

MINUTES
WEDNESDAY, APRIL 19, 2023
SARATOGA CITY COUNCIL REGULAR MEETING

At 6:00 p.m., the City Council held a Closed Session in the Linda Callon Conference Room.

Mayor Fitzsimmons invited public comment.

The following individual spoke: Bill Dalton

Mayor Fitzsimmons called the Regular Session to order at 7:00 p.m.

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
Nick Pegueros, Administrative Services Director
John Cherbone, Public Works Director
Debbie Pedro, Community Development Director
Nicole Johnson, Senior Planner
Lauren Blom, Public Information Officer

REPORT ON POSTING OF THE AGENDA

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

REPORT FROM CLOSED SESSION

Mayor Fitzsimmons stated the City Council met in Closed Session prior to the Regular Session to discuss labor negotiations with no reportable action.

ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS

Mayor Fitzsimmons invited public comment.

The following individuals spoke at this time:

John, Ramya, and Cecil from the Saratoga Music Boosters discussed the upcoming Pancake Breakfast.

Bill Dalton discussed current labor negotiations.

ANNOUNCEMENTS

Mayor Fitzsimmons shared information about SED Talks, Arbor Day, Blossom Festival, and Blue Gum Eucalyptus Tree Removal Permits.

Council Member Walia shared information regarding Redwood Middle School's upcoming Festival of Colors event 'HOLI.'

Council Member Aftab discussed the upcoming celebration for Eid marking the end of Ramadan.

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 March 15, 2023 City Council Regular Meeting and the Minutes for the April 5, 2023 City Council Regular Meeting.

AFTAB/ZHAO MOVED TO **APPROVE THE MINUTES FOR THE MARCH 15, 2023 CITY COUNCIL REGULAR MEETING AS AMENDED AND SHOWN IN THE SUPPLEMENTAL MEMO FOR THE APRIL 19, 2023 CITY COUNCIL MEETING AND THE MINUTES FOR THE APRIL 5, 2023 CITY COUNCIL REGULAR MEETING.** MOTION PASSED BY THE FOLLOWING VOTE: AYES: AFTAB, PAGE, WALIA, ZHAO, FITZSIMMONS. NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

1.2. Review and Accept Accounts Payable Check Registers

Recommended Action:

Review and accept the 03/29/2023 and 04/06/2023 accounts payable vendor payment check registers.

AFTAB/ZHAO MOVED TO **REVIEW AND ACCEPT THE 03/29/2023 AND 04/06/2023 ACCOUNTS PAYABLE VENDOR PAYMENT CHECK REGISTERS.** MOTION PASSED BY THE FOLLOWING VOTE: AYES: AFTAB, PAGE, WALIA, ZHAO, FITZSIMMONS. NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

1.3. Contract Renewal for Camino Online Permit Guide Platform Software

Recommended Action:

Approve a one-year contract with Camino Technologies, Inc. for the Camino Online Permit Guide Platform and authorize the City Manager to execute the same.

AFTAB/ZHAO MOVED TO **APPROVE A ONE-YEAR CONTRACT WITH CAMINO TECHNOLOGIES, INC. FOR THE CAMINO ONLINE PERMIT GUIDE PLATFORM AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE SAME.** MOTION PASSED BY THE FOLLOWING VOTE: AYES: AFTAB, PAGE, WALIA, ZHAO, FITZSIMMONS. NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

1.4. Second Amendment to the Household Hazardous Waste Agreement with Santa Clara County

Recommended Action:

Authorize the City Manager to execute the second amendment to the Santa Clara County Household Hazardous Waste Collection Program Agreement with a \$55,251 augmentation for Fiscal Year 2024.

AFTAB/ZHAO MOVED TO **AUTHORIZE THE CITY MANAGER TO EXECUTE THE SECOND AMENDMENT TO THE SANTA CLARA COUNTY HOUSEHOLD HAZARDOUS WASTE COLLECTION PROGRAM AGREEMENT WITH A \$55,251 AUGMENTATION FOR FISCAL YEAR 2024.** MOTION PASSED BY THE FOLLOWING VOTE: AYES: AFTAB, PAGE, WALIA, ZHAO, FITZSIMMONS. NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

1.5. Local Emergency Proclamation Termination

Recommended Action:

Adopt the Resolution proclaiming the termination of the local emergency due to severe storms in March 2023.

