

MINUTES
WEDNESDAY, MARCH 16, 2022
SARATOGA CITY COUNCIL REGULAR MEETING

At 5:00 p.m., the City Council held a Closed Session via teleconferencing through Zoom.

Mayor Walia invited public comment.

No one requested to speak.

At 6:00 p.m., the City Council held interviews for the Parks & Recreation Commission via teleconferencing through Zoom.

KUMAR/BERNALD MOVED TO APPOINT BADRINATH SRIDHARAN TO THE PARKS & RECREATION COMMISSION FOR A FULL-TERM ENDING SEPTEMBER 30, 2025.
MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

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

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
Crystal Bothelio, Assistant City Manager
Richard Taylor, City Attorney
Britt Avrit, City Clerk
Debbie Pedro, Community Development Director
John Cherbone, Public Works Director
Nick Pegueros, Administrative Services Director
Christopher Riordan, Senior Planner
Lauren Pettipiece, Public Information Officer
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 March 10, 2022.

ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS

Mayor Walia invited public comment.

No one requested to speak.

ANNOUNCEMENTS

Mayor Walia shared information about the St. Paddy's Day Party in the Village, the Housing Element Public Scoping Meeting, the Blossom Festival, the Arbor Day Celebration and Commission recruitments.

CEREMONIAL ITEMS

Proclamation Recognizing March 2022 as American Red Cross Month

Recommended Action:

Proclaim March 2022 as American Red Cross Month.

The City Council proclaimed American Red Cross Month in the City of Saratoga.

Commendations Honoring 2021 Synopsys Science and Technology Championship Participants

Recommended Action:

Commend the 2021 Synopsys Science and Technology Championship Science participants who live in Saratoga.

The City Council commended the 2021 Synopsys Science and Technology Championship Science participants who live in Saratoga.

Appointment of Planning Commissioners

Recommended Action:

Adopt the Resolution appointing two members to the Planning Commission and direct the City Clerk to administer the Oath of Office.

RESOLUTION 2022-005

BERNALD/FITZSIMMONS MOVED TO **ADOPT THE RESOLUTION APPOINTING TWO MEMBERS TO THE PLANNING COMMISSION AND DIRECT THE CITY CLERK TO ADMINISTER THE OATH OF OFFICE.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

The City Clerk administered the Oath of Office to Clinton Brownley and Ping Li at this time.

1. CONSENT CALENDAR

Mayor Walia 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 March 2, 2022 City Council Regular Meeting.

FITZSIMMONS/ZHAO MOVED TO **APPROVE THE MINUTES FOR THE MARCH 2, 2022 CITY COUNCIL REGULAR MEETING.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: 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:
3/3/22 Period 9.

FITZSIMMONS/ZHAO MOVED TO **REVIEW AND ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 3/3/22 PERIOD 9.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

1.3. Ordinance relating to appeals of State determinations regarding development in Very High Fire Hazard Zones

Recommended Action:

Adopt an ordinance amending section 16-05.020 of the Saratoga Municipal Code relating to appeals of State determinations regarding development in Very High Fire Hazard Zones.

ORDINANCE 389

FITZSIMMONS/ZHAO MOVED TO **ADOPT AN ORDINANCE AMENDING SECTION 16-05.020 OF THE SARATOGA MUNICIPAL CODE RELATING TO APPEALS OF STATE DETERMINATIONS REGARDING DEVELOPMENT IN VERY HIGH FIRE HAZARD ZONES.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

1.4. Reconsider and Confirm Findings Pursuant to Assembly Bill 361

Recommended Action:

Reconsider and confirm findings pursuant to Assembly Bill 361 of the continued public health officials' recommendation to social distance and to therefore hold City of Saratoga Brown Act meetings by teleconference.

FITZSIMMONS/ZHAO MOVED TO **RECONSIDER AND CONFIRM FINDINGS PURSUANT TO ASSEMBLY BILL 361 OF THE CONTINUED PUBLIC HEALTH OFFICIALS' RECOMMENDATION TO SOCIAL DISTANCE AND TO THEREFORE HOLD CITY OF SARATOGA BROWN ACT MEETINGS BY TELECONFERENCE.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

1.5. Resolution Amending the Policy for Meeting Recordings

Recommended Action:

Adopt the resolution amending the policy for meeting recordings to add City Council Finance Committee meetings to the list of City meetings that are recorded.

RESOLUTION 2022-006

FITZSIMMONS/ZHAO MOVED TO **ADOPT THE RESOLUTION AMENDING THE POLICY FOR MEETING RECORDINGS TO ADD CITY COUNCIL FINANCE COMMITTEE MEETINGS TO THE LIST OF CITY MEETINGS THAT ARE RECORDED.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

1.6. Receive the Fiscal Year 2021 Cities' Financial Transactions Report and Direct Posting the Report to the City's Website

Recommended Action:

Receive the Fiscal Year 2021 (FY 21) Cities' Financial Transactions Report (CTFR) and direct posting the report to the City's website. Financial transactions in the CTFR reflect independently audited financial records as reported in the City's Annual Comprehensive Financial Report (ACFR.) The report contains no information or findings that differ from the ACFR.

FITZSIMMONS/ZHAO MOVED TO **RECEIVE THE FISCAL YEAR 2021 (FY 21) CITIES' FINANCIAL TRANSACTIONS REPORT (CTFR) AND DIRECT POSTING THE REPORT TO THE CITY'S WEBSITE.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

1.7. 2021 General Plan Housing Element Annual Progress Report

Recommended Action:

Adopt the attached Resolution accepting the 2021 General Plan Housing Element Annual Progress Report and direct staff to file the report with the Governor's Office of Planning and Research (OPR) and the Department of Housing and Community Development (HCD).

