

MINUTES
WEDNESDAY, AUGUST 15, 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. The Closed Session was adjourned until after the conclusion of the Regular Session.

At 6:00 p.m., the City Council held a Joint Meeting with the Senior Area Senior Coordinating Council (SASCC) 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 7:05 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
Michael Taylor, Recreation and Facilities Director
Macedonio Nunez, Associate Engineer
Emma Burkhalter, Assistant Civil Engineer
Lauren Pettipiece, Administrative Analyst

REPORT ON POSTING OF THE AGENDA

City Clerk Nora Pimentel reported that the agenda for this meeting was properly posted on August 9, 2018.

REPORT FROM CLOSED SESSION

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

REPORT FROM JOINT MEETING

Tylor Taylor, SASCC Executive Director, and Lisa Oakley, SASCC Board President, provided a brief overview of the Joint Meeting.

ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS

Bob Lanz spoke about the City's dangerous dog regulations.

Brad Davis, President of West Valley College, spoke about Measure W.

Jack Lucas, West Valley-Mission Community College District Board of Trustee Member, spoke about Measure W.

Anouk Yeh invited the City Council to the Celebrating Differences event on Saturday, September 22, 2018 from 3:00 p.m. - 5:00 p.m. at the Joan Pisani Community Center.

Lakhiknder Walia raised concerns about the transparency of the Neighborhood Watch program and protection of resident privacy.

Chuck Page spoke about the West Valley Sanitation District connection fees and accountability of the Neighborhood Watch grant.

ANNOUNCEMENTS

Mayor Bernald announced the Saratoga Summer Movie Nights, Commission recruitments, the Pain Relief Workshop on August 24, 2018, and the Hakone Gala on September 16, 2018.

CEREMONIAL ITEMS

Commendations for Silicon Valley Clean Energy's Bike to the Future Winners

Recommended Action:

Present commendations to members of Saratoga High School's teams E-FISH and Fantastic Falcons, who tied for Third place in the Bike to the Future event.

Mayor Bernald and the City Council presented commendations to members of Saratoga High School's teams E-FISH and Fantastic Falcons.

SPECIAL PRESENTATIONS

Youth in Government Final Report and Presentation

Recommended Action:

Receive presentation and present Certificates of Completion to Youth in Government participants.

The Youth in Government participants presented their final report to the City Council.

Mayor Bernald and the City Council acknowledged the participants and presented them with Certificates of Completion.

1. CONSENT CALENDAR

1.1. City Council Meeting Minutes

Recommended Action:

Approve the City Council minutes for the Regular City Council Meeting on August 1, 2018.

CAPPELLO/LO MOVED TO **APPROVE THE CITY COUNCIL MINUTES FOR THE REGULAR CITY COUNCIL MEETING ON AUGUST 1, 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: 07/31/2018 Period 13; 07/31/2018 Period 1; 08/07/2018 Period 13; and 08/08/2018 Period 2.

CAPPELLO/LO MOVED TO **ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 07/31/2018 PERIOD 13; 07/31/2018 PERIOD 1; 08/07/2018 PERIOD 13; AND 08/08/2018 PERIOD 2.**

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

1.3. Resolution Amending the City's Records Retention Schedule

Recommended Action:

Adopt the resolution amending the City's Records Retention Schedule.

RESOLUTION NO. 18-041

CAPPELLO/LO MOVED TO **ADOPT THE RESOLUTION AMENDING THE CITY'S RECORDS RETENTION SCHEDULE.** MOTION PASSED. AYES:

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

1.4. Approval of a Contract with Almaden Press (Stone Publishing, Inc.) in the Amount of \$32,000 for Printing of Recreation Activity Guide for Fiscal 2018-2019

Recommended Action:

Authorize the City Manager to execute a contract with Almaden Press (Stone Publishing, Inc.) in the amount of \$32,000 for printing of Recreation Activity Guide for Fiscal 2018-2019.

CAPPELLO/LO MOVED TO **AUTHORIZE THE CITY MANAGER TO EXECUTE A CONTRACT WITH ALMADEN PRESS (STONE PUBLISHING, INC.) IN THE AMOUNT OF \$32,000 FOR PRINTING OF RECREATION ACTIVITY GUIDE FOR FISCAL 2018-2019.** MOTION PASSED. AYES: BERNALD, CAPPELLO,

MILLER, LO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.5. Final Map Approval for Two Lots Located at 13001 Saratoga-Sunnyvale Road (APN 503-82-033) Owners: Anthem Realty Ventures, LLC and Shirish Kumar & Leena Sujan

Recommended Action:

Move to adopt Resolution granting final map approval of tentative map application No. SUB 17-0002 for two lots located at 13001 Saratoga-Sunnyvale Road (APN 503-82-033).

