

MINUTES

SARATOGA CITY COUNCIL

AUGUST 2, 2006

The City Council met with the Saratoga Senior Coordinating Council (SASCC) in the Administrative Conference Room at 5:30 p.m. Councilmember King and Councilmember Streit were absent.

The following SASCC Board members were present: President George Bunyard, Aki Okuno, Fran Wasserman, Gloria Young, Doris Volz, Mike Story, Jo Trimble, Jane Strumar, Dave Meeker, and Executive Director Genie Dee. President Bunyard presented an overview of SASCC operations, programs, and budget. President Bunyard indicated that SASCC has two divisions:

- Saratoga Senior Center
- Saratoga Adult Care Center

President Bunyard stated that SASCC has 765 members and the membership fee is \$25 per year. Service is provided by 120 SASCC volunteers and other members from the community. SASCC provides over 35 programs and services.

Member Meeker reported on the Adult Care Center. Member Meeker noted that SASCC cares for 22 adults 5 days per week. The average age cared for is over 80. Member Meeker noted that SASCC would need a larger facility in the next five years. The Adult Care Center serves 60 families a year. The Adult Care Center is a place where less independent elders can come to enjoy:

- Physical, mental and social stimulation
- A nutritious lunch program
- The special care they need

President Bunyard highlighted how SASCC is funded, net assets, and investment funds.

Mayor Kline thanked the SASCC board for attending the joint meeting.

MAYOR'S REPORT ON CLOSED SESSION

Mayor Kline reported there was Council discussion but no action was taken.

Mayor Kline called the Regular City Council meeting to order at 7:00 p.m. and noted that the meeting was dedicated to Recreation Director, Joan Pisani. Mayor Kline led the Pledge of Allegiance.

ROLL CALL

PRESENT: Councilmembers Kathleen King, Nick Streit, Ann Waltonsmith,
Vice Mayor Aileen Kao, Mayor Norman Kline

ABSENT: None

ALSO Dave Anderson, City Manager

PRESENT: Barbara Powell, 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 AUGUST 2, 2006

Cathleen Boyer, City Clerk, reported that pursuant to Government Code Section 54954.2, the agenda for the meeting of August 2, 2006, was properly posted on July 29, 2006.

ORAL COMMUNICATIONS

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

Coleen Wagner spoke in regards to the speed bumps on Pierce Road. Ms. Wagner pointed out the rude and intimidating behavior of the people who are complaining about the bumps.

Antoinette Romeo pointed out that the Mt. Winery has increased noise in traffic through the Pierce Road neighborhood.

Rita Witmer noted that she recently viewed the City's website in regards to the DeAnza Trail and found several inconsistencies and lack of accurate information. Ms. Witmer also noted that the trail plan does not show the segment that is a key part of the proposed trail, but is not able to be developed due to private property ownership issues.

Donna Poppenhagen pointed out that over the last few years the City Council has cut many programs throughout the City such as: teen services, crossing guards, DARE program, School Resource Office. In light of these budget cuts Ms. Poppenhagen requested that that City abandon the DeAnza Trail from the City's project list.

Dave Mighdoll stated that the Council violated due process in regards to the July 12th meeting. Mr. Mighdoll noted that at all interested parties should have been notified.

COUNCIL DIRECTION TO STAFF

Councilmember Waltonsmith asked when the Traffic Safety Commission would discuss the speed bumps on Pierce Road.

Director Cherbone noted that the TSC will meet on August 10th and August 24th.

In regards to the DeAnza Trail, Councilmember Waltonsmith asked when the EIR would be finished.

Director Cherbone responded that by the end of the month the EIR should be ready to be reviewed by the public.

COMMUNICATIONS FROM BOARDS AND COMMISSIONS

Doris Volz noted that she represented SASCC. Ms. Volz reported that SASCC met in a joint session with the Council prior to the regular meeting. Ms. Volz highlighted SASCC programs and services. Ms. Volz announced that SASCC would be holding their annual

“Ice Cream Social” on August 22nd from 2 p.m. - 4:00 p.m. at the North Campus. Ms. Volz thanked the Council for their continued support.

