



**AGENDA**  
**Town of Atherton**  
**CITY COUNCIL/ATHERTON CHANNEL**  
**DRAINAGE DISTRICT**  
**April 16, 2003**  
**7:00 p.m.**  
**TOWN COUNCIL CHAMBERS**  
94 Ashfield Road  
Atherton, California

**REGULAR MEETING**

- 7:00 P.M.    1.    **PLEDGE OF ALLEGIANCE**
- 7:03 P.M.    2.    **ROLL CALL**      McKeithen, Marsala, Carlson, Janz, Conwell,
- 7:05 P.M.    3.    **PRESENTATIONS**
- A. Presentation by Sequoia Hospital on Plans to Rebuild and Relocate  
B. Proclamation declaring April 22, 2003 as “Earth Day”  
C. Proclamation for Menlo Park/Redwood City “Relay for Life”,  
    American Cancer Society Fundraiser on May 17 and 18, 2003  
D. Recognition of Service for Retiring Public Works Director, Cliff Temps
- 7:25 P.M.    4.    **COUNCIL REPORTS**
- 7:35 P.M.    5.    **PUBLIC COMMENTS** (only for items which are not on the agenda –  
    limit of three minutes per person)
- 7:45 P.M.    6.    **STAFF REPORTS**
- 7:55 P.M.    7.    **COMMUNITY ORGANIZATION ROUNDTABLE REPORT** (Per  
    Resolution No. 02-31)
- Atherton Arts Committee
- 8:00 P.M.    **CONSENT CALENDAR** (Items 8 – 19)
8.    **APPROVAL OF MINUTES OF SPECIAL AND REGULAR COUNCIL  
    MEETINGS OF MARCH 19, 2003**

9. APPROVAL OF BILLS AND CLAIMS FOR MARCH 2003 IN THE AMOUNT OF \$666,856
10. ACCEPTANCE OF MONTHLY FINANCIAL REPORT FOR MARCH 2003
11. AWARD OF CONTRACTS FOR HOLBROOK-PALMER PARK PARKING LOT PATCHING AND SEALING, PROJECT 03-003, AND ATHERTON AVENUE RECONSTRUCTION, PROJECT 03-004

**Recommendation:** Award the contracts for Holbrook-Palmer Park Parking Lot Patching and Sealing, Project 03-003, to Silicon Valley Paving, Inc. for \$28,723.95, and for Atherton Avenue Reconstruction, Project 03-004, to G. Bortolotto & Co., Inc. for \$292,094.79.

12. ACCEPTANCE OF WORK AND APPROVAL OF RECORDING A NOTICE OF COMPLETION FOR MIDDLEFIELD ROAD PAVEMENT AND STORM DRAINAGE IMPROVEMENTS, PROJECT 01-005

**Recommendation:** Accept the work under Middlefield Road Pavement and Storm Drainage Improvements, Project 01-005 and authorize the recordation of a Notice of Completion.

13. REVIEW AND APPROVE A RESOLUTION AUTHORIZING CONTINUED PARTICIPATION IN THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY (C/CAG) AND APPROVAL OF THE JOINT POWERS AGREEMENT

**Recommendation:** Review and approve the a Resolution authorizing continued participation in the City/County Association of Governments of San Mateo County (C/CAG), and approval of the Joint Powers Agreement in accordance with the staff recommendations.

14. ADOPT AN ORDINANCE AMENDING ATHERTON MUNICIPAL CODE SECTIONS 17.36.195 AND 17.08.070 REGULATING RETAINING WALLS AND BUILDING HEIGHT

**Recommendation:** Adopt Ordinance No. \_\_\_ amending Municipal Code Section 17.36.195 adding a height requirement for retaining walls, and amending Municipal Code Section 17.08.070, adding a requirement that decorative roof elements must be included in the maximum building height, and waive second reading.

15. ADOPT AN ORDINANCE AMENDING ATHERTON MUNICIPAL CODE SECTION 12.06 REGULATING ENCROACHMENTS FOR ENTRANCE GATES WITHIN THE TOWN OF ATHERTON

**Recommendation: Adopt Ordinance No. \_\_\_ amending Section 12.06 of the Atherton Municipal Code relating to encroachments allowing for the construction of new entrance gate structures within the Town of Atherton, and waive second reading.**

- 16. ADOPT AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE TOWN OF ATHERTON**

**Recommendation: Adopt Ordinance No. \_\_\_ authorizing an amendment to the contract between the California Public Employees' Retirement System and the Town of Atherton to provide Section 21024 (Military Service Credit as Public Service) for local miscellaneous members, and waive second reading.**

- 17. APPROVAL OF PURCHASE OF POLICE VEHICLES FOR FISCAL YEAR 2002-2003**

**Recommendation: Approve the purchase of two police vehicles from Serramonte Ford for \$48,545.59.**

- 18. APPROVAL OF REVISED CITY COUNCIL RULES OF PROCEDURE**

**Recommendation: Approve revision to Section 9.3 of the City Council Rules of Procedure providing for the appointment and selection process of citizen advisors to City Council sub-committees.**

- 19. APPROVAL OF A PROCLAMATION DECLARING APRIL 28 TO MAY 4, 2003 AS "MOSQUITO AND VECTOR CONTROL AND WEST NILE VIRUS AWARENESS WEEK"**

**Recommendation: Approve a proclamation declaring April 28 to May 4, 2003 as "Mosquito and Vector Control and West Nile Virus Awareness Week" as requested by the San Mateo County Mosquito Abatement District.**

**REGULAR AGENDA (Items 20 - 26)**

- 8:10 P.M. 20. APPOINTMENT OF COMMISSION AND COMMITTEE MEMBERS**

**Recommendation: Approve the recommendation of the Screening Committee to appoint members to Town Commission and Committees.**

- 8:20 P.M. 21. **CONSIDER APPOINTMENT OF A RESIDENT ADVISOR TO THE TRANSPORTATION SUB-COMMITTEE**
- Recommendation:** Consider appointment of a Resident Advisor to the Transportation Sub-committee (referred to full Council as a result of the April 8, 2003 Transportation Sub-committee meeting).
- 8:30 P.M. 22. **DISCUSSION AND POSSIBLE ACTION - NOISE ORDINANCE STANDARDS**
- Recommendation:** Consider provisions of the Noise Ordinance (Atherton Municipal Code Section 18.16), and provide direction to staff.
- 8:50 P.M. 23. **AMENDMENT OF CAPITAL IMPROVEMENT PROGRAM TO INCLUDE HOLBROOK-PALMER PARK MAIN HOUSE PATIO IMPROVEMENT PROJECT AND AWARD OF CONTRACT TO BRAGATO CONSTRUCTION CO., INC. FOR \$22,750**
- Recommendation:** Amend the Capital Improvement Program to include the Holbrook-Palmer Park main House Patio Improvements and award a contract for the work to Bragato Construction Co., Inc. for \$22,750.
- 9:00 P.M. 24. **DISCUSSION AND POSSIBLE ACTION – AMENDMENT TO RESOLUTION SETTING PARK FACILITIES USE FEES**
- Recommendation:** Adopt a resolution increasing rental fees for weddings and social events at Holbrook-Palmer Park.
- 9:10 P.M. 25. **SET A DATE FOR A SPECIAL CITY COUNCIL MEETING IN JUNE TO CONSIDER THE DRAFT FISCAL YEAR 2003-2004 BUDGET**
- Recommendation:** Select a date for a meeting to consider the Draft Operating and Capital Budget for Fiscal Year 2003-2004.
- 9:20 P.M. 26. **PUBLIC COMMENTS**
- 9:30 P.M. 27. **ADJOURNMENT**

*Agendas and staff reports may be accessed on the Town website at: [www.ci.atherton.ca.us](http://www.ci.atherton.ca.us)*

*☞ Please contact the City Clerk's Office at 650.752.0529 with any questions*

Pursuant to the Americans with Disabilities Act, if you need special assistance in this meeting, please contact the City Clerk's Office at (650) 752-0529. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (29 CRF 35.104 ADA Title II)



**Draft Minutes**  
**Town of Atherton**  
**CITY COUNCIL/ATHERTON CHANNEL**  
**DRAINAGE DISTRICT**  
**March 19, 2003**  
**7:00 p.m.**  
**TOWN COUNCIL CHAMBERS**  
**94 Ashfield Road**  
**Atherton, California**

**REGULAR MEETING**

**Mayor Janz called the meeting to order at 7:00 p.m.**

- 1. PLEDGE OF ALLEGIANCE**
- 2. ROLL CALL**

**PRESENT:**  
**Kathy McKeithen**  
**Charles E. Marsala**  
**Alan B. Carlson**  
**James R. Janz**  
**William R. Conwell**

**City Manager Jim Robinson and City Attorney Marc G. Hynes were also present.**

**3. PRESENTATIONS**

- A. Mayor Janz presented a Certificate of Appreciation to Shirley Carlson for her past service as Chair of the Atherton Tree Committee. Town Arborist Kathy Hughes Anderson thanked Shirley for her efforts and service on behalf of the Tree Committee.**

**4. COUNCIL REPORTS**

- Council Member Conwell reported on the Criminal Justice Commission annual retreat he attended. The Commission prepared their program for next year. He also attended the City/County Association of Governments meeting. The San Francisco Airport Roundtable met and received reports that noise complaints are down substantially.**
- Vice Mayor McKeithen reported on the Atherton Transportation Sub-committee meeting she attended on February 24. The Sub-committee prioritized issues related to Emilie Avenue. The Sub-committee will recommend that a professional traffic**

survey be considered when the effects of the new light at University are determined. The Town will conduct preliminary traffic counts until that time. The Atherton Channel District Sub-committee met March 10 for a walk of the Channel. Representatives from the Water Quality Control Board and the Army Corps of Engineers, and the engineering consultants were in attendance. The Sub-committee will address issues identified during the walk at a future meeting. The formal meeting scheduled after the walk was canceled because of time constraints.

- Council Member Marsala reported that several applications have been received for openings on Town commissions and committees. Applications are still needed for the General Plan Committee. In late April Council Member Marsala will attend the second part of the League of Cities Council Members Institute in Sacramento. He reported that the Arts Committee will hold the second annual “Jazz in the Meadow” event on June 15. The Library JPA met this month and will not be hiring a consultant as previously reported. Council Member Marsala stated that P.G. & E. has a new, more aggressive tree trimming policy for Atherton because of the recent storms. He asked to have P.G. & E. make a presentation at a future Council meeting regarding the change in policy. He reported on recent funding changes for cities under consideration by the State Legislature.
- Council Member Carlson chaired the Transportation Sub-committee meeting on February 24 where action on an agenda item regarding the appointment of resident advisors was not taken. He apologized for not allowing a member of the public to speak on the issue, and read a letter he sent to the resident. He stated that the item will be on the April 8 Transportation Sub-committee agenda. A related item is on tonight’s agenda.
- Mayor Janz stated that he would like staff to ask a P.G.&E. representative to come and talk to the Council about recent power outages as well as the new tree trimming policy. He announced the current vacancies on the Planning Commission, General Plan Committee, Park and Recreation Committee, Audit Committee and Arts Committee, and stated that applications will be accepted until 5:00 p.m. on Friday, March 28. The Waste Reduction Committee met on February 24. The Town has expanded its recycling program, and is now taking household batteries. BFI is planning on expanding the recycling program to include a full time facility. Mayor Janz attended the February 28 Council of Cities meeting, where a program for a countywide JPA to provide affordable housing was proposed. On March 5, he attended a Peninsula Corridor Study policy committee meeting. The purpose of the group is to shape the parameters of a study that will be done on the Highway 101 corridor between Woodside Road and Highway 85 in Mountain View. An ABAG meeting is scheduled for tomorrow night, March 20, where the future of ABAG and the Metropolitan Transportation Commission will be discussed.

## **5. PUBLIC COMMENTS**

Marion Oster, Atherton Heritage Association, spoke on the history of Almendral Avenue. Jerry Carlson, 95 Mount Vernon Lane, spoke on Selby Lane School.

