

**MINUTES**  
**WEDNESDAY, APRIL 5, 2023**  
**SARATOGA CITY COUNCIL REGULAR MEETING**

At 6:00 p.m., the City Council held a study session with the Chamber of Commerce and Saratoga Historical Foundation.

Mayor Fitzsimmons invited public comment.

No one requested to speak.

Mayor Fitzsimmons called the Regular Session to order at 7:00 p.m.

**ROLL CALL**

**PRESENT:** Mayor Kookie Fitzsimmons, Vice Mayor Yan Zhao, Council Members Belal Aftab, Chuck Page, Tina Walia

**ABSENT:** None

**ALSO PRESENT:** James Lindsay, City Manager  
Richard Taylor, City Attorney  
Britt Avrit, City Clerk  
Nick Pegueros, Administrative Services Director  
John Cherbone, Public Works Director  
Debbie Pedro, Community Development Director  
Christina Fusco, City Arborist  
Lauren Blom, Public Information Officer

**REPORT ON POSTING OF THE AGENDA**

The City Clerk reported the agenda for this meeting was properly posted on March 30, 2023.

**REPORT FROM JOINT SESSION**

Annette Stransky, President of the Saratoga Historical Foundation and Tiger Teerlink, President of the Saratoga Chamber of Commerce provided a report of the City Council Joint Session with the Chamber of Commerce and Historical Foundation.

**ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS**

Mayor Fitzsimmons invited public comment.

The following individual spoke at this time:

Bill Dalton – discussed hiring an Assistant City Manager.

**ANNOUNCEMENTS**

Mayor Fitzsimmons shared information about Hanami at Hakone – Night Viewing, Paint the City Public Voting, Arbor Day on April 26, 2023, and the Blossom Festival April 29, 2023.

Council Member Aftab shared information about Distracted Driving Awareness Month and the Holy Month of Ramadan.

## **CEREMONIAL ITEM**

Commendation for Sunil Ahuja

**Recommended Action:**

Commend Sunil Ahuja for his service on the Saratoga Planning Commission.

The City Council commended Sunil Ahuja for his service on the Saratoga Planning Commission.

Commendation Celebrating the 60th Anniversary of South Bay Musical Theatre

**Recommended Action:**

Present a commendation recognizing the 60th anniversary of South Bay Musical Theatre.

The City Council presented a commendation to South Bay Musical Theatre recognizing the 60<sup>th</sup> Anniversary.

Commendations for Science Fair Winners

**Recommended Action:**

Present commendations to the 2022 Synopsys Science and Technology Championship Science Fair participants who live in Saratoga.

The City Council presented commendations to the 2022 Synopsys Science and Technology Championship Science Fair participants who live in Saratoga.

## **1. CONSENT CALENDAR**

Mayor Fitzsimmons invited public comment on the Consent Calendar.

No one requested to speak.

Council Member Page requested the March 15, 2023 Minutes be removed from the Consent Calendar.

PAGE/FITZSIMMONS MOVED TO **DIRECT THE CITY CLERK TO ENHANCE THE MARCH 15, 2023 MINUTES AND BRING BACK FOR ADOPTION AT A FUTURE MEETING.** MOTION PASSED BY THE FOLLOWING VOTE: AYES: AFTAB, PAGE, WALIA, ZHAO, FITZSIMMONS. NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

1.1. City Council Meeting Minutes

**Recommended Action:**

Approve the Minutes for the March 27, 2023 City Council Special Meeting.

ZHAO/PAGE MOVED TO **APPROVE THE MINUTES FOR THE MARCH 27, 2023 CITY COUNCIL SPECIAL MEETING.** MOTION PASSED BY THE FOLLOWING VOTE: AYES: AFTAB, PAGE, WALIA, ZHAO, FITZSIMMONS. NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

1.2. Review and Accept Accounts Payable Check Registers

**Recommended Action:**

Review and accept the 03/08/2023, 03/20/2023, and 03/23/2023 accounts payable vendor payment check registers.

