

**MINUTES**  
**WEDNESDAY, AUGUST 17, 2022**  
**SARATOGA CITY COUNCIL REGULAR MEETING**

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

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  
Nick Pegueros, Administrative Services Director

**REPORT ON POSTING OF THE AGENDA**

The City Clerk reported the agenda for this meeting was properly posted on August 12, 2022.

**ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS**

Mayor Walia invited public comment.

Daniel Rhoads discussed a lawsuit regarding Senate Bill 9.

**ANNOUNCEMENTS**

Mayor Walia shared information about Summer Movie Night, LAW-tes, Saratoga Summer Music Series, Saratoga Safety Fair, Saratoga Loves Poetry, Commission Openings, and the November 8, 2022 Election.

**1. CONSENT CALENDAR**

Mayor Walia invited public comment on the Consent Calendar.

No one requested to speak.

1.1. City Council Meeting Minutes

**Recommended Action:**

Approve the Minutes for the July 20, 2022 City Council Regular Meeting and the August 3, 2022 City Council Special Meeting.

FITZSIMMONS/ZHAO MOVED TO **APPROVE THE MINUTES FOR THE JULY 20, 2022 CITY COUNCIL REGULAR MEETING AND THE AUGUST 3, 2022 CITY COUNCIL SPECIAL MEETING.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

1.2. Tree Maintenance Contracts with Oscars Tree Service in the amount not-to-exceed \$200,000 and with Ian Geddes Tree Care, Trees 360 Degrees and Mario Topete Tree Care each in the amount not-to-exceed \$100,000

**Recommended Action:**

Approve Tree Maintenance Service Contracts with Oscars Tree Service in the amount not-to-exceed \$200,000 and with Ian Geddes Tree Care, Trees 360 Degrees and Mario Topete Tree Care each in the amount not-to-exceed \$100,000 and authorize the City Manager to execute the same.

FITZSIMMONS/ZHAO MOVED TO **APPROVE TREE MAINTENANCE SERVICE CONTRACTS WITH OSCARS TREE SERVICE IN THE AMOUNT NOT-TO-EXCEED \$200,000 AND WITH IAN GEDDES TREE CARE, TREES 360 DEGREES AND MARIO TOPETE TREE CARE EACH IN THE AMOUNT NOT-TO-EXCEED \$100,000 AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE SAME.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

1.3. Prospect Road Cost Share Agreement with the City of San Jose in the Amount of \$45,694

**Recommended Action:**

Approve the Prospect Road Cost Share Agreement with the City of San Jose in the amount of \$45,694.04.

FITZSIMMONS/ZHAO MOVED TO **APPROVE THE PROSPECT ROAD COST SHARE AGREEMENT WITH THE CITY OF SAN JOSE IN THE AMOUNT OF \$45,694.04.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

1.4. Agreement for Employment and Labor Law Services with Mouser Law Firm, A Professional Corporation

**Recommended Action:**

Authorize the City Manager to enter into an agreement for employment and labor law services with Mouser Law Firm, A Professional Corporation.

FITZSIMMONS/ZHAO MOVED TO **AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR EMPLOYMENT AND LABOR LAW SERVICES WITH MOUSER LAW FIRM, A PROFESSIONAL CORPORATION.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

1.5. California Per Capita Grant Beauchamps Park Deed Restriction

**Recommended Action:**

Approve the Deed Restriction for Beauchamps Park and authorize the City Manager to execute the same.

FITZSIMMONS/ZHAO MOVED TO **APPROVE THE DEED RESTRICTION FOR BEAUCHAMPS PARK AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE SAME.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

1.6. Reconsider and Confirm Findings Pursuant to Assembly Bill 361 and/or Provide Direction for Hybrid or In-Person Meetings

**Recommended Action:**

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.

FITZSIMMONS/ZHAO 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.

## 2. GENERAL BUSINESS

2.1. Rebuttal Argument – Term Limit Ballot Measure

**Recommended Action:**

Approve a Rebuttal Argument, if an Argument Against the City's Term Limit Ballot Measure being presented to voters at the November 8, 2022 General Municipal Election is submitted.

Mayor Walia stated since no argument against the Term Limit Ballot Measure was submitted before the deadline, no action is needed.

Mayor Walia invited public comment.

No one requested to speak.

## **COUNCIL ASSIGNMENTS**

### Mayor Tina Walia

*Cities Association of Santa Clara County-Legislative Action Committee* – stated the Committee considered positions on AB 1985 and development related bills AB 916, AB 2097, AB 2011, and SB 897.

*Cities Association of Santa Clara County* – stated discussion related to consideration of forming a JPA for the Cities Association took place.

*KSAR Community Access TV Board* - stated the Board Member terms were renewed and stated an agreement between KSAR and West Valley College is under consideration.

*Silicon Valley Clean Energy Authority Board of Directors* – discussed two new clean energy resources providing powers in July, discussed an increase in funding being made available for SVCE jurisdictions that meet certain criteria and discussed 2022 new construction Reach Codes.

*West Valley Mayors & Managers Association* – stated a presentation was given from Silicon Valley Clean Energy regarding Reach Codes.

### Vice Mayor Kookie Fitzsimmons

*Saratoga Chamber of Commerce Board* - stated the summer music concert is taking place on August 27, 2022 at Wildwood Park and the Chamber of Commerce is looking for volunteers and sponsors for the event.

### Council Member Mary-Lynne Bernald

Nothing to report

### Council Member Rishi Kumar

Nothing to report

### Council Member Yan Zhao

*Valley Transportation Authority (VTA) Policy Advisory Committee* – discussed two projects that were awarded that may benefit the City and/or Saratoga residents.

*Saratoga Area Senior Coordinating Council Board of Directors* – stated the Board received a FY 22-23 budget update, and a SASCC Board and Employment Policy update, the Board discussed the parameters to be used for the Executive Director's performance evaluation, and Council Member Zhao provided details for their upcoming Health Fair.

*West Valley Sanitation District Board of Directors* – stated the Board met with nothing to report.

## **CITY COUNCIL ITEMS**

None

## **COUNCIL COMMUNICATIONS**

Vice Mayor Fitzsimmons discussed Jeff Schwartz and discussed the participants in the dunk tank at the upcoming SASCC Health Fair.

## **CITY MANAGER'S REPORT**

None

## **CITY ATTORNEY'S REPORT**

None

## **ADJOURNMENT**

FTIZSIMMONS/BERNALD MOVED TO **ADJOURN THE MEETING AT 7:31 P.M.**  
MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO,  
FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT:  
KUMAR.

Minutes respectfully submitted:

Britt Avrit, City Clerk  
City of Saratoga