

**MINUTES
WEDNESDAY, MAY 20, 2020
SARATOGA CITY COUNCIL REGULAR MEETING**

At 5:00 p.m., the City Council held a virtual Closed Session via teleconferencing through Zoom.

Mayor Miller invited public comment on the item.

The following people requested to speak:

Glenda Aune

No one else requested to speak.

At 6:25 p.m., Mayor Miller reported on Closed Session, announcing that there was nothing to report.

At 6:30 p.m., the City Council held a virtual Commission Interviews via teleconferencing through Zoom.

Mayor Miller 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 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
Debbie Pedro, Community Development Director
(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 May 15, 2020.

REPORT FROM CLOSED SESSION

Mayor Miller announced that there is no report from Closed Session.

Mayor Miller requested that the City Council consider reordering the agenda by moving Oral Communications on Non-Agendized Items, Announcements, and the Consent Calendar after General Business and Public Hearing items.

BERNALD/ZHAO MOVED TO REORDER COUNCIL AGENDA BY MOVING ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS, ANNOUNCEMENTS, AND CONSENT CALENDAR AFTER GENERAL BUSINESS AND PUBLIC HEARING ITEMS. MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, CAPPELLO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

CEREMONIAL ITEMS

Proclamation Declaring May 2020 as National Foster Care Month

Recommended Action:

Proclaim May 2020 as National Foster Care Month in the City of Saratoga.

Mayor Miller and the City Council proclaimed May 2020 as National Foster Care Month in the City of Saratoga.

2. GENERAL BUSINESS

2.1. Consider Postponing Mountain Winery Annexation Public Hearing on May 20, 2020

Recommended Action:

Consider postponing the Mountain Winery Annexation public hearing scheduled for the May 20, 2020 City Council meeting and provide direction to staff.

Debbie Bretschneider, City Clerk, presented the staff report.

BERNALD/ZHAO MOVED TO ALLOCATE TWO MINUTES PER PUBLIC SPEAKER AND CAP THE PUBLIC COMMENT PERIOD AT 100 MINUTES. MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, CAPPELLO. NOES: KUMAR. ABSTAIN: NONE. ABSENT: NONE.

After Council discussion another motion was brought forward.

BERNALD/ZHAO MOVED TO ALLOCATE ONE MINUTE PER PUBLIC SPEAKER. MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, CAPPELLO. NOES: KUMAR. ABSTAIN: NONE. ABSENT: NONE.

Mayor Miller invited public comment on the item.

The following people requested to speak:

