

**MINUTES  
WEDNESDAY, MARCH 20, 2019  
SARATOGA CITY COUNCIL REGULAR MEETING**

At 5:00 p.m., the City Council held a Joint Meeting with the Saratoga Ministerial Association in the Linda Callon Conference Room at 13777 Fruitvale Avenue in Saratoga.

At 6:00 p.m., the City Council held a Joint Meeting with the Saratoga Area Senior Coordinating Council in the Linda Callon Conference Room at 13777 Fruitvale Avenue in Saratoga.

Mayor Cappello called the Regular Session to order in the Civic Theater, Council Chambers at 13777 Fruitvale Avenue in Saratoga at 7:05 p.m. and led the Pledge of Allegiance.

Mayor Cappello called for a moment of silence to recognize the victims of the mass shooting in New Zealand.

**ROLL CALL**

**PRESENT:** Mayor Manny Cappello, Vice Mayor Howard A. Miller, Council Members Rishi Kumar, Mary-Lynne Bernald, Yan Zhao

**ABSENT:** None

**ALSO PRESENT:** James Lindsay, City Manager  
Richard Taylor, City Attorney  
Crystal Bothelio, Deputy City Manager  
Debbie Bretschneider, City Clerk  
John Cherbone, Public Works Director  
Debbie Pedro, Community Development Director  
Mary Furey, Finance & Administrative Services Director  
Lauren Pettipiece, Public Information Officer  
Gina Scott, Accounting Technician

**REPORT ON POSTING OF THE AGENDA**

City Clerk Debbie Bretschneider reported that the agenda for this meeting was properly posted on March 15, 2019.

**REPORT FROM JOINT MEETING**

Mayor Cappello announced that at the 5:00 p.m., the Saratoga Ministerial Association met with the City Council. Tylor Taylor, Executive Director of Saratoga Area Senior Coordinating Council (SASCC), and Lisa Oakley, President of SASCC, reported on their 6:00 p.m. Joint Meeting with the City Council.

## ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS

None

## ANNOUNCEMENTS

Mayor Cappello announced the Relay for Life event at Saratoga High School, the Youth Commission 5K Color Dash, that the Youth in Government program, and that the Community Wildfire Preparedness Meetings.

## CEREMONIAL ITEMS

Commendation for Jonathan Wittwer

**Recommended Action:**

Present the commendation to Jonathan Wittwer.

Mayor Cappello and the City Council presented a commendation to Jonathan Wittwer.

Jolie Houston spoke about working with Jonathan Wittwer.

Commendation for Outgoing Planning Commissioner Joyce Hlava

**Recommended Action:**

Present the commendation to Joyce Hlava, recognizing her service on the Planning Commission.

Mayor Cappello and the City Council presented a commendation to Joyce Hlava.

Appointment of Commissioners & Oath of Office

**Recommended Action:**

Approve the resolution appointing 2 members to the Planning Commission and direct the City Clerk to administer the Oath of Office.

## RESOLUTION 19-009

BERNALD/MILLER MOVED TO **APPROVE THE RESOLUTION APPOINTING 2 MEMBERS TO THE PLANNING COMMISSION AND DIRECT THE CITY CLERK TO ADMINISTER THE OATH OF OFFICE.** MOTION PASSED. AYES: CAPPELLO, MILLER, KUMAR, BERNALD, ZHAO. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

Public Safety Task Force Appointments

**Recommended Action:**

Approve the resolution appointing members to the Public Safety Task Force and direct the City Clerk to administer the Oath of Office to the Public Safety Task Force Members.

## RESOLUTION 19-010

ZHAO/BERNALD MOVED TO **APPROVE THE RESOLUTION APPOINTING MEMBERS TO THE PUBLIC SAFETY TASK FORCE AND DIRECT THE CITY CLERK TO ADMINISTER THE OATH OF OFFICE TO THE PUBLIC SAFETY TASK FORCE MEMBERS.** MOTION PASSED. AYES: CAPPELLO, MILLER, KUMAR, BERNALD, ZHAO. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

Proclamation Recognizing March 2019 as American Red Cross Month

**Recommended Action:**

Present a proclamation to a representative of the American Red Cross and receive a presentation about American Red Cross in Santa Clara County.

