



AGENDA
Town of Atherton
CITY COUNCIL/ATHERTON CHANNEL
DRAINAGE DISTRICT
FEBRUARY 18, 2004

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** Janz, Marsala, Carlson, McKeithen, Conwell
- 7:05 P.M.** **3.** **PRESENTATIONS**
- A. Certificate of Appreciation to outgoing Atherton Arts Committee Chair Jan Zones.**
- 7:10 P.M.** **4.** **COUNCIL REPORTS**
- 7:20 P.M.** **5.** **PUBLIC COMMENTS** (only for items which are not on the agenda – limit of three minutes per person)
- 7:30 P.M.** **6.** **STAFF REPORTS**
- 7:40 P.M.** **7.** **COMMUNITY ORGANIZATION ROUNDTABLE REPORT** (Per Resolution No. 02-31)
- No report.**
- 7:40 P.M.** **CONSENT CALENDAR** (TOWN OF ATHERTON ITEMS 8 – 16)
- 8.** **APPROVAL OF MINUTES OF REGULAR AND SPECIAL MEETINGS OF JANUARY 2004**
- 9.** **APPROVAL OF BILLS AND CLAIMS FOR JANUARY 2004 IN THE AMOUNT OF \$678,095**

10. **ACCEPTANCE OF MONTHLY FINANCIAL REPORT FOR JANUARY 2004**

11. **ACCEPTANCE OF INVESTMENT REPORT FOR QUARTER ENDED DECEMBER 31, 2003**

12. **APPROVAL OF REJECTION OF BIDS FOR THE HOLBROOK-PALMER PARK MAIN HOUSE ELEVATOR PROJECT NO. 03-009**

Recommendation: Reject all bids for the Holbrook-Palmer Park Main House Elevator Project, Project No. 03-009, and authorize redesign of the project.

13. **APPROVAL OF POLICE VEHICLE PURCHASE**

Recommendation: Approve the purchase of a new unmarked police vehicle not to exceed the total purchase price of \$20,000.

14. **APPROVE RECOMMENDATION OF CITY COUNCIL SCREENING COMMITTEE TO APPOINT A MEMBER TO THE CALTRAIN CORRIDOR AD HOC SUBCOMMITTEE**

Recommendation: Accept the recommendation of the City Council Screening Committee to appoint Greg Conlon to the Caltrain Corridor Subcommittee for an indefinite term.

15. **ACCEPTANCE OF WORK AND AUTHORIZATION TO RECORD NOTICE OF COMPLETION FOR THE STOCKBRIDGE AVENUE PATCH AND OVERLAY PROJECT**

Recommendation: Accept the work and authorize staff to record a Notice of Completion for the Stockbridge Avenue Patch and Overlay Project No. 03-002.

16. **ADOPTION OF A RESOLUTION APPROVING AN AMENDMENT TO THE FRANCHISE AGREEMENT BETWEEN THE TOWN OF ATHERTON AND BFI WASTE SYSTEMS OF NORTH AMERICA, INC.**

Recommendation: Accept the recommendation of the Atherton Waste Reduction Committee and adopt Resolution No. 04-__ approving the Third Amendment to the Franchise Agreement implementing a Commercial Plant Material Collection Program and approving a 25% rate reduction to the rate for the commercial green waste collection program.

7:45 P.M. CONSENT CALENDAR (ATHERTON CHANNEL DRAINAGE DISTRICT ITEM NO. 17)

- 17. ADOPTION OF A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ATHERTON CHANNEL DRAINAGE DISTRICT ADOPTING A MITIGATED NEGATIVE DECLARATION FOR THE UPPER ATHERTON CHANNEL STABILIZATION PROJECT.**

Recommendation: Consider adoption of Resolution No. 04-__ of the Board of Directors of the Atherton Channel Drainage District adopting a Mitigated Negative Declaration for the Upper Atherton Channel Stabilization Project.

REGULAR AGENDA (Items 18 – 24)

- 7:50 P.M. 18. CONSIDER REQUEST FROM MIDPENINSULA REGIONAL OPEN SPACE DISTRICT TO ADOPT A RESOLUTION SUPPORTING AND ENDORSING THE PROPOSED EXTENSION OF THE DISTRICT'S BOUNDARIES**

Recommendation: Hear a presentation and consider adopting a resolution supporting and endorsing the Midpeninsula Regional Open Space District's Coastal Protection Program to extend its boundaries to include a portion of the San Mateo County Coast.

- 8:05 P.M. 19. CONSIDER REQUEST FROM TENNIS COMMITTEE TO DISTRIBUTE LETTER OF SOLICITATION OF DONATIONS**

Recommendation: Consider the request of the Tennis Committee to use Town bulk mailing permit and expenditure from Town Tennis Fund to distribute a letter of solicitation of donations for the reconstruction of the Holbrook-Palmer Park Tennis Courts.

- 8:20 P.M. 20. SECOND READING AND ADOPTION OF AN ORDINANCE RATIFYING AN ORDINANCE OF THE MENLO PARK FIRE PROTECTION DISTRICT PERTAINING TO FIRE SPRINKLER SYSTEM REQUIREMENTS**

Recommendation: Adopt an ordinance ratifying Ordinance No. 28 of the Menlo Park Fire Protection District amending District Fire Prevention Code pertaining to automatic fire sprinkler system requirements.

- 8:30 P.M. 21. DISCUSSION AND POSSIBLE ACTION – SPECIAL MUNICIPAL PARCEL TAX**
- Recommendation: Consider adoption of a timetable and selection of alternative parcel tax levies in preparation for the placement of a proposed special municipal tax measure on the ballot of the November 2004 General Election.**
- 9:20 P.M. 22. CONSIDERATION OF AN AMENDMENT TO THE SPECIAL EVENTS ORDINANCE TO RESTRICT THE LENGTH OF TIME SPECIAL EVENTS ARE ALLOWED TO OCCUR WITHIN THE TOWN OF ATHERTON**
- Recommendation: Consider an amendment to the Special Events Ordinance to restrict the length of time Special Events are allowed to occur within the Town of Atherton, and provide specific direction to staff.**
- 9:30 P.M. 23. DISCUSSION AND POSSIBLE ACTION REGARDING CODE ENFORCEMENT REPORTING PROCESS**
- Recommendation: Accept the recommendation of the City Manager regarding a protocol for responding to inquiries regarding possible Code Violations.**
- 9:45 P.M. 24. CONSIDER REQUEST FROM CITY/COUNTY ASSOCIATION OF GOVERNMENTS (C/CAG) REGARDING MEASURE A**
- Recommendation: Consider the proposed Measure A Continuation Draft Transportation Expenditure Plan and give direction to the Town of Atherton C/CAG representative.**
- 9:55 P.M. 25. PUBLIC COMMENTS**
- 10:00 P.M. 26. ADJOURNMENT**

Agendas and staff reports may be accessed on the Town website at: 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
ATHERTON CITY COUNCIL
January 21, 2004
6:00 P.M.
Meeting Room
Town Administrative Offices
91 Ashfield Road
Atherton, California
Special Meeting

Mayor McKeithen called the meeting to order at 6:00 p.m.

ROLL CALL

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

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

PUBLIC COMMENTS

There were no public comments.

CLOSED SESSION

The Council adjourned to Closed Session at 6:05 p.m.

RECONVENE TO OPEN SESSION

The Council reconvened to Open Session at 6:50 p.m. The following action was taken:

- A. CONFERENCE WITH LEGAL COUNSEL – Anticipated Litigation pursuant to Government Code Section 54956.9(c): 1 potential case.**

No reportable action was taken.

- B. CONFERENCE WITH LEGAL COUNSEL – Existing Litigation pursuant to Government Code Section 54956.9 (a)
Teamsters Local No. 856 v. City of Atherton**

No reportable action was taken.

- C. CONFERENCE WITH LABOR NEGOTIATOR – Labor negotiations pursuant to Government Code Section 54957.6**

**Agency Negotiator: James H. Robinson, City Manager
Employee Organization: Teamsters Local Union 856
Non-management Miscellaneous Employees**

Directions were given to the City Manager.

- D. LIABILITY CLAIMS – pursuant to Government Code Section 54956.95**

**Claimant: Pacific Gas and Electric Company
Agency Claimed Against: Town of Atherton**

**Claimant: Jeff Reyes
Agency Claimed Against: Town of Atherton**

**Claimant: Diane G. Snyder
Agency Claimed Against: Town of Atherton**

No reportable action was taken.

ADJOURN

The meeting adjourned at 6:55 p.m.

Respectfully submitted,

Kathy McKeithen, Mayor



**Draft Minutes
Town of Atherton
CITY COUNCIL/ATHERTON CHANNEL
DRAINAGE DISTRICT
JANUARY 21, 2004
7:00 p.m.
TOWN COUNCIL CHAMBERS
94 Ashfield Road
Atherton, California**

REGULAR MEETING

Mayor McKeithen called the meeting to order at 7:09 p.m.

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

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

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

3. PRESENTATIONS

- A. Cable System Audit Report – David Ramberg, Cable Franchise Manager, gave an overview of the Cable Joint Powers Authority and an update of the Cable System Audit currently in progress.**

John Sisson, Atherton, spoke from the audience.

- B. Measure A Reauthorization – San Mateo County Transportation Authority Representative Howard Goode**

Howard Goode, Deputy Executive Director of the Transportation Authority, gave a PowerPoint presentation on the Authority's outreach plans for the Measure A Reauthorization.

John Sisson, Atherton, spoke from the audience.

4. COUNCIL REPORTS

- **Council Member Janz reported that the Caltrain Corridor Subcommittee met January 9 to specifically address the proposed Caltrain schedule. A public meeting, sponsored by the Subcommittee, will be held January 27, at 7:00 p.m. to obtain public input to take to the Peninsula Joint Powers Board on February 5. The February 5 meeting of the Joint Powers Board will be held at the Samtrans Building in San Carlos on February 5, 10:00 a.m. The next Subcommittee meeting will be February 3. The Audit Committee held their first quarterly meeting of this year on January 20. The Committee plans to propose a list of possible topics to the City Council for the Committee to address in 2004. Council Member Janz announced a Water Transit meeting to address ferry service that will be held on February 6 at 10:00 a.m. at the Oracle Conference Center.**
- **Council Member Marsala announced the Arts Committee Ballet event will be held Saturday, January 24 at the Pavilion, Holbrook-Palmer Park. Tickets for the event are available from Arts Committee members. The Library Joint Powers Authority met and the new JPA agreement should be finalized soon. The League of California Cities is working on a proposed initiative for the November ballot which will address the State take away of local revenues. Council Member Marsala also reported that he has met with the owner of the Bonsai Restaurant to discuss residents' concerns with the sign advertising it is in Atherton. Mayor McKeithen asked that the City Manager be included on any future meetings with the restaurant owner.**
- **Council Member Carlson reported on the Finance Committee meeting which was held on January 9. The Committee reviewed the mid-year budget report which is on this agenda. The Transportation Committee met January 13 and reviewed the Sacred Heart traffic study, received a report on the traffic signal at University and Valparaiso, and on the left turn pocket on El Camino Real at Selby Lane. The Committee also reviewed the no parking zone on Oak Grove which is on this agenda for reauthorization.**
- **Mayor McKeithen reported that the Transportation Committee discussed the San Mateo County Comprehensive Bicycle Plan and asked that Valparaiso Avenue be considered for grant funding and that roads other than Marsh Road be considered for bicycle routes. The County Office of Emergency Services will meet Thursday, January 22 at 5:00 p.m. in the Jury Room at the County Center.**
- **Vice Mayor Conwell reported that the San Francisco Airport Roundtable did not meet this month. He attended the C/CAG meeting where a report was received from the Ethics Committee. The Criminal Justice Committee met today and received a presentation by Communities Overcoming Relationship Violence. He attended the installation of Mark Church as the new Chair of the Board of Supervisors.**

5. PUBLIC COMMENTS

The following members of the audience spoke:

- Eric Amadei, Atherton
- Denise Kupperman, Atherton, who will be performing volunteer work on a landscape plan for Holbrook-Palmer Park. As a result of Ms. Kupperman's comments, City Manager Jim Robinson suggested that an item be placed on the agenda of the Joint City Council/Park and Recreation Commission for discussion related to supervision of the maintenance contractor.
- John Sisson, Atherton
- John Rugeiro, Atherton
- Bob Jenkins, Atherton, regarding properties which may be in violation of the nuisance ordinance. City Attorney Marc Hynes responded that the Town is proceeding to notify some of the identified property owners.

