

**MINUTES
SARATOGA CITY COUNCIL
JUNE 15, 2005**

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

Mayor King called the Regular City Council meeting to order at 7:00 p.m. and lead the Pledge of Allegiance.

Conference with Legal Counsel – Initiation of Litigation (Gov't Code 54956.9(c): 2 potential cases)

Conference With Legal Counsel – Existing Litigation (Gov't Code Section 54956.9(c): (1 case) – Thompson Pacific Construction v. City of Saratoga (Santa Clara County Superior Court Action No. 104 CV021639)

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: 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 JUNE 15, 2005

Cathleen Boyer, City Clerk, reported that pursuant to Government Code Section 54954.2, the agenda for the meeting of June 15, 2005 was properly posted on June 10, 2004.

ORAL COMMUNICATIONS

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

Norman Siegler referred to Jack Mallory's presentation at the June 1, 2005 City Council meeting. Mr. Siegler reminded the Council that the Committee to Save the North Campus requested that the Council delay selling the property for one year. Mr. Siegler stated that there was no meaningful discussion made by the Council in regards to the Committee's request. Mr. Siegler stated that he feels the Council is out of touch with the wants and needs of the citizens of the City. Mr. Siegler requested that the Council create an AdHoc committee to explore options.

COMMUNICATIONS FROM COMMISSIONS

None

COUNCIL DIRECTION TO STAFF

Councilmember Waltonsmith requested that an item be agendized to discuss the possibility of forming an AdHoc Committee to discuss options regarding the North Campus.

Councilmember Kao stated that she would support the request.

ANNOUNCEMENTS

Councilmember Waltonsmith announced that the Historical Museum would be holding their first “Annual Garden Tour” on June 17-19, 2005. Councilmember Waltonsmith stated that tickets are \$20.00.

CEREMONIAL ITEMS

None

SPECIAL PRESENTATIONS

None

CONSENT CALENDAR

1A. CITY COUNCIL MINUTES – MAY 18, 2005

STAFF RECOMMENDATION:

Approve minutes.

WALTONSMITH/STREIT MOVED TO **APPROVE MINUTES OF MAY 18, 2005.** MOTION PASSED 5-0.

1B. REVIEW OF CHECK REGISTER

STAFF RECOMMENDATION:

Approve check register.

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

1C. TREASURER’S REPORT FOR THE MONTH ENDED MAY 2005

STAFF RECOMMENDATION:

Accept and file report.

WALTONSMITH/STREIT MOVED TO ACCEPT TREASURER'S REPORT.
MOTION PASSED 5-0.

- 1D. **JOINT EXERCISE OF POWERS AGREEMENT AND COOPERATION AGREEMENT TO UNDERTAKE ACTIVITIES PURSUANT TO TITLE I OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT**

STAFF RECOMMENDATION:

Adopt resolution authorizing the Mayor to enter into a Joint Exercise of Powers Agreement and Cooperation Agreement (JPA).

RESOLUTION: 05-042

WALTONSMITH/STREIT MOVED TO ADOPT RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A JOINT EXERCISE OF POWERS AGREEMENT AND COOPERATION AGREEMENT TO UNDERTAKE ACTIVITIES PURSUANT TO TITLE I OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT. MOTION PASSED 5-0.

- 1E. **CITY OF SARATOGA USE AGREEMENT WITH LOS GATOS SARATOGA JOINT UNION HIGH SCHOOL DISTRICT**

STAFF RECOMMENDATION:

Accept report and authorize the City Manager to execute agreement.

WALTONSMITH/STREIT MOVED TO AUTHORIZE THE CITY MANAGER TO EXECUTE USE AGREEMENT WITH LOS GATOS SARATOGA JOINT UNION HIGH SCHOOL DISTRICT. MOTION PASSED 5-0.

