

**MINUTES  
SARATOGA CITY COUNCIL  
MAY 5, 2004**

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

The following Youth Commissioners were present: Chair Jackie Luskey, Joanna Lee, Elise Schwartz, Shruti Jayakumar, Valerie Farnum, Phillip Baker, Deborah Wu, Jessica Claus, James Ballingall, Kelly Burke, Connor Skelly, Elli Rezai, Tami Maltiel, Ted Sclavos, and Tanya Gupta.

Warner Hutton House – Commissioner Lee stated that 40-60 students per day participate in the after school activities at the Warner Hutton House. Commissioner Schwartz stated during the last Annual Appeal donations totaled \$5624.81.

Concerts – Chair Luskey noted that due to the turn over rate with City staff and no PA system concerts were hard to organize this year. Commissioner Jayakumar noted that the Commission has had a few concerts and approximately 100 attended. Commissioner Jayakumar noted that bands are calling Adam to participate in next year's series.

Music Festival – Commissioner Farnum noted that Guitar Showcase donated the use of a PA system for this year's event. Commissioner Farnum noted that this year's concert would be bigger and better than last year. Several local teen groups have signed up to participate in the event. Commissioner Baker noted that the Music Fest would be held on May 8, 2004 at Wildwood Park. Commissioner Baker stated that this event is a very unique in the Bay Area.

Fundraising – Commissioner Wu stated that the Youth Commission earned \$1,000 selling glow necklaces at Celebrate Saratoga and the Tree Lighting Celebration. Commissioner Claus stated that the Youth Commission has had several "Restaurant Nights" at Chevy's and earned some funds selling drinks at the Mustard Walk.

Skate Park – Commissioner Ballingall stated that the Youth Commission anonymously supports loaning the City's skate equipment to the City of Campbell. Commissioner Burke noted that the City of Saratoga would receive all fees generated from Saratoga kids taking any skate related classes in the City of Campbell. Commissioner Burke noted that the VTA bus # 54 goes directly from West Valley College to the skate park in Campbell.

Snowboard Trip – Commissioner Skelly noted that this year the Commission would like to sponsor snowboard trips thru a company called Snowbomb.

Teen Camps – Chair Luskey noted that there are a lot of new summer camps for teens offered by the Recreation Department. Commissioner Farnum noted that one in particular is a week exploring the sights in San Francisco.

YAC Attack/CPRS – Commissioner Maltiel noted that this year she attend the League of California Cities Conference. Commission Maltiel noted that it was a great experience. Commissioner Rezaii noted that in March 2004 Tami, Connor, and herself attended the YAC Attack in Morgan Hill. Commissioner Rezaii stated that they attended 5 sessions and were very informative.

Dances – Commission Sclavos noted that this year the Commission has tried to make the dances a better environment by enforcing the dress code and enhanced the supervision. Commissioner Schwartz stated that there were two more dances this year. Commissioner Gupta stated that to date the profits from the dances total approximately \$430.

Pointing out the fact that the Town of Los Gatos recently established a Youth Commission, Vice Mayor King suggested that the Saratoga Youth Commission send a letter to the Mayor of Los Gatos offering their experience and assistance in forming their Youth Commission.

Chair Luskey agreed that contacting Los Gatos would be a great idea and noted that they would send a letter to the Mayor of Los Gatos.

A discussion took place in regards to the dances held throughout the year.

In regards to the upcoming interviews for the Youth Commission vacancies, Chair Luskey asked the Council to continue to appoint people from the various schools that serve Saratoga.

Vice Mayor King thanked the Youth Commissions for attending tonight’s joint meeting.

### **ADJOURN TO CLOSED SESSION**

Conference with Legal Counsel - Initiation of litigation (Gov't Code section 54956.9(c): (2 potential cases).

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

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

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 – 7:00 p.m.**

Vice Mayor King reported there was Council discussion but no action was taken.

