

**MINUTES**  
**WEDNESDAY, JUNE 20, 2018**  
**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 6:00 p.m. the City Council held a Joint Meeting with Hakone Foundation in the Linda Callon Conference Room at 13777 Fruitvale Avenue in Saratoga.

Mayor Bernald called the regular session to order in the Civic Theater, Council Chambers at 13777 Fruitvale Avenue in Saratoga at 7:00 p.m. and led the Pledge of Allegiance.

**ROLL CALL**

**PRESENT:** Mayor Mary-Lynne Bernald, Vice Mayor Manny Cappello  
Council Members, Howard Miller, Emily Lo, Rishi Kumar

**ABSENT:** None

**ALSO PRESENT:** James Lindsay, City Manager  
Richard Taylor, City Attorney  
Crystal Bothelio, Deputy City Manager  
Nora Pimentel, City Clerk  
Debbie Pedro, Community Development Director  
Mary Furey, Finance and Administrative Services Director  
John Cherbone, Public Works Director

**REPORT ON POSTING OF THE AGENDA**

City Clerk Nora Pimentel reported that the agenda for this meeting was properly posted on June 13, 2018.

**REPORT FROM CLOSED SESSION**

Mayor Bernald reported that a Closed Session was held earlier and there was nothing to report.

**REPORT FROM JOINT MEETING**

Ann Waltonsmith, Hakone Foundation Board of Trustees Chair and Shozo Kagoshima, Hakone Foundation Executive Director provided an overview of the Joint meeting with Hakone Garden Foundation held earlier which included a financial overview, upcoming activities and information related to an upcoming pond renovation project.

**ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS**

None

## ANNOUNCEMENTS

Mayor Bernald announced the following: Blossom Festival on June 23, 2018; Honoring Saratogans on June 24, 2018; Living Room Conversations on June 26, 2018; Independence Day Celebration on July 4, 2018; and America the Beautiful Decorating Project in the village.

Mayor Bernald announced that Public Hearing Item 2.2 would be heard first before the Consent Calendar.

### 1. CONSENT CALENDAR

#### 1.1. City Council Meeting Minutes

**Recommended Action:**

Approve the City Council minutes for the Special City Council Retreat Meeting on February 16, 2018 and the Regular City Council Meeting on June 6, 2018.

CAPPELLO/LO MOVED TO **APPROVE THE CITY COUNCIL MINUTES FOR THE SPECIAL CITY COUNCIL RETREAT MEETING ON FEBRUARY 16, 2018 AND THE REGULAR CITY COUNCIL MEETING ON JUNE 6, 2018.** MOTION PASSED. AYES: BERNALD, CAPPELLO, MILLER, LO, KUMAR. 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: 06/05/2018 Period 12; and 06/12/2018 Period 12.

CAPPELLO/LO MOVED TO **ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 06/05/2018 PERIOD 12; AND 06/12/2018 PERIOD 12.** MOTION PASSED. AYES: BERNALD, CAPPELLO, MILLER, LO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE

#### 1.3. Resolution Calling for General Municipal Election – November 6, 2018

**Recommended Action:**

Approve the attached resolution calling for a consolidated, General Municipal Election on November 6, 2018.

### RESOLUTION NO. 18-033

CAPPELLO/LO MOVED TO **APPROVE A RESOLUTION CALLING FOR A CONSOLIDATED, GENERAL MUNICIPAL ELECTION ON NOVEMBER 6, 2018.** MOTION PASSED. AYES: BERNALD, CAPPELLO, MILLER, LO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE

#### 1.4. Resolution Authorizing Final Disposition of Certain City Records

**Recommended Action:**

Adopt resolution authorizing final disposition of certain city records.

### RESOLUTION NO. 18-034

CAPPELLO/LO MOVED TO **ADOPT A RESOLUTION AUTHORIZING FINAL DISPOSITION OF CERTAIN CITY RECORDS.** MOTION PASSED. AYES: BERNALD, CAPPELLO, MILLER, LO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE

1.5. Resolution to Establish Property Tax Levy for Debt Service Payments on the Library General Obligation Bonds

**Recommended Action:**

Adopt the attached resolution that sets the property tax levy rate to provide for the Library General Obligation Bond's debt service payment at \$.0046 per \$100 of Assessed Valuation.

