

**MINUTES  
SARATOGA CITY COUNCIL  
MAY 18, 2005**

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 Phillip Baker, Amit Arunkumar, Jennifer Brown, Kelly Burke, Michael Byrne, Justin El-Diwany, Tonya Gupta, Tami Maltiel, Pratik Pramanik, Elli Rezaii, Elise Schwartz, Ted Slavos, Steven Shepherd, and Deborah Wu.

The Youth Commissioners explained the City Council the events and activities that they sponsored this year such as ski trips, dances, lecture series, fundraising activities, concerts, and their new website.

The City Council met in Closed Session in the Administrative Conference Room, 13777 Fruitvale Avenue, at 6:30 p.m.

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)

Conference with Legal Counsel – Initiation of litigation (Gov't Code 54956.9(c): (1 potential case)

Mayor King called the Regular City Council meeting to order at 7:00 p.m. and Daniel Tang led 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 MAY 4, 2005**

Cathleen Boyer, City Clerk, reported that pursuant to Government Code Section 54954.2, the agenda for the meeting of May 18, 2005, was properly posted on May 13, 2005.

## **ORAL COMMUNICATIONS**

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

Citizen Ray updated the Council on the Highway 9 Safety Improvement Project and explained the dangerous situation on Shannon Road in the Town of Los Gatos.

Jack Mallory requested that the City Council consider waiting one year to sell the North Campus to allow the Citizens Committee to Save the North Campus a chance to fundraise.

Marty Goldberg stated that he is shocked and disappointed in the events that have transpired regarding the Kevin Moran Park Improvement Project. Mr. Goldberg stated that the Project started out with an open public process and out of that a Task Force was formed. Mr. Goldberg stated that recently this open process ended up with a closed meeting that occurred last Thursday. This meeting included one staff official, one Councilmember, and a few neighbors. Mr. Goldberg stated that this meeting showed back door politics. Mr. Goldberg stated that he was not invited to participate in this meeting nor were the other neighbors.

Roger Piasa noted that he was shocked to find out that the City Council has decided to place soccer fields in Kevin Moran Park after over 500 signatures were presented to the Council in opposition.

Susanne O'Neil noted that soccer fields at Kevin Moran Park would be detrimental to the neighborhood. Ms. O'Neil stated that Kevin Moran Park should be preserved as a neighborhood park.

Barbara Barone noted that she is opposed to soccer fields at Kevin Moran Park. Ms. Barone stated that if soccer fields go into Kevin Moran Park there would be no parking for the residents.

Bob Allen noted that he lives across the street from the Kevin Moran Park. Mr. Allen stated that he felt the neighbors made it clear to the City that they wanted to participate in the process. Mr. Allen noted that he resented the undermining tactics the City Council and staff were using in regards to Kevin Moran Park.

Elaine Clabeaux noted that she was against soccer fields at Kevin Moran Park and suggested that the Council consider placing the fields in the Heritage Orchard. Mrs. Clabeaux noted that no one would be impacted by the noise or traffic.

Bob Rail noted that he is surprised that he has no communications from the City since last year regarding Kevin Moran Park. Mr. Rail noted that he is against soccer fields at Kevin Moran Park.

## **COUNCIL DIRECTION TO STAFF**

In regards to Mr. Mallory's comments, Councilmember Waltonsmith requested that the North Campus be agendaized for June 1, 2005.

Councilmember Kao supported the request.

In regards to Kevin Moran Park, Councilmember Waltonsmith stated that the Council cannot discuss the plans from Kevin Moran Park if it is not on the agenda because it's a violation of the Brown Act.

Vice Mayor Kline stated that he was on the Kevin Moran Park AdHoc and apologized for missing the meeting on Thursday. Vice Mayor Kline asked Director Cherbone if the Council disbanded the Task Force last year.

Director Cherbone responded yes.

Vice Mayor Kline asked Director Cherbone if there were approved plans for the Kevin Moran Park Improvement Project.

Director Cherbone responded no.

