

MINUTES
WEDNESDAY, APRIL 15, 2020
SARATOGA CITY COUNCIL REGULAR MEETING

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

Mayor Miller called the virtual Regular Session to order at 7:06 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 Howard A. Miller, Vice Mayor Mary-Lynne Bernald,
Council Members Manny Cappello, Yan Zhao, Rishi Kumar
(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
John Cherbone, Public Works Director
Debbie Pedro, Community Development Director
Victoria Banfield, Planner I
Dennis Jaw, Finance Manager
Kayla Nakamoto, Community Engagement Coordinator
Mainini Cabute, Environmental Program Administrator
Franziska Church, Traffic Engineer
(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 10, 2020.

REPORT FROM JOINT MEETING

The Mayor provided a summary of the Joint Meeting with the Saratoga Chamber of Commerce.

ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS

Sandra Reed asked about number of attendees in the meeting.

Glenda Aune spoke about the Mountain Winery annexation project.

Dave Aune spoke about the Mountain Winery annexation project.

Julianne Michaels spoke about the Mountain Winery annexation project.

Pierce Lynne spoke about the Mountain Winery annexation project.

Mike Seifert spoke about the Mountain Winery annexation project.

Coleen spoke about the Mountain Winery annexation project.

Lori Burns spoke about the Mountain Winery annexation project and notifications.

John Donovan spoke about the Mountain Winery annexation project and supporting local businesses.

Alex Kaur spoke about the Mountain Winery annexation project.

Ken Czworniak spoke about the Mountain Winery annexation project.

Angela Ling spoke about the Mountain Winery annexation project.

Stacy Landgraf spoke about the Mountain Winery annexation project.

ANNOUNCEMENTS

Mayor Miller announced the County Public Health Department Coronavirus guidance information.

CEREMONIAL ITEMS

Proclamation Recognizing April 19-25, 2020 as National Library Week

Recommended Action:

Proclaim April 19-25, 2020 as National Library Week in the City of Saratoga.

Mayor Miller and the City Council proclaimed April 19-25, 2020 as National Library Week in the City of Saratoga and congratulated the new Saratoga Community Librarian Annapurna Dando on her appointment.

SPECIAL PRESENTATIONS

Presentation by West Valley Community Services

Recommended Action:

Receive presentation from West Valley Community Services.

Mayor Miller and the City Council received a presentation by Josh Selo, West Valley Community Services Executive Director.

Mayor Miller invited public comment on the item.

The following people requested to speak:

Mike Seifert

Pierce Lynne

No one else requested to speak.

1. CONSENT CALENDAR

1.1. City Council Meeting Minutes

Recommended Action:

Approve the City Council minutes for the City Council Retreat on February 28, 2020, the Regular City Council Meeting on March 4, 2020 and the City Council Special Meetings on March 9 and March 18, 2020.

BERNALD/ZHAO MOVED TO APPROVE THE CITY COUNCIL MINUTES FOR THE CITY COUNCIL RETREAT ON FEBRUARY 28, 2020, THE REGULAR CITY COUNCIL MEETING ON MARCH 4, 2020 AND THE CITY COUNCIL SPECIAL MEETINGS ON MARCH 9 AND MARCH 18, 2020. MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, CAPPELLO, KUMAR. 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: 3/16/2020 Period 9; 3/23/2020 Period 9; 3/31/2020 Period 9; 4/8/2020 Period 10.

BERNALD/ZHAO MOVED TO ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 3/16/2020 PERIOD 9; 3/23/2020 PERIOD 9; 3/31/2020 PERIOD 9; 4/8/2020 PERIOD 10. MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, CAPPELLO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.3. Treasurer's Report for the Month Ended February 29, 2020

Recommended Action:

Review and accept the Treasurer's Report for the month ended February 29, 2020.

