

**MINUTES**  
**WEDNESDAY, SEPTEMBER 5, 2018**  
**SARATOGA CITY COUNCIL REGULAR MEETING**

At 5:15 p.m., the City Council a Special Meeting for a Library Commission interview in the Linda Callon Conference Room at 13777 Fruitvale Avenue in Saratoga.

At 5:30 p.m., the City Council conducted Library Commission Interviews 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 Montalvo Arts Center 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 Girl Scout Troop 61553 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  
Debbie Bretschneider, Interim City Clerk  
Debbie Pedro, Community Development Director  
Mary Furey, Finance & Administrative Services Director  
John Cherbone, Public Works Director  
Nicole Johnson, Planner II  
Lauren Pettipiece, Administrative Analyst  
Gina Scott, Accounting Tech

**REPORT ON POSTING OF THE AGENDA**

Interim City Clerk Debbie Bretschneider reported that the agenda for this meeting was properly posted on August 31, 2018.

**REPORT FROM JOINT MEETING**

Angela McConnell, the Director of the Montalvo Arts Center, reported from the Joint Meeting and shared information about the Munro Exhibit.

## ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS

Glenn Crow spoke about the traffic on Quito Road, requested a marked crosswalk at Clemson, and suggested a signal at McCoy.

Karishma Goswami spoke about protecting trees in Saratoga.

## ANNOUNCEMENTS

Mayor Bernald announced the display of “Saratoga Authors Hall of Fame” at the Saratoga Library during September, the Superhero Dance for Individuals with Disabilities at the Joan Pisani Community Center on September 21 at 7:00 p.m., and the Living Room Conversations return on September 25 at 7:00 p.m. at the Joan Pisani Community Center.

## CEREMONIAL ITEMS

Commendations for Girl Scout Troop 61553

**Recommended Action:**

Present commendations to the 11 members of the Girl Scout Troop 61553 for earning their Girl Scout Silver Awards.

Mayor Bernald and the City Council presented commendations to members of Girl Scout Troop 61553.

Proclamation to Declare September as Pain Awareness Month

**Recommended Action:**

Present the Proclamation to a representative of the U.S. Pain Foundation.

Mayor Bernald and the City Council presented a proclamation to Michele Rice, a representative of the U.S. Pain Foundation.

### 1. CONSENT CALENDAR

1.1. City Council Meeting Minutes

**Recommended Action:**

Approve the City Council minutes for the Regular City Council Meeting on August 15, 2018

MILLER/LO MOVED TO **APPROVE THE CITY COUNCIL MINUTES FOR THE REGULAR CITY COUNCIL MEETING ON AUGUST 15, 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: 08/14/2018 Period 2; 08/22/2018 Period 2; and 08/29/2018 Period 2.

MILLER/LO MOVED TO **ACCEPT THE ACCOUNTS PAYABLE CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 08/14/2018 PERIOD 2; 08/22/2018 PERIOD 2; AND 08/29/2018 PERIOD 2.** MOTION PASSED. AYES: BERNALD, CAPPELLO, MILLER, LO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.3. Treasurer's Report for the Month Ended June 30, 2018

**Recommended Action:**

Review and accept the Treasurer's Report for the month ended June 30, 2018.

MILLER/LO MOVED TO **ACCEPT THE TREASURER'S REPORT FOR THE MONTH ENDED JUNE 30, 2018.** MOTION PASSED. AYES: BERNALD, CAPPELLO, MILLER, LO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.4. Amendment to Contract with Bellecci and Associates for the Prospect Road Improvements Project

**Recommended Action:**

Approve Amendment to Contract with Bellecci and Associates in the amount of \$18,840 plus a contingency of \$1,800 for additional work and authorize the City Manager to execute the same.

MILLER/LO MOVED TO APPROVE THE **AMENDMENT TO THE CONTRACT WITH BELLECCI AND ASSOCIATES IN THE AMOUNT OF \$18,840 PLUS A CONTINGENCY OF \$1,800 FOR ADDITIONAL WORK AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE SAME.** MOTION PASSED. AYES: BERNALD, CAPPELLO, MILLER, LO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.5. Budget Adjustment for the Koi Pond Improvement Project

**Recommended Action:**

Adopt Resolution transferring \$65,000 from the Big Basin Way Turn-Around Project to the Koi Pond Improvement Project.

**RESOLUTION NO. 18-045**

MILLER/LO MOVED TO APPROVE THE **RESOLUTION TRANSFERRING \$65,000 FROM THE BIG BASIN WAY TURN-AROUND PROJECT TO THE KOI POND IMPROVEMENT PROJECT.** MOTION PASSED. AYES: BERNALD, CAPPELLO, MILLER, LO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.6. Motor Vehicle (MV) Resolution Restricting Parking on both sides of Montalvo Road  
**Recommended Action:**  
Adopt Motor Vehicle (MV) Resolution adopting No Parking restrictions on both sides of Montalvo Road between Montalvo Lane and Montalvo Heights.

