



MEETING DATE: 11/6/06

ITEM NO:

8

COUNCIL AGENDA REPORT

DATE: OCTOBER 31, 2006
TO: MAYOR AND TOWN COUNCIL
FROM: DEBRA J. FIGONE, TOWN MANAGER

SUBJECT: HIGHWAY 9 COUNCIL COMMITTEE
A. CONSIDER REQUEST FROM THE CITIES OF MONTE SERENO AND SARATOGA TO PARTICIPATE IN A HIGHWAY 9 COUNCIL COMMITTEE
B. APPROVE THE MAYOR'S RECOMMENDATION TO APPOINT COUNCIL MEMBERS BARBARA SPECTOR AND MIKE WASSERMAN AS HIGHWAY 9 COUNCIL COMMITTEE MEMBERS

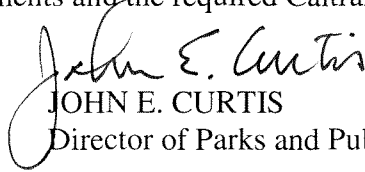
RECOMMENDATION:

1. Consider request from the Cities of Monte Sereno and Saratoga to participate in a Highway 9 Council Committee.
2. Approve the Mayor's recommendation to appoint Council Members Barbara Spector and Mike Wasserman as Highway 9 Council Committee members.

BACKGROUND:

The Highway 9 Safety Improvement Project received a grant of approximately \$1.5 million from the Metropolitan Transportation Commission (MTC) Regional Bicycle and Pedestrian Program which was approved through the Federal Congestion Mitigation and Air Quality (CMAQ) Program. The grant was received by the cities of Monte Sereno, Saratoga, and the Town of Los Gatos (parties). Los Gatos was identified as the project sponsor and Caltrans is the administrator of the project. Caltrans has authorized the parties to proceed with the design.

To proceed, the cooperative agreement between the parties was approved by the Councils of each party at their respective regular Council meetings in September. Subsequently, Los Gatos retained by Council resolution the consultancy of BKF Engineers on October 16, 2006 to prepare construction documents and the required Caltrans encroachment permit.

PREPARED BY:  JOHN E. CURTIS
Director of Parks and Public Works

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Reviewed by: PS Assistant Town Manager OK Town Attorney
____ Clerk Administrator SC Finance ____ Community Development

At the time this document was approved by both Monte Sereno and Saratoga, their councils requested that a Council Committee with representation from each of the three participating agencies form to serve as a policy liaison body to the Highway 9 project. Attachment 1 is a letter request from the City of Saratoga. Attachment 2 is a staff report from the City of Monte Sereno regarding this request. The purpose of the Committee as stated in these attachments is to:

- Provide a public forum for information sharing;
- Provide regular updates to the respective councils;
- Provide a vehicle for public input.

DISCUSSION:

The value of a Council Committee is the ability of such a group to interface with the public as the project progresses through the design and construction stages. During the design stage, two public meetings are contemplated in the BKF contract. The first, which could take place within three to four weeks, would provide an opportunity for the Council Committee to receive a staff presentation of the project scope and timelines and to receive comments from the public. The second public meeting would enable the Council Committee to receive staff's presentation of the design along with public comment.

Additional public meetings could be scheduled as necessary, bearing in mind that if consultant support is needed for these meetings, project costs may rise. A project web site is planned that would contain up-to-date project information and would be linked from the individual party web sites. This will aid staff in providing information about the project to the public.

Each party would provide two Council members for the proposed Council Committee. The Mayor is recommending that Council Members Barbara Spector and Mike Wasserman be appointed by the Council to this Committee.

CONCLUSION:

It is recommended that Council proceed with Council Committee appointments or provide alternative direction.

ENVIRONMENTAL ASSESSMENT:

The establishment of a Council Committee is not a project defined under CEQA, and no further action is required.

FISCAL IMPACT:

The fiscal impact of establishing a Council Committee will be on staff and consultant resources which will be absorbed by the Town's operating budget and the project budget, respectively.

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MAYOR AND TOWN COUNCIL
SUBJECT: HIGHWAY 9 COUNCIL COMMITTEE
OCTOBER 31, 2006

Attachments:

1. Letter from the City of Saratoga requesting to participate in a Highway 9 Council Committee
2. Staff report from the City of Monte Sereno.

