

MINUTES
WEDNESDAY, JULY 6, 2016
SARATOGA CITY COUNCIL REGULAR MEETING

At 5:00 p.m., the Saratoga City Council held a Closed Session in the Administrative Conference Room at Saratoga City Hall at 13777 Fruitvale Avenue, Saratoga. At 6:00 p.m., the City Council conducted a Joint Meeting with representatives of the Montalvo Arts Center.

At 7:04 p.m., Mayor Cappello called the regular session to order in the Civic Theater at 13777 Fruitvale Avenue, Saratoga 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
John Cherbone, Public Works Director
Mary Furey, Finance & Administrative Services Director
Erwin Ordoñez, Community Development Director
Michael Taylor, Recreation & Facilities Director
Brian Babcock, Administrative Analyst II
Adam Henig, Recreation Supervisor
Debbie Bretschneider, Deputy City Clerk

REPORT ON POSTING OF THE AGENDA

City Clerk Crystal Bothelio reported that the agenda for this meeting was properly posted on June 30, 2016.

REPORT FROM CLOSED SESSION

Mayor Cappello announced that there was nothing to report from Closed Session.

REPORT FROM JOINT MEETING

Angela McConnell, Executive Director of Montalvo Arts Center, provided an overview of the City Council's Joint Meeting with the Montalvo Arts Center. She shared that Montalvo celebrated the opening of the Grand Entrance and Garden Terrace, thanked the City for its partnership, and provided a summary of Montalvo's summer programming and activities.

ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS

None

ANNOUNCEMENTS

Council Member Kumar thanked Sarah Okuno for coordinating another successful Independence Day Celebration and the Saratoga Village Development Council volunteers for the patriotic

decorations in Saratoga Village. He also noted that some residents have observed an odor in the tap water, which is the result of an algae growth in the water supply before treatment. The Santa Clara Valley Water District and San Jose Water Company are working on the issue. Residents can report odor to San Jose Water Company at 408.630.2985. He also spoke about neighborhood safety and recent crime activity, recommending that residents take precautions and follow crime prevention best practices available. He also encouraged residents to form Neighborhood Watch groups.

Council Member Miller noted that this quarter's issue of *The Saratogan* included public safety tips and he encouraged residents to purchase locking mailboxes that are tamperproof and to be vigilant. He also shared that there are many classes and programs offered through the Saratoga Recreation Activity Guide, including summer camps that still have spaces open.

Council Member Bernald announced that the Saratoga Historical Museum will be extending the Olivia de Havilland exhibit till the end of the month. The Museum will also be opening a display of 12 significant events in the history of Saratoga as determined by Willys Peck.

Vice Mayor Lo announced the Saratoga Classic Car Show on July 17, 2016 from 10:00 a.m. to 5:00 p.m. on Big Basin Way. On July 16, some of the car show entrants will be cruising through Saratoga, Los Gatos, and Campbell starting from Big Basin Way.

Mayor Cappello announced the Movie Night event on July 15 at El Quito Park at 7:30 p.m. He also shared that that the City Council is challenging residents to plant 2,020 trees by the year 2020 and is helping residents reach that goal by offering to pay for half the cost of planting a tree through Our City Forest. Information is on the City website at www.saratoga.ca.us/2020by2020. The City is also accepting applications for the Parks and Recreation Commission and the Library Commission. Applications are due by August 30, 2016 and are available on the City website at www.saratoga.ca.us/comvac.

CEREMONIAL ITEMS

Proclamation Honoring Olivia de Havilland's 100th Birthday

Recommended Action:

Present the proclamation honoring Olivia de Havilland's 100th birthday to Laurel Perusa.

Mayor Cappello presented the proclamation to Laurel Perusa, playing the part of Olivia de Havilland.

Proclamation Declaring July 2016 as "Parks Make Life Better!" Month

Recommended Action:

Read and present the proclamation declaring July 2016 as "Parks Make Life Better!" Month in the City of Saratoga.