Mayor King asked Director Cherbone if she agendized, for discussion, the Kevin Moran Park Improvement Project for June 1, 2005.

Director Cherbone responded yes and added that after the meeting on Thursday the neighbors requested that the agenda item be moved to October.

Councilmember Waltonsmith stated that she would like to agendize the process for Kevin Moran Park.

Vice Mayor Kline supported the request.

### **COMMUNICATIONS FROM BOARDS AND COMMISSIONS**

Phillip Baker, Chair/Youth Commission, thanked the City Council for meeting with them. Chair Baker explained the various activities the Youth Commission were involved in last year such as the teen inspiration lecture series, dances, a ski trip and fundraising events. Chair Baker thanked the Council for including the Youth Commission in the 2005-06 Operating Budget.

### **COUNCIL DIRECTION TO STAFF**

None

### **ANNOUNCEMENTS**

None

**CEREMONIAL ITEMS**

**1A. COMMENDATION IN MEMORY OF KATHRYN HOLT**

**STAFF RECOMMENDATION:**

Present commendation.

Mayor King invited Mr. Holt and the friends of Kathryn Holt to the stage.

Mayor King read the commendation and presented it to Mr. Holt.

**1B. COMMENDATION - HONORING APPLE**

**STAFF RECOMMENDATION:**

Present commendation.

Mayor King read the commendation and presented it to Art Fitcher, Fletcher Cook, and Brain Miller of Apple.

Mr. Fitcher thanked the City for participating in the event and announced that Saratoga had the highest number of participants this year. Mr. Fitcher thanked staff for the tremendous outreach to the community.

**1C. PROCLAMATION DECLARING THE WEEK OF MAY 15-21 AS  
“NATIONAL PUBLIC WORKS WEEK”**

**STAFF RECOMMENDATION:**

Present proclamation.

Mayor King read the proclamation and presented it to Public Works Director John Cherbone.

**SPECIAL PRESENTATIONS**

None

**CONSENT CALENDAR**

**2A. REVIEW OF CHECK REGISTER**

**STAFF RECOMMENDATION:**

Approve check register.

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

2B. **TREASURER'S REPORT FOR THE MONTH ENDED APRIL 2005**

**STAFF RECOMMENDATION:**

Accept report.

KLINE/WALTONSMITH MOVED TO **APPROVE TREASURER'S REPORT.**  
MOTION PASSED 5-0.

2C. **CITY OF SARATOGA FY 05-06 OPERATING BUDGET**

**STAFF RECOMMENDATION**

Adopt resolution amending the FY 04-05 Operating Budget; Adopt resolution adopting the FY 05-06 Operating Budget.

**RESOLUTION: 05-030 & 031**

Councilmember Streit requested that item 2C be removed from the Consent Calendar.

Councilmember Streit stated that he would not support FY 05-06 budget because he feels that the Council did allocate enough money to the roads and streets and too much is being allocated to outside agencies.

STREIT/WALTONSMITH MOVED TO **ADOPT RESOLUTION AMENDING THE FY 04-05-OPERATING BUDGET.** MOTION PASSED 5-0.

WALTONSMITH/KLINE MOVED TO **ADOPT RESOLUTION APPROVING THE FY 05-06 OPERATING BUDGET.** MOTION PASSED 4-1 WITH STREIT OPPOSING.

2D. **TAX EQUITY ALLOCATION (TEA) RESOLUTION**

**STAFF RECOMMENDATION:**

Adopt resolution authorizing an effort to pursue full cost recovery of Tax Equity Allocation (TEA) funds.

**RESOLUTION: 05-034**

Councilmember WaltonsSmith requested that item 2D be removed from the Consent Calendar.

Councilmember WaltonsSmith pointed out that this item is extremely important to the City of Saratoga.

WALTONSMITH/KAO MOVED TO **ADOPT RESOLUTION AUTHORIZING AN EFFORT TO RESTORE TAX EQUITY ALLOCATION FORMULA TO 100%.** MOTION PASSED 5-0.

