

**MINUTES**  
**WEDNESDAY, MAY 18, 2022**  
**SARATOGA CITY COUNCIL REGULAR MEETING**

At 6:00 p.m., the City Council held a Joint Session with the Saratoga Neighborhood Watch Groups via teleconferencing through Zoom.

Joint Session with Neighborhood Watch Groups

**Recommended Action:**

Meet with Neighborhood Watch Groups and residents, receive presentation from the Sheriff's Office, and receive updates and questions from Neighborhood Watch Groups.

Mayor Walia led City Council introductions then announced Safe Routes to School master plan efforts and provided an update on the Automated License Plate Ready (ALPR) program.

Captain Rich Urena and Lieutenant Jeremy Jones with the Santa Clara County Sheriff's Office provided a presentation on recent crime trends, tips for preventing residential burglaries, and functionality and operation of an ALPR system.

The following individuals spoke at this time: Corinne Vita, Daniel Onn, Chris Vasquez, Sesh, Jack, Marilyn Marchetti, Dory Albert, Brad Paulsen, Jim Stallman, Bob LoPresto, Tom.

Captain Rich Urena with the Santa Clara County Sheriff's Office answered questions for public speakers.

Mayor Walia called the Regular Session to order at 7:15 p.m. via teleconferencing through Zoom.

The Assistant City Manager 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

**ABSENT:**

None

**ALSO PRESENT:**

James Lindsay, City Manager  
Crystal Bothelio Assistant City Manager  
Richard Taylor, City Attorney  
John Cherbone, Public Works Director  
Debbie Pedro, Community Development Director  
Nick Pegueros, Administrative Services Director  
Lauren Pettipiece, Public Information Officer

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

The Assistant City Manager reported the agenda for this meeting was properly posted on May 12, 2022.

## **REPORT ON JOINT SESSION**

Mayor Walia provided a report of the City Council Joint Session with the Saratoga Neighborhood Watch Groups.

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

Mayor Walia invited public comment.

Malika Junaid discussed issues related to state legislation impacting construction of her client's new home in a very high fire hazard area.

Bill Dalton discussed timing for written communications associated with agendas.

Marilyn Marchetti discussed Senator Cortese's bus to the Capital for Education, and discussed a property being considered by the Heritage Preservation Commission.

Daniel discussed adaptive PE course at West Valley College and discussed townhomes being built at Quito Village.

James Atfell discussed upcoming Second Annual Stars & Stripes Community Run taking place on July 2, 2022.

Maggie Branderiz discussed the issues related to state legislation impacting construction of her new home in a very high fire hazard area.

## **ANNOUNCEMENTS**

Mayor Walia shared information about Foothill Club's Lecture on the European Union, South Asian Heart Center Health Information Session, the Memorial Day Observance, Youth in Government and Commission Recruitments.

## **CEREMONIAL ITEMS**

Asian Pacific American Heritage Month

### **Recommended Action:**

Proclaim May 2022 as Asian Pacific American Heritage Month and recognize the Asian American cultural clubs of Saratoga High School and Prospect High School, including Saratoga High School's Chinese Club, Dear Asian Youth Club, Indian Cultural Awareness Club, and Korean Club and Prospect High School's Asian Student Union.

The City Council proclaimed May 2022 as Asian Pacific American Heritage Month in the City of Saratoga.

## 1. CONSENT CALENDAR

Mayor Walia removed Consent Calendar Item 1.7 for separate discussion.  
Mayor Walia invited public comment on the Consent Calendar.

The following individuals spoke at this time: Bill Dalton

### 1.1. City Council Meeting Minutes

#### **Recommended Action:**

Approve the Minutes for the May 4, 2022 City Council Regular Meeting.

BERNALD/ZHAO MOVED TO **APPROVE THE MINUTES FOR THE MAY 4, 2022 CITY COUNCIL REGULAR 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:  
4/28/22 Period 10; 5/5/22 Period 11.

