

**MINUTES
SARATOGA CITY COUNCIL
APRIL 20, 2005**

The City Council met in Closed Session in the Administrative Conference Room, 13777 Fruitvale Avenue, at 5:30 p.m.

Conference With Labor Negotiators (Gov't Code 54957.6):

Agency designated representatives: Lorie Tinfow, Assistant City Manager
Employee organization: Millman & Industrial Carpenters Local 262

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
Case No. 105CV034746)

Volunteer Appreciation Reception – 6:30 P.M. – Civic Theater/Council Chambers At
13777 Fruitvale Avenue

Mayor King called the Regular City Council meeting to order at 7:00 p.m. and introduced Zachary Angel. Mayor King noted that Zachary attended Country Lane School was doing a report on the City. Mayor King presented him with a button, which read “Mayor for the Day”. Mayor King requested that Zachary lead the Pledge of Allegiance.

ROLL CALL

PRESENT: Councilmembers Aileen Kao, Nick Streit,
Ann Waltonsmith, Vice Mayor Norman Kline,
Mayor Kathleen King
ABSENT: None
ALSO Dave Anderson, City Manager
PRESENT: Lorie Tinfow, Assistant City Manager
Richard Taylor, City Attorney
Cathleen Boyer, City Clerk
Ann Sullivan, Deputy City Clerk
Michele Braucht, Administrative Services Director
John Livingstone, Community Development Director
John Cherbone, Public Works Director
Joan Pisani, Recreation Director

REPORT OF CITY CLERK ON POSTING OF AGENDA FOR APRIL 20, 2005

Cathleen Boyer, City Clerk, reported that pursuant to Government Code Section 54954.2, the agenda for the meeting of April 20, 2005, was properly posted on April 15, 2005.

ORAL COMMUNICATIONS

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

Lucinda Layton announced the on August 6-7, 2005, the American Cancer Society will holding their annual "Relay for Life" in Saratoga at Redwood Middle School.

Jim Foley noted he has received nine recreation catalogues from the City of Saratoga. Mr. Foley questioned the costs of publication and postage. Mr. Foley stated that the City doesn't have a budget problem, but a spending problem.

Citizen Ray updated the Council on the Highway 9 Safety Improvement Project.

Madeline Morrow announced that on May 1, 2005, the Saratoga Music Boosters would be holding a pancake breakfast.

Lon Saavedra, Executive Director/Hakone Foundation, announced that on May 15, 2005, from 11:00 a.m.- 4: 00 p.m. they would be celebrating 6th Annual "Japan Festival".

COUNCIL DIRECTION TO STAFF

Referring to Mr. Foley's comments, Vice Mayor Kline explained that there are two different recreation programs, Saratoga Recreation Department and Los Gatos -Saratoga Recreation Department.

Mayor King invited Mr. Foley to help the City figure out ways to become more efficient.

COMMUNICATIONS FROM COMMISSIONS

None

COUNCIL DIRECTION TO STAFF

None

ANNOUNCEMENTS

None

CEREMONIAL ITEMS

1A. COMMENDATION FOR MICHAEL BOITZ

STAFF RECOMMENDATION:

Present commendation.

Mayor King read the commendation and presented it to Mr. Michael Boitz. Mayor King thanked Master Sergeant Sean Washington from the U.S. Marine Corps for attending tonight's meeting.

1B. **PROCLAMATION DECLARING THE WEEK OF APRIL 17-23, 2005 AS
“SARATOGA VOLUNTEER APPRECIATION WEEK”**

STAFF RECOMMENDATION:

Read proclamation.

Mayor King read the proclamation and acknowledged the volunteers and their many hours they contributed to the City.

SPECIAL PRESENTATIONS

2. **PRESENTATION BY GAY CRAWFORD, AMERICAN CANCER
SOCIETY**

STAFF RECOMMENDATION:

None.

Gay Crawford presented Saratoga Librarian Dolly Barnes with a book about colon cancer.

CONSENT CALENDAR

3A. **APPROVAL OF CITY COUNCIL MINUTES – FEBRUARY 16, 2005**

STAFF RECOMMENDATION:

Approve minutes.

STREIT/WALTONSMITH MOVED TO **APPROVE CITY COUNCIL
MINUTES OF FEBRUARY 16, 2005**. MOTION PASSED 5-0.

