

**MINUTES
SARATOGA CITY COUNCIL
SEPTEMBER 7, 2005**

The City Council met in Closed Session in the Administrative Conference Room, 13777 Fruitvale Avenue, at 6:15 p.m.

Public Employee Performance Evaluation (Gov't Code 54957)
Title: City Manager

Conference With Labor Negotiators (Gov't Code 54957.6):
Agency designated representatives: Lorie Tinfow, Assistant City Manager
Employee organization: Millman & Industrial Carpenters Local 262

Mayor King called the Regular City Council meeting to order at 7:00 p.m. and asked Justin Chin, representing Troop 408, to lead the Pledge of Allegiance.

Mayor King stated that Councilmember Kao was excused from tonight's meeting in order to attend an emergency meeting called by the Mayor of the City of San Jose, Ron Gonzales, to discuss local relief and recovery efforts for Hurricane Katrina.

ROLL CALL

PRESENT: Councilmembers Nick Streit, Ann Waltonsmith,
Vice Mayor Norman Kline, Mayor Kathleen King
ABSENT: Councilmember Aileen Kao
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 7, 2005

Cathleen Boyer, City Clerk, reported that pursuant to Government Code Section 54954.2, the agenda for the meeting of September 7, 2005 was properly posted on September 2, 2005.

ORAL COMMUNICATIONS

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

Citizen Ray reported that there was a dead oak tree on Oak Street. Citizen Ray commended the City of the new striping and knock down signs on Saratoga-Los Gatos Road.

COUNCIL DIRECTION TO STAFF

None

COMMUNICATIONS FROM BOARDS AND COMMISSIONS

None

COUNCIL DIRECTION TO STAFF

None

ANNOUNCEMENTS

None

CEREMONIAL ITEMS

1. **PROCLAMATION DECLARING THE WEEK OCTOBER 2-9, 2005
“BUILDING BRIDGES WEEK”**

STAFF RECOMMENDATION:

Present proclamation.

Mayor King read the proclamation and presented it to Marie Drake, Executive Director of the Southwest YMCA and Chairperson for the 2005 Building Bridges event.

Ms. Drake briefly highlighted the upcoming event and thanked the Council for their continued support.

SPECIAL PRESENTATIONS

None

CONSENT CALENDAR

- 2A. **CITY COUNCIL MINUTES – AUGUST 3, 2005**

STAFF RECOMMENDATION:

Approve minutes.

STREIT/WALTONSMITH MOVED TO **APPROVE CITY COUNCIL MINUTES OF AUGUST 3, 2005**. MOTION PASSED 4-0-1 WITH KAO ABSENT.

2B. **REVIEW OF CHECK REGISTER**

STAFF RECOMMENDATION:

Approve check register.

STREIT/WALTONSMITH MOVED TO **APPROVE CHECK REGISTER.**
MOTION PASSED 4-0-1 WITH KAO ABSENT.

2C. **REVIEW OF CHECK REGISTER**

STAFF RECOMMENDATION:

Approve check register.

STREIT/WALTONSMITH MOVED TO **APPROVE CHECK REGISTER.**
MOTION PASSED 4-0-1 WITH KAO ABSENT.

2D. **TREASURER'S REPORT FOR THE MONTH ENDED JUNE 2005**

STAFF RECOMMENDATION:

Accept and file report.

STREIT/WALTONSMITH MOVED TO **ACCEPT TREASURER'S REPORT FOR THE MONTH ENDED JUNE 2005.** MOTION PASSED 4-0-1 WITH KAO ABSENT.

2E. **TREASURER'S REPORT FOR THE MONTH ENDED JULY 2005**

STAFF RECOMMENDATION:

Accept and file report.

STREIT/WALTONSMITH MOVED TO **ACCEPT TREASURER'S REPORT FOR THE MONTH ENDED JULY 2005.** MOTION PASSED 4-0-1 WITH KAO ABSENT.

2F. **CITY MANAGER EMPLOYMENT AGREEMENT**

STAFF RECOMMENDATION:

Authorize Mayor to execute agreement.

STREIT/WALTONSMITH MOVED TO **AUTHORIZE MAYOR TO EXECUTE CITY MANAGER'S CONTRACT.** MOTION PASSED 4-0-1 WITH KAO ABSENT.

