

MINUTES
WEDNESDAY, JUNE 21, 2023
SARATOGA CITY COUNCIL REGULAR MEETING

At 5:30 p.m., the City Council held a Closed Session in the Linda Callon Conference Room.

Mayor Fitzsimmons invited public comment.

No one requested to speak.

Mayor Fitzsimmons called the Regular Session to order at 7:00 p.m.

ROLL CALL

PRESENT: Mayor Kookie Fitzsimmons, Vice Mayor Yan Zhao, Council Members Belal Aftab, Chuck Page, Tina Walia

ABSENT: None

ALSO PRESENT: James Lindsay, City Manager
Richard Taylor, City Attorney
Leslie Arroyo, Assistant City Manager
Nick Pegueros, Administrative Services Director
Britt Avrit, City Clerk
David Dorcich, Associate Civil Engineer
Macedonio Nunez, Engineering Services Manager/City Engineer

REPORT ON POSTING OF THE AGENDA

The City Clerk reported the agenda for this meeting was properly posted on June 16, 2023.

REPORT FROM JOINT SESSION

Mayor Fitzsimmons stated the City Council met in Closed Session prior to the Regular Session to discuss labor negotiations and conduct the City Attorney's annual review with no reportable action.

ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS

Mayor Fitzsimmons invited public comment.

No one requested to speak.

ANNOUNCEMENTS

Mayor Fitzsimmons shared information about the Saratoga Safety Fair, Summer Movie Nights, the Saratoga Classic & Cool Car Show and the "America the Beautiful" decorating project.

Council Member Page shared information about a concert in Wildwood Park July 15, 2023.

SPECIAL PRESENTATION

Special Presentation - Midpeninsula Regional Open Space District

Recommended Action:

Receive presentation from Midpeninsula Regional Open Space District (Midpen).

Mayor Fitzsimmons stated Midpeninsula Regional Open Space District was unable to attend the meeting this evening.

1. CONSENT CALENDAR

Mayor Fitzsimmons invited public comment.

No one requested to speak.

The City Manager stated Staff's Recommendation for Item 1.12 includes adopting a Resolution and requested that the City Council include verbiage in the motion for the item.

Council Member Page requested Item No.'s 1.8 and 1.12 be removed for separate discussion.

1.1. City Council Meeting Minutes

Recommended Action:

Approve the Minutes for the June 7, 2023 City Council Regular Meeting.

AFTAB/ZHAO MOVED TO **APPROVE THE MINUTES FOR THE JUNE 7, 2023, CITY COUNCIL REGULAR MEETING.** MOTION PASSED BY THE FOLLOWING VOTE: AYES: AFTAB, PAGE, WALIA, ZHAO, FITZSIMMONS. NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

1.2. Review and Accept Accounts Payable Check Registers

Recommended Action:

Review and accept the 06/01/2023 and 06/08/2023 accounts payable vendor payment check registers.

AFTAB/ZHAO **MOVED TO REVIEW AND ACCEPT THE 06/01/2023 AND 06/08/2023 ACCOUNTS PAYABLE VENDOR PAYMENT CHECK REGISTERS.** MOTION PASSED BY THE FOLLOWING VOTE: AYES: AFTAB, PAGE, WALIA, ZHAO, FITZSIMMONS. NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

1.3. Adopt Additional Findings to Justify Local Modifications to the 2022 California Green Building Standards Code

Recommended Action:

Adopt the resolution making the additional required findings justifying the City's modifications to the 2022 California Green Building Standards Code.

RESOLUTION 23-053

AFTAB/ZHAO MOVED TO ADOPT THE RESOLUTION MAKING THE ADDITIONAL REQUIRED FINDINGS JUSTIFYING THE CITY'S MODIFICATIONS TO THE 2022 CALIFORNIA GREEN BUILDING STANDARDS CODE. MOTION PASSED BY THE FOLLOWING VOTE: AYES: AFTAB, PAGE, WALIA, ZHAO, FITZSIMMONS. NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

1.4. Authorize Withdrawal from the Revised Natural Gas Agreement with ABAG POWER

Recommended Action:

Adopt the resolution terminating interests in the Core Natural Gas Sales and Aggregation Agreement with (Association of Bay Area Governments) ABAG POWER; authorize the City Manager to execute terminating documentation; authorize the Facilities Manager to send a letter of intent to terminate its agreement; and approve the refund of the City's Working Capital Deposit in the amount of \$2,691.57.