ANNOUNCEMENTS

None

CEREMONIAL ITEMS

- 1A. Proclamation Declaring September 2006 as “California Wine Month”

STAFF RECOMMENDATION:

Present proclamation.

Mayor Kline read the proclamations and presented them the owners of three local wineries: Kathryn Kennedy, Cooper-Garrod, and Cinnabar.

Marilyn Marchetti requested to speak on this item. Mrs. Marchetti reminded everyone of the Progressive Wine Dinner was on September 12, 2006 and noted space is limited.

SPECIAL PRESENTATIONS

None

CONSENT CALENDAR

- 2A. **CHECK REGISTER**

STAFF RECOMMENDATION:

Accept register.

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

- 2B. **ADOPTION OF AN ORDINANCE AMENDING SECTION 9-15.065 OF THE SARATOGA CITY CODE RELATING TO VEHICLES USED AS LIVING OR SLEEPING QUARTERS**

STAFF RECOMMENDATION:

Adopt Ordinance.

ORDINANCE: 243

STREIT/WALTONSMITH MOVED TO **ADOPT ORDINANCE AMENDING SECTION 9-15.065 OF THE SARATOGA CITY CODE RELATING TO VEHICLES USED AS LIVING OR SLEEPING QUARTERS**. MOTION PASSED 5-0.

- 2C. **AN ORDINANCE OF THE CITY OF SARATOGA AMENDING SECTION 15-12.160 OF THE SARATOGA CITY CODE RELATING TO STORAGE OF PERSONAL PROPERTY (INCLUDING BOATS AND RECREATIONAL VEHICLES), AND SECTION 15-95.030(B) RELATING TO THE ENFORCEMENT OF SUCH STORAGE REGULATIONS, AND ADDING SECTION 15-06.535 PROVIDING A DEFINITION OF “RECREATIONAL VEHICLE”**

STAFF RECOMMENDATION:

Adopt ordinance.

ORDINANCE: 244

Theresa Mills requested that this item be removed from the Consent Calendar.

Ms. Mills asked several code enforcement questions regarding the amended ordinance.

City Attorney Taylor advised Ms. Mills to contact the City’s Code Compliance Specialist.

STREIT/WALTONSMITH MOVED TO ADOPT ORDINANCE AMENDING SECTIONS 15-12.160 AND 15-95.030(b) AND ADDING SECTION 15-06.535 OF THE SARATOGA CITY CODE RELATING TO STORAGE OF PERSONAL PROPERTY AND MATERIALS. MOTION PASSED 5-0.

- 2D. **RESOLUTION SUPPORTING THE APPOINTMENT OF SHAN BERRY TO THE SANTA CLARA COUNTY COUNCIL ON AGING**

STAFF RECOMMENDATION:

Adopt resolution.

RESOLUTION: 06-056

STREIT/WALTONSMITH MOVED TO ADOPT RESOLUTION SUPPORTING THE SARATOGA AREA SENIOR COORDINATING COUNCIL’S (SASCC) DECISION TO APPOINT SHAN BERRY TO THE SANTA CLARA COUNTY COUNCIL ON AGING. MOTION PASSED 5-0.

- 2E. **2006 PAVEMENT MAINTENANCE PROGRAM - REJECTION OF BIDS**

STAFF RECOMMENDATION:

1. Reject all bids for the 2006 Pavement Maintenance Program
2. Direct staff to re-bid project.

STREIT/WALTONSMITH MOVED TO REJECT ALL BIDS FOR THE 2006 PAVEMENT MAINTENANCE PROGRAM AND DIRECT STAFF TO RE-BID PROJECT. MOTION PASSED 5-0.

