

MINUTES
WEDNESDAY, OCTOBER 16, 2019
SARATOGA CITY COUNCIL REGULAR MEETING

At 6:00 p.m., the City Council held a Joint Meeting with the Saratoga Historical Foundation in the Linda Callon Conference Room at 13777 Fruitvale Avenue in Saratoga.

Mayor Cappello called the Regular Session to order in the Civic Theater, Council Chambers at 13777 Fruitvale Avenue in Saratoga at 7:03 p.m. and led the Pledge of Allegiance.

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
Dennis Jaw, Finance Manager
Kayla Nakamoto, Community Engagement Coordinator
Keith Weiner, Building Official
Monica LaBossiere, Human Resources Manager
Emma Burkhalter, Assistant Engineer
Mainini Cabute, Environmental Program Administrator

REPORT ON POSTING OF THE AGENDA

City Clerk Debbie Bretschneider reported that the agenda for this meeting was properly posted on October 11, 2019.

REPORT FROM JOINT MEETING

Annette Stransky, President of the Saratoga Historical Foundation, spoke about the Joint Meeting.

ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS

Sudhir Rad spoke about Norton Road.

ANNOUNCEMENTS

Mayor Cappello announced the Living with Coyotes Presentation, the West Valley Striders Walking Group, the Village Witchy Walk-A-Bout, and Rail Safety Awareness Month.

CEREMONIAL ITEMS

Commendation Celebrating the 35th Anniversary of the Sister City Affiliation between Muko, Japan and Saratoga, California

Recommended Action:

Present the commendation to the delegation visiting from Muko, Japan.

Mayor Cappello and the City Council presented the commendation to the delegation from Muko, Japan.

1. CONSENT CALENDAR

1.1. City Council Meeting Minutes

Recommended Action:

Approve the City Council minutes for the Regular City Council Meeting on October 2, 2019.

BERNALD/MILLER MOVED TO **APPROVE THE CITY COUNCIL MINUTES FOR THE REGULAR CITY COUNCIL MEETING OCTOBER 2, 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: 10/09/2019 Period 4.

BERNALD/MILLER MOVED TO **ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 10/09/2019 PERIOD 4.** MOTION PASSED. AYES: CAPPELLO, MILLER, KUMAR, BERNALD, ZHAO. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.3. Update to the City's Personnel Rules and Policies

Recommended Action:

Adopt the Resolution approving the City's Updated Personnel Rules and Policies.

This item was removed from the Consent Calendar for comment.

Mayor Cappello invited public comment on this item.

The following people requested to speak:

Chuck Page

No one else requested to speak.

RESOLUTION 19-057

MILLER/BERNALD MOVED TO **ADOPT THE RESOLUTION APPROVING THE CITY'S UPDATED PERSONNEL RULES AND POLICIES WITH THE ADDITION OF DIRECTING STAFF TO COMPILE A LIST OF POSSIBLE UPDATES FOR A FUTURE TIME.** MOTION PASSED. AYES: CAPPELLO, MILLER, KUMAR, BERNALD, ZHAO. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

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

Recommended Action:

Authorize the City Manager to execute a contract with 4Leaf, Inc. for as-needed professional building inspection services in the amount of \$40,000.00 for FY 2019-2020.

BERNALD/MILLER MOVED TO **AUTHORIZE THE CITY MANAGER TO EXECUTE A CONTRACT WITH 4LEAF, INC. FOR AS-NEEDED PROFESSIONAL BUILDING INSPECTION SERVICES IN THE AMOUNT OF \$40,000.00 FOR FY 2019-2020.** MOTION PASSED. AYES: CAPPELLO, MILLER, KUMAR, BERNALD, ZHAO. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.5. Motor Vehicle Resolution Rolling Hills Road

Recommended Action:

Adopt Motor Vehicle (MV) Resolution adopting No Parking restrictions on both sides of Rolling Hills Road from Prospect Road to the end of road.

MV RESOLUTION 323

BERNALD/MILLER MOVED TO **ADOPT MOTOR VEHICLE (MV) RESOLUTION ADOPTING NO PARKING RESTRICTIONS ON BOTH SIDES OF ROLLING HILLS ROAD FROM PROSPECT ROAD TO THE END OF ROAD.** MOTION PASSED. AYES: CAPPELLO, MILLER, KUMAR, BERNALD, ZHAO. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.6. Motor Vehicle (MV) Resolution Reid Lane

Recommended Action:

Adopt Motor Vehicle (MV) Resolution adopting No Parking restrictions on the north side of Reid Lane in between Saratoga-Sunnyvale Road and Lynde Avenue.

