

**MINUTES**  
**WEDNESDAY, OCTOBER 19, 2016**  
**SARATOGA CITY COUNCIL REGULAR MEETING**

At 5:00 p.m., the City Council held a Joint Meeting with the Saratoga Historical Foundation in the Joan Pisani Community Center, Patio Room. The Foundation shared information about recent accomplishments, current projects, and plans for the future.

At 5:30 p.m., the City Council held a Joint Meeting with Saratoga Neighborhood Watch Groups in the Senior Center, Saunders Room. Representatives from the Sheriff's Office provided an overview of Neighborhood Watch, residents Brian Berg and Rebecca Jepsen shared success stories from their neighborhoods, and then the Sheriff's Office provided property crime prevention tips.

At 7:06 p.m., Mayor Manny 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  
Sung Kwon, Senior Planner  
Debbie Bretschneider, Deputy City Clerk

**REPORT OF CITY CLERK ON POSTING OF AGENDA**

Crystal Bothelio, City Clerk/Asst. to the City Manager, reported that the agenda for this meeting was properly posted on October 14, 2016.

**REPORT FROM JOINT MEETING**

Annette Stransky, Saratoga Historical Foundation President, provided an overview of the City Council's Joint Meeting with the Historical Foundation.

Mayor Cappello summarized the Council's Neighborhood Watch Joint Meeting.

**ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS**

A group of students spoke in favor of efforts to protect honey bees and local hives through bee conservation screens.

Laurel Perusa announced the Village Scarecrow project and thanked Leslie Butlar of the Barn Owl for her coordination.

Mary Ann Serpa spoke in opposition of the Tree Lighting date change.

Tina Hubbard thanked Council Member Kumar for his efforts related to Neighborhood Watch.

An unidentified speaker also thanked Council Member Kumar for his efforts related to Neighborhood Watch.

Isha and Rohan Mehrotra spoke about their efforts to work with Council Member Kumar to support the development of Neighborhood Watch groups.

Larry Roben spoke about his Neighborhood Watch group and support provided by Isha and Rohan Mehrotra, as well as Council Member Kumar, in the development of the group.

Sue Mallory spoke in opposition of the change of date for the Tree Lighting Ceremony.

Jack Mallory read a statement on behalf of Jill Hunter in opposition of the change of date for the Tree Lighting Ceremony.

## **ANNOUNCEMENTS**

Council Member Kumar shared that the Tree Lighting will be held at 5:30 p.m. on Saturday, November 26 instead of Friday, November 25. Witchy Walk-a-Bout will take place on October 29, 2016 from 2:00 p.m. to 4:00 p.m. in the Village. He also advised residents to stay alert during festival season.

Council Member Miller announced the Turkey Trot on Thanksgiving Day morning.

Council Member Bernald provided information about Showcase India hosted by the Saratoga Historical Foundation on October 23, the Foundation's holiday exhibit, and the results of the Foundation's recent estate sales.

Mayor Cappello announced Pizza and Politics on October 20.

## **CEREMONIAL ITEMS**

Commendation Declaring October 16-22, 2016 as Friends of Libraries Week

**Recommended Action:**

Present the commendation declaring October 16-22, 2016 as Friends of Libraries Week to the Friends of the Saratoga Libraries.

Mayor Cappello and the City Council presented the proclamation to representatives of the Friends.

Commendations Honoring Organizers of 60th Saratoga Hometown Parade

**Recommended Action:**

Present the Commendations to the organizers of the 60th Saratoga Hometown Parade.

Mayor Cappello and the City Council presented the commendation to the parade organizers.

The City Council then agreed to proceed to item 4.1.

## 1. CONSENT CALENDAR

### 1.1. City Council Meeting Minutes

#### **Recommended Action:**

Approve the City Council minutes for the Regular City Council Meeting on October 5, 2016.

MILLER/BERNALD MOVED TO **APPROVE THE CITY COUNCIL MINUTES FOR THE REGULAR CITY COUNCIL MEETING ON OCTOBER 5, 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: 10/04/2016 Period 4; and 10/11/2016 Period 4.

