

MINUTES
WEDNESDAY, JUNE 2, 2021
SARATOGA CITY COUNCIL REGULAR MEETING

At 5:15 p.m., the City Council held Commissioner interviews via teleconferencing through Zoom.

WALIA/FITZSIMMONS MOVED TO **APPOINT SHARON BENDER TO HERITAGE PRESERVATION COMMISSION FOR A PARTIAL-TERM ENDING DECEMBER 31, 2023.** MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR, FITZSIMMONS, BERNALD. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

WALIA/FITZSIMMONS MOVED TO **APPOINT BERNARD GUTNICK TO TRAFFIC SAFETY COMMISSION FOR A PARTIAL-TERM ENDING DECEMBER 31, 2023.** MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR, FITZSIMMONS, BERNALD. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

BERNALD/FITZSIMMONS **ADJOURN THE MEETING AT 5:42 P.M.** MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, FITZSIMMONS, BERNALD. NOES: NONE. ABSTAIN: NONE. ABSENT: KUMAR.

At 6:00 p.m., the City Council held a Joint Meeting with the Saratoga Neighborhoods and Neighborhood Watch via teleconferencing through Zoom.

Debbie Pedro, Community Development Director, presented a report on the Housing Element Update process.

Santa Clara County Sheriff Captain Rich Urena presented a report on crime trends in Saratoga.

Mayor Zhao invited public comment on these items.

Dory Albert spoke about Gardiner Park area and crime.

Daniel Onn spoke about how shrubbery around homes can be an issue and parked “for sale” cars on Saratoga Ave. can be a problem.

Jim Stallman spoke about Sheriff Office receiving notifications from privately owned automated license plate reader cameras.

Gurjeet Saund asked about net value of theft from Saratogans.

Divya Puri asked about the long-term plan for lowering crime in Saratoga.

No one else requested to speak.

Mayor Zhao called the virtual Regular Session to order at 7:02 p.m. via teleconferencing through Zoom. Mayor Zhao called for a moment of silence in memory of the victims of the VTA transit facility.

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
Dennis Jaw, Finance Manager
Lauren Pettipiece, Public Information Officer
Kayla Nakamoto, Administrative Analyst
Emma Burkhalter, Associate Civil Engineer
(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 27, 2021.

REPORT ON JOINT MEETING

Mayor Zhao reported that the City Council held a Joint Meeting with the Saratoga Neighborhoods and Neighborhood Watch.

ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS

None

ANNOUNCEMENTS

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

CEREMONIAL ITEMS

Commendations Recognizing Outgoing Youth Commissioners

Recommended Action:

Receive presentation on efforts of the Youth Commission during the 2020/21 school year and present commendations to outgoing Commissioners Nicita Raamkumar, Nivi Madhan, Carolyn Wang, Alex Zhai, and Michelle Liu recognizing their service on the Saratoga Youth Commission.

Mayor Zhao and Council Members received a presentation from the Youth Commission, thanked the Youth Commissioners for their service, and presented commendations to outgoing Commissioners Nicita Raamkumar, Nivi Madhan, Carolyn Wang, Alex Zhai, and Michelle Liu.

1. CONSENT CALENDAR

1.1. City Council Meeting Minutes

Recommended Action:

Approve the City Council minutes for the Regular City Council Meeting on May 19, 2021.

FITZSIMMONS/BERNALD MOVED TO **APPROVE THE CITY COUNCIL MINUTES OF THE REGULAR CITY COUNCIL MEETING ON MAY 19, 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: 05/18//21 Period 11; 05/19//21 Period 11; 05/26/2021 Period 11:

FITZSIMMONS/BERNALD MOVED TO **ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 05/18//21 PERIOD 11; 05/19//21 PERIOD 11; 05/26/2021 PERIOD 11.** MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR, FITZSIMMONS, BERNALD. NOES: NONE.

ABSTAIN: NONE. ABSENT: NONE.

1.3. Treasurer's Report for the Month Ended April 30, 2021

Recommended Action:

Review and accept the Treasurer's Report for the month ended April 30, 2021.

