

**MINUTES
SARATOGA CITY COUNCIL
FEBRUARY 4, 2004**

The City Council of the City of Saratoga held a Joint Session with the Arts Commission in the Administrative Conference Room, 13777 Fruitvale Avenue, at 5:30 p.m.

The following Arts Commissioners were present: Chair Tracy Halgren, Geetanjali Arunkumar, Mary Lou Henderson, Betty Peck, and Staff liaison Kim Saxton-Heinrichs.

Chair Halgren provided a year-end report highlighting the Arts Commission's accomplishments and future projects. Chair Halgren stated that on Friday the Commission would start reviewing the 30 applications from artists who are interesting in displaying their art on the Art Wall in the Saratoga Library. The Art Wall would change bi-monthly. Chair Halgren stated that the Art Wall would feature an individual artist or in some cases a group of artists. The Art Wall would also feature different medians, special events, and local artist or high school students. Chair Halgren noted future projects might include a "Mascot" fundraiser (ex. City of San Jose auctioned sharks and the Town of Los Gatos auctioned cats) and continued efforts in the selection of art for the Gateway Project.

Council direction to the Arts Commission is to continue working with Director Cherbone on the Gateway Project.

Councilmember Kline asked what events and or projects take most of their time.

Chair Halgren responded that in 2003 the Commission focused on Art in the Park and the opening of the Saratoga Library.

A discussion took place amongst the Council in regards to Art in the Park. The City Council supports the event but feels that the Arts Commission should find another organization to sponsor the event – non-profit organizations tend to attract other sponsors. The Friends of the Saratoga Library was suggested as a sponsor.

Mayor Waltonsmith thanked Arts Commission for attending tonight's Joint Session.

The City Council met in Closed Session in the Administrative Conference Room, 13777 Fruitvale Avenue, at 6:30 p.m.

ADJOURNED TO CLOSED SESSION – 6:30 P.M.

Conference with Legal Counsel – Threatened Litigation: Significant exposure to litigation pursuant to Government Code section 54956.9(b): (1 potential case)

Conference with Legal Counsel – Existing Litigation:
(Government Code section 54956.9(a))

Name of case: Jackson v. Saratoga Union High School District (No. CV803595)

Conference with Legal Counsel – Initiation of Litigation (Gov't Code Section 54956.9(c):
(2 potential cases)

Conference with Labor Negotiators (Gov't Code 54957.6):

Agency designated representatives: Lorie Tinfow, Assistant City Manager &
John Cherbone, Public Works Director
Employee organization: SEA

Conference with Labor Negotiators (Gov't Code 54957.6):

Agency designated representatives: Joan Pisani, Recreation Director
Employee organization: SMO

MAYOR'S REPORT ON CLOSED SESSION – 7:00 p.m.

Mayor Waltonsmith reported there was Council discussion but no action was taken.

Mayor Waltonsmith called the Regular City Council meeting to order at 7:00 p.m. and lead the Pledge of Allegiance.

ROLL CALL

PRESENT: Councilmembers Stan Bogosian, Norman Kline,
Nick Streit, Vice Mayor Kathleen King,
Mayor Ann Waltonsmith

ABSENT: None

ALSO PRESENT: Dave Anderson, City Manager
Lorie Tinfow, Assistant City Manager
Richard Taylor, City Attorney
Cathleen Boyer, City Clerk
Danielle Surdin, Administrative Analyst
Jesse Baloca, Administrative Services Director
Tom Sullivan, Community Development Director
John Cherbone, Public Works Director
Cary Bloomquist, Administrative Analyst

REPORT OF CITY CLERK ON POSTING OF AGENDA FOR FEBRUARY 4, 2004

Cathleen Boyer, City Clerk, reported that pursuant to Government Code Section 54954.2, the agenda for the meeting of February 4, 2004 was properly posted on January 30, 2004.

COMMUNICATIONS FORM COMMISSIONS & PUBLIC

ORAL COMMUNICATIONS

John Linger noted that he was present tonight representing the Saratoga Drama Group and West Valley Light Opera. Mr. Linger stated that it has come to their attention that the City has started installing a fire alarm system in the theater without consulting with either group on design issues. Mr. Linger requested that the work be stopped until some of their recommendations could be implemented.