Distribution:

Brian Loventhal, City Manager, City of Monte Sereno, 18041 Saratoga-Los Gatos Road,
Monte Sereno, CA 95030

Dave Anderson, City Manager, City of Saratoga, 13777 Fruitvale Avenue, Saratoga, CA 95070



CITY of SARATOGA

13777 FRUITVALE AVENUE • SARATOGA, CALIFORNIA 95070 • (408) 868-1200

Incorporated October 22, 1956

COUNCIL MEMBERS:

Aileen Kao
Kathleen King
Norman Kline
Nick Streit
Ann Waltonsmith

RECEIVED

OCT 31 2006

MAYOR & TOWN COUNCIL

October 29, 2006

Diane McNutt, Mayor
110 E. Main Street
Los Gatos, CA 95030

Re: Highway 9 Safety Project-Joint Council Committee

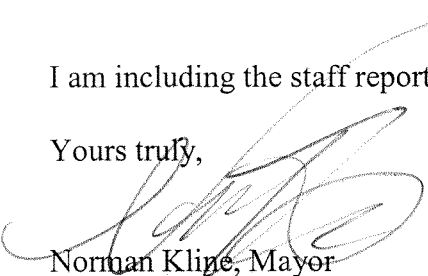
Dear Mayor McNutt:

At the West Valley Mayors and Manager's meeting on October 25th, the Town of Los Gatos city officials requested a letter from the City of Saratoga and the City of Monte Sereno to the Town of Los Gatos asking for their participation in a Joint Council Committee regarding the Highway 9 Project effort. Monte Sereno has agreed to coordinate the public input process component of this committee on behalf of the three cities.

At the Saratoga City Council's October 15th meeting, the City Council acted to form a Joint Council Committee for the Highway 9 Safety Project. Councilmembers Ann Waltonsmith and Aileen Kao were appointed to this committee. The intent of the Joint Council Committee is to; 1) provide a forum for information sharing; 2) provide regular updates to our respective council; and 3) provide a vehicle for public input.

I am including the staff report discussed at our Council meeting for your information.

Yours truly,


Norman Kline, Mayor
City of Saratoga

Encl: Highway 9 Safety Project – Joint Council Committee Staff Report dated
October 18, 2006

Attachment 1

SARATOGA CITY COUNCIL

MEETING DATE: October 18, 2006

AGENDA ITEM: 7

ORIGINATING DEPT: Public Works

CITY MANAGER: [Signature]

PREPARED BY: [Signature]

John Cherbone

DEPT HEAD: [Signature]

John Cherbone

SUBJECT: Highway 9 Safety Project - Joint Council Committee

RECOMMENDED ACTION(S):

Appoint two members of the City Council to participate in a Joint Council Committee with the Town of Los Gatos and the City of Monte Sereno for the Highway 9 Safety Project.

REPORT SUMMARY:

At the September 27th City Council Meeting, Council directed staff to draft a report with a recommendation to create a Council Ad hoc to participate in a Joint Council Committee for the Highway 9 Safety Project.

The Joint Council Committee consisting of two council members from each of the three cities would be formed to 1) provide a forum for information sharing, 2) provide regular updates to the City Council, and 3) provide a vehicle for public input.

It appears that both Monte Sereno and Los Gatos are willing to participate in the Joint Council Committee.

It therefore recommended that the City Council form a two member Council Ad hoc to participate in a Joint Council Committee for the Highway 9 safety project.

FISCAL IMPACTS:

N/A

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION(S):

The Council Ad hoc would not be formed representation to the Joint Council Committee would not occur.

ALTERNATIVE ACTION(S):

None.

FOLLOW UP ACTION(S):

A schedule of meetings for the Joint Council Committee will be generated based on the project schedule.

ADVERTISING, NOTICING AND PUBLIC CONTACT:

Nothing additional.

ATTACHMENTS:

None.

MEETING DATE
September 15, 2006

REPORT TO MONTE SERENO CITY COUNCIL

Adopt Cooperative Agreement for
Highway Improvement Project

RECOMMENDATION:

Staff recommends the City Council, by resolution, authorize the City Manager to approve the cooperative agreement (Exhibit A) for the Highway 9 Pedestrian and Bicycle Safety Improvements.

BACKGROUND/DISCUSSION:

The safety improvements on Highway 9, from Saratoga through Monte Sereno to Los Gatos with a length of 4.4 miles, have \$1,565,000 funded through the Federal Congestion Mitigation and Air Quality (CMAQ) grant program. The local match by the 3 agencies is \$204,000.

The project is a multi jurisdiction effort to improve safety by developing bike lanes and pedestrian pathways along this route.