## **6. STAFF REPORTS**

- **City Manager Jim Robinson announced that the Community Calendar is now live on the Town website. Assistant to the City Manager, Linda Kelly, may be contacted for information or to place an item on the calendar.**
- **A helicopter landing sponsored by the D.A.R.E. program is being planned at Selby Lane and Encinal Schools. Area residents will be notified.**
- **The City Manager reported that he met with the California Water Service General Manager to discuss options for providing water to residents in the event of an emergency. It was suggested that the Council invite the General Manager to a future meeting to discuss options with the Council.**
- **The Council received a packet from the Bay Area Air Quality Management District with information on adopting an ordinance to restrict fireplace emissions. The Council asked that the issue be referred to the General Plan Committee.**
- **Public Works Director Cliff Temps updated the Council on the Middlefield Road project. He also gave an update on repair work that was done on the Atherton Channel behind 346 Walsh Road. The Town does not have an easement, but did some minor work to stabilize the bank in light of the heavy storm forecast. The property owner is completing the repair.**
- **In response to Vice Mayor McKeithen's questions on obtaining discounts for office supplies and contracting for tree maintenance, the City Manager stated that staff is working on both items. Staff will report back on the amount the Town spends per year on car washing. The City Manager also reported that the Park and Recreation Commission had recognized Denise Kupperman for her donation of trees to the Park.**
- **City Attorney Marc Hynes asked the Council to approve the addition of two items to the Closed Session Agenda. The Closed Session was scheduled to the end of the regular meeting. These items were received after the final agenda was posted.**

**MOTION – to add two items to the Closed Session agenda at the end of the meeting:**

- 1. Pending Litigation under Government Code Section 54956.9(a) Chaput and McTaggart vs. the Town of Atherton.**
- 2. Pending Litigation under Government Code Section 54956.9(a) Teamsters Council 856 vs. the Town of Atherton.**

**M/S Conwell/McKeithen**

**Ayes: 5 Noes: 0 Absent: 0 Abstain: 0**

## **7. COMMUNITY ORGANIZATION ROUNDTABLE REPORT**

**Joan Sanders, representing the Friends of the Atherton Library, reported on current Library activities.**

## **CONSENT CALENDAR**

**Mayor Janz asked that Items 11 and 15 be removed from the Consent Agenda.**

**MOTION – to approve the Consent Agenda with the exception of Items 11 and 15, which are to be placed at the end of the Regular Agenda.**

**M/S McKeithen/Conwell**

**Ayes: 5 Noes: 0 Absent: 0 Abstain: 0**

**8. APPROVED MINUTES OF SPECIAL AND REGULAR COUNCIL MEETINGS OF FEBRUARY 19, 2003**

**9. APPROVED BILLS AND CLAIMS FOR FEBRUARY 2003 IN THE AMOUNT OF \$589,021**

**10. ACCEPTED MONTHLY FINANCIAL REPORT FOR FEBRUARY 2003**

**12. AWARDED CONTRACTS FOR 2003 STREET RECONSTRUCTION PROJECT AND STOCKBRIDGE AVENUE PATCH AND OVERLAY**

**Awarded the contracts for 2003 Street Reconstruction, Project 03-001, to Granite Rock Company DBA Pavex Construction Division for \$431,701.05, and for Stockbridge Avenue Patch and Overlay, Project 03-002, to G. Bortolotto & Company, Inc. for \$197,197.97.**

**13. APPROVED PLANS AND SPECIFICATIONS FOR HOLBROOK-PALMER PARK PARKING LOT PATCHING AND SEALING PROJECT, PROJECT 03-003, AND ATHERTON AVENUE RECONSTRUCTION, PROJECT 03-004**

**14. APPROVED AMENDMENT TO AGREEMENT WITH CAPORICCI AND LARSON FOR AUDIT SERVICES**

**Approved an amendment to the agreement for auditing services with Caporicci & Larson, extending the term of the contract for Fiscal Years 2002-03 and 2003-04.**

#### **PUBLIC HEARINGS**

**16. PUBLIC HEARING – ORDINANCE AMENDING ATHERTON MUNICIPAL CODE SECTIONS 17.36.195 AND 17.08.070 REGULATING RETAINING WALLS AND BUILDING HEIGHT**

**Deputy Town Planner Lisa Costa Sanders presented the staff report for this item. This item was addressed by the General Plan Committee, as directed by the City Council, following an appeal of the Building Official to grant a permit for an eleven foot tall retaining wall with a three foot tall guard rail. The Planning Commission then reviewed the current ordinance and recommended that the City Council consider an amendment limiting retaining walls to a maximum height of six feet of solid wall construction with a maximum three-foot high safety fence on top.**

Mayor Janz opened the Public Hearing at 8:09 p.m. There were no comments. The public hearing was closed.

Council Member McKeithen asked that the word “non-opaque” be omitted from Section 1. Discussion was held on whether decorative roof elements, such as weathervanes, should be subject to the height limit.

**MOTION – to introduce an ordinance for adoption amending Municipal Code Section 17.36.195, adding a height requirement for retaining walls, and amending Municipal Code Section 17.08.070 adding a requirement that continuous decorative roof elements must be included in the maximum building height, based on the findings and for the reasons in the staff report, deleting the words “non-opaque and” in the last sentence of Section 1, and adding the word “Continuous” to the beginning of the last sentence in Section 2. Further reading is waived.**

M/S Conwell/McKeithen

Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

**17. PUBLIC HEARING – ESTABLISHMENT OF NO STOPPING ZONES ON EMILIE AVENUE, AT ST. JOSEPH’S SCHOOL**

**ADOPTION OF A RESOLUTION FINDING AND DECLARING THAT ORDINANCES AND RESOLUTIONS ADOPTED PURSUANT TO THE STATE OF CALIFORNIA VEHICLE CODE SHALL APPLY TO EMILIE AVENUE BETWEEN VALPARAISO AVENUE AND PARK LANE**

Council Member Marsala announced that he would recuse himself at this time because his property may be affected by a Council decision on this item. He left the Council dais.

Public Works Director Cliff Temps presented the staff report. The Transportation Committee, at their February 24 meeting, voted to recommend to the Council that no stopping zones be created on both sides of Emilie Avenue, between Valparaiso Avenue and Park Lane, and continuing on the northwest side of Emilie. They recommended that the area in front of the St. Joseph’s School office be exempted from the no stopping restriction. Mr. Temps explained that the status of the Emilie Avenue right-of-way is not clear. Staff recommended adopting the first resolution in order to enact enforceable parking restrictions. The school has indicated that they are willing to grant the Town a quit claim deed easement, but their Board does not meet for some time. The resolution states that if the Town receives the easement, the resolution will become null and void.

Mayor Janz opened the public hearing at 8:19 p.m. There were no public comments. The public hearing was closed.

Discussion ensued. Vice Mayor McKeithen and Mayor Janz asked for certain changes to be made to the language in the proposed resolution.

**MOTION – to adopt Resolution No. 03-03 finding and declaring that ordinances and resolutions adopted pursuant to the State of California Vehicle Code shall apply to Emilie Avenue between Valparaiso Avenue and Park Lane, with the following changes: in Paragraph 2, include the words “to the Town of Atherton” after the word “Corporation”, add the words “for a roadway easement” after “...recording of a quit claim deed”, and remove the words at the top of Page 2.**

**M/S Janz/McKeithen      Ayes: 4   Noes: 0   Absent: 0   Abstain: 1(Marsala – recused)**

**ADOPTION OF A RESOLUTION ESTABLISHING NO STOPPING ZONES ON EMILIE AVENUE**

**This resolution would enact the parking restrictions and become effective as soon as the no stopping signs are installed. Vice Mayor McKeithen asked for clarification of the proposed no stopping zone areas. The Council discussed the effects of placing no parking zones as well as no stopping zones on Emilie Avenue.**

**Charles Marsala, 33 Emilie Avenue, speaking from the audience, commented on the proposed resolution.**

**Margarette Paponis, 96 MacBain Avenue, spoke from the audience.**

**MOTION – Adopt Resolution No. 03-04, changing the title to include “No Parking”, implementing no parking on the southwest side of Emilie Avenue, from MacBain Avenue to Park Lane, between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday, and changing Park Avenue to MacBain Avenue in the fourth paragraph.**

**M/S Carlson/McKeithen      Ayes: 4   Noes: 0   Absent: 0   Abstain: 1(Marsala – recused)**

**After the vote was taken, Council Member Marsala returned to his seat at the dais.**

**REGULAR AGENDA**

**18.      CONSIDER INTRODUCTION OF AN ORDINANCE AMENDING ATHERTON MUNICIPAL CODE SECTION 12.06 REGULATING ENCROACHMENTS FOR ENTRANCE GATES WITHIN THE TOWN OF ATHERTON**

**Deputy Town Planner Lisa Costa Sanders presented the staff report for this item. The General Plan Committee, at the direction of the City Council, reviewed the current encroachment ordinance and recommended amending it to allow for the construction of new entrance gates in Town. Upon adoption of the ordinance, the three existing entrance gates to the Lindenwood neighborhood would also be in compliance with the Municipal Code.**

**Mayor Janz indicated that the first sentence under Section 1 should be modified. He also stated that Code Sections 12.06.060 and 12.06.090 should be changed to reflect that the**

**City Manager shall issue encroachment permits except for those permits issued under the proposed Code Section 12.06.100(H).**

**MOTION – to introduce for adoption an ordinance amending Section 12.06 of the Atherton Municipal Code regulating encroachments within the public right-of-way within the Town of Atherton, with changes as follows: add “Encroachment permits may be issued for ...” to the beginning of the first sentence under Section 12.06.100(H) of the proposed ordinance, and modify Code Sections 12.06.060 and 12.06.090 to indicate that there is an exception to permits issued under Code Section 12.06.100(H); and waive further reading.**

**M/S Janz/McKeithen**

**Ayes: 5 Noes: 0 Absent: 0 Abstain: 0**

**Council Member Carlson requested that staff provide copies of adopted resolutions and ordinances to the Council as part of the minutes. It was agreed that copies of adopted ordinances and resolutions, and other items involving Council action, will be provided to the Council with each agenda packet, but not as part of the minutes. This request was extended to the Planning Commission as well, to allow the members to view final action items.**

**19. DISCUSSION AND POSSIBLE ACTION – CONSIDER WATER TOWER PROJECT**

**Holbrook-Palmer Recreation Park Foundation President Vit Eckersdorf and Atherton Dames President Nancy Greenbach presented a report on the fundraising efforts by the groups to restore the interior of the Water Tower for historical purposes. City Manager Jim Robinson stated that this item has appeared before the Park and Recreation Commission and will come back to the Council when final plans are submitted.**

**MOTION – to support the efforts of the Holbrook-Palmer Recreation Park Foundation and Atherton Dames to raise funds to restore the interior of the Water Tower.**

**M/S Conwell/McKeithen**

**Ayes: 5 Noes: 0 Absent: 0 Abstain: 0**

**20. DISCUSSION AND POSSIBLE ACTION ON THE ADOPTED CITY COUNCIL POLICY OF RESIDENT PARTICIPATION/ADVISORY STATUS TO CITY COUNCIL SUB-COMMITTEES**

**City Manager Jim Robinson reported that in April, 2002, the City Council adopted a policy to allow for non-voting citizen members to be appointed to City Council sub-committees by the Council Members serving on those sub-committees. The current policy does not provide a process for selecting resident advisors if the Council Members serving on the sub-committee cannot concur on those to be appointed. The City Manager noted that the City Council Rules of Procedure should be amended to reflect the policy.**

**Council Member Conwell expressed concerns with allowing individual members of Council sub-committees to appoint resident advisors. He stated that he subscribes to the practice of leaving appointments to the Screening Committee.**

**John Rugeiro, Stockbridge Avenue, spoke regarding the February 24<sup>th</sup> Transportation Committee meeting.**

**Virginia Rugeiro, Stockbridge Avenue, and Jean Schaaf, Stockbridge Avenue, also spoke.**

**The Council agreed that the item on the agenda only covers what action the Council will take if agreement cannot be made at the sub-committee level. The individual appointments will be scheduled for the next Transportation Committee meeting.**

**MOTION – to amend the policy of appointing resident advisors to City Council sub-committees as follows: the selection of citizen advisors shall be referred to the entire City Council if there is not a consensus among the Council Members on the sub-committee regarding an appointment.**

**M/S Marsala/Carlson**

**Ayes: 5 Noes: 0 Absent: 0 Abstain: 0**

**21. APPROVAL OF REVISIONS TO BUSINESS LICENSING PROCEDURES**

**Finance Director John Johns presented the staff report for this item. The Finance Department conducted a review of the business license ordinance and the procedures used to collect business license taxes. It was determined that 84 percent of the businesses subject to the ordinance fall within the contractor and subcontractor categories. In order to ensure that general contractors and their sub-contractors are adhering to the requirements of the business license ordinance, the Finance Department recommends changing the procedures to require general contractors to obtain business licenses for their sub-contractors.**

**Discussion ensued regarding the methodology used to obtain revenues under the Business License ordinance.**

**City Attorney Marc Hynes stated that any change in the method of collecting the Business License tax would not be subject to Proposition 218.**

**MOTION – to adopt the revisions to the Town Business Licensing procedures as proposed by staff, to be returned to the City Council at the end of one year for a report and possible amendment.**

**AMENDED MOTION – to eliminate the \$3,750 maximum business license fee and continue to assess such business license fees based upon the expected volume of subcontractors employed by General Contractors (5 sub-contractors for every \$500,000 of permitted value of construction projects).**

M/S Carlson/Janz

Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

Jerry Carlson, Audit Committee, suggested continuing to gather information from other cities and possibly putting it to a vote at some time in the future.

