

**MINUTES  
SARATOGA CITY COUNCIL  
FEBRUARY 2, 2005**

The City Council of the City of Saratoga held a Joint Session with the Finance Commission in the Administrative Conference Room, 13777 Fruitvale Avenue, at 6:00 p.m.

The following Commissioners were present: Chair Alex Tennant, Richard Allen, Jim Hughes, and Staff Liaison Michele Braucht.

Chair Tennant highlighted the Commission's accomplishments for 2004 and noted that they are currently working on developing a policy in regards to City's reserves.

Chair Tennant stated that the Commission supports the concept that core priorities should receive first priority when allocating funds. Chair Tennant stated that core priorities could also be thought of as the absolute minimum services that the City must provide.

Chair Tennant stated that after defining the priorities of Saratoga, the Commission divided City services into three categories:

- Class A – Core priorities, must provide
- Class B – Should provide
- Class C – Would like to provide

Chair Tennant briefly highlighted the Commission's collective opinion of which services were placed in each category.

Mayor King thanked the Finance 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.

Conference With Legal Counsel – Threatened Litigation: Significant exposure to litigation pursuant to Government Code section 54956.9(b): (2 potential cases)

Conference With Legal Counsel – Existing Litigation:

(Government Code section 54956.9(a))

Name of case: Hinz v. City of Saratoga v (Santa Clara County Superior Court  
(No case #)

**ROLL CALL**

PRESENT: Councilmembers Aileen Kao, Nick Streit,  
Ann Waltonsmith, Mayor Kathleen King  
ABSENT: Vice Mayor Norman Kline  
ALSO Dave Anderson, City Manager  
PRESENT: Lorie Tinfow, Assistant City Manager  
Richard Taylor, City Attorney  
Cathleen Boyer, City Clerk  
Michele Braucht, Administrative Services Director  
John Livingstone, Interim Community Development Director  
John Cherbone, Public Works Director

**REPORT OF CITY CLERK ON POSTING OF AGENDA FOR FEBRUARY 2, 2005**

Cathleen Boyer, City Clerk, reported that pursuant to Government Code Section 54954.2, the agenda for the meeting of February 2, 2005 was properly posted on January 28, 2005.

**ORAL COMMUNICATIONS**

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

Citizen Ray presented the City Council with an update on the grant application for the improvements on Highway 9.

Mary Robertson requested a status report on the Neighborhood Watch Program, which used to be offered by the Sheriff's Office. Referring to Megan's Law, Mrs. Robertson pointed out that 12 registered sex offenders were living in the City of Saratoga.

Sandy Cross requested an update on the progress of the Kevin Moran Park Improvement Project.

**COMMUNICATIONS FROM COMMISSIONS**

Alex Tennant noted that he was the Chair of the Finance Commission. Chair Tennant noted that tonight the Finance Commission had a joint meeting with the City Council. Chair Tennant described the Commission accomplishments during 2004 and noted that they are eagerly looking forward to helping the Council with the preparation and review process for the FY 05-06 Budget.

**COUNCIL DIRECTION TO STAFF**

Councilmember Waltonsmith requested that staff contact Captain Hirokawa and request a status report on both items Mrs. Robertson brought up this evening.

City Manager Anderson replied that he would invite Captain Hirokawa to the next City Council meeting.

In regards to Kevin Moran Park, Councilmember Streit stated that the AdHoc Committee was put on hold due to the lack of City staff.

**ANNOUNCEMENTS**

None

**CEREMONIAL ITEMS**

1. **PROCLAMATION DECLARING THE MONTH OF FEBRUARY 2005 "SILICON VALLEY READS MONTH"**

**STAFF RECOMMENDATION:**

Read proclamation.

Mayor King read the proclamation and presented it to Melinda Cervantes, County Librarian.

**SPECIAL PRESENTATIONS**

None

**CONSENT CALENDAR**

**2A. APPROVAL OF CITY COUNCIL MINUTES – JANUARY 5, 2005**

**STAFF RECOMMENDATION:**

Approve minutes.

