

MINUTES
WEDNESDAY, FEBRUARY 3, 2016
SARATOGA CITY COUNCIL REGULAR MEETING

At 5:30 p.m., the Saratoga City Council conducted interviews of Traffic Safety Commission applicants in the Administrative Conference Room at City Hall at 13777 Fruitvale Avenue. At 6:00 p.m., the Saratoga City Council held a Joint Meeting with KSAR.

Mayor Cappello called the regular session in the Saratoga Civic Theater at 13777 Fruitvale Avenue to order at 7:07 p.m. and led the Pledge of Allegiance.

ROLL CALL

PRESENT: Mayor Manny Cappello, Vice Mayor Emily Lo, Council Members
Mary-Lynne Bernald, Howard Miller, Rishi Kumar

ABSENT: None

ALSO PRESENT: James Lindsay, City Manager
Richard Taylor, City Attorney
Crystal Bothelio, City Clerk/Assistant to the City Manager
John Cherbone, Public Works Director
Mary Furey, Finance & Administrative Services Director
Erwin Ordoñez, Community Development Director
Michael Taylor, Recreation & Facilities Director
Sandy Baily, Special Projects Manager
Brian Babcock, Administrative Analyst I
Debbie Bretschneider, Deputy City Clerk

REPORT ON POSTING OF AGENDA

City Clerk Crystal Bothelio reported that the agenda for this meeting was properly posted on January 28, 2016.

REPORT FROM JOINT MEETING

Tom Moran, President of KSAR Board of Directors, provided an overview of the City Council and KSAR Joint Meeting. He also provided an overview of some of the services provided by KSAR.

ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS

Janice Gamper addressed the City Council regarding the painting on the road at the State Route 85 exit at Saratoga Avenue. She also expressed her appreciation for the West Valley College sign.

Dillip Vyas spoke about grant funding available for clean energy projects and encouraged the City Council to consider working with Gridscape Solutions to seek funding.

Carl Guardino, CEO of Silicon Valley Leadership Group, announced that the City of Saratoga was the champion of the Turkey Trot Mayor's Cup in the City's division and provided information about the Annual Lam Research Heart & Soles 5K on March 12, 2016 at Lake

Cunningham Park. The event provides funds to provide salad bars at local schools, including four schools in Saratoga. Information about the event is online at <http://heartandsoles5k.com/>.

ANNOUNCEMENTS

Council Member Kumar announced a seminar, College Applications Demystified, on February 6, 2016 from 3:30 p.m. to 5:30 p.m. at Joan Pisani Community Center. Additionally, he shared that the Saratoga Bollywood Night on February 5 at Blue Block Shoot starting at 7:00 p.m. He also shared information about a seminar on biodiversity and native gardening hosted by the Santa Clara County Master Gardeners program on February 28 at 4:00 p.m. in the Saunders Room at the Senior Center.

Council Member Miller announced that the Spring Recreation Activity Guide is now out and features classes and programs for all ages and interests. He also shared that the City's newsletter, the Saratogan, has been moved to a digital format and residents can now subscribe to get email notifications when new issues are available.

Council Member Bernald announced that during the Sister City Group meeting on February 2, 2016, the group thanked the City for presenting a proclamation to the visiting delegation from Muko, Japan that was in Saratoga in January. Additionally, the Saratoga Taiko Drummers will perform at the State of the City. The Blossom Festival is coming up on March 19, 2016 at the Heritage Orchard. The Historical Museum is also opening a new exhibit on February 12 called "The Faces of Pioneers and Sanborn Park."

Vice Mayor Lo shared that Hakone Gardens is offering members an additional 10% off purchases in the gift shop during Valentine's Day weekend and non-members will be able to purchase a membership at a special discounted price that will entitle the new member to free admission for 2 adults plus 2 guests and up to 5 children. The City and the Sheriff's Office will be holding a community forum on February 23, 2016 from 7:00 p.m. to 9:00 p.m. at the Senior Center. The forum will be interactive with plenty of time for residents to ask questions.

Mayor Cappello announced the State of the City on February 27, 2016 from 3:00 p.m. to 5:00 p.m. The event will feature performances by Marshall Lane Elementary and the Saratoga Taiko Drummers. It should be an entertaining and informative event. A postcard will be sent to all households with information about the transition of the Saratogan to digital format. On the front of the postcard is also a save the date for the State of the City. He also shared that the application process for the Community Event Grant program is open. Applications are due March 1. The City is also accepting applications for several City Commissions, including the Planning Commission, Youth Commission, and Library Commission. Information is on the City website at www.saratoga.ca.us/comvac.

