

**MINUTES**  
**WEDNESDAY, MAY 4, 2016**  
**SARATOGA CITY COUNCIL REGULAR MEETING**

At 5:00 p.m., the City Council held Closed Session in the Administrative Conference Room at Saratoga City Hall at 13777 Fruitvale Avenue. At 6:00 p.m., the City Council held a Joint Meeting with representatives of the Mountain Winery.

Mayor Cappello called the regular session to order at 7:02 p.m. and invited Girl Scouts in Saratoga Service Unit 618 to lead the Pledge of Allegiance.

**ROLL CALL**

**PRESENT:** Mayor Manny Cappello, Vice Mayor Emily Lo, Council Members Mary-Lynne Bernald, Howard Miller, Rishi Kumar  
**ABSENT:** None  
**ALSO PRESENT:** James Lindsay, City Manager  
Richard Taylor, City Attorney  
Crystal Bothelio, City Clerk/Assistant to the City Manager  
John Cherbone, Public Works Director  
Erwin Ordoñez, Community Development Director  
Michael Taylor, Recreation and Facilities Director

**REPORT OF CITY CLERK ON POSTING OF AGENDA**

City Clerk Crystal Bothelio reported that the agenda for this meeting was properly posted on April 29, 2016.

Mayor Cappello dedicated the meeting to George Cooper and held a moment of silence in his memory.

**REPORT FROM JOINT MEETING**

Bill Hirschman, Mountain Winery Co-Owner, provided an overview of the Joint Meeting. He noted that the Mountain Winery is in its 17<sup>th</sup> concert season and shared information about performances planned for this season. He thanked the City Council for the partnership between the City and the Mountain Winery and spoke about the Mountain Winery's efforts to be a good neighbor.

**ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS**

None

**ANNOUNCEMENTS**

Council Member Kumar announced that Boy Scout Troop 581 is holding a yard sale at Immanuel Lutheran Church on May 7 from 9:00 a.m. to 2:00 p.m. Funds will support activities of Troop 581. Council Member Kumar also noted that the Santa Clara County Fire Department is holding workshops on its Community Wildfire Protection Plan. There is a workshop the evening of May 9 in Cupertino that Saratoga residents are encouraged to attend. Additionally, the Santa Clara County Library is conducting a customer satisfaction survey. The public can participate in

online at <http://www.scccl.org/Locations/Saratoga/staff-posts/April-2016/How-Are-We-Doing-We-Want-To-Hear-From-You>.

Council Member Miller shared that the Saratoga Quarry Park Master Plan received the Outstanding Planning Document Award from the Association of Environmental Professionals. He also announced that VTA is holding a series of meetings in May on the plan for a possible transportation sales tax measure on the November 2016 ballot. One of these meetings will be held on May 23, 2016 at 7:00 p.m. in the Campbell Community Center. Information is online at <http://www.vta.org/envision-silicon-valley/envision-silicon-valley>. Saratoga residents are encouraged to attend.

Council Member Bernald noted that the FAA Select Committee on South Bay Arrivals is holding a Quiet Skies Summit on May 14, 2016 from 12:30 p.m. to 3:00 p.m. in Los Altos. The Summit will include elected leadership and advocacy groups working to reduce the impact of jet noise. Anyone interested in this issue is encouraged to attend. Additional information is online at <http://quietskiesnorcal.org/>. Council Member Bernald also announced that the Japanese Cultural Festival is on May 15 from 11:00 a.m. to 4:00 p.m. with free shuttles buses from West Valley College. Information is online at <http://www.hakone.com/hakone-matsuri.html>. Lastly, Council Member Bernald shared that the Saratoga Historical Foundation is holding Honoring Saratogans on May 22. Saratoga residents Bob Cancelliere, Ernie Kraule, and Betty Peck will be recognized. Information is available at <http://www.saratogahistory.com/>.

Vice Mayor Lo announced the Saratoga Chamber of Commerce Spring Wine Stroll on May 7. Additionally, Saratoga Library is holding an Open House on May 8 with a variety of activities that are fun for the family.

Mayor Cappello commented that judges from America in Bloom are visiting Saratoga and said he hoped the judges enjoy their stay in Saratoga. He also announced that the City Council will be holding its annual Joint Meeting with Saratoga Neighborhoods on June 1 at 5:30 p.m. at West Valley College. Free parking is available in Lot 5.

## CEREMONIAL ITEMS

Asian American and Pacific Islanders Heritage Month

**Recommended Action:**

Present proclamation to Saratoga resident John Kang declaring May 2016 as Asian American and Pacific Islanders Heritage Month.

