

MINUTES
WEDNESDAY, MAY 6, 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 held a Joint Meeting with the Saratoga Area Senior Coordinating Council (SASCC). The Special Meeting was continued.

SARATOGA CITY COUNCIL REGULAR MEETING

Mayor Miller called the 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
John Cherbone, Public Works Director
Mary Furey, Finance & Administrative Services Director
Erwin Ordoñez, Community Development Director
Michael Taylor, Recreation & Facilities Director
Monica LaBossiere, Human Resources Manager
Tony McFarlane, Finance Manager
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 May 1, 2015.

REPORT FROM CLOSED SESSION

Mayor Miller announced that the City Council unanimously voted to initiate litigation against the California Department of Transportation (Caltrans) for failing to comply with the California Environmental Quality Act (CEQA) in connection with the proposed State Route 85 Express Lanes Project.

COMMUNICATIONS FROM COMMISSIONS & PUBLIC

Oral Communications on Non-Agendized Items

Ann WaltonSmith, Chair of the Hakone Foundation, announced the Matsuri Festival on May 17 from 11:00 a.m. to 4:00 p.m. at Hakone Gardens. Admission is free and free parking and shuttle service will be available at West Valley College. Parking at Hakone Gardens will be \$40 per car. More information is online at www.hakone.com.

Paul Hernandez requested that the City Council consider creating a program, such as a financial assistance or loan program, to help residents remove dead Monterey pine trees to prevent spread of Monterey beetles.

Debby Rice announced the Pampered Pig events at Fatima Villa on June 27, 2015. The events will include a Pampered Pig Stampede and Pampered Royal Pig Derby. More information is online at <http://www.fatimavilla.org/node/274>.

Barry Chang, Vice Mayor of Cupertino, thanked the City Council for its decision to initiate litigation against Caltrans and suggested that the members of the Saratoga City Council reach out to the Town of Los Gatos regarding litigation against Caltrans. He also asked the City Council to consider writing a letter to the Environmental Protection Agency about the Lehigh Quarry.

Bill Ford thanked the City Council for its decision to initiate litigation against Caltrans.

Mary Robertson thanked the City Council for voting to initiate litigation against Caltrans.

Anjali Kausar thanked the City Council for initiating litigation against Caltrans.

Karen Fredericks thanked the City Council for initiating litigation and shared her concerns about the environmental impacts of State Route 85.

Cheriel Jensen thanked the City Council for agreeing to initiate litigation against Caltrans.

Lisa Huening, President of the Saratoga Area Senior Coordinating Council (SASCC) Board of Directors, provided an overview of the City Council's Joint Meeting with SASCC and shared information about expanded social services that the Board hopes to bring to the Senior Center in the near future.

Oral Communications - Council Direction to Staff

None

Communications from Boards and Commissions

None

Council Direction to Staff

None

ANNOUNCEMENTS

Council Member Kumar announced the Saratoga Chamber of Commerce's Wine Stroll on May 9, 2015. The event will feature over 40 wineries and tickets can be purchased in advance online at <http://www.saratogachamber.org/>. He also provided information about a creek cleanup event on May 9, 2015 at 10:00 a.m. organized by the City and the West Valley Clean Water Program. Boy Scouts and Girl Scouts are invited to participate in the cleanup. Additionally, Saratoga Cares Foundation will be holding an open mic night at Blue Rock Shoot on Friday, May 8. The event is free and open to the public. On Sunday, May 10, there are also a number of free classes open to

the public. They include yoga medication classes. Information is online at tinyurl.com/saratogaaclass. He also announced that Stride for Susie will take place on May 24, 2015. Information is available at tinyurl.com/teamsusie2015.

Council Member Bernald shared information about the Saratoga Historical Foundation's lecture on the Castroville Mammoth and Paleo-Indians Discovery. The lecture is on May 14 at 7:30 p.m. at the Foothill Club. Information is online at <http://www.saratogahistory.com/>. On May 21, 2015 at 6:00 p.m., the Sister City group will be holding a meeting at Hakone Gardens. The meeting is open to the public. Attendees are encouraged to bring a potluck dish to share.