City Manager Anderson responded that the work has been stopped and a meeting has been scheduled for 10:30 a.m. on February 5, 200; all parties involved are invited.

John Hirokawa, Santa Clara County Sheriff Department, briefed the City Council on the recent events that took place at Saratoga High School. Captain Hirokawa stated that on the evening of January 16th the student was arrested. Captain Hirokawa explained that the Sheriff's Department evaluated the situation and based on the information they had at the time made the determination that that child could be released to his parents without any threat to the community. The student was arrested for burglary and possession of chemicals with the intent to construct an explosive device. Captain Hirokawa noted that neither the community nor the school is in danger.

Mayor Waltonsmith thanked Captain Hirokawa for the report.

COMMUNICATIONS FROM COMMISSIONS

Tracy Halgren, Chair/Arts Commission briefly described the Arts Commission's accomplishments of 2003 and future projects.

Mitch Kane, Chair/Public Safety Commission (PSC) presented the City Council with a report concerning the Emergency Preparedness Study. Chair Kane stated that emergency preparedness has always been an area of oversight due to staff turnover, rotating City Council and City administrators and budget constraints. Chair Kane pointed out the things that the City is doing well such as:

- The City Emergency Preparedness Plan was last updated in 1999
- The County is currently reviewing and revising the Plan
- CERT program initiated
- Developed staff training plan for 2004

Chair Kane stated that the PSC is recommending that the City do the following:

- Become SEMs compliant
- Establish a self-substantial EP organization
- Demonstrate emergency preparedness as an "above the line priority"
- Integrate a knowledgeable/trained community into City's structure

Lorie Tinfow, Assistant City Manager, responded to the PSC report. Assistant City Manager Tinfow stated that in response to the City becoming SEMS complaint the City would be sending three directors to a week-long County sponsored emergency management training in March. In response to the lapse in attention to the program, Assistant City Manager Tinfow pointed out that this was partly due to the departure of the staff person, in July 2002, who was responsible for the program. Assistant City Manager Tinfow noted that the following spring, City Manager Anderson began discussions with County Fire to identify ways they could help fill the gap. County Fire offered to provide the following assistance:

- Coordinate the EOC exercise
- Plan and implement two training sessions
- Review and update the Emergency Management Plan (repeat review every couple of years)
- Provide telephone consultations as needed

In response to establishing a self-sustainable Emergency Preparedness organization, Assistant City Manager Tinfow stated that every City's municipal code is required to designate a Disaster Council. In most Cities, including Saratoga, the Disaster Council is the City Council and is headed by the Mayor or his/her Council designee. The Council is not activated unless a disaster occurs. Assistant City Manager Tinfow stated that if Council wishes to formally activate the Disaster Council and assign one Council member to chair the group, staff believes that an annual meeting of public safety providers, representatives from the PSC and the City's Emergency Services Coordinator to review the City's emergency preparedness actions would be sufficient to accomplish the goals outlined in the PSC's report.

In response to the request by the PSC to make emergency preparedness an "above the line priority", Assistant City Manager Tinfow stated that the City now has a staff person designated as the Emergency Services Coordinator. This person is now responsible for attending County-wide meetings and making sure training is performed.

In response to the last request made by the PSC to integrate a trained community into emergency response structure, Assistant City Manager Tinfow stated that the CERT program focuses on training for residents to assist each other on a neighborhood level.

Vice Mayor King suggested that the School AdHoc Committee could help within the schools to educate citizens in the event of an emergency.

Councilmember Bogosian stated that the City needs a commitment to long-term management resources to emergency preparedness. Councilmember Bogosian stated that every time the City reorganizes the responsibilities for emergency preparedness gets shuffled around. The City needs to establish the credibility; the City needs to have consistency.

Consensus of the City Council to direct staff to form a Disaster Council.

WRITTEN COMMUNICATIONS

None

COUNCIL DIRECTION TO STAFF

None

ANNOUNCEMENTS

None

CEREMONIAL ITEMS

1. **PROCLAMATION - DECLARING THE MONTH OF FEBRUARY 2004 AS SILICON VALLEY READS MONTH**

STAFF RECOMMENDATION:

Read proclamation.

Mayor Waltonsmith read proclamation and presented it to Betsy Weiss and Tat Blesch.

