



SARATOGA CITY COUNCIL REGULAR MEETING

DECEMBER 07, 2016

5:00 P.M. CLOSED SESSION

Administrative Conference Room, City Hall | 13777 Fruitvale Avenue, Saratoga, CA 95070

ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS

Any member of the public may address the City Council for up to three (3) minutes on matters not on the Agenda. The law generally prohibits the City Council from discussing or taking action on such items. However, the Council may instruct staff accordingly.

CLOSED SESSION AGENDA ITEMS:

CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION

(Government Code Section 54956.9(d)(1))

Kleine v. City of Saratoga et al. (Santa Clara County Superior Court Case No. 16CV290718)

CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION

(Government Code Section 54956.9(d)(1))

Saratoga et al. v. California Department of Transportation (Santa Clara County Superior Court Case No. 115CV281214)

6:00 P.M. JOINT MEETING

Administrative Conference Room, City Hall | 13777 Fruitvale Avenue, Saratoga, CA 95070

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AGENDA ITEMS:

Joint Meeting with the Assembly Member Evan Low

[Joint Meeting - Assembly Member Low](#)

7:00 P.M. REGULAR SESSION

Civic Theater, Council Chambers | 13777 Fruitvale Avenue, Saratoga, CA 95070

PLEDGE OF ALLEGIANCE

ROLL CALL

REPORT ON POSTING OF THE AGENDA

The agenda for this meeting was posted on December 1, 2016.

REPORT FROM CLOSED SESSION

REPORT FROM JOINT MEETING

ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS

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CITY COUNCIL ANNOUNCEMENTS

CEREMONIAL ITEMS

Appointment of Traffic Safety and Heritage Preservation Commissioners and Oath of Office

Recommended Action:

Approve the attached resolution appointing 1 member to the Traffic Safety Commission and 2 members to the Heritage Preservation Commission; and direct the City Clerk to administer the Oath of Office.

[Staff Report](#)

[Attachment A – Resolution of Appointment](#)

[Attachment B: Oath of Office](#)

SPECIAL PRESENTATIONS

Silicon Valley Clean Energy Authority Status Update

Recommended Action:

Receive presentation from Silicon Valley Clean Energy Authority to provide Saratoga with a status update on the JPA's implementation and launch plans.

[Habashi Presentation](#)

1. CONSENT CALENDAR

The Consent Calendar contains items of routine business. Items in this section will be acted on in one motion, unless removed by the Mayor or a Council Member. Any member of the public may speak on an item on the Consent Calendar at this time, or request that the Mayor remove an item from the Consent Calendar for discussion. Public Speakers are limited to three (3) minutes.

1.1. City Council Meeting Minutes

Recommended Action:

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

[Staff Report](#)

[Attachment A – Minutes for the Regular City Council Meeting on November 16, 2016](#)

1.2. Review of Accounts Payable Check Registers

Recommended Action:

Review and accept check registers for the following accounts payable payment cycles: 11/15/2016 Period 5; 11/22/2016 Period 5; and 11/29/2016 Period 5.

[Staff Report](#)

[Check Register - 11-15-2016 Period 5](#)

[Check Register - 11-22-2016 Period 5](#)

[Check Register - 11-29-2016 Period 5](#)

1.3. Treasurer's Report for the Month Ended October 31, 2016

Recommended Action:

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

[Treasurer Report for October 31](#)

[Supplemental Attachment](#)

1.4. Subordination Agreement for Silicon Valley Clean Energy Authority Financing

Recommended Action:

Authorize the City Manager to execute a subordination agreement with River City Bank in conjunction with the Credit Agreement to provide financing for the Silicon Valley Clean Energy Authority.

[Staff Report: SVCEA](#)

[Attachment A: Subordination Agreement](#)

1.5. Resolution Updating the City's Records Retention Schedule

Recommended Action:

Adopt the resolution updating the City's Records Retention Schedule.

