

MINUTES
WEDNESDAY, APRIL 7, 2021
SARATOGA CITY COUNCIL REGULAR MEETING

At 6:00 p.m., the City Council held a Study Session on the Mayoral Rotation Policy via teleconferencing through Zoom.

Richard Taylor, City Attorney, presented the staff report.

Mayor Zhao invited public comment on the item.

Stan Bogosian spoke

No one else requested to speak.

FITZSIMMONS/ZHAO MOVED TO **DIRECT STAFF TO PRESENT A RESOLUTION AT A FUTURE COUNCIL MEETING TO RESCIND THE CURRENT MAYORAL ROTATION POLICY.** MOTION FAILED BY VERBAL ROLL CALL. AYES: ZHAO, FITZSIMMONS. NOES: WALIA, KUMAR, BERNALD. ABSTAIN: NONE. ABSENT: NONE.

WALIA/BERNALD MOVED TO **ADD CLARIFYING LANGUAGE TO THE MAYORAL ROTATION POLICY STATING THAT THE POLICY IS NOT BINDING AND THAT COUNCIL MEMBERS CAN VOTE AS THEY WISH.** MOTION FAILED BY VERBAL ROLL CALL. AYES: WALIA, BERNALD. NOES: ZHAO, KUMAR, FITZSIMMONS. ABSTAIN: NONE. ABSENT: NONE.

FITZSIMMONS/BERNALD MOVED TO **ADJOURN THE STUDY SESSION AT 6:56 P.M.** MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, FITZSIMMONS, BERNALD. NOES: NONE. ABSTAIN: NONE. ABSENT: KUMAR.

Mayor Zhao called the virtual Regular Session to order at 7:02 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
Nicole Johnson, Senior Planner
Chris Riordan, Senior Planner
Kayla Nakamoto, Administrative Analyst
Mainini Cabute, Environmental Program Manager
Gina Scott, Administrative Analyst
(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 April 1, 2021.

REPORT ON STUDY SESSION

Mayor Zhao reported that the City Council held a Study Session on the Mayoral Rotation Policy.

ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS

Jeffrey Schwartz apologized for wrongfully accusing Council Member Bernald of violating the Brown Act.

Meg Giberson, League of Women Voters, spoke about the Wyland National Mayor's Challenge for Water Conservation.

ANNOUNCEMENTS

Mayor Zhao shared information about COVID-19 updates, the Housing Element Update, SASCC Walks, Saratoga Power Lunch webinar, Wildfire Workshops, and Commission Recruitments.

1. CONSENT CALENDAR

1.1. City Council Meeting Minutes

Recommended Action:

Approve the City Council minutes for the Regular City Council Meeting on March 17, 2021.

BERNALD/WALIA MOVED TO **APPROVE THE CITY COUNCIL MINUTES FOR THE REGULAR CITY COUNCIL MEETING ON MARCH 17, 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: 03/23/21 Period 9; 03/31/21 Period 9.

BERNALD/WALIA MOVED TO **ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 03/23/21 PERIOD 9; 03/31/21 PERIOD 9.** MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR, FITZSIMMONS, BERNALD. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.3. Treasurer's Report for the Month Ended February 28, 2021

Recommended Action:

Review and accept the Treasurer's Report for the month ended February 28, 2021.

BERNALD/WALIA MOVED TO **ACCEPT THE TREASURER'S REPORT FOR THE MONTH ENDED FEBRUARY 28, 2021.** MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR, FITZSIMMONS, BERNALD. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.4. Business License Renewal Extension Program Update

Recommended Action:

Receive report and authorize staff to approve a second extension for an additional six months.

BERNALD/WALIA MOVED TO **AUTHORIZE STAFF TO APPROVE AN EXTENSION ON THE BUSINESS LICENSE RENEWAL PROGRAM FOR AN ADDITIONAL SIX MONTHS.** MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR, FITZSIMMONS, BERNALD. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.5. Functional Classification Change for Local Streets and Roads

Recommended Action:

Adopt the resolution approving the submittal of functional classification change for local streets and roads to the State of California, Department of Transportation (Caltrans).

Mayor Zhao invited public comment on the item.

Henry Cole spoke in support.

No one else requested to speak.

RESOLUTION 21-014

BERNALD/WALIA MOVED TO **ADOPT THE RESOLUTION APPROVING THE SUBMITTAL OF FUNCTIONAL CLASSIFICATION CHANGE FOR LOCAL STREETS AND ROADS TO THE STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION (CALTRANS).** MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR, FITZSIMMONS, BERNALD. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.6. AB 939 and Household Hazardous Waste Agreements with Santa Clara County

Recommended Action:

Authorize the City Manager to sign the Agreement for Countywide Assembly Bill 939 Implementation Fee and Santa Clara County Household Hazardous Waste Collection Program Agreement with a \$45,244 augmentation for Fiscal Year 2021/22.

