

**MINUTES**  
**WEDNESDAY, SEPTEMBER 7, 2016**  
**SARATOGA CITY COUNCIL REGULAR MEETING**

At 4:00 p.m., the Saratoga City Council held a Closed Session in the Joan Pisani Community Center Conference Room at 19655 Allendale Avenue. At 5:00 p.m., the City Council conducted interviews for the Library Commission and Parks and Recreation Commission.

At 5:30 p.m., Mayor Cappello called to order a Study Session with the Traffic Safety Commission on Public Safety in the Saratoga Senior Center, Saunders Room at 19655 Allendale Avenue.

Mayor Cappello introduced the meeting, providing background on the purpose of the Study Session. He explained that in March 2016, the Council directed the Traffic Safety Commission to return to the Council in September to present recommendations on reducing crime.

Traffic Safety Commissioner David McIntyre presented the Commission's recommendations. These recommendations included:

- Create/Order See Something, Say Something public outreach campaign and refrigerator magnet to encourage residents to call 911 when they observe suspicious activity
- Bolster and maintain the Neighborhood Watch Program through City administration of the program
- Create City Neighborhood Watch grant program
- Hold annual Neighborhood Watch event
- Support Neighborhood Watch training and neighborhood visits by the Sheriff's Office
- Increased resident participation and involvement in Neighborhood Watch
- Establish Ambassadors program to outreach and disseminate information about the value of Neighborhood Watch to different groups in the community
- Coordinate forums on public safety and crime prevention for various community groups
- Schedule annual report on effectiveness of crime prevention efforts

Members of the Traffic Safety Commission addressed questions from the Council and provided further explanation of recommendations.

Mayor Cappello invited public comment.

A public speaker raised concerns about the effectiveness of Neighborhood Watch signs

Dede Smullen commented upon use of 911 and the local 408 emergency phone number, the importance of including new residents Neighborhood Watch groups, and questioned whether Neighborhood Watch signage is an effective incentive to start a new group.

**MILLER/BERNALD MOVED TO ACCEPT THE TRAFFIC SAFETY COMMISSION'S RECOMMENDATION AND DIRECTED STAFF TO BRING BACK AN IMPLEMENTATION WORK PLAN. MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.**

At 7:07 p.m., Mayor Cappello called the Regular Session to order in the Civic Theater at 13777 Fruitvale Avenue 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/Asst. to City Manager  
John Cherbone, Public Works Director  
Erwin Ordoñez, Community Development Director  
Michael Taylor, Recreation & Facilities Director  
Kirk Heinrichs, Special Projects Manager  
Captain Rich Urena, Sheriff's Office  
Lieutenant Bob Durr, Sheriff's Office

## **REPORT ON POSTING OF AGENDA**

City Clerk Crystal Bothelio reported that the agenda for this meeting was posted on September 2, 2016.

## **REPORT FROM CLOSED SESSION**

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

## **REPORT FROM STUDY SESSION**

Traffic Safety Commissioner David McIntyre provided an overview of the Council's Study Session with the Commission and reported that the next step is for City staff to return to the Council with a plan for implementation of the Commission's recommendations.

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

Wendy Baker, of Summerhill Housing Group, announced the Silicon Valley Turkey Trot on Thanksgiving Day.

Tom M. asked the City Council to consider doing something to address water rates.

## **ANNOUNCEMENTS**

Council Member Kumar announced Silicon Valley Coders Club on Sundays at 4:00 p.m. in the Community Center, as well as Weekly Sunday classes in the Community Center that include yoga, Bollywood fitness, and debate academy among others. He then shared information about Saratoga Dandia on September 24 and 25 at West Valley College.

Council Member Miller made an announcement about phishing phone calls and the new FasTrack Flex toll tag that allows you to indicate the number of passengers in your vehicle when using Express Lanes.

Council Member Bernald announced the Sister City group is holding a moon viewing at Hakone on September 15 and then shared information about the 60<sup>th</sup> Anniversary Parade on September 17. She also announced that the Hakone Centennial Gala is on September 18.

Vice Mayor Lo announced the Chinese Mid-Autumn Festival on September 18 from 1:00 p.m. to 4:00 p.m. and shared that the City and Sheriff's Office are holding an event on September 10 to encourage residents to meet Sheriff's Office Captain Urena and ask questions.

Mayor Cappello introduced Captain Urena and Lieutenant Durr from the Sheriff's Office and announced the Neighborhood Watch Joint Meeting on October 19.

## 1. CONSENT CALENDAR

### 1.1. City Council Meeting Minutes

#### **Recommended Action:**

Approve the City Council minutes for the Regular City Council Meeting on August 17, 2016.

MILLER/LO MOVED TO **APPROVE THE CITY COUNCIL MINUTES FOR THE REGULAR CITY COUNCIL MEETING ON AUGUST 17, 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: 08/16/2016 Period 13; 08/16/2016 Period 2; 08/23/2016 Period 2; and 08/30/2016 Period 2.