- 1F. **EXTENSION OF COOPERATIVE AGREEMENT WITH CALTRANS FOR THE RELINQUISHMENT OF THE VILLAGE SIDEWALK**

STAFF RECOMMENDATION:

Approve extension of the agreement and adopt resolution.

RESOLUTION: 05-041

WALTONSMITH/STREIT MOVED TO APPROVE EXTENSION OF THE AGREEMENT AND ADOPT RESOLUTION. MOTION PASSED 5-0.

- 1G. **RESOLUTION TO SUPPORT THE METROPOLITAN TRANSPORTATION COMMISSION'S STP SECOND CYCLE LOCAL STREETS AND ROADS SHORTFALL GRANT APPLICATION – ADDITIONAL FUNDING**

STAFF RECOMMENDATION:

Adopt resolution.

RESOLUTION: 05-045

WALTONSMITH/STREIT MOVED TO ADOPT RESOLUTION TO SUPPORT THE METROPOLITAN TRANSPORTATION COMMISSION'S STP SECOND CYCLE LOCAL STREETS AND ROADS SHORTFALL GRANT APPLICATION – ADDITIONAL FUNDING. MOTION PASSED 5-0.

- 1H. **2004 STORMDRAIN REPAIR AND UPGRADE PROJECT – INCREASE CHANGE ORDER AUTHORITY FOR SARATOGA LIBRARY STORM DRAIN IMPROVEMENTS**

STAFF RECOMMENDATION:

Approve change order with George Bianchi Construction; Adopt budget resolution.

RESOLUTION: 05-046

WALTONSMITH/STREIT MOVED TO APPROVE CHANGE ORDER WITH GEORGE BIANCHI CONSTRUCTION FOR LIBRARY STORM DRAIN IMPROVEMENTS; ADOPT BUDGET RESOLUTION. MOTION PASSED 5-0.

PUBLIC HEARINGS

2. **ORDINANCE CONCERNING LANDOWNER RESPONSIBILITY AND LIABILITY FOR SIDEWALK SAFETY AND MAINTENANCE**

STAFF RECOMMENDATION:

Conduct the public hearing; Direct staff to place the second reading and adoption of the ordinance on the consent calendar for the next regular meeting.

Richard Taylor, City Attorney, presented staff report.

City Attorney Taylor explained that State law provides that landowners are responsible for maintaining sidewalk's fronting their property in a safe and usable manner. City Attorney Taylor referred to the Streets and Highways Code sections 5610 et seq. The law provides that landowners may be assessed costs borne by the City for such maintenance if the landowner fails to satisfy this duty. Although the City has generally borne these costs on behalf of landowners in the past, its ability to continue providing this benefit is limited by growing budget limitations.

City Attorney Taylor stated that to help ensure that landowners are on notice of their obligations under state law, the attached ordinance would amend the City Code to implement the state law. Although the code amendments are not required to begin enforcing the state law, they increase the likelihood that a landowner will be aware of the responsibilities imposed by the state. The code amendments describe the maintenance responsibilities and the procedures that the City will use to: (1) notify landowners of needed repairs and (2) recover its costs in the event that it has to perform the repairs on behalf of the landowner in accordance with state law.

City Attorney Taylor stated that the code amendments also operate to make landowners liable for personal or property damage resulting from their failure to perform their maintenance obligations; this liability is not imposed by the Streets and Highways Code. In this respect the attached ordinance is consistent with an ordinance adopted by the City of San Jose in 1990, and recently upheld by the Sixth District Court of Appeal in *Gonzales v. City of San Jose*, 125 Cal. App. 4th 1127 (2004).

Referring to a correspondence received from a citizen stating that the notice the City sent to the residents did not clearly state what the Council would be discussing. City Attorney Taylor explained that staff was challenged because of the size of the postcard. The City's website was printed on the postcard, and the ordinance and the staff report was posted on the front page of the site. Another comment in the correspondence was referring to the City of San Jose's grant program, which helps fund the sidewalk repairs. City Attorney Taylor stated that a grant program is certainly a separate policy the Council can adopt by amending the budget to create an allocation for such program.

