

**MINUTES
WEDNESDAY, APRIL 2, 2014
SARATOGA CITY COUNCIL SPECIAL MEETING**

At 5:45 p.m., the Saratoga City Council conducted interviews for the Parks and Recreation Commission in the Administrative Conference Room at 13777 Fruitvale Avenue. At 6:00 p.m., the Council held a Joint Meeting with the Santa Clara County Sheriff's Office.

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
Adam Henig, Recreation Supervisor
Mainini Cabute, Management Analyst II
Cynthia McCormick, 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 March 27, 2014.

REPORT FROM CLOSED SESSION

None

COMMUNICATIONS FROM COMMISSIONS & PUBLIC

Oral Communications on Non-Agendized Items

Mayor Lo made an announcement regarding speaker slips, explaining that they are optional and any information provided on the form is voluntary.

Trish Cypher spoke about the State Route 85 Express Lanes Project and agreements that the City of Saratoga entered into with the Santa Clara County Traffic Authority and California Department of Transportation.

Cheriel Jensen made an announcement regarding a meeting on April 22, 2014 at the Saratoga Library to allow individuals who are interested in the State Route 85 Express Lanes Project to meet prospective City Council candidates.

Daniel Honnibal with the Odd Fellows announced the Annual Easter Egg Hunt on April 19, 2014 at Wildwood Park starting at 10:00 a.m. The event is free and open to the public.

Oral Communications - Council Direction to Staff

Vice Mayor Miller noted that he and Council Member Page met with staff following the last City Council meeting to discuss options for holding a public forum on the State Route 85 Express Lanes Project. Vice Mayor Miller and Council Member Page agreed to arrange a study session on the proposed State Route 85 Express Lanes Project on April 21, 2014 at 6:30 p.m. in the Joan Pisani Community Center Multipurpose Room. The intent of the meeting is to bring interested residents together to identify concerns, provide input to the City Council, and consider solutions.

Communications from Boards and Commissions

Captain Ken Binder with the Santa Clara County Sheriff's Office provided an overview of the Joint Meeting with the City Council, which included a summary of the 2013 Sheriff's Office activity in Saratoga and discussion on traffic safety around schools.

Council Direction to Staff

None

ANNOUNCEMENTS

Council Member Hunter announced that she is looking for a volunteer to lead the Pet Parade in the Village on April 26, 2014 from 10:00 a.m. to noon.

Council Member Page shared that there was an excellent turnout at the Saratoga Sister City Open House in March. He thanked everyone who attended and those who organized the event.

Vice Mayor Miller invited the public to attend a guided walk of the Quarry Property on April 5, 2014 starting at 9:30 a.m. The walk is a good way to see the property and learn more about it. On April 8, 2014, the public is also invited to an open house on the Quito Road Bridges Project. The community can stop by anytime between 3:00 p.m. and 9:00 p.m. to speak with project staff to learn more about the project. The open house will be at the Joan Pisani Community Center. Vice Mayor Miller and Los Gatos Mayor Steve Leonardis will be present at the open house at 7:00 p.m.

Council Member Hunter added that the City is holding a meeting on April 8, 2014 at 5:00 p.m. at City Hall to accept comments on the 14630 Big Basin Way project, which is where the John Henry House is located.

Mayor Lo shared that the City is accepting applications for the Youth Commission. The deadline to submit applications is 5:00 p.m. on May 6, 2014.

CEREMONIAL ITEMS

1. Commendations for Joyce Hlava and Yan Zhao for Service on the Planning Commission

Recommended action:

Read and present commendations to Joyce Hlava and Yan Zhao for their service on the Saratoga Planning Commission.

Mayor Lo presented the commendations to Joyce Hlava and Yan Zhao.

2. Appointment of Commissioners and Oath of Office

Recommended action:

Adopt the attached resolution appointing Wendy Chang and Colleen "Kookie" Fitzsimmons to the Saratoga Planning Commission and direct the City Clerk to administer the Oath of Office.