CEREMONIAL ITEMS

Proclamation Declaring February 17, 2016 as Random Acts of Kindness Day

Recommended Action:

Present the proclamation to Louise Webb.

Mayor Cappello presented the proclamation to Louise Webb.

1. CONSENT CALENDAR

1.1. City Council Meeting Minutes

Recommended Action:

Approve the City Council minutes for the Special and Regular City Council Meeting on January 20, 2016.

MILLER/BERNALD MOVED TO **APPROVE THE CITY COUNCIL MINUTES FOR THE SPECIAL AND REGULAR CITY COUNCIL MEETING ON JANUARY 20, 2016.** MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.2. Review of Accounts Payable Check Registers

Recommended Action:

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

01/19/2016: Period 7

01/26/2016: Period 7

MILLER/BERNALD MOVED TO **ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 01/19/2016 PERIOD 7; AND 01/26/2016 PERIOD 7.** MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.3. Acceptance of Allendale Avenue Right-of-Way Dedication

Recommended Action:

1. Move to adopt Resolution Accepting Offer to Dedicate Property for Street Purposes along frontage of Subdivision SUB14-0003 for a portion of Allendale Avenue into the City's publicly maintained street system.
2. Authorize the City Manager to sign the Certificate of Acceptance.

RESOLUTION NO. 36-B 16-007

MILLER/BERNALD MOVED TO: **ADOPT RESOLUTION ACCEPTING OFFER TO DEDICATE PROPERTY FOR STREET PURPOSES ALONG FRONTAGE OF SUBDIVISION SUB14-0003 FOR A PORTION OF ALLENDALE AVENUE INTO THE CITY'S PUBLICLY MAINTAINED STREET SYSTEM; AND AUTHORIZE THE CITY MANAGER TO SIGN THE CERTIFICATE OF ACCEPTANCE.**

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

2. PUBLIC HEARING

2.1. Appeal of Design Review application for a new two-story residence at 14768 Montalvo Road. Staff Contact: Sandy Baily (408) 868-1235

Recommended Action:

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

(Note: Item title updated to be consistent with application address used in all noticing for this hearing)

Sandy Baily, Special Projects Manager, presented the staff report.

Len Almalech, Planning Commission Chair, addressed questions from the City Council.

Richard Abdalah and Michael Vierhus provided opening remarks on behalf of the appellant.

David Wilson, the applicant, and Kirk Goodere, the applicant's architect, provided opening remarks.

Mayor Cappello invited public comment on the item.

No one requested to speak.

David Wilson, the applicant, provided closing remarks.

Richard Abdalah and Michael Vierhus provided closing remarks on behalf of the appellant.

BERNALD/LO MOVED TO APPROVE A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SARATOGA AND DIRECT CITY STAFF TO WORK WITH THE APPLICANT TO ADJUST THE LAYOUT OF THE BALCONY.

Council Member Miller requested an amendment to the motion. He noted that the applicant may not be able adjust the balcony layout.

Mayor Cappello concurred and suggested that the motion request that the plans for the balcony be adjusted, if the changes can be accommodated in the current design.

Council Member Bernald and Vice Mayor Lo accepted the suggested change.

RESOLUTION NO. 16-008

BERNALD/LO MOVED TO APPROVE A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SARATOGA DENYING AN APPEAL, AND APPROVING DESIGN REVIEW NO. PDR15-0023 FOR THE DEMOLITION OF AN EXISTING RESIDENCE AND THE CONSTRUCTION OF A NEW TWO-STORY RESIDENCE AND SECOND DWELLING UNIT AT 14768 MONTALVO RD (APN 517-20-041) WITH THE FOLLOWING MODIFICATION TO SECTION 6 OF THE CONDITIONS OF APPROVAL ATTACHED TO THE RESOLUTION:

6. COMPLIANCE WITH PLANS. THE DEVELOPMENT SHALL BE LOCATED AND CONSTRUCTED TO INCLUDE THOSE FEATURES, AND ONLY THOSE FEATURES, AS SHOWN ON THE APPROVED PLANS DATED NOVEMBER 23, 2015 DENOMINATED EXHIBIT "A" WITH REVISED PLANS FOR THE REAR BALCONY DATED DECEMBER 7, 2015 OR AS MAY BE MUTUALLY AGREED UPON BY THE APPLICANT AND THE COMMUNITY DEVELOPMENT DIRECTOR. ALL PROPOSED CHANGES TO THE APPROVED PLANS MUST BE SUBMITTED IN WRITING WITH PLANS SHOWING THE CHANGES, INCLUDING A CLOUDED SET OF PLANS HIGHLIGHTING THE CHANGES. SUCH CHANGES SHALL BE SUBJECT TO APPROVAL IN ACCORDANCE WITH CONDITION 3, ABOVE.