2G. **RELOCATION OF CITY'S EMERGENCY OPERATIONS CENTER TO SARATOGA FIRE STATION**

STAFF RECOMMENDATION:

Adopt resolution.

RESOLUTION: 05-054

STREIT/WALTONSMITH MOVED TO **ADOPT RESOLUTION TO RELOCATE THE CITY'S EMERGENCY OPERATIONS CENTER TO SARATOGA FIRE STATION.** MOTION PASSED 4-0-1 WITH KAO ABSENT.

2H. **CANCELLATION OF LANDSCAPE MAINTENANCE AGREEMENT**

STAFF RECOMMENDATION:

Adopt resolution.

RESOLUTION: 05-054

STREIT/WALTONSMITH MOVED TO **ADOPT RESOLUTION OF LANDSCAPE MAINTENANCE AGREEMENT.** MOTION PASSED 4-0-1 WITH KAO ABSENT.

2I. **RESOLUTION ADOPTING A "CODE OF CONDUCT" FOR THE WEST VALLEY SOLID WASTE MANAGEMENT AUTHORITY COLLECTION FRANCHISE PROCUREMENT PROCESS**

STAFF RECOMMENDATION:

Adopt resolution.

RESOLUTION: 05-051

STREIT/KLINE MOVED TO **ADOPT RESOLUTION ADOPTING A "CODE OF CONDUCT" FOR THE WEST VALLEY SOLID WASTE MANAGEMENT AUTHORITY COLLECTION FRANCHISE PROCUREMENT PROCESS AS AMENDED.** MOTION PASSED 4-0-1 WITH KAO ABSENT.

City Attorney Taylor requested that the Council familiarize themselves with the Code of Conduct.

2J. **GATEWAY LANDSCAPE EASEMENT/OFFER OF DEDICATION**

STAFF RECOMMENDATION:

Adopt resolution vacating a portion of old Saratoga-Sunnyvale Road; Adopt resolution accepting Offer of Dedication; Adopt resolution accepting Offer of Dedication for permanent easement.

RESOLUTION: 05-057 & 058

STREIT/WALTONSMITH MOVED TO **ADOPT RESOLUTIONS VACATING A PORTION OF OLD SARATOGA-SUNNYVALE ROAD; ACCEPTING OFFER OF DEDICATION; ACCEPTING OFFER OF DEDICATION FOR PERMANENT EASEMENT.** MOTION PASSED 4-0-1 WITH KAO ABSENT.

2K. **CALPERS EMPLOYEE PICK-UP RESOLUTION FOR PRE-TAX PAYROLL DEDUCTIONS PLAN FOR EMPLOYEE SERVICE CREDIT PURCHASE PLAN**

STAFF RECOMMENDATION:

Adopt resolution.

RESOLUTION: 05-056

STREIT/WALTONSMITH MOVED TO **ADOPT RESOLUTION APPROVING THE CALPERS EMPLOYEE PICK-UP RESOLUTION FOR PRE-TAX PAYROLL DEDUCTIONS PLAN FOR EMPLOYEE SERVICE CREDIT PURCHASE PLAN.** MOTION PASSED 4-0-1 WITH KAO ABSENT.

PUBLIC HEARINGS

3. **ANNEXATION OF ASSESSORS PARCEL NUMBER 503-80-01 AT 22461 MOUNT EDEN ROAD**

STAFF RECOMMENDATION:

Conduct public hearing; Approve the petition of annexation; Adopt resolution.

RESOLUTION: 05-053

John Livingston, Community Development Director, presented staff report.

Director Livingstone explained the annexation process agreement with the Local Agency Formation Commission (LAFCO).

Director Livingstone stated that the applicant for a 1.89-acre parcel located at 22461 Mount Eden Road submitted a Development Application for Annexation and Design Review Approval on December 11, 2003. A resolution initiating the annexation was adopted by Council on March 3, 2005 and was not protested. Planning Commission approved the proposed Design Review on May 11, 2005.

Director Livingstone noted that staff has received notification for the County Surveyor's Office that the proposed project is in compliance with LAFCO's road annexation policies. Director Livingstone also noted that this annexation was exempt from the California Environmental Quality Act (CEQA).

Mayor King opened the public hearing and invited public comments.