Mayor Cappello presented the proclamation to Recreation Supervisor Adam Henig and invited Ram Parasurama to share a story about his experience with Saratoga parks.

1. CONSENT CALENDAR

1.1. City Council Meeting Minutes

Recommended Action:

Approve the City Council minutes for the Regular City Council Meeting on June 15, 2016.

BERNALD/KUMAR MOVED TO **APPROVE THE CITY COUNCIL MINUTES FOR THE REGULAR CITY COUNCIL MEETING ON JUNE 15, 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: 06/14/2016 Period 12; 06/21/2016 Period 12; and 06/29/2016 Period 12.

BERNALD/KUMAR MOVED TO **ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 06/14/2016 PERIOD 12; 06/21/2016 PERIOD 12; AND 06/29/2016 PERIOD 12.** MOTION

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

1.3. Treasurer's Report for the Month Ended April 30, 2016

Recommended Action:

Review and accept the Treasurer's Report for the month ended April 30, 2016.

BERNALD/KUMAR MOVED TO **ACCEPT THE TREASURER'S REPORT FOR THE MONTH ENDED APRIL 30, 2016.** MOTION PASSED. AYES:

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

1.4. Treasurer's Report for the Month Ended May 31, 2016

Recommended Action:

Review and accept the Treasurer's Report for the month ended May 31, 2016.

BERNALD/KUMAR MOVED TO **ACCEPT THE TREASURER'S REPORT FOR THE MONTH ENDED MAY 31, 2016.** MOTION PASSED. AYES:

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

- 1.5. Resolution to Establish Property Tax Levy for Debt Service Payments on the Library General Obligation Bonds

Recommended Action:

Adopt the attached resolution which sets the property tax levy rate to provide for the Library General Obligation Bond's debt service payment at \$.0060 per \$100 of Assessed Valuation.

RESOLUTION NO. 16-046

BERNALD/KUMAR MOVED TO **APPROVE THE RESOLUTION WHICH SETS THE PROPERTY TAX LEVY RATE TO PROVIDE FOR THE LIBRARY GENERAL OBLIGATION BOND'S DEBT SERVICE PAYMENT AT \$.0060 PER \$100 OF ASSESSED VALUATION.** MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

- 1.6. Resolution Authorizing Final Disposition of Certain City Records

Recommended Action:

Adopt resolution authorizing final disposition of certain city records.

RESOLUTION NO. 16-047

BERNALD/KUMAR MOVED TO **APPROVE THE RESOLUTION AUTHORIZING FINAL DISPOSITION OF CERTAIN CITY RECORDS.** MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

- 1.7. Amendments to Joint Powers Agreement for the Silicon Valley Regional Interoperability Authority

Recommended Action:

Move to authorize the City Manager to sign the amended Joint Powers Agreement (JPA) for the Silicon Valley Regional Interoperability Authority (SVRIA).

BERNALD/KUMAR MOVED TO **AUTHORIZE THE CITY MANAGER TO SIGN THE AMENDED JOINT POWERS AGREEMENT (JPA) FOR THE SILICON VALLEY REGIONAL INTEROPERABILITY AUTHORITY (SVRIA).** MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

- 1.8. Agreement for Employment and Labor Law Services with Mouser Law Firm, A Professional Corporation

Recommended Action:

Authorize the City Manager to enter into an agreement for employment and labor law services with Mouser Law Firm, A Professional Corporation.

BERNALD/KUMAR MOVED TO **AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR EMPLOYMENT AND LABOR LAW SERVICES WITH MOUSER LAW FIRM, A PROFESSIONAL CORPORATION.** MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

- 1.9. Annual Code Update for 2016 and Adoption of Resolution Allowing 15 Minute Parking at the Turkey Track Lane Electric Vehicle Charging Station

Recommended Action:

Waive the second reading and adopt the attached ordinance updating various provisions of the City Code and adopt the attached resolution allowing 15 minute parking at the Turkey Track Lane electric vehicle charging station in accordance with the newly adopted code provisions.

