

**MINUTES  
SARATOGA CITY COUNCIL  
SEPTEMBER 1, 2004**

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

The following Board members were present: President Greg Prow, Executive Director Elizabeth Challener, Board members John Stuckey and Kevin McLarney. Also present were several neighbors from the Montalvo area.

Mayor Waltonsmith stated the issues the Council would like Montalvo to address the following issues:

- Fire access road
- Future plans
- Issue of noise
- Piedmont Road repairs
- Village Shuttle Program

Vice Mayor King added that she would like to discuss the City's new grant program.

In regards to the fire access road, John Cherbone, Public Works Director, reported that currently the technical description, the final documents for the easement and the agreements between the City, Saratoga Fire Department and Montalvo were being drafted.

Mr. Prow reported that Montalvo has been cooperating with the City throughout this process.

In regards to the Piedmont Road repairs, Mr. Prow stated that Montalvo offered to pay for 80% of the total costs. Mr. Prow stated that it would be approximately \$300-\$400 per property owner. Mr. Prow stated that they sent letters to 51 property owners and to date only received 18 responses – 14 in favor of the project and 4 against. Mr. Prow stated that they sent another letter out today and added that they hope this issue would be solved by the end of the year.

In regards to the Village Shuttle Program, Mr. Prow stated that the program has been working out well.

Danielle Surdin, Economic Development Coordinator, thanked Montalvo for supporting the Shuttle Program. Coordinator Surdin noted that the program has been a tremendous success. Coordinator Surdin noted that the business owners support the program and have told her their business has increased. Coordinator Surdin stated that the hotels have given out 50% of the shuttle passes.

Ms. Challener suggested that the shuttle program be extended to the more popular shows throughout the year.

Coordinator Surdin suggested arranging a meeting to discuss her suggestion.

A Montalvo neighbor voiced her concern in regards to a transit bus that was used for shuttling people back and forth at a recent concert. Montalvo neighbor stated that she called Montalvo and was told it was an “experiment”.

Addressing the neighbor’s concern, Ms. Challenger stated that given the feed back from the neighbors, transit buses would no longer be used.

Addressing the noise issue, Mr. Prow stated that Montalvo recently formed a committee, composed of neighbors and Montalvo board members, to address 62 issues. Mr. Prow stated that Montalvo asked for a variance from the neighbors, who denied the request, so they moved the concert to Oak Meadow Park in Los Gatos.

A discussion took place in regards to the noise complaints and the inconsistencies with the Sheriff Office.

Steve Prosser, Community Service Officer, stated that he has purchased new sound meter equipment and would provide training to the Deputies. Officer Prosser stated that all of the Sheriff Deputies have been given a copy of the Court Order and City Attorney Wittwer would provide procedures to the Sheriff’s Office at a later date.

City Manager Anderson requested contact information from Montalvo Board members who would have the authority to make decisions when complaints are received by the Sheriff’s Office.

Mr. Prow stated that he would forward the information to the City.

Ms. Challenger stated the Montalvo hires off duty Deputies to monitor the noise.

Montalvo neighbor stated that the Deputies are not stationed in the proper place in order to get an accurate reading of the noise; they are stationed in places where the decimal reading is lower.

City Manager Anderson stated that the City and the Sheriff’s Office would make a diligent effort to follow the Court Order.

In conclusion, Mr. Prow stated that Montalvo is making every effort to work with the neighbors. Mr. Prow stated that Montalvo wants to be a good neighbor.

Vice Mayor King explained the new grant writer program and offered the service to Montalvo.

Mayor WaltonSmith thanked the Montalvo Board and the neighbors 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 & Tom Sullivan, Community Development Director  
Employee organization: Non SEA Members

Public Employee Performance Evaluation (Gov't Code 54957)

Title: City Manager

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

**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 requested that Shahab Moghdalm, Saratoga Boy Scout Troop #581, lead the Pledge of Allegiance.

