

MINUTES
WEDNESDAY, SEPTEMBER 16, 2015
SARATOGA CITY COUNCIL SPECIAL MEETING

At 5:30 p.m., the Saratoga City Council held Parks and Recreation Commissioner interviews in the Administrative Conference Room at Saratoga City Hall at 13777 Fruitvale Avenue. At 6:00 p.m., the City Council called to order a joint meeting with the Saratoga Youth Commission.

SARATOGA CITY COUNCIL REGULAR MEETING

Mayor Miller called the Regular 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
Debbie Bretschneider, Acting City Clerk
Mary Furey, Finance & Administrative Services Director
Erwin Ordonez, Community Development Director
John Cherbone, Public Works Director
Kevin Meek, Parks Division Manager
Brian Babcock, Administrative Analyst
Captain Rick Sung, Santa Clara County Sheriff West Valley Division

REPORT OF CITY CLERK ON POSTING OF AGENDA

Acting City Clerk Debbie Bretschneider reported that the agenda for this meeting was properly posted on September 10, 2015.

COMMUNICATIONS FROM COMMISSIONS & PUBLIC

Youth Commission

Chair Mitali Shanbhag and Vice Chair Roshi Verma spoke about the Youth Commission's meeting with the City Council. The Youth Commission wants to bring together the youth in Saratoga and outlined a work plan for the school year to accomplish that. Some highlights were the Walk-One-Week event, a Color-run for youth, and several dances.

Oral Communications - Council Direction to Staff

Mayor Miller commented that the Youth Commission had requested two items that they needed help with. One was an ADA park area, with specialized equipment. The Council recommended that the Youth Commission work with the Parks and Recreation Commission on this project. The second project was a Teen Center and Vice Mayor Cappello volunteered to work with the Youth Commission on this project.

Oral Communications on Non-Agendized Items

Yurik Muradyan addressed the Council on the Saratoga Community Garden and asked for a discussion to be put on the Council agenda.

Roza Grossman addressed the Council on the Saratoga Community Garden and asked for a discussion to be put on the Council agenda.

Alec Grossman addressed the Council on the Saratoga Community Garden and asked for a discussion to be put on the Council agenda.

Oral Communications - Council Direction to Staff

Mayor Miller acknowledged Mr. Muradyan's commitment to the garden. However, Mayor Miller said that the City Council had passed the law about the Saratoga Community Garden three years ago. None of the council members are interested in changing the law. There are Saratoga residents on the waiting list for garden plots.

ANNOUNCEMENTS

Council Member Kumar announced that Silicon Valley Youth Tech Day was a success last weekend. The outcome is a 4-week bootcamp in October on how to create a VC pitch. www.siliconvalleycoders.org Also, on September 20 is a documentary screening of *Cowspiracy* with a free vegetarian lunch from 12 p.m.-3 p.m. tinyurl.com/SaratogaScreening and open mic night is returning to Blue Rock Shoot in the Village.

Council Member Bernald announced that the Saratoga Historical Foundation is having a free reception on Sunday, September 20 from 1-4 p.m. on their new exhibit, "Center Stage: Theater Groups in Saratoga." The Museum is also looking for items for McWilliams House that are from 1860's kitchens. On October 25, the Museum will be holding a free India Festival from 1-4 p.m. at the Museum.

Council Member Lo announced that the Historical Museum is also holding a free Mid-Autumn Festival on September 27 from 1-4 p.m. and that the special exhibit will be, "Chinese and the Iron Road: Building the Transcontinental Railroad."

Vice Mayor Cappello wanted residents to know about the Tax Equity Allocation fit that was passed by the State of California last week. Previously four cities (Saratoga, Monte Sereno, Cupertino, and Los Altos Hills) in the State were low-tax cities that were treated differently, but now they will receive the same percentage of money as other cities. Senator Beall and Representative Low were very helpful in passing this legislation.

Council Member Bernald thanked Vice Mayor Cappello for his work on this issue.

Mayor Miller announced that the Fall Recreation Activity Guide was available and that the Saratogan, the official newsletter of the City, is inside that guide. There are Commissions in the City that we need residents to volunteer for. Traffic Safety Commission and the Heritage Preservation Commission are taking applications with a deadline of November 23. Library

Commission is also accepting applications with a deadline of January 12, 2016. The applications are on the city website.

