

MINUTES
WEDNESDAY, NOVEMBER 3, 2021
SARATOGA CITY COUNCIL REGULAR MEETING

At 5:30 p.m., the City Council held a Joint Meeting with Saratoga Schools via teleconferencing through Zoom.

Mayor Zhao invited public comment.

No one requested to speak.

Mayor Zhao called the Regular Session to order at 7:00 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
Kookie Fitzsimmons, Mary-Lynne Bernald
(All Council Members appearing via teleconference)

ABSENT: Council Member Kumar

ALSO PRESENT: James Lindsay, City Manager
Richard Taylor, City Attorney
Crystal Bothelio, Assistant City Manager
Britt Avrit, City Clerk
Sandra Dalida, Interim Administrative Services Director
Debbie Pedro, Community Development Director
John Cherbone, Public Works Director
Emma Burkhalter, Associate Civil Engineer
Mainini Cabute, Environmental Program Manager
Kayla Nakamoto, Administrative Analyst
Maggie Huang, Interim Finance Manager
(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 October 28, 2021.

REPORT ON JOINT MEETING

Mayor Zhao discussed the Joint Meeting with Saratoga Schools.

ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS

No one requested to speak.

CEREMONIAL ITEMS

Commendations for Ping Li and Rick Pearce

Recommended Action:

Commend Ping Li and Rick Pearce for their service on the Saratoga Parks & Recreation Commission.

The City Council commended Ping Li and Rick Pearce for their service on the Saratoga Parks & Recreation Commission.

United Against Hate Week

Recommended Action:

Proclaim November 14-20, 2021 as United Against Hate Week in the City of Saratoga.

The City Council proclaimed November 14-20, 2021 as United Against Hate Week in the City of Saratoga.

Appointment of Public Art Commissioners

Recommended Action:

Approve the Resolution appointing five members to the Saratoga Public Art Commission and direct the City Clerk to administer the Oaths of Office.

RESOLUTION 21-076

WALIA/FITZSIMMONS MOVED TO **APPROVE THE RESOLUTION APPOINTING FIVE MEMBERS TO THE SARATOGA PUBLIC ART COMMISSION AND DIRECTED THE CITY CLERK TO ADMINISTER THE OATHS OF OFFICE.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, FITZSIMMONS, WALIA, ZHAO: NOES: NONE. ABSTAIN: NONE. ABSENT: KUMAR.

ANNOUNCEMENTS

Mayor Zhao shared information about COVID-19, Housing Element Community Meetings, the State of the City event, Saratoga Power Lunch, upcoming Saratoga History Museum Events and Activities, and the Holiday Tree Lighting and Wine Stroll.

1. CONSENT CALENDAR

Council Member Bernald requested that Item 1.1 be removed to add content.

Mayor Zhao invited public comment on the Consent Calendar.

No one requested to speak.

Council Member Bernald requested the Minutes be amended to reflect the motion of “continue deliberation for the Public Art Commission selection until after the regular session.”

1.1. City Council Meeting Minutes

Recommended Action:

Approve the Minutes for the October 20, 2021, City Council Meeting and the October 25, 2021, Study Session.

BERNALD/ZHAO MOVED TO **APPROVE THE MINUTES AS AMENDED FOR THE OCTOBER 20, 2021, CITY COUNCIL MEETING AND THE OCTOBER 25, 2021, STUDY SESSION.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, FITZSIMMONS, WALIA, ZHAO: NOES: NONE. ABSTAIN: NONE. ABSENT: KUMAR.

1.2. Review of Accounts Payable Check Registers

Recommended Action:

Review and accept check registers for the following accounts payable payment cycles:
10/20/21 Period 4; 10/27/21 Period 4

FITZSIMMONS/BERNALD MOVED TO **REVIEW AND ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 10/20/21 PERIOD 4; 10/27/21 PERIOD 4.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, FITZSIMMONS, WALIA, ZHAO: NOES: NONE. ABSTAIN: NONE. ABSENT: KUMAR.

1.3. Treasurer's Report for the Month Ended August 31, 2021

Recommended Action:

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

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

2. PUBLIC HEARINGS

2.1. Introduction of a Mandatory Organic Waste Disposal Reduction in Compliance with Senate Bill 1383

Recommended Action:

Conduct the public hearing, introduce, and waive the first reading of the Mandatory Organic Waste Disposal Reduction Ordinance required by the State of California.