ORDINANCE NO. 340

MOTOR VEHICLE RESOLUTION NO.312

BERNALD/KUMAR MOVED TO **WAIVE THE SECOND READING AND ADOPT THE ORDINANCE UPDATING VARIOUS PROVISIONS OF THE CITY CODE AND ADOPT THE RESOLUTION ALLOWING 15 MINUTE PARKING AT THE TURKEY TRACK LANE ELECTRIC VEHICLE CHARGING STATION IN ACCORDANCE WITH THE NEWLY ADOPTED CODE PROVISIONS.** MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

- 1.10. Request for Reallocation of Community Event Grant Funds from Montalvo Arts Center

Recommended Action:

Reallocate \$3,704 in Community Event Grant Program funding from Montalvo Arts Center's "Arts Splash" to "5-Hour Sculpture: A Pop-Up Arts Festival."

BERNALD/KUMAR MOVED TO **REALLOCATE \$3,704 IN COMMUNITY EVENT GRANT PROGRAM FUNDING FROM MONTALVO ARTS CENTER'S "ARTS SPLASH" TO "5-HOUR SCULPTURE: A POP-UP ARTS FESTIVAL."** MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

- 1.11. Landscaping & Lighting Assessment District LLA-1; Resolutions initiating renewal of the District for FY 17-18.

Recommended Action:

1. Move to adopt the Resolution describing improvements and directing preparation of the Engineer's Report.
2. Move to adopt the Resolution appointing the Attorney's for the District.

Council Member Kumar removed this item to comment upon use of assessment districts to install surveillance cameras.

City Manager James Lindsay addressed City Council questions on the agenda item.

RESOLUTION NO. 16-044

RESOLUTION NO. 16-045

BERNALD/MILLER MOVED TO **ADOPT: 1) THE RESOLUTION DESCRIBING IMPROVEMENTS AND DIRECTING PREPARATION OF THE ENGINEER'S REPORT; AND 2) THE RESOLUTION APPOINTING THE ATTORNEY'S FOR THE DISTRICT.** MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

- 1.12. Landscaping and Lighting Assessment District Annexation No. 1 for Fiscal Year 2017/18 – Zone No. 38 (Paramount Court) – Preliminary approval of Engineer's Report for Annexation and Adoption of Resolution of Intention for Fiscal Year 2017/18

Recommended Action:

1. Move to adopt the Resolution granting preliminary approval of the Engineer's Report for the City of Saratoga Landscaping and Lighting District LLA-1, Annexation No. 1 (Zone No. 38 - Paramount Court) for F.Y. 2017/18.
2. Move to adopt Resolution of Intention to order the levy and collection of assessments for the City of Saratoga Landscaping and Lighting District LLA-1, Annexation No. 1 (Zone No. 38 – Paramount Court) for F.Y. 2017/18.

RESOLUTION NO. 16-048

RESOLUTION NO. 16-049

BERNALD/KUMAR MOVED TO **ADOPT: 1) THE RESOLUTION GRANTING PRELIMINARY APPROVAL OF THE ENGINEER'S REPORT FOR THE CITY OF SARATOGA LANDSCAPING AND LIGHTING DISTRICT LLA-1, ANNEXATION NO. 1 (ZONE NO. 38 - PARAMOUNT COURT) FOR F.Y. 2017/18; AND 2) THE RESOLUTION OF INTENTION TO ORDER THE LEVY AND COLLECTION OF ASSESSMENTS FOR THE CITY OF SARATOGA LANDSCAPING AND LIGHTING DISTRICT LLA-1, ANNEXATION NO. 1 (ZONE NO. 38 – PARAMOUNT COURT) FOR F.Y. 2017/18.** MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: MILLER. ABSENT: NONE.