Mayor Manny Cappello presented the proclamation declaring May 2016 as Asian Heritage and Pacific Islanders Heritage Month to John Kang.

## SPECIAL PRESENTATIONS

None

### 1. CONSENT CALENDAR

1.1. City Council Meeting Minutes

**Recommended Action:**

Approve the City Council minutes for the Regular City Council Meeting on April 20, 2016.

MILLER/LO MOVED TO **APPROVE THE CITY COUNCIL MINUTES FOR THE REGULAR CITY COUNCIL MEETING ON APRIL 20, 2016**. MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, 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: 04/19/2016 Period 10; and 04/26/2016 Period 10.

MILLER/LO MOVED TO **ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 04/19/2016 PERIOD 10; AND 04/26/2016 PERIOD 10**. MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.3. Treasurer's Report for the Month Ended March 31, 2016

**Recommended Action:**

Review and accept the Treasurer's Report for the month ended March 31, 2016.

MILLER/LO MOVED TO **ACCEPT THE TREASURER'S REPORT FOR THE MONTH ENDED MARCH 31, 2016**. MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.4. Amended Household Hazardous Waste Agreement with Santa Clara County

**Recommended Action:**

Authorize the City Manager to execute the amended Santa Clara County Household Hazardous Waste Collection Program Agreement with a \$50,245.09 augmentation for Fiscal Year 2016/17.

Council Member Miller commented on the agreement.

MILLER/LO MOVED TO **AUTHORIZE THE CITY MANAGER TO EXECUTE THE AMENDED SANTA CLARA COUNTY HOUSEHOLD HAZARDOUS WASTE COLLECTION PROGRAM AGREEMENT WITH A \$50,245.09 AUGMENTATION FOR FISCAL YEAR 2016/17**. MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.5. Amended Public Art Policy

**Recommended Action:**

Adopt the resolution amending the public art policy and confirming termination of the Arts Commission.

Hugh Roberts requested that this item be pulled from the Consent Calendar for public comment.

Mayor Cappello invited public comment on the item.

The following person requested to speak:

Hugh Roberts

No one else requested to speak.

**RESOLUTION NO. 16-028**

MILLER/BERNALD MOVED TO **ADOPT THE RESOLUTION AMENDING THE PUBLIC ART POLICY AND CONFIRMING TERMINATION OF THE ARTS COMMISSION**. MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.6. Authorization to Use City Seal for Saratoga 60th Anniversary Event

**Recommended Action:**

Approve the resolution permitting the City of Saratoga 60th Anniversary Celebration Committee to use the City Seal for the event logo and marketing materials.

**RESOLUTION NO. 16-029**

MILLER/LO MOVED TO **APPROVE THE RESOLUTION PERMITTING THE CITY OF SARATOGA 60TH ANNIVERSARY CELEBRATION COMMITTEE TO USE THE CITY SEAL FOR THE EVENT LOGO AND MARKETING MATERIALS**. MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

**2. PUBLIC HEARING**

None

**3. OLD BUSINESS**

None

**4. NEW BUSINESS**

4.1. Lease Agreement with Montalvo Arts Center for PLACE

**Recommended Action:**

Authorize the City Manager to execute a lease agreement with Montalvo Arts Center for PLACE and locate the artwork outside of Saratoga Library.

Crystal Bothelio, City Clerk/Assistant to the City Manager, presented the staff report.

Mayor Cappello invited public comment on the item.

The following people requested to speak:

Kelly Hudson, Montalvo Arts Center

Kaela Bernal, Montalvo Arts Center

No one else requested to speak.

BERNALD/LO MOVED TO **AUTHORIZE THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT WITH MONTALVO ARTS CENTER FOR PLACE AND LOCATE THE ARTWORK OUTSIDE OF SARATOGA LIBRARY.**

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

4.2. Award of Contract to G. Bortolotto & Company Inc. for the 2016 Pavement Management Program

**Recommended Action:**

1. Move to declare G. Bortolotto & Company Inc. the lowest responsible bidder on the project.
2. Move to award a construction contract to G. Bortolotto & Company Inc. in the amount of \$939,999.39.
3. Move to authorize staff to execute change orders to the contract up to \$220,000.

Mayor Cappello recused himself, because he lives on one of the streets included in the Pavement Management Program, and left the Council Chambers.

Public Works Director John Cherbone provided a staff report on the item.

Vice Mayor Lo invited public comment on the item.

No one requested to speak.

MILLER/KUMAR MOVED TO: **1) DECLARE G. BORTOLOTTO & COMPANY INC. THE LOWEST RESPONSIBLE BIDDER ON THE PROJECT; 2) AWARD A CONSTRUCTION CONTRACT TO G. BORTOLOTTO & COMPANY INC. IN THE AMOUNT OF \$939,999.39; AND 3) AUTHORIZE STAFF TO EXECUTE CHANGE ORDERS TO THE CONTRACT UP TO \$220,000.** MOTION PASSED.

