

MINUTES
WEDNESDAY, AUGUST 17, 2016
SARATOGA CITY COUNCIL REGULAR MEETING

At 4:30 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 Saratoga Chamber of Commerce and Destination Saratoga.

At 7:06 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
Kate Bear, City Arborist
Christopher Riordan, Senior Planner
Sung Kwon, Senior Planner
Sandy Baily, Special Projects Manager

REPORT ON POSTING OF AGENDA

City Clerk Crystal Bothelio reported that the agenda for this meeting was posted on August 12, 2016.

REPORT FROM CLOSED SESSION

Mayor Cappello announced that Closed Session was continued to take place after the regular session.

REPORT FROM JOINT MEETING

Tiger Teerlink, Saratoga Chamber of Commerce Vice President, and Markus Breitbach, Saratoga Chamber of Commerce President Elect, provided a summary of the Joint Meeting with the Chamber. They reviewed some of the Chamber's events and upcoming activities.

ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS

Mary Robertson requested signage in City parks, particularly those that are near State Route 85, which requests that drones operated in City parks only be flown within the confines of a City park to avoid drones flying into roadways or properties adjacent to parks.

Christopher Kinn raised concerns regarding temporary off-site real estate signage left out after sunset.

Sankaran Suresh spoke about water conservation restrictions, the San Jose Water Company drought surcharge, and requested a future City Council item on water rates/drought surcharge.

Council Member Bernald requested signage installation in City parks regarding use of drones.

Council Member Kumar noted that there is some legislation at the State level regarding drones and privacy concerns.

Council Member Miller and Vice Mayor Lo requested a City Council newsletter item on policy initiatives at the State and Federal level.

ANNOUNCEMENTS

Council Member Kumar announced College Applications Demystified for high school seniors on August 28, 2016. He then commented upon recent crime trends, surveillance cameras, City Council direction to the Traffic Safety Commission to identify some strategies for reducing crime and increasing awareness, and Neighborhood Watch. Council Member Kumar then discussed drought conditions, water rate increases and drought surcharges, efforts to reduce water use, the role of the Santa Clara Valley Water Commission, and methods for increasing water unit allocations, filing complaints with the Public Utilities Commission, and requesting water rate assistance.

Council Member Miller commented on efforts over the last 3 years to address property crime, Council Member Kumar's initiative to help residents launch Neighborhood Watch Groups, and upon the City Council's meeting with the Traffic Safety Commission on September 7 to further discuss reducing crime rates.

Vice Mayor Lo also commented in the importance of public safety.

Mayor Cappello concurred with Council Member Miller and spoke about the Council's direction to the Traffic Safety Commission regarding crime prevention. He then made announcements regarding the annual summer Movie Night Series ending on August 19, 2016, and the three events in August and September to introduce Captain Rich Urena with the Sheriff's Office to the community, and presented a certificate of appreciation from Relay for Life.

CEREMONIAL ITEMS

Commendation Honoring Christopher Riordan

Recommended Action:

Present the commendation honoring Christopher Riordan's military service.

Mayor Cappello presented the commendation to Christopher Riordan.

1. CONSENT CALENDAR

1.1. City Council Meeting Minutes

Recommended Action:

Approve the City Council minutes for the Regular City Council Meeting on July 6, 2016.

MILLER/BERNALD MOVED TO **APPROVE THE CITY COUNCIL MINUTES FOR THE REGULAR CITY COUNCIL MEETING ON JULY 6, 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: 07/05/2016 Period 13 and Period 1; 07/14/2016 Period 13 and Period 1; 07/19/2016 Period 13 and Period 1; 07/26/2016 Period 13 and Period 1; 08/02/2016 Period 13 and Period 2; and 08/09/2016 Period 13 and Period 2.

MILLER/BERNALD MOVED TO **ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 07/05/2016 PERIOD 13 AND PERIOD 1; 07/14/2016 PERIOD 13 AND PERIOD 1; 07/19/2016 PERIOD 13 AND PERIOD 1; 07/26/2016 PERIOD 13 AND PERIOD 1; 08/02/2016 PERIOD 13 AND PERIOD 2; AND 08/09/2016 PERIOD 13 AND PERIOD 2.** MOTION PASSED.

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

1.3. Second Reading of Ordinance Amending Smoking and Tobacco Retailer Regulations

Recommended Action:

Waive the second reading and adopt the ordinance amending Article 4-90 Tobacco Retailer License and Article 7-35 Regulation of Smoking in Certain Places.