ZHAO/PAGE MOVED TO **REVIEW AND ACCEPT THE 03/08/2023, 03/20/2023, AND 03/23/2023 ACCOUNTS PAYABLE VENDOR PAYMENT CHECK REGISTERS.** MOTION PASSED BY THE FOLLOWING VOTE: AYES: AFTAB, PAGE, WALIA, ZHAO, FITZSIMMONS. NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

1.3. Treasurer's Report for the Month Ended February 28, 2023

**Recommended Action:**

Review and accept the Treasurer's Report for the month ended February 28, 2023.

ZHAO/PAGE MOVED TO **REVIEW AND ACCEPT THE TREASURER'S REPORT FOR THE MONTH ENDED FEBRUARY 28, 2023.** MOTION PASSED BY THE FOLLOWING VOTE: AYES: AFTAB, PAGE, WALIA, ZHAO, FITZSIMMONS. NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

1.4. 2022 General Plan Housing Element Annual Progress Report

**Recommended Action:**

Adopt the Resolution accepting the 2022 General Plan Housing Element Annual Progress Report and direct staff to file the report with the Governor's Office of Planning and Research (OPR) and the Department of Housing and Community Development.

**RESOLUTION 23-017**

ZHAO/PAGE MOVED TO **ADOPT THE RESOLUTION ACCEPTING THE 2022 GENERAL PLAN HOUSING ELEMENT ANNUAL PROGRESS REPORT AND DIRECT STAFF TO FILE THE REPORT WITH THE GOVERNOR'S OFFICE OF PLANNING AND RESEARCH (OPR) AND THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT.** MOTION PASSED BY THE FOLLOWING VOTE: AYES: AFTAB, PAGE, WALIA, ZHAO, FITZSIMMONS. NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

1.5. Resolution Authorizing Participation in the Age Friendly Communities Global Network and Authorizing Use of the City Seal in the 2023 Age Friendly Communities Survey

**Recommended Action:**

Adopt the Resolution authorizing participation in the Age Friendly Communities Global Network and authorizing use of the City seal in the 2023 Age Friendly Communities Survey.

**RESOLUTION 23-018**

ZHAO/PAGE MOVED TO **ADOPT THE RESOLUTION AUTHORIZING PARTICIPATION IN THE AGE FRIENDLY COMMUNITIES GLOBAL NETWORK AND AUTHORIZING USE OF THE CITY SEAL IN THE 2023 AGE FRIENDLY COMMUNITIES SURVEY.** MOTION PASSED BY THE FOLLOWING VOTE: AYES: AFTAB, PAGE, WALIA, ZHAO, FITZSIMMONS. NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

## 2. GENERAL BUSINESS

2.1. Urgency Ordinance Temporarily Suspending Certain Tree Removal Requirements for Eucalyptus Trees

**Recommended Action:**

Adopt the urgency ordinance temporarily suspending through June 30, 2023 certain tree removal requirements for Eucalyptus trees in light of the risks they pose to life and property due to the unprecedented and ongoing storms.

Richard Taylor, City Attorney, presented the staff report.

Mayor Fitzsimmons invited public comment.

The following individuals spoke at this time: Jill Hunter, Saskia Adams

### **ORDINANCE 396**

WALIA/PAGE MOVED TO **ADOPT THE URGENCY ORDINANCE, AS AMENDED, TEMPORARILY SUSPENDING THROUGH JUNE 30, 2023 CERTAIN TREE REMOVAL REQUIREMENTS FOR EUCALYPTUS TREES IN LIGHT OF THE RISKS THEY POSE TO LIFE AND PROPERTY DUE TO THE UNPRECEDENTED AND ONGOING STORMS APPLYING THE ORDINANCE ONLY TO BLUE GUM (EUCALYPTUS GLOBULUS) AND REMOVING SECTION 1.B OF THE PROPOSED ORDINANCE. (REGARDING REPLACEMENT TREES)** MOTION PASSED BY THE FOLLOWING VOTE: AYES: AFTAB, PAGE, WALIA, ZHAO, FITZSIMMONS. NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

2.2. 2023-24 Capital Improvement Program Projects and Funding

**Recommended Action:**

Approve 2023-24 Capital Improvement Program projects and funding for inclusion in the annual budget.

