

**MINUTES
SARATOGA CITY COUNCIL
OCTOBER 20, 2004**

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
Michele Braucht, 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 OCTOBER 20, 2004

Cathleen Boyer, City Clerk, reported that pursuant to Government Code Section 54954.2, the agenda for the meeting of October 20, 2004 was properly posted on October 15, 2004.

Mayor Waltonsmith noted that item 3 under New Business has been pulled off tonight's agenda.

ORAL COMMUNICATIONS

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

Citizen Ray provided an update on the Highway 9 improvements.

Richard Allen noted that he was the Chair of the Finance Commission, a member of the Revenue Review Committee and a member of the Save Saratoga Committee. Mr. Allen stated that this evening he was speaking as a citizen of Saratoga. Mr. Allen urged the citizens of Saratoga to support Measure U and Measure V on the November 2, 2004 ballot. Mr. Allen thanked the other members of the Revenue Review Committee and the City Council.

Jeff Swartz stated that he was a Trustee on the West Valley College Board. Mr. Swartz thanked the Council for educating the community about the City's budget shortfalls. Mr. Swartz thanked the Council and volunteers behind Measure U & Measure V and urged the community to support the Measures on November 2, 2004.

Doug Robertson urged the community to support Measure U and Measure V.

COMMUNICATIONS FROM COMMISSIONS

ANNOUNCEMENTS

None

CEREMONIAL ITEMS

- 1A. **COMMENDATIONS HONORING OUTGOING LIBRARY COMMISSIONERS CATHY FOSCATO, DON JOHNSON, AND MARCIA MANZO**

STAFF RECOMMENDATION:

Present commendations.

Mayor Waltonsmith presented a commendation to Marcia Manzo.

Mayor Waltonsmith noted that Don Johnson and Cathy Foscatto were unable to attend tonight's meeting.

- 1B. **PROCLAMATION DECLARING THE WEEK OF OCTOBER 17-23, 2004 AS "TEEN READ WEEK"**

STAFF RECOMMENDATION:

Present Proclamation.

Mayor Waltonsmith read the proclamation and presented it to two student volunteers from the Saratoga Library and a member of the Saratoga Library staff.

SPECIAL PRESENTATIONS

None

CONSENT CALENDAR

- 2A. **APPROVAL OF CITY COUNCIL MINUTES – SEPTEMBER 30, 2004**

STAFF RECOMMENDATION:

Approve minutes.

KLINE/BOGOSIAN MOVED TO **APPROVE CITY COUNCIL MINUTES AS AMENDED FROM SEPTEMBER 30, 2004.** MOTION PASSED 5-0.

- 2B **APPROVAL OF CHECK REGISTER**

STAFF RECOMMENDATION:

Approve check register.

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

2C. **RESOLUTION AUTHORIZING INVESTMENT IN THE LOCAL AGENCY INVESTMENT FUND (LAIF) AND DESIGNATING THE POSITIONS WITH AUTHORITY TO WITHDRAW OR DEPOSIT MONIES IN LAIF**

STAFF RECOMMENDATION:

Adopt resolution.

RESOLUTION: 04-083

BOGOSIAN/STREIT MOVED TO **ADOPT RESOLUTION AUTHORIZING LAIF AND DEDICATED POSITIONS WITH AUTHORITY TO WITHDRAW ON DEPOSIT MONIES IN LAIF.** MOTION PASSED 5-0.

2D. **CONFIRMATION AND APPOINTMENT OF ADMINISTRATOR SERVICES DIRECTOR**

STAFF RECOMMENDATION:

Adopt resolution.

RESOLUTION: 04-085

Mayor Waltonsmith requested that this item be removed from the Consent Calendar.

Mayor Waltonsmith invited the new Administrative Services Director to the podium for a formal introduction.

STREIT/KLINE MOVED TO **ADOPT RESOLUTION APPOINTING MICHELE BRAUCHT AS THE NEW ADMINISTRATIVE SERVICES DIRECTOR.** MOTION PASSED 5-0.

2E. **MOTOR VEHICLE (MV) RESOLUTION PROHIBITING PARKING & DUMPING AT THE SOUTHERLY CORNER OF AUSTIN WAY AND HIGHWAY 9**

STAFF RECOMMENDATION:

Adopt resolution.

RESOLUTION: MV-243

STREIT/KLINE MOVED TO **ADOPT MOTOR VEHICLE (MV) RESOLUTION PROHIBITING PARKING & DUMPING AT THE SOUTHERLY CORNER OF AUSTIN WAY AND HIGHWAY 9.** MOTION PASSED 5-0.

2F. **2003 PAVEMENT MANAGEMENT PROGRAM – NOTICE OF COMPLETION**

STAFF RECOMMENDATION:

Accept Notice of Completion.

KLINE/BOGOSIAN MOVED TO **ACCEPT NOTICE OF COMPLETION FOR THE 2003 PAVEMENT MANAGEMENT PROGRAM.** MOTION PASSED 5-0.

