

**MINUTES  
WEDNESDAY, JUNE 17, 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. The City Council continued the Closed Session until after the Regular Meeting. Closed Session was adjourned at 11:00 p.m. following the Regular Meeting. At 6:00 p.m., the City Council held a Joint Meeting with the Santa Clara County Fire Department, Santa Clara County FireSafe Council, and the Santa Clara County Sheriff's Office.

**SARATOGA CITY COUNCIL REGULAR MEETING**

Mayor 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  
John Cherbone, Public Works Director  
Mary Furey, Finance & Administrative Services Director  
Erwin Ordoñez, Community Development Director  
Michael Taylor, Recreation & Facilities Director  
Nina Walker, Facility Coordinator

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

City Clerk Crystal Bothelio reported that the agenda for this meeting was properly posted on June 12, 2015.

**REPORT FROM CLOSED SESSION**

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

**COMMUNICATIONS FROM COMMISSIONS & PUBLIC**

**Oral Communications on Non-Agendized Items**

Captain Rick Sung with the Santa Clara County Sheriff's Office reported on the City Council's Joint Meeting with the County Fire, the FireSafe Council, and the Sheriff's Office.

Alex Grossman spoke about the Community Garden at El Quito Park and requested a change in the garden policy that gives priority to Saratoga residents in the rental of garden plots.

Leonard Grossman also spoke about the Community Garden at El Quito Park and requested a change in the garden policy that gives priority to Saratoga residents in the rental of garden plots.

Jerry Gao spoke in opposition to proposed cell towers on Prospect Road and requested changes to the requirements for wireless facilities in the City Code.

Frank Bracken also spoke in opposition to the proposed cell towers, raising health concerns associated with long-term exposure to cell towers. He also asked the City Council to consider an ordinance that will change requirements for cell towers in the City Code.

Mayor Miller noted that the hearings for the three appeals on the wireless facilities on Prospect Road will be taking place at the August 19, 2015 City Council Meeting. The public is welcome to attend the meeting to voice their opinions about the proposed projects. He added that the City Council received a request to schedule a review of the City's cell tower ordinance and decided not to pursue the item at this time. Furthermore, if the City Council were to consider amending the City Code requirements for cell towers it would have to wait until after the appeal hearings conclude. Additionally, if the City Council were to agree to review the ordinance, it would be incorporated into the City Council's discussion on its annual work plan, which takes place at the annual City Council Retreat in January or February.

Paul Jacobs spoke in opposition to rate changes enacted by San Jose Water Company and encouraged the City Council to take action to oppose the rate changes.

Paul Krug spoke in opposition of the San Jose Water Company rate changes, stating that they unfairly penalize property owners with large lots.

Mayor Miller added that he and Council Member Kumar attended the San Jose Water Company meeting on the rate changes, along with roughly 300 to 400 other people. The City is taking the matter seriously. Information about water conservation, the recent rate changes, and more is on the City's website at [www.saratoga.ca.us/waterconservation](http://www.saratoga.ca.us/waterconservation).

Mayor Miller requested that Recreation and Facilities Director Michael Taylor provide a quick overview of the status of the El Quito Community Garden and the policy for the garden.

Recreation and Facilities Director Michael Taylor reported that there are 17 plots in the garden that are rented on an annual basis to the public. Three years ago, the City Council adopted a new policy for the garden that made it a priority to serve Saratoga residents before residents from other communities. When the new policy was adopted, letters were sent to all gardeners to let them know that in 2016 priority would be given to Saratoga residents before any non-resident. There are currently 5 non-residents with plots in the garden and 5 Saratoga residents on the wait list for a plot in the garden.

### **Oral Communications - Council Direction to Staff**

Vice Mayor Cappello requested that City staff provide the non-resident gardeners with a list of other local community gardens and if these gardens are limited to residents only.

Recreation and Facilities Director Michael Taylor said he would be happy to share this information with the non-resident gardeners.

## **Communications from Boards and Commissions**

None

## **Council Direction to Staff**

None

## **ANNOUNCEMENTS**

Council Member Kumar shared information about the Saratoga Young Coders Club that started on June 7 and meets weekly on Sunday at the Joan Pisani Community Center. Information is online at [www.tinyurl.com/Saratogaaclass](http://www.tinyurl.com/Saratogaaclass). Additionally, the Summer movie night series starts again on June 19 in El Quito Park. Information is on the City of Saratoga website. He also announced that Saratoga is home to a number of Lego robotics teams and there were 8 teams from Saratoga that competed nationally last year. For those interested in signing up for a team, there is an event on June 28, 2015 at 3:00 p.m. at the Joan Pisani Community Center. During the event, the public can sign up for a team and watch demonstrations.