6. STAFF REPORTS

- City Manager Jim Robinson announced that tickets are still available for the Arts Committee Ballet Event on Saturday, January 24, at Holbrook-Palmer Park.
- Police Chief Bob Brennan announced that the Police Department is providing gun locks to the public free of charge, and handed them out to the audience. The locks are funded by a program sponsored by the State Department of Justice. He also stated that the Police Department is stepping up enforcement of the Valparaiso No Left Turn into Blockbuster Video.
- City Attorney Marc Hynes reported out from the Closed Session as follows:
 - A. **CONFERENCE WITH LEGAL COUNSEL – Anticipated Litigation pursuant to Government Code Section 54956.9(c): 1 potential case.**

No reportable action.
 - B. **CONFERENCE WITH LEGAL COUNSEL – Existing Litigation pursuant to Government Code Section 54956.9 (a)**
Teamsters Local No. 856 v. City of Atherton

No reportable action.

C. CONFERENCE WITH LABOR NEGOTIATOR – Labor negotiations pursuant to Government Code Section 54957.6

**Agency Negotiator: James H. Robinson, City Manager
Employee Organization: Teamsters Local Union 856
Non-management Miscellaneous Employees**

Directions were given to the City Manager.

E. LIABILITY CLAIMS – pursuant to Government Code Section 54956.95

**Claimant: Pacific Gas and Electric Company
Agency Claimed Against: Town of Atherton**

**Claimant: Jeff Reyes
Agency Claimed Against: Town of Atherton**

**Claimant: Diane G. Snyder
Agency Claimed Against: Town of Atherton**

No reportable action on Liability Claims.

7. COMMUNITY ORGANIZATION ROUNDTABLE REPORT

Chair Joan Sanders, gave a report on the activities and programs of the Friends of the Atherton Library. A special Valentine's Day event will be held February 13 and Free Family movie nights will start in February.

CONSENT CALENDAR

MOTION – to approve the Consent Agenda as presented.

M/S Conwell/Janz

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

8. APPROVED MINUTES OF REGULAR AND SPECIAL MEETINGS OF NOVEMBER 19 AND DECEMBER 17, 2003

9. APPROVED BILLS AND CLAIMS FOR DECEMBER 2003 IN THE AMOUNT OF \$735,991

10. ACCEPTED MONTHLY FINANCIAL REPORT FOR DECEMBER 2003

11. **ADOPTED ORDINANCE NO. 546 AMENDING ATHERTON MUNICIPAL CODE CHAPTER 10 RELATING TO PARKING AND CHAPTER 15.40 RELATING TO CONSTRUCTION REGULATIONS**

APPROVED RATIFICATION OF ACTION ADOPTING RESOLUTION NO. 03-28, ADOPTING GUIDELINES FOR CONSTRUCTION, OPERATION AND PARKING PLANS

12. **ADOPTED ORDINANCE NO. 547 AMENDING ATHERTON MUNICIPAL CODE SECTION 8.10 REGARDING TREE PRESERVATION GUIDELINES, STANDARDS AND SPECIFICATIONS**

APPROVED RATIFICATION OF ACTION ADOPTING RESOLUTION NO. 03-29, ADOPTING TREE PRESERVATION GUIDELINES, STANDARDS AND SPECIFICATIONS AND ESTABLISHING A FEE FOR A CIVIL PENALTY FOR DAMAGE TO OR UNPERMITTED REMOVAL OF HERITAGE TREES

13. **ACCEPTED WORK AND APPROVED AUTHORIZATION TO RECORD A NOTICE OF COMPLETION FOR THE ELENA AVENUE BOX CULVERT PROJECT 03-007**

14. **APPROVED A PROFESSIONAL SERVICES AGREEMENT FOR DESIGN SURVEYING SERVICES FOR 2005 STREET RECONSTRUCTION**

Accepted the proposal and authorized the Mayor to execute a Professional Services Agreement with Triad/Holmes Associates to provide surveying services for the 2005 Streets Reconstruction Project in an amount not to exceed \$21,464, plus a 10% contingency for a total authorization of \$23,610.

15. **AWARDED A CONTRACT FOR HOLBROOK-PALMER PARK RESTROOM EXPANSION PROJECT NUMBER 03-008**

Awarded the contract for Holbrook-Palmer Park Restroom Expansion Project to Tinney Construction in the amount of \$44,900.

16. **AWARDED A CONTRACT FOR HOLBROOK-PALMER PARK LANDSCAPE MAINTENANCE**

Awarded the contract for Holbrook-Palmer Park Landscape Maintenance to Jensen Landscaping in the amount of \$2,225 per month and authorized the Mayor to execute a contract in a form to be approved by the City Attorney.

REGULAR AGENDA

17. MID-YEAR BUDGET REVIEW

Finance Director John Johns presented the Mid-year Budget Report. The report provided mid-year projections of General Fund revenues, expenditures and other financing sources and uses. The report also provided a comparison of projections with the adopted FY 2003-04 budget and a schedule of recommended budget adjustments.

Discussion was held regarding the assessment of the special parcel tax on the residential units at Menlo College. The Council directed staff to request payment for prior years' parcel taxes which were not assessed by the Town.

Mayor McKeithen asked the Finance Director to report back on the reason for the difference between the sales tax estimate and actual revenue.

Council Member Janz complimented Finance Director Johns on his report and stated that although the mid-year budget report is favorable, the Town will still be facing financial issues beyond its control.

Motion – to accept the Mid-year Budget Review Report, and approve the adjustments to estimated revenues and appropriations as presented in Attachment 1 of the staff report.

M/S Conwell/Marsala

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

18. CONSIDER ACCEPTANCE OF GRANT FROM CABLE CO-OP FOR EQUIPPING THE COUNCIL CHAMBERS FOR CABLE BROADCAST OF TOWN MEETINGS

The staff report for this item was prepared by Linda Kelly, Assistant to the City Manager. The City Council, at the November 19, 2003 meeting, authorized staff to submit an application for a grant from Cable Co-op for funding for cablecasting City Council meetings. Staff subsequently received notification that the Town had been awarded a grant in the amount of \$50,000, and that the grant requires matching funds at a minimum amount of \$20,000.

Vice Mayor Conwell expressed concerns with the cost of maintaining the equipment and with depending on volunteer help to operate the cablecasting equipment.

The Council concurred that at this time the Town should not commit funds for the required match to the grant.

MOTION – to respectfully decline the grant from Cable Co-op.

M/S Carlson/Conwell

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

19. CONSIDER AUTHORIZING THE ATHERTON POLICE DEPARTMENT TO SUBMIT A REQUEST FOR A GRANT FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY (OTS)

Police Chief Bob Brennan presented the staff report for this item. The Police Department has requested authorization to apply for a grant from the California Office of Traffic Safety (OTS). If awarded, the grant would provide funding for dedicated traffic enforcement in areas that have been designated as having high collision rates. Police Chief Brennan noted that the Town has not received a traffic grant for the last two years and may be at a better advantage to receive a grant this year because the accident rate has increased.

Finance Director Johns contacted OTS to confirm that if the financial position of the Town worsened, the Police Department would be allowed to reduce a position, but would be required to retain the traffic officer position. An administrative charge will be applied to the grant if received.

Council Member Carlson stated the Finance Committee had reviewed this item and agreed to recommend application for the grant.

In response to Vice Mayor Conwell's question, Police Chief Brennan confirmed that the grant will fund one of the current police officers and will not require the Town to add an additional position. Council Member Janz noted that although the Town would be committed to keeping traffic safety officer for 3 years, the officer is still a patrol officer and will be acting in that capacity as well.

MOTION – to authorize the Atherton Police Department to submit a request for a grant from the California Office of Traffic Safety.

M/S Janz/Conwell

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

**20. DISCUSSION AND POSSIBLE ACTION - RECOMMENDATION FROM WASTE REDUCTION COMMITTEE REGARDING DEMOLITION SALES
MOTION**

The staff report for this item was presented by Building Official Mike Hood. The Atherton Waste Reduction Committee received a request from a demolition contractor to consider allowing weekend demolition sales. The Municipal Code currently restricts construction activity to weekdays from 8:00 a.m. to 5:00 p.m. Demolition sales are considered construction activity. The Waste Reduction Committee considered the request and has recommended that this issue be brought before the City Council for consideration. Building Official Hood reported that there are approximately 50 demolitions per year in the Town of Atherton.

Council Member Janz stated that there are tremendous recycling and reuse benefits associated with having demolition sales on weekends. He stated that signage and days and hours of operation could be addressed as well as parking issues for weekend sales.

Mayor McKeithen expressed concern that with increased construction in Town, demolition will probably increase as well. She disagreed with the idea of weekend demolition sales because of noise and congestion issues, and expressed concerns with diminishing the current code. She also stated that demolition sales should not be included under the Special Events Ordinance as these are for profit activities. Council Member Carlson agreed with the Mayor's comments.

Council Member Marsala stated that the Waste Reduction Committee had spent time reviewing the matter and had suggested using the Special Events Ordinance as a guideline for handling noise issues related to weekend demolition sales. The Waste Reduction Committee felt that by requiring notification of neighbors, many of the noise and parking issues could be avoided.

Eric Amadei, Atherton, spoke from the audience.

MOTION – to accept the report from the Waste Reduction Committee and take no action on the matter.

M/S Carlson/McKeithen Ayes: 3 Noes: 2 (Janz, Marsala) Abstain: 0 Absent: 0

21. CONSIDER ADOPTION OF A RESOLUTION EXTENDING A TEMPORARY NO PARKING ZONE ON OAK GROVE AVENUE

City Manager Jim Robinson presented the staff report for this item. The City Council, at the May, 2003 meeting, adopted a resolution establishing a temporary No Parking Zone along both sides of Oak Grove Avenue between the Oak Grove Avenue Cul-de-sac and Edge Road between the hours of 7:30 a.m. and 3:00 p.m. from May 22, 2003 to June 13, 2003. The temporary No Parking restrictions proved to be an effective deterrent to the student parking in the area. The Atherton Transportation Committee reviewed this item and recommended that the No Parking restrictions on Oak Grove Avenue continue through the end of the current school year. The Committee also suggested that a survey of the residents in the area be conducted to determine their preference between permanent and temporary signage.

