

MINUTES
WEDNESDAY, MARCH 2, 2022
SARATOGA CITY COUNCIL REGULAR MEETING

At 5:00 p.m., the City Council held interviews for the Planning Commission via teleconferencing through Zoom.

BERNALD/FITZSIMMONS MOVED TO **REAPPOINT CLINTON BROWNLEY TO THE PLANNING COMMISSION FOR A FULL-TERM ENDING MARCH 31, 2026.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

FITZSIMMONS/ZHAO MOVED TO **APPOINT PING LI TO THE PLANNING COMMISSION FOR A FULL-TERM ENDING MARCH 31, 2026.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

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

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: James Lindsay, City Manager
Crystal Bothelio, Assistant City Manager
Richard Taylor, City Attorney
Britt Avrit, City Clerk
Debbie Pedro, Community Development Director
John Cherbone, Public Works Director
Nick Pegueros, Administrative Services Director
Kayla Nakamoto, Administrative Analyst
Ann Xu, Accountant II
(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 February 24, 2022.

ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS

Mayor Walia invited public comment.

No one requested to speak.

ANNOUNCEMENTS

Mayor Walia shared COVID-19 Updates, and information about the Celebrate St. Patrick's Day in the Village Event, Commission recruitments and the Community Event Grant Program.

CEREMONIAL ITEMS

Proclamation Declaring March 2022 as Youth Art Month

Recommended Action:

Present the proclamation declaring March 2022 as Youth Art Month

The City Council proclaimed March as Youth Art Month in the City of Saratoga.

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 February 16, 2022 City Council Regular Meeting.

FITZSIMMONS/ZHAO MOVED TO **APPROVE THE MINUTES FOR THE FEBRUARY 16, 2022 CITY COUNCIL REGULAR MEETING AS AMENDED.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: 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:
2/10/22 Period 8; 2/17/22 Period 8.

FITZSIMMONS/ZHAO MOVED TO **REVIEW AND ACCEPT CHECK REGISTERS FOR ACCOUNTS PAYABLE PAYMENT CYCLES: 2/10/22 PERIOD 8; 2/17/22 PERIOD 8.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

1.3. Notice of Completion – 2021 Civic Theater Lighting and Controls Upgrade Project

Recommended Action:

Move to accept the 2021 Civic Theater Lighting and Controls Upgrade Project contract as complete and authorize staff to record the Notice of Completion.

FITZSIMMONS/ZHAO MOVED TO ACCEPT THE 2021 CIVIC THEATER LIGHTING AND CONTROLS UPGRADE PROJECT CONTRACT AS COMPLETE AND AUTHORIZE STAFF TO RECORD THE NOTICE OF COMPLETION. MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

2. PUBLIC HEARING

2.1. Ordinance relating to 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 relating to 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.

Richard Taylor, City Attorney, presented the staff report.

Mayor Walia invited public comment.

No one requested to speak.

ZHAO/FITZSIMMONS/ MOVED TO INTRODUCE AND WAIVE THE FIRST READING OF AN ORDINANCE AMENDING SECTION 16-05.020 OF THE SARATOGA MUNICIPAL CODE RELATING TO 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. MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

3. GENERAL BUSINESS

3.1. American Rescue Plan Act/Coronavirus State and Local Fiscal Recovery Funds Spending Plan & FY 2022 Budget Adjustment

Recommended Action:

Adopt the budget resolution amending the FY 2022 budget by creating a new special revenue fund titled “SLFRF Fund” and appropriating five Capital Improvement Plan Stormwater Management Project budgets.

James Lindsay, City Manager, presented the staff report.

Mayor Walia invited public comment.

No one requested to speak.

RESOLUTION 2022-004

BERNALD/ZHAO MOVED TO **ADOPT THE BUDGET RESOLUTION AMENDING THE FY 2022 BUDGET BY CREATING A NEW SPECIAL REVENUE FUND TITLED “SLFRF FUND” AND APPROPRIATING FIVE CAPITAL IMPROVEMENT PLAN STORMWATER MANAGEMENT PROJECT BUDGETS.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

3.2. Reconsider and confirm findings pursuant to Assembly Bill 361

Recommended Actions:

1. Reconsider and confirm findings pursuant to Assembly Bill (AB) 361 of the continued existence of a state of emergency and public health officials’ recommendation of social distancing to continue virtual meetings for all City of Saratoga Brown Act bodies through March 31, 2022.
2. Provide direction to staff regarding future in-person Brown Act meetings.

Britt Avrit, City Clerk, presented the staff report.

Mayor Walia invited public comment.

No one requested to speak.

