

**MINUTES**  
**WEDNESDAY, MAY 1, 2019**  
**SARATOGA CITY COUNCIL REGULAR MEETING**

At 5:00 p.m., the City Council held a Joint Meeting with the Saratoga Chamber of Commerce 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 Planning Commission 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.

**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  
Dennis Jaw, Finance Manager

**REPORT ON POSTING OF THE AGENDA**

City Clerk Debbie Bretschneider reported that the agenda for this meeting was properly posted on April 26, 2019.

**REPORT FROM JOINT MEETING**

Chamber of Commerce Member Chuck Page reported on the 5:00 p.m. Saratoga Chamber of Commerce Joint Meeting with the City Council. He also announced the Rotary Art Show.

Planning Commission Chair Sunil Ahuja reported on the 6:00 p.m. Planning Commission Joint Meeting with the City Council.

**ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS**

Cheriel Jensen spoke about a ban on certain garden chemicals.

Peter Friedrich spoke about elections in India and the United States.

Bhajan Singh spoke about incidents in India and Council Member Kumar.

Karthik S. spoke about incidents in India.

## **ANNOUNCEMENTS**

Mayor Cappello announced the Free E-Waste drop-off, Community Wildfire Preparedness Meetings, and Commission Recruitments.

## **CEREMONIAL ITEMS**

Proclamation Declaring May 2019 as National Preservation Month

**Recommended Action:**

Present the proclamation declaring May 2019 as National Preservation Month to the City of Saratoga Heritage Preservation Commission.

Mayor Cappello and the City Council presented the proclamation to the Heritage Preservation Commission.

### **1. CONSENT CALENDAR**

1.1. City Council Meeting Minutes

**Recommended Action:**

Approve the City Council minutes for the Special City Council Meeting on April 15, 2019 and the Regular City Council Meeting April 17, 2019.

MILLER/BERNALD MOVED TO **APPROVE THE CITY COUNCIL MINUTES FOR THE SPECIAL CITY COUNCIL MEETING ON APRIL 15, 2019 AND THE REGULAR CITY COUNCIL MEETING APRIL 17, 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: 04/16/2019 Period 10; and 04/23/2019 Period 10.

MILLER/BERNALD MOVED TO **ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 04/16/2019 PERIOD 10; AND 04/23/2019 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 March 31, 2019

**Recommended Action:**

Review and accept the Treasurer's Report for the month ended March 31, 2019.

MILLER/BERNALD MOVED TO **ACCEPT THE TREASURER'S REPORT FOR THE MONTH ENDED MARCH 31, 2019.** MOTION PASSED. AYES: CAPPELLO, MILLER, KUMAR, BERNALD, ZHAO. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.4. Amendment to Extend Design Contract with Bellecci & Associates for the Village to Quarry Park Phase I Project

**Recommended Action:**

Move to accept an amendment to extend the design contract with Bellecci & Associates for the Village to Quarry Park Phase I Project from July 1, 2019 to June 30, 2021.

MILLER/BERNALD MOVED TO **ACCEPT AN AMENDMENT TO EXTEND THE DESIGN CONTRACT WITH BELLECCI & ASSOCIATES FOR THE VILLAGE TO QUARRY PARK PHASE I PROJECT FROM JULY 1, 2019 TO JUNE 30, 2021.** MOTION PASSED. AYES: CAPPELLO, MILLER, KUMAR, BERNALD, ZHAO. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

Vice Mayor Miller commented on Village to Quarry Park Phase I Project extension.

1.5. Transportation Development Act (TDA) Article 3 Application for the Saratoga Avenue Walkway Project.

**Recommended Action:**

Adopt resolution supporting the Metropolitan Transportation Commission's Transportation Development Act Article 3 Pedestrian/Bicycle Grant Application for the Saratoga Avenue Walkway Project.

**RESOLUTION 19-023**

MILLER/BERNALD MOVED TO **ADOPT THE RESOLUTION SUPPORTING THE METROPOLITAN TRANSPORTATION COMMISSION'S TRANSPORTATION DEVELOPMENT ACT ARTICLE 3 PEDESTRIAN/BICYCLE GRANT APPLICATION FOR THE SARATOGA AVENUE WALKWAY PROJECT.**

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

## 2. PUBLIC HEARING

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.

