

**MINUTES
SARATOGA CITY COUNCIL
APRIL 21, 2004**

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

The following Parks and Recreation Commission members were present: Chair Greg Gates, Vita Bruno, Logan Deimler, Anne Sanquini, Tom Soukup, and Staff Liaison Cary Bloomquist.

Chair Gates highlighted the PRC's accomplishments such as park renovations and trail improvements throughout the City.

Chair Gates noted that in 2004-05 the PRC would do the following:

- Continue to support the City's ongoing DeAnza Trail Task Force.
- Present trail signage proposal and installation
- Create and publish a City Trail map
- Actively pursue new trail developments
- Continue to manage Trail Maintenance Matrix
- Continue to work with the Saratoga Retirement Community
- Kevin Moran Park – develop a plan for unused space
- Gardiner Park – development of a BMX area
- Skate Park – find a location
- Dog Park – review needs
- Use Fees – review fees
- Events and Community Involvements – become more involved and hold events at various parks
- Master Plan – Open Space Element will be integrated into the Parks And Recreation Element
- Update Trails Master Plan
- Update Parks Master Plan

In regards to the Saratoga Area Park Map, Commissioner Bruno provided copies of the map to the Council pointing out that front shows site locations and the back of it lists the amenities at each park. Commissioner Bruno noted that most residents don't know that there are so many parks in the City. Commissioner Bruno explained that the PRC would like it to go in the next Saratogan and be posted on the City's website.

Consensus of the City Council to support the PRC's request in regards to the Saratoga Area Park Map.

Councilmember Streit suggested sending the map to all of the schools in Saratoga.

Commissioner Sanquini explained that now that all of the trails have been identified in the City the PRC would like to implement a trail signage program. Commissioner Sanquini noted that the PRC would like to place 10 trail signs; five of the signs would replace old signs already in place.

A discussion took place in regards to trail rules. City Attorney Taylor noted that the rules would be addressed in the Trails Master Plan.

A discussion took place in regards to the placement of signs in the various neighborhoods. Consensus of the Council to make sure it is a public process.

Consensus of the City Council to direct the PRC to concentrate on finding flat grass and trails.

Director Pisani noted that when she attended the CPRS conference she spoke to employees of the City of Campbell who suggested that the City of Saratoga partner with them in their new skateboard park. They asked that the City of Saratoga donate the equipment to them and they would allow Saratoga youths to use their park for free.

Chair Gates also noted that the City of Campbell has requested that the West Valley Cities donate \$25,000 per city to develop a Dog Park off of San Tomas Aquino Road and Highway 17. Chair Gates noted that the City of Campbell offered to attend a Council meeting to provide the Council with information regarding their proposed park.

Mayor Waltonsmith thanked the PRC for attending tonight's joint meeting.

The City Council adjourned to the Volunteer Recognition reception in the Theater's lobby at 6:30 p.m.

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
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 APRIL 21, 2004

Cathleen Boyer, City Clerk, reported that pursuant to Government Code Section 54954.2, the agenda for the meeting of April 21, 2004 was properly posted on April 15, 2004.

COMMUNICATIONS FROM COMMISSIONS & PUBLIC

ORAL COMMUNICATIONS

Cheriel Jensen stated that she recently sent a letter to the City Council and wanted to make sure they received it.

Mayor Waltonsmith responded that the Council received her letter in their mail.

Patricia Bailey, Chair/Heritage Preservation Commission, explained to the Council that the HPC recently denied a request from Mrs. Bensen, a local business owner, to purchase a fresh flower urn to be placed below the Memorial Arch. Chair Bailey noted that the HPC wanted Council support on their decision. Chair Bailey also stated that the HPC requested that the City Council make every effort to preserve the Sam Cloud Barn.

COMMUNICATIONS FROM COMMISSIONS

BOGOSIAN/KLINE MOVED TO **HEAR CEREMONIAL ITEMS BEFORE THE COMMUNICATIONS FROM COMMISSIONS.** MOTION PASSED 5-0.

