

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

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

The following Commissioners were present: Chair Patricia Bailey, Phylis Ballingall, Paul Conrado, Norman Koepernik, Tom Lowdermilk, Willys Peck, John Livingstone, Staff Liaison.

Chair Bailey briefly highlighted the Commission's accomplishments from March 2003 – February 2004 including:

- Heritage Orchard Oversight
- Heritage Resource and Mills Act Criteria Review
- Austin Way Heritage Lane – Design and Installation of Sign
- McWilliams House and Book-Go-Round Restoration Recommendations
- Historic Park Master Plan
- Historic Park Grant Application & Preservation to County
- Historic Calendar
- 3rd Annul Mustard Walk

Chair Bailey briefly highlighted the Commission's ongoing activities such as:

- Heritage Resource Project Review
- Heritage Resource List Management
- Historic Park Restoration Project
- Historic Home Plaques
- Adopt- Tree-Program
- Mustard Walk
- Historic Calendar

After considerable discussion the consensus of the City Council was to direct the HPC to add the following to their coming year's work plan:

- Investigate SHL 435
- Focus on designating more lanes and landmarks
- Landmark status of the Heritage Orchard
- Status on heritage signs

Mayor Waltonsmith thanked the HPC 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.

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: Lorie Tinfow, Assistant City Manager &
Tom Sullivan, Community Development Director
Employee organization: Non SEA Members

Conference With Labor Negotiators (Gov't Code 54957.6):
Agency designated representatives: Dave Anderson, City Manager
Employee organization: SMO

Conference with Legal Counsel - Threatened litigation (Gov't Code 54956.9(b):
(1 potential case)

Conference with Legal Counsel - Initiation of litigation (Gov't Code section 54956.9(c):
(1 potential case).

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

Name of case: City of Saratoga v. Hinz (6th District Court of Appeals
No. H023549)

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 Livingstone, Associate Planner
Christie Oosterhous, Associate Planner
Ann Welsh, Assistant Planner
John Cherbone, Public Works Director
Cay Bloomquist, Administrative Analyst

REPORT OF CITY CLERK ON POSTING OF AGENDA FOR MARCH 3, 2004

Cathleen Boyer, City Clerk, reported that pursuant to Government Code Section 54954.2, the agenda for the meeting of March 3, 2004 was properly posted on February 26, 2004.

COMMUNICATIONS FROM COMMISSIONS & PUBLIC

ORAL COMMUNICATIONS

The following person requested to speak:

Bert Martell requested that the City Council address the current policy on the City Council agenda section called "Written Communications".

COMMUNICATIONS FROM COMMISSIONS

Patricia Bailey, Chair/HPC thanked the Council for the opportunity to meet with them prior to the meeting. Chair Bailey pointed out the direction the HPC received from the City Council as follows:

- Investigate SHL 435
- Focus on designating more lanes and landmarks
- Landmark status of the Heritage Orchard
- Status on heritage signs

Chair Bailey stated that the City Council would like the Mustard Walk to continue, but suggested that the HPC look for another organization to take the lead.

Marylyn White, Chair/ Saratoga Senior Coordinating Council (SASCC), announced that on March 16th SASCC would be having their annual St. Patrick's Day Dinner. Ms. White noted that the entertainment would be by the "Uncalled Four" Quartet. Ms. White noted that the De Anza Kiwanis Club are the sponsor for this year's event.

CITY COUNCIL DIRECTION TO STAFF

Referring to Mr. Martell's comments, Mayor Waltonsmith stated that she would look into the matter.

ANNOUNCEMENTS

Mayor Waltonsmith reported that on March 4, 2003 at 3:00 p.m. the City Council would be having a Joint Meeting with Supervisor Liz Kniss at the Historic Museum.

CEREMONIAL ITEMS

**1. PROCLAMATION - DECLARING THE MONTH OF MARCH 2004
COLORECTAL AWARENESS MONTH**

STAFF RECOMMENDATION:

Read proclamation.

Mayor Waltonsmith read the proclamation and presented it to Julie Shaver and Larry Sheahan.

Ms. Chaver thanked the City Council for issuing the proclamation.

Mr. Sheahan noted that he was a colon cancer survivor and thanked the American Cancer Society for everything they did for him and thanked the City Council for issuing the proclamation.

SPECIAL PRESENTATIONS

None

CONSENT CALENDAR

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

STAFF RECOMMENDATION:

Approve minutes.

STREIT/KLINE MOVED TO **APPROVE CITY COUNCIL MINUTES FROM JANUARY 7, 2004.** MOTION PASSED 5-0.

2B. APPROVAL OF CITY COUNCIL MINUTES – JANUARY 21, 2004

STAFF RECOMMENDATION:

Approve minutes.

STREIT/KLINE MOVED TO **APPROVE CITY COUNCIL MINUTES FROM JANUARY 21, 2004.** MOTION PASSED 5-0.