**22. ADOPTION OF A RESOLUTION OF INTENTION TO APPROVE AN AMENDMENT TO THE CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE TOWN OF ATHERTON**

Finance Director John Johns presented the staff report for this item. Council Resolution No. 02-29, adopted in Fiscal Year 2002-03, included a provision to allow miscellaneous employees to purchase PERS service credit for time served in the United States armed forces. In order to implement this provision, an amendment to the contract between PERS and the Town is required. A resolution of intention to approve the contract amendment is required to be adopted by the City Council.

**MOTION - approve Resolution No. 03-05, a resolution of intention to approve an amendment to the contract between the Board of Administration of the California Public Employees' Retirement System and the City Council of the Town of Atherton to provide Section 21024 (Military Service Credit as Public Service) for local miscellaneous employees.**

M/S McKeithen/Carlson

Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

**23. INTRODUCTION OF AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE TOWN OF ATHERTON**

Finance Director John Johns presented the staff report for this item. It is required that the City Council adopt an ordinance in order to amend the contract between PERS and the Town to provide for miscellaneous employees to purchase service credit for military service.

**MOTION – to introduce an ordinance authorizing an amendment to the contract between the California Public Employees' Retirement System and the Town of Atherton to provide Section 21024 (Military Service Credit as Public Service) for local miscellaneous members, and waive further reading.**

M/S McKeithen/Carlson

Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

**24. CONSIDERATION OF APPOINTMENTS OF COUNCIL MEMBERS TO THE PENINSULA DIVISION COUNCIL LIAISON COMMITTEE AND THE RAPID RESPONSE TEAM**

**City Manager Jim Robinson stated that the Peninsula Division of the California League of Cities is proposing the establishment of a Rapid Response Team (RRT) and Division Council Liasons. Members of the RRT would be asked to travel to Sacramento when needed to support the League’s lobbying efforts. Mayor Janz is currently acting as the Town liason to the Division.**

**MOTION – to appoint Mayor Janz to act as Division Council Liason and Council Member Conwell to be a member of the Rapid Response Team, with any other Council Member who wishes to, to travel to the State Capitol on behalf of the RRT.**

**M/S Janz/Carlson**

**Ayes: 5 Noes: 0 Absent: 0 Abstain: 0**

**25. DISCUSSION AND POSSIBLE ACTION – CONSIDER RECOGNITION OF FORMER PARK AND RECREATION COMMISSIONER HENRY CARTAN III**

**City Manager Jim Robinson presented the staff report for this item. The Park and Recreation Commission has recommended that a bench be placed in the North Meadow of Holbrook-Palmer Park in memory of Henry Cartan III.**

**MOTION – to approve the Park and Recreation Commission recommendation that a bench be placed in the North Meadow of Holbrook-Palmer Park in recognition of the late Henry Cartan III.**

**M/S Carlson/McKeithen**

**Ayes: 5 Noes: 0 Absent: 0 Abstain: 0**

**Items 11 and 15 were removed from the Consent Agenda and placed on the Regular Agenda:**

**11. APPROVAL OF AGREEMENT WITH BROWNING FERRIS INDUSTRIES (BFI) FOR STREET SWEEPING SERVICES**

**Public Works Director Cliff Temps presented this item. Mayor Janz asked that this item be removed from the Consent Agenda because of his concerns with street sweeping occurring on Saturday. It was noted that sweeping would not be done every Saturday. Vice Mayor McKeithen asked that sweeping on Saturday begin at 10:00 a.m. instead of 9:00 a.m. The Council asked for a notice to be put in the next Athertonian regarding the sweeping.**

**MOTION – to approve the agreement with BFI to provide street sweeping services, with the cost of sweeping to be treated as an Operating Cost pursuant to the Franchise Agreement with BFI, and with an amendment to the contract to reflect that sweeping on Saturdays be done between the hours of 10:00 a.m. and 4:00 p.m.**

**M/S Janz/Conwell**

**Ayes: 5 Noes: 0 Absent: 0 Abstain: 0**

**15. APPROVAL OF AGREEMENT WITH LIEBERT CASSIDY WHITMORE FOR LABOR RELATIONS SERVICES (CONTINUED FROM FEBRUARY 19, 2003 COUNCIL MEETING)**

Mayor Janz asked that this item be removed from the Consent Agenda. He asked for clarification of the consortium agreement the Town has with Liebert Cassidy Whitmore. Assistant to the City Manager Linda Kelly explained that the consortium agreement allows the Town to make general calls for legal services related to employee relations and the consortium is covered under a separate agreement which comes up for renewal in July. Staff was asked to pursue having two attorneys from the firm named in the agreement.

This item was continued to the April meeting.

**26. PUBLIC COMMENTS**

There were no public comments.

**27. ADJOURNMENT**

The meeting adjourned to Closed Session at 11:10 p.m. to the Conference Room in the Town Administrative Offices at 91 Ashfield Road.

The City Council reconvened to Open Session at 11:50 p.m.

The following action was taken:

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – Significant exposure to litigation pursuant to Government Code Section 54956.9 (b)(1)(A): Two potential cases.**

Directions were given to Legal Counsel.

- B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – Significant exposure to litigation pursuant to Government Code Section 54956.9 (c) One potential case.**

No action was taken.

- C. LIABILITY CLAIM – pursuant to Government Code Section 54956.95  
Claimant: Richard LemMon  
Agency Claimed Against: Town of Atherton**

The City Council unanimously voted to deny the claim.

**The following items, received after the agenda was published, were added to the Closed Session agenda by a unanimous vote of the Council:**

- D. CONFERENCE WITH LEGAL COUNSEL – EXISING LITIGATION pursuant to Government Code Section 54956.9(a).  
Stephen Chaput v. Town of Atherton  
Patrick McTaggart v. Town of Atherton**

**Directions were given to the City Attorney.**

- E. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION pursuant to Government Code Section 54956.9(a).  
Teamsters Local Union No. 856 v. City of Atherton**

**The City Council, by unanimous vote, authorized the City Attorney to represent the Town in this matter.**

**5. ADJOURN**

**The meeting adjourned at 11:55 p.m.**

**Respectfully submitted,**

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**Sharon Barker  
City Clerk**

# TOWN OF ATHERTON

## CLAIMS LIST

March, 2003

|                      |               |            |
|----------------------|---------------|------------|
| Payroll Checks       | 2102 - 2165   | \$ 43,180  |
| Electronic Transfers |               | 275,438    |
| A/P Checks           | 14958 - 15142 | 348,238    |
| TOTAL                |               | \$ 666,856 |

I, James H. Robinson, City Manager of the Town of Atherton, do hereby certify under penalty of perjury that the demands listed above, check numbers 2102 through 2165 (Payroll) and 14958 through 15142 (Accounts Payable), and Electronic Transfers for Employees Federal Payroll Taxes and fees, inclusive, amount to \$666,857 are true and correct, and that there are funds for payment.

---

James H. Robinson  
City Manager

The above claims, Payroll check numbers 2102 through 2165, Accounts Payable check numbers 14958 through 15142 and Electronic Transfers for employees federal payroll taxes and fees, amount to \$666,857; and are hereby approved for payment.

---

Kathy McKeithen, Vice Mayor  
Town of Atherton

### SOURCE OF FUNDS

|            |                                |           |
|------------|--------------------------------|-----------|
| <b>101</b> | General Fund                   | \$549,495 |
| <b>105</b> | Tennis Fund                    | 651       |
| <b>201</b> | Special Parcel Tax             | 41,978    |
| <b>202</b> | Transportation                 | 74        |
| <b>203</b> | Gas Tax Fund                   | -         |
| <b>210</b> | Road Construction Impact Fees  | 9,373     |
| <b>213</b> | Library Special Revenue Fund   | -         |
| <b>401</b> | General Capital Projects       | 380       |
| <b>402</b> | Storm Drainage                 | -         |
| <b>403</b> | Atherton Channel District      | 9,495     |
| <b>404</b> | Park Playground Improvement    | -         |
| <b>405</b> | Middlefield Road Rehab.        | -         |
| <b>406</b> | Facilities Construction        | 20,679    |
| <b>610</b> | Vehicle Replacement            | -         |
| <b>611</b> | Computer Maint. & Replacement  | 4,443     |
| <b>612</b> | Administrative Services        | 3,061     |
| <b>614</b> | Workers Compensation Insurance | 20,391    |
| <b>715</b> | Evans Estate                   | 4,596     |
| <b>730</b> | H-P Park Improvement           | -         |
| <b>740</b> | Tree Committee                 | 2,241     |
| TOTAL      |                                | \$666,856 |



## Town of Atherton

### CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL**

**FROM: JOHN P. JOHNS, FINANCE DIRECTOR**

**DATE: FOR THE MEETING OF APRIL 16, 2003**

**SUBJECT: MARCH, 2003 MONTHLY FINANCIAL REPORT**

### RECOMMENDATION:

Receive and file monthly financial report for the month of March, 2003.

### INTRODUCTION:

The attached schedules show revenues and expenditures and fund balance for all funds as of March 31st, 2003.

### HIGHLIGHTS

March General Fund revenues and expenditures amounted to \$317,200 and \$535,301 respectively. To date, \$4,413,173 in general fund revenues have been received. This represents 63 percent of budgeted revenues for the year. By comparison, in FY 2002, General Fund revenues for the nine months ended amounted to 63 percent of total budgeted revenues as well. However, building permit fees are tracking at only 54 percent of budget for the first nine months of the year. (Given the acceleration of building activity in the spring, it is normal to have received 64 percent of total building permit fees by the end of March). Consequently we are expecting a shortfall in building permit fees of approximately \$200,000. (Our mid-year budget review contained an estimated shortfall of \$100,000 in building permit fees). If this shortfall materializes we will be recommending that the reserve for future building inspection be drawn down by a similar amount.

For the nine months ended March 31<sup>st</sup>, 2003 General Fund expenditures have amounted to \$5,087,442 or 71 percent of total budgeted expenditures. By comparison FY 2002 expenditures for the first three quarters of the fiscal year amounted to 66% of total budgeted expenditures. Although total expenditures as a percent of total appropriations is higher in the current year, we continue to expect a slight favorable variance in total general fund expenditures for FY 2003-04.

**FISCAL IMPACT:**

Informational only.