BERNALD/WALIA MOVED TO **AUTHORIZE THE CITY MANAGER TO SIGN THE AGREEMENT FOR COUNTYWIDE ASSEMBLY BILL 939 IMPLEMENTATION FEE AND SANTA CLARA COUNTY HOUSEHOLD HAZARDOUS WASTE COLLECTION PROGRAM AGREEMENT WITH A \$45,244 AUGMENTATION FOR FISCAL YEAR 2021/22.** MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR, FITZSIMMONS, BERNALD. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

2. PUBLIC HEARING

2.1. Landmark Designation & Mills Act Agreement for 20280 Saratoga-Los Gatos Road. Application No. MIL21-0001 & LNDMRK21-0001

Recommended Action:

The Heritage Preservation Commission (HPC) recommends that the City Council:

1. Conduct a public hearing on the proposal to designate the subject property as a historic landmark and enter into a Mills Act Agreement.
2. Introduce and waive first reading of the attached ordinance designating the property as a historic landmark.
3. Direct staff to place the ordinance on the Consent Calendar for adoption at the next regular meeting of the City Council.
4. Adopt the attached Resolution authorizing the City Manager to enter into a Mills Act Agreement for the property located at 20280 Saratoga-Los Gatos Road upon the effective date of the landmark ordinance.

Nicole Johnson, Senior Planner, presented the staff report.

Bijoy Bose, owner of 20280 Saratoga-Los Gatos Road, addressed the City Council.

Mayor Zhao invited public comment on the item.

No one requested to speak.

RESOLUTION 21-015

WALIA/BERNALD MOVED TO **WAIVE FIRST READING OF THE ORDINANCE DESIGNATING THE PROPERTY AS A HISTORIC LANDMARK, TO DIRECT STAFF TO PLACE THE ORDINANCE ON THE CONSENT CALENDAR FOR**

ADOPTION AT THE NEXT REGULAR MEETING OF THE CITY COUNCIL AND TO ADOPT THE RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MILLS ACT AGREEMENT FOR THE PROPERTY LOCATED AT 20280 SARATOGA-LOS GATOS ROAD UPON THE EFFECTIVE DATE OF THE LANDMARK ORDINANCE. MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR, FITZSIMMONS, BERNALD. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

3. GENERAL BUSINESS

3.1. Community Event Grant Funding Reallocation Request for Saratoga Area Senior Coordinating Council (SASCC)

Recommended Action:

Consider the request from the Saratoga Area Senior Coordinating Council (SASCC) to reallocate \$5,000 from the Fiscal Year 2020/21 Secured Funding Community Event Grant Program to support SASCC's general operations.

Kayla Nakamoto, Administrative Analyst, presented the staff report.

Mayor Zhao invited public comment on the item.

No one requested to speak.

WALIA/FITZSIMMONS MOVED TO **CONTINUE THE COMMUNITY EVENT GRANT FUNDING REALLOCATION REQUEST FOR SARATOGA AREA SENIOR COORDINATING COUNCIL (SASCC) TO A FUTURE COUNCIL MEETING.** MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR, FITZSIMMONS, BERNALD. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

3.2. Acceptance of Paint the City Artwork

Recommended Action:

Accept artwork recommended by the Public Art Committee for the 3 utility box locations included in the 2021 cycle of Paint the City: Saratoga Utility Box Art project; approve and authorize the artist stipend in the amount of \$600 per location.

Kayla Nakamoto, Administrative Analyst, presented the staff report.

Mayor Zhao invited public comment on the item.

No one requested to speak.

Council Member Bernald thanked the Library & Community Engagement Commission for their assistance.

BERNALD/FITZSIMMONS MOVED TO **ACCEPT THE ARTWORK RECOMMENDED BY THE PUBLIC ART COMMITTEE FOR THE 3 UTILITY BOX LOCATIONS INCLUDED IN THE 2021 CYCLE OF PAINT THE CITY: SARATOGA UTILITY BOX ART PROJECT; AND APPROVE AND AUTHORIZE THE ARTIST STIPEND IN THE AMOUNT OF \$600 PER LOCATION.** MOTION

PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR, FITZSIMMONS, BERNALD. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

3.3. 2020 General Plan Housing Element Annual Progress Report

Recommended Action:

Adopt the attached Resolution accepting the 2020 General Plan Housing Element Annual Progress Report and direct staff to file the report with the Department of Housing and Community Development (HCD).

Chris Riordan, Senior Planner, presented the staff report.

Mayor Zhao invited public comment on the item.

No one requested to speak.

RESOLUTION 21-016

FITZSIMMONS/BERNALD MOVED TO **ADOPT THE RESOLUTION ACCEPTING THE 2020 GENERAL PLAN HOUSING ELEMENT ANNUAL PROGRESS REPORT AND DIRECT STAFF TO FILE THE REPORT WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD).**

MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR, FITZSIMMONS, BERNALD. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

3.4. Resolution Expressing Support for Local Control of Zoning and Housing

Recommended Action:

Approve the resolution in support of local control of zoning and housing and authorize submittal of a letter from the City Council to Saratoga's State representatives.

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

Mayor Zhao invited public comment on the item.

No one requested to speak.

