

**MINUTES
WEDNESDAY, SEPTEMBER 2, 2020
SARATOGA CITY COUNCIL REGULAR MEETING**

At 4:40 p.m., Commission interviews were held for the Parks & Recreation Commission and Library & Community Engagement Commission vacancies via teleconferencing through Zoom.

At 6:00 p.m., the City Council held a Joint Meeting with Montalvo Arts via teleconferencing through Zoom.

Mayor Miller called the virtual Regular Session to order at 7:03 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 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
(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 August 28, 2020.

REPORT ON CLOSED SESSION

Mayor Miller announced that there was nothing to report on Closed Session from the last Council meeting and that tonight the Closed Session meeting will continue after the Regular Meeting.

REPORT FROM JOINT MEETING

Angela McConnell, Director of Montalvo Arts, reported on the discussion of the Joint Meeting.

ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS

None

ANNOUNCEMENTS

Mayor Miller shared information about COVID-19 testing and Election Signage.

CEREMONIAL ITEMS

Appointment of Commissioner

Recommended Action:

Approve the resolution appointing 1 member to the Planning Commission and direct the City Clerk to administer the Oath of Office.

RESOLUTION 20-060

KUMAR/ZHAO MOVED TO **APPROVE THE RESOLUTION APPOINTING ONE MEMBER TO THE PLANNING COMMISSION AND DIRECT THE CITY CLERK TO ADMINISTER THE OATH OF OFFICE.** MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1. CONSENT CALENDAR

1.1. City Council Meeting Minutes

Recommended Action:

Approve the City Council minutes for the Regular City Council Meeting on August 19, 2020 and Special City Council Meeting on August 26, 2020.

BERNALD/ZHAO MOVED TO **APPROVE THE CITY COUNCIL MINUTES FOR THE REGULAR CITY COUNCIL MEETING ON AUGUST 19, 2020 AND SPECIAL CITY COUNCIL MEETING ON AUGUST 26, 2020.** MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, 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: 8/19/2020 Period 2; 8/26/2020 Period 2.

BERNALD/ZHAO MOVED TO **ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 8/19/2020 PERIOD 2; 8/26/2020 PERIOD 2.** MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.3. Treasurer's Report for the Month Ended July 31, 2020

Recommended Action:

Review and accept the Treasurer's Report for the month ended July 31, 2020.

BERNALD/ZHAO MOVED TO **ACCEPT THE TREASURER'S REPORT FOR THE MONTH ENDED JULY 31, 2020.** MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.4. Funding Agreement for Countywide Isolation and Quarantine Support Program

Recommended Action:

Authorize the City Manager to execute a funding agreement with the County of Santa Clara for the Countywide Isolation and Quarantine Support Program for an amount not to exceed \$31,867 using CARES Act funds.

BERNALD/ZHAO MOVED TO **AUTHORIZE THE CITY MANAGER TO EXECUTE A FUNDING AGREEMENT WITH THE COUNTY OF SANTA CLARA FOR THE COUNTYWIDE ISOLATION AND QUARANTINE SUPPORT PROGRAM FOR AN AMOUNT NOT TO EXCEED \$31,867 USING CARES ACT FUNDS.** MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

Vice Mayor Bernald spoke in support of this item.

1.5. One Year Extension of Tree Maintenance Service Contract – Oscar's Expert Tree Care Services

Recommended Action:

Approve Contract Amendment to extend the Tree Maintenance Service Contract with Oscar's Expert Tree Care Services for one year in the amount not to exceed \$150,500 and authorize the City Manager to execute the same.

BERNALD/ZHAO MOVED TO **APPROVE CONTRACT AMENDMENT TO EXTEND THE TREE MAINTENANCE SERVICE CONTRACT WITH OSCAR'S EXPERT TREE CARE SERVICES FOR ONE YEAR IN THE AMOUNT NOT TO EXCEED \$150,500 AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE SAME.** MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.6. One Year Extension of Tree Maintenance Service Contract – Trees 360 Degrees

Recommended Action:

Approve Contract Amendment to extend the Tree Maintenance Service Contract with Trees 360 Degrees for one year in the amount not to exceed \$100,500 and authorize the City Manager to execute the same.

BERNALD/ZHAO MOVED TO APPROVE CONTRACT AMENDMENT TO EXTEND THE TREE MAINTENANCE SERVICE CONTRACT WITH TREES 360 DEGREES FOR ONE YEAR IN THE AMOUNT NOT TO EXCEED \$100,500 AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE SAME. MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.7. One Year Extension of Tree Maintenance Service Contract – Ian Geddes Tree Care, Inc.

Recommended Action:

Approve Contract Amendment to extend the Tree Maintenance Service Contract with Ian Geddes Tree Care, Inc. for one year in the amount not to exceed \$110,500 and authorize the City Manager to execute the same.

