

**MINUTES**  
**WEDNESDAY, AUGUST 1, 2018**  
**SARATOGA CITY COUNCIL REGULAR MEETING**

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

At 5:30 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 the Youth in Government participants 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 7:07 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  
Michael Taylor, Recreation and Facilities Director

**REPORT ON POSTING OF THE AGENDA**

City Clerk Nora Pimentel reported that the agenda for this meeting was properly posted on July 26, 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**

Mayor Bernald provided an overview of the Joint Meeting.

**ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS**

Robert Lanz suggested to the council to look at a Sidewalk Master Plan and recommended the Menlo Park Model.

Pavi spoke about a recent dog attack and requested that Council amend the dangerous dog provisions of the City Code.

Donna Poppenhagen spoke about a recent dog attack and requested that Council amend the dangerous dog provisions of the City Code.

Dipu Pramanir spoke about a recent dog attack and requested that Council amend the dangerous dog provisions of the City Code.

Abe Kaabipour expressed concern with the proposed ordinance to ban tobacco sales.

## **ANNOUNCEMENTS**

Mayor Bernald announced that the Saratoga Movie Nights and recruitment for the Library and Parks and Recreation Commissions.

## **CEREMONIAL ITEMS**

Commendation for Kenneth Kehmna, Santa Clara County Fire Chief

**Recommended Action:**

Present commendation to Kenneth Kehmna, Santa Clara County Fire Chief.

Mayor Bernald and the City Council presented Chief Kenneth Kehmna with a commendation.

Commendation for Melodie Pack, Saratoga Union School District Office Employee of the Year

**Recommended Action:**

Present commendation to Melodie Pack, Saratoga Union School District Office Employee of the Year.

Mayor Bernald and the City Council presented a commendation to Melodie Pack.

## **1. CONSENT CALENDAR**

1.1. City Council Meeting Minutes

**Recommended Action:**

Approve the City Council minutes for the Regular City Council Meeting on June 20, 2018.

MILLER/CAPPELLO MOVED TO **APPROVE THE CITY COUNCIL MINUTES FOR THE REGULAR CITY COUNCIL MEETING ON JUNE 20, 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:  
6/19/2018 Period 12; 6/26/2018 Period 12; 7/3/2018 Period 13;  
7/3/2018 Period 1; 7/10/2018 Period 13; 7/10/2018 Period 1; 7/17/2018 Period 13;  
7/18/2018 Period 1; 7/24/2018 Period 13; and 7/25/2018 Period 1.

MILLER/CAPPELLO MOVED TO **ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 6/19/2018 PERIOD 12; 6/26/2018 PERIOD 12; 7/3/2018 PERIOD 13; 7/3/2018 PERIOD 1; 7/10/2018 PERIOD 13; 7/10/2018 PERIOD 1; 7/17/2018 PERIOD 13; 7/18/2018 PERIOD 1; 7/24/2018 PERIOD 13; AND 7/25/2018 PERIOD 1.** MOTION PASSED. AYES: BERNALD, CAPPELLO, MILLER, LO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE

1.3. Treasurer's Report for the Month Ended May 31, 2018

**Recommended Action:**

Review and accept the Treasurer's Report for the month ended May 31, 2018.

MILLER/CAPPELLO MOVED TO **ACCEPT THE TREASURER'S REPORT FOR THE MONTH ENDED MAY 31, 2018.** MOTION PASSED. AYES: BERNALD, CAPPELLO, MILLER, LO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE

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

**Recommended Action:**

Waive the second reading and adopt the ordinance establishing regulations for storage of firearms in Saratoga residences and requirements for reporting lost or stolen firearms in the City of Saratoga.

Vice Mayor Cappello removed the item from the Consent Calendar.

