

MINUTES
WEDNESDAY, MAY 4, 2022
SARATOGA CITY COUNCIL REGULAR MEETING

At 5:30 p.m., the City Council held a Joint Session with the Saratoga Planning Commission via teleconferencing through Zoom.

Planning Commission Work Plan

Recommended Action:

Meet with Commission, discuss priorities and approve the FY 22/23 work plan with input provided by the City Council.

Planning Commission Chair Herman Zheng introduced Planning Commission Vice Chair Clinton Brownley and Commissioners Jojo Choi, Anjali Kausar, Ping Li and Razi Mohiuddin. The Commission then presented its proposed FY 22/23 work plan.

Mayor Walia invited public comment.

No one requested to speak.

WALIA/BERNALD MOVED TO APPROVE THE PLANNING COMMISSION FY 22/23 WORK PLAN LIMITING THE FY 22/23 WORK PLAN TO THE FIRST FOUR ITEMS AND REVISIT THE LAST ITEM IN THE FUTURE.

Vice Mayor Fitzsimmons requested a friendly amendment to make the first four the priorities and keep item five as a placeholder for the Planning Commission to visit in the future.

WALIA/BERNALD MOVED TO APPROVE THE PLANNING COMMISSION FY 22/23 WORK PLAN WITH ITEM FIVE TO REMAIN ON THE WORKPLAN AS A PLACEHOLDER. MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, ZHAO, FITZSIMMONS, WALIA. NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: KUMAR.

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

ABSENT:

None

ALSO PRESENT: James Lindsay, City Manager
Crystal Bothelio Assistant City Manager
Richard Taylor, City Attorney
Britt Avrit, City Clerk
John Cherbone, Public Works Director
Debbie Pedro, Community Development Director
Nick Pegueros, Administrative Services Director
Lauren Pettipiece, Public Information Officer
Ann Xu, Accountant II

REPORT ON POSTING OF THE AGENDA

The City Clerk reported the agenda for this meeting was properly posted on April 28, 2022.

REPORT ON JOINT SESSION

Planning Commission Chair Herman Zheng provided a report of the City Council Joint Session with the Planning Commission.

ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS

Mayor Walia invited public comment.

The following individuals spoke at this time:

Mary Ann Welch discussed SB 9 and the issues facing the City related to this legislation.

Annette Stransky, President of the Saratoga Historical Foundation, extended an invitation to the Saratoga History Museum and discussed activities celebrating Preservation Month.

ANNOUNCEMENTS

Mayor Walia shared information about Wildfire Preparedness Webinars, South Bay Fun Fest, Neighborhood Watch Joint Session, Chamber of Commerce Wine Experience, Saratoga Library Asian Pacific American Heritage Month events, and Commission recruitments.

CEREMONIAL ITEMS

Proclamation Declaring May 2022 as National Preservation Month

Recommended Action:

Proclaim May 2022 as National Preservation Month in the City of Saratoga.

The City Council proclaimed May 2022 as National Preservation Month in the City of Saratoga.

Appointment of Traffic Safety Commissioners

Recommended Action:

Adopt the Resolution appointing Robert Eng and Jason Mount to the Traffic Safety Commission and direct the City Clerk to administer the Oath of Office.

RESOLUTION 2022-015

BERNALD/ZHAO MOVED TO **ADOPT THE RESOLUTION APPOINTING ROBERT ENG AND JASON MOUNT TO THE TRAFFIC SAFETY 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 Robert Eng and Jason Mount 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 April 20, 2022 City Council Regular Meeting.

ZHAO/BERNALD MOVED TO **APPROVE THE MINUTES FOR THE APRIL 20, 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: 4/14/22 Period 10; 4/21/22 Period 10.

ZHAO/BERNALD MOVED TO **REVIEW AND ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 4/14/22 PERIOD 10; 4/21/22 PERIOD 10.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

1.3. 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.

ZHAO/BERNALD 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.

1.4. Resolution Appointing a New Hearing Officer and Adopting Amended Code Enforcement Hearing Rules of Procedure

Recommended Action:

Approve a resolution appointing a new hearing officer for code enforcement appeals and adopting amended rules of procedure of code enforcement appeal hearings.

RESOLUTION 2022-016

ZHAO/BERNALD MOVED TO **APPROVE A RESOLUTION APPOINTING A NEW HEARING OFFICER FOR CODE ENFORCEMENT APPEALS AND ADOPTING AMENDED RULES OF PROCEDURE OF CODE ENFORCEMENT APPEAL HEARINGS.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

2. PUBLIC HEARING

2.1. Amendment to ordinance on appeals of State determinations regarding development in Very High Fire Hazard Zones

Recommended Action:

Conduct a public hearing, introduce and waive the first reading of an ordinance amending section 16-05.020 of the Saratoga Municipal Code to allow California licensed Fire Protection Engineers to as well as certified Fire Protection Specialists to file and hear appeals of State determinations regarding development in Very High Fire Hazard Zones, and direct staff to place the ordinance on the Consent Calendar of the next regular meeting of the City Council for adoption.

Richard Taylor, City Attorney, presented the staff report.

Mayor Walia invited public comment.

No one requested to speak.

