



# SARATOGA CITY COUNCIL REGULAR MEETING

DECEMBER 15, 2021

## **Teleconference/Public Participation Information to Mitigate the Spread of COVID-19**

This meeting will be held entirely by teleconference. All members of the City Council and staff will only participate via the Zoom platform using the process described below. The meeting is being conducted pursuant to recent amendments to the teleconference rules required by the Ralph M. Brown Act allowing teleconferencing during a proclaimed state of emergency when local officials have recommended social distancing. The purpose of the amendments is to provide the safest environment for the public, elected officials, and staff while allowing for continued operation of the government and public participation during the COVID-19 pandemic.

Members of the public can view and participate in the **Study Session** by:

- Using the Zoom website <https://us02web.zoom.us/j/85328290743>; Webinar ID 853 2829 0743 **OR**
- Calling 1.408.638.0968 or 1.669.900.6833, entering the Webinar ID provided above

Members of the public can view and participate in in the **Regular Session** of the meeting by:

- Using the Zoom website <https://us02web.zoom.us/j/84829271922>; Webinar ID 848 2927 1922 **OR**
- Calling 1.408.638.0968 or 1.669.900.6833 and entering the Webinar ID provided above; **OR**
- Viewing the meeting on Saratoga Community Access Television Channel 15 (Comcast Channel 15, AT&T UVerse Channel 99) and calling in following the directions above; **OR**
- Viewing online at [http://saratoga.granicus.com/MediaPlayer.php?publish\\_id=2](http://saratoga.granicus.com/MediaPlayer.php?publish_id=2) and calling in following the directions above.

The public will not be able to participate in the meeting in person.

As always, members of the public can send written comments to the Council prior to the meeting by commenting online at [www.saratoga.ca.us/comment](http://www.saratoga.ca.us/comment) prior to the start of the meeting. These emails will be provided to the members of the Council and will become part of the official record of the meeting.

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## 6:00 PM STUDY SESSION

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2022 Preview  
[Staff Report](#)

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## 7:00 PM REGULAR SESSION

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### ROLL CALL

### REPORT ON POSTING OF THE AGENDA

*The agenda for this meeting was properly posted on December 9, 2021.*

### ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS

*Any member of the public may address the City Council for up to three (3) minutes on matters not on the Agenda. The law generally prohibits the City Council from discussing or taking action on such items. However, the Council may instruct staff accordingly.*

### ANNOUNCEMENTS

### CEREMONIAL ITEMS

Commendations for Annette Stransky, Mitch Kane and Manil Vasantha

**Recommended Action:**

Commend Annette Stransky for her service on the Heritage Preservation Commission and Mitch Kane and Manil Vasantha for their service on the Traffic Safety Commission.

[Staff Report](#)

[Attachment A - Commendation for Annette Stransky](#)

[Attachment B - Commendation for Mitch Kane](#)

[Attachment C - Commendation for Manil Vasantha](#)

Appointment of Heritage Preservation Commissioner

**Recommended Action:**

Adopt the Resolution appointing one member to the Heritage Preservation Commission and direct the City Clerk to administer the Oath of Office.

[Staff Report](#)

[Attachment A - Resolution, Heritage Preservation Commission Appointment](#)

Proclamation Declaring December 3, 2021 as International Day of Persons with Disabilities

**Recommended Action:**

Proclaim December 3, 2021 as International Day of Persons with Disabilities in the City of Saratoga.

[Staff Report](#)

[Attachment A – International Day of Persons with Disabilities Proclamation](#)

## 1. CONSENT CALENDAR

*The Consent Calendar contains routine items of business. Items in this section will be acted on in one motion, unless removed by the Mayor or a Council Member. Any member of the public may speak on an item on the Consent Calendar at this time, or request that the Mayor remove an item from the Consent Calendar for discussion. Public Speakers are limited to three (3) minutes.*

### 1.1. City Council Meeting Minutes

**Recommended Action:**

Approve the Minutes for the December 1, 2021 City Council Meeting.