**ROLL CALL**

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

ABSENT: Councilmember Stan Bogosian

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

**REPORT OF CITY CLERK ON POSTING OF AGENDA FOR SEPTEMBER 1, 2004**

Cathleen Boyer, City Clerk, reported that pursuant to Government Code Section 54954.2, the agenda for the meeting of September 1, 2004 was properly posted on August 25, 2004.

**COMMUNICATIONS FORM COMMISSIONS & PUBLIC**

**ORAL COMMUNICATIONS**

Ray Davis noted that on Saturday at the Los Gatos Community Foundation's annual fund raising event, the names of the men and women serving in the armed forces from this area were mentioned. Mr. Davis also noted that the "Citizens for the Safety of Highway 9" recently persuaded VTA to include pedestrian crossing in the CIP project. Mr. Davis also requested that the City of Saratoga remove several trees on Austin Lane @ Highway 9.

**ANNOUNCEMENTS**

None

**CEREMONIAL ITEMS**

None

**SPECIAL PRESENTATIONS**

**1A. DARREN DEFFNER/ PG&E – NON-RESIDENTIAL ENERGY EFFICIENCY PROGRAMS**

**STAFF RECOMMENDATION:**

Informational only.

Darren Deffner, Government Relations, thanked the City Council for the opportunity to present PG&E’s Energy Efficient Programs. Mr. Deffner stated that the programs provide information and financial incentives to help business customers save money on energy costs. Mr. Deffner introduced Ben Mehta, PG&E Energy Efficiency Manager.

Mr. Mehta explained the total electricity use per capita from 1960-2001 and explained the business efficiency incentives program. Mr. Mehta stated that the City of Saratoga earned a \$16,455 rebate when the 2001 LED Traffic Light Project was completed. Mr. Mehta pointed out future opportunities such as:

- Energy audit of large facilities and prioritize actions for retrofit opportunities and cost reductions
- “Free” products under the Express Efficiency Pilot Program
- Compact Florescent Lamps, LED Exit signs, Programmable Thermostats
- Vending machine controllers for additional cost of \$50 each after a \$90 rebate

Mayor Waltonsmith thanked Mr. Deffner and Mr. Mehta for their presentation.

**1B. VALLEY TRANSPORTATION AUTHORITY – COMMUNITY BUS SERVICE PROGRAM**

**STAFF RECOMMENDATION:**

Accept report and provide input to VTA.

John Cherbone, Public Works Director, presented staff report.

Director Cherbone reported that on August 11, 2004, City staff attended the first meeting regarding the proposed Community Bus Service Program. In attendance were representatives from Los Gatos, Cupertino, Campbell, Monte Sereno, and San Jose. It was agreed that the first step in developing the service would be a short presentation to each City Council by VTA staff.

Joanne Benjamin, VTA/Transportation Policy & Program Manager, thanked the Council for allowing VTA to present the Community Bus Program.

Chris Tucker, VTA/ Chief of Operations, explained the Community Bus Program and listed its attributes as follows:

- Use of small vehicles
- Routes are short and continuous within a defined community
- Match travel patterns of community-oriented activity
- Flexibility to meet varying community needs

Mr. Tucker described the Community Bus typical services and provided sample route coverage.

Mr. Tucker described the Community Bus Program's ITS technologies.

Mr. Tucker stated that current Community Bus Programs exist in Washington D.C. and Phoenix, Arizona.

Mr. Tucker explained the next steps of the proposed program as follows:

- Define Community/Transit market to be served:
  - Initiate meetings with cities – Summer 2004
  - Conduct market segmentation analysis
  - Initiate consensus building planning process
  - Develop budget and identify funding sources
- Develop transit plans – Spring 2005
- Public/City/Board review – Summer 2005
- Vehicle purchase – Summer/Fall 2005
- Start operations – January 2006

Councilmember Kline stated that he attended the August 18<sup>th</sup> VTA Board meeting. and pointed out the Board did not approve the program. Councilmember Kline noted that he is excited about the program, but would be hesitant to get involved until the Board actually approved the program.

Mr. Tucker responded that the VTA Board adopt the short-range program a year and half ago. Mr. Tucker stated Saratoga doesn't have to participate in the Community Bus Program.

