

MINUTES
WEDNESDAY, OCTOBER 21, 2020
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 Miller called the virtual Regular Session to order at 7:01 p.m. via teleconferencing through Zoom.

Prior to Roll Call, the Mayor and City Clerk explained that 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 is 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 Howard A. Miller, Vice Mayor Mary-Lynne Bernald,
Council Members Yan Zhao, Rishi Kumar
(All Council Members appearing via teleconference)

ABSENT: None

ALSO PRESENT: James Lindsay, City Manager
Richard Taylor, City Attorney
Crystal Bothelio, Assistant City Manager
Debbie Bretschneider, City Clerk
Mary Fury, Administrative Services Director
John Cherbone, Public Works Director
Debbie Pedro, Community Development Director
Christopher Riordan, Senior Planner
Macedonio Nunez, Senior Civil Engineer
Mainini Cabute, Environmental Program Manager
Emma Burkhalter, Associate Civil Engineer
(All staff members appearing via teleconference)

City Clerk Debbie Bretschneider confirmed all City Council members could hear the meeting proceedings and no doubts were expressed regarding the identities of the individuals representing themselves as City Council Members.

REPORT ON POSTING OF THE AGENDA

City Clerk Debbie Bretschneider reported that the agenda for this meeting was properly posted on October 15, 2020.

REPORT FROM JOINT MEETING

Captain Rich Urena provided an overview of the City Council Joint Meeting with the Santa Clara County Sheriff's Office.

ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS

None

ANNOUNCEMENTS

Mayor Miller shared information about COVID-19, the Homemade Scarecrow Competition, Voting in the 2020 Election, and Wildfire Preparedness.

1. CONSENT CALENDAR

1.1. City Council Meeting Minutes

Recommended Action:

Approve the City Council minutes for the Regular City Council Meeting on October 7, 2020.

ZHAO/BERNALD MOVED TO **APPROVE THE CITY COUNCIL MINUTES FOR THE REGULAR CITY COUNCIL MEETING ON OCTOBER 7, 2020.** MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, KUMAR. 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: 10/8/2020 Period 4; 10/14/2020 Period 4.

ZHAO/BERNALD MOVED TO **ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 10/8/2020 PERIOD 4; 10/14/2020 PERIOD 4.** MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.3. Budget Adjustment Resolution for Santa Clara County Public Health Department Tobacco Free Communities Grant

Recommended Action:

Approve budget adjustment resolution for Fiscal Year 2020/21 to include the Tobacco Free Communities Grant.

RESOLUTION 20-067

ZHAO/BERNALD MOVED TO **APPROVE BUDGET ADJUSTMENT RESOLUTION FOR FISCAL YEAR 2020/21 TO INCLUDE THE TOBACCO FREE COMMUNITIES GRANT.** MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

Mayor Miller commented on this item.

1.4. Amendment to Accessory Dwelling Unit Ordinance (Second Reading)

Recommended Action:

Waive the second reading and adopt the attached ordinance adopting and modifying Article 15-56 (Accessory Dwelling Units) to incorporate changes required by State housing law.

Mayor Miller removed this item for discussion.

Christopher Riordan, Senior Planner, answered questions about this item.

Mayor Miller invited public comment on this item.

No one requested to speak.

ORDINANCE 376

MILLER/ZHAO MOVED TO **ADOPT THE ORDINANCE ADOPTING AND MODIFYING ARTICLE 15-56 (ACCESSORY DWELLING UNITS) TO INCORPORATE CHANGES REQUIRED BY STATE HOUSING LAW, WITH COUNCIL DIRECTION TO STAFF FOR A FUTURE DISCUSSION ON SETBACK REQUIREMENTS FOR ACCESSORY STRUCTURES.** MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

2. PUBLIC HEARING

None

3. GENERAL BUSINESS

3.1. Parking Restrictions on Douglass Lane, Black Walnut Court, Kenosha Court, and Minocqua Court

Recommended Action:

Consider approving the attached Motor Vehicle resolution to adopt parking restrictions on Douglass Lane, Black Walnut Court, Kenosha Court, and Minocqua Court.

Mainini Cabute, Environmental Program Manager, presented the staff report.

Belal Aftab, Chair of the Traffic Safety Commission, spoke about the Traffic Safety Commission decision on this subject.

Mitch Kane, a member of the Traffic Safety Commission, also spoke.

Mayor Miller invited public comment on the item.

The following people requested to speak:

Hank Lawson spoke

Praveen Akkiraju spoke

Tim Walsh spoke

Pravin Madhani spoke

Mitch Kane spoke

Nancy Kirk spoke

No one else requested to speak.

Council Member Kumar noted that several people in the neighborhood have made donations to his campaign and asked City Attorney if this is a conflict of interest that would keep him from voting on this item.

