

MINUTES
WEDNESDAY, NOVEMBER 4, 2020
SARATOGA CITY COUNCIL REGULAR MEETING

At 6:00 p.m., the City Council held a Joint Meeting with KSAR Community Access TV Board 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
Debbie Pedro, Community Development Director
Nicole Johnson, Senior Planner
Dennis Jaw, Finance Manager
Kayla Nakamoto, Administrative Analyst
(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 29, 2020.

REPORT FROM JOINT MEETING

Tom Moran, Executive Director, provided an overview of the City Council Joint Meeting with the KSAR Community Access TV Board.

ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS

None

ANNOUNCEMENTS

Mayor Miller shared information about COVID-19 updates, City Commission Recruitments, Firewise Communities, changes in the Annual Tree Lighting Ceremony, and the City's Holiday Food Drive.

CEREMONIAL ITEMS

Proclamation Declaring November 2020 as Lung Cancer Awareness Month

Recommended Action:

Proclaim November 2020 as Lung Cancer Awareness Month in the City of Saratoga.

Mayor Miller and the City Council proclaimed November 2020 as Lung Cancer Awareness Month.

1. CONSENT CALENDAR

1.1. City Council Meeting Minutes

Recommended Action:

Approve the City Council minutes for the Regular City Council Meeting on October 21, 2020.

BERNALD/ZHAO MOVED TO **APPROVE THE CITY COUNCIL MINUTES FOR THE REGULAR CITY COUNCIL MEETING ON OCTOBER 21, 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: 10/22/2020 Period 4; 10/28/2020 Period 4.

BERNALD/ZHAO MOVED TO **ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 10/22/2020 PERIOD 4; 10/28/2020 PERIOD 4.** MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.3. Treasurer's Report for the Month Ended September 30, 2020

Recommended Action:

Review and accept the Treasurer's Report for the month ended September 30, 2020.

BERNALD/ZHAO MOVED TO **ACCEPT THE TREASURER'S REPORT FOR THE MONTH ENDED SEPTEMBER 30, 2020.** MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.4. Youth Commission Fundraising Plan 2020/21

Recommended Action:

Approve the Youth Commission Fundraising Plan 2020/21 to collect donations and seek sponsorship of various Youth Commission initiatives.

BERNALD/ZHAO MOVED TO **APPROVE THE YOUTH COMMISSION FUNDRAISING PLAN 2020/21 TO COLLECT DONATIONS AND SEEK SPONSORSHIP OF VARIOUS YOUTH COMMISSION INITIATIVES.** MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

Vice Mayor Bernald and Mayor Miller spoke on this item.

1.5. Resolution Defining the Role and Responsibilities of the Public Art Committee and Adding Advisory Members to the Committee

Recommended Action:

Approve the resolution defining the role and responsibilities of the Public Art Committee and adding advisory members to the Committee.

RESOLUTION 20-069

BERNALD/ZHAO MOVED TO **APPROVE THE RESOLUTION DEFINING THE ROLE AND RESPONSIBILITIES OF THE PUBLIC ART COMMITTEE AND ADDING ADVISORY MEMBERS TO THE COMMITTEE.** MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

Vice Mayor Bernald and Council Member Zhao spoke on this item.

2. PUBLIC HEARING

2.1. APCC20-0002 - Appeal of a Conditional Use Permit and Design Review Application for a Residential Care Facility for the Elderly (RCFE) on Saratoga Creek Drive (APNs 389-06-020 & 389-06-021)

Recommended Action:

1. Conduct a public hearing and de novo review of the application that is the subject of the appeal;
2. Adopt a resolution certifying the Environmental Impact Report (EIR), making findings, and adopting the Mitigation Monitoring and Reporting Program; and
3. Adopt a resolution denying the appeal (APCC20-0002) and approving the Conditional Use Permit, Design Review, and Arborist Report (CUP15-0002/PDR15-0019/ARB15-0053)

for the construction of a RCFE on Saratoga Creek Drive with the Landscape Alternative (Alternative #3) from the FEIR subject to conditions of approval as approved by the Planning Commission.

Mayor Miller announced that the Council had received a request from the appellant to continue tonight's hearing due to a medical emergency.

Mayor Miller requested to speak to the applicant and appellant about continuing the hearing to November 18, 2020.

Todd Amspoker spoke on behalf of appellant Daryl Abrams and agreed to the November 18, 2020 meeting.

Mike Sneper spoke for the applicants and agreed to the November 18, 2020 meeting.

Mayor Miller invited public comment on the item.

Patricia Workman spoke

Tom Howell spoke

Mike Shepard spoke

Tylor Taylor spoke

Starr Davis spoke

No one else requested to speak.

