

**MINUTES**  
**WEDNESDAY, APRIL 6, 2016**  
**SARATOGA CITY COUNCIL REGULAR MEETING**

At 5:30 p.m., the City Council held a study session on the City Manager Evaluation Process in the Administrative Conference room at City Hall at 13777 Fruitvale Avenue.

MILLER/BERNALD MOVED TO **DIRECT THE CITY MANAGER TO EXECUTE AN AGREEMENT NOT TO EXCEED \$10,000 WITH MANAGEMENT PARTNERS TO FACILITATE THE CITY MANAGER'S EVALUATION PROCESS AND PROVIDED FURTHER DIRECTION THAT THE PROCESS SHOULD BE BASED ON EXISTING EVALUATION QUESTIONS AND INCLUDE THE OPPORTUNITY FOR ALL CITY STAFF TO PROVIDE INPUT TO THE CITY COUNCIL.** MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

At 6:00 p.m., the City Council held a Joint Meeting with the Saratoga Library Commission and Friends of the Saratoga Libraries.

At 7:03 p.m., Mayor Cappello called the regular session to order 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  
Brian Babcock, Administrative Analyst I  
Adam Henig, Recreation Supervisor  
Kate Bear, City Arborist

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

City Clerk Crystal Bothelio reported that the agenda for this meeting was properly posted on April 1, 2016.

**REPORT FROM JOINT MEETING**

Bob Gulino, Saratoga Library Commissioner, reported on the City Council's Joint Meeting with the Library Commission. He noted some of the efforts that the Commission will be working on, such as promoting Library services and identifying opportunities to collaborate with the West Valley College Library.

Allison Lew, Saratoga Community Librarian, thanked the City Council for holding the Joint Meeting and shared information about some of the Library's upcoming programs.

Lisa Finley, President of the Friends of the Saratoga Libraries, shared information about the support that the organization provides to the Saratoga Library.

## **ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS**

Jill Hunter announced that the volunteers preparing the City's American in Bloom application completed their report for 2016. She noted that the report demonstrates that Saratoga is an incredible city.

## **ANNOUNCEMENTS**

Council Member Kumar announced the Red Geranium Display Contest that the American in Bloom Committee, Saratoga Village Development Council, and Village Gardeners are holding. Entry forms are due April 23, 2016 and winners will be announced at Arbor Day on April 29 at West Valley College. On May 21, 2016 at 3:00 p.m. at the Saratoga Prospect Center, the Santa Clara Valley Water District is holding a seminar on water conservation. Students age 8 through 14 are invited to participate in the Silicon Valley Youth Debate Academy on Sundays at the Joan Pisani Community Center. To RSVP, visit [www.tinyurl.com/interested2attend](http://www.tinyurl.com/interested2attend).

Council Member Miller announced Let's Work at Saratoga Quarry Park on April 9 from 9:00 a.m. to noon. Additionally, the summer Saratoga Recreation Guide features a variety of summer camp programs for youth for a variety of interests. There are also spaces still available for the trip to see *Wicked* on April 13.

Council Member Bernald announced that the Saratoga Sister City website is up and running and can be viewed at [www.saratogasistercity.org](http://www.saratogasistercity.org). Additionally, the Saratoga Historical Foundation is holding a dinner, "Honoring Saratogans," on May 22 from 4:30 p.m. to 6:30 p.m. at the Foothill Club. Bob Cancellieri, Ernie Kraule, and Betty Peck will be recognized during the event for their significant contributions to Saratoga. The Museum is also opening an exhibit on the Pioneers of Santa Cruz Mountains and Sanborn Park on April 10.

Vice Mayor Lo noted that with the weather improving, a visit to Quarry Park is a must. She also announced the Youth Commission Color Run on April 17, 2016 starting at Congress Springs Park.

Mayor Cappello announced Arbor Day on April 29 at West Valley College. Additionally, the City is accepting Youth Commission applications until April 20, 2016.

## **CEREMONIAL ITEMS**

Appointment of Commissioner and Oath of Office

### **Recommended Action:**

Adopt the attached resolution appointing Carol Barmeier to a partial term on the Library Commission; and direct the City Clerk to administer the Oath of Office.

## **RESOLUTION NO. 16-019**

**MILLER/BERNALD MOVED TO ADOPT THE RESOLUTION APPOINTING CAROL BARMEIER TO A PARTIAL TERM ON THE LIBRARY COMMISSION; AND DIRECT THE CITY CLERK TO ADMINISTER THE OATH OF OFFICE. MOTION**

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

## **SPECIAL PRESENTATIONS**

None

### **1. CONSENT CALENDAR**

#### 1.1. City Council Meeting Minutes

**Recommended Action:**

Approve the City Council minutes for the Regular City Council Meeting on March 16, 2016.

