

MINUTES
SARATOGA CITY COUNCIL
MARCH 17, 2004

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

The following Planning Commissioners were present: Chair Jill Hunter, Mohammad Garakani, Susie Nagpal, Michael Schallop, Ruchi Zutshi, and Community Development Director Tom Sullivan.

Chair Hunter listed some of the Planning Commission's accomplishments over the past year including the following:

- Tree Regulations
- Single-Family Residential Districts
- Design Review: Single-Family Dwelling
- Subdivision Ordinance
- Definitions
- Overlay Zone to allow drive through windows in CN Zone bounded by Lawrence and Prospect
- Storm Water Pollution Control amendments

Chair Hunter noted that the Planning Commission is scheduled to update the following Zoning Codes for 2004/05:

- Mixed Use Development Standards
- Public and Quasi Public Facilities Districts
- P-A: Professional and Administrative Office District
- Sign Ordinance

Mayor Waltonsmith asked if the Planning Commission would be addressing the City's sign ordinance and a generator ordinance.

Director Sullivan responded that they are both on their project list.

Vice Mayor King asked if the Planning Commission ever meets with other city's Planning Commission.

Consensus of the Planning Commission that meeting with other Planning Commission's would be a great way to share information.

Director Sullivan suggested that the Chair of each Planning Commission meet.

A discussion took place in regards to the recently adopted Tree Ordinance.

Councilmember Kline explained why the City is investigating the formation of a Redevelopment Agency and what it could do for the City.

A discussion took place in regards to the Council's desire to aggressively annex property especially in the hillsides.

Providing pictures of security cameras on a house and noting that he brought this item up at the last Planning Commission meeting, Planning Commission Garakani noted that City's Code doesn't address security cameras in regards to privacy issues.

Director Sullivan responded that it is on the Planning Commission project list.

Mayor Waltonsmith thanked Planning 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 - 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. Escamilla (Santa Clara County Superior Court No. 1-03-CV-00531)

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

Conference with Legal Counsel – Consideration of Liability Claims (Gov't Code 54956.95):

Claimant: Claim of Fireman's Fund Insurance Company (Subrogee for Mauch Trucking, Inc) (Claim No. GL-055216))
Agency claimed against: City of Saratoga

Claimant: Leah Faith Hawkins (Claim No. GL-055394)
Agency claimed against: City of Saratoga

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
Jonathan Wittwer, Assistant City Attorney
Cathleen Boyer, City Clerk
Jesse Baloca, Administrative Services Director
Tom Sullivan, Community Development Director
John Livingstone, Associate Planner
John Cherbone, Public Works Director
Cary Bloomquist, Administrative Analyst

REPORT OF CITY CLERK ON POSTING OF AGENDA FOR MARCH 17, 2004

Cathleen Boyer, City Clerk, reported that pursuant to Government Code Section 54954.2, the agenda for the meeting of March 17, 2004 was properly posted on March 11, 2004.

COMMUNICATIONS FROM COMMISSIONS & PUBLIC

ORAL COMMUNICATIONS

None

COMMUNICATIONS FROM COMMISSIONS

Report from the Planning Commission Chair, Jill Hunter.

Chair Hunter noted that prior to the City Council meeting the Planning Commission met with the City Council. Chair Hunter briefly highlighted the Commissions accomplishments and future work plan. Chair Hunter thanked Councilmember Kline for explaining the City's plan to investigate developing a Redevelopment Agency.

WRITTEN COMMUNICATIONS

None

COUNCIL DIRECTION TO STAFF

None

ANNOUNCEMENTS

Mayor Waltonsmith announced that the City is advertising for volunteers to participate on a citizen advisory committee for the General Plan Land Use Element update. It is anticipated that the committee will meet over a two-year period with monthly or bi-monthly meetings. Interested persons should contact the Community Development Department for more information.

Mayor Waltonsmith also announced the Vice Mayor King has been named “Woman of the Year” by Assembly District 24.

CEREMONIAL ITEMS

1. PROCLAMATION DECLARING APRIL 6, 2004 “TARTAN DAY”

STAFF RECOMMENDATION:

Read proclamation.

Mayor Waltonsmith read the proclamation.

SPECIAL PRESENTATIONS

None

CONSENT CALENDAR

2A. REVIEW OF CHECK REGISTER

STAFF RECOMMENDATION:

Approve check register.

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

2B. MID-YEAR REVIEW AND 3RD QUARTER BUDGET AMENDMENT

STAFF RECOMMENDATION:

Accept report and approve 3rd Quarter Budget Amendments.

