

**MINUTES  
WEDNESDAY, NOVEMBER 18, 2015  
SARATOGA CITY COUNCIL SPECIAL MEETING**

At 5:30 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 Saratoga City Council held a joint meeting with Senator Jim Beall Jr. in the Administrative Conference Room at Saratoga City Hall at 13777 Fruitvale Avenue.

**SARATOGA CITY COUNCIL REGULAR MEETING**

Mayor Miller called the Regular Meeting to order at 7:01 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  
Catherine Engberg, Acting City Attorney  
Debbie Bretschneider, Acting City Clerk  
Mary Furey, Finance & Administrative Services Director  
Erwin Ordonez, Community Development Director  
John Cherbone, Public Works Director  
Michael Taylor, Recreation & Facilities Director  
Tony McFarlane, Finance Manager  
Brian Babcock, Administrative Analyst

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

Acting City Clerk Debbie Bretschneider reported that the agenda for this meeting was properly posted on November 13, 2015.

**Report on Closed Session.**

Mayor Miller stated that there was no report from Closed Session.

**COMMUNICATIONS FROM COMMISSIONS & PUBLIC**

**Oral Communications on Non-Agendized Items**

Nai Hsuch, Representative from the Santa Clara Valley Water District Board, announced that 30 letters went out to Saratoga residents who live along creeks about encroachment onto Water District property.

Nancy Kirk received a notice on removal of tree in her neighborhood on October 30. She found the letter to be confusing. Would also like public input on removal of trees before appeal process

OPMBOE FLL Robotics team reported on their project on how to motivate people to reduce trash. Their project would make a garbage meter like a water meter and have garbage paid for by the pound instead of a flat rate.

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

Mayor Miller commented on tree removal in Saratoga. The City has very strict rules on removing trees. If a tree removal meets our rules, then we notice residents within 500 ft. of the tree.

Council direction to staff is to make sure the noticing letter is clear and easy to read.

### **ANNOUNCEMENTS**

Council Member Kumar announced that the Interfaith Thanksgiving Service started 50 years ago and is happening this Thanksgiving at the Church of Latter day Saints, 19100 Allendale Avenue, at 9:45 a.m. 40 different faiths participating.

Council Member Kumar also announced the day-after-Thanksgiving Tree lighting in Blaney Plaza and the wine stroll that the Chamber of Commerce organizes.

Council Member Kumar publicized the Start-up Boot Camp, which is a semester long program on how to create a business plan and learn to develop that plan. The program starts in January 2016. It ends on June 12, Saratoga Tech day, when the business plans will be judged. <http://www.siliconvalleycoders.org> And Council Member Kumar announced the Saratoga High School Robotics Club will have a competition on November 21.

Council Member Bernald announced that on November 27, the Saratoga History Museum will have an Open House and an exhibit on Holidays which runs through January. The museum's regular hours are 1-4 p.m. Friday-Sunday.

Council Member Bernald also wanted to let everyone know that Nann Miller had passed away last Saturday and services are in Cincinnati, Ohio.

Council Member Lo wanted everyone to know that the Saratogan is on the back page of the Recreation Department Activity Guide. Recommends signing up for subscription. There are articles on Holiday safety tips and the budget of City.

Vice Mayor Cappello also wanted to mention the Chamber of Commerce sponsored Wine Stroll after Tree Lighting on November 27 at 5:00 p.m.

Mayor Miller declared that the Council was conducting the November 18 meeting in honor of Nann Miller, long time participant of KSAR and a teacher.

Mayor Miller publicized the Silicon Valley Turkey Trot, which is the largest in the U.S. It is on Thanksgiving Day in downtown San Jose and raises money for charities in Santa Clara County.

Mayor Miller also mentioned that there will be an article in the San Jose Mercury News about arrests in Saratoga for human trafficking. The Council certainly does not approve of this happening and anyone in trouble in Saratoga can approach our Sheriff's Office for help.

## **CEREMONIAL ITEMS**

1. Commendation for Senator Jim Beall Jr.

**Recommended action:**

Present the commendation to Senator Jim Beall Jr.

The City Council presented the commendation to Senator Jim Beall Jr.

2. Commendation for Saratoga High School Band

**Recommended action:**

Present the commendation to the Saratoga High School Band.

The City Council presented the commendation to the Saratoga High School Band.

Mayor Miller announced that the Saratoga High School Band will be performing in the Rose Bowl Parade.

Mayor Miller also announced that the Saratoga High School Band and Redwood Middle School Band are performing together in the Los Gatos Holiday parade.

## **SPECIAL PRESENTATIONS**

3. Community Storm Preparedness

**Recommended action:**

Receive report and provide direction to staff.

The City Council received the report from John Cherbone, Public Works Director.

## **CONSENT CALENDAR**

4. City Council Meeting Minutes

**Recommended action:**

Approve the City Council minutes for the Special and Regular City Council Meeting on November 4, 2015.

