

**MINUTES
SARATOGA CITY COUNCIL MEETING
JUNE 4, 2008**

The City Council of the City of Saratoga met in Closed Session in the Administrative Conference Room at 5:30 p.m.

MAYOR'S REPORT ON CLOSED SESSION

Mayor Waltonsmith stated there was no reportable information on Closed Session.

The City Council held a Joint Meeting at 6:00PM with the Saratoga Parks and Recreation Commission.

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

ROLL CALL

PRESENT: Councilmembers Aileen Kao, Jill Hunter, Kathleen King,
Vice Mayor Chuck Page, Mayor Ann Waltonsmith

ABSENT: None

ALSO PRESENT: Dave Anderson, City Manager
Richard Taylor, City Attorney
Ann Sullivan, Acting City Clerk
Mary Furey, Administrative Services Director
John Livingstone, Community Development Director
John Cherbone, Public Works Director
Michael Taylor, Recreation Director
Michael Fossati, Assistant Planner

REPORT OF CITY CLERK ON POSTING OF AGENDA

Ann Sullivan, Acting City Clerk, reported that pursuant to Government Code Section 54954.2, the agenda for the meeting of June 4, 2008 was properly posted on May 29, 2008.

Mayor Ann Waltonsmith announced that on Tuesday, June 3, 2008, Council was asked by the Hakone Foundation to add an Urgency Item to the June 4, 2008 Council agenda regarding the Koi fish pond at Hakone Gardens.

City Manager Dave Anderson presented the facts regarding the Urgency Item stating the Koi Pond at Hakone Gardens was failing and needed immediate repairs and re-drilling of the well to preserve the Koi fish in the pond.

City Attorney Richard Taylor advised Council they could place an Urgency Item on the Council meeting agenda after the agenda had been posted; however, they would need a motion by a four fifths vote to authorize adding the item to the agenda and determine where on the agenda they would like to place the Urgency Item for discussion.

HUNTER/PAGE MOVED TO ADD HAKONE KOI POND URGENCY ITEM TO THE AGENDA AND PLACE IT AT THE END OF THE AGENDA FOR DISCUSSION. MOTION PASSED 5 - 0.

COMMUNICATIONS FROM COMMISSIONS & PUBLIC

Janice Gamper – addressed the Council regarding the blinking speed limit sign and asked if it could be returned to Chester Avenue to monitor speeds. She noted that when the speed monitor was on Chester Avenue, people didn't speed as much.

Mehran Madani – spoke to Council regarding a neighbor on Bohlman Road who is removing trees on his property for quite some time, and was concerned that the tree removal could cause potential land slides. He felt the tree removal was an invasion of his privacy and was diminishing the aesthetic appearance and value of his home.

Oral Communications - Council Direction to Staff

Mayor Waltonsmith responded to Janice Gamper's request stating the blinking speed limit sign was on a rotational schedule and that it would return to Chester Avenue later on in the schedule.

Council directed staff to follow up with Mr. Madani's concern regarding the tree removal in his neighborhood. City Manager Dave Anderson stated he would have the City Arborist contact Mr. Madani the very next day to research this issue.

Communications from Boards and Commissions

Tom Soukup, Chair of the Parks and Recreation Commission, addressed the Council regarding their 6:00PM Joint Meeting that evening. He noted the commission had been suspended for some time and had just recently been reinstated. He spoke about the commission's work plan for the coming year and noted the commission has established three categories of interest:

- 1) Naming the North Campus facility.
- 2) Playground improvements.
- 3) Community involvement by more use of the community parks and facilities; using the parks for healthy living and life styles; and the possibility of using the parks for music/art in the parks.

He also noted their long term planning involved working with the Planning Commission on the Parks and Trails Master Plan.

Council Direction to Staff

Council thanked Mr. Soukup for his presentation, welcomed the Commission back, and to keep up the good work.

ANNOUNCEMENTS

Councilmember Jill Hunter announced the Village Sidewalk Sale on the upcoming Friday, Saturday and Sunday and invited people to participate. She also invited everyone to come and enjoy the live band in the Bank of America parking; which would start at 6:30 in the evenings.