Council Member Kumar pulled this item to disclose that he would abstain from the vote due to a potential conflict of interest.

RESOLUTION NO. 18-042

CAPPELLO/LO MOVED TO **ADOPT A RESOLUTION GRANTING FINAL MAP APPROVAL OF TENTATIVE MAP APPLICATION NO. SUB 17-0002 FOR TWO LOTS LOCATED AT 13001 SARATOGA-SUNNYVALE ROAD (APN 503-82-033).**

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

1.6. Authorize Disposal of City Equipment

Recommended Action:

Move to authorize the disposal of the following Equipment: 1998 JCB 214S Site Master Backhoe / Loader.

CAPPELLO/LO MOVED TO **AUTHORIZE THE DISPOSAL OF THE FOLLOWING EQUIPMENT: 1998 JCB 214S SITE MASTER BACKHOE / LOADER.** MOTION PASSED. AYES: BERNALD, CAPPELLO, MILLER, LO, KUMAR. NOES: NONE.
ABSTAIN: NONE. ABSENT: NONE.

2. PUBLIC HEARING

None

3. GENERAL BUSINESS

3.1. Off-Cycle Community Event Grant Program Applications and Montalvo Arts Center Grant Modification

Recommended Action:

Consider four off-cycle Community Event Grant Program applications for Fiscal Year 2018/19, and approve a modification to Montalvo Arts Center's Fiscal Year 2018/19 grant.

Lauren Pettipiece, Administrative Analyst, presented the staff report.

Mayor Bernald invited for public comment on the item.

The following people spoke:

Bob Sheets

And speaker from Russian and International Festival

No one else requested to speak.

MILLER/CAPPELLO MOVED TO APPROVE ALLOCATING \$100 FROM THE CITY COUNCIL DISCRETIONARY FUND TO EACH OF THE FOLLOWING EVENTS: RUSSIAN AND INTERNATIONAL FESTIVAL, FALL SARATOGA SYMPHONY CONCERT, WINTER SARATOGA SYMPHONY CONCERT, AND SPRING SARATOGA SYMPHONY CONCERT; APPROVE THE MODIFICATION TO THE MONTALVO ARTS CENTER GRANT, AUTHORIZING USE OF THE GRANT FOR THE WE THE PEOPLE EVENT; AND DIRECTED STAFF TO RETURN WITH A FUTURE AGENDA ITEM TO CONSIDER OPTIONS FOR CHANGES TO OFF CYCLE GRANT REQUESTS AND TO ALIGN PROGRAM CRITERIA WITH PROGRAM PRIORITIES. MOTION PASSED. AYES: BERNALD, CAPPELLO, MILLER, LO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE

3.2. Award of Contract to O’Grady Paving Inc. for the 2018 Pavement Management Program

Recommended Action:

1. Move to declare O’Grady Paving Inc. to be the lowest responsible bidder on the project.
2. Move to award a Construction Contract to O’Grady Paving Inc. in the amount of \$1,827,741.50, and authorize the City Manager to execute the same.
3. Move to authorize staff to execute change orders to the contract up to \$270,000.

Macedonio Nunez, Associate Engineer, presented the staff report.

Emma Burkhalter, Assistant Civil Engineer, responded to additional questions.

Mayor Bernald invited public comment on the item.

No one requested to speak

CAPPELLO/LO MOVED TO: 1) DECLARE O’GRADY PAVING INC. TO BE THE LOWEST RESPONSIBLE BIDDER ON THE PROJECT; 2) AWARD A CONSTRUCTION CONTRACT TO O’GRADY PAVING INC. IN THE AMOUNT OF \$1,827,741.50, AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE SAME; AND 3) AUTHORIZE STAFF TO EXECUTE CHANGE ORDERS TO THE CONTRACT UP TO \$270,000. MOTION PASSED. AYES: BERNALD, CAPPELLO, MILLER, LO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE

3.3. Regional Housing Needs Allocation (RHNA) Subregion Process Discussion

Recommended Action:

Review the information regarding formation of a RHNA subregion in Santa Clara County and discuss whether the City of Saratoga would be interested in participating in a subregion.

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

Mayor Bernald invited public comment on the item.

No one requested to speak.

CAPPELLO/BERNALD MOVED TO **EXPRESS INTEREST IN PARTICIPATING IN A REGIONAL HOUSING NEEDS ALLOCATION SUBREGION.** MOTION PASSED. AYES: BERNALD, CAPPELLO, MILLER, LO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE

3.4. Tobacco Retailer Regulations

Recommended Action:

Accept report and direct staff accordingly.

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

Mayor Bernald invited for public comment on the item.

No one requested to speak.

