

**MINUTES**  
**WEDNESDAY, MAY 19, 2021**  
**SARATOGA CITY COUNCIL REGULAR MEETING**

At 6:02 p.m., the City Council held a Joint Meeting with the Santa Clara County Supervisor Joe Simitian via teleconferencing through Zoom.

Mayor Zhao invited public comment.

Jim Stallman spoke on transportation issues.

No one else requested to speak.

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  
Lauren Pettipiece, Public Information Officer  
Kayla Nakamoto, Administrative Analyst  
(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 May 13, 2021.

## **REPORT ON JOINT MEETING**

Mayor Zhao invited Santa Clara County Supervisor Joe Simitian to report on the Joint Meeting.

## **ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS**

Rani Goel spoke against the House Family Vineyard.

Ajit Goel spoke against the House Family Vineyard signs.

Mohini spoke against the House Family Vineyard.

Nancy Lietzke spoke against the House Family Vineyard.

Stephen Diamond spoke against the House Family Vineyard.

Litsung Chen spoke against the House Family Vineyard.

Charles Chen spoke against the House Family Vineyard.

David Rossi spoke in support of the House Family Vineyard.

Gloria Janac spoke against the House Family Vineyard.

Rosemary Wong spoke against the House Family Vineyards.

Dave House, owner of House Family Vineyards, spoke.

Scoates spoke in support of the House Family Vineyards.

Jim Cargill spoke in support of House Family Vineyards.

Rina Shah, Chair of Heritage Preservation Commission, spoke about the Heritage Lane ordinance.

David Lietzke spoke against House Family Vineyard.

Dominic Orr spoke against the House Family Vineyard.

Balu spoke against the House family Vineyards.

## **ANNOUNCEMENTS**

Mayor Zhao shared information about COVID-19 updates, Drive Through Safety Fair, Youth in Government, #Saratoga Together Business Grants, and Saratoga Power Lunch webinar.

## CEREMONIAL ITEMS

Appointment of Youth Commissioners

**Recommended Action:**

Approve the resolution appointing five members to the Youth Commission and direct the City Clerk to administer the Oath of Office.

### RESOLUTION 21-028

FITZSIMMONS/BERNALD MOVED TO **APPROVE THE RESOLUTION APPOINTING FIVE MEMBERS TO THE YOUTH 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.

## 1. CONSENT CALENDAR

1.1. City Council Meeting Minutes

**Recommended Action:**

Approve the City Council minutes for the Special City Council Meeting on April 27, 2021 and May 4, 2021 and the Regular City Council Meeting on May 5, 2021.

BERNALD/WALIA MOVED TO **APPROVE THE REVISED CITY COUNCIL MINUTES FOR THE SPECIAL CITY COUNCIL MEETING ON APRIL 27, 2021 AND MAY 4, 2021 AND THE REGULAR CITY COUNCIL MEETING ON MAY 5, 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: 05/05/21 Period 11; 05/12/21 Period 11:

BERNALD/WALIA MOVED TO **ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 05/05/21 PERIOD 11; 05/12/21 PERIOD 11.** MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR, FITZSIMMONS, BERNALD. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.3. Pierce Road Emergency Repairs - Budget Amendment

**Recommended Action:**

Authorize the City Manager to use Hillside Reserve funds in the amount of \$400,000 for Repairs to Pierce Road.

### RESOLUTION 21-029

BERNALD/WALIA MOVED TO **AUTHORIZE THE CITY MANAGER TO USE HILLSIDE RESERVE FUNDS IN THE AMOUNT OF \$400,000 FOR REPAIRS TO PIERCE ROAD.** MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO,

WALIA, KUMAR, FITZSIMMONS, BERNALD. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.4. Transportation Development Act (TDA) Article 3 Application for the Saratoga Avenue Walkway Project

**Recommended Action:**

Adopt resolution supporting the Metropolitan Transportation Commission's Transportation Development Act Article 3 Pedestrian/Bicycle Grant Application for the Saratoga Avenue Walkway Project.

**RESOLUTION 21-030**

BERNALD/WALIA MOVED TO **ADOPT RESOLUTION SUPPORTING THE METROPOLITAN TRANSPORTATION COMMISSION'S TRANSPORTATION DEVELOPMENT ACT ARTICLE 3 PEDESTRIAN/BICYCLE GRANT APPLICATION FOR THE SARATOGA AVENUE WALKWAY PROJECT.**

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

1.5. Silicon Valley Clean Energy (SVCE) Community Resilience Program Grant

**Recommended Action:**

Authorize the City Manager to sign the Community Resilience Program- Capital Projects Grant Agreement in the amount of \$139,444 for Fiscal Year 2021/22.

Vice Mayor Walia removed this item to thank John Cherbone and his staff in Public Works for their work on this grant.

Mayor Zhao invited public comment on the item.

No one requested to speak.