City Attorney Richard Taylor responded that campaign contributions are not considered income and so there is no conflict.

RESOLUTION MV-326

BERNALD/MILLER MOVED TO APPROVE THE MOTOR VEHICLE RESOLUTION TO ADOPT PARKING RESTRICTIONS ON DOUGLASS LANE, BLACK WALNUT COURT, KENOSHA COURT, AND MINOCQUA COURT; AND DIRECTED STAFF TO SCHEDULE CITY COUNCIL REVIEW OF THE PARKING RESTRICTIONS IN ONE YEAR. MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

3.2. Offer to Purchase Rule 20A Undergrounding Credits

Recommended Action:

1. Consider City of Burlingame's offer to purchase Saratoga's Rule 20A Credits for undergrounding electric utilities and provide direction to the City Manager.
2. If the offer is accepted, approve a budget resolution allocating funds to be received and adjusting capital programs related to undergrounding projects accordingly.

John Cherbone, Public Works Director, presented the staff report.

Mayor Miller invited public comment on the item.

The following people requested to speak:

Cheriel Jensen spoke

No one else requested to speak.

RESOLUTION 20-068

ZHAO/BERNALD MOVED TO **ACCEPT THE CITY OF BURLINGAME'S OFFER TO PURCHASE SARATOGA'S RULE 20A CREDITS FOR UNDERGROUNDING ELECTRIC UTILITIES, TO DIRECT THE CITY MANAGER TO IMPLEMENT THE MEMORANDUM OF UNDERSTANDING, AND TO APPROVE THE BUDGET RESOLUTION ALLOCATING FUNDS TO BE RECEIVED AND ADJUSTING CAPITAL PROGRAMS RELATED TO UNDERGROUNDING PROJECTS ACCORDINGLY.** MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

3.3. Notice of Completion – Saratoga to Sanborn Trail Construction

Recommended Action:

1. Move to accept the Saratoga to Sanborn Trail Construction contract as complete and authorize staff to record the Notice of Completion.
2. Approve the award of the early completion bonus to the contractor for completing the project by October 2, 2020.

Emma Burkhalter, Associate Civil Engineer, presented the staff report.

Mayor Miller invited public comment on the item.

No one requested to speak.

MILLER/BERNALD MOVED TO **ACCEPT THE SARATOGA TO SANBORN TRAIL CONSTRUCTION CONTRACT AS COMPLETE AND AUTHORIZE STAFF TO RECORD THE NOTICE OF COMPLETION AND TO APPROVE THE AWARD OF THE EARLY COMPLETION BONUS TO THE CONTRACTOR FOR COMPLETING THE PROJECT BY OCTOBER 2, 2020.** MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

COUNCIL ASSIGNMENTS

Mayor Howard Miller

Silicon Valley Clean Energy Authority Board of Directors – the Board is looking into initiatives for JPA to pre-pay agreements for energy and to create a super JPA with other Clean Energy Authority's to investigate long-term storage.

VTA State Route 85 Corridor Policy Advisory Board – the VTA approved the Policy Advisory Board plan on a transit plan for Route 85. The next step by VTA is more detailed analysis.

ABAG Meeting – ABAG received a report on the RHNA methodology for housing.

Vice Mayor Mary-Lynne Bernald

Hakone Foundation Board & Executive Committee – the Executive Committee received a report on the cost of Pond renovation, which is four million dollars and that more fundraising is needed.

Public Art Committee – the Art Committee recommended acceptance of a wall mural that Council will be asked to consider on November 4, 2020.

Saratoga Historical Foundation – the Foundation is determining an investment plan and summarizing goals for upcoming year.

Council Member Yan Zhao

Hakone Foundation Board – the Board approved the budget for Fiscal Year 2020/21, received a report from the fund-raising committee, and the online shop is opening soon.

Public Art Committee – the Committee recommended placement of a mural on the wall of the Mint Leaf, the Committee is working on plans for placement of three busts in the City Hall courtyard, the Committee also initiated a Sidewalk Hopscotch program in three City Parks, and the Committee recommended the addition of advisory members to the Public Art Committee.

West Valley Sanitation District – the District approved budget modification for Fiscal Year 2020/21.

Council Member Zhao also virtually attended the League of California Cities annual conference.

Council Member Rishi Kumar

Nothing to report

CITY COUNCIL ITEMS

None

COUNCIL COMMUNICATIONS

None

CITY MANAGER'S REPORT

City Manager James Lindsay announced that the City has a website page on the RHNA methodology for housing and the Council will receive an update at the November 18, 2020 Council meeting.

ADJOURNMENT

BERNALD/MILLER MOVED TO **ADJOURN THE MEETING AT 9:27 P.M.** MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, KUMAR.. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

Minutes respectfully submitted:

Debbie Bretschneider, City Clerk
City of Saratoga