Ms. Weiss noted that the Silicon Valley Reads is a community building activity where people of all ages and races come together to discuss a book that has relevant issue for our time. Ms. Weiss stated that on Monday, February 9, 2004 at 7:30 pm. Fahrenheit 451 would be discussed in the Library's Community Room.

Ms. Blesch noted that she was a present this evening to ask the community to support Measure B, which would affirm the County's libraries operational expenses. Ms. Blesch explained that Measure B would increase the current assessed tax from \$33.66 to \$42 per year.

SPECIAL PRESENTATIONS

None

CONSENT CALENDAR

2A. APPROVAL OF CITY COUNCIL MINUTES – JANUARY 7, 2004

STAFF RECOMMENDATION:

Approve minutes.

Councilmember Bogosian requested that item 2A be removed from the Consent Calendar.

Councilmember Bogosian requested that the City Clerk review the tape and add more Council discussion on page 12 following Mr. Geddes's comments.

Consensus of the Council to bring this item back for approval on March 3, 2004.

2B. APPROVAL OF CITY COUNCIL MINUTES – JANUARY 24, 2004

STAFF RECOMMENDATION:

Approve minutes.

Councilmember Bogosian requested that item 2B be removed from the Consent Calendar.

Councilmember Bogosian noted that under the LAFCO item Council direction did not include the following points and asked that they be deleted:

- Work towards a single system to cover all of Saratoga
- Involve the Saratoga Fire Protection District in the process

KLING/KING MOVED TO APPROVE CITY COUNCIL MINUTES AS AMENDED FROM JANUARY 24, 2004. MOTION PASSED 5-0.

2C. **REVIEW OF CHECK REGISTER**

STAFF RECOMMENDATION:

Approve check register.

KLINE/KING MOVED TO **APPROVE CHECK REGISTER.** MOTION PASSED 5-0.

2D. **PLANNING ACTION MINUTES – JANUARY 25, 2004**

STAFF RECOMMENDATION:

Note and file.

KLINE/KING MOVED TO **NOTE AND FILE PLANNING ACTION MINUTES OF JANUARY 25, 2004.** MOTION PASSED 5-0.

2E. **ANNUAL APPROVAL OF THE CITY OF SARATOGA’S INVESTMENT POLICY**

STAFF RECOMMENDATION:

Approve the City’s Investment Policy.

KLINE/KING MOVED TO **APPROVE THE CITY’S INVESTMENT POLICY.** MOTION PASSED 5-0.

2F. **FISCAL YEAR 2004-05 BUDGET DEVELOPMENT PROCESS**

STAFF RECOMMENDATION:

Note and file.

Mayor Waltonsmith requested that item 2F be removed from the Consent Calendar.

Mayor Waltonsmith requested that the Commission’s be incorporated into the budget process.

KING/BOGOSIAN MOVE TO **NOTE AND FILE THE BUDGET DEVELOPMENT PROCESS.** MOTION PASSED 5-0.

2G. **1ST AMENDMENT TO THE CAL-ID AGREEMENT**

STAFF RECOMMENDATION:

Authorize City Manager to sign amendment to existing agreement.

KLINE/KING MOVED TO **AUTHORIZE CITY MANAGER TO SIGN AMENDMENT TO EXISTING AGREEMENT.** MOTION PASSED 5-0.

2H. **LETTER OF OPPOSITION TO SB 744 (DUNN)**

STAFF RECOMMENDATION:

Authorize a letter of opposition to SB 744 (Dunn).

KLINE/KING MOVED TO AUTHORIZE A LETTER OF OPPOSITION TO SB 744 (DUNN). MOTION PASSED 5-0.

2I. BROOKGLEN, EL QUITO AND WILDWOOD PARKS: PLAYGROUND EQUIPMENT UPGRADE PROJECT – AWARD OF CONTRACT

STAFF RECOMMENDATION:

Declare Playgrounds Unlimited the lowest bidder; award construction contract to Playgrounds Unlimited; authorize staff to execute change orders up to \$5,000; approve increase of \$138,000 to existing contract with George Bianchi Construction.

KLINE/KING MOVED TO DECLARE PLAYGROUNDS UNLIMITED THE LOWEST BIDDER; AWARD CONSTRUCTION CONTRACT TO PLAYGROUNDS UNLIMITED; AUTHORIZE STAFF TO EXECUTE CHANGE ORDERS UP TO \$5,000; APPROVE INCREASE OF \$138,000 TO EXISTING CONTRACT WITH GEORGE BIANCHI CONSTRUCTION.
MOTION PASSED 5-0.