Seeing none, Mayor King closed the public hearing.

STREIT/KLINE MOVED TO ADOPT RESOLUTION APPROVING AN ANNEXATION TO THE CITY OF SARATOGA OF CERTAIN UNINCORPORATED TERRITORY COMMONLY KNOWN AS 22461 MT. EDEN ROAD. MOTION PASSED 4-0-1 WITH KAO ABSENT.

OLD BUSINESS

4. ALOHA AVENUE/HIGHWAY 9 INTERSECTION SAFETY IMPROVEMENTS

STAFF RECOMMENDATION:

Accept report and direct staff to implement public safety improvements to the Aloha/Highway 9 intersection as stipulated by the City Traffic Engineer's Report stated August 31, 2005.

John Cherbone, Public Works Director, presented staff report.

Director Cherbone reported that on August 4, 2005, the City's Public Works Department erected a sign prohibiting left turns onto Highway 9 from Aloha Avenue in light of limited sight distance and accident history at the intersection.

Furthermore, Director Cherbone stated that at the August 10, 2005 meeting Council adopt a Motor Vehicle Resolution prohibiting left turns.

Director Cherbone noted that Council has been given a copy of the traffic analysis provided by the City's Traffic Engineer Sohrab Rashid. This report provides an analysis of the intersection including safety improvement options for Council's consideration. Director Cherbone explained the following options:

- Option 1 – No Action
- Option 2 – Install Mirror
- Option 3 – Prohibit Left Turn
- Option 4 – Remove a Portion of the Rock Wall
- Option 5 – Half Street Closure
- Option 6 – Full Street Closure

Director Cherbone stated that per the traffic report Option 5 is the recommended option with Conceptual Plan A being the preferred half street closure layout. This plan allows better visibility for pedestrian's crossing Aloha then Conceptual Plan B.

Director Cherbone noted that if this option is considered the improvements which are necessary to prohibit ingress onto Aloha Avenue from Highway 9 could initially be interim. Director Cherbone explained that this would allow the City to study post traffic patterns prior to installation of permanent improvements.

Director Cherbone added that this option might not be popular with members of the public who would have to change their driving patterns.

Vice Mayor Kline asked how many accidents have happened at this intersection.

Director Cherbone responded that there have been five accidents at this intersection over the last year and added that this intersection is the most accident-prone intersection in the City.

The following person requested to speak in regards to this item:

Citizen Ray stated that he witnessed the aftermath of the most recent accident at this intersection involving the bus. Citizen Ray stated that attempting to make a right hand turn at this intersection is extremely dangerous. Citizen Ray suggested widening Saratoga-Los Gatos Road.

In regards to Citizen Ray's comments regarding widening the road, Councilmember Streit pointed out that Caltran governs Highway 9.

Vice Mayor Kline noted that he is disappointed that there wasn't more public input in regards to this item.

WALTONSMITH/STREIT MOVED TO DIRECT STAFF TO NOTIFY THE SURROUNDING NEIGHBORS; SUPPORT OPTION #3 - PROHIBIT LEFT TURNS; SUPPORT OPTION #5 - TEMPORARY HALF-STREET CLOSURE; REPORT BACK TO COUNCIL AT THE SECOND MEETING IN JANUARY 2006. MOTION PASSED 4-0-1 WITH KAO ABSENT.

5. **REVIEW OF CONCEPTUAL PLANS FOR THE DE ANZA TRAIL**

STAFF RECOMMENDATION:

Direct staff to move forward with Options 1,2,3 as described in the staff report.

John Cherbone, Public Works Director, presented staff report.

Director Cherbone explained that on July 6, 2005 City Council was presented the De Anza Trail Conceptual Plan provided design comments regarding the layout of the trail. Council also heard comments from members of the public regarding the project.

Director Cherbone noted that staff recently met with VTA staff and it appears that funding for design and construction will be from a Federal source and not local funds such as Measure B, which is the funding source for Phase 1, the Conceptual Plan Phase. What this means is that the City will be required to perform a NEPA (National Environmental Protection Act) study along with a CEQA (California Environmental Protection Act) study. Director Cherbone explained that the NEPA and the CEQA studies are not in the project budget and the City would need to apply for fund to perform them.

