

MINUTES
WEDNESDAY, APRIL 15, 2015
SARATOGA CITY COUNCIL SPECIAL MEETING

At 6:30 p.m. in the the Administrative Conference Room at Saratoga City Hall at 13777 Fruitvale Avenue, the City Council held a study session on future City Council training. Under Oral Communications on Non-Agendized Items, the following person requested to speak: Trish Cypher. On public comment on the study session topic of Future City Council Training, the following person requested to speak: Trish Cypher.

SARATOGA CITY COUNCIL REGULAR MEETING

Mayor Miller called the meeting to order at 7:04 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
John Cherbone, Public Works Director
Mary Furey, Finance & Administrative Services Director
Erwin Ordoñez, Community Development Director
Adam Henig, Recreation Supervisor
Nina Walker, Facility Coordinator
Tony McFarlane, Finance Manager
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 April 9, 2015.

COMMUNICATIONS FROM COMMISSIONS & PUBLIC

Oral Communications on Non-Agendized Items

Greg Giansiracusa addressed the City Council regarding his interest in adding an access point to Joe's Trail from Via Real and Saratoga Creek. He requested that the City Council write a letter of support to San Jose Water about granting access to the trail from that location.

Mayor Miller recommended that Greg Giansiracusa speak with Public Works Director John Cherbone regarding his request.

A speaker shared information about Saratoga Talent Open Mic on Friday, April 17, 2015 at Blue Rock Shoot at 7:00 p.m.

Jacky Lee encouraged the City Council to implement Community Choice Aggregation.

Oral Communications - Council Direction to Staff

None

Communications from Boards and Commissions

None

Council Direction to Staff

None

ANNOUNCEMENTS

Council Member Kumar shared information about a number of upcoming community events, including a pancake breakfast at the Saratoga Fire Station on April 18, Saratoga High School Music Boosters pancake breakfast on May 3, a Safety Forum hosted by State Senator Jim Beall, Saratoga Hindu Temple activities, and a creek cleanup for Boy Scouts and Girl Scouts.

Council Member Bernald announced Architecture 101 on April 29, the Association of Bay Area Governments spring general assembly, and a presentation at the Saratoga Historical Museum on the Pan-Pacific International Exposition on April 18. She also shared that the Saratoga Sister City group will be sending a letter of appreciation to the Mayor of Muko, Japan, who is leaving office after 12 years of service. Council Member Bernald also provided information about a group she met with that is interested in promoting art in Saratoga.

Council Member Lo shared information about Arbor Day on April 21 and the Rotary Art Show on May 2 and 3.

Mayor Miller provided additional information about Arbor Day and shared that the City's Recreation Department is offering a number of programs for all ages and interests, including Gym for Toddlers. More information can be found in the City's Recreation Activity Guide.

CEREMONIAL ITEMS

1. Proclamation Declaring April 15, 2015 as National Bookmobile Day

Recommended action:

Present the proclamation to representatives of the Santa Clara County Library District.

Mayor Miller presented the proclamation to representatives of the Santa Clara County Library District.

2. Proclamation Declaring April 2015 as Safe Digging Month

Recommended action:

Read and present the proclamation to representatives of Pacific Gas & Electric Company.

Mayor Miller presented the proclamation to Anthony Lin, PG&E Government Relations Representative.

SPECIAL PRESENTATIONS

3. Special Presentation from San Jose Water Company

Recommended action:

Receive presentation from San Jose Water Company on current drought conditions and water conservation measures.

Mayor Miller invited John Tang with the San Jose Water Company to give a presentation on the drought and water conservation.

John Tang, San Jose Water Company Vice President – Government Relations & Corporate Communications, provided a presentation on the drought and the Governor’s executive order to conserve water.

Council Member Bernald requested that the City Council consider revisiting the City’s water efficient landscaping ordinance to identify opportunities to further conserve water.

Vice Mayor Cappello concurred.

Council Member Kumar requested that the City create a page on the drought with information about rebates and other resources on conserving water.

Mayor Miller noted that the City has a page on the drought, but it could be updated with more current information.

City Manager James Lindsay agreed to have the page updated within the next few weeks when there is more clarity about how water conservation measures will be implemented locally.

Mayor Miller also proposed that a presentation from the Santa Clara Valley Water District be added to a future Council agenda once the water conservation regulations are determined.

Vice Mayor Cappello concurred.

CONSENT CALENDAR

4. City Council Meeting Minutes

Recommended action:

Approve the City Council minutes for the Special and Regular City Council Meeting on April 1, 2015.