CAPPELLO/MILLER MOVED TO **DIRECT STAFF TO DO FURTHER WORK ON THE ITEM TO BE BROUGHT BACK AS AN ORDINANCE, RESOLUTION, OR IN ANOTHER MANNER THAT ADDRESSES CONCERNS RELATED TO EDUCATION AND REPORTING LOST OR STOLEN FIREARMS.** MOTION PASSED. AYES: BERNALD, CAPPELLO, MILLER, LO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE

Mayor Bernald invited public comment on this item.

The following people spoke:

Jeff Klopotic

No one else requested to speak.

1.5. Approval of a Contract in the Amount of \$65,477 with Budget Flooring for Installation of Replacement Flooring in the City Hall Planning Area

**Recommended Action:**

Authorize the City Manager to execute a contract with Budget Flooring, Inc. in the amount of \$65,477 for materials and installation of new flooring in the City Hall Engineering and Community Development areas.

MILLER/CAPPELLO MOVED TO **AUTHORIZE THE CITY MANAGER TO EXECUTE A CONTRACT WITH BUDGET FLOORING, INC. IN THE AMOUNT OF \$65,477 FOR MATERIALS AND INSTALLATION OF NEW FLOORING IN THE CITY HALL ENGINEERING AND COMMUNITY DEVELOPMENT AREAS.** MOTION PASSED. AYES: BERNALD, CAPPELLO, MILLER, LO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE

1.6. Resolution to appoint City representatives to the PLAN JPA Board of Directors

**Recommended Action:**

Adopt resolution appointing City of Saratoga representatives to the Pooled Liability Assurance Network Joint Powers Association's (PLAN JPA) Board of Directors.

**RESOLUTION NO. 18-038**

MILLER/CAPPELLO MOVED TO **ADOPT RESOLUTION APPOINTING CITY OF SARATOGA REPRESENTATIVES TO THE POOLED LIABILITY ASSURANCE NETWORK JOINT POWERS ASSOCIATION'S (PLAN JPA) BOARD OF DIRECTORS.** MOTION PASSED. AYES: BERNALD, CAPPELLO, MILLER, LO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE

1.7. Resolution to establish a Special Tax Assessment Levy for Debt Service Payments on the 2018 Arrowhead Community Facility District's Special Assessment Bond

**Recommended Action:**

Adopt the attached resolution that sets the Arrowhead Community Facility District's Special Tax Assessment tax levy at \$9,542 per participating parcel.

Council Member Lo removed this item from the Consent Calendar.

Mary Furey, Finance and Administrative Services, responded to questions.

**RESOLUTION NO. 18-039**

LO/MILLER MOVED TO **ADOPT RESOLUTION THAT SETS THE ARROWHEAD COMMUNITY FACILITY DISTRICT'S SPECIAL TAX ASSESSMENT TAX LEVY AT \$9,542 PER PARTICIPATING PARCEL.** MOTION PASSED. AYES: BERNALD, CAPPELLO, MILLER, LO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE

1.8. Building Inspection Services Contract with 4Leaf, Inc.

**Recommended Action:**

Authorize the City Manager to amend the contract with 4Leaf, Inc. for as-needed professional building inspection services to increase the amount from \$50,000.00 to \$56,520.00 for FY 2017-2018.

MILLER/CAPPELLO MOVED **TO AUTHORIZE THE CITY MANAGER TO AMEND THE CONTRACT WITH 4LEAF, INC. FOR AS-NEEDED PROFESSIONAL BUILDING INSPECTION SERVICES TO INCREASE THE AMOUNT FROM \$50,000.00 TO \$56,520.00 FOR FY 2017-2018.** MOTION PASSED. AYES: BERNALD, CAPPELLO, MILLER, LO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE

1.9. Park Restroom Maintenance Service Contract – Sunnyvale Building Maintenance

**Recommended Action:**

Approve a two year Park Restroom Maintenance Service Contract with Sunnyvale Building Maintenance for monthly restroom maintenance services in the amount of \$54,300 per year and authorize the City Manager to execute the same.

