



# SARATOGA CITY COUNCIL REGULAR MEETING

**MAY 20, 2020  
AMENDED WITH SUPPLEMENTAL ATTACHMENTS**

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

This meeting will be entirely by teleconference. All Council members and staff will only participate via the Zoom platform using the process described below. The meeting is being conducted in compliance with the Governor's Executive Order N-29-20 suspending certain teleconference rules required by the Ralph M. Brown Act. The purpose of this order was 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 comment on **Closed Session** items by:

1. Using the Zoom website <https://us02web.zoom.us/j/81421355878> or App (Webinar ID 814 2135 5878) and using the tool to raise their hand in the Zoom platform when directed by the Mayor to speak on an agenda item; **OR**
2. Calling 1.408.638.0968 or 1.669.900.6833, entering the Webinar ID (814 2135 5878), and pressing \*9 to raise their hand to speak when directed by the Mayor.

Please note that the public comment period will end by 6:00 p.m. or after the last speaker is heard, whichever occurs first. After the public comment period is closed, the Council will enter a confidential closed session as authorized by the Ralph M Brown Act and public will be unable to listen. Members of the public may hear a report out from Closed Session at 6:25 p.m. through the above methods and again during the Regular Session, which begins at 7:00 p.m. Access information for the Regular Session is below.

Members of the public can view and participate in the **Commission Interviews** by:

1. Using the Zoom website <https://us02web.zoom.us/j/88583246597> or App (Webinar ID 885 8324 6597) and using the tool to raise their hand in the Zoom platform when directed by the Mayor to speak on an agenda item; **OR**
2. Calling 1.408.638.0968 or 1.669.900.6833, entering the Webinar ID (885 8324 6597), and pressing \*9 to raise their hand to speak on an agenda item when directed by the Mayor.

Members of the public can view and participate in the **Regular Session** of the meeting by:

1. Using the Zoom website <https://us02web.zoom.us/j/84830313859> or App (Webinar ID 848 3031 3859) and raising their hand when directed by the Mayor to speak on an agenda item; **OR**

2. Calling 1.408.638.0968 or 1.669.900.6833, entering the Webinar ID (848 3031 3859), and pressing \*9 to raise their hand to speak on an agenda item when directed by the Mayor; **OR**
3. Viewing the meeting on Saratoga Community Access Television Channel 15 (Comcast Channel 15, AT&T UVerse Channel 99) and calling 1.669.900.6833 or 1.408.638.0968 and pressing \*9 to raise their hand to speak on an agenda item when directed by the Mayor; **OR**
4. Viewing online at [http://saratoga.granicus.com/MediaPlayer.php?publish\\_id=2](http://saratoga.granicus.com/MediaPlayer.php?publish_id=2) and calling 1.408.638.0968 or 1.669.900.6833, entering the Webinar ID (848 3031 3859), and pressing \*9 to raise their hand to speak on an agenda item when directed by the Mayor. Please mute your computer or television before giving public comment.

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

As always, members of the public can send written comments to the Council prior to the meeting by commenting online at [www.saratoga.ca.us/comment](http://www.saratoga.ca.us/comment) prior to the start of the meeting. These emails will be provided to the members of the Council and will become part of the official record of the meeting.

During the meeting the Mayor will explain the process for members of the public to be recognized to offer public comment.

In accordance with the Americans with Disabilities Act and the Governor's Executive Order, if you need assistance to participate in this meeting due to a disability, please contact the City Clerk at [debbieb@saratoga.ca.us](mailto:debbieb@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.

---

## **5:00 P.M. CLOSED SESSION**

---

Members of the public can comment on Closed Session items by:

1. Using the Zoom website <https://us02web.zoom.us/j/81421355878> or App (Webinar ID 814 2135 5878) and using the tool to raise their hand in the Zoom platform when directed by the Mayor to speak on an agenda item; **OR**
2. Calling 1.408.638.0968 or 1.669.900.6833, entering the Webinar ID (814 2135 5878), and pressing \*9 to raise their hand to speak when directed by the Mayor.

Please note that the public comment period will end by 6:00 p.m. or after the last speaker is heard, whichever occurs first. After the public comment period is closed, the Council will enter a confidential closed session as authorized by the Ralph M Brown Act and public will be unable to listen. Members of the public may hear a report out from Closed Session at 6:25 p.m. through the above methods and again during the Regular Session, which begins at 7:00 p.m. Access information for the Regular Session is below.