WRITTEN COMMUNICATIONS

None

COUNCIL DIRECTION TO STAFF

Consensus of the City Council to support the HPC's decision in regards to the request from Mrs. Benson.

ANNOUNCEMENTS

Mayor Waltonsmith announced that there are ten vacancies on the Youth Commission, two vacancies on the Parks and Recreation Commission and one vacancy on the Public Safety Commission. Deadline to submit an application is April 30, 2004 by 5:00 p.m. Applications and information can be found at www.saratoga.ca.us or call the City Clerk's office at 868-1269.

CEREMONIAL ITEMS

1A. PROCLAMATION DECLARING THE MONTH OF JUNE 2004 "SCLERODERMA AWARENESS MONTH"

STAFF RECOMMENDATION:

Acknowledge proclamation.

Mayor Waltonsmith acknowledged the proclamation.

**1B. PROCLAMATION DECLARING THE WEEK OF APRIL 18 – 24, 2004
“NATIONAL VOLUNTEER APPRECIATION WEEK”**

STAFF RECOMMENDATION:

Read proclamation.

Mayor Waltonsmith read the proclamation and presented individual commendations to several volunteers who donated time in FY 03-04.

COMMUNICATIONS FROM COMMISSIONS

Greg gates, Chair/PRC, noted that the PRC meet with the City Council prior to tonight's City Council meeting to discuss accomplishments and future activities.

Evan Baker, Chair/ Vision AdHoc Committee, stated that last year after several community meetings the City Council formed the Saratoga Vision AdHoc Committee. Mayor Waltonsmith appointed Vic Monia, Dick Allen, Michael Byrd, Doug Robertson, Nick Streit, Kathleen King and himself to the Committee. Mr. Baker stated that the report this evening was an interim report. Mr. Baker briefly explained what each member would be presenting this evening.

Vic Monia, Vision AdHoc Committee member, thanked the Council for setting up the Committee. Mr. Monia stated the AdHoc's charter was to find out what kind of community the citizens of Saratoga want to have. Mr. Monia stated that during the AdHoc's deliberations they discovered that the City has severe shortfalls in the Capital Improvement Project (CIP) and Pavement Management Program (PMP) funds. Mr. Monia stated that the CIP is short approximately \$1 million and the PMP is short approximately \$2 million.

Richard Allen, Vision AdHoc Committee, stated that the AdHoc Committee has looked at several revenue enhancement alternatives. Mr. Allen briefly described why the City's financial health has declined. Mr. Allen stated that so far the City Council has been very prudent, but it is time to generate revenue. Mr. Allen stated that the AdHoc supports a Utility Users Tax (UUT) on the November 2004 ballot. Mr. Allen stated that a UUT would only need 50% voter approval to pass. Mr. Allen stated that the City had a previous electric and gas UUT of 3.5%, which ended in 1996. Mr. Allen stated that if a 5% UUT was passed it would generate an approximate \$3.265 million annual revenue enhancement

Doug Robertson, Vision AdHoc Committee, stated that according to an assessment of City infrastructure, prepared by the Department of public works, the City's annual operating need for maintaining existing infrastructure is approximately \$2.7 million. The City is currently operating with an annual shortfall of \$1 million, which includes \$850k for street maintenance and repair, and \$150k for sidewalks, curbs and gutters. Mr. Robertson noted that the current backlog of deferred infrastructure maintenance was determined to be approximately \$16.6 million, with \$10.5 million of that amount attributed to the deferred maintenance of City streets.

Councilmember Bogosian asked how the Committee would argue to the community that the City needs a UUT and convince the community that it would go to the critical needs of the streets.