- 2E. **RESOLUTION TO RESCIND RESOLUTIONS NO. 03-007 AND NO. 04-075 THAT IMPLEMENTED AND REVISED AN ANNUAL HIRING FREEZE ON VACATED CITY POSITIONS**

**STAFF RECOMMENDATION:**

Adopt resolution.

**RESOLUTION: 05-033**

KLIN/WALTONSMITH MOVED TO **ADOPT RESOLUTION TO RESCIND RESOLUTIONS 03-007 AND 04-075 THAT IMPLEMENTED AND REVISED AN ANNUAL HIRING FREEZE ON VACATED CITY POSITIONS.** MOTION PASSED 5-0.

- 2F. **OFFICE SPECIALIST III POSITION VACANCY**

**STAFF RECOMMENDATION:**

Designate position as essential and authorize the City Manager to fill the vacancy.

KLIN/STREIT MOVED TO **DESIGNATED THE OFFICE SPECIALIST III POSITION ESSENTIAL AND AUTHORIZE THE CITY MANAGER TO FILL THE VACANCY.** MOTION PASSED 5-0.

- 2G. **ASSOCIATE PLANNER POSITION VACANCY**

**STAFF RECOMMENDATION:**

Designate position as essential and authorize the City Manager to fill the vacancy.

KLIN/STREIT MOVED TO **DESIGNATED THE ASSOCIATE PLANNER POSITION ESSENTIAL AND AUTHORIZE THE CITY MANAGER TO FILL THE VACANCY.** MOTION PASSED 5-0.

- 2H **AMEND INDEPENDENT CONTRACTOR AGREEMENT WITH DAVID J. POWERS ASSOCIATES FOR THE ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE BARRY SWENSON/QUITO ROAD PROJECT**

**STAFF RECOMMENDATION:**

Authorize the City Manager to amend the agreement.

KLIN/STREIT MOVED TO **AUTHORIZE THE CITY MANAGER TO AMEND THE INDEPENDENT CONTRACTOR AGREEMENT WITH DAVID J. POWERS ASSOCIATES FOR THE ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE BARRY SWENSON/QUITO ROAD PROJECT.** MOTION PASSED 5-0.

2I **AMEND INDEPENDENT CONTRACTOR AGREEMENT FOR THE CONTRACT PLANNER ASSIGNED TO THE BARRY SWENSON/QUITO ROAD PROJECT**

**STAFF RECOMMENDATION:**

Authorize the City Manager to amend the agreement.

KLINE/STREIT MOVED TO **AUTHORIZE THE CITY MANAGER TO AMEND THE INDEPENDENT CONTRACTOR AGREEMENT FOR THE CONTRACT PLANNER ASSIGNED TO THE BARRY SWENSON/QUITO ROAD PROJECT.** MOTION PASSED 5-0.

2J. **COMMISSION RESTRUCTURING**

**STAFF RECOMMENDATION:**

Adopt resolution.

**RESOLUTION: 05-034**

KLINE/STREIT MOVED TO **ADOPT RESOLUTION SUPPORTING THE COMMISSION RESTRUCTURING.** MOTION PASSED 5-0.

**PUBLIC HEARINGS**

Mayor King requested that Item 4 be heard first.

Consensus of the City Council to move Item 4 forward.

4. **APPEAL OF A PLANNING COMMISSION DECISION TO APPROVE A CONDITION USE PERMIT APPLICATION TO INSTALL THREE PANEL ANTENNAS, AN EMERGENCY GENERATOR, AND AN UNCOVERED EQUIPMENT ENCLOSURE AT THE LOCATION OF AN EXISTING UTILITY LATTICE TOWER NEAR AZULE CROSSING ALONG RAILROAD TRACKS - VERIZON WIRELESS.**

**STAFF RECOMMENDATION:**

Conduct the public hearing and continue the item to the June 1, 2005 City Council meeting.

John Livingstone, Community Development Director, explained that the applicant has requested that the public hearing be continued until June 1, 2005.