FITZSIMMONS/BERNALD MOVED TO **ACCEPT THE TREASURER'S REPORT FOR THE MONTH ENDED APRIL 30, 2021.** MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR, FITZSIMMONS, BERNALD. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.4. Resolution to adopt a list of projects funded by SB 1 for FY 2021-22: The Road Repair and Accountability Act for funding the Annual Roadway Improvements Project
Recommended Action:

Adopt Resolution to adopt a list of projects funded by SB 1 for FY 2021-22: The Road Repair and Accountability Act for funding the Annual Roadway Improvements Project.

Council Member Bernald removed this item for discussion.

Mayor Zhao invited public comment on the item.

No one requested to speak.

RESOLUTION 21-036

BERNALD/ZHAO MOVED TO **ADOPT THE REVISED RESOLUTION WITH THE FOLLOWING TEXT REMOVED: "WHEREAS, THE 2020 CALIFORNIA STATEWIDE LOCAL STREETS AND ROADS NEEDS ASSESSMENT FOUND THAT THE CITY OF SARATOGA'S STREETS AND ROADS ARE IN AN "GOOD" CONDITION AND THIS REVENUE WILL HELP US INCREASE THE OVERALL QUALITY OF OUR ROAD SYSTEM AND OVER THE NEXT DECADE WILL BRING OUR STREETS AND ROADS INTO A "EXCELLENT" CONDITION;" AND TO ADOPT A LIST OF PROJECTS FUNDED BY SB 1 FOR FY 2021-22: THE ROAD REPAIR AND ACCOUNTABILITY ACT FOR FUNDING THE ANNUAL ROADWAY IMPROVEMENTS PROJECT.** MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR, FITZSIMMONS, BERNALD. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.5. Amendment to Extend Design Contract with Bellecci & Associates for the Village to Quarry Park Phase I Project

Recommended Action:

Move to accept an amendment to extend the design contract with Bellecci & Associates for the Village to Quarry Park Phase I Project from July 1, 2021 to June 30, 2023.

FITZSIMMONS/BERNALD MOVED TO **ACCEPT AN AMENDMENT TO EXTEND THE DESIGN CONTRACT WITH BELLECCI & ASSOCIATES FOR THE VILLAGE TO QUARRY PARK PHASE I PROJECT FROM JULY 1, 2021 TO JUNE 30, 2023.** MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR, FITZSIMMONS, BERNALD. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.6. Two-Year Contract with North Bay Building Maintenance Services, Inc. (NBBM) for Restroom Facilities Services in the amount of \$92,505.60

Recommended Action:

Approve a two-year Contract for restroom facilities services with North Bay Building

Maintenance Services, Inc. (NBBM) in the amount not to exceed \$92,505.60 and authorize the City Manager to execute the same.

FITZSIMMONS/BERNALD MOVED TO APPROVE A TWO-YEAR CONTRACT FOR RESTROOM FACILITIES SERVICES WITH NORTH BAY BUILDING MAINTENANCE SERVICES, INC. (NBBM) IN THE AMOUNT NOT TO EXCEED \$92,505.60 AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE SAME.

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

1.7. One-Year Contract for Annual Tree Maintenance Services – Ian Geddes Tree Care, Inc. in the amount not to exceed \$160,500.

Recommended Action:

Approve a one-year contract for annual tree maintenance services with Ian Geddes Tree Care, Inc. in the amount not to exceed \$160,500 and authorize the City Manager to execute the same.

FITZSIMMONS/BERNALD MOVED TO APPROVE A ONE-YEAR CONTRACT FOR ANNUAL TREE MAINTENANCE SERVICES WITH IAN GEDDES TREE CARE, INC. IN THE AMOUNT NOT TO EXCEED \$160,500 AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE SAME.

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

1.8. One-Year Contract for Annual Tree Maintenance Services – Oscar’s Expert Tree Care Services in the amount not to exceed \$200,000

Recommended Action:

Approve a one-year contract for annual tree maintenance services with Oscar’s Expert Tree Care Services in the amount not to exceed \$200,000 and authorize the City Manager to execute the same.

FITZSIMMONS/BERNALD MOVED TO APPROVE A ONE-YEAR CONTRACT FOR ANNUAL TREE MAINTENANCE SERVICES WITH OSCAR’S EXPERT TREE CARE SERVICES IN THE AMOUNT NOT TO EXCEED \$200,000 AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE SAME.

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

2. PUBLIC HEARING

2.1. Proposed Fiscal Year 2021/22 Operating & Capital Budget Hearing

Recommended Action:

Conduct a public hearing on the Proposed FY 2021/22 Operating & Capital Budgets and provide direction to staff for budget adoption on June 16, 2021.

