



AGENDA
Town of Atherton
CITY COUNCIL/ATHERTON CHANNEL
DRAINAGE DISTRICT
January 15, 2003

7:00 p.m.

TOWN COUNCIL CHAMBERS

94 Ashfield Road
Atherton, California

REGULAR MEETING

- 7:00 P.M. 1. **PLEDGE OF ALLEGIANCE**
- 7:03 P.M. 2. **ROLL CALL** McKeithen, Janz, Carlson, Conwell, Marsala
- 7:05 P.M. 3. **PRESENTATIONS**
- 7:05 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)
- Atherton Tree Committee
- 7:45 P.M. **CONSENT CALENDAR** (Items 8 – 12)
8. **APPROVAL OF MINUTES OF REGULAR AND SPECIAL COUNCIL
MEETINGS OF DECEMBER 18, 2002**
9. **APPROVAL OF BILLS AND CLAIMS FOR DECEMBER 2002 IN THE
AMOUNT OF \$822,292**
10. **ACCEPTANCE OF MONTHLY FINANCIAL REPORT FOR
DECEMBER 2002**

11. COUNCIL COMMITTEE ASSIGNMENTS

Recommendation: Approve the Mayor's 2003 Council Committee assignments as stated in the Staff Report.

12. ACCEPTANCE OF ELECTRIC VEHICLES

Recommendation: Accept the donation of two electric vehicles from Sunnyvale Ford for use in the Public Works and Parks Departments.

REGULAR AGENDA (Items 13 - 18)

- 7:50 P.M. 13. CONSIDERATION OF MENLO PARK FIRE PROTECTION DISTRICT RESOLUTION RECOMMENDING THAT THE TOWN OF ATHERTON ADHERE TO FIRE DISTRICT REGULATIONS REQUIRING THE INSTALLATION OF AUTOMATIC FIRE SPRINKLERS IN CERTAIN RESIDENTIAL STRUCTURES**

Recommendation: Consider the adoption of a resolution requiring installation of residential automatic sprinklers after hearing a presentation by Chief Paul Wilson of the Menlo Park Fire Protection District.

- 8:05 P.M. 14. APPROVAL OF AGREEMENTS WITH MENLO PARK RELATING TO VALPARAISO AVENUE IMPROVEMENTS:**
- PHASE 1 IMPROVEMENT AGREEMENT**
 - VALPARAISO AVENUE AND UNIVERSITY DRIVE TRAFFIC SIGNAL MAINTENANCE AGREEMENT**

Recommendation: Approve the implementation of Phase 1 Valparaiso Corridor Improvement and Valparaiso Avenue and University Drive Traffic Signal Maintenance Agreements with the City of Menlo Park, and authorize the Mayor to sign them on behalf of the Town.

- 8:20 P.M. 15. CONSIDER DIRECTION TO TRANSPORTATION COMMITTEE REGARDING MEETING WITH RESIDENTS AND APPROPRIATE PROFESSIONALS TO ADDRESS TRAFFIC ISSUES ON EMILIE AVENUE CONNECTED WITH THE OPERATION OF SACRED HEART SCHOOLS**

Recommendation: Review and discuss list of Emilie Avenue Issues and Discussion Points and provide direction to Transportation Committee regarding what should be included in its studies in pursuit of the goal of finding a solution to the traffic issues on Emilie Avenue.

8:30 P.M. 16. CONTINUED FROM DECEMBER 18, 2002 MEETING:
DISCUSSION AND POSSIBLE ACTION – CONSIDER THE
DEVELOPMENT OF A POLICY FOR THE NAMING OF TOWN OF
ATHERTON BUILDINGS AND FACILITIES

Recommendation: Consider if it is appropriate to establish a City Council policy for naming Town buildings and facilities.

8:45 P.M. 17. CONTINUED FROM DECEMBER 18, 2002 MEETING: DISCUSSION
AND POSSIBLE ACTION – CONSIDER POSSIBLE DIRECTION TO
STAFF REGARDING THE DEVELOPMENT OF A POLICY
REGARDING THE PLACEMENT OF HYPERLINKS ON THE TOWN
WEBSITE

Recommendation: Direct the City Attorney and the City Clerk to survey other jurisdictions and prepare a draft policy for consideration by the City Council regarding computer web page linkage.

8:55 P.M. 18. AUTHORIZE AWARD OF CONTRACT FOR ARCHITECTURAL
SERVICES FOR PUBLIC WORKS CORPORATION YARD

Recommendation: Consider awarding a contract for architectural services for the Public Works Corporation Yard following oral report by Public Works Director.

9:10 P.M. 19. PUBLIC COMMENTS

9:15 P.M. 20. ADJOURNMENT

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

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



Draft Minutes
Town of Atherton
CITY COUNCIL/ATHERTON CHANNEL
DRAINAGE DISTRICT
December 18, 2002
6:00 P.M.
Meeting Room
Town Administrative Offices
91 Ashfield Road, Atherton
Special Meeting

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

1. ROLL CALL

PRESENT: Kathy McKeithen
James R. Janz
Alan B. Carlson
Dianne M. Fisher
William R. Conwell

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

2. PUBLIC COMMENTS There were no public comments.

3. CLOSED SESSION

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

4. RECONVENE TO OPEN SESSION The Council reconvened to Open Session. The following action was taken:

A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – significant exposure to litigation pursuant to Government Code Section 54956.9(b). One potential case.

Direction was given to the City Attorney.

B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – initiation of litigation pursuant to Government Code Section 54956.9(c). One potential case.

Direction was given to the City Attorney.

C. LIABILITY CLAIMS - pursuant to Government Code Section 54956.95

Claimant: Mark Spencer

Agency claimed against: Town of Atherton

The City Council voted unanimously to deny the claim.

Claimant: Nevin Spieker

Agency claimed against: Town of Atherton

The City Council voted unanimously to deny the claim.

5. ADJOURNMENT

The meeting adjourned at 6:55 p.m.

Respectfully submitted,

Alan B. Carlson, Mayor



Draft Minutes
Town of Atherton
CITY COUNCIL/ATHERTON CHANNEL
DRAINAGE DISTRICT
December 18, 2002

7:00 p.m.
TOWN COUNCIL CHAMBERS
94 Ashfield Road
Atherton, California

REGULAR MEETING

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

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

PRESENT: **Kathy McKeithen**
 James R. Janz
 Alan B. Carlson
 Dianne M. Fisher
 William R. Conwell

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

3. **PRESENTATIONS/APPOINTMENTS**

A. Proclamation for Police Chaplain Mike Ryan – Mayor Carlson read a proclamation for Police Chaplain Mike Ryan. Jacqueline Clark, who will become the new chaplain for the Town, accepted the proclamation for Chaplain Ryan.