BOGOSIAN/STREIT MOVED TO **APPROVE 3RD QUARTER BUDGET AMENDMENTS**. MOTION PASSED 5-0.

2C. CLAIM OF FIREMAN’S FUND INSURANCE COMPANY (SUBROGEE FOR MAUCH TRUCKING, INC.); CLAIM NO. GL-055216

STAFF RECOMMENDATION:

Authorize ABAG to reject claim.

BOGOSIAN/STREIT MOVED TO **AUTHORIZE ABAG TO REJECT CLAIM.** MOTION ASSED 5-0.

2D. **CLAIM OF LEAH FAITH HAWKINS; CLAIM NO. GL- GL-055394**

STAFF RECOMMENDATION:

Authorize ABAG to reject claim.

BOGOSIAN/STREIT MOVED TO **AUTHORIZE ABAG TO REJECT CLAIM.** MOTION ASSED 5-0.

2E. **SECOND READING AND ADOPTION OF 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:

Waive second reading and adopt the ordinance directing staff to publish summary of the ordinance.

TITLE OF ORDINANCE: 229

Tom Sullivan, Community Development Director, requested that item 2E be removed from the Consent Calendar.

Director Sullivan stated that there were some technical corrections that need to be made to the ordinance.

BOGOSIAN/KLINE MOVED TO **WAIVE SECOND READING AND ADOPT THE ORDINANCE AS AMENDED BY STAFF.** MOTION PASSED 5-0.

2F. **ADOPTION OF STANDARDIZED EMERGENCY MANAGEMENT SYSTEM (SEMS) MULTHAZARD FUNCTIONAL PLAN**

STAFF RECOMMENDATION:

Adopt SEMS Multihazard Functional Plan.

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

Councilmember Bogosian stated he read the document and thought it was more of manual for staff in the event of an emergency rather than emergency plan for the City. Councilmember Bogosian requested that an emergency plan be developed for the whole community.

Councilmember Kline suggested that this item be agendaized for a future meeting.

Consensus of the Council to bring a discussion regarding city wide emergency plan back at a future meeting.

BOGOSIAN/STREIT MOVED TO **ADOPT SEMS MULTHAZARD FUNCTIONAL PLAN**. MOTION PASSED 5-0.

2G. **COUNCIL AGENCY ASSIGNMENTS AND COMMISSION LIAISONS**

STAFF RECOMMENDATION:

Adopt resolution.

TITLE OF RESOLUTION: 04-024

BOGOSIAN/STREIT MOVED TO **ADOPT RESOLUTION AMENDING RESOLUTION 03-078**. MOTION PASSED 5-0.

2H. Celebrate Saratoga 2004 –“Fun Zone” Sponsorship

STAFF RECOMMENDATION:

Approve sponsorship of “Fun Zone”.

BOGOSIAN/STREIT MOVED TO **APPROVE SPONSORSHIP OF THE “FUN ZONE”**. MOTION PASSED 5-0.

PUBLIC HEARINGS

3. **EXPAND THE CITY OF SARATOGA’S URBAN SERVICE AREA BOUNDARY TO INCLUDE TWO NEW PARCELS, APN 503-48-029 AND APN 503-48-028. THE AREA HAS ALREADY BEEN PREZONED AS A RESIDENTIAL OPEN SPACE DISTRICT (ROS) AND HAS THE GENERAL PLAN DESIGNATION OF HILLSIDE OPEN SPACE**

STAFF RECOMMENDATION:

Adopt resolution requesting the Local Agency Formation Commission (LAFCO) expand the City of Saratoga’s Urban Service Area Boundary to include two new parcels.

TITLE OF RESOLUTION: 04-025

John Livingstone, Associate Planner, presented staff report.

Planner Livingstone explained that at the August 6, 2003 City Council meeting staff was directed to proceed with consideration of a proposed expansion of the City’s Urban Service Area Boundary to include the area near Hakone Gardens.

Planner Livingstone explained on January 14, 2004 the Planning Commission reviewed the proposed boundary adjustment. At that meeting one of the property owners of the proposed adjustment area expressed concerns with the noticing. In response the Planning Commission continued the item to the next meeting on January 28, 2004 in which they recommended approval of the boundary adjustment to the City Council.

Planner Livingstone explained the reasons why the expansion of the Urban Service Area is appropriate:

- Would give the City greater influence over any future development on properties near Hakone Gardens.
- County typically provides cities greater opportunities for review and comment on proposed projects within a city's Urban Service Area.
- Would make annexations easier if the property was in the Urban Service Area.