Director Cherbone noted that this requirement pushes the Mater Plan approval out into winter 2005/spring 2006. Staff believes it is not prudent to perform a CEQA study knowing that the project will require a NEPA study in the future. It is best to perform all of the environmental studies at the same time and by the same consultant.

Director Cherbone pointed out that staff pursued the design changes that the Council asked for at the meeting held on July 6th. Director Cherbone stated that these changes included removing the turn-around areas, eliminating the bicycle path around the PG & E towers and obtaining a variance on the width of the trail.

Director Cherbone noted that on August 10, 2005 staff met with the VTA Bicycle Advisory Commission to ask for the width variance. There were no negative comments from the committee, so staff directed the City's design consultant to prepare a conceptual plan that reduces the trail to 5 feet wide, thus eliminating the need for the trail to be on both sides of the PG & E towers.

If the City moves forward with this project, Director Cherbone explained that the City would need to submit an application to VTA for funding, which would entail submitting the preferred conceptual plan to VTA for review by the BPAC. Director Cherbone noted that if the City decides to move forward with the 5-foot wide trail option it might not meet the conditions of the Bicycle Expenditure Plan (BEP) where the De Anza Trail Project is listed for funding. VTA staff is optimistic that it may still meet the spirit of the BEP because the largest expenditure item, the two bridge crossings, will be built to bicycle width standards. If the 5-foot conceptual plan does not meet the conditions of the BEP then the City can apply for funding through a pedestrian funding source available through the VTA. Director Cherbone noted that there was a possibility of funding the bridge crossings via the BEP and funding the trail via the pedestrian funding sources.

Director Cherbone noted that this new information does create an additional phase in the project – Environmental Studies (CEQA & NEPA).

The following people spoke on this item:

Michael Braucher stated that he supports Option 3 in the report - do nothing. Mr. Braucher stated that he is not willing to spend taxpayers' money on this project.

Michael Gilbert thanked City staff and the City Council for all the time spent on this project. Mr. Gilbert stated that he is not for or against this project but is trying to look at the project in the bigger picture. Mr. Gilbert stated that the Council should make a decision for the entire City not just special interest groups.

Mr. Johnson pointed out that the 12-foot wide trail depicted on the map in the lobby shows a trail across the McBride property, Cox Avenue, and the San Jose Water property. Mr. Johnson stated that the map is incorrect. Mr. Johnson stated that he has pointed this out three times and his concerns have not been addressed. Mr. Johnson stated that he feels the meetings before Council have been a sham.

Robert McBride stated that the eight-foot stretch of trail around the towers is a waste of money. Mr. McBride stated that if the trail is cut down to a five-foot trail the user group would be limited to pedestrians only and would still cost over \$2 million dollars.

Jeffrey Pugh noted that he does not support the proposed project and pointed out that his concerns regarding the maintenance of the trail have not been addressed. Mr. Pugh stated that the City does not have the funds to maintain the trail nor hire extra Deputies to patrol the area. Mr. Pugh stated that he was stunned and dismayed by the Council's lack of listening to the neighbors. Mr. Pugh urged the Council to support Option #3.

Aaron Katz noted that he fully supported the proposed project as long as it was a multiuse trail. Mr. Katz pointed out that this trail would someday be a part of the countywide trail system to reduce cars from the streets. Mr. Katz urged the Council to vote in favor of the project.

Rajeen Gupta stated that his home borders the railroad track property and Congress Springs Park. Mr. Gupta noted that he fully supports the proposed project. Mr. Gupta stated that he believes the trail project will make the neighborhood safer.

Sally O'Hearn stated that the proposed trail goes nowhere and will not benefit anyone. Ms. O'Hearn stated that she is against the proposed project

Donna Poppenhagen noted that her concern with the proposed trail is privacy and security. Ms. Poppenhagen urged the Council to keep the trail in its natural state.

Rita Witmer noted that she is against proposed project. Ms. Witmer urged the Council to support Option #3.

Michael Nishimoto noted that he opposes the project and listed questions he felt have not been answered such as; what this property could be used for in the future if this project did not go forward; accurate safety distance between the trail and the railroad tracks; and the possible health issues relating to the power lines.

Bill Johnson stated that this trail does not meet any of VTA requirements in order to qualify for funding. Mr. Johnson noted that he is against the proposed project.

Jim Stallman noted that he fully supports the proposed project.

