

MINUTES
WEDNESDAY, JULY 20, 2022
SARATOGA CITY COUNCIL REGULAR MEETING

At 6:00 p.m., the City Council held a Joint Session with Saratoga Chamber of Commerce and Saratoga Historical Foundation via teleconferencing through Zoom.

Joint Session with Saratoga Chamber of Commerce and Saratoga Historical Foundation

Recommended Action:

Receive presentations and updates from Saratoga Chamber of Commerce and Saratoga Historical Foundation.

Chamber of Commerce President Chuck Page provided an update regarding the services provided by the Saratoga Chamber of Commerce.

Saratoga Historical Foundation President Annette Stransky provided an update regarding the Saratoga Historical Foundation activities.

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.

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
Ann Xu, Accountant II

REPORT ON POSTING OF THE AGENDA

The City Clerk reported the agenda for this meeting was properly posted on July 14, 2022.

REPORT FROM JOINT SESSION

Mayor Walia and Chamber of Commerce President Chuck Page provided a report of the City Council Joint Session with Saratoga Chamber of Commerce and Saratoga Historical Foundation.

ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS

Mayor Walia invited public comment.

Erik Ramakrishnan discussed an issue he had with the Zoom link provided on the agenda.

Belal Aftab discussed speeding, general safety, and noise issues on Highway 9 and Big Basin Way.

ANNOUNCEMENTS

Mayor Walia shared information about the Classic and Cool Car Show, School Safety Forum, Summer Movie Night, and Commission Openings.

1. CONSENT CALENDAR

Items 1.3 and 1.4 were removed for separate discussion.

Mayor Walia invited public comment on the Consent Calendar except for Items 1.3 and 1.4.

No one requested to speak.

1.1. City Council Meeting Minutes

Recommended Action:

Approve the Minutes for the July 6, 2022 City Council Regular Meeting.

FITZSIMMONS/ZHAO MOVED TO **APPROVE THE MINUTES FOR THE JULY 6, 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:
6/30/22 Period 12; 7/7/22 Period 13; 7/7/22 Period 1.

FITZSIMMONS/ZHAO MOVED TO **REVIEW AND ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 6/30/22 PERIOD 12; 7/7/22 PERIOD 13; 7/7/22 PERIOD 1.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

1.3. Landmark Designation for 14666 Oak Street - Application No. LNDMRK22-0001

Recommended Action:

Waive the second reading and adopt the attached ordinance designating the property at 14666 Oak Street as a historic landmark.

Mayor Walia invited public comment.

The following individual spoke at this time: Chuck Page

BERNALD/FITZSIMMONS MOVED TO RETURN THE ITEM TO STAFF FOR FURTHER REVIEW AND TO EVALUATE THE RESTORATION PLAN FOR THE PROPERTY.

Additional discussion took place.

BERNALD/FITZSIMMONS MOVED TO NOT CONSIDER THE LANDMARK DESIGNATION AND BRING THE ITEM BACK TO THE COUNCIL FOR CONSIDERATION AT THE SEPTEMBER 7, 2022 CITY COUNCIL MEETING. MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

1.4. 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 Action:

Waive the second reading and adopt the attached ordinance adopting Article 15-57 of the City Code regulating two-unit residential developments and urban lot splits.

Mayor Walia invited public comment.

The following individuals spoke at this time: Erik Ramakrishnan, Ralf, Mary Ann Welch, George Marinakis, V. Golshan, Bill Dalton, Loann Nguyen, Dinesh, Tony Jeans.

BERNALD/FITZSIMMONS MOVED TO WAIVE THE SECOND READING AND ADOPT THE ORDINANCE ADOPTING ARTICLE 15-57 OF THE CITY CODE REGULATING TWO-UNIT RESIDENTIAL DEVELOPMENTS AND URBAN LOT SPLITS. MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, ZHAO, FITZSIMMONS, WALIA: NOES: KUMAR. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

1.5. 4Leaf, Inc. Plan Review Services Contract for the Amount of \$240,000

Recommended Action:

Authorize the City Manager to execute a contract with 4Leaf, Inc. for plan review services in the amount of \$240,000 for FY 2022-23.

FITZSIMMONS/ZHAO MOVED TO AUTHORIZE THE CITY MANAGER TO EXECUTE A CONTRACT WITH 4LEAF, INC. FOR PLAN REVIEW SERVICES IN THE AMOUNT OF \$240,000 FOR FY 2022-23. MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

1.6. 4Leaf, Inc. Building Inspection Services Contract for the Amount of \$60,000

Recommended Action:

Authorize the City Manager to execute a contract with 4Leaf, Inc. for as-needed professional building inspection services in the amount of \$60,000.00 for FY 2022-23.

