

**MINUTES  
WEDNESDAY, JUNE 18, 2014  
SARATOGA CITY COUNCIL SPECIAL MEETING**

At 5:30 p.m., the Saratoga City Council held a Joint Meeting with representatives of Saratoga homeowners and neighborhood associations in the Senior Center, Saunders Room, at 19655 Allendale Avenue.

**SARATOGA CITY COUNCIL REGULAR MEETING**

Mayor Lo called the meeting to order at 7:07 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  
Cynthia McCormick, Planner  
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 June 13, 2014.

**REPORT FROM CLOSED SESSION**

Mayor Lo stated there was nothing to report.

**COMMUNICATIONS FROM COMMISSIONS & PUBLIC**

**Oral Communications on Non-Agendized Items**

Mayor Lo shared an overview of the Council's Joint Meeting with the City's homeowners and neighborhood associations.

Mary Robertson spoke in favor of adding light rail through the State Route 85 corridor.

Jeff Schwartz raised concerns about violation of Closed Session rules by Vice Mayor Miller and requested the matter be referred to the Grand Jury.

**Oral Communications - Council Direction to Staff**

None

**Communications from Boards and Commissions**

None

**Council Direction to Staff**

None

**ANNOUNCEMENTS**

Sheriff Laurie Smith, along with Assistant Sheriff Carl Neusel, Captain Ken Binder, and Lieutenant James Cannan, presented the City Council and City Manager Dave Anderson with awards recognizing Saratoga as the Safest City in California.

**CEREMONIAL ITEMS**

None

**SPECIAL PRESENTATIONS**

None

**CONSENT CALENDAR**

1. City Council Meeting Minutes

**Recommended action:**

Approve City Council minutes for the Special City Council Meeting and Regular City Council Meeting on June 4, 2014.

MILLER/PAGE MOVED TO **APPROVE CITY COUNCIL MINUTES FOR THE SPECIAL CITY COUNCIL MEETING AND REGULAR CITY COUNCIL MEETING ON JUNE 4, 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:  
6/3/2014 Period 12  
6/10/2014 Period 12

MILLER/PAGE MOVED TO **ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 6/3/2014 PERIOD 12 AND 6/10/2014 PERIOD 12.** MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

3. City Code Update Regarding City Manager and Personnel System

**Recommended action:**

Adopt the attached ordinance amending City Code provisions concerning the City Manager (Article 2-20) and the Personnel System (Article 2-40).

**ORDINANCE NO. 316**

MILLER/PAGE MOVED TO **ADOPT THE ATTACHED ORDINANCE AMENDING CITY CODE PROVISIONS CONCERNING THE CITY MANAGER (ARTICLE 2-20) AND THE PERSONNEL SYSTEM (ARTICLE 2-40)**. MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

4. Annual Approval of the City's Investment Policy - for Fiscal Year 2014/15

**Recommended action:**

Review and approve the Investment Policy for Fiscal Year 2014/15.

MILLER/PAGE MOVED TO **APPROVE THE INVESTMENT POLICY FOR FISCAL YEAR 2014/15**. MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

5. Contract Renewal for Traffic Signals & Lighted Crosswalks Maintenance & Repair Services

**Recommended action:**

Approve a three-year contract agreement with Siemens Industry, Inc. for City traffic signals and lighted crosswalks maintenance and repair services and authorize the City Manager to execute the same.

MILLER/PAGE MOVED TO **APPROVE A THREE-YEAR CONTRACT AGREEMENT WITH SIEMENS INDUSTRY, INC. FOR CITY TRAFFIC SIGNALS AND LIGHTED CROSSWALKS MAINTENANCE AND REPAIR SERVICES AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE SAME**. MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

6. Approving Application for Metropolitan Transportation Commission (MTC) Grant Program – Active Transportation Program (ATP)

**Recommended action:**

Approve resolution supporting the MTC ATP Grant Application.

Council Member Cappello removed the item from Consent Calendar to request a correction to a typo in the Fiscal Impacts section of the staff report for this item.

Mayor Lo invited public comment on the item.

No one requested to speak.