Mayor McKeithen stated that the Committee also recommended removing the temporary signs on a trial basis after the new parking lot is completed and immediately replacing them if student parking resumes in the area.

MOTION – to adopt Resolution No. 04-01 extending the No Parking Zone for both sides of Oak Grove Avenue between the Oak Grove Cul-de-sac and Edge Road Mondays

through Fridays, between the hours of 7:30 a.m. and 3:00 p.m. through June 30, 2004, or until the school construction and the T-Lot Parking Lot are completed.

M/S Conwell/Carlson

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

22. APPROVAL OF MAYOR'S 2004 CITY COUNCIL COMMITTEE ASSIGNMENTS

Mayor McKeithen presented the 2004 City Council Committee Assignments, stating that there would be one change from the list attached with the staff report: Council Member Janz will serve on the Finance Subcommittee and Council Member Marsala will serve on the Buildings and Facilities Subcommittee.

MOTION – to approve the Mayor's 2004 City Council Committee Assignments.

M/S Conwell/Marsala

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

CONSIDER REQUEST FROM CITY/COUNTY ASSOCIATION OF GOVERNMENTS (C/CAG) TO EXTEND THE TERM OF APPOINTMENT OF COUNCIL REPRESENTATIVE TO THE C/CAG BOARD

The City/County Association of Governments (C/CAG) has requested that member agencies extend the term of appointment of C/CAG Board representatives in order to provide some continuity on the Board.

Vice Mayor Conwell stated that extending the terms would not be effective and would not be enforceable.

The Council concurred that they would take no action on this matter. Mayor McKeithen asked that staff contact C/CAG and relay this information.

23. PUBLIC COMMENTS

City Manager Jim Robinson noted that different chairs had been provided for the Council to try out at this meeting. Council directed staff to obtain prices for new Council chairs.

The City Manager noted that an election calendar for the parcel tax measure for the November 2004 election had been provided to the Council. The schedule provides a timeline for action required by the Council. Council requested that an item be placed on the next agenda for discussion of the parcel tax.

The City Manager was asked to meet with the Park and Recreation Commission and determine a date for the Joint City Council/Park and Recreation Commission meeting.

24. ADJOURNMENT

The meeting adjourned at 9:40 p.m.

Respectfully submitted,

Sharon Barker, City Clerk

TOWN OF ATHERTON
CLAIMS LIST
 January, 2004

Payroll Checks	3547 – 3621	\$ 36,808
Electronic Transfers		285,480
A/P Checks	16850 – 17015	355,807
TOTAL		\$ 678,095

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 3547 through 3621 (Payroll) and 16850 through 17015 (Accounts Payable), and Electronic Transfers for Employees Federal Payroll Taxes and fees, inclusive, amount to \$678,095 are true and correct, and that there are funds for payment.

James H. Robinson
City Manager

The above claims, Payroll check numbers 3547 through 3621, Accounts Payable check numbers 16850 through 17015 and Electronic Transfers for employees federal payroll taxes and fees, amount to \$678,095; and are hereby approved for payment.

Kathy McKeithen
Mayor, Town of Atherton

SOURCE OF FUNDS

101	General Fund	\$540,979
105	Tennis Fund	247
201	Special Parcel Tax	2,408
202	Transportation	21,250
203	Gas Tax Fund	-
210	Road Construction Impact Fees	85,333
213	Library Special Revenue Fund	2,008
211	State Park Grants Fund	3,947
401	General Capital Projects	77
402	Storm Drainage	-
403	Atherton Channel District	260
404	Park Playground Improvement	191
405	Middlefield Road Rehab.	-
406	Facilities Construction	-
610	Vehicle Replacement	14,851
611	Computer Maint. & Replacement	2,506
612	Administrative Services	4,017
614	Workers Compensation Insurance	-
715	Evans Estate	21

730 H-P Park Improvement
740 Tree Committee

TOTAL

\$678,095

Item No. 10



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JOHN P. JOHNS, FINANCE DIRECTOR

DATE: FOR THE MEETING OF FEBRUARY 18, 2004

SUBJECT: MONTHLY FINANCIAL REPORT, JANUARY 2004

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 January 31, 2004.

HIGHLIGHTS

For the seven months ended January 31, 2004, the General Fund has realized \$4,055,079 or 53% of the \$7,675,433 in revenues estimated for FY 2003-04. General Fund expenditures for the first seven months of the fiscal year have amounted to \$4,021,965 or 53% of the \$7,519,490 budgeted. By comparison, General Fund revenues for the first seven months of the previous fiscal year amounted to 51% of estimated revenues while General Fund expenditures amounted to 55% of FY 2002-03 appropriations.

FISCAL IMPACT:

Informational only.

Prepared by:

Approved by:

 John P. Johns
 Finance Director

 James H. Robinson
 City Manager

TOWN OF ATHERTON
Revenue Summary
For the Month ended January 31st, 2004

Fund	Revenue Source	2003-04 Estimate	Current Period Revenues	Year to Date Revenues	% Received
	Property Tax	\$ 3,035,934	144,074	\$ 1,936,750	64%
	Sales and Use Tax	200,640	14,538	96,275	48%
	Other Taxes	882,115	96,927	293,625	33%
	Licenses & Permits	1,541,673	74,106	745,590	48%
	Fines & Forfeitures	70,000	5,623	40,409	58%
	Revenue from Other Agencies	139,000	4,314	97,383	70%
	Charges for Services	445,900	3,270	164,039	37%
	Investment & Rental Income	347,300	2,807	95,205	27%
	Other Revenues	3,000	1,021	11,323	377%
	Total General Fund Revenues	6,665,562	346,680	3,480,599	52%
	Interfund (Operating) Transfers In	1,009,871	-	574,480	57%
101	General Fund Total	7,675,433	346,680	4,055,079	53%
Special Revenue Funds:					
105	Tennis	9,000	-	2,425	27%
201	Special Parcel Tax	1,770,000	190,455	1,105,582	62%
202	Transportation	177,740	15,512	103,891	58%
203	Street Improvement (Gas Tax)	149,309	11,089	105,328	71%
209	Law Enforcement	100,000	-	100,416	100%
210	Road Construction Impact Fees	340,000	25,625	185,974	55%
211	State Park Grants Fund	93,040	-	-	0%
213	Library	200,000	-	92,550	46%
	Total	2,839,089	242,681	1,696,166	60%
Capital Project Funds:					
401	Capital Improvement	-	-	-	
402	Storm Drainage	-	-	-	
403	Channel Drainage District	46,000	2,211	26,365	57%
404	Park Playground Improvement	-	-	-	
405	Middlefield Road Grants	-	-	1,514	
406	Facilities Construction	-	-	-	
	Total	46,000	2,211	27,879	61%
Internal Service Funds:					
610	Vehicle Replacement	-	-	-	
611	Information Technology	96,043	-	30,782	32%
612	Administrative Services	283,128	-	64,011	23%
614	Workers Compensation Insurance	-	-	-	
	Total	379,171	-	94,793	25%
Trust and Agency Funds:					
715	Evans Creative Design	74,000	6,200	15,694	21%
	Total	74,000	6,200	15,694	21%
Total Revenues		11,013,693	597,772	5,889,611	53%

TOWN OF ATHERTON
Expenditure Summary
For the Month Ended January 31st, 2004

Fund	Description	2003-04	Current Period	Year to Date	%
	Department	Budget	Expenditures	Expenditures	Spent
101	General Fund				
	11 City Council	\$ 20,174	\$ 394	9,391	47%
	12 City Manager	497,895	38,232	299,788	60%
	16 City Attorney	175,551	7,644	58,928	34%
	18 Finance	434,137	25,562	206,517	48%
	25 Building	902,873	60,945	440,315	49%
	40 Police	3,629,233	277,860	2,125,824	59%
	50 Public Works	1,759,627	122,198	881,202	50%
	Contingency	100,000	-	-	0%
	Total General Fund Expenditures	<u>7,519,490</u>	<u>532,835</u>	<u>4,021,965</u>	<u>53%</u>
	Interfund (Operating) Transfers Out	-	-	-	0%
101	General Fund Total	<u>\$ 7,519,490</u>	<u>\$ 532,835</u>	<u>\$ 4,021,965</u>	<u>53%</u>
Special Revenue Funds:					
105	Tennis	22,936	404	9,541	42%
201	Special Parcel Tax	1,986,917	2,408	911,631	46%
202	Transportation	177,740	21,250	123,789	70%
203	Street Improvement (Gas Tax)	180,080	-	37,107	21%
209	Law Enforcement	100,000	8,834	64,146	64%
210	Road Impact Fees	588,682	85,333	255,553	43%
211	State Park Grants	81,660	3,947	6,429	8%
213	Library Fund	<u>15,720</u>	<u>2,196</u>	<u>28,197</u>	<u>179%</u>
	Total	<u>3,153,735</u>	<u>124,372</u>	<u>1,436,393</u>	<u>46%</u>
Capital Project Funds:					
401	Capital Improvement	284,451	77	38,092	13%
402	Storm Drainage	25,713	-	-	0%
403	Channel Drainage District	411,554	260	39,543	10%
404	Park Playground Fund	-	191	637	
405	Middlefield Road Grants	-	-	-	
406	Facilities Construction	<u>287,267</u>	<u>-</u>	<u>38,492</u>	<u>13%</u>
	Total	<u>1,008,985</u>	<u>528</u>	<u>116,764</u>	<u>12%</u>
Internal Service Funds:					
610	Vehicle Replacement	10,000	14,851	52,248	522%
611	Information Technology	107,500	2,506	25,954	24%
612	Administrative Services	328,151	11,475	181,425	55%
614	Workers Compensation Insurance	-	-	-	
	Total	<u>445,651</u>	<u>28,832</u>	<u>259,627</u>	<u>58%</u>
Trust and Agency Funds:					
715	Evans Creative Design	<u>62,100</u>	<u>223</u>	<u>14,125</u>	<u>23%</u>
	Total	<u>62,100</u>	<u>223</u>	<u>14,125</u>	<u>23%</u>
	Total Expenditures	<u>12,189,961</u>	<u>686,790</u>	<u>5,848,874</u>	<u>48%</u>