Mayor Waltonsmith asked the City Council if they would like to agendize this issue.

Councilmember Kline suggested that two Councilmembers and a staff person work with VTA on this issue.

Mayor Waltonsmith thanked VTA for the presentation.

**CONSENT CALENDAR**

**2A. APPROVAL OF CITY COUNCIL MINUTES – JULY 21, 2004**

**STAFF RECOMMENDATION:**

Approve minutes.

STREIT/KING MOVED TO **APPROVE CITY COUNCIL MINUTES FROM JULY 21, 2004.** MOTION PASSED 4-0-1 WITH BOGOSIAN ABSENT.

**2B. APPROVAL OF CITY COUNCIL MINUTES – AUGUST 9, 2004**

**STAFF RECOMMENDATION:**

Approve minutes.

STREIT/KING MOVED TO **APPROVE CITY COUNCIL MINUTES FROM AUGUST 9, 2004.** MOTION PASSED 4-0-1 WITH BOGOSIAN ABSENT.

**2C. APPROVAL OF CITY COUNCIL MINUTES – AUGUST 11, 2004**

**STAFF RECOMMENDATION:**

Approve minutes.

STREIT/KING MOVED TO **APPROVE CITY COUNCIL MINUTES FROM AUGUST 11, 2004.** MOTION PASSED 4-0-1 WITH BOGOSIAN ABSENT.

**2D. APPROVAL OF CITY COUNCIL MINUTES – AUGUST 16, 2004**

**STAFF RECOMMENDATION:**

Approve minutes.

STREIT/KING MOVED TO **APPROVE CITY COUNCIL MINUTES FROM AUGUST 16, 2004.** MOTION PASSED 4-0-1 WITH BOGOSIAN ABSENT.

**2E. APPROVAL OF CITY COUNCIL MINUTES – AUGUST 18, 2004**

**STAFF RECOMMENDATION:**

Approve minutes.

STREIT/KING MOVED TO **APPROVE CITY COUNCIL MINUTES FROM AUGUST 18, 2004.** MOTION PASSED 4-0-1 WITH BOGOSIAN ABSENT.

**2F. APPROVAL OF CHECK REGISTER**

**STAFF RECOMMENDATION:**

Approve check register.

STREIT/KING MOVED TO **APPROVE CHECK REGISTER.** MOTION PASSED 4-0-1 WITH BOGOSIAN ABSENT.

2G. **CONTRACT EXTENSION FOR ALLISON KNAPP, CONSULTING SENIOR PLANNER FOR THE BARRY SWENSON/QUITO ROAD PROJECT**

**STAFF RECOMMENDATION:**

Approve employment agreement extension with Allison Knapp not to exceed \$20,000 without further Council authorization.

STREIT/KING MOVED TO **APPROVE EMPLOYMENT AGREEMENT EXTENSION WITH ALLISON KNAPP NOT TO EXCEED \$20,000 WITHOUT FURTHER COUNCIL AUTHORIZATION.** MOTION PASSED 4-0-1 WITH BOGOSIAN ABSENT.

2H. **2<sup>ND</sup> READING & ADOPTION OF UUT ORDINANCE**

**STAFF RECOMMENDATION:**

Adopt ordinance.

STREIT/KING MOVED TO **ADOPT ORDINANCE.** MOTION PASSED 4-0-1 WITH BOGOSIAN ABSENT.

2I. **PARKS AND RECREATION COMMISSION MEETING TIME CHANGE REQUEST**

**STAFF RECOMMENDATION:**

Adopt resolution.

**RESOLUTION: 04-070**

STREIT/KING MOVED TO **ADOPT RESOLUTION CHANGING THE PARKS AND RECREATION MEETING TO 7:00 P.M.** MOTION PASSED 4-0-1 WITH BOGOSIAN ABSENT.

2J. **CONTRACT RENEWAL FOR CITY SURVEYOR**

**STAFF RECOMMENDATION:**

Approve two-year contract renewal with McDowell Associates and authorize City Manager to execute the same.