BERNALD/ZHAO MOVED TO **ACCEPT THE TREASURER'S REPORT FOR THE MONTH ENDED FEBRUARY 29, 2020.** MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, CAPPELLO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.4. Amendment to Contract with Kimley-Horn and Associates, Inc. for Environmental Consulting Services for the Mountain Winery Annexation Project

Recommended Action:

Authorize the City Manager to amend the contract with Kimley-Horn and Associates, Inc. for environmental consulting services for the Mountain Winery Annexation Project in the amount of \$12,000.00.

This item was removed from the Consent Calendar for public comment and discussion.

Mayor Miller invited public comment on the item.

The following people requested to speak:

Alicia Seifert

Glenda Aune

Jack Cho

Angela Ling

Julianne Michaels

Pierce Lynne

Dave Aune

Balu

Carol and Bill Miller

Lori Burns

Mike Seifert

Chuck Page

No one else requested to speak.

CAPPELLO/BERNALD MOVED TO **AUTHORIZE THE CITY MANAGER TO AMEND THE CONTRACT WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR**

ENVIRONMENTAL CONSULTING SERVICES FOR THE MOUNTAIN WINERY ANNEXATION PROJECT IN THE AMOUNT OF \$12,000.00. MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, CAPPELLO. NOES: KUMAR. ABSTAIN: NONE. ABSENT: NONE.

1.5. McFarland Avenue Curb and Gutter Replacement Project – Budget Resolution

Recommended Action:

Adopt Budget Resolution creating a new Capital Improvement Program (CIP) project for McFarland Avenue Curb and Gutter Replacement and fund project with Capital Reserve Funds in the amount of \$350,000.

RESOLUTION 20-011

BERNALD/ZHAO MOVED TO **ADOPT BUDGET RESOLUTION CREATING A NEW CAPITAL IMPROVEMENT PROGRAM (CIP) PROJECT FOR MCFARLAND AVENUE CURB AND GUTTER REPLACEMENT AND FUND PROJECT WITH CAPITAL RESERVE FUNDS IN THE AMOUNT OF \$350,000.** MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, CAPPELLO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.6. Fruitvale Avenue and Allendale Avenue Intersection Improvements – Budget Resolution

Recommended Action:

Adopt Budget Resolution increasing the project budget for the Fruitvale Avenue and Allendale Avenue Intersection Improvements project in the amount of \$125,000.

RESOLUTION 20-012

BERNALD/ZHAO MOVED TO **ADOPT BUDGET RESOLUTION INCREASING THE PROJECT BUDGET FOR THE FRUITVALE AVENUE AND ALLENDALE AVENUE INTERSECTION IMPROVEMENTS PROJECT IN THE AMOUNT OF \$125,000.** MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, CAPPELLO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.7. Financial Audit Services Contract

Recommended Action:

Authorize the City Manager to execute a one-year contract with Chavan & Associates, LLP under lead partner Jeff Ira, CPA for the FY 2019/20 financial audits.

BERNALD/ZHAO MOVED TO **AUTHORIZE THE CITY MANAGER TO EXECUTE A ONE-YEAR CONTRACT WITH CHAVAN & ASSOCIATES, LLP UNDER LEAD PARTNER JEFF IRA, CPA FOR THE FY 2019/20 FINANCIAL AUDITS.** MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, CAPPELLO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

Mayor Miller invited public comment on the item.

The following people requested to speak:

Mike Seifert

No one else requested to speak.

1.8. Traffic Signal Adaptive System Deployment – Award of Traffic Software and Hardware Contract

Recommended Action:

Authorize the City Manager to execute a contract for traffic software and hardware with Trafficware - Cubic for \$199,357.40

BERNALD/ZHAO MOVED TO **AUTHORIZE THE CITY MANAGER TO EXECUTE A CONTRACT FOR TRAFFIC SOFTWARE AND HARDWARE WITH TRAFFICWARE - CUBIC FOR \$199,357.40.** MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, CAPPELLO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.9. Amendment to Contract with BKF Engineers for the Guava Court Pedestrian/Bicycle Railroad Crossing Improvement Project

Recommended Action:

Authorize the second amendment to increase the scope and payment terms by \$37,560 to the contract with BKF Engineers for the Guava Court Pedestrian/Bicycle Railroad Crossing Improvement Project.

