

**MINUTES
WEDNESDAY, SEPTEMBER 16, 2020
SARATOGA CITY COUNCIL REGULAR MEETING**

At 6:00 p.m., the City Council held a Joint Meeting with the Saratoga Youth Commission 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 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
Kayla Nakamoto, Administrative Analyst
(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 September 11, 2020.

REPORT ON CLOSED SESSION

Mayor Miller announced that on September 2, 2020, the City Council held a Closed Session and that there was nothing to report.

REPORT FROM JOINT MEETING

Youth Commissioners Alex Zhai and Michelle Liu reported on the discussions in the Joint Meeting, including their workplan for the year.

ANNOUNCEMENTS

Mayor Miller shared information about COVID-19, the Homemade Scarecrow Competition, and Living Room Conversations.

ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS

None

CEREMONIAL ITEMS

Appointment of Commissioners

Recommended Action:

Approve the resolution appointing 1 (one) member to the Library & Community Engagement Commission and 1 (one) member to the Parks & Recreation Commission and direct the City Clerk to administer the Oath of Office.

RESOLUTION 20-062

BERNALD/ZHAO MOVED TO **APPROVE THE RESOLUTION APPOINTING 1 (ONE) MEMBER TO THE LIBRARY & COMMUNITY ENGAGEMENT COMMISSION AND 1 (ONE) MEMBER TO THE PARKS & RECREATION 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.

Commendation for Terence (Terry) Ward

Recommended Action:

Commend Terry Ward for his service on the Saratoga Parks & Recreation Commission.

Mayor Miller and the City Council commended Terry Ward for his service on the Saratoga Parks & Recreation Commission.

Commendation for 100th Anniversary of Scouting in Saratoga

Recommended Action:

Commend the Saratoga Scout BSA Troops during the 100th anniversary of Scouts in Saratoga.

Mayor Miller and the City Council commended the Saratoga Scout BSA Troops.

1. CONSENT CALENDAR

1.1. City Council Meeting Minutes

Recommended Action:

Approve the City Council minutes for the Regular City Council Meeting on September 2, 2020.

KUMAR/ZHAO MOVED TO **APPROVE THE CITY COUNCIL MINUTES FOR THE REGULAR CITY COUNCIL MEETING ON SEPTEMBER 2, 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: 9/2/2020 Period 3; 9/10/2020 Period 3.

KUMAR/ZHAO MOVED TO **ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 9/2/2020 PERIOD 3; 9/10/2020 PERIOD 3.**

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

1.3. Ordinance Banning the Sale of Electronic Smoking Products

Recommended Action:

Waive the second reading and adopt 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 effective January 1, 2021.

ORDINANCE 375

KUMAR/ZHAO MOVED TO **ADOPT THE ORDINANCE IN THE SUPPLEMENTAL ATTACHMENT THAT WOULD PROHIBIT THE SALE OF ELECTRONIC SMOKING PRODUCTS IN THE CITY OF SARATOGA THROUGH AMENDMENTS TO ARTICLE 4.90 OF THE CITY CODE EFFECTIVE JANUARY 1, 2021.** MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.4. Funding Agreement Santa Clara Valley Transportation Authority (VTA) for the 2016 Measure B Bicycle & Pedestrian Education and Encouragement Program

Recommended Action:

1. Authorize the City Manager to execute a Funding Agreement Santa Clara Valley Transportation Authority (VTA) for the 2016 Measure B Bicycle & Pedestrian Education and Encouragement Program.

2. Approve the Budget Resolution amending FY20/21 Budget to increase the revenues and expenditures in the amount of \$96,000.

RESOLUTION 20-063

KUMAR/ZHAO MOVED TO AUTHORIZE THE CITY MANAGER TO EXECUTE A FUNDING AGREEMENT WITH SANTA CLARA VALLEY TRANSPORTATION AUTHORITY (VTA) FOR THE 2016 MEASURE B BICYCLE & PEDESTRIAN EDUCATION AND ENCOURAGEMENT PROGRAM AND TO APPROVE THE BUDGET RESOLUTION AMENDING FY20/21 BUDGET TO INCREASE THE REVENUES AND EXPENDITURES IN THE AMOUNT OF \$96,000. MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.5. Safe Routes to School Master Plan

Recommended Action:

1. Authorize the City Manager to enter into a Professional Service Agreement with Fehr and Peers in the amount of \$65,948.
2. Authorize City Manager to execute a change order up to \$6,500.

KUMAR/ZHAO MOVED TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICE AGREEMENT FOR THE SAFE ROUTES TO SCHOOL MASTER PLAN WITH FEHR AND PEERS IN THE AMOUNT OF \$65,948 AND TO AUTHORIZE CITY MANAGER TO EXECUTE A CHANGE ORDER UP TO \$6,500. MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.6. Amendment to the Agreement for Maintenance of State Highway in the City of Saratoga

Recommended Action:

1. Adopt resolution amending the Cooperative Agreement between the State of California Department of Transportation (Caltrans)
2. Authorize the City Manager to execute Amendment No.1, Agreement for Maintenance of State Highway in the City of Saratoga that assigns and expands the maintenance responsibilities of shared roadway bicycle markings on Big Basin Way.

RESOLUTION 20-064

KUMAR/ZHAO MOVED TO ADOPT THE RESOLUTION AMENDING THE COOPERATIVE AGREEMENT BETWEEN THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) AND TO AUTHORIZE THE CITY MANAGER TO EXECUTE AMENDMENT NO.1, AGREEMENT FOR MAINTENANCE OF STATE HIGHWAY IN THE CITY OF SARATOGA THAT ASSIGNS AND EXPANDS THE MAINTENANCE RESPONSIBILITIES OF SHARED ROADWAY BICYCLE MARKINGS ON BIG BASIN WAY. MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.7. Agreement Authorizing Use of Saratoga Library as Public Safety Power Shutoff Resource Center

Recommended Action:

Authorize the City Manager to execute the Saratoga Library Use Authorization Agreement, allowing the Saratoga Library to be used as a Public Safety Power Shutoff (PSPS) resource center.

