

**MINUTES  
SARATOGA CITY COUNCIL  
JULY 20, 2005**

Cathleen Boyer, City Clerk, called the Regular City Council meeting to order at 7:00 p.m. and requested that Citizen Ray lead the Pledge of Allegiance.

**ROLL CALL**

PRESENT: Councilmembers Aileen Kao, Nick Streit,  
Ann Waltonsmith  
ABSENT: Vice Mayor Norman Kline, Mayor Kathleen King  
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, Interim Community Development Director  
John Cherbone, Public Works Director

**REPORT OF CITY CLERK ON POSTING OF AGENDA FOR JULY 20, 2005**

Cathleen Boyer, City Clerk, reported that pursuant to Government Code Section 54954.2, the agenda for the meeting of July 6, 2005 was properly posted on July 14, 2004.

**NEW BUSINESS**

**1. SELECTION OF PRESIDING OFFICER**

**STAFF RECOMMENDATION:**

Select a Presiding Officer for tonight's City Council meeting.

Cathleen Boyer, City Clerk, presented staff report.

City Clerk Boyer explained that due to the absence of both the Mayor King and Vice Mayor Kline the remaining Councilmembers must select a person to act as presiding officer. That person acts until the Mayor/Vice Mayor returns.

WALTONSMITH/KAO MOVE TO **APPOINT COUNCILMEMBER STREIT AS PRESIDING OFFICER UNTIL THE MAYOR OR VICE MAYOR RETURNS.** MOTION PASSED 3-0-2 WITH KING AND KLINE ABSENT.

**ORAL COMMUNICATIONS**

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

Citizen Ray noted that recently MTC approved the funding for the relinquishment of the Village sidewalks. Citizen Ray thanked Director Cherbone for his efforts on this project.

Gordon Duncan, Saratoga Fire District/ Retired Chief, introduced the new Battalion Chief, Joe Parker.

Genie Dee, Executive Director/SASCC, invited the City Council to SASCC's Ice Cream Social on July 28, 2005. Also, Director Dee stated that she had heard the City took an informal tour of the Senior Center without her knowledge. Director Dee stated that the Senior Center is usually slow during the summer. Director Dee also wanted to clarify that SASCC was not running the program on a deficit.

### **COMMUNICATIONS FROM BOARDS AND COMMISSIONS**

None

### **COUNCIL DIRECTION TO STAFF**

Councilmember Waltonsmith asked if staff could meet with Director Dee and set up a formal tour.

### **ANNOUNCEMENTS**

None

### **CEREMONIAL ITEMS**

#### **2. PROCLAMATION DECLARING JULY 24, 2005 AS "BILLY JONES DAY"**

##### **STAFF RECOMMENDATION:**

Present commendation.

Presiding Officer Streit read the proclamation and presented it to a member of the Billy Jones Board of Directors.

### **SPECIAL PRESENTATIONS**

None

### **CONSENT CALENDAR**

#### **3A. CITY COUNCIL MINUTES – JUNE 1, 2005**

##### **STAFF RECOMMENDATION:**

Approve minutes.

Councilmember Waltonsmith requested that this item be removed from the Consent Calendar for corrections.

**WALTONSMITH/KAO MOVED TO APPROVE MINUTES OF JUNE 1, 2005 AS AMENDED. MOTION PASSED 3-0-2 WITH KING AND KLINE ABSENT.**

3B. **CITY COUNCIL MINUTES – JUNE 24, 2005**

**STAFF RECOMMENDATION:**

Approve minutes.

WALTONSMITH/KAO MOVED TO **APPROVE MINUTES OF JUNE 24, 2005**. MOTION PASSED 3-0-2 WITH KING AND KLINE ABSENT.

3C. **CITY COUNCIL MINUTES – JOINT MEETING JULY 6, 2005**

**STAFF RECOMMENDATION:**

Approve minutes.

Councilmember Waltonsmith requested that this item be removed from the Consent Calendar for corrections.

WALTONSMITH/KAO MOVED TO **APPROVE MINUTES OF JOINT MEETING AS AMENDED - JULY 6, 2005**. MOTION PASSED 3-0-2 WITH KING AND KLINE ABSENT.

3D. **CITY COUNCIL MINUTES – JULY 6, 2005**

**STAFF RECOMMENDATION:**

Approve minutes.

