

**MINUTES**  
**WEDNESDAY, MARCH 17, 2021**  
**SARATOGA CITY COUNCIL REGULAR MEETING**

At 5:00 p.m., the City Council held a Study Session on the Fiscal Year 2021/22 Capital Improvement Plan (CIP) via teleconferencing through Zoom.

Council Member Fitzsimmons announced that she would be recusing herself from part of the discussion due to a conflict of interest. The Saratoga Village to Quarry Park Walkway CIP project is within 500 feet of 14675 Big Basin Way that is owned by a family trust. The City Attorney advised her that if the discussion is segmented then she could rejoin the discussion on other parts of the CIP budget.

City Attorney Richard Taylor responded that the Political Reform Act allows that for multi-part decisions, such as the CIP, the Council can allow segmentation of different discussion topics.

John Cherbone, Public Works Director, and Emma Burkhalter, Associate Civil Engineer, presented a staff report on the Pavement Management Program.

Dennis Jaw, Finance Manager, presented the staff report on the Fiscal Year 2021/22 Capital Improvement Plan Overview.

Mayor Zhao invited public comment on the process.

No one requested to speak.

Council Member Fitzsimmons recused herself from the meeting.

James Lindsay, City Manager, spoke on the Saratoga Village to Quarry Park Walkway -Phase 1.

Mayor Zhao invited public comment on the Saratoga Village to Quarry Park Walkway -Phase 1.

Ann Waltonsmith, former Mayor and Council Member, expressed support for the project.

No one else requested to speak.

**WALIA/BERNALD MOVED TO CONTINUE THE FISCAL YEAR 2021/22 STUDY SESSION TO RESUME AFTER THE END OF REGULAR SESSION. MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR, BERNALD. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE. RECUSED: FITZSIMMONS.**

At 6:00 p.m., the City Council held a Joint Meeting with the Saratoga Chamber of Commerce via teleconferencing through Zoom.

Mayor Zhao called the virtual Regular Session to order at 7:01 p.m. via teleconferencing through Zoom.

Prior to Roll Call, the Mayor and City Clerk explained that the City Council meeting was conducted pursuant to provisions of the Brown Act and a recent Executive Order issued by the Governor to facilitate teleconferencing to reduce the risk of COVID-19 transmission at public meetings. Ordinarily the Brown Act sets strict rules for teleconferencing. The Governor's Executive Order has suspended those rules. The Executive Order does require that public agencies continue to notice meetings in advance and provide members of the public an opportunity to observe the meeting and offer public comment. The City Council met all of the applicable notice requirements and the public is welcome to participate in this meeting. Information on how the public can observe the meeting and provide public comment was also shared. Additionally, the Mayor explained that votes would be taken through roll call.

## **ROLL CALL**

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

**ABSENT:** None

**ALSO PRESENT:** James Lindsay, City Manager  
Richard Taylor, City Attorney  
Crystal Bothelio, Assistant City Manager  
Debbie Bretschneider, City Clerk  
Mary Fury, Administrative Services Director  
Debbie Pedro, Community Development Director  
John Cherbone, Public Works Director  
Dennis Jaw, Finance Manager  
Emma Burkhalter, Associate Civil Engineer  
Mainini Cabute, Environmental Program Manager  
(All staff members appearing via teleconference)

City Clerk Debbie Bretschneider confirmed all City Council members could hear the meeting proceedings and no doubts were expressed regarding the identities of the individuals representing themselves as City Council Members.

## **REPORT ON POSTING OF THE AGENDA**

City Clerk Debbie Bretschneider reported that the agenda for this meeting was properly posted on March 12, 2021.

## **ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS**

Glenda Aune spoke about the House Family Vineyards.

Jeffrey Schwartz raised concerns about the Finance Committee and conflicts with the Brown Act. He also spoke about the House Family Vineyards community meetings.

Council Member Bernald asked staff to respond to concerns raised about the Finance Committee and Brown Act, specifically address how the Committee is organized.

City Manager James Lindsay responded that the Finance Committee is a committee as a whole and all Council Members are welcome to join the meeting and participate in discussion. However, only the 2 Council Members assigned to the Committee through the Council Assignments process have voting privileges.