### **CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION**

Significant exposure to litigation (Government Code Section 54956.9(d)(2)): 1 case

[Staff Report](#)

---

## 6:30 P.M. COMMISSION INTERVIEWS

---

Members of the public can view and participate in the Commission Interviews by:

1. Using the Zoom website <https://us02web.zoom.us/j/88583246597> or App (Webinar ID 885 8324 6597) and using the tool to raise their hand in the Zoom platform when directed by the Mayor to speak on an agenda item; **OR**
2. Calling 1.408.638.0968 or 1.669.900.6833, entering the Webinar ID (885 8324 6597), and pressing \*9 to raise their hand to speak on an agenda item when directed by the Mayor.

### INTERVIEWS:

Time	Name	Commission	Vacancies	Incumbent
6:45 p.m.	Victoria Lihui Zhang	Library	1 Full Term (October 1, 2019 – September 30, 2023)	No

---

## 7:00 P.M. REGULAR SESSION

---

Members of the public can view and participate in the Regular Session of the meeting by:

1. Using the Zoom website <https://us02web.zoom.us/j/84830313859> or App (Webinar ID 848 3031 3859) and raising their hand when directed by the Mayor to speak on an agenda item; **OR**
2. Calling 1.408.638.0968 or 1.669.900.6833, entering the Webinar ID (848 3031 3859), and pressing \*9 to raise their hand to speak on an agenda item when directed by the Mayor; **OR**
3. Viewing the meeting on Saratoga Community Access Television Channel 15 (Comcast Channel 15, AT&T UVerse Channel 99) and calling 1.669.900.6833 or 1.408.638.0968 and pressing \*9 to raise their hand to speak on an agenda item when directed by the Mayor; **OR**
4. Viewing online at [http://saratoga.granicus.com/MediaPlayer.php?publish\\_id=2](http://saratoga.granicus.com/MediaPlayer.php?publish_id=2) and calling 1.408.638.0968 or 1.669.900.6833, entering the Webinar ID (848 3031 3859), and pressing \*9 to raise their hand to speak on an agenda item when directed by the Mayor. Please mute your computer or television before giving public comment.

### ROLL CALL

### REPORT ON POSTING OF THE AGENDA

*The agenda for this meeting was properly posted on May 15, 2020.*

### REPORT FROM CLOSED SESSION

## ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS

*Any member of the public may address the City Council for up to three (3) minutes 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 2020 as National Foster Care Month

**Recommended Action:**

Proclaim May 2020 as National Foster Care Month in the City of Saratoga.

[Staff Report](#)

[Attachment A – Proclamation Declaring May 2020 as National Foster Care Month](#)

### 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. Public Speakers are limited to three (3) minutes.*

#### 1.1. City Council Meeting Minutes

**Recommended Action:**

Approve the City Council minutes for the Regular City Council Meeting on May 6, 2020 and the Special City Council Meeting on May 11, 2020.

[Staff Report](#)

[Attachment A – Minutes for the Regular City Council Meeting on May 6, 2020](#)

[Attachment B – Minutes for the Special City Council Meeting on May 11, 2020](#)

#### 1.2. Review of Accounts Payable Check Registers

**Recommended Action:**

Review and accept check registers for the following accounts payable payment cycles: 5/6/2020 Period 11; 5/13/2020 Period 11.

[Staff Report](#)

[Check Register - 05-06-2020 Period 11](#)

[Check Register - 05-13-2020 Period 11](#)

#### 1.3. Second Amendment to 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 \$42,276 augmentation for Fiscal Year 2020/21.

[Staff Report](#)

[Attachment A- Second Amendment](#)

## 2. GENERAL BUSINESS

2.1. Consider Postponing Mountain Winery Annexation Public Hearing on May 20, 2020

**Recommended Action:**

Consider postponing the Mountain Winery Annexation public hearing scheduled for the May 20, 2020 City Council meeting and provide direction to staff.

[Staff Report](#)

[Attachment A – Written Communications](#)

[Supplemental Memo](#)

## 3. 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. The amount of time for public comment may be reduced by the Mayor or by action of the City Council. Items requested for continuance are subject to the City Council's approval at the Council Meeting.*

3.1. Mountain Winery Annexation Project

**Recommended Action:**

Consider whether to accept the Planning Commission's recommendation to terminate the process to annex the Mountain Winery.

- If the City Council votes to terminate the annexation process, then staff will need direction on how to respond to the Mountain Winery's refund request.
- If the City Council votes to continue with the annexation process, then staff will need direction on the maximum number of rooms to include in the Precise Plan and any other changes the Council may request.