ORDINANCE NO. 341

MILLER/BERNALD MOVED TO **ADOPT THE ORDINANCE AMENDING ARTICLE 4-90 TOBACCO RETAILER LICENSE AND ARTICLE 7-35 REGULATION OF SMOKING IN CERTAIN PLACES.** 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. Active Lifestyles Discussion

Recommended Action:

Receive report.

Public Works Director John Cherbone provided a staff report.

Mayor Cappello invited public comment on the item.

The following person requested to speak:

Jim Stallman, Chair of the Pedestrian, Equestrian, and Bicycle Trails Advisory Committee

No one else requested to speak.

LO/BERNALD MOVED TO DIRECT STAFF TO PLACE DISCUSSION ON UPDATES TO THE GENERAL PLAN CIRCULATION AND OPEN SPACE ELEMENTS ON THE 2017 CITY COUNCIL RETREAT AGENDA; TO EXPLORE OPPORTUNITIES TO EXPAND THE YOUTH COMMISSION'S WALK ONE WEEK PROGRAM TO ENCOURAGE ALL RESIDENTS TO WALK TO VARIOUS DESTINATIONS THROUGHOUT THE CITY; AND CONDUCT AN ASSESSMENT ON INCREASING CONNECTIVITY BETWEEN THE CITY'S 3 COMMERCIAL AREAS.

Council Member Kumar suggested that making trail and bike paths available through a mobile-friendly interface.

LO/BERNALD AMENDED THE MOTION TO DIRECT STAFF TO PLACE DISCUSSION ON UPDATES TO THE GENERAL PLAN CIRCULATION AND OPEN SPACE ELEMENTS ON THE 2017 CITY COUNCIL RETREAT AGENDA; TO EXPLORE OPPORTUNITIES TO EXPAND THE YOUTH COMMISSION'S WALK ONE WEEK PROGRAM TO ENCOURAGE ALL RESIDENTS TO WALK TO VARIOUS DESTINATIONS THROUGHOUT THE CITY; CONDUCT AN ASSESSMENT ON INCREASING CONNECTIVITY BETWEEN THE CITY'S 3 COMMERCIAL AREAS; AND MAKE TRAIL AND BIKE PATHWAY MAPS AVAILABLE THROUGH A MOBILE INTERFACE. MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

4.2. Five Year Community Access Cable Services Agreement

Recommended Action:

Authorize the City Manager to execute a new five year agreement with the Saratoga Community Access Television Foundation.

City Manager James Lindsay presented the staff report.

Mayor Cappello invited public comment on the item.

No one requested to speak.

Tom Moran, KSAR Board President, addressed questions from the City Council.

MILLER/KUMAR MOVED TO **AUTHORIZE THE CITY MANAGER TO EXECUTE A NEW FIVE YEAR AGREEMENT WITH THE SARATOGA COMMUNITY ACCESS TELEVISION FOUNDATION.** MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

4.3. Discussion of Ordinance Enabling Bingo Events

Recommended Action:

Provide direction to staff on whether to prepare an ordinance that would amend the City Code to allow certain organizations, including charitable organizations, to hold bingo events.

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

City Attorney Richard Taylor addressed questions from the City Council.

Mayor Cappello invited public comment.

The following person requested to speak:

Tylor Taylor, Executive Director of the Saratoga Area Senior Coordinating Council

No one else requested to speak.

MILLER/LO MOVED TO **DIRECT STAFF TO PREPARE AN ORDINANCE THAT WOULD ALLOW ORGANIZATIONS ELIGIBLE BY STATE LAW, INCLUDING CHARITABLE ORGANIZATIONS, TO HOLD BINGO EVENTS.**

Council Member Bernald suggested that the ordinance only allow Saratoga-based charitable organizations to hold bingo events for the purpose of fundraising.

MILLER/LO ACCEPTED THE AMENDMENT AND MOVED TO **DIRECT STAFF TO PREPARE AN ORDINANCE THAT WOULD ALLOW SARATOGA-BASED NON-PROFIT ORGANIZATIONS TO HOLD BINGO EVENTS OUTSIDE OF COMMERCIAL DISTRICTS.**

Mayor Cappello suggested that the ordinance set time limits and require a permit process and annual reporting for organizations permitted to hold bingo games.

Council Member Kumar raised concerns about requiring a permit as it could be onerous.