B. The following presentations were made in honor of outgoing Council Member Dianne (Didi) M. Fisher:

- **San Mateo County Supervisor Rich Gordon presented a proclamation from the Board of Supervisors.**
- **City Manager Jim Robinson read a proclamation presented by the Honorable Anna Eshoo, member of the U.S. House of Representatives, and also presented Council Member Fisher with a proclamation on behalf of Assembly Member Joe Simitian.**

- **Former Council Members Malcolm Dudley, Nan Chapman, Bob Huber, Chris Cobey, and John Fisher, and current Council Members Conwell, Janz, and McKeithen all congratulated Council Member Fisher.**
 - **Jack Ringham, Phil Lively, Vit Eckersdorf (Holbrook – Palmer Park Foundation), Charles Marsala, and Troy Henderson also commended Council Member Fisher.**
 - **On behalf of the City Council and the Town, Mayor Carlson presented Council Member Fisher with a plaque commemorating her many years of public service.**
- C. Vice Mayor Janz presented outgoing Mayor Alan B. Carlson with a plaque on behalf of the City Council.**
- D. Mayor Carlson presented a certificate of appreciation to Charles Marsala for his years of service on the Park and Recreation Commission, the Arts Committee, and the Waste Reduction/Recycling Committee.**
- E. Appointment of two members to the Park and Recreation Commission.**

MOTION – to accept the recommendation of the Council Screening Committee to appoint Shirley Carlson and Catherine Westover to the Park and Recreation Commission to complete the terms of Charles Marsala and Polly Berquist.

M/S Fisher/Janz

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

3. COUNCIL REPORTS

- **Council Member Conwell reported that there will not be a Criminal Justice Committee meeting in December. He attended the C/CAG meeting and reported that C/CAG has hired a lobbyist. The San Francisco Airport Roundtable met in December. Airport traffic is down 23%. Noise complaints are also down. Council Member Conwell will report on the status of the Runway Reconfiguration Project at a later meeting.**
 - **Vice Mayor Janz reported on the Council of Cities meeting held November 22. Action taken was the election of Redwood City Council Member Jim Hartnett to represent the Council of Cities on the SamTrans Board, and Redwood City Council Member Ira Ruskin to the San Mateo Transportation Authority. Vice Mayor Janz attended the Atherton Channel Sub-committee meeting December 16.**
 - **Council Member McKeithen reported on the walk-through of the City Manager’s house which was conducted by a sub-committee consisting of Council Members McKeithen and Fisher. A more detailed report will be provided to the Council at a later date. She attended the Atherton Channel Drainage District Sub-committee meeting on December 16. An update on the technical studies was provided by BKF and environmental consultants H.T. Harvey and Associates. The Sub-committee will next meet in February at a date to be determined.**
 - **Council Member Fisher reported on the Audit Committee meeting held last week. The Audit Committee will recommend on the January 15 Council Agenda that the City Council extend the current auditor’s contract for two more years. She also attended**

the Library JPA meeting where the Board received a report on the timetable for the incoming library director.

- Mayor Carlson expressed appreciation to the Council for their work during his term as mayor and congratulated Council Member Conwell on his appointment as Chair of the San Mateo Criminal Justice Commission. He also commended City Manager Jim Robinson and the Town staff.

Mayor Carlson called a ten minute recess.

The meeting was called back to order at 8:35 p.m.

5. INDUCTION OF NEW COUNCIL MEMBERS

City Clerk Sharon Barker administered the oath of office to returning Council Members Alan B. Carlson, William R. Conwell, and incoming Council Member Charles E. Marsala, who were appointed in November by the Council in lieu of an election.

6. CITY COUNCIL REORGANIZATION

Nominations for the Office of Mayor and Vice Mayor were conducted by City Clerk Sharon Barker.

Mayor Carlson nominated Vice Mayor Janz for Mayor. Council Member Conwell seconded the nomination. There being no other nominations, the nominations were closed.

The Council voted unanimously to select James R. Janz for Mayor.

Nominations for the Office of Vice Mayor were taken. Mayor Janz nominated Council Member McKeithen for Vice Mayor. Council Member Carlson seconded the nomination. There being no other nominations, the nominations were closed.

The City Council voted unanimously to select Kathy McKeithen for Vice Mayor.

Mayor Janz and Vice Mayor McKeithen were seated and the gavel was handed over to Mayor Janz.

7. PUBLIC COMMENTS

Bob Jenkins, 36 Irving Avenue, spoke from the audience.

8. STAFF REPORTS

City Manager Jim Robinson commended Public Works Director Cliff Temps and the Public Works staff on their handling of the recent storm damage and clean-up. The City Manager also reported on an invoice from the Bills and Claims listing at the request of Vice Mayor McKeithen.

City Attorney Marc Hynes reported out of the closed session held at 6:00 p.m. as follows:

- A. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – significant exposure to litigation pursuant to Government Code Section 54956.9(b). One potential case.**

Direction was given to the City Attorney.

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

Direction was given to the City Attorney.

- C. **LIABILITY CLAIMS - pursuant to Government Code Section 54956.95**

Claimant: Mark Spencer

Agency claimed against: Town of Atherton

The City Council voted unanimously to deny the claim.

Claimant: Nevin Spieker

Agency claimed against: Town of Atherton

The City Council voted unanimously to deny the claim.

Mayor Janz asked staff to send out the list of committees for assignments to Council Members. The Mayor will make the appointments at the January meeting. He asked for a Council Member to volunteer to attend the next Library JPA Governing Board meeting on January 6. Council Member Marsala will attend.

9. COMMUNITY ORGANIZATION ROUNDTABLE REPORT

No report.

CONSENT CALENDAR

Council Member Conwell asked to remove Item 15 from the Consent Agenda.

Council Member Carlson asked that Item 17 be removed from the Consent Agenda.

MOTION – to approve the consent agenda with the exception of Item 15 which was placed on the Regular Agenda as Item 23, and Item 17 which was placed on the Regular Agenda as Item 19.

Vice Mayor Member McKeithen stated she would not participate in the vote for

Item 14.

M/S Carlson/McKeithen

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

- 10. APPROVED THE MINUTES OF SPECIAL JOINT CITY COUNCIL / PARK AND RECREATION COMMISSION MEETING OF NOVEMBER 19, 2002, SPECIAL COUNCIL MEETING OF NOVEMBER 20, 2002, AND REGULAR COUNCIL MEETING OF NOVEMBER 20, 2002**
- 11. APPROVED THE BILLS AND CLAIMS FOR NOVEMBER 2002 IN THE AMOUNT OF \$1,537,496**
- 12. ACCEPTED THE MONTHLY FINANCIAL REPORT FOR NOVEMBER 2002**
- 13. ADOPTED ORDINANCE NO. 537 AMENDING TITLE 15 OF THE ATHERTON MUNICIPAL CODE ADOPTING CURRENT BUILDING, PLUMBING, MECHANICAL, ADMINISTRATIVE, HOUSING, ELECTRICAL, AND ABATEMENT OF DANGEROUS BUILDINGS CODES**
- 14. ADOPTED ORDINANCE NO. 538 AMENDING ATHERTON MUNICIPAL CODE SECTION 3.16.080 RELATED TO PURCHASING PROCEDURES**
- 15. Removed from the Consent Agenda and moved to Item No. 23 of the Regular Agenda.**
- 16. APPROVED CONTRACT FOR RETENTION OF COUNSEL**

Authorized the City Manager to execute an agreement with the City of Palo Alto for legal services to be provided by Mr. Lance Bayer in the case of conflicts encountered by the City Attorney.

- 17. Removed from the Consent Agenda and moved to Item 19A of the Regular Agenda.**

PUBLIC HEARING

- 18. PUBLIC HEARING – 150 VALPARAISO AVENUE, APPEAL OF CONDITIONAL USE PERMIT DECISION BY PLANNING COMMISSION – DRIVEWAY CONDITION**

Council Member Marsala recused himself from discussion on this item due to a potential conflict of interest, and stepped down from the dais.

