

**MINUTES
SARATOGA CITY COUNCIL
SEPTEMBER 21, 2005**

The City Council met in Closed Session in the Administrative Conference Room, 13777 Fruitvale Avenue, at 6:15 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: Jones v. Saratoga et al. Santa Clara County Sup. Court No. 1-03-CV-010545.

Mayor King called the Regular City Council meeting to order at 7:00 p.m. and asked to 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
Michele Braucht, Administrative Services Director
John Livingstone, Community Development Director
John Cherbone, Public Works Director

REPORT OF CITY CLERK ON POSTING OF AGENDA FOR SEPTEMBER 21, 2005

Cathleen Boyer, City Clerk, reported that pursuant to Government Code Section 54954.2, the agenda for the meeting of September 21, 2005 was properly posted on September 16, 2005.

ORAL COMMUNICATIONS

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

Citizen Ray reported recent clean up activity on Highway 9.

Ed Grubowie addressed the Council regarding the proposed sale of the North Campus property for housing and the pending North Campus Community Survey. He recommended Council use this survey to determine the community's views regarding future uses of the North Campus – specifically asking that the survey include a question regarding the public's views on maintaining the property for community use, versus the Council's desire to develop the property into residential housing units in order to help balance the City's budget; in addition, he asked the Council to defer its current time line regarding redevelopment of the property until after the results of the survey.

Captain John Hirokawa introduced the City's new Neighborhood Resource Officer, Jim Cardenas.

The City Council welcomed Deputy Cardenas to the City of Saratoga.

COUNCIL DIRECTION TO STAFF

Councilmember Waltonsmith asked to agendize for discussion the potential sale of the North Campus and the financial impact to the budget, including discussion regarding a moratorium on the proposed housing development plans for the North Campus.

Councilmember Kao seconded Councilmember Waltonsmith's request to agendize the North Campus for discussion.

COMMUNICATIONS FROM BOARDS AND COMMISSIONS

None

ANNOUNCEMENTS

None

CEREMONIAL ITEMS

1A. PROCLAMATION SUPPORTING SARATOGA READS 2005

STAFF RECOMMENDATION:

Present proclamation.

Mayor King read the proclamation and presented it to Sue Barrera, Friends of the Saratoga Libraries.

1B. COMMENDATION HONORING KRIPSY KREME

STAFF RECOMMENDATION:

Present commendation.

Mayor King read the commendation and presented it to a Krispy Kreme representative.

SPECIAL PRESENTATIONS

2. KSAR

STAFF RECOMMENDATION:

Informational only.

Kristine Wasmund presented an overview of their budget, operations, and fundraising opportunities.

Mayor King thanked Ms. Wasmund for her presentation.

CONSENT CALENDAR

3A. CITY COUNCIL MINUTES – AUGUST 10, 2005

STAFF RECOMMENDATION:

Approve minutes.

STREIT/WALTONSMITH MOVED TO **APPROVE MINUTES FROM AUGUST 10, 2005.** MOTION PASSED 5-0-0.

3B. REVIEW OF CHECK REGISTER

STAFF RECOMMENDATION:

Approve check register.

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

3C. TREASURER'S REPORT FOR THE MONTH ENDED AUGUST 2005

STAFF RECOMMENDATION:

Accept report.

STREIT/WALTONSMITH MOVED TO **ACCEPT TREASURER'S REPORT FOR THE MONTH ENDED AUGUST 2005.** MOTION PASSED 5-0-0.

3D. SELECTION OF CONSULTING FIRM TO PREPARE AND IMPLEMENT A COMMUNITY SURVEY

STAFF RECOMMENDATION:

1. Adopt resolution to amend FY05-06 Budget to allocate \$25,000 from Council Contingency for survey project costs.
2. Accept Revenue Enhancement AdHoc Committee's recommendation to hire Fairbank, Maslin, Maullin, and Associates (FMMA) to prepare and implement a community survey.
3. Authorize City Manager to execute contract not to exceed \$24,000 with FMMA.
4. Authorize use of \$1,000 for advertising as described in report.