Council Member Lo announced the Crime Prevention Forum, hosted by the City of Saratoga and the Santa Clara County Sheriff's Office, on May 19, 2015 from 6:00 p.m. to 9:00 p.m. at the Saratoga Senior Center. She also wanted to remind the public that the Wednesday farmers market at Blaney Plaza has resumed. The market runs from 2:30 p.m. to 7:00 p.m.

Vice Mayor Cappello shared information about upcoming orientations for LinkAges TimeBank on June 17 at the Saratoga Library and on June 23 at the Saratoga Senior Center. Residents can register online at <https://timebank.linkages.org/>.

Mayor Miller announced that local water agencies will soon be making announcements about requirements to reduce water consumption. Additionally, the City and Parks and Recreation Commission are hosting *Let's Work!* At Saratoga Quarry Park on May 19 and June 13. Volunteers can attend to help get the Quarry Park ready to open in the Fall. Also, the City's summer movie series will be starting this June on the third Friday of the month. Lastly, he shared information about summer camps available through the City of Saratoga Recreation Department. Information is available in the Saratoga Recreation Guide.

CEREMONIAL ITEMS

1. Foster Care/Resource Parent Appreciation Month

Recommended action:

Present the proclamation declaring May 2015 as Foster Care/Resource Parent Appreciation Month.

Mayor Miller presented the proclamation declaring May 2015 as Foster Care/Resource Parent Appreciation Month.

SPECIAL PRESENTATIONS

None

CONSENT CALENDAR

2. City Council Meeting Minutes

Recommended action:

Approve the City Council minutes for the Special Meeting on April 13, 2015 and the Special and Regular City Council Meeting on April 15, 2015.

CAPPELLO/KUMAR MOVED TO **APPROVE THE CITY COUNCIL MINUTES FOR THE SPECIAL MEETING ON APRIL 13, 2015 AND THE SPECIAL AND REGULAR CITY COUNCIL MEETING ON APRIL 15, 2015.** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

3. Review of Accounts Payable Check Registers

Recommended action:

Review and accept check registers for the following accounts payable payment cycles:

4/14/2015 Period 10

4/21/2015 Period 10

4/28/2015 Period 10

CAPPELLO/KUMAR MOVED TO **ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 4/14/2015 PERIOD 10; 4/21/2015 PERIOD 10; AND 4/28/2015 PERIOD 10.** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

4. Treasurer's Report for the Month Ended March 31, 2015

Recommended action:

Review and accept the Treasurer's Report for the month ended March 31, 2015.

CAPPELLO/KUMAR MOVED TO **ACCEPT THE TREASURER'S REPORT FOR THE MONTH ENDED MARCH 31, 2015.** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

5. Transportation Development Act (TDA) Article 3 Application for the Saratoga Avenue Walkway Project

Recommended action:

Adopt resolution supporting the Metropolitan Transportation Commission's Transportation Development Act Article 3 Pedestrian/Bicycle Grant Application for the Saratoga Avenue Walkway Project.

RESOLUTION NO. 15-023

CAPPELLO/KUMAR MOVED TO **ADOPT RESOLUTION SUPPORTING THE METROPOLITAN TRANSPORTATION COMMISSION'S TRANSPORTATION DEVELOPMENT ACT ARTICLE 3 PEDESTRIAN/BICYCLE GRANT APPLICATION FOR THE SARATOGA AVENUE WALKWAY PROJECT.** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

6. Village Creek Trail Design: Budget Resolution, Design Contract, Trail Easement Acceptance

Recommended action:

1. Approve budget adjustment.
2. Approve Professional Design Services Contract with Alta Planning and Design in the amount of \$26,144 for design services, authorize the City Manager to execute the same and authorize staff to approve additional costs up to 10% of the contract amount (\$2,600) as a project contingency.
3. Approve Resolution accepting Offer to Dedicate Pedestrian Trail Easement from Mr. and Mrs. Rosenfeld and authorize the City Manager to sign the Certificate of Acceptance.

Council Member Kumar removed this item from the Consent Calendar to request additional information.

Public Works Director John Cherbone addressed Council questions.

Mayor Miller invited public comment on this item.

No one requested to speak.