RESOLUTION 23-019

AFTAB/ZHAO MOVED TO **ADOPT THE RESOLUTION PROCLAIMING THE TERMINATION OF THE LOCAL EMERGENCY DUE TO SEVERE STORMS IN MARCH 2023.** MOTION PASSED BY THE FOLLOWING VOTE: AYES: AFTAB, PAGE, WALIA, ZHAO, FITZSIMMONS. NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

1.6. Landscaping and Lighting Assessment District LLA-1; Preliminary Approval of Engineer's Report and Adoption of Resolution of Intention for FY 23-24

Recommended Actions:

1. Adopt the Resolution granting preliminary approval of the Engineer's Report for FY 23-24 for renewing the Landscaping and Lighting Assessment District LLA-1.
2. Adopt the Resolution of Intention.

RESOLUTION 23-020

RESOLUTION 23-021

AFTAB/ZHAO MOVED TO **ADOPT THE RESOLUTION GRANTING PRELIMINARY APPROVAL OF THE ENGINEER'S REPORT FOR FY 23-24 FOR RENEWING THE LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT LLA-1 AND ADOPT THE RESOLUTION OF INTENTION.** MOTION PASSED BY THE FOLLOWING VOTE: AYES: AFTAB, PAGE, WALIA, ZHAO, FITZSIMMONS. NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

1.7. Landscaping and Lighting Assessment District LLA-1; Preliminary Approval of Engineer's Report and Adoption of Resolution of Intention for FY 23-24 for Annexation of New Zone (Saratoga Woods - Zone 41) to the City of Saratoga Landscaping and Lighting Assessment District, LLA-1.

Recommended Actions:

1. Adopt the Resolution granting preliminary approval of the Engineer's Report for FY 23-24 for the annexation of New Zone (Saratoga Woods – Zone 41) into the Landscaping and Lighting Assessment District LLA-1.
2. Adopt the Resolution of Intention.

RESOLUTION 23-022

RESOLUTION 23-023

AFTAB/ZHAO MOVED TO **ADOPT THE RESOLUTION GRANTING PRELIMINARY APPROVAL OF THE ENGINEER'S REPORT FOR FY 23-24 FOR THE ANNEXATION OF NEW ZONE (SARATOGA WOODS – ZONE 41) INTO THE LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT LLA-1 AND ADOPT THE RESOLUTION OF INTENTION.** MOTION PASSED BY THE FOLLOWING VOTE: AYES: AFTAB, PAGE, WALIA, ZHAO, FITZSIMMONS. NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

1.8. Landscaping and Lighting Assessment District LLA-1; Preliminary Approval of Engineer's Report and Adoption of Resolution of Intention for FY 23-24 for Annexation of New Zone (Gardiner - Zone 42) to the City of Saratoga Landscaping and Lighting Assessment District, LLA-1.

Recommended Actions:

1. Adopt the Resolution granting preliminary approval of the Engineer's Report for FY 23-24 for the annexation of New Zone (Gardiner – Zone 42) into the Landscaping and Lighting Assessment District LLA-1.
2. Adopt the Resolution of Intention.

RESOLUTION 23-024

RESOLUTION 23-025

AFTAB/ZHAO MOVED TO **ADOPT THE RESOLUTION GRANTING PRELIMINARY APPROVAL OF THE ENGINEER'S REPORT FOR FY 23-24 FOR THE ANNEXATION OF NEW ZONE (GARDINER – ZONE 42) INTO THE LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT LLA-1 AND ADOPT THE RESOLUTION OF INTENTION.** MOTION PASSED BY THE FOLLOWING VOTE: AYES: AFTAB, PAGE, WALIA, ZHAO, FITZSIMMONS. NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

1.9. Landscaping and Lighting Assessment District LLA-1; Preliminary Approval of Engineer's Report and Adoption of Resolution of Intention for FY 23-24 for Annexation of New Zone (Lower Pierce - Zone 43) to the City of Saratoga Landscaping and Lighting Assessment District, LLA-1.

Recommended Actions:

1. Adopt the Resolution granting preliminary approval of the Engineer's Report for FY 23-24 for the annexation of New Zone (Lower Pierce – Zone 43) into the Landscaping and Lighting Assessment District LLA-1.
2. Adopt the Resolution of Intention.