M. Leah Cabute, Environmental Program Manager, 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.

BERNALD/WALIA MOVED TO **CONDUCT THE PUBLIC HEARING, INTRODUCE, AND WAIVE THE FIRST READING OF THE MANDATORY ORGANIC WASTE DISPOSAL REDUCTION ORDINANCE REQUIRED BY THE STATE OF CALIFORNIA.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, FITZSIMMONS, WALIA, ZHAO: NOES: NONE. ABSTAIN: NONE. ABSENT: KUMAR.

2.2. Annual Code Update for 2021

Recommended Action:

Conduct the public hearing, introduce and waive the first reading of an ordinance amending City Code sections 1-15.040 (concerning computation of time), 2-05.030 and 15-90.065 (concerning appeals by City Council members); 2-10.080 concerning title of Vice Mayor); 2-12.020, 080 and 2-15.050 (concerning Commissions and Commissioners), 3-10.070 (concerning appeal hearings), 5-25.070 (concerning reporting of transient occupancy tax information); 6-05.050 (concerning review of emergency declarations); 7-30.051 and .060 (concerning leaf blowers); 13-10.040 (concerning the Heritage Preservation Commission); 14-25.080 (concerning parkland dedication); 15-50.070 and 080 (concerning tree removal permits); 15-85.050 (concerning notice of Planning Commission public hearings); 16-18.025 (concerning automatic sprinklers); and Chapter 14 (correcting cross references to state law), and direct staff to place the matter on the consent calendar for the next regular meeting of the City Council.

Richard Taylor, City Attorney, 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.

BERNALD/WALIA MOVED TO CONDUCT THE PUBLIC HEARING, INTRODUCE AND WAIVE THE FIRST READING OF AN ORDINANCE AMENDING CITY CODE SECTIONS 1-15.040 (CONCERNING COMPUTATION OF TIME), 2-05.030 AND 15-90.065 (CONCERNING APPEALS BY CITY COUNCIL MEMBERS); 2-10.080 CONCERNING TITLE OF VICE MAYOR); 2-12.020, 080 AND 2-15.050 (CONCERNING COMMISSIONS AND COMMISSIONERS), 3-10.070 (CONCERNING APPEAL HEARINGS), 5-25.070 (CONCERNING REPORTING OF TRANSIENT OCCUPANCY TAX INFORMATION); 6-05.050 (CONCERNING REVIEW OF EMERGENCY DECLARATIONS); 7-30.051 AND .060 (CONCERNING LEAF BLOWERS); 13-10.040 (CONCERNING THE HERITAGE PRESERVATION COMMISSION); 14-25.080 (CONCERNING PARKLAND DEDICATION); 15-50.070 AND 080 (CONCERNING TREE REMOVAL PERMITS); 15-85.050 (CONCERNING NOTICE OF PLANNING COMMISSION PUBLIC HEARINGS); 16-18.025 (CONCERNING AUTOMATIC SPRINKLERS); AND CHAPTER 14 (CORRECTING CROSS REFERENCES TO STATE LAW), AND DIRECT STAFF TO PLACE THE MATTER ON THE CONSENT CALENDAR FOR THE NEXT REGULAR MEETING OF THE CITY COUNCIL. MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, FITZSIMMONS, WALIA, ZHAO: NOES: NONE. ABSTAIN: NONE. ABSENT: KUMAR.

3. GENERAL BUSINESS

3.1. Youth Commission Fundraising Plan 2021/22

Recommended Action:

Approve the Youth Commission Fundraising Plan 2021/22 to collect small monetary donations at events and seek donations to support Youth Commission activities.

Kayla Nakamoto, Administrative Analyst, presented the staff report.

Mayor Zhao invited public comment on the item.

No one requested to speak.

FITZSIMMONS/BERNALD MOVED TO **APPROVE THE YOUTH COMMISSION FUNDRAISING PLAN 2021/22 TO COLLECT SMALL MONETARY DONATIONS AT EVENTS AND SEEK DONATIONS TO SUPPORT YOUTH COMMISSION ACTIVITIES.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, FITZSIMMONS, WALIA, ZHAO: NOES: NONE. ABSTAIN: NONE. ABSENT: KUMAR.

3.2. Budget Resolution for Emergency Interim Landslide Repair on Mt Eden Road in the Amount of \$75,000 and Approval of Contract with Cotton, Shires and Associates, Inc. for Geotechnical Exploration and Slope Inclinometer Monitoring on Mt Eden Road Near Eden Valley Court for a Total Amount of \$40,150

Recommended Actions:

1. Approve a budget resolution to transfer \$75,000 from the Hillside Stability Reserve and establish a new Capital Improvement Project for emergency interim landslide repair on Mt Eden Road.
2. Approve a contract with Cotton, Shires and Associates, Inc. (CSA) for geotechnical exploration and slope inclinometer monitoring at Mt Eden Road near Eden Valley Court, in the amount of \$36,500, and authorize the City Manager to execute the same.
3. Authorize staff to execute change orders to the contract up to \$3,650.