WALIA/BERNALD MOVED TO **AUTHORIZE THE CITY MANAGER TO SIGN THE COMMUNITY RESILIENCE PROGRAM- CAPITAL PROJECTS GRANT AGREEMENT IN THE AMOUNT OF \$139,444 FOR FISCAL YEAR 2021/22.**

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

1.6. Budget Adjustment and Contract Amendment for Building Inspection Services with 4Leaf, Inc.

**Recommended Action:**

1. Adopt the attached resolution approving an adjustment to the FY 2020-2021 Operating & Capital Improvement Budget for Building Inspection Services; AND
2. Authorize the City Manager to execute a contract amendment for as-needed building inspection services with 4Leaf, Inc. for a not-to-exceed amount of \$117,000.

**RESOLUTION 21-031**

BERNALD/WALIA MOVED TO **ADOPT THE RESOLUTION APPROVING AN ADJUSTMENT TO THE FY 2020-2021 OPERATING & CAPITAL IMPROVEMENT BUDGET FOR BUILDING INSPECTION SERVICES; AND**

**AUTHORIZE THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT FOR AS-NEEDED BUILDING INSPECTION SERVICES WITH 4LEAF, INC. FOR A NOT-TO-EXCEED AMOUNT OF \$117,000.** MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR, FITZSIMMONS, BERNALD. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.7. Budget Adjustment – Community Development Department Credit Card Fees

**Recommended Action:**

Adopt the resolution approving an adjustment to the FY 2020-21 Operating Budget for Community Development Department (Building and Planning) Credit Card Fees.

**RESOLUTION 21-032**

BERNALD/WALIA MOVED TO **ADOPT THE RESOLUTION APPROVING AN ADJUSTMENT TO THE FY 2020-21 OPERATING BUDGET FOR COMMUNITY DEVELOPMENT DEPARTMENT (BUILDING AND PLANNING) CREDIT CARD FEES.** MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR, FITZSIMMONS, BERNALD. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.8. Quito Road Cost Share Agreement with the City of San Jose

**Recommended Action:**

Approve the Quito Road Cost Share Agreement with the City of San Jose.

BERNALD/WALIA MOVED TO **APPROVE THE QUITO ROAD COST SHARE AGREEMENT WITH THE CITY OF SAN JOSE.** MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR, FITZSIMMONS, BERNALD. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.9. California Per Capita Grant Authorizing Resolution

**Recommended Action:**

Approve the Per Capita Grant Authorizing Resolution.

Jeffrey Schwartz requested that this item be removed from the Consent Calendar.

Mayor Zhao invited public comment on the item.

Jeffrey Schwartz spoke

No one else requested to speak.

**RESOLUTION 21-033**

BERNALD/WALIA MOVED TO **APPROVE THE PER CAPITA GRANT AUTHORIZING RESOLUTION.** MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR, FITZSIMMONS, BERNALD. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.10. Budget Adjustment - Planning Consulting Services

**Recommended Action:**

Adopt the resolution approving an adjustment to the FY 2020-2021 Operating Budget for Planning Consulting Services.

**RESOLUTION 21-034**

BERNALD/WALIA MOVED TO **ADOPT THE RESOLUTION APPROVING AN ADJUSTMENT TO THE FY 2020-2021 OPERATING BUDGET FOR PLANNING CONSULTING SERVICES.** MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR, FITZSIMMONS, BERNALD. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.11. Amendment to Hillside Residential Zoning Designation to Make Wineries Subject to Additional Conditional Use Permit Requirements

**Recommended Action:**

Waive the second reading and adopt the attached ordinance introduced at the May 5, 2021 City Council meeting.

**ORDINANCE 379**

BERNALD/WALIA MOVED TO **WAIVE THE SECOND READING AND ADOPT THE ORDINANCE INTRODUCED AT THE MAY 5, 2021 CITY COUNCIL MEETING.** MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR, FITZSIMMONS, BERNALD. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

**2. PUBLIC HEARING**

None.

Mayor Zhao requested a break at 8:27 p.m. and resumed the meeting at 8:40 p.m.

**3. GENERAL BUSINESS**

3.1. Update to Code Compliance Policy

**Recommended Action:**

Adopt the resolution updating the City's Code Compliance Policy to require temporary compliance plans for code violations that require discretionary approval to correct a violation.

Debbie Pedro, Community Development Director, presented the staff report.

Mayor Zhao invited public comment on the item.

Mohini spoke

Charles Chen spoke

Glenda Aune spoke

Stephen Diamond spoke

Andrey Tovchigrechko spoke

Jeffrey Schwartz spoke

Dominic Orr spoke

Nancy Lietzke spoke

Chuck Page, President of Saratoga Chamber of Commerce, spoke

Rani Goel spoke

Jim Cargill spoke

Gary Smith spoke

Ajit Goel spoke

No one else requested to speak.

