

MINUTES
WEDNESDAY, SEPTEMBER 7, 2022
SARATOGA CITY COUNCIL REGULAR MEETING

At 6:30 p.m., the City Council held interviews for the Public Art Commission and the Library & Community Engagement Commission via teleconferencing through Zoom.

WALIA/FITZSIMMONS MOVED TO **REAPPOINT GLORIA WU TO THE PUBLIC ART COMMISSION FOR A FULL-TERM ENDING SEPTEMBER 30, 2026.** MOTION PASSED BY VERBAL ROLL CALL. AYES: KUMAR, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: BERNALD, ZHAO.

WALIA/FITZSIMMONS MOVED TO **APPOINT VALERIE NYGAARD TO THE LIBRARY & COMMUNITY ENGAGEMENT COMMISSION FOR A FULL-TERM ENDING SEPTEMBER 30, 2026.** MOTION PASSED BY VERBAL ROLL CALL. AYES: KUMAR, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: BERNALD, ZHAO.

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 Rishi Kumar, Yan Zhao

ABSENT:

Council Member Mary-Lynne Bernald

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
Debbie Pedro, Community Development Director
Captain Rich Urena, Santa Clara County Sheriff's Office
Deputy Steven Fernandes, Santa Clara County Sheriff's Office
Lauren Blom, Public Information Officer
Christopher Riordan, Senior Planner
Nicole Johnson, Senior Planner
Tony Gonzalez, Code Compliance Officer

REPORT ON POSTING OF THE AGENDA

The City Clerk reported the agenda for this meeting was properly posted on September 1, 2022.

ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS

Mayor Walia invited public comment.

Bill Dalton discussed the Blue Hills Elementary Pedestrian Crossing at Union Pacific Railroad (UPRR) Project.

ANNOUNCEMENTS

Mayor Walia shared information about Summer Music Series, Good Neighbor Day, Saratoga Safety Fair, Saratoga Loves Poetry, and the Online Art Challenge.

CEREMONIAL ITEMS

Commendation for The Fat Robin/La Mesa Linens

Recommended Action:

Commend The Fat Robin/La Mesa Linens in celebration of 50th anniversary

The City Council presented a Commendation to The Fat Robin/La Mesa Linens in celebration of their 50th anniversary.

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 August 17, 2022 City Council Regular Meeting.

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

1.2. Review of Accounts Payable Check Registers

Recommended Action:

Review and accept check registers for the following accounts payable payment cycles: 7/15/22 Period 13; 7/15/22 Period 1; 7/21/22 Period 13; 7/21/22 Period 1; 7/28/22 Period 13; 7/28/22 Period 1; 8/4/22 Period 13; 8/4/22 Period 2; 8/4/22 Period 2; 8/11/22 Period 13; 8/11/22 Period 2; 8/17/22 Period 2; 8/24/22 Period 2.

FITZSIMMONS/ZHAO MOVED TO **REVIEW AND ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 7/15/22 PERIOD 13; 7/15/22 PERIOD 1; 7/21/22 PERIOD 13; 7/21/22 PERIOD 1; 7/28/22 PERIOD 13; 7/28/22 PERIOD 1; 8/4/22 PERIOD 13; 8/4/22 PERIOD 2; 8/4/22 PERIOD 2; 8/11/22 PERIOD 13; 8/11/22 PERIOD 2; 8/17/22 PERIOD 2; 8/24/22 PERIOD 2.** MOTION PASSED BY VERBAL ROLL CALL. AYES: KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: BERNALD.

1.3. Treasurer's Report for the Month Ended June 30, 2022

Recommended Action:

Review and accept the Treasurer's Report for the month ended June 30, 2022.

FITZSIMMONS/ZHAO MOVED TO **REVIEW AND ACCEPT THE TREASURER'S REPORT FOR THE MONTH ENDED JUNE 30, 2022.** MOTION PASSED BY VERBAL ROLL CALL. AYES: KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: BERNALD.

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 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: KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: BERNALD.

1.5. Resolution Authorizing Destruction of Certain City Records

Recommended Action:

Adopt the Resolution authorizing destruction of certain City records.

