

**MINUTES
SARATOGA CITY COUNCIL MEETING
MAY 21, 2008**

Mayor Waltonsmith called the Regular City Council meeting to order at 7:05PM and led the Pledge of Allegiance.

ROLL CALL:

PRESENT: Councilmembers Jill Hunter, Aileen Kao, Kathleen King, Vice Mayor Chuck Page, and Mayor Waltonsmith
ABSENT: None
ALSO Dave Anderson, City Manager
PRESENT: Richard Taylor, City Attorney
Ann Sullivan, Acting City Clerk
Michael Taylor, Recreation Department Director
Mary Furey, Administrative Services Director
John Cherbone, Public Works Director

REPORT OF CITY CLERK ON POSTING OF AGENDA

Ann Sullivan, Acting City Clerk, reported that Pursuant to Gov't. Code 54954.2, the agenda for the meeting of May 21, 2008 was properly posted on May 15, 2008.

Mayor Waltonsmith asked for a moment of silence in honor of the earthquake victims in China and the cyclone victims in Myanmar.

ORAL COMMUNICATIONS

Citizen Ray spoke about the land being cleared for housing development in the Town of Los Gatos; the dead pines on Highway 9; and the bicycle path along Highway 9 and how nice it was to see bicyclists using the newly completed bike path.

Sue Barrera addressed the Council regarding the newly extended hours at the Saratoga Library stating the library will be open seven days a week through June 2010; and she thanked the Friends of the Library for making this possible.

COUNCIL DIRECTION TO STAFF

No direction given to staff.

ANNOUNCEMENTS

Vice Mayor Page announced the achievements of the Odyssey of the Mind students from various schools. He noted Sacred Heart School has three teams that are competing and have moved through the State level and will be competing in the upcoming World competition. These three teams are made up of fourth, fifth, sixth and seventh graders. He also noted a proclamation has been done commending these students.

Councilmember Jill Hunter commented on how beautiful the Gateway medians look and commended the City for the great job staff has done on the medians.

Councilmember Kathleen King noted that Fred Andres had called her and wanted to thank the City for the great improvements to the Gateway medians. She recommended he call John Cherbone and let him know his appreciation.

CEREMONIAL ITEMS

1. PROCLAMATION DECLARING MAY 18-24, 2008 AS NATIONAL PUBLIC WORKS WEEK.

Mayor Waltonsmith read the proclamation. Public Works Director John Cherbone was present to receive the proclamation.

SPECIAL PRESENTATIONS

2. WEST VALLEY COLLEGE PRESENTATION – COLLEGE ENTRANCE IMPROVEMENTS

STAFF RECOMMENDATION:

Accept oral report by West Valley College and provide direction.

Phil Hartley, West Valley College President, gave presentation. Mr. Hartley noted the college is involved in major reconstruction in various areas on the campus and that construction on a new “formal” entrance will begin in approximately 8 weeks. This new formal entrance to the college will be a four-lane entrance off Fruitvale Avenue and will be located further down Fruitvale Avenue near the baseball field and away from Redwood Middle School; which will help alleviate the traffic congestion in that area.

CONSENT CALENDAR

3. CITY COUNCIL MINUTES – MAY 7, 2008

STAFF RECOMMENDATION:

Approve minutes.

KING/KAO MOVED TO **APPROVE CITY COUNCIL MINUTES OF MAY 7, 2008.** MOTION PASSED 5 – 0.

4. REVIEW OF ACCOUNTS PAYABLE CHECK REGISTERS

STAFF RECOMMENDATION:

Accept the Check Registers for the following Accounts Payable cycles: April 24, 2008, May 1, 2008, and May 8, 2008.

KING/KAO MOVED TO **ACCEPT CHECK REGISTERS FOR APRIL 24, 2008, MAY 1, 2008 AND MAY 8, 2008.** MOTION PASSED 5 – 0.

**5. TRANSPORTATION DEVELOPMENT ACT (TDA) ARTICLE 3
APPLICATION FOR THE SARATOGA AVENUE WALKWAY PROJECT
AND HIGHWAY 9 BICYCLE SAFETY IMPROVEMENTS – PHASE 3
DESIGN**

STAFF RECOMMENDATION:

Adopt resolution supporting the Metropolitan Transportation Commission's Transportation Development Act Article 3 Pedestrian/Bicycle Grant Application.

