

**MINUTES
WEDNESDAY, APRIL 17, 2019
SARATOGA CITY COUNCIL REGULAR MEETING**

At 5:00 p.m., the City Council held a Closed Session in the Linda Callon Conference Room at 13777 Fruitvale Avenue in Saratoga.

At 5:30 p.m., the City Council held a Joint Meeting with Mountain Winery 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 7:03 p.m. and led the Pledge of Allegiance.

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
Michael Taylor, Recreation & Facilities Director
Chris Riordan, Senior Planner
Lauren Pettipiece, Public Information Officer
Gina Scott, Accounting Tech

REPORT ON POSTING OF THE AGENDA

City Clerk Debbie Bretschneider reported that the agenda for this meeting was properly posted on April 12, 2019.

REPORT FROM CLOSED SESSION

Mayor Cappello announced that there is no report from the Closed Session.

REPORT FROM JOINT MEETING

Bill Hirschman, co-owner of Mountain Winery, reported on the Joint Meeting with the City Council.

ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS

Lisa Oakley, Madronia Board Member, spoke about bringing Wreaths Across America to Madronia Cemetery.

Bernadette Reed spoke about an issue with construction noise near her house.

ANNOUNCEMENTS

Mayor Cappello announced the West Valley Striders kickoff, Living Room Conversations, Arbor Day, and Community Wildfire Preparedness meetings.

CEREMONIAL ITEMS

Commendation for E.J. Tim Harris

Recommended Action:

Present the commendation to E.J. Tim Harris.

Mayor Cappello and the City Council presented the commendation to E.J. Tim Harris.

Proclamation Declaring May 12, 2019 as Courageous Kids Day

Recommended Action:

Present the proclamation to members of the leadership of Courageous Kids Day.

Mayor Cappello and the City Council presented the proclamation to members of Courageous Kids Day.

Public Safety Task Force Appointment

Recommended Action:

Approve the resolution adding a 6th member to the Public Safety Task Force, appointing a member to the Task Force, and directing the City Clerk to administer the Oath of Office to the Public Safety Task Force Member.

RESOLUTION 19-013

BERNALD/MILLER MOVED TO **APPROVE THE RESOLUTION ADDING A 6TH MEMBER TO THE PUBLIC SAFETY TASK FORCE, APPOINTING A MEMBER TO THE TASK FORCE, AND DIRECTING THE CITY CLERK TO ADMINISTER THE OATH OF OFFICE TO THE PUBLIC SAFETY TASK FORCE MEMBER.**

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

1. CONSENT CALENDAR

1.1. City Council Meeting Minutes

Recommended Action:

Approve the City Council minutes for the Special City Council Meeting on March 11, 2019 and the Regular City Council Meeting March 20, 2019.

BERNALD/KUMAR MOVED TO **APPROVE THE CITY COUNCIL MINUTES FOR THE SPECIAL CITY COUNCIL MEETING ON MARCH 11, 2019 AND THE REGULAR CITY COUNCIL MEETING MARCH 20, 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: 03/19/2019 Period 9; 03/27/2019 Period 9; 04/02/2019 Period 10; and 04/09/2019 Period 10.

BERNALD/KUMAR MOVED TO **ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 03/19/2019 PERIOD 9; 03/27/2019 PERIOD 9; 04/02/2019 PERIOD 10; AND 04/09/2019 PERIOD 10.** MOTION PASSED.

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

1.3. Treasurer's Report for the Month Ended February 28, 2019

Recommended Action:

Review and accept the Treasurer's Report for the month ended February 28, 2019.

BERNALD/KUMAR MOVED TO **ACCEPT THE TREASURER'S REPORT FOR THE MONTH ENDED FEBRUARY 28, 2019.** MOTION PASSED. AYES: CAPPELLO, MILLER, KUMAR, BERNALD, ZHAO. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.4. Amendment of Contract with Almaden Press for Printing Services

Recommended Action:

Authorize the City Manager to execute the contract amendment with Almaden Press for \$4,000 in additional funding for recreation activity guide printing and mailing services for a total amount not to exceed \$36,000.