3B. **APPROVAL OF CITY COUNCIL MINUTES – MARCH 8, 2005**

STAFF RECOMMENDATION:

Approve minutes.

STREIT/WALTONSMITH MOVED TO **APPROVE CITY COUNCIL
MINUTES OF MARCH 8, 2005**. MOTION PASSED 5-0.

3C. **REVIEW OF CHECK REGISTER**

STAFF RECOMMENDATION:

Approve check register.

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

3D. **TREASURER'S REPORT FOR THE MONTH ENDED MARCH 2005**

STAFF RECOMMENDATION:

Accept and file report.

STREIT/WALTONSMITH MOVED TO **ACCEPT AND FILE REPORT.**
MOTION PASSED 5-0-.

3E. **RESOLUTION AUTHORIZING THE DESTRUCTION OF CERTAIN CITY RECORDS**

STAFF RECOMMENDATION:

Adopt resolution.

RESOLUTION: 05-023

STREIT/WALTONSMITH MOVED TO **ADOPT RESOLUTION AUTHORIZING THE DESTRUCTION OF RECORDS.** MOTION PASSED 5-0.

3F. **LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT LLA-1; PRELIMINARY APPROVAL OF ENGINEER'S REPORT AND ADOPTION OF RESOLUTION OF INTENTION FOR FY 05-06**

STAFF RECOMMENDATION:

Adopt resolutions.

RESOLUTION: 05-025&025

STREIT/WALTONSMITH MOVED TO **ADOPT RESOLUTION APPROVING THE LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT LLA-1; PRELIMINARY APPROVAL OF ENGINEER'S REPORT AND ADOPTION OF RESOLUTION OF INTENTION FOR FY 05-06.** MOTION PASSED 5-0.

3G. **MOTOR VEHICLE (MV) RESOLUTION PROHIBITING PARKING ON VISTA ARROYO COURT**

STAFF RECOMMENDATION:

Adopt resolution.

RESOLUTION: MV-243

STREIT/WALTONSMITH MOVED TO **ADOPT MOTOR VEHICLE RESOLUTION PROHIBITING PARKING ON VISTA ARROYO COURT.** MOTION PASSED 5-0.

3H. **2005 YOUTH COMMISSION VACANCIES**

STAFF RECOMMENDATION:

Accept report and adopt resolution.

RESOLUTION: 05-022

Councilmember Kao requested that item 3H be removed from the Consent Calendar.

Councilmember Kao asked if the Youth Commission had term limits.

City Clerk Boyer stated that term limits, as specified in the City Code, doesn't apply to the Youth Commission.

KAO/STREIT MOVED TO **ADOPT RESOLUTION REAPPOINTING FOUR YOUTH COMMISSIONS.** MOTION PASSED 5-0.

3I. **PROGRAM SUPPLEMENT AGREEMENT - QUITO ROAD BRIDGE REPLACEMENT PROJECT, C.I.P. NO. 9111**

STAFF RECOMMENDATION:

Authorize the City Manager to execute Program Supplement Agreement No. M001 Rev. 1 to Administering Agency-State Agreement for Federal-Aid Projects No. 04-5332.

STREIT/WALTONSMITH MOVE TO **AUTHORIZE THE CITY MANAGER TO EXECUTE PROGRAM SUPPLEMENT AGREEMENT NO. M001 REV. 1 TO ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS NO. 04-5332.** MOTION PASSED 5-0.

3J. **REVISED LEASE AGREEMENT FOR HAKONE GARDENS AND PROPERTY MANAGEMENT AGREEMENT FOR THE CARETAKERS COTTAGE AT HAKONE GARDENS**

STAFF RECOMMENDATION:

Approve revised Lease Agreement and Property Management Agreement for the Caretakers Cottage at Hakone Gardens and authorize the Mayor to execute the same.

STREIT/WALTONSMITH MOVE TO **APPROVE THE REVISED LEASE AGREEMENT AND PROPERTY MANAGEMENT AGREEMENT FOR THE CARETAKERS COTTAGE AT HAKONE GARDENS AND AUTHORIZE THE MAYOR TO EXECUTE THE SAME.** MOTION PASSED 5-0.

PUBLIC HEARINGS

None

OLD BUSINESS

None

NEW BUSINESS

4. PROPOSED MASTER FEE SCHEDULE FOR FISCAL YEAR 2005-2006

STAFF RECOMMENDATION:

Approve proposed fee schedule.

