



SARATOGA CITY COUNCIL REGULAR MEETING

APRIL 19, 2023

AMENDED AGENDA

- **04/19/2023 CLOSED SESSION WRITTEN COMMUNICATIONS ADDED**
- **04/19/2023 ITEM 1.1 SUPPLEMENTAL MEMO ADDED**
- **04/19/2023 ITEM 2.1 WRITTEN COMMUNICATIONS ADDED**
- **04/19/2023 ITEM 2.2 WRITTEN COMMUNICATIONS ADDED**
- **04/19/2023 ITEM 2.2 PRESENTATION SLIDES ADDED**
- **04/19/2023 ITEM 3.2 PRESENTATION SLIDES ADDED**

Public Participation Information

In accordance with Saratoga City Council's Remote Public Participation Policy, members of the public may participate in this meeting in person at the location listed below or via remote attendance using the Zoom information below.

Members of the public can view and participate in the **6:00 p.m. Closed Session** by:

1. Attending the meeting in person at the City Hall Linda Callon Conference Room, located at 13777 Fruitvale Avenue, Saratoga CA 95070; **OR**
2. Accessing the meeting through Zoom
 - <https://us02web.zoom.us/j/89527052458>
 - Webinar ID 895 2705 2458 **OR**
 - Calling 1.408.638.0968 or 1.669.900.6833

The public may comment on Closed Session items at the beginning of the Closed Session; after public comment the meeting will be closed to the public.

Members of the public can view and participate in the **7:00 p.m. Regular Session** by:

1. Attending the meeting in person at the Civic Theater, Council Chambers located at 13777 Fruitvale Avenue, Saratoga CA 95070; **OR**
2. Accessing the meeting through Zoom
 - Webinar URL: <https://us02web.zoom.us/j/81627041223>
 - Webinar ID: 816 2704 1223
 - Call In: 1.408.638.0968 or 1.669.900.6833; **OR**
3. Viewing the meeting on Saratoga Community Access Television Channel 15 (Comcast Channel 15, AT&T UVerse Channel 99 and calling in following the direction above; **OR**
4. Viewing online at www.saratoga.ca.us/watch and calling in following the direction above.

Written Communication

Comments can be submitted in writing at www.saratoga.ca.us/comment. Written communications will be provided to the members of the City Council and included in the Agenda Packet and/or in supplemental meeting materials.

Public Comment

Members of the public may comment on any item for up to three (3) minutes. The amount of time for public comment may be reduced by the Mayor or by action of the City Council. Public Comment will begin with speakers attending in-person first followed by those attending via Zoom.

Meeting Recording Information

In accordance with the Saratoga City Council's Meeting Recording Policy, City Council Study Sessions, Joint Meetings, Joint Sessions, Commission Interviews, Retreats, meetings with the Planning Commission, and Regular Session Meetings are recorded and made available following the meeting on the City website.

6:00 PM CLOSED SESSION

City Hall, Linda Callon Conference Room | 13777 Fruitvale Avenue, Saratoga, CA 95070

CONFERENCE WITH LABOR NEGOTIATORS (Gov't Code 54957.6)

Agency Designated Representatives: City Manager James Lindsay, City Attorney Richard Taylor, Administrative Services Director Nick Pegueros, Human Resources Manager Monica LaBossiere, Human Resources Analyst Babette McKay, Labor Counsel Deanna Mouser

Employee Organizations: Saratoga Employee Association; Northern California Carpenters Regional Council, Carpenters Forty-Six Northern California Counties Conference Board and their Affiliated Local Unions

[Supplemental Memo - Written Communications \(added 04-19-2023\)](#)

7:00 PM REGULAR SESSION

Civic Theater, Council Chambers | 13777 Fruitvale Avenue, Saratoga, CA 95070

PLEDGE OF ALLEGIANCE

ROLL CALL

REPORT ON POSTING OF THE AGENDA

The agenda for this meeting was properly posted on April 13, 2023.

REPORT FROM CLOSED SESSION

ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS

Any member of the public may address the City Council on matters not on the Agenda. The law generally prohibits the City Council from discussing or taking action on such items. However, the Council may instruct staff accordingly.