RESOLUTION 23-026

RESOLUTION 23-027

AFTAB/ZHAO MOVED TO **ADOPT THE RESOLUTION GRANTING PRELIMINARY APPROVAL OF THE ENGINEER'S REPORT FOR FY 23-24 FOR THE ANNEXATION OF NEW ZONE (LOWER PIERCE – ZONE 43) INTO THE LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT LLA-1 AND ADOPT THE RESOLUTION OF INTENTION.** MOTION PASSED BY THE FOLLOWING VOTE: AYES: AFTAB, PAGE, WALIA, ZHAO, FITZSIMMONS. NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

1.10. Landscaping and Lighting Assessment District LLA-1; Preliminary Approval of Engineer's Report and Adoption of Resolution of Intention for FY 23-24 for Annexation of New Zone (Golden Triangle - Zone 44) to the City of Saratoga Landscaping and Lighting Assessment District, LLA-1.

Recommended Actions:

1. Adopt the Resolution granting preliminary approval of the Engineer's Report for FY 23-24 for the annexation of New Zone (Golden Triangle – Zone 44) into the Landscaping and Lighting Assessment District LLA-1.
2. Adopt the Resolution of Intention.

RESOLUTION 23-028

RESOLUTION 23-029

AFTAB/ZHAO MOVED TO **ADOPT THE RESOLUTION GRANTING PRELIMINARY APPROVAL OF THE ENGINEER'S REPORT FOR FY 23-24 FOR THE ANNEXATION OF NEW ZONE (GOLDEN TRIANGLE – ZONE 44) INTO THE LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT LLA-1 AND ADOPT THE RESOLUTION OF INTENTION.** MOTION PASSED BY THE FOLLOWING VOTE: AYES: AFTAB, PAGE, WALIA, ZHAO, FITZSIMMONS. NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

1.11. Landscaping and Lighting Assessment District LLA-1; Preliminary Approval of Engineer's Report and Adoption of Resolution of Intention for FY 23-24 for Annexation of New Zone (Burgundy - Zone 45) to the City of Saratoga Landscaping and Lighting Assessment District, LLA-1.

Recommended Actions:

1. Adopt the Resolution granting preliminary approval of the Engineer's Report for FY 23-24 for the annexation of New Zone (Burgundy – Zone 45) into the Landscaping and Lighting Assessment District LLA-1.
2. Adopt the Resolution of Intention.

RESOLUTION 23-030

RESOLUTION 23-031

AFTAB/ZHAO MOVED TO **ADOPT THE RESOLUTION GRANTING PRELIMINARY APPROVAL OF THE ENGINEER'S REPORT FOR FY 23-24 FOR THE ANNEXATION OF NEW ZONE (BURGUNDY – ZONE 45) INTO THE LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT LLA-1 AND ADOPT THE RESOLUTION OF INTENTION.** MOTION PASSED BY THE FOLLOWING VOTE: AYES: AFTAB, PAGE, WALIA, ZHAO, FITZSIMMONS. NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

1.12. Landscaping and Lighting Assessment District LLA-1; Preliminary Approval of Engineer's Report and Adoption of Resolution of Intention for FY 23-24 for Annexation of New Zone (Austin Bainter - Zone 46) to the City of Saratoga Landscaping and Lighting Assessment District, LLA-1.

Recommended Actions:

1. Adopt the Resolution granting preliminary approval of the Engineer's Report for FY 23-24 for the annexation of New Zone (Austin Bainter – Zone 46) into the Landscaping and Lighting Assessment District LLA-1.
2. Adopt the Resolution of Intention.

RESOLUTION 23-032

RESOLUTION 23-033

AFTAB/ZHAO MOVED TO **ADOPT THE RESOLUTION GRANTING PRELIMINARY APPROVAL OF THE ENGINEER'S REPORT FOR FY 23-24 FOR THE ANNEXATION OF NEW ZONE (AUSTIN BANTER – ZONE 46) INTO THE LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT LLA-1 AND ADOPT THE RESOLUTION OF INTENTION.** MOTION PASSED BY THE FOLLOWING VOTE: AYES: AFTAB, PAGE, WALIA, ZHAO, FITZSIMMONS. NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

2. PUBLIC HEARINGS

2.1. Landmark Designation & Mills Act Agreement for 14275 Saratoga Avenue Application No. LNDMRK23-0001 & MIL23-0001

Recommended Actions:

The Heritage Preservation Commission (HPC) recommends that the City Council:

1. Conduct a public hearing on the proposal to designate the subject property as a historic landmark and enter into a Mills Act Agreement.
2. Introduce and waive first reading of the attached ordinance designating the property as a historic landmark.
3. Direct staff to place the ordinance on the Consent Calendar for adoption at the next regular meeting of the City Council.
4. Adopt the attached Resolution authorizing the City Manager to enter into a Mills Act Agreement for the property located at 14275 Saratoga Avenue upon the effective date of the landmark ordinance.

