

**MINUTES**  
**WEDNESDAY, JANUARY 21, 2015**  
**SARATOGA CITY COUNCIL SPECIAL MEETING**

The City Council held a Closed Session at 5:00 p.m. in the in the Administrative Conference Room at City Hall at 13777 Fruitvale Avenue. At 6:00 p.m., the City Council called to order a Joint Meeting with the Saratoga Ministerial Association.

**SARATOGA CITY COUNCIL REGULAR MEETING**

Mayor Howard 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  
Mary Furey, Finance & Administrative Services Director  
Michael Taylor, Recreation & Facilities Director  
Erwin Ordoñez, Community Development Director  
Christopher Riordan, Senior Planner

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

City Clerk Crystal Bothelio reported that the agenda for this meeting was properly posted on January 14, 2015.

**REPORT FROM CLOSED SESSION**

Mayor Miller announced that there was nothing to report from Closed Session.

**COMMUNICATIONS FROM COMMISSIONS & PUBLIC**

**Oral Communications on Non-Agendized Items**

Peggy Lynne addressed the City Council regarding her request that an audit of Hakone Foundation finances be performed.

Dorothy Marian raised questions regarding the Hakone Foundation audit and finances of the organization.

**Oral Communications - Council Direction to Staff**

Mayor Miller asked City Manager James Lindsay to follow up with Peggy Lynne and Dorothy Marian to provide the latest information about the Hakone Foundation audit efforts.

## **Communications from Boards and Commissions**

Mayor Howard Miller invited Council Member Kumar to provide a summary of the Joint Meeting with the Saratoga Ministerial Association.

Council Member Kumar shared an overview of the Joint Meeting, including updates from the faith-based organizations in Saratoga and an announcement regarding the Beth David Congregation Ground Breaking event on Sunday, January 25, 2015 at 10:00 a.m.

## **Council Direction to Staff**

None

## **ANNOUNCEMENTS**

Council Member Kumar announced a bicycle safety event hosted by the Saratoga Cares Foundation on January 31, 2015 at Saratoga Library from 3:30 p.m. to 5:00 p.m. The event is free and open to everyone.

Vice Mayor Cappello shared that Fly Me to the Moon, a joint dance hosted by the Saratoga Youth Commission and Saratoga Area Senior Coordinating Council (SASCC) for people of all ages, will be on Saturday, January 24, 2015 from 6:00 p.m. to 10:00 p.m. at the Saratoga Prospect Center. Tickets are \$25 per person and proceeds will benefit SASCC.

Mayor Miller noted that there are numerous programs and classes for all ages and interests in the Saratoga Recreation Guide, including driver's education for teens.

Council Member Lo encouraged the public to share their love notes as part of the annual "Love Notes" in the Village. Love notes will be posted in the windows of Village merchants to celebrate Valentine's Day.

Council Member Kumar added that there will be a ribbon cutting ceremony at the new Erik's DeliCafe in Quito Village on Thursday, January 15, 2015 at 11:00 a.m. Additionally, State Senator Jim Beall, Jr. is holding a series of financial aid workshops for college-bound students. Additional information is online at <http://sd15.senate.ca.gov/event/2015-02-05-senator-beall-s-cash-college-workshop-pioneer-high-school>.

Mayor Miller also shared that the City of Saratoga is accepting applications for two positions on the Planning Commission. Applications are due February 24, 2015.

Mayor Miller then introduced new Community Development Director Erwin Ordoñez.

## **CEREMONIAL ITEMS**

1. Commendation for Richie Sun

### **Recommended action:**

Present the commendation recognizing Richie Sun.

Mayor Miller read and presented the commendation recognizing Richie Sun.

2. Commendation for Assistant Sheriff Kenneth Binder

**Recommended action:**

Present the commendation recognizing Assistant Sheriff Kenneth Binder.

Mayor Miller recognized Assistant Sheriff Kenneth Binder with a commendation and welcomed new West Valley Captain Rick Sung.

