

MINUTES
WEDNESDAY, NOVEMBER 2, 2016
SARATOGA CITY COUNCIL REGULAR MEETING

At 5:30 p.m., the City Council held a Closed Session in the Administrative Conference Room at City Hall.

At 6:00 p.m., the City Council held a Joint Meeting with representatives of the West Valley-Mission Community College District. The District shared information about recent and planned activities within the District and at West Valley College, including opportunities for collaboration.

At 7:00 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.

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

REPORT ON POSTING OF AGENDA

Crystal Bothelio, City Clerk/Asst. to the City Manager, reported that agenda for this meeting was properly posted on October 28, 2016.

Mayor Cappello asked the City Council and audience to join him in a moment of silence to recognize the passing of Mr. Bunkichi Itoh VIII.

REPORT FROM CLOSED SESSION

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

REPORT FROM JOINT MEETING

Brad Davis, West Valley College President, provided an overview of the City Council's Joint Meeting with the West Valley-Mission Community College District and introduced District Trustees Adrienne Grey and Robert Owens.

BERNALD/LO MOVED TO **REORDER THE AGENDA AND PROCEED TO CEREMONIAL ITEMS**. MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

The City Council then proceeded to Ceremonial Items.

ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS

Laura Jones with the Santa Clara County Public Health Department announced the Healthy Cities Conference on November 18.

Cynthia Chang addressed the City Council regarding an email sent about the upcoming Election and raised concerns about being unable to respond or unsubscribe from the email group.

ANNOUNCEMENTS

Council Member Kumar noted complaints about off-leash dogs in City Parks and advised residents to call the Sheriff's Office non-emergency number to report these incidents. He also announced a surveillance camera pilot program through the Safe Saratoga Committee and Saratoga Diwali on November 12 at the Joan Pisani Community Center.

Council Member Miller announced the Silicon Valley Turkey Trot on Thanksgiving Day.

Council Member Bernald shared that she attended a meeting with West Valley Collection & Recycling about recent service issues and asked residents to immediately report missed pickups to the garbage company. She also announced the Saratoga Historical Foundation Holiday Exhibit opening this month and the celebration of the installation of PLACE at Saratoga Library held on October 27.

Vice Mayor Lo announced Adult Social Hour at Saratoga Library on Fridays at 10:30 a.m.

Mayor Cappello shared that the 2020 by 2020 Tree Planting Kickoff will happen on November 19 at 10:00 a.m. at Azule, announced the Tree Lighting Ceremony on November 26, and invited the City Council and Planning Commissioners to compete in the Silicon Valley Turkey Trot Mayor's Cup.

CEREMONIAL ITEMS

America in Bloom Award Presentation

Recommended Action:

Accept the America in Bloom Urban Forestry Outstanding Achievement Award.

Mayor Cappello and the City Council accepted the America in Bloom Urban Forestry Outstanding Achievement Award and recognized the volunteers with Saratoga in Bloom and the Village Gardeners who made the City's victory possible.

The City Council then proceeded to Oral Communications on Non-Agendized Items.

1. CONSENT CALENDAR

1.1. City Council Meeting Minutes

Recommended Action:

Approve the City Council minutes for the Regular City Council Meeting on October 19, 2016.

LO/MILLER MOVED TO APPROVE THE CITY COUNCIL MINUTES FOR THE REGULAR CITY COUNCIL MEETING ON OCTOBER 19, 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: 10/18/2016 Period 4; and 10/25/2016 Period 4.

LO/MILLER MOVED TO **ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 10/18/2016 PERIOD 4; AND 10/25/2016 PERIOD 4.** MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

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

Recommended Action:

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

LO/MILLER MOVED TO **ACCEPT THE TREASURER'S REPORT FOR THE MONTH ENDED AUGUST 31, 2016.** MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.4. Resolution Urging Residents to Conserve Water

Recommended Action:

Adopt a resolution urging residents to reduce water use by 20 percent.

RESOLUTION NO. 16-060

LO/MILLER MOVED TO **ADOPT A RESOLUTION URGING RESIDENTS TO REDUCE WATER USE BY 20 PERCENT.** MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.5. Bainter Avenue Retaining Wall Construction Contract Award

Recommended Action:

1. Move to declare Engineered Soil Repairs, Inc. of Walnut Creek to be the lowest responsible bidder on the project and award the Construction Contract to this company in the amount of \$72,936.95.
2. Move to authorize staff to execute change orders to the construction contract up to \$7,200.00.