MILLER/LO MOVED TO **ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 08/16/2016 PERIOD 13; 08/16/2016 PERIOD 2; 08/23/2016 PERIOD 2; AND 08/30/2016 PERIOD 2.** MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

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

#### **Recommended Action:**

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

MILLER/LO MOVED TO **ACCEPT THE TREASURER'S REPORT FOR THE MONTH ENDED JUNE 30, 2016.** MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

### 1.4. Parker Ranch Trail Easement Dedication

#### **Recommended Action:**

Approve Resolution accepting Offer to Dedicate Pedestrian and Equestrian Trail Easement from Parker Ranch HOA and authorize the City Manager to sign the Certificate of Acceptance.

## **RESOLUTION NO. 16-051**

MILLER/LO MOVED TO **APPROVE RESOLUTION ACCEPTING OFFER TO DEDICATE PEDESTRIAN AND EQUESTRIAN TRAIL EASEMENT FROM PARKER RANCH HOA 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. Landscaping & Lighting Assessment District LLA-1 - Public Hearing for Proposition 218 Protest Election for the Annexation of a New Zone 38 (Paramount) and Confirmation of Assessments for FY 17-18

**Recommended Action:**

Move to adopt the Resolution Ordering the Improvements and Confirming the Diagram and Assessments for Zone 38 FY 2017-18.

Council Member Miller recused himself due to the proximity of his home to the proposed assessment district zone.

Public Works Director John Cherbone presented the staff report.

Mayor Cappello invited public comment.

No one requested to speak.

City Clerk Crystal Bothelio announced that the City received 1 ballot in favor of the annexation of Zone 38, making the majority in favor of the annexation.

### **RESOLUTION NO 16-052**

LO/BERNALD MOVED TO **ADOPT THE RESOLUTION ORDERING THE IMPROVEMENTS AND CONFIRMING THE DIAGRAM AND ASSESSMENTS FOR ZONE 38 FY 2017-18.** MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, KUMAR. NOES: NONE. ABSTAIN: MILLER. ABSENT: NONE.

2.2. Approval of Prospect Road Median Beautification and Improvements Project

**Recommended Action:**

Adopt resolution approving the Prospect Road Median Beautification and Improvements Project and authorizing the City Manager to file with the County of Santa Clara a Notice of Exemption from the California Environmental Quality Act (CEQA).

Public Works Director John Cherbone presented the staff report.

Mayor Cappello invited public comment on the item.

The following people requested to speak:

Ruella U.

Quinn Larkin

Jill

Joel Perez

Susanna

No one else requested to speak.

**RESOLUTION NO. 16-053**

MILLER/KUMAR MOVED TO **ADOPT RESOLUTION APPROVING THE PROSPECT ROAD MEDIAN BEAUTIFICATION AND IMPROVEMENTS PROJECT; AUTHORIZING THE CITY MANAGER TO FILE WITH THE COUNTY OF SANTA CLARA A NOTICE OF EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA); AND DIRECTING STAFF TO CREATE A WEBPAGE ON THE HORTICULTURE OF CITY LANDSCAPING, INCLUDING THE NAMES OF PLANTS.** MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

**3. OLD BUSINESS**

None

**4. NEW BUSINESS**

4.1. Hakone Gardens Naming Opportunities

**Recommended Action:**

Approve Naming Opportunities for New Buildings and Gardens at Hakone.

Public Works Director John Cherbone provided a staff report.

Mayor Cappello invited public comment on the item.

The following people requested to speak:

Shozo Kagoshima, Executive Director of Hakone Foundation

Ann Waltonsmith, Chair of Hakone Foundation Board of Trustees

No one else requested to speak.

BERNALD/LO MOVED TO **APPROVE NAMING OPPORTUNITIES FOR NEW BUILDINGS AND GARDENS AT HAKONE AND FURTHER DIRECTED THAT POTENTIAL DONORS BE INFORMED THAT NAMING RIGHTS WILL NOT BE GRANTED IN PERPETUITY THE CITY MAY REName FACILITIES OR REVOKE NAMING RIGHTS AT ANY TIME.** MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

Mayor Cappello invited students from Prospect High School on stage to introduce themselves.

4.2. Village Policy Update Work plan

**Recommended Action:**

Authorize staff to implement the Village Policy Update Work Plan.

Kirk Heinrichs, Special Projects Manager, presented the staff report.

Mayor Cappello invited public comment on the item.

The following people requested to speak:

Bob Shepherd

Kurt Strauss

Eric Strauss

No one else requested to speak.

MILLER/BERNALD MOVED TO **AUTHORIZE STAFF TO IMPLEMENT THE VILLAGE POLICY UPDATE WORK PLAN.** MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

4.3. Amendments to the City's Williamson Act Procedures.

**Recommended Action:**

Approve the resolution amending the City's Williamson Act procedures.