Prepared by:

Approved by:

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John P. Johns  
Finance Director

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James H. Robinson  
City Manager

**TOWN OF ATHERTON**  
**Revenue Summary**  
**For the Month ended March 31st, 2003**

| <b>Fund</b> | <b>Revenue Source</b>              | <b>2002-03<br/>Estimate</b> | <b>Current Period<br/>Revenues</b> | <b>Year to Date<br/>Revenues</b> | <b>%<br/>Received</b> |
|-------------|------------------------------------|-----------------------------|------------------------------------|----------------------------------|-----------------------|
|             | Property Tax                       | \$ 2,854,574                | 131,171                            | \$ 1,837,745                     | 64%                   |
|             | Sales and Use Tax                  | 133,714                     | 22,398                             | 128,541                          | 96%                   |
|             | Other Taxes                        | 802,157                     | 35,245                             | 432,520                          | 54%                   |
|             | Licenses & Permits                 | 1,357,400                   | 65,612                             | 881,942                          | 65%                   |
|             | Fines & Forfeitures                | 70,286                      | 4,922                              | 51,458                           | 73%                   |
|             | Revenue from Other Agencies        | 202,000                     | 22,370                             | 134,543                          | 67%                   |
|             | Charges for Services               | 451,349                     | 29,921                             | 303,857                          | 67%                   |
|             | Investment & Rental Income         | 284,400                     | 5,003                              | 201,110                          | 71%                   |
|             | Other Revenues                     | 12,300                      | 558                                | 19,457                           | 158%                  |
|             | <b>Total General Fund Revenues</b> | <b>6,168,180</b>            | <b>317,200</b>                     | <b>3,991,173</b>                 | <b>65%</b>            |
|             | Interfund (Operating) Transfers In | 844,000                     | -                                  | 422,000                          | 50%                   |
| <b>101</b>  | <b>General Fund Total</b>          | <b>7,012,180</b>            | <b>317,200</b>                     | <b>4,413,173</b>                 | <b>63%</b>            |
|             | <b>Special Revenue Funds:</b>      |                             |                                    |                                  |                       |
| 105         | Tennis                             | 9,000                       | 2,250                              | 6,210                            | 69%                   |
| 201         | Special Parcel Tax                 | 1,570,000                   | 79,860                             | 1,034,889                        | 66%                   |
| 202         | Transportation                     | 270,000                     | -                                  | 130,691                          | 48%                   |
| 203         | Street Improvement (Gas Tax)       | 200,000                     | 11,607                             | 109,786                          | 55%                   |
| 208         | Police on the Street               | -                           | -                                  | -                                |                       |
| 209         | Law Enforcement                    | 100,000                     | -                                  | 100,997                          | 101%                  |
| 210         | Road Construction Impact Fees      | 400,000                     | 15,112                             | 243,232                          | 61%                   |
| 211         | State Park Grants Fund             | 89,259                      | -                                  | -                                | 0%                    |
| 213         | Library                            | 20,000                      | 795                                | 80,943                           | 405%                  |
|             | <b>Total</b>                       | <b>2,638,259</b>            | <b>109,624</b>                     | <b>1,706,748</b>                 | <b>65%</b>            |
|             | <b>Capital Project Funds:</b>      |                             |                                    |                                  |                       |
| 401         | Capital Improvement                | 10,000                      | -                                  | 84,722                           | 847%                  |
| 402         | Storm Drainage                     | 10,000                      | -                                  | -                                | 0%                    |
| 403         | Channel Drainage District          | 52,280                      | 1,861                              | 26,136                           | 50%                   |
| 404         | Park Playground Improvement        | -                           | -                                  | 2,205                            | 0%                    |
| 405         | Middlefield Road Grants            | 1,200,000                   | 32,000                             | 1,246,936                        | 104%                  |
| 406         | Facilities Construction            | 22,000                      | -                                  | -                                | 0%                    |
|             | <b>Total</b>                       | <b>1,294,280</b>            | <b>33,861</b>                      | <b>1,359,999</b>                 | <b>105%</b>           |
|             | <b>Internal Service Funds:</b>     |                             |                                    |                                  |                       |
| 610         | Vehicle Replacement                | 39,400                      | -                                  | 19,703                           | 50%                   |
| 611         | Information Technology             | 91,371                      | -                                  | 45,687                           | 50%                   |
| 612         | Administrative Services            | 406,256                     | -                                  | 118,129                          | 29%                   |
| 614         | Workers Compensation Insurance     | 80,129                      | -                                  | 40,782                           | 51%                   |
|             | <b>Total</b>                       | <b>617,156</b>              | <b>-</b>                           | <b>224,301</b>                   | <b>36%</b>            |
|             | <b>Trust and Agency Funds:</b>     |                             |                                    |                                  |                       |
| 715         | Evans Creative Design              | 116,900                     | 10,774                             | 50,041                           | 43%                   |
| 730         | H-P Park Improvement               | -                           | -                                  | -                                | 0%                    |
| 731         | MA Little League                   | -                           | -                                  | -                                | 0%                    |
| 740         | Tree Committee                     | -                           | -                                  | 3,097                            |                       |
|             | <b>Total</b>                       | <b>116,900</b>              | <b>10,774</b>                      | <b>53,138</b>                    | <b>45%</b>            |
|             | <b>Total Revenues</b>              | <b>11,678,775</b>           | <b>471,459</b>                     | <b>7,757,359</b>                 | <b>66%</b>            |

**TOWN OF ATHERTON**  
**Expenditure Summary**  
**For the Month Ended March 31st, 2003**

| <b>Fund</b>                    | <b>Description</b>                  | <b>2002-03</b>             | <b>Current Period</b>    | <b>Year to Date</b>        | <b>%</b>          |
|--------------------------------|-------------------------------------|----------------------------|--------------------------|----------------------------|-------------------|
|                                | <b>Department</b>                   | <b>Budget</b>              | <b>Expenditures</b>      | <b>Expenditures</b>        | <b>Spent</b>      |
| 101                            | General Fund                        |                            |                          |                            |                   |
|                                | 11 City Council                     | \$ 21,623                  | \$ 264                   | 16,258                     | 75%               |
|                                | 12 City Manager                     | 472,961                    | 36,904                   | 354,348                    | 75%               |
|                                | 16 City Attorney                    | 185,734                    | 12,992                   | 99,945                     | 54%               |
|                                | 18 Finance                          | 381,727                    | 21,140                   | 264,776                    | 69%               |
|                                | 25 Building                         | 860,798                    | 74,456                   | 624,686                    | 73%               |
|                                | 40 Police                           | 3,569,831                  | 264,886                  | 2,510,448                  | 70%               |
|                                | 50 Public Works                     | 1,588,713                  | 124,659                  | 1,216,981                  | 77%               |
|                                | Contingency                         | 100,000                    | -                        | -                          | 0%                |
|                                | Total General Fund Expenditures     | <u>7,181,387</u>           | <u>535,301</u>           | <u>5,087,442</u>           | <u>71%</u>        |
|                                | Interfund (Operating) Transfers Out | -                          | -                        | -                          | 0%                |
| 101                            | <b>General Fund Total</b>           | <u><b>\$ 7,181,387</b></u> | <u><b>\$ 535,301</b></u> | <u><b>\$ 5,087,442</b></u> | <u><b>71%</b></u> |
| <b>Special Revenue Funds:</b>  |                                     |                            |                          |                            |                   |
| 105                            | Tennis                              | 29,946                     | 651                      | 2,923                      | 10%               |
| 201                            | Special Parcel Tax                  | 1,480,309                  | 41,978                   | 953,098                    | 64%               |
| 202                            | Transportation                      | 273,992                    | 150,074                  | 112,898                    | 41%               |
| 203                            | Street Improvement (Gas Tax)        | 155,319                    | -                        | 54,308                     | 35%               |
| 208                            | Police on the Street                | 40,000                     | -                        | 20,000                     | 50%               |
| 209                            | Law Enforcement                     | 100,000                    | -                        | 100,000                    | 100%              |
| 210                            | Road Impact Fees                    | 684,294                    | -                        | 19,003                     | 3%                |
| 211                            | State Park Grants                   | 89,259                     | -                        | -                          | 0%                |
| 213                            | Library Fund                        | 25,384                     | 19,991                   | 38,741                     | 153%              |
|                                | Total                               | <u>2,878,503</u>           | <u>212,694</u>           | <u>1,300,971</u>           | <u>45%</u>        |
| <b>Capital Project Funds:</b>  |                                     |                            |                          |                            |                   |
| 401                            | Capital Improvement                 | 396,861                    | 380                      | 100,095                    | 0%                |
| 402                            | Storm Drainage                      | -                          | -                        | 63,037                     | -                 |
| 403                            | Channel Drainage District           | 90,848                     | 9,495                    | 41,804                     | 0%                |
| 404                            | Park Playground Fund                | -                          | -                        | 31,664                     | -                 |
| 405                            | Middlefield Road Grants             | 1,299,000                  | -                        | 933,265                    | 72%               |
| 406                            | Facilities Construction             | 198,454                    | 20,679                   | 108,039                    | 0%                |
|                                | Total                               | <u>1,985,163</u>           | <u>30,554</u>            | <u>1,277,904</u>           | <u>64%</u>        |
| <b>Internal Service Funds:</b> |                                     |                            |                          |                            |                   |
| 610                            | Vehicle Replacement                 | 45,000                     | -                        | -                          | 0%                |
| 611                            | Information Technology              | 100,500                    | 4,443                    | 53,112                     | 53%               |
| 612                            | Administrative Services             | 325,335                    | 9,788                    | 217,415                    | 67%               |
| 614                            | Workers Compensation Insurance      | 95,000                     | 20,391                   | 61,173                     | 64%               |
|                                | Total                               | <u>565,835</u>             | <u>34,622</u>            | <u>331,700</u>             | <u>59%</u>        |
| <b>Trust and Agency Funds:</b> |                                     |                            |                          |                            |                   |
| 715                            | Evans Creative Design               | 84,750                     | 4,596                    | 49,746                     | 59%               |
| 730                            | H-P Park Improvement                | -                          | -                        | -                          | 0%                |
| 731                            | MA Little League                    | -                          | -                        | -                          | 0%                |
| 740                            | Tree Committee                      | 730                        | -                        | 2,665                      | 365%              |
|                                | Total                               | <u>85,480</u>              | <u>4,596</u>             | <u>52,411</u>              | <u>61%</u>        |
|                                | <b>Total Expenditures</b>           | <u><b>12,696,368</b></u>   | <u><b>817,767</b></u>    | <u><b>8,050,428</b></u>    | <u><b>63%</b></u> |

**Budget Summary**  
**Fiscal Year 2002-03**  
**March 31st, 2003**

| <b>Fund</b> | <b>Description</b>             | <b>Beginning<br/>Fund Balance<br/>July 1, 2002</b> | <b>Revenues<br/>to Date</b> | <b>Transfers<br/>to Date</b> | <b>Expenditures<br/>To Date</b> | <b>Ending<br/>Fund Balance<br/>to Date</b> |
|-------------|--------------------------------|--|-----------------------------|------------------------------|---------------------------------|--|
| 101         | <b>General Fund</b>            | 5,194,187  | 3,991,173                   | 422,000                      | 5,087,442                       | 4,519,918                                  |
|             | <b>Special Revenue Funds:</b>  |  |                             |                              |                                 |  |
| 105         | Tennis                         | 21,926   | 6,210                       |                              | 2,923                           | 25,213                                     |
| 201         | Special Municipal Tax          | 847,820  | 1,034,889                   |                              | 953,098                         | 929,611                                    |
| 202         | Transportation                 | 26,779   | 130,691                     |                              | 112,898                         | 44,572                                     |
| 203         | Street Improvement (Gas Tax)   | 85,697   | 109,786                     |                              | 54,308                          | 141,175                                    |
| 208         | Police on the Street           | 44,434   | -                           |                              | 20,000                          | 24,434                                     |
| 209         | Law Enforcement                | 9,121  | 100,997                     |                              | 100,000                         | 10,118                                     |
| 210         | Road Construction Impact Fees  | 646,417  | 243,232                     |                              | 19,003                          | 870,646                                    |
| 213         | Library Special Revenue Fund   | 400,000  | -                           |                              | 38,741                          | 361,259                                    |
|             | Sub Total                      | <u>2,082,194</u>                                   | <u>1,625,805</u>            | <u>-</u>                     | <u>1,300,971</u>                | <u>2,407,028</u>                           |
|             | <b>Capital Projects Funds:</b> |  |                             |                              |                                 |  |
| 401         | Capital Improvement            | 446,802  | 84,722                      |                              | 100,095                         | 431,429                                    |
| 402         | Storm Drainage                 | 56,786   | -                           |                              | 63,037                          | (6,251)                                    |
| 403         | Channel Drainage District      | 445,509  | 26,136                      |                              | 41,804                          | 429,841                                    |
| 404         | Park Playground Improvement    | 58,417   | 2,205                       |                              | 31,664                          | 28,958                                     |
| 405         | Middlefield Road Grants        | (173)  | 1,246,936                   |                              | 933,265                         | 313,498                                    |
| 406         | Facilities Construction        | 447,477  | -                           |                              | -                               | 447,477                                    |
|             | Sub Total                      | <u>1,454,818</u>                                   | <u>1,359,999</u>            | <u>-</u>                     | <u>1,169,865</u>                | <u>1,644,952</u>                           |
|             | <b>Internal Service Fund</b>   |  |                             |                              |                                 |  |
| 610         | Vehicle Replacement            | 357,952  | 19,703                      |                              | -                               | 377,655                                    |
| 611         | Information Technology         | 54,979   | 45,687                      |                              | 53,112                          | 47,554                                     |
| 612         | Administrative Services        | 6,143  | 118,129                     |                              | 217,415                         | (93,143)                                   |
| 614         | Workers Compensation Insurance | (51,490)   | 40,782                      |                              | 61,173                          | (71,881)                                   |
|             | Sub Total                      | <u>367,584</u>                                     | <u>224,301</u>              | <u>-</u>                     | <u>331,700</u>                  | <u>260,185</u>                             |
|             | <b>Trust and Agency Funds</b>  |  |                             |                              |                                 |  |
| 715         | Evans Creative Design          | 116,028  | 50,041                      |                              | 49,746                          | 116,323                                    |
| 730         | H-P Park Improvement           | 5,851  | -                           |                              | -                               | 5,851                                      |
| 731         | MA Little League               | 4,821  | -                           |                              | -                               | 4,821                                      |
| 740         | Tree Committee                 | 226  | -                           |                              | -                               | 226  |
|             | Sub Total                      | <u>126,926</u>                                     | <u>50,041</u>               | <u>-</u>                     | <u>49,746</u>                   | <u>127,221</u>                             |
|             | <b>Grand Total</b>             | <u>\$ 9,225,709</u>                                | <u>\$ 7,251,319</u>         | <u>\$ 422,000</u>            | <u>\$ 7,939,724</u>             | <u>\$ 8,959,304</u>                        |