2J. LANDSCAPING & LIGHTING ASSESSMENT DISTRICT LLA-1: RESOLUTION INITIATING RENEWAL OF THE DISTRICT FOR FY 04-05

STAFF RECOMMENDATION:

Adopt resolutions.

TITLE OF RESOLUTIONS: 04-008,009

KLINE/KING MOVED TO ADOPT RESOLUTION DESCRIBING IMPROVEMENTS AND DIRECTING PREPARATION OF ENGINEER'S REPORT FOR FISCAL YEAR 04-05. MOTION PASSED 5-0.

KLINE/KING MOVED TO ADOPT RESOLUTION APPOINTING ATTORNEY'S FOR FISCAL YEAR 04-05. MOTION PASSED 5-0.

2K. RESOLUTION OF INTENTION TO ANNEX PROPERTIES INTO LANDSCAPING & LIGHTING ASSESSMENT DISTRICT FOR FY 04-05 (SARATOGA-SUNNYVALE ROAD "GATEWAY")

STAFF RECOMMENDATION:

Adopt resolution.

TITLE OF RESOLUTION: 04-010

KLINE/KING MOVED TO ADOPT RESOLUTION DESCRIBING IMPROVEMENTS AND DIRECTING PREPARATION OF ENGINEER'S REPORT FOR FISCAL YEAR 04-05. MOTION PASSED 5-0.

2L. **VALLEY TRANSPORTATION PLAN 2030 (VTP 2030) – LOCAL STREETS AND ROADS PROGRAM**

STAFF RECOMMENDATION:

Adopt resolution.

TITLE OF RESOLUTION: 04-011

KLINE/KING MOVED TO ADOPT RESOLUTION ESTABLISHING A PROJECT PRIORITY LIST IN CONNECTION TO THE VALLEY TRANSPORTATION PLAN 2030 – LOCAL STREETS AND ROADS PROGRAM. MOTION PASSED 5-0.

2M. **RESOLUTION SUPPORTING A STATEWIDE BALLOT INITIATIVE TO REQUIRE VOTER APPROVAL BEFORE STATE GOVERNMENT MAY TAKE LOCAL TAX FUNDS**

STAFF RECOMMENDATION:

Adopt resolution.

TITLE OF RESOLUTION: 04-012

KLINE/KING MOVED TO ADOPT RESOLUTION SUPPORTING A STATEWIDE BALLOT INITIATIVE TO REQUIRE VOTER APPROVAL BEFORE STATE GOVERNMENT MAY TAKE LOCAL TAX FUNDS. MOTION PASSED 5-0.

PUBLIC HEARINGS

3. **2001-2006 CAPITAL IMPROVEMENT PLAN (CIP) FY 03-04 UPDATE – ADOPTION OF NEW CIP PROJECTS AND FUNDING APPROPRIATIONS**

STAFF RECOMMENDATION:

Adopt resolutions.

TITLE OF RESOLUTION: 04-13,14,15,16

John Cherbone, Public Works Director, presented staff report.

Director Cherbone explained what each resolution would accomplish.

Director Cherbone stated that the City Council Retreat held on January 24th, Council directed staff to perform an analysis of the CIP to attain \$200,000 in funding to be used for investigating the establishing of a City Redevelopment Agency.

Director Cherbone noted that staff recommends that reductions be made to the following CIP Projects:

- Saratoga-Sunnyvale Gateway Project \$100,000
- Village Streetscape Improvements \$50,000
- El Quito Area Curb & Gutter Improvements \$50,000
\$200,000

Director Cherbone noted that the funding recommendations were based in the physical connection of each of the CIP projects to the City's three main commercial areas, namely the Gateway Commercial Zone, the Village Commercial Zone and the El Quito Commercial Zone. It is assumed that if a City Redevelopment Agency were formed these areas would receive benefits.

Director Cherbone briefly explained that changes to the five-year CIP as approved by Council in the FY 03-04 CIP Update.

Councilmember Kline stated that he recommends that if the RDA does not go forward any remaining money be reallocated back to the original projects that the funds came from.