MV RESOLUTION 324

BERNALD/MILLER MOVED TO **ADOPT MOTOR VEHICLE (MV) RESOLUTION ADOPTING NO PARKING RESTRICTIONS ON THE NORTH SIDE OF REID**

LANE IN BETWEEN SARATOGA-SUNNYVALE ROAD AND LYNDE AVENUE.
MOTION PASSED. AYES: CAPPELLO, MILLER, KUMAR, BERNALD, ZHAO. NOES:
NONE. ABSTAIN: NONE. ABSENT: NONE.

1.7. Landscaping & Lighting Assessment District LLA-1; Resolutions initiating renewal of the District for FY 20-21.

Recommended Action:

1. Move to adopt the Resolution describing improvements and directing preparation of the Engineer's Report.
2. Move to adopt the Resolution appointing the Attorneys for the District.

RESOLUTIONS 19-058 AND 19-059

BERNALD/MILLER MOVED TO **ADOPT THE RESOLUTION DESCRIBING IMPROVEMENTS AND DIRECTING PREPARATION OF THE ENGINEER'S REPORT AND TO ADOPT THE RESOLUTION APPOINTING THE ATTORNEYS FOR THE DISTRICT.** MOTION PASSED. AYES: CAPPELLO, MILLER, KUMAR, BERNALD, ZHAO. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.8. Parks & Recreation Commission Historical Plaque Program

Recommended Action:

Authorize the Parks and Recreation Commission to add a Historical Plaque Program for City Parks to their workplan.

BERNALD/MILLER MOVED TO **AUTHORIZE THE PARKS AND RECREATION COMMISSION TO ADD A HISTORICAL PLAQUE PROGRAM FOR CITY PARKS TO THEIR WORKPLAN.** MOTION PASSED. AYES: CAPPELLO, MILLER, KUMAR, BERNALD, ZHAO. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

2. PUBLIC HEARING

None

3. GENERAL BUSINESS

3.1. New Blacksmith Building at the Saratoga Historical Park

Recommended Action:

1. Approve conceptual plans for a new blacksmith shop building and lot merger at the Saratoga Historical Park.
2. Consider waiving City costs and fees associated with the construction of the new building for an amount not to exceed \$10,500.
3. Direct staff to work with the Saratoga Historical Foundation to develop a new lease agreement.

Crystal Bothelio, Assistant City Manager, provided the staff report.

Mayor Cappello invited public comment on this item.

No one requested to speak.

ZHAO/BERNALD MOVED TO **APPROVE CONCEPTUAL PLANS FOR A NEW BLACKSMITH SHOP BUILDING AND LOT MERGER AT THE SARATOGA HISTORICAL PARK, WAIVING CITY COSTS AND FEES ASSOCIATED WITH THE CONSTRUCTION OF THE NEW BUILDING FOR AN AMOUNT NOT TO EXCEED \$10,500, AND DIRECT STAFF TO WORK WITH THE SARATOGA HISTORICAL FOUNDATION TO DEVELOP A NEW LEASE AGREEMENT.**

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

3.2. Wildfire Public Safety Task Force Proposed Work Plan

Recommended Action:

Consider the proposed Wildfire Public Safety Task Force work plan and provide direction.

Crystal Bothelio, Assistant City Manager, provided the staff report.

Mayor Cappello invited public comment on this item.

No one requested to speak.

MILLER/KUMAR MOVED **TO ADOPT THE WILDFIRE PUBLIC SAFETY TASK FORCE PROPOSED WORK PLAN WITH THESE ADDITIONS: TO ASSESS CITY ORDINANCES, INCLUDING THE TREE ORDINANCE, FOR OPPORTUNITIES TO REDUCE FIRE RISK; TO LOOK FOR OPPORTUNITIES TO EXPAND WORK WITH THE FIRESAFE COUNCIL AND THE CHIPPING PROGRAM.**

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

3.3. Award of Contract to Mountain Bikers of Santa Cruz for the Saratoga to Sanborn Trail Construction

Recommended Action:

1. Move to declare Mountain Bikers of Santa Cruz (MBOSC) to be the lowest responsible responsive bidder on the project and reject the bid protest.
2. Move to award a Construction Contract to MBOSC in the amount of \$1,505,815 and authorize the City Manager to execute the same.
3. Move to authorize staff to execute change orders to the contract in the amount of \$225,000.