**CONSENT CALENDAR**

3. City Council Meeting Minutes

**Recommended action:**

Approve the City Council minutes for the Special and Regular City Council Meeting on December 17, 2014.

CAPPELLO/BERNALD MOVED TO **APPROVE THE CITY COUNCIL MINUTES FOR THE SPECIAL AND REGULAR CITY COUNCIL MEETING ON DECEMBER 17, 2014.** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. 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:  
1/6/2015 Period 7  
1/13/2015 Period 7

CAPPELLO/BERNALD MOVED TO **ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 1/6/2015 PERIOD 7; AND 1/13/2015 PERIOD 7.** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

5. Treasurer's Report for the Month Ended November 30, 2014

**Recommended action:**

Review and accept the Treasurer's Report for the month ended November 30, 2014.

CAPPELLO/BERNALD MOVED TO **ACCEPT THE TREASURER'S REPORT FOR THE MONTH ENDED NOVEMBER 30, 2014.** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

6. Resolution Authorizing Final Disposition of Certain City Records

**Recommended action:**

Adopt resolution authorizing final disposition of certain city records.

**RESOLUTION NO. 15-001**

CAPPELLO/BERNALD MOVED TO **ADOPT RESOLUTION AUTHORIZING FINAL DISPOSITION OF CERTAIN CITY RECORDS, WITH CORRECTIONS TO TYPOS IDENTIFIED IN THE LIST OF RECORDS AUTHORIZED FOR DISPOSITION.** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

## **PUBLIC HEARINGS**

7. Hazardous Vegetation Program Resolution Declaring Abatement of Public Nuisance

**Recommended action:**

Conduct public hearing and adopt resolution.

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

Mayor Miller invited public comment on the item.

No one requested to speak.

### **RESOLUTION NO. 15-002**

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

## **OLD BUSINESS**

None

## **NEW BUSINESS**

8. Amendment to Contract Planning Services Agreement

**Recommended action:**

Authorize the City Manager to execute an amendment to an existing contract with the Metropolitan Planning Group to increase the not-to-exceed amount by \$60,000 (from \$45,000 to \$105,000).

Christopher Riordan, Senior Planner in the Community Development Department, presented the staff report.

Mayor Miller invited public comment on the item.

No one requested to speak.

BERNALD/KUMAR MOVED TO **AUTHORIZE THE CITY MANAGER TO EXECUTE AN AMENDMENT TO AN EXISTING CONTRACT WITH THE METROPOLITAN PLANNING GROUP TO INCREASE THE NOT-TO-EXCEED AMOUNT BY \$60,000 (FROM \$45,000 TO \$105,000)**. MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

9. Council Direction on Tobacco Retailer Licensing Ordinance & E-Cigarette Regulations

**Recommended action:**

Provide direction to staff on whether to prepare an ordinance implementing a tobacco retailer licensing requirement and/or establishing e-cigarette regulations.

City Clerk Crystal Bothelio presented the staff report.

Mayor Miller noted a correction to the staff report – CVS stopped selling tobacco products as of September 2014.

Mayor Miller invited public comment on this item.

No one requested to speak.

KUMAR/BERNALD MOVED TO **DIRECT STAFF TO: 1) PREPARE AN ORDINANCE AMENDING THE DEFINITION OF TOBACCO PRODUCTS TO INCLUDE E-CIGARETTES AND FLAVORED TOBACCO, THEREBY EXTENDING RESTRICTIONS ON TOBACCO PRODUCTS TO THESE ITEMS; AND 2) PREPARE A TOBACCO RETAILER LICENSING ORDINANCE.** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

Mayor Miller invited students from DeAnza College on stage to introduce themselves.

#### 10. City Council Handbook

**Recommended action:**

Provide staff with input on the City Council Handbook. No action is needed.

City Clerk Crystal Bothelio presented the staff report.

Council Member Kumar requested that the handbook discuss the relationship between the City Manager and City Council.

Vice Mayor Cappello asked that the handbook include information about guidelines for audience behavior at Council Meetings.

