

MINUTES
WEDNESDAY, AUGUST 21, 2019
SARATOGA CITY COUNCIL REGULAR MEETING

At 5:00 p.m., the City Council held a Closed Session in the Joan Pisani Community Center, Patio Room at 19655 Allendale Avenue in Saratoga.

At 6:00 p.m., the City Council held a Joint Meeting with the Saratoga Youth in Government participants in the Joan Pisani Community Center, Multipurpose Room at 19655 Allendale Avenue in Saratoga.

Mayor Cappello called the Regular Session to order in the Civic Theater, Council Chambers at 13777 Fruitvale Avenue in Saratoga at 7:08 p.m. and led the Pledge of Allegiance.

Mayor Cappello asked for a moment of silence in recognition of the victims of the recent mass shootings in Gilroy, El Paso, and Dayton.

Vice Mayor Miller made a statement about the mass shootings.

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, Assistant City Manager
Debbie Bretschneider, City Clerk
John Cherbone, Public Works Director
Debbie Pedro, Community Development Director
Lauren Pettipiece, Public Information Officer
Dennis Jaw, Finance Manager
Christopher Riordan, Senior Planner
Manini Cabute, Environmental Programs Administrator
Nicole Johnson, Planner II
Kayla Nakamoto, Community Engagement Coordinator

REPORT ON POSTING OF THE AGENDA

City Clerk Debbie Bretschneider reported that the agenda for this meeting was properly posted on August 16, 2019.

REPORT FROM CLOSED SESSION

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

REPORT ON JOINT MEETING

Mayor Cappello reported on the Joint Meeting with the Youth in Government participants.

ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS

Erik Swanson spoke on firearm safety.

Lynn Brewer spoke on the leaf blower regulations.

West Valley College Chancellor Brad Davis spoke introduced West Valley College's new Interim President, Dr. Charles Bullock.

West Valley College's Interim President Dr. Charles Bullock addressed the City Council.

ANNOUNCEMENTS

Mayor Cappello announced Bollywood in the Park, Personal Emergency Preparedness classes, the University of California Community Education Program's free composting basics workshop, and the openings in the City's Commissions.

CEREMONIAL ITEMS

Youth in Government

Recommended Action:

Present certificates of completion to the Youth in Government students.

Mayor Cappello and the City Council presented the certificates of completion to the Youth in Government participants.

1. CONSENT CALENDAR

1.1. City Council Meeting Minutes

Recommended Action:

Approve the City Council minutes for the Regular City Council Meeting on July 3, 2019.

BERNALD/MILLER MOVED TO **APPROVE THE CITY COUNCIL MINUTES FOR THE REGULAR CITY COUNCIL MEETING JULY 3, 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:
07/02/2019 Period 13; 07/03/2019 Period 1; 07/09/2019 Period 13; 07/09/2019 Period 1;
07/16/2019 Period 13; 07/16/2019 Period 1; 07/23/2019 Period 13; 07/23/2019 Period 1;

07/30/2019 Period 13; 07/30/2019 Period 1; 08/06/2019 Period 13; 08/07/2019 Period 2; 08/13/2019 Period 13; and 08/13/2019 Period 2.

BERNALD/MILLER MOVED TO **ACCEPT THE CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 07/02/2019 PERIOD 13; 07/03/2019 PERIOD 1; 07/09/2019 PERIOD 13; 07/09/2019 PERIOD 1; 07/16/2019 PERIOD 13; 07/16/2019 PERIOD 1; 07/23/2019 PERIOD 13; 07/23/2019 PERIOD 1; 07/30/2019 PERIOD 13; 07/30/2019 PERIOD 1; 08/06/2019 PERIOD 13; 08/07/2019 PERIOD 2; 08/13/2019 PERIOD 13; AND 08/13/2019 PERIOD 2.** MOTION PASSED. AYES: CAPPELLO, MILLER, KUMAR, BERNALD, ZHAO. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.3. Treasurer's Report for the Month Ended June 30, 2019

Recommended Action:

Review and accept the Treasurer's Report for the month ended June 30, 2019.