City Attorney Taylor stated that another concern was that most people in Saratoga do not have sidewalks in front of their properties and that it wasn't fair to impose a repair burden on those who have sidewalks. City Attorney Taylor explained to the Council that State law already puts the burden of repair on the property owner and the City would just remind the citizens of Saratoga of State law in our own code.

Responding to another correspondence was a request for an explicit definition of the term "sidewalk". City Attorney Taylor noted that State law has a definition of "sidewalk" which is very broad. City Attorney Taylor explained that if the City were to vary from State law we would create a situation to where there would be one set of responsibilities in the City's ordinance and one in State law. City Attorney Taylor stated that he would advise the Council to avoid this because it would make it difficult to administer and understand.

City Attorney Taylor stated that the City received a letter from ABAG urging the adoption of the ordinance. City Attorney stated that ABAG feels it would be good fiscal and public policy. City Attorney Taylor noted that ABAG points out that the City is not free from responsibility with respect to maintaining sidewalks and liability. The City may still be liable if it creates a hazard or has actual or constructive notice of a hazard and fails to act in a responsible manner. ABAG still continues to support active inspection and maintenance programs that involve the property owners in a joint effort to reduce potential hazards.

Vice Mayor Kline stated that the City has been spending about \$50,000 per year to repair sidewalks. Mayor Kline asked if the entire fund is used every year.

Director Cherbone responded that every year the entire fund is spent and there's always more requests than money. Director Cherbone stated that the program has been under-funded for several years.

Vice Mayor Kline asked what percentage of the City has sidewalks.

Director Cherbone responded that 10-15% of Saratoga has sidewalks.

Vice Mayor Kline asked what percentage of the sidewalks have developers installed.

Director Cherbone responded that approximately 90% of the sidewalks in Saratoga has been installed by developers.

Referring to a recent correspondence received by the Council regarding this issue, Councilmember Streit asked what responsibility does a property owner if they are adjacent to a park.

City Attorney Taylor explained that the City would be responsible for sidewalks on both sides of a park.

Councilmember Kao asked who's responsible for sidewalks around schools.

City Attorney Taylor stated that the School District would be responsible, but there may be some exemption in the Education Code.

Councilmember Kao asked if the City receives a lot of trip and fall claims.

Director Cherbone responded that the City has received very few trip and fall claims. The few that the City has received happened on Highway 9 and they were referred to the State of California.

Referring to homeowners insurance, Councilmember Kao asked if the liability were shifted to the property owner would their insurance cover it.

City Attorney Taylor stated that it depends on the particular homeowner's policy, but many policies do cover such liability.

Mayor King opened the public hearing and invited public comments.

Mark Guidiotti stated that if the City adopts this ordinance it might push people who trip and fall to file a lawsuit. Also, Mr. Guidotti stated that this ordinance might cause people a disincentive to maintain the sidewalk.

Ken Wilton stated that he is the only house on Cox Avenue that has a 150 feet of frontage. Mr. Wilton stated that this frontage area has been put in with various patches of cement and asphalt. Mr. Wilton commented that if the proposed ordinance would make him responsible for the 150 feet of frontage the City should properly fix it and he would take responsibility for it.

Nancy Kirk stated that she has lived on La Paloma for the past 28 years. Ms. Kirk stated that sixty years ago the County of Santa Clara installed the sidewalks on her street. In 1980 the City of Saratoga replaced some of the curbs and gutters, and removed some of the liquid amber trees, which were uprooting the sidewalks. Ms. Kirk stated that La Paloma is in the Heritage Lane area, which has historic value, meaning the City should continue to pay and maintain liability. She feels this ordinance has an appearance of a tax in disguise, which goes against Proposition 13.

Larry Fine stated that this ordinance is very vague. Mr. Fine asked for a clear definition of a "sidewalk". Mr. Fine stated that the majority of walkways and pathways around his house have never been repaired. Mr. Fine stated that this ordinance is requiring property owners to bring sidewalk up to date because of the City's neglect.

