

**MINUTES  
WEDNESDAY, AUGUST 19, 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 6:00 p.m., the City Council called to order a Joint Meeting with the Saratoga Chamber of Commerce and Destination Saratoga.

**SARATOGA CITY COUNCIL REGULAR MEETING**

Mayor Miller called the Regular Meeting to order at 7:03 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  
Crystal Bothelio, City Clerk/Assistant to the City Manager  
John Cherbone, Public Works Director  
Mary Furey, Finance & Administrative Services Director  
Erwin Ordoñez, Community Development Director  
Michael Taylor, Recreation & Facilities Director  
Brian Babcock, Administrative Analyst  
Michael Fossati, Planner II  
Kate Bear, City Arborist

**REPORT OF CITY CLERK ON POSTING OF AGENDA**

City Clerk Crystal Bothelio reported that the agenda for this meeting was properly posted on August 13, 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**

Genya Muradyan addressed the City Council regarding the El Quito Community garden and requested a change to the garden policy.

Yurik Muradyan addressed the City Council regarding the El Quito Community garden and requested a change to the garden policy.

Roza Grossman addressed the City Council regarding the El Quito Community garden and requested a change to the garden policy.

### **Oral Communications - Council Direction to Staff**

None

### **Communications from Boards and Commissions**

Mayor Miller noted that prior to the Regular Meeting, the Council held a Joint Meeting with the Saratoga Chamber of Commerce and Destination Saratoga. The recent Chamber car show in July was very successful and there is a video of the event on YouTube.

### **Council Direction to Staff**

None

### **ANNOUNCEMENTS**

Council Member Kumar announced the Saratoga Has Talent competition on Saturday, August 22, 2015 at the Joan Pisani Community Center from 6:00 p.m. till 10:00 p.m. Tickets are available at the door. The first annual Silicon Valley Tech Day will be on September 12, 2015 at the Joan Pisani Community Center. The event will include a variety of fun, interactive learning experiences for youth. Information is available at <http://www.siliconvalleycoders.org/>. Additionally, Saratoga City Hall will soon become a distribution point for Drought Gear from the Santa Clara Valley Water District. Drought gear will include buckets and other water saving items, like aerators. Lastly, Friday, August 21 is the City's last movie night event of the summer. The movie, *Big Hero 6*, will be shown.

Council Member Bernald shared that she attended the August Cities Association Meeting with Mayor Miller. Jason Baker, Campbell Vice Mayor, was appointed to the Santa Clara County Emergency Operations Council.

Council Member Lo shared information about the Saratoga Library's new Tech Tool Bar. The public can visit the Tech Tool Bar to learn more about their electronic devices and services available on these devices or to check out a device.

Mayor Miller shared that the Saratoga Quarry Park Grand Opening will be on October 31, 2015 at 10:30 a.m. The City is also accepting applications for two Commissions – the Parks and Recreation Commission and Library Commission. Applications are due September 9, 2015. Additionally, this year the City participated in the America in Bloom competition. Awards will be presented in Michigan on September 26 and there is speculation that Saratoga will win a significant award.

### **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 July 1, 2015.

CAPPELLO/LO MOVED TO **APPROVE THE CITY COUNCIL MINUTES FOR THE SPECIAL AND REGULAR CITY COUNCIL MEETING ON JULY 1, 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: 6/30/2015 Period 12; 07/14/15 Period 1; 07/28/2015 Period 1; 08/11/2015 Period 2; 7/7/2015 Period 13; 07/21/15 Period 13; 08/04/2015 Period 13; 7/7/2015 Period 1; 07/21/15 Period 1; 08/04/2015 Period 2; 7/14/2015 Period 13; 07/28/15 Period 13; and 08/11/2015 Period 13.

CAPPELLO/LO MOVED TO **ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 6/30/2015 PERIOD 12; 07/14/15 PERIOD 1; 07/28/2015 PERIOD 1; 08/11/2015 PERIOD 2; 7/7/2015 PERIOD 13; 07/21/15 PERIOD 13; 08/04/2015 PERIOD 13; 7/7/2015 PERIOD 1; 07/21/15 PERIOD 1; 08/04/2015 PERIOD 2; 7/14/2015 PERIOD 13; 07/28/15 PERIOD 13; AND 08/11/2015 PERIOD 13.** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

### 3. 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).

Council Member Bernald removed this item from the Consent Calendar to request changes to the ordinance, as shown in the supplemental attachment provided during the City Council Meeting.

Mayor Miller invited public comment on the item.

No one requested to speak.

