

MINUTES
WEDNESDAY, JUNE 3, 2020
SARATOGA CITY COUNCIL REGULAR MEETING

At 4:30 p.m., the City Council held a virtual Closed Session via teleconferencing through Zoom.

At 4:55 p.m., Mayor Miller reported on Closed Session, announcing that there was nothing to report.

At 5:00 p.m., the City Council held a virtual Commission Interview via teleconferencing through Zoom.

At 5:30 p.m., the City Council held a virtual Joint Meeting with the Santa Clara County Supervisor Joe Simitian via teleconferencing through Zoom.

Mayor Miller invited public comment on the item.

The following people requested to speak:

Philip Manela spoke

Angela Ling spoke

Sandy Reed spoke

Hobart Birmingham spoke

JoAnne Birmingham spoke

No one else requested to speak.

Mayor Miller called the virtual Regular Session to order at 7:02 p.m. via teleconferencing through Zoom.

Mayor Miller called the meeting in recognition of equality and justice and in honor of George Floyd, Breonna Taylor, Ahmaud Arbery, and all those who have lost their lives and suffered due to racism. Change depends on each and every one of us. We must take this time to listen and to learn. That is how we will make meaningful and substantial progress to eliminate all forms of racism and inequality. Here in Saratoga, we stand with you and are committed to continually doing better.

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 Howard A. Miller, Vice Mayor Mary-Lynne Bernald,
Council Members Manny Cappello, Yan Zhao, Rishi Kumar
(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
John Cherbone, Public Works Director
Debbie Pedro, Community Development Director
Dennis Jaw, Finance Manager
Macedonio Nunez, Senior Civil Engineer
Leo Salindong, IT Supervisor
(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 29, 2020.

REPORT ON CLOSED SESSION

Mayor Miller reported on Closed Session, announcing that there was nothing to report.

REPORT FROM JOINT MEETING

Mayor Miller reported on the Joint Meeting with Santa Clara County Supervisor Joe Simitian, which included discussing communication on Mountain Winery and the County, COVID-19, and Santa Clara County Sheriff.

ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS

Usha Srinivasan spoke on organizing a Black Lives Matter: Saratoga event.

Jeff Schwartz spoke about the Mountain Winery and Council decisions.

Chuck Page spoke about protecting the identity of individuals who submit Code Compliance complaints and anonymous complaints.

Hubert Birmingham spoke about an independent study of Lucas Patuszka complaints.

JoAnne Birmingham spoke about the refund of funds to the Mountain Winery.

ANNOUNCEMENTS

Mayor Miller shared information about the new Santa Clara County Health orders and Saratoga Sunny Side Up.

CEREMONIAL ITEMS

Proclamation Declaring June as LGBTQ Pride Month

Recommended Action:

Proclaim June 2020 as LGBTQ Pride Month in the City of Saratoga.

Mayor Miller and the City Council proclaimed June 2020 as LGBTQ Pride Month in the City of Saratoga.

Appointment of Commissioner

Recommended Action:

Approve the resolution appointing 1 member to the Library Commission and direct the City Clerk to administer the Oath of Office.

RESOLUTION 20-028

CAPPELLO/BERNALD MOVED TO **APPROVE THE RESOLUTION APPOINTING 1 MEMBER TO THE LIBRARY COMMISSION AND DIRECT THE CITY CLERK TO ADMINISTER THE OATH OF OFFICE.** MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, CAPPELLO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1. CONSENT CALENDAR

1.1. City Council Meeting Minutes

Recommended Action:

Approve the City Council minutes for the Regular City Council Meeting on May 6, 2020 and the Special City Council Meeting on May 11, 2020.

BERNALD/CAPPELLO MOVED TO **APPROVE THE CITY COUNCIL MINUTES FOR THE REGULAR CITY COUNCIL MEETING ON MAY 6, 2020 AND THE SPECIAL CITY COUNCIL MEETING ON MAY 11, 2020.** MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, CAPPELLO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.2. Treasurer's Report for the Month Ended April 30, 2020

Recommended Action:

Review and accept the Treasurer's Report for the month ended April 30, 2020.