Mark Peebles noted that he lives on Saratoga Avenue with a good piece of sidewalk in front of his house. In regards to the liability issue, Mr. Peebles stated that the City doesn't have an ordinance right now, but State law says the property owner is liable and must make repairs. Mr. Peebles asked how does adopting the proposed ordinance this evening differ from State law.

Bob Cancellari noted that he has owned property the Village for 45 years and the sidewalks are a mess. Mr. Cancellari stated that trees have damaged a lot of the sidewalks in the Village.

Mike Gilbert noted that he supports the ordinance. His concern is how it is going to be enforced. Mr. Gilbert stated that the ordinance is written clearly to mean the total sidewalk area. Mr. Gilbert pointed out that in Saratoga there are many areas where trees and shrubs block the way. Mr. Gilbert wants the ordinance to emphasize the total usage of the sidewalks.

Miguel Chin stated that he lives on Miller Avenue. Mr. Chin stated that this ordinance would truly be a burden to a minority of the population who has sidewalks in front of their property. Mr. Chin stated that if sidewalks are for the safety of the public shouldn't the City be held responsible for the maintenance.

Paul Hernandez asked if the City was going to fix the sidewalks along Big Basin Way once the State turns over the sidewalks to the City.

Ed Ferrell noted that he lived on a private road. Mr. Ferrell asked if this ordinance applied to his street.

Lou deGive stated that most people walk on the street because most of the City doesn't have sidewalks. Mr. deGive stated that he built his house 35 years ago and can't afford to install a sidewalk.

Joan Bose stated that she lives on La Paloma and noted that the liquid amber trees have uprooted a lot of the sidewalks along her street. Ms. Bose asked who was responsible for the tree on her street.

Jeffrey Hinman noted that he lives on Schubert Drive, which is parallel to Cox Avenue. Mr. Hinman stated that he has sidewalks on both sides of his property.

Mayor King closed the public hearing and thanked all of the speakers for attending tonight's meeting.

Vice Mayor Kline stated that if you don't have a physical sidewalk in front of your property this ordinance would not apply to you.

City Attorney Taylor noted that Vice Mayor Kline's stated was correct, the ordinance would not require residents to install cement sidewalks. City Attorney Taylor noted areas used by pedestrians, if it is a dirt pathways used as a pedestrian walkway, then it has to be a reasonably safe way for the kind of pedestrian passageway it's used for. City Attorney Taylor stated that once you reach the street it is no longer the property owner's responsibility.

A discussion took place in regards to pathways and City Attorney Taylor explained that pathways would be the responsibility of property owners just like sidewalks.

In regards to the existing poor quality of sidewalks, Vice Mayor Kline asked what the recommendation would be.

City Attorney reiterated that State law states that property owners have always had the responsibility to maintain the sidewalks.

Referring to the comments about the trees uprooting the sidewalks, Councilmember Waltonsmith asked who was responsible for their maintenance.

City Attorney Taylor explained the City has a Circulation Element, which states that only trees on main arterials were the City's responsibility.

Councilmember Waltonsmith asked if this ordinance applied to private roads.

City Attorney Taylor replied that this ordinance does not apply to private roads.

If the ordinance is adopted, Councilmember Kao asked if the City has sidewalk inspection criteria to educate the public, and a timeframe for inspections.

Director Cherbone responded that there are certain criteria for maintenance of sidewalks and he would draft a policy and or a procedure for the public if this ordinance were adopted.

As far as an inspection timeline, Director Cherbone stated that currently it is complaint based.

In regards to the Village, Councilmember Waltonsmith asked who was responsible for the sidewalks.

City Attorney Taylor responded that the State of California is responsible until the sidewalks are relinquished to the City and then the ordinance would apply if adopted by Council.

Mayor King asked if the State has an ordinance why should the City adopt one.