Council Member Lo announced the annual Independence Day celebration on July 4, 2015 at 9:30 a.m. at Kevin Moran Park. She also shared that the Classic Car Show is on July 19 from 11:00 a.m. to 3:00 p.m. in downtown Saratoga.

Mayor Miller shared information about the City of Saratoga's Lego Engineering Class. Information is in the City of Saratoga Recreation Activity Guide. Additionally, he announced that residents can help protect trees in the drought by placing 2 to 4 inches of mulch under the drip line of the trees and shrubs.

## **CEREMONIAL ITEMS**

1. Commendations for Sandra Tolbert and Marshall Lane Elementary School

**Recommended action:**

Present the commendations to Sandra Tolbert and representatives of Marshall Lane Elementary School.

Mayor Miller presented the commendations to Sandra Tolbert and representatives of Marshall Lane Elementary School.

2. Commendation for Sean Murphy

**Recommended action:**

Present the commendation to Sean Murphy.

Mayor Miller presented the commendation to Sean Murphy.

## **SPECIAL PRESENTATIONS**

None

## **CONSENT CALENDAR**

### 3. City Council Meeting Minutes

#### **Recommended action:**

Approve the City Council minutes for the Special and Regular City Council Meeting on June 3, 2015.

CAPPELLO/BERNALD MOVED TO **APPROVE THE CITY COUNCIL MINUTES FOR THE SPECIAL AND REGULAR CITY COUNCIL MEETING ON JUNE 3, 2015.** 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:  
6/2/2015 Period 12  
6/9/2015 Period 12

CAPPELLO/BERNALD MOVED TO **ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 6/2/2015 PERIOD 12; AND 6/9/2015 PERIOD 12.** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

### 5. Amended Agreement with Granicus

#### **Recommended action:**

Authorize the City Manager to execute the amended agreement with Granicus, Inc.

CAPPELLO/BERNALD MOVED TO **AUTHORIZE THE CITY MANAGER TO EXECUTE THE AMENDED AGREEMENT WITH GRANICUS, INC.** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

### 6. Landscape Maintenance Contract - Gachina Landscape Management

#### **Recommended action:**

Approve a two-year contract with Gachina Landscape Management for monthly landscape maintenance services in the amount of \$124,692 per year and authorize City Manager to execute the same.

CAPPELLO/BERNALD MOVED TO **APPROVE A TWO-YEAR CONTRACT WITH GACHINA LANDSCAPE MANAGEMENT FOR MONTHLY LANDSCAPE MAINTENANCE SERVICES IN THE AMOUNT OF \$124,692 PER YEAR AND AUTHORIZE CITY MANAGER TO EXECUTE THE SAME.** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

7. Landscape Maintenance Contract - Vista Landscape

**Recommended action:**

Approve a two-year contract with Vista Landscape for monthly landscape maintenance services in the amount of \$60,219 per year and authorize City Manager to execute the same.

CAPPELLO/BERNALD MOVED TO **APPROVE A TWO-YEAR CONTRACT WITH VISTA LANDSCAPE FOR MONTHLY LANDSCAPE MAINTENANCE SERVICES IN THE AMOUNT OF \$60,219 PER YEAR AND AUTHORIZE CITY MANAGER TO EXECUTE THE SAME.** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

8. Resolution Updating the City's Records Retention Schedule

**Recommended action:**

Adopt the resolution updating the City's Records Retention Schedule.

**RESOLUTION NO. 15-036**

CAPPELLO/BERNALD MOVED TO **ADOPT THE RESOLUTION UPDATING THE CITY'S RECORDS RETENTION SCHEDULE.** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

9. Resolution Updating Unrepresented Employees' Compensation & Terms of Employment

**Recommended action:**

Move to adopt the Resolution approving compensation and terms of employment for Unrepresented Employees.

**RESOLUTION NO. 15-037**

CAPPELLO/BERNALD MOVED TO **ADOPT THE RESOLUTION APPROVING COMPENSATION AND TERMS OF EMPLOYMENT FOR UNREPRESENTED EMPLOYEES.** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

10. Second Reading of Ordinance Establishing Tobacco Retailer License Requirement

**Recommended action:**

Waive the second reading, adopt the attached ordinance establishing Article 4-90 Tobacco Retailer License in the City Code, and adopt the attached resolution updating the City Fee Schedule for Fiscal Year 2015/16.