RESOLUTION: 08 - 032

**KING/KAO MOVED TO ADOPT RESOLUTION SUPPORTING THE
METROPOLITAN TRANSPORTATION COMMISSION'S
TRANSPORTATION DEVELOPMENT ACT ARTICLE 3
PEDESTRIAN/BICYCLE GRANT APPLICATION. MOTION PASSED 5 – 0.**

PUBLIC HEARINGS

**6. APPROVAL OF AN ORDINANCE REGARDING SUPERVISION BY
PARENT OR GUARDIAN OF ALCOHOLIC BEVERAGE POSSESSION OR
CONSUMPTION BY PERSONS UNDER TWENTY-ONE AND IMPOSING A
FEE FOR THE COSTS OF PROVIDING A SECOND POLICE RESPONSE
TO PUBLIC DISTURBANCES.**

STAFF RECOMMENDATION:

Introduce and waive the first reading of the attached ordinance regarding supervision of certain social gatherings and cost recovery for public disturbances requiring a second police response and direct staff to place the matter on the consent calendar at the next City Council meeting.

City Attorney Richard Taylor presented the staff report.

Mayor Waltonsmith opened the public hearing for comments:

Seeing none, the Mayor closed the public hearing comments.

**KAO/KING MOVED TO WAIVE THE FIRST READING OF THE
ATTACHED ORDINANCE REGARDING SUPERVISION OF CERTAIN
SOCIAL GATHERINGS AND COST RECOVERY FOR PUBLIC
DISTURBANCES REQUIRING A SECOND POLICE RESPONSE AND
DIRECT STAFF TO PLACE THE MATTER ON THE CONSENT
CALENDAR AT THE NEXT CITY COUNCIL MEETING; WITH TWO
MODIFICATIONS: 1) INCLUSION OF DEPUTIES OF THE COUNTY
SHERIFF'S OFFICE OR OTHER LAW ENFORCEMENT PERSONNEL
PERFORMING SERVICES IN THE CITY; AND 2) THE STRIKE OUT TEXT
SHOWN IN THE INTRODUCTORY MATERIAL OF THE ORDINANCE TO
BE ADDED TO THE ORDINANCE, SHOULD BE DELETED FROM THE
ORDINANCE. MOTION PASSED 5 – 0.**

7. FISCAL YEAR 2008-09 PROPOSED OPERATING & CAPITAL BUDGET PUBLIC HEARING.

STAFF RECOMMENDATION:

Conduct a public hearing on the proposed FY 2008/09 Operating & Capital Budget, and provide direction to staff for budget adoption on June 4, 2008.

Administrative Services Director Mary Furey presented the staff report.

There was Council discussion regarding the proposed budget with questions presented on various budget line items. Director Mary Furey provided clarity regarding the questions presented by Council.

Mayor Waltonsmith opened the hearing for public comment.

Donna Paisley – expressed her concerns regarding the results of the California Healthy Kids Survey in which many students expressed safety concerns on campus. Ms. Paisley stated there is a need for an SRO officer to serve the Saratoga schools.

Cindy Ruby – urged the Council to consider community grants as a built in budget policy. She stated the Foothill Club house is undergoing extensive renovation and asked the Council to consider funding support to install the ADA compliant ramp to the Foothill Club house.

Mary Ellen Comport – asked for City support to help maintain the Foothill Club building.

Mayor Waltonsmith closed the public hearing.

