

**MINUTES
WEDNESDAY, DECEMBER 2, 2020
SARATOGA CITY COUNCIL REGULAR MEETING**

At 5:15 p.m., the City Council held Commission Interviews via teleconferencing through Zoom.

At 6:00 p.m., the City Council held a Joint Meeting with the Saratoga Historical Foundation via teleconferencing through Zoom.

Mayor Miller called the virtual Regular Session to order at 7:01 p.m. via teleconferencing through Zoom. Mayor Miller called the meeting to order in memory of longtime resident Gary Brandenburg who recently passed away.

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
John Cherbone, Public Works Director
Dennis Jaw, Finance Manager
Nicole Johnson, Senior Planner
Mainini Cabute, Environmental Program 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 November 25, 2020.

REPORT FROM JOINT MEETING

Annette Stransky, President, provided an overview of the City Council Joint Meeting with the Saratoga Historical Foundation.

ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS

None

ANNOUNCEMENTS

Mayor Miller shared information about COVID-19 updates and flu shots, the City's Holiday Food Drive, the virtual Celebration of Light, the Saratoga-to-the-Sea trail is open, and the Council Reorganization meeting.

CEREMONIAL ITEMS

Proclamation Declaring December 3, 2020 as People with Disabilities Day

Recommended Action:

Proclaim December 3, 2020 as People with Disabilities Day in the City of Saratoga.

Mayor Miller and the City Council proclaimed December 3, 2020 as People with Disabilities Day in the City of Saratoga.

1. CONSENT CALENDAR

1.1. City Council Meeting Minutes

Recommended Action:

Approve the City Council minutes for the Regular City Council Meeting on November 18, 2020.

BERNALD/ZHAO MOVED TO **APPROVE THE CITY COUNCIL MINUTES FOR THE REGULAR CITY COUNCIL MEETING ON NOVEMBER 18, 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: 11/20/2020 Period 5.

BERNALD/ZHAO MOVED TO **ACCEPT CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE PAYMENT CYCLES: 11/20/2020 PERIOD**

5. 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 October 31, 2020

Recommended Action:

Review and accept the Treasurer's Report for the month ended October 31, 2020.

BERNALD/ZHAO MOVED TO ACCEPT THE TREASURER'S REPORT FOR THE MONTH ENDED OCTOBER 31, 2020. MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.4. Building Inspection Services Contract with 4Leaf, Inc. and Budget Adjustment

Recommended Action:

1. Adopt the attached resolution to increase the budget for contract inspection services in the amount of \$45,000 for FY2020-2021; and
2. Authorize the City Manager to execute a contract with 4Leaf, Inc. for as-needed building inspection services in the amount of \$75,000.00 for FY 2020-2021.

RESOLUTION 20-075

BERNALD/ZHAO MOVED TO ADOPT THE RESOLUTION TO INCREASE THE BUDGET FOR CONTRACT INSPECTION SERVICES IN THE AMOUNT OF \$45,000 FOR FY2020-2021; AND TO AUTHORIZE THE CITY MANAGER TO EXECUTE A CONTRACT WITH 4LEAF, INC. FOR AS-NEEDED BUILDING INSPECTION SERVICES IN THE AMOUNT OF \$75,000.00 FOR FY 2020-2021. MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.5. Landscaping & Lighting Assessment District LLA-1; Resolutions initiating renewal of the District for FY 21-22

Recommended Action:

1. Move to adopt the Resolution describing improvements and directing preparation of the Engineer's Report.
2. Move to adopt the Resolution appointing the attorneys for the District.

RESOLUTION 20-076

RESOLUTION 20-077

BERNALD/ZHAO MOVED TO ADOPT THE RESOLUTION DESCRIBING IMPROVEMENTS AND DIRECTING PREPARATION OF THE ENGINEER'S REPORT FOR LANDSCAPING & LIGHTING ASSESSMENT DISTRICT LLA-1 AND TO ADOPT THE RESOLUTION APPOINTING THE ATTORNEYS FOR THE DISTRICT FOR FISCAL YEAR 2021/2022. MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

1.6. Resolution Authorizing Hakone Gardens Application for County Historical Heritage Grant for Mon Roof Replacement

Recommended Action:

Approve the resolution authorizing the Hakone Foundation to submit a County of Santa Clara Historical Heritage Grant Program application for the Mon roof replacement project.