**RESOLUTION NO. 18-035**

Council Member Miller commented on this item.

CAPPELLO/LO MOVED TO **ADOPT A RESOLUTION THAT SETS THE PROPERTY TAX LEVY RATE TO PROVIDE FOR THE LIBRARY GENERAL OBLIGATION BOND'S DEBT SERVICE PAYMENT AT \$.0046 PER \$100 OF ASSESSED VALUATION.** MOTION PASSED. AYES: BERNALD, CAPPELLO, MILLER, LO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE

1.6. Microsoft Office 365 with Exchange Online Software Licensing Contract

**Recommended Action:**

Authorize the City Manager to enter into a three-year Microsoft Enterprise Licensing Agreement through SoftwareONE for Office 365 with Exchange Online in an amount not to exceed \$20,000 per fiscal year.

CAPPELLO/LO MOVED TO **AUTHORIZE THE CITY MANAGER TO ENTER INTO A THREE-YEAR MICROSOFT ENTERPRISE LICENSING AGREEMENT THROUGH SOFTWAREONE FOR OFFICE 365 WITH EXCHANGE ONLINE IN AN AMOUNT NOT TO EXCEED \$20,000 PER FISCAL YEAR.** MOTION PASSED. AYES: BERNALD, CAPPELLO, MILLER, LO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE

1.7. Application to Establish an Agricultural Preserve at 22100 Mt. Eden Road and to Enter into a Williamson Act Contract (Application No. WIL18-0001)

**Recommended Action:**

Approve resolution establishing an Agricultural Preserve at 22100 Mt. Eden Road and authorizing the City Manager to enter into a Williamson Act land conservation contract.

**RESOLUTION NO. 18-036**

CAPPELLO/LO MOVED TO **APPROVE A RESOLUTION ESTABLISHING AN AGRICULTURAL PRESERVE AT 22100 MT. EDEN ROAD AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A WILLIAMSON ACT LAND CONSERVATION CONTRACT.** MOTION PASSED. AYES: BERNALD, CAPPELLO, MILLER, LO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE

## 2. PUBLIC HEARING

### 2.1. Weed and Brush Abatement Program Public Nuisance Declaration and Abatement Order

#### **Recommended Action:**

Conduct public hearing, receive public testimony, and consider requests to remove properties from the nuisance declaration and abatement order. Adopt the attached resolution declaring properties listed in the attached resolution to be a public nuisance; ordering abatement of properties to correct the public nuisance; and, authorizing the Santa Clara County Weed Abatement program to remove hazardous vegetation from these properties.

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

Mayor Bernald opened the public hearing.

No one requested to speak.

Mayor Bernald closed the public hearing.

#### **RESOLUTION NO. 18-037**

**MILLER/LO MOVED TO ADOPT RESOLUTION DECLARING PROPERTIES LISTED IN THE RESOLUTION TO BE A PUBLIC NUISANCE WITH THE EXCEPTION OF 15120 QUITO ROAD; ORDERING ABATEMENT OF PROPERTIES TO CORRECT THE PUBLIC NUISANCE; AND AUTHORIZING THE SANTA CLARA COUNTY WEED ABATEMENT PROGRAM TO REMOVE HAZARDOUS VEGETATION FROM THESE PROPERTIES.** MOTION PASSED.  
AYES: BERNALD, CAPPELLO, MILLER, LO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE

### 2.2. Ordinance Establishing Regulations for Storage and Reporting Lost or Stolen Firearms

#### **Recommended Action:**

Conduct a public hearing concerning the attached ordinance that would establish regulations for storage of firearms in Saratoga residences and requirements for reporting lost or stolen firearms in the City of Saratoga; and, introduce and waive the first reading of the ordinance and direct staff to place the ordinance on the consent calendar for adoption at the next regularly scheduled meeting of the City Council.

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

Mayor Bernald opened the public hearing.

The following people spoke:

Dave Truslow spoke in opposition to the ordinance.

Ken Wayne spoke in opposition to the ordinance.

Mitchell Kirk spoke in opposition to the ordinance.

Arnia Krantz spoke in support of the ordinance.

Thomas Coe spoke in opposition to the ordinance.

Ray Froess spoke in opposition to the ordinance.

Erik Swanson spoke in support of the ordinance.

Annette Ladowitz spoke in support of the ordinance.