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

4.3. Code Compliance Policy

**Recommended Action:**

Adopt the resolution establishing the City's Code Compliance Policy.

Crystal Bothelio, City Clerk/Assistant to the City Manager, provided a staff report on the item.

Mayor Cappello invited public comment on the item.

No one requested to speak.

**RESOLUTION NO. 16-030**

BERNALD/LO MOVED TO **ADOPT THE RESOLUTION ESTABLISHING THE CITY'S CODE COMPLIANCE POLICY.** MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

**CITY COUNCIL ASSIGNMENT REPORTS**

### Mayor Manny Cappello

*Saratoga Area Senior Coordinating Council (SASCC)* – during the last meeting, much of the discussion was on the capital campaign. This included discussion of two cultivation events to build awareness of the renovation project that are coming up.

### Vice Mayor Emily Lo

*Hakone Foundation Board & Executive Committee* – the America in Bloom judges visited Hakone Gardens on May 4 and enjoyed lunch as well as a tour of the gardens. The Board also has a new member, Reiko Iwanaga.

*KSAR Community Access TV Board* – the board is holding a meeting on May 17 at 1:00 p.m. and will be discussing requirements for a quorum.

*Saratoga Chamber of Commerce & Destination Saratoga* – the Wine Stroll is on Saturday and it seems that the event will be well attended as many tickets have already been purchased. Vice Mayor Lo shared she would not be able to attend the meeting on May 12 and asked that Council Member Kumar attend.

*Santa Clara County Library Joint Powers Authority* – the formula committee met last Friday to discuss the formula and distribution of resources to the different branches. Staff was asked to provide additional information about different distribution scenarios.

### Council Member Mary-Lynne Bernald

*Association of Bay Area Governments* – there was a meeting two weeks ago and the merger with MTC was approved. There will be a local meeting on May 12 in Palo Alto, which conflicts with the Cities Association meeting. As a result, Council Member Bernald noted she would be unable to attend the Cities Association meeting. The merger will be discussed further at a meeting on May 19 in Oakland.

*FAA Select Committee on South Bay Arrivals* – there is an interest in moving quickly to address the jet noise issues, so there will likely be a number of upcoming meetings taking place throughout the region. Information about these meetings will be posted online at <http://quietskiesnorcal.org/>.

*Hakone Foundation Board* – during the last meeting, the Board approved a balanced budget, discussed the Master Plan, and also planned for the Matsuri Festival.

*Saratoga Sister City Organization* – the group is looking for individuals interested in serving as President. There are also 4 new members to the Taiko Drummers. The group will be performing during the SASCC lunch on June 29.

*West Valley Solid Waste Management Joint Powers Authority* – the next meeting is May 5.

### Council Member Howard Miller

*Silicon Valley Clean Energy Authority Board of Directors* – an ad hoc committee was formed during the first meeting to interview candidates for the Executive Director. The committee interviewed 3 exceptional candidates.

*VTA Board West Valley Cities Alternate* – there was a workshop on April 22 to discuss the potential sales tax measure. It became clear during the workshop that transportation is heavily influenced by the location of jobs and housing. The discussion also reaffirmed for Council Member Miller the need for addressing noise problems on State Route 85.

### Council Member Rishi Kumar

*Santa Clara Valley Water District Commission* – the Santa Clara Valley Water District is holding a water conservation forum at the Saratoga Prospect Center on May 21 at 3:00 p.m. Experts will be sharing information about how to save water.

*Saratoga Ministerial Association* – during the meeting the week of April 25, the group discussed neighborhood safety. As a result, Captain Sung will be working with the different faith-based organizations to hold workshops for members.

### **CITY COUNCIL ITEMS**

Council Member Bernald expressed interest in keeping the Public Art Ad Hoc Committee active.

Mayor Cappello said he would work with staff to determine if the ad hoc has served its intent or if a new committee needs to be formed, in which case an agenda item to create a new committee will be brought forward at a future meeting.

Council Member Bernald also shared that letters seeking donations for a Magical Bridges Playground have been sent out to a number of organizations in Saratoga.

### **CITY MANAGER'S REPORT**

None

### **ADJOURNMENT**

MILLER/BERNALD MOVED TO **ADJOURN THE MEETING AT 8:45 P.M.** MOTION PASSED. AYES: CAPPELLO, LO, BERNALD, MILLER, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

Minutes respectfully submitted:

Crystal Bothelio, City Clerk  
City of Saratoga