Consensus of the City Council to continue the public hearing until June 1, 2005.

Mayor King opened the public hearing and invited public comments.

Seeing none, Mayor King stated that the public hearing would be continued to June 1, 2005.

3. **PROPOSED MASTER FEES SCHEDULE FOR THE FISCAL YEAR 2005-2006**

**STAFF RECOMMENDATION:**

Conduct public hearing; Adopt Fee Schedule.

Mayor King opened the public hearing and invited public comments.

Michele Braucht, Administrative Services Director, presented staff report.

Director Braucht stated that the City Council reviewed the first draft of the Proposed Master Fee Schedule for the fiscal year 2005-2006 at the April 20, 2005 meeting. Per the City Council's directions, staff has incorporated the recommendations made at the last meeting. The new fees would become effective July 1, 2005.

Director Braucht briefly highlighted that changes in the Fee Schedule.

Joan Pisani, Recreation Director, added information in regards to the increase in rental fees on the use of the Civic Theater. Director Pisani explained that there are two main user groups who rent the theater, Saratoga Dram Group and West Valley Light Opera.

Director Pisani noted that she met with the various theater groups last week. Director Pisani pointed out the theater groups do not have salaried employees nor do they receive any corporate or government subsidy. Their total cost of one production can range from \$40,000-\$50,000 including overhead. Director Pisani stated that the revenue for a production is generally close to total cost.

Director Pisani stated that the West Valley Light Opera's season runs from November –July and Saratoga Dram Group's season runs from September –June. West Valley Light Opera sent their 2005-2006 subscriber ticket prices out in March 2005 and most subscribers have already paid for the season.

Director Pisani stated that they discussed two options:

1. Increased theater rental to be effective January 1, 2006. Increased Saratoga City ticket surcharge to be effective August 15, 2006.
2. Increased theater rental to be effective January 1, 2006. Increased Saratoga City ticket surcharge to be effective January 1, 2006.

Mayor King opened the public hearing and invited public comments.

The following person spoke in regards to this item:

Jay Sternin, Treasurer/West Valley Light Opera, requested that the rental fee be effective January 1, 2006 and the ticket surcharge be effective August 2006.

Mayor King closed the public hearing.

A discussion took place regarding providing facilities to outside services and the each group should be financially responsible for the maintenance of the facility.

Councilmember Streit noted that he recommends that the increased theater rental fee be effective January 1, 2006 and the increased Saratoga City ticket surcharge be brought back in November 2005 for further discussion.

Mayor King stated that she is against raising the ticket surcharge to \$2.00 and would like to discuss keeping it at \$1.00 in November.

**KLINE/STREIT MOVED TO ADOPT THE MASTER FEES SCHEDULE FOR THE FISCAL YEAR 2005-2006; INCREASED THEATER RENTAL TO BE EFFECTIVE JANUARY 1, 2006 AND THE INCREASED SARATOGA CITY TICKET SURCHARGE BE EFFECTIVE AUGUST 15, 2006. MOTION PASSED 5-0.**

### **OLD BUSINESS**

None

### **NEW BUSINESS**

5. **RECLASSIFICATION OF HUMAN RESOURCES ANALYST POSITION TO HUMAN RESOURCES MANAGER**

**STAFF RECOMMENDATION:**

Authorize the reclassification.

Lorie Tinfow, Assistant City Manager, presented staff report.

Assistant City Manager Tinfow explained that due to the insufficient number of qualified applicants received, staff recommends reclassifying the Human Resource Analyst position to a Human Resource Manager.

Assistant City Manager Tinfow noted that staff has recognized that the position requires a level of expertise and autonomy that is consistent with a higher-level position.

Assistant City Manager Tinfow noted that if the Council approved the reclassification a budget adjustment for additional salary in the 2005-06 would have to be approved.