RESOLUTION: 05-060

STREIT/WALTONSMITH MOVED TO **ADOPT RESOLUTION TO AMEND FY05-06 BUDGET TO ALLOCATE \$25,000 FROM COUNCIL CONTINGENCY FOR SURVEY PROJECT COSTS; ACCEPT REVENUE ENHANCEMENT ADHOC COMMITTEE'S RECOMMENDATION TO HIRE FAIRBANK, MASLIN, MAULLIN, AND ASSOCIATES (FMMA) TO PREPARE AND IMPLEMENT A COMMUNITY SURVEY; AUTHORIZE CITY MANAGER TO EXECUTE CONTRACT NOT TO EXCEED \$24,000 WITH FMMA; AUTHORIZE USE OF \$1,000 FOR ADVERTISING AS**

DESCRIBED IN REPORT. MOTION PASSED 5-0-0.

3E. **FINAL MAP APPROVAL FOR TWO LOTS LOCATED AT 14529 EVANS LANE; OWNER: ROMUALDAS AND DEBORAH BRIZGYS**

STAFF RECOMMENDATION:

Approve Final Map for two lots located at 14529 Evans Avenue.

RESOLUTION: SD-01-002

STREIT/WALTONSMITH MOVED TO **APPROVE FINAL MAP APPROVAL FOR TWO LOTS LOCATED AT 14529 EVANS LANE; OWNER: ROMUALDAS AND DEBORAH BRIZGYS.** MOTION PASSED 5-0-0.

3F. **CONTRACT RENEWAL FOR CITY GEOTECHNICAL CONSULTANT**

STAFF RECOMMENDATION:

Approve two-year contract renewal.

STREIT/WALTONSMITH MOVED TO **APPROVE TWO-YEAR CONTRACT RENEWAL FOR CITY GEOTECHNICAL CONSULTANT.** MOTION PASSED 5-0-0.

PUBLIC HEARINGS

None

OLD BUSINESS

Due to the large number of people requesting to speak this evening, the City Council came to a consensus to limit speaker time to two minutes instead of three minutes.

4. **RECREATIONAL FIELD USE REPORT**

STAFF RECOMMENDATION:

Accept report and direct staff accordingly.

John Cherbone, Pubic Works Director, presented staff report.

Director Cherbone noted that land use for playfields in Saratoga has been analyzed by City staff for several years with the same findings; there's an acute shortage of flat, available land for recreational use as playfields in Saratoga. Director Cherbone stated that within the past year staff was directed to reinvestigate the availability of land for recreational use as playfields.

Director Cherbone briefly described the City's 13 parks noting their size and whether or not they were conducive for sport use.

Director Cherbone noted that out of 71.4 acres of park land in the City only three parks totaling 26.4 acres (or 37%) can currently accommodate organized sport groups. Of these three parks, Kevin Moran Park is the largest at 10.3 acres, Congress Springs Park is second at 9.8 acres, and El Quito Park is third at 6.3 acres.

Director Cherbone noted that with the exception of the Heritage Orchard, Kevin Moran Park is the only City owned property that has undeveloped area – approximately 4 acres – that could be developed for recreational use.

In regards to school sites and other resources, Director Cherbone explained that public schools and other private land sources continue to be the largest resource of open space for recreational use in the City. Local schools were contacted by City staff and were informed that their facilities were being utilized to their full capacity, with no additional capacity at the present time. The only exception is West Valley College and they recently indicated that they would be interested in exploring with the City the creation of a sports field located in an underutilized parking area near their archery field.

Director Cherbone noted that Redwood Middle School may be interested in the development of an all-weather turf field. School Districts such as Saratoga, Campbell, and Cupertino have indicated they may be interested in joint use agreements in which the City takes over the maintenance and scheduling of their fields. This unfortunately does not increase capacity but does allow for greater efficiency of availability resources.

Director Cherbone explained the existing resources for organized sports and recreational uses and un-met needs for organized sports and recreational activities in the City of Saratoga.

In conclusion, Director Cherbone stated that even if West Valley College and Kevin Moran Park were developed to accommodate additional capacity it would still not meet the current demand, let alone the anticipated growth in these sports. Director Cherbone noted that it may take bold out-of-the-box thinking such as regional joint powers agreements to pool all available resources in Santa Clara Valley.

Mayor King invited public comments.