2G. **CITYWIDE SIGNAL UPGRADE PROJECT – NOTICE OF COMPLETION**

STAFF RECOMMENDATION:

Accept Notice of Completion.

KLINE/BOGOSIAN MOVED TO **ACCEPT NOTICE OF COMPLETION FOR THE CITYWIDE SIGNAL UPGRADE PROJECT.** MOTION PASSED 5-0.

2H. **RESOLUTION ENDORSING ALL FIRE STATIONS IN SANTA CLARA COUNTY AS “SAVE SURRENDER” SITES**

STAFF RECOMMENDATION:

Adopt resolution.

RESOLUTION: 04-087

KLINE/STREIT MOVED TO **ADOPT RESOLUTION ENDORSING ALL FIRE STATIONS IN SANTA CLARA COUNTY AS “SAVE SURRENDER” SITES.** MOTION PASSED 5-0.

PUBLIC HEARINGS

None

OLD BUSINESS

None

NEW BUSINESS

3. **SCHOOL HOLIDAY TREES FOR VILLAGE TREE LIGHTING CEREMONY**

STAFF RECOMMENDATION:

Accept report and direct staff accordingly.

This item was removed from the agenda.

4. **DOG OFF-LEASH HOURS/AREAS IN CITY-OWNED PARKS**

STAFF RECOMMENDATION:

Accept report and provide direction to staff pertaining to Options 1 and 2 as listed in report.

Cary Bloomquist, Administrative Analyst, presented staff report.

Analyst Bloomquist reported that at their October 4, 2004 regular meeting, the Parks and Recreation Commission (PRC) were presented with information by members of the “Friends of Saratoga Dogs” requesting dog off-leash hours/areas in City-owned parks. The Commission forwarded this request to the City Council at their October 6, 2004 regular meeting and requested direction from Council on how to proceed. Members of the “Friends of Saratoga Dogs” also addressed the Council that evening, and presented a petition with over 300 signatures from Saratoga residents supporting their request for off leash hours/areas. The “Friends of Saratoga Dogs” was recently formed as a direct result of present enforcement efforts of the City’s dog ordinance at City owned parks. Council instructed City staff to agendaize this item for discussion this evening.

Analyst Bloomquist stated that the City Council and the PRC have discussed the issue of Dog Parks at different times over the past several months. Lack of a suitable site and budgetary constraints have been hurdles too significant to overcome when looking at Dog Parks in the past.

Analyst Bloomquist described two options:

Option 1

The PRC would contact other jurisdictions that offer dog off-leash hours/areas in their parks and gather information pertaining to the opportunities and constraints it presents. This task would be delegated by the PRC to the Dog Park Task Force, with regular monthly updates by the Task Force to the PRC until such time as they are ready to present to the Council. During this time 1-2 public input meetings would be held to gather information.

Option 2

Designate an area at a City park as the site for 1-3 month trial period for off-leash hours. Public notice of the area around the park would occur, along with a public hearing at City Council to amend the existing City ordinance pertaining to dogs off-leash in City owned parks. Azule Park may be a desirable test site because a majority of the petitions presented to Council originated from the areas surrounding this park.

Tom Barbaro, Saratoga resident and member of the Friends of Saratoga Dogs, stated that he supported off leash dog areas/hours in City parks. Mr. Barbaro stated the following:

- 6,000 dogs in Saratoga
- Off leash hours and exercise is good for the dogs and owners
- No facility in Saratoga is designated for this type of use
- Requested 1-2 hours of off leash ours in a designated City park
- Self policing by user group

Stan Levy noted that the City doesn’t need to develop new areas for off leash hours, but utilize current facilities in the City. Mr. Levy stated that at the dog parks he has visited in the past he has never seen aggressive dog behavior. Mr. Levy stated pet owners clean up after themselves and help watch the other dogs in the parks. Mr. Levy urged the Council to go forward with the public hearing process.

George Miller noted that he has lived in Saratoga for 37 years and fully supports the idea of a dog park in Saratoga.

Consensus of the City Council to direct the PRC to work with the Friends of Saratoga Dogs, the Sheriff’s Office, and neighborhood groups to investigate a trial period of off leash dog hours and report back to Council in three months.

5. **STATE OF CALIFORNIA DEPARTMENT OF PARKS AND RECREATION 2002 RESOURCES BOND ACT (PROPOSITION 40) YOUTH SOCCER GRANT PROGRAM AND HEALTHY COMMUNITIES GRANT PROGRAM; AUTHORIZATION TO PROCEED WITH GRANT APPLICATIONS AND APPROVAL OF GRANT RESOLUTION**

STAFF RECOMMENDATION:

Authorize staff to proceed with the Grant Applications; adopt resolutions.

RESOLUTION: 04-086

Cary Bloomquist, Administrative Analyst, presented staff report.