Town Planner Neal Martin presented the staff report for this item. An appeal was received on November 18 of the decision made by the Planning Commission to modify the Conditional Use Permit approved in 1998 for the sports pavilion at Sacred Heart Schools. The modified CUP eliminates the conditions relating to a new driveway and adds new

conditions regarding traffic operations and requires that Sacred Heart Schools retain the driveway location on its Master Plan subject to certain conditions.

Mark Spencer of DKS Associates presented information on the traffic study performed on Valparaiso Avenue.

Mayor Janz opened the public hearing at 10:00 p.m. The following testimony was heard:
Marguerette Shepard Paponis, 96 MacBain Avenue, appellant
Frank Lee, 80 MacBain Avenue, appellant
Lou Paponis, 96 MacBain Avenue, appellant
Terri Waters, 25 Emilie Avenue, appellant
Edward Goodstein, 71 MacBain Avenue, appellant
Charles Marsala, 33 Emilie Avenue, in favor of appeal
Charlie Schrek, 1220 Arbor Road, Menlo Park
Keith Wollenberg, 97 Michaels Way, in favor of appeal
Lee DuBoc, Vice Mayor, City of Menlo Park
Gail Farwell, 1240 Arbor Road, Menlo Park
Bob Huber, One Frederick Avenue
Claudia Lee, 80 MacBain Avenue, in favor of appeal
Ron Parlante, 78 MacBain Avenue
Phil Lively, 24 Hawthorn, Planning Commission Chair

Mayor Janz closed the public hearing at 11:47 p.m. and called for a five minute break. The meeting reconvened at 11:55 p.m.

Discussion ensued regarding the validity of the traffic counts, and whether the previous action that the Planning Commission took in 1998 was carried out by the CUP. It was determined that the issues brought up by the residents during the public hearing could not be addressed under this item, and that the issue before the Council only relates to the decision made by the Planning Commission on November 7. The Council agreed that the issue of street definitions should be further considered by the General Plan Committee, and that the Transportation Committee should further consider traffic studies.

MOTION – related to the appeal of the Planning Commission decision concerning a proposed driveway at 150 Valparaiso: 1) Adopt the Draft Initial Study and Negative Declaration prepared for the Sacred Heart Schools track, tennis court construction and internal driveway location project (revised dated August 30, 2002), and declare that they have considered that document in its deliberations concerning this matter, and 2) Make the findings enumerated in the Staff Report for the reasons noted in the Staff Report, and 3) Deny the appeal and uphold the decision of the Planning Commission to approve the modification to the Conditional Use Permit withholding the driveway condition and adding other conditions as stated in the Draft Conditional Use Permit Certificate, with modification to No. 5 of the Conditional Use Permit Certificate to include that the annual traffic survey to be provided by Sacred Heart Schools be conducted by an independent professional firm and that the Planning Commission not be authorized to change the frequency of the traffic survey documentation.

M/S Carlson/Janz

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

Motion – to request that the General Plan Committee consider for clarification the definition of street types in the circulation element of the Housing Element, in particular to address an ambiguity in vehicle numbers between streets classified as local being those with a daily traffic capacity of 1,000 vehicles or less, but the next step up being defined as collector streets having a daily vehicle capacity of 2,500 to 12,000.

M/S McKeithen/Carlson

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

The Council directed staff to agendaize for the January 15 regular meeting an item to direct the Transportation Committee to meet with residents and appropriate professionals to begin the process to address traffic issues on Emilie Avenue connected with the operations of Sacred Heart Schools, and determine what is needed to come up with additional information on the traffic patterns and volumes in the affected area, and to bring requests for any further traffic studies back to the Council, and ultimately to pursue the goal of finding a solution to the traffic on Emilie Avenue.

REGULAR AGENDA

The following item was moved from the Consent Agenda:

17. ACCEPTANCE OF DONATION OF ELECTRIC VEHICLE

Police Chief Brennan presented the staff report for this item. The Atherton Police Department has qualified to receive an electric vehicle provided by the Ford Motor Company. It is planned for the vehicle to be used by the School Resource Officers, the Community Service Officer, and as a general use vehicle.

MOTION – to accept the donation of an electronic vehicle for the Police Department.

M/S McKeithen/Carlson

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

19. CONSIDERATION OF LINDENWOOD HOMES ASSOCIATION PROPOSAL TO CONSTRUCT AN ENTRANCE GATE AT OAK GROVE AVENUE

City Manager Jim Robinson presented the staff report for this item. Lindenwood Homes Association representative Bob Huber presented plans for a gate which is proposed to be constructed at Oak Grove Avenue. The gate is similar to the gate that was completed at Frederick Avenue in 1994. The City Attorney advised that approval of the gate would require an amendment to the existing encroachment ordinance. It was agreed that staff would not be directed to work on an agreement with the Lindenwood Homes Association until the costs for the gate are determined.

MOTION – give direction to staff to prepare an amendment to the encroachment ordinance, and to direct the General Plan Committee to review the ordinance to determine if other Town gates are subject to encroachment.

M/S McKeithen/Carlson Ayes: 5 Noes: 0 Abstain: 0 Absent: 0

20. LEAGUE OF CALIFORNIA CITIES MAYORS AND COUNCIL MEMBERS INSTITUTE

Council Member Marsala stated that he would like to attend the League of California Cities Mayors and Council Members Institute in Sacramento from January 8 to 10.

MOTION – to approve the attendance of any Council Member who wished to attend the League Institute.

M/S McKeithen/Janz Ayes: 5 Noes: 0 Abstain: 0 Absent: 0

21. DISCUSSION AND POSSIBLE ACTION – CONSIDER DEVELOPMENT OF A POLICY FOR THE NAMING OF TOWN OF ATHERTON BUILDINGS AND FACILITIES

The Council agreed to continue this item to the next meeting.

22. DISCUSSION AND POSSIBLE ACTION – CONSIDER POSSIBLE DIRECTION TO STAFF REGARDING THE DEVELOPMENT OF A POLICY REGARDING THE PLACEMENT OF HYPERLINKS ON THE TOWN WEBSITE

The Council agreed to continue this item to the next meeting.

The following item was removed from the Consent Agenda:

15. AMENDED CONTRACT FOR SERVICES – TOWN OF ATHERTON/STUBBS AND LEONE

City Attorney Marc Hynes clarified the proposed amendment to the contract between the Town of Atherton and the firm of Stubbs and Leone.

MOTION – to approve the amendment to the contract for services between the Town of Atherton and Stubbs & Leone, increasing the hourly rates for attorney time to \$175.00 per hour, and paralegal time to \$150.00 per hour.

M/S Carlson/McKeithen

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

23. PUBLIC COMMENTS

There were no public comments.

24. ADJOURNMENT

The meeting adjourned at 1:30 a.m.

Respectfully submitted,

Sharon Barker
City Clerk

TOWN OF ATHERTON
CLAIMS LIST
December, 2002

Payroll Checks	1659 – 1738	\$ 47,474
Electronic Transfers		274,316
A/P Checks	14357 - 14571	500,502
TOTAL		\$ 822,292

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 1659 through 1738 (Payroll) and 14357 through 14571 (Accounts Payable), and Electronic Transfers for Employees Federal Payroll Taxes and fees, inclusive, amount to \$822,292 are true and correct, and that there are funds for payment.

James H. Robinson
City Manager

The above claims, Payroll check numbers 1659 through 1738, Accounts Payable check numbers 14357 through 14571 and Electronic Transfers for employees federal payroll taxes and fees, amount to \$822,292; and are hereby approved for payment.