Mayor Waltonsmith announced the Silicon Valley Association of Realtors was having a fund raiser for the City of Saratoga and the Town of Los Gatos on Sunday, August 3, 2008. The association had purchased all the tickets for the San Jose Giants baseball game for that day and all proceeds from the sale of those tickets would go to the Saratoga Recreation Summer Youth Program and to the Los Gatos Recreation program.

CEREMONIAL ITEMS

1. APPOINTMENT OF LIBRARY COMMISSIONER AND OATH OF OFFICE. STAFF RECOMMENDATION:

Adopt the attached resolution appointing one new member to the Library Commission and direct the Acting City Clerk to administer the Oath of Office.

RESOLUTION NO. 08-033

HUNTER/KAO MOVED TO **ADOPT RESOLUTION APPOINTING ONE NEW MEMBER TO THE LIBRARY COMMISSION AND DIRECT THE ACTING CITY CLERK TO ADMINISTER THE OATH OF OFFICE.** MOTION PASSED 5 – 0.

Acting City Clerk Ann Sullivan administered Oath of Office to new Library Commissioner Javed S. Khan.

2. APPOINTMENT OF ELEVEN YOUTH COMMISSIONERS AND OATH OF OFFICE.

RECOMMENDED ACTION:

Adopt the attached resolution appointing eleven members to the Youth Commission and direct Acting City Clerk to administer the Oath of Office.

RESOLUTION NO. 08-034

HUNTER/PAGE MOVED TO **ADOPT RESOLUTION APPOINTING ELEVEN MEMBERS TO THE YOUTH COMMISSION AND DIRECT ACTING CITY CLERK TO ADMINISTER THE OATH OF OFFICE.** MOTION PASSED 5 – 0.

Acting City Clerk Ann Sullivan administered Oath of Office to ten new Youth Commissioners: Aditya Dev, Justin El-Diwany, Kaitlin Finch, Tara Fatemi, Sammy Rao, Cory Rateau, Elena Reese, Natalie Tkolcevic, Tiffany Tseng, and Cynthia Zhou.

Kia Fariba was absent.

3. COMMENDATIONS HONORING FOUR OUTGOING YOUTH COMMISSIONERS.

STAFF RECOMMENDATION:

Present commendations.

Mayor Waltonsmith presented commendations to Elli Rezaii and Shireen Gupta.

Youth Commissioners Kelly Langstaff and Ted Scalvos were absent.

SPECIAL PRESENTATIONS

None

CONSENT CALENDAR

4. JOINT STUDY SESSION MINUTES – MAY 13, 2008.

STAFF RECOMMENDATION:

Approve minutes.

PAGE/KAO MOVED TO **APPROVE JOINT STUDY SESSION MINUTES FOR MAY 13, 2008.** MOTION PASSED 5 – 0.

5. CITY COUNCIL MINUTES – SPECIAL MEETING MAY 20, 2008.

STAFF RECOMMENDATION:

Approve minutes.

Councilmember King removed this item for discussion. Councilmember King stated she was not present at this meeting and requested the records show she was absent.

KING/PAGE MOVED TO **APPROVE SPECIAL MEETING MINUTES FOR MAY 20, 2008, AS AMENDED .** MOTION PASSED 5 – 0.

6. CIP SPECIAL MEETING MINUTES – MAY 21, 2008.

STAFF RECOMMENDATION:

Approve minutes.

PAGE/KAO MOVED TO **APPROVE CIP SPECIAL MEETING MINUTES – MAY 21, 2008.** MOTION PASSED 5 – 0.

7. CITY COUNCIL MINUTES – MAY 21, 2008

STAFF RECOMMENDATION:

Approve minutes.

PAGE/KAO MOVED TO **APPROVE CITY COUNCIL MINUTES – MAY 21, 2008.** MOTION PASSED 5 – 0.