[Staff Report](#)

[Attachment A – Minutes for the December 1, 2021 City Council Meeting](#)

### 1.2. Review of Accounts Payable Check Registers

**Recommended Action:**

Review and accept check registers for the following accounts payable payment cycles:

11/23/21 Period 5; 12/1/21 Period 6; 12/7/21 Period 6

[Staff Report](#)

[Check Register 11-23-21 P5](#)

[Check Register 12-01-21 P6](#)

[Check Register 12-07-21 P6](#)

### 1.3. Treasurer’s Report for the Month Ended October 31, 2021

**Recommended Action:**

Review and accept the Treasurer’s Report for the month ended October 31, 2021.

[Staff Report](#)

### 1.4. Reconsider and confirm findings pursuant to Assembly Bill 361

**Recommended Action:**

Reconsider and confirm findings pursuant to Assembly Bill 361 of the continued existence of a state of emergency and public health officials’ recommendation of social distancing.

[Staff Report](#)

[Attachment A – Resolution 21-073 authorizing teleconferenced public meetings](#)

### 1.5. Commission Local Appointments List and Terms Expiring in 2022

**Recommended Action:**

Adopt the Local Appointments List for terms expiring in the 2022 calendar year and direct the City Clerk to post on the City’s website.

[Staff Report](#)

[Attachment A - 2022 Local Appointment List](#)

[Attachment B - 2022 Tentative Commission Recruitment Schedule](#)

1.6. Third Amendment to Contract with BKF Engineers

**Recommended Action:**

Authorize an amendment to extend the time of the contract with BKF Engineers for one additional year.

[Staff Report](#)

[Attachment A- Contract Amendment](#)

[Attachment B -Original Contract](#)

1.7. Amendment to Contract with Cotton, Shires and Associates, Inc. Extending the Term of the Contract

**Recommended Action:**

Approve Amendment to the contract with Cotton, Shires and Associates, Inc. to extend the term of the contract two years to December 31, 2023.

[Staff Report](#)

[Attachment A - Contract Amendment](#)

[Attachment B - Original Contract](#)

1.8. Authorization for Participation in National Opioids Settlement

**Recommended Action:**

Authorize the City Manager and/or City Attorney to execute agreements implementing the National Opioids Settlements.

[Staff Report](#)

**2. PUBLIC HEARING**

*Items placed under this section of the Agenda are those defined by law as requiring a special notice and/or a public hearing or those called by the City Council on its own volition.*

2.1. Landmark Designation & Mills Act Agreement for 19174 DeHavilland Drive Application No. MIL21-0002 & LNDMRK21-0003

**Recommended Action:**

The Heritage Preservation Commission (HPC) 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 19174 DeHavilland Drive upon the effective date of the landmark ordinance.

[Staff Report](#)

[Attachment A - Ordinance Approving the Property's Landmark Status](#)

[Attachment B - Resolution Approving Mills Act Agreement](#)

[Attachment C - Mills Act Historic Property Preservation Agreement](#)

[Attachment D - Department of Parks and Recreation Primary Record](#)

2.2. Urgency Ordinance to Implement Senate Bill 9 by Setting Forth Objective Standards Applicable to Projects Required to Be Processed for Only Ministerial Review Such as Lot Splits and 2-Unit Developments in All Single-Family Zoning Districts

**Recommended Action:**

Adopt the attached Urgency Ordinance to adopt urgency measures to implement Senate Bill No. 9 which becomes effective January 1, 2022.

[Staff Report](#)

[Attachment A - Interim SB 9 Ordinance](#)

[Attachment B - Senate Bill 9](#)

2.3. Ordinance Amending City Code Section 4-90.020 to Ban Sale of Menthol Tobacco Products

**Recommended Action:**

Conduct the public hearing, introduce and waive the first reading of the attached ordinance amending City Code Section 4-90.020 (Tobacco Retailer Definitions) to extend current prohibitions of the sale of flavored tobacco products to include menthol products, and direct staff to place the ordinance on the Consent Calendar of the next regular meeting of the City Council for adoption.

