

MINUTES
WEDNESDAY, JUNE 3, 2015
SARATOGA CITY COUNCIL SPECIAL MEETING

At 5:30 p.m., the Saratoga City Council called to order the Joint Meeting with Saratoga Neighborhoods in the Saratoga Senior Center at 19655 Allendale Avenue. Under Oral Communications on Non-Agendized items, the following person requested to speak: Nai Hsueh, Santa Clara Valley Water District Board of Directors.

SARATOGA CITY COUNCIL REGULAR MEETING

Mayor Miller called the meeting to order at 7:04 p.m. and Boy Scout Troop 535 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
Brian Babcock, Administrative Analyst
Adam Henig, Recreation Supervisor
Bridget Eddings, Recreation Coordinator

REPORT OF CITY CLERK ON POSTING OF AGENDA

City Clerk Crystal Bothelio reported that the agenda for this meeting was properly posted on May 29, 2015.

REPORT FROM CLOSED SESSION

None

COMMUNICATIONS FROM COMMISSIONS & PUBLIC

Oral Communications on Non-Agendized Items

Mayor Miller provided an overview of the City Council's Joint Meeting with Saratoga Neighborhoods.

Sujatha Bodapati spoke in opposition to a proposed Verizon cell tower, raised questions about the rationale for the tower, and encouraged the City Council to consider amending the City of Saratoga's cell tower regulations to be more in line with the cities of San Jose and Cupertino.

Pete Godbole also spoke in opposition to the proposed cell towers on Prospect Road, raised concerns about the need for the towers, and proposed that the City Council adopt regulations that increase setback requirements for cell towers.

Ying Ding spoke in opposition to the proposed cell towers on Prospect Road, commenting that the additional towers are not necessary, raising safety concerns, and requesting that the Council consider regulations similar to the cities of Cupertino and San Jose.

Vicky Lebler with Our Lady of Fatima Villa, announced the Pampered Pig events on June 27. The events include the Flying Pig Stampede from 11:00 a.m. to 2:00 p.m. and the Royal Pig Derby from 6:00 p.m. to 10:00 p.m. Both events include baby pig races. Information is online at <http://www.fatimavilla.org/node/296>.

Arun Narayan spoke in opposition to the cell towers proposed for Prospect Road, stating the cell towers will be unattractive and raising health concerns.

Ester D. spoke in opposition to the cell towers proposed for Prospect Road.

Mayor Miller thanked the members of the public who commented upon the cell towers proposed for Prospect Road. He noted that the Planning Commission's decision on the three cell tower projects had been appealed and the appeal hearing would be coming before the City Council on July 1, 2015. Mayor Miller encouraged the public speakers to return at the July 1, 2015 City Council Meeting for the appeal hearing.

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 Young Coders Club for youth starting June 7, 2015 at the Joan Pisani Community Center and running every Sunday from 3:00 p.m. to 4:00 p.m. Information is online at www.tinyurl.com/Saratogaaclass. Additionally, the monthly Saratoga's Got Bollywood open mic night at Blue Rock Shoot will take place on Friday, June 5, 2015. Information is online at www.tinyurl.com/Saratogabollywood. The City's summer movie night series will also be starting on June 19, 2015 in El Quito Park. The first event will feature the Lego Movie.

Council Member Lo shared that the slides from the Crime Prevention Forum on May 19, 2015 hosted by the Santa Clara County Sheriff's Office are now on the City's website at www.saratoga.ca.us/stayingsafe. Additionally, Saratoga Library is starting a new program that will explore different cultures. The program will begin with several workshops on the Chinese culture that will run from June 8 through June 20.

Mayor Miller announced that there are still spaces available in City of Saratoga summer camps, including Wild Coyotes for children between the ages of 6 and 10. Information is on the City website at www.saratoga.ca.us/recreation or in the Recreation Activity Guide.

CEREMONIAL ITEMS

1. Presentation from West Valley Community Services and Commendation for Out-going Executive Director, Naomi Nakano-Matsumoto

Recommended action:

Receive presentation from representatives of West Valley Community Services and present commendation to Naomi Nakano-Matsumoto, out-going Executive Director of West Valley Community Services.

Sujatha Venkatraman, Director of Stability Support Services, delivered a presentation on West Valley Community Services to the Saratoga City Council.

Mayor Miller and members of the City Council presented a commendation recognizing Naomi Nakano-Matsumoto, the outgoing Executive Director of West Valley Community Services.

2. Special Presentation by Youth Commission and Commendations for Outgoing Youth Commissioners

Recommended action:

Receive special presentation by Youth Commissioners and present commendations to Maya Gupta, Allison Lin, Mihir Pandya, Summer Smith, and Jeremy Wang recognizing their service on the Saratoga Youth Commission.