Mayor Cappello and the City Council presented a commendation to American Red Cross.

**SPECIAL PRESENTATIONS**

Presentation on Reach Your Destination Easily (RYDE)

**Recommended Action:**

Receive presentation on RYDE.

Mayor Cappello and the City Council received the presentation from Tylor Taylor, Executive Director of Saratoga Area Senior Coordinating Council, on Reach Your Destination Easily (RYDE).

**1. CONSENT CALENDAR**

1.1. City Council Meeting Minutes

**Recommended Action:**

Approve the City Council minutes for the Regular City Council Meeting on February 20, 2019 and March 6, 2019.

Ana Mendez spoke on this item.

No one else requested to speak.

MILLER/KUMAR MOVED TO **APPROVE THE CITY COUNCIL MINUTES FOR REGULAR CITY COUNCIL MEETING ON FEBRUARY 20, 2019 AND MARCH 6, 2019.** MOTION PASSED. AYES: CAPPELLO, MILLER, KUMAR, BERNALD, ZHAO. 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: 03/05/2019 Period 9; and 03/12/2019 Period 9.

KUMAR/BERNALD MOVED TO **ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 03/05/2019 PERIOD 9; AND 03/12/2019 PERIOD 9.** MOTION PASSED. AYES: CAPPELLO, MILLER, KUMAR, BERNALD, ZHAO. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.3. Agreement with the Santa Clara County FireSafe Council

**Recommended Action:**

Authorize the City Manager to execute an agreement with the Santa Clara County FireSafe Council in the amount of \$25,000 per fiscal year through June 30, 2023 for wildfire prevention and preparedness services.

Patty Ciesla spoke on this item.

No one else requested to speak.

BERNALD/MILLER MOVED TO **AUTHORIZE THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE SANTA CLARA COUNTY FIRESAFE COUNCIL IN THE AMOUNT OF \$25,000 PER FISCAL YEAR THROUGH JUNE 30, 2023 FOR WILDFIRE PREVENTION AND PREPAREDNESS SERVICES.**

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

1.4. Extension of Contract with North Bay Building Maintenance for Janitorial Services

**Recommended Action:**

Authorize the City Manager to execute the contract extension option with North Bay Building Maintenance for one additional year of janitorial services starting July 1, 2019, for an amount not to exceed of \$70,000.

KUMAR/BERNALD MOVED TO **AUTHORIZE THE CITY MANAGER TO EXECUTE THE CONTRACT EXTENSION OPTION WITH NORTH BAY BUILDING MAINTENANCE FOR ONE ADDITIONAL YEAR OF JANITORIAL SERVICES STARTING JULY 1, 2019, FOR AN AMOUNT NOT TO EXCEED OF \$70,000.** MOTION PASSED. AYES: CAPPELLO, MILLER, KUMAR, BERNALD, ZHAO. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.5. Event Insurance for Certain Community Events

**Recommended Action:**

Include SVDC community events and Saratoga's Independence Day Celebration under the City's insurance program.

KUMAR/BERNALD MOVED TO **INCLUDE SVDC COMMUNITY EVENTS AND SARATOGA'S INDEPENDENCE DAY CELEBRATION UNDER THE CITY'S INSURANCE PROGRAM.** MOTION PASSED. AYES: CAPPELLO, MILLER, KUMAR, BERNALD, ZHAO. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.6. Garden Patio/Bocce Ball Court and Senior Center Entrances Remodel Capital Projects Budget Adjustment

**Recommended Action:**

Approve Budget Adjustment to provide funding for the Garden Patio/Bocce Ball Court and Senior Center Entrances Remodel Capital Projects.

