

MINUTES
WEDNESDAY, JANUARY 19, 2022
SARATOGA CITY COUNCIL REGULAR MEETING

At 5:00 p.m., the City Council held a Joint Session with Los Gatos Saratoga Recreation via teleconferencing through Zoom.

Mayor Walia invited public comment.

No one requested to speak.

At 6:00 p.m., the City Council held a Joint Session with West Valley-Mission Community College District Board of Trustees via teleconferencing through Zoom.

Mayor Walia invited public comment.

No one requested to speak.

Mayor Walia called the Regular Session to order at 7:00 p.m. via teleconferencing through Zoom.

Prior to Roll Call, the City Clerk explained the City Council meeting was conducted pursuant to State law as recently amended by Assembly Bill 361, which allows the meeting to be conducted entirely by teleconference. The City Council has met all the applicable notice requirements and the public is welcome to participate. All Council Members, staff, and meeting attendees participated by Zoom. Information on how the public can observe the meeting and provide public comment was provided.

ROLL CALL

PRESENT: Mayor Tina Walia, Vice Mayor Kookie Fitzsimmons, Council Members Mary-Lynne Bernald, Rishi Kumar, Yan Zhao
(All Council Members appearing via teleconference)

ABSENT: None

ALSO PRESENT: James Lindsay, City Manager
Richard Taylor, City Attorney
Crystal Bothelio, Assistant City Manager
Britt Avrit, City Clerk
Debbie Pedro, Community Development Director
Nick Pegueros, Administrative Services Director
Kayla Nakamoto, Administrative Analyst
Lauren Pettipiece, Public Information Officer
Nicole Johnson, Senior Planner
Ann Xu, Accountant II
(All staff members appearing via teleconference)

REPORT ON POSTING OF THE AGENDA

The City Clerk reported the agenda for this meeting was properly posted on January 14, 2021.

Mayor Walia discussed the number of attendees and the number of participants who have indicated they would like to address the City Council and requested the City Council consider reducing the public speaking time to one minute.

KUMAR/BERNALD MOVED TO **CHANGE THE PUBLIC SPEAKING TIME TO ONE MINUTE PER PERSON FOR ALL ITEMS ON THE AGENDA FOR THIS MEETING.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS

The following individuals spoke at this time:

Zoom user discussed non-citizens voting and laws favoring government over the people.

Jessie Hagelin discussed use of leaf blowers in the City and people not picking up after their dogs.

Alok Mahajan discussed the process followed by the City Council at a recent meeting.

Naresh Makhijani asked about the process for comments and potential responses from the City Council.

Lochan Narvekar asked about the process for comments, potential responses from the City Council and adding items to an agenda.

Simona requested answers to previous questions.

The City Manager provided the process regarding public comment and explained how the Council has been asking staff to respond to questions asked by public speakers.

Lynne Lampros discussed the process for public meetings.

Sunitha Ayers provided a suggestion related to the process for providing answers to questions.

Hadi Ghafouri discussed unmarked bike lanes in the City.

ANNOUNCEMENTS

Mayor Walia shared information about COVID-19, Commission Recruitments, and SED Talks for Teens: Mend your Mind.

1. CONSENT CALENDAR

Mayor Walia invited public comment on the Consent Calendar.

The following individuals spoke on the Consent Calendar: Bill Dalton, Jerry Bruce, Leon, M. Robertson

1.1. City Council Meeting Minutes

Recommended Action:

Approve the Minutes for the December 14, 2021 City Council and Planning Commission Special Meeting Study Session and the Minutes for the December 15, 2021 City Council Regular Meeting.

ZHAO/BERNALD MOVED TO **APPROVE THE MINUTES FOR THE DECEMBER 14, 2021 CITY COUNCIL AND PLANNING COMMISSION SPECIAL MEETING STUDY SESSION AND THE MINUTES FOR THE DECEMBER 15, 2021 CITY COUNCIL REGULAR MEETING.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: 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: 12/21/21 Period 6; 1/6/22 Period 7; 1/6/22 Period 7 (Special Run)

ZHAO/BERNALD MOVED TO **REVIEW AND ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 12/21/21 PERIOD 6; 1/6/22 PERIOD 7; 1/6/22 PERIOD 7 (SPECIAL RUN).** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.3. Treasurer's Report for the Month Ended November 30, 2021

Recommended Action:

Review and accept the Treasurer's Report for the month ended November 30, 2021.