Vice Mayor King 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, Nick Streit,  
Vice Mayor Kathleen King,

ABSENT: Councilmember Norman Kline, Mayor Ann Waltonsmith

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  
Joan Pisani, Recreation Director

**REPORT OF CITY CLERK ON POSTING OF AGENDA FOR MAY 5, 2004**

Cathleen Boyer, City Clerk, reported that pursuant to Government Code Section 54954.2, the agenda for the meeting of May 5, 2004 was properly posted on April 29, 2004.

**COMMUNICATIONS FROM COMMISSIONS & PUBLIC**

**ORAL COMMUNICATIONS**

The following people requested to speak at tonight’s meeting:

Anne Sanquini noted that she was present this evening to discuss the pedestrian safety on Highway 9. Ms. Sanquini also read a letter from Denise Michele stating that she supports working with the three cities to make Highway 9 safer.

Lana Malloy introduced Joanne Peth, Patrice Brill and Lindsay Rhodes. Ms. Malloy noted that they were from Mote Serno. Ms. Malloy stated that due to the recent deaths on Highway 9 they formed a community group to help make Highway 9. Ms. Malloy stated that they are willing to work with the Monte Sereno, Los Gatos, Saratoga and CalTran.

Cheriel Jensen referred to a letter she recently sent to the City Council in regards to private schools in the City of Saratoga.

## **COMMUNICATIONS FROM COMMISSIONS**

Jackie Luskey, Chair/Youth Commission, noted that the Youth Commission met with the Council prior to the City Council meeting. Chair Luskey mentioned the upcoming Music Fest on Saturday May 8, 2004. Chair Luskey explained the proposal from the City of Campbell in regards to their Skate Board Park. Chair Luskey announced the various summer camps for teens sponsored by the Saratoga Recreation Center.

## **WRITTEN COMMUNICATIONS**

None

## **COUNCIL DIRECTION TO STAFF**

Councilmember Streit noted that he recently attend a meeting with Monte Sereno, Los Gatos and CalTran representatives to discuss Highway 9. Councilmember Streit suggested that the three Cities try and get the State to relinquish ownership of Highway 9, which in turn would allow the Cities to work together to redesign the road. Councilmember Streit noted that CalTran has been very responsive to the Cities concerns in regards to the safety of the road and would start immediately trimming the trees and brush along the sides of the road.

City Manager Anderson added that the Sheriff's Office and the Highway Patrol would start using direct enforcement on Highway 9.

## **ANNOUNCEMENTS**

Vice Mayor King announced that there are two vacancies available on the Parks and Recreation Commission and one vacancy available on the Public Safety Commission.

## **CEREMONIAL ITEMS**

None

## **SPECIAL PRESENTATIONS**

None

## **CONSENT CALENDAR**

### **1A. CITY COUNCIL MINUTES – REGULAR MEETING APRIL 7, 2004**

#### **STAFF RECOMMENDATION:**

Approve minutes.

STREIT/BOGOSIAN MOVED TO **APPROVE CITY COUNCIL MINUTES OF APRIL 7, 2004**. MOTION PASSED 3-0-2 WITH KLINE AND WALTONSMITH ABSENT.

1B. **CITY COUNCIL MINUTES – SPECIAL MEETING APRIL 23, 2004**

**STAFF RECOMMENDATION:**

Approve minutes.

STREIT/BOGOSIAN MOVED TO **APPROVE CITY COUNCIL MINUTES OF APRIL 7, 2004.** MOTION PASSED 3-0-2 WITH KLINE AND WALTONSMITH ABSENT.

1C. **REVIEW OF CHECK REGISTER**

**STAFF RECOMMENDATION:**

Approve check register.

STREIT/BOGOSIAN MOVED TO **APPROVE CHECK REGISTER.** MOTION PASSED 3-0-2 WITH KLINE AND WALTONSMITH ABSENT.

1D. **SARATOGA LIBRARY PHASE I - NOTICE OF COMPLETION**

**STAFF RECOMMENDATION:**

Accept Notice of Completion.

STREIT/BOGOSIAN MOVED TO **ACCEPT NOTICE OF COMPLETION.** MOTION PASSED 3-0-2 WITH KLINE AND WALTONSMITH ABSENT.

