



# SARATOGA CITY COUNCIL REGULAR MEETING

MAY 15, 2019

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## 5:00 P.M. CLOSED SESSION

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

**CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION** (Government Code 54956.9(d)(1))

Name of case: Curi v. City of Saratoga et al. (Santa Clara County Superior Court No. 18CV328242)

Name of case: Lin v. Lee et al. (Santa Clara County Superior Court No. 17CV320892)

Name of case: Wong et al. v. Storer Transportation Service et al. (Santa Clara County Superior Court No. 17CV308243)

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## 5:45 P.M. CLOSED SESSION

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

**CONFERENCE WITH LABOR NEGOTIATORS** (Gov't Code 54957.6)

Agency Designated Representatives:

City Manager James Lindsay, City Attorney Richard Taylor, Human Resources Manager Monica LaBossiere

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## 6:00 P.M. JOINT MEETING

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

Joint Meeting with Santa Clara County Board of Supervisors President Joe Simitian

[Discussion Topics](#)

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## 7:00 P.M. REGULAR SESSION

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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 properly posted on May 10, 2019*

## REPORT FROM CLOSED SESSION

## REPORT FROM JOINT MEETING

### 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.*

## ANNOUNCEMENTS

### CEREMONIAL ITEMS

Proclamation Declaring May 2019 as Older Americans Month

**Recommended Action:**

Present the proclamation declaring May 2019 as Older Americans Month.

[Staff Report](#)

[Attachment A – Proclamation Declaring May 2019 as Older Americans Month](#)

Commendations Recognizing Outgoing Youth Commissioners

**Recommended Action:**

Receive presentation on efforts of the Youth Commission during the 2018/19 school year and present commendations to outgoing Commissioners Chris Smalls, Kami Cheatham, Isaac Yoon, Naisha Agarwal, and Brianna Wiles recognizing their service on the Saratoga Youth Commission.

[Staff Report](#)

[Attachment A – Commendation for Chris Smalls](#)

[Attachment B – Commendation for Kami Cheatham](#)

[Attachment C – Commendation for Isaac Yoon](#)

[Attachment D – Commendation for Naisha Agarwal](#)

[Attachment E – Commendation for Brianna Wiles](#)

Appointment of Youth Commissioners and Oath of Office

**Recommended Action:**

Approve the attached resolution appointing 5 members to the Saratoga Youth Commission and direct the City Clerk to administer the Oath of Office.

[Staff Report](#)

[Attachment A - Resolution of Appointments](#)

[Attachment B - Oaths of Office](#)

## 1. CONSENT CALENDAR

*The Consent Calendar contains routine items of 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 May 1, 2019.

[Staff Report](#)

[Attachment A – Minutes for the Regular City Council Meeting on May 1, 2019](#)

### 1.2. Review of Accounts Payable Check Registers

**Recommended Action:**

Review and accept check registers for the following accounts payable payment cycles: 04/30/2019 Period 10; and 05/07/2019 Period 11.

[Staff Report](#)

[Check Register - 04-30-2019 Period 10](#)

[Check Register - 05-07-2019 Period 11](#)

### 1.3. Amendment to Contract with BKF Engineers

**Recommended Action:**

Authorize an amendment to extend the term of contract with BKF Engineers.

[Staff Report](#)

[Attachment A- Contract Amendment](#)

[Attachment B- Original Contract](#)

### 1.4. Contract renewal for Traffic Engineering Services with Fehr and Peers Transportation Consultants

**Recommended Action:**

Approve a 3-year contract with Fehr and Peers Transportation Consultants for Traffic Engineering services and authorize City Manager to execute the same.

[Staff Report](#)

[Attachment A- Contract](#)

### 1.5. Council Resolution to Adopt Memorandum of Understanding for the Saratoga Employee Association (“SEA”) July 1, 2019 to June 30, 2023

**Recommended Action:**

Staff recommends the City Council approve the proposed Memorandum of Understanding (MOU) and adopt Council Resolution to Adopt Memorandum of Understanding for the Saratoga Employee Association (“SEA”) July 1, 2019 to June 30, 2023.

[Staff Report](#)

[Attachment A - Resolution](#)

[Attachment B- SEA MOU](#)

1.6. Award of Multi-Function Peripherals Lease Agreement

**Recommended Action:**

Approve resolution to authorize the City Manager to enter into a five-year lease agreement with Toshiba Business Solutions for the City's fleet of Multi-Function Peripherals.

[Staff Report](#)

[Attachment A - Resolution for Copier Lease](#)

[Attachment B - Toshiba Contract](#)

**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. APCC19-0003 - Appeal of a Design Review application to install a microcell site on an existing utility pole within the public road right-of-way on Saratoga Sunnyvale Road near the intersection of Verde Vista Lane.

**Recommended Action:**

Conduct a public hearing and de novo review of the appeal and adopt the attached resolution denying appeal APCC19-0003 and approving a Design Review application to install a microcell site on an existing utility pole within the Saratoga Sunnyvale Road right-of-way.

[Staff Report](#)

[Attachment A - Appeal Application](#)

[Attachment B - City Council Resolution](#)

[Attachment C - March 13, 2019 Planning Commission Staff Report](#)

[Attachment D - Planning Commission Resolution](#)

[Attachment E - March 13, 2019 Planning Commission Minutes](#)

[Attachment F - Photo Simulations](#)

[Attachment G - Letter Prepared by Appellants Attorney](#)

[Attachment H - Site Coverage Maps](#)

[Attachment I - Project Plans](#)

[Written Communications](#)

2.2. Fiscal Year 2019/20 Proposed Operating & Capital Budget

**Recommended Action:**

Conduct a public hearing on the Proposed FY 2019/20 Operating & Capital Budgets, and provide direction to staff for budget adoption on June 19, 2019.

