

**MINUTES**  
**WEDNESDAY, FEBRUARY 2, 2022**  
**SARATOGA CITY COUNCIL REGULAR MEETING**

At 6:00 p.m., the City Council held Commission Interviews for the Parks and Recreation Commission via teleconferencing through Zoom.

**BERNALD/FITZSIMMONS MOVED TO APPOINT NIMISHA MAHUVAKAR TO THE PARKS AND RECREATION COMMISSION FOR A FULL-TERM ENDING SEPTEMBER 30, 2025.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, FITZSIMMONS, KUMAR, WALIA, ZHAO: NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

Mayor Walia called the Regular Session to order at 7:00 p.m. via teleconferencing through Zoom.

Prior to Roll Call, the City Clerk explained the City Council meeting was conducted pursuant to State law as recently amended by Assembly Bill 361, which allows the meeting to be conducted entirely by teleconference. The City Council has met all the applicable notice requirements and the public is welcome to participate. All Council Members, staff, and meeting attendees participated by Zoom. Information on how the public can observe the meeting and provide public comment was provided.

**ROLL CALL**

**PRESENT:** Mayor Tina Walia, Vice Mayor Kookie Fitzsimmons, Council Members Mary-Lynne Bernald, Rishi Kumar, Yan Zhao  
(All Council Members appearing via teleconference)

**ABSENT:** None

**ALSO PRESENT:** Crystal Bothelio, Assistant City Manager  
Richard Taylor, City Attorney  
Britt Avrit, City Clerk  
Captain Rich Urena, Santa Clara County Sheriff Department  
Debbie Pedro, Community Development Director  
Nick Pegueros, Administrative Services Director  
Kayla Nakamoto, Administrative Analyst  
Lauren Pettipiece, Public Information Officer  
(All staff members appearing via teleconference)

**REPORT ON POSTING OF THE AGENDA**

The City Clerk reported the agenda for this meeting was properly posted on January 27, 2021.

**ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS**

The following individuals spoke at this time:

Cheriel Jensen discussed attending the farmers market for signing a petition.

Bill Dalton discussed the Housing Element.

## ANNOUNCEMENTS

Mayor Walia shared information about Housing Element Study Session, COVID-19 Updates, “Love is in the Air” Exhibit, Saratoga Love Notes, and Commission Recruitments.

### 1. CONSENT CALENDAR

Mayor Walia invited public comment on the Consent Calendar.

No one requested to speak.

#### 1.1. City Council Meeting Minutes

**Recommended Action:**

Approve the Minutes for the January 10, 2022 City Council Special Meeting, the Minutes for the January 19, 2022 City Council Regular Meeting and the Minutes for the January 20, 2022 City Council Special Meeting.

FITZSIMMONS/ZHAO MOVED TO **APPROVE THE MINUTES FOR THE JANUARY 10, 2022 CITY COUNCIL SPECIAL MEETING AS AMENDED, THE MINUTES FOR THE JANUARY 19, 2022 CITY COUNCIL REGULAR MEETING AND THE MINUTES FOR THE JANUARY 20, 2022 CITY COUNCIL SPECIAL MEETING.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: 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:  
1/20/22 Period 7.

FITZSIMMONS/ZHAO MOVED TO **REVIEW AND ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 1/20/22 PERIOD 7.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

#### 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 existence of a state of emergency and public health officials’ recommendation of social distancing.

FITZSIMMONS/ZHAO MOVED TO **RECONSIDER AND CONFIRM FINDINGS PURSUANT TO ASSEMBLY BILL 361 OF THE CONTINUED EXISTENCE OF A STATE OF EMERGENCY AND PUBLIC HEALTH OFFICIALS’ RECOMMENDATION OF SOCIAL DISTANCING.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.4. Contract with H.T. Harvey & Associates to Provide Construction Support for the Mt Eden Road Shoulder Stabilization Project in the Amount Not to Exceed \$91,790

**Recommended Action:**

1. Approve construction support contract with H.T. Harvey and Associates for the Mt. Eden Road Shoulder Stabilization Project, in the amount of \$83,445, and authorize the City Manager to execute the same.
2. Authorize staff to execute change orders to the contract up to \$8,345.

