

MINUTES
WEDNESDAY, SEPTEMBER 1, 2021
SARATOGA CITY COUNCIL REGULAR MEETING

At 5:30 p.m., the City Council held interviews for the Library & Community Engagement Commission via teleconferencing through Zoom.

Mayor Zhao invited public comment.

No one requested to speak.

KUMAR/BERNALD MOVED TO APPOINT ROBERT GULINO TO THE LIBRARY & COMMUNITY ENGAGEMENT COMMISSION FOR A FULL-TERM ENDING SEPTEMBER 2025. MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, FITZSIMMONS, KUMAR, WALIA, ZHAO. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

At 6:00 p.m., the City Council held a Study Session on Parliamentary Procedure via teleconferencing through Zoom.

Richard Taylor, City Attorney, presented a report on the Saratoga Rules of Parliamentary Procedure.

Mayor Zhao invited public comment.

No one requested to speak.

No action needed, discussion item only.

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

Prior to Roll Call, the Mayor and City Clerk explained 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 was 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
Britt Avrit, City Clerk
Debbie Pedro, Community Development Director
John Cherbone, Public Works Director
Dennis Jaw, Finance Manager
Lauren Pettipiece, Public Information Officer
Kayla Nakamoto, Administrative Analyst
(All staff members appearing via teleconference)

REPORT ON POSTING OF THE AGENDA

The City Clerk reported that the agenda for this meeting was properly posted on September 9, 2021.

REPORT ON JOINT MEETING

Mayor Zhao stated the City Council met to discuss Saratoga Rules of Parliamentary Procedure.

ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS

No one requested to speak during Oral Communications on Non-Agendized Items

ANNOUNCEMENTS

Mayor Zhao shared information about COVID-19 updates, the Housing Element appeal, the End of Summer Music Fest, Saratoga Power Lunch and several Commission recruitments.

CEREMONIAL ITEMS

Proclamation Recognizing the 20th Anniversary of Terrorist Attacks on September 11, 2001

Recommended Action:

Present the proclamation recognizing the 20th anniversary of terrorist attacks on September 11, 2001.

The City Council presented the proclamation recognizing the 20th anniversary of terrorist attacks on September 11, 2001.

SPECIAL PRESENTATIONS

Special Presentation - 2021 Youth in Government Program

Recommended Action:

Receive presentation from staff on efforts of the Youth in Government program during the summer of 2021 and the recorded student presentation.

The City Council received a presentation on efforts of the Youth in Government program during the summer of 2021 and the recorded student presentation.

1. CONSENT CALENDAR

Vice Mayor Walia requested that Item 1.1 be removed for discussion.

Mayor Zhao invited public comment on the Consent Calendar.

No one requested to speak.

1.1. City Council Meeting Minutes

Recommended Action:

Approve the City Council minutes for the Regular City Council Meeting on July 21, 2021.

WALIA/FITZSIMMONS MOVED TO **APPROVE THE CITY COUNCIL MINUTES FOR THE REGULAR CITY COUNCIL MEETING ON JULY 21, 2021, AS AMENDED IN THE SUPPLEMENTAL ATTACHMENT TO THE SEPTEMBER 1, 2021 AGENDA PACKET** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, FITZSIMMONS, KUMAR, WALIA, ZHAO: NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.2. Approve Contract with Environmental Science Associates for CEQA and Permitting Support for Citywide Creek Abutments and Bridge Repairs in the amount of \$76,500

Recommended Action:

1. Approve contract with Environmental Science Associates (ESA) in the amount of \$76,500
2. Authorize a 10% contingency in the amount of \$7,650

FITZSIMMONS/ZHAO MOVED TO **APPROVE CONTRACT WITH ENVIRONMENTAL SCIENCE ASSOCIATES (ESA) IN THE AMOUNT OF \$76,500 AND AUTHORIZE A 10% CONTINGENCY IN THE AMOUNT OF \$7,650.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, FITZSIMMONS, KUMAR, WALIA, ZHAO: NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

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

Recommended Action:

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

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

1.4. Parking Restriction on Prospect Road Near Beauchamps Lane

Recommended Action:

Approve the attached Motor Vehicle resolution to adopt a No Parking restriction on Prospect Road.