RESOLUTION 23-054

AFTAB/ZHAO MOVED TO ADOPT THE RESOLUTION TERMINATING INTERESTS IN THE CORE NATURAL GAS SALES AND AGGREGATION AGREEMENT WITH (ASSOCIATION OF BAY AREA GOVERNMENTS) ABAG POWER; AUTHORIZE THE CITY MANAGER TO EXECUTE TERMINATING DOCUMENTATION; AUTHORIZE THE FACILITIES MANAGER TO SEND A LETTER OF INTENT TO TERMINATE ITS AGREEMENT; AND APPROVE THE REFUND OF THE CITY'S WORKING CAPITAL DEPOSIT IN THE AMOUNT OF \$2,691.57. MOTION PASSED BY THE FOLLOWING VOTE: AYES: AFTAB, PAGE, WALIA, ZHAO, FITZSIMMONS. NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

1.5. Landmark Designation for 14275 Saratoga Avenue Application No. LNDMRK23-0001

Recommended Action:

Waive the second reading and adopt the attached ordinance designating the property at 14275 Saratoga Avenue as a historic landmark.

ORDINANCE 397

AFTAB/ZHAO MOVED TO WAIVE THE SECOND READING AND ADOPT THE ORDINANCE DESIGNATING THE PROPERTY AT 14275 SARATOGA AVENUE AS A HISTORIC LANDMARK. MOTION PASSED BY THE FOLLOWING VOTE: AYES: AFTAB, PAGE, WALIA, ZHAO, FITZSIMMONS. NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

1.6. Final Map Approval for Two Lots Located at 20625 Brookwood Lane

Recommended Action:

Adopt the Resolution granting final map approval of parcel map application No. ULS22-0010 for two lots located at 20625 Brookwood Lane (APN: 503-23-066).

RESOLUTION 23-055

AFTAB/ZHAO MOVED TO **ADOPT THE RESOLUTION GRANTING FINAL MAP APPROVAL OF PARCEL MAP APPLICATION NO. ULS22-0010 FOR TWO LOTS LOCATED AT 20625 BROOKWOOD LANE (APN: 503-23-066).** MOTION PASSED BY THE FOLLOWING VOTE: AYES: AFTAB, PAGE, WALIA, ZHAO, FITZSIMMONS. NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

1.7. Transportation Development Act (TDA) Article 3 Application for the Saratoga Avenue Walkway Project.

Recommended Action:

Adopt a resolution supporting the Metropolitan Transportation Commission's Transportation Development Act Article 3 Pedestrian/Bicycle Grant Application for the Saratoga Avenue Walkway Project.

RESOLUTION 23-056

AFTAB/ZHAO MOVED TO **ADOPT THE RESOLUTION SUPPORTING THE METROPOLITAN TRANSPORTATION COMMISSION'S TRANSPORTATION DEVELOPMENT ACT ARTICLE 3 PEDESTRIAN/BICYCLE GRANT APPLICATION FOR THE SARATOGA AVENUE WALKWAY PROJECT.** MOTION PASSED BY THE FOLLOWING VOTE: AYES: AFTAB, PAGE, WALIA, ZHAO, FITZSIMMONS. NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

1.8. Santa Clara County FireSafe Council Agreement

Recommended Action:

Authorize the City Manager to execute a new agreement with the Santa Clara County FireSafe Council.