8. REVIEW OF ACCOUNTS PAYABLE CHECK REGISTERS.

STAFF RECOMMENDATION:

That the City Council accepts the Check Registers for the following Accounts Payable cycles:

May 15, 2008
May 22, 2008

PAGE/KAO MOVED TO **ACCEPT THE CHECK REGISTERS FOR THE FOLLOWING ACCOUNTS PAYABLE CYCLES – MAY 15, 2008, MAY 22, 2008.** MOTION PASSED 5 – 0.

9. TREASURER’S REPORT FOR THE MONTH ENDED DECEMBER 31, 2007.

STAFF RECOMMENDATION:

Accept Treasurer's Report for the month ended December 31, 2007

PAGE/KAO MOVED TO **ACCEPT TREASURER’S REPORT FOR THE MONTH ENDED DECEMBER 31, 2007.** MOTION PASSED 5 – 0.

10. FISCAL YEAR 2008/09 GANN APPROPRIATION LIMIT.

STAFF RECOMMENDATION:

Adopt resolution approving the Gann Appropriations Limit for FY 2008/09

RESOLUTION NO. 08-035

PAGE/KAO MOVED TO **ADOPT RESOLUTION APPROVING THE GANN APPROPRIATIONS LIMIT FOR FY2008/09.** MOTION PASSED 5 – 0.

11. RESOLUTION CALLING THE GENERAL MUNICIPAL ELECTION – NOVEMBER 4, 2008.

STAFF RECOMMENDATION:

That City Council adopts the Resolution Calling the General Municipal Election for November 4, 2008.

RESOLUTION NO. 08-036

PAGE/KAO MOVED TO **ADOPT THE RESOLUTION CALLING THE GENERAL MUNICIPAL ELECTION FOR NOVEMBER 4, 2008.** MOTION PASSED 5 – 0.

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

STAFF RECOMMENDATION:

Approve the ordinance requiring supervision by a parent or guardian of alcoholic beverage possession or consumption by a person under twenty-one and imposing a

fee for the costs of providing a second police response to public disturbances.

ORDINANCE NO. 258

PAGE/KAO MOVED TO **APPROVE THE ORDINANCE REQUIRING SUPERVISION BY A PARENT OR GUARDIAN OF ALCOHOLIC BEVERAGE POSSESSION OR CONSUMPTION BY A PERSON UNDER TWENTY-ONE AND IMPOSING A FEE FOR THE COSTS OF PROVIDING A SECOND POLICE RESPONSE TO PUBLIC DISTURBANCES.** MOTION PASSED 5 – 0.

13. JOINT EXERCISE OF POWERS AGREEMENT AND COOPERATION AGREEMENT TO UNDERTAKE ACTIVITIES PURSUANT TO TITLE I OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT.

STAFF RECOMMENDATION:

That the City Council approve the attached resolution authorizing the Mayor to enter into a Joint Exercise of Powers Agreement and Cooperation Agreement (JPA) to undertake or to assist in the undertaking of essential activities pursuant to Title I of the Housing and Community Development Act, as amended for the period of October 1, 2008 to September 30, 2011.

RESOLUTION NO. 08-037

PAGE/KAO MOVED TO **APPROVE RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A JOINT EXERCISE OF POWERS AGREEMENT AND COOPERATION AGREEMENT (JPA) TO UNDERTAKE OR TO ASSIST IN THE UNDERTAKING OF ESSENTIAL ACTIVITIES PURSUANT TO TITLE I OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT, AS AMENDED FOR THE PERIOD OF OCTOBER 1, 2008 TO SEPTEMBER 30, 2011.** MOTION PASSED 5 – 0.

PUBLIC HEARINGS

14. RESOLUTION ORDERING THE ABATEMENT OF A PUBLIC NUISANCE BY REMOVAL OF HAZARDOUS VEGETATION (BRUSH).

STAFF RECOMMENDATION:

Open public hearing; listen to public testimony and close public hearing. Adopt resolution over-ruling objections and ordering hazardous vegetation abatement (brush).

Acting City Clerk Ann Sullivan presented staff report and announced that all non-compliance properties on the abatement list were now in full compliance.

Mayor Waltonsmith opened the public hearing for comment.