[Staff Report](#)

[Attachment A - Precise Plan - March 2020 Draft](#)

[Attachment B - General Plan and Zoning Amendment](#)

[Attachment C - Letter from Miller, Starr, Regalia and Responses to Comments](#)

[Attachment D1 - Final EIR](#)

[Attachment D2 - Draft EIR](#)

[Attachment D3 - Appendices](#)

[Attachment E - Mountain Winery Letter dated May 14, 2020](#)

[Attachment F - Fiscal Impact Report](#)

[Attachment G - Planning Commission Staff Reports](#)

[Attachment H - Public Comments](#)

[Supplemental Memo](#)

[Written Communications](#)

[Presentation](#)

## COUNCIL ASSIGNMENTS

Mayor Howard Miller

Council Finance Committee

Saratoga Sister City Organization

Silicon Valley Clean Energy Authority Board of Directors

Valley Transportation Authority (VTA) Policy Advisory Committee  
VTA State Route 85 Corridor Policy Advisory Board  
West Valley Mayors & Managers

Vice Mayor Mary-Lynne Bernald

Association of Bay Area Governments  
Cities Association of Santa Clara County-City Selection Committee  
Cities Association of Santa Clara County-Legislative Action Committee  
Cities Association of Santa Clara County- meetings  
Council Finance Committee  
Hakone Foundation Board & Executive Committee  
Public Art Committee  
Santa Clara/Santa Cruz Airport/Community Roundtable  
Saratoga Historical Foundation

Council Member Yan Zhao

Hakone Foundation Board  
KSAR Community Access TV Board  
Public Art Committee  
Santa Clara County-Comprehensive County Expressway Planning Study Policy Advisory Board  
Saratoga Chamber of Commerce & Destination Saratoga

Council Member Manny Cappello

Cities Association of Santa Clara County Board of Directors  
Santa Clara County Housing and Community Development (HCD) Council Committee  
Saratoga Area Senior Coordinating Council (SASCC)  
Saratoga Ministerial Association  
West Valley Sanitation District

Council Member Rishi Kumar

Santa Clara County Library Joint Powers Authority  
Santa Clara Valley Water District Commission  
West Valley Clean Water Program Authority  
West Valley Solid Waste Management Joint Powers Authority

**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, Debbie Bretschneider, 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 May 15, 2020 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 15th day of May 2020 at Saratoga, California.

Debbie Bretschneider, 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). Following removal of State and local shelter in place orders these materials will be available for review in the office of the City Clerk at 13777 Fruitvale Avenue, Saratoga, California.

In Compliance with the Americans with Disabilities Act, if you need assistance to participate in this meeting, please contact the City Clerk at [debbieb@saratoga.ca.us](mailto:debbieb@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]



**CITY OF SARATOGA  
CITY COUNCIL MEETING CALENDAR 2020**

- 05/20 5:00 p.m. Virtual Closed Session | 6:30 p.m. Commission Interviews |  
7:00 p.m. Virtual Regular Session
- 06/02 Time Tentative: Youth Commission Interviews
- 06/03 5:00 p.m. Traffic Safety Commission Interviews | 5:30 p.m. Joint Meeting with Supervisor Simitian |  
7:00 p.m. Regular Session
- 06/17 6:00 p.m. Joint Meeting with Saratoga Ministerial Association | 7:00 p.m. Regular Session
- 07/01 5:00 p.m. Closed Session | 7:00 p.m. Regular Session
- 07/15 No Meeting - Recess
- 08/05 No Meeting - Recess
- 08/19 5:00 p.m. Closed Session | 6:00 p.m. Joint Meeting with Hakone Board and Sister City | 7:00 p.m.  
Regular Session
- 09/02 5:00 p.m. Commission Interviews for Library & Parks | 6:00 p.m. Joint Meeting with Montalvo Arts |  
7:00 p.m. Regular Session
- 09/16 6:00 p.m. Joint Meeting with Youth Commission | 7:00 p.m. Regular Session
- 10/07 5:00 p.m. Joint Meeting with West Valley – Mission Community College Board of Trustees | 6:00  
p.m. Joint Meeting - Saratoga Schools and Boards at West Valley College | 7:00 p.m. Regular
- 10/21 6:00 p.m. Joint Meeting with Sheriff’s Office | 7:00 p.m. Regular Session
- 11/04 6:00 p.m. Joint Meeting with KSAR | 7:00 p.m. Regular Session
- 11/18 6:00 p.m. Joint Meeting with TBD | 7:00 p.m. Regular Session
- 12/02 5:00 p.m. Commission Interviews for HPC & TSC | 6:00 p.m. Joint Meeting with Historical  
Foundation | 7:00 p.m. Regular Session
- 12/10 7:00 p.m. Council Reorganization
- 12/16 6:00 p.m. Study Session – Council Norms | 7:00 p.m. Regular Session

*Unless otherwise stated, Joint Meetings and Study Sessions begin at 6:00 p.m. in the Linda Callon Conference Room at Saratoga City Hall at 13777 Fruitvale Avenue and Regular Session begins at 7:00 p.m. in the Civic Theater at 13777 Fruitvale Avenue*