

MINUTES
WEDNESDAY, JANUARY 18, 2023
SARATOGA CITY COUNCIL REGULAR MEETING

At 5:00 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.

At 5:30 p.m., the City Council held interviews for the Heritage Preservation Commission, Parks and Recreation Commission and Traffic Safety Commission.

PAGE/FITZSIMMONS MOVED TO **RE-OPEN THE RECRUITMENT PROCESS FOR THE HERITAGE PRESERVATION COMMISSION.** MOTION PASSED BY THE FOLLOWING ROLL CALL VOTE: AYES: AFTAB, PAGE, WALIA, ZHAO, FITZSIMMONS. NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

WALIA/PAGE MOVED TO **APPOINT JIM CARGILL TO THE PARKS AND RECREATION COMMISSION FOR A FULL-TERM ENDING SEPTEMBER 30, 2026.** MOTION PASSED BY THE FOLLOWING ROLL CALL VOTE: AYES: AFTAB, PAGE, WALIA, ZHAO, FITZSIMMONS. NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

WALIA/ZHAO MOVED TO **APPOINT XINTIAN (STEPHEN) LI TO THE TRAFFIC SAFETY COMMISSION FOR THE PARTIAL TERM PLUS A FULL-TERM ENDING DECEMBER 31, 2027.** MOTION PASSED BY THE FOLLOWING ROLL CALL VOTE: AYES: AFTAB, PAGE, WALIA, ZHAO, FITZSIMMONS. NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

WALIA/ZHAO MOVED TO **APPOINT ALEC GULESSERIAN TO THE TRAFFIC SAFETY COMMISSION FOR A FULL TERM ENDING DECEMBER 31, 2026.** MOTION PASSED BY THE FOLLOWING ROLL CALL VOTE: AYES: AFTAB, PAGE, WALIA, ZHAO, FITZSIMMONS. NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

Mayor Fitzsimmons called the Regular Session to order at 7:10 p.m.

The City Clerk explained the City Council meeting was conducted pursuant to State law as amended by Assembly Bill 361, which allows the meeting to be conducted by teleconference. The City Council has met all the applicable notice requirements and the public is welcome to participate in person or by Zoom. Information on how the public can observe the meeting and provide public comment was provided.

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
Britt Avrit, City Clerk
John Cherbone, Public Works Director
Nick Pegueros, Administrative Services Director
Debbie Pedro, Community Development Director
Lauren Blom, Public Information Officer
Kayla Nakamoto, Administrative Analyst

REPORT ON POSTING OF THE AGENDA

The City Clerk reported the agenda for this meeting was properly posted on January 13, 2023.

REPORT FROM CLOSED SESSION

Mayor Fitzsimmons stated the City Council met in Closed Session on January 4, 2023. The City Council designated the City Manager as the lead to work with the negotiating team for labor negotiations with no other reportable action.

Mayor Fitzsimmons stated the City Council met in Closed Session prior to the Regular Session to discuss labor negotiations and stated Closed Session will be continued at the conclusion of the Regular Session.

ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS

Mayor Fitzsimmons invited public comment.

The following individuals spoke at this time:

Meggan & Antonio, Don Kellogg, Bob Shepherd, and Matt Bordoni discussed the trail near the Vickery-Aloha Alley.

Sreekumar Vadakkepat discussed pickleball.

Tina Kellogg discussed pickleball.

Bill Dalton discussed the Housing Element.

Anthony Fisher discussed a proposed Saratoga Avenue housing site.

David Anderson discussed the Housing Element.

Bob Samuels discussed pickleball.

Jason T discussed pickleball.

ANNOUNCEMENTS

Mayor Fitzsimmons shared information about the Lunar New Year Festival, the Village to Hakone Walkway, Love Notes in the Village, and the upcoming Community Emergency Response Team (CERT) Academy.

Council Member Page shared information about the availability of unfilled sandbags at the Public Works Department and prefilled sandbags at the Valley Water District.