Mayor Cappello announced that the City Council attended a Site Visit on April 29, 2019 and requested continuation of the item to May 15, 2019 due to a noticing error.

Mayor Cappello opened the public hearing.

The following people requested to speak:

Cheriel Jensen

No one else requested to speak.

**MILLER/BERNALD MOVED TO CONTINUE ITEM 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 TO THE MAY 15, 2019 CITY COUNCIL MEETING. MOTION PASSED. AYES: CAPPELLO, MILLER, KUMAR, BERNALD, ZHAO. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.**

2.2. Proposed Fee Schedule Update for FY 2019/20

**Recommended Action:**

Open the public hearing, listen to public testimony and close public hearing. Provide direction to staff and adopt the resolution approving the fee schedule and additional revisions for Fiscal Year 2019/20, effective July 1, 2019.

Dennis Jaw, Finance Manager, presented the staff report.

Mayor Cappello opened the public hearing.

No one requested to speak.

Mayor Cappello closed the public hearing.

### **RESOLUTION 19-024**

MILLER/BERNALD MOVED TO **ADOPT THE RESOLUTION APPROVING THE FEE SCHEDULE AND ADDITIONAL REVISIONS FOR FISCAL YEAR 2019/20, EFFECTIVE JULY 1, 2019, WITH THE ADDITION OF A WAIVER OF CITY DEVELOPMENT FEES, SUCH AS PLANNING AND BUILDING PERMITS, FOR PROJECTS FUNDED BY THE HOUSING REHAB GRANT PROGRAM OPERATED BY THE SANTA CLARA COUNTY OFFICE OF SUPPORTIVE HOUSING; AND STAFF WAS DIRECTED TO PROVIDE THE CITY COUNCIL WITH A REPORT IN 1 YEAR ON USE OF THE WAIVER.** MOTION PASSED.  
AYES: CAPPELLO, MILLER, KUMAR, BERNALD, ZHAO. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

### **3. GENERAL BUSINESS**

3.1. Award of Contract to Wattis Construction Co. Inc. for the 2019 Pavement Maintenance Program

**Recommended Action:**

1. Move to declare Wattis Construction Co. Inc. to be the lowest responsible bidder on the project.
2. Move to award a Construction Contract to Wattis Construction Co. Inc. in the amount of \$1,223,386.30, and authorize the City Manager to execute the same.
3. Move to authorize staff to execute change orders to the contract up to \$188,807.70.
4. Move to approve a Budget Adjustment Resolution for the project.

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

No one requested to speak.

### **RESOLUTION 19-025**

MILLER/KUMAR MOVED TO **DECLARE WATTIS CONSTRUCTION CO. INC. TO BE THE LOWEST RESPONSIBLE BIDDER ON THE PROJECT, TO AWARD A CONSTRUCTION CONTRACT TO WATTIS CONSTRUCTION CO. INC. IN THE AMOUNT OF \$1,223,386.30 AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE SAME, TO AUTHORIZE STAFF TO EXECUTE CHANGE ORDERS TO THE CONTRACT UP TO \$188,807.70, AND TO APPROVE A BUDGET ADJUSTMENT RESOLUTION FOR THE PROJECT.** MOTION PASSED.  
AYES: CAPPELLO, MILLER, KUMAR, BERNALD, ZHAO. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

3.2. CivicPlus Mobile App

**Recommended Action:**

Provide direction to staff regarding the CivicPlus mobile app.

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

No one requested to speak.

MILLER/BERNALD MOVED TO **DIRECT STAFF NOT TO PROCEED WITH THE CIVICPLUS MOBILE APP.** MOTION PASSED. AYES: CAPPELLO, MILLER, BERNALD. NOES: KUMAR, ZHAO. ABSTAIN: NONE. ABSENT: NONE.

### 3.3. City Council Meeting Cancellation

#### **Recommended Action:**

Move to cancel the regular City Council meeting scheduled for June 5, 2019 and authorize the City Manager to reinstate the meeting with at least 72 hours' notice if there is a matter that requires City Council action prior to the next regularly scheduled meeting.

Debbie Bretschneider, City Clerk, presented the staff report.

No one requested to speak.