BERNALD/MILLER MOVED TO **ACCEPT THE TREASURER'S REPORT FOR THE MONTH ENDED JUNE 30, 2019.** MOTION PASSED. AYES: CAPPELLO, MILLER, KUMAR, BERNALD, ZHAO. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.4. Revised Contract with Saratoga Chamber of Commerce for Tourism and Informational Services

Recommended Action:

Approve a five (5) year revised contract with the Saratoga Chamber of Commerce and authorize the City Manager to execute the same.

BERNALD/MILLER MOVED TO **APPROVE A FIVE (5) YEAR REVISED CONTRACT WITH THE SARATOGA CHAMBER OF COMMERCE AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE SAME.** MOTION PASSED. AYES: CAPPELLO, MILLER, KUMAR, BERNALD, ZHAO. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.5. Contract for Ground Movement Potential Mapping Services with Cotton, Shires and Associates, Inc. for The Mountain Winery Annexation Project

Recommended Action:

Approve contract with Cotton, Shires and Associates for Ground Movement Potential Mapping services and authorize the City Manager to execute the same.

BERNALD/MILLER MOVED TO **APPROVE CONTRACT WITH COTTON, SHIRES AND ASSOCIATES FOR GROUND MOVEMENT POTENTIAL MAPPING SERVICES AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE SAME.** MOTION PASSED. AYES: CAPPELLO, MILLER, KUMAR, BERNALD, ZHAO. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.6. Contract Amendment for Code Enforcement and Hearing Officer Services with CSG Consultants, Inc.

Recommended Action:

Approve a one (1) year contract amendment with CSG Consultants, Inc. (CSG) for Code Enforcement Consulting Services and Administrative Hearing Officer Services and authorize the City Manager to execute the same.

RESOLUTION 19-045

BERNALD/MILLER MOVED TO **APPROVE A ONE (1) YEAR CONTRACT AMENDMENT WITH CSG CONSULTANTS, INC. (CSG) FOR CODE ENFORCEMENT CONSULTING SERVICES AND ADMINISTRATIVE HEARING OFFICER SERVICES, AUTHORIZE THE CITY MANAGER TO EXECUTE THE SAME, AND APPROVE RESOLUTION NAMING HEARING OFFICER.** MOTION PASSED. AYES: CAPPELLO, MILLER, KUMAR, BERNALD, ZHAO. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.7. Application to the State Housing and Community Development Department for California Senate Bill 2 Planning Grants.

Recommended Action:

Adopt the attached resolution authorizing staff to submit an application to the State Housing and Community Development Department (HCD) for SB 2 Planning Grants.

RESOLUTION 19-046

BERNALD/MILLER MOVED TO **ADOPT THE RESOLUTION AUTHORIZING STAFF TO SUBMIT AN APPLICATION TO THE STATE HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT (HCD) FOR SB 2 PLANNING GRANTS.** MOTION PASSED. AYES: CAPPELLO, MILLER, KUMAR, BERNALD, ZHAO. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.8. Saratoga-to-the-Sea Trail Partnership Agreement with Midpeninsula Regional Open Space District – Amendment 1

Recommended Action:

Approve Amendment 1 to the existing 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.

Council Member Bernald removed this item from the Consent Calendar to ask questions and discuss the project.

Vice Mayor Miller commented on the project.

BERNALD/MILLER MOVED TO **APPROVE AMENDMENT 1 TO THE EXISTING 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, WITH A RECOMMENDATION THAT THE FINANCE COMMITTEE REVIEW THE FUNDING FOR THE SINKING FUND AND ONGOING MAINTENANCE COSTS.

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

1.9. Bronze Acorn Sculpture Program

Recommended Action:

Approve the Public Art Committee's recommendation to implement a Bronze Acorn Sculpture Program.

