY CLERK.** MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

14. FY 2013/14 Mid-Year Budget Status Report and Budget Adjustment Resolution

Recommended action:

Review the FY 2013/14 budget status report and proposed budget adjustments, and adopt resolution approving the City's FY 2013/14 mid-year budget amendments.

City Manager Dave Anderson presented the staff report on behalf of Finance and Administrative Services Director Mary Furey.

Mayor Lo invited public comment on the item.

No one requested to speak.

RESOLUTION NO. 14-014

MILLER/CAPPELLO MOVED TO **ADOPT RESOLUTION APPROVING THE CITY'S FY 2013/14 MID-YEAR BUDGET AMENDMENTS.** MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

ADHOC & AGENCY ASSIGNMENT REPORTS

Mayor Emily Lo

No report

Vice Mayor Howard Miller

No report

Council Member Manny Cappello
No report

Council Member Chuck Page
No report

Council Member Jill Hunter
Council Member Hunter shared that she and Council Member Page interviewed hearing officer candidates on March 4, 2014.

CITY COUNCIL ITEMS

None

CITY MANAGER'S REPORT

None

ADJOURNMENT

MILLER/PAGE MOVED TO **ADJOURN THE MEETING AT 11:59 P.M.** MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

Minutes respectfully submitted:

Crystal Bothelio, City Clerk