2C. APPROVAL OF CITY COUNCIL MINUTES – FEBRUARY 4, 2004

STAFF RECOMMENDATION:

Approve minutes.

STREIT/KLINE MOVED TO **APPROVE CITY COUNCIL MINUTES FROM FEBRUARY 4, 2004.** MOTION PASSED 5-0.

2D. **REVIEW OF CHECK REGISTER**

STAFF RECOMMENDATION:

Approve check register.

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

2E. **STREET IMPROVEMENTS RELATED TO SARATOGA-SUNNYVALE ROAD & SEAGULL WAY TRAFFIC SIGNAL**

STAFF RECOMMENDATION:

Approve an increase to existing contract with Republic Electric.

STREIT/KLINE MOVED TO **APPROVE INCREASE OF \$124,980 PLUS (10% CONTINGENCY) TO EXISTING CONTRACT WITH REPUBLIC ELECTRIC TO PERFORM STREET IMPROVEMENTS WORK IN ASSOCIATION WITH THE INSTALLATION OF THE TRAFFIC SIGNAL AT SARATOGA-SUNNYVALE ROAD AND SEAGULL WAY**. MOTION PASSED 5-0.

2F. **REVIEW OF PARKS AND RECREATION COMMISSION COMMUNITY SURVEY RESULTS**

STAFF RECOMMENDATION:

Informational only.

STREIT/KLINE MOVED TO **APPROVE THE PARK USE AGREEMENT AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE SAME WITH VARIOUS GROUPS**. MOTION PASSED 5-0.

2G. **RESOLUTION TO AUTHORIZE SUBMITTAL OF SB 1346 RUBBERIZED ASPHALT CONCRETE GRANT PROGRAM APPLICATION AND DELEGATE AUTHORITY TO CITY MANAGER TO EXECUTE FUNDING AGREEMENTS WITH THE STATE OF CALIFORNIA**

STAFF RECOMMENDATION:

Adopt resolution; authorize City Manager to execute funding agreements.

TITLE OF RESOLUTION: 04-020

STREIT/KLINE MOVED TO **ADOPT RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION FOR THE SB 1346 RUBBERIZED ASPHALT GRANT PROGRAM, AND DELEGATING THE CITY MANAGER TO EXECUTE FUNDING AGREEMENT WITH THE STATE OF CALIFORNIA**. MOTION PASSED 5-0.

2H. **PARK USE AGREEMENTS**

STAFF RECOMMENDATION:

Approve Park Use Agreement; authorize the City Manager to execute the same with various user groups.

STREIT/KLINE MOVED TO APPROVE THE PARK USE AGREEMENT AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE SAME WITH VARIOUS USER GROUPS. MOTION PASSED 5-0.

PUBLIC HEARINGS

3. 2004/05 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING

STAFF RECOMMENDATION:

Conduct public hearing; adopt resolutions.

TITLE OF RESOLUTION: 04-021

John Livingstone, Associate Planner, presented staff report.

Planner Livingstone explained that the Department of Housing and Urban Development (HUD) makes annual disbursements of Housing and Community Development Act (HCDA) funds for eligible projects and activities. Saratoga and seven other “non-entitlement” cities within Santa Clara County receive federal HCDA funds from the Community Development Block Grant (CDBG) Program. Non-entitlement cities receive funds through a cooperative agreement with the County of Santa Clara, the locally responsible grant recipient. Planner Livingstone explained that expenditures of these funds is restricted by federal and county regulations.

Planner Livingstone explained that the total amount available for FY 2004/05 is \$166,440. Of that amount, a maximum \$37,716 may be spent on public service activities.

Planner Livingstone explained that the availability of CDBG funds for eligible projects and activities was publicized in the Saratoga News funding the month of January 2004.

Planner Livingstone explained the following funding recommendations that have been recommended by Councilmember Bogosian and Betty Feldheim:

1. CDBG PUBLIC SERVICE ACTIVITIES

SASCC – Adult Day Care Program

Requests \$36,288, which is 18% of estimated annual budget to operate the Adult Care Center. The maximum that can be allocated to public service is \$37,716.

Planner Livingstone stated that the recommendation was to fund the Saratoga Adult Day Care Program with the \$36,288.

2. CDBG CAPITAL AND NON-PUBLIC SERVICE PROJECTS

Project Match – is requesting \$33,990 to cover full cost of lease payments to the landlord on its group home on Blauer Drive in Saratoga.

ADA Improvements Project at Hakone Gardens – per the lease agreement with Hakone Foundation, the City will provide \$50,000 per year for five years, to update ADA requirements at the park. FY 04-05 will be the fourth year that CDBG funds are allocated to ADA Improvements at Hakone Gardens.

SASCC – is requesting \$12,500 to purchase furnishings such as Storage cabinets, shelving and tables for the Adult Care Center and Modular Buildings.

