MINUTES

CITY COUNCIL SPECIAL MEETING
SEPTEMBER 15, 2011

Mayor Miller called the Special Meeting to order at 9:00AM.

PRESENT: Councilmembers:
Manny Cappello, Emily Lo, Jill Hunter, Vice Mayor Chuck Page, Mayor Howard Miller

ALSO PRESENT: Dave Anderson, City Manager
Richard Taylor, City Attorney
Jonathan Wittwer, Assistant City Attorney
Ann Sullivan, Acting City Clerk
Chris Riordan, Interim Community Development Director
John Cherbone, Public Works Director

REPORT OF CITY CLERK ON NOTICING OF SPECIAL MEETING AGENDA FOR SEPTEMBER 15, 2011

Ann Sullivan, City Clerk, confirmed that pursuant to Government Code Section 54956, the agenda for the Special Meeting of September 15, 2011, was properly given on or before 9:00 a.m. September 14, 2011, as follows: by delivering written notice to each member of the City Council and to each local newspaper of general circulation and radio or television station requesting notice in writing. The notice was delivered personally or by any other means and was received at least 24 hours before the time of the meeting as specified in the notice. The call of the meeting and the notice specified the time and place of the Special Meeting and the business to be transacted or discussed.

COMMUNICATIONS FROM COMMISSIONS & PUBLIC

There were no communications from any Commission or member of the public.

NEW BUSINESS

1. DISCUSSION OF PROPOSED GARROD ANNEXATION

Assistant City Attorney Jonathan Wittwer presented the staff report.

Attorney Wittwer noted there are portions of the Garrod Trust lands proposed for annexation which are outside the City's Urban Service Area (USA). In addition, the City needs Local Agency Formation Commission (LAFCO) approval to amend its USA to add those lands, even though all Garrod Trust Lands are with the City's Sphere of Influence. Garrod Trust lands are part of what LAFCO identifies as "Unincorporated Island #STG01" within Saratoga's USA. Staff is seeking direction from the Council.

Chris Riordan, Interim Community Development Director, provided additional information regarding the various areas of the Garrod property.

John Cherbone, Public Works Director, provided additional information.

City Manager Dave Anderson added that the application cost to amend the City's USA is approximately $11,000 plus additional fees, which would total approximately $25,000 and that Garrod Trust would be required to pay these costs.

Mayor Miller invited public comment.

Gerry DeYoung, Planning Consultant for Garrod Trust, complimented staff for their efforts in this annexation process. He also noted there is a dividing line between the issue of the Urban Service Boundary change and the annexations. The City has already made the determination that it wishes to annex the Garrod Trust property. The Garrod Urban Service Area Boundary amendment should not become a pawn in the greater discussion of other annexations desired by LAFCO and the conflict that sometimes occurs between the County and Cities. LAFCO Staff believes they are following LAFCO policy and we have had no opportunity to discuss this with the LAFCO Commissioners to ensure that they concur with that position. Garrod Trust is interested in seeing this annexation move forward and asks that the City Council continue to work with Garrod Trust on the application for the Urban Service Area Boundary amendment.

Jan Garrod, General Manager of Garrod Trust, noted he would like to move forward with the annexation project.

Doris Cooper stated it was never their intention to encumber the City or the neighborhood around the Garrod Trust lands. All Garrod Trust has wanted is to operate under one umbrella and to try to streamline operations.

No one else requested to speak.

Mayor Miller closed the public comment period at this time.

Mayor Miller noted that the Council had previously agreed that this is about the annexation of the Garrod Trust property, a major portion of which is already in Saratoga, not about acreage that is in Cupertino, and that we want to move forward with annexing the part that is in the unincorporated area of the County.

The City is righting an injustice that was done almost 60 years ago; and is preserving part of our hillside, which is a core value of our City. The City should solve this one injustice. The City can look at the other issues and let LAFCO know that the City will look at annexing three other areas in the "unincorporated island" areas identified by LAFCO.

Assistant City Attorney Wittwer informed the City Council that the City cannot take the final step on the annexation of the Garrod Trust property outside the City until the City has amended its Urban Service Area Boundary. Subject to Council approval, at the October 5, 2011 Council meeting Staff will bring before the Council an application, in resolution form, for Council to approve applying to LAFCO to expand the City's Urban Service Area to include that one portion

of Garrod Trust properties that is not in the Urban Service Area. If the Council approves making this application at the October 5, 2011 meeting, Staff will have the application submitted to LAFCO by October 12, 2011 and LAFCO will have the application on its December agenda.

City Attorney Taylor stated that once the Urban Service Area Boundary change has been approved by LAFCO the City will have the authority to approve the annexation on its own and won't have to return to LAFCO to move forward with the Garrod Trust property annexation.

COUNCIL DIRECTION TO STAFF:

The City Council directed Staff to move forward with the Urban Service Area Boundary amendment application to LAFCO to be placed on the City Council Agenda for October 5, 2010.

Mayor Miller noted that it is incumbent on the City to get a LAFCO application completed and that the City should inform LAFCO that the City is in the process of analyzing those "unincorporated island" areas identified by LAFCO in its May 2, 2011 letter that are independent of this Urban Service Area Boundary amendment application related to the Garrod Trust lands.

There being no additional business Mayor Miller adjourned the Special Meeting at 10:10 a.m.

Respectfully submitted,

Ann Sullivan
City Clerk