STREIT/WALTONSMITH MOVED TO **APPROVE MINUTES OF JANUARY 5, 2005.** MOTION PASSED 4-0-1 WITH KLINE ABSENT.

**2B. REVIEW OF CHECK REGISTER**

**STAFF RECOMMENDATION:**

Approve check register.

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

**2C. MEMORANDUM OF UNDERSTANDING WITH MILLMAN & INDUSTRIAL CARPENTERS LOCAL 262**

**STAFF RECOMMENDATION:**

Adopt resolution approving the MOU and authorize the City Manager to execute the MOU.

**RESOLUTION: 05-007**

STREIT/WALTONSMITH MOVED TO **ADOPT RESOLUTION REVISING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE MILLMAN & INDUSTRIAL CARPENTERS LOCAL 262 FOR THE PERIOD JULY 1, 2004 THROUGH JUNE 30, 2005.** MOTION PASSED 4-0-1 WITH KLINE ABSENT.

**2D. LANDSCAPING & LIGHTING ASSESSMENT DISTRICT LLA-1; RESOLUTION INITIATING RENEWAL OF THE DISTRICT FOR FY 04-05**

**STAFF RECOMMENDATION:**

Adopt resolutions.

**RESOLUTIONS: 05-008 & 009**

**STREIT/WALTONSMITH MOVED TO ADOPT RESOLUTION APPOINTING ATTORNEYS FOR FISCAL YEAR 2005-2006.** MOTION PASSED 4-0-1 WITH KLINE ABSENT.

**STREIT/WALTONSMITH MOVED TO ADOPT RESOLUTION DESCRIBING IMPROVEMENTS AND DIRECTING PREPARATION OF ENGINEER'S REPORT FOR FISCAL YEAR 2005-2006.** MOTION PASSED 4-0-1 WITH KLINE ABSENT.

**2E. APPROVAL OF AMENDMENT NUMBER TWO TO JOINT FUNDING AGREEMENT FOR THE SILICON VALLEY REGIONAL INTEROPERABILITY PROJECT**

**STAFF RECOMMENDATION:**

Authorize the City Manager to execute Amendment Number Two to the Joint Funding Agreement (JFA) with other Santa Clara County cities to update the current scope and authority of the Project.

**STREIT/WALTONSMITH MOVED TO AUTHORIZE THE CITY MANAGER TO EXECUTE AMENDMENT NUMBER TWO TO THE JOINT FUNDING AGREEMENT (JFA) WITH OTHER SANTA CLARA COUNTY CITIES TO UPDATE THE CURRENT SCOPE AND AUTHORITY OF THE PROJECT.** MOTION PASSED 4-0-1 WITH KLINE ABSENT.

**PUBLIC HEARINGS**

None

**OLD BUSINESS**

**3. CONSIDERATION OF LETTER REGARDING ADMINISTRATION OF INTERIM URGENCY ORDINANCE**

**STAFF RECOMMENDATION:**

Consider letter and direct staff accordingly.

John Livingstone, Interim Community Development Director, presented staff report.

Interim Director Livingstone explained that on January 24, 2005, the City Council received an e-mail requesting their interpretation of the Urgency Ordinance on two issues:

- How the ordinance should be applied to landscaping plans that do not show structures approved by over the counter building permits issued before the ordinance was adopted.
- The administration of the exceptions added to the ordinance on January 5.

Interim Director Livingstone provided a brief background in regards to the adoption of the Design Review Urgency Ordinance.

David Mighdoll read a letter signed by over 65 homeowners around 13641 Ronnie Way. Mr. Mighdoll requested that the City enforce the original landscape plan Mr. Haas submitted.

MiMi Frazier Mather noted that the neighbors around 13641 Ronnie Way care about the integrity of the neighborhood and the architectural compatibility. Mrs. Mather stated that the property owner at 13641 Ronnie Way promised the neighbors one thing and the minute he moved in he broke all the rules.