**RESOLUTION NO. 14-040**

CAPPELLO/PAGE MOVED TO **APPROVE RESOLUTION SUPPORTING THE MTC ATP GRANT APPLICATION WITH THE CORRECTION TO THE STAFF REPORT**. MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

**PUBLIC HEARINGS**

7. Resolution Ordering Abatement of a Public Nuisance by Removal of Hazardous Vegetation (Brush)

**Recommended action:**

1. Open public hearing, listen to public testimony, and close public hearing; and 2. Adopt resolution overruling objections and ordering hazardous vegetation abatement (brush).

City Clerk Crystal Bothelio presented the staff report and noted that the properties on Damon Lane and Wardell Road are in compliance and can be removed from the commencement report.

Mayor Lo invited public comment on the item.

No one requested to speak.

**RESOLUTION NO. 14-041**

MILLER/PAGE MOVED TO **ADOPT RESOLUTION OVERRULING OBJECTIONS AND ORDERING HAZARDOUS VEGETATION ABATEMENT (BRUSH)**. MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

**OLD BUSINESS**

None

**NEW BUSINESS**

8. Santa Clara County Law Enforcement Contract

**Recommended action:**

Review and approve proposed Law Enforcement contract and authorize City Manager to execute the contract with Santa Clara County.

The Mayor reordered the agenda and heard Item 9 before Item 8.

Finance and Administrative Services Director Mary Furey presented the staff report.

Captain Ken Binder with the Santa Clara County Sheriff’s Office addressed Council questions.

Mayor Lo invited public comment on the item.

The following person requested to speak:

Trish Cypher

No one else requested to speak.

LO/HUNTER MOVED TO **APPROVE PROPOSED LAW ENFORCEMENT CONTRACT AND AUTHORIZE CITY MANAGER TO EXECUTE THE CONTRACT WITH SANTA CLARA COUNTY**. MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

After hearing Item 8, the Council proceeded to Item 10 on the Agenda.

9. Report on Hakone Gardens Noise Mitigation Efforts

**Recommended action:**

Receive report.

Community Development Director James Lindsay presented the staff report.

Lon Saavedra, Hakone Gardens Executive Director, addressed Council questions.

Mayor Lo invited public comment.

The following people requested to speak:

Ann Waltonsmith, Hakone Foundation Executive Board

Dorothy Marian

No one else requested to speak.

After hearing Agenda Item 9, the City Council proceeded to Item 8.

10. Joint Exercise of Powers Agreement and Cooperation Agreement to Undertake CDBG Activities

**Recommended action:**

Adopt the resolution authorizing the City Manager to enter into a Joint Exercise of Powers Agreement and Cooperation Agreement with the County of Santa Clara relating to essential community development and housing assistance activities funded by the Federal government for the Community Development Block Grant and HOME Program.

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

Mayor Lo invited public comment on the item.

The following person requested to speak:

Trish Cypher

No one else requested to speak.

**RESOLUTION NO. 14-042**

CAPPELLO/HUNTER MOVED TO **ADOPT THE RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A JOINT EXERCISE OF POWERS AGREEMENT AND COOPERATION AGREEMENT WITH THE COUNTY OF SANTA CLARA RELATING TO ESSENTIAL COMMUNITY DEVELOPMENT AND HOUSING ASSISTANCE ACTIVITIES FUNDED BY THE FEDERAL GOVERNMENT FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME PROGRAM.** MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

11. Fall 2014 Issue of The Saratogan

**Recommended action:**

Accept report and direct staff accordingly.

Brian Babcock, Administrative Analyst in the City Manager's Office, presented the staff report.

Mayor Lo invited public comment on the item.

No one requested to speak.

Council Member Hunter suggested that the article on the City Council be postponed until after the election.

Vice Mayor Miller concurred.

Council Member Hunter requested that staff be consistent in the way names are presented. For example, some articles referred to others using last name only and other articles used first name.

Vice Mayor Miller recommended that a list of capital projects and a timeline of projects, including descriptions of the projects, be posted on the City's website. He suggested that the projects and their timelines be updated every quarter.

Council Member Cappello asked that staff put the question recommended for Ask Our Staff to be put in laymen's terms, since many residents are unfamiliar with the term "Design Review."

Council Member Hunter suggested that the newsletter include a listing of upcoming events. She also proposed the Council consider mailing the Saratogan on its own, rather than being included with the Recreation Activity Guide.