RESOLUTION MV-327

FITZSIMMONS/ZHAO MOVED TO **APPROVE A MOTOR VEHICLE RESOLUTION TO ADOPT A NO PARKING RESTRICTION ON PROSPECT ROAD.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, FITZSIMMONS, KUMAR, WALIA, ZHAO: NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.5. 13053 Ten Oak Way – Storm Drainage Easement Vacation

Recommended Action:

Adopt Resolution Vacating a Storm Drainage Easement at 13053 Ten Oak Way, Saratoga, CA 95070 (APN 393-18-036).

RESOLUTION 21-065

FITZSIMMONS/ZHAO MOVED TO **ADOPT A RESOLUTION VACATING A STORM DRAINAGE EASEMENT AT 13053 TEN OAK WAY, SARATOGA, CA 95070 (APN 393-18-036).** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, FITZSIMMONS, KUMAR, WALIA, ZHAO: NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.6. Review of Accounts Payable Check Registers

Recommended Action:

Review and accept check registers for the following accounts payable payment cycles: 7/21/21 Period 13; 7/21/21 Period 1; 7/28/21 Period 13; 7/28/21 Period 1; 8/4/21 Period 13; 8/4/21 Period 2; 8/10/21 Period 13, 8/10/21 Period 2; 8/17/21 Period 2; 8/25/21 Period 2

FITZSIMMONS/ZHAO MOVED TO **REVIEW AND ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES:7/21/21 PERIOD 13; 7/21/21 PERIOD 1; 7/28/21 PERIOD 13; 7/28/21 PERIOD 1; 8/4/21 PERIOD 13; 8/4/21 PERIOD 2; 8/10/21 PERIOD 13, 8/10/21 PERIOD 2; 8/17/21 PERIOD 2; 8/25/21 PERIOD 2.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, FITZSIMMONS, KUMAR, WALIA, ZHAO: NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

2. PUBLIC HEARING

None

3. GENERAL BUSINESS

3.1. League of California Cities Annual Conference Voting Delegate and Resolutions

Recommended Action:

Designate the City of Saratoga voting delegate and alternate voting delegate(s) for the 2021 League of California Cities Annual Conference; and to give direction to the voting delegate on the proposed resolutions.

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

Mayor Zhao invited public comment on the item.

No one requested to speak.

BERNALD/WALIA MOVED TO APPOINT MAYOR ZHAO AS THE VOTING DELEGATE FOR THE 2021 LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE. MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, FITZSIMMONS, KUMAR, WALIA, ZHAO: NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

3.2. Fiscal Year 2021/22 Fee Schedule Amendment for Tree Removal Permits

Recommended Action:

Approve the resolution amending the Fiscal Year 2021/22 Fee Schedule to eliminate tree removal permit fees for certain trees removed in the Wildland Urban Interface.

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

Mayor Zhao invited public comment on the item.

The following individual spoke: Dave House.

RESOLUTION 21-066

WALIA/FITZSIMMONS MOVED TO APPROVE THE RESOLUTION AMENDING THE FISCAL YEAR 2021/22 FEE SCHEDULE TO ELIMINATE TREE REMOVAL PERMIT FEES FOR CERTAIN TREES REMOVED IN THE WILDLAND URBAN INTERFACE WITH THE FEE WAIVER TAKING EFFECT IMMEDIATELY. MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, FITZSIMMONS, KUMAR, WALIA, ZHAO: NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

3.3. Road Conditions Public Engagement Program

Recommended Action:

Provide direction on the road conditions engagement program and survey.

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

Mayor Zhao invited public comment on the item.

The following individual spoke: Jeffrey Schwartz.