Ann Ng stated that she was Cupertino resident. Ms. Ng urged the Council to move forward with this project.

Citizen Ray recalled his experience in the City of Orinda regarding power lines near a playground.

Bill Witmer stated that this project would disrupt the lives of people who live near the trail. Mr. Witmer stated that he is against the proposed project. Mr. Witmer also asked why several correspondences were not in the staff report.

Laura Gloner noted that she fully supported the proposed project.

Brad Bigley asked the Council how many logical arguments they needed to hear to put a stop to this project.

Essam Khali stated that this trail would only benefit special interest groups. Mr. Khali stated that he is against the proposed project.

Cecilia Buluth noted that she is tired of attending meetings regarding this project. Ms. Buluth urged the Council to wait until the trail can be a real trail and not three separate segments. Ms. Buluth stated that the City Council has not been listening to the neighbors, so they will consult with their attorney and go one step further.

Murray Siegel noted that the valley has dramatically changed, becoming jammed and crowded. Mr. Murray stated that he would welcome a suitable trail. Mr. Murray suggested placing the project on hold to evaluate the situation further.

Mayor King thanked the public for their comments.

Addressing some of the questions asked during the public comments, Mayor King asked Director Cherbone the correct safety margin around the railroad tracks.

Director Cherbone responded that according to a railroad employee he spoke to, the safety margin from the track is 25 feet from the center of the track. Director Cherbone noted that the Public Utilities Commission (PUC) had no horizontal requirements only vertical. Director Cherbone added that in a couple of places along the tracks there are unique situations where the track was not built in the center of the right-of-way. The corridor is 80 feet wide and the PUC governs it.

Mayor King asked about the zoning designation.

Director Livingstone responded that the property is currently zoned residential

Mayor King asked if the railroad went away today could houses be built on that property.

Director Cherbone responded yes.

Mayor King inquired about the safety issues raised concerning the power lines.

Director Cherbone noted he met with PG&E and the proposed use is consistent with their facilities. If the proposed trail goes forward an Environmental Impact Report (EIR) would have to be done by a professional and these questions would be addressed.

In regards to the comments that attachments were missing from the report, Mayor King asked Director Cherbone to respond to that comment.

Director Cherbone noted that staff did not duplicate the attachments that were presented to Council in July 6, 2005 staff report. Director Cherbone noted that the report before the Council this evening contains everything staff has received since July 6.

Referring to the comment that the trail is in three segments, Mayor King asked Director Cherbone to respond.

Director Cherbone stated that the trail is actually two segments that is separated by the portion of property that the City has no right-of-way.

In regards to the comment about the map in the lobby being wrong, Mayor King asked Director Cherbone to respond.

Director Cherbone stated that the portion in the middle cannot be built; it's marked as "future trail" using a dash line.

Referring to the comments that the City Council has not been listening to the neighbors, Councilmember Waltonsmith stated that the City has had several meetings to discuss this issue. Councilmember Waltonsmith stated that she supports the proposed trail and believes it will be a great addition to the neighborhood. The project would make the area safer and provide an all weather trail.

Councilmember Streit stated that in the past 7 years since he has been a member of the City Council he has seen a lot of issues and unfortunately people cannot always agree. Councilmember Streit stated that 11,000 households elected the City Council and they need to make decisions that will benefit the whole community.

Vice Mayor Kline noted that in the past he stated that he would only support the proposed trail if the negative impacts and concerns of the neighbors were mitigated. Vice Mayor Kline noted that he would support moving forward.

Mayor King noted that she supports moving forward with Option #1.

KLIN/WALTONSMITH MOVED TO SUPPORT OPTION 1A-DIRECT STAFF TO MOVE FORWARD WITH CONCEPTUAL PLAN 1, 12-FOOT WIDE TRAIL REDUCING TO 5-FEET ON THE NORTH SIDE OF THE TOWER; MOVE FORWARD WITH PHASE 2- ENVIRONMENTAL STUDY. MOTION PASSED 4-0-1 WITH KAO ABSENT.

Vice Mayor Kline asked Director Cherbone if VTA would notify the neighbors on upcoming hearing to review the City's project.

Director Cherbone responded no the VTA does not normally send out notices, but if directed staff would notice the neighbors on all upcoming meetings held by the VTA.

