

MINUTES
WEDNESDAY, OCTOBER 6, 2021
SARATOGA CITY COUNCIL REGULAR MEETING

At 6:00 p.m., the City Council held a Joint Meeting with Santa Clara County Sheriff's Office via teleconferencing through Zoom.

Mayor Zhao invited public comment.

No one requested to speak.

Mayor Zhao called the Regular Session to order at 7:03 p.m. via teleconferencing through Zoom.

Prior to Roll Call, 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 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
John Cherbone, Public Works Director
Sandra Dalida, Interim Administrative Services Director
Debbie Pedro, Community Development Director
Nicole Johnson, Senior Planner
David Dorcich, Associate Civil Engineer
Christopher Riordan, Senior Planner
Dennis Jaw, Finance Manager
Ann Xu, Accountant II
Kayla Nakamoto, Administrative Analyst
Lauren Pettipiece, Public Information Officer
(All staff members appearing via teleconference)

REPORT ON POSTING OF THE AGENDA

The City Clerk reported the agenda for this meeting was properly posted on September 30, 2021.

REPORT ON JOINT MEETING

Lieutenant Valenzuela, of the Santa Clara County Sheriff's Office discussed the Joint Meeting with the City Council.

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, Housing Element Community Meetings, Saratoga Power Lunch, Saratoga Scarecrows display, West Valley Collection & Recycling kitchen pail delivery, and several Commission recruitments.

1. CONSENT CALENDAR

Vice Mayor Walia requested that Item 1.4 be removed for discussion.

Mayor Zhao invited public comment on the Consent Calendar.

The following individual spoke on Item 1.4: Seth Schalet

1.1. City Council Meeting Minutes

Recommended Action:

Approve the Minutes for the August 31, 2021 City Council and Planning Commission Study Session, the September 1, 2021 City Council Meetings and the September 15, 2021 City Council Meetings.

BERNALD/FITZSIMMONS MOVED TO **APPROVE THE MINUTES FOR THE AUGUST 31, 2021 CITY COUNCIL AND PLANNING COMMISSION STUDY SESSION, THE SEPTEMBER 1, 2021 CITY COUNCIL MEETINGS AND THE SEPTEMBER 15, 2021 CITY COUNCIL MEETINGS.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, FITZSIMMONS, KUMAR, WALIA, ZHAO: NOES: NONE. ABSTAIN: 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:
9/15/21 Period 3; 9/22/21 Period 3; 9/29/21 Period 3

BERNALD/FITZSIMMONS MOVED TO **REVIEW AND ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 9/15/21 PERIOD 3; 9/22/21 PERIOD 3; 9/29/21 PERIOD 3.** 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 July 31, 2021

Recommended Action:

Review and accept the Treasurer's Report for the month ended July 31, 2021.

BERNALD/FITZSIMMONS MOVED TO **REVIEW AND ACCEPT THE TREASURER'S REPORT FOR THE MONTH ENDED JULY 31, 2021.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, FITZSIMMONS, KUMAR, WALIA, ZHAO: NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.4. Amended Santa Clara County FireSafe Council Agreement

Recommended Action:

Authorize the City Manager to execute the amended agreement with the Santa Clara County FireSafe Council.

WALIA/BERNALD MOVED TO **AUTHORIZE THE CITY MANAGER TO EXECUTE THE AMENDED AGREEMENT WITH THE SANTA CLARA COUNTY FIRESAFE COUNCIL.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, FITZSIMMONS, KUMAR, WALIA, ZHAO: NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.5. Parking Restriction on Saratoga Avenue Between Scotland Drive and Highway 9

Recommended Action:

Approve the attached Motor Vehicle resolution to adopt a No Parking in Bike Lanes restriction on Saratoga Avenue between Scotland Drive and Highway 9.

