

MINUTES
WEDNESDAY, SEPTEMBER 21, 2016
SARATOGA CITY COUNCIL REGULAR MEETING

At 4:30 p.m., Mayor Cappello called to order a Study Session on the Arrowhead Community Facilities District in the Administrative Conference Room at 13777 Fruitvale Avenue.

The Council received a report on changed circumstances since the project's inception including San Jose Water Company's inability to provide indemnification to the City. The City Council directed staff to bring the matter forward when the relevant documents are ready for consideration by the Council.

At 5:00 p.m., Mayor Cappello called to order the Joint Meeting with the Youth Commission in the Administrative Conference Room at 13777 Fruitvale Avenue, Saratoga.

At 6:00 p.m., Mayor Cappello called to order the Joint Meeting with the Saratoga Area Senior Coordinating Council (SASCC) in the Administrative Conference Room at 13777 Fruitvale Avenue, Saratoga.

At 7:02 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/Asst. to City Manager
John Cherbone, Public Works Director
Michael Taylor, Recreation & Facilities Director
Mary Furey, Administrative Services Director
Leo Salindong, IT Administrator

REPORT ON POSTING OF AGENDA

City Clerk Crystal Bothelio reported that the agenda for this meeting was posted on September 16, 2016.

ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS

Chair Shefali Vijay and Vice Chair Sathvik Kaliyur of the Youth Commission gave an overview of their Joint Meeting with the City Council. The Youth Commission plans include activities that encourage youth involvement and improving outreach to schools about their planned events.

Tylor Taylor, SASCC Executive Director, gave an overview of the SASCC Joint Meeting with the City Council. He discussed the City's and SASCC's efforts to become an age-friendly community and thanked the City Council for the grant that allowed an age-friendly assessment of the City.

Cheriel Jensen spoke on fluoride in water.

Bob Lans spoke on concerns about security in the community.

Chuck Page, former Mayor, spoke on the Williamson Act Resolution that the Council passed at the September 7, 2016 Council meeting.

Council Member Miller and Council Member Bernald requested a City Council newsletter item or memo on the basics of the Williamson Act.

ANNOUNCEMENTS

Council Member Kumar spoke about an article in the San Jose Mercury News about toxic algae in water. He also reported that at the October 19 Council meeting, the City attorney will have a report on how water rates are decided. Council Member Kumar also announced the October 19 Neighborhood Watch Joint Meeting with the City Council. In addition, the Fall semester of the Debate Academy is opening on September 25 and open every Sunday.

Council Member Miller and Council Member Bernald had no announcements.

Vice Mayor Lo announced that the Saratoga Library has a new program, Adult Social Hours at 10:30 a.m. every Wednesday.

Mayor Cappello announced the Neighborhood Watch Joint meeting on October 19 at 5:30 p.m. in the Senior Center. This meeting is for those interested in establishing a Neighborhood Watch in their area. He also announced that the City is currently recruiting commissioners for the Traffic Safety Commission and the Heritage Preservation Commission with more information available on the City's website.

CEREMONIAL ITEMS

Appointment of Parks and Recreation and Library Commissioners and Oath of Office

Recommended Action:

Approve the attached resolution appointing 1 member to the Parks and Recreation

Commission and 2 members to the Library Commission; and direct the City Clerk to administer the Oath of Office.

RESOLUTION 16-055

MILLER/BERNALD MOVED TO **APPROVE THE APPOINTMENT OF 1 MEMBER OF THE PARKS AND RECREATION COMMISSION AND 2 MEMBERS OF 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.

City Clerk Crystal Bothelio administered the Oath of Office to the Parks and Recreation Commissioner and the 2 Library Commissioners.

1. CONSENT CALENDAR

1.1. City Council Meeting Minutes

Recommended Action:

Approve the City Council minutes for the Regular City Council Meeting on September 7, 2016.

MILLER/LO MOVED TO **APPROVE THE CITY COUNCIL MINUTES FOR THE REGULAR CITY COUNCIL MEETING ON SEPTEMBER 7, 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: 9/6/2016 Period 3 and 9/13/2016 Period 3.

MILLER/LO MOVED TO **ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 9/6/2016 PERIOD 3 AND 9/13/2016 PERIOD 3.** MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.3. Highway 9 Improvements Phase IV - Construction Bids Rejection

Recommended Action:

Reject all bids for Highway 9 Improvements Phase IV.

MILLER/LO MOVED TO **REJECT ALL BIDS FOR HIGHWAY 9 IMPROVEMENTS PHASE IV.** MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.4. Third Amendment to the Santa Clara Valley Urban Runoff Pollution Prevention Program Agreement

Recommended Action:

Authorize the City Manager to sign a Third Amendment to the Memorandum of Agreement (MOA).