Jeffrey Schwartz spoke in favor of postponing the public hearing

Martin Rossip spoke in opposition to postponing the public hearing

Arthur F. Coon spoke in favor of postponing the public hearing

Ge Deng spoke in favor of postponing the public hearing

Jim Cargill spoke in opposition to postponing the public hearing

Devyani Kamdar spoke in opposition to postponing the public hearing

David Rossi spoke in opposition to postponing the public hearing

Terri Singer spoke in favor of postponing the public hearing

Phone caller spoke in favor of postponing the public hearing

Sandy Reed spoke in favor of postponing the public hearing

Lucas Cohen spoke in opposition to postponing the public hearing

Pratap Subrahmanyam spoke in favor of postponing the public hearing

Antoinette spoke in favor of postponing the public hearing

Michael Seifert spoke in favor of postponing the public hearing

Rophacan spoke in favor of postponing the public hearing

Dipak Basu spoke in favor of postponing the public hearing

Rada Basu spoke in favor of postponing the public hearing

Mike Landgraf spoke in favor of postponing the public hearing

Stacy Landgraf spoke in favor of postponing the public hearing

Amy Liu spoke in favor of postponing the public hearing

Anil Kumar spoke in favor of postponing the public hearing

Anita Spiroa spoke in opposition to postponing the public hearing

Alicia Moore spoke in favor of postponing the public hearing

Bill Lee spoke in favor of postponing the public hearing

Daniel Onn spoke in favor of postponing the public hearing

Carol Miller spoke in favor of postponing the public hearing

u.s spoke in favor of postponing the public hearing

Ken Arora spoke in favor of postponing the public hearing

William Miller spoke in favor of postponing the public hearing

Rina Shah spoke in favor of postponing the public hearing

AGK Karaunakaran spoke in favor of postponing the public hearing

Lloyd Carney spoke in opposition to postponing the public hearing

Manoj Goel spoke in favor of postponing the public hearing

Venkat Venkataratnam spoke in favor of postponing the public hearing

Jon Kwong spoke in favor of postponing the public hearing

Mahal Mohan spoke in favor of postponing the public hearing

Mona Kaur spoke in favor of postponing the public hearing

Alex Kaur spoke in favor of postponing the public hearing

Liang spoke in favor of postponing the public hearing

Julianne Michaels spoke in favor of postponing the public hearing

Jamie Jang spoke in opposition to postponing the public hearing

John Swensson spoke in opposition to postponing the public hearing

Robert Schwartz spoke in opposition to postponing the public hearing

Jeff Englander spoke in favor of postponing the public hearing

Angela Ling spoke in favor of postponing the public hearing

Mr. Ling spoke in favor of postponing the public hearing

Ken spoke in favor of postponing the public hearing

Maura McNamara spoke in favor of postponing the public hearing

Public speaker spoke in opposition to postponing the public hearing

Suman spoke in favor of postponing the public hearing

Sundar Krishnamurthy spoke in favor of postponing the public hearing

JoAnne Birmingham spoke in favor of postponing the public hearing

Hobart Birmingham spoke in favor of postponing the public hearing

Dave Reis spoke in opposition to postponing the public hearing

Sabrina Martire spoke in opposition to postponing the public hearing

Nina Tang spoke in opposition to postponing the public hearing

Rajive Dhar spoke in favor of postponing the public hearing

Dhiren Unadkat spoke in opposition to postponing the public hearing

Dave Aune spoke in favor of postponing the public hearing

Jack Cho spoke in favor of postponing the public hearing

Udaya spoke in favor of postponing the public hearing

No one else requested to speak.

MILLER/CAPPELLO MOVED **TO OPEN THE PUBLIC HEARING ON ITEM 3.1 MOUNTAIN WINERY ANNEXATION PROJECT, TAKE PUBLIC COMMENT, HAVE COUNCIL DISCUSSION, AND DIRECT STAFF TO END THE ANNEXATION PROCEEDINGS OR TO SET UP A FUTURE SPECIAL MEETING AT A LATER DATE ON THE ANNEXATION PROJECT.** MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, CAPPELLO. NOES: ZHAO, KUMAR. ABSTAIN: NONE. ABSENT: NONE.

Mayor Miller called for a recess until 9:30 p.m.

3. PUBLIC HEARING

3.1. Mountain Winery Annexation Project

Recommended Action:

Consider whether to accept the Planning Commission's recommendation to terminate the process to annex the Mountain Winery.

- If the City Council votes to terminate the annexation process, then staff will need direction on how to respond to the Mountain Winery's refund request.

- If the City Council votes to continue with the annexation process, then staff will need direction on the maximum number of rooms to include in the Precise Plan and any other changes the Council may request.

Mayor Miller asked all Council Members to disclose their meetings and fundraising as pertains to the Mountain Winery.

Mayor Miller disclosed two phone calls with Bill Hirschman, a meeting with Angela Ling and neighbors, and a meeting with Angela Kaufman. He noted that he has not raised funds for his campaign efforts since 2008, he has not received funds from Mountain Winery or any of their associates, and he has not attended concerts at the Mountain Winery.

Vice Mayor Bernald disclosed she met with Bill Hirschman, Dave House, and neighbors, that her campaign account is closed, but that she did receive a \$100 campaign donation in 2018 from Dave House, and has not attended concerts at the Mountain Winery.

Council Member Zhao disclosed that she met with Angela Ling and neighbors, had many phone calls with residents, received a \$100 campaign donation in 2018 from Dave House, and has attended concerts at the Mountain Winery, but paid for own tickets.

Council Member Cappello disclosed that he had phone call with Dave House, has not raised funds for his campaign efforts since 2016, and has attended concerts about the Mountain Winery, but paid for his own tickets.

Council Member Kumar disclosed that he met with Bill Hirschman, Angela Ling and neighbors, exchanged emails with David House, received campaign contributions in 2014 from Dave House and David Rossi, and has attended concerts at the Mountain Winery, but paid for his own tickets.

James Lindsay, City Manager, and Debbie Pedro, Community Development Director, presented the staff report.

Mayor Miller announced that is 10:00 p.m. and per City Council Resolution 13-067, the Council should determine if the meeting will continue past midnight and whether to continue some agenda items to another date.

BERNALD/CAPPELLO MOVED TO CONTINUE ANNOUNCEMENTS, CONSENT CALENDAR, COUNCIL ASSIGNMENTS, CITY COUNCIL ITEMS, COUNCIL COMMUNICATIONS, AND CITY MANAGER'S REPORT TO THE NEXT COUNCIL MEETING ON JUNE 3, 2020. MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, CAPPELLO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

MILLER/CAPPELLO MOVED TO ALLOCATE 2 MINUTES FOR EACH PUBLIC SPEAKER AND CAP THE PUBLIC COMMENT PERIOD AT 210 MINUTES. MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, CAPPELLO. NOES: KUMAR. ABSTAIN: NONE. ABSENT: NONE.

Mayor Miller called for a recess until 10:23 p.m.

Mayor Miller invited public comment on the item.

The following people requested to speak:

Coleen Wagner spoke in opposition to the annexation

Jeffrey Schwartz spoke in opposition to the annexation

Robert Schwartz spoke in favor of annexation

Stan Bogosian spoke in opposition to the annexation

Nina Tang spoke against a 300-room hotel

Alice Kaufman spoke against a 300-room hotel

Dave House spoke in favor of annexation.

