



# SARATOGA CITY COUNCIL REGULAR MEETING

MAY 4, 2022

## AMENDED AGENDA

- **05/02/2022 ITEM 3.2 ATTACHMENT B CORRECTED**
- **05/04/2022 JOINT SESSION WRITTEN COMMUNICATIONS ADDED**
- **05/04/2022 ITEM 3.1 WRITTEN COMMUNICATIONS ADDED**
- **05/04/2022 ITEM 3.2 PRESENTATION SLIDES ADDED**
- **05/05/2022 ITEM 3.1 FINAL WRITTEN COMMUNICATIONS ADDED**

## Teleconference/Public Participation Information to Mitigate the Spread of COVID-19

This meeting will be held entirely by teleconference. All members of the City Council and staff will only participate via the Zoom platform using the process described below. The meeting is being conducted pursuant to recent amendments to the teleconference rules required by the Ralph M. Brown Act allowing teleconferencing during a proclaimed state of emergency when local officials have recommended social distancing. The purpose of the amendments is to provide the safest environment for the public, elected officials, and staff while allowing for continued operation of the government and public participation during the COVID-19 pandemic.

Members of the public can view and participate in the **5:30 p.m. Joint Session** by:

- Using the Zoom website <https://us02web.zoom.us/j/81076502358>; Webinar ID 810 7650 2358 **OR**
- Calling 1.408.638.0968 or 1.669.900.6833 and entering the Webinar ID provided above

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

- Using the Zoom website <https://us02web.zoom.us/j/85872551142>; Webinar ID 858 7255 1142 **OR**
- Calling 1.408.638.0968 or 1.669.900.6833 and entering the Webinar ID provided above; **OR**
- 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**
- Viewing online at [http://saratoga.granicus.com/MediaPlayer.php?publish\\_id=2](http://saratoga.granicus.com/MediaPlayer.php?publish_id=2) and calling in following the direction above.

The public will not be able to participate in the meeting in person.

## Written Communication

Comments can be submitted in writing at [www.saratoga.ca.us/comment](http://www.saratoga.ca.us/comment). Written communications received by 5:00 p.m., eight calendar days before the Council Meeting will be included in the City Council's agenda packet. Anything received after that time and up to the end of the public comment period for that item will be provided to the members of the Council and included 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.

## 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.

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## 5:30 PM JOINT SESSION

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Joint Session with Planning Commission

**Recommended Action:**

Meet with Commission, discuss priorities and approve FY 2022/23 work plan with input provided by the City Council.

[Staff Report](#)

[Attachment A - Proposed FY2022-23 Work Plan](#)

[Supplemental Memo 05-04-2022, Joint Session with Planning Commission Written Communications](#)

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## 7:00 PM REGULAR SESSION

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### ROLL CALL

### REPORT ON POSTING OF THE AGENDA

*The agenda for this meeting was properly posted on April 28, 2022.*

### 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

### CEREMONIAL ITEMS

Proclamation Declaring May 2022 as National Preservation Month

**Recommended Action:**

Proclaim May 2022 as National Preservation Month in the City of Saratoga.

[Staff Report](#)

[Attachment A – Proclamation Declaring May 2022 as National Preservation Month](#)

Appointment of Traffic Safety Commissioners

**Recommended Action:**

Adopt the Resolution appointing Robert Eng and Jason Mount to the Traffic Safety Commission and direct the City Clerk to administer the Oath of Office.

[Staff Report](#)

[Attachment A - Resolution, Traffic Safety Commission Appointments](#)

## 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 April 20, 2022 City Council Regular Meeting.

[Staff Report](#)

[Attachment A - Minutes for the April 20, 2022 City Council Regular Meeting](#)

### 1.2. Review of Accounts Payable Check Registers

**Recommended Action:**

Review and accept check registers for the following accounts payable payment cycles:  
4/14/22 Period 10; 4/21/22 Period 10.

[Staff Report](#)

[Attachment A - Check Register 04-14-2022 Period 10](#)

[Attachment B - Check Register 04-21-2022 Period 10](#)

### 1.3. Reconsider and confirm findings pursuant to Assembly Bill 361

**Recommended Action:**

Reconsider and confirm findings pursuant to Assembly Bill 361 of the continued public health officials' recommendation to social distance and to therefore hold City of Saratoga Brown Act meetings by teleconference.

