CALL TO ORDER

Chairperson Mike Wasserman called the meeting to order at 1:18 p.m.

1. ROLL CALL

The following commissioners were present:

- Chairperson Mike Wasserman
- Commissioner Pete Constant
- Commissioner Sequoia Hall
- Commissioner Margaret Abe-Koga
- Commissioner Linda LeZotte
- Alternate Commissioner Johnny Khamis
- Alternate Commissioner Yoriko Kishimoto
- Alternate Commissioner George Shirakawa
- Alternate Commissioner Terry Trumbull
- Alternate Commissioner Cat Tucker

The following were absent:

- Vice Chairperson Susan Vicklund Wilson
- Commissioner Joe Simitian

The following staff members were present:

- LAFCO Executive Officer Neelima Palacherla
- LAFCO Assistant Executive Officer Dunia Noel
- LAFCO Counsel Melanie Donnelly

2. INDEPENDENT SPECIAL DISTRICTS REPRESENTATION ON LAFCO

The Commission noted the report.

3. WELCOME NEW LAFCO COMMISSIONERS

Chairperson Wasserman welcomed the new LAFCO commissioners.

4. PUBLIC COMMENT

There was no public comment.
5. **APPROVE MINUTES OF DECEMBER 12, 2012 LAFCO MEETING**

The Commission approved the minutes of the December 12, 2012 LAFCO meeting.

Motion: Constant  Second: Abe-Koga

**MOTION PASSED**

AYES: Constant, Abe-Koga, Shirakawa, Trumbull, Wasserman

NOES: None  ABSTAIN: Hall, LeZotte  ABSENT: None

6. **SARATOGA URBAN SERVICE AREA AMENDMENT 2013**

Ms. Palacherla presented the staff report. She added that public hearing notices were mailed to property owners and registered voters in the urban service area (USA) amendment areas, and to property owners and registered voters within 300 feet of the amendment areas. She stated that the notice was published in a newspaper, on the LAFCO website and posted on the bulletin board at the County Government Center. She reported that staff has received inquiries from property owners about the implications of exclusion from the USA. She noted that the Commission has been provided with copies of emails from a property owner on On Orbit Drive who is opposed to the USA retraction.

**Commissioner LeZotte** expressed concern that the USA amendment application is being considered even though the City has not complied with a prior condition of approval. In response to an inquiry by **Commissioner LeZotte**, Ms. Palacherla informed that six to twelve months is sufficient time for the City to prepare a plan and timeline for the annexation.

In response to an inquiry by **Alternate Commissioner Kishimoto**, Ms. Palacherla advised that the City’s ability to provide services and facilities to an area is one of the criteria for evaluating an USA amendment proposal. She added that the City has indicated that it is unable to maintain the roads in the area.

This being the time and place for the public hearing, **Chairperson Wasserman** declared the public hearing open.

Chuck Page, Councilmember, City of Saratoga, expressed appreciation to the Commission and staff for recognizing the City’s goal of maintaining open space. He indicated that the annexation of the Garrod property and the City’s acquisition of the Congress Springs Quarry property are part of that goal. Referring to an inquiry by **Commissioner LeZotte**, Mr. Page indicated that the City did not prepare a plan and timeline for annexation of the larger island because it is ineligible for the streamlined annexation process. Referring to an inquiry by **Alternate Commissioner Kishimoto**, he stated that the island is being excluded from Saratoga’s USA boundary because the City cannot afford the liability of a poorly built road.

Howard Miller, Councilmember, City of Saratoga, noted that City staff is available to answer any questions. He stated that the City will develop a plan and timeline for annexation of the larger island. He stated that since it is ineligible for the streamlined annexation process, the outcome may be uncertain. He requested the Commission to approve the inclusion of the Congress Springs Quarry property into Saratoga’s USA.
Chairperson Wasserman determined that there are no members of the public who wished to speak on the item and ordered the public hearing closed.

In response to an inquiry by Chairperson Wasserman, Ms. Donnelly advised that the Commission take separate actions on each of the staff recommendations.

Commissioner Constant thanked the City of Saratoga for its commitment to preserve agricultural and open space lands. Alternate Commissioner Kishimoto stated that she was on the Midpeninsula Regional Open Space District Board when the Congress Springs Quarry project was initiated and expressed appreciation that it has come to a completion. Commissioner LeZotte expressed support for the application and stated that as a former San Jose Councilmember and LAFCO commissioner, she appreciates Saratoga’s efforts to protect open space over the years.

The Commission, as a Responsible Agency under CEQA, determined that the proposal is exempt from the provisions of CEQA pursuant to State CEQA Guidelines.

Motion: LeZotte Second: Constant

MOTION PASSED

AYES: Constant, Hall, Abe-Koga, LeZotte, Shirakawa, Trumbull, Wasserman
NOES: None       ABSTAIN: None       ABSENT: None

Commissioner LeZotte proposed that the inclusion of Congress Springs Quarry property be conditioned upon the City’s preparation of a plan and timeline for annexation of the remaining island. Commissioner Constant requested that the City be given 18 months to comply. Commissioner LeZotte indicated that 12 months is a reasonable time since the condition has been pending since February 2012. Commissioner Hall expressed support for the 12-month deadline. Commissioner Constant suggested that staff be authorized to extend the 12-month deadline for up to six months without the Commission’s consideration. Commissioners LeZotte and Hall expressed agreement.