Mr. Baker responded that as a fiscal conservative he would say unless we fix the problems now the cost to fix it later would be prohibitive. Mr. Baker also noted that the community does not know enough about the financial condition of the infrastructure and the City to gain their support. Mr. Baker stated that Committee doesn't think the tax needs to be restricted. Mr. Baker stated that the Committee is recommending that the Council go forward and place a 5% UUT on the November 2004 ballot. Mr. Baker stated that the Committee is asking the Council for permission to hold community forums in order to get a feel for the level of support for a UUT and allow them to send out a mailer to all citizens in Saratoga with the Committee's findings.

Mayor Waltonsmith thanked the Committee for all of the work they have done.

Councilmember Streit stated that he also thought about how the City would restrict the money, but now he sees that there are going to be more needs such as public safety. Councilmember Streit stated that if we don't start now future Councils would be dealing with a crisis. Councilmember Streit stated he fully supports UUT.

Vice Mayor King stated that citizens don't understand how small the City's budget is. Referring to all of the funds the State takes away from the City of Saratoga, Vice Mayor King stated that the City has to develop some way to bring funds into the City without the State being able to touch it.

Councilmember Bogosian asked at what level can the City use public funds to participate in placing a UUT on the ballot.

City Attorney Taylor responded that the City could use public funds to collect public input and educate the public, but cannot use public funds to support passage of the measure

Councilmember Kline noted that he supports the Committee moving forward with getting the facts out to the community.

Councilmember Bogosian stated that he cannot argue with the numbers presented tonight, but is uncomfortable with an undesignated UUT. Councilmember Bogosian stated that he doesn't trust future Councils to use the funds properly.

KLINE/KING MOVED TO APPROVE THE ADHOC'S RECOMMENDATIONS AND PROPOSED TIMELINE; APPROVE THE ADHOC TO HOLD COMMUNITY FORUMS; AUTHORIZE THE DISTRIBUTION OF INFORMATION TO THE COMMUNITY THAT SUMMARIZES THE COMMITTEE'S FINDINGS AND RECOMMENDATIONS. MOTION PASSED 5-0.

SPECIAL PRESENTATIONS

2A. STATUS OF VTA REORGANIZATION – JOE PIRZYNSKI, BOARD VICE CHAIR

STAFF RECOMMENDATION:

Informational only.

Mr. Pirzynski was unable to attend tonight's meeting.

CONSENT CALENDAR

3A. CITY COUNCIL MINUTES – SPECIAL MEETING APRIL 9, 2004

STAFF RECOMMENDATION:

Approve minutes.

KING/STREIT MOVED TO **APPROVE CITY COUNCIL MINUTES OF APRIL 9, 2004.** MOTION PASSED 4-0-1 WITH BOGOSIAN ABSTAINING.

3B. REVIEW OF CHECK REGISTER

STAFF RECOMMENDATION:

Approve check register.

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

3C. ZONING ORDINANCE TO CREATE MIXED USE STANDARDS

STAFF RECOMMENDATION:

Grant second reading and adopt ordinance.

TITLE OF ORDINANCE: 230

KING/STREIT MOVED TO **GRANT SECOND READING AND ADOPT ORDINANCE.** MOTION PASSED 5-0.

3D. RESOLUTION APPROVING AN APPEAL OF A PLANNING COMMISSION DECISION TO CONDITIONALLY APPROVE DESIGN REVIEW APPLICATION NO. 03-269 TO CONSTRUCT A 302.5 SQ. FT. ADDITION TO A HOME AT 14403 SOBEY ROAD

STAFF RECOMMENDATION:

Adopt resolution.

TITLE OF RESOLUTION: 04-033

KING/STREIT MOVED TO ADOPT RESOLUTION TO CONDITIONALLY APPROVE DESIGN REVIEW APPLICATION NO. 03-269 TO CONSTRUCT A 302.5 SQ. FT. ADDITION TO A HOME AT 14403 SOBEY ROAD. MOTION PASSED 5-0.