James R. Janz
Mayor, Town of Atherton

SOURCE OF FUNDS		
101	General Fund	\$668,659
105	Tennis Fund	15
201	Special Parcel Tax	12,361
202	Transportation	4,101
203	Gas Tax Fund	-
210	Road Construction Impact Fees	-
213	Library Special Revenue Fund	949
401	General Capital Projects	48,320
402	Storm Drainage	-
403	Atherton Channel District	8,136
404	Park Playground Improvement	-
405	Middlefield Road Rehab.	6,969
406	Facilities Construction	55,647
610	Vehicle Replacement	-
611	Computer Maint. & Replacement	9,529
612	Administrative Services	2,608
614	Workers Compensation Insurance	-
715	Evans Estate	4,033
730	H-P Park Improvement	-
740	Tree Committee	965
TOTAL		\$822,292



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JOHN P. JOHNS, FINANCE DIRECTOR

DATE: FOR THE MEETING OF JANUARY 15, 2003

SUBJECT: MONTHLY FINANCIAL REPORT, DECEMBER 2002

RECOMMENDATION:

Receive and file Monthly Financial Report for December 2002.

INTRODUCTION:

The attached schedules show revenues and expenditures and fund balance for all funds as of December 31st, 2002.

HIGHLIGHTS

In December, the Town received its first installment of secured property taxes and parcel tax revenues. Additionally, during the month of December, internal services fund charges and operating transfers to the General Fund were executed. The amount of such internal services fund charges and operating transfers were \$242,623 and \$422,000 respectively, and represented 50 percent of the amounts budgeted for FY 2002-2003.

For the six months ended December 31st 2002, General Fund expenditures amounted to 49 percent of budgeted expenditures while General Fund revenues amounted to 47 percent of budgeted.

Prepared by:

Approved by:

s/John P. Johns

John P. Johns
Finance Director

James H. Robinson
City Manager

TOWN OF ATHERTON
Revenue Summary
For the Month ended Dec 31st, 2002

Fund	Revenue Source	2002-03 Estimate	Current Period Revenues	Year to Date Revenues	% Received
	Property Tax	\$ 2,927,487	1,118,240	\$ 1,524,638	52%
	Sales and Use Tax	255,000	1,765	79,053	31%
	Other Taxes	882,158	55,025	280,068	32%
	Licenses & Permits	1,407,000	83,587	609,941	43%
	Fines & Forfeitures	70,000	7,582	36,287	52%
	Investment & Rental Income	394,868	27,155	117,473	30%
	Revenue from Other Agencies	352,400	21,779	251,664	71%
	Charges for Services	220,974	5,098	116,277	53%
	Other Revenues	3,000	254	3,703	123%
	Total General Fund Revenues	6,512,887	1,320,485	3,019,104	46%
	Interfund (Operating) Transfers In	844,000	422,000	422,000	50%
101	General Fund Total	7,356,887	1,742,485	3,441,104	47%
	Special Revenue Funds:				
105	Tennis	9,000	-	1,360	15%
201	Special Parcel Tax	1,570,000	784,404	784,410	50%
202	Transportation	270,000	-	73,497	27%
203	Street Improvement (Gas Tax)	200,000	25,611	80,825	40%
208	Police on the Street	-	-	-	-
209	Law Enforcement	100,000	-	-	0%
210	Road Construction Impact Fees	400,000	34,353	165,066	41%
213	Library	20,000	-	80,148	401%
	Total	2,549,000	844,368	1,185,306	47%
	Capital Project Funds:				
401	Capital Improvement	10,000	-	84,722	847%
402	Storm Drainage	10,000	-	5,276	53%
403	Channel Drainage District	52,280	15,836	21,662	41%
404	Park Playground Improvement	-	-	2,205	-
405	Middlefield Road Grants	1,200,000	-	756,880	63%
406	Facilities Construction	22,000	-	-	0%
	Total	1,294,280	15,836	870,745	67%
	Internal Service Funds:				
610	Vehicle Replacement	39,400	19,700	19,700	50%
611	Information Technology	91,371	45,686	45,686	50%
612	Administrative Services	406,256	118,129	118,129	29%
614	Workers Compensation Insurance	80,129	-	40,782	51%
	Total	617,156	183,515	224,297	36%
	Trust and Agency Funds:				
715	Evans Creative Design	116,900	4,481	24,700	21%
740	Tree Committee	-	504	2,005	-
	Total	116,900	4,985	26,705	23%
	Total Revenues	11,934,223	2,791,189	5,748,157	48%

TOWN OF ATHERTON
Expenditure Summary
For the Month Ended Dec 31st, 2002

Fund	Description	2002-03	Current Period	Year to Date	%
Department		Budget	Expenditures	Expenditures	Spent
101	General Fund				
	11 City Council	\$ 21,623	\$ 4,686	12,488	58%
	12 City Manager	475,959	56,083	234,940	49%
	16 City Attorney	195,734	15,165	65,159	33%
	18 Finance	394,460	46,315	201,110	51%
	25 Building	864,252	125,764	441,256	51%
	40 Police	3,615,402	380,220	1,707,896	47%
	50 Public Works	1,725,357	150,860	856,305	50%
	Contingency	100,000	-	-	0%
101	General Fund Total	\$ 7,392,787	\$ 779,093	\$ 3,519,154	48%
Special Revenue Funds:					
105	Tennis	29,946	15	15	0%
201	Special Parcel Tax	1,480,309	12,361	649,078	44%
202	Transportation	273,992	4,101	103,827	38%
203	Street Improvement (Gas Tax)	57,203	-	-	0%
208	Police on the Street	40,000	-	-	0%
209	Law Enforcement	100,000	7,651	103,778	104%
210	Road Impact Fees	684,294	-	-	0%
213	Library Fund	22,567	949	13,752	61%
	Total	2,688,311	25,077	870,450	32%
Capital Project Funds:					
401	Capital Improvement	396,861	48,320	49,951	13%
402	Storm Drainage	-	-	63,037	-
403	Channel Drainage District	90,848	8,136	8,136	9%
404	Park Playground Fund	-	-	31,664	-
405	Middlefield Road Grants	1,299,000	6,969	1,305,969	101%
406	Facilities Construction	198,454	55,647	56,167	28%
	Total	1,985,163	119,072	1,514,924	76%
Internal Service Funds:					
610	Vehicle Replacement	45,000	-	-	0%
611	Information Technology	100,500	9,529	24,844	25%
612	Administrative Services	325,335	8,809	176,997	54%
614	Workers Compensation Insurance	95,000	-	40,782	43%
	Total	565,835	18,338	242,623	43%
Trust and Agency Funds:					
715	Evans Creative Design	103,770	4,033	42,469	41%
740	Tree Committee	730	965	2,665	365%
	Total	104,500	4,998	45,134	
	Total Expenditures	12,736,596	946,578	6,192,285	49%