Council Member Aftab shared information about Hakone Gardens and the Saratoga Museum.

CEREMONIAL ITEM

Appointment of Heritage Preservation Commissioners

Recommended Action:

Adopt the Resolution appointing Margarete Minar and Zhen Li to the Heritage Preservation Commission and direct the City Clerk to administer the Oath of Office.

Mayor Fitzsimmons invited public comment on this item.

No one requested to speak.

RESOLUTION 23-002

PAGE/WALIA MOVED TO **ADOPT THE RESOLUTION APPOINTING MARGARETE MINAR AND ZHEN LI TO THE HERITAGE PRESERVATION COMMISSION AND DIRECT THE CITY CLERK TO ADMINISTER THE OATH OF OFFICE.** MOTION PASSED BY THE FOLLOWING ROLL CALL VOTE: AYES: AFTAB, PAGE, WALIA, ZHAO, FITZSIMMONS. NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

The City Clerk administered the Oath of Office at this time.

1. CONSENT CALENDAR

Mayor Fitzsimmons invited public comment on the Consent Calendar.

No one requested to speak.

1.1. City Council Meeting Minutes

Recommended Action:

Approve the Minutes for the December 21, 2022 City Council Regular Meeting, the January 4, 2023 City Council Special Meeting and the January 10, 2023 City Council Special Meeting.

PAGE/WALIA MOVED TO **APPROVE THE MINUTES FOR THE DECEMBER 21, 2022 CITY COUNCIL REGULAR MEETING, THE JANUARY 4, 2023 CITY COUNCIL SPECIAL MEETING AND THE JANUARY 10, 2023 CITY COUNCIL SPECIAL MEETING.** MOTION PASSED BY THE FOLLOWING ROLL CALL VOTE: AYES: AFTAB, PAGE, WALIA, ZHAO, FITZSIMMONS. 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: 12/14/22 Period 6; 12/21/22 Period 6.

PAGE/WALIA MOVED TO **REVIEW AND ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 12/14/22 PERIOD 6; 12/21/22 PERIOD 6.** MOTION PASSED BY THE FOLLOWING ROLL CALL VOTE: AYES: AFTAB, PAGE, WALIA, ZHAO, FITZSIMMONS. NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

1.3. Treasurer's Report for the Month Ended November 30, 2022

Recommended Action:

Review and accept the Treasurer's Report for the month ended November 30, 2022.

PAGE/WALIA MOVED TO **REVIEW AND ACCEPT THE TREASURER'S REPORT FOR THE MONTH ENDED NOVEMBER 30, 2022.** MOTION PASSED BY THE FOLLOWING ROLL CALL VOTE: AYES: AFTAB, PAGE, WALIA, ZHAO, FITZSIMMONS. NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

1.4. Parking Restriction on 6th Street at 14630 Big Basin Way

Recommended Action:

Adopt the Motor Vehicle resolution authorizing a No Parking zone in front of 14630 Big Basin Way, on the east side of 6th Street for 100', starting at Big Basin Way.

RESOLUTION MV 331

PAGE/WALIA MOVED TO **ADOPT THE MOTOR VEHICLE RESOLUTION AUTHORIZING A NO PARKING ZONE IN FRONT OF 14630 BIG BASIN WAY, ON THE EAST SIDE OF 6TH STREET FOR 100', STARTING AT BIG BASIN WAY.** MOTION PASSED BY THE FOLLOWING ROLL CALL VOTE: AYES: AFTAB, PAGE, WALIA, ZHAO, FITZSIMMONS. NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

1.5. Resolution to Appoint City Representatives to the PLAN JPA Board of Directors

Recommended Action:

Adopt the resolution appointing the Human Resources Manager as Board Member, Administrative Services Director as Board Alternate, and City Manager as Board Alternate to the Pooled Liability Assurance Network Joint Powers Authority (PLAN JPA) Board of Directors.