BERNALD/KUMAR MOVED TO **AUTHORIZE THE CITY MANAGER TO EXECUTE THE CONTRACT AMENDMENT WITH ALMADEN PRESS FOR \$4,000 IN ADDITIONAL FUNDING FOR RECREATION ACTIVITY GUIDE PRINTING AND MAILING SERVICES FOR A TOTAL AMOUNT NOT TO EXCEED \$36,000.** MOTION PASSED. AYES: CAPPELLO, MILLER, KUMAR, BERNALD, ZHAO. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.5. Amendment of Contract with BMI for Document Scanning Services

Recommended Action:

Authorize the City Manager to amend the contract with BMI Imaging Systems for city-wide document scanning services in the amount of \$74,500.00.

BERNALD/KUMAR MOVED TO **AUTHORIZE THE CITY MANAGER TO AMEND THE CONTRACT WITH BMI IMAGING SYSTEMS FOR CITY-WIDE DOCUMENT SCANNING SERVICES IN THE AMOUNT OF \$74,500.00.** MOTION PASSED. AYES: CAPPELLO, MILLER, KUMAR, BERNALD, ZHAO. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.6. Resolution to adopt a list of projects funded by SB 1 for FY 2019-20: The Road Repair and Accountability Act for funding the Annual Roadway Improvements Project.

Recommended Action:

Adopt Resolution to adopt a list of projects funded by SB 1 for FY 2019-20: The Road Repair and Accountability Act for funding the Annual Roadway Improvements Project.

RESOLUTION 19-014

BERNALD/KUMAR MOVED TO **ADOPT THE RESOLUTION TO ADOPT A LIST OF PROJECTS FUNDED BY SB 1 FOR FY 2019-20: THE ROAD REPAIR AND ACCOUNTABILITY ACT FOR FUNDING THE ANNUAL ROADWAY IMPROVEMENTS PROJECT.** MOTION PASSED. AYES: CAPPELLO, MILLER, KUMAR, BERNALD, ZHAO. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.7. Vacation of Unused Portion of Saratoga-Sunnyvale Road, Vacation of Portions of Various Public Easements, and Sale of Vacated Portion of Road

Recommended Action:

1. Adopt resolution vacating an unused portion of Saratoga-Sunnyvale Road, vacating a portion of a Public Utility Easement, vacating a portion of a Fence Easement, and vacating a portion of a Non-Access Easement.
2. Adopt resolution approving a Purchase and Sale Agreement with the property owner of 13251 Paramount Drive for the vacated portion of Saratoga-Sunnyvale Road, in the amount of \$92,183.20.

RESOLUTIONS 19-015 & 19-016

BERNALD/KUMAR MOVED TO **ADOPT THE RESOLUTION VACATING AN UNUSED PORTION OF SARATOGA-SUNNYVALE ROAD, VACATING A PORTION OF A PUBLIC UTILITY EASEMENT, VACATING A PORTION OF A FENCE EASEMENT, AND VACATING A PORTION OF A NON-ACCESS EASEMENT AND TO ADOPT THE RESOLUTION APPROVING A PURCHASE AND SALE AGREEMENT WITH THE PROPERTY OWNER OF 13251 PARAMOUNT DRIVE FOR THE VACATED PORTION OF SARATOGA-SUNNYVALE ROAD, IN THE AMOUNT OF \$92,183.20.** MOTION PASSED. AYES:

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

1.8. Amendment to Ecological Consulting Services Contract with H.T. Harvey & Associates for the Saratoga-to-the-Sea Trail Project

Recommended Action:

1. Move to accept an amendment to the contract for Ecological Consulting services with H.T. Harvey & Associates for the Saratoga-to-the-Sea Trail Project, in the amount of \$35,342.
2. Move to accept a 10% contingency for this amendment, in the amount of \$3,534.

