

MINUTES
WEDNESDAY, NOVEMBER 18, 2020
SARATOGA CITY COUNCIL REGULAR MEETING

At 6:00 p.m., the City Council held a Joint Meeting with Los Gatos-Saratoga Community Education and Recreation 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
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 November 12, 2020.

REPORT FROM JOINT MEETING

Nancy Rollett, Executive Director, provided an overview of the City Council Joint Meeting with the Los Gatos-Saratoga Community Education and Recreation.

ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS

Peter Marra spoke about receiving the Los Gatos-Saratoga Recreation Activity Guide in the mail.

ANNOUNCEMENTS

Mayor Miller shared information about COVID-19 updates, the virtual Annual Tree Lighting Ceremony, the City's Holiday Food Drive, the virtual Celebration of Light, Living Room Conversations, Council Reorganization meeting, and the opening at Quarry Park of the Saratoga to Skyline Trail.

CEREMONIAL ITEMS

Commendations Recognizing the Service of the Wildfire Public Safety Task Force Members

Recommended Action:

Recognize the service of the City of Saratoga Wildfire Public Safety Task Force members, including Chair Chuck Page, Vice Chair Paul Hansen, and Task Force Members Bill Cooper, May Lu, Arun Venkatachar, and Michael Zhang.

Mayor Miller and the City Council thanked the members of the Wildfire Public Safety Task Force for their service.

SPECIAL PRESENTATIONS

Presentation by Omniscent

Recommended Action:

Accept presentation by Omniscent CEO Sassan Teymouri.

Mayor Miller and the City Council received the presentation by Omniscent CEO Sassan Teymouri.

Mayor Miller invited public comment on the item.

Marv spoke

No one else requested to speak.

1. CONSENT CALENDAR

1.1. City Council Meeting Minutes

Recommended Action:

Approve the City Council minutes for the Regular City Council Meeting on November 4, 2020.

BERNALD/ZHAO MOVED TO **APPROVE THE CITY COUNCIL MINUTES FOR THE REGULAR CITY COUNCIL MEETING ON NOVEMBER 4, 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: 11/6/2020 Period 5; 11/10/2020 Period 5.

BERNALD/ZHAO MOVED TO **ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 11/6/2020 PERIOD 5; 11/10/2020 PERIOD 5.** MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.3. Los Gatos-Saratoga Community Education and Recreation Lease Amendment to Lease Amount

Recommended Action:

Authorize the City Manager to execute an amended lease agreement with Los Gatos-Saratoga Community Education and Recreation (LGS Recreation) to adjust the lease payment amount to \$14,500 for Fiscal Year 2020/21 to reflect reduction in participation levels due to COVID-19 restrictions; and approve the budget adjustment resolution for Fiscal Year 2020/21 to amend the revenues for the LGS Recreation lease.

RESOLUTION 20-071

BERNALD/ZHAO MOVED TO **AUTHORIZE THE CITY MANAGER TO EXECUTE AN AMENDED LEASE AGREEMENT WITH LOS GATOS-SARATOGA COMMUNITY EDUCATION AND RECREATION (LGS RECREATION) TO ADJUST THE LEASE PAYMENT AMOUNT TO \$14,500 FOR FISCAL YEAR 2020/21 TO REFLECT REDUCTION IN PARTICIPATION LEVELS DUE TO COVID-19 RESTRICTIONS; AND APPROVE THE BUDGET ADJUSTMENT RESOLUTION FOR FISCAL YEAR 2020/21 TO AMEND THE REVENUES FOR THE LGS RECREATION LEASE.** MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.4. EKIM Contract Amendment – Permit Center Remodel Project.

Recommended Action:

Authorize the City Manager to execute a contract amendment with EKIM Painting – North, Inc. increasing the authorized amount from \$224,250 to \$266,700 and extending the term to December 31, 2020 for completion of the Permit Center Remodel Project.