Council Member Lo asked that the section on Council Member participation in public events note that opinions expressed by elected officials only represent that individual's opinions, unless authorized to represent an opinion or position of the City Council as a whole.

Mayor Miller invited public comment on the item and noted that Trish Cypher did speak on this item during the Joint Meeting public comment period.

### **AGENCY ASSIGNMENT REPORTS**

#### Mayor Howard Miller

*Valley Transportation Authority (VTA) Policy Advisory Committee* – Mayor Miller shared he was unable to attend the last meeting. The committee postponed voting on a new Chair to the February meeting.

*VTA Board West Valley Cities Alternate* – Mayor Miller attended the last VTA meeting as the alternate. The Board did a second reading for a regulation on how private entities can use public bus stops.

#### Vice Mayor Manny Cappello

*Council Finance Committee* – the Finance Committee held a meeting two weeks prior to prepare for the City Council Retreat.

*Hakone Foundation Board* – Vice Mayor Cappello reported he attended the last meeting and that the Board is meeting more frequently now.

*West Valley Sanitation District* – during the last meeting, Vice Mayor Cappello was selected as Vice Chair to the Sanitation District Board.

#### Council Member Emily Lo

*Hakone Foundation Board & Executive Committee* – the Board has hired an interim Executive Director to work on a part time basis. The interim Executive Director has a background in marketing, lived in Japan for 10 years, and is fluent in Japanese. There will be an open house on the Hakone Master Plan on February 10, 2015. Additionally, the audit of Hakone Foundation finances is still on the table. The Board is currently reviewing its bylaws. The Board has been meeting much more frequently in recent months and things are moving quickly. On March 1, there will be a Lunar New Year celebration at Hakone. Additionally, the Foundation is making plans to kick off the centennial celebrations later this year or next year.

#### Council Member Mary-Lynne Bernald

*Cities Association of Santa Clara County* – Council Member Bernald attended the Cities Association meeting in place of Mayor Miller. During the meeting, the group established priorities for 2015. These include affordable housing, a regional housing authority, homelessness, RHNA sub-region, and minimum wage. Additionally, the Cities Association will continue to track community choice aggregation.

*KSAR Community Access TV Board* – Council Member Bernald shared she attended the KSAR meeting on behalf of Council Member Lo. During the meeting, there was discussion of how to expand services to Saratoga residents, upgrades to the City of Saratoga broadcast booth, and options for KSAR savings. The Board also welcomed Jill Hunter to the Board.

*Saratoga Historical Foundation* – the Historical Foundation is working on plans for the Blossom Festival, which should be another wonderful event.

*Saratoga Sister City Organization* – at the last meeting, members reviewed highlights from the recent trip to Muko, Japan. Additionally, the group is working on creating a website. Muko has requested that the Saratoga Sister City Organization help find candidates for a spoken English teaching program in Muko.

#### Council Member Rishi Kumar

*Saratoga Chamber of Commerce & Destination Saratoga* – Council Member Kumar reported that he will be attending the Erik's DeliCafe ribbon cutting on January 22, 2015. Additionally, the Chamber is working with its insurance company to recover funds lost due to staff embezzlement. The Chamber also is working towards transferring the weekly Farmers Market to a contractor. There has also been lots of discussion on a possible merger with the Los Gatos Chamber of Commerce and formation of a business improvement district.

### **CITY COUNCIL ITEMS**

None

### **CITY MANAGER'S REPORT**

City Manager James Lindsay reported that recruitments for two vacancies ~~in~~ are expected to begin soon. The recruitment for the Senior Plan Check position is anticipated to start in February, with the recruitment for a Planner position to start thereafter.

Mayor Miller announced that the City Council Retreat is January 23, 2015 at 9:00 a.m. at the Foothill Club.

**ADJOURNMENT**

LO/BERNALD MOVED TO **ADJOURN THE REGULAR MEETING AT 8:42 P.M.**  
MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE.  
ABSTAIN: NONE. ABSENT: NONE.

Minutes respectfully submitted:

Crystal Bothelio, City Clerk  
City of Saratoga