

MINUTES
WEDNESDAY, OCTOBER 5, 2022
SARATOGA CITY COUNCIL REGULAR MEETING

At 6:00 p.m., the City Council held a Joint Session with Santa Clara County Supervisor Joe Simitian via teleconferencing through Zoom.

Joint Session with Santa Clara County Supervisor Joe Simitian

Recommended Action:

Receive updates from Supervisor Simitian

Mayor Walia called the Regular Session to order 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
Nick Pegueros, Administrative Services Director
Debbie Pedro, Community Development Director
Nicole Johnson, Senior Planner
Lauren Blom, Public Information Officer
Ann Xu, Accountant II

REPORT FROM JOINT SESSION

Mayor Walia provided a report of the City Council Joint Session with Santa Clara County Supervisor Joe Simitian.

REPORT ON POSTING OF THE AGENDA

The City Clerk reported the agenda for this meeting was properly posted on September 29, 2022.

Mayor Walia discussed the number of attendees and the number of participants who have indicated they would like to address the City Council and requested the City Council consider reducing the public speaking time to one minute.

BERNALD MOVED TO CHANGE THE PUBLIC SPEAKING TIME TO ONE MINUTE FOR ALL ITEMS ON THE AGENDA FOR THIS MEETING.

Vice Mayor Fitzsimmons requested a friendly amendment to change the speaking time to two minutes.

BERNALD/FITZSIMMONS MOVED TO CHANGE THE PUBLIC SPEAKING TIME TO TWO MINUTES FOR ALL ITEMS ON THE AGENDA FOR THIS MEETING.
MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS

Mayor Walia invited public comment.

The following individuals spoke at this time:

Sankaran Suresh discussed October as Domestic Violence Awareness Month.

Belal Aftab discussed the increase in traffic near the pumpkin patch on Saratoga Avenue near Cox.

ANNOUNCEMENTS

Mayor Walia shared information about the Citywide Scarecrow Competition, Pizza & Politics, Witchy Walk-a-Bout, South Asian Literature & Art Festival and the Saratoga 5k Fun Run & Walk.

CEREMONIAL ITEMS

Appointment of Library & Community Engagement Commissioner

Recommended Action:

Adopt the Resolution re-appointing Cristina Meiser to the Library & Community Engagement Commission and direct the City Clerk to administer the Oath of Office.

RESOLUTION 22-040

ZHAO/BERNALD MOVED TO ADOPT THE RESOLUTION RE-APPOINTING CRISTINA MEISER TO THE LIBRARY & COMMUNITY ENGAGEMENT COMMISSION AND DIRECT THE CITY CLERK TO ADMINISTER THE OATH OF OFFICE. MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA. NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

Proclamation Declaring October 5, 2022 Clean Air Day

Recommended Action:

Proclaim October 5, 2022 Clean Air Day in the City of Saratoga.

The City Council proclaimed October 5, 2022 Clean Air Day in the City of Saratoga.

Commendation for Anna Huang

Recommended Action:

Commend Anna Huang for her service on the Saratoga Parks & Recreation Commission.

The City Council commended Anna Huang for her service on the Saratoga Parks & Recreation Commission.

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 September 21, 2022 City Council Regular Meeting.

BERNALD/FITZSIMMONS MOVED TO **APPROVE THE MINUTES FOR THE SEPTEMBER 21, 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:
9/15/22 Period 3; 9/22/22 Period 3

BERNALD/FITZSIMMONS MOVED TO **REVIEW AND ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 9/15/22 PERIOD 3; 9/22/22 PERIOD 3.** 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 August 31, 2022

Recommended Action:

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

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

1.4. Goleta Avenue Right of Way Easement - Resolution

Recommended Action:

Approve a resolution accepting 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.

RESOLUTION 22-041

BERNALD/FITZSIMMONS MOVED TO **APPROVE A RESOLUTION ACCEPTING 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: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA. NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

2. PUBLIC HEARING

2.1. APCC22-0002 - Appeal of a Temporary Compliance Plan for Winery Operations at House Family Vineyards at 13340 Old Oak Way.

Recommended Action:

1. Conduct a public hearing and consider the application that is the subject of the appeal.
2. Adopt a resolution denying the appeal (APCC22-0002) and approving the Temporary Compliance Plan for the limited winery operations for House Family Vineyards subject to conditions as approved by the Community Development Department.

Nicole Johnson, Senior Planner, presented the staff report.

The Applicant and Appellant provided presentations.

Mayor Walia invited public comment.

The following individuals spoke at this time: Cheriell Jensen, Steve Coates, Chris Vasquez, Stan, John Reed, Mohini Balakrishnan, Glenda Aune, Rich Walker (Denodo), Ingrid Sywak, Ken, Andrey Tovchigrechko, Harry & Rosemary Wong, Cindy Watkins, Pragati Grover, Carol & Marty Miranda, Tom C

Mayor Walia requested a recess at this time.

