

**MINUTES**  
**WEDNESDAY, JULY 6, 2022**  
**SARATOGA CITY COUNCIL REGULAR MEETING**

At 5:30 p.m., the City Council held a Closed Session via teleconferencing through Zoom.

Mayor Walia invited public comment.

No one requested to speak.

Mayor Walia called the Regular Session to order at 7:00 p.m. via teleconferencing through Zoom in memory of Betty Peck.

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  
Victoria Banfield, Associate Planner  
Nicole Johnson, Senior Planner  
Ann Xu, Accountant II

**REPORT ON POSTING OF THE AGENDA**

The City Clerk reported the agenda for this meeting was properly posted on June 30, 2022.

**REPORT FROM CLOSED SESSION**

Mayor Walia stated the City Council met in Closed Session to conduct the City Manager's performance evaluation which will be continued at the conclusion of the Regular Meeting.

## ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS

Mayor Walia invited public comment.

Chuck Page, President of Chamber of Commerce, reminded the public that businesses are open and encouraged people to visit them, he invited the public to volunteer for Chamber events, invited the public to attend the car show in July and invited business owners to become a member of the Chamber of Commerce.

## ANNOUNCEMENTS

Mayor Walia shared information about Summer Movie Nights, Saratoga Car Show and the Youth in Government program.

### 1. CONSENT CALENDAR

Mayor Walia invited public comment on the Consent Calendar.

The following individual spoke at this time: Chuck Page

Item 1.4 was removed for separate discussion.

#### 1.1. City Council Meeting Minutes

##### **Recommended Action:**

Approve the Minutes for the June 15, 2022 City Council Regular Meeting.

ZHAO/FITZSIMMONS MOVED TO **APPROVE THE MINUTES FOR THE JUNE 15, 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:  
6/9/22 Period 12; 6/17/2022 Period 12; 6/23/2022 Period 12.

ZHAO/FITZSIMMONS MOVED TO **REVIEW AND ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 6/9/22 PERIOD 12; 6/17/2022 PERIOD 12; 6/23/2022 PERIOD 12.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

#### 1.3. Treasurer's Report for the Month Ended May 31, 2022

##### **Recommended Action:**

Review and accept the Treasurer's Report for the month ended May 31, 2022.

ZHAO/FITZSIMMONS MOVED TO **REVIEW AND ACCEPT THE TREASURER'S REPORT FOR THE MONTH ENDED MAY 31, 2022.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

1.4. 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/FITZSIMMONS MOVED TO **RETURN TO IN-PERSON MEETINGS BEGINNING SEPTEMBER 7, 2022.**

Additional discussion took place regarding the item.

ZHAO/FITZSIMMONS WITHDREW THE MOTION ON THE FLOOR.

ZHAO/FITZSIMMONS 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 AND GAVE DIRECTION TO STAFF TO BRING BACK A PROPOSAL FOR HOW CITY COUNCIL MEETINGS WILL OPERATE IN PERSON.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

1.5. Authorization of Agreement with Town of Los Gatos for California Governor's Office of Emergency Services Passthrough Grant Subaward

**Recommended Action:**

Authorize the City Manager to execute an agreement with the Town of Los Gatos for California Governor's Office of Emergency Services (Cal OES) passthrough grant subaward.

ZHAO/FITZSIMMONS MOVED TO **AUTHORIZE THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE TOWN OF LOS GATOS FOR CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES (CAL OES) PASSTHROUGH GRANT SUBAWARD.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

1.6. 18890 Afton Ave – Public Utility Easement Vacation

**Recommended Action:**

Adopt Resolution Vacating a 10-foot Public Utility Easement at 18890 Afton Ave, Saratoga, CA 95070

**RESOLUTION 22-028**

ZHAO/FITZSIMMONS MOVED TO **ADOPT A RESOLUTION VACATING A 10-FOOT PUBLIC UTILITY EASEMENT AT 18890 AFTON AVE, SARATOGA, CA 95070.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

## 2. PUBLIC HEARINGS

2.1. Landmark Designation & Mills Act Agreement for 14666 Oak Street Application No. MIL22-0001 & LNDMRK22-0001

### **Recommended Actions:**

The Heritage Preservation Commission (HPC) recommends that the City Council:

1. Conduct a public hearing on the proposal to designate the subject property as a historic landmark and enter into a Mills Act Agreement.
2. Introduce and waive first reading of the attached ordinance designating the property as a historic landmark.
3. Direct staff to place the ordinance on the Consent Calendar for adoption at the next regular meeting of the City Council.
4. Adopt the attached Resolution authorizing the City Manager to enter into a Mills Act Agreement for the property located at 14666 Oak Street upon the effective date of the landmark ordinance.

Nicole Johnson, Senior Planner, presented the staff report.

Mayor Walia invited public comment.