[Staff Report](#)

[Attachment A: Resolution](#)

[Attachment B: Draft 2016 Records Retention Schedule](#)

2. PUBLIC HEARING

Items placed under this section of the Agenda are those defined by law as requiring a special notice and/or a public hearing or those called by the City Council on its own volition. During Public Hearings for appeals, Applicants/Appellants and/or their representatives have a total of ten (10) minutes maximum for opening statements. Members of the public may comment on any item for up to three (3) minutes. The amount of time for public comment may be reduced by the Mayor or by action of the City Council. After public comment, the Applicant/Appellants and/or their representatives have a total of five (5) minutes maximum for closing statements. Items requested for continuance are subject to the City Council's approval at the Council Meeting.

2.1. APPC16-0001 - Appeal of Design Review Approval for a new two-story residence at 14011 June Way

Recommended Action:

Conduct a public hearing and adopt a resolution denying the appeal.

[Staff Report](#)

[Att 1- Appeal and Letters on appeal](#)

[Att 2 - Resolution 14011 June Way Appeal](#)

[Att 3 - Planning Commission Approved Plans](#)

[Att 4 - Planning Commission Staff Report and Attachments](#)

[Att 5: Planning Commission Minutes](#)

[Supplemental Attachment](#)

[Supplemental Attachment - Written Communications](#)

2.2. City Code Amendments to conform Second (Accessory) Dwelling Unit regulations with recently enacted State Laws

Recommended Action:

1. Conduct a public hearing.

2. Introduce and waive the first reading of the ordinance.

3. Direct staff to place the ordinance on the Consent Calendar for adoption at the next regular meeting of the City Council.

[Staff Report - \(2nd Unit\)](#)

[Ordinance](#)

[PC Staff Report-2nd Unit Ord Amend 11-9-2016 Attachment 2](#)

[Carshare Pic](#)

[VTA Map](#)

2.3. Proposed Urgency Interim Ordinance Extending a Temporary Moratorium on the Outdoor Cultivation of Marijuana

Recommended Action:

After holding a public hearing and considering public testimony, staff recommends that the City Council (1) issue the Written Report for Ordinance No. 343 describing the measures the City is taking to alleviate the condition that led to the adoption of the ordinance (attached as Attachment A to this staff report) and (2) adopt an urgency interim ordinance extending an existing prohibition on the outdoor cultivation of marijuana in the City of Saratoga for a period of 22 months and 15 days to October 22, 2018 and directing preparation of a report addressing the public health, safety, and welfare issues identified in the ordinance (attached as Attachment C to this staff report).

[Staff Report](#)

[Attachment A](#)

[Attachment B: Nov. 2, 2016 Staff report](#)
[Attachment C: Marijuana Cultivation Ordinance](#)
[Supplemental Attachments - Written Communications](#)

2.4. Formation of Arrowhead Community Facilities District

Recommended Action:

Open the public hearing and receive public testimony on formation of the Arrowhead Community Facilities District (No. 16-1); and continue the public hearing to the December 21, 2016 City Council Meeting.

[Staff Report](#)

[Attachment A – Resolution of Formation for the Arrowhead CFD](#)

[Attachment B – Resolution Determining the Necessity to Incur Bond Indebtedness.](#)

[Attachment C – Resolution Calling for a Special Election in the Arrowhead CFD](#)

[Attachment D – Special Tax Report](#)

3. **OLD BUSINESS**

None

4. **NEW BUSINESS**

4.1. Silicon Valley Clean Energy Authority Renewable Energy Options

Recommended Action:

Provide direction on Council's preferred renewable energy supply option for the City's renewable energy services accounts, once the Silicon Valley Clean Energy Authority's 100% carbon free electricity services become available.

[City's Renewable Energy Option](#)

4.2. Highway 9 Improvements Phase IV - Construction Contract Award and Cooperative Agreement Approval

Recommended Action:

1. Move to declare GradeTech, Inc. of San Ramon to be the lowest responsible bidder on the project and award a construction contract to this company in the amount of \$730,827.00

2. Move to authorize staff to execute change orders to the contract for alternate bid items and for unforeseen circumstances up to \$146,000.

3. Adopt a resolution authorizing the City Manager to execute a Cooperative Agreement between the City of Saratoga and the City of Monte Sereno for the Highway 9 Safety Improvement Project Phase IV.

[Staff Report](#)

[Attachment A - Bid Results](#)

[Attachment B - Construction Contract](#)

[Attachment C - Resolution](#)

[Attachment D - Cooperative Agreement](#)

4.3. Discussion of Minimum Wage Ordinance

Recommended Action:

Receive report and direct staff accordingly.