RESOLUTIONS NO. 15-024 & 15-025

KUMAR/LO MOVED TO APPROVE: 1) THE BUDGET ADJUSTMENT; 2) PROFESSIONAL DESIGN SERVICES CONTRACT WITH ALTA PLANNING AND DESIGN IN THE AMOUNT OF \$26,144 FOR DESIGN SERVICES, AUTHORIZE THE CITY MANAGER TO EXECUTE THE SAME AND AUTHORIZE STAFF TO APPROVE ADDITIONAL COSTS UP TO 10% OF THE CONTRACT AMOUNT (\$2,600) AS A PROJECT CONTINGENCY; AND 3) RESOLUTION ACCEPTING OFFER TO DEDICATE PEDESTRIAN TRAIL EASEMENT FROM MR. AND MRS. ROSENFELD AND AUTHORIZE THE CITY MANAGER TO SIGN THE CERTIFICATE OF ACCEPTANCE. MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

7. Resolution of Support for Senate Bill 16

Recommended action:

Adopt resolution of support for Senate Bill 16.

Council Member Lo removed this item from the Consent Calendar to request additional information.

City Clerk Crystal Bothelio addressed questions from the City Council.

Mayor Miller noted that he signed letters of support for Senate Bills 16 and 321.

Mayor Miller invited public comment on the item.

No one requested to speak.

RESOLUTION NO. 15-026

LO/BERNALD MOVED TO **ADOPT RESOLUTION OF SUPPORT FOR SENATE BILL 16**. MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

8. Resolution of Support for Senate Bill 321

Recommended action:

Approve resolution of support for Senate Bill 321.

RESOLUTION NO. 15-027

CAPPELLO/KUMAR MOVED TO **APPROVE RESOLUTION OF SUPPORT FOR SENATE BILL 321**. MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

PUBLIC HEARINGS

9. Ordinance Amending Article 16-60 - Early Warning Fire Alarm System

Recommended action:

Conduct public hearing; introduce and waive the first reading of the attached ordinance updating Article 16-60 of the City Code; and direct staff to place the ordinance on the Consent Calendar for adoption at the June 3, 2015 City Council meeting.

Community Development Director Erwin Ordoñez presented the staff report on this item.

Joe Long, Saratoga Fire Protection District Fire Commission Chair, addressed the City Council and provided additional information on the item.

Mayor Miller invited public comment on this item.

The following person requested to speak:

Paul Hernandez

No one else requested to speak.

BERNALD/CAPPELLO MOVED TO **WAIVE THE FIRST READING OF THE ORDINANCE UPDATING ARTICLE 16-60 OF THE CITY CODE; AND DIRECT STAFF TO PLACE THE ORDINANCE ON THE CONSENT CALENDAR FOR ADOPTION AT THE JUNE 3, 2015 CITY COUNCIL MEETING, CONTINGENT UPON SARATOGA FIRE PROTECTION DISTRICT ACTION ON EARLY WARNING FIRE ALARM SYSTEM**. MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

OLD BUSINESS

None

NEW BUSINESS

10. Amendment to Lease Agreement with Hakone Foundation

Recommended action:

Approve amendment to lease agreement with Hakone Foundation to reduce the number of members of the Board of Trustees from fifteen to nine.

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

Mayor Miller invited public comment on this item.

The following people requested to speak:

Mike Story

Ann Waltonsmith, Chair of the Hakone Foundation Board

No one else requested to speak.

LO/CAPPELLO MOVED TO **APPROVE AMENDMENT TO LEASE AGREEMENT WITH HAKONE FOUNDATION TO SET THE MINIMUM NUMBER OF MEMBERS OF THE BOARD OF TRUSTEES AT NINE.** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

11. The Effects of Drought Stress on Trees Citywide

Recommended action:

Receive report.

City Arborist Kate Bear presented the staff report.

Mayor Miller invited public comment on the item.

No one requested to speak.

KUMAR/CAPPELLO MOVED TO **DIRECT STAFF TO RETURN WITH AN ORDINANCE UPDATING TREE REGULATIONS THAT MAINTAINS THE CURRENT VALUES OF THE CITY'S TREE REGULATIONS, REQUIRES REPLACEMENT OF DEAD TREES, AND SIMPLIFIES THE REMOVAL PROCESS FOR DEAD TREES, INCLUDING THE POSSIBILITY OF OVER-THE-COUNTER TREE REMOVAL PERMITS.** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

BERNALD/LO MOVED TO **DIRECT STAFF TO BRING FORWARD A REPORT TO THE CITY COUNCIL ON LOCAL JURISDICTIONS THAT REQUIRE MANDATORY REMOVAL OF DEAD TREES.** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

12. Council Resolution to Adopt Memorandum of Understanding for the Saratoga Employee Association (“SEA”) July 1, 2015 to June 30, 2019

Recommended action:

Staff recommends the City Council approve the proposed Memorandum of Understanding (MOU) and adopt Council Resolution to Adopt Memorandum of Understanding for the Saratoga Employee Association (“SEA”) July 1, 2015 to June 30, 2019.