2F. **2006 PAVEMENT MANAGEMENT PROGRAM – AWARD OF CONSTRUCTION CONTRACT**

STAFF RECOMMENDATION:

1. Declare El Camino Paving the lowest bidder.
2. Award construction contract to El Camino paving in the amount of \$706,500.
3. Approve additional work to contract in the amount of \$200,000.
4. Authorize staff to execute change orders to the contract up to \$100,000.

RESOLUTION : 06-057

STREIT/WALTONSMITH MOVED TO **ADOPT RESOLUTION AMENDING THE FY 2005-06 AND FY 2006-07 BUDGET AS RECOMMENDED IN THE FISCAL IMPACT OF THE REPORT.**
MOTION PASSED 5-0.

2G. **RESOLUTION SUPPORTING THE ESTABLISHMENT OF A SUB-REGION FOR THE PURPOSE OF LOCALLY ADMINISTERING THE ASSOCIATION OF BAY AREA GOVERNMENT’S (ABAG) REGIONAL HOUSING NEEDS ALLOCATION PROCESS**

STAFF RECOMMENDATION:

Adopt resolution.

RESOLUTION: 06-059

STREIT/WALTONSMITH MOVED TO ADOPT RESOLUTION **SUPPORTING THE ESTABLISHMENT OF A SUB-REGION FOR THE PURPOSE OF LOCALLY ADMINISTERING THE ASSOCIATION OF BAY AREA GOVERNMENT’S [ABAG] REGIONAL HOUSING NEEDS ALLOCATION PROCESS.** MOTION PASSED 5-0.

2H. **FINAL MAP APPROVAL FOR THREE LOTS LOCATED AT 20045 MENDELSON LANE**

STAFF RECOMMENDATION:

1. Adopt resolution granting final map approval of tentative map application No 03-112 for three lots.
2. Authorize City Manager to execute the Subdivision Improvement Agreement

RESOLUTION: 06-066

STREIT/WALTONSMITH MOVED TO **ADOPT RESOLUTION GRANTING FINAL MAP APPROVAL OF TENTATIVE MAP APPLICATION NO 03-112 FOR THREE LOTS. AND AUTHORIZE CITY MANAGER TO EXECUTE THE SUBDIVISION IMPROVEMENT AGREEMENT.**
MOTION PASSED 5-0.

2I. **RESOLUTION SUPPORTING STATE LEGISLATION TO CREATE AN INDEPENDENT REDISTRICTING PROCESS**

STAFF RECOMMENDATION:

Adopt resolution.

RESOLUTION: 06-065

STREIT/WALTONSMITH MOVED TO **ADOPT RESOLUTION SUPPORTING STATE LEGISLATION TO CREATE AN INDEPENDENT REDISTRICTING PROCESS.** MOTION PASSED 5-0.

PUBLIC HEARINGS

3. **ADOPTION OF AN ORDINANCE AMENDING SARATOGA CITY CODE SECTIONS 14-25.110, 15-80.090 AND ARTICLE 16-60 CONCERNING THE EMERGENCY WARNING ALARM SYSTEM AND ADOPTING BY REFERENCE THE SARATOGA FIRE PROTECTION DISTRICT STANDARDS AND REQUIREMENTS FOR THE EARLY WARNING ALARM SYSTEM**

STAFF RECOMMENDATION:

Conduct public hearing on updated Early Warning Alarm System (EWAS) Ordinance and adopt ordinance.

ORDINANCE: 242

Richard Taylor, City Attorney presented staff report.

City Attorney Taylor reported that at the July 19th 2006 City Council meeting, the Council accepted the recommendation of the Planning Commission and introduced an ordinance updating the Emergency Warning Alarm System regulations and adopting by reference the Saratoga Fire Protection District Standards and Requirements for the Early Warning Alarm System. Because the ordinance includes adoption of another agency's regulations by reference, state law requires that a second public hearing be held. The City Council at its July meeting adopted a resolution calling that second public hearing for August 2, 2006. No changes have been proposed to the ordinance as presented in the staff report of the July 19, 2006 meeting. Please refer to that staff report for additional information regarding the ordinance.