No one spoke on this item.

Mayor Waltonsmith closed the public hearing.

RESOLUTION NO. 08-038

PAGE/KAO MOVED TO ADOPT RESOLUTION OVER-RULING OBJECTIONS AND ORDERING HAZARDOUS VEGETATION ABATEMENT (BRUSH). MOTION PASSED 5 – 0.

OLD BUSINESS

15. ADOPTION OF FISCAL YEAR 2008/09 OPERATING & CAPITAL BUDGET.

STAFF RECOMMENDATION:

Adopt resolution approving the Proposed FY 2008/09 Operating and Capital Budgets, directing staff to incorporate within the final adopted budget any changes related to minor corrections, carry forward appropriations, refined estimates, grant approvals, claim reimbursements, pass-through appropriations, or additional direction from Council upon adoption of the budget.

Administrative Services Director Mary Furey presented staff report.

Mary Furey began her presentation addressing budget questions Council had asked at the May 21, 2008 proposed FY 2008/09 Operating & Capital Budget hearing and referred Council to the Staff Report provided to them reflecting the responses to the questions Council had presented.

There was council discussion regarding the wording pertaining to the division of the undesignated fund balance for the CIP and Operational Efficiency Projects.

Councilmember King stated she did not agree with the statement “divide” the remaining undesignated fund balance. She noted it should be divided “in half – based on the needs each year.

Mayor Waltonsmith invited public comment.

The following people spoke:

Marty Goldberg – stated he would like the Council to designate monies for the Prospect Median Project. He also noted the City should consider additional advertisement methods regarding city budget study sessions.

Ray Muzzy – stated he would like to see Council designate \$150,000 as “good faith money” for the Prospect Road Median Project.

Mayor Waltonsmith closed the public comment.

Council agreed to pass the proposed FY 2008/09 budget in two separate motions:

RESOLUTION NO. 08-039

KING/PAGE MOVED TO ADOPT RESOLUTION APPROVING THE PROPOSED FY 2008/09 OPERATING AND CIP BUDGETS, DIRECT STAFF TO INCORPORATE WITHIN THE FINAL ADOPTED BUDGET ANY CHANGES RELATED TO MINOR CORRECTIONS, CARRY FORWARD

APPROPRIATIONS, REFINED ESTIMATES, GRANT APPROVALS, CLAIM REIMBURSEMENTS, PASS-THROUGH APPROPRIATIONS AS DIRECTED BY COUNCIL; INCLUDING THE AMOUNTS, BUT EXCLUDING HOW TO APPORTION CIP/OPERATIONAL EFFICIENCY FUNDS. MOTION PASSED 5 – 0.

HUNTER/KAO MOVED TO **ALLOCATE \$1.2 MILLION FOR CIP/ECONOMIC EFFICIENCY PROJECTS, RESERVING FUNDS FOR PREVIOUSLY APPROVED PROJECTS FOR WEB DEVELOPMENT AND MICROFICHE SCANNING IN THE AMOUNT OF \$110,000.** MOTION PASSED 4 – 1 – 0 WITH MAYOR WALTONSMITH OPPOSING.

NEW BUSINESS

16. PROSPECT ROAD MEDIAN IMPROVEMENT PROJECT – MASTER PLAN APPROVAL.

STAFF RECOMMENDATION:

Approve Master Plan for Prospect Road Median Improvement Project.

Public Works Director John Cherbone presented staff report.

Director Cherbone stated the Saratoga Public Works Department held two public meetings regarding the City of Saratoga and City of San Jose Prospect Road Median Improvements with approximately a total of 25 residents from both cities in attendance. He noted the Saratoga City Council had approved funding of \$50,000 for the Master Plan with the expectation of the City of San Jose committing to half of the funding for the joint project – which they were unable to commit to financially during the Master Plan phase. Director Cherbone went on to explain the total estimated cost of the project is \$3.4 million dollars. He noted funds are not currently allocated to this project; however, there is a line item in the CIP proposal for discussion during the CIP Study Sessions and subsequent public hearings, to determine if funding at any level will be allocated to the project.