Finance Manager Tony McFarlane and Human Resources Manager Monica LaBossiere presented the staff report on this item. The MOU was provided to the City Council as a supplemental attachment following Closed Session on May 6, 2015 at 5:00 p.m. Copies were made available to the public at the meeting and the MOU was posted on the City of Saratoga website.

Mayor Miller invited public comment on this item.

No one requested to speak.

RESOLUTION NO. 15-028

CAPPELLO/LO MOVED TO **ADOPT COUNCIL RESOLUTION TO ADOPT MEMORANDUM OF UNDERSTANDING FOR THE SARATOGA EMPLOYEE ASSOCIATION (“SEA”) JULY 1, 2015 TO JUNE 30, 2019.** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

CITY COUNCIL ASSIGNMENT REPORTS

Mayor Howard Miller

Council Finance Committee – there was no meeting this month, but the Finance Committee received a draft of the budget. The draft will be going to the rest of the Council in the next few days. There are no big changes, just refinement to numbers.

Valley Transportation Authority (VTA) Policy Advisory Committee – the Committee next meets on May 14, 2015.

West Valley Mayors and Managers Association – the next meeting is May 27, 2015.

West Valley Solid Waste Management Joint Powers Authority – the next meeting is on May 7, 2015.

Vice Mayor Manny Cappello

Architecture 101 Ad Hoc Committee – the Architecture 101 meeting went really well and helped serve as a starting point for the City Council, Planning Commission, and Heritage Preservation Commission to embark on the Village visioning process.

Santa Clara County Housing and Community Development (HCD) Council Committee – during the meeting on April 20, 2015, the Committee reviewed the 5 year Consolidated Plan. While two top priorities of the plan continue to be addressing homelessness and providing affordable housing, a survey conducted as part of the plan update showed that there is renewed interest in senior housing, services, and activities.

Saratoga Area Senior Coordinating Council (SASCC) – during the last meeting, the Board discussed renovations to the senior center and bringing in new Board Members. There was also discussion about Adult Care services.

Council Member Emily Lo

Hakone Foundation Board & Executive Committee – at the April 27 Board Meeting, the Board approved extensive changes to the bylaws. On April 28, there was a second public meeting on the Hakone Gardens Master Plan.

Council Member Mary-Lynne Bernald

Architecture 101 Ad Hoc Committee – the Architecture 101 meeting was held on April 29, 2015. *Association of Bay Area Governments* – there was a lack of a quorum at the Spring General Assembly, but there was an interesting presentation and discussion on regional housing needs allocations and water conservation.

Saratoga Sister City Organization – the group met on May 5, 2015 and had an interesting discussion about Hakone. Additionally, the Sister City website is not live. The next meeting is on May 21, 2015 and the public is invited to attend.

Council Member Rishi Kumar

No Report

CITY COUNCIL ITEMS

Council Member Kumar asked if there was interest in having information about City projects posted on the City website.

City Manager James Lindsay explained that the City will be putting signage up to notify neighbors of City-related projects at the project site and will include a web address with more information about the project.

Council Member Kumar proposed creation of a certificate that Council Members can distribute as they see fit.

CITY MANAGER'S REPORT

City Manager James Lindsay said he had nothing to report.

City Attorney Richard Taylor announced that he will be going on vacation and Catherine Engberg will be acting City Attorney in his absence.

ADJOURNMENT

At 9:56 p.m., Mayor Miller recessed the regular meeting to the Administrative Conference Room. Upon returning to the Administrative Conference Room, the City Council would then return to the Special Meeting previously continued and the Regular Meeting. The Special Meeting and Regular Meeting were adjourned at 10:50 p.m.

Minutes respectfully submitted:

Crystal Bothelio, City Clerk