STREIT/KING MOVED TO **APPROVE TWO-YEAR CONTRACT RENEWAL WITH MCDOWELL ASSOCIATES AND AUTHORIZE CITY MANAGER TO EXECUTE THE SAME.** MOTION PASSED 4-0-1 WITH BOGOSIAN ABSENT.

2K. **CONTRACT RENEWAL FOR CITY GEOTECHNICAL CONSULTANT**

**STAFF RECOMMENDATION:**

Approve two-year contract renewal with Cotton, Shires & Associates and authorize City Manager to execute the same.

**STREIT/KING MOVED TO APPROVE TWO-YEAR CONTRACT RENEWAL WITH COTTON, SHIRES & ASSOCIATES AND AUTHORIZE CITY MANAGER TO EXECUTE THE SAME.** MOTION PASSED 4-0-1 WITH BOGOSIAN ABSENT.

**2L. CONTRACT RENEWAL FOR MONTHLY LANDSCAPE MAINTENANCE SERVICES**

**STAFF RECOMMENDATION:**

Approve one-year contract renewal with Gachina Landscape Maintenance and authorize City Manager to execute the same.

**STREIT/KING MOVED TO APPROVE ONE-YEAR CONTRACT RENEWAL WITH GACHINA LANDSCAPE MAINTENANCE AND AUTHORIZE CITY MANAGER TO EXECUTE THE SAME.** MOTION PASSED 4-0-1 WITH BOGOSIAN ABSENT.

**2M. STATE OF CALIFORNIA DEPARTMENT OF PARK AND RECREATION 2002 RESOURCES BOND ACT (PROPOSITION 40): APPROVAL OF THE PER CAPITA GRANT RESOLUTION AND ROBERT-Z'HARRIS URBAN OPEN SPACE AND RECREATION PROGRAM BLOCK GRANT RESOLUTION**

**STAFF RECOMMENDATION:**

Adopt resolution in support of the 2002 Per Capita Grant Program; adopt resolution in support of Robert-Z' Berg-Harris Block Grant Program.

**RESOLUTION: 04-68 & 69**

Mary Robertson requested that item 2M be removed from the Consent Calendar.

Mrs. Robertson asked if the resolution was strictly to acquire the funds.

Director Cherbone responded that the purpose of this resolution lock up the funds so the State knows the City of Saratoga is interested in keeping the funds in Saratoga.

Mrs. Robertson asked if the funds would be used for the Kevin Moran Park Improvement Project.

Director Cherbone noted that in the CIP the City does have the funds appropriated to the Kevin Moran Park Improvement Project. The funds to pay for the majority of the funds would come from this grant. Director Cherbone explained that at this time the City is not directing the funds to any specific project- Kevin Moran Park Improvement Project is on hold. Director Cherbone noted that the City could reallocate these funds to another project.

**STREIT/ KING MOVED TO ADOPT RESOLUTION IN SUPPORT OF THE 2002 PER CAPITA GRANT PROGRAM; ADOPT RESOLUTION IN SUPPORT OF ROBERT-Z'BERG-HARRIS BLOCK GRANT PROGRAM.**  
MOTION PASSED 4-0-1 WITH BOGOSIAN ABSENT.

Consensus of the City Council to move to item 6 & 7.

**NEW BUSINESS**

**6. SHERIFF'S OFFICE AGREEMENT**

**STAFF RECOMMENDATION:**

Accept and authorize City Manager to execute the Law Enforcement Contract with Santa Clara County.

Lorie Tinfow, Assistant City Manager, presented staff report.

Assistant City Manager Tinfow explained that the City has contracted with the Santa Clara County Sheriff's Office for law enforcement services for many years. Recent substantial cost increase associated with salary and pension increases for public safety employees resulted in discussions with the Sheriff's Office about the contract's future and produced the proposed contract.