Director Cherbone proposed a change to the Master Plan regarding the intersection at Scully and Prospect Avenue; instead of a left turn lane onto west bound Prospect Avenue – the Traffic Engineer recommends a merge lane (refuse pocket) be incorporated into the intersection in the final plan; in addition to any other changes Council recommends.

Director Cherbone stated the City of San Jose has been a part of the Master Plan process and has been informed of this recommended change as well as any additional changes Council recommends.

Councilmember Page had a question regarding the height of plants shown on the Master Plan.

Director Cherbone stated the project consultant would be providing information regarding the types of plants, trees, etc.

Councilmember King asked if San Jose Public Works Department had participated in the meetings.

Director Cherbone stated the assistant to Pete Constant (District Representative) had attended the last public meeting and had communicated the Master Plan project results to Mr. Constant.

Councilmember King also asked Director Cherbone if the City of San Jose was able to commit their share of funding for this project.

Director Cherbone noted the City of San Jose has indicated this would be a low priority for them and that they would not be able to commit to any funding at this time. He stated he would be looking for possible grants from VTA for future funding.

Councilmember King noted that the City of San Jose had stated they would look at this project in a different level of importance if the project involved traffic safety issues – as opposed to only beautification of Prospect Road.

Director Cherbone stated there are sections of the project that do have safety issues such as the Titus Road area and the City of San Jose is aware of this section and have already agreed to placing this section of the project higher on their priority list – if Saratoga finds funding and moves forward with the project. He also noted there are more opportunities to find funding for traffic and pedestrian safety purposes – especially if you have a joint application for a project.

Councilmember Page asked about the neighborhood participation at the public meetings and Cherbone stated it was good, with approximately 50/50 resident participation from the San Jose side and Saratoga side; with more San Jose residents attending the first public meeting and less at the second meeting.

There was additional discussion regarding the total cost of the project, funding possibilities, landscape and lighting district, and “tree fine” funding for trees.

At the conclusion of Director Cherbone’s presentation, City Manager Dave Anderson noted the discussion regarding the status of low priority for the City of San Jose’s funding commitment to split the direct cost of construction of the median project and asked if Council was willing to consider any other form of in-kind or real costs that they apply to Saratoga – such as pavement management, use of sports fields, or recreation areas/credits. Basically, how flexible would Council be in order to receive some sort of in-kind contribution from the City of San Jose showing their commitment, but not necessarily in the form of actual dollars, in order to meet their half of the construction project?

Councilmember King asked if this topic should be agendaized as another discussion item, and City Manager Dave Anderson replied that the question is related to this agenda item as a policy issue.

Mayor Walton Smith noted Council would be voting this evening on approval of the Master Plan and council direction to staff.

Councilmember Hunter also stated that she had an opportunity to speak to Mr. Constant’s aid at the second public meeting and she said the City of San Jose was not in a position to commit any funding for this project at this time.

City Manager Anderson stated that is the reason for his question regarding Council's flexibility on receiving any other form of in-kind or real costs from San Jose for their share of the project.

Councilmember Kao asked if the San Jose City Council has had an opportunity to review this project and the Master Plan.

Director Cherbone said Pete Constance and the San Jose city staff has the project material; however, he is not familiar with their city policy regarding master plan reviews and approval; whereas, in the City of Saratoga, Council reviews and approves master plan proposals.

Mayor Waltonsmith noted the City of San Jose has approved the process of the design phase.

Director Cherbone concluded his presentation and invited the project consultant to present additional information regarding the proposed Master Plan.

Project Consultant, Marie Mai, representative from Calendar & Associates, provided additional information regarding the media project. She noted that public input regarding this project was very important to them and listed the following items of importance:

- safety for both pedestrians and vehicles
- maintain existing traffic circulation patterns
- existing views of the surrounding hills
- design of median
- low maintenance landscaping
- provide seasonal color
- preserve existing right-of-way – bike lane width
- environmentally friendly
- Clarkspur Lane traffic concerns
- Scully Avenue & Larkin Avenue safety concerns

The consultant noted that overall most of the residents were supportive of the project and several of them expressed an interest in getting involved in fund-raising efforts for the project. She continued with a slide presentation depicting proposed landscaping and median designs. She also concurred with Director Cherbone's recommendation of phase implementation due to the cost of the project and displayed five different phases that could be massaged based on available funding.