TOWN OF ATHERTON
Budget Summary
Fiscal Year 2002-03
As of December 31st, 2002

Fund	Description	Beginning Fund Balance July 1, 2002	Revenues to Date	Transfers to Date	Expenditures To Date	Ending Fund Balance to Date
101	General Fund	5,194,187	3,019,104	422,000	3,519,154	5,116,137
	Special Revenue Funds:					
105	Tennis	21,926	1,360		15	23,271
201	Special Municipal Tax	847,820	784,410	(352,000)	649,078	983,152
202	Transportation	26,779	73,497		103,827	(3,551)
203	Street Improvement (Gas Tax)	85,697	80,825		-	166,522
208	Police on the Street	44,434	-	(20,000)	-	44,434
209	Law Enforcement	9,121	-	(50,000)	103,778	(94,657)
210	Road Construction Impact Fees	646,417	165,066		-	811,483
213	Library Special Revenue Fund	400,000	80,148		13,752	466,396
	Sub Total	<u>2,082,194</u>	<u>1,185,306</u>	<u>(422,000)</u>	<u>870,450</u>	<u>2,397,050</u>
	Capital Projects Funds:					
401	Capital Improvement	446,802	84,722		49,951	481,573
402	Storm Drainage	56,786	5,276		63,037	(975)
403	Channel Drainage District	445,509	21,662		8,136	459,035
404	Park Playground Improvement	58,417	2,205		31,664	28,958
405	Middlefield Road Grants	(173)	756,880		1,305,969	(549,262)
406	Facilities Construction	447,477	-		56,167	391,310
	Sub Total	<u>1,454,818</u>	<u>870,745</u>	<u>-</u>	<u>1,514,924</u>	<u>810,639</u>
	Internal Service Fund					
610	Vehicle Replacement	357,952	19,700		-	377,652
611	Information Technology	54,979	45,686		24,844	75,821
612	Administrative Services	6,143	118,129		176,997	(52,725)
614	Workers Compensation Insurance	(51,490)	40,782		40,782	(51,490)
	Sub Total	<u>367,584</u>	<u>224,297</u>	<u>-</u>	<u>242,623</u>	<u>349,258</u>
	Trust and Agency Funds					
715	Evans Creative Design	116,028	24,700		42,469	98,259
740	Tree Committee	226	2,005		2,665	(434)
	Sub Total	<u>125,355</u>	<u>26,705</u>	<u>-</u>	<u>45,134</u>	<u>106,926</u>
	Grand Total	<u>\$ 9,224,138</u>	<u>\$ 5,326,157</u>	<u>\$ -</u>	<u>\$ 6,192,285</u>	<u>\$ 8,780,010</u>



Town of Atherton

CITY COUNCIL STAFF REPORT

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

FROM: SHARON BARKER, CITY CLERK

DATE: FOR THE MEETING OF JANUARY 15, 2003

SUBJECT: CITY COUNCIL COMMITTEE ASSIGNMENTS

RECOMMENDATION:

Approve the 2003 Council Committee assignments made by Mayor Janz (attached to this staff report).

BACKGROUND:

Section 9 of the City Council Rules of Procedure provides for the annual appointment of Council Members to various committees by the Mayor. There are currently seven standing sub-committees and seven other governmental and quasi-governmental committees requiring council representatives. Earlier this month Council Members were provided with a survey to determine their choices for the committees and to assist the Mayor in making the assignments. These assignments will expire in December 2003 when a new mayor is selected.

Respectfully submitted by:

Reviewed/Approved by:

Sharon Barker
City Clerk

James Robinson
City Manager

Attachment: Committee Assignments List



Town of Atherton

CITY COUNCIL STAFF REPORT

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

FROM: CLIFF TEMPS, PUBLIC WORKS DIRECTOR

DATE: FOR THE MEETING OF JANUARY 15, 2003

SUBJECT: DONATION OF TWO ELECTRIC CARS FROM SUNNYVALE FORD

RECOMMENDATION:

Accept the donation of two electric cars valued at \$14,000 from Sunnyvale Ford.

INTRODUCTION:

The Ford Motor Company has designated a number of 2002 THINK vehicles for donation to schools and local law enforcement agencies. Through Sunnyvale Ford, the Town has been identified as an agency qualified to receive two more cars.

ANALYSIS:

Both of the new units will be assigned to Public Works. One will be used in the Park by maintenance personnel. The other will be based at the Permit Center and used mostly for short trips relating to gathering data for and inspecting construction of capital improvement projects. When the Permit Center vehicle isn't being used for its primary purpose, it will be available for other staff members to travel to sites in Town. The vehicle's small size should make getting around and parking at construction sites easier than using a regular automobile, and it will save paying employees mileage for using their own vehicles.

FISCAL IMPACT:

No cost to assume ownership of the vehicle. The cost to charge the batteries is unknown but should be negligible. Ford Motor Company reports that routine maintenance is less than that of a combustion engine.

Submitted by:

Approved:

Cliff Temps
Public works Director

James Robinson
City Manager



Town of Atherton

CITY COUNCIL STAFF REPORT

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

FROM: MICHAEL A. HOOD, BUILDING OFFICIAL

DATE: FOR THE MEETING OF JANUARY 15, 2003

**SUBJECT: CONSIDERATION OF MENLO PARK FIRE PROTECTION DISTRICT
RECOMMENDING THAT THE TOWN OF ATHERTON ADHERE TO FIRE
DISTRICT REGULATIONS REQUIRING THE INSTALLATION OF
AUTOMATIC FIRE SPRINKLERS IN CERTAIN RESIDENTIAL
STRUCTURES**

RECOMMENDATION:

Consider the adoption of a resolution requiring installation of residential automatic sprinklers after hearing a presentation by Chief Paul Wilson of the Menlo Park Fire Protection District.

INTRODUCTION:

The Menlo Park Fire Protection District is proposing an ordinance that would require the installation of automatic fire sprinklers where new construction exceeds 5000 square feet or where a new basement exceeds 250 square feet. In order to evaluate the efficacy of residential automatic fire sprinklers, staff offers the following information.

ANALYSIS:

The State of California mandates the adoption of model building codes for the construction of single-family residential properties. The State goal is to have a uniform set of building codes that are the same throughout the state. A person building a single-family residence in one community will encounter the same

construction regulations when building in another community. Changes or modifications to the model codes may be made when a community has unusual local conditions such as abnormal climate, geology or seismology. Requests for modification to the model codes are submitted to the State Building Standards Commission for evaluation and approval.

Currently about half of the surrounding communities require residential automatic fire sprinkler systems and have, presumably, filed with the Building Standards Commission because of unusual local conditions. Redwood City requires sprinklers for new residential construction regardless of square footage of the residence. The Town of Woodside requires sprinklers for new construction exceeding 1,000 square feet. Palo Alto requires residential sprinkler systems for homes west of the 280 freeway.

The California model codes allow the construction of a single-family residence of unlimited size when the construction is of wood frame materials; automatic sprinkler systems are not required. Typical new construction in the Town of Atherton is a residence of approximately 8,000 square feet per acre of land. About half of these new residences have basements that add additional square footage; a typical new basement is approximately 4,000 square feet per acre.

Residences in Atherton are typically located 60 feet or more from the front and rear property line. Additionally, they are 50 feet from the side property lines. Accessory structures are 10 feet from side and rear property lines. These setbacks are far in excess of the three foot minimum allowed by the model codes.

Typical construction in the Town of Atherton comes close to the standard of one-hour type construction. This is a style of construction that, theoretically, would restrain an interior fire for approximately one hour before the structural frame collapsed. Although this style of construction exceeds the minimum requirements of the model codes it is a style of construction that is typical for large, high quality construction and affords an additional measure of safety to the occupants of the residence.