Members of the Saratoga Youth Commission delivered a presentation to the Saratoga City Council about their efforts during the school year.

Mayor Miller and members of the City Council recognized the service of Youth Commissioners Maya Gupta, Allison Lin, Mihir Pandya, Summer Smith, and Jeremy Wang with commendations.

3. Appointment of Youth Commissioners and Oath of Office

Recommended action:

Adopt the attached resolution appointing 5 members to the Saratoga Youth Commission and direct the City Clerk to administer the Oath of Office.

RESOLUTION NO. 15-031

CAPPELLO/LO MOVED TO **ADOPT THE ATTACHED RESOLUTION APPOINTING 5 MEMBERS TO THE SARATOGA YOUTH COMMISSION AND DIRECT THE CITY CLERK TO ADMINISTER THE OATH OF OFFICE.** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

CONSENT CALENDAR

4. City Council Meeting Minutes

Recommended action:

Approve the City Council minutes for the Special and Regular City Council Meeting on May 20, 2015.

CAPPELLO/BERNALD MOVED TO **APPROVE THE CITY COUNCIL MINUTES FOR THE SPECIAL AND REGULAR CITY COUNCIL MEETING ON MAY 20, 2015**. MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

5. Review of Accounts Payable Check Registers

Recommended action:

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

5/19/2015 Period 11

5/26/2015 Period 11

CAPPELLO/BERNALD MOVED TO **ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 5/19/2015 PERIOD 11; AND 5/26/2015 PERIOD 11**. MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

6. Treasurer's Report for the Month Ended April 30, 2015

Recommended action:

Review and accept the Treasurer's Report for the month ended April 30, 2015.

CAPPELLO/BERNALD MOVED TO **ACCEPT THE TREASURER'S REPORT FOR THE MONTH ENDED APRIL 30, 2015**. MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

7. Second Reading of Ordinance Amending Early Warning Fire Alarm System (Article 16-60)

Recommended action:

Waive the second reading and adopt the attached ordinance to revise the Early Warning Fire Alarm System (EWAS) ordinance (Article 16-60).

ORDINANCE NO. 326

CAPPELLO/BERNALD MOVED TO **WAIVE THE SECOND READING AND ADOPT THE ATTACHED ORDINANCE TO REVISE THE EARLY WARNING FIRE ALARM SYSTEM (EWAS) ORDINANCE (ARTICLE 16-60)**. MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

8. ZAG Technical Services Support Contract

Recommended action:

Authorize the City Manager to enter into a three-year contract with ZAG Technical Services for IT Support in an amount not to exceed \$25,000 per fiscal year.

CAPPELLO/BERNALD MOVED TO **AUTHORIZE THE CITY MANAGER TO ENTER INTO A THREE-YEAR CONTRACT WITH ZAG TECHNICAL SERVICES FOR IT SUPPORT IN AN AMOUNT NOT TO EXCEED \$25,000 PER FISCAL YEAR.** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

9. Approval of TRAKiT Software System's Interactive Voice Response and five-year maintenance agreement

Recommended action:

Authorize the City Manager to

1. Enter into a contract to implement the TRAKiT Interactive Voice Response (IVR) voice activated permit system module
2. Enter into a contract for a five-year maintenance and support agreement to support the existing TRAKiT and new IVR software systems

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

City Manager James Lindsay addressed City Council questions.

Mayor Miller invited public comment.

No one requested to speak.

CAPPELLO/BERNALD MOVED TO: **1) ENTER INTO A CONTRACT TO IMPLEMENT THE TRAKIT INTERACTIVE VOICE RESPONSE (IVR) VOICE ACTIVATED PERMIT SYSTEM MODULE; AND 2) ENTER INTO A CONTRACT FOR A FIVE-YEAR MAINTENANCE AND SUPPORT AGREEMENT TO SUPPORT THE EXISTING TRAKIT AND NEW IVR SOFTWARE SYSTEMS.** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

10. Resolution to Establish Property Tax Levy for Debt Service Payments on the Library General Obligation Bonds

Recommended action:

Adopt the attached resolution which sets the property tax levy rate to provide for the Library General Obligation Bond's debt service payment at \$.0065 per \$100 of Assessed Valuation.

RESOLUTION NO. 15-032

CAPPELLO/BERNALD MOVED TO **ADOPT THE ATTACHED RESOLUTION WHICH SETS THE PROPERTY TAX LEVY RATE TO PROVIDE FOR THE LIBRARY GENERAL OBLIGATION BOND'S DEBT SERVICE PAYMENT AT \$.0065 PER \$100 OF ASSESSED VALUATION.** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

11. Fiscal Year 2015/16 Gann Appropriation Limit

Recommended action:

Review report and adopt resolution approving the Gann Appropriation Limit for FY 2015/16.