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

At 9:10 p.m., the City Council took a short break and returned to the meeting at 9:11 p.m. The Mayor proceeded to item 4.1. Authorize Financial Support for the 2016 America in Bloom Contest.

3. OLD BUSINESS

3.1. Approve actions related to the formation of, and Saratoga's membership in, the Silicon Valley Clean Energy Authority, an Independent Joint Powers Authority, to establish a Community Choice Energy Program.

Recommended Action:

1. Waive second reading and adopt the attached Ordinance to authorize the implementation of a Community Choice Energy Program and find that the project is exempt from CEQA pursuant to CEQA Guidelines 15378(a), 15061(b)(3), and 15308.
2. Adopt Resolution to approve the Joint Powers Authority Agreement establishing and authorizing participation in the Silicon Valley Clean Energy Authority, and find that the project is exempt from CEQA pursuant to CEQA Guidelines 15378(b)(5) and 15061(b)(3).
3. Authorize the City Manager to remit up to \$150,000, as shown in the Silicon Valley Clean Energy Authority agreement (Exhibit E), to support the initial costs of the Authority.
4. Adopt resolution modifying agency assignments to appoint a regular Director and alternate Director to the Authority's Board of Directors.

Mary Furey, Finance and Administrative Services Director, provided the staff report.

Mayor Cappello invited public comment on the item.

No one requested to speak.

ORDINANCE NO. 338 & RESOLUTIONS NO. 16-009, 16-010

MILLER/BERNALD MOVED TO: 1) WAIVE SECOND READING AND ADOPT THE ATTACHED ORDINANCE TO AUTHORIZE THE IMPLEMENTATION OF A COMMUNITY CHOICE ENERGY PROGRAM AND FIND THAT THE PROJECT IS EXEMPT FROM CEQA PURSUANT TO CEQA GUIDELINES 15378(A), 15061(B)(3), AND 15308; 2) ADOPT RESOLUTION TO APPROVE THE JOINT POWERS AUTHORITY AGREEMENT ESTABLISHING AND AUTHORIZING PARTICIPATION IN THE SILICON VALLEY CLEAN ENERGY AUTHORITY, AND FIND THAT THE PROJECT IS EXEMPT FROM CEQA PURSUANT TO CEQA GUIDELINES 15378(B)(5) AND 15061(B)(3); 3) AUTHORIZE THE CITY MANAGER TO REMIT UP TO \$150,000, AS SHOWN IN THE SILICON VALLEY CLEAN ENERGY AUTHORITY AGREEMENT (EXHIBIT E), TO SUPPORT THE INITIAL COSTS OF THE AUTHORITY; AND, 4) ADOPT RESOLUTION MODIFYING AGENCY ASSIGNMENTS TO APPOINT A REGULAR DIRECTOR AND ALTERNATE DIRECTOR TO THE AUTHORITY'S BOARD OF DIRECTORS. MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

Council Member Miller requested input from the Council on resident priorities in terms of energy rates and environmental impact. He also asked that staff create a page for the Community Choice Energy program to provide residents with information and links on the

program. He asked that the page include a poll for residents to participate in to indicate their priorities for energy, such as achieving the lowest rates possible or acquiring the most sustainable energy sources. He also asked that the City work to ensure that there is substantial outreach to the community regarding the launch of the Community Choice Energy program.

4. NEW BUSINESS

4.1. Authorize Financial Support for the 2016 America in Bloom Contest

Recommended Action:

Receive report and provide direction to staff.

Public Works Director John Cherbone presented the staff report.

Mayor Cappello invited public comment on the item.

The following people requested to speak:

Jill Hunter

Paula Cappello

No one else requested to speak.

MILLER/KUMAR MOVED TO ALLOCATE \$2,500 FROM THE CITY COUNCIL'S DISCRETIONARY FUND FOR THE AMERICA IN BLOOM REGISTRATION FEE AND JUDGE ACCOMMODATIONS/MEALS; ALLOCATE \$6,000 FOR AMERICA IN BLOOM SIGNAGE IN FISCAL YEAR 2016/17; AND DIRECT STAFF TO ADD DESIGNATION OF AN OFFICIAL CITY FLOWER TO A FUTURE CITY COUNCIL MEETING. MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

The City Council proceeded to Item 3.1.