City Attorney Taylor explained that State law by itself does not create liability for the landowner. State law says the property owner has the responsibility for making the repairs and gives the local government the ability to make repairs and charge the property owner. If the City wants to shift the burden of repair it has to adopt the ordinance.

Vice Mayor Kline noted that the reason this ordinance is before City Council tonight was because of budget cuts. Vice Mayor Kline noted that none of those discussions included shifting the liability. Vice Mayor Kline stated that he feels there are two issues before Council this evening – maintenance and liability. Vice Mayor Kline noted that he would support an ordinance with the original intent to save approximately \$50,000 in maintenance costs. Vice Mayor Kline stated that he understands the intent of the proposed ordinance, but it is happening too fast for the citizens to understand it. Vice Mayor Kline stated that he feels the City should let other cities with similar situations react to the proposed ordinance and see what they do.

Councilmember Waltonsmith stated that she agrees with Vice Mayor Kline. Councilmember Waltonsmith stated that she supports turning the repair costs over to property owners but not the liability. Councilmember Waltonsmith stated that she feels the City needs a sidewalk maintenance program.

Councilmember Kao asked if the sidewalks have not been well maintained how would the City enforce the ordinance. Councilmember Kao noted that she hesitates to endorse the ordinance because she is not sure how the City would shift the responsibility on preexisting conditions.

Councilmember Streit stated that this ordinance should have been adopted 30 years ago. Councilmember Streit stated that people don't maintain the sidewalks now because they are not liable for them. Councilmember Streit stated that he feels that the City could start a matching fund program to help repair the sidewalks. Councilmember Streit stated the liability must be shifted to the property owners.

Councilmember Waltonsmith stated that she disagrees with Councilmember Streit. Councilmember Waltonsmith noted that this is the first time there has been a discussion regarding sidewalks and the first time some property owners learned they were responsible for the maintenance of sidewalks.

Vice Mayor Kline stated that property owners are responsible for the maintenance of sidewalks. Vice Mayor Kline stated that the City Council could set up a similar program like the Septic Abatement Program.

Vice Mayor Kline noted that the City could put together a program through the CIP where the City and property owners share the cost of repair 50/50 for the first two years and then after that the property owner is responsibly for the total cost and eventually the liability would shift.

Councilmember Waltonsmith stated that she wouldn't support the motion because CIP funds should not be used to support incentive programs. Councilmember Waltonsmith stated that if the program was a low-income program she could support it.

Councilmember Streit stated that it is hard to support the motion using CIP funds without looking at the entire CIP.

KLING/KING MOVED TO DIRECT STAFF TO COME BACK TO COUNCIL WITH THE FOLLOWING DIRECTION:

- **PAVEMENT MANAGEMENT PROGRAM**
- **INSPECTION PROGRAM**
- **INVESTIGATE A MATCHING FUNDS PROGRAM**
- **LIABILITY SHIFT AFTER TWO-THREE YEARS**

MOTION PASSED 3-2 WITH STREIT AND WALTONSMITH OPPOSING.

3. **APPEAL OF A PLANNING COMMISSION DECISION TO APPROVE A CONDITIONAL USE PERMIT APPLICATION TO LOCATE A WIRELESS FACILITY AT THE SITE OF THE HERITAGE ORCHARD AND SARATOGA LIBRARY ALONG THE HERITAGE LANE**

STAFF RECOMMENDATION:

Conduct the public hearing; grant the appeal by modifying the resolution, as the City Council deems necessary.

RESOLUTION: 05-044

John Livingstone, Community Development Director, presented staff report.

Director Livingstone stated that at a regular meeting of May 4, 2005 the City Council directed the City Clerk to initiate proceedings pursuant to section 15-90.065 for review by the City Council of the decision made by the Planning Commission on April 27, 2005 to approve a Conditional Use Permit application 04-274.