BERNALD/ZHAO MOVED TO **AUTHORIZE THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH EKIM PAINTING – NORTH, INC. INCREASING THE AUTHORIZED AMOUNT FROM \$224,250 TO \$266,700 AND EXTENDING THE TERM TO DECEMBER 31, 2020 FOR COMPLETION OF THE PERMIT CENTER REMODEL PROJECT.** MOTION PASSED BY VERBAL ROLL

CALL. AYES: MILLER, BERNALD, ZHAO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

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 explained that this item was continued from the November 4, 2020 Council meeting at the request of the appellant.

Nicole Johnson, Senior Planner, presented the staff report.

Mayor Miller opened the public hearing and asked the appellant for their opening remarks.

The appellant, Daryl Abrams and his representative, Todd Amspoker, Attorney, spoke.

Mayor Miller asked the applicant for their opening remarks.

The applicant, Golden Age Properties Saratoga LLC, was represented by owner Mike Sneper, and Norm Matteoni, legal advisor, spoke.

Mayor Miller invited public comment on the item.

Tylor Taylor, Executive Director of SASCC, spoke in favor of denying the appeal

Ann Marie Burger, former Mayor of Saratoga, spoke in favor of denying the appeal

Janis Carney spoke in favor of denying the appeal

Tamara Abrams spoke in favor of upholding the appeal

Bruce A. Spotswood Friesen spoke in favor of denying the appeal

Cheriel Jensen spoke in favor of upholding the appeal

Manny Cappello, former Mayor of Saratoga, spoke in favor of denying the appeal

Mrs. Wagner spoke in favor of denying the appeal

Ketan Jashapara spoke in favor of denying the appeal

Cathie Thermond spoke in favor of denying the appeal

Starr Davis spoke in favor of creating a creek trail easement

Reverend Kathey Crowe spoke in favor of denying the appeal

Philip Young spoke in favor of denying the appeal

Lisa Oakley, Chair of SASCC Board, spoke in favor of denying the appeal

Markus Breitbach spoke in favor of denying the appeal

Karla Earnst spoke in favor of denying the appeal

Chuck Page, former Mayor of Saratoga, spoke in favor of denying the appeal

Doug Robertson, former Saratoga Planning Commissioner, spoke in favor of upholding the appeal and a trail

Susan Cone spoke in favor of a creek trail

Bruce Hodgkin spoke in favor of denying the appeal

Peter Marra spoke in favor of denying the appeal

Renee Paquier, Chair of Saratoga Parks & Recreation Commission, spoke in favor of denying the appeal

No one else requested to speak.

Mayor Miller announced a recess at 9:40 p.m. and reconvened at 9:50 p.m.

Mayor Miller asked the applicant for their closing remarks.

Norm Matteoni, legal advisor, and applicant Mike Sneper spoke.

Mayor Miller asked the appellant for their closing remarks.

The appellant, Daryl Abrams and his representative, Todd Amspoker, Attorney, spoke.

Mayor Miller closed the public hearing.

RESOLUTION 20-072

RESOLUTION 20-073

BERNALD/ZHAO MOVED TO ADOPT A RESOLUTION CERTIFYING THE ENVIRONMENTAL IMPACT REPORT (EIR), MAKING FINDINGS, AND ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM; AND 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. MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

3. GENERAL BUSINESS

3.1. Wildfire Public Safety Task Force Final Report and Update on Community Wildfire Protection Plan

Recommended Action:

Accept the final report from the Wildfire Public Safety Task Force and update on implementation progress of the Community Wildfire Protection Plan (CWPP); and direct staff accordingly.

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

Chuck Page, Chair of Wildfire Public Safety Task Force, spoke about the report, moving forward on the recommendations, and working with County Fire on improving the CWPP.

Bill Cooper, member of Wildfire Public Safety Task Force, spoke about FireWise Communities.

Mayor Miller invited public comment on the item.

Dede Smullen, Chair of FireSafe Council, spoke

No one else requested to speak.