- 1.13. Motor Vehicle Resolutions Establishing Parking Restrictions on Prospect Road (Near Via Roncole) and Melinda Circle (Near Kristy Lane)

Recommended Action:

1. Adopt Motor Vehicle Resolution establishing parking restriction on Prospect Road at Via Roncole.
2. Adopt Motor Vehicle Resolution establishing parking restriction on Melinda Circle at Kristy Lane.

MOTOR VEHICLE RESOLUTION NO. 313

MOTOR VEHICLE RESOLUTION NO. 314

BERNALD/KUMAR MOVED TO **ADOPT: 1) THE MOTOR VEHICLE RESOLUTION ESTABLISHING PARKING RESTRICTION ON PROSPECT ROAD AT VIA RONCOLE; AND 2) THE MOTOR VEHICLE RESOLUTION ESTABLISHING PARKING RESTRICTION ON MELINDA CIRCLE AT KRISTY LANE.** MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

2. PUBLIC HEARING

2.1. Confirmation of Report and Assessment of Weed/Brush Abatement Program

Recommended Action:

Open public hearing, accept public testimony, close public hearing, and adopt resolution confirming report and assessment of hazardous vegetation abatement charges.

Crystal Bothelio, City Clerk/Assistant to the City Manager, presented the staff report.

Moe Kumre, Santa Clara County Weed Abatement Program Manager, addressed questions from the City Council.

Mayor Cappello invited public comment on the item.

No one requested to speak.

RESOLUTION NO. 16-046

MILLER/LO MOVED TO **ADOPT RESOLUTION CONFIRMING REPORT AND ASSESSMENT OF HAZARDOUS VEGETATION ABATEMENT CHARGES.** MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

2.2. Ordinance Amending Smoking and Tobacco Retailer Regulations

Recommended Action:

Conduct public hearing; introduce and waive the first reading of the ordinance amending Article 4-90 Tobacco Retailer License and Article 7-35 Regulation of Smoking in Certain Places; and direct staff to place the ordinance on the Consent Calendar for adoption at the next regular City Council Meeting.

Crystal Bothelio, City Clerk/Assistant to the City Manager, presented the staff report.

Mayor Cappello invited public comment on the item.

The following people requested to speak:

Lisa Busse

Carol Baker, American Cancer Society Cancer Action Network

Nidhi Badiyani, Breathe California

No one else requested to speak.

BERNALD/LO MOVED TO WAIVE THE FIRST READING OF THE ORDINANCE AMENDING ARTICLE 4-90 TOBACCO RETAILER LICENSE AND ARTICLE 7-35 REGULATION OF SMOKING IN CERTAIN PLACES; AND DIRECT STAFF TO PLACE THE ORDINANCE ON THE CONSENT CALENDAR FOR ADOPTION AT THE NEXT REGULAR CITY COUNCIL MEETING. MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

3. OLD BUSINESS

None

4. NEW BUSINESS

4.1. Quarterly Communications Report

Recommended Action:

Approve the theme for the 2016 Fall Saratogan and provide direction on articles, provide direction on three online survey topics, and approve topics and hosts for the City's Video Program for the second quarter of Fiscal Year 2016/17.

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

Mayor Cappello invited public comment.

No one requested to speak.

Council Member Miller suggested a video on the City's tree permit process. He also recommended tracking download rates of the Saratogan from different sources, such as the City's email to subscribers or Nextdoor. He also commented that many residents may not be familiar with the City's Commissions, so the purpose of the survey on Commissions should be to educate residents about Commissions. Council Member Miller suggested that the article on fire prevention include information on the weed/brush abatement program.

Mayor Cappello commented that he liked the proposed theme of the Saratogan.

Council Member Bernald said she liked the listing of activities. She suggested that the video on the Prospect Road Median Project include b-roll footage showing the roadway before improvements.

Council Member Kumar suggested that the newsletter include information about La Niña and ongoing drought conditions.