## **REPORT ON JOINT MEETING**

Chuck Page, President of Chamber of Commerce, spoke about the Joint Meeting with Council.

## **REPORT ON STUDY SESSION**

Mayor Zhao reported that the Study Session on the FY2021/22 Capital Improvement Plan will continue after the Regular Session.

## **ANNOUNCEMENTS**

Mayor Zhao shared information about COVID-19 updates, the Housing Element Update, Hanami Evening Cherry Blossom viewing at Hakone Gardens, SED Talks, Emergency Preparedness Kit Workshop, and Commission Recruitments.

## **CEREMONIAL ITEMS**

Appointment of Planning Commissioners

### **Recommended Action:**

Approve the resolution appointing 3 members to the Planning Commission and direct the City Clerk to administer the Oath of Office.

## **RESOLUTION 21-011**

FITZSIMMONS/ZHAO MOVED TO **APPROVE THE RESOLUTION APPOINTING 3 MEMBERS TO THE PLANNING COMMISSION AND DIRECT THE CITY CLERK TO ADMINISTER THE OATH OF OFFICE.** MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR, FITZSIMMONS, BERNALD. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

Commendations for Tina Walia and Kookie Fitzsimmons

### **Recommended Action:**

Commend Tina Walia and Kookie Fitzsimmons for their service on the Saratoga Planning Commission.

Mayor Zhao and the Council Members presented commendations to Tina Walia and Kookie Fitzsimmons for their service on the Saratoga Planning Commission.

Proclamation Recognizing March 2021 as American Red Cross Month

### **Recommended Action:**

Present a proclamation recognizing March 2021 as American Red Cross Month to a representative of the American Red Cross, Silicon Valley Chapter.

Mayor Zhao and the Council Members presented a proclamation recognizing March 2021 as American Red Cross Month to Ken Toren, CEO of American Red Cross, Silicon Valley Chapter.

Proclamation Declaring March 2021 as Youth Arts Month

**Recommended Action:**

Present the proclamation declaring March 2021 as Youth Arts Month.

Mayor Zhao and the Council Members declared March 2021 as Youth Arts Month.

**SPECIAL PRESENTATIONS**

SB1383 Informational Presentation

**Recommended Action:**

Accept the SB1383 Informational Presentation from the West Valley Solid Waste Management Authority Executive Director regarding organics recycling.

Marva Sheehan, West Valley Solid Waste Management Authority Executive Director, provided a presentation on SB 1383.

Mayor Zhao invited public comment on the item.

Chuck Page, former Mayor of Saratoga, spoke

No one else requested to speak.

**KUMAR/FITZSIMMONS MOVED TO ACCEPT THE SB1383 INFORMATIONAL PRESENTATION.** MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR, FITZSIMMONS, BERNALD. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

**1. CONSENT CALENDAR**

1.1. City Council Meeting Minutes

**Recommended Action:**

Approve the City Council minutes for the Regular City Council Meeting on March 3, 2021.

**FITZSIMMONS/WALIA MOVED TO APPROVE THE CITY COUNCIL MINUTES FOR THE REGULAR CITY COUNCIL MEETING ON MARCH 3, 2021.** MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR, FITZSIMMONS, BERNALD. 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:  
03/02/21 Period 9; 03/09/21 Period 9:

**FITZSIMMONS/WALIA MOVED TO ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 03/02/21 PERIOD 9; 03/09/21 PERIOD 9.** MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR, FITZSIMMONS, BERNALD. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.3. Electronic Claims Filing Policy

**Recommended Action:**

Adopt the attached resolution establishing the City's Electronic Claims Filing Policy.

**RESOLUTION 20-012**

FITZSIMMONS/WALIA MOVED TO **ADOPT THE RESOLUTION ESTABLISHING THE CITY'S ELECTRONIC CLAIMS FILING POLICY.** MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR, FITZSIMMONS, BERNALD. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.4. Resolution Denouncing Violence Against Asian American Community Members

**Recommended Action:**

Adopt resolution denouncing violence against Asian American community members.

Jeffrey Schwartz requested that this item be removed from the Consent Calendar for public comment.

Mayor Zhao invited public comment on the item.

Jeffrey Schwartz spoke

Ted Oliverio spoke

No one else requested to speak.

All of the Council Members spoke in support of denouncing violence against Asian American Community Members.