Kumar moved to push this item out for a few weeks and bring back the information discussed at this meeting to a future City Council meeting to include optimizing budget options; no second received at this time.

Walia/Bernald moved to continue this item to the next City Council meeting with the previously provided budget information included.

Kumar/Zhao moved to bring back staff recommendations to future City Council meeting on budget optimization to free up money for roads and postpone the survey until that meeting takes place.

KUMAR/ZHAO MOVED TO **BRING BACK STAFF RECOMMENDATIONS TO A FUTURE CITY COUNCIL MEETING ON BUDGET OPTIMIZATION TO FREE UP MONEY FOR ROADS AND POSTPONE THE SURVEY UNTIL THAT MEETING TAKES PLACE** MOTION FAILED BY VERBAL ROLL CALL. AYES: KUMAR, ZHAO; NOES: BERNALD, FITZSIMMONS, WALIA; ABSTAIN: NONE. ABSENT: NONE.

WALIA/BERNALD MOVED **TO CONTINUE THIS ITEM TO THE NEXT CITY COUNCIL MEETING WITH THE PREVIOUSLY PROVIDED BUDGET INFORMATION INCLUDED**. MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, FITZSIMMONS, WALIA,; NOES: KUMAR; ZHAO. ABSTAIN: NONE. ABSENT: NONE.

Walia/Fitzsimmons moved that the item on September 15 incorporate suggestions from this meeting's conversations to focus the survey questions to obtain clear responses from residents.

Vice Mayor Walia withdrew her motion before the question was called.

COUNCIL ASSIGNMENTS

Council Member Mary-Lynne Bernald

Hakone Foundation Board & Executive Committee – discussed items from the recent meeting including welcoming a new Board member and receiving a positive budget report; discussed the increase in bookings and membership; discussed a sold out event and Hakone being featured in Saratoga Spotlight.

Santa Clara/Santa Cruz Airport/Community Roundtable – discussed the upcoming meeting at which the budget will be provided.

Council Member Kookie Fitzsimmons

Saratoga Chamber of Commerce – discussed parklets in the Village and stated when the weather changes, potentially end of October, the parklets may be removed; more information will be provided when it is available.

Council Member Rishi Kumar

Santa Clara Valley Water District Commission – stated the Commission discussed requesting that the Board sent a letter to the State of California, MTC and ABAG regarding concerns related to limited water resources and reconstruction of Anderson Dam and a request to revisit RHNA numbers to balance growth; the Commission discussed water purification plan and how it could create water sources for the community.

Vice Mayor Tina Walia

Silicon Valley Clean Energy Authority Board of Directors – stated the Board discussed \$1.3 million annual savings which directly impacts the community in lower costs and discussed the upcoming budget that is projected to maintain the power generation rate discount.

Saratoga Area Senior Coordinating Council (SASCC) – discussed the presentation of the projected budget and stated the Profit and Loss report for July 1-August 20 was presented.

Saratoga Ministerial Association – stated the Association met in August.

Mayor Yan Zhao

West Valley Sanitation District – stated this meeting was held August 11, 2021 in Closed Session with nothing to report.

Cities Association of Santa Clara County – stated discussion took place regarding the relationship with the Santa Clara./Santa Cruz Airport/Community Roundtable; stated the Association is looking forward to a budget presentation and stated a potential fee increase has been mentioned.

West Valley Mayors & Managers – stated Santa Clara County Board President provided an update on Santa Clara in general including the vaccination rate for the County.

CITY COUNCIL ITEMS

None

COUNCIL COMMUNICATIONS

None

CITY MANAGER'S REPORT

None

ADJOURNMENT

FITZSIMMONS/BERNALD MOVED TO ADJOURN THE MEETING AT 9:31 P.M.
MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, FITZSIMMONS,
KUMAR, WALIA, ZHAO: NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

Minutes respectfully submitted:

Britt Avrit, MMC, City Clerk
City of Saratoga