RESOLUTION 23-003

PAGE/WALIA MOVED TO **ADOPT THE RESOLUTION APPOINTING THE HUMAN RESOURCES MANAGER AS BOARD MEMBER, ADMINISTRATIVE SERVICES DIRECTOR AS BOARD ALTERNATE, AND CITY MANAGER AS BOARD ALTERNATE TO THE POOLED LIABILITY ASSURANCE NETWORK JOINT POWERS AUTHORITY (PLAN JPA) BOARD OF DIRECTORS.** MOTION PASSED BY THE FOLLOWING ROLL CALL VOTE: AYES: AFTAB, PAGE, WALIA, ZHAO, FITZSIMMONS. NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

1.6. Response to 2022 Civil Grand Jury of Santa Clara County Report “Show Me the Money: Financial Transparency Needed”

Recommended Action:

Approve the draft response to the 2022 Civil Grand Jury of Santa Clara County Report “Show Me the Money: Financial Transparency Needed.”

PAGE/WALIA MOVED TO **APPROVE THE DRAFT RESPONSE TO THE 2022 CIVIL GRAND JURY OF SANTA CLARA COUNTY REPORT “SHOW ME THE MONEY: FINANCIAL TRANSPARENCY NEEDED”**. MOTION PASSED BY THE FOLLOWING ROLL CALL VOTE: AYES: AFTAB, PAGE, WALIA, ZHAO, FITZSIMMONS. NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

2. PUBLIC HEARING

2.1. APCC22-0004 - Appeal of a Design Review application for a new two-story residence located at 20538 Lynde Court

Recommended Action:

Conduct a public hearing and de novo review of the appeal and adopt the attached resolution denying appeal APCC22-0004, approving the Design Review and Arborist Review approvals (PDR21-0032/ARB21-0120) for the construction of a new two-story residence with an attached accessory dwelling unit, and the removal of three (3) protected trees at 20538 Lynde Court and finding the approvals to be exempt from environmental review under the California Environmental Quality Act (CEQA).

Victoria Banfield, Associate Planner presented the staff report.

The Appellant and Applicant provided presentations.

Mayor Fitzsimmons invited public comment.

The following individuals spoke at this time: Cesar Davila, Yuen Pin Yeap, Bi Han, Shanshan Liu, Tony Chen, Rebecca

Mayor Fitzsimmons requested a recess at this time.

Mayor Fitzsimmons reconvened the meeting at 9:25 p.m.

The following individuals spoke at this time: Shirley, Sushama Thakker, Spencer Sells, Hans, Venkatraman Iyer, Vijay Shrivastav, Wayne, Eva, Matt, Joycelyn Tan, Nina, Michael Huo, Vipin Jain, Jenny Jang

WALIA/PAGE MOVED TO **DENY THE APPEAL.**

Additional discussion took place.

ZHAO/FITZSIMMONS MOVED TO **APPROVE THE APPEAL.**

Additional discussion took place.

ZHAO/FITZSIMMONS MOVED TO APPROVE THE PROJECT WITH CONDITIONS THAT BOTH FRONT AND BACK BALCONIES BE REMOVED.

Council Member Page requested a friendly amendment allowing a one foot or two foot balcony in the front.

Additional discussion took place.

RESOLUTION 23-004

ZHAO/FITZSIMMONS MOVED TO ADOPT THE RESOLUTION ACCEPTING APPEAL APCC22-0004 BY MODIFYING DESIGN REVIEW PDR21-0032 AND ARBORIST REPORT ARB21-0120 LOCATED AT 20538 LYNDE COURT IN THAT THE FRONT AND BACK BALCONIES BE MADE NONFUNCTIONAL BY SHORTENING THEIR DEPTH TO TWO FEET OR LESS SO THEY ARE DECORATIVE, CONVERTING THE SLIDING GLASS DOORS TO OPERABLE WINDOWS CONSISTENT WITH THE BUILDING CODE, AND THE BALCONY RAILINGS BE SOLID, AND FINDING THE APPROVALS TO BE EXEMPT FROM ENVIRONMENTAL REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA). MOTION PASSED BY THE FOLLOWING ROLL CALL VOTE: AYES: AFTAB, PAGE, WALIA, ZHAO, FITZSIMMONS. NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

Mayor Fitzsimmons requested a recess at this time.