Director Livingstone explained that the Planning Commission approved a conditional use permit to locate a wireless facility at the site of the Heritage Orchard and Saratoga Library along Heritage Lane. The project consists of the installation and operation of one antenna concealed inside a new flagpole.

Director Livingstone explained that the proposed flagpole would be 48 feet in height with a tapered diameter. The diameter of the flagpole would be 11 inches at the base and 7 inches at the top. The flag would be illuminated. The existing trash enclosure would be expanded 200 square feet to accommodate the equipment cabinets and no generator is proposed.

Referring to the location of the flagpole and the placement of the equipment in the existing trash compartment, Director Livingstone stated that City Attorney Taylor has prepared an amended resolution in which the applicant has agreed upon.

Mayor King opened the public hearing and invited public comments.

Telle Presley stated that she represented Metro PCS and supports the amended resolution. Ms. Presley thanked Planner Oosterhous, Director Pisani, and Saratoga Librarian Dolly Barnes.

A discussion took place in regards to the antenna technology and placement of sites.

Mayor King closed the public hearing.

STREIT/WALTONSMITH MOVED TO ADOPT RESOLUTION AS AMENDED BY THE CITY ATTORNEY WITH ADDED CONDITIONS OF APPROVAL. MOTION PASSED 5-0.

OLD BUSINESS

4. CITY'S 50TH ANNIVERSARY

STAFF RECOMMENDATION:

Accept report and direct staff accordingly.

RESOLUTION: 05-043

Joan Pisani, Recreation Director, presented staff report.

Director Pisani explained that that the City will be celebrating its' 50th anniversary of incorporation in 2006. At the City Council meeting on June 1, 2005, Council directed staff to begin organizing a committee to develop a schedule of commemorative activities for the fall 2006 celebration. After consulting with the Mayor and Vice Mayor, it was suggested that Paul Conrado be asked to chair the 50th Anniversary Committee. Director Pisani described Mr. Conrado as a well-liked community leader and very involved in Saratoga activities.

Director Pisani pointed out that there is a balance of \$22,000 remaining in the Council Contingency Fund, and it is recommend that \$20,000 be appropriated for the purpose of setting up an account to help fund the City's 50th anniversary celebration. Director Pisani noted that a grant request would also be submitted to the Saratoga-Monte Sereno Community Foundation.

KLINE/STREIT MOVED TO ADOPT A RESOLUTION AMENDING THE FISCAL YEAR 2004-05 OPERATING BUDGET BY REDUCING THE CONTINGENCY FUND BY \$20,000 AND ESTABLISHING A 50TH ANNIVERSARY ACCOUNT. MOTION PASSED 4-1 WITH WALTONSMITH OPPOSING.

NEW BUSINESS

5. **REVIEW THE CURRENT CONTRACT WITH THE CITY ARBORIST AND EXPLORE THE POSSIBILITY OF HIRING AN IN-HOUSE ARBORIST**

STAFF RECOMMENDATION:

Accept report and direct staff accordingly.

John Livingstone, Community Development Director, presented staff report.

Director Livingstone explained the current City Arborist contract and noted that the current contract limits the maximum yearly amount to the Arborists from the City to \$100,000. Director Livingstone pointed out that total payments thus far have exceeded that amount. Director Livingstone explained the fee and deposit system for each application.

Director Livingstone explained that the current City Arborist spends approximately 1,300 hours of time working for the City of Saratoga. There are approximately 1,720 work hours available per year for a city employee. An In-House Arborist could also assist the City's Parks Division and take over the tree permit removal process. Based on current hours spent by the contractor and the additional duties that an In-House City Arborist would provide, it appears to be equal to one full time position.

Director Livingstone stated that based on the current revenue for the City's current arborist program it would appear to support the salary of a full time position. However, the current surcharge fee of \$62,000 would no longer be collected.

Director Livingstone stated that the cities of Mountain View, San Jose, Palo Alto, and the Town of Los Gatos have in-house arborists. The average pay range was approximately \$70,000 per year.