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

Mayor Cappello invited public comment on this item.

Matthew De Young, Executive Director of Mountain Bikers of Santa Cruz, spoke.

No one else requested to speak.

MILLER/BERNALD MOVED TO **DECLARE MOUNTAIN BIKERS OF SANTA CRUZ (MBOSC) TO BE THE LOWEST RESPONSIBLE RESPONSIVE BIDDER ON THE PROJECT AND REJECT THE BID PROTEST, TO AWARD A CONSTRUCTION CONTRACT TO MBOSC IN THE AMOUNT OF \$1,505,815 AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE SAME, AND TO AUTHORIZE STAFF TO EXECUTE CHANGE ORDERS TO THE CONTRACT IN THE AMOUNT OF \$225,000.** MOTION PASSED. AYES: CAPPELLO, MILLER, KUMAR, BERNALD, ZHAO. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE

3.4. 2019 Pavement Maintenance Program Project – Additional Work

Recommended Action:

1. Authorize Amendment to the contract for 2019 Pavement Maintenance Project with Wattis Construction in the amount of \$770,000.
2. Move to authorize contingency funds to execute change orders to the contract up to \$80,000.

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

Mayor Cappello invited public comment on this item.

No one requested to speak.

BERNALD/MILLER MOVED TO **AUTHORIZE AMENDMENT TO THE CONTRACT FOR 2019 PAVEMENT MAINTENANCE PROJECT WITH WATTIS CONSTRUCTION IN THE AMOUNT OF \$770,000 AND TO AUTHORIZE CONTINGENCY FUNDS TO EXECUTE CHANGE ORDERS TO THE CONTRACT UP TO \$80,000.** MOTION PASSED. AYES: CAPPELLO, MILLER, KUMAR, BERNALD, ZHAO. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE

3.5. Award of Construction Contract – Permit Center Remodel Project

Recommended Action:

1. Award the contract for the Permit Center remodel project to EKIM Painting-North, Inc. in the amount of \$195,000.00 and authorize the City Manager to execute the agreement.
2. Authorize the City Manager to approve change orders not to exceed 10% of the contract amount (\$19,500.00) as a project contingency.

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

Mayor Cappello invited public comment on this item.

No one requested to speak.

BERNALD/ZHAO MOVED TO **AWARD THE CONTRACT FOR THE PERMIT CENTER REMODEL PROJECT TO EKIM PAINTING-NORTH, INC. IN THE AMOUNT OF \$195,000.00 AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT AND TO AUTHORIZE THE CITY MANAGER TO APPROVE CHANGE ORDERS NOT TO EXCEED 15% OF THE CONTRACT AMOUNT AS A PROJECT CONTINGENCY.** MOTION PASSED. AYES: CAPPELLO, MILLER, KUMAR, BERNALD, ZHAO. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE

3.6. Discussion of Silicon Valley Clean Energy Reach Codes

Recommended Action:

Staff recommends that the City Council receive the report and presentation by Silicon Valley Clean Energy and provide direction to staff.

Keith Weiner, Building Official, provided the staff report.

John Supp, Account Services Manager from Silicon Valley Clean Energy provided a presentation.

Mayor Cappello invited public comment on this item.

James Tuleya, Chair of Carbon Free Silicon Valley, spoke in support of REACH codes.

Bruce Karney, Chair of Carbon Free Silicon Valley of Mountain View, spoke in support of REACH codes.

Bruce Habgel, member of Carbon Free Silicon Valley of Mountain View, spoke in support of REACH codes.

No one else requested to speak.