Mayor Kline opened the public hearing and invited public comments.

Seeing none, Mayor Kline closed the public hearing.

WALTONSMITH/STREIT MOVED TO **ADOPT ORDINANCE OF THE CITY OF SARATOGA AMENDING SARATOGA CITY CODE SECTIONS 14-25.110, 15-80.090 AND ARTICLE 16-60 CONCERNING THE EMERGENCY WARNING ALARM SYSTEM AND ADOPTING BY**

REFERENCE THE SARATOGA FIRE PROTECTION DISTRICT STANDARDS AND REQUIREMENTS FOR THE EARLY WARNING ALARM SYSTEM. MOTION PASSED 5-0.

4. **APPROVAL OF JOINT POWERS AGREEMENT FOR CALIFORNIA MUNICIPAL FINANCE AUTHORITY (CMFA), PUBLIC HEARING PURSUANT TO TAX EQUITY AND FISCAL RESPONSIBILITY ACT (“TEFRA”) AND CONSIDERATION OF THE ISSUANCE BY CMFA OF \$11,000,000 OF TAX-EXEMPT CONDUIT BONDS TO FINANCE OR REFINANCE THE COSTS OF THE ACQUISITION, CONSTRUCTION AND IMPROVEMENT OF CERTAIN EDUCATIONAL AND RELATED AND ANCILLARY FACILITIES AT THE ST. ANDREWS PARISH LOCATED AT 13601 SARATOGA AVE, SARATOGA, CA, 95070**

STAFF RECOMMENDATION:

Conduct the Public Hearing; Adopt the resolution approving the tax-exempt financing by CMFA and the issuance of the revenue bonds by the CMFA for Saint Andrew’s School and approving the City’s membership in the California Municipal Finance Authority (CMFA), a joint powers authority.

RESOLUTION: 06-064

Richard Taylor, City Attorney presented staff report.

City Attorney Taylor explained that Saint Andrew’s Parish, a non-profit, religious corporation, was seeking to issue up to \$11,000,000 of tax-exempt bonds to finance or refinance the costs of the acquisition, construction and improvement of certain educational and related and ancillary facilities on the its campus located at 13601 Saratoga Ave, Saratoga, CA, 95070. The bonds would be issued by the CMFA on behalf of St. Andrews and would not be obligations of the City.

City Attorney Taylor noted that in order for the interest on the bonds to tax-exempt, federal law requires that an “applicable elected representative” of the government unit approve the issuance of the bond after a public hearing (“TEFRA hearing”) following reasonable public notice. Because the CMFA’s Board of Directors is not an elected body, federal law provides that a governmental unit with elected representatives and jurisdiction over the area in which the project to be financed is located, in this case, the City Council is an “applicable elected representative” with respect to the bond issue. The proposed bond issuance by the CMFA is classified as a private activity for purposes of the Internal Revenue Code (the “Code”).

City Attorney Taylor noted that following the TEFRA public hearing regarding the issuance of the bonds, the Code requires adoption of a resolution approving the issuance of the bonds by the CMFA. In addition, in order for the CMFA to have jurisdiction to issue the bonds, the City must become a member of the CMFA.

City Attorney Taylor explained that CEMA was formed to assist local governments, non-profit organizations and businesses with the issuance of taxable and tax-exempt financing aimed at improving the standard of living in California.

The CMFA's representatives and its Board of Directors have considerable experience in tax-exempt bond financing. CMFA reports that in 2005, transaction bond volume for the CMFA was approximately \$172 million.

City Attorney Taylor explained that in order for the CMFA to have jurisdiction to issue the bonds for this project, it is necessary for the City to become a member of the CMFA. Attached to this report is a copy of the joint exercise of powers agreement that the City will need to execute in order for the CMFA to have the power to issue the bonds.