The model codes require the installation of hard-wired smoke detectors with battery back-up on new construction. Remodels and additions to existing homes trigger the requirement for smoke detectors. As a result, most of the homes in Atherton have smoke detectors. These devices are very effective in warning an occupant in the early stages of fire development. Approximately half of the homes in Atherton, and virtually all of the homes that have been built in the last six years have alarm systems that are wired directly to the police department or to an alarm monitoring company. Response time from the Atherton Police Department and Menlo Fire Protection District is less than three minutes. This impressive response time puts safety personnel on site quickly for the evacuation of occupants and the directing of necessary equipment in the case of a fire.

FISCAL IMPACT:

The cost of installing an automatic sprinkler system in new residential construction is approximately between \$2.00 and \$3.00 per square foot. For an 8,000 square foot residence this would be about \$16,000 to \$24,000. Farmer's Insurance Company gives a 10% reduction in the home-owner insurance

premium when an automatic sprinkler system is installed. State Farm and AAA give no reduction in premium when an automatic sprinkler is installed. Farmer's, State Farm and AAA give a 10% reduction in premium for the installation of a monitored alarm system.

The Insurance Services Office, an organization that evaluates and determines insurance risk for a whole community does not adjust its community risk evaluation based on the installation of residential sprinklers but does adjust that evaluation based on such items as the number of fire hydrants within a given radius, the distance to emergency service facilities, and the adequacy of fire lines serving fire hydrants.

California Water Service provides water to Atherton. The flow rates in most of the fire hydrants are between 1,000 and 2,500 gallons per minute. The flow rate through a typical 1 ½ inch hose and nozzle is about 150 gallons per minute.

Respectfully submitted:

Reviewed/Approved:

Michael A. Hood
Building Official

James H. Robinson
City Manager



Town of Atherton

CITY COUNCIL STAFF REPORT

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

FROM: CLIFF TEMPS, PUBLIC WORKS DIRECTOR

DATE: FOR THE MEETING OF JANUARY 15, 2003

**SUBJECT: APPROVAL OF AGREEMENTS WITH MENLO PARK RELATING TO
VALPARAISO AVENUE IMPROVEMENTS**

- **PHASE I IMPROVEMENT AGREEMENT**
- **VALPARAISO AVENUE AND UNIVERSITY DRIVE TRAFFIC
SIGNAL MAINTENANCE AGREEMENT**

RECOMMENDATION

Approve the implementation of Phase I Valparaiso Corridor Improvement and Valparaiso Avenue and University Drive Traffic Signal Maintenance Agreements with Menlo Park and authorize the Mayor to sign them on behalf of the Town.

INTRODUCTION

At the joint meeting of Atherton and Menlo Park City Councils last September it was agreed that a traffic signal should be installed at the intersection of Valparaiso Avenue and University Drive, and that the raised pavement marker island on Valparaiso near Victoria Drive be replaced with a raised curb. It was also agreed that the cost should be shared by the two cities. Plans for work at both sites are nearly complete and should be ready to go out to bid in February. The two agreements the Council is being asked to consider provide for construction and maintenance of the work.

Two other issues that were discussed and agreed to at the September joint meeting related to imposing left turn prohibitions at Blockbuster Video and postponing consideration of a second traffic signal on Valparaiso until sometime after the University Drive signal was installed. Menlo Park has advised Blockbuster and the owner of the building in which it is located of its intent to prohibit left turns into and out of the Valparaiso driveway, and received no response. Imposition of the left turn prohibition is scheduled as a consent item on the Menlo Park Council agenda for January 14, 2003.

ANALYSIS

Both agreements provide for Menlo Park to act as the lead agency with regard to contracting for construction work and providing for signal maintenance, and for Atherton to pay half the cost. The cost of the signal will be determined by competitive bid. The projected cost of its maintenance is within a few cents of what Atherton is paying for maintenance of its own signals on Middlefield Road.

FINANCIAL IMPACT

The pre-bid estimate of Atherton's share of the construction cost is \$75,000. The current fiscal year's budget includes \$65,000 for construction of the traffic signal. An additional \$50,000 is expected to be exacted from Sacred Heart School and Menlo School, as conditions of their pending or future permits. The maintenance cost of approximately \$1,200 per year will not start until the signal is placed in operation sometime next summer and will be included in next year's budget.

CONCLUSION

To keep the new signal and curb work on schedule, the agreements should be approved at this time.

Respectfully submitted

Reviewed/Approved

Cliff Temps
Public Works Director

James Robinson
City Manager

ATTACHMENTS

PHASE I IMPROVEMENT AGREEMENT

VALPARAISO AVENUE AND UNIVERSITY DRIVE TRAFFIC SIGNAL
MAINTENANCE AGREEMENT

IMPLEMENTATION OF VALPARAISO AVENUE CORRIDOR

PHASE I IMPROVEMENT AGREEMENT

This AGREEMENT entered into this _____ of _____, 2003, by and between the CITY OF MENLO PARK, a municipal corporation of the State of California (herein referred to as First Party), and the TOWN OF ATHERTON, a municipal corporation, of the State of California (herein referred to as Second Party).

WITNESSETH:

WHEREAS: The parties desire to implement the Phase I Improvements for the Valparaiso Avenue corridor as approved by the respective City Councils on September 25, 2002 and to specify the terms and conditions under which such improvements are installed and financed. The Phase I Improvements, referred to herein as "PROJECT", shall include installing a traffic signal and safety lighting system at the intersection of Valparaiso Avenue and University Drive and installing rubber curbs at the painted islands between Hoover Street and Victoria Drive.

NOW, THEREFORE, in consideration of the mutual covenants set forth herein, the parties do hereby agree as follows:

1. **FIRST:** First Party will agree to:

- (1) Provide advertisement, bid opening, award of the contract, contract administration, and all necessary construction engineering services for the PROJECT.
- (2) Prior to advertisement for construction of PROJECT, submit plans, specifications and estimates to the Second Party for review and concurrence to the Second Party's standards and/or existing facilities.
- (3) Provide for the construction of PROJECT by contract in accordance with the plans, specifications, and estimates approved by both parties.
- (4) Provide an amount equal to one hundred percent (100%) of the expense of the construction engineering, construction costs and necessary traffic signal equipment purchase required to complete the PROJECT, subject to the partial reimbursement by Second Party as set forth below.

2. **SECOND:** Second Party will agree to:

- (1) Prior to award of contract for construction of PROJECT, review the plans, specifications and estimates for conformity to Second Party's standards and/or existing facilities.

- (2) Upon completion of PROJECT, reimburse the First Party fifty percent (50%) of the expense of construction engineering, construction costs, contract administration, and necessary traffic signal equipment purchase required to complete the project.
3. THIRD: Both parties will mutually agree that:
- (1) The First Party shall not approve a contract for the construction of PROJECT until after receipt of the Second Party's approval of the plans, specifications, and estimates required in paragraph "First" and "Second", above.
 - (2) Neither the First Party nor any officer or employee thereof shall be responsible for any damage or liability occurring by reason of anything done or omitted to be done by the Second Party under or in connection with any work, authority, or jurisdiction delegated to the Second Party under this Agreement. Pursuant to Government Code Section 895.4, the Second Party shall fully indemnify and hold the First Party harmless from any liability imposed for injury (as defined by Government Code Section 810.8) occurring by reasons of anything done or omitted to be done by the Second Party under or in connection with any work, authority or jurisdiction delegated to the Second Party under this Agreement.
 - (3) Neither the Second Party nor any officer or employee thereof shall be responsible for any damage or liability occurring by reason of anything done or omitted to be done by the First Party under or in connection with any work, authority, or jurisdiction delegated to the First Party under this Agreement. Pursuant to Government Code Section 895.4, the First Party shall fully indemnify and hold the Second Party harmless from any liability imposed for injury (as defined by Government Code Section 810.8) occurring by reasons of anything done or omitted to be done by the First Party under or in connection with any work, authority or jurisdiction delegated to the First Party under this Agreement.
 - (4) In the construction of the work, the First Party will furnish a representative to perform the usual functions of a Resident Engineer. The Second Party may, at no cost to the First Party, furnish a representative, if they so desire. The representative and Resident Engineer will cooperate and consult with each other.
 - (5) If existing public and private utilities conflict with the construction of PROJECT, both parties will make all necessary arrangements with the owners of such utilities for their removal or relocation.

