

MINUTES
WEDNESDAY, NOVEMBER 7, 2018
SARATOGA CITY COUNCIL REGULAR MEETING

At 5:30 p.m., the City Council held 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 West Valley-Mission Community College District 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 7:08 p.m. and led the Pledge of Allegiance.

Mayor Bernald dedicated the meeting to the victims of the Squirrel Hill Synagogue mass shooting.

ROLL CALL

PRESENT: Mayor Mary-Lynne Bernald, Vice Mayor Manny Cappello
Council Members Emily Lo, Howard Miller, 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
Michael Taylor, Recreation & Facilities Director
Kayla Nakamoto, Recreation Coordinator
Lauren Pettipiece, Administrative Analyst II

REPORT ON POSTING OF THE AGENDA

Interim City Clerk Debbie Bretschneider reported that the agenda for this meeting was properly posted on November 1, 2018.

REPORT FROM JOINT MEETING

President Brad Davis and Trustee Jack Lucas of West Valley-Mission Community College District spoke about the joint meeting and the great working relationship between the College and City Hall.

ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS

Mosaic Saratoga showed a video of their event.

Urmila Vidali and Sharan Bal spoke about Mosaic Saratoga and Saratoga High School's involvement.

Rosie Clan spoke about Mosaic Saratoga.

Mrs. Clan spoke about Mosaic Saratoga.

Annette Stransky spoke about Mosaic Saratoga and the Saratoga Historical Museum.

Nardin Sarkis spoke about the Silicon Valley Leadership Group Turkey Trot and the Mayor's Cup.

ANNOUNCEMENTS

Vice Mayor Cappello announced that the City's Annual Holiday Food and Toy Drive, the Saratoga Ministerial Association Thanksgiving Day Interfaith Service, Living Room Conversations, the Annual Holiday Tree Lighting and Wine Stroll, and the Celebration of Light.

CEREMONIAL ITEMS

Commendation for Public Safety Task Force Members

Recommended Action:

Present the commendations to the Public Safety Task Force Members.

Mayor Bernald and the City Council presented commendations to the Public Safety Task Force Members.

SPECIAL PRESENTATIONS

AARP Andrus Award for Community Service Presentation

Recommended Action:

Receive presentation from representatives from AARP on the Andrus Award for Community Service.

Representatives from AARP presented the AARP- California Andrus Award to Lisa Oakley, President of Saratoga Area Senior Coordinating Council.

1. CONSENT CALENDAR

1.1. City Council Meeting Minutes

Recommended Action:

Approve the City Council minutes for the Regular City Council Meeting on October 17, 2018.

MILLER/LO MOVED TO APPROVE THE CITY COUNCIL MINUTES FOR THE REGULAR CITY COUNCIL MEETING ON OCTOBER 17, 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: 10/16/2018 Period 4; 10/23/2018 Period 4; and 10/30/2018 Period 4.

MILLER/LO MOVED TO **ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 10/16/2018 PERIOD 4; 10/23/2018 PERIOD 4; AND 10/30/2018 PERIOD 4.** MOTION PASSED. AYES: BERNALD, CAPPELLO, MILLER, LO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

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

Recommended Action:

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

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

1.4. Resolution Amending Youth Commission Eligibility

Recommended Action:

Approve the resolution amending the Saratoga Youth Commission Administration, Responsibilities and Duties Policy to limit Commissioners to 1 term and prohibit appointment of applicants who will be a high school senior during their first year on the Commission.

RESOLUTION 18-056

MILLER/LO MOVED TO **APPROVE THE RESOLUTION AMENDING THE SARATOGA YOUTH COMMISSION ADMINISTRATION, RESPONSIBILITIES AND DUTIES POLICY TO LIMIT COMMISSIONERS TO 1 TERM AND PROHIBIT APPOINTMENT OF APPLICANTS WHO WILL BE A HIGH SCHOOL SENIOR DURING THEIR FIRST YEAR ON THE COMMISSION.** MOTION PASSED. AYES: BERNALD, CAPPELLO, MILLER, LO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.5. Landscaping & Lighting Assessment District LLA-1; Resolutions initiating renewal of the District for FY 19-20.