BERNALD/ZHAO MOVED TO **AUTHORIZE THE SECOND AMENDMENT TO INCREASE THE SCOPE AND PAYMENT TERMS BY \$37,560 TO THE CONTRACT WITH BKF ENGINEERS FOR THE GUAVA COURT PEDESTRIAN/BICYCLE RAILROAD CROSSING IMPROVEMENT PROJECT.** MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, CAPPELLO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.10. Resolution to adopt a list of projects funded by SB 1 for FY 2020-21: The Road Repair and Accountability Act

Recommended Action:

Adopt Resolution to adopt a list of projects funded by SB 1 for FY 2020-21: The Road Repair and Accountability Act for funding the Annual Roadway Improvements Project.

RESOLUTION 20-013

BERNALD/ZHAO MOVED TO **ADOPT RESOLUTION TO ADOPT A LIST OF PROJECTS FUNDED BY SB 1 FOR FY 2020-21: THE ROAD REPAIR AND ACCOUNTABILITY ACT FOR FUNDING THE ANNUAL ROADWAY IMPROVEMENTS PROJECT.** MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, CAPPELLO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

Mayor Miller announced a five-minute break to reconvene at 9:35 p.m.

2. PUBLIC HEARING

2.1. APCC20-0001 - Appeal of a Fence Exception denial to install a fence that exceeds the maximum allowable height within an exterior side setback located at 12452 Miller Avenue.

Recommended Action:

1. Conduct a public hearing and de novo review of the appeal.
2. Adopt Resolution #20-XXX (Attachment C) upholding the Planning Commission's decision to deny the Fence Exception application.

Victoria Banfield, Planner I, presented the staff report.

Mayor Miller opened the public hearing.

The applicant/appellant, Daphanie Lin, provided opening remarks.

Mayor Miller invited public comment on the item.

No one requested to speak.

The applicant/appellant, Daphanie Lin, provided closing remarks.

Mayor Miller closed the public hearing for this item and asked for Council discussion.

RESOLUTION 20-014

BERNALD/CAPPELLO MOVED TO **ADOPT RESOLUTION THAT REVERSES THE PLANNING COMMISSION DENIAL DECISION TO THE FENCE EXCEPTION APPLICATION, CONDITIONS INCLUDE NEW LANDSCAPING AND REMOVING THE LATTICE ON THE FENCE.** MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, CAPPELLO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

3. GENERAL BUSINESS

3.1. Allocation of Community Event Grant Program Funds

Recommended Action:

Review the Community Event Grant Program applications for Fiscal Year 2020/21 and determine allocations.

Kayla Nakamoto, Community Engagement Coordinator, presented the staff report.

Mayor Miller invited public comment on the item.

The following people requested to speak:

Janice Thornburg spoke about the Sacred Heart Carnival.

Sheryl Lewis spoke about the Congregation Beth David event.

Anouk Yeh spoke about the Celebrating Differences carnival.

Robert Sheets spoke about the Saratoga Symphony.

No one else requested to speak.

KUMAR/CAPPELLO MOVED TO APPROVE THE COMMUNITY EVENT GRANT PROGRAM ALLOCATIONS FOR FISCAL YEAR 2020/21:

<u>BOLLYWOOD IN THE PARK</u>	<u>\$2000</u>
<u>IOOF ANNUAL EASTER EGG HUNT</u>	<u>\$1500</u>
<u>SARATOGA SYMPHONY CONCERTS</u>	<u>\$1050</u>
<u>CELEBRATING DIFFERENCES CARNIVAL</u>	<u>\$1000</u>
<u>SACRED HEART SARATOGA COMMUNITY CARNIVAL</u>	<u>\$2000</u>
<u>A DAY OF SOCIAL ACTION</u>	<u>\$2000</u>

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

3.2. Saratoga Speed Survey Report

Recommended Action:

1. Adopt Resolution accepting the 2020 Speed Survey.
2. Direct staff to return to a future City Council meeting with legislation to increase the posted speed limit at Segment 28 - Quito Road from 25 mph to 30 mph and to decrease the posted speed limit at Segment 35 - Saratoga Avenue from 40 mph to 35 mph.

