

MINUTES
WEDNESDAY, APRIL 21, 2021
SARATOGA CITY COUNCIL REGULAR MEETING

At 5:41 p.m., the City Council held a Commissioner interview via teleconferencing through Zoom.

ZHAO/WALIA MOVED TO CONTINUE DELIBERATION ON THE COMMISSION APPLICATION TO AFTER THE REGULAR SESSION. MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR, FITZSIMMONS, BERNALD. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

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

Mayor Zhao called the virtual Regular Session to order at 7:02 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
Nicole Johnson, Senior Planner
Kayla Nakamoto, Administrative Analyst
Tony Gonzalez, Code Compliance Officer
Dennis Jaw, Finance Manager
(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 April 15, 2021.

REPORT ON JOINT MEETING

Mayor Zhao reported that the City Council held a Joint Meeting with the Saratoga Planning Commission on their Work Plan.

ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS

Bernard Gutnick spoke to thank Council Member Bernald for her proactive stance on NextDoor and her help in getting a street sign replaced.

ANNOUNCEMENTS

Mayor Zhao shared information about COVID-19 updates, the Housing Element Update, SASCC Walks, Toga Trails, Saratoga Power Lunch webinar, Wildfire Workshops, and Commission Recruitments.

CEREMONIAL ITEMS

Recognition of Paint the City Artists & Volunteers

Recommended Action:

Present the certificates and recognize the Paint the City artists and volunteers.

Mayor Zhao and Council Members thanked the Paint the City artists and volunteers.

SPECIAL PRESENTATIONS

Special Presentation from United Way Bay Area 211

Recommended Action:

Receive presentation from United Way Bay Area 211.

The Council received the presentation by Madison Priest, Development Officer for United Way Bay Area.

Presentation from Catholic Charities of Santa Clara County Long Term Ombudsman Program

Recommended Action:

Receive presentation from Catholic Charities of Santa Clara County Long Term Ombudsman Program.

The Council received the presentation by Wanda Hale, Program Manager for Catholic Charities Long Term Ombudsman Program.

Presentation from West Valley Community Services

Recommended Action:

Receive presentation from West Valley Community Services.

The Council received the presentation by Josh Selo, Executive Director for West Valley Community Services.

1. CONSENT CALENDAR

1.1. City Council Meeting Minutes

Recommended Action:

Approve the City Council minutes for the Special City Council Meetings on March 30, 2021 and March 31, 2021 and the Regular City Council Meeting on April 7, 2021.

WALIA/FITZSIMMONS MOVED TO **APPROVE THE CITY COUNCIL MINUTES FOR THE SPECIAL CITY COUNCIL MEETINGS ON MARCH 30, 2021 AND MARCH 31, 2021 AND THE REVISED MINUTES OF THE REGULAR CITY COUNCIL MEETING ON APRIL 7, 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: 04/07/21 Period 10; 04/13/21 Period 10:

WALIA/FITZSIMMONS MOVED TO **ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 04/07/21 PERIOD 10; 04/13/21 PERIOD 10.** MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR, FITZSIMMONS, BERNALD. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.3. Landscaping and Lighting Assessment District LLA-1; Preliminary Approval of Engineer's Report and Adoption of Resolution of Intention for FY 21-22

Recommended Action:

1. Move to adopt the Resolution granting preliminary approval of the Engineer's Report for FY 21-22 for renewing the Landscaping and Lighting Assessment District LLA-1.
2. Move to adopt the Resolution of Intention.

RESOLUTION 21-020

RESOLUTION 21-021

WALIA/FITZSIMMONS MOVED TO **ADOPT THE RESOLUTION GRANTING PRELIMINARY APPROVAL OF THE ENGINEER'S REPORT FOR FY 21-22 FOR RENEWING THE LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT LLA-1 AND TO ADOPT THE RESOLUTION OF INTENTION FOR FY 21-22.** MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR, FITZSIMMONS, BERNALD. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.4. Budget Amendment – McCartysville Landscaping and Lighting District (Zone 9)

Recommended Action:

Adopt Resolution appropriating \$5,000 from Zone 9 fund balance into the Fiscal Year 2020-2021 operating budget.