SHARP Revolving Housing Rehabilitation Loan Program – \$9,162 is recommended to be allocated to this program.

Planner Livingstone explained that yesterday a “for sale” sign was placed at the house on Blauer Avenue; staff is not recommending changing the recommendation in the staff report. Project Match currently receives funding on a month-to-month basis and is working to continue the lease, work with the new owner or find another location in Saratoga. If something changes staff would come back to the Council.

Planner Livingstone stated that the recommendations were to fund Project Match at \$33,990, \$50,000 to Hakone Gardens, \$2,000 Saratoga Adult Care Center, \$9,162 to the SHARP Program and reallocate and \$25,061.81 from the Sanitary Sewer Connection Ordinance project to the SHARP Program fund.

3. PROGRAM ADMINISTRATION

County Rehabilitation Assistance – The City’s SHARP Revolving Housing Rehabilitation Loan Program is administrated by the Santa Clara County Housing and Community Development (HCD) staff. HCD charges \$20,000 of CDBG funds per year to administer the SHARP program for the City.

City Program Administration – \$15,000 is set aside for the general program administration costs incurred by the City.

4. REALLOCATION OF PRIOR CDBG FUNDS

A balance of \$25,061.81 in CDBG funds remains in the Sanitary Sewer Connection Project to assist low-income homeowners who are required to abate their septic tanks and connect to the public sewer system. In Spring of 2003, Staff sent a letter to each homeowner currently using a septic system informing them of the availability of CDBG funds. One low income Saratoga resident received a CDBG grant to connect to the sewer system last summer. Given the extent of public outreach and lack of activity, it is recommended that the remaining balance be transferred to the SHARP Program.

In regards to the \$25,061.81 from the Sanitary Sewer Connection Program, Mayor Waltonsmith asked why the funds could not be used on ADA Improvements at the North Campus.

City Manager Anderson responded that if those funds were combined with CDBG funds the rules for the entire project fall under the complex CDBG rules.

Mayor Waltonsmith opened the public hearing and invited public comments.

Genie Dee, Executive Director/Senior Center, thanked the City Council for their continued support. Ms. Dee reported that she is expecting to have a saving of \$1,400 on the automatic door project and would like to the Council to approve the use of the funds on the installation of a security door in the computer room.

Secondly, Ms. Dee asked if the Council would apply \$1,428 to furnishings for the Senior Center out of the funds available for Public Services.

Chris Ray, Board President/Project Match, thanked the Council for their continued support. Mr. Ray stated that since the house is currently on the market, they are actively searching for a new house for their tenants.

Mayor Waltonsmith closed the public hearing.

Referring to the required ADA improvements at Hakone Gardens, Councilmember Bogosian asked why no improvements have been made.

Planner Livingstone responded that the project has started. Japanese Consultants have been working on the bid proposal, which should be going out soon. The project should start late May early June 2004.

Consensus of the City Council to authorize staff to include any unspent funds in the Automatic Door contract for SASCC FY03/04 Project 04-54 to be used towards installation of a security door in the modular building and to reallocate the amount of \$25,061.81 form the Sanitary Sewer Connection Ordinance project to the SHARP Revolving Housing Rehabilitation Loan Program fund.

KING/BOGOSIAN MOVED TO ADOPT RESOLUTION AS AMENDED AUTHORIZING THE SUBMITTAL OF PROPOSALS FOR FUNDS FROM SANTA CLARA COUNTY UNDER THE FEDERAL HOUSING AND COMMUNITY DEVELOPMENT ACT FOR FY 04-05. MOTION PASSED 5-0.

4. INITIATION OF ANNEXATION PROCEEDINGS FOR SHANKAR PROPERTY, 22461 MOUNT EDEN ROAD

STAFF RECOMMENDATION:

Conduct public hearing; adopt resolution.

TITLE OF RESOLUTION: 04-022

Ann Welsh, Assistant Planner, presented staff report.

Assistant Planner Welsh explained that the applicant for the property located at 22461 Mount Eden Road has submitted an annexation application. This application is submitted in concert with an application for approval to demolish the existing dwelling and construct a new single family dwelling on the 1.89-acres parcel. The subject parcel abuts the municipal boundary and is within the City's Sphere of Influence.

Due to the location of the parcel and proposed development, the City's policy is to evaluate the annexation.

Assistant Planner Welsh briefly explained the Cortese-Know Hertzberg Local Government Reorganization Act of 2000, the process of the initiation of annexation, waiver of protest proceedings and annexation approval.

Mayor Waltonsmith opened the public hearing and invited public comments.

Cheriel Jensen requested that before the City Council annexes Mt. Eden Road they should examine the expenses that the City has already incurred.

Mayor Waltonsmith closed the public hearing.

In regards to the road. Councilmember Bogosian noted that the geotechnical report recommends that the road not be a part of the annexation. Councilmember Bogosian stated that he supports the annexation without the road.