Mayor Fitzsimmons stated she needs to recuse herself from discussion of Village Outdoor Dining Improvements due to a conflict of interest related to property she owns in the Village and left the meeting at this time.

Council Member Page stated he needs to recuse himself from discussion of Village Outdoor Dining Improvements due to a potential conflict of interest because he owns a business in the Village and left the meeting at this time.

Vice Mayor Zhao became Chair of the meeting at this time.

Nick Pegueros, Administrative Services Director, presented the staff report regarding the Village Outdoor Dining Improvements.

Vice Mayor Zhao invited public comment.

The following individuals spoke at this time: Tia Marciel, Bill Dalton

WALIA/AFTAB MOVED TO **KEEP THE VILLAGE OUTDOOR DINING IMPROVEMENTS PROJECT IN THE UNFUNDED CAPITAL IMPROVEMENT PROGRAM LIST.** MOTION PASSED BY THE FOLLOWING VOTE: AYES: AFTAB, WALIA, ZHAO. NOES: NONE. ABSTAIN: NONE. RECUSED: PAGE, FITZSIMMONS. ABSENT: NONE.

Nick Pegueros, Administrative Services Director, presented the staff report.

Mayor Fitzsimmons invited public comment.

The following individual spoke at this time: Bruno Acklin

ZHAO/PAGE MOVED TO **APPROVE 2023-24 CAPITAL IMPROVEMENT PROGRAM PROJECTS AND FUNDING FOR INCLUSION IN THE ANNUAL BUDGET.** MOTION PASSED BY THE FOLLOWING VOTE: AYES: AFTAB, PAGE, WALIA, ZHAO, FITZSIMMONS. NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

2.3. User Fee Worksheet Review

**Recommended Action:**

Review user fees worksheet and provide direction to City staff for preparation of the proposed July 1, 2023 Master Fee Schedule.

Nick Pegueros, Administrative Services Director, presented the staff report.

Mayor Fitzsimmons invited public comment.

No one requested to speak.

PAGE/AFTAB MOVED TO **APPROVE THE STAFF RECOMMENDED USER FEES WORKSHEET FOR PREPARATION OF THE JULY 1, 2023 MASTER FEE SCHEDULE AND PROVIDE DIRECTION TO INCREASE THE ADMINISTRATIVE DECISION TO PLANNING COMMISSION APPEAL FEE TO \$500 AND THE PLANNING COMMISSION TO CITY COUNCIL APPEAL FEE TO \$700 FOR CONSIDERATION AT THE APRIL 19, 2023 MASTER FEE SCHEDULE PUBLIC HEARING.** MOTION PASSED BY THE FOLLOWING VOTE: AYES: AFTAB, PAGE, WALIA, ZHAO, FITZSIMMONS. NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

## COUNCIL ASSIGNMENTS

Council Member Tina Walia

*KSAR Community Access TV Board* – stated West Valley College has chosen to end the contract with KSAR as of May 1, 2023.

Council Member Chuck Page

Nothing to report

Council Member Belal Aftab

Nothing to report

Vice Mayor Yan Zhao

*Saratoga Ministerial Association* – stated the Association held a meeting with routine business with nothing to report.

Mayor Kookie Fitzsimmons

*Council Finance Committee* – stated the Committee will receive staff's recommendation and analysis on April 11, 2023, for the Professional Auditing Services proposals.

### **CITY COUNCIL ITEMS**

Mayor Fitzsimmons stated she has asked staff to schedule a future City Council agenda item to considering honoring Jack Mallory's memory and contributions to Saratoga by naming Friendship Hall at Saratoga Prospect Center for Jack.

Aftab/Page requested discussion of the City's policy regarding communications with residents broadly and in emergency situations.

### **COUNCIL COMMUNICATIONS**

None

### **CITY MANAGER'S REPORT**

None

### **CITY ATTORNEY'S REPORT**

None

### **ADJOURNMENT**

PAGE/AFTAB MOVED TO **ADJOURN THE MEETING AT 8:46 P.M.** MOTION PASSED BY THE FOLLOWING VOTE: AYES: AFTAB, PAGE, WALIA, ZHAO, FITZSIMMONS. NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

Minutes respectfully submitted:

Britt Avrit, City Clerk  
City of Saratoga