TOWN OF ATHERTON
Budget Summary
Fiscal Year 2003-04
January 31st, 2004

Fund	Description	Beginning Fund Balance July 1, 2003	Revenues to Date	Transfers to Date	Expenditures To Date	Ending Fund Balance to Date
101	General Fund	5,284,633	3,480,599	574,480	4,021,965	5,317,747
	Special Revenue Funds:					
105	Tennis	10,543	2,425		9,541	3,427
201	Special Municipal Tax	895,443	1,105,582		911,631	1,089,394
202	Transportation	14,728	103,891		123,789	(5,170)
203	Street Improvement (Gas Tax)	126,605	105,328		37,107	194,826
209	Law Enforcement	22,911	100,416		64,146	59,181
210	Road Construction Impact Fees	650,346	185,974		255,553	580,767
213	Library Special Revenue Fund	723,832	-		28,197	695,635
	Sub Total	<u>2,444,408</u>	<u>1,603,616</u>	-	<u>1,429,964</u>	<u>2,618,060</u>
	Capital Projects Funds:					
401	Capital Improvement	358,152	-		38,092	320,060
402	Storm Drainage	48,225	-		-	48,225
403	Channel Drainage District	405,865	26,365		39,543	392,687
404	Park Playground Improvement	28,958	-		637	28,321
405	Middlefield Road Grants	-	1,514		-	1,514
406	Facilities Construction	274,654	-		-	274,654
	Sub Total	<u>1,115,854</u>	<u>27,879</u>	-	<u>78,272</u>	<u>1,065,461</u>
	Internal Service Fund					
610	Vehicle Replacement	402,633	-		52,248	350,385
611	Information Technology	78,723	30,782		25,954	83,551
612	Administrative Services	134,052	64,011		181,425	16,638
614	Workers Compensation Insurance	-	-		-	-
	Sub Total	<u>615,408</u>	<u>94,793</u>	-	<u>259,627</u>	<u>450,574</u>
	Trust and Agency Funds					
715	Evans Creative Design	116,028	15,694		14,125	117,597
	Sub Total	<u>116,028</u>	<u>15,694</u>	-	<u>14,125</u>	<u>117,597</u>
	Grand Total	<u>\$ 9,576,331</u>	<u>\$ 5,222,581</u>	<u>\$ 574,480</u>	<u>\$ 5,803,953</u>	<u>\$ 9,569,439</u>



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JOHN P. JOHNS, FINANCE DIRECTOR

DATE: FOR THE MEETING OF FEBRUARY 18, 2004

SUBJECT: QUARTERLY INVESTMENT REPORT, DECEMBER, 2003

RECOMMENDATION:

Note, receipt and file.

INTRODUCTION:

This is the quarterly status report of the Town's investments in the Local Agency Investment Fund (LAIF) and the San Mateo County Investment Pool (SMCIP) for the quarter ending December 31, 2003.

DISCUSSION

As of December 31, 2003, the Town had total investments of **\$9,834,649**. Interest earnings for the quarter ending March 31st amounted to **\$52,137**. The funds are invested in the San Mateo County Investment Pool (SMCIP) and the Local Agency Investment Fund (LAIF).

Investment at SMCIP: San Mateo County Investment Pool is created and managed by the County Treasurer. As of December 31st, the County's investment pool carried investments with a par value of \$2.4 billion and an average duration of 2 years. The Town's investment balance with the San Mateo County Investment Pool as of December 31st amounted to \$6,961,346 or 71% of the Town's total investment holdings.

Attachment 1 to this staff report provides a summary of the composition of the San Mateo County Investment Pool.

Investment in LAIF: Local Agency Investment Fund (LAIF) is created and managed by the California State Treasurer. As of December 31st, LAIF had total assets of \$54 billion and an average duration to maturity of 189 days. The Town's investment with LAIF as of December 31st, amounted to \$2,873,303 or 29% of the total funds invested.

Attachment 2 to this report provides a summary of the composition of the LAIF according to investment fund.

During the fourth quarter of 2003, the Town's investment in LAIF generated \$11,498 in interest income or 1.56% of the Town's average investment balance in the fund during the quarter. By comparison, the Town's investment in the San Mateo County Investment Pool generated \$40,639 in interest income or 3.03% of the Town's average investment balance in the pool during the quarter.

FISCAL IMPACT:

Informational only.

Prepared by:

Approved by:

John P. Johns
Finance Director

James H. Robinson
City Manager

ATTACHMENTS:

1. Quarterly investment summary, San Mateo County Investment Pool
2. Quarterly investment summary, State of California Local Agency Investment Fund



Town of Atherton

CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL
CITY MANAGER JAMES H. ROBINSON**

FROM: DUNCAN JONES, PUBLIC WORKS DIRECTOR

DATE: FOR THE MEETING OF FEBRUARY 18, 2004

**SUBJECT: REJECT BIDS FOR THE HOLBROOK-PALMER PARK, MAIN HOUSE
ELEVATOR PROJECT NUMBER 03-009**

RECOMMENDATION:

Reject all bids for the Holbrook-Palmer Park, Main House Elevator Project, Project Number 03-009. Tinney Construction was the low bidder on the January 29, 2004 bids, in the amount of \$179,826.00, however the budget for the project is only \$100,000. The Park and Recreation Commission, at their February 4, 2004 meeting, recommended that all bids be rejected and the project be redesigned to fit within the budget available.

INTRODUCTION:

The Holbrook-Palmer Park 2003 Survey identified the need for handicap access to the Main House in Holbrook-Palmer Park. The project was endorsed by the Park and Recreation Commission and identified in their "Action Plan Master List" and the adopted City Council Strategic Park and Recreation Plan of 2003. Adding an elevator to the rear of the Main House facility was identified as the most cost effective solution and also offered service to the caterers serving the Main House events, and was included in the FY 2003-04 Capital Improvement Program.

An early cost estimate showed that an elevator could be installed for under \$100,000 (\$83,000). The final engineer's estimate was slightly over \$100,000 (\$113,190), which included a 10% contingency. Staff anticipated that bids would be at or less than the estimate.

ANALYSIS:

The Town issued a request for sealed bids for the Holbrook-Palmer Park Main House Elevator Project. The bids were opened on January 29, 2004. The results were as follows:

<u>Firm</u>	<u>Amount</u>
Tinney Construction	179,826
Hipsher Construction	199,000

A total of two bids were received for the subject project and the low bidder was Tinney Construction of Redwood City. Tinney Construction was also the low bidder on the Park Restroom expansion project awarded in January, and is a well regarded contractor in the area.

The bids for this project are far in excess of the engineer's estimate and the Town's budget for the project. A review of other park facilities that serve similar functions, such as the Belmont Sports Complex, show that freight elevators are not often used. While Atherton may have more catered events than other park facilities, staff believes that the combination of a standard handicap lift and a new stairway will satisfy the needs of both handicapped patrons and caterers.

The Park and Recreation Commission considered the bids at their February 4, 2004 meeting. Initial analysis by staff of the project and the bid results indicate that a standard handicap lift can be installed within the project budget of \$100,000. The Park and Recreation Commission recommends that the project be redesigned and re-bid. The current bids need to be officially rejected by the City Council for the redesign process to begin.

FISCAL IMPACT:

Bids were received for the project on January 29, 2004. Tinney Construction was the low bidder at \$179,826.00. This bid was 59% above the engineer's estimate of \$113,190.00, prepared by CSG Consultants, the designer of the project. The low bid is 80 % above the project budget estimate of \$100,000.00 budgeted for the project in the FY 2003-04. The Finance Director has indicated that the additional funds are not available within the Capital Improvement Fund without impacting other projects in FY 2003-04.

ALTERNATIVES:

As an alternative, Council may award the contract to the low bidder. Funding for the award could be authorized from the current years State Per Capita Grant (\$220,000).

Prepared By:

Approved:

Duncan L. Jones, PE
Public Works Director

James H. Robinson
City Manager



Town of Atherton

CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL
CITY MANAGER JAMES H. ROBINSON**

FROM: CHIEF ROBERT BRENNAN

DATE: FOR THE MEETING OF FEBRUARY 18, 2004

SUBJECT: PURCHASE OF POLICE VEHICLE

RECOMMENDATION:

Approve the purchase a new/or used unmarked police vehicle not to exceed the total purchase price of \$20,000 plus any applicable tax, and after following the established purchasing procedures.

INTRODUCTION:

The Police Department has a number of vehicles that serve different purposes in order to provide services and protection to the residents of Atherton. These vehicles are both marked and unmarked, and all are designated emergency vehicles and are equipped as such. Police vehicles have a useful life of approximately 75,000 miles, and although cared for and serviced on a regular basis, are driven hard, stay running for long periods of time and are in constant motion far beyond what a vehicle sold to the public consumer faces. During the budget review for FY 2003-2004, the Police Department was asked to extend the life of its fleet by one more year and not purchase any replacements or add new vehicles to the fleet. The Council did recognize that the Police Department had several vehicles that had either reached, were coming near, or had gone far past what is considered the service life of this type of vehicle. The Police Department prepared a budget without the costs of replacing any marked or un-marked vehicles.

The vehicle that is in need of replacement is a 1997 Pontiac Bonneville, purchased in 1996 for the then Chief of Police. The car has been assigned to at least three other people

during its tenure. The car currently has 93,000 miles and has an engine failure with a cracked cylinder head being the initial diagnosis. This vehicle was due to be replaced during the FY 2004-2005 budget cycle.

ANALYSIS:

Unlike a marked patrol car that rotates its way through the shifts and watches, the unmarked cars are assigned to individuals and are specific to their assignments. If an engine failure had occurred in a marked car, the loss could have been absorbed, and the recommendation would have been to reduce the fleet by one vehicle until the next budget cycle and then request it be replaced. Because the vehicle is assigned to an individual and the fleet has been reduced over the last few years, we have no replacement or spare vehicle in the fleet that is appropriate. The initial repair cost estimate is \$5,000 on a vehicle that is approaching 100,000 miles and has a repaired value \$6,000. Staff's recommendation is to replace and not repair the vehicle.

FISCAL IMPACT:

The Town currently has a Vehicle Replacement Fund for both planned and un-planned purchases of vehicles. The Finance Director has confirmed the fund will support the purchase of a replacement vehicle during this current budget cycle.

Prepared By:

Approved:

Robert Brennan
Chief of Police

James H. Robinson
City Manager



Town of Atherton

CITY COUNCIL STAFF REPORT

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

FROM: SHARON BARKER, CITY CLERK

DATE: FOR THE MEETING OF FEBRUARY 18, 2004

**SUBJECT: CONSIDER APPOINTMENT OF RESIDENT MEMBER TO CALTRAIN
CORRIDOR AD HOC COMMITTEE**

RECOMMENDATION

Consider recommendation of the City Council Screening Committee to appoint Greg Conlon to the Caltrain Corridor Committee.

BACKGROUND

At the City Council meeting of October 15, 2003, the City Council created an Ad Hoc Caltrain Corridor Committee to serve in an advisory capacity to the City Council to research and address the impact that High Speed Rail and other rail improvements may have on the Town of Atherton.

The Committee currently consists of two Council Members and 11 resident members. The City Council Screening Committee has received a letter of interest from Greg Conlon and is recommending that the City Council formally appoint Mr. Conlon to the Caltrain Corridor Committee.

Prepared by:

Approved by:

Sharon Barker
City Clerk

James H. Robinson
City Manager



Town of Atherton

CITY COUNCIL STAFF REPORT

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

FROM: DUNCAN JONES, PUBLIC WORKS DIRECTOR

DATE: FOR THE MEETING OF FEBRUARY 18, 2004

**SUBJECT: ACCEPTANCE OF WORK AND AUTHORIZATION TO RECORD NOTICE
OF COMPLETION FOR THE STOCKBRIDGE PATCH AND OVERLAY -
PROJECT 03-002**

RECOMMENDATION

Accept the work and authorize recordation of a notice of completion for the Stockbridge Avenue Patch and Overlay – Project 03-002.

INTRODUCTION

The Council awarded a contract in March 2003 to Bortolloto & Company for the Stockbridge Avenue Patch and Overlay project, starting at the Alameda de las Pulgas and ending at Selby Lane. The authorized contract amount was \$ 197,197.97. Work under the contract has been completed.