City Attorney Taylor noted that the joint exercise of powers agreement expressly provides that any member may withdraw from the agreement upon written notice to the Board of Directors of the CMFA. In the case of the proposed bond transaction, the City, if it executes the agreement, could, at any time following the issuance of the bonds, withdraw from the CMFA by merely providing notice to the Board of Directors of the CMFA of its withdrawal from the agreement.

In regards to any fiscal impact to the City, City Attorney Taylor stated that the CMFA shares a portion of its issuance fees with its member communities and donates a portion of issuance fees to the Foundation for the support of local charities. With respect to the City of Saratoga, CMFA has stated that it expects that 25% of the issuance fee attributable to the St. Andrews project (or approximately \$5,000) will be contributed by the CMFA to the general fund of the City, to be used for any lawful purpose. St. Andrews, as a religious corporation, will also be the beneficiary of a charitable donation from CMFA through a 25% reduction in issuance fees.

Mayor Kline opened the public hearing and invited public comments.

Seeing none, Mayor Kline closed the public hearing.

KING/WALTONSMITH MOVED TO ADOPT RESOLUTION APPROVING THE ISSUANCE OF REVENUE BONDS BY THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY FOR THE PURPOSE OF FINANCING OR REFINANCING THE ACQUISITION, CONSTRUCTION AND IMPROVEMENT OF CERTAIN EDUCATIONAL FACILITIES FOR SAINT ANDREW'S PARISH AND APPROVING AND DIRECTING EXECUTION OF THE JOINT EXERCISE OF POWERS AGREEMENT RELATING TO THE AUTHORITY. MOTION PASSED 5-0.

5. 2006 WEED ABATEMENT PROGRAM ASSESSMENT REPORT

STAFF RECOMMENDATION:

Conduct public hearing and adopt resolution.

RESOLUTION: 06-060

Cathleen Boyer, City Clerk, presented staff report.

City Clerk Boyer explained that under state and local laws, local governments routinely abate the seasonal fire hazards of hazardous vegetation and/or combustible debris on undeveloped property. For the County and several cities, including Saratoga, this abatement program is administered by the Office of the Agricultural Commissioner. In many cases, property owners find it convenient to have the district take care of vegetation or debris removal and to pay through a property tax lien.

City Clerk Boyer reported that the City Council approved 71 parcels for inclusion in the program at the start of the season, and all were inspected at least once, and most several times during the season. A total of six were abated by the Commissioner's contractor. This past year, the County performed abatement on parcels on the attached list in Saratoga. Tax liens and assessments on the owners of these parcels totaled \$6,810.05. City Clerk Boyer explained that in order to recover this cost, it is necessary for the Council to adopt a resolution confirming the assessments and directing the County Auditor to enter and collect the assessments on the property tax bill.

Mayor Kline opened the public hearing and invited public comments.

Seeing none, Mayor Kline closed the public hearing.

STREIT/WALTONSMITH MOVED TO ADOPT RESOLUTION CONFIRMING REPORT AND ASSESSMENT OF WEED ABATEMENT CHARGES. MOTION PASSED 5-0.

OLD BUSINESS

6. KEVIN MORAN PARK – CONCEPTUAL DESIGN PROCESS

STAFF RECOMMENDATION:

Accept report and direct staff regarding the process to develop a conceptual plan based on the neighborhood model to have ready to present to the Council for approval at the September 6, 2006 meeting.

John Cherbone, Public Works Director, presented staff report.

Director Cherbone explained that at the June 7th City Council meeting a plan for KMP was approved which included a full size soccer field. Recently, the City Council School Adhoc Comprised of Council Members King and Streit negotiated a tentative agreement with West Valley College for use of two full size soccer fields, which negated the need to develop a full size field at KMP.

