

MINUTES
WEDNESDAY, APRIL 6, 2022
SARATOGA CITY COUNCIL REGULAR MEETING

Mayor Walia called the Regular Session to order at 7:01 p.m. via teleconferencing through Zoom in honor of former Council Member Evan Baker. Mr. Baker served on the City Council in the late 1990s and early 2000s, was a dedicated member of our community serving as the Saratoga Woods Homeowners Association president for many years and will be dearly missed.

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
Tony Gonzalez, Code Compliance Officer
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 April 1, 2022.

ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS

Mayor Walia invited public comment.

The following individual spoke at this time:

Jeffrey Schwartz discussed the CUP Application from the House Vineyard, recording public meetings and the City's complaint procedure.

ANNOUNCEMENTS

Mayor Walia shared information about the Blossom Festival, the Parks & Recreation Commission's Let's Work Program, Arbor Day Activities, the Saratoga Music Boosters Pancake Breakfast and the Rotary Club's Art Festival taking place on April 30, 2022 and May 1, 2022.

CEREMONIAL ITEMS

Proclamation Recognizing April 3-9, 2022 as National Library Week

Recommended Action:

Present a proclamation to the Saratoga Library recognizing April 3-9, 2022 as National Library Week.

The City Council proclaimed April 3-9, 2022 as National Library Week.

Commendation Recognizing Santa Clara County Fire Chief Tony Bowden

Recommended Action:

Commend retiring Santa Clara County Fire Chief Tony Bowden to his years of service to the County of Santa Clara and Saratoga community.

The City Council Commended retiring Santa Clara County Fire Chief Tony Bowden for his years of service to the County of Santa Clara and Saratoga community.

Appointment of Parks & Recreation Commissioner

Recommended Action:

Adopt the Resolution appointing Badrinath Sridharan to the Parks & Recreation Commission and direct the City Clerk to administer the Oath of Office.

RESOLUTION 2022-009

KUMAR/BERNALD MOVED TO **ADOPT THE RESOLUTION APPOINTING BADRINATH SRIDHARAN TO THE PARKS & RECREATION COMMISSION AND DIRECT THE CITY CLERK TO ADMINISTER THE OATH OF OFFICE.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA; NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

The City Clerk administered the Oath of Office to Badrinath Sridharan at this time.

1. CONSENT CALENDAR

Council Member Bernald requested that Consent Calendar Item 1.4 be removed for separate discussion.

Mayor Walia invited public comment on the Consent Calendar except Item 1.4.

No one requested to speak.

1.1. City Council Meeting Minutes

Recommended Action:

Approve the Minutes for the March 16, 2022 City Council Regular Meeting and the Minutes for the March 28, 2022 City Council Special Meeting.

BERNALD/FITZSIMMONS MOVED TO **APPROVE THE MINUTES FOR THE MARCH 16, 2022 CITY COUNCIL REGULAR MEETING AND THE MINUTES FOR THE MARCH 28, 2022 CITY COUNCIL SPECIAL MEETING.** 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: 3/10/22 Period 9; 3/21/22 Period 9; 3/24/22 Period 9.

BERNALD/FITZSIMMONS MOVED TO **REVIEW AND ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES:3/10/22 PERIOD 9; 3/21/22 PERIOD 9; 3/24/22 PERIOD 9.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

1.3. Treasurer's Report for the Month Ended January 31, 2022

Recommended Action:

Review and accept the Treasurer's Report for the month ended January 31, 2022.

BERNALD/FITZSIMMONS MOVED TO **REVIEW AND ACCEPT THE TREASURER'S REPORT FOR THE MONTH ENDED JANUARY 31, 2022.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

1.4. Reconsider and confirm findings pursuant to Assembly Bill 361

Recommended Action:

Reconsider and confirm findings pursuant to Assembly Bill 361 of the continued public health officials' recommendation to social distance and to therefore hold City of Saratoga Brown Act meetings by teleconference.