BERNALD/ZHAO MOVED TO **REVIEW AND ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 4/28/22 PERIOD 10; 5/5/22 PERIOD 11.** 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 March 31, 2022

#### **Recommended Action:**

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

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

### 1.4. Contract with BMI Imaging Systems (BMI) for Document Imaging Services in the Amount Not-to Exceed \$80,000

#### **Recommended Action:**

Authorize the City Manager to execute a contract with BMI Imaging Systems (BMI) for document imaging services for two years in the amount not-to-exceed \$80,000.

BERNALD/ZHAO MOVED TO **AUTHORIZE THE CITY MANAGER TO EXECUTE A CONTRACT WITH BMI IMAGING SYSTEMS (BMI) FOR DOCUMENT IMAGING SERVICES FOR TWO YEARS IN THE AMOUNT NOT-TO-EXCEED \$80,000.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR,

ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

1.5. One-Year Extension of Contract for Street Sweeping Services in the Amount Not-to-Exceed \$247,374

**Recommended Action:**

Authorize the City Manager to execute an amended agreement extending the street sweeping contract with SCA of CA, LLC. for an additional one-year term for Fiscal Year 2022/23 in the amount of \$247,374 and an additional \$7,500 for unscheduled sweeping.

BERNALD/ZHAO MOVED TO **AUTHORIZE THE CITY MANAGER TO EXECUTE AN AMENDED AGREEMENT EXTENDING THE STREET SWEEPING CONTRACT WITH SCA OF CA, LLC. FOR AN ADDITIONAL ONE-YEAR TERM FOR FISCAL YEAR 2022/23 IN THE AMOUNT OF \$247,374 AND AN ADDITIONAL \$7,500 FOR UNSCHEDULED SWEEPING.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

1.6. Resolution Reducing the Number of Traffic Safety Commissioners from Seven to Five

**Recommended Action:**

Adopt the Resolution reducing the number of members on the Traffic Safety Commission from seven members to five members effective May 20, 2022.

**RESOLUTION 2022-017**

BERNALD/ZHAO MOVED TO **ADOPT THE RESOLUTION REDUCING THE NUMBER OF MEMBERS ON THE TRAFFIC SAFETY COMMISSION FROM SEVEN MEMBERS TO FIVE MEMBERS EFFECTIVE MAY 20, 2022.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

1.7. Amendment to ordinance on appeals of State determinations regarding development in Very High Fire Hazard Zones

**Recommended Action:**

Adopt an ordinance amending section 16-05.020 of the Saratoga Municipal Code relating to appeals of State determinations regarding development in Very High Fire Hazard Zones.

The following individuals spoke at this time: Malika Junaid, Maggie Branderiz

**ORDINANCE 390**

BERNALD/ZHAO MOVED TO **ADOPT AN ORDINANCE AMENDING SECTION 16-05.020 OF THE SARATOGA MUNICIPAL CODE RELATING TO APPEALS OF STATE DETERMINATIONS REGARDING DEVELOPMENT IN VERY HIGH FIRE HAZARD ZONES.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

1.8. Authorize a 3-Year Contract with Fehr and Peers Transportation Consultants for Traffic Engineering Consultant Services in the Amount Not-to-Exceed \$360,000

**Recommended Action:**

Authorize the City Manager to execute a three-year contract with Fehr and Peers Transportation Consultants for traffic engineering consultant services in the amount not-to-exceed \$360,000.

BERNALD/ZHAO MOVED TO **AUTHORIZE THE CITY MANAGER TO EXECUTE A THREE-YEAR CONTRACT WITH FEHR AND PEERS TRANSPORTATION CONSULTANTS FOR TRAFFIC ENGINEERING CONSULTANT SERVICES IN THE AMOUNT NOT-TO-EXCEED \$360,000.** 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 8:45 p.m.

## 2. GENERAL BUSINESS

2.1. Resolution Calling for General Municipal Election – November 8, 2022

**Recommended Action:**

1. Adopt a Resolution calling for the holding of a General Municipal Election to be held on November 8, 2022 for the election of three City Council Members and for the submission of a proposed measure to the voters of the City of Saratoga, requesting the Board of Supervisors render specified services to the City related to the conduct of the General Municipal Election, adopting regulations for candidates for elective office pertaining to filing fees and candidate statements, and providing for the process in the event of a tie vote at the election to be held Tuesday, November 8, 2022.