Director Cherbone stated that at the July 12th meeting, Council limited KMP project to funds on hand in the CIP and directed staff to move forward with developing options to create a conceptual plan based on the neighborhood model.

Director Cherbone noted that a new process for designing the park must be developed. Staff recommends the following design process:

- Organize a Task Force to work with the Public Works staff and David Nelson to design a plan. The Council could appoint new members for this

Task Force or use existing neighborhood members from the KMP Task Force. Staff recommends appointing the three neighborhood representatives from the previous KMP Task Force, namely Elaine Clabeaux, Marty Goldberg, and Peter Pranys. In the event that a neighborhood representative cannot be present for a scheduled meeting, Suzanne O'Neill, a resident of Northampton Street, has agreed to act as an alternate.

Director Cherbone explained the proposed process using the neighborhood representatives to develop a tentative park plan and highlighted the final steps for developing the project.

The following people requested to speak on this item:

Devin Utter requested that the Council support a petanque court in the City of Saratoga.

Bob Wallace suggested that the orchard at the north end of KMP be replaced and turned into a heritage orchard.

Allen Beck noted that he supports the restoration of the KMP Task Force either appointing new members or using the original ones.

Laura Watkins expressed her disappointment with the Council since they already voted on June 7th, 4-1, to add a full size soccer field at KMP. Ms Watkins noted that CYSA needs more practice fields and requested that they be added at KMP. Ms Watkins opposed to staff recommendation to have only neighborhood representatives on the Task Force.

Dave Mighdoll noted that the meeting on July 12th was not agendized. Mr. Mighdoll noted that KMP is a neighborhood park and noted that flat grass is not a sports complex.

Mary Robertson thanked the Council for proceeding with alternative field use at West Valley College. Mrs. Robertson noted this was the fiscally responsible action to take. Mrs. Robertson noted that she supported staff recommendations.

Howard Miller noted that there was still a need for practice fields in Saratoga. Mr. Miller suggested a tiered fee base if there was an increase in the fee for field use.

Citizens Ray noted that he felt all parties should be represented on the KMP Task Force.

There was Council discussion regarding staff recommendations and the consensus was to hold off until the agreement with West Valley College is executed.

WALTONSMITH/STREIT MOVED TO DIRECT STAFF TO BRING THIS ITEM BACK ON SEPTEMBER 6, 2006 WHEN THE CITY HAS A FULLY EXECUTED CONTRACT WITH WEST VALLEY COLLEGE. MOTION PASSED 5-0.

7. **ALLOCATION OF ONE -TIME FUNDING REQUESTS FROM WILDLIFE CENTER OF SILICON VALLEY AND THE SARATOGA CHAMBER OF COMMERCE**

STAFF RECOMMENDATION:

1. Accept report and direct staff accordingly.
2. Adopt resolutions.

RESOLUTION: 06-061 & 062

Cathleen Boyer, City Clerk, presented staff report.

City Clerk Boyer noted that on May 3, 2006 during the public hearing on the FY 2006-07 operating budget, Council requested that the allocation of one-time funds be addressed at a separate meeting and be addressed separately from the operating budget. A special meeting was held on July 6, 2006 to discuss and allocate one time sources of revenue. At that meeting Council allocated \$90,900 to outside agencies. City Clerk Boyer noted that the remainder of the funds were allocated to the CIP fund balance in the amount of \$800,000.

City Clerk Boyer stated that staff returned to the City Council on July 19th with a proposed resolution allocating funds to the outside agencies including KSAR, SASCC, Chamber of Commerce, and the Wildlife Center. The requests from the Chamber of Commerce and the Wildlife Center were pulled off the resolution and staff was directed to contact both groups for further discussion.

City Clerk Boyer explained the Saratoga Chamber of Commerce's request. City Clerk Boyer noted that in an effort to keep teens safe during the Celebrate Saratoga event the Chamber plans to provide teens a separate area. The "Teen Scene" would feature local high school bands; vendors geared towards teens and would be a "No Alcohol Zone". This area will be under the direction of Adam Henig, Recreation Supervisor. The Chamber requested \$9,000 for this project.

