

MINUTES
WEDNESDAY, MAY 15, 2019
SARATOGA CITY COUNCIL REGULAR MEETING

At 5:00 p.m., the City Council held Closed Sessions 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 Santa Clara County Board of Supervisors President Joe Simitian 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
Dennis Jaw, Finance Manager
Christopher Riordan, Senior Planner
Monica LaBossiere, Human Resources Manager
Rob Balbuena, IT Technician
Kayla Nakamoto, Recreation Coordinator

REPORT ON POSTING OF THE AGENDA

City Clerk Debbie Bretschneider reported that the agenda for this meeting was properly posted on May 10, 2019.

REPORT FROM CLOSED SESSION

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

REPORT FROM JOINT MEETING

Santa Clara County Board of Supervisors President Joe Simitian reported on the discussions in the Joint Meeting.

ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS

None

ANNOUNCEMENTS

Mayor Cappello announced Living Room Conversations, Community Wildfire Preparedness Meetings, the Neighborhoods Joint Meeting, and the Community Meeting on the Mountain Winery annexation.

CEREMONIAL ITEMS

Proclamation Declaring May 2019 as Older Americans Month

Recommended Action:

Present the proclamation declaring May 2019 as Older Americans Month.

Mayor Cappello and the City Council presented the proclamation to representatives of the Senior Area Senior Coordinating Council.

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.

Mayor Cappello and the City Council received a presentation from the Youth Commission and presented commendations to the outgoing Youth Commissioners.

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.

RESOLUTION 19-026

KUMAR/BERNALD MOVED TO **APPROVE THE ATTACHED RESOLUTION APPOINTING 5 MEMBERS TO THE SARATOGA YOUTH 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.

1. CONSENT CALENDAR

1.1. City Council Meeting Minutes

Recommended Action:

Approve the City Council minutes for the Regular City Council Meeting May 1, 2019.

KUMAR/MILLER MOVED TO **APPROVE THE CITY COUNCIL MINUTES FOR THE REGULAR CITY COUNCIL MEETING MAY 1, 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: 04/30/2019 Period 10; and 05/07/2019 Period 11.

KUMAR/MILLER MOVED TO **ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 04/30/2019 PERIOD 10; AND 05/07/2019 PERIOD 11.** MOTION PASSED. AYES: CAPPELLO, MILLER, KUMAR, BERNALD, ZHAO. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.3. Amendment to Contract with BKF Engineers

Recommended Action:

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

KUMAR/MILLER MOVED TO **APPROVE AN AMENDMENT TO EXTEND THE TERM OF CONTRACT WITH BKF ENGINEERS AND AUTHORIZE CITY MANAGER TO EXECUTE THE SAME.** MOTION PASSED. AYES: CAPPELLO, MILLER, KUMAR, BERNALD, ZHAO. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

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

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.

KUMAR/MILLER MOVED TO **APPROVE A 3-YEAR CONTRACT WITH FEHR AND PEERS TRANSPORTATION CONSULTANTS FOR TRAFFIC ENGINEERING SERVICES AND AUTHORIZE CITY MANAGER TO EXECUTE THE SAME.** MOTION PASSED. AYES: CAPPELLO, MILLER, KUMAR, BERNALD, ZHAO. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

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.

RESOLUTION 19-027

KUMAR/MILLER MOVED TO **APPROVE THE PROPOSED MEMORANDUM OF UNDERSTANDING (MOU) AND COUNCIL RESOLUTION TO ADOPT MEMORANDUM OF UNDERSTANDING FOR THE SARATOGA EMPLOYEE ASSOCIATION (“SEA”) JULY 1, 2019 TO JUNE 30, 2023.** MOTION PASSED.

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

Vice Mayor Miller commented that the City Council is very grateful for the great efforts of the City staff.

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.

RESOLUTION 19-028

KUMAR/MILLER MOVED TO **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.** 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.

Christopher Riordan, Senior Planner, presented the staff report.

Mayor Cappello opened the public hearing.

The appellant's attorney, Geoffrey Wm. Steele, provided opening remarks.

The applicant, Caitlin McLester, provided opening remarks.

Mayor Cappello invited public comment on the item.

The following people requested to speak:

Xiang Lee spoke in favor of appeal

Rex Konosha spoke in favor of appeal

The applicant, Caitlin McLester, provided closing remarks.

The appellant's attorney, Geoffrey Wm. Steele, provided closing remarks.

Mayor Cappello closed the public hearing for this item.

RESOLUTION 19-029

BERNALD /MILLER MOVED TO APPROVE TO ADOPT THE 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 AND ASK STAFF TO BRING BACK A PROCESS FOR ESCALATING THE REMOVAL OF DUAL UTILITY POLES. MOTION PASSED. AYES: CAPPELLO, MILLER, BERNALD, ZHAO. NOES: KUMAR. ABSTAIN: NONE. ABSENT: NONE.

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.

Mary Furey, Finance & Administrative Services Director, and 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 for this item.

MILLER/BERNALD MOVED TO PLACE THE PROPOSED FY 2019/20 OPERATING & CAPITAL BUDGETS ON THE CONSENT CALENDAR OF THE JUNE 19, 2019 MEETING FOR ADOPTION. MOTION PASSED. AYES:

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

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.

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

No one requested to speak.

MILLER/KUMAR MOVED TO **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 AND TO AUTHORIZE THE CITY MANAGER TO APPROVE UNANTICIPATED ADDITIONAL COSTS OF UP TO 10% OF THE CONTRACT AMOUNT (\$20,020.00) AS A PROJECT CONTINGENCY.** 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 yearly General Meeting was held at West Valley College and included students from the college. The topic was autonomous vehicles and possible changes for cities.

Vice Mayor Howard Miller

Saratoga Ministerial Association – the Association had a tour of the Latter-Day Saints temple in Oakland.

Silicon Valley Clean Energy Authority Board of Directors – the Executive Board meeting was held and discussions included the Bike to the Future event and REACH codes. Vice Mayor Miller asked for a report from city staff on implementing REACH codes.

Valley Transportation Authority (VTA) Policy Advisory Committee – the meeting included a report on revised NEXT Network report and a report on VTA ridership, which continues to be lower.

Council Member Rishi Kumar

West Valley Clean Water Program Authority – a meeting was held on May 2 and the Authority received a report on priorities, storm/sewer feeds, and the 2019/20 proposed budget.

West Valley Solid Waste Management Joint Powers Authority – the Authority approved a 4.2% increase in the fees from the Guadalupe Landfill project. The Authority also received a report that West Valley Collection & Recycling will increase monthly fees by 2.5 %.

Council Member Mary-Lynne Bernald

Chamber of Commerce – Council Member Bernald attended on Council Member Zhao’s behalf. *Santa Clara/Santa Cruz Airport/Community Roundtable* – Council Member Bernald is holding weekly phone calls with Roundtable staff.

Council Member Yan Zhao

No meetings to report on at this time.

CITY COUNCIL ITEMS

Council Member Zhao nominated the Hakone Koi Pond remodel for the Fiscal Year 2020/2021 Capital Improvement Budget. Council Member Miller supported the nomination.

COUNCIL COMMUNICATIONS

None

CITY MANAGER'S REPORT

None

ADJOURNMENT

MILLER/BERNALD MOVED TO **ADJOURN THE MEETING AT 9:34 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