ANNOUNCEMENTS

1. CONSENT CALENDAR

The Consent Calendar contains routine items of business. Items in this section will be acted on in one motion, unless removed by the Mayor or a Council Member. Any member of the public may speak on an item on the Consent Calendar at this time, or request that the Mayor remove an item from the Consent Calendar for discussion.

1.1. City Council Meeting Minutes

Recommended Action:

Approve the Minutes for the March 15, 2023 City Council Regular Meeting and the Minutes for the April 5, 2023 City Council Regular Meeting.

[Staff Report](#)

[Attachment A - Minutes for the March 15, 2023 City Council Regular Meeting](#)

[Attachment B - Minutes for the April 5, 2023 City Council Regular Meeting](#)

[Supplemental Memo - Revised Recommended Action and Minutes](#)

1.2. Review and Accept Accounts Payable Check Registers

Recommended Action:

Review and accept the 03/29/2023 and 04/06/2023 accounts payable vendor payment check registers.

[Staff Report](#)

[Attachment A - Check Register Reports Dated 03-29-2023 Period 9](#)

[Attachment B - Check Register Reports Dated 04-06-2023 Period 10](#)

1.3. Contract Renewal for Camino Online Permit Guide Platform Software

Recommended Action:

Approve a one-year contract with Camino Technologies, Inc. for the Camino Online Permit Guide Platform and authorize the City Manager to execute the same.

[Staff Report](#)

[Attachment A – Proposed Contract](#)

1.4. Second Amendment to the Household Hazardous Waste Agreement with Santa Clara County

Recommended Action:

Authorize the City Manager to execute the second amendment to the Santa Clara County Household Hazardous Waste Collection Program Agreement with a \$55,251 augmentation for Fiscal Year 2024.

[Staff Report](#)

[Attachment A –Second Amendment to Agreement for Countywide HHW Collection Program](#)

[Attachment B-Agreement for Countywide HHW Collection Program FY22-24](#)

[Attachment C-Agreement AB939 Implementation Fee](#)

1.5. Local Emergency Proclamation Termination

Recommended Action:

Adopt the resolution proclaiming the termination of the local emergency due to severe storms in March 2023.

[Staff Report](#)

[Attachment A – Resolution Proclaiming the Termination of a Local Emergency](#)

[Attachment B – Resolution 23-016](#)

1.6. Landscaping and Lighting Assessment District LLA-1; Preliminary Approval of Engineer's Report and Adoption of Resolution of Intention for FY 23-24

Recommended Actions:

1. Adopt the Resolution granting preliminary approval of the Engineer's Report for FY 23-24 for renewing the Landscaping and Lighting Assessment District LLA-1.
2. Adopt the Resolution of Intention.

[Staff Report](#)

[Attachment A - Resolution of Preliminary Approval of Engineer's Report](#)

[Attachment B - Resolution of Intention to Order the Levy and Collection of Assessments](#)

[Attachment C - Engineer's Report](#)

1.7. Landscaping and Lighting Assessment District LLA-1; Preliminary Approval of Engineer's Report and Adoption of Resolution of Intention for FY 23-24 for Annexation of New Zone (Saratoga Woods - Zone 41) to the City of Saratoga Landscaping and Lighting Assessment District, LLA-1.

Recommended Actions:

1. Adopt the Resolution granting preliminary approval of the Engineer's Report for FY 23-24 for the annexation of New Zone (Saratoga Woods – Zone 41) into the Landscaping and Lighting Assessment District LLA-1.
2. Adopt the Resolution of Intention.

[Staff Report](#)

[Attachment A - Resolution of Preliminary Approval of Engineer's Report](#)

[Attachment B - Resolution of Intention to Order the Levy and Collection of Assessments](#)

[Attachment C - Engineer's Report](#)

1.8. Landscaping and Lighting Assessment District LLA-1; Preliminary Approval of Engineer's Report and Adoption of Resolution of Intention for FY 23-24 for Annexation of New Zone (Gardiner - Zone 42) to the City of Saratoga Landscaping and Lighting Assessment District, LLA-1.

Recommended Actions:

1. Adopt the Resolution granting preliminary approval of the Engineer's Report for FY 23-24 for the annexation of New Zone (Gardiner – Zone 42) into the Landscaping and Lighting Assessment District LLA-1.
2. Adopt the Resolution of Intention.