Michele Braucht, Administrative Services Director, presented staff report.

Director Braucht explained that this year the Fee schedule had a new format. Staff found the City of Menlo Park's fees schedule to be a user-friendly format and has developed a similar format. The fees are now grouped by Departments and a table of contents has been added to direct users to the respective departmental fees.

Director Braucht highlighted proposed new fees stating that the most significant changes occur in the Community Development Department. Director Braucht stated that staff has reviewed current fees and associated expenditures and concluded that the proposed fee increases are necessary for the City to approach a cost recovery position for the services being provided. All of the fee increases are directly related to the increases in costs that support the related functions.

Referring to page 13 in the proposed Fee Schedule, Councilmember Streit stated that he doesn't support raising the water heater replacement permit from \$35 to \$78.

The following people requested to speak in regards to the surcharge and rental fee increase of the use of the theater:

C. Michael Traw noted that he has been with the Saratoga Drama Group since 1962. Mr. Traw requested that the new fees be deferred until January 1, 2006.

Judy Pincus noted that she represented the West Valley Light Opera. Ms. Pincus stated that they weren't aware of ticket surcharge increase and they have already published their ticket prices for the upcoming season. Ms. Pincus requested that the new surcharge take effect January 1, 2006.

Paul Buszkiewicz requested that the new fees be deferred until January 1, 2006.

Joe Wagner requested that the new fees be deferred until January 1, 2006.

Councilmember Kao requested an explanation on the surcharge.

Director Pisani explained that the money doesn't go into the General Fund; it is placed in a sinking fund and is spend on the Theater.

Vice Mayor Kline noted that in the past the City has never charged nonprofit organizations current market rates on fees and rent. Unfortunately, due to the difficult economic times the City is facing, things have to change.

Councilmember Waltonsmith noted that she understands the user groups concerns but the City needs to increase the rent and surcharge.

Mayor King noted that nonprofit groups should find matching funds and do fundraising.

Consensus if the City Council to reduce the Water Heater Permit to \$45.00 and direct Director Pisani to work with the theater user groups to set the dates for the new surcharge and rent increase – no later than January 1, 2006.

5. **REVIEW OF VILLAGE PARKING STANDARDS**

STAFF RECOMMENDATION:

1. Direct Planning Commission to review existing parking requirements for the Village businesses and make recommendations to City Council regarding changes.
2. Direct staff to meet with affected business and/or property owners in the Village to discuss the implications of any changes.

Lorie Tinfow, Assistant City Manager, presented staff report.

Assistant City Manager Tinfow stated that the Village continues to struggle to retain businesses and attract new customers. The City has taken a number of steps to help the Village: installed new benches and trash receptacles, new parking signs, and lighting in the trees to improve the evening ambiance. The City has co-sponsored events such as the annual tree-lighting ceremony, Art in the Park, etc., to bring people into the Village. However, Assistant City Manager Tinfow pointed out that future Village support would be far less than in the recent past as a result of budget reductions for 2005-06. Council has directed staff to cut funding for Economic Development in the next fiscal year.

Assistant City Manager Tinfow explained that the Village Ad-Hoc Committee, comprised of Mayor King and Vice Mayor Kline, has been searching for no or low costs that would help support the Village. One constraint on business expansion and attracting new businesses is the stringent parking standards that apply to businesses outside the four prescribed Parking Districts.

Assistant City Manager Tinfow briefly explained Saratoga’s parking standards and presented parking options for the Village as follows:

- Standardized parking requirements and enable existing businesses to expand
- Set the standard for the non-Parking District properties at the lowest level required in a parking district
- Suspend parking requirements for a fixed amount of time, for example 1-5 years

Assistant City Manager Tinfow stated that any of these options could potentially improve the economic vitality of the Village by permitting a wider range of businesses as well as an increase in total business square footage.

Assistant City Manager Tinfow stated the Village AdHoc Committee believes that suspending or relaxing the parking requirements could be a low cost way to stimulate activity in the Village.

A discussion took place in regards to the current parking assessment district and what could happen if the rules were less strict.

Consensus of the City Council to direct Planning Commission to review existing parking requirements for the Village businesses and make recommendations to City Council regarding changes; direct staff to meet with affected business and/or property owners in the village to discuss the implications of any changes.