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

Public comment continued with the following individuals speaking at this time: Imran, Litsung Chen, Paul Porrini, Gerard, Shree, Jim, Bill K, Tony, Alex, Bob Araldi, Adam, Mario, Mike Cowburn, Don Campagna, Karen, Ge Deng, David Rossi, Mike Nedved, Ronald Schoengold, Dave Z, Mike Giomi, Athena, Ken Czworniak, Flohun, WN, Paul, Jim Cargill, Jeffrey Becker, Martin Rossip, Rodrigo, Kelly Medrano, Jon Dutra, Lauren Huang

KUMAR/FITZSIMMONS MOVED TO **ADOPT A RESOLUTION DENYING THE APPEAL (APCC22-0002) AND APPROVING THE TEMPORARY COMPLIANCE PLAN FOR THE LIMITED WINERY OPERATIONS FOR HOUSE FAMILY VINEYARDS SUBJECT TO CONDITIONS AS APPROVED BY THE COMMUNITY DEVELOPMENT DEPARTMENT.**

Council Member Bernald requested a friendly amendment to amend the Temporary Compliance Plan (TCP) amending the hours of operation to Thursday – Sunday, noon-5:00 p.m. by appointment only with no more than 49 people, and the applicant must agree to the change within one week in order for the amended TCP to be in effect.

WALIA/ZHAO MOVED TO UPHOLD THE APPEAL. MOTION FAILED BY VERBAL ROLL CALL. AYES: ZHAO, WALIA; NOES: BERNALD, KUMAR, FITZSIMMONS. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

RESOLUTION 22-042

KUMAR/FITZSIMMONS MOVED TO ADOPT A RESOLUTION DENYING THE APPEAL (APCC22-0002) AND APPROVING THE TEMPORARY COMPLIANCE PLAN, AMENDING THE HOURS OF OPERATION TO THURSDAY – SUNDAY, NOON-5:00 P.M. BY APPOINTMENT ONLY WITH NO MORE THAN 49 PEOPLE, AND THE APPLICANT MUST AGREE TO THE CHANGE WITHIN ONE WEEK IN ORDER FOR THE AMENDED TCP TO BE IN EFFECT, FOR THE LIMITED WINERY OPERATIONS FOR HOUSE FAMILY VINEYARDS SUBJECT TO CONDITIONS AS APPROVED BY THE COMMUNITY DEVELOPMENT DEPARTMENT. MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, FITZSIMMONS; NOES: ZHAO, WALIA. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

Mayor Walia requested a recess at this time.

Mayor Walia reconvened the meeting at 11:25 p.m.

3. GENERAL BUSINESS

3.1. Reconsider and Confirm Findings Pursuant to Assembly Bill 361 and Provide Direction on Continuing Virtual 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 provide direction on continuing virtual meetings.

Britt Avrit, City Clerk, presented the staff report.

Mayor Walia invited public comment.

The following individuals spoke at this time: Chuck Page, Glenda Aune

KUMAR 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 AND MOVE TO THE HYBRID OPTION FOR FUTURE MEETINGS.

Vice Mayor Fitzsimmons requested a friendly amendment to begin the hybrid option beginning with the 7:00 p.m. Regular Session on November 2, 2022.

KUMAR/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 CONTINUE THE OPTION OF HOLDING CITY OF SARATOGA BROWN ACT MEETINGS BY TELECONFERENCE AND MOVE TO THE HYBRID OPTION FOR FUTURE MEETINGS BEGINNING WITH THE 7:00 P.M. SESSION ON NOVEMBER 2, 2022.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, KUMAR, ZHAO, FITZSIMMONS, WALIA: NOES: NONE. ABSTAIN: NONE. RECUSED: NONE. ABSENT: NONE.

COUNCIL ASSIGNMENTS

Mayor Tina Walia

Council Finance Committee – stated the Committee received an overview of the Comprehensive Fee Study project and received a progress report of the current fiscal year.

West Valley Mayors & Managers Association – stated the Association reaffirmed the VTA selection process; stated the Association determined a rotation system for the Silicon Valley Regional Interoperability Authority which will provide each City an opportunity to be on the Board; Saratoga will choose the Alternate at the annual Council Assignment discussion in December.

Vice Mayor Kookie Fitzsimmons

Nothing to report.

Council Member Mary-Lynne Bernald

Saratoga Historical Foundation Board of Directors – stated the roof and outside siding are complete for the Blacksmith Shop, it is anticipated the project will be complete in the Spring; landscaping will take place in two phases and stated a fundraiser ‘Spirit of Saratoga’ may take place in January which will feature contributors to the community over the last 50 years.

Council Member Rishi Kumar

Nothing to report.

Council Member Yan Zhao

Saratoga Area Senior Coordinating Council Board of Directors – stated the Executive Director provided a Health Fair recap, the Board discussed SASCC Board and employment policies, stated a Special Meeting will be held on October 25, 2022 to discuss the West Valley Mission Community College District special project and stated a Closed Session was held for the Executive Director’s evaluation.

Saratoga Ministerial Association – stated the Board discussed upcoming Celebration of Light and Thanksgiving Day Events and discussed the upcoming November 16th Joint Meeting with the City Council.

CITY COUNCIL ITEMS

None.

COUNCIL COMMUNICATIONS

Mayor Walia thanked Girl Scout Service Unit 618, Don Eberhard, the Youth Commission, Resource Table hosts, City Staff and attendees of the recent State of the City Event.

CITY MANAGER'S REPORT

None

CITY ATTORNEY'S REPORT

None

ADJOURNMENT

ZHAO/FITZSIMMONS MOVED TO **ADJOURN THE MEETING AT 11:58 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