BERNALD/ZHAO MOVED TO **INTRODUCE AND WAIVE THE FIRST READING OF AN ORDINANCE AMENDING SECTION 16-05.020 OF THE SARATOGA MUNICIPAL CODE TO ALLOW CALIFORNIA LICENSED FIRE PROTECTION ENGINEERS TO AS WELL AS CERTIFIED FIRE PROTECTION SPECIALISTS TO FILE AND HEAR APPEALS OF STATE DETERMINATIONS REGARDING DEVELOPMENT IN VERY HIGH FIRE HAZARD ZONES, AND DIRECT STAFF TO PLACE THE ORDINANCE ON THE CONSENT CALENDAR OF THE NEXT REGULAR MEETING OF THE CITY COUNCIL FOR ADOPTION.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

3. GENERAL BUSINESS

3.1. Two-Year Maintenance Service Contract for the Heritage Orchard in the amount not-to-exceed \$270,400

Recommended Action:

Approve a two-year maintenance service contract with Orchard Keepers for the Heritage Orchard in the amount not-to-exceed \$270,400 and authorize the City Manager to execute the same.

John Cherbone, Public Works Director, presented the staff report.

Mayor Walia invited public comment.

The following individuals spoke on this item: Jeffrey Schwartz, Bill Dalton, Sky DeMuro, Matthew Sutton, Matt Novakovich, Chris Cruz, Patrick Archie, Ryan Silsbee, Rich Everett, Stan Bogosian, Chuck Page, Lisa Newman, Mary Ann Welch, Neal Casteel, Norman Koepernik, Julia, Darrin, Tiger Teerlink, Priya Shastri.

Mayor Walia requested a recess at this time.

Mayor Walia reconvened the meeting at 8:55 p.m.

FITZSIMMONS MOVED TO **APPROVE A TWO-YEAR MAINTENANCE SERVICE CONTRACT FOR HERITAGE ORCHARD WITH NOVAKOVICH ORCHARDS IN THE AMOUNT IN THE RFP.**

Motion failed for lack of a second.

Additional discussion took place.

BERNALD/WALIA MOVED TO **APPROVE A TWO-YEAR MAINTENANCE SERVICE CONTRACT WITH ORCHARD KEEPERS FOR THE HERITAGE ORCHARD IN THE AMOUNT NOT-TO-EXCEED \$270,400 AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE SAME.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, ZHAO, WALIA; NOES: FITZSIMMONS. ABSTAIN: KUMAR. RECUSED: NONE. ABSENT: NONE.

3.2. Budget Preview and Financial Policy Updates

Recommended Action:

Receive FY23 budget preview information and receive and review proposed Road and Facility Replacement Reserve Policy and provide direction to staff.

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

Mayor Walia invited public comment.

No one requested to speak.

WALIA/BERNALD MOVED TO **APPROVE THE UPDATED ROAD AND FACILITY REPLACEMENT RESERVE POLICY AS PRESENTED IN THE STAFF REPORT AND USE UP TO \$200,000 FROM THE INTERNAL SERVICE FUNDS' FUND BALANCE AND REDUCE THE ADDITIONAL UNFUNDED PENSION LIABILITY PAYMENT BY UP TO \$200,000 AS NEEDED TO BALANCE THE FISCAL YEAR 2022/23 PROPOSED BUDGET.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

3.3. Traffic Safety Commission Membership

Recommended Action:

Provide direction to staff regarding the number of members on the Traffic Safety Commission.

Britt Avrit, City Clerk, presented the staff report.

Mayor Walia invited public comment.

No one requested to speak.

BERNALD/FITZSIMMONS MOVED TO **REDUCE THE NUMBER OF TRAFFIC SAFETY COMMISSIONERS FROM SEVEN MEMBERS TO FIVE MEMBERS.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, FITZSIMMONS, WALIA: NOES: KUMAR, ZHAO. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

COUNCIL ASSIGNMENTS

Mayor Tina Walia

Silicon Valley Clean Energy Authority Board of Directors – stated the Silicon Valley Clean Energy Authority celebrated its 5-year anniversary at a recent event in Cupertino.

Council Finance Committee - stated the Committee received a FY 22/23 budget preview and discussed the proposed Road and Facility Replacement Reserve Policy.

Hakone Foundation Board of Trustees – stated three Board Members' terms were renewed for another two years: Reiko Iwanaga, Hiroshi Tomita, Ann Waltonsmith; discussed budget planning for 22/23 and the status of the Foundation's finances.

West Valley Mayors & Managers Association - stated Supervisor Simitian provided a presentation; discussion among the group included an update for each city and the group discussed RHNA numbers.

Vice Mayor Kookie Fitzsimmons

Nothing to report

Council Member Mary-Lynne Bernald

Saratoga Historical Foundation Board of Directors – stated the Blacksmith Shop groundbreaking has been delayed, discussed return of the Docent Program in the fall, and stated the Board discussed the orchard contract.

Council Member Rishi Kumar

Santa Clara County Library District Board of Directors – stated the Board received information regarding the budget, discussed increase in expenditures for next year and discussed donations made by the Friends of Saratoga Library.

Council Member Yan Zhao

Saratoga Ministerial Association – stated the Association received a safe car park update, the Association expressed appreciation for the Martin Luther King grant received for next year, and discussed a July summer recess.

CITY COUNCIL ITEMS

None

COUNCIL COMMUNICATIONS

None

CITY MANAGER'S REPORT

None

ADJOURNMENT

BERNALD/FITZSIMMONS MOVED TO **ADJOURN THE MEETING AT 11:02 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