She also noted proposed traffic improvements to two areas for safety reasons:

- Clarkspur Lane – changes that would allow for a signal light intersection in the future facilitating a left turn lane from Prospect Avenue into the North Campus parcel.
- Scully & Larkin Avenue – extension of current median on Prospect Avenue to the west allowing a left turn onto Scully Avenue; and removal of left turn lane onto Larkin. She noted some residents expressed concern regarding this proposed change because it would impact their ability to exit and enter their

neighborhood. Existing patterns of traffic would be changed – redirecting traffic to other neighborhoods.

- Proposed pedestrian refuge at “the nose of the median” – this allows for pedestrians to stop mid-block, wait for traffic to clear and then continue crossing movement. In addition to this, trees would be set back from the median to maintain clear sight lines for vehicles.
- Modification of existing striping for proposed median at Provincetown allowing for vehicle refuge as they make a left turn onto Prospect.
- Titus/Prospect Avenue intersection crossing improvements for McAuliffe Elementary School.

Mayor Waltonsmith asked Council if they had any questions or comments:

Councilmember:

Hunter – suggested preserving the existing oak trees when possible.

King – noted City of San Jose and Saratoga has a “tree fine” fund; could use some of these funds for the proposed tree/shrub planting

Kao – asked for clarification of amendment to master plan regarding left turn onto Prospect Avenue from Scully Avenue.

Page – asked if San Jose’s approval of proposed changes to Master Plan would be required even if they did not provide their share of funding for the project; Cherbone stated they would seek their approval and if there was a conflict with the proposed change, they would try to work it out. He also noted that since Saratoga was paying for the Master Plan, Saratoga would draw up the plans and make a notation of any changes the City of San Jose objected to.

Mayor Waltonsmith – noted the North Campus area should be fully vetted prior to proposed changes on Prospect.

Mayor Waltonsmith invited public comment and the following people spoke on this item:

Marty Goldberg – spoke in favor of this project and advocates the City moving forward with the Master Plan approval.

Gail Stanislow – San Jose resident stated that if Larkin Avenue is closed off, there will be a lot of traffic on Clarkspur Lane. If Saratoga funds this project, does that mean Saratoga can close off these streets on the San Jose side?

Mayor Waltonsmith responded that based on the earlier discussion the proposed changes in traffic flow/direction, is due to traffic safety concerns.

Ms. Stanislow responded by saying she was under the impression that the City of San Jose had not yet approved this Master Plan.

Director John Chebone's response – the City of San Jose has seen the proposed Master Plan through every phase of the design process and as per the agreement between the two cities, they review the plans and add comments such as: change this median, add this, etc., and the City of Saratoga has worked jointly with them in this process.

Ms. Stanislow also spoke about the proposed increase in median width for safety purposes on Prospect Avenue at Larkin Avenue. She questioned the safety issue when you are narrowing the width of the street in order to widen the median, and have cars parked on the side of the street; which happens all the time.

Director Cherbone's response – Narrowing lanes and widening medians generally calms traffic and as a result people drive slower.

City Manager Dave Anderson asked Director Cherbone what the lane size is currently and what is the proposed lane width?

Director Cherbone's response – the City of San Jose requested “mow strips” on their side of Larkin Avenue and as a result the median has to be widened; therefore, approximately one foot would be removed from each lane side. He noted this is a schematic plan and the exact measurements would not be necessary; however, the lane width would still be approximately 12 feet and even at 11 feet they would be fine. He stated the wider the lanes are the faster traffic will go.

Ms. Stanislow also stated that not everyone on the City of San Jose side received proper noticing regarding this project.