RESOLUTION NO. 15-033

CAPPELLO/BERNALD MOVED TO ADOPT RESOLUTION APPROVING THE GANN APPROPRIATION LIMIT FOR FY 2015/16. MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

12. Annual Approval of the City's Investment Policy - for Fiscal Year 2015/16

Recommended action:

Review and approve the Investment Policy for Fiscal Year 2015/16.

CAPPELLO/BERNALD MOVED TO APPROVE THE INVESTMENT POLICY FOR FISCAL YEAR 2015/16. MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

13. Adoption of the Fiscal Year 2015/16 Operating & Capital Budget

Recommended action:

Adopt resolution approving the Proposed FY 2015/16 Operating and Capital Budgets, directing staff to incorporate within the final adopted budget any modifications related to late-breaking changes, minor corrections, carry forward appropriations, refined estimates, grant approvals, claim reimbursements, pass-through appropriations, or additional direction from Council upon adoption of the budget.

RESOLUTION NO. 15-034

CAPPELLO/BERNALD MOVED TO ADOPT RESOLUTION APPROVING THE PROPOSED FY 2015/16 OPERATING AND CAPITAL BUDGETS, DIRECTING STAFF TO INCORPORATE WITHIN THE FINAL ADOPTED BUDGET ANY MODIFICATIONS RELATED TO LATE-BREAKING CHANGES, MINOR CORRECTIONS, CARRY FORWARD APPROPRIATIONS, REFINED ESTIMATES, GRANT APPROVALS, CLAIM REIMBURSEMENTS, PASS-THROUGH APPROPRIATIONS, OR ADDITIONAL DIRECTION FROM COUNCIL UPON ADOPTION OF THE BUDGET AND INCORPORATE CHANGES REGARDING THE COVINA LANDSCAPE AND LIGHTING DISTRICT AS SHOWN IN THE SUPPLEMENTAL ATTACHMENT DATED JUNE 3, 2015. MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

PUBLIC HEARINGS

14. Ordinance Establishing Tobacco Retailer License

Recommended action:

Conduct public hearing; introduce and waive the first reading of the attached ordinance establishing Article 4-90 Tobacco Retailer License in the City Code; and direct staff to place the ordinance and resolution updating the City Fee Schedule for Fiscal Year 2015/16 on the Consent Calendar for adoption at the next regular City Council meeting.

City Clerk Crystal Bothelio presented the staff report.

Nicole Coxe with the Santa Clara County Public Health Department addressed City Council questions.

Mayor Miller invited public comment on the item.

The following people requested to speak:

Carol Baker with the American Cancer Society Cancer Action Networks spoke in support of the ordinance.

Janav Sharma, Breathe California volunteer, spoke in support of the ordinance.

Rosemary McCarthy spoke in support of the ordinance.

Mayor Miller closed the public hearing and public comment period.

CAPPELLO/LO MOVED TO DIRECT STAFF TO REMOVE SECTION 4.90.040(J) OF THE PROPOSED ORDINANCE ON FLAVORED TOBACCO; WAIVE THE FIRST READING OF THE ORDINANCE ESTABLISHING ARTICLE 4-90 TOBACCO RETAILER LICENSE IN THE CITY CODE; DIRECT STAFF TO PLACE THE AMENDED ORDINANCE AND RESOLUTION UPDATING THE CITY FEE SCHEDULE FOR FISCAL YEAR 2015/16 ON THE CONSENT CALENDAR FOR ADOPTION AT THE NEXT REGULAR CITY COUNCIL MEETING; AND DIRECTED STAFF BRING FORWARD A PROPOSAL FOR PROHIBITING FLAVORED TOBACCO FOR COUNCIL CONSIDERATION AT A FUTURE CITY COUNCIL MEETING. MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

At 8:47 p.m., Mayor Miller invited members of Boy Scout Troop 535 on stage to introduce themselves.

15. Landscaping & Lighting Assessment District LLA-1 - Approval of Engineer's Report and Confirmation of Assessments for FY 15-16

Recommended action:

Move to adopt the Resolution Ordering the Improvements and Confirming the Diagram and Assessments for FY 15-16.

Public Works Director John Cherbone presented the staff report.

Mayor Miller invited public comment on the item.

No one requested to speak.

RESOLUTION NO. 15-035

CAPPELLO/BERNALD MOVED TO ADOPT THE RESOLUTION ORDERING THE IMPROVEMENTS AND CONFIRMING THE DIAGRAM AND ASSESSMENTS FOR FY 15-16. MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

OLD BUSINESS

None

NEW BUSINESS

16. Fall 2015 Issue of The Saratogan

Recommended action:

Accept report and direct staff accordingly.