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 18-057, 18-058

MILLER/LO MOVED TO **ADOPT THE RESOLUTION DESCRIBING IMPROVEMENTS AND DIRECTING PREPARATION OF THE ENGINEER'S**

REPORT AND ADOPT THE RESOLUTION APPOINTING THE ATTORNEYS FOR THE DISTRICT. MOTION PASSED. AYES: BERNALD, CAPPELLO, MILLER, LO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.6. Park Restroom Maintenance Service Contract – North Bay Building Maintenance

Recommended Action:

Approve a Park Restroom Maintenance Service Contract with North Bay Building Maintenance for monthly restroom maintenance services in the amount of \$68,260 and authorize the City Manager to execute the same.

MILLER/LO MOVED TO APPROVE A PARK RESTROOM MAINTENANCE SERVICE CONTRACT WITH NORTH BAY BUILDING MAINTENANCE FOR MONTHLY RESTROOM MAINTENANCE SERVICES IN THE AMOUNT OF \$68,260 AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE SAME.

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

1.7. Budget Amendment - Brookview Landscaping and Lighting District (Zone 39)

Recommended Action:

Adopt a Resolution appropriating \$50,000 from Zone 39 fund balance into the Fiscal Year 2018-2019 operating budget.

RESOLUTION 18-059

MILLER/LO MOVED TO ADOPT A RESOLUTION APPROPRIATING \$50,000 FROM ZONE 39 FUND BALANCE INTO THE FISCAL YEAR 2018-2019 OPERATING BUDGET. MOTION PASSED. AYES: BERNALD, CAPPELLO, MILLER, LO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

2. PUBLIC HEARING

2.1. Ordinance Establishing Regulations for Storage of Firearms

Recommended Action:

Conduct a public hearing concerning the attached ordinance that would establish regulations for storage of firearms in Saratoga residences; and, introduce and waive the first reading of the ordinance and direct staff to place the ordinance on the consent calendar for adoption at the next regularly scheduled meeting of the City Council.

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

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

The following people requested to speak:

Annette Ladowitz spoke in support of the ordinance

Mark Hinkle spoke against the ordinance

Tasanee Hana Phiwreungren spoke in support of the ordinance

Steve Jacobs spoke in support of the ordinance

Jeff Klopotic spoke against the ordinance

Dorothy Dorsay spoke in support of the ordinance

Eric Swanson spoke in support of the ordinance

Lareen Jacobs spoke in support of the ordinance

Steve Siegel spoke in support of the ordinance

Ken Wayne spoke against the ordinance

Carol Weiss spoke in support of the ordinance

Jonathan Hsu spoke against the ordinance

Andrei Popovici spoke against the ordinance

Leonid Kuyshav spoke against the ordinance

Bernald Gutnick spoke against the ordinance

Anne Cross spoke in support of the ordinance

Sonia Chang spoke against the ordinance

No one else requested to speak.

Mayor Bernald closed the public hearing.

CAPPELLO/MILLER MOVED TO **INTRODUCE AND WAIVE THE FIRST READING OF THE ORDINANCE THAT WOULD ESTABLISH REGULATIONS FOR STORAGE OF FIREARMS IN SARATOGA RESIDENCES AND DIRECT STAFF TO PLACE THE ORDINANCE ON THE CONSENT CALENDAR FOR ADOPTION AT THE NEXT REGULARLY SCHEDULED MEETING OF THE CITY COUNCIL.** MOTION PASSED. AYES: BERNALD, CAPPELLO, MILLER, LO. NOES: NONE. ABSTAIN: KUMAR. ABSENT: NONE.

MILLER MOVED TO **CANCEL ALL FUTURE COUNCIL MEETINGS UNTIL SUCH TIME AS YAN ZHAO IS SWORN IN.**

Due to the lack of a second, the motion failed.

Mayor Bernald called for a break at 8:57 p.m. and called meeting back to order at 9:07 p.m.