RESOLUTION 21-022

WALIA/FITZSIMMONS MOVED TO **ADOPT THE RESOLUTION APPROPRIATING \$5,000 FROM ZONE 9 FUND BALANCE INTO THE FISCAL YEAR 2020-2021 OPERATING BUDGET.** MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR, FITZSIMMONS, BERNALD. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.5. Landmark Designation for 20280 Saratoga Los-Gatos Road – Application No. LNDMRK21-0001

Recommended Action:

Waive the second reading and adopt the attached ordinance designating the property at 20280 Saratoga-Los Gatos Road as a historic landmark.

ORDINANCE 378

WALIA/FITZSIMMONS MOVED TO **WAIVE THE SECOND READING AND ADOPT THE ORDINANCE DESIGNATING THE PROPERTY AT 20280 SARATOGA-LOS GATOS ROAD AS A HISTORIC LANDMARK.** MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR, FITZSIMMONS, BERNALD. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

2. PUBLIC HEARING

Mayor Zhao asked the Council to reorder the agenda to hear Items 3.2. Options for Reducing Wood Shake Roofs in Wildland Urban Interface Area and 3.3. Options for Reducing Wildfire Risk in Wildland Urban Interface Area through Landscaping before the public hearing on the Fee Schedule as both General Business items include potential direction on the Fee Schedule.

BERNALD/WALIA MOVED TO **REORDER THE AGENDA TO HEAR ITEMS 3.2. OPTIONS FOR REDUCING WOOD SHAKE ROOFS IN WILDLAND URBAN INTERFACE AREA AND 3.3. OPTIONS FOR REDUCING WILDFIRE RISK IN WILDLAND URBAN INTERFACE AREA THROUGH LANDSCAPING BEFORE THE PUBLIC HEARING ON THE FEE SCHEDULE.** MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR, FITZSIMMONS, BERNALD. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

2.1. Proposed Fee Schedule Update for FY 2021/22

Recommended Action:

Open the public hearing, listen to public testimony and close public hearing. Adopt the resolution approving the updated fee schedule for Fiscal Year 2021/22, effective July 1, 2021.

Dennis Jaw, Finance Manager, presented the staff report.

Mayor Zhao opened the public hearing.

Mayor Zhao invited public comment on the item.

No one requested to speak.

Mayor Zhao closed the public hearing.

RESOLUTION 21-023

WALIA/FITZSIMMONS MOVED TO **ADOPT THE RESOLUTION APPROVING THE UPDATED FEE SCHEDULE FOR FISCAL YEAR 2021/22, EFFECTIVE JULY 1, 2021.** MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR, FITZSIMMONS, BERNALD. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

2.2. Weed/Brush Abatement Program Assessment Hearing

Recommended Action:

Open public hearing, accept public testimony and consider amendments to the assessment report, and adopt the resolution confirming report and assessment of weed/brush abatement program charges.

Tony Gonzalez, Code Compliance Officer, presented the staff report.

Mayor Zhao opened the public hearing.

Mayor Zhao invited public comment on the item.

No one requested to speak.

Mayor Zhao closed the public hearing.

RESOLUTION 21-024

BERNALD/WALIA MOVED TO **ADOPT THE RESOLUTION CONFIRMING THE ASSESSMENT REPORT AND ASSESSMENT OF WEED/BRUSH ABATEMENT PROGRAM CHARGES.** MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR, FITZSIMMONS, BERNALD. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

Mayor Zhao requested a recess at 8:17 p.m. and resumed the meeting at 8:31 p.m.

3. GENERAL BUSINESS

3.1. Award of Contract for Heritage Orchard Maintenance Services

Recommended Action:

Authorize the City Manager to enter into a three year Service Contract with Orchard Keepers, Inc. (with the option to renew) in an amount not to exceed \$124,500 per year for the maintenance of the Saratoga Heritage Orchard.

Nicole Johnson, Senior Planner, presented the staff report.