Mary Furey, Administrative Services Director, presented the staff report on the Operating Budget.

Dennis Jaw, Finance Manager, presented on the Capital Budget.

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.

WALIA/BERNALD MOVED TO **ACCEPT THE PROPOSED FY 2021/22 OPERATING & CAPITAL BUDGETS FOR FINAL ADOPTION ON THE JUNE 16, 2021 COUNCIL MEETING.** MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR, FITZSIMMONS, BERNALD. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

Mayor Zhao requested a recess at 8:41 p.m. and resumed the meeting at 9:00 p.m.

3. GENERAL BUSINESS

3.1. Housing Element Engagement Update

Recommended Action:

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

Lauren Pettipiece, Public Information Officer, presented the staff report.

Mayor Zhao invited public comment on the item.

Jeffrey Schwartz spoke

No one else requested to speak.

KUMAR/WALIA MOVED TO **RECEIVE THE REPORT ON THE HOUSING ELEMENT ENGAGEMENT UPDATE.** MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR, FITZSIMMONS, BERNALD. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

3.2. Authorize An Agreement With Urban Planning Partners In The Amount of \$481,981 For The Housing Element Update Project and General Plan Amendment EIR

Recommended Action:

Authorize the City Manager to execute an agreement with Urban Planning Partners, Inc. (UPP) for the 2023-2031 Housing Element Update and General Plan Amendment Environmental Impact Report in an amount not to exceed \$481,981.

Debbie Pedro, Community Development Director

Mayor Zhao invited public comment on the item.

No one requested to speak.

WALIA/BERNALD MOVED TO **AUTHORIZE THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH URBAN PLANNING PARTNERS, INC. (UPP)**

FOR THE 2023-2031 HOUSING ELEMENT UPDATE AND GENERAL PLAN AMENDMENT ENVIRONMENTAL IMPACT REPORT IN AN AMOUNT NOT TO EXCEED \$481,981. MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR, FITZSIMMONS, BERNALD. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

3.3. Remote Participation Option and Meeting Recordings

Recommended Action:

Consider whether to direct staff to place policies on remote public participation in meetings and meeting recordings on the agenda at the next City Council Regular Meeting for adoption.

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

Mayor Zhao invited public comment on the item.

Jeffrey Schwartz spoke

Ken Czworniak spoke

Mohini Balakrishnan spoke

Litsung Chen spoke

No one else requested to speak.

WALIA/BERNALD MOVED TO **DIRECT STAFF TO PLACE ON A FUTURE AGENDA A POLICY ON REMOTE MEETING PARTICIPATION POLICY FOR CITY COUNCIL, COUNCIL COMMITTEE, AND COMMISSION MEETINGS IN THE LINDA CALLON CONFERENCE ROOM AND CIVIC THEATER AND PURSUE THE TECHNOLOGY IMPROVEMENTS NEEDED TO HAVE VIRTUAL PUBLIC PARTICIPATION.** MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR, FITZSIMMONS, BERNALD. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

WALIA/FITZSIMMONS MOVED TO **DIRECT STAFF TO PLACE ON A FUTURE AGENDA A MEETING RECORDING POLICY FOR RECORDING ALL CITY COUNCIL REGULAR AND SPECIAL MEETINGS, EXCLUDING COMMISSION INTERVIEWS, CLOSED SESSIONS, AND SITE VISITS; AND, ALL PLANNING COMMISSION REGULAR AND SPECIAL MEETINGS, EXCLUDING SITE VISITS.**

BERNALD MOVED TO **DIRECT STAFF TO PLACE ON A FUTURE AGENDA A MEETING RECORDING POLICY FOR RECORDING CITY COUNCIL REGULAR MEETINGS, CITY COUNCIL STUDY SESSIONS, CITY COUNCIL JOINT MEETINGS WITH THE PLANNING COMMISSION, PLANNING COMMISSION REGULAR MEETINGS, AND PLANNING COMMISSION STUDY SESSIONS.**

WALIA/FITZSIMMONS MOVED TO AMEND THE PREVIOUS MOTION TO **DIRECT STAFF TO PLACE ON A FUTURE AGENDA A MEETING RECORDING POLICY FOR RECORDING ALL CITY COUNCIL REGULAR MEETINGS; CITY COUNCIL STUDY SESSIONS, EXCLUDING COMMISSION INTERVIEWS, CLOSED SESSION, JOINT MEETINGS, AND SITE VISITS; CITY COUNCIL JOINT MEETINGS WITH THE PLANNING COMMISSION; PLANNING COMMISSION REGULAR MEETINGS; AND, PLANNING COMMISSION STUDY SESSIONS, EXCLUDING SITE VISITS.** MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR, FITZSIMMONS, BERNALD. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

3.4. Public Art Committee Voting Membership

Recommended Action:

Direct staff accordingly.