LO/MILLER MOVED TO: **1) DECLARE ENGINEERED SOIL REPAIRS, INC. OF WALNUT CREEK TO BE THE LOWEST RESPONSIBLE BIDDER ON THE PROJECT AND AWARD THE CONSTRUCTION CONTRACT TO THIS COMPANY IN THE AMOUNT OF \$72,936.95; AND 2) AUTHORIZE STAFF TO EXECUTE CHANGE ORDERS TO THE CONSTRUCTION CONTRACT UP TO \$7,200.00.** MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

2. PUBLIC HEARING

2.1. 2016 California Uniform Codes with Local Modifications

Recommended Action:

- (1) Conduct a public hearing;

- (2) Introduce and waive the first reading of the attached ordinance adopting and modifying the referenced codes; and
- (3) Direct staff to place the ordinance and the attached resolution making findings regarding proposed modifications to the referenced codes on the consent calendar for adoption on November 16, 2016.

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

Chief John Justice with the Santa Clara County Fire Department addressed questions from the City Council.

Mayor Cappello invited public comment on the item.

The following person requested to speak:

Scott Lane

No one else requested to speak.

MILLER/BERNALD MOVED TO: 1) INTRODUCE AND WAIVE THE FIRST READING OF THE UPDATED ORDINANCE AS PRESENTED AT THE NOVEMBER 2 CITY COUNCIL MEETING ADOPTING AND MODIFYING THE REFERENCED CODES; AND 2) DIRECT STAFF TO PLACE THE UPDATED ORDINANCE AS PRESENTED AT THE NOVEMBER 2 CITY COUNCIL MEETING AND THE ATTACHED RESOLUTION MAKING FINDINGS REGARDING PROPOSED MODIFICATIONS TO THE REFERENCED CODES ON THE CONSENT CALENDAR FOR ADOPTION ON NOVEMBER 16, 2016.

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

2.2. Ordinance Enabling Bingo Events

Recommended Action:

Conduct public hearing; introduce and waive the first reading of the ordinance amending the City Code to authorize the conduct of bingo games in Saratoga; and direct staff to place the ordinance on the Consent Calendar for adoption at the next regular City Council Meeting.

City Attorney Richard Taylor presented the staff report.

Mayor Cappello invited public comment on the item.

No one requested to speak.

MILLER/LO MOVED TO WAIVE THE FIRST READING OF THE ORDINANCE AMENDING THE CITY CODE TO AUTHORIZE THE CONDUCT OF BINGO GAMES IN SARATOGA; AND DIRECT STAFF TO PLACE THE ORDINANCE ON THE CONSENT CALENDAR FOR ADOPTION AT THE NEXT REGULAR CITY COUNCIL MEETING. MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

2.3. Proposed Urgency Interim Ordinance Imposing 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 adopt an urgency interim ordinance prohibiting the outdoor cultivation of marijuana in the City of Saratoga for 45 days and directing preparation of a report addressing the public health, safety, and welfare issues identified in the ordinance.

City Attorney Richard Taylor presented the staff report.

Mayor Cappello invited public comment on the item.

The following person requested to speak:

Scott Lane

No one else requested to speak.

MILLER/BERNALD MOVED TO ADOPT **AN URGENCY INTERIM ORDINANCE PROHIBITING THE OUTDOOR CULTIVATION OF MARIJUANA IN THE CITY OF SARATOGA FOR 45 DAYS AND DIRECT PREPARATION OF A REPORT ADDRESSING THE PUBLIC HEALTH, SAFETY, AND WELFARE ISSUES IDENTIFIED IN THE ORDINANCE.** MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

3. OLD BUSINESS

None

4. NEW BUSINESS

4.1. Arrowhead Community Facilities District

Recommended Action:

Accept the petition from the Arrowhead neighborhood calling for formation of a Community Facilities District (CFD); approve the resolution of intent to establish a CFD for the Arrowhead neighborhood; and approve the resolution to incur bonded indebtedness for the proposed CFD.

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

Paul Hansen with Arrowhead Cooperative addressed Council questions.

Mayor Cappello invited public comment on the item.

No one requested to speak.

RESOLUTIONS NO. 16-061 & 16-062

LO/BERNALD MOVED TO **ACCEPT THE PETITION FROM THE ARROWHEAD NEIGHBORHOOD CALLING FOR FORMATION OF A COMMUNITY FACILITIES DISTRICT (CFD); APPROVE THE RESOLUTION OF INTENT TO ESTABLISH A CFD FOR THE ARROWHEAD NEIGHBORHOOD; AND**

APPROVE THE RESOLUTION TO INCUR BONDED INDEBTEDNESS FOR THE PROPOSED CFD. MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

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

4.2. City Council Meeting Schedule

Recommended Action:

Provide direction to staff regarding the City Council's 2017 meeting schedule, including cancellation of the January 4, 2017 City Council Meeting.