BERNALD/CAPPELLO MOVED TO **REINTRODUCE THE AMENDED ORDINANCE FOR FIRST READING AND DIRECT STAFF TO PLACE THE ITEM ON THE SEPTEMBER 2, 2015 CITY COUNCIL AGENDA FOR SECOND READING AND ADOPTION.** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

4. Second Reading of an Ordinance Amending the Ground Movement Regulations of the Saratoga City Code

**Recommended action:**

Waive the second reading and adopt the attached ordinance for amendments to Article 15-45 (Design Review - Single Family Dwelling) and Article 16-65 (Ground Movement Potential Map) of the Saratoga City Code.

Kevin Tsai spoke in favor of this item.

**RESOLUTION NO. 15-051 AND ORDINANCE NO. 329**

CAPPELLO/LO MOVED **TO ADOPT THE ATTACHED ORDINANCE FOR AMENDMENTS TO ARTICLE 15-45 (DESIGN REVIEW - SINGLE FAMILY DWELLING) AND ARTICLE 16-65 (GROUND MOVEMENT POTENTIAL MAP) OF THE SARATOGA CITY CODE.** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

5. Second Reading of a Zoning Amendment to Add a Planned-Combined Zoning District (P-C) to an Existing Site at 19550 Prospect Road

**Recommended action:**

Waive the second reading to add the Planned-Combined Zoning District (P-C) to an existing site at 19550 Prospect Road (Church of the Ascension Parish).

**ORDINANCE NO. 330**

CAPPELLO/LO MOVED **TO ADOPT THE ORDINANCE TO ADD THE PLANNED-COMBINED ZONING DISTRICT (P-C) TO AN EXISTING SITE AT 19550 PROSPECT ROAD (CHURCH OF THE ASCENSION PARISH).** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

6. Park Restroom Janitorial Service Contract

**Recommended action:**

Approve a two-year contract with Sunnyvale Building Maintenance for weekend and holiday park restroom facility services in the amount of \$49,920 per year and authorize City Manager to execute the same.

CAPPELLO/LO MOVED **APPROVE A TWO-YEAR CONTRACT WITH SUNNYVALE BUILDING MAINTENANCE FOR WEEKEND AND HOLIDAY PARK RESTROOM FACILITY SERVICES IN THE AMOUNT OF \$49,920 PER YEAR AND AUTHORIZE CITY MANAGER TO EXECUTE THE SAME.** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

7. Comcast Ethernet Private Line Service Agreement

**Recommended action:**

Authorize the City Manager to enter into a five-year service agreement with Comcast to provide an Ethernet private line (EPL) for remote access between City Hall and the Prospect Center.

CAPPELLO/LO MOVED **AUTHORIZE THE CITY MANAGER TO ENTER INTO A FIVE-YEAR SERVICE AGREEMENT WITH COMCAST TO PROVIDE AN ETHERNET PRIVATE LINE (EPL) FOR REMOTE ACCESS BETWEEN CITY HALL AND THE PROSPECT CENTER.** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

8. Motor Vehicle Resolution Restricting Parking at Carniel Avenue between Blue Meadow Court and Saratoga-Sunnyvale Road

**Recommended action:**

Adopt Motor Vehicle Resolution restricting parking at Carniel Avenue in between Blue Meadow Court and Saratoga-Sunnyvale Road.

**MV-RESOLUTION 311**

CAPPELLO/LO MOVED **ADOPT MOTOR VEHICLE RESOLUTION RESTRICTING PARKING AT CARNIEL AVENUE IN BETWEEN BLUE MEADOW COURT AND SARATOGA-SUNNYVALE ROAD.** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

**PUBLIC HEARINGS**

9. Appeal of PDR15-0004 - Wireless Antenna and Associated Equipment Installation near 19848 Prospect Road (Saratoga Prospect Center)

**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.

Jerry Gao provided opening remarks on behalf of the appellants.

Bob Gundermann and Paul Albritton provided opening remarks on behalf of the applicant.

Mayor Miller invited public comment on the item.

The following people requested to speak:

- Ling Shao spoke in opposition to the staff recommendation to deny the appeal.
- Ray Muzzy spoke in opposition to the staff recommendation to deny the appeal.
- Victor Zhang spoke in opposition to the staff recommendation to deny the appeal.
- Jenny Yuan spoke in opposition to the staff recommendation to deny the appeal.