Nicole Johnson, Senior Planner, presented the staff report.

Mayor Fitzsimmons invited public comment.

The following individual spoke at this time: Bill Dalton

PAGE/ ZHAO MOVED TO **CONTINUE THE ITEM TO THE NEXT MEETING TO AMEND THE CONTRACT TO INCLUDE A REQUIREMENT THE PROPERTY MUST REMAIN OWNER OCCUPIED DURING THE TERM OF THE CONTRACT.**

Additional discussion took place regarding changing the City's Mills Act Policy to include the requirement as a standard requirement going forward and potential allowance for permitting family members to rent the property.

PAGE/ ZHAO MOVED TO **CONTINUE THE ITEM AND REQUESTED STAFF BRING THE MILLS ACT TOPIC BACK FOR FURTHER COUNCIL DISCUSSION.** MOTION PASSED BY THE FOLLOWING VOTE: AYES: AFTAB, PAGE, WALIA, ZHAO, FITZSIMMONS. NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

2.2. APCC23-0001 - Appeal of a Design Review application for a new two-story residence located at 18549 Devon Avenue

Recommended Action:

Conduct a public hearing and de novo review of the appeal and adopt the attached resolution denying appeal APCC23-0001, approving the Design Review and Arborist Review approvals (PDR21-0009/ARB21-0089) for the construction of a new two-story residence with a detached accessory dwelling unit (ADU) at 18549 Devon Avenue and finding the approvals to be exempt from environmental review under the California Environmental Quality Act (CEQA).

Council Member Aftab stated he needs to recuse himself from this item due to a conflict of interest he has with an economic interest in the neighborhood through a Trust and left the meeting at this time.

Nicole Johnson, Senior Planner, presented the staff report.

The Applicant and Appellant provided presentations.

Mayor Fitzsimmons invited public comment.

The following individuals spoke at this time: Jim Gensheimer, Peter Herzlinger, Fiona Guan, Lori Ellingboe, Rose Rotherham, Mike Rouleau, Manoj Goel, Shahid Bohhari, Iryna Chrysafis, Tom Sloan, Rahul Bansal

Mayor Fitzsimmons requested a recess at this time.

Mayor Fitzsimmons reconvened the meeting at 9:05 p.m.

RESOLUTION 23-034

PAGE/ZHAO MOVED TO **ADOPT THE RESOLUTION DENYING APPEAL APCC23-0001, APPROVING THE DESIGN REVIEW AND ARBORIST REVIEW APPROVALS (PDR21-0009/ARB21-0089) FOR THE CONSTRUCTION OF A NEW TWO-STORY RESIDENCE WITH A DETACHED ACCESSORY DWELLING UNIT (ADU) AT 18549 DEVON AVENUE AND FINDING THE APPROVALS TO BE EXEMPT FROM ENVIRONMENTAL REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).** MOTION PASSED BY THE FOLLOWING VOTE: AYES: PAGE, WALIA, ZHAO, FITZSIMMONS. NOES: NONE. ABSTAIN: NONE. RECUSED: AFTAB. ABSENT: NONE.

2.3. Resolution Amending the City's Fee Schedule Effective July 1, 2023

Recommended Action:

Adopt a Resolution Amending the City of Saratoga's Fee Schedule Effective July 1, 2023.

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

Mayor Fitzsimmons invited public comment.

No one requested to speak.

RESOLUTION 23-035

PAGE/WALIA MOVED TO **ADOPT A RESOLUTION AMENDING THE CITY OF SARATOGA'S FEE SCHEDULE EFFECTIVE JULY 1, 2023.** MOTION PASSED BY THE FOLLOWING VOTE: AYES: AFTAB, PAGE, WALIA, ZHAO, FITZSIMMONS. NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

3. GENERAL BUSINESS

3.1. Award of Contract for Professional Audit Services

Recommended Action:

Authorize the City Manager to award a contract and execute an agreement with Moss, Levy & Hartzheim, LLP (MLH) for a three-year engagement to provide professional audit services in an aggregate not-to-exceed amount of \$121,215 for the first three years and the option to extend for an additional two years in an aggregate not-to-exceed amount of \$81,660.