[Staff Report](#)

[Attachment A - Resolution of Preliminary Approval of Engineer's Report](#)

[Attachment B - Resolution of Intention to Order the Levy and Collection of Assessments](#)

[Attachment C - Engineer's Report](#)

1.9. Landscaping and Lighting Assessment District LLA-1; Preliminary Approval of Engineer's Report and Adoption of Resolution of Intention for FY 23-24 for Annexation of New Zone (Lower Pierce - Zone 43) to the City of Saratoga Landscaping and Lighting Assessment District, LLA-1.

Recommended Actions:

1. Adopt the Resolution granting preliminary approval of the Engineer's Report for FY 23-24 for the annexation of New Zone (Lower Pierce – Zone 43) into the Landscaping and Lighting Assessment District LLA-1.
2. Adopt the Resolution of Intention.

[Staff Report](#)

[Attachment A - Resolution of Preliminary Approval of Engineer's Report](#)

[Attachment B - Resolution of Intention to Order the Levy and Collection of Assessments](#)

[Attachment C - Engineer's Report](#)

1.10. Landscaping and Lighting Assessment District LLA-1; Preliminary Approval of Engineer's Report and Adoption of Resolution of Intention for FY 23-24 for Annexation of New Zone (Golden Triangle - Zone 44) to the City of Saratoga Landscaping and Lighting Assessment District, LLA-1.

Recommended Actions:

1. Adopt the Resolution granting preliminary approval of the Engineer's Report for FY 23-24 for the annexation of New Zone (Golden Triangle – Zone 44) into the Landscaping and Lighting Assessment District LLA-1.
2. Adopt the Resolution of Intention.

[Staff Report](#)

[Attachment A - Resolution of Preliminary Approval of Engineer's Report](#)

[Attachment B - Resolution of Intention to Order the Levy and Collection of Assessments](#)

[Attachment C - Engineer's Report](#)

1.11. Landscaping and Lighting Assessment District LLA-1; Preliminary Approval of Engineer's Report and Adoption of Resolution of Intention for FY 23-24 for Annexation of New Zone (Burgundy - Zone 45) to the City of Saratoga Landscaping and Lighting Assessment District, LLA-1.

Recommended Actions:

1. Adopt the Resolution granting preliminary approval of the Engineer's Report for FY 23-24 for the annexation of New Zone (Burgundy – Zone 45) into the Landscaping and Lighting Assessment District LLA-1.
2. Adopt the Resolution of Intention.

[Staff Report](#)

[Attachment A - Resolution of Preliminary Approval of Engineer's Report](#)

[Attachment B - Resolution of Intention to Order the Levy and Collection of Assessments](#)

[Attachment C - Engineer's Report](#)

1.12. Landscaping and Lighting Assessment District LLA-1; Preliminary Approval of Engineer's Report and Adoption of Resolution of Intention for FY 23-24 for Annexation of New Zone (Austin Bainter - Zone 46) to the City of Saratoga Landscaping and Lighting Assessment District, LLA-1.

Recommended Actions:

1. Adopt the Resolution granting preliminary approval of the Engineer's Report for FY 23-24 for the annexation of New Zone (Austin Bainter – Zone 46) into the Landscaping and Lighting Assessment District LLA-1.
2. Adopt the Resolution of Intention.

[Staff Report](#)

[Attachment A - Resolution of Preliminary Approval of Engineer's Report](#)

[Attachment B - Resolution of Intention to Order the Levy and Collection of Assessments](#)

[Attachment C - Engineer's Report](#)

2. PUBLIC HEARINGS

2.1. Landmark Designation & Mills Act Agreement for 14275 Saratoga Avenue Application No. LNDMRK23-0001 & MIL23-0001

Recommended Actions:

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 14275 Saratoga Avenue upon the effective date of the landmark ordinance.

[Staff Report](#)

[Attachment A- Ordinance approving the property's Landmark status](#)

[Attachment B - Resolution for Mills Act](#)

[Attachment C- Mills Act Historic Property Preservation Agreement](#)

[Attachment D- Department of Parks and Recreation Primary Record.](#)

[Supplemental Memo - Written Communications \(added 04-19-2023\)](#)

2.2. APCC23-0001 - Appeal of a Design Review application for a new two-story residence located at 18549 Devon Avenue

Recommended Action:

Conduct a public hearing and de novo review of the appeal and adopt the attached resolution denying appeal APCC23-0001, approving the Design Review and Arborist Review approvals (PDR21-0009/ARB21-0089) for the construction of a new two-story residence with a detached accessory dwelling unit (ADU) at 18549 Devon Avenue and finding the approvals to be exempt from environmental review under the California Environmental Quality Act (CEQA).