ZHAO/MILLER MOVED TO CONTINUE THE PUBLIC HEARING ON APPEAL OF A CONDITIONAL USE PERMIT AND DESIGN REVIEW APPLICATION FOR A RESIDENTIAL CARE FACILITY FOR THE ELDERLY (RCFE) ON SARATOGA CREEK DRIVE (APNS 389-06-020 & 389-06-021) TO NOVEMBER 18, 2020. MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

3. GENERAL BUSINESS

3.1. CARES Act Community Grants

Recommended Action:

Approve the resolution accepting the City Council Finance Committee's recommendation to authorize and appropriate \$40,000 from the City's CARES Act allocation for one-time support funding as follows:

- \$10,000 to the Saratoga Area Senior Coordinating Council
- \$10,000 to West Valley Community Services
- \$10,000 to the Hakone Foundation
- \$10,000 to the Saratoga Chamber of Commerce

Dennis Jaw, Finance Manager, presented the staff report.

Mayor Miller invited public comment on the item.

Tylor Taylor, Executive Director of SASCC, spoke

Josh Selo, Executive Director of West Valley Community Services, spoke

Lisa Oakley, Chair, SASCC Board, spoke

Chuck Page, President, Saratoga Chamber of Commerce, spoke

Shoza Kagoshima, Executive Director, Hakone, spoke

Manny Cappello spoke

Jeffrey Schwartz spoke

Ann Waltonsmith, Chair, Hakone Board, spoke

Markus Breitbach spoke

John Fitzpatrick spoke

No one else requested to speak.

RESOLUTION 20-070

BERNALD/ZHAO MOVED TO APPROVE THE RESOLUTION ACCEPTING THE CITY COUNCIL FINANCE COMMITTEE'S RECOMMENDATION TO AUTHORIZE AND APPROPRIATE \$40,000 FROM THE CITY'S CARES ACT ALLOCATION FOR ONE-TIME SUPPORT FUNDING AS FOLLOWS:
•\$10,000 TO THE SARATOGA AREA SENIOR COORDINATING COUNCIL,
•\$10,000 TO WEST VALLEY COMMUNITY SERVICES,
•\$10,000 TO THE HAKONE FOUNDATION,
•\$10,000 TO THE SARATOGA CHAMBER OF COMMERCE.

MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

3.2. Wall Mural in Saratoga Village

Recommended Action:

Authorize placement of a wall mural on the Mint Leaf Cuisine building in Saratoga Village, accept conceptual artwork for wall mural, approve and authorize the artist stipend in the amount of \$2,500, and authorize the City Manager to execute an agreement with the artist and with the property owner for the wall mural.

Kayla Nakamoto, Administrative Analyst, presented the staff report.

Mayor Miller invited public comment on the item.

Cristina Meiser Joseph spoke

No one else requested to speak.

ZHAO/BERNALD MOVED TO **AUTHORIZE PLACEMENT OF A WALL MURAL ON THE MINT LEAF CUISINE BUILDING IN SARATOGA VILLAGE, ACCEPT CONCEPTUAL ARTWORK FOR WALL MURAL, APPROVE AND AUTHORIZE THE ARTIST STIPEND IN THE AMOUNT OF \$2,500, AND AUTHORIZE THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE ARTIST AND WITH THE PROPERTY OWNER FOR THE WALL MURAL.** MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

COUNCIL ASSIGNMENTS

Mayor Howard Miller

Council Finance Committee – the Committee discussed the CARES Act funding allocations.

Silicon Valley Clean Energy Authority Board of Directors – The Authority hired a new Financial Director.

West Valley Mayors & Managers – The group received an update from VTA with a discussion of possible changes in bus routes and discussion of Measure B funds.

Vice Mayor Mary-Lynne Bernald

Santa Clara/Santa Cruz Airport/Community Roundtable – the Roundtable met last week and received a presentation on dispersion of airplanes. The ad hoc committee presented Plan A for approval to submit to Cities Association.

Council Member Yan Zhao

KSAR Community Access TV Board – the Board approved the Fiscal Year 2020/21 budget.

Council Member Zhao shared that the organization may also need assistance from the City.

Saratoga Area Senior Coordinating Council (SASCC) – SASCC held a press conference on the RYDE extension program and had a Resource Fair in Los Gatos.

Council Member Rishi Kumar

Santa Clara County Library Joint Powers Authority – the JPA had a discussion on the budget and the Library received a cash donation of \$104,000 from Friends of Saratoga Library. The Santa Clara County libraries have eliminated fines.

Santa Clara Valley Water District Commission – the Advisory Commission received a report that ground water production charges will not be increasing this year.

CITY COUNCIL ITEMS

None

COUNCIL COMMUNICATIONS

Mayor Miller congratulated the newly elected Council Members, Kookie Fitzsimmons and Tina Walia, and thanked the other candidates for running for office. Mayor Miller also congratulated Council Member Kumar on his Congressional campaign.

CITY MANAGER'S REPORT

None

ADJOURNMENT

BERNALD/ZHAO MOVED TO **ADJOURN THE MEETING AT 8:45 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