MILLER/CAPPELLO MOVED TO **DIRECT STAFF TO RETURN WITH AN ORDINANCE THAT WOULD AMEND TOBACCO RETAILER LICENSE TO CHANGE PENALTIES FOR THE FIRST VIOLATION OF LICENSE REQUIREMENTS FROM A 30 DAY SUSPENSION PERIOD TO A 60 DAY SUSPENSION PERIOD STARTING FROM THE DATE THAT THE ADMINISTRATIVE CITATION IS ISSUED; TO BASE THE RAMP UP OF PENALTIES ON A 24 MONTH PERIOD INSTEAD OF A 12 MONTH PERIOD; TO CHANGE THE REVOCATION PERIOD FROM 12 MONTHS TO 24 MONTHS; AND PROHIBIT SALES OF FLAVORED TOBACCO (CONSISTENT WITH THE BROAD DEFINITION OF TOBACCO IN THE CITY CODE), WITH THE EXCEPTION OF MENTHOL TOBACCO, IN LIEU OF THE DIRECTION PROVIDED ON JUNE 20, 2018 REGARDING TOBACCO REGULATION.** MOTION PASSED. AYES: BERNALD, CAPPELLO, MILLER, LO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE

3.5. Adopt Resolutions to Join the Santa Clara/Santa Cruz Community Roundtable and to Appoint a Representative and an Alternate to the Santa Clara/Santa Cruz Airport/Community Roundtable

Recommended Action:

1. Adopt a resolution supporting the formation of the Santa Clara/Santa Cruz Community Roundtable and directing the City Manager to enter into a Memorandum of Understanding.
2. Adopt a resolution appointing a representative and an alternate to the Santa Clara/Santa Cruz Airport/Community Roundtable

Nora Pimentel, City Clerk, presented the staff report.

Mayor Bernald responded to additional questions.

Mayor Bernald invited for public comment on the item.

No one requested to speak.

MILLER/CAPPELLO MOVED TO: 1) SUPPORT THE FORMATION OF THE SANTA CLARA/SANTA CRUZ AIRPORT COMMUNITY ROUNDTABLE AND DIRECTING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING; 2) APPOINT MAYOR BERNALD AS THE REPRESENTATIVE AND COUNCIL MEMBER MILLER AS THE ALTERNATE; AND, 3) DIRECT STAFF TO REMOVE THE SOUTH FLOW ARRIVALS AD HOC COMMITTEE FROM THE LIST OF CITY COUNCIL ASSIGNMENTS. 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 August 9, 2018 received legislative updates Diesel Free by 2033, SB 237, Proposition 6, and SB 1383.

Council Finance Committee will meet on August 23, 2018.

Hakone Foundation Board will meet on August 16, 2018.

Public Art Committee will meet on August 16, 2018.

West Valley Mayors and Managers will meet on August 22, 2018.

Saratoga Sister City met and Mayor Bernald attended in Council Member Miller's place and reported that the recent trip to Japan was reviewed.

Vice Mayor Manny Cappello

Cities Association of Santa Clara County Board of Directors met on August 2, 2018 and received a report on the Age Friendly Initiative, a presentation on Alert SCC and the San Francisco Bay Conservation and Development Commission.

West Valley Sanitation District met on August 8, 2018.

Council Member Howard Miller

America in Bloom Committee has not met but Council Member Miller mentioned that while in Michigan on personal business he visited Holland, Michigan where the American in Bloom was founded and toured the City.

Saratoga Sister City Organization Mayor Bernald attended on behalf of Council Member Miller.

Council Member Emily Lo

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

Public Art Committee will meet on August 16, 2018.

Council Member Rishi Kumar

Saratoga Chamber of Commerce & Destination Saratoga hosted an installation dinner, and there was discussion on the success of the recent Car Show.

CITY COUNCIL ITEMS

Council Member Lo, with the support of Council Member Miller, requested that staff bring back a report on Neighborhood Watch to address concerns related to transparency, privacy, and accountability of the grant program.

Vice Mayor Cappello, with the support of Council Member Miller, requested to receive information on Bond Measure W through the newsletter.

COUNCIL COMMUNICATIONS

Council Member Kumar discussed the Sheriff's Report and the proposed San Jose Water Company rate increases.

Mayor Bernald reported on Fire Chief Ken Kenhma's retirement celebration and announced that Tony Bowden is the new Fire Chief.

CITY MANAGER'S REPORT

None

ADJOURNMENT

Mayor Bernald announced that the City Council would proceed to the City Hall Linda Callon Conference Room to reconvene into Closed Session.

Mayor Bernald adjourned the meeting at 11:00 pm.

Minutes respectfully submitted:

Debbie Bretschneider
Interim City Clerk
City of Saratoga