The following individual spoke on this item: Jim Stallman

BERNALD/FITZSIMMONS MOVED TO **RECONFIRM THE FINDINGS AND LOOK AT BEGINNING TO MEET IN PERSON BEGINNING WITH THE CITY COUNCIL REGULAR SESSION ON MAY 18, 2022 AND OFFERING A HYBRID OPTION FOR MEMBERS OF THE PUBLIC AND PRIOR TO THAT MEETING REQUEST STAFF PROVIDE TO THE CITY COUNCIL PROTOCOLS FOR MEETING IN PERSON.**

Additional discussion took place.

KUMAR/WALIA MOVED TO **RECONSIDER AND CONFIRM FINDINGS PURSUANT TO ASSEMBLY BILL 361 OF THE CONTINUED PUBLIC HEALTH OFFICIALS' RECOMMENDATION TO SOCIAL DISTANCE AND TO THEREFORE HOLD CITY OF SARATOGA BROWN ACT MEETINGS BY TELECONFERENCE.** MOTION PASSED BY VERBAL ROLL CALL. AYES: KUMAR, ZHAO, WALIA: NOES: BERNALD, FITZSIMMONS. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

1.5. First Amendment to the Household Hazardous Waste Agreement with Santa Clara County

Recommended Action:

Authorize the City Manager to execute the first amendment to the Santa Clara County Household Hazardous Waste Collection Program Agreement with a \$45,244 augmentation for Fiscal Year 2023.

BERNALD/FITZSIMMONS MOVED TO **AUTHORIZE THE CITY MANAGER TO EXECUTE THE FIRST AMENDMENT TO THE SANTA CLARA COUNTY HOUSEHOLD HAZARDOUS WASTE COLLECTION PROGRAM AGREEMENT WITH A \$45,244 AUGMENTATION FOR FISCAL YEAR 2023.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

1.6. Budget Amendment – McCartysville Landscaping and Lighting District (Zone 9)

Recommended Action:

Adopt Resolution appropriating \$8,000 from Zone 9 fund balance into the Fiscal Year 2021/22 operating budget.

RESOLUTION 2022-010

BERNALD/FITZSIMMONS MOVED TO **ADOPT RESOLUTION APPROPRIATING \$8,000 FROM ZONE 9 FUND BALANCE INTO THE FISCAL YEAR 2021/22 OPERATING BUDGET.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

1.7. Parking Restriction on the East Side of Beauchamps Lane for One Block

Recommended Action:

Approve the attached Motor Vehicle resolution to adopt a No Parking restriction on the east side of Beauchamps Lane between Prospect Road and Burnett Drive.

RESOLUTION MV 327

BERNALD/FITZSIMMONS MOVED TO **APPROVE THE MOTOR VEHICLE RESOLUTION TO ADOPT A NO PARKING RESTRICTION ON THE EAST SIDE OF BEAUCHAMPS LANE BETWEEN PROSPECT ROAD AND BURNETT DRIVE.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

2. GENERAL BUSINESS

2.1. Termination of Agreement with the County for Weed Abatement Services

Recommended Action:

Adopt a Resolution terminating the agreement with the County of Santa Clara for weed abatement services effective September 1, 2022.

Tony Gonzalez, Code Compliance Officer, presented the staff report.

Mayor Walia invited public comment.

No one requested to speak.

RESOLUTION 2022-011

BERNALD/ZHAO MOVED TO **ADOPT A RESOLUTION TERMINATING THE AGREEMENT WITH THE COUNTY OF SANTA CLARA FOR WEED ABATEMENT SERVICES EFFECTIVE SEPTEMBER 1, 2022.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

2.2. Preliminary Engineering Agreement with Union Pacific Railroad for the Blue Hills Elementary Pedestrian Crossing at UPRR Project

Recommended Action:

Authorize the City Manager to execute a contract with Union Pacific Railroad for the preliminary engineering work for Blue Hills Elementary Pedestrian Crossing at UPRR in the amount of \$100,000 and a 10% contingency for a total amount of \$110,000.