CAPPELLO/KUMAR MOVED TO APPROVE THE CITY COUNCIL MINUTES FOR THE SPECIAL AND REGULAR CITY COUNCIL MEETING ON APRIL 1, 2015.

MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

5. Review of Accounts Payable Check Register

Recommended action:

Review and accept check register for the following accounts payable payment cycle:
4/1/2015 Period 10

CAPPELLO/KUMAR MOVED TO **ACCEPT CHECK REGISTER FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLE: 4/1/2015 PERIOD 10.** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

6. Treasurer's Report for the Month Ended February 28, 2015

Recommended action:

Review and accept the Treasurer's Report for the month ended February 28, 2015.

CAPPELLO/KUMAR MOVED TO **ACCEPT THE TREASURER'S REPORT FOR THE MONTH ENDED FEBRUARY 28, 2015.** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

7. Landscaping and Lighting Assessment District LLA-1; Preliminary Approval of Engineer's Report and Adoption of Resolution of Intention for FY 15-16

Recommended action:

1. Move to adopt the resolution granting preliminary approval of the Engineer's Report for FY 15-16 for renewing the Landscaping and Lighting Assessment District LLA-1.
2. Move to adopt the resolution of intention.

RESOLUTIONS NO. 15-018 & 15-019

CAPPELLO/KUMAR MOVED TO **ADOPT: 1) THE RESOLUTION GRANTING PRELIMINARY APPROVAL OF THE ENGINEER'S REPORT FOR FY 15-16 FOR RENEWING THE LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT LLA-1; AND 2) THE RESOLUTION OF INTENTION.** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

8. Fruitvale Avenue Landscape Median Project – Budget Amendment

Recommended action:

Adopt resolution amending the FY 2014/2015 Budget to accept and appropriate a refund for the Fruitvale Avenue Landscape Median Upgrade Project.

RESOLUTION NO. 15-020

CAPPELLO/KUMAR MOVED TO **ADOPT RESOLUTION AMENDING THE FY 2014/2015 BUDGET TO ACCEPT AND APPROPRIATE A REFUND FOR THE FRUITVALE AVENUE LANDSCAPE MEDIAN UPGRADE PROJECT.** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

9. AB 939 and Household Hazardous Waste Agreements with Santa Clara County

Recommended action:

Authorize the City Manager to sign the Agreement for Countywide Assembly Bill 939 Implementation Fee and Santa Clara County Household Hazardous Waste Collection Program Agreement with a \$52,684.21 augmentation for Fiscal Year 2015/16.

Council Member Lo removed this item from the Consent Calendar to request additional information about household hazardous waste.

Mayor Miller invited public comment on the item.

No one requested to speak.

LO/BERNALD MOVED TO **AUTHORIZE THE CITY MANAGER TO SIGN THE AGREEMENT FOR COUNTYWIDE ASSEMBLY BILL 939 IMPLEMENTATION FEE AND SANTA CLARA COUNTY HOUSEHOLD HAZARDOUS WASTE COLLECTION PROGRAM AGREEMENT WITH A \$52,684.21 AUGMENTATION FOR FISCAL YEAR 2015/16.** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

PUBLIC HEARINGS

10. Proposed Fee Schedule Update for FY 2015/16

Recommended action:

Open the public hearing, listen to public testimony and close public hearing. Adopt the resolution approving the fee schedule for Fiscal Year 2015/16.

Tony McFarlane, Finance Manager, presented the staff report.

Mayor Miller noted that a supplemental attachment was provided with additional information about the proposed rate increases for rental of some City facilities.

Mayor Miller invited public comment on the item.

No one requested to speak.

Adam Henig, Recreation Supervisor, and Nina Walker, Facility Coordinator, addressed Council questions regarding proposed increases to rental rates for several City facilities.

RESOLUTION NO. 15-021

CAPPELLO/LO MOVED TO **ADOPT THE RESOLUTION APPROVING THE FEE SCHEDULE FOR FISCAL YEAR 2015/16.** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

The Council further directed staff to research opportunities to increase facility utilization whether through tiered rates or other means, such as making posting information about facility availability on the City's website, and present findings to the Finance Committee. In

the meantime, staff was also directed to include information about current use of rental spaces in the Council's Weekly Newsletter.

OLD BUSINESS

None

NEW BUSINESS

11. Review of Nonconforming Structure Regulations

Recommended action:

Provide direction to the Planning Commission on potential ordinance modifications for Nonconforming Structures.

Community Development Director Erwin Ordoñez presented the staff report.

Mayor Miller invited public comment on the item.

No one requested to speak.