PAGE/AFTAB MOVED TO **AUTHORIZE THE CITY MANAGER TO EXECUTE A NEW AGREEMENT WITH THE SANTA CLARA COUNTY FIRESAFE COUNCIL.** MOTION PASSED BY THE FOLLOWING VOTE: AYES: AFTAB, PAGE, WALIA, ZHAO, FITZSIMMONS. NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

1.9. Resolution Establishing the Appropriations Limit for Fiscal Year 2023-24

Recommended Action:

Adopt the Resolution establishing the City's appropriations limit for Fiscal Year 2023-24

RESOLUTION 23-057

AFTAB/ZHAO MOVED TO **ADOPT THE RESOLUTION ESTABLISHING THE CITY'S APPROPRIATIONS LIMIT FOR FISCAL YEAR 2023-24.** MOTION PASSED BY THE FOLLOWING VOTE: AYES: AFTAB, PAGE, WALIA, ZHAO, FITZSIMMONS. NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

1.10. Resolution Establishing the Fiscal Year 2023-24 Tax Levy Rate for the Library Series 2011 General Obligation Bonds Debt Service

Recommended Action:

Adopt the Resolution establishing the Fiscal Year 2023-24 Tax Levy Rate for the Library Series 2011 General Obligation Bonds Debt Service at \$0.0042 per \$100 of Secured Assessed Value.

RESOLUTION 23-058

AFTAB/ZHAO MOVED TO **ADOPT THE RESOLUTION ESTABLISHING THE FISCAL YEAR 2023-24 TAX LEVY RATE FOR THE LIBRARY SERIES 2011 GENERAL OBLIGATION BONDS DEBT SERVICE AT \$0.0042 PER \$100 OF SECURED ASSESSED VALUE.** MOTION PASSED BY THE FOLLOWING VOTE: AYES: AFTAB, PAGE, WALIA, ZHAO, FITZSIMMONS. NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

1.11. Resolution Establishing the Fiscal Year 2023-24 Property Tax Levy for Debt Service Payments on the Arrowhead Community Facility District 2018 Bond

Recommended Action:

Adopt the attached resolution that sets the Fiscal Year 2023-24 property tax levy rate for the Arrowhead Community Facility District's 2018 Bond debt service payment at \$6,000 per parcel for the remaining eighteen (18) participating property owners.

RESOLUTION 23-059

AFTAB/ZHAO MOVED TO **ADOPT THE RESOLUTION THAT SETS THE FISCAL YEAR 2023-24 PROPERTY TAX LEVY RATE FOR THE ARROWHEAD COMMUNITY FACILITY DISTRICT'S 2018 BOND DEBT SERVICE PAYMENT AT \$6,000 PER PARCEL FOR THE REMAINING EIGHTEEN (18) PARTICIPATING PROPERTY OWNERS.** MOTION PASSED BY THE FOLLOWING VOTE: AYES: AFTAB, PAGE, WALIA, ZHAO, FITZSIMMONS. NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

1.12. Fiscal Year 2023-24 Investment Policy

Recommended Action:

Adopt the Resolution adopting the City of Saratoga's Fiscal Year 2023-24 Investment Policy.

RESOLUTION 23-060

PAGE/AFTAB MOVED TO **ADOPT THE RESOLUTION ADOPTING THE CITY OF SARATOGA'S FISCAL YEAR 2023-24 INVESTMENT POLICY.** MOTION PASSED BY THE FOLLOWING VOTE: AYES: AFTAB, PAGE, WALIA, ZHAO, FITZSIMMONS. NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

1.13. Budget Adoption for the Fiscal Year Beginning July 1, 2023

Recommended Action:

Approve a Resolution adopting the City's Budget for the fiscal year beginning July 1, 2023.

RESOLUTION 23-061

AFTAB/ZHAO MOVED TO **ADOPT THE RESOLUTION ADOPTING THE CITY'S BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2023.** MOTION PASSED BY THE FOLLOWING VOTE: AYES: AFTAB, PAGE, WALIA, ZHAO, FITZSIMMONS. NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

1.14. Salary Schedule effective July 1, 2023

Recommended Action:

Approve a Resolution amending the City Council approved salary schedule effective July 1, 2023.