City Clerk Boyer explained the Wildlife Center of Silicon Valley's request. City Clerk Boyer noted that the Wildlife Center requested \$4,500 to retrofit their aging enclosures to keep mosquitoes out, thus preventing West Nile Virus from occurring at the Center.

The following representatives from the Wildlife Center urged the Council to support the requested funds replace aging aviaries and purchase West Nile Virus testing kits:

Trudi Burney
Carmel de Beartaut
Janet Alexander

Pricilla Ho urged the Council to deny the Wildlife Center's request and explained in detail the cause and effect of the West Nile Virus.

WALTONSMITH/KING MOVED TO ADOPT RESOLUTION AMENDING THE FY 2006-07 BUDGET BY INCREASING THE ALLOCATION TO THE WILDLIFE CENTER BY \$4,500. MOTION PASSED 5-0.

Chris Oakes stated that she was the President of the Chamber of Commerce. President Oakes explained in detail the proposed Teen Scent at Celebrate Saratoga. President Oakes urged the Council to fund the event.

Adam Henig, Recreation Supervisor, explained his role and the role of the Youth Commission in the proposed "Teen Scene". Supervisor Henig noted that all the bands that would be performing have played for past Youth Commission sponsored events.

The following representatives from the Chamber of Commerce spoke in favor of the proposed "Teen Scene" at the year's Celebrate Saratoga and urged the Council to fund the event:

Lee Ann Hernandez
Rilene Simpson
Amanda Carrera
Sharmaine Nunes

Councilmember Waltonsmith noted that she didn't support the proposed funding and expressed her concerns in regards to the ongoing renovations to Blaney Plaza.

Councilmember Streit noted that he supports the concept of the proposed "Teen Scene" but would not fund overhead charges for staff time. Councilmember Streit stated that he would support \$7527.33 towards the "Teen Scene".

STREIT/KAO MOVED TO ADOPT RESOLUTION AMENDING THE FY 2006-07 BUDGET BY INCREASING THE ALLOCATION TO THE SARATOGA CHAMBER OF COMMERCE BY \$7527.33; WITH THE CAVEAT THAT THE FUNDS WOULD NOT BE GIVEN TO THE CHAMBER IN 2007. MOTION PASSED 3-2 WITH KLINE AND KING OPPOSING.

8. **DIRECTION TO STAFF REGARDING PROPOSED AMENDMENTS TO HAKONE GARDENS LEASE WITH THE HAKONE FOUNDATION TO FACILITATE DEVELOPMENT OF A VISITOR CENTER**

STAFF RECOMMENDATION:

Accept report and direct staff to work with representatives of the Hakone Foundation to draft lease amendments that would provide for a City contribution of \$250,000 towards the cost of developing a visitor center at Hakone Gardens.

Richard Taylor, City Attorney, presented staff report.

City Attorney Taylor explained that at the July 19th 2006 City Council meeting during Council's consideration of the Capital Improvement Program, the Hakone Foundation requested that the City Council consider allocating \$250,000 as a contribution towards the cost of a visitor center at the Hakone Gardens.

City Attorney Taylor explained that the Board of the Hakone Foundation is seeking private grants to defray the bulk of the cost of the visitor center and wishes to demonstrate to potential funders the City's support for the project in the City's park.

The City's lease agreement for the Gardens with the Foundation currently calls for City funding of various improvements in the Gardens. It does not address City contribution towards a visitor center.

City Attorney Taylor explained that if Council wishes to commit the City to providing the requested funding when the Foundation has raised the necessary private funds it would be appropriate to reflect that commitment in the lease agreement. Before negotiating specific amendments to the agreement, however, staff believed it appropriate to seek specific direction from Council. If Council wishes to proceed, staff would prepare amendments that commit the City to a \$250,000 contribution to the Visitor Center subject to City Council approval of the design and the availability of sufficient private funds to pay for the portion of the project costs not covered by the City contribution.