RESOLUTION 22-032

FITZSIMMONS/ZHAO MOVED TO **ADOPT THE RESOLUTION AUTHORIZING DESTRUCTION OF CERTAIN CITY RECORDS.** MOTION PASSED BY VERBAL ROLL CALL. AYES: KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: BERNALD.

1.6. Resolution Amending City of Saratoga Conflict of Interest Code

Recommended Action:

Adopt the Resolution amending the City of Saratoga Conflict of Interest Code.

RESOLUTION 22-033

FITZSIMMONS/ZHAO MOVED TO **ADOPT THE RESOLUTION AMENDING THE CITY OF SARATOGA CONFLICT OF INTEREST CODE.** MOTION PASSED BY VERBAL ROLL CALL. AYES: KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: BERNALD.

1.7. Grant of Landscape Easements – Prides Crossing (LLAD Zone 22)

Recommended Action:

1. Adopt Resolution (Attachment A) accepting grant of landscape easement (Attachment B) located at 12792 Miller Avenue (APN 386-47-036)
2. Adopt Resolution (Attachment C) accepting grant of landscape easement (Attachment D) located at 12799 Miller Avenue (APN 386-47-031)

RESOLUTION 22-034

RESOLUTION 22-035

FITZSIMMONS/ZHAO MOVED TO **ADOPT THE RESOLUTION ACCEPTING GRANT OF LANDSCAPE EASEMENT LOCATED AT 12792 MILLER AVENUE (APN 386-47-036) AND ADOPT THE RESOLUTION ACCEPTING GRANT OF LANDSCAPE EASEMENT LOCATED AT 12799 MILLER AVENUE (APN 386-47-031).** MOTION PASSED BY VERBAL ROLL CALL. AYES: KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: BERNALD.

1.8. Award of Contract for the 2022 Comprehensive Fee Study Project

Recommended Action:

Authorize City Manager to execute an agreement with Matrix Consulting Group for the 2022 Comprehensive Fee Study Project in an amount not to exceed \$40,020.

FITZSIMMONS/ZHAO MOVED TO **AUTHORIZE CITY MANAGER TO EXECUTE AN AGREEMENT WITH MATRIX CONSULTING GROUP FOR THE 2022 COMPREHENSIVE FEE STUDY PROJECT IN AN AMOUNT NOT TO EXCEED \$40,020.** MOTION PASSED BY VERBAL ROLL CALL. AYES: KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: BERNALD.

1.9. Goleta Avenue Right of Way Easement

Recommended Action:

Accept the Grant of Easement dated July 28, 2022 from the Cupertino Union School District (CUSD), property owner of 12300 De Sanka Avenue (APN 386-55-001), for a right of way easement along Goleta Avenue.

FITZSIMMONS/ZHAO MOVED TO **ACCEPT THE GRANT OF EASEMENT DATED JULY 28, 2022 FROM THE CUPERTINO UNION SCHOOL DISTRICT (CUSD), PROPERTY OWNER OF 12300 DE SANKA AVENUE (APN 386-55-001), FOR A RIGHT OF WAY EASEMENT ALONG GOLETA AVENUE.** MOTION PASSED BY VERBAL ROLL CALL. AYES: KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: BERNALD.

1.10. Donation from Saratoga Rotary Charitable Foundation

Recommended Action:

Authorize the City Manager to execute the donation agreement with the Saratoga Rotary Charitable Foundation to accept a donation of tables.

FITZSIMMONS/ZHAO MOVED TO **AUTHORIZE THE CITY MANAGER TO EXECUTE THE DONATION AGREEMENT WITH THE SARATOGA ROTARY CHARITABLE FOUNDATION TO ACCEPT A DONATION OF TABLES.** MOTION PASSED BY VERBAL ROLL CALL. AYES: KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: BERNALD.

2. GENERAL BUSINESS

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

Recommended Action:

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

1. Accept public comment on the proposal to designate the subject property as a historic landmark and enter into a Mills Act Agreement.
2. Adopt the attached ordinance designating the property as a historic landmark as introduced on July 6, 2022.
3. 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: Marilyn Marchetti

**ORDINANCE 392
RESOLUTION 22-036**

FITZSIMMONS/ZHAO MOVED TO **ADOPT THE ORDINANCE DESIGNATING THE PROPERTY AS A HISTORIC LANDMARK AS INTRODUCED ON JULY 6, 2022 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: KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: BERNALD.