RESOLUTION 23-062

AFTAB/ZHAO MOVED TO **ADOPT THE RESOLUTION AMENDING THE CITY COUNCIL APPROVED SALARY SCHEDULE EFFECTIVE JULY 1, 2023.** MOTION PASSED BY THE FOLLOWING VOTE: AYES: AFTAB, PAGE, WALIA, ZHAO, FITZSIMMONS. NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

2. GENERAL BUSINESS

2.1. Community Event & Street Closure Grant Program Policy

Recommended Action:

Adopt the resolution amending the Community Event and Street Closure Grant Program Policy.

Crystal Bothelio, Consultant, presented the staff report.

Mayor Fitzsimmons invited public comment.

The following individual spoke: Bill Dalton

RESOLUTION 23-063

PAGE/WALIA MOVED TO **ADOPT THE RESOLUTION AMENDING THE COMMUNITY EVENT AND STREET CLOSURE GRANT PROGRAM POLICY.** MOTION PASSED BY THE FOLLOWING VOTE: AYES: AFTAB, PAGE, WALIA, ZHAO, FITZSIMMONS. NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

2.2. Services Agreement for City Manager's Department Program Support

Recommended Action:

Authorize the City Manager to execute an agreement with Crystal Bothelio to provide program support for the City Manager's Department for an amount not to exceed \$126,000.

James Lindsay, City Manager, presented the staff report.

Mayor Fitzsimmons invited public comment.

No one requested to speak.

WALIA/PAGE MOVED TO **AUTHORIZE THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH CRYSTAL BOTHELIO TO PROVIDE PROGRAM SUPPORT FOR THE CITY MANAGER'S DEPARTMENT FOR AN AMOUNT NOT TO EXCEED \$126,000.** MOTION PASSED BY THE FOLLOWING VOTE: AYES: AFTAB, PAGE, WALIA, ZHAO, FITZSIMMONS. NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

2.3. Resolution Updating Unrepresented Employees' Compensation & Terms of Employment

Recommended Action:

Move to adopt the Resolution approving compensation and terms of employment for Unrepresented Employees.

James Lindsay, City Manager, presented the staff report.

Mayor Fitzsimmons invited public comment.

No one requested to speak.

RESOLUTION 23-064

PAGE/AFTAB MOVED TO **ADOPT THE RESOLUTION APPROVING COMPENSATION AND TERMS OF EMPLOYMENT FOR UNREPRESENTED EMPLOYEES.** MOTION PASSED BY THE FOLLOWING VOTE: AYES: AFTAB, PAGE, WALIA, ZHAO, FITZSIMMONS. NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

COUNCIL ASSIGNMENTS

Council Member Tina Walia

Silicon Valley Clean Energy Authority Board of Directors - stated the Board held a Study Session on Energy Emissions Accounting and discussed financial reserves.

Council Member Chuck Page

Saratoga Chamber of Commerce Board – stated the Board discussed mixed-use and the Housing Element.

West Valley Sanitation District Board of Directors – stated the Board discussed the outcome of a lawsuit involving the Sanitation District.

Council Member Belal Aftab

Hakone Foundation Board of Trustees – stated the Board elected Emily Lo as Chair, election of the Vice Chair will take place at the next meeting and the Board approved the Fiscal Year Budget.

Association of Bay Area Governments – stated the group discussed RHNA numbers, the structural deficit and a fee increase for the next Fiscal Year.

Vice Mayor Yan Zhao

Nothing to report.

Mayor Kookie Fitzsimmons

Council Finance Committee – stated the Committee discussed the 2024 Investment Policy.

CITY COUNCIL ITEMS

Page/Aftab requested an update in the newsletter regarding the City's 2022 letter to San Jose regarding the Costo project.

Page/Aftab requested contacting representatives from Costco and/or San Jose to consider holding a public forum to discuss the project.

COUNCIL COMMUNICATIONS

None

CITY MANAGER'S REPORT

None

CITY ATTORNEY'S REPORT

None

ADJOURNMENT

PAGE/WALIA MOVED TO **ADJOURN THE MEETING AT 7:46 P.M.** MOTION PASSED BY THE FOLLOWING VOTE: AYES: AFTAB, PAGE, WALIA, ZHAO, FITZSIMMONS. NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

Minutes respectfully submitted:

Britt Avrit, City Clerk
City of Saratoga