1E. **SARATOGA PUBLIC LIBRARY PROJECT TELEPHONE & DATA - NOTICE OF COMPLETION**

**STAFF RECOMMENDATION:**

Accept Notice of Completion.

STREIT/BOGOSIAN MOVED TO **ACCEPT NOTICE OF COMPLETION.** MOTION PASSED 3-0-2 WITH KLINE AND WALTONSMITH ABSENT.

1F. **CIVIC THEATER LOWER PERIMETER ROOF AND BOOK-GO-ROUND ROOF PROJECT-AWARD OF CONSTRUCTION**

**STAFF RECOMMENDATION:**

1. Move to declare California Roofing Company, Inc. to be lowest responsible bidder on project.
2. Move to award a construction contract for Civic Theater Lower Perimeter Roof and Book-Go-Round Re-Roof Project to California Company, Inc. in amount of \$73,800 and authorize City Manager to execute same.

STREIT/BOGOSIAN MOVED TO **DECLARE CALIFORNIA ROOFING COMPANY, INC. TO BE LOWEST RESPONSIBLE BIDDER ON PROJECT; AWARD A CONSTRUCTION CONTRACT FOR CIVIC THEATER LOWER PERIMETER ROOF AND BOOK-GO-ROUND RE-ROOF PROJECT TO CALIFORNIA COMPANY, INC. IN AMOUNT OF \$73,800 AND AUTHORIZE CITY MANAGER TO EXECUTE SAME.** MOTION PASSED 3-0-2 WITH KLINE AND WALTONSMITH ABSENT.

## **PUBLIC HEARINGS**

None

## **OLD BUSINESS**

None

## **NEW BUSINESS**

### **1. 1<sup>ST</sup> REVIEW OF THE PROPOSED BUDGET**

#### **STAFF RECOMMENDATION:**

Accept Budget Report and direct staff accordingly.

Jesse Baloca, Administrative Services Director, presented staff report.

Director Baloca stated that it has been a difficult year where the City has had to be proactive because of the continued economic downturn and reactive to the local revenue takeaways created by the State budget crisis. Director Baloca stated that the FY 2003-04 Operating Budget was approved with the anticipation of a n operating surplus of approximately \$427k to the general Fund. Director Baloca stated that unfortunately, the following activities have attributed to the City's projected FY 3003-04 general fund loss:

- Governor Davis pulls the VLF Trigger – backfill loss of \$576k is considered a loan to be paid back in 2006
- City's legal settlement of \$97,000

Director Baloca explained that General Fund Undesignated Fund Balance projecting a year end of June 30, 2004 of \$371k.

Director Baloca explained that the expenditures for the proposed fiscal year 2004-05 reflect operating increases offset by specific program and FTE reductions. Reductions to expenditures followed a two-tier process that involved consultation with each department to allow Director autonomy and management control and later with the City Council direction on specific program and FTE reductions and allowance for the use of the one-time PERS reserve of \$140k.

Director Baloca also explained that increases to the cost of operations primarily reflect a \$430k increase to the City's contract with the SCC Sheriff Office and nominal salary rollups and the unavoidable increase to PERS of 4.35% and other benefits of City staff. Director Baloca explained that increases to the Sheriff's Office primarily reflects a 20% increase to their PERS contributions, 7% increase in health care costs, and increase to the cost of workers compensation. Other increases to expenditures include election costs of \$65k, raising insurance premiums, and MIS maintenance fees for the City's financial system and new recreation online registration system.

Vice Mayor King thanked Director Baloca for his report.

Beverly Tucker noted that he was presented this evening representing Saratoga Employees Association (SEA). Ms. Tucker read a letter to the City Council in regards to the potential employee lay-offs. On behalf of SEA, Ms. Tucker requested that the City Council reconsider their decision.