RESOLUTION MV-328

BERNALD/FITZSIMMONS MOVED TO **APPROVE THE ATTACHED MOTOR VEHICLE RESOLUTION TO ADOPT A NO PARKING IN BIKE LANES RESTRICTION ON SARATOGA AVENUE BETWEEN SCOTLAND DRIVE AND HIGHWAY 9.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, FITZSIMMONS, KUMAR, WALIA, ZHAO: NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.6. Shadow Art Project Authorization

Recommended Action:

Authorize execution of a grant agreement and issuance of a \$750 grant to Prospect High School, execution of artist agreements, and placement of shadow art designs in El Quito Park.

BERNALD/FITZSIMMONS MOVED TO **AUTHORIZE EXECUTION OF A GRANT AGREEMENT AND ISSUANCE OF A \$750 GRANT TO PROSPECT HIGH SCHOOL, EXECUTION OF ARTIST AGREEMENTS, AND PLACEMENT OF SHADOW ART DESIGNS IN EL QUITO PARK.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, FITZSIMMONS, KUMAR, WALIA, ZHAO: NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

2. PUBLIC HEARINGS

2.1. SUB19-0002/ENV19-0004/GEO19-0014/ARB19-0042/ZOA19-0005/WIL19-0001. A Nine Lot Subdivision located at 18500 & 18520 Marshall Lane (APNs 397-02-110 and 397-02-111)

Recommended Action:

1. Conduct a public hearing
2. Adopt the resolution included in Attachment A adopting the Mitigated Negative Declaration and accepting the barn relocation to the Heritage Orchard.
3. Adopt the resolution included in Attachment B approving tentative cancellation of the Williamson Act contract.
4. Introduce and waive the first reading of the ordinance included in Attachment C amending the Zoning Map and direct staff to place the ordinance on the consent calendar for adoption on October 20, 2021.
5. Adopt the resolution included in Attachment D approving the nine lot subdivision.

Nicole Johnson, Senior Planner, presented the staff report.

Mayor Zhao opened the public hearing.

Mayor Zhao invited public comment on the item.

The following individuals spoke on this item: David Anderson, Chuck

Mayor Zhao closed the public hearing.

RESOLUTION 21-069

RESOLUTION 21-070

RESOLUTION 21-071

BERNALD/FITZSIMMONS MOVED TO ADOPT THE RESOLUTION INCLUDED IN ATTACHMENT A ADOPTING THE MITIGATED NEGATIVE DECLARATION AND ACCEPTING THE BARN RELOCATION TO THE HERITAGE ORCHARD, ADOPT THE RESOLUTION INCLUDED IN ATTACHMENT B APPROVING TENTATIVE CANCELLATION OF THE WILLIAMSON ACT CONTRACT, WAIVE THE FIRST READING OF THE ORDINANCE INCLUDED IN ATTACHMENT C AMENDING THE ZONING MAP, DIRECT STAFF TO PLACE THE ORDINANCE ON THE CONSENT CALENDAR FOR ADOPTION ON OCTOBER 20, 2021, AND ADOPT THE RESOLUTION INCLUDED IN ATTACHMENT D APPROVING THE NINE LOT SUBDIVISION. MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, FITZSIMMONS, KUMAR, ZHAO: NOES: WALIA. ABSTAIN: NONE. ABSENT: NONE.

2.2. ZOA21-0002 / Nonflammable 5 Foot Landscape Buffer for New Structures in the Wildland Urban Interface Area

Recommended Action:

1. Conduct a public hearing.
2. Introduce and waive the first reading of the attached ordinance adopting and modifying Article 15-45 (Single Family Dwelling Design Review) to modify the design review finding regarding landscaping to include a five-foot wide nonflammable buffer around the perimeter of all structures.
3. Direct staff to place the ordinance on the consent calendar for adoption on October 20, 2021.

Chris Riordan, Senior Planner, presented the staff report.

Mayor Zhao opened the public hearing.

Mayor Zhao invited public comment on the item.

No one requested to speak.

Mayor Zhao closed the public hearing.