Planner Livingstone explained the zoning, General Plan conformity and the environmental determination of the proposed boundary adjustment.

Mayor Waltonsmith pointed out that just because a piece of property is in the City's Urban Service Boundary doesn't give the City control over the land it just allows the City to make comments to the County.

Planner Livingstone agreed.

Mayor Waltonsmith opened the public hearing and invited public comments.

David Britton noted that he was one of the property owners in the proposed Urban Service Area Boundary adjustment. Mr. Britton requested that the City Council do not extend the Urban Service Boundary to include his property. Mr. Britton stated that he is in the process of selling his house and this change could potentially jeopardize any sale.

Mayor Waltonsmith closed the public hearing.

STREIT/KLINE MOVED TO ADOPT RESOLUTION TO EXPAND THE URBAN SERVICE AREA BOUNDARY FOR PARCELS 503-48-029 7 503-48-028 LOCATED AT AND NEARBY 21170 BIG BASIN WAY. MOTION PASSED 5-0.

OLD BUSINESS

4. **ANIMAL CONTROL SERVICE AGREEMENT WITH THE CITY OF SAN JOSE**

STAFF RECOMMENDATION:

Authorize City Manager to execute agreement; provide direction to staff regarding funding for Wildlife Center of Silicon Valley.

Lorie Tinfow, Assistant City Manager, presented staff report.

Assistant City Manager Tinfow explained that at the January 21, 2004 City Council meeting staff was directed to complete negotiations with the City of San Jose for animal control services starting July 1, 2004.

Assistant City Manager Tinfow explained the contract terms as follows:

- Agreement length is for twenty years
- Payments are fixed for 3-year terms so year 2004-05, 2005-06, 2006-07, Saratoga will pay \$155,000 each year for animal control services
- The capital contribution of \$300,000 is refundable to Saratoga within the first 3 years if the agreement is terminated
- Either party may terminate

Assistant City Manager Tinfow reported that for the past two years, the Silicon Valley Animal Control Authority (SVACA) has included in their budget contributions to the Wildlife Center of Silicon Valley (WCSV) for all member cities including Saratoga. With Saratoga's withdrawal from SVACA, the question of how to pay and how much to pay the WCSV have been raised. The agreement with San Jose will cover the costs of Saratoga animals that they "handle" but the animals brought directly to WCSV by other means will not be covered.

Assistant City Manager Tinfow reported that the WCSV is requesting Saratoga to contribute \$4955.

Councilmember Streit asked if the San Jose shelter was still expected to open June 30, 2004.

Jon Cicirelli, noted that he represented the City of San Jose and stated that the shelter is expected to open June 30, 2004. In the event that the shelter did not open, Mr. Cicirelli guaranteed the City Council that Saratoga animals would be taken care of.

Trudi Burney noted that she represented the Wildlife Center and thanked the City Council for continued support over the years.

Councilmember Bogosian asked Ms. Burney how the Center's operations were going since they changed locations.

Ms. Burney responded that the new location was great and they have not seen a decrease in the numbers of animals they support. Ms. Burney added that they have always had a great relationship with the City of San Jose.

KING/BOGOSIAN MOVED TO AUTHORIZE CITY MANAGER TO EXECUTE AGREEMENT WITH THE CITY OF SAN JOSE; COUNCIL DIRECTION TO FUND THE WILDLIFE CENTER DIRECTLY. MOTION PASSED 5-0.

Councilmember Bogosian thanked Assistant City Manager Tinfow for her efforts negotiating the contract with the City of San Jose.

5. **RELINQUISHMENT OF VILLAGE SIDEWALKS**

STAFF RECOMMENDATION:

Approve draft Cooperative Agreement with the State of California.

John Cherbone, Public Works Director, presented staff report.

Director Cherbone explained that over the past year the City has been pursuing the relinquishment of the Village sidewalks and the corresponding right-of-way from the State. The agreement would provide further funding in the amount of \$771,000 to perform needed infrastructure improvements and in return the City would assume maintenance responsibility and liability of the sidewalk.

Director Cherbone explained the pros and cons of the take over.

Councilmember Kline requested that the City Council place the \$711,000 into the Village CIP project

Director Cherbone stated that the next item on the agenda is the CIP and the Council could direct him to place the money into the Village CIP.

Councilmember Kline asked Director Cherbone if Assembly member Rebecca Cohen helped with this issue.

Director Cherbone responded that Assembly member Cohen and her staff helped this issue move through the process quickly.

Councilmember Kline suggested to the Mayor that a thank you letter be sent to Assembly member Cohen.

Vice Mayor King asked if the street was also being relinquished.