FITZSIMMONS/ZHAO MOVED TO **AUTHORIZE THE CITY MANAGER TO EXECUTE A CONTRACT WITH 4LEAF, INC. FOR AS-NEEDED PROFESSIONAL BUILDING INSPECTION SERVICES IN THE AMOUNT OF \$60,000.00 FOR FY 2022-23.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

1.7. Lynx Technologies, Inc. Geographic Information System Consultant Contract in the amount of \$32,500

Recommended Action:

Authorize the City Manager to execute a contract with Lynx Technologies, Inc. Geographic Information System (GIS) Consultant services in the amount of \$32,500.00 for FY 2022-23.

FITZSIMMONS/ZHAO MOVED TO **AUTHORIZE THE CITY MANAGER TO EXECUTE A CONTRACT WITH LYNX TECHNOLOGIES, INC. GEOGRAPHIC INFORMATION SYSTEM (GIS) CONSULTANT SERVICES IN THE AMOUNT OF \$32,500.00 FOR FY 2022-23.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

1.8. Notice of Completion – 2021 Pavement Management Program Project

Recommended Action:

Move to accept the 2021 Pavement Management Program (2021 PMP) contract as complete and authorize staff to record the Notice of Completion.

FITZSIMMONS/ZHAO MOVED TO **ACCEPT THE 2021 PAVEMENT MANAGEMENT PROGRAM (2021 PMP) CONTRACT AS COMPLETE AND AUTHORIZE STAFF TO RECORD THE NOTICE OF COMPLETION.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

1.9. Hakone Gardens Request for Redesignation of Community Event Secured Grant

Recommended Action:

Approve the request from Hakone Gardens to redesignate the Secured Community Event Grant for Hakone Matsuri to be used for “Hakone General Community Events.”

FITZSIMMONS/ZHAO MOVED TO **APPROVE THE REQUEST FROM HAKONE GARDENS TO REDESIGNATE THE SECURED COMMUNITY EVENT GRANT FOR HAKONE MATSURI TO BE USED FOR “HAKONE GENERAL COMMUNITY EVENTS.”** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

2. GENERAL BUSINESS

2.1. Authorize Contract for FY22/23 for Pavement Management Program Project in the Amount Not to Exceed \$3,623,225

Recommended Action:

1. Move to declare O’Grady Paving Inc. to be the lowest responsible bidder on the project.
2. Move to award a Construction Contract to O’Grady Paving Inc. in the amount of \$3,293,224.70, and authorize the City Manager to execute the same.
3. Move to authorize staff to execute change orders to the contract up to \$330,000 (10%).

Macedonia Nunez, City Engineer presented the staff report.

Mayor Walia invited public comment.

The following individual spoke at this time: Mary Ann Welch.

ZHAO/BERNALD MOVED TO **DECLARE O’GRADY PAVING INC. TO BE THE LOWEST RESPONSIBLE BIDDER ON THE PROJECT, AWARD A CONSTRUCTION CONTRACT TO O’GRADY PAVING INC. IN THE AMOUNT OF \$3,293,224.70, AUTHORIZE THE CITY MANAGER TO EXECUTE THE SAME AND AUTHORIZE STAFF TO EXECUTE CHANGE ORDERS TO THE CONTRACT UP TO \$330,000 (10%).** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

2.2. Structure Hardening Incentive Program

Recommended Action:

Approve the Structure Hardening Incentive Program as proposed by staff.

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

Mayor Walia invited public comment.

The following individual spoke at this time: Chuck Page.

ZHAO/FITZSIMMONS MOVED TO **APPROVE THE STRUCTURE HARDENING INCENTIVE PROGRAM AS PROPOSED BY STAFF.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

Mayor Walia requested a recess at this time.

Mayor Walia reconvened the meeting at 9:10 p.m.

Mayor Walia, with City Council consensus, requested Item 2.5 be discussed before item 2.3.

2.5. Argument in Favor – Term Limit Ballot Measure

Recommended Action:

Approve the Argument in Favor for the City’s Term Limit Ballot Measure being presented to voters at the November 8, 2022 General Municipal Election.

Britt Avrit, City Clerk presented the staff report.

Mayor Walia invited public comment.

The following individual spoke at this time: Chuck Page.

KUMAR MOVED TO APPROVE THE DRAFT ARGUMENT IN FAVOR SUBMITTED BY MAYOR WALIA.

Motion failed for lack of a second.

BERNALD/FITZSIMMONS MOVED TO APPROVE THE ALTERNATIVE DRAFT ARGUMENT SUBMITTED BY COUNCIL MEMBER BERNALD AND DISCUSS POTENTIAL MODIFICATIONS AT THIS MEETING.

Additional discussion took place.

WALIA/KUMAR MOVED TO MEET AS A COUNCIL ON JULY 27, 2022 TO CONTINUE WORK ON THE ARGUMENT IN FAVOR. MOTION FAILED BY VERBAL ROLL CALL. AYES: KUMAR, WALIA: NOES: FITZSIMMONS. ABSTAIN: BERNALD, ZHAO. RECUSED: NONE. ABSENT: NONE.