ANALYSIS

The contract price was based on unit prices. The job went very well, although the unit quantities were higher than the bid estimate. The final cost for all work totaled \$ 212,502.49.

FISCAL IMPACT

Funding for this project, in the amount of \$321,276.00, was included in the FY 02/03 Budget. The cost of this segment of work is \$ 212,502.49 less than the budget estimate.

Respectfully submitted,

Duncan L. Jones, P.E.
Public Works Director

Reviewed/Approved,

James Robinson
City Manager



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: KATHY HUGHES ANDERSON

DATE: FOR THE CITY COUNCIL MEETING OF FEBRUARY 18, 2004

SUBJECT: RESOLUTION APPROVING THE THIRD AMENDMENT TO THE FRANCHISE AGREEMENT BETWEEN THE TOWN OF ATHERTON AND BFI WASTE SYSTEMS OF NORTH AMERICA, INC.

RECOMMENDATION:

The Atherton Waste Reduction Committee recommends the City Council approve the attached Resolution approving the Third Amendment to the Franchise Agreement, implementing a Commercial Plant Material Collection Program. The Waste Reduction Committee further recommends a 25% reduction to the rate for the commercial greenwaste program.

INTRODUCTION:

In 2000, BFI implemented a commercial plant material collection program, At that time, Atherton decided not to participate. In 2000 we were facing a substantial rate hike and decided to hold off on the new program until a need for it was identified. Our commercial accounts include the Circus Club and the schools. Until recently, the Circus Club was able to have the stall material hauled off to be composted, but because it contains timothy grass, they no longer have a place to dispose of it. It was when the Circus Club called BFI to order greenwaste collection that we discovered that Atherton had never implemented the program. The Circus Club currently has 36 yards per week of this bedding material that is being taken to Ox Mountain Landfill. This is approximately 370 tons per year. This alone will increase our diverted commercial tons by 100%. BFI has assured us that the material will be composted at their Newby Island facility with our other greenwaste. Tonnage diverted under this program will be included in BFI's annual commercial diverted tonnage as specified in the Collection Agreement. Staff feels this program will

increase diversion and will greatly benefit the Circus Club and schools that do not currently separate yard waste from garbage.

The SBWMA Board approved the commercial plant material collection program in February of 2000. Implementation of the program in each jurisdiction requires the approval by each City Council/Board of Supervisors with an Amendment to the Uniform Franchise Agreement.

ANALYSIS:

BFI currently provides commercial garbage and recycling services to Atherton's commercial customers (schools and the Circus Club). The recycling services include collection of cans, bottles, cardboard, mixed paper and green waste.

The Commercial Organics Program was recently adopted by the City Council at their December 2003 meeting. The Waste Reduction Committee reviewed the possibility of rolling the plant material collection into the new organics program, but after discussing the options with BFI, the Committee voted to go forward with adopting the Franchise Agreement Amendment for Commercial Plant Material Collection. The organics collection is not slated to commence until August and it is not possible for BFI to collect the material on an interim basis until the organics program is under way. Also, the disposal fees for BFI are higher for the organics than they are for plant material. If approved by the City Council, the collection could begin immediately. As this program is already established in other SBWMA jurisdictions, there will be no start up costs. Our commercial plant material collection will be a "tuck in" to Menlo Park's collection route.

CONCLUSION:

It is Staff's opinion the commercial plant material program will increase recycling efforts and provides a new program at a reasonable cost for commercial customers in Atherton.

FISCAL IMPACT:

The Waste Reduction Committee recommends a 25% rate reduction for participation in the program. Other SBWMA jurisdictions that offer the rate reduction incentive have a higher level of participation than those that do not offer a rate reduction. The financial impact is measured by the degree of participation. The Town has five commercial accounts that could choose to participate in the new program. The incentive component is the cost to the Town. It would basically be the same as the cost of the Organics Collection Program which was approved with a 35% rate incentive. The Town of Atherton has sufficient reserves for 2004 to support this incentive and avoid any rate increase in the near future. The Waste Reduction Committee recommends that the costs of the program be reviewed at the end of this calendar year to determine if the Town wants to continue offering the 25% discount.

ENVIRONMENTAL IMPACT:

The program should increase recycling and reduce the amount of waste that is disposed of in the landfill. Staff believes that the implementation of the program will have a positive effect on the environment.

Prepared by:

Approved by:

Kathy Hughes Anderson

James H. Robinson, City Manager

Attachments:

1. Resolution
2. Third Amendment to the Franchise Agreement

RESOLUTION NO. 04 - ____

**RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON APPROVING
THE THIRD AMENDMENT TO THE
AGREEMENT FOR SOLID WASTE, RECYCLABLE MATERIALS, AND PLANT MATERIALS COLLECTION
SERVICES**

WHEREAS, Town of Atherton (“Agency”) and BFI Waste Systems of North America, Inc. (“Contractor”) entered into the Agreement for Solid Waste, Recyclable Materials, and Plant Materials Collection Services (“Agreement”), dated March 1, 2000; and,

WHEREAS, the Agreement anticipates that the Agency may request additional services or the modification of existing services there under; and,

WHEREAS, the Agreement provides that the Agency may direct Contractor to submit proposals from time to time to provide additional or expanded services; and

WHEREAS, the Agency is a Member Agency of the South Bayside Waste Management Authority (“Authority”), and the Authority, on behalf of the Agency, has requested a proposal from Contractor for a Commercial Plant Material Collection Program; and,

WHEREAS, Contractor has prepared a proposal in response to the Authority’s request; and,

WHEREAS, Contractor and the Agency now desire to amend the Agreement to incorporate the Commercial Plant Material Collection Program;

NOW, THEREFORE, IT IS AGREED AS FOLLOWS that the City Council of the Town of Atherton hereby approves the Third Amendment to the Uniform Franchise Agreement with BFI Waste Systems of North America, Inc. for the Commercial Plant Material Collection Program as attached.

* * * * *

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 18th day of February, 2004, by the following vote:

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

Kathy McKeithen, Mayor
Town of Atherton

ATTEST

Sharon Barker, City Clerk

APPROVED AS TO FORM:

Marc G. Hynes, City Attorney

**Third Amendment to the
Agreement for Solid Waste, Recyclable Materials, and Plant Materials Collection Services**

THIS THIRD AMENDMENT to the Agreement for Solid Waste, Recyclable Materials, and Plant Materials Collection Services (“Agreement”), dated for reference February 1, 2004, is made by and between the Town of Atherton (“Agency”) and BFI WASTE SYSTEMS OF NORTH AMERICA, Inc. (“Contractor”)

NOW, THEREFORE, BE IT AGREED THAT THE AGREEMENT IS AMENDED AS FOLLOWS:

1. Section 4.03.2 is amended to add: “Contractor shall also offer commercial plant material collection to Commercial, Industrial and Institutional Service Recipients (the Recipients) with a 25% rate reduction incentive. Initially, collection shall only be provided to those Recipients who have a minimum of two cubic yards of plant material available for collection per week.”
2. Section 4.04.1 is amended to add: “Contractor shall collect Plant Materials from Commercial, Industrial and Institutional Service Recipients as provided in Section 4.03.2.”
3. Section 8.03.5 is added to the Agreement as follows: “BFI shall submit a “90 day Progress Report” to the Recycling Committee and jurisdiction to provide tons collected, program costs, participating accounts and any issues requiring discussion.”
4. In all other respects the Agreement is reaffirmed.

IN WITNESS WHEREOF the parties hereto have executed this THIRD AMENDMENT to the Agreement on the date indicated below.

BFI WASTE SYSTEMS OF NORTH AMERICA, INC

Date: _____

By: _____
Chris Valbusa, District Manager

TOWN OF ATHERTON

Date: _____

By _____
Kathy McKeithen, Mayor

Approved as to Form:

Marc G. Hynes, City Attorney



Town of Atherton

STAFF REPORT

TO: THE BOARD OF DIRECTORS OF THE ATHERTON CHANNEL DRAINAGE DISTRICT

FROM: NEAL MARTIN, TOWN PLANNER

DATE: FOR THE CITY COUNCIL MEETING OF FEBRUARY 18, 2004

SUBJECT: ENVIRONMENTAL DOCUMENT FOR UPPER ATHERTON CHANNEL STABILIZATION PROJECT

RECOMMENDATION:

It is recommended that the Board of Directors adopt the accompanying resolution "A Resolution of the Board of Directors of the Atherton Channel Drainage District Adopting a Mitigated Negative Declaration for the Upper Atherton Channel Stabilization Project."

ANALYSIS:

The Board of Directors have been proceeding with the preparation of plans and other studies in order to stabilize a 1,200 foot reach of the Atherton Channel west of Reservoir Road. In April 2003, the district contracted with Neal Martin & Associates to prepare the necessary environmental documents associated with this project. In accordance with the California Environmental Quality Act, an environmental document consisting of an Initial Study and a draft Mitigated Negative Declaration were prepared and were submitted to the State Clearinghouse. The State Clearinghouse distributes the document to State and Regional agencies who conduct a 30 day review and may provide comments on the document. The State Clearinghouse 30 day review period ended on February 6, 2004. Comments received from the State agencies are attached to the environmental document.

The environmental document will be used in making application for permits to construct the project to any required state or regional agencies. The document will also be considered at the time the project plans and specifications are presented to the Board of Directors for final approval.

FORMAL MOTION:

I move that the Board of Directors of the Atherton Channel Drainage District adopt the resolution “A Resolution of the Board of Directors of the Atherton Channel Drainage District Adopting a Mitigated Negative Declaration for the Upper Atherton Channel Stabilization Project.”

s/Neal Martin _____

Neal Martin, Town Planner

James H. Robinson, City Manager

Attachments:

1. Draft Resolution
2. Initial Study and Draft Mitigated Negative Declaration dated December 23, 2003
3. State Agency comments



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JAMES H. ROBINSON, CITY MANAGER

DATE: FOR THE MEETING OF FEBRUARY 18, 2004

SUBJECT: CONSIDER REQUEST FROM MIDPENINSULA REGIONAL OPEN SPACE DISTRICT TO ADOPT A RESOLUTION SUPPORTING AND ENDORSING THE PROPOSED EXTENSION OF THE DISTRICT'S BOUNDARIES

RECOMMENDATION

Hear a presentation and consider adoption of the attached resolution supporting and endorsing the Midpeninsula Regional Open Space District's Coastal Protection Program to extend its boundaries to include a portion of the San Mateo County coast.

BACKGROUND

The Midpeninsula Regional Open Space District is an independent single-purpose special district, funded through a small portion of property tax as approved by the voters within its jurisdiction. Since its inception in 1972 (and expansion into southern San Mateo County in 1976) the District has permanently protected nearly 50,000 acres of rural open space lands throughout the San Francisco peninsula, and provided approximately 220 miles of public trails within 26 open space preserves.

The District's boundaries currently encompass an area from approximately Skyline Boulevard in the west to the bay shoreline in the east, and from the City of San Carlos in the north to the Town of Los Gatos in the south. Its current jurisdiction does not include any ocean coastline.