BERNALD/MILLER MOVED TO **APPROVE THE PUBLIC ART COMMITTEE'S RECOMMENDATION TO IMPLEMENT A BRONZE ACORN SCULPTURE PROGRAM.** MOTION PASSED. AYES: CAPPELLO, MILLER, KUMAR, BERNALD, ZHAO. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.10. Director of Emergency Services Order of Succession

Recommended Action:

Approve resolution establishing the Director of Emergency Services order of succession.

RESOLUTION 19-047

BERNALD/MILLER MOVED TO **APPROVE THE RESOLUTION ESTABLISHING THE DIRECTOR OF EMERGENCY SERVICES ORDER OF SUCCESSION.**

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

1.11. Agreement for Employment and Labor Law Services with Mouser Law Firm, A Professional Corporation

Recommended Action:

Authorize the City Manager to enter into an agreement for employment and labor law services with Mouser Law Firm, A Professional Corporation.

BERNALD/MILLER MOVED TO **AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR EMPLOYMENT AND LABOR LAW SERVICES WITH MOUSER LAW FIRM, A PROFESSIONAL CORPORATION.** MOTION PASSED. AYES: CAPPELLO, MILLER, KUMAR, BERNALD, ZHAO. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

ABSTAIN: NONE. ABSENT: NONE.

1.12. Realignment of Traffic Safety Commission Terms

Recommended Action:

Direct staff to correct the staggering of Traffic Safety Commission terms by adjusting the length of 1 of the 3 Traffic Safety Commissioners scheduled to be appointed in December 2019 from 4 years to 3 years.

BERNALD/MILLER MOVED TO **APPROVE THE STAGGERING OF TRAFFIC SAFETY COMMISSION TERMS BY ADJUSTING THE LENGTH OF 1 OF THE 3 TRAFFIC SAFETY COMMISSIONERS SCHEDULED TO BE APPOINTED IN DECEMBER 2019 FROM 4 YEARS TO 3 YEARS.** MOTION PASSED. AYES: CAPPELLO, MILLER, KUMAR, BERNALD, ZHAO. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.13. Green Stormwater Infrastructure Plan

Recommended Action:

Adopt the City of Saratoga's Green Stormwater Infrastructure Plan that demonstrates long-term commitment to the implementation of green stormwater infrastructure, as required by the City's stormwater permit.

Vice Mayor Miller removed this item from the Consent Calendar to comment on this item.

Mayor Cappello invited public comment on this item.

The following people requested to speak:

Alan Giberson

No one else requested to speak.

MILLER/BERNALD MOVED TO **ADOPT THE CITY OF SARATOGA'S GREEN STORMWATER INFRASTRUCTURE PLAN THAT DEMONSTRATES LONG-TERM COMMITMENT TO THE IMPLEMENTATION OF GREEN STORMWATER INFRASTRUCTURE, AS REQUIRED BY THE CITY'S STORMWATER PERMIT.** MOTION PASSED. AYES: CAPPELLO, MILLER, KUMAR, BERNALD, ZHAO. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

2. PUBLIC HEARING

2.1. Landmark Designation & Mills Act Agreement for 20331 Orchard Road

Recommended Action:

The Heritage Preservation Commission (HPC) recommends that the City Council:

1. Conduct a public hearing on the proposal to designate the subject property as a historic landmark and enter into a Mills Act agreement.
2. Introduce and waive first reading of the attached ordinance designating the property as a historic landmark.
3. Direct staff to place the ordinance on the Consent Calendar for adoption at the next regular meeting of the City Council.
4. Adopt the attached Resolution authorizing the City Manager to enter into a Mills Act Agreement for the property located at 20331 Orchard Road upon the effective date of the landmark ordinance.

Nicole Johnson, Planner II, presented the staff report.

Mayor Cappello opened the public hearing and invited public comment on the item.

The following people requested to speak:

Neighbor spoke in support

No one else requested to speak.

Mayor Cappello closed the public hearing for this item.