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

Mayor Cappello invited public comment on the item.

No one requested to speak.

MILLER/BERNALD MOVED TO **CANCEL THE JANUARY 4, 2017 CITY COUNCIL MEETING.** MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

CITY COUNCIL ASSIGNMENTS

Mayor Manny Cappello

Saratoga Area Senior Coordinating Council (SASCC) – Tylor Taylor was made the Executive Director at the last meeting and the Board approved its budget. The Memoirs Group completed its book and it is available for sale now. There will be a special Veteran's Day lunch program on November 9. Following the publication of the Saratoga Age Friendly Report, there have been requests for SASCC to meet with other cities and the County to share more information about the process in Saratoga. The annual health fair event was well attended. Mayor Cappello also shared that one of the SASCC Board Members, Jim Morrissey, was injured in an accident and he asked the Council to keep him in their thoughts.

West Valley Mayors and Managers – during the meeting on November 4, the group will consider the draft letters to the CPUC and San Jose Water Company about resident concerns regarding water rates.

Vice Mayor Emily Lo

Hakone Foundation Board & Executive Committee – As of the meeting on October 20, there are 137 members. During the October meeting, the Board discussed the master plan and CEC. A majority of the board agreed to limit renovations to the interior of the CEC. Additionally, one week before Mr. Itoh's passing, he pledged a donation of not more than \$10,000 for upgraded restroom facilities.

Santa Clara County Library Joint Powers Authority – during the meeting on October 27, the board adopted a new funding formula. Additionally, there was a report on a 2016 satisfaction survey. Overall, the response was positive. Additionally, Supervisor Mike Wasserman was made Chair of the Board.

Council Member Mary-Lynne Bernald

Association of Bay Area Governments – there is a meeting on November 10 to discuss the ABAG/MTC merger. Additionally, in recognition of issues with water and infrastructure ABAG is holding a conference in Oakland calling for greater water resilience.

FAA Select Committee on South Bay Arrivals – there will be a meeting on November 3. The draft resolution prepared by Supervisor Joe Simitian will be discussed. During the meeting on October 27, there were over 130 speakers during the meeting.

Hakone Foundation Board – Supervisor Joe Simitian designated an aid from his office, Christina, to work with Hakone. The Board also agreed to work on a grant application to provide school tours of the garden for underprivileged children.

Public Art Ad Hoc – on October 27, the City and Montalvo Arts Center celebrated installation of PLACE at Saratoga Library.

Saratoga Historical Foundation – the Foundation needs additional storage space for its pieces.

Saratoga Sister City Organization – some photos of recent events and trips have been posted on the Sister City website.

West Valley Solid Waste Management Joint Powers Authority – Council Member Bernald will be unable to attend the November 3 meeting. Vice Mayor Lo will be attending on her behalf.

Council Member Howard Miller

Saratoga Ministerial Association – Council Member Miller attended the last meeting on behalf of Council Member Kumar. During the meeting, the group discussed the Tree Lighting Ceremony, the Thanksgiving Day service, and bringing the community together after a divisive year of politics.

Silicon Valley Clean Energy Authority Board of Directors – the Board is working hard to launch the organization and get everyone in the service area to 100% greenhouse gas free energy by April 2017. He also expressed his hope to have a presentation from Silicon Valley Clean Energy before the end of the calendar year.

Council Member Rishi Kumar

Santa Clara Valley Water District Commission – during the meeting, the Commission discussed the current drought mandate and whether it is necessary. Council Member Kumar said he noted the petition on water rates signed by many residents of Saratoga, the impact of the drought surcharge, and the City Council's action taken on October 19, 2016 related to water rates.
Saratoga Ministerial Association

CITY COUNCIL ITEMS

Council Member Miller requested discussion of use of electronic devices at Council Meetings as part of the study session on Council Norms.

Mayor Cappello agreed to include the item in the discussion topics.

CITY MANAGER'S REPORT

City Manager James Lindsay reminded the City Council that the members can nominate new capital projects until the second meeting of December.

ADJOURNMENT

BERNALD/MILLER MOVED TO **ADJOURN THE MEETING AT 9:20 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 the City Manager
City of Saratoga