Mainini Cabute, Environmental Program Administrator, and Franziska Church, Traffic Engineer, presented the staff report.

Mayor Miller invited public comment on the item.

No one requested to speak.

RESOLUTION 20-015

CAPPELLO/BERNALD MOVED TO ADOPT RESOLUTION ACCEPTING THE 2020 SPEED SURVEY AND TO DIRECT STAFF TO RETURN TO A FUTURE CITY COUNCIL MEETING WITH LEGISLATION TO INCREASE THE POSTED SPEED LIMIT AT SEGMENT 28 - QUITO ROAD FROM 25 MPH TO 30 MPH AND TO DECREASE THE POSTED SPEED LIMIT AT SEGMENT 35 - SARATOGA AVENUE FROM 40 MPH TO 35 MPH. MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, CAPPELLO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

3.3. Landscaping and Lighting Assessment District LLA-1; Preliminary Approval of Engineer's Report; Adoption of Resolution of Intention for FY 20-21; and Adoption of Resolution of Intention to Dissolve Zones 4, 5, 7, and 24.

Recommended Action:

1. Adopt the Resolution granting preliminary approval of the Engineer's Report included as Attachment D for FY 20-21 for renewing the Landscaping and Lighting Assessment District LLA-1 excluding Zones 4, 5, 7, and 24 (Attachment A);
2. Adopt the Resolution of Intention to order the levy and collection of assessments for the Landscaping and Lighting Assessment District LLA-1 for FY 20-21 (Attachment B); and

3. Adopt the Resolution of Intention to dissolve Zones 4, 5, 7, and 24 (Attachment C).

John Cherbone, Public Works Director, presented the staff report.

Mayor Miller invited public comment on the item.

No one requested to speak.

RESOLUTION 20-016

RESOLUTION 20-017

RESOLUTION 20-018

CAPPELLO/BERNALD MOVED TO **ADOPT THE RESOLUTION GRANTING PRELIMINARY APPROVAL OF THE ENGINEER'S REPORT FOR FY 20-21 FOR RENEWING THE LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT LLA-1 EXCLUDING ZONES 4, 5, 7, AND 24; TO ADOPT THE RESOLUTION OF INTENTION TO ORDER THE LEVY AND COLLECTION OF ASSESSMENTS FOR THE LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT LLA-1 FOR FY 20-21; AND TO ADOPT THE RESOLUTION OF INTENTION TO DISSOLVE ZONES 4, 5, 7, AND 24.** MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, CAPPELLO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

3.4. Urgency Ordinance to Temporarily Suspend the Requirement to attend a Commission Meeting before Applying for a Position

Recommended Action:

Approve an urgency ordinance to temporarily suspend the requirement that applicants for City Commissions attend a Commission meeting before applying for the position.

Debbie Bretschneider, City Clerk, presented the staff report.

Mayor Miller invited public comment on the item.

No one requested to speak.

ORDINANCE 367

BERNALD/ZHAO MOVED TO **APPROVE AN URGENCY ORDINANCE TO TEMPORARILY SUSPEND THE REQUIREMENT THAT APPLICANTS FOR CITY COMMISSIONS ATTEND A COMMISSION MEETING BEFORE APPLYING FOR THE POSITION.** MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, CAPPELLO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

3.5. COVID-19 Local Emergency Proclamation, Continuity of Operations, Designation of Authorized Agents, and Authorization to Submit Disaster Relief Application(s)

Recommended Action:

Approve the resolutions: 1) affirming the continued existence of a local emergency due to the spread of novel coronavirus (COVID-19); 2) accepting the COVID-19 Continuity of

Operations Plan (COOP); 3) approving the City of Saratoga Designation of Authorized Agents; and 4) authorizing submittal of a disaster relief application(s).

James Lindsay, City Manager, presented the staff report.

Mayor Miller invited public comment on the item.