[Staff Report](#)

[Attachment A- Appeal application](#)

[Attachment B- Resolution to Deny the Appeal](#)

[Attachment C- Resolution No. 23-002 18549 Devon Avenue PDR21-0009.](#)

[Attachment D- 20823 PC SR with attachments](#)

[Attachment E- 020823 Approved PC minutes](#)

[Attachment F- Response from property owner](#)

[Attachment G - Support Letter Opposing Appeal of Design Review Approval Berliner Cohen, LLP](#)

[Attachment H -Public Comments](#)

[Attachment I- Development Plans](#)

[Attachment J- Single Family Residential Design Review Handbook](#)

[Supplemental Memo - Written Communications \(added 04-19-2023\)](#)

[Presentation Slides \(added 04-19-2023\)](#)

[Presentation Slides \(added 04-19-2023\)\(2\)](#)

2.3. Resolution Amending the City's Fee Schedule Effective July 1, 2023

Recommended Action:

Adopt a Resolution Amending the City of Saratoga's Fee Schedule Effective July 1, 2023.

[Staff Report](#)

[Attachment A - Resolution Amending the City Fee Schedule Effective July 1 2023](#)

3. GENERAL BUSINESS

3.1. Award of Contract for Professional Audit Services

Recommended Action:

Authorize the City Manager to award a contract and execute an agreement with Moss, Levy & Hartzheim, LLP (MLH) for a three-year engagement to provide professional audit services in an aggregate not-to-exceed amount of \$121,215 for the first three years and the option to extend for an additional two years in an aggregate not-to-exceed amount of \$81,660.

[Staff Report](#)

[Attachment A - Standard Services Contract](#)

[Attachment B - Badawi & Associates, CPAs Proposal for Professional Audit Services](#)

[Attachment C - Chavan & Associates LLP Proposal for Professional Audit Services](#)

[Attachment D - The Pun Group LLP Proposal Professional Audit Services](#)

3.2. 2023 Storm Emergencies Update and Budget Amendment

Recommended Action:

Adopt Resolution amending the 2022-23 budget to increase the 2023 Storm Fund's expenditure appropriations from \$450,000 to \$1,550,000 for the emergency response to the 2023 storm emergencies.

[Staff Report](#)

[Attachment A - Resolution](#)

[Presentation Slides \(added 04-19-2023\)](#)

COUNCIL ASSIGNMENTS

[Council Assignments](#)

CITY COUNCIL ITEMS

COUNCIL COMMUNICATIONS

CITY MANAGER'S REPORT

ADJOURNMENT

CERTIFICATE OF POSTING OF THE AGENDA, DISTRIBUTION OF THE AGENDA PACKET, COMPLIANCE WITH AMERICANS WITH DISABILITIES ACT

I, Britt Avrit, City Clerk for the City of Saratoga, declare that the foregoing agenda for the meeting of the City Council was posted and available for review on April 13, 2023 at the City of Saratoga, 13777 Fruitvale Avenue, Saratoga, California and on the City's website at www.saratoga.ca.us.

Signed this 13th day of April 2023 at Saratoga, California.

Britt Avrit, MMC, City Clerk

In accordance with the Ralph M. Brown Act, copies of the staff reports and other materials provided to the City Council by City staff in connection with this agenda, copies of materials distributed to the City Council concurrently with the posting of the agenda, and materials distributed to the City Council by staff after the posting of the agenda are available on the City website at www.saratoga.ca.us and are available for review in the office of the City Clerk at 13777 Fruitvale Avenue, Saratoga, California.

In compliance with the Americans with Disabilities Act and the Governor's Executive Order, if you need assistance to participate in this meeting, please contact the City Clerk at bavrit@saratoga.ca.us or calling 408.868.1216 as soon as possible before the meeting. The City will use its best efforts to provide reasonable accommodations to provide as much accessibility as possible while also maintaining public safety. [28 CFR 35.102-35.104 ADA title II]