## Town of Atherton

### **CITY COUNCIL STAFF REPORT**

**TO: HONORABLE MAYOR AND CITY COUNCIL**

**FROM: CLIFF TEMPS, PUBLIC WORKS DIRECTOR**

**DATE: FOR THE MEETING OF APRIL 16, 2003**

**SUBJECT: AWARD OF CONTRACTS  
HOLBROOK PALMER PARK PARKING LOT PATCHING  
AND SEALING, PROJECT 03-003, AND  
ATHERTON AVENUE RECONSTRUCTION, PROJECT  
03-004**

### **RECOMMENDATION:**

Pass a motion to award the contracts for Holbrook Palmer Park Parking Lot Patching and Sealing, Project 03-001 to Silicon Valley Paving, Inc., for \$28,723.955 and for Atherton Avenue Reconstruction, Project 03-004, to G. Bortolotto & Co., Inc for \$292,094.79

### **INTRODUCTION:**

The Holbrook-Palmer Park Parking Lot Patching and Sealing Project consists of patching and slurry sealing the parking lots next to the Pavilion and Main House. The specifications require the work to be done during the week of June 30, 2003. The day school will not be in session at this time and no events are booked for the Pavilion. The third lot, near the east meadow, will be available for day users of the Park and any events that are booked at the Main House during the construction period. Work on the third lot, which will consist only of slurry sealing, will be done later in the year, as part of a street patching and sealing project. The Town crew will restripe the parking lots.

The Atherton Avenue Reconstruction project involves reconstruction of the full pavement section on Atherton Avenue, between Linda Vista Avenue and Stern Lane and on both Atherton Avenue cul-de-sacs on the northwest side of Atherton Avenue. As part of the work, proper size valley gutters will be installed at the entrances to Clay Drive and the cul-de-sac that is nearly opposite Stern Lane.

**ANALYSIS:**

Thirteen bids were received for Holbrook Palmer Park Parking Lot Patching and Sealing. They ranged from \$28,723.95 to \$55,596.00. All bids were below the Engineer's estimate.

Eleven bids were received for Atherton Avenue Reconstruction. They ranged from \$292,094.79 to \$365,767.31. These were all below the Engineer's estimate.

**FISCAL IMPACT:**

The budget for Holbrook Palmer Park Parking Lot Patching and Sealing is \$60,000. In addition to the \$28,724 Silicon Valley Contract, a minor contract for sealing the east meadow lot and amounting to about \$6,000, will be let this summer. The balance of funds, which come from Capital Improvement Fund 401, will be available to make up part of the overage in the Police Storage Building cost, which was charged to the Facilities Fund.

The Atherton Avenue work was budgeted at a little over \$600,000, from Parcel Tax 201 and Road Impact 210 funds. The significant savings will allow programming of additional street work over the next two years. This will give the new Public Works Director an opportunity to make use of the results of a new pavement condition index (PCI) survey that we expect to be funded and conducted by MTC this summer.

**CONCLUSION:**

The bids received for these two projects are well below the Capital Improvement Program budgets for each, and the contracts should be awarded.

Respectfully submitted

Reviewed/Approved

Cliff Temps  
Public Works Director

James Robinson  
City Manager



## Town of Atherton

### **CITY COUNCIL STAFF REPORT**

**TO: HONORABLE MAYOR AND CITY COUNCIL  
CITY MANAGER, JAMES ROBINSON**

**FROM: CLIFF TEMPS, PUBLIC WORKS DIRECTOR**

**DATE: FOR THE MEETING OF APRIL 16, 2003**

**SUBJECT: ACCEPTANCE AND APPROVAL OF RECORDING A NOTICE OF  
COMPLETION FOR MIDDLEFIELD ROAD PAVEMENT AND STORM  
DRAINAGE IMPROVEMENTS, PROJECT 01-005**

### **RECOMMENDATION**

Pass a motion accepting the work under Middlefield Road Pavement and Storm Drainage Improvements, Project 01-005, and authorizing the recordation of a Notice of Completion.

### **INTRODUCTION**

The Middlefield Road Rehabilitation Project consisted of correcting pavement and trench failures, resurfacing and drainage in Middlefield Road from Fair Oaks Lane to Ravenswood Avenue. The contract was awarded last March and the work was substantially completed in November. A storm drain line, constructed as part of the project, was not laid at proper grade, and was relaid last month.

### **ANALYSIS**

The project was scheduled to be completed by early September. Delays were caused by the contractor's inability to perform more than one operation at a time, significantly increasing the length of sanitary sewer trench backfill that was replaced, adding work in both Atherton and Menlo Park at the Ravenswood intersection and encountering a number of unforeseen underground obstacles. Twenty-four extra days were allowed for extra work and unavoidable delays. The contractor was charged \$5,500 in liquidated damages for 11 unjustified days of delay in completing the work.

Relaying the storm drain that was first laid at the wrong grade did not interfere with the short term function

of the project, and no penalty time was assessed for correcting the problem. The contractor has indicated that the corrective work was done under protest, but has not yet submitted a bill or formal claim for its cost. It will be the Town's position that corrective work was made necessary by the contractor's own mistake, and any claim for the cost of correction will be denied. This could end up in a legal dispute, but the contractor may not choose to pursue it. Staff will inform the Council if and when a legal claim is filed. The corrective work has rendered the project acceptable, and the fact a claim may be pending is not be reason for holding up acceptance and recording of a Notice of Completion.

A few areas of localized, minor ponding have been observed along edges of shoulder backfill placed under this contract. The ponding is due to the fact there are low areas outside of the area of the contractor's work. These are not the result of his work and are not his responsibility to correct. The ponds will be identified and filled in as needed by the Town crew, early next winter.

At the time the contract was awarded, the estimated cost of work was \$1,847,461. The final contract cost was \$1,967,066. The most significant factors in the cost increase were adding to the square footage of areas requiring patching, widening the pavement in areas where needed to assure standard vehicle and bicycle lane widths and to extend the turn pocket for Encinal Avenue, and the costs associated with encountering unforeseen underground obstacles.

### **FINANCIAL IMPACT**

This project will end up drawing on Road Impact Funds to make up not only the \$119,650 construction cost overrun, but also shortfalls of \$34,588 in Measure A funding, due to a decline in Measure A revenue, and \$28,467 in Drainage Fund 402, as a result of there being less money in this account than estimated when the FY 01/02 budget was drafted. Thanks to significant savings in recent project bid results, the Road Impact Fund can absorb these added charges without impacting other projects the Fund is programmed to supply.

### **CONCLUSION**

The project has been successfully completed. It should be accepted, and recording of a Notice of Completion should be approved.

Respectfully submitted:

Reviewed/Approved

Cliff Temps  
Public Works Director

James Robinson  
City Manager



## Town of Atherton

### **CITY COUNCIL STAFF REPORT**

**TO: HONORABLE MAYOR AND CITY COUNCIL**

**FROM: JAMES H. ROBINSON, CITY MANAGER**

**DATE: FOR THE MEETING OF APRIL 16, 2003**

**SUBJECT: REVIEW AND APPROVAL OF RESOLUTION AUTHORIZING CONTINUED PARTICIPATION IN THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY (C/CAG) AND APPROVAL OF THE JOINT POWERS AGREEMENT**

### **RECOMMENDATION**

Review and approve Resolution authorizing continued participation in the City/County Association of Governments of San Mateo County (C/CAG) and approval of the Joint Powers Agreement in accordance with the staff recommendations.

### **BACKGROUND:**

C/CAG was founded in 1991 and renewed in 1995 and 1999. The current Joint Powers Agreement that provides C/CAG its legal basis is in effect until December 1, 2003. Therefore, it is necessary to review C/CAG and consider reauthorization. All the Cities and the County are currently members of C/CAG. The Town of Atherton approved participation and the Joint Powers Agreement in 1999.

### **C/CAG Role:**

The role of C/CAG is to:

Provide a forum for all agencies to work together on common issues:

Transportation  
NPDES

Solid Waste  
Airport Land Use Commission

## Abandoned Vehicle Abatement

## Legislation

Educate and elevate the decision-making of local elected officials and technical professional staffs to include/address countywide concerns in their local decisions.

Develop a consensus on the common issues of concern to the general public, solutions, and applicable funding recommendations/priorities.

Act as Program Manager for Congestion Management Plan (CMA) Transportation funds (state and federal) and Air Quality funds (AB434/TFCA).

### C/CAG Performance:

C/CAG programs are mandated, or bring in revenue to San Mateo County, or provide a cost savings through Countywide implementation. See the attached C/CAG Accomplishments/ Analysis/ Programs. C/CAG accomplishments include the Countywide Transportation Plan and the Transit Oriented Development Incentive Program. C/CAG received numerous County, Regional, State and National awards. The C/CAG FY 02-03 Budget member dues/fees (\$1,922,164) are leveraged 2.6 times for total revenue and 15.6 times for controlled transportation funds. Utilization of two direct staff and contract staff for the remaining tasks has minimized the staffing necessary to meet the program requirements. This staffing approach enables C/CAG to meet the program requirements in a cost-effective manner. Most of the C/CAG programs are mandates that must be performed. It is likely that the cost for the Town of Atherton to perform the mandates provided by C/CAG would be significantly higher than the annual fee of \$5,914.04. During the last four years the Town of Atherton has paid \$22,682 in fees and received \$1,299,000 in funds programmed. As a member of C/CAG the Town of Atherton has had a voice in programming over \$100M in transportation funds.

### C/CAG Benefits:

Benefits of C/CAG to the member agencies include:

Provide a forum to share ideas and solutions among agencies for common issues.

Enable all agencies to have a vote in the distribution of State and Federal Transportation funds (\$70-80M every two years) allocated to San Mateo County.

Transportation funding provided to Cities and County. Provide support to assist agencies in getting and maintaining funds.

Provide cost-effective programs to assist member agencies in meeting mandates.

Provide active intergovernmental support for San Mateo County and the member agencies in the Region.

Provide additional information to agency staff on the system-wide transportation impacts of proposed developments such that better local decisions can be made.

Lobbyist support in Sacramento.