Mayor Miller also announced that September is National Recovery Month. The City of Saratoga was the first city in the State to give a commendation on this subject and the Mayor attended a community event held at Wildwood Park last week.

CEREMONIAL ITEMS

1. Proclamation Declaring September 2015 as Ovarian Cancer Awareness Month

Recommended action:

Present the proclamation to Vicky Michelis, an ovarian cancer survivor.

Mayor Miller and the Council presented the proclamation to Vicky Michelis.

SPECIAL PRESENTATIONS

2. Presentation About the 2015 Silicon Valley Turkey Trot

BERNALD/LO MOVED TO **CONTINUE THIS ITEM TO THE OCTOBER 21, 2015 COUNCIL MEETING.** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

CONSENT CALENDAR

3. City Council Meeting Minutes

Recommended action:

Approve the City Council minutes for the Special City Council Meetings on August 27, 2015 and August 31, 2015 and the Special and Regular City Council Meeting on September 2, 2015.

CAPPELLO/BERNALD MOVED TO **APPROVE THE SPECIAL CITY COUNCIL MEETINGS ON AUGUST 27, 2015 AND AUGUST 31, 2015 AND TO APPROVE THE CORRECTED MINUTES FOR THE SPECIAL AND REGULAR CITY COUNCIL MEETING ON SEPTEMBER 2, 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:
9/01/2015: Period 3 09/08/2015: Period 3

CAPPELLO/BERNALD MOVED TO **REVIEW AND ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 9/01/2015: PERIOD 3; 09/08/2015: PERIOD 3.** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

5. Treasurer's Report for the Month Ended June 30, 2015

Recommended action:

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

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

6. Fiscal Year 2015/16 CDBG County/City Contract

Recommended action:

Adopt a resolution authorizing the City Manager to execute a \$146,057.54 contract with Santa Clara County for the Fiscal Year 2015/16 CDBG Program.

RESOLUTION 15-056

CAPPELLO/BERNALD MOVED TO **ADOPT A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A \$146,057.54 CONTRACT WITH SANTA CLARA COUNTY FOR THE FISCAL YEAR 2015/16 CDBG PROGRAM.** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

7. Resolution Requesting the Federal Aviation Administration Address Increased Aircraft Noise in Saratoga and Santa Clara County

Recommended action:

Approve resolution requesting the Federal Aviation Administration address increased aircraft noise in Saratoga and Santa Clara County.

Council Member Bernald removed this item from the Consent Calendar to bring attention to this subject. Many residents have complained about the new flight patterns the FAA approved. Anyone with this issue can contact Congresswoman Anna Eshoo's office to file complaints. Congresswoman Eshoo's office is trying to consolidate all of the complaints to take to the FAA. More information is on the City's website.

Vice Mayor Cappello thanked Council Member Bernald for her work on this subject.

RESOLUTION 15-057

BERNALD/LO MOVE TO APPROVE **RESOLUTION REQUESTING THE FEDERAL AVIATION ADMINISTRATION ADDRESS INCREASED AIRCRAFT NOISE IN SARATOGA AND SANTA CLARA COUNTY.** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

PUBLIC HEARINGS

8. Appeal of a Design Review approval to install a new cellular telecommunications facility on an existing building at 20455 Herriman Avenue

Recommended action:

Conduct a public hearing and adopt a resolution denying the appeal.

Community Development Director Erwin Ordonez presented the staff report.

Len Almalech, Planning Commission Chair, spoke on the Planning Commission decision, which was based on Design Review Findings and was unanimously in favor.

Mayor Miller invited the appellant to provide opening remarks.

Shelly Beer spoke on behalf of the appellant.

Mayor Miller invited the applicant to provide opening remarks.

Ashley Wood spoke on behalf of the applicant, Verizon. She then introduced Paul Albritton, Verizon's outside Counsel who spoke on behalf of the project.

Mayor Miller invited public comment on the item.

The following people requested to speak:

- Poorva Gupta spoke in favor of the appeal.
- James Jin spoke in favor of the appeal.
- Grace Chen spoke in favor of the appeal.
- Nancy Swanson spoke against the appeal.
- Pastor Steve Steele spoke against the appeal.
- Jim McFarlane spoke against the appeal.
- Jim Moreland, original architect of the Church, spoke against the appeal.
- Mina Tang spoke in favor of the appeal.
- Adoh Chang spoke against the cupola as he feels it will block his view of the mountains.
- Lang Qua spoke in favor of the appeal.
- Sheri Wang spoke in favor of the appeal.
- Tyler, student at Prospect High, spoke against the appeal.
- Anonymous spoke in favor of the appeal.