Council Member Page suggested that the next issue also include contact information for other service providers in Saratoga, such as the garbage company.

Council Member Hunter asked for a clearer, larger banner on the cover of the Recreation Activity Guide to announce that the Saratogan is located inside the guide.

Council Member Page proposed that if the Council is concerned with distribution of the Saratogan, the newsletter could be mailed on its own to those who request it.

Vice Mayor Miller suggested posting a link to the Saratogan on Nextdoor.com.

Council Member Cappello suggested doing the same on the City's Facebook page.

Vice Mayor Miller recommended that the article on the new City Manager be postponed.

Mayor Lo invited public comment on the item.

No one requested to speak.

12. League of California Cities Annual Conference Designated Voter

**Recommended action:**

Designate the City of Saratoga voting delegate and alternative voting delegate(s) for the 2014 League of California Cities Annual Conference.

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

Mayor Lo invited public comment.

No one requested to speak.

**MILLER/CAPPELLO MOVED TO DESIGNATE COUNCIL MEMBER CHUCK PAGE AS THE CITY OF SARATOGA VOTING DELEGATE AND MAYOR EMILY LO AS THE ALTERNATE VOTING DELEGATE FOR THE 2014 LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE. MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.**

**ADHOC & AGENCY ASSIGNMENT REPORTS**

Mayor Emily Lo

*Cities Association of Santa Clara County* – Mayor Lo reported on proposed legislation that the Cities Association is following and positions that the Cities Association has taken on some of the considered bills. Additionally, Mountain View Council Member Ronit Bryant and Palo Alto Council Member Greg Scharff were appointed to the ABAG Executive Board.

Vice Mayor Howard Miller

*Council Finance Committee* – during the last meeting, the Finance Committee discussed the contract with the Sheriff’s Office. Additionally, the auditors are now at City Hall.

*Valley Transportation Authority Policy Advisory Committee (PAC)* – during the last VTA Board Meeting, the Board voted to constrain the State Route 85 Express Lanes project to a single express lane in both directions. Additionally, a presentation on smart growth and walkable cities was given.

Council Member Manny Cappello

*Saratoga Area Senior Coordinating Council (SASCC)* – the next meeting is June 24, 2014.

*Saratoga Chamber of Commerce* – during the last meeting, plans for the Car Show in July and Brews and Blues in September were discussed.

Council Member Chuck Page

No report

Council Member Jill Hunter

No report

**CITY COUNCIL ITEMS**

None

**CITY MANAGER’S REPORT**

City Manager Dave Anderson said he would be out of town and Recreation and Facilities Director Michael Taylor would be Acting City Manager.

At 9:16 p.m., Mayor Lo announced a recess and stated the meeting would resume again in 10 minutes in the Administrative Conference Room.

**CLOSED SESSION** – Administrative Conference Room at 13777 Fruitvale Avenue

**CONFERENCE WITH LABOR NEGOTIATORS** (Government Code Section 54957.6)

Agency Designated Representatives: Richard Taylor, Bill Avery

Unrepresented Employee: City Manager

**PUBLIC EMPLOYMENT** (Gov't Code 54957)

Titles: City Manager and Interim/Acting City Manager

**REPORT FROM CLOSED SESSION** – Administrative Conference Room at 13777

Fruitvale Avenue

Mayor Lo announced that there was nothing to report.

City Manager Recruitment

**Recommended Action:**

Review current status of the City Manager recruitment and provide direction on process for appointment of Acting/Interim City Manager effective July 24, 2014 until the newly appointed City Manager's start date.

City Attorney Richard Taylor presented the staff report on the item.

Mayor Lo invited public comment on the item.

No one requested to speak.

**ADJOURNMENT**

CAPPELLO/PAGE MOVED TO **CONTINUE THE MEETING TO 11:00 A.M. ON JUNE 20, 2014 (ADMINISTRATIVE CONFERENCE ROOM AT 13777 FRUITVALE AVENUE).**

MOTION PASSED. AYES: LO, MILLER, CAPPELLO, PAGE, HUNTER. NOES: NONE.

ABSTAIN: NONE. ABSENT: NONE.

Minutes respectfully submitted:

Crystal Bothelio, City Clerk