MILLER/LO MOVED TO **AUTHORIZE THE CITY MANAGER TO SIGN A THIRD AMENDMENT TO THE MEMORANDUM OF AGREEMENT (MOA).** MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.5. Commission Handbook Update

Recommended Action:

Approve the updated Commission Handbook and authorize staff to update the handbook as needed in the future.

Council Member Miller removed this item to discuss the recommended action for the handbook.

MILLER/KUMAR MOVED TO **APPROVE THE UPDATED COMMISSION HANDBOOK AND AUTHORIZE STAFF TO MAKE INTERIM UPDATES AS NEEDED IN THE FUTURE, AND TO BRING THE COMMISSION AND CITY COUNCIL HANDBOOKS TO CITY COUNCIL FOR APPROVAL AFTER CITY COUNCIL ELECTIONS.** 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. Award of Contract for Website Design, Hosting, and Maintenance

Recommended Action:

Authorize the City Manager to execute the agreement with CivicPlus for website and intranet design, hosting, and maintenance in an amount not to exceed \$83,547 for a term of 4 years.

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

Mayor Cappello invited public comment on the item.

No one requested to speak.

MILLER/KUMAR MOVED TO **AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT WITH CIVICPLUS FOR WEBSITE AND INTRANET DESIGN, HOSTING, AND MAINTENANCE IN AN AMOUNT NOT TO EXCEED \$83,547 FOR A TERM OF 4 YEARS.** MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

4.2. Public Safety Initiative Work Plan

Recommended Action:

Approve the proposed work plan to implement the Public Safety Initiative.

City Manager James Lindsay provided a staff report.

Mayor Cappello invited public comment on the item.

No one requested to speak.

MILLER/LO MOVED TO **APPROVE THE PROPOSED WORK PLAN TO IMPLEMENT THE PUBLIC SAFETY INITIATIVE.**

Council Member Miller asked to amend the motion by asking the Finance Committee to provide a recommendation to the City Council on a Neighborhood Watch Grant program.

MILLER/LO MOVED TO **APPROVE THE PROPOSED WORK PLAN TO IMPLEMENT THE PUBLIC SAFETY INITIATIVE AND TO ASK THE FINANCE COMMITTEE TO PROVIDE A RECOMMENDATION TO THE CITY COUNCIL ON A NEIGHBORHOOD WATCH GRANT PROGRAM.** MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

4.3. Sport User Field Rental Budget Adjustment

Recommended Action:

Approve the attached Budget Adjustment Resolution to amend the Fiscal Year 2016/17 Operating Budget to increase expenditure funding by \$70,770 for prior year sport user field rental fees.

Recreation & Facilities Director Michael Taylor provided a staff report.

Mayor Cappello invited public comment on the item.

No one requested to speak.

BERNALD/MILLER MOVED TO **APPROVE THE ATTACHED BUDGET ADJUSTMENT RESOLUTION TO AMEND THE FISCAL YEAR 2016/17 OPERATING BUDGET TO INCREASE EXPENDITURE FUNDING BY \$70,770 FOR PRIOR YEAR SPORT USER FIELD RENTAL FEES.** MOTION PASSED.

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

4.4. Budget Adjustment to Authorize and Fund the New Bainter Avenue Retaining Wall CIP

Recommended Action:

1. Adopt resolution authorizing the Bainter Avenue Retaining Wall Capital Improvement Project (9153-004) and transferring funds from the Hillside Stability Reserve to FY 2016/17 Capital Improvement Budget in the amount of \$210,000 to fund the project.
2. Approve design contract with Cotton, Shires and Associates, Inc. for the same project in the amount of \$29,500 and authorize staff to approve change orders up to \$3,000.

Public Works Director John Cherbone provided a staff report.

Mayor Cappello invited public comment on the item.

No one requested to speak.

RESOLUTION 16-056

BERNALD/MILLER MOVED TO 1. ADOPT RESOLUTION AUTHORIZING THE BAINTE AVENUE RETAINING WALL CAPITAL IMPROVEMENT PROJECT (9153-004) AND TRANSFERRING FUNDS FROM THE HILLSIDE STABILITY RESERVE TO FY 2016/17 CAPITAL IMPROVEMENT BUDGET IN THE AMOUNT OF \$210,000 TO FUND THE PROJECT.

2. APPROVE DESIGN CONTRACT WITH COTTON, SHIRES AND ASSOCIATES, INC. FOR THE SAME PROJECT IN THE AMOUNT OF \$29,500 AND AUTHORIZE STAFF TO APPROVE CHANGE ORDERS UP TO \$3,000.