## **Joint Powers Agreement:**

The agreement proposed is essentially identical to the one adopted by the Town in 1999. The proposed Joint Powers Agreement is attached. To assist in the review of the document changes are shown in bold below and in italics in the agreement. Key changes in the Joint Powers Agreement other than numbering or typographical include:

- 1- Section 3 (f) added the following:  
**(10) Legislative Committee**
  
- 2- Section 12. dates changed to reflect reauthorization:  
“Effective Date/ Termination Date. This agreement shall be effective on July 1, **2003**, or upon its execution by the County and by at least eleven (11) cities representing the majority of the population of the County, whichever is later. This agreement shall automatically terminate on December 1, **2007**, unless renewed in writing by the County and by at least eleven (11) cities containing a majority of the population of the County. Upon such termination, the provisions of Sections 10 and 11 apply.”

Attachments:

Resolution

Joint Powers Agreement: Continuing Establishment of the City/County Association of Governments -

Revised February 2003

C/CAG Accomplishments/Analysis/Programs

**RESOLUTION NO. 03-\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON  
AUTHORIZING CONTINUED PARTICIPATION IN THE CITY/ COUNTY ASSOCIATION  
OF GOVERNMENTS OF SAN MATEO COUNTY (C/CAG) AND APPROVAL OF THE  
JOINT POWERS AGREEMENT AND AUTHORIZING THE MAYOR TO EXECUTE THE  
JOINT POWERS AGREEMENT**

**RESOLVED**, by the City Council of the Town of Atherton, that,

**WHEREAS** the Town of Atherton is currently a member of the City/County Association of Governments of San Mateo County (C/CAG); and

**WHEREAS** the Town of Atherton approved and executed the Joint Powers Agreement in 1999 continuing C/CAG for four years; and

**WHEREAS** C/CAG has achieved significant accomplishments including the Countywide Transportation Plan and the Transit Oriented Development Incentive Program; and

**WHEREAS** C/CAG has received numerous County, Regional, State and National awards for its programs; and

**WHEREAS** C/CAG provides programs to address State Mandates in a cost effective manner; and

**WHEREAS** Participation in C/CAG provides the Town of Atherton a voice in the programming of over \$100M in transportation funds; and

**WHEREAS**, Town of Atherton desires to continue participation in C/CAG; and

**WHEREAS** Town of Atherton desires to execute the Joint Powers Agreement;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor of the Town of Atherton is hereby authorized and directed to execute the Joint Powers Agreement for and on behalf of Town of Atherton, subject to approval as to form by Town of Atherton Legal Counsel.

\* \* \* \* \*

*I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the Town of Atherton at a regular meeting thereof held on the 16<sup>th</sup> day of April, 2003, by the following vote.*

*AYES:*                      *Councilmembers:*  
*NOES:*                     *Councilmembers:*  
*ABSENT:*                 *Councilmembers:*  
*ABSTAIN:*                *Councilmembers:*

\_\_\_\_\_  
Kathy McKeithen, Vice Mayor  
Town of Atherton

ATTEST:

\_\_\_\_\_  
Sharon Barker, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Marc Hynes, City Attorney



Town of Atherton

**CITY COUNCIL STAFF REPORT**

**TO: HONORABLE MAYOR AND CITY COUNCIL**

**FROM: LISA COSTA SANDERS, DEPUTY TOWN PLANNER**

**DATE: FOR THE CITY COUNCIL MEETING OF MARCH 19, 2003**

**SUBJECT: ADOPTION OF ORDINANCE AMENDING ATHERTON MUNICIPAL CODE SECTIONS 17.36.195 AND 17.08.070 REGULATING RETAINING WALLS AND BUILDING HEIGHT**

**RECOMMENDATION**

Staff recommends that the City Council adopt the attached Ordinance amending Municipal Code Section 17.36.195 adding a height requirement for retaining walls, and amending Municipal Code Section 17.08.070, adding a requirement that continuous decorative roof elements must be included in the maximum building height, and waive second reading.

**BACKGROUND**

The City Council, at their March 19, 2003 meeting, conducted a public hearing on the proposed changes to the Municipal Code regulating retaining walls and building height. The City Council introduced the Ordinance with the change of striking the words “non-opaque and” from Section 1 and adding the word “Continuous” before “decorative roof elements” in Section 2.

Staff has incorporated these changes in the attached ordinance for City Council adoption.

**FORMAL MOTION:**

I move that the City Council adopt an ordinance amending Atherton Municipal Code Sections 16.36.195 and 17.08.070 regulating retaining walls and building height, and waive second reading.

s/Lisa Costa Sanders  
Lisa Costa Sanders, Deputy Town Planner

\_\_\_\_\_  
Jim Robinson, City Manager

**Attachments:**

1. Ordinance

ORDINANCE NO. \_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON  
AMENDING SECTIONS 17.36.195 AND 17.08.070 OF THE ATHERTON MUNICIPAL  
CODE REGULATING RETAINING WALLS AND BUILDING HEIGHT WITHIN  
THE TOWN OF ATHERTON.

---

The City Council of the Town of Atherton does ordain as follows:

**SECTION 1:** Section 17.36.195 is hereby amended to read as follows:

“Retaining Walls. Retaining walls shall be located no closer than five feet from any property line. Except for basements and underground driveway approaches, the maximum height of the retaining walls shall not exceed six feet solid wall construction, with a maximum three-foot high safety fence on top. The safety fence shall be substantially open to light and air in compliance with applicable safety codes”.

**SECTION 2:** Section 17.08.070 is hereby amended to read as follows:

*“Building height. “Building height” means the vertical distance from the natural grade or finish grade, whichever results in the lower height, measured to the topmost point of the roof. Continuous decorative roof elements, including but not limited to widow walks and railings shall be included in the maximum building height.”*

**SECTION 3:** That the City Council hereby declares that it would have passed this Ordinance sentence by sentence, paragraph by paragraph, and section by section, and does hereby declare that any provisions of this Ordinance are severable and, if for any reason any sentence, paragraph or section of this Ordinance shall be held invalid, such decision shall not effect the validity of the remaining parts of this Ordinance.

**SECTION 4:** This Ordinance shall be posted in at least three public places according to law and shall take effect and be in force from and after 30 days after its passage and adoption.

\* \* \* \* \*

*I hereby certify that the foregoing ordinance was introduced at a regular meeting of the City Council of the Town of Atherton held on March 19, 2003, and was adopted by said City Council at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_ 2003, by the following vote:*

*AYES            COUNCILMEMBERS:  
NOES            COUNCILMEMBERS:  
ABSENT        COUNCILMEMBERS:  
ABSTAIN       COUNCILMEMBERS:*

---

Kathy McKeithen, Vice Mayor  
Town of Atherton

ATTEST:

---

Sharon Barker, City Clerk

APPROVED AS TO FORM:

---

Marc G. Hynes, City Attorney



Town of Atherton

**CITY COUNCIL STAFF REPORT**

**TO: HONORABLE MAYOR AND CITY COUNCIL**  
**FROM: LISA COSTA SANDERS, DEPUTY TOWN PLANNER**  
**DATE: FOR THE MEETING OF APRIL 16, 2003**  
**SUBJECT: ADOPTION OF AN ORDINANCE AMENDING ATHERTON MUNICIPAL CODE SECTION 12.06 REGULATING ENCROACHMENTS FOR ENTRANCE GATES WITHIN THE TOWN OF ATHERTON.**

**RECOMMENDATION**

Staff recommends that the City Council adopt the Ordinance amending Section 12.06 of the Atherton Municipal Code relating to encroachments allowing for the construction of new entrance gate structures within the Town of Atherton and waive second reading:

**BACKGROUND**

The City Council, at their March 19, 2003 meeting, reviewed the draft Ordinance amending Section 12.06 of the Atherton Municipal Code relating to encroachments. At that meeting, the Council directed staff to add “Encroachment permits may be issued for” to Section 1 and add a Section 2 to read: “Section 12.06.060 is hereby added as follows; Except for permits under 12.06.100(H)”, and “Section 12.06.090 is hereby added as follows: Except for permits under 12.06.100(H)”. The City Council introduced the Ordinance as amended above at the March 19, 2003 meeting. Staff has made incorporated these changes to the attached Ordinance for City Council adoption.

**FORMAL MOTION:**

I move that the City Council adopt an ordinance amending Atherton Municipal Code Section 12.06 regulating encroachments for entrance gates within the Town of Atherton, and waive second reading.

*s/Lisa Costa Sanders* \_\_\_\_\_

Lisa Costa Sanders, Deputy Town Planner      Jim Robinson, City Manager

**Attachments:**

2. Encroachment Ordinance

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON  
AMENDING THE ATHERTON MUNICIPAL CODE REGULATING ENCROACHMENTS  
WITHIN THE PUBLIC RIGHT-OF-WAY WITHIN THE TOWN OF ATHERTON**

---

The City Council of the Town of Atherton does ordain as follows:

**SECTION 1:** Section 12.06.100(H) of the Atherton Municipal Code is hereby amended to read as follows:

12.06.100(H)

“Encroachment permits may be issued for; Encroachments for entrance gate structures delineating all or parts of a specific neighborhood, subject to terms and conditions of a permit approved by the City Council. Further, if such encroachments are subsequently determined by the City Council to be hazardous or to pose a physical obstruction, said structure shall be subject to abatement and removal as a public nuisance as determined by the City Council, to be in the interests of the public health, safety and general welfare”.

**SECTION 2:** Section 12.06.060 is hereby amended to read as follows:

12.06.060 “Except for permits under 12.06.100(H), the city manager, in conformance with the provisions of Section 12.06.080, shall issue an encroachment permit to the applicant when, in the opinion of the city manager, the proposed encroachment would not interfere with any town facilities or the use thereof, and would not be detrimental to the best interests of the town. Each such permit shall be revocable at any time in the sole discretion of the town, in accordance with Section 12.06.090, and shall be subject to such conditions, terms and charges as the city manager deems reasonable for the protection of the best interests of the town, including, without limitation, a provision that the permittee and his successors shall defend, indemnify and hold the town, its officers, agents and employees free and harmless from any and all claims of any nature, including claims for liability for personal injury or property damage arising from the construction, operation and maintenance of the encroachment, and further that the encroachment shall be removed promptly upon the request of the city manager, at the sole expense of the permittee. Each encroachment permit shall provide that, upon failure of the permittee to remove the encroachment after notice from the city manager to do so, the encroachment may be removed and abated by the town, and the cost thereof charged to the permittee and secured by a lien upon the property of the permittee. The city manager may delegate any of his functions hereunder to one or more designated deputies.”

**SECTION 3:** Section 12.06.090 is hereby amended to read as follows:

12.06.090 "Except for permits under 12.06.100(H), the city manager may revoke any encroachment permit at any time that he determines that such revocation is in the best interests of the town, or that the conditions of the permit or any other regulations are being violated, or that the encroachment interferes with the public safety or convenience. Upon revocation, the permittee shall be notified in writing of the revocation.

**SECTION 4:** That the City Council hereby declares that it would have passed this Ordinance sentence by sentence, paragraph by paragraph, and section by section, and does hereby declare that any provisions of this Ordinance are severable and, if for any reason any sentence, paragraph or section of this Ordinance shall be held invalid, such decision shall not effect the validity of the remaining parts of this Ordinance.

**SECTION 5:** This Ordinance shall be posted in at least three public places according to law and shall take effect and be in force from and after 30 days after its passage and adoption.

\* \* \* \* \*

*I hereby certify that the foregoing ordinance was introduced at a regular meeting of the City Council of the Town of Atherton held on March 19, 2003, and was adopted by said City Council at a regular meeting held on the \_\_\_ day of \_\_\_\_\_, 2003, by the following vote:*

*AYES: COUNCILMEMBERS  
NOES: COUNCILMEMBERS  
ABSTAIN: COUNCILMEMBERS  
ABSENT: COUNCILMEMBERS*

\_\_\_\_\_  
Kathy McKeithen, Vice Mayor  
Town of Atherton

ATTEST:

\_\_\_\_\_  
Sharon Barker, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Marc G. Hynes, City Attorney



## Town of Atherton

### **CITY COUNCIL STAFF REPORT**

**TO: HONORABLE MAYOR AND CITY COUNCIL**

**FROM: JOHN P JOHNS, FINANCE DIRECTOR**

**DATE: FOR THE MEETING OF APRIL 16, 2003**

**SUBJECT PERS CONTRACT AMMENDMENT, MISCELLANEOUS EMPLOYEES**

### **RECOMMENDATION**

Waive further reading and adopt an ordinance authorizing an amendment to the contract between the Board of Administration of the California Public Employees' Retirement System (CalPERS) and the Town of Atherton.