Mayor Waltonsmith opened the public hearing and invited public comments.

Seeing none, Mayor Waltonsmith closed the public hearing.

Councilmember Bogosian noted that he appreciates Director Cherbone's methodology, however the RDA is not a sure thing. Councilmember Bogosian stated that the Gateway renovation was promised to the community and doesn't support money being taken away from the project. Councilmember Bogosian stated that money should be taken from the Aloha Avenue and Fellowship Hall CIP projects.

STREIT/KING MOVED TO ADOPT RESOLUTION AMENDING 2001-2006 CIP BUDGET REFLECTING COUNCIL DIRECTION FROM THE JANUARY 7, 2004 CITY COUNCIL MEETING. MOTION PASSED 4-1 WITH BOGOSIAN OPPOSING.

STREIT/KING MOVED TO ADOPT RESOLUTION AMENDING THE FY 03-04 BUDGET TO INVESTIGATE THE ESTABLISHMENT OF A CITY REDEVELOPMENT AGENCY. MOTION PASSED 4-1 WITH BOGOSIAN OPPOSING.

STREIT/KING MOVED TO ADOPT RESOLUTION APPROVING THE 2001-2006 CIP PLAN FY 02-03 UPDATE. MOTION PASSED 5-0.

STREIT/KING MOVED TO ADOPT RESOLUTION AMENDING THE FY 03-04 BUDGET ESTABLISHING FUNDING FOR PROJECTS APPROVED IN THE 2001-2006 CIP PLAN FY 03-04 UPDATE. MOTION PASSED 5-0.

OLD BUSINESS

4. STATE BUDGET UPDATE

STAFF RECOMMENDATION:

Accept report and direct staff accordingly.

Jesse Baloca, Administrative Services Director, presented staff report.

Director Baloca explained the current budget scenario as follows:

- The City would lose approximately \$576k of its current year VLF revenue stream, which is considered a backfill gap to be repaid in 2006
- \$156k is permanently loss beginning in FY 04-05 in property taxes as a result of the Governor's proposed expansion of the ERAF shift of local property taxes to support school funding

Director Baloca explained Proposition 567 stating that it is a one-time \$15 billion Economic Recovery Bond to refinance past budget deficits via a ¼ cent triple-flip.

Furthermore, Director Baloca explained that Proposition 58 requires future balanced budgets, prohibits future bond financing of any deficit, and creates a rainy day reserve to assist with future economic downturns and/or to make an early payoff on outstanding bond obligations. \$3 billion of the \$15 billion bond proposal is to be used to help close next year's spending gap.

Director Baloca stated that the loss of Proposition 57 would plunge the State into fiscal crisis and there appears to be no fallback position if the bond fails.

Mayor Waltonsmith thanked Director Baloca for his report.

NEW BUSINESS

5. REQUEST FOR FUNDING BY SARATOGA – MONTE SERENO COMMUNITY FOUNDATION

STAFF RECOMMENDATION:

Accept report and direct staff accordingly.

TITLE OF RESOLUTION: 04-017

Lorie Tinfow, Assistant City Manager, presented staff report.

Assistant City Manager Tinfow explained the background of the Saratoga-Monte Sereno Community Foundation.

Assistant City Manager Tinfow reported that in August 2003 two community members met with two Council volunteers to discuss if and how members of the community could step up and start the Foundation.

Assistant City Manager Tinfow explained that the group developed a vision and a mission statement and are now ready to begin assembling a Board to formally incorporate. Funding is needed for these steps and they are making a request for \$25,000 to pay for start up costs and/or as matching funds to attract additional contributions.

Councilmember Streit asked if the City of Monte Sereno were going to contribute any funds.

Assistant City Manager Tinfow responded that the representatives from Monte Servo were going to present this item at their next Council meeting.

Due to the City's economic uncertainty, Councilmember Streit suggested that the \$25,000 be split between this fiscal year and the next.

STREIT/KING MOVED TO ADOPT AMENDED RESOLUTION AMENDING THE 2003-2004 BUDGET FOR AN APPROPRIATION OF FUNDS TO BE ALLOCATED TO START THE SARATOGA-MONTE SERENO COMMUNITY FOUNDATION IN THE AMOUNT OF \$12,500.
MOTION PASSED 5-0.