**RESOLUTION 19-011**

KUMAR/BERNALD MOVED TO **APPROVE BUDGET ADJUSTMENT TO PROVIDE FUNDING FOR THE GARDEN PATIO/BOCCE BALL COURT AND SENIOR CENTER ENTRANCES REMODEL CAPITAL PROJECTS.** MOTION PASSED. AYES: CAPPELLO, MILLER, KUMAR, BERNALD, ZHAO. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.7. 2018 General Plan Housing Element Annual Progress Report

**Recommended Action:**

Adopt the attached Resolution accepting the 2018 General Plan Housing Element Annual Progress Report and direct staff to file the report with the Governor's Office of Planning and Research and the Department of Housing and Community Development.

**RESOLUTION 19-012**

KUMAR/BERNALD MOVE TO **ADOPT THE ATTACHED RESOLUTION ACCEPTING THE 2018 GENERAL PLAN HOUSING ELEMENT ANNUAL PROGRESS REPORT AND DIRECT STAFF TO FILE THE REPORT WITH THE GOVERNOR'S OFFICE OF PLANNING AND RESEARCH AND THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT.** MOTION PASSED. AYES: CAPPELLO, MILLER, KUMAR, BERNALD, ZHAO. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.8. Funding Agreement with Santa Clara Valley Transportation Authority for 2016 Measure B Local Streets and Roads Program

**Recommended Action:**

Authorize the City Manager to execute the Funding Agreement with the Santa Clara Valley Transportation Authority.

KUMAR/BERNALD MOVE TO **AUTHORIZE THE CITY MANAGER TO EXECUTE THE FUNDING AGREEMENT WITH THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY.** MOTION PASSED. AYES: CAPPELLO, MILLER, KUMAR, BERNALD, ZHAO. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.9. Orchard Maintenance Service Contract – Matthew Novakovich

**Recommended Action:**

Approve a 12-month Maintenance Service Contract for maintenance of the Heritage Orchard in the amount of \$84,420 and authorize the City Manager to execute the same.

KUMAR/BERNALD MOVE TO **APPROVE A 12-MONTH MAINTENANCE SERVICE CONTRACT FOR MAINTENANCE OF THE HERITAGE ORCHARD IN THE AMOUNT OF \$84,420 AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE SAME.** MOTION PASSED. AYES: CAPPELLO, MILLER, KUMAR, BERNALD, ZHAO. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

**2. PUBLIC HEARING**

None

**3. GENERAL BUSINESS**

3.1. Allocation of Community Event Grant Program Funds

**Recommended Action:**

Review Community Event Grant Program applications and additional secured funding requests for Fiscal Year 2019/20 and determine allocations.

Gina Scott, Accounting Technician, presented the staff report.

Mayor Cappello invited public comment on the item.

The following people requested to speak:

Sarah Hanuka

Robert Sheets

Gary Smith

Karen O'Brien

Usha Srinivasan

Ketan Jashapara

Tiger Teerlink

Anjali Kausar

Theo Olson

Kelly Sicut

Osman Ghafoor

Anouk Yeh

Heather Durhan

Connie Hall

No one else requested to speak.

**MILLER/BERNALD MOVED TO APPROVE COMMUNITY EVENT GRANT PROGRAM ALLOCATIONS FOR FISCAL YEAR 19/20 AS FOLLOWS:**

<b><u>CELEBRATING DIFFERENCES</u></b>	<b><u>\$500</u></b>
<b><u>DAY OF SOCIAL ACTION &amp; HELPING OTHERS</u></b>	<b><u>\$2000</u></b>
<b><u>GIRL SCOUT CRAFTS AT BLOSSOM FESTIVAL</u></b>	<b><u>\$300</u></b>
<b><u>MONTALVO EVENT -ANNUAL SUMMER ARTS</u></b>	<b><u>\$2000</u></b>
<b><u>MOSAIC SARATOGA</u></b>	<b><u>\$2000</u></b>
<b><u>MUSLIM CULTURAL DAY</u></b>	<b><u>\$2000</u></b>
<b><u>SARATOGA IOOF EASTER EGG HUNT</u></b>	<b><u>\$500</u></b>
<b><u>FALL SYMPHONY CONCERT</u></b>	<b><u>\$200</u></b>
<b><u>WINTER SYMPHONY CONCERT</u></b>	<b><u>\$200</u></b>
<b><u>SPRING SYMPHONY CONCERT</u></b>	<b><u>\$200</u></b>