The following individual spoke at this time: Chuck Page

### **RESOLUTION 22-029**

**BERNALD/FITZSIMMONS MOVED TO INTRODUCE AND WAIVE FIRST READING OF THE ORDINANCE DESIGNATING THE PROPERTY AS A HISTORIC LANDMARK, DIRECT STAFF TO PLACE THE ORDINANCE ON THE CONSENT CALENDAR FOR ADOPTION AT THE NEXT REGULAR MEETING OF THE CITY COUNCIL AND ADOPT THE RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MILLS ACT AGREEMENT FOR THE PROPERTY LOCATED AT 14666 OAK STREET UPON THE EFFECTIVE DATE OF THE LANDMARK ORDINANCE.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

2.2. Application ZOA22-0001 – Zoning Code Amendment (CITY WIDE). An ordinance to amend the City of Saratoga Municipal Code to implement Senate Bill 9 by setting forth objective standards applicable to projects required to be processed for only ministerial review under Government Code sections 65852.1 or 66411.7 such as lot splits and two unit developments in single family zoning districts.

### **Recommended Actions:**

1. Conduct a public hearing.
2. Introduce and waive the first reading of the ordinance amending Chapter 15 (Zoning Regulations) of the Saratoga Municipal Code related to urban lot splits and two-unit developments.
3. Direct staff to place the ordinance on the Consent Calendar for adoption at the next regular meeting of the City Council.

Victoria Banfield, Associate Planner, presented the staff report.

Mayor Walia invited public comment.

The following individuals spoke at this time: Tony Jeans, David Rogan, David Dornblaser

**FITZSIMMONS/ZHAO MOVED TO INTRODUCE AND WAIVE THE FIRST READING OF THE ORDINANCE AMENDING CHAPTER 15 (ZONING REGULATIONS) OF THE SARATOGA MUNICIPAL CODE RELATED TO URBAN LOT SPLITS AND TWO-UNIT DEVELOPMENTS AND DIRECT STAFF TO PLACE THE ORDINANCE ON THE CONSENT CALENDAR FOR ADOPTION AT THE NEXT REGULAR MEETING OF THE CITY COUNCIL.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, ZHAO, FITZSIMMONS, WALIA: NOES: KUMAR. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

Mayor Walia requested a recess at this time.

Mayor Walia reconvened the meeting at 9:12 p.m.

### 3. GENERAL BUSINESS

#### 3.1. Initial Draft 2023-2031 Housing Element

##### **Recommended Action:**

Staff recommends that the City Council review and provide input on the Draft 2023-2031 Housing Element and authorize staff to submit the initial draft to the State Housing and Community Development Department (HCD) for its review.

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

Mayor Walia invited public comment.

The following individuals spoke at this time: Joanne, Bill Reid, Kam, David Anderson, David Dornblaser, Brian Tran, Tsing Bardin, Brian Tran, Anthony Fisher, Belal Aftab.

**FITZSIMMONS/ZHAO MOVED TO AUTHORIZE STAFF TO SUBMIT THE INITIAL DRAFT TO THE STATE HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT (HCD) FOR ITS REVIEW.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, ZHAO, FITZSIMMONS, WALIA: NOES: KUMAR. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

### COUNCIL ASSIGNMENTS

#### Mayor Tina Walia

*Hakone Foundation Executive Board* – stated the Foundation is busy with events, stated revenues are increasing, and discussed the new exhibit Tom Killian Wood Block Printer.

*West Valley Mayors & Managers Association* – stated the Association received a presentation from Santa Clara Valley Water District on water usage and the current drought.

*Cities Association of Santa Clara County-Legislative Action Committee* – stated the Committee considered four legislative bills for possible action: AB 2011, AB 2097, SB 897 and SB 1087.

*Cities Association of Santa Clara County* – stated the Board took positions to oppose AB 2011, AB 2097, and SB 897 and to support SB 1087.

#### Vice Mayor Kookie Fitzsimmons

*Saratoga Area Senior Coordinating Council Board of Directors* – stated the Health Fair will take place Saturday, September 10, 2022 from 10-4 at Los Gatos High School with the theme ‘Mental Health for All Ages, Stop the Stigma.’

Council Member Mary-Lynne Bernald

*Saratoga Historical Foundation Board of Directors* – Council Member Bernald thanked the Mayor for attending the groundbreaking for the Blacksmith Shop and stated the Board received further updates on the Blacksmith Shop and brainstormed ideas for future fundraising.

Council Member Rishi Kumar

Nothing to report.

Council Member Yan Zhao

*Association of Bay Area Governments (ABAG)* – stated ABAG the Board approved the minutes from last year’s meeting and approved the budget.

**CITY COUNCIL ITEMS**

None

**COUNCIL COMMUNICATIONS**

Council Member Bernald stated Congresswoman Eshoo’s request for \$1.5 million for the City of Saratoga’s Highway 9 Pedestrian Walkway Project was approved by the House Appropriations Committee and expects the full House to approve in the coming weeks.

Council Member Kumar discussed a San Jose Water Company advice letter and requested the public send in protest letters, discussed increase in burglaries compared to last year, and discussed coding classes over the summer that are available to adults and children.

**CITY MANAGER'S REPORT**

None

**CITY ATTORNEY'S REPORT**

None

**ADJOURNMENT**

The City Council returned to Closed Session at this time.

**REPORT FROM CLOSED SESSION**

The City Attorney stated the City Council met in Closed Session to conduct the City Manager’s performance evaluation with no reportable action.

BERNALD/WALIA MOVED TO ADJOURN THE MEETING AT 11:18 P.M. MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: KUMAR.

Minutes respectfully submitted:

Britt Avrit, City Clerk  
City of Saratoga