Director Cherbone stated the streets, storm drains and the signs were still under Caltrans jurisdiction.

BOGOSIAN/KING MOVED TO APPROVE COOPERATIVE AGREEMENT WITH THE STATE OF CALIFORNIA. MOTION PASSED 5-0.

6. **FIVE YEAR (2001-20060 CAPITAL IMPROVEMENT PLAN (CIP) – CIP BUDGET PRIORITIZATION**

STAFF RECOMMENDATION:

Accept report and direct staff in regards to CIP currently on hold.

John Cherbone, Public Works Director, presented staff report.

Director Cherbone reported that on January 7, 2004 the City Council placed a majority of CIP projects on hold until the City financial situation became clearer. In light of the passage of Proposition 57 & 58 the City Council may wish to move forward with some or all of the CIP projects currently on hold.

A discussion took place in regards to the Gateway CIP project and Blaney Plaza.

Director Cherbone noted that he would like to begin the Gateway in the new fiscal year.

Mayor Waltonsmith asked when the stairs at the Museum were going to be repaired.

Director Cherbone noted that the repairs of the stairs were under Director Pisani's department and perhaps she could allocate money in FY 04-05.

Vice Mayor King stated that the stairs should be fixed immediately due to safety hazards.

Duffy Eldridge noted that he was present this evening speaking on behalf of the Saratoga Area Senior Coordinating Council (SASCC). Mr. Eldridge stated that at their last Board meeting they discussed their continued desire to utilize the North Campus to extend their programs.

Councilmember Bogosian asked if the Board discussed how much it would cost to renovate the Campus to meet their needs.

Mr. Eldridge stated that approximately \$150,000 would be needed to renovate the Fellowship Hall enough to be able to use it.

Mr. Eldridge also thanked the City Council for printing their community survey in the latest Saratogan.

Mayor Waltonsmith thanked Mr. Eldridge for his comments.

In regards to the North Campus, Mayor Waltonsmith requested that the property be brought back to Council for further discussion.

Councilmember Bogosian noted that he fully supported Mayor Waltonsmith's request.

KLIN/BOGOSIAN MOVED TO REVERSE COUNCIL DECISION ON JANUARY 7, 2004 TO FREEZE THE CIP. MOTION PASSED 5-0.

7. **GRANT WRITER SERVICE PROVIDER SELECTION**

STAFF RECOMMENDATION:

Authorize City Manager to execute professional grant writing service agreement.

Cary Bloomquist, Administrative Analyst, presented staff report.

Analyst Bloomquist stated that on several occasions Council was presented information by staff regarding professional Grant Writing Services for the City. On January 7, 2004 Council decided the Grant Writing function for competitive grants should be contracted out given our present level of staffing. Council directed staff to go out for an Request for Proposal (RFP) in an effort to retain the services of a n aggressive, proactive, professional grant writer to go after the competitive and more complicated, time intensive grants.

Analyst Bloomquist reported that only two firms, Seliger Associates & Randall Funding & Development, Inc., responded to the RFP.

After detailed analysis, Analyst Bloomquist explained that each firm is nearly equally qualified. However, staff recommends Randall Funding Development, which has a local office.

Analyst Bloomquist explained that if Council selects Randall Funding, the following was a summary of cost analysis:

- 1) If 12 or ore grant proposals are anticipated to be generated each year, the Monthly Fee Structure program is the most cost effective alternative.
- 2) If less than 11,the Affordable Funding program is the most cost effective alternative.

Analyst Bloomquist noted that he spoke to Randall Funding last week and they proposed that if the City decided to go with the monthly program they would waive the \$3,000 initial fee. If they weren't able to provide the City with at least \$500,000 in a fourteen-month period they would continue to pursue grants without charging the City until they reached that level.

Although Randall Funding's resume was very impressive, Councilmember Bogosian stated that Saratoga is one of the most affluent communitis in United States. Councilmember Bogosian stated sometimes this status goes against a city when it comes to obtaining grants. Councilmember Bogosian requested that Randall provide success rates from cities similar to Saratoga.

Vice Mayor King asked Analyst Bloomquist if he contacted their references and if they submit the same grant application for more than one client.

Analyst Bloomquist stated that he did not contract all of the references listed in their proposal.

Dan Hamilton/Randall Funding, explained that cities are going to compete for grants no matter who writes them.

Brain Gallagher/ Randall Funding, stated that grants are highly competitive nature. Mr. Gallagher noted that they mostly seek federal grants but they are familiar with state grants. Mr. Gallagher stated that their company is the process used to put together the best proposal.