FITZSIMMONS/ZHAO MOVED TO **APPROVE CONSTRUCTION SUPPORT CONTRACT WITH H.T. HARVEY AND ASSOCIATES FOR THE MT. EDEN ROAD SHOULDER STABILIZATION PROJECT, IN THE AMOUNT OF \$83,445, AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE SAME AND AUTHORIZE STAFF TO EXECUTE CHANGE ORDERS TO THE CONTRACT UP TO \$8,345.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

**2. PUBLIC HEARING**

2.1. Ordinance relating to electronic and paperless filing of Fair Political Practices Commission Campaign Disclosure Statements

**Recommended Action:**

1. Conduct the Public Hearing
2. Introduce and waive the first reading of an ordinance adding Article 2-55 to the Saratoga Municipal Code relating to electronic and paperless filing of Fair Political Practices Commission Campaign Disclosure Statements
3. Direct staff to place the Ordinance on the Consent Calendar of the next regular meeting of the City Council for adoption.

Britt Avrit, City Clerk, presented the staff report.

Mayor Walia invited public comment on the item.

No one requested to speak.

FITZSIMMONS/ZHAO MOVED TO **INTRODUCE AND WAIVE THE FIRST READING OF AN ORDINANCE ADDING ARTICLE 2-55 TO THE SARATOGA MUNICIPAL CODE RELATING TO ELECTRONIC AND PAPERLESS FILING OF FAIR POLITICAL PRACTICES COMMISSION CAMPAIGN DISCLOSURE STATEMENTS AND DIRECT STAFF TO PLACE THE ORDINANCE ON THE CONSENT CALENDAR OF THE NEXT REGULAR MEETING OF THE CITY COUNCIL FOR ADOPTION.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

### 3. GENERAL BUSINESS

#### 3.1. Automated License Plate Reader Pilot Program

**Recommended Action:**

Allocate \$20,000 from the City Council discretionary fund for a 7-camera system; approve the resolution establishing the City of Saratoga Automated License Plate Reader Policy; authorize the City Manager to execute a memorandum of understanding between the County of Santa Clara and City of Saratoga regarding use of ALPRs; and, direct staff to implement the pilot, including community outreach, and provide the City Council with a report on the ALPR system 1 year after installation.

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

Mayor Walia invited public comment on the item.

The following individuals spoke on this item: Bill Dalton, Uday Kapoor, Chuck Page, K, Byron

#### **RESOLUTION 22-002**

**KUMAR/BERNALD MOVED TO ALLOCATE \$20,000 FROM THE CITY COUNCIL DISCRETIONARY FUND FOR A 7-CAMERA SYSTEM; APPROVE THE RESOLUTION ESTABLISHING THE CITY OF SARATOGA AUTOMATED LICENSE PLATE READER (ALPR) POLICY; AUTHORIZE THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY OF SANTA CLARA AND CITY OF SARATOGA REGARDING USE OF ALPRS; AND, DIRECT STAFF TO IMPLEMENT THE PILOT, INCLUDING COMMUNITY OUTREACH, AND PROVIDE THE CITY COUNCIL WITH A REPORT ON THE ALPR SYSTEM 1 YEAR AFTER INSTALLATION.**

Mayor Walia requested a friendly amendment regarding Section VII ‘Third-Party Data Sharing’ of the proposed policy, specifically the third bullet, be amended to read “Other law enforcement offices as part of a specific formal criminal or administrative investigation.”

**KUMAR/BERNALD MOVED TO ALLOCATE \$20,000 FROM THE CITY COUNCIL DISCRETIONARY FUND FOR A 7-CAMERA SYSTEM; APPROVE THE RESOLUTION ESTABLISHING THE CITY OF SARATOGA AUTOMATED LICENSE PLATE READER POLICY WITH SECTION VII ‘THIRD-PARTY DATA SHARING’, BULLET 3 AMENDED TO READ “OTHER LAW ENFORCEMENT OFFICES AS PART OF A SPECIFIC FORMAL CRIMINAL OR ADMINISTRATIVE INVESTIGATION.”; AUTHORIZE THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY OF SANTA CLARA AND CITY OF SARATOGA REGARDING USE OF ALPRS; AND, DIRECT STAFF TO IMPLEMENT THE PILOT, INCLUDING COMMUNITY OUTREACH, AND PROVIDE THE CITY COUNCIL WITH A REPORT ON THE ALPR SYSTEM 1 YEAR AFTER INSTALLATION.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

3.2. Draft Request for Proposals for the Heritage Orchard Maintenance Contract

**Recommended Action:**

Review the draft Request for Proposals for the Heritage Orchard Maintenance Contract and provide direction on any revisions.

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

Mayor Walia invited public comment on the item.