Assistant City Manager Tinfow highlighted the most significant elements of the proposed contract:

- The term of the contract is for 10 years with a possible extension of an additional 5 years.
- Service levels will be reviewed annually and can be modified at the City's discretion.
- Cost controls have been put in place based on funding levels included in the City's 2004-2005 budget. Salary increases are tied to either actual increases or CPI/W plus 2% whichever is smaller. Pension increases will reflect the City's proportion of actual increases sustained by the Sheriff's Office.
- The contract also addresses costs associated with moving the Sheriff's Office operations to a new location.
- The City or the County can terminate the contract at any time with 180 days written notice.

Mayor Waltonsmith thanked City Manager Anderson and Assistant City Manager Tinfow for their work on this contact.

Councilmember Streit stated that he was apprehensive in signing a ten-year contract that would tie the hands of future Councils. Councilmember Streit expressed his concerns in regards to operating expenses that cannot be controlled – i.e. utilities and insurance. Councilmember Streit noted that the rent is locked into at 3% but all other expenses could substantially increase over time.

Captain John Hirakawa, SCC Sheriff's Office, responded that the property owner of the building in Cupertino has requested that utilities, taxes, and CIP have no cost cap. Captain Hirakawa stated that if there is a change of ownership there could be an increase of property taxes.

Councilmember Streit stated that he doesn't feel the Council has done their due diligence on this contract – to many unknown cost. Councilmember Streit requested that this item be postponed until the next meeting.

Consensus of the City Council to bring this item back on September 15, 2004.

## 7. **WEST VALLEY MISSION COLLEGE STADIUM**

### **STAFF RECOMMENDATION:**

Accept and authorize City Manager to execute the Agreement Pertaining to a Stadium at West Valley College.

Dave Anderson, City Manager, presented staff report.

City Manager Anderson stated that the issue of a football stadium at West Valley College has been a controversy in the community for over 35 years. This issue has been the subject of legislation, court cases, and political maneuvering.

Last spring, City Manager Anderson explained that representatives for the College District, the surrounding neighborhood, and the City have generated a conceptual agreement. The City Council approved the conceptual agreement in June and directed staff to move forward with a final agreement. The City Attorney has worked with the College's District Attorney to formulate the final three-party agreement.

City Manager Anderson highlighted the most significant elements of the proposed agreement:

- The District will comply with the City's code and use permit requirements governing use of the football/track facility and will limit the use of the facility by outside groups (only k-12 school or non-profit youth groups will be allowed).
- The District will not challenge the legality or enforcement of the City's code with respect to the football/track facility or imitate or implement any action that would permit construction of an athletic stadium on the West Valley Campus.
- The City will recognize the current uses of existing athletic fields and the District swimming pool as legal non-conforming uses not subject to the code's restrictions on matters such as seating and amplified sound. This applies only to existing uses of existing facilities. Any new or expanded uses would be subject to the code. For a two-year period the City will use its enforcement discretion in a way that allows the District to use portable hand held amplified sound equipment at two specified track events each year.
- The neighbors will create a formal neighborhood organization with legal status allowing the organization to be a party to the agreement.

- The agreement covers 30 years and may be amended by agreement of all three parties.
- The three parties have agreed to enforcement provisions that include mediation procedures and the possibility of liquidated damages.

Jack Lucas, President/Board of Trustees, thanked the neighborhood group and the City Council for all of their efforts to resolve this issue. Mr. Lucas introduced the new President of West Valley College, Dr. Phil Hartley.

Stan Arterberry, Chancellor, thanked City Manager Anderson for his efforts and thanked the Committee for bringing closure to this issue.

Phil Hartley, President, stated that he was involved in the last part of this process and commented on the professionalism and courtesy that the Committee showed each other. Mr. Hartley noted that it is now his duty is to honor the agreement.

Evan Baker noted that he represented that neighborhood group. Mr. Baker urged the City Council to accept the agreement.

Councilmember Streit thanked everyone for working on this issue. Councilmember Streit stated that throughout the process there were good negotiations and every one was very respectful.

City Manager Anderson thanked Chancellor Arterberry for his leadership and thanked the other members of the AdHoc.