6. **CODE ENFORCEMENT POLICY AND MEDIATION OF DISPUTES**

STAFF RECOMMENDATION:

Adopt resolution.

TITLE OF RESOLUTION: 04-018

Richard Taylor, City Attorney, presented staff report.

City Attorney Taylor explained that in 2003 the City Council requested staff to prepare for Council consideration a formal statement of the City's code enforcement policies and to include in those policies provisions designed to encourage mediation of neighborhood disputes.

City Attorney Taylor noted that the attached resolution would formalize the City's existing code enforcement practice but would modify that practice to require mediation of code enforcement complaints, which the Code Enforcement Officer determines do not involve immediate threats to public health or safety or otherwise require immediate action.

City Attorney Taylor noted that staff expects that most mediation would be conducted by the County of Santa Clara Mediation Service. The Service is a Santa Clara County program operated under the auspices of the County Human Relations Commission. City Attorney Taylor described the services provided by the Santa Clara Mediation Service

City Attorney Taylor stated that if the number of matters is low, there might be no charge to the City. In the event there is a charge for services in excess of \$5,000 staff will return to Council for authorization.

7. **DISCUSSION/EXPECTATIONS/BUDGET FOR URBAN FORESTRY PLAN**

STAFF RECOMMENDATION:

Accept report and direct staff accordingly.

Tom Sullivan, Community Development Director, presented staff report.

Director Sullivan stated that one of the products of the new Tree Ordinance was the desire of the Council to move forward of an Urban Forestry Plan.

Director Sullivan explained that the old and the newly revised Tree Ordinance referenced as one of the criteria “Good Forestry Practices” but does not provide a definition.

In trying to fulfill Council desires, Director Sullivan stated that during his research this type of forestry plan was most popular on the east coast than around here.

Director Sullivan explained the steps of how to create an Urban Forestry Plan for the City as follows:

- 1) Vision and Goals
- 2) Identify Management Areas
- 3) Inventory and Assessment
- 4) Data Summary
- 5) Identify Benchmarks
- 6) Data Comparison
- 7) Involve Community Residents
- 8) Community Development

Director Sullivan stated that the steps would generate an Urban Forestry Plan that would be representative of the love of trees often expressed at both Council and Planning meetings. An Urban Forestry Plan is only successful if the community supports it.

If the Council would like to move forward with this item, Director Sullivan suggested that a community task force be formed representing all parts of the community.

Councilmember Kline asked how much staff time would this project take to complete.

Director Sullivan responded that it would take 25% one staff person for 1-2 years.

Councilmember Streit asked what priorities would be postponed if this became a priority.

Director Sullivan responded that General Plan Amendments and the staff liaison to the Heritage Preservation Commission would have to be postponed.

Mayor Waltonsmith stated that she is meeting with the new President of West Valley College and would bring this issue up and see if there is any interest in helping the City.

Discussion took place in regards to other priorities of the Community Development Department.

Consensus of the City Council to table this item until the Fall.

Councilmember Bogosian stated that he would be willing to serve on the task force.

Vice Mayor King suggested waiting until some of the current AdHoc Committees are finished.

Consensus of the City Council to table this item until the Fall.

8. **DEANZA/PG&E TRAIL FUNDING AGREEMENTS**

STAFF RECOMMENDATION:

Authorize City Manager to execute Agreement with Anonymous Donor for donation of funds for planning and possible acquisition and development of the DeAnza Trail; Authorize City Manager to execute VTA Funding Agreement.

Cary Bloomquist, Administrative Analyst, presented staff report.

Analyst Bloomquist stated that at the December 3rd City Council meeting staff was directed to move ahead with the process of developing a pedestrian/cycling trail on PG&E right-of-way lands running parallel to the railroad tracks between Saratoga and Saratoga-Sunnyvale Avenue. Council specifically requested staff to develop funding agreements with the VTA and Anonymous Donor for the purposes of procuring funding for the public trail project.

Analyst Bloomquist briefly explained the contents of each agreement.

Greg Gates stated that he supports the trail.

In regards to the two agreements both mentioning “naming” of the trail, City Attorney Taylor stated that VTA only wants a sign during construction pointing out “Your Tax Dollars At Work”, while the donor requested the plaques and a specific trail name.