3. GENERAL BUSINESS

3.1. Youth Commission Fundraising Plan

Recommended Action:

Approve the Youth Commission Fundraising Plan to collect donations and seek sponsorship of various Youth Commission events and activities.

Kayla Nakamoto, Recreation Coordinator, presented the staff report.

Naisha Agarwal, Youth Commission Treasurer, was present for questions.

Mayor Bernald invited public comment on the item.

No one requested to speak.

LO /CAPPELLO MOVED TO **APPROVE THE YOUTH COMMISSION FUNDRAISING PLAN TO COLLECT DONATIONS AND SEEK SPONSORSHIP OF VARIOUS YOUTH COMMISSION EVENTS AND ACTIVITIES.** MOTION PASSED. AYES: BERNALD, CAPPELLO, MILLER, LO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

3.2. Public Safety Task Force Final Recommendations

Recommended Action:

Receive final recommendations from the Public Safety Task Force and direct staff to include City Council direction on the recommendations at the 2019 City Council Retreat.

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

Mayor Bernald invited public comment on the item.

The following people requested to speak:

Jim Stallman

Chuck Page, Vice Chair of Public Safety Task Force

No one else requested to speak.

KUMAR MOVED TO **MOVE THIS ITEM TO THE COUNCIL RETREAT FOR COUNCIL DISCUSSION.**

Due to the lack of a second, the motion failed.

MILLER/ CAPPELLO MOVED TO **HAVE A DISCUSSION ON THE PUBLIC SAFETY TASK FORCE RECOMMENDATIONS AT THE COUNCIL RETREAT AND HAVE NEW THE MAYOR AND VICE MAYOR WORK WITH STAFF ON DETAILS OF THE AGENDA.** MOTION PASSED. AYES: BERNALD, CAPPELLO, MILLER, LO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

3.3. Dedication for former Mayor Francis Stutzman

Recommended Action:

Provide direction to staff on funding a tree and a bench dedication for former Mayor Francis Stutzman.

Debbie Bretschneider, Interim City Clerk, presented the staff report.

Mayor Bernald invited public comment on the item.

The following people requested to speak:

Jeffrey Schwartz spoke

No one else requested to speak.

MILLER/CAPPELLO MOVED TO **APPROVE FUNDING A TREE, BENCH, AND A LARGE PLAQUE TO HONOR FORMER MAYOR FRANCIS STUTZMAN, TO TAKE STAFF DIRECTION ON LOCATION, AND TO USE FUNDS FROM TREE FUND AND COUNCIL DISCRETIONARY FUND, AND TO INCLUDE THE FAMILY IN THE WORDING OF THE PLAQUE.** MOTION PASSED. AYES: BERNALD, CAPPELLO, MILLER, LO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

MILLER/CAPPELLO MOVED TO **DIRECT STAFF TO PREPARE A POLICY TO RECOGNIZE ALL RECENTLY DECEASED FORMER MAYORS.** MOTION PASSED. AYES: BERNALD, CAPPELLO, MILLER, LO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

3.4. 2018 Pavement Management Project – Additional Work

Recommended Action:

1. Authorize an increase in the construction contingency for the 2018 Pavement Management Project by \$250,000.
2. Adopt a budget resolution to transfer \$75,000 from the Hillside Reserve Fund to the Pavement Management Project Budget

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

Mayor Bernald invited public comment on the item.

No one requested to speak.

RESOLUTION 18-060

MILLER/LO MOVED TO **AUTHORIZE AN INCREASE IN THE CONSTRUCTION CONTINGENCY FOR THE 2018 PAVEMENT MANAGEMENT PROJECT BY \$250,000 AND TO ADOPT A BUDGET RESOLUTION TO TRANSFER \$75,000 FROM THE HILLSIDE RESERVE FUND TO THE PAVEMENT MANAGEMENT PROJECT BUDGET.** MOTION PASSED. AYES: BERNALD, CAPPELLO, MILLER, LO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

3.5. CivicPlus Mobile App

Recommended Action:

Provide direction to staff regarding the CivicPlus mobile app.

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

Mayor Bernald invited public comment on the item.

No one requested to speak.