**STREIT/WALTONSMITH MOVED TO ACCEPT AND AUTHORIZE CITY MANAGER TO EXECUTE THE AGREEMENT PERTAINING TO A STADIUM AT WEST VALLEY COLLEGE.** MOTION PASSED 4-0-1 WITH BOGOSIAN ABSENT.

Mayor Waltonsmith declared a ten-minute break at 8:50 p.m.

Mayor Waltonsmith reconvened the meeting at 9:00 p.m.

Consensus of the City Council to move to item #4

#### **OLD BUSINESS**

#### **4. GRANT OPPORTUNITIES REVIEW BY CITY COUNCIL / REVIEW OF GRANT WRITER UTILIZATION AND GUIDANCE POLICY**

##### **STAFF RECOMMENDATION:**

Review grant opportunities and provide direction to staff; Review Grant Writer Utilization and Guidance Policy for possible changes.

Cary Bloomquist, Administrative Analyst, presented staff report.

Analyst Bloomquist reported that on June 2, 2004 the City of Saratoga adopted a City of Saratoga Grant Writer Utilization Procedure and Guidance Policy.

Analyst Bloomquist noted that as stated in these documents, City staff is required to forward grant opportunities utilizing the service of our contacted grant writer,

Randall Funding and Development, to City Council for review.

Analyst Bloomquist noted that there were three grant opportunities requiring review by the City Council. Analyst Bloomquist summarized the grant opportunities as follows:

- City of Saratoga – 2002 State of California Bond Act – amount to be determined
- Saratoga Historical Foundation – Office of the State Historian– \$60,000
- Saratoga Historical Museum –Institution of Museum and Library Services –\$20,000

In regards to the Grant Writer Utilization and Guidance Policy, Analyst Bloomquist request that City Council revise the Procedure and Policy as follows:

- Make changes to expand the jurisdictions served by the grant writer to include County Agencies and surrounding municipalities. This would enable staff to work closely with these agencies and offer the use of our contracted Grant Writer should mutually beneficial projects surface at some future date.
- Appoint a two member City Council AdHoc Committee to review grant applications in the event a grant submittal deadline does not allow sufficient time to schedule a review at a regularly scheduled City Council meeting.

Mayor Waltonsmith noted that she would be willing to support expanding the grant writing services to other jurisdictions as long as there is a benefit to Saratoga.

Councilmember Kline stated that an AdHoc should review grant applications that are within Saratoga, but outside applications should come before the entire Council. Councilmember Kline suggested the Mayor and Vice Mayor be assigned to the AdHoc Committee.

April Halberstadt thanked the City Council for contracting with Randall Funding. Ms. Halberstadt explained their grant application.

**STREIT/KLINE MOVED TO DIRECT RANDALL FUNDING TO SUBMIT GRANT APPLICATIONS; ESTABLISH ADHOC COMMITTEE WITH STAFF, MAYOR AND VICE MAYOR; SUPPORT CHANGES TO POLICY AND PROCEDURES.** MOTION PASSED 4-0-1 WITH BOGOSIAN ABSENT.

## **PUBLIC HEARINGS**

### **3 AMENDMENT AND EXTENSION OF AN INTERIM ORDINANCE PROHIBITING NEW PERSONAL SERVICES BUSINESSES ON THE GROUND FLOOR FRONTING A STREET IN THE VILLAGE**

#### **STAFF RECOMMENDATION:**

Conduct Public Hearing and adopt ordinance.

#### **TITLE OF ORDINANCE:**

Tom Sullivan, Community Development Director, presented staff report.

Director Sullivan stated that the draft ordinance amends and extends Ordinance 223, which prohibits the establishment of new Personal Service Businesses in the Village. Director Sullivan noted that the ordinance would continue to bar against new Personal Service Businesses from locating in ground floor spaces fronting a street in the Village. Personal Service Businesses include, but are not limited to hair and nail salons and day spas. Director Sullivan stated that this ordinance would extend the Interim Ordinance by one year and may not be extended again.

Mayor Waltonsmith opened the public hearing and invited public comments.

Seeing none, Mayor Waltonsmith closed the public hearing.

