

**MINUTES
CITY COUNCIL
&
SARATOGA CEMETERY DISTRICT BOARD
SPECIAL MEETING
FEBRUARY 26, 2008**

Mayor Waltonsmith called the Special City Council meeting to order at 7:00 p.m.

ROLL CALL

PRESENT: Councilmembers Aileen Kao, Kathleen King,
Vice Mayor Chuck Page, Mayor Ann Waltonsmith
ABSENT: Councilmember Hunter (recused)
ALSO Saratoga Cemetery District Board:
PRESENT: Phil Boyce, Joe Clevenger, Gregory Fox

City Staff:
Dave Anderson, City Manager
Barbra Powell, Assistant City Manager
Richard Taylor, City Attorney
Cathleen Boyer, City Clerk

REPORT OF CITY CLERK ON POSTING OF AGENDA FOR JANUARY 16, 2008

Cathleen Boyer, City Clerk, reported that pursuant to Government Code Section 54954.2, the agenda for the meeting of February 26, 2008, was properly posted on February 15, 2008.

ORAL COMMUNICATIONS

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

Pricilla Ho explained the definition of eminent domain and cited court cases.

COUNCIL DIRECTION

None

Mayor Waltonsmith welcomed everyone to tonight's meeting. Mayor Waltonsmith briefly explained that last year members of the Oak Street neighborhood approached the City with their concerns about the Saratoga Cemetery District Board's discussion regarding eminent domain and asked Council to take action. Mayor Waltonsmith noted that this meeting was scheduled according to the Brown Act so the City could find out more information.

Richard Taylor, City Attorney noted that the agenda tonight is only to share information between the two agencies - no formal action can be taken.

Mayor Waltonsmith explained that Councilmember Hunter recused herself from this discussion, however would be part of the audience.

Mayor WaltonsSmith noted that City staff has met with the Teeter family.

1. **UPDATE FROM SARATOGA CEMETERY DISTRICT BOARD (CEMETERY BOARD) ON RECENT VERBAL RESOLUTION CONCERNING THE BOARD'S PRACTICE REGARDING THE USE OF EMINENT DOMAIN FOR THE ACQUISITION OF PROPERTY**

Phil Boyce, Board member stated that the Board recently hired a public relations firm, Orloff/Williams, to help improve community outreach.

Dan Orloff stated that he was a Principal at Orloff/ Williams. Mr. Orloff explained that Madronia Cemetery is one of the oldest cemeteries in Northern California; it was established in 1853. Mr. Orloff explained that the District Board is composed of five members and employs few staff members. Mr. Orloff noted that the District serves approximately 35,000 residents from Los Gatos, Monte Sereno, Saratoga, and some County properties. Mr. Orloff noted that the cemetery has approximately 45 years of capacity.

Mr. Orloff noted that at the December 12, 2007 District's Board meeting a motion was made and approved that the Board would not acquire property through eminent domain.

Mr. Orloff read verbatim from the minutes dated December 12, 2007 and submitted a copy for the record.

2. **UPDATE FROM CEMETERY BOARD ON CURRENT STATUS OF NEGOTIATIONS CONCERNING THE POTENTIAL FOR ACQUIRING THE TEETER AND BOYD PROPERTIES**

Mr. Orloff noted that the Board has suspended any negotiations in regards to the Boyd and Teeter property.

3. **UPDATE FROM CEMETERY BOARD CONCERNING ITS COMPREHENSIVE MASTER PLAN FOR THE MADRONIA CEMETERY**

Mr. Boyce stated in order to start the process of developing a Master Plan they need to change a couple of the Board's policies. Mr. Boyce noted that a few issues that the Board will need to discuss in regards to developing a Master Plan are:

- Changing demographics in the valley
- Web site
- Market place

Mr. Boyce stated that the Board would like to plan ahead for the next 40-50 years. Mr. Boyce noted the District is in excellent shape financially. Mr. Boyce pointed out that even if the cemetery closed, it still would need to be maintained.

Mr. Orloff noted that a team of consultants will be brought in to help the community analyze the needs of capacity and demographics. Mr. Orloff noted that a comprehensive website is being developed to be used as a tool to communicate to the public.

4. **REPORT ON THE JANUARY 29TH COUNTY OF SANTA CLARA BOARD OF SUPERVISORS MEETING AT WHICH A STAFF REPORT WAS PRESENTED REGARDING THE CEMETERY BOARD**

Scott Strickland noted that he represented Santa Clara County Supervisor Liz Kniss' office.

Mr. Strickland explained that the District is an independent district and the Board members are appointed by the County Supervisors. Mr. Strickland noted that the District lies in Supervisor Kniss' district so she is responsible for making recommendations to the Board of Supervisors.

Mr. Strickland noted that at the January 29, 2008 Board of Supervisors meeting they accepted two reports; one from County Counsel and one from the County Executive.

Mr. Strickland explained that the County offered the District Board the assistance of the County Clerk for posting agendas, record keeping and preparing minutes. The County also explained that they have policies to procure and vendor selection procedures that the District Board should follow. The County also recommended that the District Board attend Brown Act training and develop a robust website.