FITZSIMMONS/BERNALD MOVED TO **CONFIRM FINDINGS PURSUANT TO ASSEMBLY BILL (AB) 361 OF THE CONTINUED EXISTENCE OF A STATE OF EMERGENCY AND PUBLIC HEALTH OFFICIALS’ RECOMMENDATION OF SOCIAL DISTANCING TO CONTINUE VIRTUAL MEETINGS FOR ALL CITY OF SARATOGA BROWN ACT BODIES THROUGH MARCH 31, 2022 AND MOVED TO RETURN TO IN-PERSON MEETINGS FOR ALL CITY OF SARATOGA BROWN ACT BODIES AS OF APRIL 1, 2022 AND CONTINUE TO CONFIRM FINDINGS PURSUANT TO ASSEMBLY BILL (AB) 361 EVERY 30 DAYS.**

The City Council discussed impacts of a proclaimed state of emergency, actions taken by the County Health Officer and the impacts of the Governor’s action, or non-action, related to various Executive Orders.

After further discussion, Vice Mayor Fitzsimmons, with support from Council Member Bernald, rescinded her motion.

KUMAR/WALIA MOVED TO **RECONSIDER AND CONFIRM FINDINGS PURSUANT TO ASSEMBLY BILL (AB) 361 OF THE CONTINUED EXISTENCE OF A STATE OF EMERGENCY AND PUBLIC HEALTH OFFICIALS’ RECOMMENDATION OF SOCIAL DISTANCING TO CONTINUE VIRTUAL MEETINGS FOR ALL CITY OF SARATOGA BROWN ACT BODIES THROUGH MARCH 31, 2022 AND MOVED TO CONTINUE VIRTUAL MEETINGS FOR ALL CITY OF SARATOGA BROWN ACT BODIES AND RECONFIRM FINDINGS PURSUANT TO ASSEMBLY BILL (AB) 361 EVERY 30 DAYS.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

3.3. Meeting Recording Policy

Recommended Action:

Consider Mayor's proposal to direct staff to amend the Meeting Recording Policy adding City Council Finance Committee meetings to the list of City meetings that are recorded.

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

Mayor Walia invited public comment.

No one requested to speak.

WALIA/FITZSIMMONS MOVED TO **DIRECT STAFF TO PLACE A RESOLUTION AMENDING THE MEETING RECORDING POLICY BY ADDING CITY COUNCIL FINANCE COMMITTEE MEETINGS TO THE LIST OF CITY MEETINGS THAT ARE RECORDED ON THE AGENDA FOR THE NEXT REGULAR CITY COUNCIL MEETING.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

COUNCIL ASSIGNMENTS

Council Member Mary-Lynne Bernald

Recycled Waste & Reduction Commission – stated she attended this meeting due to her Cities Association appointment to the Santa Clara County Commission; the Commission received a presentation on state and local single use plastic legislation, received a budget presentation which includes “hiring a consultant to develop a Memorandum of Understanding that establishes a sustainable funding model for countywide edible food recovery” and discussed the South Bay Green Gardens program.

Saratoga Historical Foundation Board of Directors – stated the Board received an update on Blossom Festival plans, received an update on the blacksmith shop including receipt of a grant to be used towards the shop and stated the Board is appreciative of the work done on the McWilliams House improvements.

Council Member Rishi Kumar

Nothing to Report

Vice Mayor Kookie Fitzsimmons

Hakone Foundation Board of Trustees – discussed a recent ribbon cutting, stated the Board discussed a short film on the Hakone Gardens, discussed financial status, funding for the Hakone Pond Renovation and Vice Mayor Fitzsimmons mentioned the various flowers in bloom at the gardens.

Council Member Yan Zhao

Saratoga Area Senior Coordinating Council Board of Directors – stated this meeting was cancelled due to lack of quorum.

Mayor Tina Walia

Council Finance Committee – stated the Committee received an ARPA funds report, the Fiscal Year 2022/2023 Operating and CIP Budget process report, and a financial policies report.

Hakone Foundation Executive Board – briefly discussed the treasurers report and her attendance at the opening of an art show at Hakone Gardens.

West Valley Mayors & Managers Association – stated a presentation on an evacuation tool was provided from Santa Clara County Fire and the group discussed regarding returning to in-person meetings.

CITY COUNCIL ITEMS

None

COUNCIL COMMUNICATIONS

Council Member Kumar discussed California’s solar program, and the RHNA number audit.

CITY MANAGER'S REPORT

None

ADJOURNMENT

BERNALD/FITZSIMMONS MOVED TO **ADJOURN THE MEETING AT 9:03 P.M.**
MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO,
FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT:
NONE.

Minutes respectfully submitted:

Britt Avrit, MMC, City Clerk
City of Saratoga