BERNALD/FITZSIMMONS MOVED TO APPROVE THE ALTERNATIVE DRAFT ARGUMENT SUBMITTED BY COUNCIL MEMBER BERNALD AND CONDUCT DISCUSSION OF POTENTIAL MODIFICATIONS AT THIS MEETING. MOTION FAILED BY VERBAL ROLL CALL. AYES: BERNALD, FITZSIMMONS: NOES: KUMAR, WALIA. ABSTAIN: ZHAO. RECUSED: NONE. ABSENT: NONE.

ZHAO/KUMAR MOVED TO DIRECT MAYOR WALIA TO WORK WITH ONE COUNCIL MEMBER TO DRAFT THE ARGUMENT IN FAVOR AND RETURN WITH SUCH DRAFT ON AUGUST 3, 2022. MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

2.3. Reconsider and Confirm Findings Pursuant to Assembly Bill 361, Provide Direction on Reinstating August 17, 2022 Regular Meeting, and Provide Direction on Return to In-Person Meetings

Recommended Action:

1. Reconsider and confirm findings pursuant to Assembly Bill 361 of the continued public health officials' recommendation to social distance and to therefore continue the option of holding City of Saratoga Brown Act meetings by teleconference.
2. Discuss and take possible action regarding reinstating the August 17, 2022 Regular Meeting
3. Discuss and take possible action regarding returning to in-person meetings

Britt Avrit, City Clerk, presented the staff report.

Mayor Walia invited public comment.

The following individuals spoke at this time: Chuck Page, Mary Ann Welch.

WALIA/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 CONTINUE THE OPTION OF HOLDING 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.

WALIA/BERNALD MOVED TO **REINSTATE THE AUGUST 17, 2022 REGULAR MEETING.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

Mayor Walia requested a recess at this time.

Mayor Walia reconvened the meeting at 11:15 p.m.

KUMAR/WALIA MOVED TO **CONTINUE MEETING VIRTUALLY.** MOTION FAILED BY VERBAL ROLL CALL. AYES: KUMAR, WALIA: NOES: BERNALD, FITZSIMMONS. ABSTAIN: ZHAO. RECUSED: NONE. ABSENT: NONE.

ZHAO/WALIA MOVED TO **TABLE THIS ITEM TO A DATE UNCERTAIN.** MOTION FAILED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA: NOES: FITZSIMMONS. ABSTAIN: BERNALD, KUMAR. RECUSED: NONE. ABSENT: NONE.

KUMAR/WALIA MOVED TO **CONTINUE MEETING VIRTUALLY.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, WALIA: NOES: FITZSIMMONS. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

2.4. City Manager's Employment Agreement and Salary Schedule Amendments

Recommended Action:

Approve a Resolution Amending the City Manager's Employment Agreement and a Resolution Amending the City Salary Schedule effective July 1, 2022.

Richard Taylor, City Attorney, presented the staff report.

Mayor Walia invited public comment.

The following individual spoke at this time: Mary Ann Welch.

RESOLUTION 22-030

RESOLUTION 22-031

WALIA/BERNALD MOVED TO **APPROVE A RESOLUTION AMENDING THE CITY MANAGER'S EMPLOYMENT AGREEMENT AND A RESOLUTION AMENDING THE CITY SALARY SCHEDULE EFFECTIVE JULY 1, 2022.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, ZHAO, FITZSIMMONS, WALIA: NOES: KUMAR. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

2.6. Designation of League of California Cities Annual Conference Voting Delegate and Alternates

Recommended Action:

Designate the City of Saratoga's voting delegate and alternate voting delegate(s) for the 2022 League of California Cities Annual Conference.

Britt Avrit, City Clerk, presented the staff report.

Mayor Walia invited public comment.

No one requested to speak.

WALIA/ZHAO MOVED TO **DESIGNATE COUNCIL MEMBER ZHAO AS THE CITY OF SARATOGA'S VOTING DELEGATE FOR THE 2022 LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, ZHAO, FITZSIMMONS, WALIA: NOES: KUMAR. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

COUNCIL ASSIGNMENTS

Mayor Tina Walia

Nothing to report

Vice Mayor Kookie Fitzsimmons

Nothing to report

Council Member Mary-Lynne Bernald

Nothing to report

Council Member Rishi Kumar

Nothing to report

Council Member Yan Zhao

Nothing to report

CITY COUNCIL ITEMS

None

COUNCIL COMMUNICATIONS

None

CITY MANAGER'S REPORT

City Manager Lindsay stated it has been a pleasure serving the City Council and the community and appreciates the support given him.

CITY ATTORNEY'S REPORT

None

ADJOURNMENT

BERNALD/WALIA MOVED TO **ADJOURN THE MEETING AT 11:54 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, City Clerk
City of Saratoga