[Staff Report](#)

[Attachment A – Cities Association of Santa Clara County Minimum Wage Model Ordinance](#)

[Attachment B – Matrix of City Actions Related to the Cities Association Minimum Wage Recommendation \(Updated Nov. 14, 2016\)](#)
[Attachment C – Santa Clara County Minimum Wage Study](#)
[Attachment D – Senate Bill 3](#)
[Supplemental Attachment - Written Communications](#)

4.4. Use of Public Right of Way for Private Surveillance Cameras

Recommended Action:

Accept staff report and provide direction to staff

[Staff Report](#)

4.5. Review of City Council Assignments

Recommended Action:

Review the list of City Council assignments and provide direction on changes to items included in the assignments.

[Staff Report](#)

[Attachment A – City Council Assignment Descriptions](#)

[Attachment B – Current City Council Assignments](#)

CITY COUNCIL ASSIGNMENT REPORTS

Mayor Manny Cappello

Cities Association of Santa Clara County

Council Finance Committee

Santa Clara County Housing and Community Development (HCD) Council Committee

Saratoga Area Senior Coordinating Council (SASCC)

West Valley Mayors and Managers

West Valley Sanitation District

Vice Mayor Emily Lo

Hakone Foundation Board & Executive Committee

KSAR Community Access TV Board

Public Art Adhoc

Saratoga Chamber of Commerce & Destination Saratoga

Santa Clara County Library Joint Powers Authority

Santa Clara County Expressway Plan 2040 Policy Advisory Board

Council Member Mary-Lynne Bernald

Association of Bay Area Governments

Cities Association of Santa Clara County-Legislative Action Committee

Cities Association of Santa Clara County-Selection Committee

FAA Select Committee on South Bay Arrivals

Hakone Foundation Board

Public Art Adhoc

Saratoga Historical Foundation

Saratoga Sister City Organization

West Valley Solid Waste Management Joint Powers Authority

Council Member Howard Miller

Council Finance Committee

Silicon Valley Clean Energy Authority Board of Directors
Valley Transportation Authority (VTA) Policy Advisory Committee
VTA State Route 85 Corridor Policy Advisory Board
VTA Board West Valley Cities Alternate

Council Member Rishi Kumar
Santa Clara Valley Water District Commission
Saratoga Ministerial Association

CITY COUNCIL ITEMS

CITY MANAGER'S REPORT

ADJOURNMENT

Certificate of Posting of the Agenda, Distribution of Agenda Packet, & Compliance with Americans with Disabilities Act

I, Debbie Bretschneider, Deputy City Clerk for the City of Saratoga, declare that the foregoing agenda for the meeting of the City Council was posted and available for review on December 1, 2016 at the City of Saratoga, 13777 Fruitvale Avenue, Saratoga, CA 95070 and on the City's website at www.saratoga.ca.us.

Signed this 1st day of December 2016 at Saratoga, California.

Debbie Bretschneider, Deputy City Clerk

In accordance with the Ralph M. Brown Act, copies of the staff reports and other materials provided to the City Council by City staff in connection with this agenda are available at the office of the City Clerk at 13777 Fruitvale Avenue, Saratoga, CA 95070. Note that copies of materials distributed to the City Council concurrently with the posting of the agenda are also available on the City Website at www.saratoga.ca.us. Any materials distributed by staff after the posting of the agenda are made available for public review at the office of the City Clerk at the time they are distributed to the City Council. These materials are also posted on the City website.

In Compliance with the Americans with Disabilities Act, if you need assistance to participate in this meeting, please contact the City Clerk at 408/868-1269. Notification 24 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 5.102-35.104 ADA title II]

To view current or previous City Council Meeting videos, visit www.saratoga.ca.us/council



CITY OF SARATOGA CITY COUNCIL JOINT MEETING CALENDAR 2016

12/07	Regular Meeting – Joint Meeting with Representative Low
12/15	Reorganization at 7 p.m.
12/21	Regular Meeting – Joint meeting with San Jose Animal Control

Unless otherwise stated, Joint Meetings and Study Sessions begin at 6:00 p.m. in the Administrative Conference Room at Saratoga City Hall at 13777 Fruitvale Avenue.