Paul Albritton provided closing remarks on behalf of the applicant, Verizon.

Ivan Koo provided closing remarks on behalf of the appellants.

Mayor Miller asked the Council if they had questions.

Vice Mayor Cappello had a question on the definition of "stealth" in the City Code. Attorney Taylor responded that in the Saratoga Code, "stealth" is defined as architecturally appropriate to the area and that "stealth" refers to hiding the antennas.

Mayor Miller closed the public hearing for this item and asked for Council discussion.

Vice Mayor Cappello stated that he could make all of the Design Review findings on this project. He asked that the city draft a letter to send to Federal officials to ask them to consider more local control on cell towers.

Council Member Lo also said she could make the Design Review findings. She suggested that City staff create a page on the City's website with the resources listed in Staff's presentation.

Council Member Bernald announced that she was on the Planning Commission when the last cell tower ordinance was created and there was lots of public input. She can also make the Design Review findings and approves of the letter suggested by Vice Mayor Cappello.

Council Member Kumar stated that he thought the cell tower ordinance should be updated with more rules on height and setback. He also stated that he could not make the Design Review findings of B-2, Techniques to blend with surrounding environment and predominant background and B-5, Reasonably compatible height with existing surrounding environment.

Mayor Miller stated that all of the health studies he has read give data that the cell phones give off more radio frequencies than the cell phone towers. He was able to make the Design Review findings.

RESOLUTION 15-058

CAPPELLO/BERNALD MOVE TO **DENY THE APPEAL OF A DESIGN REVIEW APPROVAL TO INSTALL A NEW CELLULAR TELECOMMUNICATIONS FACILITY ON AN EXISTING BUILDING AT 20455 HERRIMAN AVENUE.** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD. NOES: KUMAR. ABSTAIN: NONE. ABSENT: NONE.

CAPPELLO/LO MOVE TO **DIRECT STAFF TO DRAFT A LETTER TO THE FEDERAL GOVERNMENT ABOUT GIVING MORE LOCAL CONTROL ON WIRELESS FACILITIES.** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

Mayor Miller then asked the Prospect High School students to come on stage.

At 10:20 p.m., the Mayor called for a short break.

9. Zoning Amendment and Design Review to add a Planned-Combined Overlay District and a 2,425 square foot single-story addition at Sacred Heart Parish located at 13716 & 13718 Saratoga Avenue.

Recommended action:

1. Conduct a public hearing.
2. Adopt a resolution adopting the Negative Declaration and approving the Design Review application.
3. Introduce and waive the first reading of the attached ordinance to add the Planned-Combined Zoning District (P-C) to an existing site at 13716 & 13718 Saratoga Avenue.

Community Development Director Erwin Ordonez presented the staff report.

Mayor Miller asked the Council for their questions to staff.

Mayor Miller invited public comment on the item.

No one requested to speak.

RESOLUTION 15-059

BERNALD/CAPPELLO MOVE TO ADOPT A RESOLUTION ADOPTING THE NEGATIVE DECLARATION AND APPROVING THE DESIGN REVIEW APPLICATION. INTRODUCE AND WAIVE THE FIRST READING OF THE ATTACHED ORDINANCE TO ADD THE PLANNED-COMBINED ZONING DISTRICT (P-C) TO AN EXISTING SITE AT 13716 & 13718 SARATOGA AVENUE AFTER FIXING TYPOGRAPHICAL ERROR. MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

10. Purchasing System Code Amendments

Recommended action:

Conduct public hearing to introduce and waive first reading of the City's Purchasing Ordinance updates, and direct staff to place updated ordinance on consent calendar for final adoption.

Finance & Administrative Services Director Mary Furey gave the staff report and also reported that the Finance Committee reviewed and approved this ordinance.

BERNALD/ CAPPELLO MOVED TO INTRODUCE AND WAIVE FIRST READING OF THE CITY'S PURCHASING ORDINANCE UPDATES, AND DIRECT STAFF TO PLACE UPDATED ORDINANCE ON CONSENT CALENDAR FOR FINAL ADOPTION. MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

NEW BUSINESS

11. Water Conservation Efforts

Recommended action:

Receive report and provide direction to staff.