BERNALD/CAPPELLO MOVED TO **ACCEPT THE TREASURER'S REPORT FOR THE MONTH ENDED APRIL 30, 2020.** MOTION PASSED BY VERBAL ROLL

CALL. AYES: MILLER, BERNALD, ZHAO, CAPPELLO, KUMAR. NOES: NONE.
ABSTAIN: NONE. ABSENT: NONE.

1.3. Award of Contract for Janitorial Services

Recommended Action:

Approve a three-year contract with North Bay Building Maintenance for janitorial services and authorize the City Manager to execute the same.

BERNALD/CAPPELLO MOVED TO **APPROVE A THREE-YEAR CONTRACT WITH NORTH BAY BUILDING MAINTENANCE FOR JANITORIAL SERVICES AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE SAME.** MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, CAPPELLO, KUMAR. 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 20-029

BERNALD/CAPPELLO 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: MILLER, BERNALD, ZHAO, CAPPELLO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

Vice Mayor Bernald and Council Member Cappello spoke on this agenda item.

1.5. Second Amendment to 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 \$42,276 augmentation for Fiscal Year 2020/21.

BERNALD/CAPPELLO MOVED TO **AUTHORIZE THE CITY MANAGER TO EXECUTE THE SECOND AMENDMENT TO THE SANTA CLARA COUNTY HOUSEHOLD HAZARDOUS WASTE COLLECTION PROGRAM AGREEMENT WITH A \$42,276 AUGMENTATION FOR FISCAL YEAR 2020/21.** MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, CAPPELLO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

Vice Mayor Bernald spoke on this agenda item.

1.6. Notice of Completion – 2019 Pavement Maintenance Program Project

Recommended Action:

Move to accept the 2019 Pavement Maintenance Program (2019 PMP) contract as complete and authorize staff to record the Notice of Completion.

BERNALD/CAPPELLO MOVED TO **ACCEPT THE 2019 PAVEMENT MAINTENANCE PROGRAM (2019 PMP) CONTRACT AS COMPLETE AND AUTHORIZE STAFF TO RECORD THE NOTICE OF COMPLETION.** MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, CAPPELLO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

Mayor Miller spoke on this agenda item.

2. PUBLIC HEARING

2.1. Proposed Fiscal Year 2020/21 Operating & Capital Budget

Recommended Action:

Conduct a public hearing on the Proposed FY 2020/21 Operating & Capital Budgets and provide direction to staff for budget adoption on June 17, 2020.

Mary Fury, Administrative Services Director, and Dennis Jaw, Finance Manager presented the staff report.

Mayor Miller opened the public hearing.

Mayor Miller invited public comment on the item.

No one requested to speak.

Mayor Miller closed the public hearing for this item and asked for Council discussion.

BERNALD/CAPPELLO MOVED TO **PLACE THE PROPOSED FY 2020/21 OPERATING & CAPITAL BUDGETS ON THE CONSENT CALENDAR OF THE JUNE 17, 2020 MEETING FOR ADOPTION WITH ADJUSTMENTS TO THE FINAL BUDGET AS NEEDED BY STAFF.** MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, CAPPELLO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

Mayor Miller called for a break at 8:47 and reconvened the meeting at 8:55 pm.

3. GENERAL BUSINESS

3.1. Resolution Calling for General Municipal Election – November 3, 2020

Recommended Action:

Approve the attached resolution calling for a consolidated, General Municipal Election on November 3, 2020 and give direction to staff on the Last Word Forum.

Debbie Bretschneider, City Clerk, presented the staff report.

Mayor Miller invited public comment on the item.

No one requested to speak.

RESOLUTION 20-030

BERNALD/CAPPELLO MOVED TO APPROVE THE RESOLUTION CALLING FOR A CONSOLIDATED, GENERAL MUNICIPAL ELECTION ON NOVEMBER 3, 2020 AND DIRECTED STAFF TO CANCEL THE LAST WORD FORUM.

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

3.2. COVID-19 Local Emergency Proclamation

Recommended Action:

Approve the resolutions affirming the continued existence of a local emergency due to the spread of novel coronavirus (COVID-19).

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

Mayor Miller invited public comment on the item.

Lakhinder Walia spoke

No one else requested to speak.