5 **UPDATE ON CEMETERY BOARD RESIGNATIONS AND PROPOSED PLAN FOR RECRUITING NEW MEMBERS**

Mr. Strickland reported that there are two current vacancies and three more vacancies that will expired in June 2008. Mr. Strickland noted that all five of these vacancies will be filled by the Board of Supervisors.

Mr. Strickland noted that the County Clerk will advertise these vacancies in local newspapers and other outlets. Mr. Strickland noted that all applicants will be invited to a meet and greet reception at the County.

Mr. Strickland stated that all applicants must reside in the Cemetery's district, be a registered voter, and complete an application.

Councilmember King asked when the deadline was for submission of applications.

Mr. Strickland responded that a date has not been set, but he would assume sometime in mid March. Mr. Strickland noted that appointments are scheduled to be made at the April Board of Supervisors meeting.

6. **DISCUSSION AND PUBLIC COMMENT**

The following people requested to speak:

Ray Persico noted that he lives on Oak Street. Mr. Persico asked the City Council to help them maintain the character of the Oak Street neighborhood. Mr. Persico noted that a big step to help preserve the neighborhood would be to amend the General Plan so that the Teeter property and the residence that the caretaker lives in be changed from Public Facilities to Residential.

Bill Brown noted that he has lived on Oak Street and 6th Street for the past 30 years. Mr. Brown stated that he supported changing the General Plan designation of the Teeter property to residential. Mr. Brown asked when this designation was originally applied to the Teeter property. Mr. Brown noted that he does not like the new front gate.

Clayton Brown stated that he heard Mr. Orloff say that the Board would never use eminent domain but, then Mr. Boyce said they might in case they need more burial space. Mr. Brown suggested using the open space behind where the convent was located.

Lynne Gurley noted that the Oak Street neighborhood recently formed a neighborhood association. Mrs. Gurley noted that the Oak Street neighborhood is peaceful and beautiful.

Jerry Gurley noted that he has lived on Oak Street for the past 39 years. Mr. Gurley explained that the motion the Board made at their December 12th meeting bothers the neighbors. Mr. Gurley pointed out that the Board would not assure the neighbors that they would not change their mind the next day. Mr. Gurley noted that the Oak Street neighborhood is precious to them and the neighbors do not want to see it changed. Mr. Gurley added that he does not like the new front gate.

Theron Schab noted that he lives on Oak Street. Mr. Schab stated that there is still a lot of fear among the neighbors, which in his opinion could be settled by a stronger statement from the Board. Mr. Schab explained that the Board could write a public letter indicating that there would not be any expansion in the Master Plan.

Cynthia Taylor noted that she is a San Francisco resident but, was raised on Oak Street. Ms. Taylor noted that the trust has been broken between the Board and the neighbors.

Sue Kalman Persico noted that she lives on 6th Street. Mrs. Kalman Persico stated that she supports changing the General Plan designation of the Teeter property to residential.

Diane Tuley-Brown noted that she lives across from the Teeter family. Mrs. Tuley-Brown noted that she supports changing the General Plan designation of the Teeter property to residential. In regards to the Board's use of eminent domain, Mrs. Tuley-Brown noted that it was mentioned in their minutes. Mrs. Tuley-Brown noted that the December 12th Board meeting was very combative and communication thus far has been very nasty.

John Teeter noted that he lives on Oak street and is not interested in selling his property. Mr. Teeter requested that his property be excluded from the Cemetery's Master Plan

John Hollingsworth noted that he is the president of the newly formed neighborhood association. Mr. Hollingsworth noted that the Association's website is mhanaonline.org. Mr. Hollingsworth thanked the City for scheduling this meeting and also thanked the Board for attending. Mr. Hollingsworth noted that this issue has brought the neighborhood together. In regards to the Board's motion

regarding the use of eminent domain, Mr. Hollingsworth noted that his issue is that the Board did not want to deviate from the motion

Pricilla Ho noted that she has lived in another county for a while and they planned ahead. Mrs. Ho noted that the Board should create a master plan for the future.

Stan Bogosian noted that he lives on Lomita Avenue. Referring to Mr. Orloff's comments, Mr. Bogosian stated that the Board has not given the public any methodology on how they determine their needs. Mr. Bogosian noted that he feels the Board owes the public an explanation.

7. **FOLLOW-UP ACTIONS AND DIRECTION TO STAFF**

Mayor Waltonsmith recapped follow-up actions and direction to staff:

Saratoga Cemetery District Board:

- Citizens would like methodology on how needs are determined
- Remove residential sites off master plan

City of Saratoga

- When was the General Plan designation assigned to the residential property?
- What are the procedures for changing the General Plan?
- When is a use permit required?

KING/PAGE MOVED TO **ADJOURN THE MEETING**. MOTION PASSED 4-0.

There being no further business Mayor Waltonsmith adjourned the regular meeting at 8:50 p.m.

Respectfully submitted,

Cathleen Boyer, CMC
City Clerk