BERNALD/KUMAR MOVED TO ACCEPT AN AMENDMENT TO THE CONTRACT FOR ECOLOGICAL CONSULTING SERVICES WITH H.T. HARVEY & ASSOCIATES FOR THE SARATOGA-TO-THE-SEA TRAIL PROJECT, IN THE AMOUNT OF \$35,342 AND TO ACCEPT A 10% CONTINGENCY FOR THIS AMENDMENT, IN THE AMOUNT OF \$3,534.

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

1.9. 2018/19 Winter Storm Damage - Budget Amendment

Recommended Action:

Authorize the City Manager to use Hillside Reserve funds in the amount of \$55,000 for repairs.

RESOLUTION 19-017

BERNALD/KUMAR MOVED TO APPROVE THE BUDGET AMENDMENT RESOLUTION AND TO AUTHORIZE THE CITY MANAGER TO USE HILLSIDE RESERVE FUNDS IN THE AMOUNT OF \$55,000 FOR REPAIRS. MOTION PASSED. AYES: CAPPELLO, MILLER, KUMAR, BERNALD, ZHAO. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.10. Cost Sharing Agreement for Annexation of The Mountain Winery

Recommended Action:

Authorize the City Manager to execute a cost sharing agreement with The Mountain Winery for work associated with the annexation of the subject property into the City of Saratoga.

BERNALD/KUMAR MOVED TO AUTHORIZE THE CITY MANAGER TO EXECUTE A COST SHARING AGREEMENT WITH THE MOUNTAIN WINERY FOR WORK ASSOCIATED WITH THE ANNEXATION OF THE SUBJECT PROPERTY INTO THE CITY OF SARATOGA. MOTION PASSED. AYES:

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

1.11. Landscaping and Lighting Assessment District LLA-1; Preliminary Approval of Engineer's Report and Adoption of Resolution of Intention for FY 19-20

Recommended Action:

1. Move to adopt the Resolution granting preliminary approval of the Engineer's Report for FY 19-20 for renewing the Landscaping and Lighting Assessment District LLA-1.
2. Move to adopt the Resolution of Intention.

RESOLUTION 19-018 & 19-019

BERNALD/KUMAR MOVE TO ADOPT THE RESOLUTION GRANTING PRELIMINARY APPROVAL OF THE ENGINEER'S REPORT FOR FY 19-20 FOR RENEWING THE LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT LLA-1 AND TO ADOPT THE RESOLUTION OF INTENTION. MOTION PASSED.
AYES: CAPPELLO, MILLER, KUMAR, BERNALD, ZHAO. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

2. PUBLIC HEARING

2.1. APCC19-0002 - Appeal of a modification to an existing Conditional Use Permit for Brookside Club of Saratoga located at 19127 Cox Avenue

Recommended Action:

Adopt the resolution denying appeal APCC19-0002 approving the proposed modifications to the existing Conditional Use Permit (CUP13-0002) for the Brookside Club of Saratoga (Brookside Club).

Mayor Cappello recused himself from the public hearing and left the Theater.

Chris Riordan, Senior Planner, presented the staff report.

Vice Mayor Miller opened the public hearing.

The appellant, Declan Shalvey, provided opening remarks.

The applicants, Simon Stuart and Nick Berg, provided opening remarks.

Tom Sloane, Architect, answered questions from the Council.

Vice Mayor Miller invited public comment on the item.

The following people requested to speak:

Joyce Mitakides spoke in support of the appeal

Sanjay Thekdi spoke in support of the appeal

Kathy Fedeli spoke in support of the appeal

Priya Parthasarathy spoke in support of the appeal

Bob Salutric spoke in support of the appeal

Pat Pors spoke in support of the appeal

Eleanor Shalvey spoke in support of the appeal

Calista Martire spoke against the appeal

Muriel Mahuer spoke against the appeal

Terry Cabinha spoke in support of the appeal

Neil Cabrina spoke in support of the appeal

Kim Fanucchi spoke against the appeal

Jim Fanucchi spoke against the appeal

G.P. Martire spoke against the appeal

Sheila Picket spoke against the appeal

Julie Angell spoke against the appeal

Caitlin Molsberry spoke against the appeal

Karen Klaas spoke against the appeal

Gary C. Fussell spoke against the appeal

Caroline Schuyler spoke against the appeal

Sally McElraveg spoke against the appeal

Phil Wall spoke against the appeal

Yvonna Leung spoke in support of the appeal

Landis Coghlan spoke against the appeal

Sameer Mathur spoke against the appeal

Karthick Iyer spoke in support of the appeal

Cham Leung spoke in support of the appeal

Rob McHenry spoke against the appeal

Marc Schuyler spoke against the appeal

Sabrina Martire spoke against the appeal

Kavi Mathur spoke against the appeal

John Yelinek spoke in support of the appeal

Margot Johnson spoke against the appeal

Chuck Page spoke against the appeal

Mark Cairns spoke in support of the appeal

Cody Graef spoke against the appeal

The applicant, Greg Green, provided closing remarks.

The appellant, Declan Shalvey, provided closing remarks.

Vice Mayor Miller closed the public hearing for this item.

Vice Mayor Miller announced a recess at 10:13 p.m. and reconvened the meeting at 10:22 p.m.

RESOLUTION 19-020

BERNALD/ZHAO MOVED TO APPROVE THE RESOLUTION DENYING APPEAL APCC19-0002, APPROVING THE PROPOSED MODIFICATIONS TO THE EXISTING CONDITIONAL USE PERMIT (CUP13-0002) FOR THE BROOKSIDE CLUB OF SARATOGA (BROOKSIDE CLUB) WITH THESE ADDITIONS; 1) TO INCLUDE ON BROOKSIDE'S WEBSITE INFORMATION ABOUT THE CLUB'S PROCESS FOR TRAFFIC OVERFLOW TO INCLUDE A CONTACT PHONE NUMBER FOR CONCERN'S FROM NEIGHBORS, TRAFFIC MONITORS, AND THE USE OF TRAFFIC CONES AND PLACARDS, 2) ADD A STRIPED WALKWAY ON THE NORTH SIDE OF THE DRIVEWAY AND ADJACENT TO THE TENNIS COURTS THAT ARE EAST OF PARKING AREA A (TENNIS COURTS 7 & 8), AND 3) CONDUCT A TRAFFIC COUNT TO BE PREPARED BOTH PRIOR TO AND AFTER THE LEASED PARKING LOT IS CLOSED AND NO LONGER AVAILABLE FOR PARKING. MOTION PASSED. AYES: MILLER, KUMAR, BERNALD, ZHAO. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

Vice Mayor Miller announced a recess at 10:45 p.m.

Mayor Cappello reconvened the meeting at 10:57 p.m.

3. GENERAL BUSINESS

3.1. LGS Recreation Lease Agreement

Recommended Action:

Authorize the City Manager to execute a Lease Agreement with Los Gatos-Saratoga Community Education and Recreation.

James Lindsay, City Manager, presented the staff report.

Mayor Cappello invited public comment on the item.

No one requested to speak.

MILLER/ BERNALD MOVE TO **AUTHORIZE THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT WITH LOS GATOS-SARATOGA COMMUNITY EDUCATION AND RECREATION.** MOTION PASSED. AYES: CAPPELLO, MILLER, KUMAR, BERNALD, ZHAO. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

3.2. 2018 Pavement Management Project – Additional Work

Recommended Action:

- 1) Authorize Amendment to the contract for 2018 Pavement Management Project with O’Grady Paving.
- 2) Adopt Resolution to increase the construction contract for the 2018 Pavement Management Project by \$220,000.
- 3) Move to authorize contingency funds to execute change orders to the contract up to \$30,000.

John Cherbone, Public Works Director, presented the staff report.

Mayor Cappello invited public comment on the item.

No one requested to speak.