CAPPELLO/BERNALD MOVED TO **APPROVE THE CITY COUNCIL MINUTES FOR THE SPECIAL AND REGULAR CITY COUNCIL MEETING ON NOVEMBER 4, 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:

11/03/2015: Period 5

11/10/2015: Period 5

CAPPELLO/BERNALD MOVED TO **REVIEW AND ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 11/03/2015: PERIOD 5 AND 11/10/2015: PERIOD 5.** MOTION PASSED. AYES: MILLER,

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

6. Treasurer's Report for the Month Ended August 31, 2015

**Recommended action:**

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

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

7. Development Impact Fee Report

**Recommended action:**

Review and accept the annual AB1600 Development Impact Fee report for the year ended June 30, 2015.

CAPPELLO/BERNALD MOVED TO **REVIEW AND ACCEPT THE ANNUAL AB1600 DEVELOPMENT IMPACT FEE REPORT FOR THE YEAR ENDED JUNE 30, 2015.** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE

8. Second Reading of an Ordinance Amending Articles 7 – 45 and 7 – 50 of the City Code governing the maintenance of commercial and residential private property, permitting the City to mandate the removal of dead trees deemed to be a nuisance or posing a risk to public safety.

**Recommended action:**

Waive the second reading and adopt the attached ordinance to revise Articles 7 – 45 and 7 – 50.

**ORDINANCE 335**

CAPPELLO/BERNALD MOVED TO **WAIVE THE SECOND READING AND ADOPT THE ATTACHED ORDINANCE TO REVISE ARTICLES 7 – 45 AND 7 – 50.** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE

**PUBLIC HEARINGS**

9. Amendment of City Code Sections 15-45.075 and 15-46.032 (Design Review Story Pole Requirements). Staff Contact: Erwin Ordonez (408)868-1231.

**Recommended action:**

1. Conduct a public hearing.
2. Introduce and waive the first reading of the ordinance.
3. 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 Ordonez provided the staff report.

Planning Commission Vice Chair Dede Smullen attended to answer any questions. She said that the Planning commission is happy to have these new rules.

Mayor Miller opened the Public Hearing and invited public comment on the item.

Mathew Harrigan, Timeline Designs, spoke. He prefers 3-D models instead of story poles. But his company uses story poles.

Mayor Miller closed the Public Hearing.

CAPPELLO/BERNALD MOVED TO **INTRODUCE AND WAIVE THE FIRST READING OF THE ORDINANCE AND TO DIRECT STAFF TO PLACE THE ORDINANCE 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

10. Amendment of City Code Section 15-65 (Nonconforming Uses and Structures). Staff Contact: Erwin Ordonez (408)868-1231

**Recommended action:**

1. Conduct a public hearing.
2. Introduce and waive the first reading of the ordinance.
3. 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 Ordonez provided the staff report.

Planning Commission Vice Chair Dede Smullen attended to answer any questions.

Mayor Miller opened the Public Hearing and invited public comment on the item.

Mathew Harrigan, Timeline Design, said that he was impressed with how the Planning Commission listened to the public at the study sessions.

Mayor Miller closed the public hearing.

CAPPELLO/BERNALD MOVED TO **INTRODUCE AND WAIVE THE FIRST READING OF THE ORDINANCE AND TO DIRECT STAFF TO PLACE THE ORDINANCE 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

Mayor Miller invited the Prospect High Students to the stage.

Council took a break at 9:40 p.m.

Council reconvened at 9:54 p.m.

**OLD BUSINESS**

None

## **NEW BUSINESS**

### 11. Second Amendment to the Hakone Gardens Master Plan Development Agreement

#### **Recommended action:**

Approve the Second Amendment to the Development Agreement amending payment terms and prioritizing funding for noise reduction improvements.

City Manager James Lindsay provided the staff report.

Mayor Miller invited public comment on the item.

Ann WaltonSmith, President of the Hakone Foundation Board, wanted to thank the Council for expediting the sound wall. The Board really supports this item.

**LO/CAPPELLO/KUMAR MOVED TO APPROVE THE SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT AMENDING PAYMENT TERMS AND PRIORITIZING FUNDING FOR NOISE REDUCTION IMPROVEMENTS. MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE**

### 12. Review of City Council Policies

#### **Recommended action:**

Receive report and provide direction to staff.

City Manager James Lindsay provided the staff report.

Mayor Miller invited public comment on the item.

No one requested to speak.

Council provided direction to staff to correct typographical errors in the Council Handbook and to update the Council Handbook with new training requirements. Also to update the E-Communications policy. The Council asked to have a training and a guide on the walkie-talkies they have been issued.

### 13. Council Training Budget & Expense Policy

#### **Recommended action:**

Receive report and provide direction to staff.

City Manager James Lindsay provided the staff report.

Mayor Miller invited public comment on the item.

Jeff Schwartz agreed an individual budget number is good and it should be connected to public good. Suggested that the council should approve travel over a certain dollar amount.

Council provided direction to staff to update the Council Expense and Travel Policy by adding that each Council Member will have a proportional amount of the City's budget for Council training and travel and that a Council Member would need Council approval for out-of-state travel and/or for spending over a certain dollar amount on training or travel.