RESOLUTION 21-017

ZHAO/WALIA MOVED TO **APPROVE THE RESOLUTION IN SUPPORT OF LOCAL CONTROL OF ZONING AND HOUSING AND AUTHORIZE SUBMITTAL OF A LETTER FROM THE CITY COUNCIL TO SARATOGA'S STATE REPRESENTATIVES.** MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR, FITZSIMMONS, BERNALD. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

3.5. City Council Position on Senate Bill 6

Recommended Action:

Approve the resolution in opposition to Senate Bill 6 and authorize submittal of letters from the City Council expressing its opposition.

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

Mayor Zhao invited public comment on the item.

No one requested to speak.

RESOLUTION 21-018

ZHAO/BERNALD MOVED TO **APPROVE THE RESOLUTION IN OPPOSITION TO SENATE BILL 6 AND AUTHORIZE SUBMITTAL OF LETTERS FROM THE CITY COUNCIL EXPRESSING ITS OPPOSITION.** MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR, FITZSIMMONS, BERNALD. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

3.6. Reflective Neighborhood Watch Vests

Recommended Action:

Provide direction to staff on the proposal to purchase reflective Neighborhood Watch vests to be distributed as part of a drive-through resource fair and the source of funding for the vests.

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

Mayor Zhao invited public comment on the item.

No one requested to speak.

ZHAO/FITZSIMMONS MOVED TO **DIRECT STAFF TO PURCHASE REFLECTIVE NEIGHBORHOOD WATCH VESTS TO BE DISTRIBUTED AS PART OF A DRIVE-THROUGH RESOURCE FAIR USING NEIGHBORHOOD WATCH GRANT FUNDS THAT ARE NOT EXPECTED TO BE USED THIS FISCAL YEAR.** MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, FITZSIMMONS, BERNALD. NOES: KUMAR. ABSTAIN: NONE. ABSENT: NONE.

3.7. City of Saratoga Community Event Promotion and Sponsorship Policy

Recommended Action:

Approve the resolution establishing the Community Event Promotion and Sponsorship Policy to provide guidance for City promotion and sponsorship of community events.

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

Mayor Zhao invited public comment on the item.

No one requested to speak.

RESOLUTION 21-019

FITZSIMMONS/ZHAO MOVED TO **APPROVE THE RESOLUTION ESTABLISHING THE COMMUNITY EVENT PROMOTION AND SPONSORSHIP POLICY TO PROVIDE GUIDANCE FOR CITY PROMOTION AND SPONSORSHIP OF COMMUNITY EVENTS, WITH REVISIONS TO CHANGE**

CRITERIA FOR EVENT SPONSORSHIP FROM EVENTS THAT ARE OF INTEREST TO THE ENTIRE COMMUNITY TO EVENTS THAT ARE OF BROAD INTEREST TO THE COMMUNITY. MOTION PASSED BY VERBAL ROLL CALL.
AYES: ZHAO, WALIA, FITZSIMMONS, BERNALD. NOES: KUMAR. ABSTAIN:
NONE. ABSENT: NONE.

COUNCIL ASSIGNMENTS

Mayor Yan Zhao

Council Finance Committee – Vice Mayor Walia reported on the last meeting.

West Valley Mayors & Managers – the members heard presentations from the West Valley Clean Water Director and from Assembly Member Evan Low, who spoke on pending legislation.

Vice Mayor Tina Walia

Council Finance Committee – the Committee reviewed the Finance Policy and the American Rescue Plan Funding Strategy.

KSAR Community Access TV Board – the Board received the Treasurer’s Report and the news that there is a new Station Manager, Gary Dugas.

Saratoga Area Senior Coordinating Council (SASCC) – SASCC Walks is happening in May, SASCC ‘s new finance person is working on resolving issues that need to be corrected. City has not received Quarterly Reports for the last six years; the City Manager says the reports will restart in July.

Silicon Valley Clean Energy Authority Board of Directors – there was a special Board meeting to train the Board.

Saratoga Ministerial Association – the meeting was cancelled

Council Member Rishi Kumar

Nothing to report.

Council Member Kookie Fitzsimmons

Sister City Organization – Council Member Fitzsimmons attended the meeting, but nothing to report.

Council Member Mary-Lynne Bernald

Saratoga Historical Foundation – the Foundation received a report that the museum is still closed and received an update on the Blacksmith Shop.

CITY COUNCIL ITEMS

Vice Mayor Walia, with support from Council Member Fitzsimmons, asked to place the Wyland National Mayor’s Challenge for Water Conservation on a future agenda.

Council Member Kumar suggested that Council discuss budget optimization and how to cut costs. There was no support for the request. Council Member Fitzsimmons and Mayor Zhao acknowledged that the Council requested that this information be included as part of the April Budget Study Session.

Council Member Kumar asked for the Council to discuss Automated License Plate Readers and the unfunded project related to Automated License Plate Readers. There was no support for the request.

COUNCIL COMMUNICATIONS

None

CITY MANAGER'S REPORT

None

ADJOURNMENT

FITZSIMMONS/WALIA MOVED TO **ADJOURN THE MEETING AT 8:36 P.M.** MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR, FITZSIMMONS, BERNALD. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

Minutes respectfully submitted:

Debbie Bretschneider, City Clerk
City of Saratoga