WALTONSMITH/KAO MOVED TO **APPROVE MINUTES OF JULY 6, 2005**. MOTION PASSED 3-0-2 WITH KING AND KLINE ABSENT.

3E. **REVIEW OF CHECK REGISTER**

**STAFF RECOMMENDATION:**

Approve check register.

WALTONSMITH/KAO MOVED TO **APPROVE CHECK REGISTER**. MOTION PASSED 3-0-2 WITH KING AND KLINE ABSENT.

3F. **TREASURER’S REPORT FOR THE MONTH ENDED JUNE 2005**

**STAFF RECOMMENDATION:**

Accept and file report.

WALTONSMITH/KAO MOVED TO **ACCEPT TREASURER’S REPORT FOR THE MONTH ENDED JUNE 2005**. MOTION PASSED 3-0-2 WITH KING AND KLINE ABSENT.

3G. **INDEPENDENT CONTRACT AGREEMENT FOR DEBORAH UNGO-MCCORMICK**

**STAFF RECOMMENDATION:**

Authorize City Manager to execute the agreement for planning and development services.

WALTONSMITH/KAO MOVED TO **AUTHORIZE CITY MANAGER TO EXECUTE THE AGREEMENT FOR PLANNING AND DEVELOPMENT SERVICES.** MOTION PASSED 3-0-2 WITH KING AND KLINE ABSENT.

3H. **ACCEPTANCE OF SETTLEMENT AND MUTUAL RELEASE AGREEMENT WITH THE SILICON VALLEY ANIMAL CONTROL AUTHORITY (SVACA)**

**STAFF RECOMMENDATION:**

Authorize execution of Settlement and Mutual Release Agreement with SVACA.

WALTONSMITH/KAO MOVED TO **AUTHORIZE EXECUTION OF SETTLEMENT AND MUTUAL RELEASE AGREEMENT WITH SVACA.** MOTION PASSED 3-0-2 WITH KING AND KLINE ABSENT.

**PUBLIC HEARINGS**

4. **AMEND CITY CODE SECTION 3-05.010 REGARDING FINES FOR VIOLATIONS OF THE BUILDING CODE AND OTHER ORDINANCES**

**STAFF RECOMMENDATION:**

1. Hold the public hearing and consider all testimony.
2. Introduce the Ordinance by reading its title and waiving the first reading.
3. Direct staff to place the Ordinance on the consent calendar for second reading and adoption at the next regularly scheduled Council meeting.

Richard Taylor, City Attorney, presented staff report.

City Attorney Taylor explained that State law governs the maximum fines that may be levied in connection with violations of the City Code. In 2004 the City was authorized to increase the fines for multiple violations of the building code (but not other provisions of the Code). This was the first increase authorized since 1983. The attached ordinance would amend the City Code to increase the City's fines for building code violations from \$200 to \$500 for the second violation and from \$500 to \$1000 for the third violation. First violations would continue to be subject to a \$100 fine.

In addition, City Attorney Taylor explained that the attached ordinance would amend the code to clarify that fines for second and third violations can be imposed only for a second violation of the same code requirement. Currently, the code could be interpreted to allow a higher fine for a second code violation by the same person, even if the subsequent code violation is unrelated to the first.

Presiding Officer Streit opined the public hearing and invited public comments.

Seeing none, presiding Officer Streit closed the public hearing.

**WALTONSMITH/KAO MOVED TO HOLD THE PUBLIC HEARING AND CONSIDER ALL TESTIMONY; INTRODUCE THE ORDINANCE BY READING ITS TITLE AND WAIVING THE FIRST READING; DIRECT STAFF TO PLACE THE ORDINANCE ON THE CONSENT CALENDAR FOR SECOND READING AND ADOPTION AT THE NEXT REGULARLY SCHEDULED COUNCIL MEETING..** MOTION PASSED 3-0-2 WITH KING AND KLINE ABSENT.

**OLD BUSINESS**

None

**NEW BUSINESS**

**5. AWARD OF CONTRACT FOR STREET SWEEPING SERVICES**

**STAFF RECOMMENDATION:**

1. Move to award Street Sweeping Contract to Universal Sweeping Services in the amount of \$75,993.
2. Move to authorize the City Manager to execute a Street Sweeping Contract with Universal Sweeping Services.
3. Approve \$5,000 allowance for additional street sweeping services as needed.
4. Approve Resolution amending the FY 05/06 Budget.