14. Annual Audit Reports

**Recommended action:**

1. Review and accept the following annual audit reports for Fiscal Year 2014/15;
  - A. Comprehensive Annual Financial Report (CAFR)
  - B. Single Audit Report (Federal Grant Awards)
  - C. Transportation Development Act Audit Report ( MTC Grants)
  - D. Appropriation Limit Report (Gann)
  - E. SAS 114 Report

Finance Manager Tony McFarlane provided the staff report.

Mayor Miller invited public comment on the item.

No one requested to speak.

Mayor Miller said that he wanted to thank the Finance Department for excellent work.

**CAPPELLO/BERNALD MOVED TO REVIEW AND ACCEPT THE FOLLOWING ANNUAL AUDIT REPORTS FOR FISCAL YEAR 2014/15;**

- A. COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR)**
- B. SINGLE AUDIT REPORT (FEDERAL GRANT AWARDS)**
- C. TRANSPORTATION DEVELOPMENT ACT AUDIT REPORT ( MTC GRANTS)**
- D. APPROPRIATION LIMIT REPORT (GANN)**
- E. SAS 114 REPORT**

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

15. Code Compliance Program Expansion

**Recommended action:**

1. Adopt the Resolution approving a Fiscal Year 2015/16 budget adjustment to increase the Code Compliance program expenditure budget by \$50,000 for contract services.
2. Authorize the City Manager to execute an agreement with CSG Consultants, Inc. to provide professional code compliance services for an amount not to exceed \$50,000

City Manager James Lindsay provided the staff report.

Mayor Miller invited public comment on the item.

No one requested to speak.

**RESOLUTION 15-068**

**LO/CAPPELLO MOVED TO ADOPT THE RESOLUTION APPROVING A FISCAL YEAR 2015/16 BUDGET ADJUSTMENT TO INCREASE THE CODE COMPLIANCE PROGRAM EXPENDITURE BUDGET BY \$50,000 FOR CONTRACT SERVICES. AND TO AUTHORIZE THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH CSG CONSULTANTS, INC. TO PROVIDE PROFESSIONAL CODE COMPLIANCE SERVICES FOR AN AMOUNT NOT TO EXCEED \$50,000.** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE

16. Imposition of Terms of Employment – Saratoga Management Organization

**Recommended action:**

Adopt the resolution imposing and implementing terms of employment on the members of the Saratoga Management Organization.

Mayor Miller provided the staff report.

Mayor Miller invited public comment on the item.

Jeff Schwatz spoke against the Council imposing terms of employment on staff.

Jill Hunter, former Mayor, spoke about the City staff being heart and soul of city. Against this item.

Evan Baker, former Mayor, spoke against this item.

**RESOLUTION 15-069**

LO/KUMAR MOVED TO **ADOPT THE RESOLUTION IMPOSING AND IMPLEMENTING TERMS OF EMPLOYMENT ON THE MEMBERS OF THE SARATOGA MANAGEMENT ORGANIZATION WITH THE CONDITION THAT THE DISCUSSION CAN BE REOPENED.** MOTION PASSED. AYES: MILLER, CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE

**CITY COUNCIL ASSIGNMENT REPORTS**

Mayor Howard Miller

*Council Finance Committee* –mostly revolved around audit that was on agenda tonight.

*Valley Transportation Authority (VTA) Policy Advisory Committee* –attended.

*Valley Transportation Authority (VTA) State Route 85 Corridor Policy Advisory Board* – attended. They elected a chair and vice chair. Voted to meet monthly. Review work program.

*West Valley Mayors and Managers Association* –meets monthly, Saratoga the chair for 2016.

*West Valley Solid Waste Management Joint Powers Authority* –the group gave satisfactory reviews for Attorney & Director.

Vice Mayor Manny Cappello

*West Valley Sanitation District* –attended this morning. Master agreement has not been updated in 32 years. Tributary agencies would like changes.

Council Member Emily Lo

Nothing to report.

Council Member Mary-Lynne Bernald

*Cities Association of Santa Clara County* –attended on behalf of Mayor Miller. On the agenda was a discussion of affordable housing for homeless. Other Cities don't seem to realize the Housing situation in Saratoga. More bills on Marijuana will be coming through the State.

Attended Heritage Preservation Commission & Planning commission joint study session.

Council Member Rishi Kumar

*Saratoga Chamber of Commerce* –discussed the Village Plan and the Quarry.

*Saratoga Ministerial Association* –discussion of Interfaith service planning.

### **CITY COUNCIL ITEMS**

Council Member Kumar asked for the City to look at adding high speed EV charging stations to the Library or Downtown. Mayor Miller seconded.

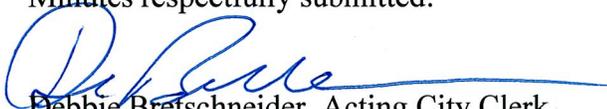
### **CITY MANAGER'S REPORT**

No report.

### **ADJOURNMENT**

CAPPELLO/ LO MOVED TO **ADJOURN THE MEETING AT 12:18 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