KING/STREIT MOVED TO AUTHORIZE CITY MANAGER TO EXECUTE AGREEMENT WITH ANONYMOUS DONOR FOR DONATION OF FUNDS FOR PLANNING AND POSSIBLE ACQUISITION AND DEVELOPMENT OF THE DEANZA TRAIL. MOTION PASSED 5-0.

KING/STREIT MOVED TO AUTHORIZE CITY MANAGER TO EXECUTE VTA FUNDING AGREEMENT. MOTION PASSED 5-0.

9. **LAFCO SERVICE REVIEW – BOUNDARY DROP RESOLUTION**

STAFF RECOMMENDATION:

Adopt resolution.

TITLE OF RESOLUTION: 04-019

Dave Anderson, City Manager, presented staff report.

City Manager Anderson explained that the draft countywide Fire Protection Service Review report was issued on November 18, 2003. City Manger Anderson briefly described the purpose of the report noting that the report included all fire service agencies in the County including seven city fire departments and four fire protection districts.

City Manager Anderson noted that the City Council solicited community input on the report at the January 7, 2004 Council meeting. The City Council members discussed the issue and adopted a statement to be sent to LAFCO representing the City Council consensus on the issue

City Manager Anderson pointed out that at the Council retreat, held on January 24th, the LAFCO Fire Service Review was agendized and discussed. After an in depth discussion a majority of Councilmembers preferred to strengthen the Boundary Drop, making it permanent.

City Manager Anderson noted that a resolution in support of a long term Boundary Drop is attached to this report.

Vice Mayor King requested that in the 8th Paragraph the word “preferred” be changed to “required”.

Discussion took place in regards to Mayor Waltonsmith’s suggested changes to the resolution.

Consensus of the City Council to make the following changes to the 8th paragraph of the resolution as follows: “Whereas, a majority of Councilmembers strongly urge the parties to strengthen the Boundary Drop, making it permanent, until at least 2016 if the two districts remain separate entities.”

BOGOSIAN/KLINE MOVED TO **ADOPT RESOLUTION AS AMENDED SUPPORTING A PERMANENT BOUNDARY DROP AGREEMENT.**
MOTION PASSED 5-0.

AGENCY ASSIGNMENTS

Mayor Ann Waltonsmith reported the following information:

Santa Clara County Cities Association – a Finance Representative from the State of California spoke at the last meeting.

Saratoga Historic Foundation – recently held a retreat to focus on outreach and fundraising efforts.

Sister City Liaison – August 12, 2004 the students from Muko, Japan would be at City Hall for their annual visit.

Vice Mayor Kathleen King reported the following information:

Chamber of Commerce – City Council Ad Hoc Committee recently met with the Chamber to discuss Celebrate Saratoga. Chamber would like to continue the relationship with City.

County Cities Association Legislative Task Force – appointed a new Chairperson.

SASCC Liaison – discussed the age of participants.

Valley Transportation Authority PAC – no quorum at the PAC meeting. At a recent Board meeting the rates were raised.

Councilmember Kline no reportable information.

Councilmember Stan Bogosian reported the following information:

County HCD Policy Committee – reviewing applications for the annual distribution of funds.

Emergency Planning Council – discussed funds received from the Federal government for anti-terrorism.

Councilmember Nick Streit reported the following information:

Santa Clara County Valley Water Commission – continued discussions in regards to the discrepancy of rates between the north county and south county cities. Actively lobbying the House and Senate in an effort to avoid the taking of \$9 billion dollars in reserves from water districts around the state.

CITY COUNCIL ITEMS

Referring to a resolution the City Council passed supporting the reorganization of the VTA, Councilmember Kline asked if Joe Pirzynski, who is the Vice Chair of the VTA Board, could be invited to a future City Council meeting to provide a status report on the issue.

OTHER

None

CITY MANAGER'S REPORT

None

ADJOURNMENT

Mayor Waltonsmith adjourned the meeting at 9:45 p.m. to the Administrative Conference Room to continue Closed Session. Mayor Waltonsmith adjourned Closed Session at 10:00 p.m. and reported that the Council authorized the City Attorney to join as a plaintiff in the case of Cerritos v. State of California challenging state legislation reducing local government's share of local sales tax revenues. There being no further business, Mayor Waltonsmith adjourned the meeting at 10:05 p.m.

Respectfully submitted,

Cathleen Boyer, CMC
City Clerk