#### **RESOLUTION 21-034**

**BERNALD/FITZSIMMONS MOVED TO ADOPT THE RESOLUTION UPDATING THE CITY'S CODE COMPLIANCE POLICY TO REQUIRE TEMPORARY COMPLIANCE PLANS FOR CODE VIOLATIONS THAT REQUIRE DISCRETIONARY APPROVAL TO CORRECT A VIOLATION.**

**WALIA/ZHAO MOVED TO ADOPT THE RESOLUTION UPDATING THE CITY'S CODE COMPLIANCE POLICY TO REQUIRE TEMPORARY COMPLIANCE PLANS FOR CODE VIOLATIONS THAT REQUIRE DISCRETIONARY APPROVAL TO CORRECT A VIOLATION, EXCEPT TO CHANGE SECTION C: VOLUNTARY COMPLIANCE TO INCLUDE "WHEN COMPLIANCE REQUIRES A DISCRETIONARY APPROVAL BY THE CITY, COMPLIANCE OFFICERS SHALL DEVELOP A TEMPORARY COMPLIANCE PLAN CONTAINING A REASONABLE TIMELINE IN THEIR EFFORTS TO ACHIEVE VOLUNTARY COMPLIANCE. SUCH PLANS SHALL BE PROVIDED TO THE CITY COUNCIL AND THE COMPLAINING PARTY(IES) AND ARE SUBJECT TO APPEAL TO THE CITY COUNCIL PURSUANT TO THE CITY CODE SECTION 2-05.030. NOTICE OF THE TEMPORARY COMPLIANCE PLAN SHALL BE POSTED ON THE PROPERTY IN A MANNER SET FORTH IN THE TEMPORARY COMPLIANCE PLAN."** MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR. NOES: FITZSIMMONS, BERNALD. ABSTAIN: NONE. ABSENT: NONE.

Mayor Zhao requested a break at 10:19 p.m. and resumed the meeting at 10:26 p.m.

### 3.2. FY 2021/22 Budget Preview

#### **Recommended Action:**

Council to receive staff report on the draft FY 2021/22 Proposed Operating Budget, request clarification as needed, and provide consensus direction if changes are recommended.

Mary Fury, Administrative Services Director, presented the staff report.

Mayor Zhao invited public comment on the item.

No one requested to speak.

#### **WALIA MOVED TO WITHDRAW THE FUNDING FOR THE SHERIFF OFFICE SCHOOL RESOURCE OFFICER (SRO) FROM THE FY2021/22 BUDGET.**

Vice Mayor Walia withdrew her motion.

**WALIA/FITZSIMMONS MOVED TO TABLE COUNCIL MEETING ITEMS 3.3 HOUSING ELEMENT ENGAGEMENT UPDATE, 3.4 PUBLIC ART COMMITTEE VOTING MEMBERSHIP, AND 3.5 PUBLIC ART POLICY TO THE NEXT REGULAR COUNCIL MEETING. MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR, FITZSIMMONS, BERNALD. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.**

### 3.3. Housing Element Engagement Update

#### **Recommended Action:**

Receive report and provide staff with feedback on outreach and engagement strategy.

### 3.4. Public Art Committee Voting Membership

#### **Recommended Action:**

Direct staff accordingly.

### 3.5. Public Art Policy

#### **Recommended Action:**

Consider the recommendations of the Public Art Committee and Finance Committee for amending the Public Art Policy and adopt a resolution implementing the selected recommendation or an alternative.

## **COUNCIL ASSIGNMENTS**

### Mayor Yan Zhao

*West Valley Sanitation District* – there was an adhoc meeting and the members received a presentation from General Manager on operational services effectiveness.

### Vice Mayor Tina Walia

*Silicon Valley Clean Energy Authority Board of Directors* – the Board approved 2 new contracts for 177 megawatts of Clean Energy, and it includes solar and battery storage and a wind facility, and this will help keep reliable energy to the grid. The Community Resilience Grant funding deadline was extended. EV Smart Charging pilot expanded to a full program.



Council Member Rishi Kumar

*West Valley Clean Water Program Authority* – the members had a budget review for Fiscal Year 2021/22.

*West Valley Solid Waste Management Joint Powers Authority* – the members discussed upcoming bills, including the SB1383 implementation, discussed the Request For Proposals for the garbage contract, and approved the Fiscal Year 2021-22 budget.

Council Member Kookie Fitzsimmons

*Chamber of Commerce* – Council Member Fitzsimmons gave the Chamber an update on the new Business Grant program. It already has 9 applications to the City.

Council Member Mary-Lynne Bernald

*Saratoga Public Art Committee* – the Committee discussed the Gateway sculpture, finalized ideas for Shadow Art, continued discussion on Courtyard sculpture, and received a Public Art budget update. Also having volunteers clean the Acorns that displayed around the City.

**CITY COUNCIL ITEMS**

None

**COUNCIL COMMUNICATIONS**

Council Member Kumar spoke about the hearing at the California Public Utilities Commission (CPUC) about San Jose Water and asking the CPUC not to increase GRC rates. Also opposed to Senate Bill 556 and Assembly Bill 537 which will make approval process for cell phone towers easier for the companies, with less local regulations.

**CITY MANAGER'S REPORT**

None

**ADJOURNMENT**

BERNALD/FITZSIMMONS MOVED TO **ADJOURN THE MEETING AT 11:48 P.M.**  
MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, FITZSIMMONS,  
BERNALD. NOES: NONE. ABSTAIN: NONE. ABSENT: KUMAR.

Minutes respectfully submitted:

Debbie Bretschneider, City Clerk  
City of Saratoga