Tom Marantette noted that he lives directly across from 13641 Ronnie Way. Mr. Marantette noted that since the beginning of this problem he and his neighbors have just been trying to preserve the look and feel of the neighborhood.

Jan Smith noted that she has lived on Ronnie Way for 13 years. Mrs. Smith noted that she feels the BBQ area in front of 13641 Ronnie Way is an eyesore.

City Council discussion took place in regards to the ordinance passed on November 22, 2004 and the issues surrounding the property located at 13641 Ronnie Way.

Consensus of the City Council to direct the Community Development Department to follow through on the landscaping plan for the property located at 13641 Ronnie Way. Any other visible improvements that can be seen from the road must go through the Design Review process unless if the Community Development Director deems the changes minor.

#### 4. **GRANT WRITER CONTRACT – REVIEW OF SERVICES**

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

Accept report and direct staff accordingly.

John Cherbone, Public Works Director, presented staff report.

Director Cherbone stated that on April 7, 2004 the City entered into a contract with Randall Funding and Development, Inc. for Grant Writer services. The cost of the service is a \$3,000 a month flat fee with a 3% incentive fee (10k cap) pre awarded grant.

Director Cherbone noted that attached to the staff report was a progress report prepared by Randall Funding explaining the progress to date regarding the procurement of grants for the City.

Director Cherbone presented the following options to the Council regarding grant services:

- Continue existing contract with Randall funding as stipulated in the existing contract

- Negotiate a different arrangement with Randall Funding such as paying for grant services on a per grant basis
- Discontinue contract with Randall Funding and prepare grants in-house as staff resources permit.

Director Cherbone noted that a representative from Randall Funding was presented this evening to answer questions from the Council.

Dan Hamilton, Randall Funding and Development, Inc, explained the problems they had in regards to obtaining the executed contract from the City, time constraints on grant deadlines, and the problems working with City staff. Mr. Hamilton stated that Randall Funding would be willing to renegotiate the City's contract.

Councilmember Streit noted that he feels the City hasn't given Randall Funding the opportunity to obtain grants for the City. He would support renegotiating the contract.

Mayor King expressed her disappointment with Randall Funding. Mayor King noted that she did not support continuing this contract.

**MOVED TO DIRECT STAFF TO RENEGOTIATE CITY'S CONTRACT WITH RANDALL FUNDING.** MOTION PASSED 3-1-1 WITH KING OPPOSING AND KLINE ABSENT.

## **NEW BUSINESS**

None

## **ADHOC & AGENCY ASSIGNMENT REPORTS**

Mayor Kathleen King reported that following information:  
West Valley Mayors and Managers Association – continued discussion regarding the County's new annexation plans.

Councilmember Nick Streit reported that following information:  
City/School AdHoc – met with Prospect High School representatives.

Councilmember Aileen Kao reported that following information:  
Chamber of Commerce –annual "Crab Feed" will be held on February 26, 2005.

Councilmember Ann Waltonsmith reported that following information:  
Sister City Liaison

- January 21, 2005 had their first potluck of the year. A slide show was presented to approximately 120 people. A second potluck has been scheduled for March 18, 2005.
- San Francisco Museum of Art is now showcasing "The Geish, Beyond the Painted Smile".

## **CITY COUNCIL ITEMS**

Mayor King reminded everyone that the Mustard Walk was this Sunday, February 6, 2005, from 11:00 a.m. – 3:00 p.m.

Mayor King announced that the City was looking for volunteers to recite the Pledge of Allegiance prior to the City Council meetings. Mayor King noted that if anyone was interested to call the City Clerk's office.

## **OTHER**

None

## **CITY MANAGER'S REPORT**

City Manager Anderson noted that he was asked to participate on the hiring panel for the new Chamber of Commerce Executive Director position. City Manager Anderson noted that the Chamber has hired Sheila Arthur as Interim Director.

## **ADJOURNMENT**

There be no further business, Mayor King adjourned Closed Session at 9:30 p.m.

Respectfully submitted,

Cathleen Boyer, CMC  
City Clerk