Director Cherbone's response – the Public Works Department from the City of Saratoga sent out equal amounts of notices to both sides of Prospect Avenue for both public meetings, totaling \$3,200 for each noticing. In addition, notices regarding the meeting for this evening were sent to those people that had attended both public meetings held prior to the meeting this evening.

Bob Alley – agreed with the unsafe left turn issue from both directions onto Scully Avenue from Prospect Avenue, and expressed his support to the proposed “merge lane” from Scully Avenue onto Prospect Avenue and feels safety is a major concern in this area.

Jerry Streb – San Jose resident, noted he participated in the first public meeting and fully supports the proposed changes on Prospect Avenue. He stated it would eliminate the illegal u-turns on Prospect Avenue near Ascension Parish and Beth David Parish. He supports the proposed plan and agrees the “phased” approach would be a prudent way to proceed with the median improvements. In addition, he stated he received prior notification to the first scheduled public meeting, provided his name and address, received subsequent meeting notification and felt the system works the way it is supposed to work, and fully supports the proposed median improvements.

Julie Tomlin – stated she attended the first public meeting and fully supports this Master Plan. She also noted that not only is it a beautification project, it will help calm the traffic on Prospect Avenue and supports the proposed narrowing of lanes. She recommended the City of Saratoga move forward with this proposal in phases.

Ray Muzzy – stated both San Jose residents and Saratoga residents have waited 35 years to see the proposed plans and feels a lot of thought has been put into the proposed plans to get to the stage where they are today. He noted that the vast majority of citizens that live on both sides of Prospect Avenue support the plan that has been presented this evening and Director John Cherbone needs the necessary support to get this project funded – Council’s approval of the proposed plans and the commitment of seed money to show the City is ready to move forward with this project. He asked the Council to consider the commitment of \$150,000 to make this project a reality.

Seeing no additional speakers on this item, Mayor Waltonsmith closed the public comment.

KING/HUNTER MOVED TO APPROVE MASTER PLAN PROPOSAL FOR PROSPECT AVENUE MEDIAN IMPROVEMENT PROJECT WITH MODIFICATIONS – 1) PRESERVE AS MANY OAK TREES AS POSSIBLE, 2) ACCEPT THE SCULLY AVENUE MERGE LANE RECOMMENDATION, AND 3) PROVIDE FUTURE FUNDING LATITUDE. MOTION PASSED 5 – 0.

Mayor Waltonsmith brought the Hakone Gardens Koi Pond Urgency Item forward for discussion.

Public Works Director John Cherbone presented the facts regarding the status of the Koi Pond.

Director Cherbone stated the Koi Pond well at Hakone Gardens is in need of immediate repairs and re-drilling in order to preserve the Koi fish. He also stated the pond system needs to be updated and managed by a professional pond maintenance person.

Hakone Executive Director Lon Saavedra addressed the Council stating all the assets of Hakone Gardens are owned by the people of the City of Saratoga and if the City of Saratoga approves professional management of the Koi pond, Hakone is prepared to provide funding for the professional maintenance program.

KING/PAGE MOVED TO ALLOCATE \$50,000 FROM UNALLOCATED FUNDS TO PROVIDE FOR IMMEDIATE REPAIRS AND RE-DRILLING OF WELL IN ORDER TO PRESERVE THE KOI FISH IN THE POND AT HAKONE GARDENS. MOTION PASSED 5 – 0.

17. INDEPENDENT CONTRACTOR AGREEMENT WITH LSA ASSOCIATES FOR ENVIRONMENTAL CONSULTANT SERVICES AND METROPOLITAN PLANNING GROUP, INC. FOR LAND-USE PLANNING CONSULTANT SERVICES.

STAFF RECOMMENDATION:

1. Authorize the City Manager to execute an agreement with LSA Associates (LSA) to prepare environmental documents for land development applications within the City of Saratoga (City). The agreement would include a three year contract with an option of two additional years of service if approved by the City Council.

2. Authorize the City Manager to execute an agreement with Metropolitan Planning Group (M-Group) for land-use planning consultant services within the City. The Agreement would include a three year contract with an option of two additional years of service if approved by the City Council.