[Staff Report](#)

[Attachment A - City Council Resolution 21-073 Authorizing Teleconferenced Mtgs Pursuant to AB 361](#)

[Attachment B – Santa Clara County Health Officer Recommendation regarding public meetings](#)

### 1.4. Resolution Appointing a New Hearing Officer and Adopting Amended Code Enforcement Hearing Rules of Procedure

**Recommended Action:**

Approve a resolution appointing a new hearing officer for code enforcement appeals and adopting amended rules of procedure of code enforcement appeal hearings.

[Staff Report](#)

[Attachment A - Resolution](#)

## 2. PUBLIC HEARING

*Items placed under this section of the agenda are those defined by law as requiring a special notice and/or a public hearing or those called by the City Council on its own volition.*

2.1. Amendment to ordinance on appeals of State determinations regarding development in Very High Fire Hazard Zones

**Recommended Action:**

Conduct a public hearing, introduce and waive the first reading of an ordinance amending section 16-05.020 of the Saratoga Municipal Code to allow California licensed Fire Protection Engineers to as well as certified Fire Protection Specialists to file and hear appeals of State determinations regarding development in Very High Fire Hazard Zones, and direct staff to place the ordinance on the Consent Calendar of the next regular meeting of the City Council for adoption.

[Staff Report](#)

[Attachment A - Amendment to Fire Hazard Zone Appeal Process Ordinance](#)

## 3. GENERAL BUSINESS

3.1. Two-Year Maintenance Service Contract for the Heritage Orchard in the amount not-to-exceed \$270,400

**Recommended Action:**

Approve a two-year maintenance service contract with Orchard Keepers for the Heritage Orchard in the amount not-to-exceed \$270,400 and authorize the City Manager to execute the same.

[Staff Report](#)

[Attachment A - Heritage Orchard Maintenance RFP](#)

[Attachment B - Cost Schedule Novakovich Orchards](#)

[Attachment C - Cost Schedule Orchard Keepers](#)

[Attachment D - Proposal Novakovich Orchards](#)

[Attachment E - Proposal Orchard Keepers](#)

[Attachment F - Heritage Orchard Maintenance Contract](#)

[Attachment G - Letters from Community](#)

[Supplemental Memo 05-04-2022, Item 3.1 Written Communications](#)

[Supplemental Memo 05-04-2022, Item 3.1 Written Communications, 2](#)

3.2. Budget Preview and Financial Policy Updates

**Recommended Action:**

Receive FY23 budget preview information and receive and review proposed Road and Facility Replacement Reserve Policy and provide direction to staff.

[Staff Report](#)

[Attachment A - Proposed Road and Facility Reserve Policy](#)

[Attachment B - Redline Road and Facility Replacement Reserve](#)

[Presentation Slides \(added 05-04-2022\)](#)

3.3. Traffic Safety Commission Membership

**Recommended Action:**

Provide direction to staff regarding the number of members on the Traffic Safety Commission.

[Staff Report](#)

## **COUNCIL ASSIGNMENTS**

### Mayor Tina Walia

Cities Association of Santa Clara County-City Selection Committee  
Cities Association of Santa Clara County-Legislative Action Committee  
Cities Association of Santa Clara County  
Council Finance Committee  
Hakone Foundation Executive Board  
KSAR Community Access TV Board  
Silicon Valley Clean Energy Authority Board of Directors  
West Valley Mayors & Managers Association

### Vice Mayor Kookie Fitzsimmons

Council Finance Committee  
Hakone Foundation Board of Trustees  
Santa Clara County Housing and Community Development (HCD) Advisory Committee  
Saratoga Chamber of Commerce Board  
Saratoga Sister City Committee Liaison

### Council Member Mary-Lynne Bernald

Saratoga Historical Foundation Board of Directors

### Council Member Rishi Kumar

Santa Clara County Library District Board of Directors  
Santa Clara Valley Water Commission  
West Valley Clean Water Program Authority Board of Directors  
West Valley Solid Waste Management Authority Board of Directors

### Council Member Yan Zhao

Association of Bay Area Governments  
Saratoga Area Senior Coordinating Council Board of Directors  
Saratoga Ministerial Association  
Valley Transportation Authority (VTA) Policy Advisory Committee  
Valley Transportation Authority (VTA) State Route 85 Corridor Policy Advisory Board  
West Valley Sanitation District Board of Directors

## **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 28, 2022 at the City of Saratoga, 13777 Fruitvale Avenue, Saratoga, California and on the City's website at [www.saratoga.ca.us](http://www.saratoga.ca.us).*

*Signed this 28<sup>th</sup> day of April 2022 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](http://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](mailto: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]