Daniel Onn spoke against a hotel

Lloyd Carney spoke

Arthur F. Coon spoke in opposition to annexation

David Rossi spoke in favor of annexing the property

Martin Rossip spoke in favor of annexation

Rina Shah spoke to in opposition to the annexation

Bill Hirschman spoke in favor of annexation

Devyani Kamdar spoke in favor of annexation

Antoinette Romeo spoke in opposition to the annexation

Anita Spiroa spoke in favor of annexation

Glenda Aune spoke in opposition to the annexation

Liang spoke in favor of annexation and in opposition of a 300-room hotel

Sandy Reed spoke in opposition to the annexation

William Miller spoke in opposition to the annexation

Jim Cargill spoke in favor of annexation

Lori Burns spoke in opposition to the annexation and Mountain Winery refund request

Lucas Cohen spoke in favor of annexation

Julianne Michaels spoke in opposition to the annexation and Mountain Winery refund request

Bill Lee spoke in opposition to the annexation

Dave Aune spoke in opposition to the annexation

Alicia Moore spoke in opposition to the annexation

Rick spoke in opposition to the annexation

Mike Landgraf spoke in opposition to the annexation

Stacy Landgraf in opposition to the annexation

AGK Karaunakaren spoke in opposition to the annexation

Mona and Alex Kaur spoke in opposition to the annexation

Venkat Venkataratnam spoke in opposition to the annexation

Dipak Basu spoke in opposition to the annexation

Ms. Basu spoke in opposition to the annexation

Mayor Miller asked for a recess to 11:56 p.m.

After the recess, Mayor Miller resumed public comment.

Ana Mendez spoke in opposition to the annexation

Phil Bullock spoke in opposition to the annexation

Angela Bullock spoke in opposition to the annexation

Ken Scultz spoke in opposition to the annexation

Barbara Arora spoke in opposition to the annexation

Ken Arora spoke in opposition to the annexation

Ken Czworniaks spoke in opposition to the annexation

Carol Miller spoke in opposition to the annexation

Jon Kwong spoke in opposition to the annexation

Hobart Biringham spoke in opposition to the annexation

Rob spoke in opposition to the annexation

Dwight Diercks spoke in opposition to the annexation

Alison Hartly spoke in opposition to the annexation

Bob Hartly spoke in opposition to the annexation

John Donovan spoke against development in hillsides

Michael Seifert spoke in opposition to the annexation

Rajive Dhar spoke in opposition to the annexation

Dhiren Unadkat spoke in opposition to the annexation

Hao Zhu spoke in opposition to the annexation

Eric Cao spoke in opposition to the annexation

Louis Galbiati spoke in opposition to the annexation

Prijesh Patel spoke in opposition to the annexation

Dave Reis spoke in favor of annexation and in opposition to a 300-room hotel

Manoj Goel spoke in opposition to the annexation

No one else requested to speak.

KUMAR MOVED TO STOP THE ANNEXATION PROCEEDINGS AND STOP EXPENSES ON THE PROJECT, BUT PAY OUTSTANDING EXPENSES PERTAINING TO THE PROJECT.

No Council Member seconded the motion.

MILLER/ZHAO MOVED TO STOP THE ANNEXATION PROCESS AND REFUND THE FUNDS THAT THE MOUNTAIN WINERY CONTRIBUTED.

Vice Mayor Bernald asked for the motion to be made into two different motions. Mayor Miller withdrew his previous motion. Council Member Zhao concurred with the withdrawal.

MILLER/ZHAO MOVED TO ACCEPT THE PLANNING COMMISSION'S RECOMMENDATION TO TERMINATE THE PROCESS TO ANNEX THE MOUNTAIN WINERY. MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, ZHAO, KUMAR. NOES: BERNALD, CAPPELLO. ABSTAIN: NONE. ABSENT: NONE.

MILLER/BERNALD MOVED **TO DIRECT STAFF TO ISSUE A REFUND TO CHATEAU MASSON, LLC FOR THE FUNDS CONTRIBUTED TOWARDS THE THIRD PARTY CONSULTANT COSTS FOR THE MOUNTAIN WINERY ANNEXATION.** MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, CAPPELLO. NOES: KUMAR. ABSTAIN: NONE. ABSENT: NONE.

ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS

Lucas Patuszka, Planning Commissioner, spoke about parliamentary procedures during Planning Commission meetings and announced his resignation from the Planning Commission.

Ken Czworniak spoke about Mayor Miller's decision tonight.

Alicia Moore spoke about the refund to the Mountain Winery.

Jon Kwong spoke about lack of civility in Commissions and Council.

Antoinette Romeo spoke about the Saratoga-to-Sea trail and the County Parks Department.

Eric Cao spoke about the refund to the Mountain Winery.

Stacy Landgraf spoke about the refund to Mountain Winery.

ADJOURNMENT

CAPPELLO/BERNALD MOVED TO **ADJOURN THE MEETING AT 2:44 A.M.** MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, CAPPELLO. NOES: NONE. ABSTAIN: NONE. ABSENT: KUMAR.

Minutes respectfully submitted:

Debbie Bretschneider, City Clerk
City of Saratoga