[Staff Report](#)

[Attachment A – Ordinance Amending City Code Section 4-90.020 \(Tobacco Retailer Definitions\)](#)

### 3. GENERAL BUSINESS

3.1. Saratoga Ministerial Association Event for Martin Luther King Jr. Day 2022 Funding Request

**Recommended Action:**

Consider the funding request of \$2,190 from the Saratoga Ministerial Association to support an event they plan to host in 2022 for Martin Luther King Jr. Day.

[Staff Report](#)

[Attachment A – Funding Request Letter](#)

3.2. Suicide Prevention Policy

**Recommended Action:**

Approve the attached resolution establishing a Suicide Prevention Policy.

[Staff Report](#)

[Attachment A – Resolution Establishing a Suicide Prevention Policy](#)

3.3. Adoption of City Council Assignments

**Recommended Action:**

Adopt the Resolution establishing City Council assignments for calendar year 2022.

[Staff Report](#)

[Attachment A - Resolution Establishing City Council Assignments](#)

[Attachment B - Assignment Descriptions](#)

## **COUNCIL ASSIGNMENTS**

### Mayor Tina Walia

Council Finance Committee  
KSAR Community Access TV Board  
Saratoga Area Senior Coordinating Council (SASCC)  
Silicon Valley Clean Energy Authority Board of Directors  
Saratoga Ministerial Association

### Vice Mayor Kookie Fitzsimmons

Chamber of Commerce  
Hakone Foundation Board  
Santa Clara County Housing and Community Development (HCD) Council Committee  
Sister City Organization

### Council Member Mary-Lynne Bernald

Hakone Foundation Board & Executive Committee  
Santa Clara/Santa Cruz Airport/Community Roundtable  
Saratoga Historical Foundation

### Council Member Rishi Kumar

Santa Clara County Library Joint Powers Authority  
Santa Clara Valley Water District Commission  
West Valley Clean Water Program Authority  
West Valley Solid Waste Management Joint Powers Authority

### Council Member Yan Zhao

Association of Bay Area Governments  
Cities Association of Santa Clara County-City Selection Committee  
Cities Association of Santa Clara County-Legislative Action Committee  
Cities Association of Santa Clara County  
Council Finance Committee  
Valley Transportation Authority (VTA) Policy Advisory Committee  
VTA State Route 85 Corridor Policy Advisory Board  
West Valley Mayors & Managers  
West Valley Sanitation District

## **CITY COUNCIL ITEMS**

## **COUNCIL COMMUNICATIONS**

## **CITY MANAGER'S REPORT**

## **ADJOURNMENT**

**CERTIFICATE OF POSTING OF THE AGENDA, DISTRIBUTION OF THE AGENDA PACKET, COMPLIANCE WITH AMERICANS WITH DISABILITIES ACT**

*I, Crystal Bothelio, Assistant City Manager for the City of Saratoga, declare that the foregoing agenda for the meeting of the City Council was posted and available for review on December 9, 2021 at the City of Saratoga, 13777 Fruitvale Avenue, Saratoga, California and on the City's website at [www.saratoga.ca.us](http://www.saratoga.ca.us).*

*Signed this 9<sup>th</sup> day of December 2021 at Saratoga, California.*

*Crystal Bothelio, Assistant City Manager*

*In accordance with the Ralph M. Brown Act, copies of the staff reports and other materials provided to the City Council by City staff in connection with this agenda, copies of materials distributed to the City Council concurrently with the posting of the agenda, and materials distributed to the City Council by staff after the posting of the agenda are available on the City website at [www.saratoga.ca.us](http://www.saratoga.ca.us) and are available for review in the office of the City Clerk at 13777 Fruitvale Avenue, Saratoga, California.*

In compliance with the Americans with Disabilities Act and the Governor's Executive Order, if you need assistance to participate in this meeting, please contact the City Clerk at [bavrit@saratoga.ca.us](mailto:bavrit@saratoga.ca.us) or calling 408.868.1216 as soon as possible before the meeting. The City will use its best efforts to provide reasonable accommodations to provide as much accessibility as possible while also maintaining public safety.

[28 CFR 35.102-35.104 ADA title II]