RESOLUTION 19-021

BERNALD/MILLER MOVE TO **AUTHORIZE THE AMENDMENT TO THE CONTRACT FOR 2018 PAVEMENT MANAGEMENT PROJECT WITH O’GRADY PAVING, TO ADOPT THE RESOLUTION TO INCREASE THE CONSTRUCTION CONTRACT FOR THE 2018 PAVEMENT MANAGEMENT PROJECT BY \$220,000, AND TO AUTHORIZE CONTINGENCY FUNDS TO EXECUTE CHANGE ORDERS TO THE CONTRACT UP TO \$30,000.** MOTION

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

3.3. Approval of Park Design Plan for City property located at the corner of Quito and Pollard Roads

Recommended Action:

Approve park design plan for City property located at the corner of Quito and Pollard Roads.

John Cherbone, Public Works Director, presented the staff report.

Mayor Cappello invited public comment on the item.

No one requested to speak.

BERNALD/MILLER MOVED TO **APPROVE PARK DESIGN PLAN FOR CITY PROPERTY LOCATED AT THE CORNER OF QUITO AND POLLARD ROADS.** MOTION PASSED. AYES: CAPPELLO, MILLER, KUMAR, BERNALD, ZHAO. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

3.4. Community Event Grant Allocation Program

Recommended Action:

Review the proposed Community Event Grant Allocation guidelines and provide direction to finalize program policy effective with Fiscal Year 2020/21.

Gina Scott, Accounting Tech, presented the staff report.

Mayor Cappello invited public comment on the item.

No one requested to speak.

MILLER/BERNALD MOVED TO **APPROVE THE PROPOSED GUIDELINES FOR THE COMMUNITY EVENT GRANT ALLOCATION PROGRAM POLICY WITH THE CLARIFICATION THAT THE \$2000 LIMIT IS ONLY FOR THE UNSECURED FUNDING GRANT APPLICANTS.** MOTION PASSED. AYES: CAPPELLO, MILLER, KUMAR, BERNALD, ZHAO. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

3.5. Automated License Plate Reader Study Scope

Recommended Action:

Provide direction to staff on the desired scope of the automated license plate reader study.

Crystal Bothelio, Deputy City Manager, presented the staff report.

Mayor Cappello invited public comment on the item.

No one requested to speak.

KUMAR/MILLER MOVE TO APPROVE THE PRELIMINARY RESEARCH TOPICS LISTED IN THE STAFF REPORT ON THE AUTOMATED LICENSE PLATE READER STUDY WITH THE ADDITION OF BEFORE AND AFTER CRIME DATA IN JURISDICTIONS THAT HAVE IMPLEMENTED LICENSE PLATE READERS, DATA FROM THE SHERIFF'S OFFICE ON ITS USE OF LICENSE PLATE READERS, AND A LIST OF AUTOMATED LICENSE PLATE READER CONSULTANTS. MOTION PASSED. AYES: CAPPELLO, MILLER, KUMAR, BERNALD, ZHAO. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

3.6. Amendment to City Council Assignments

Recommended Action:

Approve the resolution amending the City Council Assignments for 2019 by naming a member and alternate to the Comprehensive County Expressway Planning Study Policy Advisory Board.

Debbie Bretschneider, City Clerk, presented the staff report.

Mayor Cappello invited public comment on the item.

No one requested to speak.

RESOLUTION 19-022

KUMAR/ZHAO MOVED TO APPROVE THE RESOLUTION AMENDING THE CITY COUNCIL ASSIGNMENTS FOR 2019 BY NAMING YAN ZHAO AS THE MEMBER AND RISHI KUMAR AS THE ALTERNATE TO THE COMPREHENSIVE COUNTY EXPRESSWAY PLANNING STUDY POLICY ADVISORY BOARD. MOTION PASSED. AYES: CAPPELLO, MILLER, KUMAR, BERNALD, ZHAO. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

COUNCIL ASSIGNMENTS

MILLER/BERNALD MOVED TO DEFER THE REPORTING ON COUNCIL ASSIGNMENTS TO A FUTURE MEETING. MOTION PASSED. AYES: CAPPELLO, MILLER, KUMAR, BERNALD, ZHAO. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

CITY COUNCIL ITEMS

None

COUNCIL COMMUNICATIONS

None

CITY MANAGER'S REPORT

None

ADJOURNMENT

MIILER/BERNALD MOVED TO **ADJOURN THE MEETING AT 11:43 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