BERNALD/ZHAO MOVED TO APPROVE CONTRACT AMENDMENT TO EXTEND THE TREE MAINTENANCE SERVICE CONTRACT WITH IAN GEDDES TREE CARE, INC. FOR ONE YEAR IN THE AMOUNT NOT TO EXCEED \$110,500 AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE SAME. MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.8. One Year Extension of Park Restroom Maintenance Service Contract – North Bay Building Maintenance

Recommended Action:

Approve Contract Amendment to extend the Park Restroom Maintenance Service Contract with North Bay Building Maintenance (NBBM) for one year in the amount not to exceed \$40,456 and authorize the City Manager to execute the same.

BERNALD/ZHAO MOVED TO APPROVE CONTRACT AMENDMENT TO EXTEND THE PARK RESTROOM MAINTENANCE SERVICE CONTRACT WITH NORTH BAY BUILDING MAINTENANCE (NBBM) FOR ONE YEAR IN THE AMOUNT NOT TO EXCEED \$40,456 AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE SAME. MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.9. One Year Extension of Landscape Maintenance Service Contract – Vista Landscape Maintenance

Recommended Action:

Approve Contract Amendment to extend the Landscape Maintenance Service Contract with Vista Landscape Maintenance for one year in the amount not to exceed \$155,676 and authorize the City Manager to execute the same.

BERNALD/ZHAO MOVED TO APPROVE CONTRACT AMENDMENT TO EXTEND THE LANDSCAPE MAINTENANCE SERVICE CONTRACT WITH VISTA LANDSCAPE MAINTENANCE FOR ONE YEAR IN THE AMOUNT NOT TO EXCEED \$155,676 AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE SAME. MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.10. One Year Extension of Landscape Maintenance Service Contract – Gachina Landscape Management

Recommended Action:

Approve Contract Amendment to extend the Landscape Maintenance Service Contract with Gachina Landscape Management for one year in the amount not to exceed \$95,448 and authorize the City Manager to execute the same.

BERNALD/ZHAO MOVED TO APPROVE CONTRACT AMENDMENT TO EXTEND THE LANDSCAPE MAINTENANCE SERVICE CONTRACT WITH GACHINA LANDSCAPE MANAGEMENT FOR ONE YEAR IN THE AMOUNT NOT TO EXCEED \$95,448 AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE SAME. MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.11. Conduit Financing for St. Andrew’s Parish Project

Recommended Action:

Adopt the resolution approving the execution and delivery of a loan by the California Municipal Finance Authority (CFMA) for the purpose of refinancing a line of credit and financing or refinancing the acquisition, construction and improvement of certain educational facilities for Saint Andrew’s Parish.

RESOLUTION 20-061

BERNALD/ZHAO MOVED TO ADOPT THE RESOLUTION APPROVING THE EXECUTION AND DELIVERY OF A LOAN BY THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY (CFMA) FOR THE PURPOSE OF REFINANCING A LINE OF CREDIT AND FINANCING OR REFINANCING THE ACQUISITION, CONSTRUCTION AND IMPROVEMENT OF CERTAIN EDUCATIONAL FACILITIES FOR SAINT ANDREW’S PARISH. MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.12. Amended Santa Clara County FireSafe Council Agreement

Recommended Action:

Authorize the City Manager to execute the amended agreement with the Santa Clara County FireSafe Council for a dead tree removal rebate program and fuel reduction efforts.

Mayor Miller removed this item from Consent to speak about the FireSafe Council.

Mayor Miller invited public comment on the item.

The following people requested to speak:

Chuck Page spoke

Dede Smullen spoke

No one else requested to speak.

ZHAO/BERNALD MOVED TO **AUTHORIZE THE CITY MANAGER TO EXECUTE THE AMENDED AGREEMENT WITH THE SANTA CLARA COUNTY FIRESAFE COUNCIL FOR A DEAD TREE REMOVAL REBATE PROGRAM AND FUEL REDUCTION EFFORTS.** MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.13. Amended Lease Agreement with Los Gatos-Saratoga Community Education and Recreation

Recommended Action:

Authorize the City Manager to execute an amended lease agreement with Los Gatos-Saratoga Community Education and Recreation (LGS Recreation) to include the portable building used by the Saratoga Community Preschool Building in the existing lease agreement.