MILLER/CAPPELLO MOVED TO **APPROVE A TWO YEAR PARK RESTROOM MAINTENANCE SERVICE CONTRACT WITH SUNNYVALE BUILDING MAINTENANCE FOR MONTHLY RESTROOM MAINTENANCE SERVICES IN THE AMOUNT OF \$54,300 PER YEAR AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE SAME.** MOTION PASSED. AYES: BERNALD, CAPPELLO, MILLER, LO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE

1.10. Landscape Maintenance Service Contract – Gachina Landscape Management

**Recommended Action:**

Approve a two year Landscape Maintenance Service Contract with Gachina Landscape Management for monthly landscape maintenance services in the amount of \$95,448 per year and authorize the City Manager to execute the same.

MILLER/CAPPELLO MOVED TO **APPROVE A TWO YEAR LANDSCAPE MAINTENANCE SERVICE CONTRACT WITH GACHINA LANDSCAPE MANAGEMENT FOR MONTHLY LANDSCAPE MAINTENANCE SERVICES IN THE AMOUNT OF \$95,448 PER YEAR AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE SAME.** MOTION PASSED. AYES: BERNALD, CAPPELLO, MILLER, LO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE

1.11. Landscape Maintenance Service Contract – Vista Landscape Maintenance

**Recommended Action:**

Approve a two year Landscape Maintenance Service Contract with Vista Landscape Maintenance for monthly landscape maintenance services in the amount of \$155,676 per year and authorize the City Manager to execute the same.

MILLER/CAPPELLO MOVED TO **APPROVE A TWO YEAR LANDSCAPE MAINTENANCE SERVICE CONTRACT WITH VISTA LANDSCAPE MAINTENANCE FOR MONTHLY LANDSCAPE MAINTENANCE SERVICES IN THE AMOUNT OF \$155,676 PER YEAR AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE SAME.** MOTION PASSED. AYES: BERNALD, CAPPELLO, MILLER, LO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE

**2. PUBLIC HEARING**

None

**3. GENERAL BUSINESS**

3.1. Resolution Adopting Community Wildfire Protection Plan

**Recommended Action:**

Receive presentation from representatives of the Santa Clara County Fire Department and approve the resolution adopting the City of Saratoga Annex to the Santa Clara County Community Wildfire Protection Plan as the City of Saratoga's Community Wildfire Protection Plan.

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

Chief Justice provided additional information and answered questions.

Mayor Bernald invited public comment on this item.

No one requested to speak.

**RESOLUTION NO. 18-040**

MILLER/LO MOVED TO **APPROVE THE RESOLUTION ADOPTING THE CITY OF SARATOGA ANNEX TO THE SANTA CLARA COUNTY COMMUNITY WILDFIRE PROTECTION PLAN AS THE CITY OF SARATOGA'S COMMUNITY WILDFIRE PROTECTION PLAN.** MOTION PASSED. AYES: BERNALD, CAPPELLO, MILLER, LO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE

3.2. Designation of League of California Cities Annual Conference Voting Delegate and Alternates

**Recommended Action:**

Designate the City of Saratoga voting delegate and alternate voting delegate(s) for the 2018 League of California Cities Annual Conference.

Nora Pimentel, City Clerk, presented the staff report.

MILLER/CAPPELLO MOVED TO **DESIGNATE COUNCIL MEMBER LO AS THE VOTING DELEGATE FOR THE CITY OF SARATOGA.** MOTION PASSED. AYES: BERNALD, CAPPELLO, MILLER, LO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE

CAPPELLO/MILLER MOVED TO **DESIGNATE CRYSTAL BOTHELIO, DEPUTY CITY MANAGER AS THE ALTERNATE VOTING DELEGATE FOR THE CITY OF SARATOGA.** MOTION PASSED. AYES: BERNALD, CAPPELLO, MILLER, LO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE

## COUNCIL ASSIGNMENTS

### Mayor Mary-Lynne Bernald

*Public Art Committee* - Mayor Bernald and Deputy City Manager Crystal Bothelio met with an artist to discuss a potential donation of art.