Council direction to staff regarding the proposed Operating and Capital Budget:

- Increase the Community Grants appropriation by the \$22,000 remaining in FY 2008/08 Council Discretionary Funds, booking it to an “unspecified grant recipient” account until decision made in FY 2008/09 in September/October.
- Council Policy established on community grants amount to match CDBG public service grant amount and allocate as a follow-up to the CDBG hearing process.
- Include explanatory notes in the Prior Year Accounting Structure Comparison graph.
- Include use of carry forward and designated funds in General Fund revenue schedule.
- Include both pie and bar chart for General Fund category schedule.
- Identify reason for Training & Meetings category increase.
- Identify Recreation Department’s cost recovery breakdown.
- Correct prior year information on Community Events schedule.
- Follow up with Council on the amount of Property Tax % that the City receives.
- Establish Council Budget Policy direction for:
 - 1) Year End Fund Balance reserves as follows:
 - Fund Undesignated Fund Balance at \$500,000
 - Divide remaining year-end undesignated funds between:
 - Designated for Capital Projects, and

- Designated for Operational Efficiencies
- 2) Establish goal of \$1,000,000 revenue appropriation for CIP Streets/Pavement Management Program.
- 3) \$300,000 appropriation from TEA proceeds transferred to CIP Streets/Pavement Management program, revert to General Fund.

PAGE/KING MOVED TO **RAISE CIP BUDGET AMOUNT FOR STREETS/PAVEMENT MANGEMENT PROGRAM FROM \$600,000 TO AN ESTABLISHED GOAL OF \$1,000,000 – FUNDED BY 1) GAS TAX REVENUES; 2) ROAD IMPACT FEES; 3) STATE & FEDERAL GRANTS.**
MOTION PASSED 5 – 0

Council also gave direction to City Manager Dave Anderson to negotiate the cost of a DARE Officer, with the cost to be shared equally by the elementary, middle and high schools – three ways.

Council discussed the Community Grant program and agreed to match CDBG funds with Community Grant funding each year; and establishing this as a Council Policy. Contract funding would not fall into this category.

Council asked what the Council Contingency fund balance was for the current Fiscal Year. Director Mary Furey noted there was a balance of \$22,068.

It was the consensus of the Council to allocate the remaining undesignated funds from Council Contingency for this Fiscal Year to next Fiscal Year 2008/09.

Mayor Waltonsmith declared a 5 minute break at 10:00PM.

Mayor Waltonsmith reconvened the meeting at 10:05PM.

OLD BUSINESS

None

NEW BUSINESS

8. RELOCATION OF COAST LIVE OAK TREE FROM THE HERITAGE ORCHARD TO WEST VALLEY COLLEGE.

STAFF RECOMMENDATION:

Accept report and provide direction to staff.

Public Works Director John Cherbone presented the staff report.

There was discussion regarding the possibility of signage being placed at the site of the Coast Live Oak tree in the Orchard during the removal process; indicating that the cost of the tree removal project was being funded by West Valley College (WVC). Director Cherbone noted that could be done if Council decides to approve the removal of the tree.

Council also discussed the possibility of having a plaque stating where the tree came from if it is relocated to the proposed site on the WVC campus. Director Cherbone noted that could be done as well.

KAO/PAGE MOVED TO **APPROVE THE RELOCATION OF THE COAST LIVE OAK TREE FROM THE HERITAGE ORCHARD TO A PRE-ESTABLISHED LOCATION AT THE WEST VALLEY COLLEGE'S MAIN ENTRANCE OFF FRUITVALE AVENUE.** MOTION PASSED 4 -1-0 WITH COUNCILMEMBER HUNTER OPPOSING.

9. **BUS SHELTER FEASIBILITY.**

STAFF RECOMMENDATION:

Receive report and provide direction to staff.

Public Works Director John Cherbone presented the staff report.

Director Cherbone noted he proposed the use of four bus shelters in the CIP, which could be increased or decreased, based on Council's decision if they decide to install bus shelters.

There was discussion regarding the location of covered bus shelters in the City and whether to have free bus shelters with advertisement versus bus shelters with no advertisement. There was discussion regarding the type of bus shelters – wooden or metal design.

Councilmember Jill Hunter opposes metal bus shelters with advertisement.

Vice Mayor Page noted he is impartial, however, he prefers not to destroy trees in order to install bus shelters and that you could create your own bus shelters without advertisement. He also noted you could put a matching trash can next to the bus shelter.

Councilmember King stated she agrees with Vice Mayor Page regarding the placement of a trash can next to the bus shelter and that it needs to be a large enough one to accommodate the amount of trash disposed of near bus shelters.