The following individuals spoke on this item: Neal Casteel, Matthew Sutton, Lisa Newman, Norman Koepernik

**BERNALD/WALIA MOVED TO MOVE FORWARD WITH THE DRAFT REQUEST FOR PROPOSALS AS DRAFTED BY STAFF, WHICH INCLUDES TASK 8 AND TASK 9. MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, ZHAO, WALIA: NOES: KUMAR, FITZSIMMONS. ABSTAIN: NONE. ABSENT: NONE.**

3.3. Community Event and Street Closure Grant Program for Fiscal Year 2022/23

**Recommended Action:**

Provide direction on funding for Fiscal Year 2022/23 Community Event and Street Closure Grant Program, including secured funding recipients and allocations as well as total funding amount and application timeline for the competitive Community Event Grant Program and Street Closure Grant Program.

Kayla Nakamoto, Administrative Analyst, presented the staff report.

Mayor Walia invited public comment on the item.

The following individuals spoke on this item: Chuck Page, Kristin Gagnola

**WALIA/BERNALD MOVED TO LEAVE FUNDING FOR THE FISCAL YEAR 2022/23 COMPETITIVE STREET CLOSURE GRANT FUNDING AT ZERO, COMPETITIVE COMMUNITY EVENT GRANT FUNDING AT \$10,000 AND CONTINUE TO HAVE THE LIBRARY & COMMUNITY ENGAGEMENT COMMISSION REVIEW THE COMPETITIVE GRANT APPLICATIONS AND PROVIDE RECOMMENDATIONS TO THE CITY COUNCIL, LEAVE THE STREET CLOSURE GRANT SECURED FUNDING AT \$22,000 FOR THE SARATOGA CHAMBER OF COMMERCE CAR SHOW, AND LEAVE THE SECURED COMMUNITY EVENT GRANT FUNDING AT \$31,500 WITH THE FOLLOWING ALLOCATIONS: \$5,000 BLOSSOM FESTIVAL, \$15,000 CHAMBER OF COMMERCE, \$2,500 FOURTH OF JULY CELEBRATION, \$5,000 HAKONE MATSURI, \$1,000 MEMORIAL DAY OBSERVANCE, \$1,000 SARATOGA COMMUNITY BAND CONCERT IN THE PARK, \$2,000 SARATOGA VILLAGE DEVELOPMENT COUNCIL EVENTS.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

## **COUNCIL ASSIGNMENTS**

**Council Member Mary-Lynne Bernald**

*Saratoga Historical Foundation* – stated the Foundation is pleased with support provided from staff and stated work is proceeding on the Blacksmith Project.

Council Member Rishi Kumar

*Santa Clara County Library Joint Powers Authority* – stated this Board received a fiscal five-year projection, stated Santa Clara County Libraries are all open 7 days a week, stated Library services increased and remained busy despite the pandemic, stated fiscal projection shows surplus will decline by more than \$8 million by 2026.

*Santa Clara Valley Water District Commission* – stated the Board discussed the drought review, discussed a letter the Commission requested the Water Board send to ABAG in July 2021 related to requested increase in housing with no water, the letter was not prepared; stated he requested surcharges be added to the next meeting agenda and stated the Commission discussed rate hikes.

Council Member Yan Zhao

Nothing to report.

Vice Mayor Kookie Fitzsimmons

Nothing to report.

Mayor Tina Walia

*West Valley Mayors & Managers* – stated this group discussed Housing Elements and began planning the items to be discussed during the year.

*KSAR Community Access TV Board* – stated the station manager is resigning and has agreed to help with the transition to a new station manager, additionally the agreement between West Valley-Mission Community College District and KSAR will need to be revised.

**CITY COUNCIL ITEMS**

None

**COUNCIL COMMUNICATIONS**

Council Member Bernald stated the parcel mentioned during public comment on Quito Road already has units in the pipeline and are already being considered in the housing site inventory and discussed four sites with units in the pipeline, proposed units or units under construction.

Council Member Kumar discussed an email he sent to the City Attorney regarding use of City Council resources related to petitions or Council Member platforms, requested the public visit his website, and stated the California State Auditor is conducting an audit related to RHNA numbers and requested the public send the letters found on his website to the Auditor.

**CITY MANAGER'S REPORT**

None

**ADJOURNMENT**

BERNALD/FITZSIMMONS MOVED TO **ADJOURN THE MEETING AT 10:31 P.M.**  
MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO,  
FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

Minutes respectfully submitted:

Britt Avrit, MMC, City Clerk  
City of Saratoga