ZHAO/BERNALD MOVED TO **REVIEW AND ACCEPT THE TREASURER'S REPORT FOR THE MONTH ENDED NOVEMBER 30, 2021.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.4. Cancellation of August 3, 2022 and August 17, 2022 City Council meetings for the Annual 'Summer Recess'

Recommended Action:

Cancel the City Council meetings scheduled for August 3, 2022 and August 17, 2022 as the City Council's annual 'Summer Recess' and authorize the City Manager, after consultation with the Mayor, to reinstate a cancelled meeting if any urgent items arise.

ZHAO/FITZSIMMONS MOVED TO **CANCEL THE CITY COUNCIL MEETINGS SCHEDULED FOR AUGUST 3, 2022 AND AUGUST 17, 2022 AS THE CITY COUNCIL'S ANNUAL 'SUMMER RECESS' AND AUTHORIZE THE CITY MANAGER, AFTER CONSULTATION WITH THE MAYOR, TO REINSTATE A CANCELLED MEETING IF ANY URGENT ITEMS ARISE.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.5. Landmark Designation for 19174 DeHavilland Drive – Application No. LNDMRK21-0003

Recommended Action:

Waive the second reading and adopt the attached ordinance designating the property at 19174 DeHavilland Drive as a historic landmark.

ORDINANCE 386

ZHAO/BERNALD MOVED TO **WAIVE THE SECOND READING AND ADOPT THE ORDINANCE DESIGNATING THE PROPERTY AT 19174 DEHAVILLAND DRIVE AS A HISTORIC LANDMARK.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.6. Update Process for the City Mission Statement, Statement of Values, and the Code of Ethics and Values

Recommended Action:

Authorize the City Manager to execute an agreement with Shawn Spano, PhD to assist the City Council with updating the City Mission Statement, Statement of Values, and the Code of Ethics and Values for an amount not to exceed \$7,260.

The following individuals spoke on this item: Bill Dalton, M. Robertson

FITZSIMMONS/ZHAO MOVED TO **CONTINUE THIS ITEM TO ANOTHER DATE** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, ZHAO, FITZSIMMONS, WALIA: NOES: KUMAR. ABSTAIN: NONE. ABSENT: NONE.

1.7. Ordinance Amending City Code Section 4-90.020 to Ban Sale of Menthol Tobacco Products

Recommended Action:

Adopt the ordinance amending City Code Section 4-90.020 (Tobacco Retailer Definitions) to extend current prohibitions of the sale of flavored tobacco products to include menthol products.

The following individual spoke on this item: Bill Dalton

ORDINANCE 387

BERNALD/ZHAO MOVED TO **ADOPT THE ORDINANCE AMENDING CITY CODE SECTION 4-90.020 (TOBACCO RETAILER DEFINITIONS) TO EXTEND CURRENT PROHIBITIONS OF THE SALE OF FLAVORED TOBACCO PRODUCTS TO INCLUDE MENTHOL PRODUCTS.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.8. Fiscal Year 2020/21 Annual Audits Reports

Recommended Action:

Review and accept the FY 2020/21 Annual Comprehensive Financial Report (ACFR) and related supplemental reports as follows:

- A. Annual Comprehensive Financial Report (ACFR)
- B. Appropriations Limit Report (Gann)
- C. SAS 112 Report (Internal Controls)
- D. SAS 114 Report (Statement on Audit Standards)
- E. Single Audit Exemption

ZHAO/BERNALD MOVED TO **REVIEW AND ACCEPT THE FY 2020/21 ANNUAL COMPREHENSIVE FINANCIAL REPORT (ACFR) AND RELATED SUPPLEMENTAL REPORTS.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.9. FY 2021/22 Budget Adjustment - American Rescue Plan Act/Coronavirus State and Local Fiscal Recovery Funds

Recommended Action:

Adopt budget resolution to amend FY 2020/21 and FY 2021/22 Budgets to align with the City of Saratoga's final ARPA/SLFRF allocation of \$7,213,239.