STREIT/KING MOVED TO ADOPT RESOLUTION INITIATING ANNEXATION PROCEEDINGS OF THE PROPERTY LOCATED AT 22461 MOUNT EDEN ROAD EXCLUDING MT. EDEN ROAD AND SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER AND ACCEPT PROTESTS OF SAID ANNEXATION. MOTION PASSED 5-0.

5. **AMENDMENTS TO ARTICLE 14, 15 AND 16 RELATED TO THE VARIOUS SECTIONS THAT DEAL WITH STORM WATER RUNOFF (NPDES); AMENDMENTS TO THE SUBDIVISION ORDINANCE (ARTICLE 14) SECTIONS THAT DEAL WITH LOT LINE ADJUSTMENTS; AMENDMENTS TO ARTICLE 14 TO REMOVE REMAINING SECTIONS DEALING WITH BUILDING SITE APPROVALS (BSA) FROM THE SUBDIVISION ORDINANCE**

STAFF RECOMMENDATION:

Conduct public hearing; Adopt resolution granting Negative Declaration of Environmental Impact; Waive first reading and direct staff to place the Ordinance on the March 17, 2004 Council Meeting Consent Calendar for Second Reading and Adoption.

TITLE OF RESOLUTION: 04-023

Tom Sullivan, Community Development Director, presented staff report.

Director Sullivan reported that on January 14, 2004 the Planning Commission conducted a Public Hearing and adopted a resolution recommending the City Council make the following amendments to the City Code.

Director Sullivan explained the following amendments and each section of the City Code it effected:

Storm Drain Amendments

The current sections of the Subdivision, Zoning and Building sections of the City Code are not consistent with the provisions of the Santa Clara Valley Urban Runoff Pollution Prevention Program (NPDES). The proposed amendments would make the codes consistent with the program requirements.

Lot Line Adjustments

Amendments to the Lot Line Adjustment section of the Subdivision Ordinance to further strengthen the provisions of the ordinance so that the Lot Line Adjustment process is not used to create additional buildable subdividable sites. Also the Assistant City Attorney has recommended some changes in order to establish consistency with Government Code Section 66412 (as amended by SB 497) and address other technical legal terms.

Building Site Approval

Last year the Planning Commission and City Council made many changes to the Zoning and Subdivision Ordinance of the City Code. One of the changes was to remove the entire Building Site Approval process. Somehow between the second reading and adoption of the ordinance its "codification" included all of the sections intended to be deleted.

Mayor Waltonsmith opened the public hearing and invited public comments.

Seeing none, Mayor Waltonsmith closed the public hearing.

KING/BOGOSIAN MOVED TO WAIVE FIRST READING AND DIRECT STAFF TO PLACE THE ORDINANCE ON THE MARCH 17, 2004 COUNCIL MEETING CONSENT CALENDAR FOR SECOND READING AND ADOPTION. MOTION PASSED 5-0.

STREIT/BOGOSIAN MOVED TO ADOPT RESOLUTION GRANTING THE NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT FOR AMENDMENTS TO THE SARATOGA CITY CODE RELATED TO STORM WATER POLLUTION PREVENTION: LOT LINE ADJUSTMENTS AND BUILDING SITE APPROVALS. MOTION PASSED 5-0.

OLD BUSINESS

6. NORTON ROAD FIRE ACCESS

STAFF RECOMMENDATION:

Accept report and direct staff accordingly.

John Cherbone, Public Works Director, presented staff report.

Director Cherbone explained that this report would provide the City Council with information on several options to develop an emergency access road to facilitate the evacuation of residents out of Bohlman Road Area. A notice was mailed to approximately 160 Bohlman Road area residents, including some County residents, notifying them of tonight's meeting.

Director Cherbone briefly explained that background of the issue.

Director Cherbone stated that two main areas have been identified to facilitate the development of an emergency access road, Villa Montalvo and Tract 9330. Two routes have been identified through Villa Montalvo and three routes have been identified through Tract 9330.

Director Cherbone explained each option and the estimated cost.

Director Cherbone stated that Option 1A was the first route identified as an emergency access road candidate and is the easiest to construct of the two routes through Villa Montalvo. However, because Villa Montalvo is adamantly against this route, mainly because it goes through their Artist in Residency project, it is not necessarily the more economical of the two. Director Cherbone explained that when you add the cost of the easement procurement, legal costs, and the antagonistic nature of condemnation proceedings, this option maybe more costly and take more time to implement.

Director Cherbone stated that Option 1B which follows an existing equestrian trail through Villa Montalvo, meets all the same levels of desirability as the Artist in Residency route, except that it is more difficult to construct. However, what makes this option desirable and most likely the easiest to implement is Villa Montalvo's willingness to dedicate an easement for the road at no cost.

Director Cherbone explained that if Council determines that Option 1B is the preferable route; staff will work with Montalvo and the Saratoga Fire District to implement an easement arrangement.