The following people requested to speak on this item:

Michael Arnold
Howard Miller
Bob Rail
Elaine Clabeaux
Sam Holton
Sandy Cross
Naresh Makhijani
Ken McKenzie
Laura Watkins
Bill Cleary

Richard Pierce
Bob Alley
Carrie Van Noodler
Ted Clabeaux
Ken yang
Emma Wycoff
Debbie Pransy
Kevin McLarney
Mary Robertson
Citizen Ray
Dave Mighdoll
Suzanne O'Neil
Ken Schulz
Terry Johnson

Mayor King closed the public comment.

Council proceeded to discuss the increased interest in organized sports and concurred there is a definite need for additional flat land for recreational and organized sports activities in Saratoga. They noted that it is important to take sufficient time to research all options and not act hastily to solve this issue, and continue to gather public input so that the needs of everyone in the community are met.

Council's long-term direction to staff was to start looking into the possibility of a JPA with other nearby communities for organized sports activities. The short-term direction was to look at all existing city parks to see if additional activities could be added and if the parks are being used efficiently. Council also asked staff to look into whether or not the Serbian Church had any flat land area that could be utilized and to work with the West Valley College regarding the use of their athletic fields.

Mayor King declared a 10 minute break at 9:20 p.m.

Mayor King reconvened the meeting at 9:30 p.m.

5. **KEVIN MORAN PARK – DISCUSSION TASK FORCE MEMBERSHIP AND PARK IMPROVEMENT PROJECT**

STAFF RECOMMENDATION:

1. Provide direction regarding the Kevin Moran Park Improvement Project
2. Provide direction on the membership for the Kevin Moran Park Task Force.

John Cherbone, Pubic Works Director, presented staff report.

Director Cherbone noted that in 2001 Kevin Moran Park was added to the newly created 5-Year CIP as an un-funded project and in 2003 the State of California notified the City that they could use \$302,454 in Park Bond Act money. He added that those funds, along with \$97,000 General Fund dollars that were appropriated by the City Council during the 2003/04 CIP update, provided a total budget of \$400,000 for the Kevin Moran Park (KMP) project.

Director Cherbone added that on July 21, 2004, the City awarded a contract to MPA Design for a professional project design at KMP. He stated a Task Force was created to hold community public meetings for park use input. The Task Force included 2 Parks and Recreation Commissioners, 2 neighborhood representatives, 1 resident-at-large and 2 Council Members. He stated that at the very first community meeting it was clear from the public input that inclusion of flat grass for soccer and a restroom were not wanted at KMP. On August 4, 2004, Council directed staff to suspend the project so that additional research and options for flat grass at other locations in the City could be explored. On August 6, 2004, a letter indicating Council's direction was mailed to the KMP neighborhood residents requesting a full history of Kevin Moran Park, the reconstitution of the KMP Task Force and to include more neighborhood representatives, park use designation, i.e., community park versus neighborhood park, and other flat grass uses in the City. Subsequently, members of the community have asked that the accomplishments of the KMP Task Force be discussed further at a Council meeting, which is being done this evening.

Director Cherbone added that as a result of the letter that was mailed to the KMP neighborhood, it was learned that when KMP was first developed in the 1970's, the Parks and Recreation Commission proposed that the park be developed as a neighborhood park; and in 1985 the Parks and Recreation Commission recommended more active uses of the park – not consistent with passive neighborhood park activities. The 1991 Parks & Trails Master Plan states that a neighborhood park is a size between 1 and 5 acres and a community park is a size between 5 and 20 acres. KMP is between 9.5 and 10.3 acres and these parks can be used for active sports with restrooms and off-street parking; whereas neighborhood parks do not have these features.

Director Cherbone noted that in light of the neighborhood concerns regarding the designation of KMP it is recommended that its designation be reviewed during the update of the Open Space Element of the General Plan scheduled in 2006. The update of the Open Space Element would give the public an opportunity to provide input during the public hearing not only on Kevin Moran Park, but on all the city's park trails and open spaces.

Director Cherbone also noted that as a result of the August 6th letter, the KMP Task Force was reconstituted with the following new membership: 2 user group representatives, 3 neighborhood representatives, 2 residents-at-large, and 2 council members.