Community Development Director Erwin Ordoñez presented the staff report.

Mayor Cappello invited public comment on the item.

No one requested to speak.

**RESOLUTION NO. 16-053**

BERNALD/MILLER MOVED TO **APPROVE THE RESOLUTION AMENDING THE CITY'S WILLIAMSON ACT PROCEDURES WITH, IF PERMITTED BY STATE LAW, REVISIONS TO THE RESOLUTION TO INSERT A MISSING WORD IN THE THIRD PARAGRAPH, INCLUDE GENDER NEUTRAL WORDING AND SIMPLIFY THE LANGUAGE OF SECTIONS 3, 4, AND 5 STARTING ON PAGE 3 OF THE RESOLUTION, AND MAKE OTHER NON-SUBSTANTIVE REVISIONS TO IMPROVE READABILITY.** MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

4.4. City Manager Annual Performance Pay Increase

**Recommended Action:**

Approve City Manager's annual performance pay increase of 2%, effective July 1, 2016.

City Attorney Richard Taylor presented the staff report.

Mayor Cappello invited public comment.

No one requested to speak.

**MILLER/LO MOVED TO APPROVE CITY MANAGER'S ANNUAL PERFORMANCE PAY INCREASE OF 2%, EFFECTIVE JULY 1, 2016.** 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)* – during the last meeting, the Board discussed the West Valley Community Services mobile pantry that will begin appearing at West Valley College and Westhope Church starting the week of September 12.

*West Valley Mayors and Managers* – Santa Clara County Supervisor Joe Simitian will be attending the next meeting as a guest speaker.

### Vice Mayor Emily Lo

*Hakone Foundation Board & Executive Committee* – the Centennial Gala will be held on September 18 and the master plan brochure will be distributed at the event. The Board is also planning to raise funds to produce a video on the hidden history of Hakone. The Board recently approved a retention schedule and Hakone Gardens was featured in *AAA Magazine* in September.

*Saratoga Chamber of Commerce & Destination Saratoga* – Blues and Brews will be on September 17.

*Santa Clara County Expressway Plan 2040 Policy Advisory Board* – the Board held its only meeting of the year in August and received reports on the projects within the plan, including funding opportunities and challenges.

*Silicon Valley Clean Energy Authority Board of Directors* – Vice Mayor Lo attended a Board workshop on power supply and procurement.

### Council Member Mary-Lynne Bernald

*Association of Bay Area Governments* – while there have been no meetings recently, ABAG is still working on the details of the merger with MTC, including employee unions and pensions.

*FAA Select Committee on South Bay Arrivals* – during the meeting on September 1, 2016, news was shared that the FAA is working towards flight plan adjustments that should help reduce noise experienced by residents of Saratoga and other neighboring communities. Meetings are planned for September, October, and November, which should be the Committee's last meeting.

*Public Art Ad Hoc* – *PLACE*, on loan from Saratoga Library, is scheduled for installation this week.

*Saratoga Sister City Organization* – As noted in the announcements, the group is planning a moon viewing at Hakone and the Taiko Drummers will perform at the parade.

*West Valley Solid Waste Management Joint Powers Authority* – during the meeting on September 1, the Board assessed liquidated damages due to missed pickups not picked up within 24 hours.

### Council Member Howard Miller

*Silicon Valley Clean Energy Authority Board of Directors* – the application for Silicon Valley Clean Energy is before the State and expected to be approved soon. Office space is still being

identified, job descriptions are being developed, and recruitment is underway in phases. The goal is to have all customers on 100% greenhouse gas emission free energy by the end of 2017. *VTA State Route 85 Corridor Policy Advisory Board* – MTC requires that cities adopt anti-displacement regulations to be eligible for One Bay Area Grant funds, which includes rent control and other policies. VTA has broadly interpreted the MTC requirements and determined Saratoga has met the minimum criteria for One Bay Area funding. However, MTC’s rules for the grant reflect the organization’s direction to treat Saratoga as part of a large region and has implications for housing, including RHNA allocations, and may make it harder to maintain the independent vision of the future of Saratoga.

Council Member Rishi Kumar

No report

## **CITY COUNCIL ITEMS**

Council Member Bernald requested a post on Nextdoor about solicitor requirements.

Council Member Bernald also requested a newsletter article or informational memo on conditional use permits.

Council Member Miller requested a City Council agenda item on private security cameras on the public right of way through encroachment permits, including legal parameters and what the City would need to do to allow these private security cameras via encroachment permit.

Council Member Kumar supported the request.

## **CITY MANAGER'S REPORT**

None

## **ADJOURNMENT**

MILLER/BERNALD MOVED TO ADJOURN 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/Asst. to City Manager  
City of Saratoga