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

Mayor Miller invited public comment on this item.

No one requested to speak.

Council Member Kumar requested that at least 1 to 2 years of past issues of the Saratogan be posted on SlideShare, so that they can be found through web searches.

Vice Mayor Cappello recommended that the newsletter include photos of drought tolerant landscapes in Saratoga, as there is a common misconception that drought tolerant landscaping is ugly.

Mayor Miller recommended including a contest in the newsletter for photos of drought tolerant landscaping and best water saving idea. He added that the City could provide certificates of appreciation to all the participants and photos could be posted on the City website.

Council Member Lo asked if it would be possible to make the note on the cover of the Recreation Activity Guide that indicates the City newsletter is inside the Activity Guide more prominent.

Council Member Kumar asked if the City could conduct a simple survey on topics that they would like to see in future issues of the Saratogan, such as a survey on Facebook.

City Manager James noted that staff could conduct a survey before the winter issue of the Saratogan.

Mayor Miller suggested that the Ask Our Staff section include Community Development Director Erwin Ordoñez and information about grey water systems and how they can be used to help conserve water.

Council Member Kumar recommended that the newsletter also include information about the Santa Clara Valley Water District is offering free shower buckets, "Brown is the New Green" lawn signs, and "We're Fighting the Drought Inside & Out" lawn signs.

17. Information Regarding the Provision of Senior Adult Care Services by Saratoga Area Senior Coordinating Council

Recommended action:

Staff recommends that Council review alternatives and provide direction regarding the provision of senior adult care.

Recreation and Facilities Director Michael Taylor presented the staff report on this item.

Mayor Miller invited public comment.

The following people requested to speak:

Lisa Huening, Saratoga Area Senior Coordinating Council Board of Directors President

Joyce Hlava

Bill Cooper

No one else requested to speak.

CAPPELLO/BERNALD MOVED TO **CONTINUE THIS ITEM TO THE JULY 1, 2015 REGULAR CITY COUNCIL MEETING.** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

CITY COUNCIL ASSIGNMENT REPORTS

Mayor Howard Miller

Mayor Miller shared that he attended a San Jose Water Company hearing on the proposed rate changes, which have been submitted to the California Public Utilities Commission. There were approximately 400 to 500 people present and many expressed frustration with the proposed rate changes.

The City of Cupertino also held a study session on the State Route 85 corridor that included Rod Diridon, Valley Transportation General Manager Nuria Fernandez, Carl Guardino, and a consulting firm that specializes in creative transportation solutions. During the study session, there was discussion of some of the transit solutions proposed for State Route 85.

On June 12, a group of Mayors and City Managers from the northern part of Santa Clara County will be gathering to discuss State Route 85. Mayor Miller noted that he cannot attend the meeting and asked if another member of the Council would be available for the meeting. Council Member Lo stated she was available to attend the meeting.

Vice Mayor Manny Cappello

Saratoga Area Senior Coordinating Council (SASCC) – during the last meeting, a revision to the contract with the executive director was renewed. At the next meeting, the Board will be holding officer elections.

Council Member Emily Lo

Hakone Foundation Board & Executive Committee – during the meeting on May 26, the Board finalized the bylaw revisions and took a first look at the proposed budget. The budget will be brought forward at the next meeting for adoption. Also at the May 26 meeting, the Board approved a new Board Member. The Board also learned that Hakone Gardens has been selected for the Sereno Group's 1% for the Good Program, which allows realtors to contribute a portion of their commission to an organization of their choice. The Board is also working on plans for the Centennial Gala on September 27.

Council Member Mary-Lynne Bernald

No report

Council Member Rishi Kumar

Council Member Kumar shared that he attended the San Jose Water Company hearing on May 28, 2015. He also attended a Silicon Valley Leadership Group Regional Economic Forum on May 29. On June 22, he will be attending a State leadership program for elected officials.

CITY COUNCIL ITEMS

Council Member Kumar recommended a future City Council agenda item on the City of Saratoga regulations on cell phone towers, as well as a resolution asking the Federal Communications Commission to revisit the Telecommunications Act of 1996.

There was no support for the request.

CITY MANAGER'S REPORT

City Attorney Richard Taylor reported that the petition for writ of mandate naming Valley Transportation Authority as a real party in the lawsuit against the California Department of Transportation has been filed. The litigation is being conducted in partnership with the cities of Cupertino and Los Gatos, with each city bearing a third of the litigation costs.

ADJOURNMENT

BERNALD/CAPPELLO MOVED TO **ADJOURN THE MEETING AT 9:52 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