Michael Fossati presented staff report.

HUNTER/KAO MOVED TO **ADOPT RESOLUTION –**
1) AUTHORIZING CITY MANAGER TO EXECUTE AN AGREEMENT WITH LSA ASSOCIATES (LSA) TO PREPARE ENVIRONMENTAL DOCUMENTS FOR LAND DEVELOPMENT APPLICATIONS WITHIN THE CITY OF SARATOGA (CITY). THE AGREEMENT WOULD INCLUDE A THREE YEAR CONTRACT WITH AN OPTION OF TWO ADDITIONAL YEARS OF SERVICE IF APPROVED BY THE CITY COUNCIL.
2) AUTHORIZE THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH METROPOLITAN PLANNING GROUP (M-GROUP) FOR LAND-USE PLANNING CONSULTANT SERVICES WITHIN THE CITY. THE AGREEMENT WOULD INCLUDE A THREE YEAR CONTRACT WITH AN OPTION OF TWO ADDITIONAL YEARS OF SERVICE IF APPROVED BY THE CITY COUNCIL. MOTION PASSED 5 – 0.

ADHOC & AGENCY ASSIGNMENT REPORTS

Mayor Ann Waltonsmith

SASCC – reported SASCC has elected four new people to the board and has provided an informational flyer.

Vice Mayor Chuck Page

Chamber of Commerce – reported he is unavailable to attend the next meeting and Councilmember Jill Hunter will be attending in his place.

West Valley Sanitation District – reported he will be unable to attend the next meeting and recommended Alternate Aileen Kao attend in his place.

Residents off Bainter Way want to be hooked up to the sewer system and are planning to attend the next scheduled meeting.

West Valley Solid Waste Joint Powers Association – reported he will resign from this committee due to conflict of interest. Alternate Jill Hunter will attend the remaining two meetings of this year.

Village AdHoc – reported they met recently to discuss Village sidewalk improvements.

Valley Transportation Authority PAC – reported the board meets on June 12th and he will be attending in place of Dolly Sanders.

Councilmember Kathleen King

Peninsula Division, League of California Cities – reported she will be attending the Peninsula Division dinner on June 19, 2008.

Santa Clara County Cities Association – reported there will be an update at the June meeting developing solar panel criteria that would be similar for all cities. City of San Jose is looking at going bagless at all grocery stores in San Jose and is hoping other cities will consider going bagless in grocery stores as well. The Leadership Group gave a talk on the “Turkey Trot” challenge between the cities and she will have more information on this item later on. Artsopolis will be giving a presentation at the June Meeting.

TEA AdHoc – reported the four cities of Cupertino, Los Altos Hills, Monte Sereno and Saratoga are still waiting to hear the outcome of AB 1827 and the four cities will be sending a letter to Assemblymember Jim Beall, Jr. thanking him for his sponsorship of this bill. City Manager Dave Anderson added that bills have a cut off date and if they don’t make it out of the Committee by a certain date, the bill dies; which is what happened with Bill AB 1827, and that the cities will meet again in the Fall of 2008 to develop a strategy for the following year regarding the TEA increment dollars. The letter thanking Assemblymember Beall is being circulated for signatures among the four cities.

Councilmember Jill Hunter:

Library Joint Powers Association – reported she will be attending the next meeting on Thursday, June 5, 2008.

Councilmember Aileen Kao:

Northern Central Flood Control Zone Advisory Board – reported the May 28th meeting was cancelled. Instead of attending this meeting she attended the Airport Land Use Committee meeting; which discusses land use for the airports of San Jose, San Martin and Palo Alto.

CITY COUNCIL ITEMS

Councilmember King asked to agendaize on a future council agenda what the 2005 budget cuts were of the \$1.2 million that was never brought back.

CITY MANAGER’S REPORT

None

ADJOURNMENT

PAGE/HUNTER MOVED TO **ADJOURN THE MEETING AT 10:30PM.** MOTION PASSED 5 -0.

Respectfully submitted,

*Ann Sullivan, CMC
Acting City Clerk*