KUMAR/ZHAO MOVED TO **AUTHORIZE THE CITY MANAGER TO EXECUTE THE SARATOGA LIBRARY USE AUTHORIZATION AGREEMENT, ALLOWING THE SARATOGA LIBRARY TO BE USED AS A PUBLIC SAFETY POWER SHUTOFF (PSPS) RESOURCE CENTER.** MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

Vice Mayor Bernald spoke on all of the Consent items.

2. PUBLIC HEARING

None

3. GENERAL BUSINESS

3.1. Business License Renewal Extension Program

Recommended Action:

City Council to review and provide direction on a proposed Business License Renewal Extension Program.

Mary Furey, Finance & Administrative Services Director, presented the staff report.

Mayor Miller invited public comment on the item.

The following people requested to speak:

Chuck Page

No one else requested to speak.

BERNALD/KUMAR MOVED TO **APPROVE THE PROPOSED BUSINESS LICENSE RENEWAL EXTENSION PROGRAM WITH THESE CONDITIONS: 1) THE BUSINESS IS A PERSONAL SERVICE BUSINESS THAT WAS ORDERED TO STOP PROVIDING SERVICES FOR AT LEAST 8 WEEKS UNDER THE SANTA CLARA COUNTY HEALTH ORDER; 2) MAXIMUM GROSS SALES OF BUSINESS DO NOT EXCEED \$1,000,000 PER YEAR; 3) THE BUSINESS SIGNS A SIMPLE AFFIDAVIT WITH CITY; 4) DEFER PAYMENTS FOR 6 MONTHS AND THEN BRING BACK TO COUNCIL FOR FUTURE CONSIDERATION.** MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

3.2. Letter Regarding State Route 85 Transit Lane

Recommended Action:

Approve the attached letter to the Board of the Valley Transportation Agency (VTA) supporting the recommendation of the VTA State Route 85 Policy Advisory Board.

Richard Taylor, City Attorney, presented the staff report.

Mayor Miller invited public comment on the item.

The following people requested to speak:

Jeffrey Schwartz spoke

No one else requested to speak.

MILLER/BERNALD MOVED TO **APPROVE THE LETTER TO THE BOARD OF THE VALLEY TRANSPORTATION AGENCY (VTA) SUPPORTING THE RECOMMENDATION OF THE VTA STATE ROUTE 85 POLICY ADVISORY BOARD.** MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

3.3. Resolution Amending the City of Saratoga Conflict of Interest Code

Recommended Action:

Approve the resolution amending the City of Saratoga Conflict of Interest Code.

Debbie Bretschneider, City Clerk, presented the staff report.

Mayor Miller invited public comment on the item.

The following people requested to speak:

Chuck Page spoke

No one else requested to speak.

RESOLUTION 20-065

BERNALD/MILLER MOVED TO **APPROVE THE RESOLUTION AMENDING THE CITY OF SARATOGA CONFLICT OF INTEREST CODE.** MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

3.4. City Manager's Annual Salary for Fiscal Year 2020/21

Recommended Action:

Approve City Manager's annual salary of \$265,000 effective July 1, 2020.

Mary Furey, Finance & Administrative Services Director, presented the staff report.

Mayor Miller invited public comment on the item.

No one requested to speak.

ZHAO/BERNALD MOVED TO **APPROVE CITY MANAGER'S ANNUAL SALARY OF \$265,000 EFFECTIVE JULY 1, 2020.** 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 Committee reviewed the Business License Renewal Extension and reviewed the City's EV charging stations policies.

Silicon Valley Clean Energy Authority Board of Directors – the Directors approved the annual budget, announced the Cal EV program, which allows Cities to apply for grants for fast-charging stations, and the Strategic Plan was updated.

Valley Transportation Authority (VTA) Policy Advisory Committee – the Committee received a report on transit ridership, which is in a decline.

Vice Mayor Mary-Lynne Bernald

Cities Association of Santa Clara County Board of Directors – the Directors received reports on Measure's RR, S, and T, also on Silicon Valley Bikes, and the State Route 85 update.

Council Finance Committee – Mayor Miller reported

Hakone Foundation Board & Executive Committee – the Executive Committee is setting up a Master Plan fundraising committee.

Public Art Committee – the Committee reviewed plans for a 2021 cycle of Paint the city, Rainy Day Poetry, a wall mural at Mint Leaf, and a potential artist for Gateway sculpture.

Santa Clara/Santa Cruz Airport/Community Roundtable – the Roundtable is setting up an ad hoc committee to explore ways to become independent from the Cities Association.

Saratoga Historical Foundation – the Foundation Board discussed their goals.

Council Member Yan Zhao

Public Art Committee – the Committee discussed the sculpture program and a new artist, accepted the budget for the Committee and is excited to work with Library & Community Engagement Commission.

Saratoga Chamber of Commerce & Destination – attended the Chamber meeting but have nothing to report.

West Valley Sanitation District– the district held a Closed Session and there is nothing to report. nothing to report

Council Member Rishi Kumar

Nothing to report.

CITY COUNCIL ITEMS

None

COUNCIL COMMUNICATIONS

None

CITY MANAGER'S REPORT

None

ADJOURNMENT

ZHAO/BERNALD MOVED TO **ADJOURN THE MEETING AT 8:48 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