Analyst Bloomquist stated that the City has an opportunity to apply for two competitive grant programs for park improvements that may otherwise go unmet. Analyst Bloomquist described the two grants as follows:

Grant Program	Project Description	Estimated Project Costs	Local Match	Deadline to Apply
Youth Soccer	“Sand Channel” field drainage improvements at Congress Springs Park	\$200,000	Not mandatory but highly recommended	11/05/04
Healthy Community	Addition of one tennis court at Azule Park	\$100,000	Yes, 25% of project costs	11/005/04

A discussion took place amongst the City Council in regards to the additional tennis court at Azule Park. Consensus of the City Council to oppose supporting the Healthy Communities Grant application.

BOGOSIAN/STREIT MOVED TO **AUTHORIZE STAFF TO PROCEED WITH GRANT APPLICATION FOR THE YOUTH SOCCER GRANT PROGRAM AND ADOPT RESOLUTION AUTHORIZING THE SAME.**
MOTION PASSED 5-0.

6. **GRAND JURY REPORT CONCERNING THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY (VTA)**

STAFF RECOMMENDATION:

Accept report and provide direction regarding a response to the Grand Jury Report – Inquiry into the Board Structure and Financial Management of the (VTA).

John Cherbone, Public Works Director, presented staff report.

Director Cherbone stated that earlier this year the 2003-2004 Santa Clara Civil Grant Jury issues a Final Report inquiring into the Board Structure and Financial Management of the Valley Transportation Authority (VTA). On October 15, 2004, the City received a letter from Michael A. Smith, Grand Jury Foreman, which stated that the City must immediately provide a response to the Grand Jury report.

Director Cherbone stated that Grand Jury reports have a specific format to follow:

1. For each Finding in the report it is required to “Agree” or “Disagree”. If you disagree, in whole or part, you must include an explanation of the reasons you disagree.
2. For each Recommendation it is required to respond with one of four possible Actions:
 - Action 1: The particular Recommendation(s) have been implemented
 - Action 2: The particular Recommendation(s) have not been implemented, but will be implemented in the future.
 - Action 3: The particular Recommendation(s) require further analysis
 - Action 4: The particular Recommendation(s) will not be implemented, because they are not warranted or not reasonable.

Director Cherbone stated that each of the abovementioned Actions require supporting information or explanation, which staff will include in the response to the Grand Jury.

Director Cherbone explained that the Grand Jury concluded with the following three Findings and corresponding recommendations, which are required a response in the above-described format.

Director Cherbone read each Finding and Recommendation from the Grand Jury and asked Council for direction.

KLINER/STREIT MOVED TO SUPPORT GRAND JURY FINDING I AND FINDING II IN REGARDS TO THE VALLEY TRANSPORTATION AUTHORITY. MOTION PASSED 5-0.

7. **PROPOSAL FOR THE 3RD ANNUAL MUSTARD WALK**

STAFF RECOMMENDATION:

Accept report and direct staff accordingly; adopt resolution.

RESOLUTION: 04-084

Cathleen Boyer, City Clerk, presented staff report.

City Clerk Boyer explained that on October 6, 2004 the Rotary Club of Saratoga submitted the attached proposal under Written Communications for Council consideration. Due to the Brown Act Council could not take any action on the

proposal at that time. Staff was directed to bring it back on tonight's agenda.

City Clerk Boyer explained that the Rotary has requested that the City Council allow the Rotary to sponsor the 3rd Annual Mustard Walk, waive any permit fees, use of the Warner Hutton House, Heritage Orchard, and City parking lot. The Rotary has also requested a monetary contribution of \$1000.

City Clerk Boyer explained that a contribution of \$1,000 could be appropriated out of City Council Contingency.

KLING/KING MOVED TO ADOPT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SARATOGA AUTHORIZE AN AMENDMENT TO THE 2004-2005 BUDGET FOR AN APPROPRIATION OF FUNDS TO BE ALLOCATED TO SUPPORT THE 3RD ANNUAL MUSTARD WALK. MOTION PASSED 5-0

8. PARK RENTAL FEE INFORMATION

STAFF RECOMMENDATION:

Accept report.

John Cherbone, Public Works Director, presented staff report.

Director Cherbone explained that at the last City Council meeting Councilmember Bogosian's requested park rentals for FY03/04 and revenue collected to date in the current fiscal year. Director Cherbone noted the following:

- Park rental fees (excluding group use fees) collected in FY03/04 - \$12,502
- Park rental fees (excluding group use fees) collected to date in FY 04/04 - \$1,725

Mayor Waltonsmith thanked Director Cherbone for the report.

COMMISSION ASSIGNMENT REPORTS

Vice Mayor King reported the following information:

City/School Ad-Hoc Committee – recently met with the Interim Principal at Saratoga High School and two Board members. Discussed forming a Facility AdHoc Committee.

CITY COUNCIL ITEMS

Vice Mayor King announced that tomorrow night at Villa Montalvo Maxine Hong Kingston would be speaking on her book, which is the first book chosen for "Saratoga Reads", titled "The Women Warrior".

OTHER

None

CITY MANAGER'S REPORT

None

ADJOURNMENT

There being no further business, Mayor Walton Smith adjourned the meeting at 10:30 p.m.

Respectfully submitted,

Cathleen Boyer, CMC
City Clerk