LO/MILLER MOVED TO **APPROVE THE CITY COUNCIL MINUTES FOR THE REGULAR CITY COUNCIL MEETING ON MARCH 16, 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:  
03/15/2016: Period 9  
03/22/2016: Period 9  
03/29/2016: Period 9

LO/MILLER MOVED TO **ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 03/15/2016 PERIOD 9; 03/22/2016 PERIOD 9; AND 03/29/2016 PERIOD 9**. MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

#### 1.3. Treasurer's Report for the Month Ended February 29, 2016

**Recommended Action:**

Review and accept the Treasurer's Report for the month ended February 29, 2016.

LO/MILLER MOVED TO **ACCEPT THE TREASURER'S REPORT FOR THE MONTH ENDED FEBRUARY 29, 2016**. MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

#### 1.4. Contract with NBS for Formation & Administration of Community Facilities District

**Recommended Action:**

Authorize the City Manager to execute an agreement with NBS for formation and administration of a community facilities district for the Arrowhead Cooperative Company, Inc. in an amount not to exceed \$28,500, contingent upon receipt of a deposit from the Arrowhead Cooperative Company, Inc. for the cost of formation services and other costs associated with the creation of a community facilities district.

Council Member Miller requested to speak on this item, providing additional information on the item.

LO/MILLER MOVED TO AUTHORIZE THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH NBS FOR FORMATION AND ADMINISTRATION OF A COMMUNITY FACILITIES DISTRICT FOR THE ARROWHEAD COOPERATIVE COMPANY, INC. IN AN AMOUNT NOT TO EXCEED \$28,500, CONTINGENT UPON RECEIPT OF A DEPOSIT FROM THE ARROWHEAD COOPERATIVE COMPANY, INC. FOR THE COST OF FORMATION SERVICES AND OTHER COSTS ASSOCIATED WITH THE CREATION OF A COMMUNITY FACILITIES DISTRICT. MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.5. BAAQMD Electric Vehicle Station Grant Program Application

**Recommended Action:**

1. Approve resolution authorizing the City Manager to apply for and accept Charge Fast! Program grant funds from the Bay Area Air Quality Management District (BAAQMD) for the purpose of installing a DC Fast Charger Plug-In Electric Vehicle (EV) Charging Station in the Saratoga Library parking lot.
2. Approve resolution granting the City Manager the authority to apply for and accept future BAAQMD EV Station program grants.
3. Direct staff to include the BAAQMD funding award for the Saratoga Library's Plug-In Electric Vehicle Fast Charge Station project in the FY 2016/17 Capital Budget, if awarded.

Council Member Bernald removed this item from the Consent Calendar to raise questions regarding the review of fees to use charging stations.

**RESOLUTIONS NO. 16-020 & 16-021**

BERNALD/MILLER MOVED TO: 1) APPROVE RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT CHARGE FAST! PROGRAM GRANT FUNDS FROM THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT (BAAQMD) FOR THE PURPOSE OF INSTALLING A DC FAST CHARGER PLUG-IN ELECTRIC VEHICLE (EV) CHARGING STATION IN THE SARATOGA LIBRARY PARKING LOT; 2) APPROVE RESOLUTION GRANTING THE CITY MANAGER THE AUTHORITY TO APPLY FOR AND ACCEPT FUTURE BAAQMD EV STATION PROGRAM GRANTS; AND 3) DIRECT STAFF TO INCLUDE THE BAAQMD FUNDING AWARD FOR THE SARATOGA LIBRARY'S PLUG-IN ELECTRIC VEHICLE FAST CHARGE STATION PROJECT IN THE FY 2016/17 CAPITAL BUDGET, IF AWARDED. MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.6. Transportation Development Act (TDA) Article 3 Application for the Saratoga Avenue Walkway Project

**Recommended Action:**

Adopt resolution supporting the Metropolitan Transportation Commission's Transportation Development Act Article 3 Pedestrian/Bicycle Grant Application for the Saratoga Avenue Walkway Project.

**RESOLUTION NO. 16-022**

LO/MILLER MOVED TO **ADOPT RESOLUTION SUPPORTING THE METROPOLITAN TRANSPORTATION COMMISSION'S TRANSPORTATION DEVELOPMENT ACT ARTICLE 3 PEDESTRIAN/BICYCLE GRANT APPLICATION FOR THE SARATOGA AVENUE WALKWAY PROJECT**. MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.7. General Plan Annual Progress Report and HCD Annual Report

**Recommended Action:**

Adopt a resolution accepting the 2015 General Plan Annual Progress Report and direct staff to file the report with the Governor's Office of Planning and Research (OPR) and the Department of Housing and Community Development (HCD).