Council directed staff to notify interested parties of VTA hearings.

Mayor King declared a ten-minute break at 10:10 p.m. At this time Councilmember Kao returned to the dais.

Mayor King reconvened the meeting at 10:20 p.m.

Consensus of the City Council to move to New Business Item #8.

NEW BUSINESS

8. VILLAGE REVITALIZATION STRATEGY

STAFF RECOMMENDATION:

Accept report and direct staff accordingly.

Lorie Tinfow, Assistant City Manager, presented staff report.

Assistant City Manager Tinfow stated that the health of the Saratoga Village has been a City focus for at least 20 years. In 1988, a City task force prepared the Saratoga Village Plan and that plan became the foundation for the Saratoga Village Guidelines approved in 1991. Assistant City Manager Tinfow stated that many elements of the plan and the guidelines were implemented. In 2001, the City Council broadened its view on economic vitality by creating an Economic Development Program. Although the program had some substantial accomplishments, when faced with budget shortfalls for the third year in a row, the Council eliminated the Economic Development Program from the 2005-05 budget.

Assistant City Manager Tinfow reported that the Village Ad Hoc Committee and staff have prepared a preliminary Village Revitalization strategy that attempts to pull together the disparate activities either currently underway or proposed. The strategy returns to the earlier work represented by the Saratoga Village Plan and the Saratoga Village Guidelines that is still unfinished and proposes to use both documents as the foundation for current revitalization efforts.

In regards to process, Assistant City Manager Tinfow stated that staff recommends using a community based process for updating the Village Plan that could be structured in a number of ways:

Option 1 – Form a Task Force

Option 2 – Form a Stakeholder Group

Option 3 – Hold open meetings for all who want to be a part of the process

Assistant City Manager Tinfow noted that elements of the Saratoga Village Plan and the Design Guidelines were left incomplete and some level of funding would be needed to fulfill any plan. Currently the CIP has an “infrastructure” project called “Village Streetscape Improvement – Landscape” that has approximately \$130,000 in funding associated with it. Assistant City Manager Tinfow explained that these funds could be redirected to Village Revitalization.

Assistant City Manger Tinfow briefly described a list of possible activities the funds could be used on.

The following people requested to speak on this item:

Laura Perusa stated that she was a Village Gardener. Ms. Perusa described their mission and described completed projects. Ms. Perusa stated that the Village Gardeners recently held a garage sale and raised \$1,200. Ms. Perusa stated that they just want to help beautify the Village.

Lauren Cook stated that she was a Village Gardener. Ms. Cook stated that the Village Gardeners would like to concentrate on Blaney Plaza. Ms. Cook requested that the City repair the irrigation system in Blaney Plaza.

Brain Berg noted that he maintains the list serve for the Saratoga Village Development Council (SVDC) - formally known as Saratoga Business Development Council (SBDC). Mr. Berg stated that so far 60 people have registered on this list serve. Mr. Berg thanked the City for the Façade Program. Mr. Berg noted that they have formed a Village Banner Committee.

Gene Zambetti noted that he was a resident and property owner. Mr. Zambetti urged the Council to support Option #1. Mr. Zambetti noted that he is working on forming a Business Improvement District (BID).

Marilyn Machetti noted that she is on the SVDC. Ms. Machetti thanked the Village Gardeners for their work in the Village. In regards to the banner in the Village, Ms. Machetti described the problems with the brackets that hold the 1banners in place. Ms. Machetti requested that the City prune the trees in the Village stating that they look terrible.

Jim Morley noted that he is glad to see the new energy and support for the Village.

Consensus of the City to support Option #1 – Form Village Task Force. Council directed staff to return to Council at the next meeting with a list of possible Task Force members.

OLD BUSINESS

6. EXPEDITED ANNEXATION PROGRAM FOR COUNTY ISLANDS

STAFF RECOMMENDATION:

Accept report and direct staff accordingly.

John Livingstone, Community Development Director, presented staff report.

Director Livingstone explained that on August 8, 2205 staff was directed to return to Council with a report on the proposed County Island expedited annexation program.