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

Mayor Zhao invited public comment on the item.

No one requested to speak.

RESOLUTION 21-077

BERNALD/WALIA MOVED TO **1) APPROVE A BUDGET RESOLUTION TO TRANSFER \$75,000 FROM THE HILLSIDE STABILITY RESERVE AND ESTABLISH A NEW CAPITAL IMPROVEMENT PROJECT FOR EMERGENCY INTERIM LANDSLIDE REPAIR ON MT EDEN ROAD, 2. APPROVE A CONTRACT WITH COTTON, SHIRES AND ASSOCIATES, INC. (CSA) FOR GEOTECHNICAL EXPLORATION AND SLOPE INCLINOMETER MONITORING AT MT EDEN ROAD NEAR EDEN VALLEY COURT, IN THE AMOUNT OF \$36,500, AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE SAME; 3. AUTHORIZE STAFF TO EXECUTE CHANGE ORDERS TO THE CONTRACT UP TO \$3,650.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, FITZSIMMONS, WALIA, ZHAO: NOES: NONE. ABSTAIN: NONE. ABSENT: KUMAR.

3.3. Community Partner Joint Meeting Presentations

Recommended Action:

Consider recommendation from the Mayor to request that community partners meeting certain criteria provide the City Council with a summary of services provided over the last year, including total number of people served and the number of Saratoga residents served as part of the annual Joint Meeting or as a special presentation during a Regular Meeting starting in 2022. The criteria to provide the annual report are: 1) have a facility lease or use agreement with the City to provide services; or, 2) receive \$25,000 or more to provide services, excluding the Sheriff's Office.

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

Mayor Zhao invited public comment on the item.

No one requested to speak.

WALIA/FITZSIMMONS MOVED TO **REQUEST THAT COMMUNITY PARTNERS MEETING CERTAIN CRITERIA PROVIDE THE CITY COUNCIL WITH A SUMMARY OF SERVICES PROVIDED OVER THE LAST YEAR, INCLUDING TOTAL NUMBER OF PEOPLE SERVED AND THE NUMBER OF SARATOGA RESIDENTS SERVED AS PART OF THE ANNUAL JOINT MEETING OR AS A SPECIAL PRESENTATION DURING A REGULAR MEETING STARTING IN 2022, FOR ONE YEAR. THE CRITERIA TO PROVIDE THE ANNUAL REPORT ARE: 1) HAVE A FACILITY LEASE OR USE AGREEMENT WITH THE CITY TO PROVIDE SERVICES; OR, 2) RECEIVE \$25,000 OR MORE TO PROVIDE SERVICES, EXCLUDING THE SHERIFF'S OFFICE.** MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, FITZSIMMONS, WALIA, ZHAO: NOES: NONE. ABSTAIN: NONE. ABSENT: KUMAR.

COUNCIL ASSIGNMENTS

Council Member Mary-Lynne Bernald

Saratoga Historical Foundation – stated the group is making a concerted effort for the 2021/2022 Membership Drive, discussed the ongoing lecture series, the new roof for the museum and the President's effort to bring in speakers from other historic museums.

County Recycling and Waste Reduction Commission – stated she has been appointed to this Commission for the past three years and stated this Commission received a SB 1383 presentation and stated Saratoga is well prepared for the challenge associated with SB 1383.

Council Member Kookie Fitzsimmons

Nothing to report

Vice Mayor Tina Walia

Saratoga Area Senior Coordinating Council (SASCC) – stated the recent meeting was cancelled.
Saratoga Ministerial Association – stated the Association is finalizing the virtual Thanksgiving service and stated the Celebration of Light event will take place December 11, 2021 at 5:30 p.m.

Mayor Yan Zhao

Association of Bay Area Governments – discussed the recent RHNA Appeal meeting.

West Valley Mayors & Managers – stated the recent meeting had two special guests; Senator Cortese who discussed State Initiatives, and Santa Clara County District Attorney Jeff Rosen who provided accomplishments and initiatives for last year.

CITY COUNCIL ITEMS

None

COUNCIL COMMUNICATIONS

None

CITY MANAGER'S REPORT

No report

ADJOURNMENT

FITZSIMMONS/BERNALD MOVED TO **ADJOURN THE MEETING AT 9:03 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