MILLER/BERNALD MOVED TO **ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 10/04/2016 PERIOD 4; AND 10/11/2016 PERIOD 4.** MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

### 1.3. Second Reading Of An Ordinance Amending The Saratoga City Code Regarding Code Enforcement Related Regulations Contained In Articles 15-12 And 15-30 (Storage Of Personal Property, Materials And Signs); Article 9-60 (Bicycles Licenses); And Chapter 3 (Provisions For Various Enforcement Procedures), And Adoption Of Resolution Establishing Bail And Parking Fine Schedules

#### **Recommended Action:**

Waive the second reading and adopt the attached ordinance revising City Code Articles 15-12 and 15-30 (Storage of Personal Property, Materials and Signs); Article 9-60 (Bicycles Licenses); and Chapter 3 (Provisions for Various Enforcement Procedures), and adopt resolution establishing Bail and Parking Fine Schedules

#### **RESOLUTION NO. 16-058**

#### **ORDINANCE NO. 342**

MILLER/BERNALD MOVED TO **ADOPT THE ORDINANCE REVISING CITY CODE ARTICLES 15-12 AND 15-30 (STORAGE OF PERSONAL PROPERTY, MATERIALS AND SIGNS), ARTICLE 9-60 (BICYCLES LICENSES), AND CHAPTER 3 (PROVISIONS FOR VARIOUS ENFORCEMENT PROCEDURES); AND ADOPT RESOLUTION ESTABLISHING BAIL AND PARKING FINE SCHEDULES.** MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

### 1.4. Weed Abatement Program Agreement Amendment

#### **Recommended Action:**

Authorize the City Manager to execute the 7th amendment to the agreement with the County of Santa Clara for the Weed Abatement Program.

MILLER/BERNALD MOVED TO **AUTHORIZE THE CITY MANAGER TO EXECUTE THE 7TH AMENDMENT TO THE AGREEMENT WITH THE COUNTY OF SANTA CLARA FOR THE WEED ABATEMENT PROGRAM.** MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

## 2. PUBLIC HEARING

2.1. Locking Mailbox Ordinance

**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.

Sung Kwon, Senior Planner, presented the staff report.

Mayor Cappello invited public comment on the item.

No one requested to speak.

MILLER/KUMAR MOVED TO **INTRODUCE AND WAIVE THE FIRST READING OF THE ORDINANCE; AND DIRECT STAFF TO PLACE THE ORDINANCE ON THE CONSENT CALENDAR FOR ADOPTION AT THE NOVEMBER 16, 2016 MEETING OF THE CITY COUNCIL.** MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

## 3. OLD BUSINESS

None

## 4. NEW BUSINESS

4.1. San Jose Water Company Review Procedures and City Authority to Regulate

**Recommended Action:**

Accept report and provide direction to staff.

City Attorney Richard Taylor presented the staff report.

Mayor Cappello invited public comment on the item.

The following people requested to speak:

Bill Boller

Mary Robertson

Mary Jo Townzen

Lainey Richardson

Milt Wherman

Cathy Gardner

Kathy Cleary

Sandy Fortin

Virginia Hoerger

Rita Benton

Richard Matterh

Dede Smullen

Lynn Weber

Raymond Azzi

Robert McDonald

Roshan

Unidentified speaker

Kharese

No one else requested to speak.

**MILLER/BERNALD MOVED TO: 1) REACH OUT TO REGIONAL PARTNERS, INCLUDING THE WEST VALLEY MAYORS AND MANAGERS ASSOCIATION, CITIES ASSOCIATION OF SANTA CLARA COUNTY, SANTA CLARA VALLEY WATER DISTRICT WATER COMMISSION, AND STAFF IN OTHER CITIES IN THE COUNTY TO DETERMINE WHERE THERE ARE COMMON CONCERNS; 2) REACH OUT TO STATE LEGISLATORS TO DISCUSS WATER ISSUES; 3) ENGAGE THE SANTA CLARA VALLEY WATER DISTRICT THROUGH THE BOARD MEMBER REPRESENTING SARATOGA AND OTHER BOARD MEMBERS; 4) DIRECT STAFF TO DETERMINE IF CONSULTANT SERVICES ARE AVAILABLE TO ANALYZE RATES AND SERVE AS AN ADVOCATE FOR SARATOGA ON WATER RATES; 5) IF THERE IS REGIONAL CONCERN RELATED TO WATER RATES, SEE IF OTHER AGENCIES ARE WILLING TO PARTNER WITH THE CITY TO ENGAGE A RATE ANALYST OR LOOK INTO OPPORTUNITIES TO MODIFY RATES OR THE WAY IN WHICH THE CPUC REGULATES WATER, GAS, ELECTRICITY, AND OTHER UTILITIES; AND, 6) ASK SAN JOSE WATER COMPANY TO PROVIDE GREATER CLARITY REGARDING BILLING TO HELP RESIDENTS UNDERSTAND EACH LINE ITEM ON THEIR BILLS THROUGH A FACT SHEET, MEETINGS WITH SMALL GROUPS OF CITIZENS, OR OTHER MEANS. MOTION PASSED. AYES:**

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

The City Council took a short break and then proceeded to the Consent Calendar.

#### 4.2. Neighborhood Watch Annual Grant Program

**Recommended Action:**

Approve Neighborhood Watch Annual Grant and authorize allocation of \$15,000 from the City Council Discretionary Fund in the Fiscal Year 2016/17 Budget to the new grant program.

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

Mayor Cappello invited public comment on the item.