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

Mayor Zhao invited public comment on the item.

No one requested to speak.

WALIA/ZHAO MOVED TO **DIRECT STAFF TO SCHEDULE FUTURE CITY COUNCIL CONSIDERATION OF A RESOLUTION TO DISSOLVE THE COUNCIL PUBLIC ARTS COMMITTEE AND CREATE AN ALL VOLUNTEER INDEPENDENT PUBLIC ART COMMISSION WITH THE RESOLUTION PROVIDING ROLES AND RESPONSIBILITIES.** PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR, FITZSIMMONS. NOES: BERNALD. ABSTAIN: NONE. ABSENT: NONE.

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.

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

Mayor Zhao invited public comment on the item.

No one requested to speak.

KUMAR /WALIA MOVED TO **DIRECT STAFF TO SCHEDULE FUTURE CITY COUNCIL CONSIDERATION OF A REVISED PUBLIC ART POLICY THAT REFLECTS FORMATION OF A PUBLIC ART COMMISSION.** MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA, KUMAR, FITZSIMMONS, BERNALD. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

COUNCIL ASSIGNMENTS

Mayor Yan Zhao

Cities Association of Santa Clara County – the Association has a special seminar and discussion with regional members, called “Let’s Talk about Race” and the recommendation was to have each City will host one seminar to discuss one topic.

Council Finance Committee – Mayor Zhao attended, but Vice Mayor Walia will report on the meeting.

Vice Mayor Tina Walia

Council Finance Committee – the Committee received a request for a waiver for Civic Theater Rental Fee for West Valley Light Opera and South Bay Musical Theater and to apply ticket surcharge revenues collected during FY 2021-2022 to Operating Budget to recoup lost rental revenues. The Committee also discussed the Investment Policy and will continue the current policy for FY 2021/22 and to explore other options within the policy for better ROI.

Saratoga Area Senior Coordinating Council (SASCC) – the members received an update on posting of SASCC Agendas and they will be available on the SASCC website and have an insert in the Outlook. No Financial Statements have been provided to SASCC Board and the Board was informed that a partial payroll tax payment have been made for 4 of the 6 missed quarters.

Saratoga Ministerial Association – the association received a presentation from Community development Director Debbie Pedro on the Housing Element. The Association will be taking a Summer break for two months on meetings.

Council Member Rishi Kumar

No report.

Council Member Kookie Fitzsimmons

No Report.

Council Member Mary-Lynne Bernald

Santa Clara/Santa Cruz Airport/Community Roundtable – the Roundtable held a special meeting to set up the future schedule of meetings and hired an attorney. Received a report on noise survey from FAA. The Roundtable will be writing a letter to our Congressional representatives urging them to press the FAA to amend the way they measure noise and its effect on residents on the ground.

Saratoga Historical Foundation -- the Museum has had successful virtual lectures and walking tours. The Foundation is looking forward to having a table at the Saratoga Orchard fruit gathering event.

CITY COUNCIL ITEMS

Council Member Kumar, with support from Mayor Zhao, asked for an agenda item on Regional Housing Needs Allocation appeal.

COUNCIL COMMUNICATIONS

Council Member Fitzsimmons shared that Saratoga resident Lillian C. Barna had passed away recently and the memorial service is at Sacred Heart Church on June 5, 2021.

Council Member Kumar spoke about crime deterrents and tips to make your home safer.

Mayor Zhao announced that she has office hours at the Saratoga Farmer's Market the first Saturday of each month from 10:00 a.m. to noon. Captain Urena is also attending on June 5.

CITY MANAGER'S REPORT

None

ADJOURNMENT

KUMAR/WALIA MOVED TO **ADJOURN THE MEETING AT 11:15 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