RESOLUTION NO. 14-018

PAGE/CAPPELLO MOVED TO **ADOPT THE ATTACHED RESOLUTION APPOINTING WENDY CHANG AND COLLEEN "KOOKIE" FITZSIMMONS TO THE SARATOGA PLANNING 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 Wendy Chang and Colleen "Kookie" Fitzsimmons.

SPECIAL PRESENTATIONS

None

CONSENT CALENDAR

3. City Council Meeting Minutes

Recommended action:

Approve City Council minutes for the Special Meeting on March 3, 2014 and the Special and Regular City Council Meeting on March 19, 2014.

CAPPELLO/PAGE MOVED TO **APPROVE CITY COUNCIL MINUTES FOR THE SPECIAL MEETING ON MARCH 3, 2014 AND THE SPECIAL AND REGULAR CITY COUNCIL MEETING ON MARCH 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:

3/18/2014 Period 9

3/25/2014 Period 9

CAPPELLO/PAGE MOVED TO **ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 3/18/2014 PERIOD 9 AND 3/25/2014 PERIOD 9**. MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

5. Treasurer's Report for the Month Ended February 28, 2014

Recommended action:

Review and accept the Treasurer's Report for the month ended February 28, 2014.

CAPPELLO/PAGE MOVED TO **ACCEPT THE TREASURER'S REPORT FOR THE MONTH ENDED FEBRUARY 28, 2014**. MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

6. Assembly Bill 1799 Letter of Support

Recommended action:

Support Assembly Bill (AB) 1799 and authorize the Mayor to sign a letter of support on behalf of the City Council.

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

The following person requested to speak on this item:

Trish Cypher

No one else requested to speak.

CAPPELLO/HUNTER MOVED TO **SUPPORT ASSEMBLY BILL (AB) 1799 AND AUTHORIZE THE MAYOR TO SIGN A LETTER OF SUPPORT ON BEHALF OF THE CITY COUNCIL**. MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

7. Resolution of Support for Measure AA – Midpeninsula Regional Open Space Bond

Recommended action:

Approve the resolution in support of Measure AA – Regional Open Space Access, Preservation and Restoration Bond on the June 3, 2014 ballot.

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

The following person requested to speak on this item:

Trish Cypher

No one else requested to speak.

RESOLUTION NO. 14-019

PAGE/MILLER MOVED TO **APPROVE THE RESOLUTION IN SUPPORT OF MEASURE AA – REGIONAL OPEN SPACE ACCESS, PRESERVATION AND RESTORATION BOND ON THE JUNE 3, 2014 BALLOT.** MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

8. Final Map Approval for Four Lots Located at 13686 Quito Road (Owner: Associated Partners, LLC)

Recommended action:

1. Move to adopt resolution granting final map approval of tentative map application No.SUB08-0002 for four lots located at 13686 Quito Road.
2. Move to authorize the City Manager to execute the Subdivision Improvement Agreement.

RESOLUTION NO. 14-020

CAPPELLO/PAGE MOVED TO: **1. ADOPT RESOLUTION GRANTING FINAL MAP APPROVAL OF TENTATIVE MAP APPLICATION NO.SUB08-0002 FOR FOUR LOTS LOCATED AT 13686 QUITO ROAD; AND 2. AUTHORIZE THE CITY MANAGER TO EXECUTE THE SUBDIVISION IMPROVEMENT AGREEMENT.** MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

9. Noise Ordinance Update

Recommended action:

Waive the second reading and adopt the proposed ordinance.

ORDINANCE NO. 315

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

10. Quito Road Bridges Replacement Project – Local Agency Cooperative Agreement

Recommended action:

Authorize the City Manager to re-new the Cooperative Agreement between the City of Saratoga, the Town of Los Gatos, and the Santa Clara Valley Water District for the Quito Road Bridge Replacement Project.

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

The following person requested to speak on this item:

Trish Cypher

No one else requested to speak.