*Saratoga Historical Foundation* met and held an appreciation dinner for volunteers and they are looking to hire a consultant who will help plan for the foundation's future and volunteer recruitment.

*South Flow Arrivals Ad Hoc Committee* has concluded.

*West Valley Clean Water Program Authority* met Thursday, July 26, 2018, moving forward with EOA as a consultant.

*West Valley Mayors and Managers* met Wednesday, July 25, 2018 at Hakone and received a presentation from VTA on transportation, and from the Peninsula Division of the League of California Cities on legislation.

*West Valley Solid Waste Management Joint Powers Authority* did not meet.

Mayor Bernald reported attending the League of California Cities Mayors and Council Members Executive Forum in Monterey on June 27 and 28, 2018 and reported topics of interest.

### Vice Mayor Manny Cappello

*Cities Association of Santa Clara County Board of Directors* due to a recess there was no meeting, but there was an Age Friendly subcommittee meeting to prepare for a presentation to be presented to the Board of Directors.

### Council Member Howard Miller

*Saratoga Sister City Organization* completed their visit to Japan and conversations have begun about the 35th anniversary celebration

*Silicon Valley Clean Energy Authority Board of Directors* met and Council Member Miller reminded Council that the Saratoga residents pay 6% less than PG&E and that there will be a follow up meeting with SCVE to look at other ways to further reduce the electric bill. The Board of Directors directed the Executive Director to look at programs and services in the benefits area to enhance the employment experience. Council Member Miller suggested talking to City Manager James Lindsay since there is a current program in place in the City which has proved effective.

*Valley Transportation Authority (VTA) Policy Advisory Committee* will meet next week. Council Member Miller reported that he will not be able to attend.

*VTA State Route 85 Corridor Policy Advisory Board* was suspended due to funding issues. However, the Bay Area Air Quality Management District provided grant funding to allow the State Route 85 Corridor Policy Advisory Board to continue its work.

### Council Member Emily Lo

*Hakone Foundation Board & Executive Committee* will meet on August 16, 2018.

*KSAR Community Access TV Board* met on July 18, 2018 and discussed to continue the partnership with SASCC and West Valley College and Saratoga High School, Michael Davey new member on the board.

*Public Art Committee* will meet on August 16, 2018

Council Member Rishi Kumar

*Saratoga Chamber of Commerce & Destination Saratoga* met last week and Council Member Kumar provided an update on the Big Basin Turnaround and recent car thefts. The group discussed the success of the Car Show. There will be another Chamber meeting next week. *Santa Clara Valley Water District Commission* met last week and received an in-depth presentation on climate change and sea level rise.

**CITY COUNCIL ITEMS**

Council Member Lo, with the support of Council Member Kumar, requested a review of the City’s dangerous dog provisions in the City Code.

Council Member Miller, with the support of Vice Mayor Cappello, requested that staff provide an update on the dog attack incident mentioned during Oral Communications on Non-Agendized Items.

Council Member Miller, with the support of Council Member Kumar, requested to have an agenda item to discuss the City’s tobacco retailer regulations before the public hearing on the ordinance banning tobacco sales in the City.

Council Member Miller, with the support of Vice Mayor Cappello, requested discussion of the City’s long term strategic plans, including timelines for capital projects, at the City Council Retreat.

**COUNCIL COMMUNICATIONS**

Council Member Kumar reported on proposed San Jose Water Company rate increases, crime rates, and Neighborhood Watch.

Mayor Bernald invited the remaining Youth in Government participants to introduce themselves on stage.

**CITY MANAGER'S REPORT**

None

**ADJOURNMENT**

MILLER/CAPPELLO MOVED TO ADJOURN THE MEETING AT 8:37 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