### **DISCUSSION**

The purchase of military service credit was the subject of a March 16<sup>th</sup>, 2003 staff report. As indicated in the March 16<sup>th</sup> staff report, modification of our contract with PERS to provide military service credit is consistent with the Council's resolution pertaining to salaries and benefits of management employees and must be accomplished through the adoption of an ordinance authorizing such a contract amendment.

The first reading of the proposed ordinance was conducted during the regularly scheduled council meeting of March 16th.

### **FISCAL IMPACT**

There would be no fiscal impact as a result of the action recommended.

Prepared by:

Approved by:

---

John P. Johns, CPA  
Finance Director

---

Jim Robinson  
City Manager

Attachment 1: Ordinance authorizing an amendment to the contract between the Town of Atherton and PERS.



Town of Atherton

## **CITY COUNCIL STAFF REPORT**

**TO: HONORABLE MAYOR AND CITY COUNCIL  
JAMES ROBINSON, CITY MANAGER**

**FROM: ROBERT BRENNAN, CHIEF OF POLICE**

**DATE: FOR THE MEETING OF APRIL 16, 2003**

**SUBJECT: PURCHASE POLICE VEHICLES FOR FY 02/03**

### **RECOMMENDATION:**

The City Council approves the purchase of two police vehicles from Serramonte Ford for \$48,545.59.

### **INTRODUCTION:**

The Town budgeted for the purchase of new police vehicles to replace old vehicles that have reached the end of their serviceable life. The Council is requested to approve the purchase of two police vehicles as approved in the 2002/2003 budget. The Atherton Municipal Code requires that expenditures for purchases over \$15,000 be approved by the City Council.

### **ANALYSIS:**

The two vehicles would be assigned to the police department's fleet as follows:

- 1) Replace a 1999 patrol car with 88,000 miles.  
This patrol car, at the end of its serviceable life, will be sold and the revenue deposited into the General Fund. It will be replaced with a black and white 2003 Ford Crown Victoria Police Interceptor. The emergency equipment, radio, etc. from the old vehicle will be installed into the new one.
- 2) Replace a 1993 Geo Prism unmarked vehicle with 41,300 miles.  
The 2003 Ford Crown Victoria unmarked police car will be the replacement for this vehicle. Once the new vehicle arrives, the Geo will be "transferred" to the Town as a pool car.

### **QUOTES:**

The dealerships listed below provided quotes on the purchase of these two vehicles. Serramonte Ford was the low bidder on both vehicles. They are able to attach our one Crown Victoria Police Interceptor

vehicle purchase with another large Interceptor purchase they are processing for the City of Fresno, which substantially reduces the price of this one vehicle.

**2003 Crown Victoria Police Interceptor – Black and White Patrol Car**

|          |                        |                      |                   |
|----------|------------------------|----------------------|-------------------|
| Dealer → | <b>Serramonte Ford</b> | <b>Downtown Ford</b> | <b>Towne Ford</b> |
| Quote →  | <b>22,778.87</b>       | <b>26,202.99</b>     | <b>25,808.21</b>  |

**2003 Crown Victoria – Unmarked Patrol Car**

|          |                        |                       |                       |
|----------|------------------------|-----------------------|-----------------------|
| Dealer → | <b>Serramonte Ford</b> | <b>Peninsula Ford</b> | <b>Sunnyvale Ford</b> |
| Quote →  | <b>25,766.72</b>       | <b>26,009.51</b>      | <b>27,814.86</b>      |

**CONCLUSION:**

Approval of this purchase will allow the Atherton Police Department to replace aging patrol cars.

**FISCAL IMPACT:**

The purchase of these vehicles will result in an expenditure of \$48,545.59 from the General Fund. FY 02-03 budgeted \$38,000 specifically for vehicles and accessories in the vehicle replacement fund. However, at year-end we are projecting to have a fund balance in the vehicle replacement fund of approximately \$250,000. A supplemental appropriation on the order of \$10,545.59 will be required in the vehicle replacement fund so that reserves are sufficient to cover this expense.

Prepared by:

Approved:

\_\_\_\_\_  
Robert Brennan  
Chief of Police

\_\_\_\_\_  
Jim Robinson  
City Manager



## Town of Atherton

### **CITY COUNCIL STAFF REPORT**

**TO: HONORABLE MAYOR AND CITY COUNCILMEMBERS**

**FROM: MARC G. HYNES, CITY ATTORNEY**

**DATE: CITY COUNCIL MEETING OF APRIL 16, 2003**

**SUBJECT: CITY COUNCIL SUB-COMMITTEES**

#### **Recommendation**

Review, and if appropriate, approve revision to Atherton City Council Rules of Procedure regarding City Council Subcommittees.

#### **Background**

At the regular City Council meeting of March 19, 2003, the City Council discussed a procedure regarding the appointment of non-voting citizen members to City Council subcommittees. As the existing policy did not provide a process for selecting resident advisors if the Councilmembers serving on the subcommittee could not concur as to whom should be appointed, it was determined to amend City Council Rules of Procedure to provide for such a situation.

Below is a proposed revision to Paragraph 9, entitled "Commission and Committees" of the Atherton City Council Rules of Procedure. If approved, this new subsection will provide that where Councilmembers on a City Council Subcommittee disagree as to the appointment of resident advisors, the issue of that appointment will then be brought to the full City Council for determination.

**“9.4 Appointment of Non-Voting Citizen Members to Subcommittees**

**City Councilmembers on City Council appointed committees shall have the authority to appoint one or more non-voting resident advisors to the subcommittee. If Councilmembers are unable to agree upon the appointment of any particular resident advisor, that issue will be brought before the entire City Council for final determination. Advisors serve a one year term concurrent with the Councilmembers’ term on the subcommittee.”**

**Fiscal Impact.**

None.

# Proclamation

## OF THE CITY COUNCIL OF THE TOWN OF ATHERTON

Declaring  
April 28 – May 4, 2003  
"Mosquito and Vector Control and West Nile Virus Awareness Week"

WHEREAS, the Town of Atherton recognizes that West Nile Virus – a virulent and potentially deadly form of encephalitis – poses a grave threat to the health and safety of all Californians as early as this spring and for the foreseeable future, and

WHEREAS, Adequately funded mosquito and vector control, monitoring and public awareness programs are the best way to prevent outbreaks of West Nile virus and other diseases borne by mosquitoes and other vectors, and

WHEREAS, Mosquitoes and other vectors, including but not limited to ticks, Africanized Honey Bees, rats, fleas, and flies, continue to be a source of human suffering, illness, death and a public nuisance in California and around the world; and

WHEREAS, Excess numbers of mosquitoes and other vectors spread diseases of humans, livestock, and wildlife, reduce enjoyment of outdoor living spaces, both public and private, reduce property values, hinder outdoor work, reduce livestock productivity; and

WHEREAS, Mosquitoes and other vectors can disperse or be transported long distances from their sources and are, therefore, a health risk and public nuisance; and

WHEREAS, Professional mosquito and vector control based on scientific research has made great advances in reducing mosquito and vector populations and the diseases they transmit; and

WHEREAS, Mosquito and vector-borne viruses that can cause human illness or even death have been routinely found in mosquitoes and other vectors in over one half of the counties in California; and

WHEREAS, mosquitoes that are commonly found within California are known vectors of the West Nile virus, which has struck with deadly force throughout the United States in recent years; and

WHEREAS, Established mosquito and vector-borne diseases such as plague, Lyme disease, and encephalitis, and new and emerging vector-borne diseases such as hantavirus, arenavirus, babesiosis, and ehrlichiosis cause illness and sometimes death every year in California; and

WHEREAS, the San Mateo County Mosquito Abatement District works with mosquito and vector control districts throughout California, the United States Environmental Protection Agency, and the

State Department of Health Services to reduce pesticide risks to humans, animals, and the environment while protecting human health from mosquito and vector-borne diseases and nuisance attacks; and

WHEREAS, The public's awareness of the health benefits associated with safe, professionally applied mosquito and vector control methods will support these efforts, as well as motivate the public to eliminate mosquito and vector breeding sites on private property; and

WHEREAS, Educational programs are being developed to include schools, civic groups, private industry, and government agencies, in order to meet the public's need for information about West Nile Virus, other diseases and mosquito and vector biology and control; and

WHEREAS, Adequate funding for mosquito and vector control and for surveillance of vector-borne disease organisms is not being provided in many communities; and

WHEREAS, Public awareness can result in reduced production of mosquitoes and other vectors on private, commercial, and public lands by responsible parties, avoidance of the bites of mosquitoes and other vectors when the risk of West Nile Virus and other disease transmission is high, detection of human cases of mosquito and vector-borne diseases that may be otherwise misdiagnosed for lack of appropriate laboratory testing, and the formation of mosquito or vector control agencies where needed; and

WHEREAS, Public awareness can result in action to provide adequate funding for existing mosquito and vector control agencies or, in areas where there are no existing controls; and

WHEREAS, **“Mosquito and Vector Control and West Nile Virus Awareness Week”** will increase the public's awareness of the threat of West Nile virus and other diseases and the activities of the various mosquito and vector research and control agencies working to minimize the health threat within California, and will highlight the educational programs currently available; and

WHEREAS, The Mosquito and Vector Control Association of California has designated the week of April 28 through May 4, 2003, as **“Mosquito and Vector Control and West Nile Virus Awareness Week”** in the State of California;

NOW THEREFORE, BE IT RESOLVED by the Town of Atherton City Council that the week of April 28 through May 4, 2003, be designated as Mosquito and Vector Control and West Nile Virus Awareness Week in the Town of Atherton.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Town of Atherton to be affixed this 16th day of April 2003.

---

Kathy McKeithen, Vice Mayor

Town of Atherton



## Town of Atherton

### CITY COUNCIL STAFF REPORT

**TO:** HONORABLE MAYOR AND CITY COUNCIL  
CITY MANAGER, JAMES ROBINSON

**FROM:** SHARON BARKER, CITY CLERK

**DATE:** FOR THE CITY COUNCIL MEETING OF APRIL 16, 2003

**SUBJECT:** COMMISSION/COMMITTEE APPOINTMENTS

#### **RECOMMENDATION:**

Approve the recommendation of the Screening Committee for the following appointments to commence May 1, 2003:

|   |  |
|---|--|
| Planning Commission:<br>(Four year term)            | Rose Hau (reappointment)<br>Robert Andrews (reappointment)   |
| General Plan Committee:<br>(Two year term)          | Phil Thaire<br>Lida Urbanek<br>Kristi Waldron  |
| Park and Recreation Commission:<br>(Four year term) | Mike McPherson (reappointment)<br>Paul Tonelli (reappointment)<br>John P. Davey<br>Jim Massey (H-P Park Foundation |
| Representative)                                     |  |
| Representative)                                     | Marilee Gardner (Atherton Dames  |
| Audit Committee:<br>(Three-year term)               | Robert C. Wilson   |

**ANALYSIS:**

Each April the City Council Screening Committee interviews applicants and makes recommendations to the City Council to fill the vacancies created when terms expire on Town Commissions and Committees. This year, the Screening Committee, consisting of Council

Members Bill Conwell and Charles Marsala, has recommended the residents listed above to fill vacancies that will occur April 30, 2003.

Respectfully submitted by:

Reviewed/Approved by:

Sharon Barker  
City Clerk

James Robinson  
City Manager



## Town of Atherton

### CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL**

**FROM: JAMES H. ROBINSON, CITY MANAGER**

**DATE: FOR THE MEETING OF APRIL 16, 2003**

**SUBJECT: CONSIDER APPOINTMENT OF RESIDENT ADVISOR TO  
TRANSPORTATION SUB-COMMITTEE**

#### **RECOMMENDATION:**

That the City Council consider appointment of non-voting resident advisors to the City Council Transportation Sub-Committee.

#### **BACKGROUND:**

At its March 19, 2003 meeting, the City Council requested that an amendment to the Council Rules and Procedures be made to provide a process for selecting non-voting Resident Advisors. This procedure would also include a process if Council Members on a sub-committee could not agree on any particular Resident Advisor that it would come back to the full council for a vote.