**STREIT/KLINE MOVED TO ADOPT AMENDMENT AND EXTENSION OF AN INTERIM ORDINANCE PROHIBITING NEW PERSONAL SERVICES BUSINESSES ON THE GROUND FLOOR FRONTING A STREET IN THE VILLAGE.** MOTION PASSED 4-0-1 WITH BOGOSIAN ABSENT.

### **OLD BUSINESS**

#### **5. REVIEW COUNCILMEMBER ASSIGNMENTS TO DEANZA TRAIL TASK FORCE**

##### **STAFF RECOMMENDATION:**

Accept report and direct staff accordingly.

John Cherbone, Public Works Director, presented staff report.

Director Cherbone reported that at the time the DeAnza Trail Task Force was established, two Councilmembers agreed to participate – Bogosian and Waltonsmith. The Mayor recently asked that these assignments be reviewed to determine whether schedules allow for adequate participation.

Mayor Waltonsmith pointed out the Councilmember Bogosian has missed the last four meetings.

Vice Mayor King suggested that Councilmember Streit take Councilmember Bogosian's place on the DeAnza Trail Task Force.

**KING/STREIT MOVED TO REPLACE COUNCILMEMBER BOGOSIAN WITH COUNCILMEMBER STREIT ON THE DEANZA TRAIL TASK FORCE.** MOTION PASSED 4-0-1 WITH BOGOSIAN ABSENT.

#### **8. PERMISSION TO FILL FACILITIES MAINTENANCE WORKER I POSITION VACANCY**

##### **STAFF RECOMMENDATION:**

Council designate the position as "essential" and authorize the City Manager to fill the Facilities Maintenance Worker I position.

Lorie Tinfow, Assistant City Manager, presented staff report.

Assistant City Manager Tinfow stated that the staff hiring freeze enacted in 2003-04 continues to be in effect for FY 04-05. A current Facility Maintenance Worker has filled the vacant Parks Maintenance Worker II position and this action produces a new vacancy. At this time staff requests direction on whether or not Council considers this position “essential” and wishes to authorize the City Manager to release the hiring freeze in order to fill this position.

A discussion took place in regards to amending hiring freeze resolution to exclude positions filled by internal employees.

**KING/KLINE MOVED TO DESIGNATE THE POSITION AS “ESSENTIAL” AND AUTHORIZE THE CITY MANAGER TO FILL THE FACILITIES MAINTENANCE WORKER I POSITION AND AMEND THE RESOLUTION ON THE HIRING FREEZE TO EXCLUDE IN HOUSE PROMOTIONS.** MOTION PASSED 4-0-1 WITH BOGOSIAN ABSENT.

### **AGENCY ASSIGNMENTS**

Mayor Ann Waltonsmith had no reportable information.

Vice Mayor King had no reportable information.

Councilmember Norman Kline reported the following information:

Library Joint Powers Association – announced that libraries would start closing on Mondays.

Valley Transportation Authority PAC – Grand Jury report has been released. The City of Los Altos sent letter to the Board requesting reformation. Councilmember Kline requested that this item be agendaized.

Councilmember Streit reported the following information:

West Valley Solid Waste Joint Powers Association – continuing to work on the RFP for solid waste.

West Valley Sanitation District – starting the process of taking over the Town of Los Gatos sewer system. One-year transition, which will save over \$300k per year.

### **CITY COUNCIL ITEMS**

Referring to the presentation by PG&E, Councilmember Kline requested that staff investigate solar power on city owned buildings.

Consensus of the City Council to support Councilmember Kline’s request.

### **OTHER**

City Attorney Taylor noted that he would be on vacation for the next two weeks and noted that Attorney Wittwer would be attending the September 15<sup>th</sup> meeting.

### **CITY MANAGER’S REPORT**

City Manager Anderson thanked Assistant City Manager Tinfow for acting as City Manager during his vacation.

**ADJOURNMENT**

There being no further business, Mayor Waltonsmith adjourned the meeting at 10:05 p.m.

Respectfully submitted,

Cathleen Boyer, CMC  
City Clerk