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

Mayor Fitzsimmons invited public comment.

No one requested to speak.

AFTAB/PAGE MOVED TO **AUTHORIZE THE CITY MANAGER TO AWARD A CONTRACT AND EXECUTE AN AGREEMENT WITH MOSS, LEVY & HARTZHEIM, LLP (MLH) FOR A THREE-YEAR ENGAGEMENT TO PROVIDE PROFESSIONAL AUDIT SERVICES IN AN AGGREGATE NOT-TO-EXCEED AMOUNT OF \$121,215 FOR THE FIRST THREE YEARS AND THE OPTION TO EXTEND FOR AN ADDITIONAL TWO YEARS IN AN AGGREGATE NOT-TO-EXCEED AMOUNT OF \$81,660.** MOTION PASSED BY THE FOLLOWING VOTE: AYES: AFTAB, PAGE, WALIA, ZHAO, FITZSIMMONS. NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

3.2. 2023 Storm Emergencies Update and Budget Amendment

Recommended Action:

Adopt the Resolution amending the 2022-23 budget to increase the 2023 Storm Fund's expenditure appropriations from \$450,000 to \$1,550,000 for the emergency response to the 2023 storm emergencies.

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

Mayor Fitzsimmons invited public comment.

No one requested to speak.

RESOLUTION 23-036

ZHAO/WALIA MOVED TO **ADOPT THE RESOLUTION AMENDING THE 2022-23 BUDGET TO INCREASE THE 2023 STORM FUND'S EXPENDITURE APPROPRIATIONS FROM \$450,000 TO \$1,550,000 FOR THE EMERGENCY RESPONSE TO THE 2023 STORM EMERGENCIES.** MOTION PASSED BY THE FOLLOWING VOTE: AYES: AFTAB, PAGE, WALIA, ZHAO, FITZSIMMONS. NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

COUNCIL ASSIGNMENTS

Council Member Tina Walia

KSAR Community Access TV Board – stated the Board is working on the Board's priorities and efforts.

Cities Association of Santa Clara County Board of Directors – stated Assemblyman Marc Berman was a guest speaker, a semi-annual meeting of all Council Members is taking place on June 15, 2023, and the Board voted to keep membership dues the same as FY 22-23.

Silicon Valley Clean Energy Authority Board of Directors – stated the Board approved two contracts, the Board approved an increase to the all-electric grid discount, and stated rebates for the Future Fit Homes Program are available.

Council Member Chuck Page

Saratoga Fire Protection District – stated he attended the Board meeting, met the current Fire Chief and stated the Board discussed the EWAS (Emergency Warning Alarm System).

Council Finance Committee – stated the Committee selected the new audit firm and suggested the report to the City Council include all proposals submitted.

Santa Clara Valley Water Commission – stated the Commission recommended elimination of the drought surcharge.

Saratoga Chamber of Commerce Board – stated the Chamber is preparing for the Wine Stroll on the Saturday before Mother's Day, the Car Show on the fourth Sunday in July and stated there are plans to hold a concert to kick off Car Show week.

West Valley Sanitation District Board of Directors – stated the Board held the first budget hearing and the next hearing will be the second Tuesday in May.

Council Member Belal Aftab

Valley Transportation Authority (VTA) Policy Advisory Committee – stated the Board discussed the biannual budget and recommended approval, and stated specifically, the Committee discussed Measure B funds and the impact on Saratoga; the Committee received a presentation from the CEO of Valley Transit Authority.

Vice Mayor Yan Zhao

Nothing to report

Mayor Kookie Fitzsimmons

Nothing to report

CITY COUNCIL ITEMS

None

COUNCIL COMMUNICATIONS

None

CITY MANAGER'S REPORT

None

CITY ATTORNEY'S REPORT

None

ADJOURNMENT

PAGE/AFTAB MOVED TO **ADJOURN THE MEETING AT 9:40 P.M.** MOTION PASSED BY THE FOLLOWING VOTE: AYES: AFTAB, PAGE, WALIA, ZHAO, FITZSIMMONS. NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

Minutes respectfully submitted:

Britt Avrit, City Clerk
City of Saratoga