**MV RESOLUTION NO. MV-322**

MILLER/LO MOVED TO APPROVE THE **MOTOR VEHICLE (MV) RESOLUTION ADOPTING NO PARKING RESTRICTIONS ON BOTH SIDES OF MONTALVO ROAD BETWEEN MONTALVO LANE AND MONTALVO HEIGHTS.** MOTION PASSED. AYES: BERNALD, CAPPELLO, MILLER, LO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

**2. PUBLIC HEARING**

2.1. APCC18-0002 - Appeal of a cell facility approval along Pierce Road near the Vista Regina intersection

**Recommended Action:**

Conduct a public hearing and de novo review of the appeal, and adopt the attached resolution denying appeal APCC18-0002 and approving the cell facility application PDR18-0011.

Nicole Johnson, Planner II, presented the staff report.

Mayor Bernald opened the public hearing.

The appellant, including Juan Luo and her representative Leo B. Siegel, provided opening remarks.

The applicant, Tedi Vriheas, Regional Vice President of AT&T, provided opening remarks.

Mayor Bernald invited public comment on the item.

The following people requested to speak:

Lin Zhu spoke in support of the appeal

David Alney spoke in opposition to the appeal

Antoinette Romeo spoke in support of the appeal

Tedi Vriheas provided closing remarks for the applicant.

Leo B. Siegel provided closing remarks for the appellant.

Mayor Bernald closed the public hearing for this item and asked for Council discussion.

**RESOLUTION NO. 18-046**

MILLER/CAPPELLO MOVED TO **ADOPT THE ATTACHED RESOLUTION DENYING APPEAL APCC18-0002 AND APPROVING THE CELL FACILITY APPLICATION PDR18-0011 WITH TWO ADDITIONAL CONDITIONS OF APPROVAL: (1) REQUIRE THE TOP OF THE CELL FACILITY TO BE PAINTED SKY GREY BLUE AND THE BOTTOM TO BE PAINTED BROWN TO REDUCE THE VISUAL IMPACT AND (2) REQUIRE THE APPLICANT TO SUBMIT A DEPOSIT TO THE COMMUNITY DEVELOPMENT DEPARTMENT FOR PLANTING A TREE ON THE APPELLANT'S PROPERTY, NO SMALLER THAN 15 INCH BOX AND NO LARGER THAN 24 INCH BOX, TO PROVIDE ADDITIONAL SCREENING IF REQUESTED BY THE APPELLANT; IF THE APPELLANT DOES NOT REQUEST PLANTING OF THE TREE WITHIN SIX MONTHS THE DEPOSIT SHALL BE RETURNED TO THE APPLICANT.** MOTION PASSED. AYES: BERNALD, CAPPELLO, MILLER, LO,. NOES: KUMAR. ABSTAIN: NONE. ABSENT: NONE.

Mayor Bernald invited students in the audience to come on stage and introduce themselves.

**3. GENERAL BUSINESS**

3.1. Response to 2017-2018 Santa Clara County Civil Grand Jury Report

**Recommended Action:**

Review the Civil Grand Jury Report “Affordable Housing Crisis: Density is Our Destiny” and authorize the Mayor to execute the letter responding to the Grand Jury Report.

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

Mayor Bernald invited public comment on this item.

No one requested to speak.

MILLER/CAPPELLO MOVED TO **AUTHORIZE THE MAYOR TO EXECUTE THE LETTER RESPONDING TO THE GRAND JURY REPORT ON “AFFORDABLE HOUSING CRISIS: DENSITY IS OUR DESTINY.”** MOTION PASSED. AYES: BERNALD, CAPPELLO, MILLER, LO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

3.2. 2040 General Plan Update Status Report

**Recommended Action:**

Staff recommends that the City Council receive the status report on the Saratoga 2040 General Plan Update project and provide additional direction as needed.

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

Mayor Bernald invited public comment on this item.

No one requested to speak.

MILLER/BERNALD MOVED TO **APPROVE THE STATUS ON THE SARATOGA 2040 GENERAL PLAN UPDATE AND DIRECTED STAFF TO ARTICULATE THE MOUNTAIN WINERY USE AS PART OF THE GENERAL PLAN UPDATE AND PROVIDE THE CITY COUNCIL WITH AN OUTLINE OF THE ANNEXATION PROCESS.** MOTION PASSED. AYES: BERNALD, CAPPELLO, MILLER, LO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

### 3.3. Community Event Grant Program Recommendations

#### **Recommended Action:**

Approve the Finance Committee's recommendations:

1. Add the Hakone Matsuri and Saratoga Area Senior Center Health Fair events to next Fiscal Year's list of secured funding recipients and allocate each event a \$5,000 grant
2. No longer accept off-cycle grant applications
3. Maintain the program's current requirements and priorities

Lauren Pettipiece, Administrative Analyst, presented the staff report.