RESOLUTION 20-078

BERNALD/ZHAO MOVED TO **APPROVE THE RESOLUTION AUTHORIZING THE HAKONE FOUNDATION TO SUBMIT A COUNTY OF SANTA CLARA HISTORICAL HERITAGE GRANT PROGRAM APPLICATION FOR THE MON ROOF REPLACEMENT PROJECT.** MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

Vice Mayor Bernald spoke on this item.

1.7. Saratoga Historical Foundation Lease & Additions to the Heritage Resource Inventory

Recommended Action:

Authorize the City Manager to execute a new lease agreement with the Saratoga Historical Foundation; authorize the Saratoga Historical Foundation to construct the blacksmith shop building; and, authorize placement of the Interurban Stop and Saratoga Historical Park to the City of Saratoga Heritage Resource Inventory.

BERNALD/ZHAO MOVED TO **AUTHORIZE THE CITY MANAGER TO EXECUTE A NEW LEASE AGREEMENT WITH THE SARATOGA HISTORICAL FOUNDATION; AUTHORIZE THE SARATOGA HISTORICAL FOUNDATION TO CONSTRUCT THE BLACKSMITH SHOP BUILDING; AND, AUTHORIZE PLACEMENT OF THE INTERURBAN STOP AND SARATOGA HISTORICAL PARK TO THE CITY OF SARATOGA HERITAGE RESOURCE INVENTORY.** MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

2. PUBLIC HEARING

2.1. Landmark Designation & Mills Act Agreement for 19277 Shubert Drive Application No. MIL20-0002 & LNDMRK20-0002

Recommended Action:

The Heritage Preservation Commission recommends that the City Council:

1. Conduct a public hearing on the proposal to designate the subject property as a historic landmark and enter into a Mills Act Agreement.
2. Introduce and waive first reading of the attached ordinance designating the property as a historic landmark.
3. Direct staff to place the ordinance on the Consent Calendar for adoption at the next regular meeting of the City Council.
4. Adopt the attached Resolution authorizing the City Manager to enter into a Mills Act Agreement for the property located at 19277 Shubert Drive upon the effective date of the landmark ordinance.

Council Member Kumar asked to be recused from this item due to proximity to the property.

Nicole Johnson, Senior Planner, presented the staff report.

Mayor Miller opened the public hearing.

Mayor Miller invited public comment on the item.

No one requested to speak.

Mayor Miller asked Keith Hendley, owner of 19277 Shubert Drive, to speak.

Mayor Miller asked Alexandra Nugent, Chair of Heritage Preservation Commission, to speak.

Mayor Miller closed the public hearing.

RESOLUTION 20-079

BERNALD/ZHAO MOVED TO WAIVE FIRST READING OF THE ORDINANCE DESIGNATING THE PROPERTY AS A HISTORIC LANDMARK, TO DIRECT STAFF TO PLACE THE ORDINANCE ON THE CONSENT CALENDAR FOR ADOPTION AT THE NEXT REGULAR MEETING OF THE CITY COUNCIL, AND TO ADOPT THE RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MILLS ACT AGREEMENT FOR THE PROPERTY LOCATED AT 19277 SHUBERT DRIVE UPON THE EFFECTIVE DATE OF THE LANDMARK ORDINANCE. MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE. RECUSED: KUMAR

3. GENERAL BUSINESS

3.1. Heritage Orchard Master Plan Update

Recommended Action:

Adopt the attached resolution approving the update to the City's Heritage Orchard Master Plan.

Nicole Johnson, Senior Planner, presented the staff report.

Mayor Miller invited public comment on the item.

No one requested to speak.

Mayor Miller asked Alexandra Nugent, Chair of Heritage Preservation Commission, to speak.

Mayor Miller asked Annette Stransky, member of Heritage Preservation Commission, to speak.

RESOLUTION 20-080

MILLER/KUMAR MOVED TO **ADOPT THE RESOLUTION APPROVING THE UPDATE TO THE CITY'S HERITAGE ORCHARD MASTER PLAN.** MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

3.2. General Plan 2040 and Housing Element Update Schedule

Recommended Action:

Accept the revised General Plan 2040 Update schedule so it is aligned with the Housing Element Update as recommended by the Planning Commission.

Debbie Pedro, Community Development Director, presented the staff report.

Mayor Miller invited public comment on the item.

No one requested to speak.