Rick Torres, Public Works Supervisor, presented staff report.

Supervisor Torres explained that during staff's annual contract meeting with Los Altos Garbage Company, the current street sweeping contractor, they indicated that they could no longer perform street sweeping services for the City, as their Company was phasing out this function of their business. Supervisor Torres noted that Los Altos Garbage has agreed to continue services for one additional month to ensure that sweeping services would not be interrupted.

Supervisor Torres stated that on May 16, 2005 Request for Proposals were sent out to eight contractors for sweeping services. Of the eight proposal packages sent out by staff two contractors submitted proposals, Universal Sweeping Services of San Jose and Clean Sweep of Gardena. Universal Sweeping Services was the lowest proposal at \$75,993 and Clean Sweep was second at \$83,085.

Supervisor Torres pointed out that Universal's proposal of \$75,993 is a cost increase of \$24,513 over the previous fiscal year. The amount budgeted for street-sweeping services in FY 04/05 was \$56,480. \$50,000 has been budgeted for street sweeping in FY 05/06; therefore it is necessary that the budget be amended to reflect the current cost for these services in the amount of \$25,993.

In addition, Supervisor Torres stated that it is recommended that a \$5,000 allowance be approved for additional street sweeping services as needed during the year. These additional services include dense tree lined streets that require more sweeping during the fall. The \$5,000 allowance is incorporated in the current budget and does not require amending.

Supervisor Torres stated that the attached resolution would amend the FY 05/06 budget will be amended to reflect the increase in the new contract in the amount of \$25,993. The additional contract amount will be funded from the Environmental Fund.

Councilmember Waltonsmith asked how often the streets were swept.

Supervisor Torres stated that the streets are all swept once per month, although sometimes in the winter it might be more often to keep the storm drains clean. .

Councilmember Waltonsmith asked if Universal Sweeping Services have worked for other cities.

Supervisor Torres responded that they have a contract with the City of Stockton, on call for the City of San Jose, and several contracts for parking lots throughout the County.

Councilmember Kao asked if street sweeping notices were sent out to the residents.

Supervisor Torres stated that the publication of the schedule to the residents was part of the contract.

Councilmember Kao asked if the schedule could be posted on the City's website.

Supervisor Torres responded that it is already on the web.

Presiding Officer Streit pointed out that the funds for this service doesn't come out of the General Fund but from the Environmental Fund.

**KAO/WALTONSMITH MOVED TO MOVED TO AWARD STREET SWEEPING CONTRACT TO UNIVERSAL SWEEPING SERVICES IN THE AMOUNT OF \$75,993; MOVE TO AUTHORIZE THE CITY MANAGER TO EXECUTE A STREET SWEEPING CONTRACT WITH UNIVERSAL SWEEPING SERVICES; APPROVE \$5,000 ALLOWANCE FOR ADDITIONAL STREET SWEEPING SERVICES AS NEEDED; APPROVE RESOLUTION AMENDING THE FY 05/06 BUDGET. MOTION PASSED 3-0-2 WITH KING AND KLINE ABSENT.**

## **ADHOC & AGENCY ASSIGNMENT REPORTS**

Councilmember Nick Streit had no reportable information.

Councilmember Aileen Kao had no reportable information.

Councilmember Ann Waltonsmith reported the following information:

KSAR Community Access TV Board – approved the new bylaws and working on the Director's contract.

Saratoga Historic Foundation – recently Dave Walters from the SCC Office of Education. Visited the Saratoga Museum. Mr. Walters is currently trying to implement a program throughout the school system using the area's historic museums.

Sister City Liaison – August 11, 2005 @ 10:00 a.m. Sister City Student Exchange Program event at City Hall. Hakone Foundation's annual "Moon Viewing Dinner" will be held on September 23, 2005.

## **CITY COUNCIL ITEMS**

None

## **OTHER**

None

## **CITY MANAGER'S REPORT**

None

## **ADJOURNMENT**

There be no further business Acting Presiding Officer Streit adjourned the meeting at 7:30 p.m.

Respectfully submitted,

Cathleen Boyer, CMC  
City Clerk