CITY COUNCIL ASSIGNMENT REPORTS

Mayor Manny Cappello

Santa Clara County Housing and Community Development (HCD) Council Committee – during the last meeting, the Committee reviewed and finalized CDBG funding recommendations for the County Board of Supervisors. The Saratoga Area Senior Coordinating Council (SASCC) is expected to receive \$13,000 and other organizations that serve Saratoga, including SALA and West Valley Community Services, were recommended to receive funding.

Saratoga Area Senior Coordinating Council (SASCC) – during the last meeting, the Board continued working on its capital campaign.

Vice Mayor Emily Lo

Hakone Foundation Board & Executive Committee – the Lunar New Year Celebration is on February 28, 2016 from 11:00 a.m. to 3:00 p.m. at Hakone Gardens.

Saratoga Chamber of Commerce & Destination Saratoga – the Chamber held its first mixer of the year last week and it was well attended. The next mixer is February 18 at East Coast Alice. On February 25, there will be a ribbon cutting for CorEvolutions. The Chamber continues to

receive an increased number of visitors due to the banner over the Chamber office that says, "Visitor Center." Additionally, the Chamber thanked the City for providing brochures for the Quarry Park.

Santa Clara County Library Joint Powers Authority – during the last meeting, the Board ratified the Santa Clara County Library District Foundation Board of Directors. Terry Creamer was selected as the Chair. Vice Mayor Lo noted that she is part of the committee reviewing the District's funding formula, which will be discussed by the Board sometime this year. The annual Library Commissioners and Friends Forum was on January 30 and close to 70 people from various Library Commissions and Friends organizations from the County participated. Additionally, Vice Mayor Lo participated in a storytelling event at Saratoga Library with close to 30 children.

Council Member Mary-Lynne Bernald

Saratoga Historical Foundation – the Foundation met on January 21.

Saratoga Sister City Organization – the group participated in a trip to the Asian Art Museum in San Francisco. It was very well coordinated and docents provided excellent tours of the museum. The group has several trips planned in the future, including trips to Portland, Seattle, and the San Juan Islands.

Public Art Ad Hoc – the Ad Hoc had a very productive meeting at Montalvo to discuss public art in Saratoga.

Council Member Howard Miller

Council Finance Committee – during the last meeting, the Finance Committee reviewed materials to be discussed at the retreat. The budget is sound and property tax revenues continue to increase. The Finance Committee also discussed proposed financial policy change that will be presented at the Retreat.

VTA State Route 85 Corridor Policy Advisory Board – during the last meeting, the Board adopted some goals for the Board and received data from VTA staff on some of the traffic patterns in the County and along parts of State Route 85.

Council Member Rishi Kumar

Santa Clara Valley Water District Commission – before Commission meetings, Council Member Kumar has been meeting with Director Nai Hsueh. During the last meeting, the Commission received an update on the water supply and drought response. The County is still in drought conditions and will remain in a drought even with substantial rains. Additionally, there was discussion in groundwater production charge increases which may increase customer bills. Information about significant district capital projects was also presented, including the Rinconada and Anderson dam projects.

Saratoga Ministerial Association – Council Member Kumar was unable to attend the last meeting due to a conflict with the Santa Clara Valley Water District Commission meeting. This conflict is expected to happen 2 to 3 times per year and Council Member Kumar will coordinate with Council Member Miller, the Ministerial Association alternate.

CITY COUNCIL ITEMS

Council Member Miller proposed a future City Council agenda item to consider adding public safety to the Traffic Safety Commission's scope of responsibilities.

Mayor Cappello supported the request.

Council Member Bernald requested an update on City water use.

Mayor Cappello requested that information about the proposed CVS in San Jose on Saratoga Avenue be added to the City's website.

Council Member Bernald supported the request.

City Manager James Lindsay said he would work with staff to have information about the project available on the City website.

CITY MANAGER'S REPORT

City Manager James Lindsay provided an update on current municipal water use, noting that Saratoga has exceeded its conservation target of 40% of 2013 usage levels.

ADJOURNMENT

MILLER/BERNALD MOVED TO **ADJOURN THE MEETING AT 10:17 P.M.** MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

Minutes respectfully submitted:

Crystal Bothelio, City Clerk
City of Saratoga