WALIA/BERNALD MOVED TO WAIVE THE FIRST READING OF THE ATTACHED ORDINANCE ADOPTING AND MODIFYING ARTICLE 15-45 (SINGLE FAMILY DWELLING DESIGN REVIEW) TO MODIFY THE DESIGN REVIEW FINDING REGARDING LANDSCAPING TO INCLUDE A FIVE-FOOT WIDE NONFLAMMABLE BUFFER AROUND THE PERIMETER OF ALL STRUCTURES AND DIRECT STAFF TO PLACE THE ORDINANCE ON THE CONSENT CALENDAR FOR ADOPTION ON OCTOBER 20, 2021 WITH THREE AMENDMENTS: 1) CHANGE 'INCLUDE' TO 'INCLUDES' IN SECTION 15-45.080; 2) DIRECT STAFF TO ADD REQUIRED INFORMATION IN MULTI-FAMILY AND COMMERCIAL ZONES WITHIN THE WILDLAND URBAN INTERFACE AREA, AND 3) DIRECT STAFF TO WORK WITH THE PLANNING COMMISSION TO UPDATE THE SINGLE-FAMILY RESIDENTIAL DESIGN REVIEW HANDBOOK TO INCLUDE INFORMATION ON NONCOMBUSTIBLE MATERIALS AND HOW BEST TO INCLUDE THEM IN A PROJECT'S LANDSCAPE DESIGN. MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, FITZSIMMONS, KUMAR, WALIA, ZHAO: NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

3. GENERAL BUSINESS

3.1. Proposed Statewide Initiative Regarding Local Land Use

Recommended Action:

Discuss the proposed statewide initiative regarding local land use and provide direction to staff.

Richard Taylor, City Attorney, presented the staff report.

Mayor Zhao invited public comment on the item.

The following individual spoke on this item: Jeffrey Schwartz

KUMAR MOVED TO VOTE IN FAVOR OF SUPPORTING THE BALLOT MEASURE.

FITZSIMMONS SECONDED AND PROVIDED AN AMENDMENT TO THE MOTION DIRECTING STAFF TO BRING A RESOLUTION FORWARD ON OCTOBER 20, 2021 SUPPORTING THE BALLOT MEASURE.

BERNALD MOVED TO BRING A RESOLUTION FORWARD AT THE NOVEMBER 3, 2021 MEETING, THAT INCLUDES THE ATTORNEY GENERAL TITLE AND SUMMARY, SUPPORTING THE BALLOT MEASURE. Motion failed for lack of second.

KUMAR/FITZSIMMONS MOVED TO DIRECT STAFF TO BRING A RESOLUTION FORWARD ON OCTOBER 20, 2021 SUPPORTING THE BALLOT MEASURE. MOTION PASSED BY VERBAL ROLL CALL. AYES: FITZSIMMONS, KUMAR, WALIA, ZHAO: NOES: BERNALD. ABSTAIN: NONE. ABSENT: NONE.

The Mayor requested a brief recess and reconvened the meeting at 8:36 p.m.

3.2. Final map approval located at 18764 Cox Avenue. Owners: SHP Quito Village, LLC

Recommended Action:

Move to adopt the attached Resolution granting final map approval for a two-lot subdivision located at 18764 Cox Avenue (APN 389-12-019). The final map is based on tentative map No. SUB 20-0004, approved March 25, 2020.

David Dorcich, Associate Engineer, presented the staff report.

Mayor Zhao invited public comment on the item.

No one requested to speak.

RESOLUTION 21-072

BERNALD/WALIA MOVED TO ADOPT THE ATTACHED RESOLUTION GRANTING FINAL MAP APPROVAL FOR A TWO-LOT SUBDIVISION LOCATED AT 18764 COX AVENUE (APN 389-12-019). THE FINAL MAP IS BASED ON TENTATIVE MAP NO. SUB 20-0004, APPROVED MARCH 25, 2020. MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, FITZSIMMONS, WALIA, ZHAO: NOES: KUMAR. ABSTAIN: NONE. ABSENT: NONE.