MILLER/LO ACCEPTED THE AMENDMENT AND MOVED TO **DIRECT STAFF TO PREPARE AN ORDINANCE THAT WOULD ALLOW SARATOGA-BASED CHARITABLE ORGANIZATIONS QUALIFIED UNDER STATE LAW TO HOLD BINGO EVENTS AND TO REQUIRE SUCH EVENTS TAKE PLACE OUTSIDE OF COMMERCIAL DISTRICTS DURING REASONABLE HOURS SUBJECT TO A SIMPLE ONLINE PERMIT PROCESS AND ANNUAL REPORTS REGARDING DATES AND PROCEEDS OF THE EVENTS, INCLUDING USAGE OF THE PROCEEDS.** MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

Mayor Cappello introduced Santa Clara County Sheriff's Office Captain Rich Urena.

Captain Rich Urena addressed the City Council.

CITY COUNCIL ASSIGNMENT REPORTS

Mayor Manny Cappello

Cities Association of Santa Clara County – the Board received a presentation from the County's representative on aging on steps to become an age-friendly city through the World Health Organization. Saratoga has already achieved this status. There were also presentations on several measures, including Prop 53. If passed, it would require a statewide vote on certain local infrastructure projects. The Board unanimously opposed Prop 53. The also unanimously supported Measure A, which would fund a bond of \$950 million for low income housing projects and programs. Additionally, former San Jose Mayor Chuck Reed shared information on Silicon Valley Talent Partnership.

West Valley Mayors and Managers – the next meeting is on August 18 and John Tang with San Jose Water Company will be at the meeting to address questions from the group. Additionally, the group will discuss upcoming ballot measures.

Vice Mayor Emily Lo

Hakone Foundation Board & Executive Committee – the board will be meeting on August 18. Additionally, work is moving forward on a master plan brochure that is expected to be released during the Centennial Gala.

Council Member Mary-Lynne Bernald

FAA Select Committee on South Bay Arrivals – there have been 3 meetings over the summer and another on August 18, which will include discussion of the flight paths that impact Saratoga the most.

Saratoga Historical Foundation – the recent Estate Sale raised more than \$3,000. There were so many items donated that a second sale is now planned for October. Additionally, the Foundation will be holding an Open House in conjunction with the anniversary parade – a display on the first 100 years of Saratoga's history will be on display.

Council Member Howard Miller

Silicon Valley Clean Energy Authority Board of Directors – the executive committee has been meeting every two weeks over the summer to launch the organization and establish financing. It appears that it may not be necessary for the participating cities to make bridge loans. A location for the Authority offices is still being identified. It appears that the program will be rolled out to all customers by November 2017. The Board is also intending to offer an energy option that is 100% greenhouse gas emission free and less expensive than rates offered by PG&E.

VTA Board West Valley Cities Alternate – John Ristow with VTA recently announced that he will be retiring.

Council Member Rishi Kumar

Council Member Kumar provided an overview of his meeting with a group of residents and representatives of San Jose Water Company and Santa Clara Valley Water District regarding water rates and drought surcharges.

CITY COUNCIL ITEMS

Council Member Kumar requested an agenda item on citizen concerns related to water rates and a second item on reducing crime.

Council Member Miller suggested that staff provide a report on how water rates are set and what, if any, jurisdiction the City has regarding rates. He also requested additional information via the Council Newsletter on options residents have to change rates due to economic hardship, request an increase in water allocations, and appeal or file complaints with the Public Utilities Commission.

Council Member Miller also noted that the City Council will be holding a study session with the Traffic Safety Commission on September 7, 2016 to review the Traffic Safety Commission's recommendations related to crime prevention, as directed by the City Council. He also proposed that the City Council's joint meeting with the Santa Clara County Sheriff's Office on October 19, 2016 be turned into a meeting for the City's Neighborhood Watch groups.

The City Council agreed to schedule the September 7, 2016 study session for 5:30 p.m. and to hold the meeting in a larger room.

Council Member Miller proposed that the City Council consider an ordinance requiring locking mailboxes that meet Post Office regulations for new residential construction.

Council Member Kumar supported the request.

City Manager James Lindsay concurred that the ordinance would be brought to the City Council at a future meeting.

CITY MANAGER'S REPORT

None

ADJOURNMENT

Mayor Cappello indicated that the City Council would be returning to Closed Session in the Administrative Conference Room and would adjourn the meeting from there.

Minutes respectfully submitted:

Crystal Bothelio, City Clerk
City of Saratoga