MILLER/BERNALD MOVED TO AMENDED VIDEO TOPICS FOR THE FIRST QUARTER OF THE FISCAL YEAR TO A GENERAL OVERVIEW OF THE PLANNING COMMISSION/PUBLIC HEARING PROCESS AND 2020 BY 2020 TREE PLANTING CHALLENGE; AND AUTHORIZED VIDEOS ON THE PROSPECT ROAD MEDIAN PROJECT AND TREE PERMIT PROCESS FOR THE SECOND QUARTER OF FISCAL YEAR 2016/17. MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

- 4.2. 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 2016 League of California Cities Annual Conference.

Mayor Cappello introduced the item.

Mayor Cappello invited public comment on the item.

No one requested to speak.

MILLER/BERNALD MOVED TO DESIGNATE VICE MAYOR LO AS THE CITY OF SARATOGA VOTING DELEGATE, COUNCIL MEMBER BERNALD AS THE FIRST VOTING DELEGATE ALTERNATE, AND COUNCIL MEMBER KUMAR AS THE SECOND VOTING DELEGATE ALTERNATE FOR THE 2016 LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE. MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

CITY COUNCIL ASSIGNMENT REPORTS

Mayor Manny Cappello

Saratoga Area Senior Coordinating Council (SASCC) – the next meeting is on July 27, 2016.

West Valley Mayors and Managers – the next meeting will be July 22, 2016.

Vice Mayor Emily Lo

Hakone Foundation Board & Executive Committee – With the Hakone Master Plan approved by the City Council and Hakone Foundation, the Board is now discussing how to proceed with the implementation of the master plan. Consequently, the Board will be creating a fundraising plan that will include naming opportunities within the park that will be coming before the City Council later this year. Additionally, the Centennial Gala will take place on September 18 from 5:00 p.m. to 9:30 p.m.

Council Member Mary-Lynne Bernald

Association of Bay Area Governments – the ABAG/MTC merger continues to move forward. On June 22, MTC approved an implementation plan for the merger.

FAA Select Committee on South Bay Arrivals – three public outreach meetings have been held and at least 600 people were in attendance at the meeting in Mountain View. In July, the Committee will be meeting with experts from the FAA and may also meet with outside experts that can provide information on ways to address noise concerns that have been raised. When the

Committee was originally formed it was expected to operate through July and it now appears that the work of the Committee will not conclude until October.

VTA State Route 85 Corridor Policy Advisory Board – Council Member Bernald attended the meeting on behalf of Council Member Miller. The Board provided recommendations on the final sales tax measure ballot language and discussed noise mitigation testing locations on State Route 85. Saratoga is currently listed as one of the testing locations.

Council Member Howard Miller

Silicon Valley Clean Energy Authority Board of Directors – the Authority now has an executive director that brings excellent experience. The next step in the development is to build the organization and hire employees. If everything goes according to plan, customers in Saratoga might start transitioning to Silicon Valley Clean Energy by spring 2017.

Council Member Rishi Kumar

Council Member Kumar reported he has been working with Santa Clara Valley Water District and San Jose Water Company on addressing the issue of odor coming from tap water in Saratoga. The water is safe to drink, but residents can contact San Jose Water Company at 408.279.7900 to report odors or request water quality testing. Additionally, the Water District has reduced water conservation targets from 30% to 20%. Effective July 1, there will be minor changes to water conservation rules for residents. Council Member Kumar also noted that he attended a nationwide White House briefing on a variety of policy areas, such as education.

CITY COUNCIL ITEMS

Mayor Cappello announced that the July 20, 2016 and August 3, 2016 City Council Meetings have been cancelled. The next City Council Meeting will be August 17, 2016.

CITY MANAGER'S REPORT

None

ADJOURNMENT

BERNALD/MILLER MOVED TO **ADJOURN THE MEETING AT 9:18 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