No one requested to speak.

**KUMAR/LO MOVED TO APPROVE NEIGHBORHOOD WATCH ANNUAL GRANT WITH A MAXIMUM INDIVIDUAL GRANT AMOUNT OF \$300 AND AUTHORIZE ALLOCATION OF \$15,000 FROM THE CITY COUNCIL DISCRETIONARY FUND IN THE FISCAL YEAR 2016/17 BUDGET TO THE NEW GRANT PROGRAM.** MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

#### 4.3. Quarterly Communications Report

**Recommended Action:**

Provide direction on 2016 winter communication efforts, including the Saratogan, online survey topics, and City Video program; and receive progress report on 2016 summer and fall communications activities.

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

**LO/BERNALD MOVED TO ACCEPT THE PROPOSED 2016 WINTER COMMUNICATIONS PLAN AND DIRECTED STAFF TO INCLUDE A VIDEO ON HERITAGE TREES IN VIDEO PROGRAM PRIORITIES.** MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

#### 4.4. Authorize the City Manager to Engage Professional Services for Building Inspection Services and adopt Budget Adjustment

**Recommended Action:**

Adopt a resolution authorizing the City Manager to enter into a professional services agreement with 4LEAF, Inc. for professional building inspection services and authorize a supplemental budget allocation of \$100,000 in the FY2016/17 Community Development Department budget for contract inspection services.

Erwin Ordoñez, Community Development Director, presented the staff report.

Mayor Cappello invited public comment on the item.

No one requested to speak.

## **RESOLUTION NO. 16-059**

**KUMAR/BERNALD MOVED TO ADOPT A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH 4LEAF, INC. FOR PROFESSIONAL BUILDING INSPECTION SERVICES AND AUTHORIZE A SUPPLEMENTAL BUDGET ALLOCATION OF \$100,000 IN THE FY2016/17 COMMUNITY DEVELOPMENT DEPARTMENT BUDGET FOR CONTRACT INSPECTION SERVICES.** MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

The City Council then proceeded to Announcements.

## **CITY COUNCIL ASSIGNMENT REPORTS**

### Mayor Manny Cappello

*Cities Association of Santa Clara County* – the officers for 2017 were announced. Mayor Cappello was selected to serve as 2<sup>nd</sup> Vice President. The group also received a presentation from the Santa Clara County Public Health Department, which is seeking input on the new approach to evaluating the efforts of cities to promote healthy living.

*West Valley Mayors and Managers* – the group agreed to submit a joint letter regarding water rates and will finalize the letter at the next meeting. Additionally, statements of interest in serving on the VTA Board of Directors are due October 28.

### Vice Mayor Emily Lo

*Santa Clara County Library Joint Powers Authority* – the Finance Committee for the Library Joint Powers Authority met to discuss the funding formula, which will go before the Board on October 27.

### Council Member Mary-Lynne Bernald

*Association of Bay Area Governments* – there will be a special meeting on October 20.

*FAA Select Committee on South Bay Arrivals* – recent meetings have been going well and one of the last meetings will take place on October 27 from 1:00 p.m. to 4:00 p.m. in Palo Alto.

*Public Art Ad Hoc* – the City and Montalvo Arts Center will be celebrating the installation of PLACE at Saratoga Library on October 27 at 4:45 p.m.

*West Valley Solid Waste Management Joint Powers Authority* – due to complaints regarding missed pickups and service, Council Member Bernald will be meeting with West Valley Collection and Recycling on October 24.

### Council Member Howard Miller

*Council Finance Committee* – the Committee is currently working on the debt management policy.

*Valley Transportation Authority (VTA) Policy Advisory Committee* – VTA is currently undergoing a strategic planning process and working on the organization's mission and goals. The VTA contact with the Sheriff's Office was also discussed, staffing and therefore the budget for law enforcement will increase due to the BART and VTA expansions. Funding through MTC has been secured to fully fund the extension of lightrail to Eastridge and the next priority will be the Vasona lightrail extensions.

Council Member Rishi Kumar

No report

**CITY COUNCIL ITEMS**

Council Member Miller said he spoke with Mayor Cappello about including discussion of event scheduling during the Council's study session on Council Norms in December.

Council Member Miller requested a dedicated Sheriff's Office Neighborhood Watch email account. Council Member Bernald concurred with the request.

Council Member Miller asked that the City distribute a press release to announce the number of Neighborhood Watch groups that have been established, the adoption of an ordinance requiring locking mailboxes for new developments, and the Neighborhood Watch Annual Grant in November after the second reading of the locking mailbox ordinance. Council Member Bernald supported the request.

**CITY MANAGER'S REPORT**

None

**ADJOURNMENT**

KUMAR/MILLER MOVED TO ADJOURN THE MEETING AT 11:47 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