**ORDINANCE NO. 327**

**RESOLUTION NO. 15-038**

CAPPELLO/BERNALD MOVED TO **ADOPT THE ATTACHED ORDINANCE ESTABLISHING ARTICLE 4-90 TOBACCO RETAILER LICENSE IN THE CITY CODE, AND ADOPT THE ATTACHED RESOLUTION UPDATING THE CITY FEE SCHEDULE FOR FISCAL YEAR 2015/16.** MOTION PASSED. AYES: MILLER,

CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

## **PUBLIC HEARINGS**

### 11. 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 shared the updated list of properties not in compliance with hazardous vegetation abatement requirements.

Mayor Miller invited public comment on the item.

No one requested to speak.

Mayor Miller closed the public hearing.

### **RESOLUTION NO. 15-039**

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

### 12. City Code Update

#### **Recommended action:**

1. Conduct a public hearing.
2. Introduce and waive the first reading of the attached ordinance amending various sections of the City Code and direct staff to place the ordinance on the consent calendar for adoption at the next regular meeting of the City Council.

Community Development Director Erwin Ordoñez presented the staff report. He noted that there was a typo in the ordinance under the section on Administrative Design Review Projects (Article 15-45.065).

City Attorney Richard Taylor also added that he received feedback that the language on subpoena authority (Article 2-10.090) in the ordinance could be clearer and staff will update the language to make it easier to understand this section of the ordinance.

Mayor Miller invited public comment on the item.

No one requested to speak.

Mayor Miller closed the public hearing.

Vice Mayor Cappello requested that the word “award” be replaced with the word “approve” in Article 2-20.050 of the ordinance.

CAPPELLO/BERNALD MOVED TO **WAIVE THE FIRST READING OF THE ATTACHED ORDINANCE AMENDING VARIOUS SECTIONS OF THE CITY CODE AND DIRECT STAFF TO PLACE THE ORDINANCE, WITH CHANGES TO 15-45.065, 2-10.090, AND 2-20.060, ON THE CONSENT CALENDAR FOR ADOPTION AT THE NEXT REGULAR MEETING OF THE CITY COUNCIL.** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

### **OLD BUSINESS**

None

### **NEW BUSINESS**

13. Designation of League of California Cities Annual Conference Voting Delegate and Alternates

**Recommended action:**

Designate the City of Saratoga voting delegate and alternative voting delegate(s) for the 2015 League of California Cities Annual Conference.

City Clerk Crystal Bothelio presented the staff report.

Mayor Miller invited public comment on the item.

No one requested to speak.

CAPPELLO/MILLER MOVED TO **DESIGNATE COUNCIL MEMBER MARY-LYNNE BERNALD AS THE CITY OF SARATOGA VOTING DELEGATE FOR THE 2015 LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE AND COUNCIL MEMBER EMILY LO AND COUNCIL MEMBER RISHI KUMAR AS ALTERNATE VOTING DELEGATES.** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

### **CITY COUNCIL ASSIGNMENT REPORTS**

**Mayor Howard Miller**

*Cities Association of Santa Clara County* – during the last meeting, the group received information from the Santa Clara County Public Health Department about upcoming grant opportunities, which includes funding for hydration stations. The presenters noted that Saratoga continues to take advantage of the grant funding offered through the Public Health Department. Additionally, there was an update on the Silicon Valley low income housing nexus study. There was also discussion on creating a consistent minimum wage standard throughout Santa Clara County.

Vice Mayor Manny Cappello

*West Valley Sanitation District* – at the last meeting, the Board agreed to conduct a pilot program using recycled water for sewer cleanup procedures. The pilot will last 6 months and will help determine the feasibility of using recycled water for this process, including an assessment of the cost associated with using recycled water.

Council Member Emily Lo

Council Member Lo shared that she attended the North County Mayors and Managers Meeting last Friday with City Manager James Lindsay. During the meeting, Council Members and City Managers from the West Valley and North County discussed State Route 85. The group will be meeting again in July to hopefully determine common interests and goals for State Route 85 and public transit.

*KSAR Community Access TV Board* – during the last meeting, the Board was informed that the new equipment for the Civic Theater will be installed during the City Council summer recess.

Council Member Mary-Lynne Bernald

*Cities Association of Santa Clara County-Legislative Action Committee* – upcoming legislation was discussed during the last meeting. None of the proposed legislation has any direct impacts on Saratoga.

Council Member Rishi Kumar

The Silicon Valley Leadership Group held a luncheon on the low income housing regional nexus study. It was well attended by Planning Commissioners.

**CITY COUNCIL ITEMS**

None

**CITY MANAGER'S REPORT**

None

**ADJOURNMENT**

Mayor Miller noted that after the adjournment of the Regular Meeting, the City Council will be returning to the Closed Session, which had been continued.

LO/BERNALD MOVED TO **ADJOURN THE REGULAR MEETING AT 8:20 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