WALTONSMITH/STREIT MOVED TO DIRECT STAFF TO HIRE A TOP QUALITY AN IN-HOUSE ARBORIST. MOTION PASSED 5-0.

6. **EXTENSION OF DEADLINE FOR REIMBURSEMENT UNDER THE VILLAGE FAÇADE IMPROVEMENT PROGRAM**

STAFF RECOMMENDATION:

Authorize staff to extend the deadline to August 31, 2005.

Dave Anderson, City Manager, presented staff report.

City Manager Anderson explained the background of the program. City Manager Anderson stated that the program required all projects be completed by June 30, 2005. City Manager Anderson noted that some applicants have only recently been awarded a grant and need more time to scheduled and finish the work. City Manager Anderson requested that the Council extend the deadline beyond June 30, 2005.

KLIN/KAO MOVED TO EXTEND THE DEADLINE FOR THE VILLAGE FACADE PROGRAM 90 DAYS. MOTION PASSED 5-0.

7. **TREE AND BENCH DEDICATION PROGRAM**

STAFF RECOMMENDATION:

Accept report and adopt resolution implementing the Tree/Bench Dedication program.

Cathleen Boyer, City Clerk, presented staff report.

City Clerk Boyer pointed out that throughout the year the City receives many requests from citizens interested in donating a tree or bench to the City in memory of someone or in celebration of a particular event. Currently, the City of Saratoga has no formal policy or guidelines for a memorial program for friends and relatives who want to provide a remembrance in the form of a bench or a tree.

City Clerk Boyer stated that staff conducted a survey of Bay Area cities and most have some type of memorial program: naming of benches, trees, plaques, etc. Most cities allow benches and/or trees to be placed in city parks, or other city spaces at the discretion of the City Manager or Public Works Director. Most cities select the bench design and the tree species. Also, the cost of the installation and maintenance of the bench or tree are borne by the requestor. In recognition of the contribution some cities provide a plaque while other cities simply send a certificate to the donor, family, or friends.

City Clerk Boyer explained that the attached policy is from the City of Capitola, which has a successful Memorial Program. The City of Capitola does not guarantee the life of the tree or the life of the bench. For example, when a bench can no longer be repaired the donor is called and given the option of either replacing the bench or the City simply sends them the plaque.

Furthermore, City Clerk Boyer explained that the City of Saratoga could implement a similar program. The initial point of contact for the tree/bench dedication program would be the City Clerk's office. The Public Works Director would determine the bench site and bench type, tree species and tree location. The donation fee for each bench and tree would include staff time, purchase, and installation. An estimated cost for a tree is \$500 (15 gallon box) and \$1,500 for a bench (an additional \$150 would be added if the donor wanted a recognition plaque on the bench).

Consensus of the City Council to direct staff to move forward with the proposed Tree/Bench Dedication Program with the addition of adding the option of purchasing a bench for a bus stop or a picnic table for one of the City's parks.

ADHOC & AGENCY ASSIGNMENT REPORTS

Mayor Kathleen King had no repeatable information.

Vice Mayor Norman Kline had no repeatable information.

Councilmember Nick Streit had no reportable information:

Councilmember Aileen Kao had no reportable information.

Councilmember Ann Waltonsmith reported the following information:
Saratoga Historic Foundation – June 17-19 1st Annual Garden Tour

CITY COUNCIL ITEMS

Councilmember Waltonsmith requested a draft agenda a for the Council Retreat

City Manager Anderson stated that he would have the agenda emailed to the Council tomorrow.

Councilmember Waltonsmith requested an update on the VTA's Community Bus Program.

Mayor King directed staff to contact VTA and request that they appear before Council with an update on the program.

OTHER

None

CITY MANAGER'S REPORT

None

ADJOURNMENT

There be no further business Mayor King adjourned the meeting at 10:04 p.m.

Respectfully submitted,

Cathleen Boyer, CMC
City Clerk