**RESOLUTION 21-013**

BERNALD/WALIA MOVED TO **ADOPT THE RESOLUTION DENOUNCING VIOLENCE AGAINST ASIAN AMERICAN COMMUNITY MEMBERS.** MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR, FITZSIMMONS, BERNALD. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

Mayor Zhao requested a break at 8:22 p.m. and resumed the meeting at 8:44 p.m.

**2. PUBLIC HEARING**

None

**3. GENERAL BUSINESS**

3.1. Saratoga Business Renewal/Beautification Proposal

**Recommended Action:**

Review the Saratoga Business Renewal/Beautification proposal and direct staff accordingly.

Debbie Pedro, Community Development Director, presented the staff report.

Mayor Zhao invited public comment on the item.

Chuck Page, President of Chamber of Commerce, spoke

Ted Oliverio spoke

No one else requested to speak.

**BERNALD/FITZSIMMONS MOVED TO ASK STAFF TO BRING TO A FUTURE COUNCIL MEETING REALISTIC FUNDING OPTIONS OTHER THAN COUNCIL DISCRETIONARY FUNDS FOR THE SARATOGA BUSINESS RENEWAL/BEAUTIFICATION PROGRAM, BEFORE MOVING FORWARD WITH EXPLORING THE DETAILS OF THE SARATOGA BUSINESS RENEWAL/BEAUTIFICATION PROGRAM.**

**ZHAO/WALIA MOVED TO FUND THE SARATOGA BUSINESS RENEWAL/BEAUTIFICATION PROGRAM WITH COUNCIL DISCRETIONARY FUNDS AND TO CREATE AN ADHOC COMMITTEE OF MAYOR ZHAO AND COUNCIL MEMBER FITZSIMMONS TO EXPLORE PROGRAM DETAILS WITH STAFF, BUSINESSES, AND CHAMBER AND TO RETURN TO COUNCIL WITH A DETAILED PROGRAM RECOMMENDATION.** MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR, FITZSIMMONS, BERNALD. NOES: ABSTAIN: NONE. ABSENT: NONE.

### 3.2. City Council Term Limits

#### **Recommended Action:**

Staff recommends that the City Council:

1. Adopt the attached resolution supporting voluntary compliance with the 1992 City of Saratoga Term Limits Advisory Measure; and
2. Review the attached draft ballot measure for the November 2022 election and provide direction to staff.

Richard Taylor, City Attorney, presented the staff report.

Mayor Zhao invited public comment on the item.

No one requested to speak.

**WALIA/BERNALD MOVED TO ADOPT THE RESOLUTION SUPPORTING VOLUNTARY COMPLIANCE WITH THE 1992 CITY OF SARATOGA TERM LIMITS ADVISORY MEASURE.**

**WALIA/BERNALD MOVED TO AMEND THE PREVIOUS MOTION AND TO ADOPT A RESOLUTION ASKING CURRENT CITY COUNCIL TO VOLUNTARILY COMPLY WITH A LIFETIME 2-TERM LIMIT.** MOTION FAILED BY VERBAL ROLL CALL. AYES: WALIA, BERNALD. NOES: ZHAO, KUMAR, FITZSIMMONS. ABSTAIN: NONE. ABSENT: NONE.

Council Member Fitzsimmons requested that the Clerk note her comments in the minutes. She stated that she voted against the motion for a resolution asking City Council to

voluntarily comply with a lifetime 2-term limit, because it is a non-binding agreement and that she plans to run for no more than 2 Council terms.

Mayor Zhao asked for Council direction to staff on the proposed Ballot Measure.

FITZSIMMONS/BERNALD MOVED TO **APPROVE THE BALLOT MEASURE INCLUDED AS ATTACHMENT A, EXCEPT IN SECTION 1 DELETE ITEMS B AND D THAT REFER TO 1992 ADVISORY MEASURE.** MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR, FITZSIMMONS, BERNALD. NOES: ABSTAIN: NONE. ABSENT: NONE.