3E. RESOLUTION SUPPORTING VTA'S RECOMMENDATION OF A SOUTHERN GATEWAY INTO THE BAY AREA FOR THE PROPOSED CALIFORNIA HIGH-SPEED RAIL SYSTEM

STAFF RECOMMENDATION:

Adopt resolution.

Councilmember Bogosian requested that item 3F be removed from the Consent Calendar.

Councilmember Bogosian noted that he would not support this resolution without further information and requested a presentation from the VTA and the Sierra Club.

Councilmember Kline noted that he concurred with Councilmember Bogosian request.

Consensus of the City Council to remove the item to a future agenda.

3F. LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT LLA-1; PRELIMINARY APPROVAL OF ENGINEER'S REPORT AND ADOPTION OF RESOLUTION OF INTENTION FOR FY 04-05

STAFF RECOMMENDATION:

Adopt resolutions.

TITLE OF RESOLUTION: 04-035,036

KING/STREIT MOVED TO ADOPT RESOLUTION GRANTING PRELIMINARY APPROVAL OF THE ENGINEER'S REPORT FOR FY04-05. MOTION PASSED 5-0.

KING/STREIT MOVED TO ADOPT RESOLUTION OF INTENTION. MOTION PASSED 5-0.

3G. CONTRACT RENEWAL FOR STREET SWEEPING

STAFF RECOMMENDATION:

Approve one-year extension with Los Altos Garbage Company.

KING/STREIT MOVED TO APPROVE ONE-YEAR EXTENSION WITH LOS ALTOS GARBAGE COMPANY. MOTION PASSED 5-0.

3H. **TRANSPORTATION DEVELOPMENT ACT (TDA) ARTICLE 3
APPLICATION FOR THE QUITO ROAD SIDEWALK PROJECT**

STAFF RECOMMENDATION:

Adopt resolution.

TITLE OF RESOLUTION: 04-037

KIN/STREIT MOVED TO **ADOPT RESOLUTION REQUESTING THE
METROPOLITAN TRANSPORTATION COMMISSION FOR THE
ALLOCATION OF FISCAL YEAR 04-05 TRANSPORTATION
DEVELOPMENT ACT PEDESTRIAN/BICYCLE PROJECT FUNDING.**
MOTION PASSED 5-0.

PUBLIC HEARINGS

None

OLD BUSINESS

4. **BUDGET STATUS REPORT**

STAFF RECOMMENDATION:

Accept report and direct staff accordingly.

Jesse Baloca, Administrative Services Director, presented staff report.

Director Baloca explained that the City continues to anticipate no further adjustments to its 2003/04 budget for the remainder of the fiscal year.

Director Baloca noted that the City's 2004-05 Operating Budget is underway and an early Budget Study Session has been scheduled for April 23, 2004 and the Finance Commission will review the City Manger's proposed budget on May 5, 2004.

Director Baloca highlighted significant budget impacts that will be addressed during the initial presentation of the proposed budget.

Mayor Waltonsmith thanked Director Baloca for the update.

NEW BUSINESS

5. **COMMISSION RECOGNITION DINNER**

STAFF RECOMMENDATION:

Accept report and direct staff accordingly.

Ann Sullivan, Secretary to the City Manager, presented staff report.

Secretary Sullivan explained past practices of the Annual Commission Recognition Dinner. Secretary Sullivan stated that based on the number of participants for the past four years the average cost of this event has been

approximately \$9,000. Secretary Sullivan noted that due to budget constraints staff researched alternative venues. Secretary Sullivan explained the alternatives.

Councilmember King suggested that staff contact Villa Montalvo and the Mountain Winery and see if they could offer the City a lower bid proposal.

Consensus of the City Council to proceed with the annual Commission Recognition Dinner at the Saratoga Country Club.

6. **VILLAGE FAÇADE IMPROVEMENT PROGRAM**

STAFF RECOMMENDATION:

Accept report and direct staff accordingly.

Danielle Surdin, Administrative Analyst, presented staff report.