Mayor Fitzsimmons reconvened the meeting at 11:20 p.m.

3. GENERAL BUSINESS

3.1. Youth Commission Fundraising Plan 2022/23

Recommended Action:

Approve the Youth Commission Fundraising Plan 2022/23 to collect donations and seek sponsorship of various Youth Commission initiatives.

Kayla Nakamoto, Administrative Analyst presented the staff report.

Mayor Fitzsimmons invited public comment.

No one requested to speak.

PAGE/WALIA MOVED TO APPROVE THE YOUTH COMMISSION FUNDRAISING PLAN 2022/23 TO COLLECT DONATIONS AND SEEK SPONSORSHIP OF VARIOUS YOUTH COMMISSION INITIATIVES. MOTION PASSED BY THE FOLLOWING ROLL CALL VOTE: AYES: AFTAB, PAGE, WALIA, ZHAO, FITZSIMMONS. NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

3.2. Discussion and action regarding City Council Annual Summer Recess

Recommended Action:

Discuss the City Council's annual Summer Recess, cancel certain meetings in July and/or August 2023 and authorize the City Manager, after consultation with the Mayor, to reinstate a cancelled meeting if any urgent items arise.

Britt Avrit, City Clerk presented the staff report.

Mayor Fitzsimmons invited public comment.

No one requested to speak.

WALIA/ZHAO MOVED TO **CANCEL THE CITY COUNCIL MEETINGS IN AUGUST 2023 AND AUTHORIZE THE CITY MANAGER, AFTER CONSULTATION WITH THE MAYOR, TO REINSTATE A CANCELLED MEETING IF ANY URGENT ITEMS ARISE.** MOTION PASSED BY THE FOLLOWING ROLL CALL VOTE: AYES: AFTAB, PAGE, WALIA, ZHAO, FITZSIMMONS. NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

COUNCIL ASSIGNMENTS

Council Member Tina Walia

Saratoga Sister City Committee Liaison – stated the Committee met with nothing to report.

KSAR Community Access TV Board – stated the new Station Manager is Jon Wenger.

Silicon Valley Clean Energy Authority Board of Directors (SVCE) – stated the Board appointed George Tyson as Chair and Tina Walia as Vice Chair; stated the five-member Executive Committee will be made up of George Tyson, Tina Walia, Rob Rennie, Bryan Mekechuk, and Yvonne Martinez Beltran; stated SVCE will begin receiving 77 megawatts of wind energy which helps meet the state requirement of the renewable portfolio standard.

Council Member Chuck Page

West Valley Sanitation District Board of Directors - stated the Board appointed Rowena Turner as Chair and Chuck Page as Vice Chair and stated the district continues to have no sewage overflows.

Saratoga Chamber of Commerce Board – stated many businesses are expressing interest in new parklets or expansion of sidewalks to allow for sidewalk dining.

Council Finance Committee – stated the Committee met and approved the meeting schedule and oversaw the Draft Budget Calendar.

Mayor Kookie Fitzsimmons

Nothing to report.

Vice Mayor Yan Zhao

Nothing to report.

Council Member Belal Aftab

Nothing to report.

CITY COUNCIL ITEMS

None

COUNCIL COMMUNICATIONS

None

CITY MANAGER'S REPORT

None

CITY ATTORNEY'S REPORT

None

ADJOURNMENT

Mayor Fitzsimmons adjourned the meeting to the continued Closed Session at 11:41 p.m.

Minutes respectfully submitted:

Britt Avrit, City Clerk
City of Saratoga