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

**MILLER/BERNALD MOVED TO APPROVE THE COMMUNITY EVENT GRANT PROGRAM SECURED FUNDING LIST WITH A REDUCTION OF THE SVDC SECURED EVENT GRANT FROM \$3,500 TO \$2,000 AND INCREASE THE CHAMBER OF COMMERCE SECURED GRANT FROM \$8,000 TO \$9,500, AND PROVIDE THE CHAMBER WITH A ONE-TIME INCREASE OF \$9,000 IN EVENT GRANT FUNDING IN FISCAL YEAR 2019/20 FOR 10<sup>TH</sup> ANNIVERSARY CAR SHOW EXPENSES THAT WILL BE FUNDED BY \$500 FROM THE COMMUNITY EVENT GRANT PROGRAM AND \$8,500 FROM THE CITY COUNCIL DISCRETIONARY FUND.** MOTION PASSED. AYES: CAPPELLO, MILLER, KUMAR, BERNALD, ZHAO. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

**MILLER/BERNALD MOVED TO RESCIND THE PREVIOUS MOTION AND MOVE TO APPROVE THE COMMUNITY EVENT GRANT PROGRAM SECURED FUNDING LIST WITH A REDUCTION OF THE SVDC SECURED EVENT GRANT FROM \$3,500 TO \$2,000 AND INCREASE THE CHAMBER OF COMMERCE SECURED GRANT FROM \$8,000 TO \$9,500, AND PROVIDE THE CHAMBER WITH A ONE-TIME INCREASE OF \$11,000 IN EVENT GRANT FUNDING IN FISCAL YEAR 2019/20 FOR 10<sup>TH</sup> ANNIVERSARY CAR SHOW EXPENSES THAT WILL BE FUNDED BY \$500 FROM THE COMMUNITY EVENT GRANT PROGRAM AND \$10,500 FROM THE CITY COUNCIL DISCRETIONARY FUND.** MOTION PASSED. AYES: CAPPELLO, MILLER, KUMAR, BERNALD, ZHAO. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

Vice Mayor Miller asked to give direction to staff to schedule a future agenda item on new criteria for the Community Event Grant Funding for Fiscal Year 2020/21 that would: 1) make fundraisers or events that charge admission ineligible for grant funding; 2) establish a maximum grant amount of \$2000 per organization/group for unsecured event grant requests; 3) prohibit secured funding recipients from requesting additional Community Event Grant Program funds during the application cycle; and 4) continue to prohibit off-cycle requests. There was Council consensus for this request.

Mayor Cappello announced a recess at 9:43 p.m. and reconvened the meeting at 9:56 p.m.

### 3.2. Update to Agreements with SASCC

#### **Recommended Action:**

Authorize the City Manager to execute an Amended and Restated Lease Agreement and a new Support Agreement with the Saratoga Area Senior Coordinating Council.

James Lindsay, City Manager, presented the staff report.

Mayor Cappello invited public comment on the item.

The following people requested to speak:

Tylor Taylor, SASCC Executive Director

No one else requested to speak.

**CAPPELLO/BERNALD MOVE TO AUTHORIZE THE CITY MANAGER TO EXECUTE AN AMENDED AND RESTATED LEASE AGREEMENT AND A NEW SUPPORT AGREEMENT WITH THE SARATOGA AREA SENIOR COORDINATING COUNCIL.** MOTION PASSED. AYES: CAPPELLO, MILLER, KUMAR, BERNALD, ZHAO. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

### 3.3. Report on Annexation Process - Mountain Winery

#### **Recommended Action:**

Staff recommends that the City Council receive the report and provide direction to staff.