Director Cherbone noted that once the easement is established, via Villa Montalvo's offer, condemnation, or other arrangements, the funding mechanism for constructing the fire access road would need to be determined.

In regards to Option 1B, Councilmember Kline asked if it could physically be done with the narrow hillside and the slant in the hillside.

Director Cherbone responded yes the road could be constructed and added that the Fire District has given the access road a construction width of 10 feet - used only for evacuation.

Mayor Waltonsmith asked where the funding would come from for the access road.

Once the easement is procured, Director Cherbone responded that there are a few options to investigate such as:

- Assessment district
- Direct improvement fees
- Grants

David Dolloff stated that he feels Montalvo is “blackmailing” the City by giving us an easement that is more expensive and more dangerous. Mr. Dolloff stated that he feels Option 1 is still the best option.

Robert LoPresto noted that he has lived in Saratoga for the past 34 years and has been on the Montalvo Board of Trustees for 14 years. Mr. LoPresto thanked the City Council for working with Montalvo on this issue. Mr. LoPresto stated that Montalvo recently had a successful neighborhood meeting.

Tim Harris stated that he is a Montalvo resident and fully supports the Artist Colony and he is opposed to any access road that would disrupt the intent of the facility. Mr. Harris stated that he supports Option 1B.

Beverly Phipps provided a brief background on why the access road is needed. Mr. Phipps provided an analysis of the areas of Option 1A & Option 1B. Mr. Phipps stated that Option 1A is three times shorter, less expensive, and less of an environmental impact on the area. Mr. Phipps stated that each of the options would greatly enhance the safety of the people who live on the hill in the Bohlman area by providing an emergency exit for cars so the Fire engines can get to the fire.

Mickie Anderson stated that she is on the Montalvo Board of Trustees. Ms. Anderson stated that Villa Montalvo is one of the jewels of the City and provides quality programs.

David Stanley stated that although he is not a resident of Saratoga he has been affiliated with Montalvo for the past 7 years. Mr. Stanley stated that he supports Option 1B.

Ed Ferrell thanked Montalvo for the recently held neighborhood meeting in which he was invited and attended. Mr. Ferrell stated that the fire access is needed and hopefully will never be used.

Robert Mills stated that as a mountain biker he would love an additional road to ride on. Mr. Mills stated that he doesn't support Option 1A because the Artist Colony needs its privacy.

Greg Prow stated that he was the current President of the Montalvo Board of Trustees. Mr. Prow stated that they have met 17 times with different groups regarding this project. Mr. Prow stated that he supports Option 1B and noted that Montalvo is giving the City the easement for free.

Gordon Knox stated that he has had 20 years of building artist colonies around the world. Mr. Knox stated that this facility has the potential to bring in artist from around the world. Mr. Knox stated that Option 1A would have profound effects on the artists.

Elizabeth Challener stated that she is the Executive Director at Montalvo. Ms. Challener stated that Montalvo cares about the neighborhood, is proud to be a part of this community and would like to continue to work closely with the City. Ms. Challener thanked the City Council for walking the site and thanked the neighbors for attending their neighborhood meeting.

Kevin McLarnel stated that he is a resident and a Montalvo Board Trustee. Mr. McLarnel stated that the concerns regarding Wildcat Creek are not a big issue.

Barry Fernald stated that he was a volunteer architect for the project. Option 1A isn't safer nor is it cheaper. Mr. Fernald stated that adding the road after the project has been completed would cause problems.

Cheriel Jensen stated that she was a County of Santa Clara planner for 15 years. Ms. Jensen stated that the land around Montalvo should have never been developed. Ms. Jensen stated that an EIR should be required for either option.

Councilmember Kline asked if there would be a locked gate on the access road.

Director Cherbone responded that both options would have a locked gate.

Mayor Waltonsmith pointed out that Option 1B is already a hiking path.

Director Cherbone stated that it is a trailhead and the road would require widening and a minimal surface covering to allow vehicles safely out.

Referring to Ms. Jensen's request of an EIR, Councilmember Bogosian asked if there are any exemption options of doing an EIR.

City Attorney Taylor responded that there would need to be an assessment on whether or not the project would have an impact. City Attorney Taylor noted that further investigation would have to take place including reviewing over 50 CEQA exemptions.

Councilmember Bogosian thanked Montalvo for working with the neighbors and the City. Councilmember Bogosian stated that supported Option 1B.

Councilmember Kline stated that Option 1A is might be easier to build but it is extremely steep and the process would be time consuming and costly. Councilmember Kline stated that Option 1B may be safer and cheaper to maintain. Councilmember Kline noted that he supported Option 1B.

Councilmember Streit stated that Option 1A & 1B is not the issue – the issue is the safety of the residents. Councilmember Streit stated that he supports Option 1B.

Vice Mayor King stated that she fully supports Option 1B.