3. RESTORE FULL FUNDING IN HILLSIDE RESERVE IN FY 2017/18 BUDGET.

4. DIRECT FINANCE COMMITTEE TO EVALUATE HILLSIDE RESERVE AMOUNT. MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

4.5. League of California Cities Annual Conference Resolution

Recommended Action:

Provide input to the City's voting delegate (Vice Mayor Emily Lo) and the alternate delegates (Council Members Bernald and Kumar) on the resolution to be considered at the League of California Cities Annual Conference.

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

City Council discussed the resolution to be considered at the League of California Cities Annual Conference.

CITY COUNCIL ASSIGNMENT REPORTS

Mayor Manny Cappello

Saratoga Area Senior Coordinating Council (SASCC)-the Board discussed the results of the Age Friendly Assessment survey.

West Valley Mayors and Managers –Santa Clara County Supervisor Joe Simitian attended and spoke on transportation, housing, seniors, and what the County is doing in each area. Also discussed were bee-keeping regulations at the request of Monte Sereno.

Vice Mayor Emily Lo

Hakone Foundation Board & Executive Committee- the Hakone Centennial Gala was September 18, it was well attended and an enjoyable evening.

Public Art Ad Hoc- the PLACE art from Montalvo has been moved to the Saratoga Library. The ribbon cutting will be October 27 at 4:45 p.m. and everyone is welcome to attend.

On September 22, Vice Mayor Lo is attending a Santa Clara County All-Hazards Emergency Training Workshop.

Council Member Mary-Lynne Bernald

Association of Bay Area Governments-attended the Santa Clara County ABAG delegate meeting. ABAG Director Erza Rappaport has submitted retirement paperwork. There was discussion on how to allocate RHNA numbers, on transportation, and the merger with MTC. The deadline for comments on the ONE PLAN BAY AREA is October 14.

Cities Association of Santa Clara County-Selection Committee –the Committee reviewed six propositions that are on the November ballot. The Committee supported Propositions 54, 63, and 67. They had no position on Proposition 64 and opposed Proposition 65.

Saratoga Historical Foundation- attended the Mid-Autumn Festival. The museum did a lovely job on the festival.

Saratoga Sister City Organization-attended the Sister City New Moon viewing.

KSAR Community Access TV Board –attended this meeting on behalf of Vice Mayor Lo. At the meeting they reviewed the reformatted treasurer's report and changed the meeting schedule to every other month. The Board missed having Jill Hunter at the meeting and wished her a speedy recovery.

Council Member Bernald had a meeting with Supervisor Simitian to discuss options on the *FAA Select Committee on South Bay Arrivals* and to also discuss the Hakone Foundation Board. The result is that there will be a dedicated staff member from the Supervisor's Office for Hakone Estate and Gardens.

Council Member Howard Miller

Council Finance Committee – the yearly audit of the City's finances is starting soon.

Silicon Valley Clean Energy Authority Board of Directors- the board was giving final direction on leasing space for an office. The hearing and decision by the Public Utilities Commission (PUC) on approval to begin process should be very soon.

Valley Transportation Authority (VTA) Policy Advisory Committee- was supposed to be having a workshop this upcoming Friday on fare recovery for bus lines, but it has been postponed. A

report has come out that to achieve fare recovery, the VTA must reduce lower ridership bus lines.

VTA State Route 85 Corridor Policy Advisory Board- the Board took July and August off. They will be meeting next week.

Council Member Rishi Kumar

Santa Clara Valley Water District Commission- he talked with San Jose Water to discuss toxic algae rampant in California water system. Both San Jose Water and Santa Clara Valley Water District have many quality checks to make sure our water is not affected.

Saratoga Ministerial Association – is meeting next Wednesday.

Council Member Kumar is attending the Silicon Valley Leadership Group's meeting, Game Changers, tomorrow. Topics will include transportation and disruptive technology.

CITY COUNCIL ITEMS

Council Member Kumar brought up the officer involved shooting on Titus Avenue.

CITY MANAGER'S REPORT

City Manager James Lindsay thanked the 60th Anniversary Parade resident group for their fantastic job on last week's parade.

Council Member Miller suggested we bring the volunteers to a Council meeting to honor them.

Mayor Cappello agreed and will work with staff for a date.

ADJOURNMENT

BERNALD/LO MOVED TO **ADJOURN AT 9:16 P.M.** MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

Minutes respectfully submitted:



Debbie Bretschneider, Deputy City Clerk
City of Saratoga