[Staff Report](#)

[FY 2019/20 Operating & Capital Summary Budget Document](#)

[Staff Presentation](#)

### 3. GENERAL BUSINESS

3.1. Award of Contract for CEQA Consultant for Mt. Winery Annexation

**Recommended Action:**

1. Authorize the City Manager to enter into a professional services agreement with Kimley-Horn and Associates, Inc. for environmental consulting services in an amount not to exceed \$200,205.00 for the Mountain Winery Annexation project.
2. Authorize the City Manager to approve unanticipated additional costs of up to 10% of the contract amount (\$20,020.00) as a project contingency.

[Staff Report](#)

[Attachment A - Standard Services Contract with Kimley-Horn and Associates, Inc.](#)

### COUNCIL ASSIGNMENTS

Mayor Manny Cappello

Cities Association of Santa Clara County Board of Directors  
Cities Association of Santa Clara County-City Selection Committee  
Cities Association of Santa Clara County-Legislative Action Committee  
Council Finance Committee  
Saratoga Area Senior Coordinating Council (SASCC)  
West Valley Mayors and Managers  
West Valley Sanitation District

Vice Mayor Howard Miller

Council Finance Committee  
KSAR Community Access TV Board  
Saratoga Ministerial Association  
Saratoga Sister City Organization  
Silicon Valley Clean Energy Authority Board of Directors  
Valley Transportation Authority (VTA) Policy Advisory Committee  
VTA State Route 85 Corridor Policy Advisory Board

Council Member Rishi Kumar

Santa Clara County Library Joint Powers Authority  
Santa Clara Valley Water District Commission  
West Valley Clean Water Program Authority  
West Valley Solid Waste Management Joint Powers Authority

Council Member Mary-Lynne Bernald

Hakone Foundation Board & Executive Committee  
Public Art Committee  
Santa Clara County Housing and Community Development (HCD) Council Committee  
Santa Clara/Santa Cruz Airport/Community Roundtable  
Saratoga Historical Foundation

Council Member Yan Zhao

Association of Bay Area Governments

Comprehensive County Expressway Planning Study Policy Advisory Board  
Hakone Foundation Board  
Public Art Committee  
Saratoga Chamber of Commerce & Destination Saratoga

## **CITY COUNCIL ITEMS**

## **COUNCIL COMMUNICATIONS**

## **CITY MANAGER'S REPORT**

## **ADJOURNMENT**

### **CERTIFICATE OF POSTING OF THE AGENDA, DISTRIBUTION OF THE AGENDA PACKET, COMPLIANCE WITH AMERICANS WITH DISABILITIES ACT**

*I, Debbie Bretschneider, 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 May 10, 2019 at the City of Saratoga, 13777 Fruitvale Avenue, Saratoga, CA 95070 and on the City's website at [www.saratoga.ca.us](http://www.saratoga.ca.us).*

*Signed this 10th day of May 2019 at Saratoga, California.*

*Debbie Bretschneider, 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](http://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 35.102-35.104 ADA title II]*



## CITY OF SARATOGA CITY COUNCIL MEETING CALENDAR 2019

- 05/15 5:00 p.m. Closed Session | 6:00 p.m. Joint Meeting with Board of Supervisor President Joe Simitian | 7:00 p.m. Regular Session
- 06/05 5:00 p.m. Traffic Safety Commission Interviews | 5:30 p.m. Joint Meeting with Saratoga Neighborhood & Neighborhood Watch in Senior Center
- 06/19 6:00 p.m. Joint Study Session Council + Planning Commission on Mt. Winery Annexation
- 06/19 5:45 p.m. Closed Session | 6:00 p.m. Joint Meeting with Hakone Board | 7:00 p.m. Regular Session
- 07/03 5:00 p.m. Closed Session | 7:00 p.m. Regular Session
- 07/17 Recess
- 08/07 Recess
- 08/21 5:00 p.m. Closed Session | 6:00 p.m. Joint Meeting with Youth in Government | 7:00 p.m. Regular Session
- 09/04 5:00 p.m. Commission Interviews for Library & Parks | 6:00 p.m. Joint Meeting with Montalvo Arts | 7:00 p.m. Regular Session
- 09/18 5:00 p.m. Joint Meeting with Sister City | 6:00 p.m. Joint Meeting with Youth Commission | 7:00 p.m. Regular Session
- 10/02 5:30 p.m. Joint Meeting with West Valley – Mission Community College Board of Trustees and Saratoga Schools and Boards at West Valley College | 7:00 p.m. Regular Session
- 10/05 1:00 p.m. State of the City in Joan Pisani Community Center
- 10/16 5:00 p.m. Joint Meeting with KSAR | 6:00 p.m. Joint Meeting with Historical Foundation | 7:00 p.m. Regular Session
- 11/06 6:00 p.m. Joint Meeting with State Senator Jim Beall Jr. | 7:00 p.m. Regular Session
- 11/20 6:00 p.m. Joint Meeting with Assembly Member Evan Low | 7:00 p.m. Regular Session
- 12/04 6:00 p.m. Joint Meeting with Sheriff's Office | 7:00 p.m. Council Reorganization and Regular Session
- 12/18 6:00 p.m. Study Session – Council Norms | 7:00 p.m. Regular Session

*Unless otherwise stated, Joint Meetings and Study Sessions begin at 6:00 p.m. in the Linda Callon Conference Room at Saratoga City Hall at 13777 Fruitvale Avenue and Regular Session begins at 7:00 p.m. in the Civic Theater at 13777 Fruitvale Avenue.*