Evan Baker noted that he was the Chair of the Saratoga Vision AdHoc. Mr. Baker explained that last night the AdHoc Committee met with all of the City Commissioners to receive a critique of their financial evaluation of the City. Mr. Baker stated that the Commissioners told them that they were not strong enough, nor emotional enough or telling them how difficult the financial status of the City really is. Mr. Baker stated that last week the AdHoc Committee recommend to the Council to placing a measure on the November ballot to evoke a 5% Utility Users Tax (UUT). The UUT would generate approximately \$3 million dollars on an annual basis to assist with the general fund. Mr. Baker stated that the City's revenue stream falls very short supporting services that the City provides. Mr. Baker stated that the City must enhance the revenue stream.

Councilmember Streit stated that if SEA can come up with alternatives to cut costs he would be willing to listen. Councilmember Streit stated that the bottom line is we must balance the budget.

Councilmember Bogosian thanked the City employees for coming to the meeting this evening.

2. **DESIGNATION OF VOTING DELEGATE FOR LEAGUE OF CALIFORNIA CITIES ANNUAL LEGISLATIVE ACTION DAYS**

**STAFF RECOMMENDATION:**

That Council designate a voting delegate.

Dave Anderson, City Manager, presented staff report.

City Manager Anderson noted that the League Board of Directors has called a special meeting of the General Assembly of the League on Thursday, may 13, 2004. The purpose of the meeting is to brief the membership on the status of the Local Taxpayers and Public Safety Protection Act and the proposed alternative that may be recommend by Governor Arnold Schwarzenegger.

**STREIT/BOGOSIAN MOVED TO DESIGNATE MAYOR WALTONSMITH AS THE VOTING DELEGATE; COUNCILMEMBER STAN BOGOSIAN AS 1<sup>ST</sup> ALTERNATE AND CITY MANAGER ANDERSON AS 2<sup>ND</sup> ALTERNATE.** MOTION PASSED 3-0-2 WITH KLINE AND WALTONSMITH ABSENT.

3. **RECRUITMENT ACTIVITIES RELATED TO FOUR SOON-TO-BE VACANT STAFF**

**STAFF RECOMMENDATION:**

Staff recommends that Council designate these four positions as “essential” and authorize the City Manager to release the hiring freeze in order to fill the positions.

Lorie Tinfow, Assistant City Manager, presented staff report.

Assistant Manager Tinfow stated that staff was requesting that the City Council designate the following positions as essential: Administrative Services Director, Parks Maintenance Supervisor, Facility Maintenance Supervisor, Facility Worker II.

BOGOSIAN/STREIT MOVED TO **DESIGNATE FOUR POSITIONS IDENTIFIED – ADMINISTRATIVE SERVICES DIRECTOR, PARKS MAINTENANCE SUPERVISOR, FACILITY MAINTENANCE SUPERVISOR, FACILITY WORKER II- AS “ESSENTIAL” AND AUTHORIZE THE CITY MANAGER TO RELEASE THE HIRING FREEZE IN ORDER TO FILL THE POSITIONS.** MOTION PASSED 3-0-2 WITH KLINE AND WALTONSMITH ABSENT.

**COMMISSION ASSIGNMENT REPORTS**

Vice Mayor King reported the following information:

City/School Ad-Hoc Committee – AdHoc will be meeting with Saratoga High School Parks and Recreation Commission – two vacancies still need to be filled

Councilmember Bogosian noted that he had no reportable information.

Councilmember Streit noted that he had no reportable items.

**CITY COUNCIL ITEMS**

Councilmember Bogosian asked if the flagpole in Blaney Plaza was going to be ready for Memorial Day.

**CITY MANAGER’S REPORT**

City Manager Anderson reported that an Interim Finance Director has been hired. City Manager Anderson noted that Peter Kolf retired for the City of Modesto as the Finance Director.

**OTHER**

None

**ADJOURNMENT**

There being no further business, Vice Mayor King adjourned the meeting at 8:35 p.m. and reconvened to Closed Session. There being no further business Vice Mayor King adjourned the meeting at 9:15 p.m.

Respectfully submitted,

Cathleen Boyer, CMC  
City Clerk