Highway 9 is within the jurisdiction of Caltrans and has to be reviewed and processed by Caltrans based on Caltrans procedures and guidelines.

The Town of Los Gatos is the only agency amongst the three municipalities to have an approved Disadvantaged Business Enterprise (DBE) program. Because Federal grants must include a DBE allocation, the Town of Los Gatos has been designated as the lead agency for the project.

The scope of the project will be refined as preliminary engineering is done. All three agencies and the public will have opportunities to participate during this process.

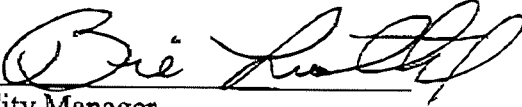
A cooperative agreement must be signed by Los Gatos, Monte Sereno, and Saratoga to officially outline all the responsibilities and assignments related to each agency during the course of the project. The three agencies will pay their local share for funding the project based on the amount of construction within each agency's limits. The City of Saratoga has the largest section of the project within their jurisdiction, followed by Monte Sereno and Los Gatos.

The City of Monte Sereno Fiscal year 2006/07 CIP allocates \$81,000 in local matching funds.

PROJECT SCHEDULE:

The project schedule is as follows:

Award consultant design contract – Oct. '06
Refine scope of project/ public meetings – Nov. '06 – Sept. '07
Plans, specifications, and cost estimates developed – Sept. '07
Construction bids – Oct. '07
Begin construction – Dec. '07
Open new bike path – July '08



City Manager

Discussion commenced.

Vice Mayor Baxter opened the Public Hearing at 9:34 p.m.

Lana Malloy spoke in support of the proposed ordinance.

Since there was no one else wishing to speak, the Public Hearing was closed at 9:35 p.m.

Councilmember Garner stated that the ordinance is a mandatory preservation ordinance and that he does not think there has been sufficient public outreach. He stated without a provision for owner consent he can not support the proposed ordinance.

Councilmember Wright spoke in favor of the proposed ordinance.

Councilmember Nesbet also spoke in support of the proposed ordinance. She stated that she would like to see a separate Historic Commission formed and not assign the Historic Preservation duties to any existing commission or committee.

Vice Mayor Baxter also spoke in support of the proposed ordinance.

Discussion commenced with regard to clarification of Section 12.1030 and 12.0020E. The City Attorney stated that the sections would be clarified per Council direction.

Councilmember Wright moved to waive further reading of the proposed ordinance and introduce it, as amended, as read by title only. The motion was seconded by Councilmember Nesbet.

Councilmember Garner suggested that prior to taking action on the item the City conduct another public notice of the matter.

Discussion commenced.

The motion passed with a 3-1 vote. Councilmember Garner voted No.

Vice Mayor Baxter recessed the meeting at 9:45 p.m. The meeting was reconvened at 9:50 p.m.

UNFINISHED BUSINESS - None
NEW BUSINESS

9. Consider Highway 9 Cooperative Agreement

City Manager Loventhal presented the staff report on the matter and answered questions from the Council.

Councilmember Garner expressed concern with the agreement without additional Council oversight.

Discussion commenced.

Councilmember Nesbet expressed concern with the loss of communication between the public and the Cities involved due to the upcoming staff changes.

Councilmember Wright pointed out that project has evolved from a collaborative of the three jurisdictions and that he can support the proposed agreement.

Joanne Peth expressed some reservation about the contract, but urged the Council to move forward.

Ray Davis expressed concern with the agreement.

Discussion commenced.

Councilmember Garner moved that the Council accept the agreement and propose an amendment that would call for a quarterly meeting of a subcommittee made up of two Councilmembers from each jurisdiction. Councilmember Nesbet seconded the motion. The motion passed with a 4-0 vote.

COMMITTEE/COMMISSION REPORTS

The Councilmembers reported on their various commission/committee activities.

6. Approve Warrant List in the amount of \$37,923.73

City Manager Loventhal reported on Conference related expenses listed on the Warrant List. Councilmember Garner moved to approve the Warrant List. The motion was seconded by Councilmember Nesbet and the motion passed with a 4-0 vote.

CITY MANAGER'S REPORT

The City Manager reported on various administrative matters.

ADJOURNMENT

At 10:55 p.m., Vice Mayor Baxter adjourned the meeting to 7:30 p.m. Tuesday, October 3, 2006 to be held in the City Council Chamber located at 18041 Saratoga-Los Gatos Road, Monte Sereno, California.

ATTEST:

Mark Brodsky, Mayor

Andrea M. Chelemengos, City Clerk