During the period 1997 to 1998, the District received requests and petitions from individuals, organizations, and elected bodies (including the Half Moon Bay City Council and the Midcoast Community Council) asking for its participation in coastside open space and agricultural

preservation and management. In a subsequent poll by the District, 90% of San Mateo County respondents said that preservation of open space west of Skyline Boulevard was important.

According to the District, other agencies have only limited capacity to provide agricultural conservation and open space management services, and have acknowledged the need for a local organization to provide these services. These factors indicated a clear desire and need for the District's active participation in San Mateo County coastal preservation.

In order to respond to this expressed need, the District is working to extend its boundaries to encompass the San Mateo County coast from the south end of Pacifica to the San Mateo/Santa Cruz county line.

If successful, over the next 15 years the District expects to purchase (from willing sellers only, and often through acquiring easements only) and/or manage up to 11,800 acres of open space and continuing-use agricultural land. The District has approved an Environmental Impact Report (EIR) for the proposed annexation of this area. As. The District has now submitted its application and EIR to the Local Agency Formation Commission (LAFCO), and desires to obtain the endorsements of cities currently within its boundaries.

The District's proposal is endorsed by the following: Redwood City, the Town of Portola Valley, the Cities of Santa Cruz, Belmont, Mountain View, Cupertino, Los Altos, Los Altos Hills, Los Gatos, Saratoga, Palo Alto, East Palo Alto, Pacifica, and Half Moon Bay, the County of Santa Clara, the County of Santa Cruz, the Bay Area Open Space Council, the Midcoast Community Council, Midcoast Park Lands, Peninsula Open Space Trust, Greenbelt Alliance, the Committee for Green Foothills, the Bay Area Ridge Trail Council, the Silicon Valley Manufacturing Group and others. The only opposition to this proposal is identified as owners of a number of properties in the south coast area who feel that although the District has no regulatory powers and has agreed to acquire land from willing sellers only, that there are already enough government agencies in the area.

FISCAL IMPACT

There is no fiscal impact resulting from the passage of this resolution.

Attachment: Proposed Resolution

RESOLUTION NO. 04-_____

RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
SUPPORTING AND ENDORSING THE MIDPENINSULA REGIONAL OPEN SPACE
DISTRICT'S PROPOSED COASTAL PROTECTION PROGRAM TO PRESERVE OPEN
SPACE AND AGRICULTURAL LANDS ON THE SAN MATEO COAST

Whereas, the Midpeninsula Regional Open Space District is a special district formed in northwestern Santa Clara County in 1972 (and extended to southern San Mateo County in 1976) for the purpose of preserving and managing open space lands within its jurisdiction on the San Francisco peninsula; and

Whereas, existing public benefits of the District's services include protecting nearly 50,000 acres of our nearby open space lands, providing for low-intensity public recreational use on approximately 220 miles of trails within 26 open space preserves, permanently protecting local streams and watersheds, and preserving the sensitive habitats of a variety of species of endangered plants and animals, maintaining historic structures and facilities on the land, preserving existing agricultural uses, and providing an environmental education program and volunteer opportunities; and

Whereas, the Town of Atherton is within the jurisdiction of the District, and its constituents have reaped the priceless benefits provided by the District, many utilizing the lands for recreational purposes, others enjoying the unspoiled scenic backdrop provided by District lands, and all secure in the knowledge that these unspoiled open space lands are permanently preserved for their children, and the generations beyond; and

Whereas, in the late 1990s, the District received requests and petitions from individuals, organizations, and elected bodies (including the Half Moon Bay City Council and the Midcoast Community Council) asking for its services in the preservation and management of open space lands, beyond its current boundaries west of Skyline Boulevard, and including the natural treasure that is the San Mateo County coastline, and in a subsequent public opinion poll by the District, approximately 90% of the respondents said that preservation of open space west of Skyline Boulevard was important; and

Whereas, the 1998 Coastside Subregional Planning Study conducted by the County of San Mateo, the cities of Pacifica and Half Moon Bay, the Midcoast Community Council and sponsored by the Association of Bay Area Governments indicated the need for regional open space preservation and management services in this area, concluded that District boundary expansion was one of the most promising attempts in a decade to meet this need; and

Whereas, public agencies, land trusts, and other non-profit entities, some of which currently own open space lands west of Skyline Boulevard and on the San Mateo County coast, have indicated a great need for District services in providing for additional open space preservation and in providing experienced, long-term stewardship and management for those open space lands,

especially in light of current budget constraints at the federal, state and county level which restrict other government agencies' ability to provide these services; and

Whereas, in response to these requests and this need, the District is considering extending its boundaries so that it may provide services to preserve and manage open space lands west of Skyline Boulevard, preserve agricultural lands on the coast, preserve the rural character of the coastal region, provide land management services for other land-owning agencies, enhance fire protection and public safety through the increased presence of its highly skilled field staff, and offer the public further opportunities for ecologically-sensitive recreational uses and environmental education; and

Whereas, through this proposed Coastal Protection Program, the District will greatly enhance the protection of the pristine, "world-class" natural beauty, open spaces and agriculture of the San Mateo County coast, from the southern boundary of Pacifica to the Santa Cruz/San Mateo County Line and from Skyline to the sea, one of the last remaining unspoiled coastlines so near to one of the world's major urban areas; and

Whereas, the District's Coastal Protection Program envisions purchasing (from willing sellers only, and often through acquiring conservation or agricultural easements) and/or managing up to 11,800 acres of pristine public open space and continuing-use agricultural land, over the next 15 years, thereby allowing orderly development, yet preventing urban sprawl; and

Whereas, if successful, the District's efforts will provide for the people of the Town of Atherton and for the entire region expanded opportunities for public access on the coastside, increased resources for maintaining the physical and economic integrity of Coastal agricultural lands, elected representation for the coastside area on the District's board of directors, enhanced community programs in environmental education and open space volunteerism; and

Whereas, the Coastal Protection Program would have no financial impact on the Town of Atherton, would have insignificant financial effect on other government agencies or services within the proposed annexation area, and would not change any land use designations or land use control, as the District does not have any regulatory or zoning authority, but would offer the District, on behalf of the public, the opportunity to contribute its services to open space and agricultural preservation and long-term stewardship efforts, subject to all local, state, and federal land use regulations and in compliance with all city and San Mateo County General and Coastal Plans; and will be the most efficient and effective way to provide these needed services; and

Whereas, over the 30 years since its inception, the District has proved itself to be a good neighbor, an excellent steward of open space land on behalf of the public, a solid and fiscally conservative manager of public funds, and an organization very sensitive and responsive to the community's needs and desires, through a great deal of solicitation and consideration of public input into the planning and management decisions made by its board of directors.

Now, therefore, be it resolved for the reasons stated above that the City Council of the Town of Atherton does hereby endorse and support the Coastal Protection Program by the Midpeninsula Regional Open Space District by extending its boundaries to include lands west of

Skyline Boulevard from the southerly limits of the City of Pacifica to the San Mateo/Santa Cruz County line.

Be it further resolved that the City Council of the Town of Atherton does hereby support the Board of Directors of the Midpeninsula Regional Open Space District on its processing of an application for the annexation of all of this territory with the San Mateo County Local Agency Formation Commission.

Be it further resolved that the City Council of the Town of Atherton does hereby urge that the San Mateo County Local Agency Formation Commission approve the application of the Midpeninsula Regional Open Space District for the extension of its boundaries to include all of the territory west of Skyline Boulevard from the southerly limits of the City of Pacifica to the San Mateo/Santa Cruz County Line.

* * * * *

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 ____ day of _____, 2004, by the following vote.

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

Kathy McKeithen, 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: JAMES H. ROBINSON, CITY MANAGER

DATE: FOR THE MEETING OF FEBRUARY 18, 2004

SUBJECT: CONSIDER REQUEST FROM TENNIS COMMITTEE TO DISTRIBUTE LETTER OF SOLICITATION OF DONATIONS

RECOMMENDATION

Consideration of request from Tennis Committee to consider use of Town bulk mailing permit and expenditure from Town Tennis Fund to distribute a letter of solicitation of donations for the reconstruction of the Holbrook-Palmer Park Tennis Courts. It is recommended that the City Council consider the authorization of an expenditure from the Tennis Fund and approval of the attached letter.

BACKGROUND

The Tennis Committee has been working with members of the Park and Recreation Commission for the purpose of developing funding sources for the reconstruction of the six Tennis Courts at Holbrook-Palmer Park. The Tennis Committee is requesting support from the Town of Atherton to utilize Atherton's bulk mailing permit for the purpose of sending out a letter to solicit contributions to assist in the reconstruction of the six tennis courts. A copy of a draft letter, proposed to be mailed to each resident, is attached for Council's review.

FISCAL IMPACT

The mailing costs of the letter, using the Town's existing bulk rate permit are estimated as follows:

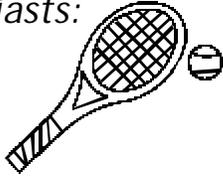
Printing costs:	\$440
Bulk Mailing Postage:*	<u>\$315</u>
Total	\$775

* If the Tennis Committee does not use the Town's bulk rate permit, the postage costs for a first-class mailing would be approximately \$1,000.

There is no prohibition against the Tennis Committee's use of the Town's bulk mailing permit. Sufficient funds exist for this expenditure in the Tennis Fund.

Attachment: Draft Letter

Atherton
Tennis
Enthusiasts:



Please Support the Resurfacing of the
Holbrook-Palmer Park Tennis Courts!

Tennis has been a part of the Atherton community for well over 30 years. The courts have been enjoyed by families participating in matches, social mixers and tennis camps for both children and adults.

Tennis key membership is how players gain access to the courts. Tennis key revenue can help to offset the costs of resurfacing the courts, making them fresh and refurbished for all generations of tennis enthusiasts to enjoy.

Please show your interest and support of the Tennis Courts by pledging to purchase a tennis key. Tennis key membership is open to Atherton residents and non-residents alike. Multi-year membership discounts are available.

Please visit the Holbrook-Palmer Park Tennis Committee's website to make pledge or donation at: <http://home.earthlink.net/~hpptenniscommittee/web>, or use the form below and return it to the Tennis Committee at the Park Office, 150 Watkins Drive, Atherton, 94027.

Show your support for resurfacing the Tennis Courts!



TENNIS COURT RESURFACING PLEDGE / DONATION FORM

Name: _____ Address: _____

Phone: _____ E-mail: _____

I pledge to purchase a Tennis Key.

- ✓ Atherton Resident: One Year (\$150)... Three Years (\$375)... Five Years (\$500)...
- ✓ Non-Resident: One Year (\$200)... Three Years (\$500)... Five Years (\$675)...

I wish to make a tax-deductible contribution of \$_____ to the Town of Atherton in support of the resurfacing of the Holbrook-Palmer Park Tennis Courts.

All checks should be made payable to the Town of Atherton and mailed to the Park Office, 150 Watkins Avenue, Atherton, 94027.

For more information, please contact Rod Boghosian, Tennis Committee Chairman, at (650) 326-3648 or Alan Margot, Director of Tennis, at (650) 400-0464.