Lon Saavedra, Hakone Foundation Executive Director, thanked the Council considering this Hakone's request and their continued support.

Consensus of the City Council to direct staff do the following in regards to the construction cost of a visitors center at Hakone:

- Work with representatives of the Hakone Foundation to draft lease amendments
- City contribution up to \$250,000 in matching funds subject to Hakone Foundation receiving private contributions of at least \$750,000

9. **CAPITAL IMPROVEMENT PLAN (CIP) - FISCAL YEAR 06-07 UPDATE
2ND REVIEW**

STAFF RECOMMENDATION:

1. Accept report and direct staff accordingly.
2. Adopt resolution amending the FY 06-07 Budget.

RESOLUTION: 06-063

John Cherbone, Public Works Director, presented staff report.

Director Cherbone explained the direction staff was given at the July 19th on how to allocated \$1,093,000 in unrestricted funds:

- Aloha Safety Project - \$40,000
- McWilliams House Contingency - \$10,000
- Beauchamps Playground Safely -\$15,000
- Sobey Road Culvert Repair - \$150,000
- 2 Solar Powered Radar Signs - \$15,000
- Village Improvements - \$50,000
- North Campus Improvement - \$500,000
- Alternative Soccer Field Location(s) - \$250,000
- **Remaining Funds - \$63,000**

Director Cherbone noted all projects listed under Unrestricted Funds except for Sobey Road Culvert Repair, 2 Solar Powered Radar Signs, and Alternative Soccer Field Location(s) are existing CIP Projects that do not require further review and therefore can be approved for funding via a budget resolution.

WALTONSMITH /KING MOVED TO ADOPT BUDGET RESOLUTION TO FUND UNRESTRICTED FUND PROJECTS. MOTION PASSED 5-0.

Director Cherbone explained candidate CIP projects not approved for funding at the July 29th City Council meeting:

- Quito Road Sidewalk Improvements -\$150,000
- Highway 9 Widening at Aloha - \$175,000
- Book-Go-Round Foundation Drainage Improvements- \$60,000
- Fire Alarm at the McWilliams House and Book-Go-Round - \$25,000

Director Cherbone explained the next steps in the CIP process.

STREIT /KING MOVED TO ADOPT RESOLUTION ADOPTING THE FISCAL YEAR 06-07 UPDATE TO THE CAPITAL IMPROVEMENT PLAN. MOTION PASSED 5-0.

NEW BUSINESS

10. VECTOR CONTROL UPDATE ON WILDLIFE PROGRAM STATUS AND WEST NILE VIRUS

STAFF RECOMMENDATION:

Accept report and direct staff accordingly.

Dave Anderson, City Manager, presented staff report.

City Manager Anderson reported that last week, County Vector Control staff alerted city officials that Santa Clara County was involved in an assessment of the wildlife program. In further discussion with Tim Mulligan, the District Manager, he stated that a Board of Supervisors sub-committee was studying the issue. City Manager Anderson noted that they were in the process of preparing for this meeting which will occur on August 17, 2006.

City Manager Anderson pointed out that Director Mulligan would attend the Council meeting and provide a briefing on the options that they will present to the subcommittee. Additionally, he will brief the City Council on the status of the West Nile Virus outbreak in the area and what has been done to contain the situation.

Mayor Kline thanked City Manager Anderson for his report.

ADHOC & AGENCY ASSIGNMENT REPORTS

None

CITY COUNCIL ITEMS

None

CITY MANAGER'S REPORT

None

ADJOURNMENT

There being no further business Mayor Kline adjourned the regular meeting at 12:00 a.m. and noted that Council would return to the Administrative Conference to continue Closed Session discussions.

Respectfully submitted,

Cathleen Boyer, CMC
City Clerk