Encroachment permits will be issued by either party, depending on the location of the utility for which removal is required by the PROJECT.

(6) Second Party hereby grants to First Party and its agents and contractors all necessary authority to perform within the boundaries of Second Party any and all work required to perform the terms of this Agreement, and agrees to provide such documentation as may be required by Second Party to confirm such authority.

4. FOURTH: This Agreement shall become effective and shall remain in full force and effect until amended or terminated at any time upon mutual consent of the parties thereto or upon thirty (30) days written notice by either party thereof to the other.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first above written.

First Party

Second Party

CITY OF MENLO PARK

TOWN OF ATHERTON

By _____

BY _____

City Manager

Mayor

Attest _____

Attest _____

City Clerk

City Clerk

APPROVED AS TO FORM:

Marc G. Hynes, City Attorney

VALPARAISO AVENUE AND UNIVERSITY DRIVE

TRAFFIC

SIGNAL MAINTENANCE AGREEMENT

This AGREEMENT entered into this _____ of _____, 2003, by and between the CITY OF MENLO PARK, a municipal corporation of the State of California (herein referred to as First Party), and the TOWN OF ATHERTON, a municipal corporation, of the State of California (herein referred to as Second Party).

WITNESSETH:

WHEREAS: The parties desire to provide for the maintenance and upkeep of the traffic signal at the intersection of Valparaiso Avenue and University Drive, and to arrange herein for the particular maintenance functions to be performed by both parties and to specify the terms and conditions under which such work will be performed.

NOW, THEREFORE, in consideration of the mutual covenants set forth herein, the parties do hereby agree as follows:

1. FIRST: First Party will, during the term of this agreement, provide for the traffic signal at the intersection of Valparaiso Avenue and University Drive, a continuing program of preventative maintenance which includes the cost of replacement parts, labor, tools, equipment, and incidental costs for one fixed "monthly charge". The preventative maintenance program to be performed by the First Party will include, but is not necessarily limited by, the following list of work items:

- (1) Inspect, clean and adjust each controller unit once each month;
- (2) Replace all traffic signal lamps using only standard LED traffic signal lamps as required;
- (3) Replace or repair defective parts of all controller mechanisms as required;
- (4) Clean and polish all lenses annually and will replace or repair parts as required;
- (5) Paint all standards, heads, and other equipment as required and will maintain them in an attractive condition;
- (6) Provide emergency services 24 hours per day for the replacement of lamps or repair of controller malfunctions, and for temporary repairs of damages resulting from traffic collisions, which have caused dislocation of poles or equipment, Acts of God (i.e., excessive winds, rain, floods, earthquake, etc.), and vandalism.

(7) Maintain accurate records of all monthly inspections, service calls, repairs, and other pertain date, one copy of said records will be kept in the controller cabinet.

It is the intent of the parties hereto that the First Party will maintain, in first class operating condition, the traffic signal at the intersection of Valparaiso Avenue and University Drive and will return it to first class operating condition as soon as possible, in the event of equipment breakdown or damage.

2. **SECOND:** In the event that work is required on those items which are specifically excluded by paragraph "FIRST" hereof, or in the event signal equipment is damaged by traffic collisions, Acts of God (i.e., excessive winds, rain, floods, earthquake, etc.), and vandalism, First Party agrees to perform such work as may be required to return signal equipment to first class operating condition and Second Party agrees to pay First Party for such work on the basis of labor and material costs plus an amount, not to exceed 25% of the labor and material costs, for handling and overhead.

3. **THIRD:** The cost of maintaining and operating the traffic signal at the intersection of Valparaiso Avenue and University Drive including electrical energy costs shall be equally (50/50) shared between the First Party and the Second Party.

4. **FOURTH:** The approximate monthly costs for the traffic signal at the intersection of Valparaiso Avenue and University Drive are as follows:

APPROXIMATE TOTAL MONTHLY COSTS

PREVENTIVE	ELECTRICAL	PTN. OF COST			
<u>MAINTENANCE</u>	<u>ENERGY</u>	<u>1ST PARTY</u>		<u>2ND PARTY</u>	
		<u>RATIO</u>	<u>AMT.</u>	<u>RATIO</u>	<u>AMT.</u>
\$63.00	\$130.00	1 / 2	\$96.50	1 / 2	\$96.50

5. **FIFTH:** The Second Party will reimburse the First Party on a quarterly basis for routine maintenance and electrical energy. The monthly expenditure may increase or decrease due to maintenance service contract changes and variations in electrical energy consumption. However, the First Party will notify Second Party in writing of any changes in the maintenance service contract thirty (30) days prior to said changes.

In the case of unrecoverable bills due to special or emergency maintenance or repair necessitated by accidents or by storms or other weather conditions, vandalism or other unusual or unexpected damage to facilities herein described, the First Party shall be allowed to recover from Second Party their portion of the unrecoverable bill on the same basis as described in paragraph "THIRD" hereof.

6. SIXTH: Nothing in the provisions of this Agreement is intended to affect the legal liability of either party to the contract by imposing any standard of care respecting the maintenance of electrically operated traffic control devices different from the standard of care imposed by law.

It is understood and agreed that neither the Second Party nor any officer or employee thereof is responsible for any damage or liability occurring by reason of anything done or omitted to be done by First Party under or in connection with any work, authority or jurisdiction delegated to the First Party under this Agreement for Maintenance. It is also understood and agreed that First Party shall fully indemnify and hold Second Party harmless from any damage or liability occurring by reason of anything done or omitted to be done by First Party under or in connection with any work, authority or jurisdiction not delegated to Second Party under this agreement.

7. SEVENTH: This Agreement shall become effective and shall remain in full force and effect until amended or terminated at any time upon mutual consent of the parties thereto or upon thirty (30) days written notice by either party thereof to the other.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first above written.

First Party

Second Party

CITY OF MENLO PARK

TOWN OF ATHERTON

By _____

BY _____

City Manager

Mayor

Attest _____

Attest _____

City Clerk

City Clerk

APPROVED AS TO FORM:

Marc G. Hynes, City Attorney



Town of Atherton

CITY COUNCIL STAFF REPORT

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

FROM: CLIFF TEMPS, PUBLIC WORKS DIRECTOR

DATE: FOR THE MEETING OF JANUARY 15, 2002

**SUBJECT: DIRECTION TO TRANSPORTATION COMMITTEE REGARDING
MEETING WITH RESIDENTS AND APPROPRIATE
PROFESSIONALS TO ADDRESS PROBLEMS ON EMILIE AVENUE
CONNECTED WITH THE OPERATION OF SACRED HEART
SCHOOLS.**

RECOMMENDATION:

Review and discuss the attached list of Emilie Avenue Issues and Discussion Points and provide direction to Transportation Committee regarding what should be included in its studies in pursuit of the goal of finding a solution to the traffic on Emilie Avenue.