MILLER/BERNALD MOVED TO DIRECT STAFF TO COME BACK IN 6 MONTHS WITH MORE DATA FROM CIVICPLUS ON USE OF THE MOBILE APP.

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

COUNCIL ASSIGNMENTS

Mayor Mary-Lynne Bernald

Council Finance Committee – reviewed the communications budget and the 2018 Pavement Management Project.

West Valley Clean Water Program Authority – hired Sheila Tucker as Executive Director.

West Valley Mayors and Managers – San Jose Council Member Chappie Jones attended and spoke on transportation and the impact of housing near city borders on parking in other cities.

The SVRIA committee is seeking applications from West Valley Council Members and West Valley Mayors and Managers has received three VTA Board applications.

West Valley Solid Waste Management Joint Powers Authority – during the last meeting, the Board discussed financial penalties to the garbage company, organic pickups, and missed pickup rates.

Vice Mayor Manny Cappello

Cities Association of Santa Clara County Board of Directors – held an executive meeting and discussed the agenda for the regular meeting, which included a report from Senator Hill, a transportation presentation, a presentation on Housing EDU's, and the election of new executive board. The new executive board will be announced to the general membership at the Holiday Dinner on December 7, 2018.

Council Member Howard Miller

Council Finance Committee – the meeting did not have a quorum.

Saratoga Ministerial Association – there was discussion on safe storage of firearms, the success of the Safe Park Program, Thanksgiving Day Interfaith Service, and the Celebration of Light event.

Saratoga Sister City Organization – there was discussion of the value of joining the National Sister City program, how to increase memberships, and the January 24 General Meeting.

Silicon Valley Clean Energy Authority Board of Directors – the Board gave a positive review of chief executive officer, discussed State approvals that will make it easier for residents to not use clean energy, and approved contracts to build two solar plus storage facilities.

Valley Transportation Authority (VTA) Policy Advisory Committee – there was no quorum and the meeting was cancelled.

Council Member Emily Lo

Hakone Foundation Board & Executive Committee – two Board members were renewed and a new board trustee, Emily Lo, was selected. The Board is hiring a grant writer to help with fundraising and accepted the 2018-19 Budget report. The Koi Pond Pump House project ribbon cutting is on November 27.

Santa Clara County Library Joint Powers Authority – at the meeting, the retirement of three long-term board members was announced. The Board also heard a report on Library service, including that 64 % of Santa Clara County residents have a library card, and that there will be additional Library hours in 2019, with the Saratoga Library open from 10:00 a.m. every day.

Council Member Rishi Kumar

Saratoga Chamber of Commerce & Destination Saratoga – Council Member Kumar was not able to attend the meeting last month but sent an update to the Chamber.

Santa Clara Valley Water District Commission – there was a presentation on the economics of recycled water for commercial viability.

CITY COUNCIL ITEMS

Council Member Miller asked to bring forward an agenda item on the Safe Park Program and the steps needed to move the program past the pilot status. Mayor Bernald supported the request.

Council Member Miller requested that staff seek out the Silicon Valley Turkey Trot Mayor’s Cup outreach points. Vice Mayor Cappello supported the request.

COUNCIL COMMUNICATIONS

Council Member Kumar spoke about safety in Saratoga and that break-ins are low compared to last year, but break-in activities are still happening, particularly car break-ins. He recommended that everyone install security cameras at their homes.

Council Member Miller spoke about public safety and that with the holidays coming up, everyone is ordering packages and having items delivered to front porches, which are not safe. He also discouraged residents from leaving valuables in cars and reminded the public to call 911 if they see anything suspicious.

Council Member Lo announced that the Executive Committee for the League of California Cities Peninsula Division is having a retreat on November 11.

CITY MANAGER'S REPORT

None

ADJOURNMENT

MILLER/CAPPELLO MOVED TO ADJOURN THE MEETING AT 10:32 P.M. MOTION PASSED. AYES: BERNALD, CAPPELLO, LO, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

Minutes respectfully submitted:

Debbie Bretschneider
Interim City Clerk
City of Saratoga