James Peterson spoke in support of the ordinance.

Jon Cross spoke in support of the ordinance.

Aiden Rodriguez-Swanson spoke in support of the ordinance.

Anne Cross spoke in support of the ordinance.

Channing Smith spoke in support of the ordinance.

Katie Sabel spoke in support of the ordinance.

Teresa Lanz spoke in support of the ordinance.

Unidentified speaker spoke in opposition of the ordinance.

Marsha Kaplan spoke in support of the ordinance.

Carol Weiss spoke in support of the ordinance.

Steve Jacobs spoke in support of the ordinance.

Lareen Jacobs spoke in support of the ordinance.

Alexis Weisend spoke in support of the ordinance.

Shubhra Dubey spoke in support of the ordinance.

Steve Quon spoke in opposition of the ordinance.

Don Veith spoke in support of the ordinance.

Jerry Jesca spoke in opposition of the ordinance.

Denise Commanden spoke in opposition of the ordinance.

Larry Meringer spoke in opposition of the ordinance.

Reverend Ananda Barclay spoke in support of the ordinance.

Unidentified speaker spoke in support of the ordinance.

No one else requested to speak.

Mayor Bernald closed the public hearing

Council Member comments and questions followed.

Lieutenant Marc Lehman, Deputy City Manager Crystal Bothelio, City Manager James Lindsay, and City Attorney Richard Taylor responded to questions.

CAPPELLO/BERNALD MOVED TO **INTRODUCE AND WAIVE THE FIRST READING OF THE ORDINANCE AND DIRECT STAFF TO: PLACE THE ORDINANCE ON THE CONSENT CALENDAR FOR ADOPTION AT THE NEXT REGULARLY SCHEDULED MEETING OF THE CITY COUNCIL; CONDUCT OUTREACH ON THE ORDINANCE, IF ADOPTED; ENCOURAGE THE SENIOR CENTER AND SARATOGA MINISTERIAL ASSOCIATION TO CONDUCT GUN SAFETY OUTREACH FOR OLDER ADULTS; AND BRING FORWARD A LETTER TO ASSEMBLY MEMBER EVAN LOW RECOMMENDING FELONY PENALTIES FOR FIREARM THEFTS FOR CITY COUNCIL CONSIDERATION AT A FUTURE MEETING.** MOTION PASSED. AYES: BERNALD, CAPPELLO, MILLER, LO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE

Mayor Bernald called for a recess at 8:57 p.m. and reconvened the meeting at 9:07 p.m.

### 3. GENERAL BUSINESS

3.1. Saratoga-to-the-Sea Trail Partnership Agreement with Midpeninsula Regional Open Space District

**Recommended Action:**

Approve Partnership Agreement with Midpeninsula Regional Open Space District for the Saratoga-to-the-Sea Trail project and authorize the City Manager to execute the same.

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

Mayor Bernald invited public comment on this item.

The following people spoke:

William Brooks

No one else requested to speak.

MILLER/CAPPELLO MOVED TO **APPROVE A PARTNERSHIP AGREEMENT WITH MIDPENINSULA REGIONAL OPEN SPACE DISTRICT FOR THE SARATOGA-TO-THE-SEA TRAIL PROJECT AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE SAME.** MOTION PASSED. AYES: BERNALD, CAPPELLO, MILLER, LO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE

3.2. Report on Flavored Tobacco Regulations

**Recommended Action:**

Accept report and direct staff accordingly.

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

Joyce Villalobos, Santa Clara County Public Health Department provided additional information.

Mayor Bernald invited public comment on the item.

The following people spoke:

Michelle Lam

Suhas Kotha

No one else requested to speak.

BERNALD/MILLER MOVED TO **DIRECT STAFF PREPARE AN ORDINANCE BANNING SALES OF ALL TOBACCO PRODUCTS IN THE CITY OF SARATOGA TO BE CONSIDERED AT A FUTURE CITY COUNCIL MEETING.** MOTION PASSED. AYES: BERNALD, CAPPELLO, MILLER, LO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE

## **COUNCIL ASSIGNMENTS**

### **Mayor Mary-Lynne Bernald**

*Cities Association of Santa Clara County-Legislative Action Committee* met on June 14, 2018 where there was discussion about SB 831 and was continued to a later date for further discussion.

