

MINUTES
WEDNESDAY, FEBRUARY 17, 2021
SARATOGA CITY COUNCIL REGULAR MEETING

At 6:00 p.m., the City Council held a Joint Meeting with the Saratoga Area Senior Coordinating Council via teleconferencing through Zoom.

Mayor Zhao called the virtual Regular Session to order at 7:01 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 Yan Zhao, Vice Mayor Tina Walia, Council Members Rishi Kumar, Kookie Fitzsimmons, Mary-Lynne Bernald
(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
Debbie Pedro, Community Development Director
John Cherbone, Public Works Director
Dennis Jaw, Finance Manager
Emma Burkhalter, Associate Engineer
(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 February 12, 2021.

REPORT FROM JOINT MEETING

Tylor Taylor, Executive Director for Saratoga Area Senior Coordinating Council, reported on the Joint Meeting between the Saratoga Area Senior Coordinating Council and the City Council.

ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS

None

ANNOUNCEMENTS

Mayor Zhao shared information about the Saratoga Youth Commission's YouTube series Saratoga Speaks and the Council Retreat Series.

CEREMONIAL ITEMS

Appointment of Parks & Recreation Commissioner and Traffic Safety Commissioner

Recommended Action:

Approve the resolution appointing 1 member to the Parks & Recreation Commission and appointing 1 member to the Traffic Safety Commission and direct the City Clerk to administer the Oath of Office.

RESOLUTION 21-006

BERNALD/FITZSIMMONS MOVED TO **APPROVE THE RESOLUTION APPOINTING 1 MEMBER TO THE PARKS & RECREATION COMMISSION AND APPOINTING 1 MEMBER TO THE TRAFFIC SAFETY COMMISSION AND DIRECT THE CITY CLERK TO ADMINISTER THE OATH OF OFFICE.** MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR, FITZSIMMONS, BERNALD. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

Commendations for Science Fair Winners

Recommended Action:

Present commendations to the 2020 Synopsys Silicon Valley Science and Technology Championship Science Fair participants who live in Saratoga.

Mayor Zhao and the City Council commended the 2020 Synopsys Silicon Valley Science and Technology Championship Science Fair participants who live in Saratoga.

1. CONSENT CALENDAR

1.1. City Council Meeting Minutes

Recommended Action:

Approve the City Council minutes for the Special City Council Meeting on January 25, 2021 and the Regular City Council Meeting on February 3, 2021.

FITZSIMMONS/WALIA MOVED TO **APPROVE THE CITY COUNCIL MINUTES FOR THE SPECIAL CITY COUNCIL MEETING ON JANUARY 25, 2021 AND THE REGULAR CITY COUNCIL MEETING ON FEBRUARY 3, 2021.** MOTION

PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR, FITZSIMMONS, BERNALD. 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:
02/03/21 Period 8; 2/10/21 Period 8:

FITZSIMMONS/WALIA MOVED TO **ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 02/03/21 PERIOD 8; 2/10/21 PERIOD 8.** MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR, FITZSIMMONS, BERNALD. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

2. PUBLIC HEARING

None

3. GENERAL BUSINESS

3.1. San Jose Water Company General Rate Case Application 21-01-003 Letter

Recommended Action:

Authorize submittal of letter from the City Council on San Jose Water Company General Rate Case Application 21-01-003.

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

Mayor Zhao invited public comment on the item.

Mary Robertson spoke

Rowena Turner spoke

No one else requested to speak.

BERNALD/WALIA MOVED TO **AUTHORIZE SUBMITTAL OF LETTER FROM THE CITY COUNCIL ON SAN JOSE WATER COMPANY GENERAL RATE CASE APPLICATION 21-01-003, WITH AMENDMENT TO CHANGE WORD FROM QUALITY TO QUALIFY.** MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, FITZSIMMONS, BERNALD. NOES: KUMAR. ABSTAIN: NONE. ABSENT: NONE.

3.2. Continental Circle Stabilization - Construction Observation Contract with Cotton, Shires and Associates, Inc. and Budget Resolution

Recommended Action:

1. Approve construction observation contract with Cotton, Shires and Associates, Inc. (CSA) for Continental Circle roadway stabilization, in the amount of \$36,860, and authorize the City Manager to execute the same.

2. Authorize staff to execute change orders to the contract up to \$3,686.

3. Approve a budget resolution to appropriate \$75,000 from the Mt Eden Erosion Repair CIP to complete the Continental Circle roadway stabilization construction.

Emma Burkhalter, Associate Engineer, presented the staff report.

Mayor Zhao invited public comment on the item.

No one requested to speak.

RESOLUTION 21-007

FITZSIMMONS/WALIA MOVED TO APPROVE CONSTRUCTION OBSERVATION CONTRACT WITH COTTON, SHIRES AND ASSOCIATES, INC. (CSA) FOR CONTINENTAL CIRCLE ROADWAY STABILIZATION, IN THE AMOUNT OF \$36,860, AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE SAME, TO AUTHORIZE STAFF TO EXECUTE CHANGE ORDERS TO THE CONTRACT UP TO \$3,686, AND TO APPROVE A BUDGET RESOLUTION TO APPROPRIATE \$75,000 FROM THE MT EDEN EROSION REPAIR CIP TO COMPLETE THE CONTINENTAL CIRCLE ROADWAY STABILIZATION CONSTRUCTION. MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR, FITZSIMMONS, BERNALD. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

3.3. City Council Term Limits

Recommended Action:

Staff recommends that the City Council receive this report and provide direction to staff.

Richard Taylor, City Attorney, presented the staff report.

Mayor Zhao invited public comment on the item.