Analyst Surdin explained that in an effort to help Saratoga's struggling downtown Village Commercial District, the City Council approved \$50,000 for FY 2003-2004 to fund a Village Façade Program to spur private investment. The Village Ad Hoc Committee was asked to oversee the creation and implementation of the program. Analyst Surdin explained that the Façade Improvement financial assistance would help business owners acquire new awnings, signs, exterior painting, etc.

Analyst Surdin stated that the Village Façade Program would offer financial assistance to local business owners with property owner approval, or an interested property owner on a matching grant basis. The City will reimburse the applicant 50% of approved project expenses up to a max of \$5000. All eligible applicants will have façade improvement projects that will be noticeable from Big Basin Way.

Analyst Surdin noted that any façade improvements that occur in this program will have to meet applicable codes, ordinances/statutes and requirements of the City of Saratoga, and will be reviewed by the small façade improvement committee. This committee could include a representative from our planning department and our code enforcement officer.

Analyst Surdin explained the application period for the matching grant program begins July 1 of each year, and remains open until all City funds have been expended or committed for the current fiscal year. Project cost approvals are limited to a maximum of \$5,000 per project, and no single property owner may receive more than 33% of the funds appropriated for this program in any one year. Many property owners have multiple business tenants on a single parcel

Analyst Surdin explained the two program options:

- 1) Program Administration Option A:
 - Program would be administered by Staff and renewed yearly through the CIP Process
 - Village Ad Hoc Committee will review each project request and recommend project approval to Council
 - Staff would provide updates to Council on all grant recipients progress

- 2) Program Administration Option B:
- Program would be administered by Staff and renewed yearly through the CIP Process
 - Staff Façade Improvement Committee (committee could consist of one staff member of the planning department, public works department, and our code enforcement officer) would make administrative decisions on all potential grant recipients with no additional Council approval
 - Staff would provide updates to Council on grant recipients and their progress

Councilmember Kline noted that once one façade is improved the other merchants/owners would follow.

Councilmember Bogosian stated that the City talked about a forming a Redevelopment Agency which is suppose to take care of blight in the Village. Councilmember Bogosian stated that the Council should have a say in who gets the money.

Councilmember Kline responded that this program would help enhance the Village. Councilmember Kline noted that \$50,000 is not going to fix much to improve blight, but would allow business owners who would normally not be able to afford a new awning.

Councilmember Bogosian noted that he would feel more comfortable setting aside this money for a program that would generate tax revenue for the City.

Vice Mayor King stated that the Village has very few vacancies, this program will help make what's there look better.

Councilmember Streit stated that the Façade Program is another tool to improve the viability of the Village.

KING/KLINE MOVED TO DIRECT STAFF TO PROCEED WITH THE VILLAGE FAÇADE IMPROVEMENT PROGRAM USING OPTION B FOR IMPLEMENTATION. MOTION PASSED 4-1 WITH BOGOSIAN OPPOSING.

7. **WILDWOOD PARK WATER FEATURE**

STAFF RECOMMENDATION:

Authorize City Manager to enter into a Professional Design and Building Agreement with Inter Play Design.

Cary Bloomquist, Administrative Analyst, presented staff report.

Analyst Bloomquist stated that on August 6, 2003 the City Council approved the design plans for Wildwood Park, which included a water feature element created by InterPlay Design. Analyst Bloomquist stated that since that time the water feature has been slightly modified.

Analyst Bloomquist stated that the Wildwood Park Task Force and the Parks and Recreation Commission approved the changes.

Analyst Bloomquist described the elements of the new water feature for Wildwood Park and noted that it would take approximately 12 weeks for delivery and installation.

Analyst Bloomquist stated that the total water feature project cost should not exceed \$22,575, with funding available from the current CIP.

BOGOSIAN/STREIT MOVED TO AUTHORIZE CITY MANAGER TO ENTER INTO A PROFESSIONAL DESIGN AND BUILDING AGREEMENT WITH INTER PLAY DESIGN. MOTION PASSED 5-0.