2. Make determinations regarding a) if the full text of the proposed ballot measure will appear in the printed voter materials; b) who will write the arguments in favor or against the measure; c) will rebuttal arguments be allowed and if so, determine who will prepare such rebuttal arguments.

Richard Taylor City Attorney, presented the staff report.

The following individuals spoke at this time: Bill Dalton

### **RESOLUTION 2022-018**

WALIA/ BERNALD MOVED TO **ADOPT A RESOLUTION CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 8, 2022 FOR THE ELECTION OF THREE CITY COUNCIL MEMBERS AND FOR THE SUBMISSION OF A PROPOSED MEASURE TO THE VOTERS OF THE CITY OF SARATOGA, REQUESTING THE BOARD OF SUPERVISORS RENDER SPECIFIED SERVICES TO THE CITY RELATED TO THE CONDUCT OF THE GENERAL MUNICIPAL ELECTION, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO FILING FEES AND CANDIDATE STATEMENTS, AND PROVIDING FOR THE PROCESS IN THE EVENT OF A TIE VOTE AT THE ELECTION TO BE HELD**

**TUESDAY, NOVEMBER 8, 2022; TO PRINT THE FULL TEXT OF THE PROPOSED BALLOT MEASURE IN THE PRINTED VOTER MATERIALS; THE CITY COUNCIL IS AUTHORIZED TO WRITE THE ARGUMENT IN FAVOR; ALLOW REBUTTAL ARGUMENTS; AND AUTHORIZE THE CITY COUNCIL TO PREPARE ANY REBUTTAL ARGUMENTS AGAINST THE MEASURE** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

FITZSIMMONS/ZHAO MOVED TO **SUPPORT THE MAYOR'S PREPARATION OF A DRAFT ARGUMENT IN FAVOR OF THE MEASURE TO BE READY FOR THE JULY 20, 2022 CITY COUNCIL MEETING.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

2.2. Review Fiscal Year 2022-23 Proposed Budget Schedules

**Recommended Action:**

Review and provide feedback on the projected Fiscal Year 2022-23 budget schedules and approve recommended personnel changes.

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

Mayor Walia invited public comment.

The following individuals spoke at this time: Bill Dalton

BERNALD/WALIA **MOVED TO APPROVE THE RECOMMENDED PERSONNEL CHANGES.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

## **COUNCIL ASSIGNMENTS**

### Mayor Tina Walia

*Silicon Valley Clean Energy Authority Board of Directors* - stated the Board directed the CEO to purchase a small amount of renewable energy from PGE and stated SVCE has partnered on a project to provide EV chargers.

*Cities Association of Santa Clara County* - stated the FY 22/23 budget was approved and discussed the new dues structure.

### Vice Mayor Kookie Fitzsimmons

*Saratoga Chamber of Commerce Board* – discussed the upcoming Wine Stroll on May 21, 2022 from 2:00-5:00 p.m.

### Council Member Mary-Lynne Bernald

Nothing to report.

### Council Member Rishi Kumar

*West Valley Solid Waste Management Authority Board of Directors* –discussed current RFP for services beginning March 2024 and stated the Board adopted a Resolution related to a contractual rate increase.

*West Valley Clean Water Program Authority Board of Directors* – stated the Board discussed the budget.

Council Member Yan Zhao

*Valley Transportation Authority (VTA) Policy Advisory Committee* – stated the Committee approved two programs.

**CITY COUNCIL ITEMS**

None

**COUNCIL COMMUNICATIONS**

Council Member Kumar discussed Measure A which is on the June 7, 2022 Ballot.

**CITY MANAGER'S REPORT**

None

**CITY ATTORNEY'S REPORT**

The City Attorney discussed his upcoming vacation.

**ADJOURNMENT**

BERNALD/FITZSIMMONS MOVED TO **ADJOURN THE MEETING AT 10:52 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:

Crystal Bothelio, Assistant City Manager  
City of Saratoga