RESOLUTION 22-001

ZHAO/BERNALD MOVED TO **ADOPT A BUDGET RESOLUTION TO AMEND FY 2020/21 AND FY 2021/22 BUDGETS TO ALIGN WITH THE CITY OF SARATOGA'S FINAL ARPA/SLFRF ALLOCATION OF \$7,213,239.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

2. GENERAL BUSINESS

2.1. EIR Project Description for Housing Element and General Plan Update including Housing Opportunity Sites Selection, Policies, and Programs

Recommended Action:

Provide direction on the Housing Opportunity Sites, distribution of units, and policies and programs to include in the project description for the Environmental Impact Report (EIR) for the General Plan and Housing Element Update.

Debbie Pedro, Community Development Director, presented the staff report.

Mayor Walia requested a recess and reconvened the meeting at 9:02 p.m.

Mayor Walia invited public comment on the item.

The following individuals spoke on this item: Jeffrey Schwartz, Kathy, Margot, Behnam, PS, Sujatha, Scott Connelly, Jose Nunez, M Robertson, Marilyn Marchetti, Hao Ge, Ying Cui, Edwin S, Anne Johnson, Xiongfei Chen, Dick Wheeler, Grace, Cam, Lynne Lampros, Joe and Val Marvin, Dhans, Priya, Jefe Aragon, Belal Aftab, Cathie Watson-Short, Ellis, Debs Rawlings, Lloyd Binen, Brirober, Peter Yang, Jay Gillis, Dan, William Ford, Chiachia, Letitia, Adya, Xiao Wu, Radhika, Karthik Ramamurthy, David Longanecker. Jun, Aslihan, Mona Kaur, Karthik Ganesan, Marc, Lisa Yang, Dory Albert, Yulenny Bacon, Eric, Sarang Kirpekar, KM, Karen Steinman, Peter Boulton, Peter Hahn, Lochan Narvekar, Bhuvana Krishnamurthy, Timothy McNally, Alan, Frank C, Sung Choi, David Anderson, Camille Chapman, Han Wen, Resident, Ling, Nanda, Corinne Vita, Athenacarter, Steve Klinger, Larry Schwerin, James Lu, Vivian, Brian Tran, Greg Dean, Arki G, Kate, Chris Vasquez, Nancy Lietzke, Sundar, Wei, Hari Ravi, Jie Li, Jeff Jones, Surekha Kotamraju, E Chan, Leon Zhang,

Mayor Walia requested a recess and reconvened the meeting at 11:15 p.m.

Public comment continued with the following individuals speaking on this item: Karthik Iyer, Zoom User, Ken, Ray Liang, Feng, Rajeev Mohindra, Ashok Madanahalli, Tylor Taylor, Eva, BJ Lee, Channu Sannappanavar, Jingdi, Toni, Gene Wu, Huaxing, Linda Chang, Brad Paulsen, Shamik Mehta, Sandeep, Jenny Cong, Kalyan, Sunny, Gary Smith, Sue B, Easwar, Bill Dalton, Jaina, Alexis, Eric, Miao, Huili, Wally Jones, Cindy Wu, Zoey Zhang, Vivek Tiwari, M, Stephen Morrow, Niall King, Holly Anderson, Rina Shah, Anthony, PS

FITZSIMMONS/ZHAO MOVED TO CONTINUE THE ITEMS ON THE AGENDA FOLLOWING ITEM 2.1 TO THE SPECIAL MEETING SCHEDULED FOR JANUARY 20, 2022.

Additional discussion took place, and a friendly amendment was made to the motion.

FITZSIMMONS/ZHAO MOVED TO CONTINUE ITEM 2.1 AND THE ITEMS ON THE AGENDA FOLLOWING ITEM 2.1 TO THE SPECIAL MEETING SCHEDULED FOR JANUARY 20, 2022. MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

ADJOURNMENT

BERNALD/FITZSIMMOND MOVED TO ADJOURN THE MEETING AT 12:23 A.M. MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

Minutes respectfully submitted:

Britt Avrit, MMC, City Clerk
City of Saratoga