RESOLUTION 19-048

BERNALD/KUMAR MOVED TO INTRODUCE AND WAIVE FIRST READING OF THE ORDINANCE DESIGNATING THE PROPERTY AT 20331 ORCHARD ROAD AS A HISTORIC LANDMARK AND TO DIRECT STAFF TO PLACE THE ORDINANCE ON THE CONSENT CALENDAR FOR ADOPTION AT THE NEXT REGULAR MEETING OF THE CITY COUNCIL, AND TO ADOPT THE RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MILLS ACT AGREEMENT FOR THE PROPERTY LOCATED AT 20331 ORCHARD ROAD UPON THE EFFECTIVE DATE OF THE LANDMARK ORDINANCE. MOTION PASSED. AYES: CAPPELLO, MILLER, KUMAR, BERNALD, ZHAO. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

2.2. Annual Code Update for 2019

Recommended Action:

Conduct the public hearing, introduce and waive the first reading of the attached ordinance updating various provisions of the City Code and direct staff to place the matter on the consent calendar for the next regular meeting of the City Council.

Richard Taylor, City Attorney, presented the staff report.

Mayor Cappello opened the public hearing and invited public comment on the item.

No one requested to speak.

Mayor Cappello closed the public hearing for this item.

MILLER/BERNALD MOVED TO INTRODUCE AND WAIVE THE FIRST READING OF THE ORDINANCE UPDATING VARIOUS PROVISIONS OF THE CITY CODE AND DIRECT STAFF TO PLACE THE MATTER ON THE CONSENT CALENDAR FOR THE NEXT REGULAR MEETING OF THE CITY COUNCIL. MOTION PASSED. AYES: CAPPELLO, MILLER, KUMAR, BERNALD, ZHAO. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

3. GENERAL BUSINESS

3.1. Park Naming Request from the Parks & Recreation Commission

Recommended Action:

Consider the Park naming request from the Parks and Recreation Commission and resolution naming the park at the corner of Quito Road and Pollard Road, Friendship Park.

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

Reneé Paquier, Parks and Recreation Commission Chair, addressed the City Council.

Mayor Cappello invited public comment on the item.

No one requested to speak.

RESOLUTION 19-049

BERNALD/ZHAO MOVED TO **APPROVE THE RESOLUTION NAMING THE PARK AT THE CORNER OF QUITO ROAD AND POLLARD ROAD AS FRIENDSHIP PARK.** MOTION PASSED. AYES: CAPPELLO, MILLER, KUMAR, BERNALD, ZHAO. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

3.2. Village Design Guidelines Update (continued from July 3, 2019)

Recommended Action:

Adopt the attached resolution approving the proposed format, updated illustrations, and text amendments the Village Design Guidelines.

Nicole Johnson, Planner II, presented the staff report.

Mayor Cappello invited public comment on the item.

No one requested to speak.

RESOLUTION 19-050

CAPPELLO/BERNALD MOVED TO **ADOPT THE RESOLUTION APPROVING THE PROPOSED FORMAT, UPDATED ILLUSTRATIONS, AND TEXT AMENDMENTS TO THE VILLAGE DESIGN GUIDELINES.** MOTION PASSED. AYES: CAPPELLO, MILLER, KUMAR, BERNALD, ZHAO. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

3.3. Climate Action Work Plan

Recommended Action:

Receive report and provide direction to staff.

Manini Cabute, Environmental Program Administrator, presented the staff report.

Mayor Cappello invited public comment on the item.

No one requested to speak.

MILLER/KUMAR MOVED TO **REQUEST THAT CITY MOVE FORWARD WITH A CLIMATE ACTION PLAN AS DETAILED IN THE STAFF REPORT, TO RETAIN A CONSULTING FIRM, AND TO CREATE A CLIMATE ACTION PLAN BY NEXT YEAR.** MOTION PASSED. AYES: CAPPELLO, MILLER, KUMAR, BERNALD, ZHAO. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

3.4. Campaign Finance Survey

Recommended Action:

Review and approve the campaign finance survey questions and outreach timeline.