Mayor Waltonsmith noted that she supports Option 1B and appreciated Montalvo’s willingness to provide the easement.

Consensus of the City Council to direct staff to work with Montalvo on Option 1B.

Mayor Waltonsmith declared a 10-minute break at 9:00 p.m.

Mayor Waltonsmith reconvened the meeting at 9:10 p.m.

7. **DEANZA/PG&E TRAIL PUBLIC PROCESS OPTIONS**

STAFF RECOMMENDATION:

Determine type and composition of body to conduct the public input process and project development; Provide direction to staff regarding the use of a professional facilitator to assist with the public input process.

Cary Bloomquist, Administrative Analyst, presented staff report.

Analyst Bloomquist stated that on February 4, 2004 City Council provided feedback and directed staff to move forward 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 Avenues. Council specifically requested staff generate options for developing an active public process and project development, which will occur over an estimated eight month time frame, and to bring these options back for review by the City Council at a future meeting.

Analyst Bloomquist explained that in addition Council expressed interest in retaining the services of a professional meeting facilitator to assist in the public process. If Council so directs, staff would generate a Request for Proposal to retain the services of a facilitator and bring a contract back to Council for approval at a future meeting.

Analyst Bloomquist described the proposed options for the public input process as follows:

- 1) Public Hearings conducted by the City Council
- 2) Facilitated Council Adhoc/Task Force Meetings (membership consisting of two Councilmembers and key project stakeholders)
- 3) Community meetings conducted by the Park and Recreation Commission

Councilmember Kline asked who would pay for the facilitator.

Analyst Bloomquist stated that the funds would come out of the Phase I grant from the County.

Councilmember Bogosian asked when would the public find out how much the trail will cost over the life span of the trail.

Director Cherbone noted that usually those costs are found in the feasibility study after the type of trail has been decided upon. Director Cherbone suggested that Council could direct staff to return to Council regularly with benchmarks.

Councilmember Kline asked if there was a defined project plan that the AdHoc group will be working on.

Director Cherbone stated that there isn't a defined plan yet; staff would like to use the professional facilitator to develop a feasibility plan in terms of the process.

Councilmember Bogosian suggested a scoping meeting to open up the process initially to the public to receive everyone's comments.

Mayor Waltonsmith stated that she supported hiring a consultant along with appointing two Councilmembers and PRC members.

Councilmember Bogosian requested that staff provide Council with all of the resumes of the consultants who respond to the RFP.

Consensus of the City Council:

- Direct staff to prepare a Request for Proposals for a professional facilitator to assist with the public input process
- Mayor Waltonsmith and Councilmember Bogosian would represent Council on the AdHoc

8. **STATE BUDGET UPDATE**

STAFF RECOMMENDATION:

Accept report.

Jesse Baloca, Administrative Services Director, presented staff report.

Director Baloca explained the current budget scenario as follows:

- The City will lose approximately \$576k of its current year VLF revenue stream, which is considered a backfill gap to be repaid in 2006
- \$156k is permanently lost beginning in FY 2004-05 in property taxes as a result of Governor's proposed expansion of the ERAF shift of local property taxes to support school funding.

Director Baloca briefly explained Proposition 57 & 58 and the State's budget process.

Mayor Waltonsmith thanked Director Baloca for the update.

NEW BUSINESS

9. CITIZEN ADVISORY COMMITTEE FOR THE GENERAL PLAN, LAND USE ELEMENT UPDATE

STAFF RECOMMENDATION:

Direct staff to advertise for volunteers to participate on the committee.

Christie Oosterhous, Associate Planner, presented staff report.

Planner Oosterhous stated that public participation would play an important role in updating the Land Use Element of Saratoga's General Plan, which was last adopted in 1983. At the direction of the Council, staff would advertise for volunteers to participate on a citizen advisory committee for the Land Use Element Update. Staff would organize interviews to be conducted by the Council with interested persons. The Council would appoint approximately five citizens to work with staff on the advisory committee.

Gary Smith volunteered to service on the citizen advisory committee.

Consensus of the City Council to direct staff to advertise for volunteers to participate on the task force.

10. QUITO ROAD HOUSING CONTRACT FOR ENVIRONMENTAL SERVICES

STAFF RECOMMENDATION:

Authorize City Manager to execute contract.

Tom Sullivan, Community Development Director, presented staff report.

Director Sullivan explained that the City has received an application for development of a 60-unit condominium, from Barry Swenson Builders. Based on an Initial Study prepared in-house, staff has determined that an environmental impact report is required pursuant to the California Environmental Quality Act (CEQA). A Request for Proposals (RFP) was sent to five consulting firms on December 11, 2003. Two firms, Placemakers (\$109,402) and David J. Powers (\$158,054), were the only two firms that submitted a proposal.