MILLER/PAGE MOVED TO **AUTHORIZE THE CITY MANAGER TO RE-NEW THE COOPERATIVE AGREEMENT BETWEEN THE CITY OF SARATOGA, THE TOWN OF LOS GATOS, AND THE SANTA CLARA VALLEY WATER DISTRICT FOR THE QUITO ROAD BRIDGE REPLACEMENT PROJECT.** MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

11. Motor Vehicle (MV) Resolutions Restricting Parking on Dolphin Drive and Alcott Way and Camino Barco

Recommended action:

1) Adopt Motor Vehicle (MV) Resolution restricting parking on Dolphin Drive from Allendale Avenue to Alcott Way

2) Adopt MV Resolution restricting parking on Dolphin Drive from Alcott Way to Harleigh Drive, Alcott Way, and Camino Barco from Allendale Avenue to 500 feet south of Allendale Avenue

MV RESOLUTIONS NO. 305 & 306

CAPPELLO/PAGE MOVED TO **ADOPT: 1) MV RESOLUTION RESTRICTING PARKING ON DOLPHIN DRIVE FROM ALLENDALE AVENUE TO ALCOTT WAY; AND 2) MV RESOLUTION RESTRICTING PARKING ON DOLPHIN DRIVE FROM ALCOTT WAY TO HARLEIGH DRIVE, ALCOTT WAY, AND CAMINO BARCO FROM ALLENDALE AVENUE TO 500 FEET SOUTH OF ALLENDALE AVENUE.** MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

PUBLIC HEARINGS

12. Appeal of the Planning Commission's Denial to Construct a New 3,348 Square Foot Two-Story Home at 13580 Saratoga Vista Avenue.

Recommended action:

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

Mayor Lo recused herself from this item due to a potential economic conflict of interest and asked Vice Mayor Miller to chair the meeting.

Cynthia McCormick, Planner in the Community Development Department, presented the staff report on this item.

Mary-Lynne Bernald, Vice Chair of the Planning Commission, provided an overview of the Planning Commission’s review and assessment of the project.

Vice Mayor Miller invited the applicant, also the appellant, to provide opening remarks.

Matthew Harrigan of Timeline Design spoke on behalf of Margaret Li, the applicant.

Vice Mayor Miller invited public comment on the item.

The following people requested to speak:

Bob Rollin spoke in favor of denying the appeal.

Pranav Prabhakar spoke in favor of denying the appeal.

Percy Aria spoke in favor of denying the appeal.

Bob Torczyner spoke in favor of denying the appeal.

Ravi Prabhakar spoke in favor of denying the appeal.

Jenny Shum spoke in favor of denying the appeal.

Bonnie Wright spoke in opposition of denying the appeal.

Clint Rosenthal spoke in opposition of denying the appeal.

May Wang spoke in opposition of denying the appeal.

Susan Carter spoke in opposition of denying the appeal.

Ope Tani spoke in opposition of denying the appeal.

An unidentified member of the public addressed the Council.

No one else requested to speak.

Vice Mayor Miller invited the applicant to give closing remarks.

Matthew Harrigan, on behalf of the applicant/appellant Margaret Li, gave closing remarks.

PAGE/CAPPELLO MOVED TO **CONTINUE THE HEARING TO THE MAY 7, 2014 CITY COUNCIL MEETING.** MOTION PASSED. AYES: MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: LO. ABSENT: NONE.

At 9:52 p.m., Vice Mayor Miller announced the Council would take a short 10-minute recess. The Council returned to the meeting at 10:01 p.m.

OLD BUSINESS

None

NEW BUSINESS

13. Plastic Bag and Expanded Polystyrene Restrictions and Bans

Recommended action:

Direct staff accordingly.

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

Mayor Lo invited public comment on the item.

The following people requested to speak:

Anita Parsons spoke in support for adoption of a plastic bag and polystyrene ban.

Sujata Aji spoke in support of a polystyrene ban.

Susan Carter spoke in support for adoption of a plastic bag and polystyrene ban.

Trish Cypher spoke in opposition to adoption of a plastic bag and polystyrene ban.