No one requested to speak.

RESOLUTION 20-019

RESOLUTION 20-020

RESOLUTION 20-021

RESOLUTION 20-022

CAPPELLO/BERNALD MOVED TO APPROVE THE RESOLUTIONS: 1) AFFIRMING THE CONTINUED EXISTENCE OF A LOCAL EMERGENCY DUE TO THE SPREAD OF NOVEL CORONAVIRUS (COVID-19); 2) ACCEPTING THE COVID-19 CONTINUITY OF OPERATIONS PLAN (COOP); 3) APPROVING THE CITY OF SARATOGA DESIGNATION OF AUTHORIZED AGENTS; AND 4) AUTHORIZING SUBMITTAL OF A DISASTER RELIEF APPLICATION(S). MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, CAPPELLO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

3.6. Urgency Ordinance Temporarily Amending the Requirement to Periodically Review the Need for the COVID-19 Local Emergency Proclamation

Recommended Action:

Approve the urgency ordinance temporarily amending City Code Section 6-05.050(b)(1) to require review of the resolution proclaiming a local emergency due to the spread of novel coronavirus (COVID-19) every 60 days instead of every 30 days until the termination of the local emergency declared by Santa Clara County.

James Lindsay, City Manager, presented the staff report.

Mayor Miller invited public comment on the item.

No one requested to speak.

ORDINANCE 368

BERNALD/ZHAO MOVED TO APPROVE THE URGENCY ORDINANCE TEMPORARILY AMENDING CITY CODE SECTION 6-05.050(B)(1) TO REQUIRE REVIEW OF THE RESOLUTION PROCLAIMING A LOCAL EMERGENCY DUE TO THE SPREAD OF NOVEL CORONAVIRUS (COVID-19) EVERY 60 DAYS INSTEAD OF EVERY 30 DAYS UNTIL THE TERMINATION OF THE LOCAL EMERGENCY DECLARED BY SANTA CLARA COUNTY. MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, CAPPELLO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

COUNCIL ASSIGNMENTS

Mayor Howard Miller

Silicon Valley Clean Energy Authority Board of Directors – the Directors discussed the impacts of COVID-19 and Energy dynamics that will affect costs.

West Valley Mayors & Managers – there was an emergency meeting about West Valley Community Services and COVID-19.

Valley Transportation Authority VTA Board alternate – the Board received reports that VTA light rail shut down temporarily, all ridership is drastically reduced, and cleaning and safety procedures has increased due to COVID-19.

Vice Mayor Mary-Lynne Bernald

Cities Association of Santa Clara County- meetings – the Association voted to support Assembly Bill (AB) 3005, which is to take care of seismic issues at Anderson Dam and received an update on Census 2020.

Hakone Foundation Board & Executive Committee – the Board received a report that the Director applied for Non-profit organization grants.

Santa Clara/Santa Cruz Airport/Community Roundtable – the Legislative subcommittee will be meeting to discuss proposed noise certification regulations for supersonic aircraft.

Council Member Yan Zhao

Hakone Foundation Board – the Board discussed furloughs for employees.

Saratoga Chamber of Commerce & Destination Saratoga – the Chamber had two meetings to discuss financial needs.

Council Member Manny Cappello

Cities Association of Santa Clara County Board of Directors – during the meeting, there was a discussion about RHNA methodology changes and the group was asked to evaluate the on-line model.

Council Member Rishi Kumar

No report

CITY COUNCIL ITEMS

Mayor Miller, with support from Council Member Cappello, asked staff for communication with residents about the Santa Clara County Public Health Order as it relates to gardeners, tree services, and construction.

COUNCIL COMMUNICATIONS

Council Member Kumar spoke about information and resources related to COVID-19 on his website.

CITY MANAGER'S REPORT

None

ADJOURNMENT

BERNALD/CAPPELLO MOVED TO **ADJOURN THE MEETING AT 11:44 P.M.** MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, CAPPELLO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

Minutes respectfully submitted:

Debbie Bretschneider, City Clerk
City of Saratoga