INTRODUCTION:

At the conclusion of the Council's deliberation regarding an appeal to the Planning Commission's action modifying the requirement that Sacred Heart Schools construct a new driveway to Valparaiso, the Council directed staff to adgendize for the January 15, 2003 regular meeting an item to direct the Transportation Committee to meet with residents and appropriate professionals to begin the process to address problems on Emilie Avenue connected with the operation of Sacred Heart Schools, and determine what is needed to come up with additional information on the traffic patterns and volumes in the affected area, and to bring requests for any further traffic studies back to the Council, and ultimately to pursue the goal of finding a solution to the traffic on Emilie.

ANALYSIS:

Staff has broken down what it believes to be the main concerns of the residents into three areas:

- What are the actual traffic volumes of Emilie Avenue and what must or can be done to keep them from increasing and possibly reducing them?
- How can the traffic flow on Emilie be improved to minimize inconvenience and delays for local residents?
- How can it be guaranteed that the School will not close Emilie Avenue?

These concerns and their many sub-issues are listed on the attached document titled “Emilie Avenue Issues and Discussion Points,” which is intended as a starting point for discussion.

FISCAL IMPACT:

Staff has asked a traffic engineer to provide an estimate of the cost of taking 8-day (or longer if appropriate) traffic counts at the locations indicated in I C. and D. and at other locations they would recommend as necessary to provide a complete picture of the traffic on Emilie Avenue, to perform the origination and destination study needed to address item I E and to determine the reduction in delay times that would result from adding a separate right turn onto Valparaiso lane from Emilie. Staff hopes to have some cost figures by the time of the meeting.

Prepared by:

Approved:

Cliff Temps
Public works Director

James Robinson
City Manager

EMILIE AVENUE ISSUES AND DISCUSSION POINTS

I. Traffic Volumes on Emilie

- A. How many days should be included in traffic counts to give accurate results?
- B. What are the morning and afternoon peak traffic periods on Emilie, and how long do they last?
- C. What are the peak period and 24 hour traffic volumes on Emilie
 - 1. Between Valparaiso and the school=s stacking area exit
 - 2. Between the school=s stacking area entrance and the school=s single loop driveway nearly opposite MacBain
 - 3. Between MacBain and Park
- D. How many vehicles use the school=s Park Lane driveway during the peak traffic periods?
- E. What is the breakdown of Emilie peak period traffic volume numbers into
 - 1. Local traffic - from MacBain, Howard, Park, Britton, Isabella and Alejandra addresses
 - 2. School traffic
 - 3. Cut through traffic
- F. What measures can the Town implement to reduce cut through traffic if it is found to be a significant component of traffic on Emilie?
- G. What measures currently being employed by the school to minimize school traffic must the school continue to employ to keep its contribution to traffic on Emilie from increasing?
- H. What additional measures can the school employ to further reduce its contribution to traffic on Emilie?
- I. What will be the effect of week-day afternoon athletic or special events at Sacred Heart on traffic on Emilie, and what can the school do to prevent or minimize this effect?
- J. What traffic data needs to be collected and how often to determine the effectiveness and assure the continued implementation of traffic reduction measures affecting Emilie?
- K. Other things relating to measuring, reducing and/or monitoring traffic on Emilie.

II. Improving the Flow of Traffic on Emilie

- A. Application of parking restrictions
 - 1. ANo Parking@ vs. ANo Stopping@
 - 2. On Emilie, across the street from the school from Valparaiso to MacBain or Alajandra?
 - 3. On school side of Emilie from Valparaiso to Park or Britton?
 - 4. Permit parking in widened and striped area in front of school office?
 - 5. If parking is permitted in front of school office should it have a time limit?
 - 6. Under what conditions or for what kinds of special events, if any, should parking be permitted on the school side of Emilie and between what limits by Abagging@ no parking signs?
 - 7. Enforcement of parking restrictions
- B. Assessment of and measures to address problems of getting out of MacBain during peak traffic periods (3-way stop?)
- C. Improve road clearance by pruning or removing vegetation crowding the east edge of pavement?
- D 1. Less delay vs. possibly giving rise to sight blockage problems by removing tree and widening Emilie=s approach to Valparaiso to provide separate left and right turn out lanes onto Valparaiso.
- D 2. If separate turn out lanes are not provided, should a berm be installed on the school side of Emilie, at Valparaiso to prevent right turning cars from moving up alongside of cars waiting to turn left?
- E. Need for or desirability of restriping Valparaiso to provide a left turn onto Emilie pocket.
- F. Other measures that could improve the flow of traffic on Emilie and/or out of MacBain.

III. Guaranteeing that School Won=t/Can=t Close Emilie

- A. Absence of documentation that Emilie has been offered or accepted for dedication.
- B. Prescriptive right of the public to use Emilie
- C. Ability of Town to enforce traffic regulations on Emilie (Vehicle Code section21107)
- D. Letter to Sacred Heart volunteering Town maintenance of Emilie if School offers road easement.
- E. Legal action to guarantee prescriptive right to use Emilie or Condemnation



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JIM ROBINSON, CITY MANAGER

DATE: FOR THE MEETING OF JANUARY 15, 2003

SUBJECT: CONSIDER DEVELOPMENT OF A POLICY FOR NAMING TOWN BUILDINGS AND FACILITIES

RECOMMENDATION:

That the City Council discuss and determine if is appropriate to establish a City Council policy for the naming of Town buildings and facilities.

BACKGROUND:

Periodically the City Council and/or Park and Recreation Commission will receive requests to "name" Park facilities or buildings to recognize individual contributors to the Town of Atherton. In July of 2000, the City Council considered and approved a request to rename the Carriage House in Holbrook Palmer Park, the Genevieve Merrill Carriage House. More recently, the Park and Recreation Commission has been asked to agendize a request from the Foundation to name the North Meadow the Henry Cartan III, North Meadow. The Park and Recreation Commission will consider this request at their January 2003 meeting.

Currently there are no policies established by the Town of Atherton regarding the naming of Park Facilities or Buildings. In only one instance the request was reviewed and approved by the City Council as noted above. If the City Council wishes to adopt a policy, it is requested that staff be directed to develop a draft for consideration at a future meeting. If adoption of a policy in the future is contemplated, it may also be appropriate to provide direction to staff regarding the naming request for the North Meadow.



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: MARC G. HYNES, CITY ATTORNEY

DATE: FOR THE MEETING OF JANUARY 15, 2003

SUBJECT: DEVELOPMENT OF A POLICY REGARDING PROVIDING LINKS TO ORGANIZATIONS ON THE TOWN WEBSITE

RECOMMENDATION: It is recommended that the City Council direct the City Attorney and the City Clerk to survey other jurisdictions and prepare a draft policy for consideration by the City Council regarding computer-web page linkage and e-mail retention.

BACKGROUND: A request has been received by the Town to set up links on the Town website with organizations outside of the Town. It appears that a number of public agencies have varying procedures related to this.

The increasing use of electronic media presents a number of issues for public agencies including First Amendment rights, privacy and obligations under the Public Records Act. Accordingly, it is recommended that the City Clerk and City Attorney survey practices in the surrounding communities and return to the Council with a draft policy.

FISCAL IMPACT: Unknown.

Respectfully,

Marc G. Hynes
MARC G. HYNES