- Yong Zheng spoke in opposition to the staff recommendation to deny the appeal.
- Ester Chan spoke in opposition to the staff recommendation to deny the appeal.
- Qiushuang Zhang spoke in opposition to the staff recommendation to deny the appeal.
- Stephen Chan spoke in opposition to the staff recommendation to deny the appeal.
- Jianjie Ma spoke in opposition to the staff recommendation to deny the appeal.
- Suspn Comn spoke in opposition to the staff recommendation to deny the appeal.
- Mei Juan spoke in opposition to the staff recommendation to deny the appeal.
- Ming Won spoke in opposition to the staff recommendation to deny the appeal.
- Bruce Barnes spoke in opposition to the staff recommendation to deny the appeal.
- Pete Godbole spoke in opposition to the staff recommendation to deny the appeal.
- Arun Narayan spoke in opposition to the staff recommendation to deny the appeal.
- Ying Ding spoke in opposition to the staff recommendation to deny the appeal.
- Dr. Blank spoke in opposition to the staff recommendation to deny the appeal.
- Zhihong Huang spoke in opposition to the staff recommendation to deny the appeal.
- Sujatha Badapat spoke in opposition to the staff recommendation to deny the appeal.
- Grace Ge spoke in opposition to the staff recommendation to deny the appeal.
- Sue Cown spoke in opposition to the staff recommendation to deny the appeal.
- Frank Bracken spoke in opposition to the staff recommendation to deny the appeal.
- Melinda spoke in opposition to the staff recommendation to deny the appeal.

Paul Albritton and Bill Hammett provided closing remarks on behalf of the applicant.

Ying Ding provided closing remarks on behalf of the appellant.

Mayor Miller closed the public hearing for this item.

CAPPELLO/BERNALD MOVED TO **CONTINUE THIS ITEM UNTIL AFTER THE PUBLIC HEARING FOR ITEMS 10 AND 11.** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

The City Council took a break at 9:43 p.m. and returned at 9:58 p.m. After the break, the City Council proceeded to item 10.

After conducting the public hearings for items 10 and 11, the City Council returned to this item.

**RESOLUTION NO. 15-047**

CAPPELLO/BERNALD MOVED TO **ADOPT A RESOLUTION DENYING THE APPEAL.** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD. NOES: KUMAR. ABSTAIN: NONE. ABSENT: NONE.

10. Appeal of PDR15-0006 - Wireless Antenna and Associated Equipment Installation near 19700 Prospect Road (Congregation Beth David/Church of the Ascension)

**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.

Jerry Gao provided opening remarks on behalf of the appellants.

Paul Albritton and Bill Hammett provided opening remarks on behalf of the applicant.

Mayor Miller announced that public comment would be reduced to 90 seconds per speaker and invited public comment on the item.

The following people requested to speak:

- Yong Zheng spoke in opposition to the staff recommendation to deny the appeal.
- Victor Zhang spoke in opposition to the staff recommendation to deny the appeal.
- Jianjie Ma spoke in opposition to the staff recommendation to deny the appeal.
- Dr. Blank spoke in opposition to the staff recommendation to deny the appeal.
- Bruce Barnes spoke in opposition to the staff recommendation to deny the appeal.
- Zhihong Huang spoke in opposition to the staff recommendation to deny the appeal.
- Ying Ding spoke in opposition to the staff recommendation to deny the appeal.
- Sujatha Badapat spoke in opposition to the staff recommendation to deny the appeal.
- Ester Chang spoke in opposition to the staff recommendation to deny the appeal.

Paul Albritton provided closing remarks on behalf of the applicant.

Ying Ding provided closing remarks on behalf of the appellant.

CAPPELLO/BERNALD MOVED TO **CONTINUE THIS ITEM UNTIL AFTER THE PUBLIC HEARING ON ITEM 11 AND COUNCIL DELIBERATION ON ITEM 9.** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

After the public hearing on item 11 and City Council deliberation and decision on item 9, the City Council returned to item 10.

**RESOLUTION NO. 15-048**

CAPPELLO/BERNALD MOVED TO **ADOPT A RESOLUTION DENYING THE APPEAL.** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD. NOES: KUMAR. ABSTAIN: NONE. ABSENT: NONE.

11. Appeal of PDR15-0005 - Wireless Antenna and Associated Equipment Installation near Prospect Road and Kristy Lane

**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.

Jerry Gao provided opening remarks on behalf of the appellants.

Paul Albritton and Bill Hammett provided opening remarks on behalf of the applicant.

Mayor Miller announced that public comment would be reduced to 90 seconds per speaker and invited public comment on the item.

The following people requested to speak:

- Bruce Barnes spoke in opposition to the staff recommendation to deny the appeal.
- Victor Zhang spoke in opposition to the staff recommendation to deny the appeal.
- Jianjie Ma spoke in opposition to the staff recommendation to deny the appeal.
- Wiefang Xie spoke in opposition to the staff recommendation to deny the appeal.
- Zhihong Huang spoke in opposition to the staff recommendation to deny the appeal.
- Ying Ding spoke in opposition to the staff recommendation to deny the appeal.
- Sujatha Badapat spoke in opposition to the staff recommendation to deny the appeal.
- Don Lee spoke in opposition to the staff recommendation to deny the appeal.
- Shawn spoke in opposition to the staff recommendation to deny the appeal.