Director Livingstone stated that in order to encourage cities to annex urban unincorporated islands, the State of California has created a streamline process that does not require protest or election requirement. This process is only available to January 1, 2007. LAFCO has identified six islands located in the City of Saratoga. As part of the LAFCO policy to encourage cities participation they have made the policy that cities should annex unincorporated island before adding to any of the City's Urban Service Areas.

To further encourage annexation, Director Livingstone stated that the County Board of Supervisors have agreed to subsidize the costs of the survey mapping, Board of Equalization fees, and provide street improvements.

Director Livingstone explained that of the six identified areas in Saratoga only four are less than 150 acres maximum allowed to participate in the expedited program. The areas that qualify are as follows:

Map #1 – Prospect Road Area 104 acres

Map #4 – On Orbit Drive Area 93 acres

Map #5 – Hidden Hill Road Area 20 acres

Consensus of the City Council to direct the City Geologist to evaluate - Map #1 – Prospect Road Area 104 acres, and bring back a report to Council for review and evaluation.

7. **PRIORITIZATION OF ADVANCED PLANNING ACTIVITIES**

STAFF RECOMMENDATION:

Accept report and direct staff accordingly.

John Livingstone, Community Development Director, presented staff report.

Director Livingstone explained that on August 8, 2205 staff presented Council with a report requesting guidance in prioritizing the General Plan update and fifteen ordinances. After reviewing the report Council directed staff to return to Council with a report outlining a work program with a time line based on the priorities that they established.

Director Livingstone provided a brief update on the General Plan Elements update noting that they should be completed by November 2006.

In regards to the fifteen ordinances, Director Livingstone stated that each ordinance would require a minimum of three months.

Director Livingstone outlined the six ordinances that Council recommended staff to work on: Personal Services Ordinance, Density Bonus Per SB 1818 and Housing Element 2.1, Conditions of Approval, Noise Ordinance, City Landmark Status, Village Parking.

Director Livingstone noted that the estimated time line for the work program might be subject to change due to fluctuations in the current planning workload, complex and controversial projects, or special projects.

Consensus of the City Council to direct staff to move forward with the six ordinances outlined in the staff report and the General Plan updates.

NEW BUSINESS

9. SOURCE OF FUNDING FOR COMMUNITY SURVEY

STAFF RECOMMENDATION:

Designate source for community survey.

Lorie Tinfow, Assistant City Manager, presented staff report.

Assistant City Manager Tinfow explained that in May 2005, Council established the Revenue Enhancement Ad Hoc Committee comprised of Mayor King and Vice Mayor Kline. In addition Council agreed to issue a Request for Proposals (RFP) from survey firms to conduct a community survey. The RFP was issued on July 8, 2005, and eight proposals were received. The Committee has reviewed the proposals and would be conducting interviews with selected firms sometime between Sept 7 and 16. Staff expects to bring the request to award the contract to the finalist at the September 21, 2005 City Council meeting. Prior to that decision point, the Committee decided to bring a request to the full Council for direction about funding source. Total costs are expected to be approximately \$25,000.

Assistant City Manager Tinfow briefly described the scope of work for the survey, timeline, funding options, and surveys conducted by other agencies.

STREIT/KLINE MOVED TO DESIGNATE COUNCIL CONTINGENCY TO FUND THE COMMUNITY SURVEY. MOTION PASSED 5-0.

ADHOC & AGENCY ASSIGNMENT REPORTS

Mayor Kathleen King had no reportable information.

Vice Mayor Norman Kline had no reportable information.

Councilmember Nick Streit had no reportable information.

Councilmember Aileen Kao had no reportable information.

Councilmember Ann Waltonsmith reported the following information:

Sister City Liaison – thanked the Mayor and City staff for hosting the annual reception for the student exchange program. Announced the Moon Viewing event at Hakone Gardens September 23, 2005

CITY COUNCIL ITEMS

Councilmember Kao reported on the results of the meeting she attend this evening that was called by Mayor Gonzales. Councilmember Kao stated that the City of San Jose and the Board of Supervisors are appealing to all cities in Santa Clara County to join them in assisting this relief effort by contributing \$0.50 per resident to the American Red Cross to support relief and recovery assistance locally.

OTHER

None

CITY MANAGER'S REPORT

None

ADJOURNMENT

There being no further business Mayor King adjourned the meeting at 12:00 a.m.

Respectfully submitted,

Cathleen Boyer, CMC
City Clerk