Town of Atherton

CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL
CITY MANAGER JAMES H. ROBINSON**

FROM: MICHAEL A. HOOD, BUILDING OFFICIAL

DATE: FEBRUARY 18, 2004

**SUBJECT: SECOND READING AND ADOPTION OF AN ORDINANCE RATIFYING
AN ORDINANCE OF THE MENLO PARK FIRE PROTECTION
DISTRICT PERTAINING TO FIRE SPRINKLER SYSTEM
REQUIREMENTS**

RECOMMENDATION:

Adopt an ordinance ratifying Ordinance No. 28 of the Menlo Park Fire Protection District pertaining to fire sprinkler requirements, and waive further reading.

ANALYSIS:

On October 15, 2003 the City Council held first reading of an ordinance that would require the installation of residential sprinkler systems in new homes in Atherton. Since that time the Menlo Park Fire Protection District has held meetings with the City of East Palo Alto, the City of Menlo Park, and unincorporated San Mateo County. The result of these meetings was a minor modification of the Fire District's sprinkler ordinance.

As it would apply to the Town of Atherton, the Fire District's ordinance is virtually unchanged from the October 15, 2003 Town of Atherton City Council meeting. Sprinklers would be required under the following conditions:

1. New building construction that exceeds 1000 square feet.
2. New basement construction that exceeds 250 square feet.
3. Structural remodels that exceed 2500 square feet.

The Menlo Park Fire Protection District ordinance is attached. The ordinance has been ratified by the city of East Palo Alto. San Mateo County will consider the ordinance in April. The City of Menlo Park, pending additional information, tabled a decision until the end of March.

Respectfully submitted:

Reviewed/Approved:

Michael A. Hood
Building Official

James H. Robinson
City Manager

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
RATIFYING ORDINANCE NO. 28 OF THE MENLO PARK FIRE PROTECTION
DISTRICT AMENDING DISTRICT FIRE PREVENTION CODE PERTAINING TO
AUTOMATIC FIRE SPRINKLER SYSTEM REQUIREMENTS**

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

SECTION 1: Ordinance No. 28 of the Menlo Park Fire Protection District entitled "An Ordinance Amending District Fire Prevention Code" passed and enacted by the District Board of the Menlo Park Fire Protection District on June 17, 2003, and incorporated by this reference is ratified. Pursuant to the provisions of Section 13869.7 of the California Health & Safety Code, the City Manager or designee is directed to file copies of all applicable findings and amendments to the Menlo Park Fire Protection District Fire Prevention Code with the appropriate State agency.

SECTION 2: That the City Council hereby declares that it would have passed this Ordinance word by word, sentence by sentence, paragraph by paragraph, and section by section, and does hereby declare that if 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 affect the validity of the remaining parts of this Ordinance.

SECTION 3: CEQA Exemption. This ordinance is exempt from the provisions of Chapter 3 (commencing with Section 21100) of Division 13 of the public Resources Code (California Environmental Quality Act (CEQA)) pursuant to the State CEQA Guidelines Section 15308 as an action that assures the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.

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.

* * * * *

Introduced this 15th day of October, 2003.

Passed and adopted as an Ordinance of the Town of Atherton at a regular meeting thereof held on the _____ day of _____, 2003, by the following vote:

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

Kathy McKeithen, 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 FEBRUARY 18, 2004

SUBJECT: PARCEL TAX REAUTHORIZATION

RECOMMENDATION:

Adopt a timetable and select alternative parcel tax levies in preparation for the placement of a proposed special municipal tax measure on the ballot for the November 2004 General Election.

DISCUSSION

In June 2001, the voters of the Town of Atherton approved Measure F, authorizing the levy of a special municipal tax to provide funding for current operations and improvements to the Town's roads and drainage systems for a four-year period beginning July 1, 2001.

As the current parcel tax authorization will expire June 30, 2005, the City Council has directed staff to identify the actions that must be taken and the timetable for such actions to ensure that a reauthorization of the parcel tax will be placed on the ballot in time for November's general election. Additionally, the City Council has directed staff to identify options related to the amount of a tax levy and duration of such a tax levy.

Parcel Tax Election Timetable

Attachment 1 to this report identifies the actions necessary and the dates by which such actions must occur in order for a parcel tax reauthorization measure to be placed on the November, 2005 ballot. This schedule was prepared by the City Clerk. In summary, the Council must set a public hearing to consider adoption of a parcel tax ordinance by no later than May 19, 2004. The final step required of the Town is to have the

City Attorney file an impartial analysis of the proposed parcel tax measure. This step must be accomplished by August 13, 2004.

Analysis of Parcel Tax Options

During the 24 years that have elapsed since the passage of the original parcel tax in 1980, each parcel tax ballot measure has been in effect for a four-year cycle. While there is ample precedent for an extension of the parcel tax for an additional four-year cycle, the City Attorney had indicated that nothing precludes the Town from seeking an increase in the duration of the levy beyond four years.

With respect to the amount of a parcel tax levy, staff has identified three options. These are as follows:

- Increasing the average parcel tax levy from the current level of \$717 per parcel to \$1,110 per parcel (an increase of \$393) in order to maintain the current level of investment in infrastructure and ongoing operations;
- Renewing the parcel tax at the amounts currently authorized levels; or
- Increasing the parcel tax levy by an average of \$196 per parcel or 50% of what is required to sustain current operations and implementing reductions to the Town's operating and capital budgets of \$500,000 annually.

Included as Attachment 2 to this report is a copy of the December update to the Town's three-year financial plan that was presented to Council at the December 17th, regularly scheduled meeting. As indicated in the December update, the General Fund balance will decline by approximately \$1 million annually in Fiscal Years 2005-06 and 2006-07 in light of current revenue and expenditure trends. This projection was based upon the following key assumptions:

- A renewal of the parcel tax and operating transfers to the general fund that is consistent with FY 2002-03 levels;
- No significant changes in the levels of investment in the Town's current operations or capital improvement plan; and,
- Reductions of approximately \$300,000 in discretionary revenues as a result of the Governor's decision to restore motor vehicle license fees to their pre-1997 levels¹.

Given the financial projections contained in the Town's December update, the following table provides an analysis of the effect upon the Town's ability to fund its current operations and capital improvement program, and on the amount of the average parcel tax levy from the three options that have been identified. Additionally, Attachment 3 to this report provides an analysis of the effect on the maximum parcel tax levy for each classification of parcel affected.

¹ Although the Governor restored funding for motor vehicle license fees in Fiscal Year 2003-04, it is uncertain as to whether the Legislature will approve such an appropriation in FY 2004-05. Accordingly, we believe that it is prudent to plan for the loss of such revenues during the intermediate-range planning horizon.

<u>Option Available</u>	<u>Average Parcel Tax Levy</u>	<u>Effect</u>
<u>Adjust the parcel tax to meet current level budget requirements</u>	<u>\$1,110</u>	<u>\$1.8 million in revenues from the special municipal tax would be available annually to fund continuing operations while \$1 million would be available to fund capital improvements. At this level revenues would be sufficient to defray expected increases in operating costs and to preserve existing funding for the capital improvement plan.</u>
<u>Adjust the parcel tax to an amount equal to 50 percent of current level budget requirements</u>	<u>\$913</u>	<u>\$1,550,000 would be available annually to fund continuing operations and \$750,000 would be available to fund capital improvements. As a result, operating and capital expenditures would both have to be reduced by \$250,000 annually in order to maintain existing financial reserves.</u>
<u>No change in the parcel tax levy</u>	<u>\$717</u>	<u>\$1,000,000 in parcel tax revenues would be available for continuing operations and \$800,000 would be available for capital improvements. As a result, operating and capital expenditures would have to be reduced by \$800,000 and \$200,000 annually in order to maintain existing financial reserves.</u>

Conclusion

To ensure that the parcel tax reauthorization measure appears on the November ballot, the Council will need to initiate a sequence of tasks between May 19, 2004 and August 23, 2004.

Although the City Attorney has determined that there is no limit on the duration of a special municipal tax, the duration of the parcel tax during its 24-year history has not exceeded four years for each authorization.

The options identified with respect to a renewal of a parcel tax include:

- Reauthorizing the parcel tax at a level sufficient to defray expected increases in future operating costs without reducing the levels of investment in the Town's capital improvement program;
- No change in the parcel tax; or,
- Reauthorizing the parcel tax at a level that constitutes the mid-point between the first and second options.

Prepared by:

Approved by:

John P. Johns
Finance Director

James H. Robinson
City Manager

Attachment 1: Parcel Tax Timetable
Attachment 2: Parcel Tax Rates

Attachment 1

TOWN OF ATHERTON
NOVEMBER 2, 2004 GENERAL ELECTION
SUGGESTED DRAFT CALENDAR FOR PARCEL TAX MEASURE

	Date	Days Prior to Election	
1.	City Council action – set public hearing date to consider adoption of parcel tax ordinance	May 19, 2004	
2.	Publish Notice of Public Hearing	June 2, 2004	
3.	Council hold public hearing and adopt Parcel Tax Ordinance and Resolutions calling election and authorizing consolidation with County	June 16, 2004	127
4.	Publish Notice of Election (candidates and measures) and synopsis of measure (or entire ordinance)	June 29, 2004	127-113
5.	Post Notice for filing of arguments	July 7, 2004	112
6.	Last day to request election services/consolidation from San Mateo County Board of Supervisors	August 6, 2004	
7.	Last day to withdraw measure from ballot	August 11, 2004	
8.	Argument Filing Period Deadline/impartial analysis by City Attorney	August 13, 2004	98
9.	Rebuttal Argument Filing Deadline 88 (last day)	August 23, 2004	

Attachment 2

General Fund Revenue and Expenditure Analysis Fiscal Years 2004 through 2007

Scenario 1:

Renewal and Distribution of the Parcel Tax at Current Levels, Loss of VLF Backfill

Revenue Category	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Property Tax	\$ 3,076,749	\$ 2,855,536	\$ 3,035,934	\$ 3,218,090	\$ 3,346,813	\$ 3,480,686
Sales Taxes	156,672	172,640	200,640	210,672	216,992	223,502
Other Taxes	468,338	871,809	882,115	617,400	623,574	629,809
Licenses and Permits	1,451,920	1,341,133	1,588,131	1,556,368	1,571,932	1,587,651
Fines and Forefeitures	107,483	79,178	70,000	71,400	72,828	74,285
Aid from other Agencies	524,553	188,011	139,000	119,000	99,000	99,000
Service Charges	462,729	412,202	445,900	445,900	468,195	491,605
Use of Money and Property	371,909	435,338	347,300	347,300	347,300	347,300
Other Revenues	12,420	44,406	3,000	3,000	3,000	3,000
Total Revenues	\$ 6,632,773	\$ 6,400,253	\$ 6,712,019	\$ 6,589,129	\$ 6,749,634	\$ 6,936,837
<i>Revenue Growth</i>			7.6%	-1.8%	2.4%	2.8%
Expenditure Category						
Contingency			100,000	100,000	100,000	100,000
Council	20,589	18,623	20,174	20,779	21,818	22,472
Manager	440,341	460,684	497,895	548,023	575,424	592,687
Attorney	158,329	300,504	175,551	180,817	189,858	195,554
Finance	339,944	354,985	434,137	473,487	497,161	512,076
Building	835,806	891,603	902,873	977,811	1,026,701	1,057,502
Police	3,294,575	3,449,048	3,629,233	4,129,368	4,335,836	4,465,911
Public Works	1,539,967	1,678,360	1,759,627	1,904,460	1,999,683	2,059,673
Total Expenditures	\$ 6,629,551	\$ 7,153,807	\$ 7,519,490	\$ 8,334,744	\$ 8,746,481	\$ 9,005,875
<i>Expenditure Growth</i>			5.1%	10.8%	4.9%	3.0%
Surplus Deficit of Revenues over Expenditures	3,222	(753,554)	(807,471)	(1,745,614)	(1,996,847)	(2,069,038)
Add (subtract) Operating Transfers In (out)						
Parcel Tax	350,000	554,000	799,000	654,186	654,186	654,186
Police on the Street			-	-		
Gas Tax	100,000	200,000	200,000	160,000	160,000	160,000
CIP Support		90,000	150,000	150,000	150,000	150,000
Public Facilities Fund	(220,000)		-	-		
Vehicle Replacement Fund	(100,000)		-	-		
Subtotal Operating Transfers	130,000	844,000	1,149,000	964,186	964,186	964,186
Beginning Fund Balance		5,194,187	5,284,633	5,626,162	4,844,734	3,812,073
Ending Fund Balance	\$ 133,222	\$ 5,284,633	\$ 5,626,162	\$ 4,844,734	\$ 3,812,073	\$ 2,707,221
<i>Increase (Decrease) in Fund Balance</i>			\$ 341,529	(781,428)	(1,032,661)	(1,104,852)