Vice Mayor Kline noted that in 1991 the General Plan was adopted designating Kevin Moran Park as a community park and asked City Attorney Richard Taylor if Kevin Moran Park is currently designated as a community park.

City Attorney Richard Taylor stated that according to the 1991 Parks & Trails Master Plan, Kevin Moran Park is a community park.

Vice Mayor Kline noted that at the last council meeting staff was directed to suspend the professional proposed park design and to, among other items, reconstitute a new KMP Task Force to conduct community meetings asking for public input regarding the use of Kevin Moran Park. He asked Director Cherbone

if there were any proposed designs for the park.

Director Cherbone stated there were no proposed design plans.

Vice Mayor Kline noted that the new Task Force had not yet met with the community to establish consensus regarding the recommended use of Kevin Moran Park, nor had they met with Council regarding the consensus of the community and asked why this was an agenda item for Council discussion.

Mayor King stated there was citizen concern that Council hadn't adequately discussed the terminology of the Task Force, therefore, this item was agendaized to specifically provide direction on the membership for the Kevin Moran Park Task Force.

Mayor King invited public comment.

The following people requested to speak on this item.

Elaine Clabeaux
Katie Kennedy
Laura Watkins
Kathleen Casey Coakley
Mark Linsky
Dave Mighdoll
Terri Doyhan
Margurite Shower
Carlena Ott
Ken McKenzie
Frances Kilbrew
Bill Cleary
Earnest Gordon
James Williamson
Sandy Cross
Naresh Makhijani
Bill Wheller
Clara Gold
Doug Blatz
Joan Bar
Ted Clabeaux
Marty Goldberg
Peter Bolton
Shen Yuan
Donna Poppenhagen
Mary Ann Escobar
Teresa Lorentzen
Dennis Farmer
Michael Lorentzen
Brian Robertson
Bob Alley
Ken Schultz
Howard Miller

Jim Steinbrunner
Peter Brennes
Mary Robertson
Sam Hung
Bob Rail

Mayor King closed the public comment.

Mayor King inquired who was on the original KMP Task Force.

Mary Robertson noted the following people were on the Task Force: Vita Bruno, Greg Gates, Elaine Claybeaux, Councilmember Nick Streit and Mayor Kathleen King; and on August 4, 2005, Councilmember Streit gave direction to add two additional neighborhood representatives to be added to the Task Force.

[At this point, due to the lateness of the hour, Vice Mayor Kline made a motion to postpone Items 6, 7, and 8 to the next Regular Council meeting. Councilmember Streit seconded this motion. Motion passed 5-0-0.]

Council proceeded to discuss this item.

Councilmember Streit noted that the original committee was called the Kevin Moran Park AdHoc, which included 2 user group representatives, 2 council members, 2 at-large representatives, and 3 neighborhood representatives. He added this should be called the Kevin Moran Task Force representative of the same membership; however the Task Force should be represented by all user groups and should look at all open space options, including the Heritage Orchard and the North Campus, for possible flexible space with flat grass for organized sports.

Vice Mayor Kline noted that the purpose of a Task Force is for the membership to meet and build consensus with the community and then present that consensus to the Council as a recommendation from the Task Force. He added that he agreed with Councilmember Streit that members of all the user groups be represented on the Task Force.

Councilmember WaltonSmith stated she agreed with the makeup of the Task Force, including representatives from all user groups; however, she didn't feel the Parks and Recreation Commission should be included since most of the commissions are currently suspended at this time. In addition, she did not feel the Task Force should be looking at the Heritage Orchard as a possibility for organized sports or flexible space with flat grass, as the Heritage Orchard was voted on as a Heritage Orchard in perpetuity. She stated the Task Force should strictly focus on renovating Kevin Moran Park for the issues presented and be given a time line. The direction to the Task Force should be clear regarding renovation at Kevin Moran Park and whether or not it should include parking, flat grass for organized sports, and rest room facilities.

Councilmember Kao noted the Task Force membership recommended by Councilmember Streit totaled nine representatives; however, she recommended changing that membership to 2 council members, 3 neighbors, 3 at-large representatives, and 1 Parks and Recreation Commissioner – for a total of nine

representatives.