**RESOLUTION NO. 16-023**

LO/MILLER MOVED TO **ADOPT A RESOLUTION ACCEPTING THE 2015 GENERAL PLAN ANNUAL PROGRESS REPORT AND DIRECT STAFF TO FILE THE REPORT WITH THE GOVERNOR'S OFFICE OF PLANNING AND RESEARCH (OPR) AND THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD)**. MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.8. Short-Term Rentals Regulation Update

**Recommended Action:**

Accept information regarding Short-Term Rentals (STR's) in Saratoga.

LO/MILLER MOVED TO **ACCEPT INFORMATION REGARDING SHORT-TERM RENTALS (STR'S) IN SARATOGA**. MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

**2. PUBLIC HEARING**

None

**3. OLD BUSINESS**

None

**4. NEW BUSINESS**

4.1. Quito Rd Bridge Real Property Service Agreement – Award of Service Contract

**Recommended Action:**

1. Authorize the City Manager to execute a contract for real property services with the Contra Costa County Public Works Department for services for the right of way takes required for the Quito Rd Bridge Project for the amount of \$40,000
2. Move to authorize the staff to execute change orders to the real property services contract up to \$5,000 during the course of the right of way take process.

Public Works Director John Cherbone presented the staff report.

Mayor Cappello invited public comment on the item.

No one requested to speak.

MILLER/BERNALD MOVED TO: **1) AUTHORIZE THE CITY MANAGER TO EXECUTE A CONTRACT FOR REAL PROPERTY SERVICES WITH THE CONTRA COSTA COUNTY PUBLIC WORKS DEPARTMENT FOR SERVICES FOR THE RIGHT OF WAY TAKES REQUIRED FOR THE QUITO RD BRIDGE PROJECT FOR THE AMOUNT OF \$40,000; AND 2) AUTHORIZE THE STAFF TO EXECUTE CHANGE ORDERS TO THE REAL PROPERTY SERVICES CONTRACT UP TO \$5,000 DURING THE COURSE OF THE RIGHT OF WAY TAKE PROCESS.** MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

#### 4.2. Video Program

**Recommended Action:**

Receive report and approve recommendations.

Brian Babcock, Administrative Analyst I, presented the staff report on this item.

Mayor Cappello invited public comment on this item.

The following people requested to speak:

Leonard Almalech, Planning Commission Chair

Kookie Fitzsimmons, Planning Commissioner

No one else requested to speak.

MILLER/LO DIRECTED STAFF TO **ALLOCATE \$8,000 TO THE VIDEO PROGRAM FOR FISCAL YEAR 2016/17 TO COVER THE COST OF UP TO 10 VIDEOS; BRING FORWARD PROPOSED VIDEO TOPICS EACH QUARTER ALONG WITH THE SARATOGAN AND ONLINE CITY POLLS WITH ONE OF THE PROPOSED VIDEO TOPICS PROVIDED AT THE RECOMMENDATION OF THE PLANNING COMMISSION DURING THE FIRST YEAR OF THE PROGRAM; AND STAFF WAS FURTHER DIRECTED TO WORK WITH KSAR TO PRODUCE THE VIDEOS.** MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

#### 4.3. City of Saratoga Code Enforcement Program

**Recommended Action:**

Provide direction on the Code Enforcement Program's service levels, staffing, and policies.

City Clerk Crystal Bothelio presented the staff report.

Mayor Cappello invited public comment.

The following people requested to speak:

Leonard Almalech, Planning Commission Chair

Joyce Hlava, Planning Commissioner

Kookie Fitzsimmons, Planning Commissioner

Dede Smullen, Planning Commission Vice Chair

No one else requested to speak.

**LO/BERNALD MOVED TO INCLUDE DISCUSSION OF A FULL TIME PERMANENT CODE ENFORCEMENT OFFICER DURING THE BUDGET STUDY SESSION; DIRECT STAFF TO RETURN WITH A CODE ENFORCEMENT POLICY THAT SUPERSEDES EXISTING POLICIES; AND INCLUDE THE FOLLOWING IN THE POLICY: ALLOW FOR ANONYMOUS COMPLAINTS IN CERTAIN SITUATIONS, ENCOURAGE NEIGHBORS TO WORK WITH ONE ANOTHER TO RESOLVE DISPUTES, AND AFFIRM THAT ENFORCEMENT OF THE CODE IS COMPLAINT DRIVEN WITH THE EXCEPTION THAT DURING THE COURSE OF INVESTIGATION OF A COMPLAINT, OTHER SIMILAR VIOLATIONS THAT ARE IDENTIFIED MAY BE PROACTIVELY ENFORCED.**

Council Member Miller requested an amendment to the motion. He asked that it include direction to staff to provide a sensitivity analysis showing how different service hours (such as full time versus .80 time) would impact code enforcement services for the budget study session and to prioritize enforcement on Saturday and Sundays. He requested that the direction regarding the code enforcement policy include emphasis on providing soft touch enforcement and encouraging voluntary compliance, avoid use of code enforcement as a tool for neighbors feuding with one another, and clarify that code enforcement staff would not be on patrol actively looking for violations.