6. **SARATOGA VILLAGE DEVELOPMENT COUNCIL REQUEST TO BEATIFY THE SARATOGA VILLAGE WITH VOLUNTEERS AND DONATIONS**

STAFF RECOMMENDATION:

Accept report and direct staff accordingly.

Lorie Tinfow, Assistant City Manager, presented staff report.

Assistant City Manager Tinfow noted that recently the Saratoga Business Development Council (SBDC) has changed their name to the Saratoga Village Development Council (SVDC) with resident Jill Hunter as chair. Mrs. Hunter and the other SVDC volunteers have focused on the beautification of Saratoga Village and have started by picking up trash, planting flowers and arranging to have trees planted. They have greater aspirations and want to install hanging flower baskets along Big Basin Way, and organize music and events that would bring people into the Village. Assistant City Manager Tinfow stated that any activity in the public right of way needs to be coordinated with the City. Assistant City Manager Tinfow stated that the volunteers with need to be register as volunteers of the City or covered under another organization like the Chamber of Commerce.

Assistant City Manager Tinfow stated that although they want to provide no-cost volunteer labor and have received donations to fund some of their activities, City resources would also be required. Without a formal or legal structure volunteers should be registered with the City or work under the umbrella of some other organization for liability reasons. In addition, irrigation for the proposed hanging baskets would require direct involvement of City staff and resources.

Jill Hunter noted that SBDC has been around for the last 20 years and has lived in Saratoga for 25 years. Mrs. Hunter stated that the Village is a treasure. Mrs. Hunter stated that the SVDC isn't asking for any money but would like to ask for water for the flowers. Mrs. Hunter stated that she recently talked to Director Cherbone who stated that providing water from the existing lines would not be a problem. Mrs. Hunter suggested that the City install new signs off Highway 85 directing people to the "Historic Downtown". Mrs. Hunter stated that Summerwind Nursery has agreed to give the SVDC a discount on plants and flowers. Referring to the Saratoga Village Design Guidelines, which was adopted in 1991, Mrs. Hunter stated that although most of the designs were never done, they refer to hanging baskets, flags, and community gardeners. Mrs. Hunter stated that the SVDC would also like to commend business owners who have beautified their outside façade.

A discussion took place in regards to the liability of the volunteers.

City Attorney Taylor explained that either the City or another organization must take responsibility of the volunteers. City Attorney Taylor noted that Caltrans owns the sidewalks, so unless the City wants to declare this their project then the volunteers would need to register as volunteers of the City. If the City doesn't take ownership of this project then the volunteers are just a group of people cleaning the Village.

Consensus of the City Council that they would not take any action in regards to volunteers in the Village as long as they do not start projects that would ultimately cost the City money or building or maintaining any liability.

ADHOC & AGENCY ASSIGNMENT REPORTS

Mayor Kathleen King reported that following information:

SASCC – recent discussion regarding their balance of the endowment fund.

Vice Mayor Norman Kline reported the following information:

Valley Transportation Authority PAC – small bus program is underway in the Town of Los Gatos.

Councilmember Nick Streit reported the following information:

West Valley Sanitation District – continuing to absorb the Town of Los Gatos sanitation lines.

Councilmember Aileen Kao reported the following information:
Peninsula Division, League of California Cities – would be attending the annual dinner on April 28, 2005.

Councilmember Ann WaltonSmith reported the following information:
KSAR Community Access TV Board – contract is being prepared to officially make the new Director an employee if the non-profit organization.
Saratoga Historic Foundation – Cooper-Garrod Estate Vineyard will be hosting a benefit to support the Foundation on May 7, 2005 from 1:00 p.m.- 4:00 p.m. Wine and hors d' oeuvres would be served. Advanced tickets are on sale for \$25.00.

CITY COUNCIL ITEMS

Vice Mayor Kline requested support from the Council to agendize a discussion regarding the Tax Equity Allocation (TEA). Mayor Kline briefly explained than this legislation and noted that four cities including Saratoga was affected by TEA due to a decision made by the Senator Vasconcellos.

Councilmember Streit noted that he would support Vice Mayor Kline's request. In addition, Councilmember Streit explained he would like to appeal recent decision made by the Planning Commission approving a new Verizon cell site.

Consensus of the City Council to support Councilmember Streit's request.

OTHER

None

CITY MANAGER'S REPORT

None

ADJOURNMENT

There being no further business Mayor King adjourned the meeting at 10:20 p.m.

Respectfully submitted,

Cathleen Boyer, CMC
City Clerk