Debbie Pedro, Community Development Director, presented the staff report.

Mayor Cappello invited public comment on the item.

No one requested to speak.

**MILLER/BERNALD MOVED TO DIRECT STAFF TO PREPARE AND SUBMIT AN APPLICATION TO LAFCO WITH THE NECESSARY REQUIREMENTS TO ADJUST THE SPHERE OF INFLUENCE AND URBAN SERVICE AREA BOUNDARIES IN ORDER FOR THE CITY TO COMPLETE THE ANNEXATION**



**OF THE MOUNTAIN WINERY.** MOTION PASSED. AYES: CAPPELLO, MILLER, KUMAR, BERNALD, ZHAO. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

## **COUNCIL ASSIGNMENTS**

### Mayor Manny Cappello

*Cities Association of Santa Clara County Board of Directors* – the Legislative Action Committee was working on finding consensus with all the Cities on a statement about Housing legislation and the Board voted to approve the statements. Senator Jerry Hill spoke on legislation in the State Capitol. New MTC Director Terese McMillan spoke.

*Saratoga Area Senior Coordinating Council (SASCC)* – the Board received and approved the SASCC/City of Saratoga amended Lease and Use agreements that the Council approved this evening.

### Vice Mayor Howard Miller

*Council Finance Committee* – the Committee discussed the Hillside Reserve Fund with Public Works Director John Cherbone and Measure B funding for roads. At the CIP Budget Study session, there was a request for the Committee to review the Risk Management funding and the Committee decided \$50,000 was a suitable level.

*Saratoga Sister City Organization* – the group is still working on the 35<sup>th</sup> Anniversary plans.

*Silicon Valley Clean Energy (SVCE) Authority Board of Directors* – received a report on the factors that negatively affect SVCE, which includes the PG&E indifference fee. SVCE will still have lower rates than PG&E.

*Valley Transportation Authority (VTA) Policy Advisory Committee* – the Committee discussed how VTA can utilize their unused space at the Blossom Hill station to build mixed use/low-income housing. The Committee recommend moving forward with Measure B Transit Innovation grants.

*VTA State Route 85 Corridor Policy Advisory Board* – meets next week.

*VTA Board of Directors*– Vice Mayor Miller attended the Board meeting as the representative of the West Valley group. VTA is in ongoing labor negotiations with drivers.

### Council Member Rishi Kumar

No meetings to report.

### Council Member Mary-Lynne Bernald

*Santa Clara County Housing and Community Development (HCD) Council Committee* – will have a meeting next week.

*Santa Clara/Santa Cruz Airport/Community Roundtable* – the group is working through various issues and has a meeting next week.

### Council Member Yan Zhao

*Saratoga Chamber of Commerce & Destination Saratoga* – the Chamber held a meeting last week to talk about upcoming events and the requested grant money for the Car Show.

## **CITY COUNCIL ITEMS**

Vice Mayor Miller asked to have staff bring back to the next Council meeting a resolution to consider appointment of a sixth gender diverse member to the Public Safety Task Force, selected by the Mayor based on nominations from each Council Member. Council Member Bernald supported the request.

Council Member Zhao asked to create a value statement to support diversity on City Commissions.

## **COUNCIL COMMUNICATIONS**

Council Member Bernald reported that she and Council Member Zhao attended the League Peninsula Division luncheon.

## **CITY MANAGER'S REPORT**

None

## **ADJOURNMENT**

MILLER/KUMAR MOVED TO **ADJOURN THE MEETING AT 10:32 P.M.** MOTION PASSED. AYES: CAPPELLO, MILLER, KUMAR, BERNALD, ZHAO. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

Minutes respectfully submitted:

Debbie Bretschneider, City Clerk  
City of Saratoga