**WALTONSMITH/KLINE MOVED TO ADOPT RESOLUTION SUPPORTING THE RECLASSIFICATION OF HUMAN RESOURCES ANALYST POSITION TO HUMAN RESOURCES MANAGER AND APPROVE A BUDGET ADJUSTMENT IN 2005-06 IN THE AMOUNT OF \$10,000 FOR ADDITIONAL SALARY. MOTION PASSED 5-0.**

6. **ESTABLISH A COUNCIL REVENUE ENHANCEMENT OPTIONS AD HOC COMMITTEE AND PROVIDE DIRECTION**

**STAFF RECOMMENDATION:**

Accept report and direct staff accordingly.

Lorie Tinfow, Assistant City Manager, presented staff report.

Assistant City Manager Tinfow explained that with three years of budget reductions in Saratoga and projections that indicate more of the same in the future, the Mayor is interested in exploring options for new City revenue. Assistant City Manager Tinfow explained that preliminary discussions have ranged broadly – from attracting a large scale or specialized retailer to Saratoga, to encouraging a mixed-use development to considering steps towards new tax revenue. Assistant City Manager Tinfow explained restructuring parking requirements in the Village is currently being explored in order to indirectly increase sales tax revenue.

Assistant City Manager Tinfow stated that once options have been identified, a resident survey would be conducted to gauge community support for the various revenue enhancement activities. Some method of generating new revenue would require voter approval and/or have serious community implications. A statistically significant survey would be especially important so that Council would clearly understand the level of support for any particular options. Staff estimates costs for such a survey to be between \$20,000 and \$30,000.

Assistant City Manager Tinfow explained a proposed activity timeline.

Consensus of the City Council to direct the AdHoc committee to return to Council with brainstorm ideas.

**KLIN/STREIT MOVED TO ESTABLISH A COUNCIL REVENUE ENHANCEMENT OPTIONS ADHOC COMMITTEE, APPOINTING MAYOR KING AND COUNCILMEMBER STREIT.** MOTION PASSED 4-1 WITH WALTONSMITH OPPOSING.

**7. REQUEST FROM THE SARATOGA COMMUNITY BAND TO WAIVE FEES**

**STAFF RECOMMENDATION:**

Accept report and direct staff accordingly.

Cathleen Boyer, City Clerk, presented staff report.

City Clerk Boyer pointed out that the attached letter was received from the Saratoga Community Band. City Clerk Boyer explained that the Community Band has requested that the City Council waive \$250 in related fees in conjunction with their summer concert at Wildwood Park.

Consensus of the City Council to waive the permit fees for the concert at Wildwood Park for the last time.

**ADHOC & AGENCY ASSIGNMENT REPORTS**

Mayor Kathleen King reported the following information:

Hakone Foundation Liaison – successful Japan Festival, 3-4 thousand people attended.

Vice Mayor Norman Kline reported the following information:  
Library Joint Powers Association – Measure A passed & Measure B failed.

Councilmember Nick Streit reported the following information:  
West Valley Solid Waste Joint Powers Association – disposal contract negotiations are still underway.  
West Valley Sanitation District – discussing purchasing the Los Gatos sewer system.

Councilmember Aileen Kao had no reportable information.

Councilmember Ann Walton Smith reported the following information:  
Northern Central Flood Control Zone Advisory Board – July-October 2005 maintenance will begin on all Saratoga creeks.  
Sister City Liaison – Potluck on May 20, 2005.

### **CITY COUNCIL ITEMS**

Vice Mayor Kline requested that rental fees on all city owned buildings be agendized.

Councilmember Streit supported this request.

Councilmember Streit requested that staff bring a status report back to Council at the next meeting regarding field use in Saratoga.

Vice Mayor Kline supported this request.

Councilmember Streit requested that Council consider using the remainder of the FY 04-05 Council Contingency funds as a bonus fund for all employees.

Vice Mayor Kline supported this request.

Vice Mayor Kline requested that the use of the Heritage Orchard be brought to the City Council for discussion.

Councilmember Streit supported this request.

### **OTHER**

None

### **CITY MANAGER'S REPORT**

None

**ADJOURNMENT**

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

Respectfully submitted,

Cathleen Boyer, CMC  
City Clerk