KUMAR/ZHAO MOVED TO ACCEPT THE WILDFIRE PUBLIC SAFETY TASK FORCE REPORT AND DIRECTED STAFF TO PLACE AN ITEM ON THE DECEMBER 16, 2020 AGENDA TO CONSIDER CONTINUATION OF THE WILDFIRE PUBLIC SAFETY TASK FORCE. MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

KUMAR/BERNALD MOVED TO DIRECT STAFF TO BRING FORWARD AN AGENDA ITEM FURTHER OUTLINING IMPLEMENTATION OF THE CWPP AND WILDFIRE PUBLIC SAFETY TASK FORCE RECOMMENDATIONS RELATED TO FIREWISE COMMUNITIES, DEAD TREE REBATE PROGRAM, COMMUNICATIONS, AND FUNDING FOR FUEL REDUCTION. MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

3.2. Inclusive Playground Policy

Recommended Action:

Adopt the resolution establishing the City's Inclusive Playground Policy.

Kayla Nakamoto, Administrative Analyst, presented the staff report.

Mayor Miller invited public comment on the item.

No one requested to speak.

RESOLUTION 20-074

ZHAO/BERNALD MOVED TO **ADOPT THE RESOLUTION ESTABLISHING THE CITY'S INCLUSIVE PLAYGROUND POLICY.** MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

COUNCIL ASSIGNMENTS

Mayor Howard Miller

Saratoga Ministerial Association – the group discussed the virtual Thanksgiving Interfaith service, the virtual Celebration of Light, and issues with Safe Car Park.

Saratoga Sister City Organization – members discussed a fence at Hakone that was originally donated by Sister City.

Silicon Valley Clean Energy Authority Board of Directors – the Directors authorized staff to create a super JPA for long-term storage contract.

Valley Transportation Authority (VTA) Policy Advisory Committee – the Committee received a staff report to move Measure B money from funding local streets improvements to building BART in San Jose for 10 years.

VTA State Route 85 Corridor Policy Advisory Board – the Board asked for update on Route 85 noise mitigation, but instead received a report on transit.

Vice Mayor Mary-Lynne Bernald

Cities Association of Santa Clara County-City Selection Committee – the Committee made selections for openings.

Cities Association of Santa Clara County Board of Directors – the Directors approved election of the Executive Board.

Public Art Committee – in addition to appointing two advisory members to the Public Art Committee, the Committee welcomed Cristina Meiser, Library & Community Engagement Commission member, as an advisory member. The review of the last year's projects included #SaratogaROCKS, artwork at the Community Center, and the PLACE bench.

Council Member Yan Zhao

Public Art Committee – the Committee appointed 2 community members to be the advisory members and reviewed programs launched in the last year, which included, decorative bicycle racks, a virtual chalk art event, artist hopscotch areas in City parks, Rainy Day Sidewalk Poetry, and Nuts about Saratoga.

Saratoga Chamber of Commerce – Council Member Zhao attended the meeting, but there was nothing to report.

West Valley Sanitation District – Council Member Zhao attended the meeting, but there was nothing to report.

Council Member Rishi Kumar

West Valley Clean Water Program Authority – the members received the Fiscal Year 2019/20 annual report from San Francisco Regional Water Quality Control Board.

West Valley Solid Waste Management Joint Powers Authority – the members received member agencies reports and legislative updates. Council Member Kumar asked for a better process for residents’ complaints about garbage pickup.

CITY COUNCIL ITEMS

Council Member Zhao, with support from Mayor Miller, asked to have staff to talk with Omniscient about their proposal and bring a report back to Council.

COUNCIL COMMUNICATIONS

Council Member Kumar spoke about protesting a San Jose Water Company rate increase.

CITY MANAGER'S REPORT

None

ADJOURNMENT

BERNALD/ZHAO MOVED TO **ADJOURN THE MEETING AT 11:33 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