Director Sullivan stated that staff conducted a thorough review of both proposals and contacted references provided by the two firms. Director Sullivan stated that staff recommends Powers because of their local experience and selection of subcontractors.

In regards to the EIR, Councilmember Bogosian asked if there was a conflict of interest and items were left out of the EIR would the City be responsible to defend the EIR.

City Attorney Taylor responded that if there was a lawsuit the City would require the developer to indemnify the City, the developer would be responsible for costs but the City is still accountable for the document.

Councilmember Bogosian stated after searching the internet he discovered of the principals with David J. Powers belongs to organizations in support of high-density projects. Councilmember Bogosian requested support from his colleagues to direct staff to send the RFP out again.

Vice Mayor King stated that she would not support sending the RFP out again.

Councilmember Kline stated that David J. Powers is a respectable firm and noted that any organization in this valley would most likely have someone on their staff who supports high-density.

Cheriel Jensen stated that there is no General Plan designation that would allow this type of density. Ms. Jensen stated that to have a principal author of the EIR who is an advocate for high density isn't right - the City should get a neutral party. Ms. Jensen stated that she supports Councilmember Bogosian's request to send the RFP out to a broader audience.

Mayor WaltonSmith noted that this project would eventually go to the vote of the people. The EIR is the first step in the process.

Director Sullivan explained that once the EIR is done would go to the Planning Commission. Once scenario is that could happen is that the Planning Commission would deny the project based on the EIR and the developer could appeal to the Council. There is no guarantee that the Council has to let it go to an election.

Councilmember Streit noted that he understands Councilmember Bogosian's concerns, but trust staff's recommendation.

KING/KLINE MOVED TO AUTHORIZE CITY MANAGER TO EXECUTE CONTRACT WITH DAVID J. POWERS. MOTION PASSED 4-1 WITH BOGOSIAN OPPOSED.

11. REQUEST FOR PROPOSAL FOR SARATOGA REDEVELOPMENT FEASIBILITY STUDY

STAFF RECOMMENDATION:

Accept report and direct staff accordingly.

Danielle Surdin, Administrative Analyst, presented staff report.

Analyst Surdin stated that many of Saratoga's commercial districts continue to struggle to retain and attract retail businesses. Aging infrastructure, few public monies available for faced/beautification programs, and lack of business attraction incentives have made the City's economic development efforts a challenge.

Analyst Surdin stated that the City has been working in partnership with local landlords, current business owners, and prospective business owners to improve the overall business climate and to keep a good mixture of goods and services within each district.

At the City Council retreat, Analyst Surdin stated that staff was directed to explore the option of creating a Redevelopment Agency. The first step was to conduct a feasibility study. Staff has identified three commercial districts and the immediate surrounding residential areas for evaluation.

Councilmember Kline suggested staff look at additional residential areas around the proposed RDA districts.

Analyst Surdin responded that staff has kept the boundaries broad with the plan to allowing the consultant the opportunity to shape the feasibility of the RDA districts.

Consensus of the City Council to direct staff to move forward with the RFP for Saratoga Redevelopment Feasibility Study.

12. **CITY'S 50TH ANNIVERSARY**

STAFF RECOMMENDATION:

Accept report and direct staff accordingly.

Joan Pisani, Recreation Director, presented staff report.

Director Pisani stated that the City would be celebrating its 50th anniversary in 2006. In 1981, for the 25th anniversary, special events were held all year. A 25th Anniversary Committee was formed well in advance to schedule and plan activities all thru the year.

In anticipation of the 50th year of incorporation, Director Pisani suggested that the Council might want to start thinking of ways to commemorate the occasion.

Director Pisani briefly described program ideas and stated that if anyone was interested in helping to contact her.

Consensus of the direct staff to start organizing groups to participate in the celebration.

Mayor Waltonsmith thanked Director Pisani for her report.

13. **FORMATION OF LIBRARY CAPITAL IMPROVEMENT FUND COMMITTEE**

STAFF RECOMMENDATION:

Accept report and direct staff accordingly.

Lorie Tinfow, Assistant City Manager, presented staff report.

Assistant City Manager Tinfow explained that last spring, Council designated two council members to meet with selected community leaders and library bond counsel to discuss use of the remaining library bond funds and the interest income.

Assistant City Manager Tinfow stated that discussions included whether to put the remaining funds towards paying the debt service or use the funds for additional future capital improvements. The consensus of the group was rather than use the remaining funds to pay debt services and thereby pass on a credit of about \$111 per household; the funds should be programmed for high cost future improvements such as replacing the roof. Bond counsel said that the funds could be used for any improvement to the library building or site with a life of more than a year. Funds cannot be used for annual maintenance, administrative or staffing costs, or for furniture, fixtures and equipment.