RESOLUTION 2022-007

FITZSIMMONS/ZHAO MOVED TO **ADOPT THE RESOLUTION ACCEPTING THE 2021 GENERAL PLAN HOUSING ELEMENT ANNUAL PROGRESS REPORT AND DIRECT STAFF TO FILE THE REPORT WITH THE GOVERNOR'S OFFICE OF PLANNING AND RESEARCH (OPR) AND THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD).** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

2. GENERAL BUSINESS

2.1. Fiscal Year 2022 Mid-Year General Fund Budget Status Report and Budget Amendment

Recommended Action:

Receive Fiscal Year 2022 (FY 22) mid-year General Fund budget status report and adopt a resolution amending the fiscal year ending June 30, 2022 (FY 22) budget.

Nick Pegueros, Administrative Services Director, presented the staff report.

Mayor Walia invited public comment.

No one requested to speak.

RESOLUTION 2022-008

BERNALD/FITZSIMMONS MOVED TO **RECEIVE FISCAL YEAR 2022 (FY 22) MID-YEAR GENERAL FUND BUDGET STATUS REPORT AND ADOPT A RESOLUTION AMENDING THE FISCAL YEAR ENDING JUNE 30, 2022 (FY 22) BUDGET.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

2.2. Draft Fiscal Year 2023 Capital Improvement Program Budget Review

Recommended Action:

Review and provide direction on the draft Fiscal Year 2023 (FY 23) Capital Improvement Program (CIP) budget for inclusion in the annual budget.

Nick Pegueros, Administrative Services Director, presented the staff report.

Mayor Walia invited public comment.

No one requested to speak.

Mayor Walia requested a brief recess at this time.

Mayor Walia reconvened the meeting at 9:00 pm

ZHAO MOVED TO **APPROVE THE DRAFT FISCAL YEAR 2023 (FY 23) CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET AS PRESENTED BY STAFF AND TO MOVE FORWARD WITH APPROVAL ON APRIL 6, 2022.**

After further discussion with staff, Council Member Zhao amended the motion.

ZHAO MOVED TO **APPROVE THE DRAFT FISCAL YEAR 2023 (FY 23) CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET AS PRESENTED BY STAFF, TO REMOVE THE JOE'S TRAIL AT SARATOGA DE ANZA-PHASE II PROJECT AND THE AUTOMATIC LICENSE PLATE READER PROJECT FROM THE UNFUNDED PROJECT LIST, AND TO MOVE FORWARD WITH APPROVAL ON APRIL 6, 2022.**

Council Member Bernald requested a friendly amendment to include removal of the City Hall Courtyard Accessibility Improvement Project from the Unfunded Projects List.

ZHAO/BERNALD MOVED TO **APPROVE THE DRAFT FISCAL YEAR 2023 (FY 23) CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET AS PRESENTED BY STAFF, TO REMOVE THE JOE'S TRAIL AT SARATOGA DE ANZA-PHASE II PROJECT, THE AUTOMATIC LICENSE PLATE READER PROJECT AND THE CITY HALL COURTYARD ACCESSIBILITY IMPROVEMENT PROJECT FROM THE UNFUNDED PROJECT LIST, AND TO MOVE FORWARD WITH APPROVAL ON APRIL 6, 2022.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

WALIA/BERNALD MOVED TO **REQUEST THE FINANCE COMMITTEE CONSIDER BROADENING THE POLICY REGARDING FACILITY RESERVE FUNDS TO INCLUDE ROADWAY/INFRASTRUCTURE IMPROVEMENTS.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

COUNCIL ASSIGNMENTS

Council Member Mary-Lynne Bernald

Nothing to report

Council Member Rishi Kumar

Nothing to report

Council Member Yan Zhao

West Valley Sanitation District Board of Directors – stated the Board met in Closed Session with no reportable action.

Valley Transportation Authority (VTA) Policy Advisory Committee – stated the Committee approved recommending reprogramming \$3.24mil for the Congestion Mitigation Fund for two projects and the Committee received the Valley Transportation Plan Semi-Annual Report.

Vice Mayor Kookie Fitzsimmons

Saratoga Chamber of Commerce Board – stated the Chamber of Commerce will be holding a wine stroll event, is expecting a large turnout, and is looking for volunteers for the event being held May 25, 2022.

Mayor Tina Walia

Hakone Foundation Executive Board – stated there is nothing to report from the meeting; discussed the blooming of cherry blossoms and an upcoming fundraiser being held April 5, 2022.

Cities Association of Santa Clara County-Legislative Action Committee – stated the Committee received a presentation on energy and decarbonization legislation, and Assembly Member Alex Lee provided a presentation regarding AB 1944.

Cities Association of Santa Clara County Board of Directors - stated there is nothing to report from the meeting.

Silicon Valley Clean Energy Authority Board of Directors – stated the board approved \$3mil in customer relief for income qualified customers, added \$13mil to the programs budget to support emissions reductions, and the Board approved entering into a long duration energy storage project collaboration with five other CCA’s, and stated the Agency received a clean audit report.

CITY COUNCIL ITEMS

None

COUNCIL COMMUNICATIONS

Council Member Kumar requested the public send letters and emails regarding the Housing and Community Development RHNA numbers audit; discussed joining in signing petitions that seek to amend California’s Constitution to ensure local housing laws are not preempted; discussed his belief the PUC is subverting solar program by removing benefits of the program.

CITY MANAGER'S REPORT

None

ADJOURNMENT

FITZSIMMONS/ZHAO MOVED TO **ADJOURN THE MEETING AT 9:31 P.M.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

Minutes respectfully submitted:

Britt Avrit, MMC, City Clerk
City of Saratoga