CAPPELLO/BERNALD MOVED TO DIRECT THE PLANNING COMMISSION TO REVIEW EXISTING REGULATIONS FOR NONCONFORMING STRUCTURES AND RETURN WITH A PROPOSED ORDINANCE THAT WILL: 1) OVERTIME BRING NONCONFORMING STRUCTURES INTO CONFORMANCE; 2) PROVIDE RELIEF FOR HISTORIC BUILDINGS; 3) ALLOW THE MAJORITY OF NONCONFORMING STRUCTURE REVIEWS TO BE HANDLED ADMINISTRATIVELY; 4) DISTINGUISH BETWEEN INTERIOR AND EXTERIOR REMODELING WORK IN ORDER TO PREVENT INTERIOR ONLY REMODELS FROM TRIGGERING THE REQUIREMENT THAT NONCONFORMING STRUCTURES BE MADE TO COMPLY WITH CURRENT STANDARDS; 5) ALLOW EXCEPTIONS WHEN STRUCTURES ARE NOMINALLY WITHIN A REQUIRED SETBACK AND PROPOSED CONSTRUCTION WOULD CREATE INCONSISTENCY IN THE BUILDING APPEARANCE; 6) AND CONSIDER ALTERNATIVE METHODOLOGIES OR THRESHOLDS THAT MAY BE EASIER TO UNDERSTAND AND ACHIEVES THE SAME OVERALL GOAL, SUCH AS A METHODOLOGY BASED ON SQUARE FOOTAGE. MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

12. Authorization to Participate in Community Choice Energy South Bay Technical Feasibility Study

Recommended action:

Approve resolution authorizing participation in the Community Choice Energy South Bay Technical Feasibility Study.

City Clerk Crystal Bothelio presented the staff report.

Mayor Miller invited public comment on the item.

No one requested to speak.

RESOLUTION NO. 15-022

LO/KUMAR MOVED TO **APPROVE RESOLUTION AUTHORIZING PARTICIPATION IN THE COMMUNITY CHOICE ENERGY SOUTH BAY TECHNICAL FEASIBILITY STUDY**. MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

CITY COUNCIL ASSIGNMENT REPORTS

Mayor Howard Miller

Council Finance Committee – during the last meeting, the Committee received a preview of the information shared at the Budget Study Session and last minute change to the proposed budget. Hopefully, the City will be sending out a press release soon on the CalPERS Unfunded Accrued Liability payment and the City's plans to pay it off.

Vice Mayor Manny Cappello

Vice Mayor Cappello shared he, City Manager James Lindsay, and the City Manager of Los Altos Hills would be meeting in Sacramento on April 16 to discuss tax equity allocation with representatives of the State Department of Finance.

Santa Clara County Housing and Community Development (HCD) Council Committee – the next meeting will be April 20, 2015.

Saratoga Area Senior Coordinating Council (SASCC) – the next meeting is the week of April 20, 2015.

Council Member Emily Lo

KSAR Community Access TV Board – during the last meeting, the Board discussed advertisements in the Saratoga News that are no longer free to print. The Board plans to seek out free publicity opportunities. The Board is also hoping to increase visibility by installing televisions airing KSAR programming and information about KSAR in high profile locations, such as the Saratoga Library, Community Center, and City Hall.

Council Member Mary-Lynne Bernald

Cities Association of Santa Clara County – during the last meeting, the group discussed new bills introduced during the current legislative cycle and identified bills to watch and/or support. There was also a report from Sunnyvale Mayor Jim Griffith on the Community Choice Energy South Bay technical feasibility study.

Council Member Rishi Kumar

Saratoga Chamber of Commerce & Destination Saratoga – the president of West Valley College attended the last meeting and there were updates on Chamber activities.

Valley Transportation Authority (VTA) Policy Advisory Committee – Council Member Kumar attended the last meeting on behalf of Mayor Miller. The Committee received a report regarding two requests for Priority Development Area (PDA) Planning Grant funds. The requests were: Bascom Avenue Complete Street Corridor Study and Tasman Drive Complete Street Corridor Study. The Committee recommended funding for both projects. The Committee also discussed the Fiscal Year 2015 Congestion Management Program Fund Operating Budget, which was recommended for adoption with 1 member voting nay. There will be a study session on El Camino Bus Rapid Transit the week of April 20.

CITY COUNCIL ITEMS

Mayor Miller noted that there was a request to staff to bring the water efficient landscape ordinance to a future Council Meeting.

CITY MANAGER'S REPORT

City Manager James Lindsay shared that there have been some key staff members absent this week and he thanked the City Council for their patience.

ADJOURNMENT

LO/BERNALD MOVED TO **ADJOURN THE MEETING AT 10:10 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