Mr. Hamilton stated that if the City of Saratoga hired them they would assign a funding advisor to the City and would do perform an initial needs assessment.

In reviewing Randall's examples of success, Vice Mayor King stated that her concern was that not many of them compared to Saratoga needs of historic building, parks, and trail grants.

Mr. Hamilton stated that he would be happy to provide the Council with examples of cities comparable to Saratoga needs.

Vice Mayor King asked if the City's contract with Randall could be used throughout the City.

Mr. Gallagher responded that the contract stretches beyond the City.

Mr. Hamilton continued to explain that Randall funding has 42 grant writers with the average experience 12 years. Mr. Hamilton stated that they can guarantee \$500,000 because they know they can get it.

Councilmember Bogosian stated that he supports hiring a grant writing company but requested staff provide information on the following:

- What other cities similar to Saratoga do for grant services
- Contact all of Randall's references
- A general needs assessment
- Examples of success rates with similar cities

Vice Mayor King noted that she supported Councilmember Bogosian's request.

Consensus of the City Council to direct staff to provide the Council with the requested information and return on April 7, 2004.

NEW BUSINESS

8. COLON CANCER CHALLENGE OPTIONS

STAFF RECOMMENDATION:

Accept report and direct staff accordingly.

Cathleen Boyer, City Clerk, presented staff report.

City Clerk Boyer explained that on February 19, 2004 Mayor Waltonsmith received a letter from Erin Garner, Mayor of Monte Sereno. Mayor Garner requested that the City of Saratoga join Monte Sereno and the American Cancer Society (ACS) by issuing a proclamation declaring the month of March "Colon Cancer Awareness Month" and declaring the City of Saratoga a "Colon Cancer Free Zone"

City Clerk Boyer stated that at the March 3, 2004 City Council meeting the Saratoga City Council issued the proclamation as requested by the City of Monte Sereno and the American Cancer Society.

In regards to the ACS's second request, declaring the City of Saratoga a "Colon Cancer Free Zone", City Clerk Boyer explained that Mayor Waltonsmith asked that this part of the request be brought back to the full Council.

The following is a list of the number of ways ACS recommends that the City declare Saratoga a "Colon Cancer Free Zone":

- Use our communications system to educate our citizens and employees about the disease, which is the second leading cause of cancer death in the Country
- Involve key businesses and community leaders in the awareness campaign
- Provide appropriate city employees time off to get screened for colon cancer
- Involve City Council in the awareness campaign
- Provide pledge cards for the City Council an/or city employees
- Enlist a speaker from the ACS to come to city and business

Julie Goldbury noted that she is as Los Gatos resident but grew up in Saratoga. Ms. Goldbury noted that he mom died of colon cancer three years ago. Ms. Goldbury noted that she fully supports Saratoga's efforts and hope to encourage the Los Gatos Council to do the same.

KING/BOGOSIAN MOVED TO SUPPORT DESIGNATING THE CITY AS A "COLON CANCER FREE ZONE". MOTION PASSED 5-0.

AGENCY ASSIGNMENTS

Mayor Ann Waltonsmith reported that following information:

Hakone Foundation – May 22 & 23, 2004 San Francisco Counsel General will be installed. On May 22, 2004 at Hakone Gardens a celebration will take place for the 150th Peace Treaty. Also the HCD recently turned over the below market rate house on the property back over to Hakone Foundation.

Vice Mayor Kathleen King reported that following information:

Chamber of Commerce – supported the Leagues initiative. Recently attended their Annual Crab Feed – good turn out.

County Cities Association Legislative Task Force – stated there is never a quorum.

Councilmember Stan Bogosian reported that following information:

KSAR Community Access TV Board – recently started a fundraising g campaign.

Councilmember Norman Kline reported the following information:

Library Joint Powers Association – in response to the failure by only 6% of Measure B, major impacts will be taking place immediately. JPA voted to use reserves to pay for technology improvements. Councilmember Kline stated he supports building the reserves back up to \$5-6 million.

Councilmember Streit stated that he had no reportable information.

CITY COUNCIL ITEMS

Mayor Waltonsmith stated that the Santa Clara County Cities Association formed an Ad Hoc Economic Development Sub-Committee. The Ad Hoc has developed a regional job retention strategy and is working towards ways for local cities to share their economic strategies with one another.

OTHER

None

CITY MANAGER'S REPORT

None

ADJOURNMENT

There being no further business, Mayor Waltonsmith adjourned the meeting at 10:15 p.m.

Respectfully submitted,

Cathleen Boyer, CMC
City Clerk