8. **REPORT ON COSTS INCURRED FOR ABATEMENT AT 14660 QUITO ROAD, SARATOGA CALIFORNIA (ESCAMILLA – APN 407-14-004)**

STAFF RECOMMENDATION:

Confirm the report on Costs of Abatement Incurred for the Abatement of Nuisance at 14660 Quito Road; adopt resolution confirming report and authorizing special assessment and other actions for recovery.

TITLE OF RESOLUTION: 04-038

Richard Taylor, City Attorney, presented staff report.

City Attorney Taylor explained the relevant background on the procedures to be followed in order to recover the City's costs incurred for abatement at 14660 Quito Road, Saratoga. City Attorney Taylor stated that it is recommended that these proceedings be conducted as soon as possible following the abatement in order to ensure that the appropriate lien or special assessment is promptly placed on the property.

City Attorney Taylor stated that following final action on the Report by the Council, the City should pursue a special assessment to recover the costs of the abatement. This is accomplished by transmitting a copy of the Report confirmed by the Council, together with a copy of the Resolution adopted by the Council, to the County Tax Collector. The Resolution submitted for the Council's consideration authorizes and directs the City Manager and the City Attorney to take all actions necessary and convenient to impose and collect a special assessment for the abatement costs and to provide at least constructive notice of the assessment against the subject property.

City Attorney Taylor An Itemized Cost Statement is attached showing the total cost of abatement proceedings as \$19,583.66.

BOGOSIAN/KLINE MOVED TO ADOPT RESOLUTION CONFIRMING AND ADOPTING COST RECOVERY REPORT FOR THE ABATEMENT OF PUBLIC NUISANCES LOCATED AT 14660 QUITO ROAD (ESCAMILLA – APN 407-14-004). MOTION PASSED 5-0.

AGENCY ASSIGNMENTS

Mayor Ann Waltonsmith reported the following information:

Hakone Foundation Liaison – May 22 & 23, 2004 Hakone Festival

Saratoga Historic Foundation – May 18' 2004 the City and the Foundation is co-sponsoring a presentation on the Muwekma Ohlone Tribe.

Vice Mayor Kathleen King reported the following information:

Chamber of Commerce – Assistant City Manager Lorie Tinfow and Economic Development Coordinator Danielle Surdin gave a presentation in regards to the proposed Redevelopment Advisory Commission.

Councilmember Stan Bogosian reported the following information:

County HCD Policy Committee – Project Match house sold in Saratoga. Requested that the City help them find a new home in Saratoga.

Councilmember Norman Kline reported the following information:

Library Joint Powers Association – Measure B failed – next meeting JPA will start to look at ways to make cuts.

Councilmember Nick Streit reported the following information:

Santa Clara County Valley Water Commission – continued discussion in regards to the discrepancy in rates between the North and South.

West Valley Solid Waste Joint Powers Association – the JPA's contract with Green Valley Disposal will expire in February 2007. The JPA has started the process anticipating a competitive bid process.

West Valley Sanitation District – started budget process.

CITY COUNCIL ITEMS

Councilmember Bogosian requested the staff start education the community on the proposed RDA.

Responding to Councilmember Bogosian's request, Councilmember Kline noted that

Vice Mayor King announced the American Cancer Society's Relay for Life on May 22 & 23, 2004.

CITY MANAGER'S REPORT

None

OTHER

None

ADJOURN TO CLOSED SESSION

The City Council met in Closed Session in the Administrative Conference Room, 13777 Fruitvale Avenue at 9:50 p.m.

ADJOURNED TO CLOSED SESSION

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

MAYOR'S REPORT ON CLOSED SESSION

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

ADJOURNMENT

There being no further business Mayor Waltonsmith adjourned the meeting 10:51 p.m.

Respectfully submitted,

Cathleen Boyer, CMC
City Clerk