FITZSIMMONS/ZHAO MOVED TO **ACCEPT THE LANGUAGE OF THE PROPOSED BALLOT QUESTION: “SHALL THE CITY OF SARATOGA ADOPT AN ORDINANCE ESTABLISHING TERM LIMITS FOR MEMBERS OF THE SARATOGA CITY COUNCIL, LIMITING INDIVIDUALS TO SERVING TWO TERMS AND SPECIFYING THE DURATION OF VARIOUS TYPES OF PARTIAL TERMS THAT ARE CONSIDERED A TERM FOR THE PURPOSES OF TERM LIMITS?”** MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR, FITZSIMMONS, BERNALD. NOES: ABSTAIN: NONE. ABSENT: NONE.

FITZSIMMONS/WALIA MOVED TO **DIRECT THE CITY CLERK TO BRING BACK TO COUNCIL THE PROPOSED BALLOT MEASURE AND TO DECIDE ON 1) PLACEMENT OF FULL TEXT IN PRINTED VOTER INFORMATION MATERIALS, 2) FILING OF ARGUMENTS FOR OR AGAINST THE MEASURE, AND 3) ALLOWING REBUTTAL ARGUMENTS TO BE FILED, WHEN CLERK BRINGS BACK THE RESOLUTION CALLING FOR AN ELECTION IN 2022.** MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR, FITZSIMMONS, BERNALD. NOES: ABSTAIN: NONE. ABSENT: NONE.

## COUNCIL ASSIGNMENTS

### Mayor Yan Zhao

*Cities Association of Santa Clara County-Legislative Action Committee* – the Committee received a presentation on AB371 by Assembly Member Robert Riggas.

*Cities Association of Santa Clara County* – the members received a presentation on denouncing violence against Asian Americans by District Attorney Jeff Rosen and Assembly Member Evan Low.

*Valley Transportation Authority (VTA) Policy Advisory Committee* – the Committee approved 2016 Measure B funding budget principals and received an update on the Bikeways alignment.

*West Valley Sanitation District* – no action items to report.

### Vice Mayor Tina Walia

*Silicon Valley Clean Energy Authority Board of Directors* – the Board approved a new solar generation contract, received a clean audit report for FY2019/20, and approved a mid-year budget correction.

### Council Member Rishi Kumar

Nothing to report

Council Member Kookie Fitzsimmons

*Hakone Foundation Board* – Hakone Hanami Cherry Blossom viewing tickets are available to be purchased.

Council Member Mary-Lynne Bernald

*Hakone Foundation Board & Executive Committee* – there was a Koi Pond fundraising committee meeting.

*Saratoga Public Art Committee* – the Committee received a report that 343 residents voted on Paint the City selections and there was a discussion on Public Art Policy.

**CITY COUNCIL ITEMS**

Vice Mayor Walia, with support from Council Member Fitzsimmons, asked for a Council agenda item to discuss recording Council meetings.

Council Member Bernald, with support from Mayor Zhao, asked for a Council agenda item to consider changing the Public Art Committee advisory members to become voting members.

**COUNCIL COMMUNICATIONS**

Council Member Kumar spoke on attending a discussion by elected officials on housing and on also discussing SB 9 and SB 10 with State legislators.

**CITY MANAGER'S REPORT**

None

Mayor Zhao requested a break at 10:47 p.m. and resumed the meeting at 10:55 p.m. for the Council to discuss the FY2021/22 CIP budget.

Council Member Fitzsimmons recused herself from the meeting.

KUMAR/WALIA MOVED TO **KEEP THE SARATOGA VILLAGE TO QUARRY PARK WALKWAY IN THE CAPITAL IMPROVEMENT PROJECTS WITH CURRENT FUNDING AND TO LOOK FOR GRANTS TO COMPLETE THIS PROJECT.** MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR. NOES: BERNALD. ABSTAIN: NONE. ABSENT: NONE. RECUSED: FITZSIMMONS

BERNALD/WALIA MOVED TO **RESUME THE STUDY SESSION ABOUT THE FISCAL YEAR 2021/22 CAPITAL IMPROVEMENT PLAN ON MARCH 31, 2021.** MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR, BERNALD. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE. RECUSED: FITZSIMMONS

**ADJOURNMENT**

WALIA/BERNALD MOVED TO **ADJOURN THE MEETING AT 11:16 P.M.** MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR, BERNALD. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE. RECUSED: FITZSIMMONS



Minutes respectfully submitted:

Debbie Bretschneider, City Clerk  
City of Saratoga