3.3. Assembly Bill 361 and Future Public Meetings

Recommended Action:

Provide direction on how to conduct City of Saratoga Brown Act meetings following adoption of Assembly Bill (AB) 361, which allows meetings to be conducted entirely by teleconference in the interests of public health.

Britt Avrit, City Clerk, presented the staff report.

Mayor Zhao invited public comment on the item.

No one requested to speak.

WALIA/KUMAR MOVED TO **CONTINUE VIRTUAL MEETINGS FOR THE CITY COUNCIL AND ALL CITY BOARDS AND COMMISSION MEETINGS AND ASSESS EVERY 30 DAYS.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, FITZSIMMONS, KUMAR, WALIA, ZHAO: NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

3.4. Community Partner Joint Meeting Presentations

Recommended Action:

Direct staff accordingly.

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

Mayor Zhao invited public comment on the item.

The following individual spoke on this item: Chuck Page

WALIA MOVED **EFFECTIVE NEXT CALENDAR YEAR, NOT INCLUDING SANTA CLARA SHERIFF, TO REQUIRE THOSE ORGANIZATIONS RECEIVING DIRECT CITY FUNDING OF \$10,000 OR MORE, TO PRESENT THEIR LAST FISCAL YEAR'S FINANCIAL REPORT IN THE FORM OF A PROFIT/LOSS STATEMENT AND BALANCE SHEET AND REPORT ON THE PRIMARY SERVICES PROVIDED THE PREVIOUS YEAR AND HOW MANY PEOPLE INCLUDING SARATOGA RESIDENTS, RECEIVED THOSE SERVICES.** Motion failed for lack of second.

ZHAO/FITZSIMMONS MOVED **TO WORK WITH STAFF AND DEVELOP A RECOMMENDATION TO DISCUSS AT THE NEXT MEETING.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, FITZSIMMONS, KUMAR, WALIA, ZHAO: NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

COUNCIL ASSIGNMENTS

Council Member Mary-Lynne Bernald

Nothing to report

Council Member Kookie Fitzsimmons

Sister City Organization – attended the meeting with nothing to report

Council Member Rishi Kumar

Santa Clara Valley Water District Commission – stated the Santa Clara Valley Water District Board of Directors decided not to send a letter the Santa Clara Valley Water District Commission, which is an Advisory Board, suggested be sent.

Vice Mayor Tina Walia

Council Finance Committee – stated the Committee discussed the CalPERS Annual Valuation, ARPA funding, and School Resource Officer Funding.

KSAR Community Access TV Board – stated this Board discussed bulletin boards and programming.

Saratoga Area Senior Coordinating Council (SASCC) – stated this Board discussed a Bylaw revision, specifically the removal of City representatives from the Board.

Saratoga Ministerial Association – stated West Hope Presbyterian church will be holding Thanksgiving services virtually, and the Celebration of Light is tentatively scheduled for December 11, 2021.

Mayor Yan Zhao

West Valley Mayors & Managers – stated the guest speaker was Interim Los Gatos Police Chief, Clinton Tada.

CITY COUNCIL ITEMS

Walia proposed all Council Committee meetings be recorded and requested this item be placed on an agenda; failed for lack of second.

Kumar requested an item to discuss Flock Automated License Plate Reader system be placed on an agenda; failed for lack of second.

COUNCIL COMMUNICATIONS

Council Member Kumar discussed recent Council meeting discussion of xenophobia and the associated actions of City leadership.

CITY MANAGER'S REPORT

None

ADJOURNMENT

BERNALD/FITZSIMMONS MOVED TO **ADJOURN THE MEETING AT 9:49 P.M.**
MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, FITZSIMMONS, WALIA,
ZHAO: NOES: NONE. ABSTAIN: NONE. ABSENT: KUMAR.

Minutes respectfully submitted:

Britt Avrit, MMC, City Clerk
City of Saratoga