MILLER/CAPPELLO MOVED TO **CANCEL THE REGULAR CITY COUNCIL MEETING SCHEDULED FOR JUNE 5, 2019 AND AUTHORIZE THE CITY MANAGER TO REINSTATE THE MEETING WITH AT LEAST 72 HOURS' NOTICE IF THERE IS A MATTER THAT REQUIRES CITY COUNCIL ACTION PRIOR TO THE NEXT REGULARLY SCHEDULED MEETING.** 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 General Meeting is on May 10 and the program is on autonomous vehicles.

*West Valley Mayors and Managers* – the group received a VTA presentation on NEXT Network and the changes taking place.

*West Valley Sanitation District* – the District is dealing with contract negotiations.

### Vice Mayor Howard Miller

*Saratoga Ministerial Association* – the Association had their monthly meeting and had a tour of Hakone Gardens.

*Saratoga Sister City Organization* – the Organization discussed the 35<sup>th</sup> anniversary events, including an outline of a calendar that includes a formal reception of the Council and Sister City delegates where there will be an exchange gifts and a tree planting. The Council will present a commendation to the Sister City delegates at the Council meeting on October 16.

*Silicon Valley Clean Energy Authority Board of Directors* – the Authority is offering 100% carbon-free energy at 6% less than PG&E rates. The board received a presentation on Natural Gas and methane. The Bike to the Future event was held and two teams were from Saratoga.

*Valley Transportation Authority (VTA) Policy Advisory Committee* – the Committee reviewed the NEXT Network to reduce the budget and change services. The VTA Express Bus system will be redesigned and looking for Corporate sponsors.

*VTA State Route 85 Corridor Policy Advisory Board* – the Advisory Board is giving the VTA Board a proposal on State Route 85 with no light -rail along the middle of the State Route 85 corridor but recommending the center corridor should still be left open for HOV+5, which is a separate lane for special busses.

#### Council Member Rishi Kumar

*Santa Clara County Library Joint Powers Authority* – the Authority received the audit report and the expansion report, which is including a new full-time library clerk.

*Santa Clara Valley Water District Commission* – the Commission will be receiving monthly information on the Santa Clara Valley Water District Board’s priorities. The Commission reviewed the Fiscal Year19/20 ground water production charges and discussed upcoming work plans.

*West Valley Solid Waste Management Joint Powers Authority* – the Ad Hoc Committee for a new disposal agreement held a meeting about the Guadalupe Landfill contract renewal and is looking at other vendors and other green options.

#### Council Member Mary-Lynne Bernald

*Public Art Committee* – the Committee decided on locations for artistic bike racks, which will be at the Civic Center, Saratoga Library, and Blaney Plaza. The Committee also discussed possibly having an artistic bike rack at No Name Park.

*Santa Clara County Housing and Community Development (HCD) Council Committee* – Council Member Bernald is attending a Council Site Visit, so City staff member Mainini Cabute will be attending the meeting.

*Santa Clara/Santa Cruz Airport/Community Roundtable* – several SCSC Roundtable members took a tour of the San Francisco Air Traffic Control Center and surrounds.

*Saratoga Historical Foundation* – the Foundation discussed the Honoring Saratogans event and this year the honorees will be Joyce Hlava, David Moyle, and Reiko Iwanaga.

#### Council Member Yan Zhao

*Comprehensive County Expressway Planning Study Policy Advisory Board* – the Board will be meeting on May 19.

*Hakone Foundation Board* – the Board held a budget study and financial review. The Board also discussed possible new fundraising events.

*Public Art Committee* – the Committee thanks the Council for increasing the Public Art budget for next fiscal year. The Committee discussed a possible collaboration with West Valley College.

*Saratoga Chamber of Commerce & Destination Saratoga* – the Chamber discussed activity planning, including the wine stroll and car show.

### **CITY COUNCIL ITEMS**

Vice Mayor Miller asked to have staff bring forward a future Council item on possible campaign contribution finance limits for Saratoga. Council Member Bernald supported the request.

## **COUNCIL COMMUNICATIONS**

Council Member Kumar spoke about San Jose Water Company proposed rate increases and resident protests submitted to the CPUC.

## **CITY MANAGER'S REPORT**

None

## **ADJOURNMENT**

BERNALD/MILLER MOVED TO **ADJOURN THE MEETING AT 8:53 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