Assistant City Manager Tinfow stated that Councilmembers Bogosian and Streit met with staff in February 2004 to determine the next step. Approximately \$700,000 remains in total library funds. Staff was directed to prepare a spreadsheet that programs costs for improvements such as a new roof, replacement of HVAC equipment and restaining the exterior of the building. Funds for these expenses would then be set aside with the remainder available for other improvements. Assistant City Manager Tinfow described the compositions of the Committee.

Assistant City Manager Tinfow explained that the LCIF Committee would be responsible for making recommendations to the City Council related to use of remaining funds. They would become a regular standing committee, subject to the Brown Act, and would meet as needed.

Assistant City Manager Tinfow stated that the Citizen's Oversight Committee would continue to exist for the life of the bond funds and be responsible for ensuring that funds are spent appropriately.

Councilmember Kline asked if the bond funds could be used to cover the items on the punch list.

Assistant City Manager Tinfow explained that the bond funds could be used for anything that has a life longer than a year or to finish construction.

Councilmember Kline suggested that this task be given to the Library Commission. The Library Capital Improvement Fund Committee may have a conflict with the current Library Commission.

Councilmember Bogosian and Councilmember Streit noted that they preferred the formation of the Library Capital Improvement Fund Committee.

Vice Mayor King stated that she completely supported Councilmember Kline's suggestion. Vice Mayor King clearly stated that she doesn't support another commission that Council or staff would have to attend.

KLING/KING MOVED TO DIRECT THE LIBRARY COMMISSION TO BE RESPONSIBLE FOR THE REMAINING \$700,000 IN LIBRARY BOND FUNDS. MOTION PASSED 4-1 WITH STREIT OPPOSED.

14. **REQUEST FOR AUTHORIZATION TO SPEND ADDITIONAL LIBRARY BOND FUNDS**

STAFF RECOMMENDATION:

Authorize staff to use up to \$10,000 from library bond funds to complete projects for the library.

Lorie Tinfow, Assistant City Manager, presented staff report.

Assistant City Manager Tinfow stated that as the construction punch list nears completion, there remains a number of tasks that have not been completed by contractor Thompson Pacific as specified in the contract but either need additional work or fall short of what the library really needs. Assistant City Manager Tinfow cited a few examples.

Assistant City Manager Tinfow reported that staff has collected price quotes for two of the items. The gate alarm will cost about \$2,000 to connect to the interior alarm system and the art hanging system will cost about \$2,200 plus the cost of installation.

In addition, Assistant City Manager Tinfow reported that there are a number of safety related issues that staff would like to complete:

- Signs for emergency exits and fire extinguishers
- Controls for shade draw stings
- Rounding corners of the circulation desk

BOGOSIAN/KING MOVED TO AUTHORIZE STAFF TO USE UP TO \$10,000 FROM LIBRARY BOND FUNDS TO COMPLETE PROJECTS FOR THE LIBRARY. MOTION PASSED 5-0.

COMMISSION ASSIGNMENT REPORTS

Mayor Waltonsmith had no reportable information.

Vice Mayor King reported the following information:

City/School Ad-Hoc Committee – recently met with the Saratoga Union School District. Superintendent was interested in discussing with the City the use of their flat grass in exchange for the maintenance of it by the City.

Parks and Recreation Commission – currently working on a map of the City's parks.

Councilmember Bogosian had no reportable information.

Councilmember Kline had no reportable information.

Councilmember Streit stated that he would like to discuss his assignments with the Mayor due to scheduling conflicts.

CITY COUNCIL ITEMS

Councilmember Bogosian requested that flagpoles be installed in Blaney Plaza before Memorial Day.

Councilmember Kline concurred with Councilmember Bogosian's request.

Mayor Waltonsmith mentioned a letter received from NASA Ames Research Center inviting the City to rent their facility for up to 400 people to view their Mars exhibit and landing of the Rover at their IMAX Theater. Mayor Waltonsmith also stated that she provided Director Pisani a copy of the letter who was going to take it to Rotary.

Vice Mayor King suggested inviting the schools.

In regards to the LAFCO Fire Service Report, Councilmember Bogosian asked if the citizens' comments that were placed with the City's comments were placed elsewhere.

City Manager Anderson responded that he contacted the Executive Director at LAFCO and requested that the citizen's comments be placed elsewhere.

Referring to the Wildlife Center, Councilmember Kline stated that in the past the City has provided funding to them directly. Councilmember Kline stated that with the upcoming San Jose animal control services contract, the City should continue funding with the Wildlife Center.

OTHER

City Attorney Taylor noted that he has been working with the Mid Peninsula Open Space District with their San Mateo County Coastal Annexation. Unfortunately their final LAFCO hearing is scheduled for March 17, 2004. City Attorney Taylor noted that Assistant City Attorney Jonathan Wittwer would be attending the March 17th City Council meeting.

CITY MANAGER'S REPORT

None

ADJOURNMENT

There being no further business, Mayor Walton Smith adjourned the meeting at 11:15 p.m.

Respectfully submitted,

Cathleen Boyer, CMC
City Clerk