Mayor Zhao invited public comment on the item.

Mathew Sutton spoke

Matt Novakovich spoke

Tiger Teerlink spoke

Gary Smith spoke

Stan Bogosian spoke

Dorcas Haque spoke

Darcey spoke

Bob Shepard spoke

Bob Binkley spoke

Brian Kempf spoke

James spoke

Norm Kaepernick spoke

Neal Casteel spoke

Paul Hernandez spoke

Lisa Newman spoke

Darrin spoke

Tina spoke

Sky spoke

Jeffrey Schwartz spoke

Doug Case spoke

Ryan Silsbee spoke

No one else requested to speak.

KUMAR/FITZSIMMONS MOVED TO DIRECT STAFF TO ENTER INTO A 3-YEAR SERVICE CONTRACT WITH NOVAKOVICH ORCHARDS FOR MAINTENANCE OF THE SARATOGA HERITAGE ORCHARD.

BERNALD/WALIA MOVED TO APPROVE A ONE-YEAR CONTRACT WITH ORCHARD KEEPERS, INC., IN AN AMOUNT NOT TO EXCEED \$124,500 PER YEAR FOR THE MAINTENANCE OF THE SARATOGA HERITAGE ORCHARD, AND TO REQUEST QUARTERLY REPORTS TO THE COUNCIL BASED ON THE ORCHARD MASTER PLAN. MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, BERNALD. NOES: KUMAR, FITZSIMMONS. ABSTAIN: NONE. ABSENT: NONE.

Mayor Zhao requested a break at 10:44 p.m. and resumed the meeting at 10:50 p.m.

3.2. Options for Reducing Wood Shake Roofs in Wildland Urban Interface Area

Recommended Action:

Direct staff to include a waiver in the Fiscal Year 2021/22 Fee Schedule of roof replacement permit fees for properties in the Wildland Urban Interface area with untreated wood shake or shingle roofs that will be replaced with non-wood Class A roofing materials.

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

Mayor Zhao invited public comment on the item.

No one requested to speak.

FITZSIMMONS/WALIA MOVED TO DIRECT STAFF TO INCLUDE A WAIVER IN THE FISCAL YEAR 2021/22 FEE SCHEDULE OF ROOF REPLACEMENT PERMIT FEES FOR PROPERTIES IN THE WILDLAND URBAN INTERFACE AREA WITH UNTREATED WOOD SHAKE OR SHINGLE ROOFS THAT WILL BE REPLACED WITH NON-WOOD CLASS A ROOFING MATERIALS. MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR, FITZSIMMONS, BERNALD. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

3.3. Options for Reducing Wildfire Risk in Wildland Urban Interface Area through Landscaping

Recommended Action:

Direct staff to: 1) prepare an ordinance that would modify tree removal criteria in City Code Section 15-50.080 to allow removal of qualifying tree species in the Wildland Urban Interface area; 2) amend the City of Saratoga Fee Schedule to waive permit fees for qualifying trees, if an ordinance amending criteria for tree removal is adopted by the City Council; 3) exclude problematic tree species from being used as replacement trees following a removal; and, 4) prepare an ordinance amending existing landscape regulations to require a 5-foot nonflammable buffer around new structures in the Wildland Urban Interface area by prohibiting the placement of plants in the buffer and requiring areas below patios and decks to be screened or boxed-in.

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

Mayor Zhao invited public comment on the item.

No one requested to speak.