*Cities Association of Santa Clara County-City Selection Committee* met on June 14, 2018 and appointments were made to the Association of Bay Area Governments Executive Board. The formation of the Santa Clara/Santa Cruz Roundtable was presented to the Cities Association Board of Directors. Mayor Bernald mentioned that the Santa Clara/Santa Cruz Roundtable and RHNA Sub Region topics will be discussed at the City Council meeting on August 15, 2018.

*Hakone Foundation Board* will meet on June 21, 2018.

*Saratoga Historical Foundation* will meet on June 21, 2018.

*South Flow Arrivals Ad Hoc Committee* – Mayor Bernald shared that the report for the 120 day study for South Flow arrivals into San Jose has been published. The report stated that a regional approach needs to occur. The FAA is expected to respond to the report.

*West Valley Mayors and Managers* will meet at the end of the month, and Vice Mayor Cappello will attend on behalf of Mayor Bernald and the topic of discussion will be Age Friendly Communities.

Vice Mayor Manny Cappello

*Cities Association of Santa Clara County Board of Directors* met on June 7, 2018 where there was discussion on the RHNA Sub Region, and within the next few months the Cities Association will ask each City to consider whether or not they want to be a part of the sub region. There was a report and discussion on the Santa Clara/Santa Cruz Roundtable, as well as a report on vehicle dwellers.

*West Valley Sanitation District* met and reviewed the performance of the Executive Director who met all the objectives and the objectives for the next fiscal year were set.

Council Member Howard Miller

*Saratoga Sister City Organization* met and the primary focus of the meeting was on the upcoming trip to Japan on July 2, 2018.

*Silicon Valley Clean Energy Authority Board of Directors* met and Council Miller reported on three items: 1) the City of Milpitas is now officially part of the new Community Choice Energy agency and the residents have begun to receive power at the rate of 6% less than PG&E for electricity and 100% greenhouse gas free; 2) SVCE have entered into their first Joint Purchase Agreement to build a new wind farm in New Mexico; and 3) SVCE has lost two directors and CEO since the founding, the Board of Directors have instructed the new CEO to look at the entire suite of benefits and other programs related to employee morale and retention.

Council Member Emily Lo

*Hakone Foundation Board & Executive Committee* will meet June 21, 2018.

*Santa Clara County Library Joint Powers Authority* met on June 7, 2018 where the budget for 2018 was approved and \$205,000 was set aside for a roof restoration capital project to take place in the upcoming year. The Authority received a report on the Food for Fine pilot program which was conducted in coordination with Second Harvest Food Bank. The summer reading program has begun and post cards to advertise the program have been sent to residents.

Council Member Rishi Kumar

*Saratoga Chamber of Commerce & Destination Saratoga* met last week, Council Member Kumar reported not being in attendance but sent the following updates to the Chamber members: flavored tobacco regulations, three new restaurants in the village, update on the four way stop sign at 4<sup>th</sup> Street and Big Basin Way, and an update on safety. He also invited the members to the Blossom Festival taking place on Saturday, June 23, 2018.

**CITY COUNCIL ITEMS**

None

**COUNCIL COMMUNICATIONS**

Council Member Lo reported that on Friday, June 22, 2018 from 11:30 a.m. - 1:00 p.m. the Peninsula Division of League of Cities will have a quarterly meeting at the Seaport Conference Center in Redwood City on the topic, "Election 2018."



Council Member Kumar announced that the San Jose Water Company advice letter 523 has been filed with CPUC, which will lead to a rate increase of 3.57 percent. He encouraged those who are interested in filing a protest to visit his website for more information. Council Member Kumar also announced that the *Saratoga News* published an article last Friday regarding crime rates dropping by 47% in Saratoga specifically to residential burglaries, this drop was attributed to the Neighborhood Watch programs.

Mayor Bernald reported that the Recycle and Waste Reduction Committee met tonight.

#### **CITY MANAGER'S REPORT**

None

#### **ADJOURNMENT**

MILLER/LO MOVED TO **ADJOURN THE MEETING AT 10:22 P.M.** MOTION PASSED.  
AYES: BERNALD, CAPPELLO, MILLER, LO, KUMAR. NOES: NONE. ABSTAIN: NONE.  
ABSENT: NONE.

Minutes respectfully submitted:

Nora Pimentel, MMC  
City Clerk  
City of Saratoga