MILLER/BERNALD MOVED **TO GIVE STAFF DIRECTION TO ADD TO THE BUILDING CODE REACH CODE 2A (MOSTLY ELECTRIC) WHICH REQUIRES AN ELECTRIC HEAT PUMP AND ELECTRIC WATER HEATING HEAT PUMP AND ALLOWS GAS TO BE USED FOR COOKING AND DRYERS FOR ALL NEW ONE AND TWO FAMILY HOMES AND SUBSTANTIAL REMODELS OF 50% OR MORE THAT ARE CONSIDERED A “NEW HOME”, WITH THE ADDITION OF PRE-WIRED ELECTRIC REQUIRED FOR STOVE AND DRYER; DIRECTION TO STAFF TO REQUIRE A SECOND ELECTRIC VEHICLE (EV) CHARGE CIRCUIT IN ADDITION TO THE CIRCUIT THAT IS REQUIRED BY BUILDING CODE, WITH ONE CHARGER OUTSIDE OF THE GARAGE AND ONE INSIDE GARAGE, ONE CHARGER IS TO BE FULLY WIRED; NO CHANGES TO REQUIREMENTS FOR ACCESSORY DWELLING UNITS.**

Vice Mayor Miller made an alternative motion. Per City Council Norms of Operation, the City Council considered the second motion before the first motion.

MILLER/BERNALD MOVED TO GIVE STAFF DIRECTION TO ADD TO THE BUILDING CODE REACH CODE 2A (MOSTLY ELECTRIC) WHICH REQUIRES AN ELECTRIC HEAT PUMP AND ELECTRIC WATER HEATING HEAT PUMP AND ALLOWS GAS TO BE USED FOR COOKING AND DRYERS FOR ALL NEW ONE AND TWO FAMILY HOMES AND SUBSTANTIAL REMODELS OF 50% OR MORE THAT ARE CONSIDERED A “NEW HOME”, WITH THE ADDITION OF PRE-WIRED ELECTRIC REQUIRED FOR ALL MAJOR APPLIANCES MAKING GAS OPTIONAL FOR STOVES AND DRYERS; DIRECTION TO STAFF TO REQUIRE A SECOND ELECTRIC VEHICLE (EV) CHARGE CIRCUIT IN ADDITION TO THE CIRCUIT THAT IS REQUIRED BY BUILDING CODE, WITH ONE CHARGER OUTSIDE OF THE GARAGE AND ONE INSIDE GARAGE, ONE CHARGER IS TO BE FULLY WIRED; NO CHANGES TO REQUIREMENTS FOR ACCESSORY DWELLING UNITS; NO CHANGES TO CITY’S DEFINITION OF DEMOLITION AND “NEW HOME”. MOTION PASSED. AYES: CAPPELLO, MILLER, KUMAR, BERNALD, ZHAO. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE

Mayor Cappello invited Prospect High Students to the stage.

COUNCIL ASSIGNMENTS

Mayor Manny Cappello

Cities Association of Santa Clara County Board of Directors – the Association received a report from VTA on the governance study from the Grand Jury Report, the Silicon Valley Leadership Group spoke on the Faster Bay Area tax measure for travel infrastructure, and the new Executive Board leadership was nominated. The Cities Association Champion Award will be awarded to Representative Anna Eshoo.

Saratoga Area Senior Coordinating Council (SASCC) – SASCC had a meeting.

Vice Mayor Howard Miller

Silicon Valley Clean Energy Authority Board of Directors – the Board had a workshop and a separate meeting. The Board set their goal to be 100% carbon-free.

Valley Transportation Authority (VTA) Policy Advisory Committee – there was a discussion on license plate readers in BART parking lots and a discussion of Vehicle Miles Traveled/Level of Service Methodology. It is also Rail Safety Awareness Month.

Council Member Rishi Kumar

No report

Council Member Mary-Lynne Bernald

No report

Council Member Yan Zhao

Saratoga Chamber of Commerce & Destination Saratoga – the Chamber had a meeting.

CITY COUNCIL ITEMS

Vice Mayor Miller, with support from Council Member Bernald, asked for a discussion of Vehicle Miles Traveled/Level of Service Methodology for the Council Retreat.

COUNCIL COMMUNICATIONS

Council Member Kumar spoke about San Jose Water Company's potential new surcharge.

CITY MANAGER'S REPORT

City Manager Lindsay reported that he would be out of office until October 28, 2019.

ADJOURNMENT

BERNALD/MILLER MOVED TO **ADJOURN THE MEETING AT 10:28 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