WALIA/FITZSIMMONS MOVED TO DIRECT STAFF TO: 1) PREPARE AN ORDINANCE THAT WOULD MODIFY TREE REMOVAL CRITERIA IN CITY CODE SECTION 15-50.080 TO ALLOW REMOVAL OF QUALIFYING TREE SPECIES IN THE WILDLAND URBAN INTERFACE AREA; 2) AMEND THE CITY OF SARATOGA FEE SCHEDULE TO WAIVE PERMIT FEES FOR QUALIFYING TREES, IF AN ORDINANCE AMENDING CRITERIA FOR TREE REMOVAL IS ADOPTED BY THE CITY COUNCIL; 3) EXCLUDE PROBLEMATIC TREE SPECIES FROM BEING USED AS REPLACEMENT TREES FOLLOWING A REMOVAL; AND, 4) PREPARE AN ORDINANCE AMENDING EXISTING LANDSCAPE REGULATIONS TO REQUIRE A 5-FOOT NONFLAMMABLE BUFFER AROUND NEW STRUCTURES IN THE WILDLAND URBAN INTERFACE AREA BY PROHIBITING THE PLACEMENT OF PLANTS IN THE BUFFER AND REQUIRING AREAS BELOW PATIOS AND DECKS TO BE SCREENED OR BOXED-IN. MOTION PASSED BY VERBAL ROLL CALL.
AYES: ZHAO, WALIA, KUMAR, FITZSIMMONS, BERNALD. NOES: NONE.
ABSTAIN: NONE. ABSENT: NONE.

After concluding Item 3.3, the City Council returned to agenda item 2.1.

COUNCIL ASSIGNMENTS

Mayor Yan Zhao

Cities Association of Santa Clara County-Legislative Action Committee – the Committee received a presentation by Assembly Member Marc Berman, author of Assembly Bill (AB) 1091, and Glenn Hendricks, VTA Board President. AB 1091 would change how the VTA Board is represented.

Cities Association of Santa Clara County – the Board approved the preliminary FY 21/22 budget and received a presentation from the new CEO of Silicon Valley Leadership Group, Ahmad Thomas.

Valley Transportation Authority (VTA) Policy Advisory Committee – the Committee recommended adopting the Fiscal Year 21-22 and Fiscal Year 22-23 budget.

West Valley Sanitation District – there was a closed session with nothing to report.

Vice Mayor Tina Walia

Silicon Valley Clean Energy Authority Board of Directors – the Board approved participation in the California Community Choice Financing Authority Joint Powers Authority and authorized the Chief Executive Officer to execute a 15-year power purchase agreement with San Luis West Solar for renewable solar and energy storage. There was also a Special Board Meeting to approve a 20-year purchase agreement for wind energy.

Council Member Rishi Kumar

Santa Clara Valley Water District Commission – the Commission considered a staff recommended rate increase for ground water production charges for Fiscal Year 2021-22. Council Member Kumar opposed the recommended rate increase.

Council Member Kookie Fitzsimmons

Hakone Foundation Board – Council Member Fitzsimmons attended the meeting.

Santa Clara County Housing and Community Development (HCD) Council Committee – the Committee approved the annual action plan, which then goes to the Board of Supervisors for

approval, followed by HUD. The Saratoga Senior Center would receive funds if everything is approved.

Saratoga Public Art Committee– Council Member Fitzsimmons attended the meeting.

Council Member Mary-Lynne Bernald

Hakone Foundation Board & Executive Committee – the Board received an update from the Pond Renovation Fund Raising Committee, the Executive Director reported that Hakone had lots of visitors during Hanami. On May 3, 2021, a book on the history of Hakone will be published.

Saratoga Public Art Committee – the Committee recommended acceptance of PLACE and discussed Shadow Art as well as mural art opportunities.

CITY COUNCIL ITEMS

Vice Mayor Walia, with support from Council Member Fitzsimmons, withdrew the request to place Wyland Mayor’s Water Challenge on the Council agenda.

Council Member Bernald requested that the Council to consider outreach to the community about the current City gun storage requirements. There was no support for the request.

COUNCIL COMMUNICATIONS

Council Member Kumar spoke against muting Council Members during a Council Meeting.

CITY MANAGER'S REPORT

None

Mayor Zhao reopened the discussion on the Commissioner Interview.

KUMAR/FITZSIMMONS MOVED TO APPOINT PRIYA SHASTRI TO HERITAGE PRESERVATION COMMISSION FOR A FULL-TERM ENDING DECEMBER 31, 2024.

MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR, FITZSIMMONS, BERNALD. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

ADJOURNMENT

FITZSIMMONS/WALIA MOVED TO ADJOURN THE MEETING AT 11:25 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