MILLER/CAPPELLO MOVED TO: **REVISIT CONSIDERATION OF AN ORDINANCE BANNING SINGLE-USE PLASTIC BAGS IN THE CITY OF SARATOGA IF THE STATE OF CALIFORNIA FAILS TO ADOPT A BAN BY THE END OF THE CURRENT LEGISLATIVE SESSION; and DIRECTED STAFF TO COLLECT AND PRESENT DATA ON TRASH AND LITTER IN THE CITY, IF THE COUNCIL RECONSIDERS AN ORDINANCE ON SINGLE-USE PLASTIC BAGS AT THE END OF THE CURRENT LEGISLATIVE SESSION.** MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

14. Discussion of Environmental Policies Related to Water Conservation

Recommended action:

- 1) Direct staff to update the City's Water Efficient Landscape Ordinance to improve water efficiency in landscape designs.
- 2) Direct staff to work collaboratively with Santa Clara Valley Water District and San Jose Water Company in the communication of recommended water conservation measures and rebate programs available to Saratoga residents.

Community Development Director James Lindsay presented the staff report.

Mayor Lo invited public comment on the item.

No one requested to speak.

PAGE/HUNTER MOVED TO **DIRECT STAFF TO PREPARE A WATER CONSERVATION ORDINANCE, ADAPTED FROM THE SANTA CLARA VALLEY WATER DISTRICT MODEL ORDINANCE.** MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

ADHOC & AGENCY ASSIGNMENT REPORTS

Mayor Emily Lo

West Valley Mayors and Managers Association – at the last meeting, the group received a presentation from the Santa Clara Valley Water District and San Jose Water Company on response to the current drought.

Vice Mayor Howard Miller

Council Finance Committee – the next meeting will be April 4, 2014.

Valley Transportation Authority Policy Advisory Committee (PAC) – there is a VTA Board Meeting on April 3, 2014 and a PAC meeting the week of April 7, 2014.

Council Member Manny Cappello

Saratoga Ministerial Association – during the last meeting, the group discussed the book, *Rebuilt*. The book examines the challenges of religious organizations in today's society

Council Member Chuck Page

Association of Bay Area Governments (ABAG) – the spring assembly is coming up. During the meeting, members will be asked to approve the budget. Last year, the members voted upon a \$1.4 million increase in benefits and salary for ABAG staff. This year, the increase is proposed t \$1.6 million.

Santa Clara County Expressway Plan 2040 Policy Advisory Board – during the last meeting of the board, plans for expressway improvements were discussed. Changes to Lawrence Expressway will be among the first to be implemented. Most changes will be located along the northern portion of Lawrence Expressway near Sunnyvale and Santa Clara and will include recessing a portion of the expressway to reduce the number of intersections. The improvements are also expected to include an elevated bike route on either side of the expressway. Council Member Page said he opposed the project, because it minimally improves level of service and only for a short period of time. He added that he proposed that

the funding for the improvements, estimated at \$440 million to \$460 million, be used for other purposes. Council Member Page also noted that the project includes changes to Lawrence Expressway at Saratoga Avenue and Prospect Road. Currently, the proposed plans call for a second left turn lane from northbound Saratoga Avenue to Lawrence and pedestrian improvements at Prospect and Lawrence.

Council Member Jill Hunter

No report given

CITY COUNCIL ITEMS

Vice Mayor Miller requested that staff prepare guidelines for PowerPoint presentations at City Council meetings to help make them more efficient and effective.

City Manager Dave Anderson agreed to have staff prepare guidelines.

CITY MANAGER'S REPORT

City Manager Dave Anderson shared that he sent a report to the City Council from LAFCO on the Saratoga Fire Protection District Consolidation Study.

Mayor Lo added that LAFCO will be accepting public comment on the report until April 18 and a final report on the consolidation study is expected in May.

ADJOURNMENT

MILLER/PAGE MOVED TO **ADJOURN THE MEETING AT 11:33 P.M.** MOTION PASSED.
AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

Minutes respectfully submitted:

Crystal Bothelio, City Clerk