Paul Albritton provided closing remarks on behalf of the applicant.

Ying Ding provided closing remarks on behalf of the appellant.

CAPPELLO/BERNALD MOVED TO **CONTINUE THIS ITEM UNTIL AFTER COUNCIL DELIBERATION ON ITEM 10.** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

After City Council deliberation on items 9 and 10, the City Council returned to item 11.

**RESOLUTION NO. 15-049**

CAPPELLO/BERNALD MOVED TO **ADOPT A RESOLUTION DENYING THE APPEAL.** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD. NOES: KUMAR. ABSTAIN: NONE. ABSENT: NONE.

**OLD BUSINESS**

12. VTP 2040 - Envision Silicon Valley Call for Projects

**Recommended action:**

Receive report and direct staff accordingly.

Public Works Director John Cherbone provided the staff report on this item.

Mayor Miller invited public comment on this item.

No one requested to speak.

**Council Direction:**

The City Council provided direction to City staff to include the following projects in the City of Saratoga's call for VTP 2040 projects:

- Prospect Road Median Project
- Blue Hills School RR Crossing Safety Project
- Citywide Signal Upgrade Project Phase 1
- Citywide Signal Upgrade Project Phase 2
- Saratoga Ave Sidewalk Improvements
- Joe's Trail: Saratoga-Sunnyvale Road to Prospect Road
- Herriman Avenue/Saratoga Avenue Traffic Signal
- Verde Vista Lane Traffic Signal
- Citywide Accessible Pedestrian
- SR 9 Pedestrian Safety Improvements (Phase 5)
- Saratoga-to-the-Sea Trail
- State Route 85 Corridor Noise Reduction Measures
- Hwy 85 On/off Ramp Landscaping
- Dedicated Bicycle Lanes
- Senior Transportation Program
- Foothill Expressway/280 Interchange Congestion Relief
- Quito Road Sidewalk Project
- Lit Pedestrian Crossing at Quito and McCoy
- Lit Pedestrian Crossing at Cox and Miller

**BERNALD/KUMAR MOVED TO SUPPORT THE LETTER DRAFTED BY THE MAYORS OF THE WEST VALLEY AND NORTH COUNTY CITIES CALLING FOR VTA TO DEVELOP A SYSTEM-WIDE PLAN THAT INTEGRATES FUTURE MASS TRANSIT INVESTMENTS IN SANTA CLARA COUNTY WITH CONNECTIONS TO OTHER COUNTIES, AS WELL AS COMMUNITY-LEVEL SYSTEMS AND FIRST/LAST MILE STRATEGIES.** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

**NEW BUSINESS**

13. State Route 85 Corridor Policy Advisory Board Council Assignment

**Recommended action:**

1. Appoint Mayor Miller and an alternate to the State Route 85 Corridor Policy Advisory Board.
2. Approve resolution amending City Council assignments.

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

Mayor Miller invited public comment.

No one requested to speak.

**RESOLUTION NO. 15-050**

CAPPELLO/LO MOVED TO **ADOPT THE RESOLUTION AMENDING CITY COUNCIL ASSIGNMENTS BY APPOINTING MAYOR MILLER TO THE STATE ROUTE 85 CORRIDOR POLICY ADVISORY BOARD AND COUNCIL MEMBER BERNALD AS THE ALTERNATE.** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

**CITY COUNCIL ASSIGNMENT REPORTS**

Mayor Howard Miller

No report

Vice Mayor Manny Cappello

No report

Council Member Emily Lo

*Hakone Foundation Board & Executive Committee* – the Consul General of Japan will be visiting Hakone Gardens on August 20, 2015 at 2:00 p.m.

Council Member Mary-Lynne Bernald

No report

Council Member Rishi Kumar

No report

**CITY COUNCIL ITEMS**

None

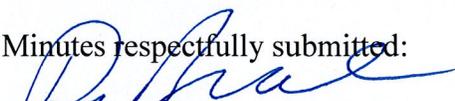
**CITY MANAGER'S REPORT**

No report

**ADJOURNMENT**

CAPPELLO/BERNALD MOVED TO **ADJOURN THE MEETING AT 12:26 A.M.** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

Minutes respectfully submitted:

for   
Crystal Bothelio, City Clerk  
City of Saratoga

  
Debbie Bretschneider  
Acting City Clerk