Mainini Cabute, Environmental Programs Manager, presented the staff report.

Mayor Walia invited public comment.

No one requested to speak.

ZHAO/FITZSIMMONS MOVED TO **AUTHORIZE THE CITY MANAGER TO EXECUTE A CONTRACT WITH UNION PACIFIC RAILROAD FOR THE PRELIMINARY ENGINEERING WORK FOR BLUE HILLS ELEMENTARY PEDESTRIAN CROSSING AT UPRR IN THE AMOUNT OF \$100,000 AND A 10% CONTINGENCY FOR A TOTAL AMOUNT OF \$110,000.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

Mayor Walia requested a recess at this time.

Mayor Walia reconvened the meeting at 8:55 p.m.

2.3. Fiscal Year 2023 Capital Improvement Program Direction

Recommended Action:

Provide direction on the draft Fiscal Year 2023 Capital Improvement Program for inclusion in the annual budget.

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

Mayor Walia invited public comment.

No one requested to speak.

BERNALD/ZHAO MOVED TO **INCLUDE THE DRAFT FISCAL YEAR 2023 CAPITAL IMPROVEMENT PROGRAM IN THE ANNUAL BUDGET ACCEPTING THE NEW DESCRIPTION FOR THE HAKONE PROJECT, MOVING THE TREE AND BENCH PROGRAM TO THE OPERATING BUDGET AND MODIFYING THE COMMUNITY EV CHARGING STATION PROJECT TO INCLUDE GENERATOR AND EV CHARGING STATION CONDUIT.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

2.4. Preview of the Fiscal Year 2023 City of Saratoga Fee Schedule Update

Recommended Action:

Provide direction on the fiscal year 2023 City of Saratoga Fee Schedule update.

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

Mayor Walia invited public comment.

No one requested to speak.

BERNALD/ZHAO MOVED TO **INCREASE FEES BY 2% AS PROPOSED IN THE PRESENTATION, INCLUDE A FEE WAIVER FOR DEED RESTRICTED ADU'S AND JDU'S BEGINNING FISCAL YEAR 2023 AND ADD A FEE FOR THE TREE AND BENCH PROGRAM FOR A 50% COST RECOVERY.** 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

Saratoga Historical Foundation Board of Directors – stated the contract for the Blacksmith Shop has been signed and work started on the project on April 6, 2022, stated the Blossom Festival is April 9, 2022, and stated the Docent program is looking to expand to upper school grades.

Council Member Rishi Kumar

Nothing to report

Council Member Yan Zhao

Saratoga Ministerial Association – stated the Association received an update on the Rotating Safe Car Park Program and discussed a Ukraine Refugee Program.

Saratoga Area Senior Coordinating Council Board of Directors – stated the Board discussed SASCC’s 2022 health fair being held on September 10, 2022, at Los Gatos High School.

Vice Mayor Kookie Fitzsimmons

Nothing to report

Mayor Tina Walia

West Valley Mayors & Managers Association – stated the Association received a legislative update from Senator Cortese.

KSAR Community Access TV Board – stated the Board received a presentation from KCAT and the search continues for a Station Manager.

Council Finance Committee – stated the Committee reviewed the City’s Financial Policies, the new Treasurers Report format, and the Master Fee Schedule.

CITY COUNCIL ITEMS

None

COUNCIL COMMUNICATIONS

Council Member Kumar discussed a recent housing advocacy meeting conducted by Catalyst.

Council Member Zhao thanked Debbie Pedro for her assistance with questions regarding the Housing Element.

CITY MANAGER'S REPORT

None

ADJOURNMENT

BERNALD/ZHAO MOVED TO **ADJOURN THE MEETING AT 9:46 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