RESOLUTION 20-031

CAPPELLO/BERNALD MOVED TO APPROVE THE RESOLUTIONS AFFIRMING THE CONTINUED EXISTENCE OF A LOCAL EMERGENCY DUE TO THE SPREAD OF NOVEL CORONAVIRUS (COVID-19). MOTION PASSED BY

VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, CAPPELLO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

3.3. Review of Norms of Operation for City Council and City Commission Meetings

Recommended Action:

Review the Norms of Operation including rules of parliamentary procedure and provide direction to staff as needed.

James Lindsay, City Manager, presented the staff report.

Mayor Miller invited public comment on the item.

Tina Walia spoke

Chuck Page spoke

Lakhinder Walia spoke

Sandy Reed spoke

No one else requested to speak.

CAPPELLO/BERNALD MOVED TO DIRECT STAFF TO PROVIDE MORE TRAINING TO COMMISSIONERS ON SARATOGA RULES OF ORDER AND NORMS OF OPERATION AND CREATE A ONE PAGE SUMMARY OF SARATOGA RULES OF ORDER. MOTION PASSED BY VERBAL ROLL CALL.

AYES: MILLER, BERNALD, ZHAO, CAPPELLO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

COUNCIL ASSIGNMENTS

Mayor Howard Miller

Silicon Valley Clean Energy Authority Board of Directors – the Directors ratified rates, which are 4% less than PG&E. Silicon Valley Clean Energy is planning many projects to help residents including budgeting one million dollars in facilities to be built to making a difference in power production, all residents in May & June will get \$7.86 off their electric bill, there is a Small Business grant program, and work force training program for contractors to install cutting-edge energy devices.

Valley Transportation Authority (VTA) Policy Advisory Committee – the Committee discussed effects of COVID on fares, which are down 90% on buses and light rail. The BART to San Jose line will start operating June 13, BART connects to the light rail system.

West Valley Mayors & Managers – the meeting had guest speakers from PG&E and had a report on the power shut-offs this summer, including PG&E improvements to have less impact on residents.

Mayor Miller signed a regional letter and a letter from Saratoga on the State of California stopping the proposed cutting of ERAF funds to County and City.

Vice Mayor Mary-Lynne Bernald

Hakone Foundation Board & Executive Committee – the Executive Committee had a budget discussion and Hakone received a Silicon Valley grant for \$10,000 which can be used for the operations budget.

Santa Clara/Santa Cruz Airport/Community Roundtable – the Roundtable discussed that some Cities/Counties will not be able to continue in the Roundtable. The Roundtable sent a letter to the FAA and Congress stating position against supersonic noise certification transportation.

Council Member Yan Zhao

Hakone Foundation Board – Hakone is now available for weddings of 25 people.

KSAR Community Access TV Board – the Board heard a guest speaker from Saratoga High School, who presented the high school graduation plan which KSAR filmed.

Public Art Committee – the Committee reviewed their budget and status of projects.

Saratoga Chamber of Commerce & Destination Saratoga – the Chamber asks Saratogans to please support local businesses.

Council Member Manny Cappello

Saratoga Area Senior Coordinating Council (SASCC)- RYDE program has been converted to a food delivery program and SASCC received a donation of personal protection equipment (PPE) from a community group.

Saratoga Ministerial Association – the Association conducted a vigil for George Floyd over Zoom with over 200 individuals participating.

Council Member Rishi Kumar

West Valley Clean Water Program Authority – the Authority adopted the Fiscal Year 2020/21 budget.

West Valley Solid Waste Management Joint Powers Authority –the Authority discussed the Fiscal Year 2020/21 budget and the overall impact to Saratoga will be in garbage rates for a 35-gallon can that will go from \$30.95 to \$35.58

CITY COUNCIL ITEMS

Vice Mayor Bernald, with support from Council Member Kumar, requested an agenda item on the next Council meeting for a Ballot Measure for the November election on term limits for Council Members including currently elected Council Members.

COUNCIL COMMUNICATIONS

Council Member Kumar spoke about bringing people together for an event to discuss positive community action after George Floyd’s death.

Council Member Zhao thanked the many non-profit groups in Saratoga who have donated PPE to many needed communities.

CITY MANAGER'S REPORT

None

ADJOURNMENT

BERNALD/CAPPELLO MOVED TO **ADJOURN THE MEETING AT 10:29 P.M.** MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, CAPPELLO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

Minutes respectfully submitted:

Debbie Bretschneider, City Clerk
City of Saratoga