Mayor Bernald invited public comment on this item.

No one requested to speak.

LO/CAPPELLO MOVED TO **APPROVE THE FINANCE COMMITTEE RECOMMENDATIONS TO: 1. ADD THE HAKONE MATSURI AND SARATOGA AREA SENIOR CENTER HEALTH FAIR EVENTS TO NEXT FISCAL YEAR'S LIST OF SECURED FUNDING RECIPIENTS AND ALLOCATE EACH EVENT A \$5,000 GRANT; 2. NO LONGER ACCEPT OFF-CYCLE GRANT APPLICATIONS; AND 3. MAINTAIN THE PROGRAM'S CURRENT REQUIREMENTS AND PRIORITIES WITH A CHANGE TO THE WORD "PRIORITIES" TO CLARIFY THAT THEY ARE NOT MANDATORY REQUIREMENTS FOR THE PROGRAM.** MOTION PASSED. AYES: BERNALD, CAPPELLO, MILLER, LO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE

### 3.4. Communications Report

#### **Recommended Action:**

Receive report and provide input as needed.

Lauren Pettipiece, Administrative Analyst, presented the staff report.

Mayor Bernald invited public comment on this item.

No one requested to speak.

Council Member Lo recommended translating the Saratoga Source.

Council Member Miller noted display issues when using the search tool on a mobile device. Mayor Bernald requested information about West Valley Collection and Recycling e-waste collections and bulky item pickup.

Council Member Miller concurred and suggested sharing information about Hazardous Waste.

### 3.5. League of California Cities Annual Conference Resolution

**Recommended Action:**

Provide input to the City's voting delegate (Council Member Emily Lo) on the resolution to be considered at the League of California Cities Annual Conference.

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

Mayor Bernald invited public comment.

No one requested to speak.

The City Council provided input to the voting delegate on the resolutions to be considered at the League of California Cities Annual Conference.

### 3.6. Amendment to City Manager Employment Agreement and Compensation

**Recommended Action:**

Approve amended employment agreement for the City Manager.

Richard Taylor, City Attorney, provided the staff report.

Mayor Bernald invited public comment.

No one requested to speak.

## **RESOLUTION NO. 18-047**

CAPPELLO/MILLER MOVED TO **APPROVE THE AMENDED EMPLOYMENT AGREEMENT FOR THE CITY MANAGER.** MOTION PASSED. AYES: BERNALD, CAPPELLO, MILLER, LO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE

## **COUNCIL ASSIGNMENTS**

### Mayor Mary-Lynne Bernald

*Public Art Committee* – the Committee discussed priorities for the year at the last meeting, many new ideas from the meeting were shared, including artistic bike racks, another round of Paint the City, and branding of public art.

*West Valley Clean Water Program Authority* – the next meeting is September 6.

*West Valley Mayors and Managers* – at the last meeting, the group reviewed the VTA selection process and was given an update from Assembly Member Low’s office on recent legislation.  
*West Valley Solid Waste Management Joint Powers Authority* – the next meeting is September 6.

Vice Mayor Manny Cappello

*Saratoga Area Senior Coordinating Council (SASCC)* – the Board conducted the annual review of Executive Director and approved his review. Additionally, the Board is deeply saddened by the death of Dick Angus.

Council Member Howard Miller

*Saratoga Sister City Organization* – long term planning started for the Sister City 35<sup>th</sup> anniversary trip. The Annual Moon viewing at Hakone is on September 20, 2018 and admission is \$20.

*Silicon Valley Clean Energy Authority Board of Directors* – the Board reviewed a mid-year budget adjustment and there have been challenges to Community Choice Aggregation from the State. There have been discussions about employee retention.

Council Member Emily Lo

*Hakone Foundation Board & Executive Committee* – the Board met on August 16. The Gala is on September 16 at 5:30 pm at Hakone and tickets still available. Currently, Hakone has 1,006 members at Hakone. The gift shop is doing well on sales of merchandise. There will be a Cherry Blossom night viewing event in 2019, as a sponsor has stepped forward to support the event. Hakone finances are doing well.

*Santa Clara County Library Joint Powers Authority* – the summer reading program was a success.

Council Member Rishi Kumar

No report

**CITY COUNCIL ITEMS**

Council Member Miller, with the support of Vice Mayor Cappello, requested that staff review and bring back a report on residential district signage, not including election signs.

**COUNCIL COMMUNICATIONS**

None

**CITY MANAGER'S REPORT**

None



## **ADJOURNMENT**

MILLER/CAPPELLO MOVED TO **ADJOURN THE MEETING AT 9:58 P.M.** MOTION PASSED. AYES: BERNALD, CAPPELLO, MILLER, LO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

Minutes respectfully submitted:

Debbie Bretschneider  
Interim City Clerk  
City of Saratoga