Stan Bogosian, former Saratoga Mayor, spoke

Corinne Vita spoke

Jeffrey Schwartz spoke

JoJo Choi spoke

No one else requested to speak.

WALIA/BERNALD MOVED TO DIRECT STAFF TO SCHEDULE CITY COUNCIL CONSIDERATION OF A RESOLUTION AFFIRMING THE COUNCIL'S COMMITMENT TO ABIDE BY THE 1992 BALLOT ADVISORY MEASURE ON TERM LIMITS. MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, FITZSIMMONS, BERNALD. NOES: KUMAR. ABSTAIN: NONE. ABSENT: NONE.

FITZSIMMONS/KUMAR MOVED **TO DIRECT STAFF TO SCHEDULE CITY COUNCIL CONSIDERATION OF A DRAFT BALLOT MEASURE ON TERM LIMITS FOR A FUTURE REGULAR ELECTION.** MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR, FITZSIMMONS, BERNALD. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

FITZSIMMONS/WALIA MOVED **TO FURTHER DIRECT STAFF TO PREPARE THE DRAFT BALLOT MEASURE ON TERM LIMITS WITH A 2-TERM LIFETIME LIMIT AND A PROVISION THAT A PARTIAL TERM OF 2 YEARS OR MORE WOULD EQUAL A FULL TERM.** MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR, FITZSIMMONS. NOES: NONE. ABSTAIN: BERNALD. ABSENT: NONE.

City Attorney Richard Taylor will include in the future staff report information on legal requirements concerning filling City Council vacancies and a rough cost estimate for including the measure on the ballot.

Mayor Zhao requested a break at 9:39 and resumed the meeting at 9:47 p.m.

3.4. City Council Strategic Goals

Recommended Action:

Direct staff accordingly.

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

Mayor Zhao invited public comment on the item.

Jeffrey Schwartz spoke

No one else requested to speak.

BERNALD/WALIA MOVED **TO APPROVE THE CITY COUNCIL STRATEGIC GOALS WITH THE REMOVAL OF ITEM 5Bii.** MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR, FITZSIMMONS, BERNALD. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

COUNCIL ASSIGNMENTS

Mayor Yan Zhao

Cities Association of Santa Clara County – the members approved a financial report, received a presentation from Silicon Valley Clean Energy Association with information about the Community Energy Resilience Program, received a presentation by the Chamber of Commerce Association, and received a presentation by the Planning Collaborative agency on helping cities with their Housing Elements.

Valley Transportation Authority (VTA) Policy Advisory Committee – the Committee approved the SASCC RYDE program application for Measure B grant funds, which now goes to the VTA Board for their approval.

West Valley Sanitation District – the Board approved an annexation request, but the annexation now has to be approved by LAFCO.

Vice Mayor Tina Walia

Silicon Valley Clean Energy Authority Board of Directors – the new Board members have been attending orientation meetings as well as the Board meeting. The Board received a report that SVCE has adjusted rates to maintain a 1% discount relative to PG&E rates, also approved a contract for carbon-free hydropower to start in 2025, and discussed the statewide Time-of-Use Billing rate change in June 2021 that customers will be opted-in as part of the transition. Information will be going out to customers in March.

Vice Mayor Walia announced that Silicon Valley Clean Energy Authority has a grant program that the City of Saratoga can apply for.

Council Member Rishi Kumar

West Valley Clean Water Program Authority – the members approved the 2021 Strategic Priorities, including Storm water permit compliance education, negotiate new agreement with Santa Clara County Fire to conduct commercial inspections, actively pursue grant opportunities, financial studies with other organizations, and technology innovations.

West Valley Solid Waste Management Joint Powers Authority – the members received a report on liquidated damages that are allowed in the contract from missed pickups by garbage company and there are assessed damages of \$11,300. The members think the company should have a call center to report missed pickups and the company needs to create a better process. There is an ad hoc committee discussing the Collection agreement that expires in 10 years with lots of new legislation that will affect the rates. Also received a report on SB1383, which is to reduce organic waste in landfills.

Council Member Kookie Fitzsimmons

Chamber of Commerce – the Chamber of Commerce is looking for ways to refresh the Village.

Council Member Mary-Lynne Bernald

Saratoga Public Art Committee – the Committee received a report that there had been 70 qualified applicants for the Paint the City program and that the Library & Community Engagement Commission reviewed the applications and now City residents will vote on their favorite artwork at the 3 utility box locations in the program this year. The Committee reviewed and proposed changes to the Public Art Policy changes that will come to the Council for consideration. The Committee also discussed Gateway sculpture ideas, agreed to replace the stolen Nuts About Saratoga acorn in the Village, and received updates on Rainy Day Sidewalk Poetry and Chalk Hopscotch.

CITY COUNCIL ITEMS

Council Member Fitzsimmons, with support from Mayor Zhao, asked the City Council to consider opportunities to refresh the appearance of the Village.

COUNCIL COMMUNICATIONS

Council Member Kumar shared about the San Jose Water Company rate increases and he advised that protest messages should go to the California Public Utilities Commission. Council Member Kumar also shared information about COVID vaccines.

CITY MANAGER'S REPORT

James Lindsay announced that the monthly e-newsletter, *Saratoga Source*, will transition from a monthly to weekly distribution. The City will also begin translating quarterly outreach postcards that are sent to entire City.

ADJOURNMENT

FITZSIMMONS/WALIA MOVED TO **ADJOURN THE MEETING AT 10:46 P.M.**
MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR,
FITZSIMMONS, BERNALD. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

Minutes respectfully submitted:

Debbie Bretschneider, City Clerk
City of Saratoga