The Commission approved the expansion of the USA of the City of Saratoga to include the Quarry Property depicted in Sheet 5 of Exhibit “A” conditioned on: (a) The City of Saratoga complying, within the next 12 months, with LAFCO’s prior condition of approval (i.e., pursuant to LAFCO Resolution No. 2012-01 adopted February 8, 2012, the City must prepare a plan and timeline for annexation of its island STG05); and, (b) LAFCO authorized LAFCO staff to grant, without LAFCO approval, a 6 month extension of the above referenced 12 month period, if requested by the City of Saratoga.

Motion: LeZotte Second: Hall

MOTION PASSED

AYES: Constant, Hall, Abe-Koga, LeZotte, Shirakawa, Trumbull, Wasserman
NOES: None       ABSTAIN: None       ABSENT: None

The Commission approved the retraction of the USA of the City of Saratoga to exclude the three areas depicted in Sheets 2, 3, and 4 of Exhibit “A” of the staff report with an effective date of June 30, 2013, in order to allow the County of Santa Clara sufficient time to apply appropriate General Plan and Zoning designations to the properties.
Motion: LeZotte  Second: Constant

MOTION PASSED

AYES: Constant, Hall, Abe-Koga, LeZotte, Shirakawa, Trumbull, Wasserman
NOES: None  ABSTAIN: None  ABSENT: None

Alternate Commissioner Kishimoto suggested that in developing policies, one of the conditions should include the dedication of open space lands with an open space easement recorded on them. Commissioner Hall expressed agreement.

The Commission directed staff to review LAFCO’s policies regarding city annexations of open space lands, including the dedication of open space easements, and propose revisions as necessary, for Commission consideration.

Motion: Hall  Second: LeZotte

MOTION PASSED

AYES: Constant, Hall, Abe-Koga, LeZotte, Shirakawa, Trumbull, Wasserman
NOES: None  ABSTAIN: None  ABSENT: None

7. UPDATE ON GUADALUPE COYOTE RESOURCE CONSERVATION DISTRICT’S IMPLEMENTATION OF THE RECOMMENDATIONS OF LAFCO’S 2011 COUNTYWIDE WATER SERVICE REVIEW REPORT

Dunia Noel, Assistant LAFCO Executive Officer, presented the staff report.

Commissioner Hall commended the Guadalupe-Coyote Resource Conservation District for being proactive in initiating changes in pursuit of its mission.

The Commission accepted the report.

Motion: Constant  Second: Hall

MOTION PASSED

AYES: Constant, Hall, Abe-Koga, LeZotte, Shirakawa, Trumbull, Wasserman
NOES: None  ABSTAIN: None  ABSENT: None

8. EXECUTIVE OFFICER’S REPORT

8.1 UPDATE ON SPECIAL DISTRICTS SERVICE REVIEW

Ms. Noel presented the staff report.

The Commission accepted the report and appointed Commissioner Linda LeZotte to serve on the Special Districts Service Review Technical Advisory Committee.

Motion: Constant  Second: Trumbull

MOTION PASSED

AYES: Constant, Hall, Abe-Koga, LeZotte, Shirakawa, Trumbull, Wasserman
NOES: None  ABSTAIN: None  ABSENT: None
8.2 FINANCE COMMITTEE FOR FISCAL YEAR 2013-2014 LAFCO BUDGET
Ms. Noel presented the staff report.

The Commission established the Finance Committee to work with staff to develop and recommend the proposed FY 2013-2014 LAFCO budget for consideration by the full Commission, and appointed Chairperson Wasserman, and Commissioners Constant and Hall to serve on the Committee.

Motion: Constant Second: Trumbull

MOTION PASSED
AYES: Constant, Hall, Abe-Koga, LeZotte, Shirakawa, Trumbull, Wasserman
NOES: None ABSTAIN: None ABSENT: None

The Commission noted the report on Item 8.3.

8.4 2013 CALAFCO STAFF WORKSHOP
Ms. Noel presented the staff report.

Commissioner Constant expressed appreciation to staff for continuing to participate in the CALAFCO workshops and recognized the value of the events for both staff and the Commission.

The Commission authorized staff to attend the 2013 CALAFCO Staff Workshop and authorized travel expenses funded by the LAFCO budget.

Motion: Constant Second: Abe-Koga

MOTION PASSED
AYES: Constant, Hall, Abe-Koga, LeZotte, Shirakawa, Trumbull, Wasserman
NOES: None ABSTAIN: None ABSENT: None

9. PENDING APPLICATIONS / UPCOMING PROJECTS
Ms. Palacherla informed that there are two pending applications. She stated that the Morgan Hill Urban Service Area Amendment application may be heard in April 2013 if the City completes the filing requirements in a timely manner, and that the West Bay Sanitary District Sphere of Influence Amendment and Annexation remains as an incomplete application.

12. WRITTEN CORRESPONDENCE
There were none.
13.  **ADJOURN**

The meeting was adjourned at 2:02 p.m. to the next meeting on Wednesday, April 3, 2013 in the Board Meeting Chambers, County Government Center, 70 West Hedding Street, San Jose, California.

Approved:

____________________________________
Mike Wasserman, Chairperson
Local Agency Formation Commission of Santa Clara County

By: _______________________________
Emmanuel Abello, LAFCO Clerk