At its meeting of April 8, 2003, the Transportation Sub-Committee selected two citizen advisors but could not agree on the third candidate. Therefore, this selection is being brought back to the Council for determination. Below is a list of those residents who submitted applications and those who were appointed by the Transportation Sub-Committee.

#### **Applicants:**

Robert E. Huber  
Louis S. Paponis  
John Rugeiro

#### **Appointed by the Transportation Sub-Committee:**

Robert E. Huber  
John Rugeiro



Town of Atherton

## **CITY COUNCIL STAFF REPORT**

**TO: THE CITY COUNCIL**

**FROM: NEAL MARTIN, TOWN PLANNER**

**DATE: FOR THE CITY COUNCIL MEETING OF APRIL 16, 2003**

**SUBJECT: NOISE ORDINANCE DISCUSSION**

### **INTRODUCTION:**

It has been requested by Vice Mayor McKeithen that the Noise Ordinance be placed on the agenda for discussion.

### **BACKGROUND AND ANALYSIS:**

Atherton's current Noise Ordinance was adopted by the City Council on October 20, 1999 (Ordinance #509). It replaced a 1973 Ordinance that the City Attorney Robin Faisant had advised was probably non-enforceable due to its "very conservative" noise standard. Many events throughout the day would exceed the ordinance standard on a regular basis and the City Attorney felt it would not withstand judicial challenge. The City Council contracted with Neal Martin & Associates to assist in revising the Ordinance. Neal Martin & Associates subcontracted with Charles M. Salter Associates of San Francisco a highly qualified acoustical consultant for advice on the technical aspects of the Ordinance. The draft Ordinance was reviewed on several occasions by the General Plan Committee and was the subject of public hearings held by the Planning Commission and City Council.

The current ordinance specifies that any noise in excess of 60 dBA during daytime hours and 50 dBA during nighttime hours is a violation of the Noise Ordinance. It has been suggested by General Plan Committee Member Sandy Kaye that the "C" weighting scale be substituted for the "A" weighting scale in the Ordinance. A hand-held noise level meter is used by the Atherton Police Department (or other enforcement agency) to determine compliance with the Atherton Municipal Code standards. The sound level

meter has adjustable frequency weighting scales or networks "A"- "C" for use in measuring noise. As defined in the text "Sound: From Communication to Noise Pollution" (excerpt attached) these A, B, and C ratings are incorporated into sound level meters in an attempt to make the response more like that of a human ear, whose sensitivity to all frequencies changes according to the intensity of the sound. The A scale plays down the low frequencies the most, the B rather less, and the C scale leaves them unchanged. Mr. Kaye alleges that the "A" scale does not give a true measurement of peak noise and that the Town should substitute its use with the "C" scale.

The staff conducted a survey of most Peninsula cities to determine which weighting network is most commonly used. All of the Peninsula cities that have a Noise Ordinance currently use the A weighting network.

The Atherton Police Chief has stated that it would require a case-by-case review of each of the annual calls for service made to the Atherton Police Department in order to determine the number of noise complaints. However, in his judgment, only a very few of the calls for service are related to noise complaints and those can generally be resolved by officers requesting the offending party to lower the noise level.

**OPTIONS:**

The Council may wish to consider the following options;

1. Retain provisions of the Noise Ordinance as currently written.
2. Provide direction to Staff on modifications to the Ordinance desired by the Council.
3. Retain the services of a qualified Acoustical consultant for advice on modifications to the Ordinance.

As previously stated in the memo to Jim Robinson, City Manager dated March 5, 2003:

"Members of Staff do not feel qualified to comment on or to recommend the appropriateness of the different measurement scales. Independent experts knowledgeable in this field would need to be retained for such recommendations. That was the method that was used when the Noise Ordinance was last reviewed.

"Should the Council desire further study and analysis of the Noise Ordinance the Staff recommends that they provide direction to the General Plan Committee for such review and budget funds to retain a consultant knowledgeable in the field."

*s/ Neal J. Martin*

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Neal J. Martin, City Planner

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Jim Robinson, City Manager

Attachments:

1. Survey of Peninsula Cities re: weighting network.
2. Excerpt from "Sound: From Communication to Noise Pollution", Graham Chett, Page 150-151.
3. Memorandum from Neal Martin to Jim Robinson re: General Plan Noise Element- Measurement Scales.
4. Letter from Lilac Acoustics to Robert Brennan dated March 19, 2001.
5. Letter to Marc G. Hynes from Elizabeth Seabold dated February 20, 2001.
6. Letter from Alex (Sandy) R. Kaye to Dianne Fisher dated March 1, 2001.
7. Excerpt from Brevard County Florida Minutes undated.
8. Excerpt from San Jose Mercury News article undated.
9. Letter to Bob Brennan from James Pelkey undated.
10. Memorandum to Atherton City Council members and the City Attorney from Alex (Sandy) R. Kaye dated March 30, 2001.
11. Letter from Marc Hynes to G. Kirby Miller dated May 1, 2001.



## Town of Atherton

### CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CTY COUNCIL**

**FROM: CLIFF TEMPS, PUBLIC WORKS DIRECTOR**

**DATE: FOR THE MEETING OF APRIL 16, 2003**

**SUBJECT: AMENDMENT OF CIP TO INCLUDE HOLBROOK PALMER PARK MAIN HOUSE PATIO IMPROVEMENT PROJECT AND AWARD OF CONTRACT TO BRAGATO CONSTRUCTION COMPANY, INC., IN THE AMOUNT OF \$22,750.**

#### **RECOMMENDATION:**

Amend the Capital Improvement Program to include Holbrook Palmer Park Main House Patio Improvements, and award a contract for the work to Bragato Construction Company, Inc. for \$22,750.

#### **INTRODUCTION:**

The Patio Area at the Main House is used extensively for weddings. It suffered a great loss a few months ago when the large Oak tree that occupied a predominant location in the patio had to be removed, after being identified as posing an eminent hazard. The site where the tree was is no longer attractive, and the level of the ground next to the concrete in the area is low, resulting in a tripping hazard.

#### **ANALYSIS:**

The Park and Recreation Commission has determined that the area where the tree was removed should be finished to look like the adjacent concrete area, with a brick center and concrete filling the space all around. There are already water and electric lines leading to the proposed brick center, and some water feature could be installed there in the in the future. As part of the work, the Commission determined that a raised brick path should be installed between the Main House Patio Area and the path leading through

the recently installed landscape screening planted between the patio and the path to the playground.

In an effort to accomplish this project before getting too far into the wedding season, staff solicited bids from nine contractors, and is bringing the item to the Council on an expedited basis, instead of waiting for the next budget cycle. The bids ranged from \$22,750 to \$57,121. The low bid was submitted by Bragato Construction, Inc.

**FISCAL IMPACT:**

This project is not in the Capital Improvement Budget. However, savings in other projects will more than cover the cost. The savings are as follows:

Park Wedding Area/Playground Path Landscape Screening  
Fund 401 Budget: \$15,000, Spent \$4,000 (do to donated design & materials)

Water Tower Exterior Renovation  
Fund 401 Budget:\$30,000, Spent \$17,593 (due to combining work with structural work paid for by donations)

This total savings of \$23,407 will cover the cost of the patio and path work that the Park and Recreation Commission desires to move forward with now.

**CONCLUSION:**

There is money to pay for the proposed work as a result of savings on other projects, and it makes sense to proceed with it now, so it can be enjoyed for as much of the wedding season as possible.

Respectfully submitted

Reviewed/Approved

Cliff Temps

Public Works Director

James Robinson  
City Manager



## Town of Atherton

### CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL**

**FROM: JOHN P JOHNS, FINANCE DIRECTOR**

**DATE: FOR THE MEETING OF APRIL 16, 2003**

**SUBJECT PROPOSED MODIFICATION TO WEDDING AND SOCIAL  
EVENT FEES AT HOLBROOK-PALMER PARK**

#### RECOMMENDATION

Adopt a resolution increasing rental fees for weddings and social events at Holbrook-Palmer Park.

#### DISCUSSION

The Parks Program Manager has conducted a survey of facility rental fees for wedding and social events at various localities that are similar to that of Holbrook-Palmer Park. Based upon the results of this survey, the Parks Program Manager has concluded that rental fees for wedding and social events could be increased while continuing to remain competitive with other localities.

During its April meeting, the Parks and Recreation Commission reviewed the proposed changes to the Parks fee schedule and recommended approval of such changes.

The following table illustrates the proposed change in the wedding and social event schedule.

| <i>Classification</i>      | <i>Current Rates</i> | <i>Proposed Rates</i> | <i>Increase</i> |
|----------------------------|----------------------|-----------------------|-----------------|
| Resident<br>1 – 100 Guests | \$2,300              | \$2,500               | \$200           |

|                                  |         |         |       |
|----------------------------------|---------|---------|-------|
| 101 – 200 Guests<br>Non-Resident | \$2,800 | \$3,000 | \$200 |
| 1 – 100 Guests                   | \$3,000 | \$3,500 | \$500 |
| 101 – 200 Guests                 | \$3,300 | \$3,800 | \$500 |

**FISCAL IMPACT**

Increasing social fees and wedding fees is expected to generate approximately \$24,000 additional revenue annually.

Prepared by:

Approved by:

\_\_\_\_\_  
John P. Johns, CPA  
Finance Director

\_\_\_\_\_  
Jim Robinson  
City Manager

Attachment 1: Proposed Fee Resolution

**RESOLUTION NO. 03-\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON  
MODIFYING FEES FOR SOCIAL EVENTS AT HOLBROOK PALMER PARK**

**WHEREAS**, the Parks Program Manager has conducted a survey of fees for wedding and social events to be held in various localities which are comparable to Holbrook Palmer Park; and

**WHEREAS**, the Parks Program Manager has determined, based upon the results of this survey, that fees for wedding and social events could be increased by \$500 per event per category;

**WHEREAS**, the Parks and Recreation Commission has reviewed and recommended approval of the new fee schedule for weddings and social events; and,

**WHEREAS**, such an increase in fees would generate an estimated \$24,000 in additional revenue to the General Fund annually,

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE TOWN OF ATHERTON, CALIFORNIA**, that fees for wedding events and social fees will be adjusted as described below.

| <i>Classification</i> | <i>Current Rates</i> | <i>Proposed Rates</i> | <i>Increase</i> |
|-----------------------|----------------------|-----------------------|-----------------|
| Resident              |                      |                       |                 |
| 1 – 100 Guests        | \$2,300              | \$2,500               | \$200           |
| 101 – 200 Guests      | \$2,800              | \$3,000               | \$200           |
| Non-Resident          |                      |                       |                 |
| 1 – 100 Guests        | \$3,000              | \$3,500               | \$500           |
| 101 – 200 Guests      | \$3,300              | \$3,800               | \$500           |

\* \* \* \* \*

*I hereby certify that the foregoing Resolution was regularly introduced and adopted at a Regular Meeting of the City Council of the Town of Atherton held on the \_\_\_\_day of \_\_\_\_\_, 2003 by the following roll call vote:*

*Ayes: Councilmembers:*  
*Noes: Councilmembers:*  
**Absent: Councilmembers:**  
*Abstain: Councilmembers:*

\_\_\_\_\_  
Kathy McKeithen, Vice Mayor  
Town of Atherton

ATTEST:

\_\_\_\_\_  
Sharon Barker, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Marc G. Hynes, City Attorney



## Town of Atherton

### **CITY COUNCIL STAFF REPORT**

**TO: HONORABLE MAYOR AND CITY COUNCIL**

**FROM: JAMES H. ROBINSON, CITY MANAGER**

**DATE: FOR THE MEETING OF APRIL 16, 2003**

**SUBJECT: SET A DATE FOR A SPECIAL CITY COUNCIL MEETING IN  
JUNE TO CONSIDER THE DRAFT FISCAL YEAR 2003-04  
BUDGET**

#### **RECOMMENDATION:**

That the City Council select a date for a meeting to consider the Draft Operating and Capital Budget for Fiscal Year 2003-2004.

#### **BACKGROUND:**

Previously the City Council has held a Budget work session to review the Draft Operating and Capital Budget for the Town of Atherton. This should allow sufficient time for review and consideration by the City Council and receive input from interested residents. It is suggested that the City Council consider a work session on Monday, June 16, 2003 and if necessary continue discussion and adoption to its regular meeting of June 18, 2003.