BERNALD/ZHAO MOVED TO **AUTHORIZE THE CITY MANAGER TO EXECUTE AN AMENDED LEASE AGREEMENT WITH LOS GATOS-SARATOGA COMMUNITY EDUCATION AND RECREATION (LGS RECREATION) TO INCLUDE THE PORTABLE BUILDING USED BY THE SARATOGA COMMUNITY PRESCHOOL BUILDING IN THE EXISTING LEASE AGREEMENT.** MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

2. PUBLIC HEARING

2.1. Ordinance Banning the Sale of Electronic Smoking Products

Recommended Action:

Conduct a public hearing on the attached ordinance that would prohibit the sale of electronic smoking products in the City of Saratoga through amendments to Article 4.90 of the City Code; introduce and waive the first reading of the ordinance; and, direct staff to place the ordinance on the Consent Calendar for adoption at the next regularly scheduled City Council Meeting.

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

Mayor Miller opened the public hearing.

Mayor Miller invited public comment on the item.

The following people requested to speak:

Jaime Rojas Jr. spoke

Chuck Page spoke

No one else requested to speak.

Mayor Miller closed the public hearing for this item.

BERNALD/ZHAO MOVED TO INTRODUCE AND WAIVE THE FIRST READING OF THE ORDINANCE THAT WOULD PROHIBIT THE SALE OF ELECTRONIC SMOKING PRODUCTS IN THE CITY OF SARATOGA THROUGH AMENDMENTS TO ARTICLE 4.90 OF THE CITY CODE; AND, DIRECT STAFF TO PLACE THE ORDINANCE ON THE CONSENT CALENDAR FOR ADOPTION AT THE NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING.
MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

3. GENERAL BUSINESS

3.1. Hakone Foundation Lease Update

Recommended Action:

Authorize the City Manager to execute a new 55-year lease agreement with the Hakone Foundation for the operation and maintenance of Hakone Estate and Gardens.

James Lindsay, City Manager, presented the staff report.

Mayor Miller invited public comment on the item.

The following people requested to speak:

Ann Waltonsmith spoke

Shozo Kagoshima spoke

No one else requested to speak.

ZHAO/BERNALD MOVED TO AUTHORIZE THE CITY MANAGER TO EXECUTE A NEW 55-YEAR LEASE AGREEMENT WITH THE HAKONE FOUNDATION FOR THE OPERATION AND MAINTENANCE OF HAKONE ESTATE AND GARDENS. MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

COUNCIL ASSIGNMENTS

Mayor Howard Miller

Council Finance Committee – the Vice Mayor reported from the meeting.

Silicon Valley Clean Energy Authority Board of Directors – the Board submitted a bi-annual Integrated Resource plan to California Public Utilities Commission.

VTA State Route 85 Corridor Policy Advisory Board – the Policy Advisory Board created a report to VTA recommending a public transit lane to support high speed public transit and corporate shuttles. However, the VTA staff reported to the VTA Board recommending a Corporate shuttle Express Lane and not the Policy Board recommendation. Mayor Miller is asking residents to contact VTA to share their opinions.

West Valley Mayors & Managers – the group discussed two cities that are using ClearGov (transparent City finances) and requested a future presentation from ClearGov.

Vice Mayor Mary-Lynne Bernald

Council Finance Committee – the Committee discussed the CARES ACT funding and CalPERS Assessed Valuation report.

Hakone Foundation Board & Executive Committee – Council Member Zhao reported on the meeting.

Santa Clara/Santa Cruz Airport/Community Roundtable – the Roundtable is working on their next steps.

Saratoga Historical Foundation – the Board is reviewing future goals.

Council Member Yan Zhao

Hakone Foundation Board –the Board approved the new lease agreement that was before the Council this evening.

Saratoga Area Senior Coordinating Council (SASCC) – SASCC approved Manny Cappello as new Board Member. SASCC is planning several events including having a virtual lunch with the Mayor on September 9 and having a drive-through Resource Fair on September 22.

West Valley Sanitation District – the District had a meeting, but nothing to report.

Council Member Rishi Kumar

Nothing to report.

CITY COUNCIL ITEMS

Mayor Miller, with support from Vice Mayor Bernald, asked staff to bring to the next Council meeting a letter to the VTA to more accurately reflect the Advisory Board proposal.

Vice Mayor Bernald, with support from Mayor Miller, asked staff to bring back a report to Council on possibly expanding the Public Art Committee to include members of the public or forming a Public Art Commission.

COUNCIL COMMUNICATIONS

None

CITY MANAGER'S REPORT

None

CLOSED SESSION

The Mayor announced that the City Council will close the Regular Meeting of the City Council and move into a Closed Session.

Mayor Miller invited public comment on the Closed Session items.

No one requested to speak.

The Mayor announced a recess at 7:58 p.m.

The City Council reconvened at 8:05 p.m.

ADJOURNMENT

BERNALD/ZHAO MOVED TO **ADJOURN THE MEETING AT 8:15 P.M.** MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, KUMAR.. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

Minutes respectfully submitted:

Debbie Bretschneider, City Clerk
City of Saratoga