BERNALD/ZHAO MOVED TO **ACCEPT THE REVISED GENERAL PLAN 2040 UPDATE SCHEDULE SO IT IS ALIGNED WITH THE HOUSING ELEMENT UPDATE AS RECOMMENDED BY THE PLANNING COMMISSION.** MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

3.3. Saratoga Climate Action Plan 2030

Recommended Action:

Adopt the resolution establishing the City's Climate Action Plan.

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

Christine O'Rourke, O'Rourke & Associates, presented on the Climate Action Plan.

Mayor Miller invited public comment on the item.

No one requested to speak.

RESOLUTION 20-081

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

3.4. Electric Vehicle Charging Station Policy

Recommended Action:

Adopt the resolution establishing the City's Electric Vehicle Charging Station Policy.

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

Mayor Miller invited public comment on the item.

No one requested to speak.

RESOLUTION 20-082

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

3.5. Annual Audit Reports

Recommended Action:

Review and accept the following annual audit reports for Fiscal Year 2019/20;

- A. Comprehensive Annual Financial Report (CAFR)
- B. Transportation Development Act Audit Report (MTC Grants)
- C. Appropriation Limit Report (Gann, Fiscal Year 2020/21)
- D. SAS 114 Report
- E. SAS 112 Report
- F. State Controller's Office Financial Transaction Report Summary

Dennis Jaw, Finance Manager, presented the staff report.

Mayor Miller invited public comment on the item.

No one requested to speak.

MILLER/BERNALD MOVED TO **ACCEPT THE FOLLOWING ANNUAL AUDIT REPORTS FOR FISCAL YEAR 2019/20; COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR), TRANSPORTATION DEVELOPMENT ACT AUDIT REPORT (MTC GRANTS), APPROPRIATION LIMIT REPORT (GANN, FISCAL YEAR 2020/21), SAS 114 REPORT, SAS 112 REPORT, STATE CONTROLLER'S OFFICE FINANCIAL TRANSACTION REPORT SUMMARY.** MOTION PASSED BY VERBAL ROLL CALL. AYES: MILLER, BERNALD, ZHAO, KUMAR. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

3.6. Review of City Council Assignments

Recommended Action:

Review the list of City Council assignments and provide direction on changes to items included in the assignments.

Debbie Bretschneider, City Clerk, presented the staff report.

Mayor Miller invited public comment on the item.

No one requested to speak.

The City Council requested changes to the City Council Assignment Descriptions, which included adding to the description of Silicon Valley Clean Energy, to be included in the next Regular Council Meeting staff report.

COUNCIL ASSIGNMENTS

Mayor Howard Miller

Silicon Valley Clean Energy Authority Board of Directors – Silicon Valley Clean Energy is setting up a regional super Joint Powers Agreement to be used to buy long-term solar storage facilities and they received an Investment grade credit rating from Moody's.

Valley Transportation Authority (VTA) Policy Advisory Committee – Supervisor Simitian had a meeting on VTA's proposal to use Measure B funds for local roads for to fund BART.

VTA State Route 85 Corridor Policy Advisory Board – the Board did not receive the report on noise abatement that had been scheduled.

West Valley Mayors & Managers – there was a discussion about and a decision of the VTA Board assignment. Darcy Paul of Cupertino was appointed as Representative.

Vice Mayor Mary-Lynne Bernald

Santa Clara/Santa Cruz Airport/Community Roundtable – the Chair, Vice Mayor Bernald, sent a letter to SFO Airport Director requesting they become the SCSC Roundtable's fiscal agent, but they politely declined.

Saratoga Historical Foundation – the Foundation discussed the Blacksmith Shop.

Council Member Yan Zhao

No report

Council Member Rishi Kumar

No report

CITY COUNCIL ITEMS

Vice Mayor Bernald, with support from Council Member Zhao, asked for a future Council agenda item on a tool to make it easier for the public to find public art, historical, and cultural assets in the City.

COUNCIL COMMUNICATIONS

Council Member Kumar spoke about San Jose Water Company protest letters.

Mayor Miller thanked Saratoga City staff for their support during his term as a Council Member and Mayor.

CITY MANAGER'S REPORT

City Manager James Lindsay spoke about Mayor Miller's comments.

ADJOURNMENT

MILLER/BERNALD MOVED TO **ADJOURN THE MEETING AT 9:44 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