2.2. Safe Routes to School Master Plan Approval

Recommended Action:

Approve the Safe Routes to School Master Plan dated July 14, 2022 and direct staff to move forward with implementation of improvement projects identified in the plan.

Mainini Cabute, Environmental Programs Manager presented the staff report.

Mayor Walia invited public comment.

The following individuals spoke at this time: Marilyn Marchetti, Jojo Choi

KUMAR/FITZSIMMONS MOVED TO **APPROVE THE SAFE ROUTES TO SCHOOL MASTER PLAN DATED JULY 14, 2022 AND DIRECT STAFF TO MOVE FORWARD WITH IMPLEMENTATION OF IMPROVEMENT PROJECTS IDENTIFIED IN THE PLAN.** MOTION PASSED BY VERBAL ROLL CALL. AYES: KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: BERNALD.

2.3. Report on Public Street Parking Regulations

Recommended Action:

Staff recommends that the City Council review the information in this report and provide staff direction as needed.

Tony Gonzalez, Code Compliance Officer presented the staff report.

Mayor Walia invited public comment.

The following individual spoke at this time: Chuck Page

FITZSIMMONS/WALIA MOVED TO **DIRECT STAFF TO COME BACK TO COUNCIL WITH LANGUAGE FOR AN ORDINANCE THAT ADDRESSES COMMERCIAL VEHICLES.** MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, FITZSIMMONS, WALIA: NOES: KUMAR. ABSTAIN: NONE. RECUSED: NONE. ABSENT: BERNALD.

2.4. Contract with Lisa Wise Consulting for Preparation of Mixed-Use / Multi-Family Objective Design Standards

Recommended Action:

Authorize City Manager to execute an agreement with Lisa Wise Consulting, Inc. for the Mixed Use / Multi-Family Objective Design Standards Project in an amount not to exceed \$159,511.

Christopher Riordan, Senior Planner presented the staff report.

Mayor Walia invited public comment.

No one requested to speak.

FITZSIMMONS/ZHAO MOVED TO **AUTHORIZE CITY MANAGER TO EXECUTE AN AGREEMENT WITH LISA WISE CONSULTING, INC. FOR THE MIXED USE / MULTI-FAMILY OBJECTIVE DESIGN STANDARDS PROJECT IN AN AMOUNT NOT TO EXCEED \$159,511.** MOTION PASSED BY VERBAL ROLL CALL. AYES: KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: BERNALD.

COUNCIL ASSIGNMENTS

Mayor Tina Walia

Hakone Foundation Board of Trustees - stated the Foundation is doing well, revenues are increasing, and they are exploring more programs and more fundraising opportunities.

Vice Mayor Kookie Fitzsimmons

Saratoga Chamber of Commerce Board – discussed the upcoming music festival September 17, 2022 and stated the Chamber is looking for volunteers and sponsors for the event.

Council Member Rishi Kumar

West Valley Clean Water Program Authority Board of Directors – stated the Board discussed a Municipal Regional Permit that was adopted by the San Francisco Bay Regional Water Quality Control Board and discussed increasing the reserve fund balance.

West Valley Solid Waste Management Authority Board of Directors – stated the Board discussed the Fund Balance Policy and discussed SB 1383 and disposal of organic material.

Council Member Yan Zhao

Saratoga Ministerial Association – stated the Association discussed the events they will be hosting for the remainder of this year and the beginning of next year and stated a Community Event to get to know your neighbors kicked off and will take place the 1st Wednesday of each month.

CITY COUNCIL ITEMS

None

COUNCIL COMMUNICATIONS

Vice Mayor Fitzsimmons discussed the upcoming SASCC Health Fair.

CITY MANAGER'S REPORT

None

CITY ATTORNEY'S REPORT

None

ADJOURNMENT

FITZSIMMONS/ZHAO MOVED TO ADJOURN THE MEETING AT 8:54 P.M. MOTION PASSED BY VERBAL ROLL CALL. AYES: ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: BERNALD, KUMAR.

Minutes respectfully submitted:

Britt Avrit, City Clerk
City of Saratoga