Councilmember Kao inquired if the City could specify the type of advertisements on bus shelters and stated she didn't have a specific preference of the type of bus shelter.

Council directed staff to place the bus shelter item on the CIP for future discussion.

ADHOC & AGENCY ASSIGNMENT REPORTS

Mayor Ann Waltonsmith – reported on:

Association of Bay Area Government – will be meeting next month.

Comprehensive County Expressway Planning Study Advisory Board (PAB) – will meet on Thursday, May 22nd.

Hakone Foundation Executive Committee – the Executive Committee and Board met.

The Design Committee meeting went well and the new Visitor's Center will be placed at the top of the parking lot near the bamboo area. Phil Boyce's term as president is up and Marty Matsual will be assuming the role of President of the Hakone Board.

SASCC – will be meeting next Wednesday and will be electing their new Board.
West Valley Mayors and Managers Association – meets next week and Vice Mayor Page will be attending in her place.
Sister City Liaison – will not be having a welcome reception for the three exchange students at City Hall this year. They will be having a less formal reception in another manner.

Vice Mayor Chuck Page – reported on:
Chamber of Commerce – attended a meeting with the Chamber and they expressed an interest in the Buxton Report. They are also preparing for the Taste of Saratoga event and are looking for artists and volunteers.
West Valley Sanitation District – noted they are going through their budget cycle and will be meeting again next week.

Councilmember Kathleen King – reported on:
Peninsula Division, League of California Cities – annual dinner scheduled in Redwood City in June and should be represented by the City.
Santa Clara County Cities Association – noted that Mayor WaltonsSmith attended the last meeting since she was unable to attend.
City School AdHoc – noted they had a very good meeting with John Nolan, Facilities Manager for the Campbell Union School District and was sad to hear that is retiring. She noted all weather turf will be installed on the soccer field in the back field, and renovation of the baseball fields. She noted the school is willing to renegotiate athletic field use times as well as athletic events held under the lights – if the teams are willing to pay for the electricity. She also suggested doing a commendation for the Campbell School District recognizing the excellent working relationship with Prospect High School.
TEA AdHoc – noted Jim Beall suggested the possibility of paying ERAF up front in exchange for getting the ERAF

Councilmember Jill Hunter – reported on:
Historic Foundation – April Halberstadt has resigned from the Board and the Board will be recruiting for a replacement.
KSAR – has hired a new employee, Ruth Fetzner, to work 20 hours a week.

Councilmember Aileen Kao – reported on:
Northern Central Flood Control Zone Advisory Board – will meet on May 28th and the Airport Land Use Committee meets the same day. If the two meetings are at the same time she would need a volunteer to attend one of the meetings.

CITY COUNCIL ITEMS

Councilmember King announced the Cemetery District has selected their new Board and noted that HPC Commissioner Jim Sorden was selected for the Board and recommended someone notify Jim Sorden and let him know that there may be issue of incompatibility of office and he may need to make a choice of which entity he wants to serve if he hasn't already been sworn in as a Cemetery Board member.

City Manager Dave Anderson stated he would call Jim Sorden and let him know of the potential for incompatibility of office.

Vice Mayor Chuck Page announced he will have to resign from the Solid Waste JPA because of his new employment. He stated he would need a replacement prior to the next JPA meeting, which is in November; or the Alternate could assume the position.

Page also announced the City of Saratoga has a new Starbucks – located in the Safeway store at Argonaut Shopping Center.

Mayor Waltonsmith announced she will be writing a letter of condolences to the Mianyang and the Chengdu Mayors regarding the devastating earthquakes and loss of life. She also commented on how nice the “newly painted lady” – the Victorian Warner Hutton House looked.

CITY MANAGER’S REPORT

City Manager Dave Anderson noted that one more date for the CIP Study Session needs to be established for Council to meet and make final CIP budget recommendations.

ADJOURNMENT

PAGE/HUNTER MOVED TO **ADJOURN THE REGULAR MEETING AT 11:00PM.** MOTION PASSED 5 – 0.

Respectfully submitted:

*Ann Sullivan, CMC
Acting City Clerk*