Lauren Pettipiece, Public Information Officer, presented the staff report.

Mayor Cappello invited public comment on the item.

No one requested to speak.

The City Council requested that staff revise the survey and return with a more general version on community views on elections and impediments to running for office. Staff was also asked to test survey questions with a small focus group before returning to City Council to ensure questions are easy to understand. The Council additionally asked Vice Mayor Miller to work with staff on the survey. The City Council acknowledged that the requested changes would postpone the survey timeline.

COUNCIL ASSIGNMENTS

Mayor Manny Cappello

Cities Association of Santa Clara County Board of Directors – the Board received a report from Mountain View Council Member Margaret Abe-Koga on state bills, Senator Bob Wieckowski on Senate Bill (SB) 13, Council Member Mary-Lynne Bernald on the Santa Clara/Santa Cruz Airport/Community Roundtable, and a report on Bay Area Quality Management District.
Saratoga Area Senior Coordinating Council (SASCC) – the last meeting included updates on the payments from the Veterans Affairs office and payroll.

Vice Mayor Howard Miller

Council Finance Committee – the Committee discussed Rule 20A funds.

Saratoga Sister City Organization – the last meeting included planning for the Muko Sister City delegation visit in October 2019. Council Member Miller provided information about activities planned during the delegation visit.

Silicon Valley Clean Energy Authority Board of Directors – the Board discussed rates, the Fiscal Year 19/20 budget, the Authority's credit rating, and PG&E plans for residential meters.

Valley Transportation Authority (VTA) Policy Advisory Committee – the Committee discussed criteria for Measure B grants, the Grand Jury report, MTC transportation projects, and a report on BART.

VTA State Route 85 Corridor Policy Advisory Board – Vice Mayor Miller shared information about a letter he sent to VTA staff on a State Route 85 noise study.

Council Member Rishi Kumar

Santa Clara Valley Water District Commission – the Commission received reports on the water supply master plan and an outreach plan on using Santa Clara Valley Water District property trails.

Council Member Mary-Lynne Bernald

Hakone Foundation Board & Executive Committee – the Board discussed the Gala and the Board is expected to hold a meeting on bids related to the pond at Hakone.

Public Art Committee – the Committee has decided to continue the Utility Box painting program in 2020.

Santa Clara/Santa Cruz Airport/Community Roundtable – the Roundtable discussed a work plan and strategy. The FAA technical group will be attending the next meeting to answer questions. Council Member Bernald also presented on the Roundtable at the Cities Association meeting.

Saratoga Historical Foundation – City Manager James Lindsay attended a meeting and presented on building on City property.

Council Member Yan Zhao

Hakone Foundation Board – the Board discussed selection of a firm to design improvements related to the pond and has scheduled a special meeting on the topic for further discussion. The Board also discussed the budget.

Public Art Committee – the Committee visited potential locations for the bronze sculpture program, is developing a rainy day artwork program, and selected an artistic bicycle rack for Blaney Plaza.

Saratoga Chamber of Commerce & Destination Saratoga – the meeting included a report on the Car Show, Bollywood, a Golf tournament, Wine Stroll, and Saratoga Shines. The Chamber will give Council and staff recommendations for Citizen of the Year and Business Person of the Year by September 15.

CITY COUNCIL ITEMS

Vice Mayor Miller, with support from Mayor Cappello, requested a future Council agenda item for a signage or plaque program for City parks that describes the history of the park location or park name, to be developed by the Parks and Recreation Commission in partnership with the Heritage Preservation Commission.

Vice Mayor Miller requested that the Mayor send a letter to the San Jose Mayor or San Jose City Council in support of the City of San Jose's efforts to advance firearm safety.

Mayor Cappello agreed to the request.

COUNCIL COMMUNICATIONS

None

CITY MANAGER'S REPORT

None

ADJOURNMENT

MILLER/BERNALD MOVED TO **ADJOURN THE MEETING AT 9:38 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