Vice Mayor Kline stated the user groups should be represented on the Task Force; in addition, he agreed with Councilmember Waltonsmith that the Heritage Orchard should not be included in this discussion, but did not agree with her recommendation to include specific items such as rest room facilities and/or flat grass for the Task Force to decide, and suggested a 3 month time line before bringing this item back to Council.

Mayor King noted that Kevin Moran Park is a park with 10 acres of land and that eventually this park will be designed to accommodate organized sports in order to address the demand for fields for organized sports. In addition, she supported the proposed membership makeup, narrowing the focus for possible sites to Kevin Moran Park, flat fields, off street parking, and rest room facilities.

DIRECTION REGARDING THE KEVIN MORAN PARK TASK FORCE MEMBERSHIP:

Councilmember Streit moved to provide direction that membership of the Kevin Moran Park Task Force consist of two (2) council members, two (2) user sports groups, two (2) at-large community members, and three (3) neighborhood representatives, for a total of nine (9) representatives; and that the Task Force bring back their first report in January 2006. Vice Mayor Kline seconded the motion.

Vice Mayor Kline inquired who would choose the members of the Task Force.

Councilmember Streit stated the Mayor could make that decision.

Mayor King noted she was supportive of the current membership.

City Attorney Richard Taylor noted Council is reconstituting the Task Force and the members need to be selected again, or the motion should include the names of the Task Force, or that the Mayor appoints the members.

Mayor King stated she would like the original members of the new Kevin Moran Task Force to continue serving on the KMP Task Force.

Councilmember Streit amended his motion noting the members of the Kevin Moran Task Force include: Councilmembers: Aileen, Kao, Norm Kline; Neighborhood representatives: Peter Bolton, Elaine Clabeaux, Marty Goldberg; Representatives at large: Doug Robertson, Paul Jacobs; and Sports user groups: Howard Miller and MaryAnn Escobar.

Vice Mayor Kline seconded this amendment to the motion. Motion passed 5-0-0.

It was Council consensus to allow the new Kevin Moran Park Task Force to proceed with building consensus on the recommendations for Kevin Moran Park without placing pre-determined requirements or restrictions on the project; and that the Task Force provides a status report to the City Council at the first meeting in January 2006.

NEW BUSINESS

6. VILLAGE TREE PRUNING AND REPLACEMENT OF DECORATIVE TREE LIGHTS

STAFF RECOMMENDATION:

1. Direct staff to proceed with tree pruning and replacement of decorative lights, and to complete work before Thanksgiving.
2. Determine source of funds to cover costs associated with tree pruning, installation and maintenance of tree lights.
3. Authorize City Manager to contract for pruning of street trees in the Village and replacement of lights including maintenance for one year not to exceed \$25,000.

Consensus of the City Council to postpone this item to the October 5, 2005 City Council meeting.

7. VILLAGE TREE LIGHTING CEREMONY

STAFF RECOMMENDATION:

Accept report and direct staff accordingly.

Consensus of the City Council to postpone this item to the October 5, 2005 City Council meeting.

8. VILLAGE TASK FORCE FORMATION

STAFF RECOMMENDATION:

Authorize the creation of the Village Task Force and its proposed composition.

Consensus of the City Council to postpone this item to the October 5, 2005 City Council meeting.

9. CITY CONTRIBUTION TOWARD HURRICANE KATRINA RELIEF AND RECOVERY ACTIONS

STAFF RECOMMENDATION:

Accept report and adopt resolution.

City Clerk Cathleen Boyer presented staff report.

RESOLUTION: 05-059

WALTONSMITH/KAO MOVED TO **ADOPT RESOLUTION APPROVING CONTRIBUTION OF \$15,000 TOWARDS HURRICANE KATRINA RELIEF FUND.** MOTION PASSED 5-0-0.

ADHOC & AGENCY ASSIGNMENT REPORTS

No reportable information.

CITY COUNCIL ITEMS

None

OTHER

None

CITY MANAGER'S REPORT

None

ADJOURNMENT

There being no further business Mayor King adjourned the Regular Meeting at 12:40a.m.

Respectfully submitted,

Ann Sullivan, CMC
City Clerk