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JAMES H. ROBINSON, CITY MANAGER

DATE: FOR THE MEETING OF FEBRUARY 18, 2004

SUBJECT: CONSIDERATION OF AN AMENDMENT TO THE SPECIAL EVENTS ORDINANCE

RECOMMENDATION:

Consider an amendment to the Special Events Ordinance to restrict the length of time Special Events are allowed to occur within the Town of Atherton, and provide specific direction to staff.

BACKGROUND:

The Special Events Ordinance was adopted February 10, 1999. (See attached Ordinance No. 499.) The purpose and intent of the Ordinance is to “ensure the comfort, safety and general welfare of the Town of Atherton citizens by controlling the number of Special Events and impacts of said Events on the community and by providing a simplified permit process.” It was also stated in the Ordinance that the intent was to “protect the residents from excessive noise, traffic and other intrusions upon their privacy.”

Within the current ordinance special events permits are required for Walks, Bicycle Rides, Motion Picture filming, House Tours, Fundraisers, Auctions, Antique Shows, Concerts, and other similar activities. Special Events Permits are not required for Schools or Country Clubs although notification is required.

Currently the Ordinance is performing in compliance with its original intent. Compliance to conditions of the Ordinance is being met by applicants and the Ordinance provides for Permit Revocation in the event of any violation of the Special Events Permit.

Generally speaking, Special Events Permits are for a short duration, usually for a period of a day or weekend. However, on some occasions Special Events Permits for House Tours and similar events have been requested and granted for several days a week over a period of three to five

weeks duration. In this instance a “Special Events Permit” has been issued with more specific restrictions and some assistance in the cost of providing additional Police Patrol to ensure compliance with Parking Requirements, Deliveries and Noise restrictions etc.

The Ordinance does not currently provide for any restriction or limitation on the number of days that Special Events can occur. Staff is requesting that the City Council consider if an amendment to the Special Events Ordinance is appropriate at this time and provide direction to staff to prepare an appropriate amendment to the Ordinance limiting the length of Special Events.



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JAMES H. ROBINSON, CITY MANAGER

DATE: FOR THE MEETING OF FEBRUARY 18, 2004

SUBJECT: DISCUSSION AND POSSIBLE ACTION REGARDING CODE ENFORCEMENT REPORTING PROCESS

RECOMMENDATION

Accept the recommendation of the City Manager regarding a protocol for responding to inquiries regarding possible Code Violations.

BACKGROUND

The City Council requested that the City Manager develop a protocol for handling code enforcement issues that are referred from residents, Council Members, or identified by staff. The Council suggested that a process be developed that would maintain a systematic record and ensure that reports of violations were resolved.

Current Practices:

Staff currently receives “calls for service” and “code compliance complaints” or inquiries from various sources. Generally speaking, the majority of the calls are from residents, homeowner associations, utilities, contractors, or people doing business within the Town of Atherton. All of these inquiries come daily to the offices of the City Manager, City Clerk, Assistant to the City Manager, Post Office, Building and Planning, Finance, Public Works, Police, Library, and Holbrook-Palmer Park. Unlike many cities, calls are received directly by the responsible party or department and generally customers are able to talk to a live staff person rather than being placed in a “voice mail prison.” In part, this is due to direct telephone numbers being published in the

Athertonian, the sheer size of the city staff, and a commitment to provide prompt service to the Residents and those doing business within the Town of Atherton.

In each instance where an inquiry or complaint is received, the responsible department or staff person will receive the call and follow-up. For example, the Police Department would respond to Construction Noise, Barking Dogs; Public Works would respond to Right of Way issues; Finance Department would respond to Business License Inquiries; Building Department would respond to all Building Site inquiries.

The majority of service requests and code compliance calls are received by the Police and Public Works Departments.

Within the Police Department, calls are received by the Dispatcher and if necessary, an officer is dispatched and settles the issue at the scene or another department is notified for follow up. In the month of January 2004, the Police Department received 22 incident reports that were identified as Ordinance Violations. Of these 22 calls, 8 were related to construction, 5 involved real estate signs, 4 were dog complaints, 2 were no permit, 2 were solicitor complaints and 1 involved noise.

The Public Works Department received 156 calls involving service requests and/or code violations between October 2003 and January 2004. The calls are generally received by the office staff and are accounted for on a log sheet and are forwarded to the field crew for action. These calls included 20 light outages, 12 Town Lights or Signals, 19 calls regarding drainage/flooding, 13 routine calls regarding vegetation/weeds/rocks, one noise complaint, 10 road conditions/potholes/signage, 4 parking issues/construction sites/mud, 6 miscellaneous issue/dead animals, 8 requests for tree removal, 11 abatement notices, 35 tree removal permits and 17 encroachment permits issued.

Other departments such as the City Manager's Office, Post Office, City Clerk, Building Department, Finance Department, and Holbrook-Palmer Park receive requests for service on a daily basis. In most cases they are responded to immediately by the individual answering the phone or by follow-up with the responsible department or staff member.

Following a review by the City Manager, it is apparent that in most cases tracking of requests for services or code violations are being handled expeditiously. With respect to the Police, Post Office and Public Works and Building Departments there is a central point of contact for requests for services or calls related to possible code violations.

However, all systems can be improved. In that regard, staff has proposed an experimental "Code Enforcement Tracking System." (see attached) It is staff's intent to utilize the "Code Enforcement Tracking System" on a trial basis within the City Manager's Office and Building Department. The tracking system form would be available on-line as a database and would allow calls specifically related to potential code violations to be identified, indicate the address and responsible employee, and the action taken and recorded. Staff would recommend that once this Code Enforcement Tracking System is in place that we experiment and monitor its progress for at least three months and report back to the City Council on the experience and results of the tracking system.

In addition to developing a system for Code Enforcement Tracking, staff would also suggest that we take every opportunity to utilize the *Athertonian* to identify visible code issues and regulations for the general public. An understanding of code requirements by all residents will eliminate confusion and potential violations. Recent *Athertonian* articles related to code enforcement include:

- “Be prepared for the rainy season” Winter 2002 (includes information on keeping the right of way clean)
- “Council strengthens tree ordinance” Summer 2002
- “Walking your dog in the park?” Summer 2002
- “New town construction regulations” Fall 2002
- “Keep our channel clean” Fall 2002
- “Slow down, pay attention, be safe” Spring 2003
- “Fire safe landscaping” Summer 2003
- “Getting ready for the rainy season” Fall 2003

In addition, a new edition of the Atherton Resident Handbook was distributed to all residents in 2002. The Handbook contains a variety of information regarding Atherton code requirements.

Distributing information regarding code requirements through these publications is a proactive way to prevent code violations from happening and educate the residents regarding new code changes.

FISCAL IMPACT

Staff estimates that to develop a “Code Enforcement Tracking System” which would reside on the Town’s computer network for all employees to access and update, would require the assistance of a software professional to assist with the programming of the system.

Staff estimates that utilizing the assistance of Palo Alto Information Technology staff would require approximately \$1,500 of software programming assistance to help develop a tracking system. The system would be very basic and would be a means of inputting the information in a central location so that reports could be generated on a periodic basis.

Staff is aware that in other cities, some have purchased proprietary Code Enforcement Tracking Systems from prices ranging from \$20,000 to \$50,000 and up.

Town of Atherton

CODE ENFORCEMENT TRACKING SYSTEM

Date of Violation: MO/DA/YR _____ Date of Report: MO/DA/YR _____

Employee Entering Data: _____

Other Employee(s) Involved, if any: _____

Party Reporting Violation, if applicable: _____

Phone number: _____

General Category of Violation: _____

Specific Violation Description (be as specific as possible) :

Municipal Code Section Violated, if applicable: _____

Address or General Location: _____

Name, address and phone number of Violating Party, if known:

Action Taken: _____

Date Action Taken: MO/DA/YR _____

Action Taken: _____

Date Action Taken: MO/DA/YR _____

Action Taken: _____

Date Action Taken: MO/DA/YR _____

Follow-up with initial reporting party, if applicable: _____

NOTES:

Note: this sample form is for the purpose of displaying the possible fields that could be included in a computerized tracking system which could reside on the Town's computer network.



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JAMES H. ROBINSON, CITY MANAGER

DATE: FOR THE MEETING OF FEBRUARY 18, 2004

SUBJECT: C/CAG REQUEST REGARDING MEASURE A

RECOMMENDATION

It is recommended that the City Council consider the proposed Measure A Continuation Draft Transportation Expenditure Plan and give direction to the Town of Atherton C/CAG Representative.

BACKGROUND

The November 2004 ballot will include a vote on the Reauthorization of Measure A which provides for a ½ cent sales tax for Transportation Improvements within San Mateo County. The current Measure A will expire in 2008. The Transportation Draft Expenditure Plan has been completed and was presented to the Transportation Authority and the C/CAG Boards on February 5, 2004. The C/CAG Board will be asked to take action on the Draft Transportation Plan at their March 11, 2004 meeting. The Atherton City Council will not meet prior to this date so we have been asked by the Executive Director of C/CAG to take the necessary action to enable our C/CAG representative (Vice Mayor Bill Conwell) to vote on this item.

A presentation on the Reauthorization of Measure A was provided at our last Council Meeting by Howard Goode of the San Mateo County Transportation Authority. The Draft Transportation Expenditure Plan is attached for your review. The Plan includes expenditures in six program categories.

1. Transit

\$360 Million

2. Highways	\$360 Million
3. Local Share	\$240 Million
4. Grade Separations	\$180 Million
5. Pedestrian /Bicycle	\$36 Million
6. Alternative Congestion Relief Programs	\$12 Million

The Town of Atherton will receive an allocation within the local share for streets and road improvements. The Proposed Grade Separations list within the Draft Expenditure Plan also identifies projects at Fair Oaks Lane and Watkins Avenue. However, the allocation of \$180 million for grade separations will only allow for a few projects to be completed and priorities will need to be established.

Attachment: Draft Transportation Expenditure Plan