Public Works Director John Cherbone gave the staff report. He stated that the Public Works department had a very successful project at Beauchamps Park to convert grass to drought tolerant plants saving the City up to 381,274 gallons per year. The department has found 11 additional grass areas in parks that could be converted, many of them recouping costs through a rebate program from Santa Clara County Valley Water district. Each removal will have a posted sign at the park showing the savings and the new plants.

CAPPELLO/LO MOVED TO CONVERT GRASS TO DROUGHT TOLERANT PLANTS IN THE PARKS LISTED IN THE REPORT, EXCEPT TO REDUCE THE SIZE OF THE AREA IN EL QUITO PARK AND DO NOT CONVERT AREAS 2 AND 3 IN KEVIN MORAN PARK, MAIL LETTERS TO NEIGHBORS ABOUT CONVERSIONS, LEAVE SIGN ABOUT CONVERSION POSTED AFTER PROJECT IS COMPLETE, AND QR CODE ON SIGN. MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

12. Winter 2015 Issue of The Saratogan and Newsletter Distribution

Recommended action:

Accept report and direct staff on the theme of the Winter 2015 issue of The Saratogan, survey questions to be posed to residents, and possible new distribution method.

Administrative Analyst Brian Babcock gave the staff report.
Mayor Miller asked the Council for discussion on the theme and survey questions.

The Council agreed that the theme should be focused on Saratoga's budget, including pie charts, plus a section on public safety that includes public safety contact information. The Council thought the survey should include questions on possible future themes for The Saratogan.

Mayor Miller then asked the Council for discussion on the distribution of The Saratogan.

Council direction is to publish The Saratogan on the back of the Recreation Activity Guide and have a banner on the front of the Activity Guide about The Saratogan. Also publish some loose copies to distribute as well. And to promote electronic subscriptions.

Mayor Miller called for a break at 11:30 p.m.

13. Transient Occupancy Tax Audit Direction

Recommended action:

Review report and provide direction to staff.

Finance & Administrative Services Director Mary Furey gave the staff report and reported that the Finance Committee reviewed this item and wanted the Council to give direction.

BERNALD/LO MOVED TO EDUCATE ABOUT THE TRANSIENT OCCUPANCY TAX INSTEAD OF AN AUDIT AND TO PAY A CONSULTANT FOR THE TRAINING. MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

14. Discussion of Neighborhood Safety Initiatives

Recommended action:

Provide direction to staff.

Captain Rick Sung gave the staff report and presentation, which showed that overall, the crime index has gone down from 2014, but that residential burglary is up.

Council direction was to have more public safety forums with detailed information, to have safety tips translated into languages other than English, "Coffee-with a-Cop", have the AlertSCC team send out monthly "test" alerts so residents know if they are signed up.

Mayor Miller thanked the Sheriff's Office for their excellent work in keeping Saratoga as one of California's safest cities.

15. Discussion of San Jose's Regional Approach to Adjusting the Minimum Wage

Recommended action:

Provide direction to staff.

Mayor Miller reported that San Jose is starting a study on regional minimum wage. To be a participant is \$5000 and our City would be included in the report.

LO/RISHI MOVE TO APPROVE SARATOGA JOINING THE CITY OF SAN JOSE STUDY ON ADJUSTING REGIONAL MINIMUM WAGE AND TO PAY FOR THIS

STUDY WITH COUNCIL DISCRETIONARY FUNDS. MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

CITY COUNCIL ASSIGNMENT REPORTS

Mayor Howard Miller –No report.

Vice Mayor Manny Cappello –No report.

Council Member Emily Lo –No report.

Council Member Mary-Lynne Bernald –No report.

Council Member Rishi Kumar –No report.

CITY COUNCIL ITEMS –

Council Member Lo asked to agendize report on incorrect reporting in the Saratoga High School Falcon newspaper. Mayor Miller seconded.

CITY MANAGER’S REPORT – No report.

ADJOURNMENT

BERNALD/LO MOVED TO **ADJOURN THE MEETING AT 12:51 A.M.** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

Minutes respectfully submitted:



Debbie Bretschneider, Acting City Clerk
City of Saratoga