Vice Mayor Lo and Council Member Bernald accepted the requested amendments to the motion.

**LO/BERNALD MOVED TO INCLUDE DISCUSSION OF A FULL TIME PERMANENT CODE ENFORCEMENT OFFICER DURING THE BUDGET STUDY SESSION WITH BACKGROUND INFORMATION FROM STAFF ON HOW A LESS THAN FULL TIME POSITION WOULD AFFECT THE LEVEL OF SERVICE AND OTHER CITY PERSONNEL; DIRECT STAFF TO RETURN WITH A CODE ENFORCEMENT POLICY THAT SUPERSEDES EXISTING POLICIES AND INCLUDE THE FOLLOWING IN THE POLICY: ALLOW FOR ANONYMOUS COMPLAINTS IN CERTAIN SITUATIONS, ENCOURAGE NEIGHBORS TO WORK WITH ONE ANOTHER TO RESOLVE DISPUTES AND AVOID USE OF CODE ENFORCEMENT AS A TOOL FOR NEIGHBORS FEUDING WITH ONE ANOTHER, ENCOURAGE A SOFT TOUCH APPROACH TO ENFORCEMENT AND VOLUNTARY COMPLIANCE, AFFIRM THAT THE CITY'S CODE ENFORCEMENT IS**

**COMPLAINT DRIVEN WITH THE EXCEPTION THAT DURING THE COURSE OF INVESTIGATION OF A COMPLAINT, OTHER SIMILAR VIOLATIONS THAT ARE IDENTIFIED MAY BE PROACTIVELY ENFORCED, REAFFIRM THAT ENFORCEMENT STAFF WILL NOT BE ON PATROL ACTIVELY SEEKING OUT VIOLATIONS, AND PROVIDE POLICY DIRECTION CONCERNING AVAILABILITY OF ENFORCEMENT PERSONNEL ON WEEKENDS.** MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

Mayor Cappello invited students from the San Jose State University Graduate Program to introduce themselves.

## **CITY COUNCIL ASSIGNMENT REPORTS**

### Mayor Manny Cappello

*Saratoga Area Senior Coordinating Council (SASCC)* – the Board finalized the proposal for the naming plan as part of the capital campaign. Additionally, a commission to launch efforts to make Saratoga an Age-Friendly City through the World Health Organization met and shared information about the various organizations in Saratoga that provide services to older adults. *West Valley Mayors and Managers* – during the meeting in March, Burton Craig from Monte Sereno was selected to serve on the Silicon Valley Regional Interoperability Authority Board of Directors.

### Vice Mayor Emily Lo

*Hakone Foundation Board & Executive Committee* – Hakone staff is looking for additional office space. If anyone is aware of a portable or office space available for rent at a reasonable price they should contact Ann Waltonsmith.

*Public Art Ad Hoc* – the Ad Hoc met the week of March 30 to discuss the possible lease of a piece of art for placement outside of the Library. The next step will be to bring a lease to the Council for approval. The goal is to have the artwork installed by the 60<sup>th</sup> anniversary celebration.

### Council Member Mary-Lynne Bernald

*Saratoga Sister City Organization* – this year, the Sister City Organization is considering awarding the Gomersall Scholarship to a local author who has written a children’s book about a bunny who lives at Hakone. Additionally, the members were informed that Lillian Morgan is in the process of translating the Saratoga History Museum brochure to Japanese after a visit the Muko City delegation visit to Saratoga.

### Council Member Howard Miller

*Council Finance Committee* – the Fiscal Year 2016/17 Fee Schedule was reviewed in detail during the last meeting. There was also discussion of some changes to several capital projects and preparation for the budget study session.

The Silicon Valley Leadership Group held a meeting recently with mayors in the area and representatives of the largest employers in the valley. During the meeting, there was discussion of Envision Silicon Valley and the sales tax measure expected to be placed on the ballot in November 2016 to raise funds related to transportation. The proposed sales tax measure will be going to the VTA Board of Directors on April 22.

### Council Member Rishi Kumar

No report

**CITY COUNCIL ITEMS**

None

**CITY MANAGER'S REPORT**

No report

**ADJOURNMENT**

MILLER/LO MOVED TO ADJOURN THE MEETING AT 9:29 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